

Ronny Boogaart, Bart Garssen, Henrike Jansen, Maarten van Leeuwen, Roosmaryn Pilgram, Alex Reuneker (Eds.)

*Proceedings of the Tenth Conference of the
International Society for the Study of
Argumentation*



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Preface

The *Tenth Conference of the International Society for the Study of Argumentation* (ISSA), held at Leiden University, the Netherlands, from 4-7 July 2023, drew together around 250 argumentation scholars from a wide variety of disciplines, including AI, (speech) communication, critical discourse analysis, education, informal logic, law, linguistics, media studies, philosophy, political science, pragmatics, religious studies, rhetoric, and more. The Proceedings of the conference reflect the richness and evolution of our discipline.

The keynote speakers of the Tenth ISSA edition were Isabela Fairclough, Robert Rowland and Christopher Tindale. Their papers can be found in these Proceedings, together with the regular papers of 91 other conference participants who submitted their contributions. The Proceedings start with the keynote papers, and are followed by the regular papers, arranged in alphabetical order. It should be noted that the contents of the papers remain the responsibility of the respective authors. Authors are free to submit their contribution elsewhere.

We are very grateful for the financial and/or material support that we received for organizing this conference from the Leiden University Centre for Linguistics (LUCL), John Benjamins Publishers, the Sciential International Centre for Scholarship in Argumentation Theory (Sic Sat), and Springer Academic Publishers, and from everyone else who supported us, in particular Margot Starckenburg as LUCL's conference manager, and our student assistants Koen Cornelissen and Mila van Nieuwenhuizen for helping out with these Proceedings. We would also like to thank Frans van Eemeren and Ton van Haften for their invaluable contributions as members of the conference's Planning Committee.

1 September 2024

The editors: Ronny Boogaart, Bart Garssen, Henrike Jansen, Maarten van Leeuwen, Roosmaryn Pilgram and Alex Reuneker

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Impossible Conversations Across Radically Different “Frameworks”

A Critical Rationalist approach to deep disagreements

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ABSTRACT: I will briefly restate the case for a Critical Rationalist approach to the way we view argumentation practice. I will then focus on a particular deep disagreement, involving two radically different conceptions of sex and gender, drawing on Karl Popper’s essay “The Myth of the Framework” and his optimism about the possibility of having “fruitful conversations” across very different belief systems and eventually resolving deep disagreements.

KEYWORDS: Critical Rationalism, deep disagreements, gender identity, Karl Popper, “myth of the framework”, sex-denialism, sex-realism

1. INTRODUCTION

The title of my paper echoes that of a “very practical guide” by Peter Boghossian and James Lindsay (2019). When I read *How to Have Impossible Conversations*, I was struck by how intensely Popperian it was, although Popper’s name was not mentioned. The authors advocate a similar method of asking questions, of criticism aimed at finding out if a particular view is amenable to being “disconfirmed” (Popper would have said “falsified”), or on the contrary will be held to be an absolute truth in spite of all the counterevidence. You *can* have a difficult conversation with an ideologue, but – the authors warn – remember that such conversations are only superficially about facts and evidence. Deep down, they are about what makes your opponents feel good and virtuous persons. Counterevidence to their beliefs is bound to be interpreted as an attack on their identity, on their values, and therefore you, the critic, will be perceived as morally evil. Still, do not despair. You may instil some doubt. Although you may not be able to change the minds of your opponents, you might persuade the wider audience, an audience which may be less hostile and more open-minded.

The authors outline a set of practical strategies for having a conversation with an “ideologue”, as a practical guide to navigating deep disagreements, those arising between people who do not only fail to share a basic set of assumptions, but also seem to be playing different “language games” and inhabit different worlds, different realities. This fundamental optimism and faith in the power of argument, reason and criticism, exhibited by Boghossian and Lindsay, reminded me of Karl Popper’s essentially similar optimism regarding the possibility of having what he called “a fruitful discussion” across very different “frameworks”.

According to Pluckrose & Lindsay (2020), the driving force of today's culture wars is a combination of a radical left-wing ideology and an applied postmodernism. Instead of this "antiliberal" and "anti-Enlightenment" trend, the authors propose a return to Enlightenment liberal individualism and universalism, to the pursuit of freedom and truth. Which is also why a return to the philosophy of Karl Popper, a rationalist and realist philosophy, driven by criticism and the willingness to learn from it, by the values of tolerance and freedom, and by an awareness of one's own fallibility – as fundamental principles of the open society – seems more relevant today than it has ever been.

Given the lack of space here, I will only briefly restate the case for a Critical Rationalist approach to the way we view argumentation practice. Popper's philosophy will already be familiar to argumentation scholars, given the grounding of Pragma-Dialectics (van Eemeren & Grootendorst, 1992, 2004; van Eemeren, 2010) in Critical Rationalism. On this view, rationality is fundamentally a methodological attitude. It has to do with the critical exercise of reason, in an extended and systematic process of critical discussion. Arriving at reasonable decisions or reasonable beliefs is possible in principle as a result of the "self-correcting capacities of a discussion procedure", which ensures maximum opportunity for the critical examination of arguments (van Eemeren et al., 1993, p. 171). If a standpoint has withstood the most severe criticism, it can be tentatively accepted as reasonable (as a potentially "true" statement or the "right" course of action).

All of the pragma-dialectical "rules for critical discussion" are relevant to assessing the controversies of today's culture wars. For example, "parties must not prevent each other from advancing standpoints or casting doubt on standpoints" (Rule 1), by "banning standpoints" or "declaring standpoints sacrosanct", thus "immunizing" them against criticism. Nor should parties prevent each other from expressing their views by "threatening", "making personal attacks" or "putting pressure" on opponents. Parties are not allowed to "distort" or attribute a false standpoint to their opponents, or defend their own standpoint by irrelevant, non-argumentative means (Rules 3 and 4), and so on. In a nutshell, everything can be discussed and challenged, and no standpoint ought to be accepted unless it has been shown to stand up to the most stringent criticism (van Eemeren & Grootendorst, 1992, pp. 208-211). It is precisely in this spirit that I will approach a controversy where these rules have not always been obeyed by both sides, where debate has been prohibited, arguments have been answered irrelevantly or by personal attacks, and acceptance of particular standpoints has often been enforced or taken for granted without the benefit of critical scrutiny.

I will focus on gender identity ideology which, in its most recent manifestation, is setting two groups of people against each other. The "gender-critical" side is made up of women and men who are critical of the notion of "gender identity" and disagree that it should take priority over the reality of immutable biological sex in defining what a woman or man is, and consequently what rights they ought to have. The other side is made up of militant activists (not necessarily speaking for actual transgender people, or being transgender themselves, but claiming to be their allies) and other sections of the population, who claim that it is one's innate, felt gender identity that makes you a man or a woman, that binary biological sex is a construct and not real, and someone's rights ought to depend on the gender they identify with, which could be different from the one they were "assigned" at birth. My purpose is to clarify what is at stake in this disagreement, mainly for the benefit of the third-party, "wider audience" Boghossian and Lindsay spoke about.

The nature of this disagreement is often misunderstood, including by well-intentioned people, and this misunderstanding has so far harmed the resolution process. In addition to this descriptive approach, I will outline the normative approach taken by a UK human rights organisation, *Sex Matters*, that has tried to critically evaluate the arguments on both sides and, in a Popperian fashion, has come up with a standpoint that seems to have survived criticism (though is not accepted by their militant opponents).

Public misunderstanding of what is really at stake – i.e. a genuine *conflict of rights*, undermining the rights of women and gay people – also results from the belief held by many well-meaning people that the scientific consensus in biology, in addition to the progressive political consensus, support the gender identity-based view. There is however a wide scientific literature showing that not only is science not settled in the way that would suit transgender activists, but their militant position does not seem to be at all similar to the legitimate civil rights movements of the past centuries, where (Black, women, gay) minorities have always aimed to gain the same equal rights as the majority, and not remove to the latter's legitimate rights. I will review biologists' view of the nature of sex in section 4. The fact that there is a real conflict of competing rights, between the rights claimed by transgender activists and those of women and gay people, has been in fact reluctantly admitted by Stonewall chair of trustees Iain Anderson, in an interview on Sky News (Rigby, 2023).¹

Clarifying what is at stake has been made difficult by an official strategy pursued by Stonewall activists and supporters, of refusing invitations to debate and rejecting all attempts to engage with their standpoint as “transphobic” – i.e. by definition discriminatory, unreasonable and wrong. In section 4, I will refer to the first ever live confrontation between representatives of the two sides, a debate hosted by UATX (University of Austin, Texas) between philosopher Kathleen Stock and economist and historian Deirdre McCloskey.

For an argumentation theorist, the freedom to advance, debate and criticize any standpoint is a foundational principle of the discipline. For a resolution to be possible, at least in principle, an extensive public debate must first take place, and no arguments or standpoints must be judged unacceptable before they have been aired and considered. The “no debate” strategy has harmed both sides (Fazackerley, 2020), by creating misunderstandings and distortions, by fostering extremism and violence, and by not allowing both parties to fully articulate their own position in response to objections, especially for the benefit of the wide public and of political decision-makers. This is why an open and free discussion, where both sides can put forward their best arguments and criticism, should not only be welcome but actively sought and encouraged.

In deep disagreements, both parties may never agree on the same “truth” of the matter, because they operate with different definitions for the same concepts, within different epistemological frameworks, and accept different kinds of evidence. Even so, a resolution may still be available, if not to them, then to a rational audience. This is why

¹ There is an ongoing conflict between Stonewall and the LGB Alliance (representing the interests of gay people). This indicates that the rights of each minority under the LGBTQ+ umbrella are not equally well represented within Stonewall, and Stonewall's militancy has become one sided, promoting the rights of transgender people *at the expense of* the sex-based rights of women and gay people. Two court cases have already been won by the LGB side (Siddique, 2022; Gentleman, 2023; Sodha, 2022, 2023).

convincing the other party may be less important than convincing the wider public, including decision-makers, and clarifying the implications of the standpoints for them. Even in the absence of an epistemic resolution acceptable to both, the parties can nevertheless come to a practical agreement, regarding questions of policy. What should the law look like if the rights of everyone involved – men and women, heterosexual and homosexual people, and self-identified transgender and non-binary people – are to be respected, and no one group's rights are to be undermined by granting more rights to another group than warranted by fair equality laws? Essentially, no epistemic agreement is required for a resolution at the practical, political level.

In a democratic society, disagreements must receive political solutions that enable the supporters of radically different views to live side by side, without undermining each other's rights. An open, tolerant and liberal society accords everyone the maximum freedom that is compatible with the maximum freedom of everyone else. Regardless of what people believe to be true and false, social life is possible without conflict as long as no one tries to impose their particular set of beliefs on everyone else, and force everyone to convert to their chosen worldview. To do so would be violating the rights and freedoms of others.

2. DEEP DISAGREEMENTS FROM A CRITICAL RATIONALIST PERSPECTIVE

All our knowledge, Popper argued, is conjectural. The growth of knowledge, which he saw as “problem-solving”, is a combination of bold guesses and deductive inferences. Scientific knowledge is not derived from anything. It is conjectural, guesswork, tested by observation, not derived from it (Miller, 2005; 2010). Scientists make bold, imaginative conjectures, trying to account for what is seen in terms of the unseen, aiming to come up with better explanations than older or rival ones. The search for good explanations is the origin of all progress. If they are indeed better, new theories should have greater empirical content and predictive power and be capable of explaining everything that previous theories could explain, and also explain some hitherto anomalous phenomena or solve some hitherto unsolved problems.

Critical Rationalism is the attitude of admitting that “I may be wrong and you may be right, and by an effort, we may get nearer to the truth” (Popper, 1945/1966, p. 225). This fallibilistic attitude lies at the core of Popper's Critical Rationalism. But he seems to be presupposing a “joint” effort of getting at the truth, an unconstrained dialogue, and this collaborative attitude is not always shared by both sides. Popper was optimistic about the possibility of resolving deep disagreements in the long run but warned that it is unrealistic to expect an argumentative opponent to give up a standpoint easily, even when the evidence seems to contradict it.

In a critical argument (which is a refutation), we assume that our hypothesis is true, for the sake of the argument. If our argument is valid and the conclusion we reach is false, then the falsity of the conclusion is retransmitted to the premises we started with. Our hypothesis was therefore false. The mode of inference is a *reductio ad absurdum*, where a logical contradiction is uncovered at some point in the derivation, some R and non-R. This logical contradiction, being unacceptable, indicates something was wrong with the original hypothesis (Miller, 2012, p. 96). Criticism of a hypothesis is criticism of its consequences,

not criticism of any premises on which it is allegedly based. The main purpose of a deductive inference from a set of premises is to expose any unacceptable consequences that they may have (Miller, 2006, Chapter 3; Miller, 2010).²

Popper addresses the problem of deep, apparently irresolvable disagreements in his essay “The myth of the framework” (originally published in 1976, and republished in 1994). He states this “myth” simply in one sentence as follows: “A rational and fruitful discussion is impossible unless the participants share a common framework of basic assumptions” (Popper, 1994, p. 34). This is the false belief that he sets out to criticize.

In contradiction with the standard view in argumentation theory, Popper holds that two people who disagree do not need to share a set of common assumptions, a common intellectual framework, or what Fogelin (1985) calls common “framework propositions”. Nevertheless, they can have a “rational and fruitful” discussion, though they may remain unable to persuade each other. In the process, the opponents will sharpen their own arguments, learn to see things from a different point of view, challenge and expand their intellectual horizons. The existence of “frameworks” is not a myth. What is a myth is the proposition that we cannot “fruitfully” discuss them, and also that we can never break out of them, that we are doomed to remain trapped inside them as intellectual “prisons”.

All our observations are under the sway of some framework, they are already interpreted. But the fact that we may be prisoners of theories should not prevent us from progressing towards better theories. How do we do this? By formulating our beliefs in language, thus objectifying them, and making them targets for public criticism. In order to be maintained, our beliefs ought to survive criticism in dialogue with others. Critical rationality is an attitude of readiness to correct one’s beliefs, in response to disagreement, through critical discussion.

The “myth of the framework”, Popper says, is a version of the mistaken idea that a rational discussion must have the character of a justification of a thesis by appealing to admitted premises. Therefore, if there are no such shared premises, no common ground, there can be no resolution. But the kind of discussion going on in the sciences, he says, is very different: it does not try to justify a theory, but to test it experimentally to see if its logical consequences are all acceptable. This method will sometimes enable a resolution, in the sense that a theory will emerge as a better approximation to the truth than another, a better explanation than another. We do not need shared assumptions, we only need the method of conjectures and refutations, which avoids the circularity that affects the justificationist approach (Popper, 1994, p. 60).

Popper’s minimal definition of the “myth of the framework”, in terms of a “fruitful discussion” seems somewhat unsatisfactory. It does not seem to address the crux of the matter: are there disagreements that are finally irresolvable in principle, not just unresolved? Saying that “frameworks” can be criticized seems to evade the question of resolution. Frederick, a Popperian scholar, draws out a little more clearly the implications of Popper’s position in this essay. For a Critical Rationalist, Frederick argues, there are no

² I have used this perspective to look at a few public debates, mainly in institutional settings. Typically, the arguers were criticizing the proposal of their opponents by pointing out potential consequences: unacceptable risks and impacts, unacceptable conflict with moral values, and so on. Most of these debates were the kind of reasonable disagreement found in politics (Fairclough, 2016, 2018, 2019a, 2019b, 2022). For the Critical Rationalist, “rational decision-making” means the “rational making of decisions”, i.e. according to a methodical procedure, and not the “making of rational decisions” (Miller, 1994, p. 151, Miller, 2006, pp. 111-112; Miller, 2010, p. 2).

disagreements that are irresolvable in principle. The mistaken idea that some disagreements are irresolvable comes from failing to appreciate the role of conjectures in the dynamics of the growth of knowledge. Two people do not need to share any premises, but they can always use arguments to refute each other's standpoint, i.e. attempt to derive propositions that are unacceptable to their opponent from the opponent's own standpoint. Thus, there are no disagreements that are not in principle resolvable by argument, but no disagreement between rational people is *conclusively* resolvable by argument, because further progress in knowledge is always possible (Frederick, 2020, p. 132).

In Argumentation Theory, the literature on deep disagreements is vast (Fogelin, 1985; Feldman, 2005; Adams, 2005; Siegel, 2013; Aikin, 2019, 2020; Aberdein, 2020, 2021; Ranalli, 2021, Popa, 2022, etc.). Scott Aikin (2019) has systematized it as involving a continuum between pessimists (e.g. Fogelin) and optimists (e.g. Siegel). Popper would belong at the optimistic end – for both theoretical and practical reasons. For him, the idea that we cannot have a fruitful discussion unless we share a framework “is not only a false statement, but also a vicious statement which, if widely believed, must undermine the unity of mankind, and so must greatly increase the likelihood of violence and war” (1994, p. 35). We must make an effort to have rational discussion across frameworks, he says, because otherwise we may fall prey to a pernicious form of relativism and non-judgmentalism (Popper, 1994, pp. 45-46).

Disagreement should not prevent two opponents, or any “rational others”, from arriving at political compromise solutions, which may be different in different times and places, and may change over time. It is therefore to be expected and hoped that the dispute between those engaged in the controversy over sex and gender identity will receive a political solution that will not undermine the rights of either group, and will take into account the undesirable consequences of previous practices and decisions, that have materialized in the meantime.

The unresolved conflict between the activist supporters of gender identity ideology and their gender-critical opponents seems very deep at the moment. From its familiar version which, once upon a time, said that sex is real, defined in terms of reproductive anatomy, but gender is a social construct, gender theory seems to have morphed into its opposite: the real and binary nature of sex is now being denied, and gender identity is taken to be the only reality, a real and innate sense of who you are, and which may be at odds with the sex that you were “assigned at birth”. Gender identity, not biological sex, is allegedly what makes you a man or a woman (or neither).

Would a critical rationalist agree that we are being confronted with a deep disagreement here? Fogelin's examples could not be resolved by a straightforward appeal to empirical facts (they involved social, institutional facts – being a “person” or having “rights”). But when it comes to the dispute over the nature of sex, most people would argue that there is a material bedrock of reality against which statements can be tested – the very same empirical reality that previous civil rights battles, for the rights of women, racial and gay minorities, appealed to. There is also a bedrock of legitimate institutional reality: a framework of human rights that requires the rights of other social groups, of society at large, not to be undermined in the process of recognizing the rights of any minority group. Both truth and justice as regulative ideas or normative standards ought therefore to allow a resolution, through dialogue and critical discussion, and a suitable political solution ought to be possible.

The Critical Rationalist will point out that some disagreements only seem irresolvable because the “preconditions” necessary for a fruitful discussion are absent, i.e. “a wish to get to, or nearer to, the truth, and a willingness to share problems or to understand the aims and the problems of somebody else” (Popper, 1994, p. 35) . This disagreement would presumably be a good example of such a situation. If both parties were willing to engage in critical discussion in the same way, the Critical Rationalist might say, this disagreement might be resolved. As Popper warned, preventing debate from taking place will often degenerate into violence and incitement to violence, as several serious incidents in the UK have recently shown (Mitchell, 2023; Sanderson, 2023; Slater, 2023; O’Neill, 2023; Smith, 2023).

For the argumentation theorist, immunizing a standpoint by “banning” its discussion or blocking criticism is a violation of one of the most fundamental rules of the practice (the *freedom rule* in pragma-dialectics). This is why trying to lay out the arguments on both sides and explain what the disagreement is about should not automatically expose the analyst to accusations of discrimination and “transphobia”. And if indeed it is the missing preconditions that prevent resolution in this case, and not the irresolvable nature of the disagreement, the Critical Rationalist ought to publicly defend the existence of those pre-conditions, as essential to an Open Society. This is a disagreement that has practical consequences for people, and – as both sides claim – involves questions of justice. Popper did say that we have a duty to analyse, understand and compare institutions and laws, from an impartial viewpoint of justice, because different arrangements “may make all the difference for those living under them”. There is right and wrong, assessed in terms of the practical consequences on people. In such situations, “a critical discussion is not only possible, but most urgently needed”, a task which is “often made difficult by propaganda and by a neglect of factual information (Popper, 1994, p. 46).

How, the Critical Rationalist might ask, is it possible for this particular disagreement to be maintained as an unresolved one? The current literature (Williams, 2022; Doyle 2022), as well as many reports in the press (Woolcock, 2021; Williams, 2021; Rustin 2022; Pearson, 2023, etc.), and also a recent report by the UK’s leading think tank Policy Exchange (2022) speak about “institutional capture” – about how unelected organisations have been shaping the rules and norms of national institutions, such as the NHS, the Civil Service, universities, the BBC, including reinterpreting the law, and radically reordering the system of power relations in society.³

Another explanation for what seems to be an irresolvable disagreement (incidentally supporting Fogelin’s view) is the absence of a shared conception of reality between the two parties. Andrew Doyle (2022) speaks about the fundamentally subjectivist epistemology that enables gender identity ideology to survive criticism from the perspective of its supporters. The gender-critical side appeals to objective, material reality, and a correspondence theory of truth. Transgender activists (though often not speaking for

³ In the UK, however, several institutions (the BBC, the Equality and Human Rights Commission, Ofsted, Ofcom, the Cabinet Office, the House of Commons, Channel 4, various banks, as well as several universities, e.g. University College London, the London School of Economics, etc.) have quit Stonewall’s Diversity Champion Scheme over perceptions that its advice has been biased and illegal, incompatible with defending the rights of women and gay people. Many institutions are now rowing back on Stonewall-inspired policies (see reports in the press – Bartosch, 2021, 2023; Quinn, 2023; Somerville, 2021, 2023).

all transgender people) adhere to a form of “standpoint epistemology” grounded in everyone’s personal “lived experience” and personal “own truth”.

Andrew Aberdein (2020) cites philosopher Michael Lynch, according to whom a “deep disagreement” must meet the following conditions:

1. *Commonality*: The parties to the disagreement share common epistemic goals.
2. *Competition*: If the parties affirm distinct principles with regard to a given domain, those principles (a) pronounce different methods to be the most reliable in a given domain; and (b) these methods are capable of producing incompatible beliefs about that domain.
3. *Non-arbitration*: There is no further epistemic principle, accepted by both parties, which would settle the disagreement.
4. *Mutual Circularity*: The epistemic principle(s) in question can be justified only by means of an epistemically circular argument (Lynch, 2010, p. 265).

A deep disagreement, therefore, is not just over simple assertions but over the epistemic principles and methods for acquiring knowledge that generate such incompatible or contrary assertions. Does this disagreement meet these conditions?

Arguably, “truth” is the stated epistemic goal of both sides (condition 1). Each side can in fact claim truth is on their side, because the criteria each uses for evaluating statements as true or false are radically different. Their radically different epistemologies are in competition (condition 2) and are generating incompatible beliefs. For example: A transwoman is a woman vs. A transwoman is a man; Sex is a spectrum vs. Sex is binary; Gender identity is real, and sex is a construct vs. Sex is real, and gender identity is a construct; Sex can be changed vs. Sex is immutable, and so on. Moreover, there seems to be no further epistemic principle that could resolve the issue that both sides will accept (condition 3).

Condition no 4 (epistemic circularity), as a defining feature of deep disagreements, seems fully satisfied by the belief system of gender identity ideology. Gender is explicitly assumed to be something everyone has absolute first-person authority on. By questioning people’s own gender identity, a critic would be refusing to accept a truth that only they have access to, denying their reality when this is all the reality there is. This subjectivist epistemology of “lived experience” is however very remote from Poppers’ views:

All knowledge is theory impregnated, including our observations.... We must reject as completely baseless any subjectivist epistemology which proposes to choose as starting-point ... our “direct” or “immediate” observational experience (Popper, 1972/1979, pp. 70-71).

The fact that all our perceptions are “theory-impregnated”, Popper argued, does not mean that we are stuck inside a subjective framework, an intellectual prison, without access to reality. Our knowledge of the world emerges from confrontation with reality. We *can* have knowledge of reality because our attempts to impose conceptual structures on reality often fail and we learn from our errors. Metaphorically speaking, collisions with the brick wall of reality indicate that our theories, however much cherished, may be wrong.

Critical Rationalism is said to avoid the circularity that affects other forms of rationalism and irrationalism alike. In Chapter 24 of *The Open Society*, Popper (1945) argued that justification can never escape circularity (because supporting evidence has to

be justified by further evidence, and so on), whereas refutation (part of a falsificationist epistemology) can (see also Miller, 2006, 2007, 2012). Recourse to experience, to observation – i.e. drawing out the logical consequences of our conjectures and seeing how they survive confrontation with external reality – is what avoids circularity.

An interesting argument has been made by Frederick (2020), who claims that Lynch's condition number 3 is never met, if we are to accept Fogelin's (1985, p. 8) reference to the two parties as "rational", as "unbiased, free of prejudice, consistent, coherent, precise and rigorous". For two such parties would minimally have to accept deduction as an epistemic method, if they are to engage in argumentation at all. Deduction, as Lynch admits, has widest scope among basic epistemic methods, "since deductive inference from true premises, if it is reliable, is reliable for forming beliefs of any sort" (Lynch, 2010, p. 265). Deduction can therefore fulfil the role of a shared principle that can resolve a deep disagreement.

If a party should refuse to accept a deductive argument (e.g. a Modus Tollens) or use deduction at all, this would make that party irrational. The disagreement would remain unresolved because one of the parties would be refusing to behave rationally. Briefly, if both parties are rational, although in disagreement with each other, they would have to minimally accept the applicability of deduction as method (hence, a Critical Rationalist deductivist methodology). In case both parties should refuse the applicability of deduction to their dispute, a rational resolution might still be available to "rational others", who do accept deduction. Frederick's logical conclusion, which presumably would be Popper's as well, is that "there are, then, no deep disagreements that, in principle, cannot be resolved by argument, if the parties to the disagreement are rational" (Frederick, 2020, p. 120).

To conclude, from a Critical Rationalist perspective, the disagreement between the supporters of gender identity ideology and their gender-critical opponents is "intense without being deep", to use Fogelin's expression. It could be resolved, if the necessary "preconditions" in terms of attitudes and availability for dialogue existed, and if both parties behaved "rationally", which minimally involves the acceptance of basic argument forms. But even if the argument should remain temporarily unresolved between them, a resolution for a third-party rational audience is always possible. Regarding Lynch's conditions 1-4, it would seem that (from a Critical Rationalist perspective) condition 3 is never true, assuming both parties are rational, while condition 4, if what they are trying to do is "justify" (not refute), is always true. Thus, the Critical Rationalist would say that there is always a way of "arbitrating", that we are not inescapably prisoners of our frameworks, and that – while justification is always circular – falsificationism (deductivism) as method is not. (I will return to condition 1 later.)

3. THE *SEX MATTERS* PETITION: A CRITICAL RATIONALIST METHODOLOGY

One of the most recent manifestations of the disagreement I am looking at concerns the UK human rights organisation *Sex Matters*, under the direction of Maya Forstater (who lost her job in 2018 for defending the reality of sex and sex-based rights, but later won her Employment Tribunal case on appeal), Helen Joyce (author of the best-selling book *Trans. When Ideology Meets Reality* – Joyce 2021), and lawyer Naomi Cunningham.

In November 2022, *Sex Matters* launched a petition (*Sex Matters*, 2023a) demanding the UK government to clarify the use of the word “sex” in the Equality Act of 2010 and make it clear that “sex” means biological sex, as it was intended to mean, and not “gender” (that is, not “sex as modified by a Gender Recognition Certificate”). This would protect the rights of people of both sexes, as well as people who identify as transgender. My purpose here is to describe the disagreement between the members of this organisation and the Stonewall activists who reacted to the petition, and cast a Critical Rationalist perspective on it, by describing the methodology employed by *Sex Matters*.

I am only referring to the situation in the UK, and only dealing with the impact of gender identity ideology on the rights of women. Gender identity ideology seems to have met with more resistance in the UK than in the US. There are for example, almost 30 organisations in the UK that defend “sex-realism” (*Sex Matters*, *Fair Play for Women*, *the LGB Alliance*, *Women’s Place UK*, *For Women Scotland*, etc.), and some of these have emerged from the left of the political spectrum, some from more conservative or unaligned quarters. In the UK, the Labour Party has recently signalled its distance from gender identity ideology. Labour leader Keir Starmer has expressed a new commitment to upholding women’s sex-based rights (explicitly, not allowing transgender rights to undermine women’s rights), and has relinquished Labour’s previous commitment to gender self-identification legislation (Moore, 2023).

In the UK, so-called “gender-critical beliefs” – defined in law as the belief that “biological sex is real, important, immutable and not to be conflated with gender identity” (Brione, 2022, cited in Sullivan & Todd, 2023) – are protected under the Equality Act of 2010. The case of Maya Forstater has created the legal precedent that gender critical beliefs are “worthy of respect in a democratic society” (Forstater vs CGD Europe and Others, 2021). A similar verdict was handed in another landmark case involving barrister Allison Bailey vs Stonewall (Bailey vs Stonewall, Garden Court Chambers and others, 2022). These precedents now give women protection against unfair dismissal on account of expressing beliefs contrary to gender identity ideology and make it illegal to discriminate against someone on the basis of their gender-critical beliefs.

In the documents accompanying the petition (see their website, <https://sex-matters.org/>), *Sex Matters* describe the legal situation in the UK as follows. The Equality Act protects everyone in Great Britain from discrimination and harassment. Protection against unlawful discrimination is based on nine protected characteristics, among which are “sex” (being male or female) and “gender reassignment” – N.B., not “gender identity”. (The others are age, race, religion/belief, disability, sexual orientation, marital status, pregnancy/maternity). In most situations it should not matter whether someone is male or female, but there are situations where it is lawful to treat men and women differently. It is these lawful exceptions, permitting discrimination (unequal treatment), inscribed in the Equality Act, that Stonewall activists have been trying to have removed from the Act; they have also been lobbying for the replacement of the protected characteristic of “gender reassignment” by “gender identity” (Women’s Place UK, 2018).

The Equality Act allows employers and service-providers to offer services and accommodation separately for men and women, when there is a good reason for doing so (this is called “a proportionate means to a legitimate aim”), i.e. for reasons having to do with safety, privacy, dignity, fairness. The Equality Act also includes a separate protected characteristic of “gender reassignment” which covers people who identify as transgender

or transsexual. A person should not be harassed or discriminated against because of being transgender. But it does not mean their sex has changed, or that other people are required to pretend to believe that it has. Being transgender, under the EA 2010, does not mean that a person has the right to use services intended for members of the opposite sex, because this might impact the safety, dignity, privacy of other users. It can be “proportionate” (and allowed by the law) to limit trans people’s access in such cases.

As *Sex Matters* argues, in order for the provisions regarding sex discrimination to make sense, the word “sex” needs to mean biological sex, the way it was intended in 2010. The way the Gender Recognition Act (2004) interacted with the Equality Act (2010) has resulted in the protected characteristic of sex, as in being a biological female, being undermined, with males gaining access to single sex spaces and services because the law was misunderstood and misrepresented, often deliberately by interested parties. However, according to the Equality Act, it has always been perfectly legal to exclude males from female-only spaces and services in those situations when someone’s sex is relevant. The legal sex-based exemptions include single-sex sports, domestic violence shelters, hospital wards, prisons, hospital wards, changing rooms, toilets and so on, including jobs where a particular sex is an occupational requirement. The fear of being sued for discrimination, the onerous obligation placed on employers and institutions to justify exclusions on a case-by-case basis, together with often biased legal advice, have made institutions reluctant to enforce these legal exceptions wherever transgender individuals were concerned. In this way, unacceptable consequences have arisen: male transgender athletes were allowed to compete in women’s sports, male transgender convicts were housed in women’s prisons, and so on. So, the *Sex Matters* petition argues, the Equality Act should say clearly that the legal exceptions (i.e. when it is legal to exclude male-bodied individuals) operate on the basis of biological sex, rather than the gender someone identifies as.⁴

Sex Matters explain how they have come up with their particular proposal, out of possible alternatives, how they have tested these alternatives, and discarded some in light of their foreseeable consequences. Their methodology seems remarkably (though not explicitly) Popperian. They started from a “problem” that needs resolving – the impact on women’s rights of the confusion created by the unclear use of the words “sex” and “gender” in the Equality Act, which states that sex is binary (male and female), but sometimes uses these words interchangeably because the distinction did not seem to matter at the time.

The most interesting aspect of this methodology is its so-called “strategic framework”, made up of two “immovable facts”. The legal solution (clarification) being proposed has been tested in relation to these facts: 1) “firstly there are only two sexes, sex is binary and immutable – that is the material reality”, and 2) secondly “everyone has human rights” – this is the overarching institutional reality, a “human rights framework”, based on the European Convention of Human Rights. As *Sex Matters* explains, the “tests we have set ourselves”, or the “four tests that we applied when we were trying to come up with a proposal” were in the form of four questions that the proposed amendment had to be able to answer in the affirmative (thus indicating that it can survive criticism). To paraphrase them, will the proposal achieve the stated goals – i.e. protection of everyone’s rights, without undermining the rights of any one group? Is it preferable to alternatives, by

⁴ The online petition was signed by more than the minimum 100,000 people that is required for Parliament to have the obligation to debate it, and the debate was scheduled for the 12 June 2023 and has taken place, with promising results so far for the gender-critical side.

being more easily practicable and offering a simpler solution? Have all the “unintended effects”, all the possible “risks” and “harms” been examined, addressed and mitigated in an acceptable way? ⁵

According to the proponents, the amendment satisfies the requirement of being able to “respect everyone’s rights”, transgender and non-transgender people, as well as the “material reality” of binary sex. It is therefore a proposal that survives criticism from a normative point of view, by being fair and impartial to all groups concerned. No one’s rights are undermined by inadvertently tilting the balance in favour of one group at the expense of another. Balancing together the rights of various groups and making sure that no one’s rights are “destroyed by accident”, by the “misunderstanding of words”, are essential in arriving at a fair compromise solution. (The quotes are from the Equality Act webinar, *Sex Matters*, 2023b).

The amendment, they argue, is needed because the law can be (and has been) misinterpreted to say that a Gender Recognition Certificate changes someone’s sex *for all purposes*, not just for a limited number of legal purposes. If a trans woman is *literally* a woman “*for all purposes*”, including for the purposes of the Equality Act, it becomes impossible to exclude transwomen (that is biological men) from any women-only space, service or sport, and the Equality Act’s legal sex-based protections for both men and women are destroyed. To conclude, clarifying the act by stating that “sex” means “biological sex” and not sex as modified by a Gender Recognition Certificate is the simplest and most efficient solution in light of the stated goals: it will restore women’s rights to safety, decency, privacy, and fairness in competitive situations, while also protecting everyone else’s rights – be they transgender or not.

After the petition was sent to Parliament, on the 4th of April 2023, Baroness Falkner, chair of the Equality and Human Rights Commission, replying to a request from Minister for Women and Equalities Kemi Badenoch, officially endorsed the petition, in a public letter (*Sex Matters*, 2023c), agreeing that sex should be understood everywhere as biological sex to protect the rights of women and gay people, and correct a number of “anomalies”. The letter shows how the EHRC has undertaken its own analysis of the consequences of the proposal, guided by its stated mission to “contribute to public debates and clarify the law on equality and human rights issues, particularly in the area of balancing competing rights”, and has come in favour of the amendment. The proposal was also greeted as reasonable by some members of the transgender community (e.g. Debbie Hayton – see Hartley-Brewer, 2023).

However, a snapshot of reactions to the EHRC letter, collected around the date of 6 April 2023, shows that the reaction was very negative in certain militant circles. In a nutshell, the proposal to clarify that “sex” means “biological sex” was said to be “evil”, and was equated with “fascism”, “Nazism”, “genocide”. It was “unutterably cruel”, “inhuman”, “sickening”, “appalling”, “life-threatening”, and “demonising” transgender people. A prominent transgender barrister said: “Badenoch, Falkner and the whole *Sex Matters* crew are EVIL.” Another transgender activist described *Sex Matters* as “a hate

⁵ For example, alongside female and male-only spaces and services (*but not in place of them*), *Sex Matters* suggests that it would be possible to create a *third* unisex category (unisex toilets or changing rooms – different from the “gender-neutral” ones recently created in some public spaces), as mitigation. In sport, a third, “open category” could make sure that males do not compete in the female category, thus removing the unfair competitive advantage over women given by their male biology.

group”, as “fanatics”. A militant transgender academic at Edinburgh University qualified the proposal as “fascism” and called like-minded people to action in the face of “rising fascism” in the UK (data available on request).

Sex Matter’s carefully constructed argument, their methodology involving proposals tested against facts and evidence (and not affecting the GRA in any way, i.e. not removing any of the legal protections for transgender people), received therefore a set of replies in damning moral terms. These reactions do offer a moral evaluation but absolutely nothing in the way of argument. The argumentation analyst would expect supporters of gender identity ideology to be able show why Sex Matter’s standpoint and arguments are unreasonable. If indeed *Sex Matters* are a bunch of fascists and Nazis, what is it about their arguments that is discriminatory and extremist? What these militant activists would be expected to do is explain why it is wrong and discriminatory for women to insist on preserving their sex-based rights, and consequently their female-only spaces, services, associations, sports. Dismissing these demands as manifestations of “hate” and extremism, and without providing any reasons at all, is counterproductive and not likely to enable progress towards a mutually satisfactory solution.

The ubiquity of moral condemnation in response to factual disagreement (e.g., if you disagree, you are evil) is quite striking in the culture wars, as has been often observed (Murray, 2019; Embery, 2020; Doyle, 2022). From the realm of fact and evidence, any difference of opinion is immediately shifted onto the moral domain. It would seem that Lynch’s condition no 1 is therefore not satisfied either: the pursuit of truth does not seem to be the common goal, as epistemic arguments are not answered in their own terms, with other epistemic arguments. The goals of the two opponents seem to be very different.

4. REALIST AND ANTI-REALIST VIEWS OF SEX AND GENDER IDENTITY

When people claim that only an adult of the female sex can be a woman, or, by contrast, that being a woman is a matter of self-identification or lived experience, where do they take their ideas from? I will briefly look at the views of a few feminist philosophers (both postmodern and materialist), on the relationship between sex and gender, then at a fascinating debate between a gender-critical feminist (Kathleen Stock) and a transgender woman and highly influential academic (Deirdre McCloskey), hosted by the University of Austin, Texas, in March 2023 (UATX, 2023). Finally, at how sex is defined in biology.

In the new Routledge reader on *Sex and Gender* (Sullivan & Todd, 2023), radical materialist feminist Jane Clare Jones distinguishes usefully between “sex (biological and immutable), gender (roles and behaviours that are socially and politically constructed) and gender identity (the notion that each human has an innate sense of their own gender)” (Jones, 2023, p. 69). The core claim of gender identity ideology, she says, is that “being a man or a woman is a matter of gender identity rather than biological sex”. Hence the attempt, by militant organisations, to erase sex as a category and replace it with gender identity designations in law, language, policy, data collection and the organisation of public space, primarily in the Anglophone world, in the last two decades, through the process of “policy capture” or “institution capture” (Jones, 2023).⁶

⁶ See Kirkup (2019) on the strategies employed for this purpose.

The idea that “gender identity trumps sex” rests, in Jones’ view, on two core beliefs. The first (a form of “gender identity essentialism”) is that human beings have an internal sense of whether they are a man or a woman, which may not be aligned with their biological sex. The second is a form of “sex denialism” – a belief that sex is not a material reality, and that being male or female are social, historical, ideological constructs that serve the interests of “power”. A gender-critical materialist feminist will hold exactly the opposite: sex is real and immutable, while gender identity is a recent historical concept, a cultural construct (Jones, 2023, pp. 70-71). Jones proceeds to examine three main sex-denialist arguments, of which the most relevant one for my discussion is the “sex-is-a-spectrum” argument, i.e. the denial of the real and binary nature of sex. I will return to it later.

What do other feminist philosophers say? Elizabeth Barnes outlines two main strands in contemporary philosophical accounts of gender: social position accounts and identity-based accounts. There is “a common worry” for each, she warns: “that they fail to correctly determine the class of people who should count as women (or men, or non-binary, etc)”. In both strands, the philosophical project is explicitly “political” and “ameliorative”: what *should* these concepts mean? What *should* the extension of these words be? In what way do we want current conceptions to *change* to be more “inclusive”? (Barnes, 2020).

Older “ameliorative” social position accounts (Haslanger, 2000, 2012) – according to which being a woman means occupying a subordinate place in a hierarchical structure of power, as a result of one’s perceived reproductive capacities – have more recently been deemed “problematic” (Jenkins, 2016; Barnes, 2020), because they allegedly risk excluding certain women from the extension of the word “woman”. According to Barnes (2020), “trans women who don’t pass as cis women aren’t regularly and for the most part perceived as having features associated with a female’s role in biological reproduction, but they’re still women”. Similarly, “some women don’t occupy a social position that is in fact subordinate, while still being women”.

In contrast to social position accounts, Barnes explains, identity-based accounts “take gender identity to be a crucial part of what determines – or what ought to determine – the extension of our gender terms ‘woman’, ‘man’, ‘genderqueer’, ‘agender’...”. Thus, “what gender you are is determined by how you feel about yourself, how you are inclined to behave, which groups you see yourself as belonging to...”. It is therefore possible “that people treat you as being a gender other than the gender you really are”. In more detail:

Regardless of whether they are perceived by others as women, trans women self-identify as women, and on identity-based accounts that’s what matters. (...) You can ... be a woman and be the only one who realizes that, or be a woman despite the fact that others react to your gender presentation by telling you that you are lying or delusional (...) The idea [is] that women are all and only the people who identify as women, and that we should use our term ‘woman’ to reflect this (Barnes, 2020).

Defining what a woman is, according to these feminists, seems to be a militant-political enterprise, not a descriptive one: what *ought* the word to mean, how *should* we try to change (“ameliorate”) its existing meaning, so that it can include both women and transwomen? What unites these views, significantly, is the belief that it is false to claim (in Barnes’ words) that “there’s something that it really is to be a woman, be a man...”, some objective properties that set men and women apart. There are no “mind- and language-independent facts”, nor “any objective, language-independent facts about which individuals count as

women” (Barnes, 2020). Similarly, according to Bettcher (2013), “a person’s gender is determined by their sincere self-identification with that gender”. You are woman, on this view, “if you sincerely self-identify as a woman”.

Not all feminists embrace this socially constructivist view about sex. In particular, materialist, gender-critical feminists disagree that there is nothing about being a man or woman that is objective and language-independent, or that gender identity can replace sex. As UK barrister Allison Bailey (founder of the LGB Alliance) explains, gender-critical feminism is a well-established strand of feminism. It holds that sex is a material, observable reality. For gender-critical feminists, sex is a natural category, and gender and gender identity are social, cultural ones. As a consequence, a person who adopts the gender identity of a “transwoman” (a male who identifies as a woman) is not a woman. A “transman” is not a man. Sex is immutable, and the legal provisions that are reserved for women are reserved for them on the basis of their sex, not gender (Bailey, 2021).

This radical difference of opinion (underlain by different philosophical positions – realism vs anti-realism/ social constructivism) emerges clearly in a public debate between Kathleen Stock and Deirdre Mc Closkey (who transitioned at the age of 53). McCloskey defends a view of becoming a woman as analogous to becoming a lawyer, or assuming any other social or professional role. For Stock, being a woman is a material fact about oneself that one has no power to change.

Kathleen Stock, formerly at the University of Sussex, now at UATX (University of Austin, Texas), has become famous for her view, expressed in her acclaimed 2021 book, *Material Girls. Why Reality Matters for Feminism*, that to believe that sex is not real, but gender identity is, and that people can change sex, is akin to “immersing ourselves in a fiction” (Stock 2021, pp. 178-211). We do this when we read novels, watch films or plays, or just daydream. When immersed in a fiction, she says, our aim is not to recognise and respond to the world as it actually is. And there is nothing wrong with that, because fictions are supposed to be enjoyable and harmless, and we are always aware that they are after all fictions, not literally true. For a man to self-identify as a woman is to immerse himself in a fiction, and is not literally true. The UK 2004 Gender Recognition Act created the “legal fiction” that a person can change sex. This means that, for certain limited purposes (marriage, pension), a transsexual person can be treated in law as if she or he has changed sex. A “legal fiction” is created when the law acts as if something is the case, for certain defined legal purposes, when in fact it isn’t. (For example, in law, a company is treated as a person – this is a standard example of a legal fiction.) Although it is not possible to literally change sex, she says, the fact of granting someone a Gender Recognition Certificate treats a person as if that person has changed sex.

There are many transgender people who do not choose to “immerse” themselves in this “fiction”. Debbie Hayton, a regular columnist on gender ideology in *Unherd, Spectator, Spiked*, is one of those transwomen (biological males) who say about themselves that, being transwomen, they remain biological males. Hayton (and others disagree with the extreme positions taken by some transactivists and publicly defend the gender-critical standpoint (Hayton 2021, 2022a, 2022b, 2023a, 2023b, and Hayton n.d. – article archive at *Unherd*; also *Spiked*, 2020).

As Kathleen Stock observes, large-scale social problems emerge when institutions coercively make it a social norm that everyone immerses themselves in the fiction that certain people have changed sex, or are non-binary, on pain of social sanction if they do

not. And these days, she says, “immersion in a fiction about sex change is being coercively required of people” in many institutional settings (Stock, 2021, p. 197). Since 2004, the pressure in the UK has been for an ever stronger, more extreme interpretation and inscription of the original legal fiction as fact in law, institutional norms and everyday interactions.

The Stock-McCloskey debate (UATX, 2023) is a rare opportunity to hear two opponents arguing face-to-face on the question of sex, gender and gender identity. Throughout the discussion, the two opponents acknowledge that their disagreement is very “sharp” and “profound”, a profound “philosophical” and “epistemological” difference, but they also recognize several zones of agreement. For example, Deirdre McCloskey (henceforth, DMC) agrees, with Kathleen Stock (henceforth, KS), that there is a world out there, that there are “rocks”, there is “biology”; that “every cell in my body says XY, XY..., and it’s so irritating that they say XY, XY all the time, because natural females have XX genes and I have XY genes...” (min. 10:22 ff). The question for DMC is, however, *what you do* with the rocks, with biology. “What rocks are to us depends on their use”, and you can use a rock as weapon, as a border, as a garden ornament, as an object of geological study. Similarly, DMC argues, “I’m not a woman, ... you grew up as a girl, I didn’t, ... but of course that’s true of lots of our identities... One is not born as a lawyer, thank God, you have to become one, and you can change from being a lawyer to being in business or being an ice cream salesman or whatever, ... and so, social roles are somewhat flexible, and in a free society, ... and I think Kathleen and I probably agree, in fact I’m sure we do, that in a free society people should be allowed to do lots of things that in traditional societies they’re not allowed to do...” (min. 11:56-13:20).

KS disagrees with the lawyer analogy: “I’m afraid there is a difference between us on that, ... I don’t see womanhood as being like lawyer-hood” (min. 27:11 ff)... The best possible account of womanhood is adult human female-hood... I think the best that I can say is that we can immerse ourselves in a fiction of womanhood, and that’s perfectly appropriate in some contexts ... but I don’t think it’s literally true”. To DMC, “that phrase of yours ... is a very interesting one, “immersive fiction”, and my view is that life is an immersive fiction,... I think psychological and social life is an immersive fiction.” According to KS, in reply, not everything is fiction – there is reality and there is fiction (“there’s some realism and then there’s the fiction...”). Their deep “epistemological” difference is said to remain unresolved (min. 26:30-30:32).

To conclude, while both arguers recognize the existence of reality (rocks, chromosomes), DMC would argue that it is what you do with this given reality that makes you what you are, and everyone should be free to become whatever they wish. One can become a woman by undertaking a number of steps, just like one does to get a qualification for a profession by taking exams. For KS, material reality places limits on what you can do: there are many things you can indeed do with a rock, but also many things you can’t. Women, like rocks, are natural kinds, not cultural constructs.

In recent years, a few scientific journals have popularized social-constructivist, anti-realist views, claiming that science now recognizes the difficulty of defining what a man or woman is. This is because, the argument goes, sex is in not in fact binary, as people have always thought, but exists on a continuous spectrum. In *Nature*, British freelance science journalist Claire Ainsworth (2015) claimed that the notion of sex as binary is “too simplistic”, that scientists have “redefined” sex as involving a “wider spectrum” and have

moved “beyond the binary”. An opinion article in *Scientific American* by US anthropologist Agustin Fuentes (2023) also argued against the binary view of sex, though along different lines. The belief that sex is binary allegedly justifies political oppression, discrimination and bias, and has been used historically to justify slavery and racism, deny the rights of women and, currently, the rights of LGBTQIA+ people.

In response to such articles (authored, however, by people who are not professional biologists), a number of world-renowned evolutionary biologists and geneticists have entered the fray, rebutting them categorically, and positioning themselves on the sex- realist, materialist side. In a nutshell, what they say is invariably as follows. Biological science is clear. Sex is a true binary – male and female. There is no third sex, because there are only two kinds of gametes (reproductive cells): sperm and ova (eggs). An individual’s sex is defined by the type of gamete they are genetically programmed to produce (and would produce in normal conditions). Sex is a reproductive strategy: it exists to accomplish a function. Without binary sex, no reproduction and no evolution would be possible. To deny the real and binary nature sex is to deny the facts of reproduction, and also evolution itself (not unlike the denial of evolution by creationists).

Here is Oxford University’s Richard Dawkins (2023), in a recent article commissioned by *The New Statesman*:

Some argue that lived experience and personal choice trump biology – but they are wrong... As a biologist, the only strongly discontinuous binary I can think of has weirdly become violently controversial. It is sex: male vs female.... Sex is a true binary... Each body cell of a normal human has 46 chromosomes, 23 from each parent. Among these are two sex chromosomes, called X or Y, one from each parent. Females have two Xs, males one X and one Y. Any mammal with a Y chromosome will develop as a male... (Dawkins, 2023).

And here is American evolutionary geneticist Jerry Coyne, Professor Emeritus at the University of Chicago, on the statement that “Sex in humans is not a discrete and binary distribution of males and females but a spectrum”:

This statement, one of the most common political distortions of biology ..., is wrong... Your biological sex is determined simply by whether your body is designed to make large, immobile gametes (eggs, characterizing females) or very small and mobile gametes (sperm, characterizing males). ... And each gamete is associated with a complex reproductive apparatus that produces it... Because no other types of gametes exist ..., and we see no intermediate gametes, there is no third sex.... (Coyne & Maroja, 2023).

The same facts are stated by American biologist Colin Wright (Wright, 2023a, 2023b, 2023c, 2023d, 2023e, 2023f):

The science is clear: biological sex is not a spectrum... The sexes — male and female — represent two distinct reproductive strategies. (...) Consequently, we distinguish between males and females based on the type of sex cell their primary reproductive anatomy (gonads) can or are expected to produce. This is not unique to humans but is universally applied throughout the animal and plant kingdoms. Since there are only two types of sex cells — sperm and ovum — there exist only two sexes (Wright, 2023f).

All of these professional scientists address the confusion created in the public's understanding of binary sex by the concept of DSD (disorders of sexual development) and so-called "intersex" conditions. They explain that the frequency of "intersex" conditions was wrongly estimated (by Anne Fausto-Sterling, 1993, 2000) as being at least 1.7% of the population (roughly one in 50 people), but the actual frequency is much lower, about 0.018% (about one in 5500 people (see also Sax, 2002). The inflated figure (which Fausto-Sterling has herself withdrawn in the meantime) results from her putting together many DSDs which are not "intersex", but affect either men or women (Turner syndrome, XO – always female; Klinefelter syndrome, XXY – always male; and LOCAH – late-onset congenital adrenal hyperplasia, which again has nothing to do with being "intersex"). Seeing as none of these conditions, nor that of being genuinely "intersex", involve the production of any other gamete than either sperm or eggs, sex is a true binary. That so-called (very rare) intersex conditions exist, as disorders of sexual development, is therefore immaterial to the binary nature of sex (Wright, 2020a, 2020b; Dawkins, 2023; Hilton & Wright, 2023).⁷

According to Wright & Hilton (2020), "biologists and medical professionals need to stand up for the empirical reality of biological sex" and reverse the "dangerous and antiscientific trend" toward its outright denial, supported by the "eccentric academic theory" of gender identity. "The falsehood that sex is rooted in subjective identity instead of objective biology", they argue, not only betrays the scientific community, but makes women's sex-based legal protections impossible to enforce, it de-normalizes homosexuality (which is same sex, and not same gender attraction), and is dangerously harmful to children and adolescents. They reiterate the biologists' view at length in the new Routledge reader on *Sex and Gender* (Hilton & Wright, 2023).

From a Critical Rationalist perspective, both the view that sex is binary and immutable, and the contrary one, that it is a spectrum and can be changed, are of course fallible and revisable. But they are both empirically falsifiable, and so far the former has not been falsified, and has survived criticism to the best of human knowledge. In addition to being in fact corroborated by genetic and any other form of scientific research, the binary nature of sex provides the best explanation available for human reproduction, same sex attraction and the evolution of all species of animals and plants. By contrast, the spectrum view of sex, as a conjecture, fails to explain all of these facts, and cannot therefore replace the theory of binary sex. If the sex-denialist explanation manages to persuade some people at all, it is by focusing on the variability of external bodily characteristics and by completely ignoring reproductive function, the very reason why sexed bodies exist (Hilton & Wright, 2023, p. 27).⁸

5. CONCLUSION

In their introduction to the Routledge reader on *Sex and Gender*, the editors remind us that:

⁷ See also Coyne (2022), Hilton (2022a, 2022b), Hooven (2021), Soh (2018, 2020), etc.

⁸ While sex is a true binary, biologists emphasize, human secondary characteristics are of course a spectrum. For example, some men look more stereotypically "masculine" than others, but the latter are no less biologically male for looking more feminine.

Calls for “no debate” on sex and gender seek to prevent both democratic and scholarly discussions. Yet the open exchange of ideas is essential if we are to develop mutual understanding and work towards solutions to social problems and conflicts of rights (Sullivan & Todd, 2023, p. 3).

In the same spirit, I have tried to describe a fairly radical difference of opinion, asking whether it is indeed a “deep”, hence irresolvable disagreement, given that the two sides do not share the same “framework” propositions. From a Critical Rationalist viewpoint, no disagreement is ultimately irresolvable, if both sides adopt a rational attitude, i.e. if both defer to a methodology of rational criticism, if they will test all claims, as conjectures, by looking at their consequences, in light of the best knowledge at their disposal; if they will answer rational arguments with other rational arguments, trying to learn from each other, and being ready to admit that they may be wrong. While trying to justify a standpoint by argument cannot escape circularity, using arguments as refutations can.

This being said, adults ought to have the right and freedom to make their own lifestyle choices, as long as in doing so they respect the right and freedom of everyone else to do the same. As *Fair Play for Women* (2018) state on their website, “trans rights do not exist in isolation: a fair society balances the rights of all and acknowledges difference”. None of the sex-realist organisations activating in UK are denying the reality of “gender dysphoria” for some people, nor the right of transgender people to live as the opposite sex if they so wish. But the existence of a genuine conflict of rights, between the rights claimed and often assumed (though not in fact legally granted) by transgender activists, and the rights of women and gay people, is now being acknowledged by many left-wing and right-wing politicians in the UK, and the wide public. It is the job of democratic politics, of Parliament (and not of unelected militant organisations) to achieve the most reasonable balance of rights, and make sure that women’s and gay people’s hard-won sex-based rights are not taken away from them, and the protected characteristics of sex and sexual orientation are not undermined.

Whatever policies will emerge will have to be compatible both with the legal framework of universal human rights and with material reality. Theories that have passed the most stringent tests and offer good explanations can give decision-makers the confidence they need when devising policy and taking practical action. Critical Rationalism can offer a methodology and a way forward – a principled way of assessing epistemic and practical claims, and an optimistic outlook on disagreement resolution.

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In Defense of Pragmatic Reason *Responding to the Postmodern Challenge*

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ABSTRACT: The last fifty years have seen a renaissance in the study of argumentation. Curiously, the same period has seen the rise of epistemic and moral attacks on the value of rational argument. The essay provides a pragmatic justification for the utility of rational argument and demonstrates that public reason is at the heart of a progressive, inclusive, and humane society capable of confronting the many problems facing civilization.

KEYWORDS: Enlightenment, epistemology, postmodern critique, pragmatism, public reason, public sphere, rationality

1. INTRODUCTION

The last fifty years have seen a renaissance in the study of argument, with three great research traditions emerging in Europe, the United States, and Canada. The most thorough-going of those traditions grew out of groundbreaking research focused on the characteristics of argumentation as a process (van Eemeren and Grootendorst, 2004, 135- 157, 187-196). The theory of pragma-dialectics has been developed to include principles for assessing argument form, a myriad of case analyses of argument in context, and even an approach to describing and assessing the rhetorical dimensions of argumentation via a consideration of the strategic maneuvering involved in argumentative exchanges (see for example van Eemeren, Grootendorst, and Snoeck Henkemans 2002). An alternative approach emerged in Canada, Informal Logic, that focused on argument form, especially principles for assessing evidence and reasoning (see Johnson and Blair, 1980; Johnson and Blair, 1987; Johnson, 2000). A third approach developed in the United States centering on explaining how argument varies by context, including research traditions focused on fields and spheres of argument (Rowland, 1982; Rowland, 2008; Rowland, 2009; Rowland, 2012; Goodnight, 1982).

While the last half-century has witnessed an enormous outpouring of productive work on argumentation, there also has been a growing attack on the very idea of public reason. The attacks on public reason have taken two main forms: theoretical statements drawing on postmodernism that deny that there is any means of privileging any given argument as superior to any other argument and moral attacks on reason as supporting oppression, imperialism and capitalism. The two lines of attack coalesce into a broad sense that public reason and the values of the Enlightenment that undergird a commitment to liberal democracy have failed and need to be supplanted by a new moral and epistemological order.

There is indeed a need for a new moral and epistemological order, an order that recognizes the great value in Enlightenment principles as expressed in the three great theories of pragmatic argument. In what follows, I defend public reason against both critiques and argue that public reason must remain at the center of any attempt to build a humane, inclusive, and democratic world. Contrary to the postmodern critique, public reason and the values the Enlightenment have not failed; for the most part, they haven't been tried.

2. CRITIQUES OF PUBLIC REASON

The attack on the epistemological function of public argument came from postmodern scholars who, often drawing upon the work of Bruno Latour, claimed “that there was no such thing as objective truth” (Risen, 2022, October 13, B10). The core “epistemological challenge” to theories of reasoned argument flows from two premises: the world can only be understood through symbol use and there is no principled means of picking between different symbolic constructions, leading to the conclusion that there is no justifiable way to label any particular argument as true or more coherent than competing arguments (Rowland, 1995, 351-352).

Attacks on the epistemology of public reason have become very common over the last quarter century. In a review of the postmodern critique of science and public reason, J. Aaron Simmons and Brandon Inabinet referred to “critiques of ‘objectivity,’” as quite “familiar,” and argued that “Postmodernism should be understood primarily as an epistemic thesis of competing truths” that has the potential to create “a culture of indifference toward reality” (2018, 222, 238). Others attack “technological rationality” for fostering “a closed universe of thought and discourse that stifles and silences all other points of view” (Anderson and Preli, 2001, February, 73). The impact of the various postmodern indictments of reason (or technological reason or scientism) has been to produce “cultural derision of reason” (Szalai, 2021, September 30, C6). Today, the postmodern critique is quite common in the public sphere. As Leon Wieseltier observed somewhat trenchantly, “When the intellectual history of our time is written, it will be a sorry chronicle of knocks on reason” (2011, July 14, 36). Similarly, Paul Krugman labeled the contemporary public sphere as “post-modern, fact-free politics” (2012, January 2, A19). On this point, Michiko Kakutani noted that the “postmodernist argument that all truths are partial (and a function of one’s perspective)” has helped create “the post-truth era” (2018, July 14). Pamela Paul added that skepticism of public reason has become so widespread that the “belief—that science is somehow subjective and should be practiced and judged accordingly—has recently taken hold in academic, governmental and medical settings” (2023, May 4). The attacks on standards of public reason have multiplied to the point that many conclude “there are many equally valid realities and truths” (Andersen, 2017, September), a view that David Brooks believes is creating “an epistemic crisis” (2021, July 2, A21).

The assault on public reason also has been advanced by many who claim that argument is a regressive, not progressive, force in society. One view is that rational argument functions as a form of “technical reason” that is used by “experts to oppress the public” (Rowland, 1995, 353). Some have labeled “concepts like objectivity and the

worship of the written word as characteristics of ‘white supremacy culture,’” and even characterized “rational thought” and the “‘scientific method’ as attributes of ‘white culture’” (Singal, 2023, SR9). Others claimed that science has supported racism, observing, “Scientists are responsible for creating racial categories defined by skull size, pain tolerance, skin thickness,” categories that reinforce racism, and that demand an effort “to decolonize science” (Gewin, 2022, November 24). John Patrick Leary observed that many believe “science’ is never objective” and “vested with highly subjective concepts of expertise and authority” that have been used as “a powerful weapon of dispossession, sanctioning slavery, segregation, and colonial conquest” (2021, May, 7). A related critique focuses on claims that standards of public reason “privileged objective knowledge and masculine ways of knowing,” an approach that leads to “problematic exclusions of certain types of knowledge,” such as the personal experience of women (Keohane and Jakes, 2021, 111, 114). Overall, the view that rationality is “coercive” and produces “oppression” has become “deeply and widely embedded in American academia” (Andersen, 2017, September).

3. JUSTIFYING PRAGMATIC REASON

The challenge in justifying a theory of argument against the epistemological and moral charges may seem daunting, but a way forward is possible when the pragmatic roots of argumentation theory are considered. Pragmatic argumentation theory can be justified not as a method of discovering eternal truth but as a method of identifying and validating “symbolic statements that function as useful problem-solving tools” (Rowland, 1995, 354). Thus, the pragmatic argumentation theorist can cheerfully admit that all perspectives are shaped by personal experience and culture and that there is no means of getting directly at objective reality, but add that pragmatic theories of argumentation identify methodological principles that consistently work to solve problems. The approach draws on the work of Nicholas Rescher, who argued that “the proper test for the correctness or appropriateness of anything methodological in nature is plainly and obviously posed by the paradigmatically pragmatic questions: Does it *work*? Does it attain its intended purposes?” (1977a, 3; also see Rescher, 1977b). If pragmatic theories of argument do not provide a means of identifying reality directly, how do they help people choose among competing approaches? The answer is that some statements about reality work consistently to solve problems, while others do not. Pragmatic argumentation theory helps identify such rule-of-thumb epistemological principles.

The most basic principles undergirding pragmatic argumentation theory are tied to the constituent parts of argument: evidence, reasoning, and conclusions. There was a time in human history when what counted for evidence was a contested issue. People attempted to predict the future based on portents, the musings of soothsayers, the tea leaves in the bottom of the cup, or deciphering meaning from the entrails of a sacrificed animal (Dalrymple, 2015, September 1; Collins, 2008, Fall). The difficulty was that drawing inferences about the future from tea leaves, soothsayers, the entrails of sacrificed animals, or a host of other practices provided no useful information about future events. In contrast, looking at other forms of evidence was often quite revealing. In medicine, certain symptoms (type of examples) were consistently related to certain outcomes. Examples

grouped into categories (statistics that served as a precursor of the social scientific and scientific methods used today) could reveal the comparative productivity of different approaches to farming, or business, or engineering, or any other human endeavor. One of the core findings underlying the Enlightenment was the discovery that claims supported by strong evidence were more likely to work or come true than those that weren't supported by that strong evidence.

A similar point can be made about reasoning. Claims backed by consistent reasoning had more generalizability than claims that were not consistently supported. Among other things, the principle of consistency provided a rule of thumb principle for testing whether the government of any society supported a policy for principled reasons or for some self-interested reason. A similar principle applied to testing conclusions. Underlying many different approaches to argument is the extremely useful judgment that conclusions are more likely to consistently work for solving a problem or set of problems if those conclusions have been rigorously tested through a process of argument and counter-argument. A related principle is that the individual or group judging a given dispute should not have an interest in that dispute.

To this point, I have focused only on the pragmatic justification for definitional components in argumentation, evidence, reasoning, and claims, what Toulmin called the primary triad of Data, Claim, Warrant (1958). More developed theories of argument form, such as the extremely detailed analysis of fallacies that is found in *Informal Logic*, or approaches to argument process in pragma-dialectics, or treatments of argument in context similarly can be justified based on pragmatic principles.

From the pragmatic perspective, knowledge claims are really claims about the capacity to consistently do something with a symbolic description of the world. Here, I am not disputing that knowledge may be created through means other than pragmatic argument. Sudden flashes of insight do occur. But not all of those flashes of insight will prove useful for solving problems. The key point is that pragmatic approaches to argumentation are one means of discovering new knowledge, but the only justifiable means of validating knowledge claims.

The postmodern critique in no way disputes that in the natural world, especially in physics, astronomy, engineering, and chemistry, some pragmatically justifiable predictions work essentially every time and with great accuracy. For example, *National Geographic* reported, "Some GPS receivers are so accurate they can establish their location within 1 centimeter" (*National Geographic*, n.d.). Of course, instrument error is always a potential problem, but absent such an event, the pragmatic utility of GPS has been validated in countless airplane flights, sea voyages, and other endeavors. The point is that it is possible based on pragmatic grounds to label some claims about nature as true in all but special cases, based on the underlying epistemic principle stated by Richard Feynman, "nature cannot be fooled" (Qtd. in Dyson, 2011, July 14, 40). In such cases, the postmodern critique is not so much wrong, as it is trivial. One may critique natural science as "dismissive scientism" (Simmons and Inabinet, 2018, 224), but it is much harder to dispute the pragmatic utility of the principles defining science that produce results essentially every time.

A similar point can be made about the world of human interactions, where the pragmatic predictions are less precise because of human and cultural variability. Yet there are principles that have demonstrated their utility throughout human history, across time

and culture. For example, some level of demand for politeness is found in all cultures (Morand, 1995, October). Social psychologists, such as Nobel Prize winner Daniel Kahneman, have demonstrated that “when people believe a conclusion is true, they are also very likely to believe arguments that appear to support it, even when these arguments are unsound” (2011, 45). The point is that pragmatic reason can be used to identify general principles governing human behavior and thought. The findings will not be nearly as precise as those in the natural sciences or engineering, but they still have utility. Similar pragmatic principles apply to designing public policy. For example, market-based regulation where government uses price signals to regulate some social problem, such as pollution, have been demonstrated to be more effective and more efficient than direct government regulation (Krugman, 2010, April 7).

Principles of pragmatic reason are not useful in cases where the dispute concerns values that are in tension with each other, unless some aspect of that value conflict relates to the world as well as the values. Principles of pragmatic reason do not provide a principled way of choosing between values such as a clean environment and a strong economy. But those principles may still be useful for considering the magnitude of environmental benefits that would be produced by a given proposal, as well as the economic costs of the proposal. In that way, principles of pragmatic reason have great utility even in cases where the dispute is about values, not facts.

The underlying point is that the principles and findings of science (and all other forms of knowledge) are most appropriately justified, not with some claim to have uncovered objective reality itself, but with pragmatic principles that work to solve problems. In a discussion of “The Evangelical Roots of Post-Truth,” Molly Worthen distinguished between religious (and ideological) views that are supported by their internal religious or ideological structure (and thus are untestable outside that structure) and perspectives that are informed by Enlightenment values and a commitment to pragmatic reason. She observed of the views based in pragmatic reason that “the worldview that has propelled mainstream Western intellectual life and made modern civilization possible is a kind of pragmatism. It is an empirical outlook that continually, if imperfectly, revises its conclusions based on evidence available to everyone, regardless of their beliefs” (2017, April 16, SR 8). In that way principles of pragmatic reason provide the internal structure justifying science, social science, the humanities and other knowledge creating institutions. Ironically, at the end of his life Bruno Latour himself “became an ally and defender of the research establishment in the face of anti-science attacks from corporate and conservative interests” (Risen, 2022, October 13, B10). Latour recognized that the self-interested and ideologically based relativism of such groups threatened the very idea of facticity and therefore undermined the capacity for reasoned action. Latour responded to conservative attempt to weaponize postmodern ideas in service of their ideological agenda, by arguing that science and other forms of knowledge can “remain robust only when they are supported by a common culture, by institutions that can be trusted” (Qtd. In Risen, 2022, October 13, B10). Put differently, facts should be understood as pragmatic rule of thumb principles that have demonstrated their value in solving problems. Pragmatic argumentation theory provides a principled defense for epistemic standards that can protect society from the dangers posed by corporate ideological argument or religious doctrine or tradition or self-interest, or postmodern relativism.

While there has been a great deal of theoretical debate about the postmodern critique, there is reason to doubt whether even postmodern theorists apply the theoretical principles in their own lives. One suspects that the most committed postmodernist trusts the navigation system in their car, consults an electrician when the power goes out, visits the doctor when they are sick, and otherwise demonstrates respect for expertise, science, and pragmatic reason in their ordinary life. Rejecting science, expertise, and reason is simply a way to die young.

4. PRAGMATIC REASON AS PROGRESSIVE FORCE

There is a curious paradox in the axiological critique of pragmatic reason. Those who argue that pragmatic reason has supported racism, gender bias, environmental degradation and war, bitterly oppose all of those evils, building strong arguments for the creation of an inclusive and humane society. Since there are no good arguments for discrimination, environmental abuse and other horrors, it is difficult to see how pragmatic reason could be guilty of the charges leveled against it. The advocates of the axiological critique respond that segregationists, Nazis and others made arguments for their worldview. But not good arguments. People have made arguments for any number of evil and obviously false worldviews. The problem is not that pragmatic argument led to the moral horrors, but that a failure to apply the moral critique implicit in theories of pragmatic argument did so.

There are two primary reasons that pragmatic public reason is a force for sensible public policy and an empowering democratic culture in which everyone is treated fairly. First, strong arguments are by their very nature arguments that are supported with the best available evidence. All of the great human rights movements (women's rights, civil rights, gay rights and those fighting for the rights for others who have been denied full participation in society) are based in the unanswerable argument that members of the particular group in question are human beings just like everyone else. In every case, the balance of evidence overwhelmingly supports the mission of the group. Precisely the same point can be made about support for action to prevent environmental degradation, protect workers and consumers from dangerous conditions, and a host of other important policies. Opponents of equal treatment and proponents of dangerous products make arguments in defense of their positions, but not arguments that are supported by strong evidence.

Second, the process through which rational arguments are tested provides an important safeguard against dangerous or evil arguments. It is hard to defend arguments for oppression, environmental abuse, or unregulated capitalism against the objections to those views. James Madison and John Stuart Mill are probably the two most important American and British theorists of the free marketplace of ideas (Rowland, 2002). The key methodological principle flowing out of their writing is that stronger arguments are likely to win out over weaker arguments over time, as long as there is free and open debate. The strong arguments win out because proponents of any proposal must be able to answer the objections brought against that proposal and demonstrate that it would produce superior results in comparison to competing proposals. The primary risk in such a context is not a failure of the argumentative process, but that ideological or other non-rational factors may influence the decision-making process. Ideologically based systems, whether Freudian, Marxist, Neo-conservative, or any other worldview, are dangerous because they deny the

legitimacy of external critique. As Leon Wieseltier observed, “nothing rots the life of the mind more than the immunity to experience” (2011, October 20, 40). In contrast, systems based in public reason, such as those energized by Enlightenment values, are epistemically and politically self-correcting.

Those who critique social practices for ignoring the voices of women and other groups point to a shameful history and ongoing denial of rights. The underlying cause of that denial of rights is not public reason, but a commitment to ideology or culture resulting in discrimination. Scholars who claim that standards of public reason deny the voice of those who experience discrimination are simply wrong. It is important to consider the tests that the three pragmatic theories would apply to claims based in individual experience. Personal testimony could be considered either as a form of expertise based on experience, such as an eyewitness to an important event, or as an example supporting a claim. In both cases, standards for assessing evidence do not rule out the voices of women, people or color, or any other group. The voices of women, gay people, people of color, and other groups often have been discounted, but that has occurred based on cultural values, ideology, religion or other factors, not standards of public reason.

In actuality, public testimony (and other forms of public reason, including qualitative and quantitative social science) have played a key role supporting the great empowerment movements fighting for equal treatment for people of color, women, non- heterosexual people, and other groups. The most famous and influential twentieth century study of race in the United States, Gunnar Myrdal’s groundbreaking research, *An American Dilemma* (1944), is a strong illustration of this point. Myrdal’s sociological study, which was conducted based on the principles of “reason-based social science” (Lyman, 1998, 328), uncovered the horrors of segregation and other forms of racism, giving voice to those who suffered under those social structures. It combined quantitative social science with sociological research presenting the voices of the oppressed. There is no question about the influence of the research on the struggle for equal rights. It was, for example, cited in the *Brown v. Board* (1954, 483), probably the most important Supreme Court case of the 20th Century. As the case of *An American Dilemma* illustrates, standards of public reason do not devalue the voice of the oppressed. Ideology, culture, and tradition may lead scholars and others to devalue those voices, but standards of public reason validate those voices, thereby exposing the terrible arguments made against the claims they support.

It is also important to recognize that standards for evidence evaluation and other principles for evaluating the pragmatic utility of any argument, are useful for protecting society from dangerous falsehoods and bigotry. Consider the case of American election deniers who argue that the 2020 presidential election was stolen. There is an avalanche of strong evidence showing that Joe Biden defeated Donald Trump to win the presidency and no strong evidence that there was any significant voter fraud (Eggers, Garro & Grimmer, 2021). However, far-right Representative Marjorie Taylor Greene and others cite election deniers to argue that the election was stolen (Roche, 2023, January 21). The weakness in the claims of Greene and others should be obvious. Those claiming fraud were not in a position to actually observe the claimed fraud. They also could not be considered unbiased sources given their loyalty to former President Trump. Moreover, they lacked the expertise to comment about election procedures. Thus, standards of pragmatic reason provide clear reasons for rejecting the views election deniers and embracing the views of all the real experts who had found no evidence of significant fraud. Without those pragmatic standards,

however, there would be no principled rationale for endorsing the fact-based claims of the experts, against the paranoid worldview of Greene and others. In a world without standards for assessing evidence and argument, the very idea of the truth would be “up for debate” (Draper, 2022, June 18,A12).

Additionally, the generalization that white masculinity is associated with objectivity and rationality is obviously incorrect. No one would associate the nationalist populist leaders of Europe and the United States, including people like Viktor Orban and Donald Trump, with reason and objectivity. Standards of public reason expose the terrible and evil arguments made for white supremacy or any other ideology that denies the humanity of all people.

Finally, some critics argued that the “problem with reason . . . [is that it] claimed to settle matters once and for all, and that this was arrogant” and exclusionary (Wieseltier, 2011, July 14, 36). The view that reason is exclusionary is misguided. Reliance on argument does not shut down debate; it opens up the space for give and take about evidence, counter-evidence, counterarguments and so forth. The proper response to someone who makes a claim based on evidence and reasoning is to either accept the claim and move forward or dispute it, citing better evidence and stronger reasoning. Leon Wieseltier eloquently expressed the value of argument as an inclusive method of decision making, when he observed, “It is not reason, but unreason, that shuts things down. You cannot argue against an emotion, but you can argue against an argument” (2011, July 14, 2011, 36).

Moreover, in cases where the evidence overwhelmingly supports one position over another (evolution, global warming, vaccine efficacy, and so forth), failing to give primacy to the argument supported by the stronger data often leads to a crisis of unreason. Anti- mask and then anti-vaccination attitudes in the United States led to more than one million deaths from Covid-19, vastly more per 100,000 than in Canada, where anti-science attitudes were much less influential (Debusmann, 2022, February 15). Making a strong argument does not close off debate. What it can do in some circumstances is reveal that there is strong evidence and reasoning for one approach to a given problem, but little evidence or reasoning for competing views. Discovering that a given position is strongly supported does not force one to endorse that view. What it does is give people good reasons for supporting that view. The discovery that a particular view is strongly supported, while alternative views are not, should be understood as epistemically and morally freeing. Surely, no one would claim that it is wise to make decisions based on weak or non-existent evidence. To take only one example, there are magicians and others who have claimed that they possess the power of levitation. Application of principles of pragmatic reason to such a case would reveal that there are no strong arguments suggesting that one could levitate one’s way to the ground from the observation deck of a tall building. Such a realization does not constrain human action. One can still choose to jump. What it does is provide useful information that it would be wiser to use the elevator.

Basing decisions in pragmatic reason frees one from oppressive rules of societies governed by religious or ideological doctrine. Dennis Overbye noted the difference between decision-making based in pragmatic reason and decision-making based in ideology or religion, when he observed that “nobody was ever sent to prison for espousing the wrong value for the Hubble constant” (2009, January 27, D4). It is important to recognize that in societies such as Stalin’s Soviet Union, Hitler’s Germany, or the Ayatollah’s Iran, people do go to prison for statements about the world inconsistent with

religious or ideological doctrine. A world governed by principles of pragmatic reason is not only a world where effective policies are more likely to be chosen, but a world where free expression is protected.

As should be obvious, decision-making based in pragmatic reason is entirely consistent with democracy. In contrast, decision-making based in ideology, religion, or self-interest is never free and often quite dangerous. Overbye's conclusion, "Science and democracy have always been twins" (2009, January 27, D4) is not quite right. Science often has been coerced by state or religious power into serving an oppressive function. That coercion depends upon the suppression or repression of principles of pragmatic reason, in favor of ideological or religious doctrine. Overbye would have been more accurate if he had said pragmatic reason and democracy always have been twins.

5. CONCLUSION

Given the enormous benefits flowing from the application of public reason to problems facing human society and the fact that principles of public reason are inherently person-respecting, self-correcting, and consistent with democracy, it is important to consider why there is so much irrationality, bigotry, and hatred in the world. The answer is that the old enemies of public reason—religion, ideology, self-interest and traditional cultural values—remain powerful, and very dangerous. We live in a world where for much of society "reason" has "ceased to matter" (Brooks, 2018, March 9, A23). Consequently, there is enormous need to teach students the principles of public reason and to create decision-making structures that privilege reasoned debate.

Training in basic principles of public reason needs to be incorporated at every level of education, from elementary school to college instruction. In the United State, there have been recent efforts to promote media literacy (Ali, 2022, March 18). While these efforts are important, training in public reason would provide basic principles for identifying and testing claims that would help students assess claims in the media and any other context. Timothy Egan got it exactly right when he observed of the United States that "too many Americans are ill equipped to perform the basic functions of citizenship," in part because they have been told "there is no such thing as knowable truth" (2017, November 18, A18). A curriculum should be developed for incorporating argumentation training at all educational levels. This curriculum should especially emphasize training in the importance of rigorously considering arguments for and against a given position. The finding "that people who engaged in more reflective reasoning were better at telling true from false, regardless of whether the headlines aligned with their political views" is strong indication that with proper training people can put aside their biases and consider the balance of evidence and argument in making decisions (Pennycook and Rand, 2019, January 20, SR 12).

One promising approach would link instruction in basic principles of pragmatic argument with a practicum in public debate. Dr. Jeff Jarman of Wichita State University has conducted promising research that when a debate practicum is combined with fact-checking materials such an effort can be successful in leading students to internalize principles of public reason (2015, 2018). The combination of debate training with argumentation training and fact checking essentially moved participants from what

Kahneman (2011) labeled “system one” or a “method of jumping to conclusions” to “system two,” which “impose[s] logical analysis” and [s]elf-criticism” (2011, 85, 103). While Jarman’s study must be considered exploratory, it suggests the vast potential of linking a debate practicum with training in public reason. If his results are confirmed with larger studies, the research should sound a call for incorporating training in academic debate and public reason across the curriculum.

Pragmatic reason has been the strongest force in human history supporting efforts to create a humane and inclusive society capable of solving social problems. It is for this reason that Michael P. Lynch, citing the views of John Rawls and Jürgen Habermas, argues that “Democracies are, or should be, spaces of reason” (2011, October 2). Rational argument is best viewed as the strongest force behind the ongoing battle to finally realize a society enacting the values of the Enlightenment, a society focused on progress, inclusion, and democracy.

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The Secret Lives of Arguments

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ABSTRACT: My discussion advances a conception of rhetorical argument by considering respectively the type of rhetoric and the type of argument involved, along with the hidden information that is contained. What does an argument conceal? Its assumptions; its prejudices; its construction of the normal, with all that involves; its values and cultural determinations; and more. Arguments teach us about the arguers themselves and the ways audiences are imagined. All this awaits unpacking, and rhetoric provides the means to do so, making present what is otherwise absent and layering flesh across logic's skeletal frame.

KEYWORDS: argument, informal logic, metaphor, rhetoric

1. INTRODUCTION

In Leiden in 1637 an event occurred which occasioned a considerable shift in the study of argument and argumentation, a shift with which we are still taking account. The event in question has real consequences for how we understand rhetorical arguments, then and now. And it is the nature of such arguments that is considered in this paper.

Exploring this nature requires revisiting, rethinking and expanding the assessments I first gave earlier (Tindale 2004), as well as developing themes that James Klumpp discussed in his ISSA address (Klumpp 2012). Having explored its nature, I turn to the capacity that a rhetorical argument has and discuss the “secrets” that it conceals, the richness and depth involved in such arguments. This is to approach argumentation in a particular register, where a register is a variety of language typically used in a specific type of communicative setting.

2. THE ARGUMENT OF RHETORICAL ARGUMENTATION

Few will disagree that ‘argument’ has many meanings. We spend much of our days sorting through those meanings and developing cases for preferring one over the other. Why we still disagree over how we should understand ‘argument’, may be an occasion for humour to anyone watching from outside the field. But to those within it, it makes perfect sense. Because our understandings of ‘arguments’ are embedded within our understanding of and theories of argumentation (Blair, 2012).¹ And these theories are marked, among other

¹ Some theorists take “argumentation” to be the more important concept for what we do and place emphasis there. Frans van Eemeren (2018), for example, identifies crucial theoretical concepts that are “indispensable

things, by their different goals. Argumentation modifies our social environments in different ways and by achieving different ends: presenting options and exploring differences; advocating actions and policies; negotiating settlements; inquiring into puzzles; aiming for truth and justifying our beliefs; aiming for consensus; and even, on occasion, trying to persuade. Of course, in identifying these goals in this way, I suggest that none is more important than the others. And that's where our real disagreements start. This is only part of the story of what divides us. 'Argument' has a notoriously English determination. By which I mean that its 'core' English meaning has travelled throughout the world. And the world has not responded to it in a uniform way, has not even recognized it always in the same register. The O'Keefe distinction between argument₁ and argument₂ (1977) challenges translators in other languages. Luis Vega (2022, p. 90), for example, notes the difficulty of translating argument₂ as 'argument':

El uso del español "argumento" es menos polisémico y su referente es menos interactivo o más pacífico que el uso del inglés "argument"; normalmente, solo se emplea en el sentido de argument₁. Cuando dos o más personas arguyen entre sí en el curso de un debate -de un argument₂-, no decimos que tienen un argumento, sino una discusión.²

The languages of India designate different meanings to 'argument' as one moves down through regions of the country. Indeed, the degree to which other cultures agree with the English meanings of argument, is the degree to which the English hegemony has been successfully imposed, marginalizing, or eliminating Indigenous senses. Thus, the logic class of China can generally reflect the logic classes in the United States, whereas the logic class in parts of the Arab world cannot. We may be an international society, but this 'international' can be marked by its gaps, the absences of representation from certain quarters of the globe. And these absences may be due to the failure to recognize the same things when terms like 'argument' are heard.

Most of us have been introduced to arguments through what might be called the 'propositional route' and so there is a understandable tendency to accept this as the *natural* sense that we attribute to arguments (Dutilh Novaes, 2021a; 2021b; Siegel, 2023). But there is a clear way in which this sense is not natural. The recent media attention to ChatGPT has brought this home: an AI program may produce arguments on demand, but it does so in a way that does not seem quite natural.

J. Anthony Blair (2012, p. 172) accommodates various meanings of 'argument' in an account grounded in a basic sense of "reason-using". He now judges his illative 'core' a poor metaphor because he is addressing the smallest unit. Accordingly, he prefers "to use the metaphor of a cell or an atom" (Blair, 2012, p. 172)³: "An atomic argument is something that, taken by itself, does, or is taken to, or is offered to, imply or support a proposition, an attitude or an action". These atomic arguments and their reasons can then be assessed

in developing adequate theoretical instruments for methodically improving the quality of the analysis, evaluation and production of argumentative discourse" (6). The most prominent of these crucial concepts are 'standpoint', 'unexpressed premise', 'argument scheme', 'argumentation structure', and 'fallacy'.

² Fernando Leal in his translation of Michael Gilbert's *Arguing with People* (Gilbert 2017; [2015]), also renders argument₂ as discusión.

³ The cell invokes interesting associations with specific types of space, tracing its origins to Robert Hooke in 1665, looking through the first microscope and seeing room-like structures that reminded him of monks' cells.

differently by different perspectives—the logical, dialectical, and the rhetorical (Blair (2012, p. 178).

Let's elevate Hooke from the footnote into the body of the text and recognize his new way of seeing the world, of seeing what was hidden. While Blair does not explain why he chose 'atom' over 'cell', both are 'scientific' metaphors, but one extends to the interests of the physical. We may think of ourselves as comprised of atoms, but that we are comprised of cells is an even more natural thought. Cells are the smallest functioning unit in an organism. Comprised of atoms, the cell is situated between the atom and the whole. Cells are alive; atoms are not.

On the atomic conception of 'argument', there are not different types but different uses (See also, Blair 2004). So, it makes no sense to Blair (2012, p.181) to contrast different modes of argument, or different perspectives of argument: "rhetorical argumentation—as contrasted with logical argumentation—risks overlooking the consistency of rhetoric and logic". Controversies that have emerged in the argumentation literature are based on a failure to distinguish different uses (Blair, 2012, p. 183). Still, one cannot help thinking that reducing all arguments to the atomic argument tends to prioritize the logical perspective, as some view it.

One informal logician who seems to have appreciated this is Ralph Johnson, who builds on Blair's core/atom/cell conception. He raised a few eyebrows when he defined argument as: "A type of discourse or text—the distillate of the practice of argumentation—in which the arguer seeks to persuade the Other(s) of the truth of a thesis by producing the reasons that support it. In addition to this illative core, an argument possesses a dialectical tier in which the arguer discharges his dialectical obligations" (Johnson, 2000, p. 168). Controversy lay not in the introduction of the 'dialectical tier' but the way an argument was said to 'possess' it. It transpires that the tier is a central and necessary condition for an argument: "an argument without a dialectical tier is not an argument" ((Johnson, 2000, p. 176). Commenting on this, I once suggested that a close analysis shows ways in which the dialectical tier cannot be divorced from the core to the extent that "the line between the two tiers really begins to dissolve" (Tindale, 2002, p. 306). This judgment needs revision, as does the relationship Johnson identifies.

The first stop in any inquiry into the argument of rhetorical argument has to be Aristotle and the distinctions he makes in the *Rhetoric*. Rhetoric differs from dialectic in the kinds of arguments used and the nature of the propositions involved, and thus it differs also in the *type* of argument used. Rhetorical arguments are marked by the condition of possibly being otherwise, of uncertain conclusions. The domain involved affects content in this case, where arguments that cannot be definitive in their outcome. Thus, to be effective they need to draw also on features that mitigate the 'could-be-otherwise' nature. Rhetorical arguments also connect with the audience at a level of agreement, bringing the audience directly into the discussion. One of the things that rhetorical argument shares with dialectical argument is the forms in which we find them. And there are two of these: syllogism (*sullogismos*) and induction.

Rhetorical induction is identified as example (*paradeigma*). Such arguments are just as persuasive as those using enthymemes (1356b22-3), and its varieties are explored in the twentieth chapter of Book II. That which appears to express the deductive standard, Aristotle calls the enthymeme—the body of persuasion—which involves careful thought or deliberation (1356a35-b17). This receives far more attention than the example.

Enthymemes draw their materials from commonly held views, or *endoxa* (1357a10), and the inferences that most appropriately express them are likelihoods or signs. “I call an enthymeme a rhetorical syllogism,⁴ and an example a rhetorical form of induction, and anyone who proves a point by means of demonstration uses either examples or enthymemes, and nothing other than these” (1356b4-5). Aristotle identifies specific kinds of reasoning or premises that are particularly appropriate for expression as enthymemes, those based on likelihoods (*eikota*) and those based on signs, simple and necessary (*tekmēria*)—1357a32-b25).

Likelihoods generally speak for themselves. They fit naturally into an account of reasoning to claims that could be otherwise. It is the discussion of signs that helps most to see how Aristotle may understand the ways conclusions “follow from” premises in rhetorical arguments. And this is also an account which explains a puzzle that has perturbed commentators of a parallel text to the *Rhetoric*—namely the *Poetics*. So, an apparent detour here pursues this solution.

In five passages from the *Poetics* Aristotle explores the natural flow and unity of the plot, insisting in each case (and in some passages several times) that the narrative of a plot must proceed according to likelihood or necessity. For example, in Chapter 9 we read that: “the poet’s function is not to report things that have happened, but rather to tell of such things as might happen, that are possible in accordance with likelihood or necessity.” Herein lies a bridge between the syllogistic argument and the narrative plot. As in the *Rhetoric*, we are in the domain of the uncertain, where things might be otherwise. It is also clearly the domain of likelihood (*eikos*). So, how does *necessity* operate here? This is what puzzles commentators.

We find an answer in the *Rhetoric*’s account of signs (*sēmeia*), which are divided into simple signs (with no distinguishing name) and *necessary* signs (*tekmēria*). Since rhetorical arguments (enthymemes) are derived from likelihoods and signs, “it follows that likelihoods and signs must be the same respectively as contingent and necessary premises.” Aristotle explains that some signs stand to what they signify as a particular to a universal, others as a universal to a particular. He writes: “An instance of a sign that is related to what it signifies as particular to universal is if someone were to say that the fact that Socrates was wise and just is a sign that the wise are just. Now, this assertion may be a sign, but even if true it is refutable, because it does not take the form of a syllogism” (1357b10-14)⁵. Here we have a simple or contingent sign. The conclusion (the universal) does not follow necessarily from the premise (the particular); but it may well have plausibility.

Aristotle then turns to the necessary sign: “On the other hand, if someone were to say that the fact that he has a fever is a sign that he has an ailment, or the fact that she has milk is a sign that she has given birth, either of these assertions would be an infallible sign, which is the only kind that constitutes evidence, because it is the only kind whose truth is irrefutable” (1357b15-17). The term “evidence” is controversial here. This is Waterfield’s

⁴ Some translators render *sullogismos* here as “form of deduction,” creating a contrast between induction and deduction. Waterfield (Aristotle 2018a) and Reeve (Aristotle 2018b) take this course. I follow Freese/Striker (Aristotle 1926/2020), Kennedy (Aristotle 2007) and Bartlett (Aristotle 2019) in the choice of “syllogism.” It is closer to a transliteration and avoids modern-day connotations of ‘deduction’. The ways in which the rhetorical enthymeme differs from logical deduction encourages this reading.

⁵ There need be no mention of ‘deduction’ here, but another way to render it is “is impossible to derive a valid deduction from it.”

translation for the term *tekmēriōn*.⁶ The previous example of Socrates had also provided evidence in a weaker sense. But the larger point is that this distinction between simple and necessary signs, both features of the domain of human action that rely for their cogency on human experience, can be easily transferred to the contexts of the *Poetics*. I would suggest that when Aristotle repeatedly employs the tandem likely/necessary, declining to use one term in the absence of the other, this is the kind of distinction he would have in mind. The two works illuminate each other, because it is in light of this proposed solution to the problem in the *Poetics* that we see further the nature of rhetorical argument in the *Rhetoric*. Stephen Toulmin (1983) gathered something of what is at issue when he unconsciously echoed O’Keefe’s (1977) two-argument distinction: argument₁ and argument₂ (122). O’Keefe was himself echoing Wayne Brockriede’s (1975) account. O’Keefe’s distinction, importantly, while distinguishing arguments I make for myself from those that engage others, and while worrying that Brockriede elided the two senses, still *associated* those two together in the so far as the second included the first. As Michael Gilbert (2015, p. 21) explained, “An argument₂ likely contains arguments₁ as objects”. This goes a little bit further than any commitment O’Keefe (1977, p.127) makes, although he raises this relationship as a question to the point of further asking whether we are prepared to say “that arguments₁ can be made if no argument₂ ensues” (O’Keefe, 1977, p. 128).⁷ That is, in part, the question.

While showing no awareness of this history, Toulmin approached the issue in a lecture at the University of Michigan in 1982.⁸ He distinguishes between the abstract and the concrete as follows:

The theory and techniques of rational criticism must be approached from two complementary directions, *formal* and *functional*. On the one hand, we can use the word “argument” for a string of propositions, which may be written on the blackboard or thought about in the abstract; and we can examine the formal relations—of consistency and inconsistency, entailment and contradiction—by which these propositions are (or are not) knitted into a logical fabric... On the other hand, we can instead use the word “argument” for the stating of a substantively disputed position, followed by an exploring of possible consequences, an exchanging of evidence, and a sound (or unsound) resolving of the dispute. In our second sense an “argument” is not a *string of propositions* which may (or may not) be formally consistent: rather it is a *human interchange* which is not substantively adequate (Toulmin, 1983, p. 396, italics in the original).

Toulmin finds that professional philosophers of his day had lost track of the second sense and the art that uses it. He variously associates that art with topics or rhetoric or argumentation (they seem synonymous to him at that time), but notes that this has come to be called informal logic, an awkward label due to its negativity, and one he replaces with “*substantive* logic” (Toulmin, 1983, p. 398).

What Toulmin has identified is a distinction familiar to us all, one that continues to fuel discussions and disagreements. It is difficult to ignore the propositional sense of

⁶ Robert C. Bartlett in his translation (Aristotle, 2019) renders *tekmēriōn* here as “decisive evidence”. That’s an appropriate qualification given that it recognizes other non-decisive support that is still to be judged evidence. C.D.C. Reeve (2018b) prefers proof and “proof alone” for the phrase in question.

⁷ Brockriede (1975, p. 129) agrees that the distinction can be made more “sharply,” argument₁ represented by a noun, since something has been produced; and argument₂ representing a process in which people are engaged.

⁸ Subsequently published in a collection on *rhetorical theory* in 1983.

arguments. Textbooks insist on starting there; it is the place from which the journey begins. But Donald Philip Verene (2021, p. 47) is not far off the mark when he observes “To attempt to prove something in the modern manner of presenting a deductive-style argument is to take the mind nowhere”. That’s a little uncharitable; they do take us somewhere, but nowhere we haven’t already been.

The above aims to clarify something of what distinguishes rhetorical from propositional argument. What stands out in many accounts of propositional arguments is the description of them as “abstract.” What we should be asking ourselves here is “abstract” from what, and how (successfully) has that abstraction been achieved? It is a move away from the contexts and situations that provide the details of the argument. And it is a move away from the lives that are involved, what I have elsewhere called an ethotic logic (Tindale, 2023b, 23ff; 243). Catarina Dutilh Novaes (2021, p. 87) extends a warranted ambivalence towards this abstraction. She observes that as the concept of deduction has developed it has, on one front, involved “a departure from embodied, situational elements of concrete dialogical situations, in particular specific interlocutors, toward more abstract, ‘de-personalized’ conceptualizations”. Given all this, it may be better to reserve ‘abstract’ for translations into a formal language and adopt something like ‘detached’ for the propositional arguments that are removed from any argumentative situation.

It is time to recognize the situation for what it is, one of an incompatibility in the way we speak and think and use a central term of our concerns. We do have strategies to deal with such incompatibilities. Most obvious here is Chaim Perelman and Lucie Olbrechts-Tyteca’s (1969, pp. 413-17) strategy of dissociation. When an incompatibility arises in the use of a term, that term is opened up to reveal two senses, one of which is elevated and valued (term II), and the other left below (term I). Term II results from a dissociation effected within term I. We can see Toulmin essentially effecting a dissociation on ‘argument’, and the type II sense of the term that emerges is that of argument as human interchange. Left behind is the term I (propositional) sense.

3. THE RHETORIC OF RHETORICAL ARGUMENTATION

If argumentation theorists disagree about how we understand and use ‘argument’, they disagree less with how to understand ‘rhetoric’. There is a tendency to think of rhetoric as synonymous with persuasion, encouraged no doubt by the definition that Aristotle provided in chapter 2 of Book I: “Let rhetoric be the capacity to see in each particular case the available means of persuasion.”

This understanding finds its way into a number of contemporary theories of argumentation. For example, Hubert Marraud (2015, p. 2) in the development of a dialectical approach writes: “Rhetoric focuses on the symbolic means of persuasion and evaluates them by their effectiveness to achieve the communicational end of the process of argumentation”. For Christoph Lumer (2005a), viewing things from the perspective of an epistemological approach, rhetoric targets persuasion or conviction in ways that stray from a clear truth; they aim to induce beliefs that are chosen by the arguer for whatever reasons

and are not “bound to truth” (2005a, p. 238).⁹ From such perspectives, rhetoric, stained by the vestiges of Plato’s attack, aims at persuasion.

Harvey Siegel (2023) “favors” this sense, but in fairness, he recognizes multiple senses that have force in their appropriate domains:

There are thus four senses of ‘argument’ that are best distinguished: (a) arguments in the abstract propositional sense, (b) arguments in the complex speech act sense, which may or may not constitute instances of argumentation, (c) arguments as communicative activities involving arguments in either or both of the first two senses, which activities themselves constitute instances of argumentation, and (d) extended episodes of argumentative interaction (p. 6).

The ‘problem’ as Siegel sees it, is that distinctions are too readily elided into one sense, which is then treated as if it were another. But the problem is not just the separation of senses, but whether priority should be extended to one sense over the other. Siegel’s (2023, p. 36) epistemic theory “captures and explains the most fundamental sense of ‘argument’”—the propositional. I am interested in another of those perspectives that captures his sense of the rhetorical, or his reading of my use of the rhetorical.

Siegel (2023, p. 27) complains that rhetorical argumentation, in the terms I use it “locks in on one sense of ‘argument’ – the perfectly respectable rhetorical sense, according to which an argument is a persuasive device, to be evaluated in terms of its persuasive force or effect – but illicitly extends its analysis to other important senses of the term, in particular the abstract propositional sense, transforming it into something to be evaluated in terms of which its premises provide rhetorical (rather than epistemic) ‘support’ to its conclusion”. This is a complaint we will hear echoed elsewhere. Siegel reminds us, quoting Blair (2004), that there is error in conceiving arguments as primarily instruments of persuasion. The operative term here is “primarily,” and the suggested criticism is that rhetorical argument advances the stronger claim that persuasion is the only way of conceiving argument. To a certain degree, what I am discussing here is an attempt to show otherwise, to indicate other non-Aristotelian ways of conceiving rhetoric and rhetorical arguments.

The key disagreement that marks the distance between Siegel and myself lies in my belief that, as he phrases it, “we must choose between two senses of ‘argument’, and treat them dynamically *rather than* statically” (Siegel, 2023, p. 29)¹⁰. And as much as I would like to find a rapprochement between our two positions, I cannot disagree with his reading here. While we can recognize these as two senses of ‘argument’, we must ultimately choose between them if we are to advance the interests of argumentation theory. We find in the human interchange conception of argument, in the term II conception, something that is dynamic rather than static. *We must* choose between the two senses if we want a conception of argument with which we can work in a range of argumentative situations, one true to the experiences of the participants in those situations. This is the problem/issue recent work on tools of cross-cultural argumentation and establishing mutual cognitive environments at the borders seeks to address.

⁹ Some theorists, when encountering anything rhetorical will treat it as “clutter” and strip it away to get at *the* argument; while others see in rhetorical features important clues for understanding arguments. Unfortunately, such theorists are in a minority (Leal & Marraud, 2022, p. 33).

¹⁰ Of course, Siegel agrees with the first clause, insisting on a different choice. And thereby disagrees with the second clause.

So, this might be the place to recall those infamous experiments conducted in the 1930s on ‘pre-literate’ subjects in Uzbekistan by Alexander Luria and his colleagues (Luria 1976), experiments that have been replicated elsewhere (See Tindale, 2021a, Ch.2). These experiments were ostensibly to track cognitive development but ended up dismissing subjects as competent reasoners because they failed to follow logical inferences, something we would now surely recognize as epistemic (or argumentative—Bondy, 2010) injustice (Tindale, 2023d). So, for example, a subject was asked: “In the far North, where there is snow, all bears are white. Novaya Zemlya is in the Far North and there is always snow there. What color are the bears there?” (Luria, 1976, p. 115). The subject’s subsequent answers (because the prompt was repeated) included “There are different sorts of bears”; “I don’t know; I’ve seen a black bear, I’ve never seen any others... Each locality has its own animals: if it’s white, they will be white; if it’s yellow, they will be yellow”; “Well, it’s like this... Your words can be answered only by someone who was there, and if a person wasn’t there he can’t say anything on the basis of your words.” In discussing this and other examples, I have placed emphasis on what the subjects didn’t say, on the conclusion not drawn. Now, I realize what I should have focused on were what was actually said *as appropriate responses*. Because it is quite conceivable that the subjects are trying to indicate the *wrongness* of the experimenters’ assumptions! They essentially reject not just the flow of the syllogism but the authority of the testimony of the experimenters. Arguments are not abstract things but embedded discourses that depend for their evidence on experience.¹¹ One is reminded of the example John Locke (1959/1690) used in his treatment of testimony, an example subsequently changed and adopted by David Hume. Locke reports the Dutch ambassador speaking to the king of Siam. He tells him many remarkable things, all of which the king absorbs. But when he tells him the cold weather freezes water in Holland making it so hard that men can walk upon it and that it could even bear an elephant, the king’s credulity is exhausted: “Hither to I have believed the strange things you have told me, because I look upon you as a sober fair man, but now I am sure you lie” (Locke, 1959/1690, 4.15.5). There is an intuitive nature to these responses in keeping with the kisceral arguments of Gilbert’s (1997) multi-modal account.

Few contemporary accounts make a concerted effort to explore either the argument or the rhetoric of rhetorical argument. Admittedly, their attention is directed elsewhere. But left unacknowledged in all this is the richness and power of this type of argument—the rhetorical. After all, what does rhetoric *do* for argumentation?

Aristotle’s definition is a response to a misunderstanding that he believes has infected earlier treatments, developing a counterargument against a then-current trend. This misunderstanding is two-pronged. In the first place, he believes earlier writers have overlooked the fact that at the core of rhetoric is its argumentative nature. He believes they have said nothing about enthymemes, which “constitute the body of proof” (1354a13). Secondly, they have misapplied it, focusing on the forensic and overlooking the deliberative (1354b28), even though the two follow the same method. So, when Aristotle turns in chapter 2 to the matter at hand, there is the sense of a fresh start at rethinking the

¹¹ I think we could pursue a similar line of contrast in another argumentative tradition, that of early Islamic thought and the distinction between speculative discourse (*kalam*) and the Aristotelian syllogism. The first depended on what inferences could be born from experience; the latter abstracted from experience to judge what could be produced in the syllogism (Nusseibeh 2017, 70-75). As Nusseibeh notes, “Speculative discourse...had developed its own style, indigenously grown from actual speech practices” (103).

nature of rhetoric. And he does this in what George Kennedy recognized as a hypothetical way, an approach that may well have reflected the nature of inquiries at a specific time in the Academy.¹² During the development of the dialectical method that came to characterize Plato's model there was a period during which hypotheses were favoured (Tindale, 2023b). Aristotle's proposed definition of rhetoric has all the hallmarks of such a focus on the hypothetical. The opening phrase is invariably overlooked in discussions of the definition: ἔστω δὴ ἡ ῥητορικὴ. "Let rhetoric be..." Not "rhetoric is..." as we read at the start of chapter 1 where it is being set beside dialectic. In drawing attention to this phrase in a way the more recent translations of the *Rhetoric* fail to do, Kennedy observes that the use of *estō dē* is characteristic of a working hypothesis rather than a definitive judgment. As a working hypothesis, there is no commitment to the ideas involved; Aristotle is simply introducing ideas associated with rhetoric.¹³ On these terms, the attention to persuasion is exploratory, but not definitive. Other senses of rhetoric may still come into play. In the context of a debate over how rhetoric has been expressed in the handbooks, Aristotle proceeds to explore it *on those terms*, correcting the misinterpretations of the rhetoricians. But is he committed to this goal as the main goal of rhetoric? Even if he is, there is no reason we should be so constrained. Yes, the tradition invites this focus and, as we have seen, it has become a commonplace of references to the rhetoric of rhetorical argument. In fact, the sense of rhetoric as persuasion (or *seeing* the means of persuasion) is so ingrained that we cannot avoid it.

Even as persuasion, though, rhetoric still has more positive senses than often allowed. Perelman and Olbrechts-Tyteca (Bolduc & Frank, 2023/1950, p. 126) for example, in "Logique et rhétorique," note the way persuasion shifts attention from the mind to the person: "If we open the Spanish encyclopedia, it tells us that to convince is only the first step; the essential is to persuade, that is, to stir the soul so that the listener will act in accordance with the conviction that has been communicated". Granting this, a rhetoric of persuasion serves us poorly in situations of cross-cultural argumentation, where our principal interest is in the development of understanding and shared interests.

Once released from a tradition of persuasion, we are free to think more laterally about the nature of rhetorical argument and the crucial ideas involved. A more accurate understanding of the rhetoric in rhetorical argument, as this is now being deployed, can be drawn from two specific accounts, that of I.A. Richards, and that of Michel Meyer.

For Richards (1936) rhetoric "should be a study of misunderstanding and its remedies." In taking the study of rhetoric in the direction he thought important, Richards (1936, p. 37) shifted attention from what a word means to *how* it means, focusing on the processes involved in meaning communication, and tracing the meaning of words to the utterances which contain them. In these processes he thought to detect the remedies for misunderstanding. Elsewhere he wrote: "Surely it should be possible to go directly to the

¹² As Kennedy notes in his Introductory essay (Aristotle, 2007), there are grounds for seeing the *Rhetoric* as the notes of lectures given at the Academy, during afternoons when less 'serious' matters were explored. Kennedy does qualify matters: sometime in the mid-350s B.C.E. Aristotle is believed to have taught rhetoric in the Academy, although the information comes from later sources and "may not be entirely reliable," explaining the course was open to the public and offered in the afternoons.

¹³ It is the case that the closing line of the previous chapter announces a new start with a fresh definition. But the relationship between the first two chapters of Book 1 remains contentious in ways I cannot address here (See McAdon, 2006; Walzer & Inabinet, 2011). Suffice it to say that the choice of *estō dē* deserves more attention than it has received.

root of the trouble, to study verbal misunderstanding, its nature and cause, deeply enough to find and apply a cure?" (Richards, 1942, p. 18). Here, he is concerned with the reading of texts, but I think something similar must hold for the comprehension of other types of utterances. A decade later, he introduced the speech situation into the discussion. Speaking of the "fields" of comparison that permit the translation of meanings, he writes "Let the units of which these comparison fields consist be *utterances-within-situations*" (Richards, 1955, p. 23, emphasis in the original).

The depth of Richards' (1955, p. 27) study of utterances is seen in the seven functions of language that he believes are involved. There is no constant logical order to these, and he proposes that any "full utterance does all these things at once, and invites all of them in the comprehender". How we mean, Richards suggests, depends on the shared nexuses in which we operate, nexuses built through utterances in similar situations. And meaning comprehension involves the whole experience of being addressed in relevant ways and the ability to recognize this meaning in the address.

Arguments can be understood as utterances within situations, with a depth of connective traces throughout those situations. We might extract a propositional inferential core, but these acts of translation simply lift the skeleton out of the membranes and other connective tissues of a body of which it did no more than unify the whole and never defined it.

Another contemporary definition of rhetoric captures further what is important in argumentation studies. This is the definition provided by Michel Meyer (2008; 2017). In the English text, he advances rhetoric as "the negotiation of the distance between individuals, *ethos* and *pathos*, on a question (*logos*) which is more or less divisive, or more or less reductive of the distance between them" (Meyer, 2017, p. 225).

To a certain degree this continues Meyer's earlier work, where he had opposed a "propositional rhetoric" to a "problematological rhetoric" (Meyer, 1994, p. 72). The idea of "propositional rhetoric" involves a *logos* closed to interrogation, canceling out the questions at its heart (Meyer, 1994, p. 32). A problematological rhetoric" rectifies this.¹⁴

Outside of his own program of problematology that this definition supports, what is attractive about Meyer's proposal is the central metaphor of distance, a space that rhetoric negotiates, drawing the different components (elsewhere (Meyer, 2017, p. 7), he calls them anchor points) together.

Rhetoric here is about closing distances, spaces of misunderstanding and difference, aiming at creating shared environments of meaning, promoting comprehension and perhaps agreement. Meyer (2017, p. 222) does promote the complete closing of distances, but also allows that some gaps may be unbridgeable. Here, we might see the merits of an equilibrium in the sense of a balance between positions, established on understanding and respect and the prospect of further integration and even assimilation. In the fragile fabrics of our social disagreements, rhetoric's work is never complete.

¹⁴ A little later, the work on the passions (Meyer 2000) does, I believe anticipate a richer conception of rhetoric, as he focuses on the importance of "equilibrium" (2000, 50). The passions aid in bringing things into balance: "To live together...is to negotiate differences with the other in order to arrive at identity" (51). This negotiation is echoed in the later work.

4. WHAT LIES CONCEALED

Rhetorical arguments are, then, complex, thick structures of concealment (Tindale 2021a). They can be “reduced” to many forms, captured in the thin skeletons of argumentation schemes. But for their structures to be fully understood they need to be unpacked with, for example (but only an example) the critical questions that accompany those schemes in the informal logic tradition. As Perelman & Olbrechts-Tyteca warned, rhetoric hides an argument’s secrets particularly well (1969, 452). But, there again, it is on hand to help reveal them.

Drawing from the above discussions of ‘argument’ and ‘rhetoric’ and their integration in rhetorical argumentation, arguments will involve *in their nature* at least the following six features.

- i. *A valuational stance on what they express.*
- ii. *The dispositions of the arguer.*
- iii. *Aspects of their cultural origin (with the expectations and so forth that are involved).*
- iv. *A sense of time in the temporal dimension of their expression (past, present, future).*
- v. *A sense of place beyond the cultural.*

In the space left to me, I will say something about each of these, but they all warrant more expansive discussion.

i. A valuational stance on what they express.

Arguments are value-laden discourses. They may concern facts, but not without taking a position on those facts. It was the return to value that prompted the New Rhetoric project, especially with its celebration of a non-Aristotelian sense of the epideictic. The *choices* that an argument coheres around are value judgments of the chooser.

These values facilitate the movements from conviction to persuasion noted above. Arguments that address the whole person move that person to action and conviction is transformed into persuasion. This is not the persuasion of Aristotle, lest I be accused of contradiction. It is more in keeping with the ideas of Richard Whately, who advocates for a similar “inversion” of the traditional relationship between conviction and persuasion (Whately 1963, 175).

This distinction of Perelman and Olbrechts-Tyteca, and the conceptions of the human and of argument that underly it, reflect one of the most important shifts in the field. In aspiring to develop a logic of value, they called reason back from the wastes in which it was wandering and directed it toward the task of improving human communities and contributing to wellbeing. This amounted to a different kind of rhetorical argument than that which had engaged Aristotle. This they make clear in “Logique et rhétorique” (Perelman & Olbrechts-Tyteca, 1950).¹⁵ Aristotle’s tendency to marginalize the epideictic at the expense of the forensic and deliberative turns rhetoric towards “a logic of the plausible” (Bolduc & Frank, 2023, p. 137). Perelman and Olbrechts-Tyteca (1950, p. 137), by contrast, develop a rhetoric that could also be called “a logic of the preferable”. This partly indicates why Perelman and Olbrechts-Tyteca (1950, p. 163) would not consider themselves Aristotelians, even as Aristotle continues to influence them.

¹⁵ Newly translated by Michelle Bolduc and David Frank (2023).

The preferable directs us towards the values we choose, to what is better; the plausible directs us towards what may be the case, to what is likely but uncertain. We see the preferable in the advocacy of the better that encourages action. But the scientist in her laboratory also identifies her preferences in the hypotheses she chooses and proceeds to test and in the ways she evaluates those hypotheses and the decisions she makes regarding them. The facts of her study never “speak for themselves” but always and only through her. Consider Paul Thagard’s (2002, p. 245) study of emotion in scientific cognition. For him, hypotheses not only have a cognitive status of being accepted or rejected, but also an emotional status of being liked or disliked. Thagard has earlier introduced his theory of cognitive and emotional coherence, which has at root a coherence theory of argument (he calls it inference). At least one of its features, recalled in 2002, is relevant here:

All inference is coherence-based. So-called rules of inference such as modus ponens do not by themselves license inferences, because their conclusions may contradict other accepted information. The only rule of inference is: Accept a conclusion if its acceptance maximizes coherence (Thagard, 2002, p. 245).

Is it better to adopt the language of conclusions being entailed or following from premises, or of being in harmony with them? A similar debate that surrounds Plato’s use of the term *sunphronein* in his dialogue the *Phaedo* (Tindale, 2023b). “In harmony with” allows a broader appreciation of connectedness more consistent with a rhetorical conception of argument with its expression of what is preferable.

ii. The nature and dispositions of the arguer (however we understand them).

Much can be said about ways arguers are present in arguments conceived as human interchanges, and a history of *ethos* has directed this focus (Amossy, 2001). Arguments are value-laden in part because of the agency that motivates them. An argument is a result of choices, and those choices stem in the first place from the arguer indicating what he or she has decided. What strategies to use. How to imagine the audience. What to stress and what to leave as an invitation for the audience to complete. Aspects of authority are captured here: the status of the arguer and how that status is asserted and conveyed. We draw attention not just to what is said but how it is said.

Less clear is how we might understand *dispositions* of the arguer, because reasoned action requires a disposition to act. Here, dispositions will be the leanings or tendencies of character rather than just character or *ethos* itself. Dispositions, as Perelman and Olbrechts-Tyteca (1969, pp. 52-3) appreciated, are one of the durable results of rhetorical (epideictic) argumentation. Taking a lead from several of the Belgians’ suggestions, one identifiable approach to how values are conveyed in argumentation is by examining the nature of dispositions and how argumentation can be seen to create such dispositions in people.¹⁶

While the work of Perelman and Olbrechts-Tyteca speaks clearly to the importance of instilling or encouraging certain dispositions, they leave unaddressed the *how* of the matter, nor do they really indicate how dispositions are revealed in arguments. Arguments are addressed to the whole person, not just to reason. This is a commonplace. But by the same token arguments express the whole person, not just the reason.

We might turn to the tradition of epideictic arguments to see how character is praised. Such arguments identify specific people as instantiating in some way the values

¹⁶ This is a discussion I pursue in detail in (2021b).

that a community or society finds important and want replicated. These are people who manifest the valued kinds of dispositional behaviour, who are looked up to because of positive qualities of their character, and in such arguments an appeal is made to those people (perhaps on a specific issue; perhaps generally). This is the understanding that informs the tradition of epideictic speeches that take the funeral oration as the paradigm. On such occasions, the qualities of an individual are praised in a way that the individual comes to represent a standard expressing those qualities and thus is someone to be emulated. This further recognizes the private, hidden nature of dispositions. We look for some public demonstration of them, as Aristotle pointed out (*EN* 1104b5), an outward sign of what resides within.

The other side of *this* is the argumentative behaviour of those praised. Indeed, what is praised are the actions of the person, but those actions include the arguments they express. Arguments that convey, in Aristotle's terms, good will, practical wisdom and virtue. Critical questions for ethotic schemes ask if the arguer can be trusted, is she reliable, does she convey an unacceptable bias? And where do we look for the answers? The critical questions are tools for exploring arguments that instantiate the scheme.¹⁷

Reflecting on how dispositions arise in an individual encourages the larger question of how values are instilled in a society, because dispositions activate those values, express and reinforce them. We know that values can be activated, strengthened, promoted, and encouraged through speech. We see this whenever a political leader appeals to values as an argument in support of certain practices or behaviours. For example: People should self-isolate because the community is supported by values of care and concern for others and self-isolation is the best way to express those values at this time. But how are arguments brought into the activity of instilling values in the first place? That is another hidden aspect of their nature.

iii. Assumptions of their cultural origin (with the expectations and so forth that are involved). Can we take arguments out of their place of origin without loss or penalty as the detached view would allow? Arguments are of a place, and invariably that place is "present" in the argument. This is particularly clear from cross-cultural situations. Consider the following example from anthropologist Marshall Sahlins (2022, p. 1), where a Fijian chief speaks to an English missionary in the early days of Christian proselytization:

"Your ships are true, your guns are true, so your god must be true."

That's the utterance. But how to understand it? How does the chief "see" the relationship between the premises and the conclusion? That is, how does the conclusion work in harmony with the premises (or even "follow from" them)? And how should we understand the use of "true," which surely derives its meaning from a belief structure with which we are unacquainted? There are assumptions operating here which make the reasoning difficult to understand and therefore to evaluate.

Sahlins (2022) provides his own commentary. The chief, he insists, is not commenting on the existence of the Christian god and deriving proof of it in some strange way. The chief *sees* the god in the ships and guns, which are material expressions of that

¹⁷ This is just one of the ways in which scheme theory provides ways to uncover the hidden lives of arguments through the critical questions.

potency or power. The conflict is between a transcendental sense of the divine and a perspective in which the divine is immanent, is *in* the ships and guns (Sahlins, 2022, p. 1). The point for us is that, as we take the “so” of the last clause as a conclusion indicator, the argument is largely inaccessible without the cultural understanding that Sahlins provides. The point for us is that it is more helpful to understand the conclusion as in harmony with the premises than following from them.

Again, consider this:

庄子与惠子游于濠梁之上。庄子曰：“鲦鱼出游从容，是鱼之乐也。”惠子曰：“子非鱼，安知鱼之乐？”庄子曰：“子非我，安知我不知鱼之乐？”惠子曰：“我非子，固不知子矣，子固非鱼也，子之不知鱼之乐，全矣。”庄子曰：“请循其本。子曰汝安知鱼乐云者，既已知吾知之而问我，我知之濠上也。”

Chuang Tzu [Zhuangzi] and Hui Tzu [Huizi] were strolling along the dam of the Hao River when Chuang Tzu said, “See how the minnows [little fishes] come out and dart around where they please! That’s what fish really enjoy!”

Hui Tzu said, “You’re not a fish—how do you know what fish enjoy?”

Chuang Tzu said, “You’re not I, so how do you know I don’t know what fish enjoy?”

Hui Tzu said, “I’m not you, so I certainly don’t know what you know. On the other hand, you’re certainly not a fish—so that still proves you don’t know what fish enjoy!”

Chuang Tzu said, “Let’s go back to your original question, please. You asked me how I know what fish enjoy—so you already knew it when you asked the question. I know it by standing here beside the Hao.”

This translation comes from an anthology (Ames & Nakajima, 2015) on the example that contains ten variant translations. This one might be preferred because of the solution to the debate it suggests. Michael Beaney (2021) explores the debate between Chuang Tzu and Hui Tzu in a way that stresses what he calls Chuang Tzu’s perspectivism. In the course of this, he indirectly reinforces what the translator recognizes and captures: that Chuang Tzu’s final answer calls them back to where they are and the insights that place emit. “I know it by standing here beside the Hao.” Not through some abstract logical analysis, but from the experience of place. It matters where this occurs, because that is the source of Chuang Tzu’s evidence for his position.

Secondly, there is something to note in the cultural divides over how this debate is understood. The English translations of 2015 refer to the Happy Fish debate (as does Beaney’s later analysis). Most Chinese scholars refer to it as the debate at the Hao bridge. The English readers stress *what* the debate is about, the content; the Chinese readers stress *where* it occurs, its place. This is not a casual difference. It reflects cultural assumptions that impact the way the argument is understood and assessed. These assumptions are inextricably part of what we identify as the argument.

iv. A sense of time in the temporal dimension of their expression (past, present, future).

Aristotle saw that rhetorical arguments are temporal discourses, and they carry that temporality within them. Whether it's the past of the forensic argument, the future of the deliberative or the present of the epideictic, a temporal dimension is unavoidable (even for those religious arguments that imagine an eternal present).

Time can also insinuate itself as part of the argument, as with student Emma Gonzalez's speech at the March for Our Lives Rally after the Florida high school shooting in 2018.¹⁸ Gonzalez notes the things that the murdered students would no longer do, naming each, and then falls into silence. A long silence; one disturbing for the audience and, ultimately, the organizers. Finally, she concludes: "Since the time I came out here, it has been 6 minutes and 20 seconds. The shooter has ceased shooting and will soon abandon his rifle..." This argumentative speech mirrors the time of the event, replicates it in a different register. The use of the present to recall the past enfolds time back on itself bringing then and now into alignment. The silence in the speech, like the silence into which the victims fall, shocks the mind, and gives it focus. That what happened did so in 6 minutes and 20 seconds serves as evidence to the charge of wastefulness of young lives, and brings the event and its memorial into alignment.

Argumentation is rooted in the temporal. This was core to the way Perelman and Olbrechts-Tyteca, in their resistance to the atemporal and aspatial assumptions of Cartesian thought, distinguished it from demonstration (Scott, 2020). The contrast between the timeless and the temporal brings out the importance of history, of the concrete situation, and the unique occurrence (Bolduc & Frank, 2023, p. 198). Indeed, the act of recognizing the moment that is captured in the idea of *kairos* underlines the importance of "when" something should be said: reinforcing points to which an audience already adheres and watching for the right moment to put forward the claim. And, thereafter, when it was said; when it might be said again, in different terms. Of course, on many occasions, the audience, invited into an exchange, will move ahead and discover that conclusion for themselves. But it is equally the case that on some occasions it would be counterproductive to utter the principal claim too soon. With some visual arguments, attention is captured by drawing different temporal moments into the visual context of one space to achieve an argumentative effect that might not otherwise be achieved.

Perelman's and Olbrechts-Tytetca's attention to the durability of arguments recognizes this temporal dimension, as when a "seed" is embedded in the discourse to be activated at the appropriate moment when action is possible, and not before (you cannot vote for your candidate until the moment allows). "Vote for me on December 8th, if you want policies that take climate science seriously." The argument imagines our desires now extended to a future where something may be done to realize them. Some arguments have fleeting relevance; others imagine a duration that will prevail. But all arguments are temporal in nature. Attending only to whatever inferential structure they may have overlooks this completely.

v. A sense of place beyond the cultural.

Michel Meyer's definition of rhetoric as the negotiation of a distance between people captures the importance of place in our history, with the ubiquity of the metaphors that express it, from the *topoi* of Aristotle, to the paths that some will trace from premises to

¹⁸ The rally in support of gun control legislation was in response to the shooting deaths of 17 people in February 2018 at Marjory Stoneman Douglas High School in Miami.

conclusions, to the space of reasons located in the marketplace of ideas. We cannot move in argumentation theory without occupying space, without shifting metaphorical places. It matters so often *where* an argument occurs to the degree that, again, place is embedded in the argument itself, waiting to be identified and acknowledged (Vélez-Posada 2022).

The Western readings of the above “happy fish” argument exhibit (among other things) a failure to appreciate the importance of place, to see how immanence (rather than an objective transcendence) operates in the argument, providing its body and force.

If we want a more Western example of what is involved, we need look no further than the speeches of Barack Obama. A simple example is his so-called “Race Speech” of March 2018. It begins:

“We the people, in order to form a more perfect union”.

Two hundred and twenty one years ago, in a hall that still stands across the street, a group of men gathered and, with these simple words, launched America’s improbable experiment in democracy. Farmers and scholars; statesmen and patriots who had traveled across an ocean to escape tyranny and persecution finally made real their declaration of independence at a Philadelphia convention that lasted through the spring of 1787.¹⁹

The argument is situated in Philadelphia, across the road from a hall where the declaration of independence was formed. Force is achieved by Obama having situated his argument where he did, speaking from a place central to the nation, calling on them to revisit that place and think on what occurred there. Taking the argument out of the place, robs it of something, reduces it to less than what it is. You can say the same things somewhere else, but they would clearly lose some of their force, and so the argument is “of a place.”

In these features of argument, we are deeply engaged with Toulmin’s (1983, p. 396) second category of human exchange. The contrast is sharp and extreme. It is one between the abstract and the immanent. It divides those who step back from the argumentative situation and extract a core (an atom, a cell), and those who immerse themselves in it and address the immediate. In the history of philosophy there have been those who take us outside of the context in search of universal truths, and those who take us back to the human roots of the case, the immanent. Here, then, is the dualism that affects the nature of argument: the transcendent, universal, abstract versus the concrete, immanent, situational.

5. RETHINKING SCHEMES

We do have tools to unpack arguments in the sense I am advocating. Informal Logicians and other theorists stress the value of argument or argumentation schemes, for example. Douglas Walton (2013, 6) gives us a very basic definition of schemes as “commonly used types of arguments that are defeasible [...] that can be challenged by raising critical questions”. Patterns of reasoning indicate a regularity that seems to tell against the uniqueness I have stressed. But it is the tool within the tool, the critical questions, that addresses the details of each instantiation of such a pattern or scheme. We might reconsider the “pattern” metaphor in light of what I have suggested earlier, looking for something more immersive, more connective, something reflective of the human interchange involved. But this matters less insofar as it is the critical questions (CQs) that are the real

¹⁹ Available at <https://www.youtube.com/watch?v=zrp-v2tHaDo>

tool. As developed, scheme theory tends to reflect the cultures in which it has been developed. But it has the potential to be a portable tool that crosses cultural borders.

Recognizing the scheme alone is an entry into evidence-appraisal. It tells us what else to use, where to look. But it doesn't give definitive answers. It doesn't provide evidence for the strength of an argument. For that, we need to explore the case using the CQs. Again, the CQs are guarantees of the rationality of the process. They reflect a community's standards. They are corroborated by a cognitive environment.

Robert Pinto (2001, 111) argues that the value of identifying argument schemes lies with the critical questions associated with them, they direct the focus onto the key issues and contextual features involved with each case. They tell us the kinds of things we should be looking for with respect to each argument. Pinto is insistent that the normative force of an argument is not to be found in its exemplification of an argument scheme, but in contextual considerations that bear on rhetorical factors specific to a case: "considerations that would justify the use of *this* sort of evidence in *this* sort of context to settle *this* sort of question" (Pinto, 2001, p. 111). It can't be the scheme itself that validates presumptive reasoning because the use of the scheme on any occasion itself requires validation. In fact, even this talk of a *sort of* evidence, context, or question stresses the particularity of the case that should prevent the easy use of logical criteria with a reliance on patterns and forms.

A further distinction of importance is that between thin and thick analyses. In the contexts of argumentation, thick descriptions delve into the details to explore the merits of each case. They "flesh-out" the case, attentive to the features I noted above, asking about what is assumed, culturally and otherwise, about the values inherent in the argument and the dispositional tendencies of the arguer, asking about the place of the argument and its temporal dimension. This is to reorient the current sets of CQs, bringing them to bear on arguments as I have presented them. In this way, we thicken the evaluations to focus on the features I have discussed.

Schemes have promise, then, as tools to understand arguments in different contexts. Insofar as they constitute regular patterns of argument-use we should expect cultures that depend more on, say, narratives in their communications, to have narrative-based schemes that would not be shared by most Western argumentative cultures. What such schemes would look like, and the CQs that would be used to assess them, await future research.

Indeed, there may be other tools that work well in current theories that can be adapted for richer analyses of arguments in other environments. But if we talk about transporting our tools elsewhere, it is important to consider how we do this without the risk of imposing Western ideas on non-Western communities, of trying to fit round non-Western pegs into square holes.

6. CONCLUSION: FROM MACHINE TO ORGANISM

It may be objected that the division of arguments at the heart of the dissociation shown earlier is artificial, that an inferential core remains and must be there in any sense of argument. But I now think the reality has things the other way around: the propositions lie outside of the interchange. We can teach argument in the abstract, propositional sense and will continue to do so effectively. But in teaching about arguments, we should not convey the idea that this is *the* important aspect, the paradigm. What we teach takes us into the

uncertain domain of human interchange, the domain of rhetorical arguments. As we continue to adjust the metaphors that inform our field, that suggested by Blair is more apt—the cellular nature of the argument returns us again to the places of argument, to their situated nature. The monk in their cells dwell in a place that is part of their identity. This situatedness, that never loses sight of an argumentative situation to which it belongs and the nature of which infuses the arguments arising there, is core to what distinguishes real from artificial arguments.

It might also be objected that all I have been discussing is the usual rhetorician's interest in context or the argumentative situation. But contexts are places arguments are in; what I have focussed upon is what is in arguments.

So, a rhetorical argument on the terms here explored is... cellular in nature, in which essential details (reflecting the experiences of the participants) are embedded in a harmonious relationship from which aspects might *then* be inferred or detached.

In the 1637 Leiden publication of his *Discourse on Method*, Rene Descartes effected a shift of perspective that was to have serious consequences for argumentation theory. For some, it marked the end of a particular moment in the history of philosophy (Verene 2021, 62), although the way had been prepared by many others, including Bacon and Galileo.²⁰ In advancing a Method that contained everything that gave “certainty to the rules of Arithmetic” (Descartes, 1931, p. 94) mathematical rigor cast a shadow over what Toulmin (2001, p. 15) fittingly calls “human argumentation”. A predilection for the abstract took ascendancy over the uncertainty that accompanied reasoning from opinions. But this is a shift that has been resisted by many in our field (see Perelman, 1982). Toulmin details it further, spelling out some of the details that anticipate much of what I have said:

The contrast between the reasonableness of narratives and the rigor of formal proofs, between autobiography and geometry, is the contrast between the “soundness” of substantive *argumentation*, which has the body and force needed to carry conviction, and the “validity” of formal *arguments*, whose conclusions are determined by the starting points from which they are deduced (Toulmin 2001, 15).

Once again, those formal arguments take us nowhere that is not predetermined. In contrast, the reasonableness of narratives and the richness of autobiography—this accounting of the experiential—announce the “soundness” (a term appropriately qualified, given its “natural” occurrence) of substantive argumentation. Toulmin's human interchange of 1982/3 has found its way into a later work to identify the kind of argumentative details needed to achieve conviction. The substantive argument that he preferred to “informal logic” still holds sway for him decades later, as it should hold sway for us. I hope in the preceding discussion I have given some sense to how such substantive argument might be understood as well as a justification (!) for our interest in it.²¹

Understanding rhetorical arguments involves bringing reason and rhetoric into a better relationship. But “better” here needs clarification. It is better in that it more clearly and explicitly returns reason to its human roots. This is both the inspiration and the aspiration of those theories of argumentation that recognize the way our nature as rhetorical beings arises from below to inform our logical and dialectical engagements. Propositional

²⁰ Some commentators play down the impact of Descartes' Method (Ong 1958, 230).

²¹ Where I would differ is in the suggestion he makes that the same story could be parsed in both formal and substantive terms (2001, 16).

constructs give us the argument shell, not the argument. We should direct our focus to the life inside those shells. Argumentation's exoskeleton protects its rhetorical life, wherein lies those well-fleshed words—the human cells of argumentation, cells that rhetorical arguments expel, express, and explain.

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Argumentative Style Across Cultures *A Corpus-Based Comparative Study of Standpoint Presentation by Iranian and Norwegian Learners of English*

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ABSTRACT: Argumentative texts by English learners may contain L1 rhetorical strategies which may create confusion in international settings. Some cultures encourage standpoint-first structure, whereas others encourage arguments-first. By combining insights from pragma-dialectics and intercultural rhetoric to analyze 40 texts by Iranian and Norwegian university students (English-related majors), from the International Corpus of Learner English (ICLEv3), I investigate students' placement of standpoint, its relation to complexity of argumentation, and the lexical devices used in the strategic maneuvering.

KEY WORDS: argumentative style, corpus research, English learner writing, intercultural rhetoric, pragma-dialectics

1. INTRODUCTION

Arguing effectively through an academic text is an inseparable part of academic skills. However, argumentation may be challenging for learners of English (Belcher, 2007; Jalilifar et al., 2017; Lillis & Curry, 2015; Melliti, 2019). Existing research suggests that a great number of students have difficulty writing argumentative texts both in their L1 (Chen et al., 2016; Crowell & Kuhn, 2014; Newell et al., 2011, 2015) and in English as L2 (Abdollahzadeh et al., 2017; Huh & Lee, 2014; Liu & Stapleton, 2020; Qin & Karabacak, 2010). Studies such as those by Ferretti and Graham (2019) and Grabe and Zhang (2013) note that arguing through a text is more difficult for L2 learners since issues such as writing proficiency, L2 mastery for academic communication, and making inferences requiring cultural genre-specific conventions add to the already difficult argumentative writing process.

I compare argumentative texts written by Iranian and Norwegian university students in order to seek out potential patterns that characterize each group or differ between the two groups. While Iranian students start learning English at school much later than Norwegians and they have more limited exposure to English, both groups have difficulty in argumentative writing (Behroozi & Amoozegar, 2015; Olsson & Sheridan, 2019).

To search for patterns, I focus on the argumentative and the presentational aspects of the texts written by English learners. While these two aspects have rarely been studied simultaneously, the 'argumentative style' perspective of pragma-dialectics presents a framework to analyze complex argumentation by addressing a broad range of argumentative moves and presentational devices (van Eemeren, 2021).

According to pragma-dialectics, writers strategically maneuver to persuade readers by ensuring that their argument appears reasonable and effective. Pragma-dialectics provides tools for systematically analyzing three dimensions of strategic maneuvering: topical choices, adaptation to the audience demand, and presentational devices (van Eemeren, 2021). However, unlike ‘intercultural rhetoric’ (Connor & Rozycki, 2012), this perspective has not been used to investigate differences in argumentative texts written by learners of English until now.

In this paper, I focus on standpoint presentation in relation to the complexity of argumentation to identify students’ argumentative styles in presenting their main standpoint (central idea of the text). In particular, using texts from International Corpus of Learner English (ICLEv3), I analyze main standpoint’s placement in texts and the frequency of the lexical devices to present it. Regarding the complexity of argumentation, I investigate the frequency and organization of supports in favor of and attacks against the main standpoint.

The research questions are: (1) In what order do writers choose to present standpoints and arguments? (2) How does the choice of standpoint first vs. arguments first relate to the complexity of the argumentation? and (3) How does the use of lexical devices correlate with standpoint placement and the complexity of argumentation?

In what follows, after a review of previous studies on L2 argumentative texts, with a focus on Norwegian and Iranian L2 writers, I present the theoretical framework, materials, procedure and tools to analyze student texts, followed by the results and discussion of the analysis.

2. PREVIOUS STUDIES

Previous studies from argumentation theory and intercultural rhetoric have addressed various aspects of macro-/micro-structure of texts (Abdollahzadeh et al., 2017; Chien, 2015; Jwa, 2020), links between paragraphs (Hinds, 1987; Kubota, 1998), coherence and cohesion (Babaii, 2020; Chuang, 2015), and lexical devices (Canagarajah, 2013; McCambridge, 2019; McNamara et al., 2014). Some scholars have used tools from intercultural rhetoric (Connor, 2008; Mauranen, 1993; Pérez-Llantada, 2013), while others have focused on argumentation theories such as pragma-dialectics (Leal, 2020; van Eemeren, 2022), or the Toulmin model (Nussbaum & Schraw, 2007; Qin 2020). A few studies have combined tools from intercultural rhetoric and argumentation (Abdollahzadeh et al., 2017; Chuang, 2015; Wingate, 2012). Several studies have compared L2 argumentative texts written by non/native speakers of English (Mauranen, 1993; Qin and Karabacak, 2010), while others have investigated L1 and L2 texts (Kubota 1992; Rashidi & Dastkheyr, 2009). Furthermore, some studies have reported cultural differences concerning the choice of argumentative strategies (Abdollahzadeh et al., 2017; Isaksson- Wikberg, 1999; Mauranen, 1993; Rashidi & Dastkheyr, 2009; Xu, 2017).

In intercultural rhetoric, scholars such as Kaplan (1966) and Hinds (1987) suggested that L2 learners should follow strategies used by native speakers to eliminate cultural differences in texts; however, they have been criticized for overlooking the international plurality of discourse communities (Belcher, 2014; Casanave, 2004; Hyland, 2019; Kubota and Lin, 2009). Other scholars have emphasized that different is not deficient

and suggest raising awareness to help in international collaboration (Abasi, 2012; Isaksson-Wikberg, 1999; Mauranen, 1993). However, the latter group overlooks the fact that not following specific criteria (e.g. test rubrics) may have serious consequences for non-native writers (e.g. failing in international exams or journal publication).

Studies in argumentation have mainly used Toulmin's (1958, 2003) argument model. However, some scholars have described Toulmin's model as too basic and have modified its elements (Abdollahzade et al., 2017; Herman, 2018; Jalilifar et al., 2017; Qin & Karabacak, 2010). Herman (2018, p. 32) points out the following problems with Toulmin's model: 1) Data/grounds are defined as facts or factual information and therefore definitions are not dynamic enough. 2) No clear-cut definitions for backing exist. 3) Rebuttal is introduced as the only way to tackle counter-argument in natural argumentation processes even though there are other ways to indicate them, and 4) Tools for analyzing complex structures are lacking. This indicates that new models are needed to capture different dimensions of complex texts.

Literature related to Iranian and Norwegian argumentative strategies is limited. Some studies suggest that Iranian writers express standpoints with decisiveness (Keshavarz and Kheirieh, 2011; Mozayan et al., 2018). In addition, Mozayan et al. (2018, p. 95) argue that "Iranian researchers show a higher tendency to resort to as many resources as they can in order to cogently justify their arguments". Including many resources for main standpoint adds to complexity of argumentation in texts written by Iranian writers. Studies in the Norwegian context highlight existing tradition of providing factual data as arguments, comparing different perspectives and presenting ideas directly/indirectly (Berge, 1988; Evensen, 1989; Ørevik, 2019). Furthermore, Dahl (2004) and Ørevik (2019) argue that national culture plays an important role in the way Norwegian students choose to structure their texts in English and state their main idea either explicitly/implicitly or inductively/deductively.

Studies reviewed here have used different models and attributed various characteristics to texts written by writers with different cultural/linguistic backgrounds and the results seem to vary extensively. While both intercultural rhetoric and argumentation theory have strengths and limitations, combining insights from these perspectives to analyze texts written by Norwegian and Iranians students may help in addressing understudied complex dimensions of argumentative texts.

3. THE STUDY

3.1 Theoretical framework

The argumentative styles perspective of pragma-dialectics (van Eemeren, 2021) approaches argumentation as a complicated notion and aims at identifying characteristics of each style by analyzing three dimensions of strategic maneuvering. Topical choices include selections regarding the content of the standpoints, starting points, arguments, etc. Adaptation to audience demand addresses adaptation of argumentation to the audience's preferences and perspectives. Presentational devices include the verbal and non-verbal means to present argumentative moves (van Eemeren, 2021, p. 8). These three dimensions together shape the arguer's style.

Van Eemeren (2021) presents two general argumentative styles: detached and engaged. The detached argumentative style is recognized by “radiating objectivity” in topical selections, “conveying reliability” in adaptation to the audience demand and “expressing openness” to independent judgement through presentational devices. In contrast, the engaged argumentative style is recognized by “radiating commitment” to the issue in topical selection, “conveying communality” with the audience in adaptation to the audience demand, and “expressing inclusiveness” through presentational devices (van Eemeren, 2021, p. 19).

Argumentative moves in this study (main standpoint, supports, subordinate-supports, attacks, responses to attacks) are related to the topical choices; text structure is related to adaptation to audience demand; and lexical markers of main standpoint are related to presentational devices. Intercultural rhetoric considers inductive/deductive style to indicate writer’s styles. Considering this, we may say that writers adapt to the audience demand by presenting the main standpoint early/late (i.e. backward-/forward-linearization) or by organizing different levels of supports and attacks (i.e. complexity of argumentation).

Lexical markers selected for this research have been studied as interpersonal/interactional metadiscourse in intercultural rhetoric (Ädel, 2006; Crismore et al., 1993; Hyland, 2005, 2018; Vande Kopple 1985). Vande Kopple (1985, p. 86) considers these markers as tools to express personal feelings and ideas that writers present. Furthermore, Hyland (2018, p.43-44) defines metadiscourse as “a cover term for self-reflective expressions used to negotiate interactional meanings in a text, assisting the writer (or speaker) to express a viewpoint and engage with readers”. In argumentation theory, however, lexical markers are referred to as argumentative indicators/markers which mostly mark an argumentative move (Barton, 1993, 1995; Grote et al., 1997; Musi, 2018; Tseronis, 2011; van Eemeren et al., 2007).

To study markers, I used corpus-based and corpus-driven approaches (Biber, 2012) together with linguistic stylistic approach (bottom-up and top-down analysis) (van Haften & van Leeuwen, 2021). Using corpus-based approach, the validity of lexical markers was analyzed according to lists of lexical markers from previous studies and using corpus-driven approach, I studied lexical markers which emerged while analyzing the corpus.

For the analysis of lexical markers, I annotated opinion markers, attitude markers, boosters and hedges, using search terms (e.g. I believe, unfortunately, certainly, maybe) from the selected studies (van Eemeren et al., 2007; Hyland, 2005; Thomson, 2021; Rubin, 2006) and my observations after close reading of texts. Frequency of markers was used to profile learner varieties and then I charted and compared lexical markers based on checklists from other studies (bottom-up analysis). This list was further reduced to the linguistic devices that were used to present main standpoint (top-down analysis). Finally, using Spearman rho test, I checked whether these lexical items were used systematically to present main standpoint and whether a correlation existed among markers.

3.2 *Materials*

The texts were randomly selected from the International Corpus of Learner English: Version 3 (ICLEv3) (Granger et al., 2019, p. 134). Two sub-corpora selected for this study contain argumentative texts written by higher intermediate to advanced learners of English with Persian and Norwegian mother tongue. These sub-corpora are comparable thanks to the same collection guidelines (ICLE; Granger et al. 2019): all students major in English- related studies, they wrote the texts under untimed conditions and not as part of an examination.

I selected 20 texts from the Persian sub-corpus (released in 2020) written by Iranian students from 3 different universities. Each text contained between 702 and 954 words each. The 20 texts from the Norwegian sub-corpus (released in 2009) were written by students from 6 universities in Norway and ranged between 711 and 1205 words each.

According to ICLEv3 guidelines, students could choose from 14 essay prompts. Iranian students wrote on 3 of those prompts and Norwegians wrote on 10. Essay prompts do not fully overlap, but both Iranian and Norwegian students wrote on essay prompts that ask about dis/agreement. All prompts are in form of questions (example 1) or declarative sentences (example 2).

- (1) Most university degrees are theoretical and do not prepare students for the real world. They are therefore of little value. Do you agree or disagree with the statement above?
- (2) Crime does not pay

3.3 *Analytical tools and procedures*

3.3.1 *MAXQDA software*

Annotation of texts and qualitative/quantitative analyses were carried out using MAXQDA software (VERBI Software, 2021). The texts were imported into MAXQDA and organized based on the external criteria of the writers' nationality. I annotated texts using the annotation scheme developed for this study (section 3.3.2). The frequencies of annotations were extracted by MAXQDA and the statistical analysis using Spearman rho test was done to investigate correlation among markers. Spearman rho was chosen due to continuous nature of variables (section 4.3.4).

3.3.2 *Annotation scheme*

In this study, I have annotated the following argumentative moves: main standpoint, supports, subordinate-support, attacks, and response to attack. The text structure was annotated based on the main standpoint position and presentational devices were analyzed based on the list of lexical markers presenting main standpoint. Argumentative moves were studied using insights from pragma-dialectics, text structure was analyzed based on taxonomies from intercultural rhetoric, and lexical markers were studied using tools from intercultural rhetoric, pragma-dialectics and linguistic stylistic approach.

Argumentative moves:

Main standpoint:

According to pragma-dialectics, the move of standpoint refers to arguer's position toward the cause at issue while resolving differences of opinion (van Eemeren et al., 2007). This definition is slightly different in this study to help with the analysis of text structure. Namely, only one standpoint was annotated for each text, which is the writer's main reaction to the essay prompt. Main standpoint (example 3) is a significant part of the text since all other sections are linked to it in some way.

- (3) Essay Prompt: Most university degrees are theoretical and do not prepare students for the real world. They are therefore of little value. Do you agree or disagree with the statement above?

Main standpoint: I maintain that the statement above is, to a great extent, true. (ICLE-IR-MA-10007)

Support and subordinate-support:

Support (example 4) is an argument that directly defends the proposition presented in the main standpoint. Subordinate-support (example 5) directly defends the proposition presented in the support and thus indirectly defends the main standpoint in the text (van Eemeren & Snoeck Henkemans, 2016, p. 55).

- (4) A lot of students claim that the university degrees to a greater extent should focus on the practical side of the education, rather than emphasizing theory. (NOHE1004)
- (5) Some of the students at Hamar Lærerhøgskole think that the final degree does not embrace enough material to prepare the students for the role of the teacher in reality. (NOHE1004)

I annotated for subordinative argumentation structure, where "arguments are given for arguments" and "if the supporting argument for the initial standpoint does not stand on its own, then it is supported by another argument, and if that argument needs support, then a further argument is added" (van Eemeren & Snoeck Henkemans, 2016, p. 59).

Supports were annotated thematically, based on the themes they were addressing. For instance, if the support mentioned an example to strengthen a certain standpoint, the whole example was selected as one support. Subsequently, if more sentences (e.g. elaboration, statistics, references, addressing the same theme) were provided with the aim of strengthening the support, they were taken as subordinate-supports. Each support was given a number (e.g. support 1) and levels of subordinate-supports were numbered based on the support number (e.g. subordinate-support 1.1).

Attack and response to attack:

Presenting attacks is divided into two steps: mentioning attacks and responding to them. Attacks (example 6) indicate the opposing arguments toward the main standpoint. Responses to attacks (example 7) indicate writers' reaction to attacks (e.g. justifying that the attack is not relevant). Attacks and responses to attacks were also selected thematically and numbered (e.g. attack 1, response to attack 1.1).

- (6) Some might argue that university is not the only place for learning how to behave or communicate in the society. (ICLE-IR-MA-00022.14)
- (7) While this statement is true for some cases, the advantage of having a degree to gain a position cannot be denied. (ICLE-IR-MA-00022.14)

Text structure:

According to Peldszus and Stede (2016, p. 13), in backward linearization, the writer “opens the text with the central claim” (main standpoint), followed by reasons and objections, which are all directed backward to the central claim. On the other hand, in forward-linearization, writers state reasons, objections or views first and then draw a conclusion. Therefore, all premises are directed forward and lead to the main standpoint.

Markers:

The annotated presentational devices include: opinion markers, attitude markers, boosters and hedges which appeared in sentences where the main standpoint was presented. It may be stated that writers who use more hedges (sign of objectivity), tend to detach themselves from the cause at issue and vice versa. Instead, writers who use more attitude markers, opinion markers or boosters (sign of inclusiveness), tend to get personally engaged in the process of presenting the main standpoint and vice versa.

Opinion markers:

Opinion markers (example 8) were annotated based on van Eemeren et al. (2007, p. 30) that assign two conditions to these indicators: indication of an opinion and parenthetical use. When markers are used parenthetically, changing their position in the sentence does not affect the meaning of the proposition.

- (8) The question is: does crime pay, or not? Yes, sometimes *I believe* it does. (NOUO1088)

Attitude markers:

Attitude markers (example 9) express writer’s evaluations or feelings (Hyland, 2005, p. 32).

- (9) *Unfortunately*, most university degrees are theoretical and often don t prepare students for the real world. (IRKI09005)

Boosters:

Boosters (example 10) emphasize force or indicate certainty (Hyland, 2005, p. 52).

- (10) I *certainly* like the notion of trying to reform criminals and reintegrate them into society. (IRMA07020)

Hedges:

Hedges (example 11) withhold writers’ commitment to the issue (Hyland, 2005 p. 52).

(11) I think, all of these criminals are not bad. And, *maybe* law judged wrong.
 (IRMA07031)

4. RESULTS AND DISCUSSION

4.1 Text structure (based on the main standpoint placement)

All 20 Iranian students present the main standpoints early in the text (backward-linearization), followed by supports and attacks, while only 9 Norwegian students do the same (Table 1). The remaining 11 Norwegian students have main standpoints at the end (forward-linearization), after supports and attacks. This indicates different argumentative behavior in placement of the main standpoint in these groups, influencing the whole text structure and the route taken to persuade the reader.

Text structure	Iranian	Norwegian
Backward-linearization	20	9
Forward-linearization	0	11
Total	20	20

Table 1. Text structure

4.2 Argumentative moves

4.2.1 Supports and Subordinate-supports

Both groups use nearly the same number of supports for their main standpoint, however, they use different distribution strategies (Table 2). Nearly all students present at least two supports for their main standpoint. While 19 students in the Iranian group present a third support, only 14 of the Norwegians do the same. However, in the Iranian group, there is a marked decrease in the supports after the third support, and a sharp drop for each support from support 4 to support 8. In contrast, the decrease is less abrupt in the Norwegian group. The decrease in the Norwegian group continues steadily until support 7, while in the Iranian group there is a sharp drop for each support from support 4 to 8 (Table 2). This indicates that supports in the Iranian group are mostly concentrated between supports 1 and 4, while the supports that Norwegian students provide are more evenly spread between supports 1 and 7.

Patterns in the frequency and distribution of subordinate-supports differ from the patterns concerning the use of supports in two ways. Firstly, the frequency of subordinate-supports in the Iranian group is higher compared to the Norwegian group (107 vs. 70).

Secondly, more levels of subordinate-supports exist in the Iranian group, namely, at least two levels of subordination for each support (e.g. 1.2 for support 1) versus one level in the

Norwegian group (e.g. 1.1 for support 1). Very few instances of level 2 of subordinate-support (e.g. 1.2 for support 1) are found in the Norwegian group (9 out of 70=12%) and no instance of levels 3 and 4 of subordinate-support exist in this group (e.g. 1.3 for support 1).

On the contrary, many instances of second, third and fourth level subordinate-supports (e.g. 3.2, 3.3, 3.4) are found in the Iranian group (35 out of 107= 32%). This shows that to

strengthen standpoints, Iranian students use more levels of subordinate-supports, thus making the route to persuade the readers more complex.

Supports	Iranian		Norwegian	
	Frequency	Percent	Frequency	Percent
Support 1	20	26.8	20	26.3
Support 2	19	25.3	19	25
Support 3	19	25.3	14	18.4
Support 4	9	12	8	10.5
Support 5	3	4	6	7.9
Support 6	3	4	5	6.6
Support 7	1	1.3	4	5.3
Support 8	1	1.3	0	0
Total supports	75	100	76	100

Table 2. Distribution of supports

Subordinate-support	Iranian	Norwegian
	Frequency	Frequency
Sub 1.1	19	16
Sub 1.2	5	1
Sub 1.3	1	0
Sub 2.1	19	17
Sub 2.2	7	2
Sub 2.3	2	0
Sub 3.1	19	12
Sub 3.2	9	3
Sub 3.3	3	0
Sub 3.4	2	0
Sub 4.1	9	6
Sub 4.2	1	1
Sub 4.3	1	0
Sub 5.1	3	4
Sub 5.2	1	1
Sub 5.3	1	0
Sub 6.1	3	3
Sub 6.2	1	1
Sub 6.3	1	0
Sub 7.1	0	3
Total	107	70

Table 3. Distribution of subordinate-supports

4.2.2 Attacks and responses to attacks

Frequency of attacks in both groups is remarkably lower than the frequency of supports (Tables 4 and 5). The main difference between the two groups is that 8 of the 10 attacks presented by Norwegian students are attack 1, and only 2 texts contain attack 2 and 3, while in the Iranian group, 9 of the 19 instances are attack 1, 7 are attack 2, and 3 are attack 3.

Both groups have provided one level of response for each attack, but the frequencies are different in this aspect, Iranian students have presented 19 attacks and 12 responses (i.e. 7 attacks were not responded to), while Norwegian students have presented 10 attacks and responded to 5 of them. This indicates that Iranian students respond more to attacks (19 vs. 10).

	Iranian		Norwegian	
	Frequency	Percent	Frequency	Percent
Attack 1	9	47.4	8	80
Attack 2	7	36.8	1	10
Attack 3	3	15.8	1	10
Total	19	100	10	100

Table 4. Distribution of attacks

	Iranian		Norwegian	
	Frequency	Percent	Frequency	Percent
Response 1.1	4	33.3	5	100
Response 2.1	6	50	0	0
Response 3.1	2	16.7	0	0
Total	12	100	5	100

Table 5. Distribution of responses to attacks

However, it does not indicate that Norwegian students do not acknowledge different views. In fact, they use different strategies (example 12). Namely, before mentioning standpoints, they mention that different points of view exist which are not necessarily contradicting with their standpoint (therefore they cannot be taken as attacks). This strategy was not presented since it is out of the scope of this study.

(12) Essay prompt:

All armies should consist entirely of professional soldiers: there is no value in a system of military service.

Different points of view:

For some it is a matter of feeling their constitutional rights infringed upon, for others a matter of not having the time nor the inclination to spend a relatively long period of time away from work or studies. A much-publicized reason is refusal to do military service for idealistic reasons, i.e. pacifism or religious conviction.

Main standpoint:

I find that there's a place in today's society for men like Para Regiment's soldiers. (NOUO1047)

The correlation between forward-/backward-linearization and complexity of argumentation for Norwegian students, the frequency and distribution of supports, subordinate-supports, attacks and responses, indicate no significant difference. In other words, the same patterns seem to repeat in both forward and backward-linearized texts. The frequency and structuring of argumentative moves in backward-linearized texts in the Norwegian group (Tables 6, 7, 8, 9) were not similar to backward-linearized texts by Iranian students. This indicates that Norwegian students have similar argumentative behavior in both forward- and backward-linearized texts.

Overall, it seems that no correlation exists between complexity patterns and text structure (i.e. backward-/forward-linearization). The only noteworthy difference can be that the number of attacks in forward-linearized texts are twice the number in backward-linearized texts in the Norwegian group. Given the limited number of forward-linearized texts, it seems that this should be further investigated in relation to its correlation with frequency of attacks.

Support	Norwegian (backward-linearized)		Norwegian (forward-linearized)	
	Frequency	Percent	Frequency	Percent
Support 1	9	25	11	27.5
Support 2	8	22.2	11	27.5
Support 3	7	19.5	7	17.5
Support 4	4	11.1	4	10
Support 5	3	8.3	3	7.5
Support 6	3	8.3	2	5
Support 7	2	5.6	2	5
Support 8	0	0	0	0
Total	36	100	40	100

Table 6. Distribution of supports in backward- vs. forward-linearized texts

Subordinate-support	Norwegian (backward-linearized)	Norwegian (forward-linearized)
	Frequency	Frequency
Sub 1.1	7	9
Sub 1.2	0	1
Sub 1.3	0	0
Sub 2.1	8	9
Sub 2.2	1	1
Sub 2.3	0	0
Sub 3.1	7	5
Sub 3.2	0	3
Sub 3.3	0	0
Sub 3.4	0	0
Sub 4.1	4	2
Sub 4.2	0	1
Sub 4.3	0	0
Sub 5.1	3	1
Sub 5.2	1	0
Sub 5.3	0	0
Sub 6.1	3	0
Sub 6.2	1	0
Sub 6.3	0	0
Sub 7.1	2	1
Total	37	33

Table 7. Distribution of subordinate-supports in backward- vs. forward-linearized texts

	Norwegian (backward-linearized)		Norwegian (forward-linearized)	
	Frequency	Percent	Frequency	Percent
Attack 1	3	100	5	71.4
Attack 2	0	0	1	14.3
Attack 3	0	0	1	14.3
Total	3	100	7	100

Table 8. Distribution of attacks in backward- vs. forward-linearized texts

	Norwegian (backward-linearized)		Norwegian (forward-linearized)	
	Frequency	Percent	Frequency	Percent
Response 1.1	3	100	2	100
Response 2.1	0	0	0	0
Response 3.1	0	0	0	0
Total	3	100	2	100

Table 9. Distribution of responses to attacks in backward- vs. forward-linearized texts

4.3.1 *Opinion markers*

Frequency of opinion markers in standpoints does not show a significant difference between groups (15 among Iranians vs. 13 among Norwegians) (Table 10). In addition, in both groups, a positive correlation between frequency of opinion markers and attitude markers is observed (Table 11). Another correlation, which is statistically significant (Table 12), is between opinion markers and hedges, indicating that in both groups students who use more opinion markers use fewer hedging devices.

4.3.2 *Attitude markers*

Attitude markers are the most frequent markers to present standpoints in both groups and Iranians use them more than Norwegians (23 vs. 15). Similar to opinion markers, attitude markers have a negative correlation with hedges in both groups.

4.3.3 *Boosters*

Boosters are used more in the standpoints among Norwegians than Iranians (13 vs. 8). However, it is not the most used marker by Norwegian writers.

4.3.4 *Hedges*

Hedges are among the least used markers to present standpoints in both groups (9 in the correlation between hedges and opinion/attitude markers (Table. 12). The correlation between attitude markers and opinion markers is not significant and therefore, it seems that students who use more opinion markers are not necessarily the ones who use more attitude markers (Table 11).

Markers	Iranian		Norwegian		Total
	Frequency	Percent	Frequency	Percent	
Opinion Markers	15	53.6	13	46.4	28
Attitude markers	23	60.5	15	39.5	38
Boosters	8	38.1	13	61.9	21
Hedges	9	45	11	55	20

Table 10. Distribution of standpoint markers

Markers	Standpoint Attitude markers
Standpoint Opinion Markers	0.072 (p=0.6601)

Table 11. Correlations between attitude and opinion markers

Markers	Standpoint Hedges
Standpoint Opinion Markers	-0.417 (p=0.0074)
Standpoint Attitude markers	-0.280 (p=0.0798)

Table 12. Correlations between hedges and attitude/opinion markers

Regarding presentational devices accompanying main standpoint, students use markers which indicate how detached or engaged they are. More attitude and opinion markers are found in the Iranian group which shows that writers provide personal ideas and signal them by markers. On the other hand, the number of hedging devices to modify the main standpoint is not significantly different in the two groups, therefore none of them can be said to be more objective.

Another method to investigate how these markers are used is the correlation between opinion/attitude markers and hedges. According to the results from the statistical analysis, a negative correlation exists between opinion markers and hedges which seems statistically meaningful (p value=0.007) and attitude markers and hedges in both groups which is not statistically significant (p value<0.07). Therefore, regardless of the cultural and linguistic background, students who use more opinion/attitude markers tend to use fewer hedges. Since opinion markers are used to mention a personal idea and attitude markers are used to express writer's feelings, they do not seem to conflict with hedges. In other words, writers can mention uncertainty and indicate that it is their personal ideas. However, it seems that students who use more hedges, tend to use fewer signs of engagement.

Results about boosters are puzzling because they do not correlate with any other marker except for hedges. Studying boosters by employing different methodologies or in combination with other markers, could provide more information on students' argumentative behavior in relation to boosters.

Similar to argumentative moves, markers do not seem to be different in backward-/forward-linearized texts (Table 13). However, both Iranian and Norwegian students (regardless of the way of structuring their texts) seem to follow the same patterns in their groups. Therefore, it seems that cultural/linguistic background has more influence than the text structure on the way students use lexical markers to present main standpoints. Interestingly, the only exception to this rule is the correlation between the use of attitude/opinion markers with hedges, which indicates that regardless of cultural/linguistic background, students who use more attitude/opinion markers use fewer hedges. Since hedges and attitude markers have been linked to writers engaging themselves in the text

and hedges as signs of detaching, this may indicate that distinct patterns of using markers of objectivity vs. subjectivity exist which may not be influenced by students' cultural/linguistic background.

Markers	Norwegian (backward-linearized)		Norwegian (forward-linearized)		Total
	Frequency	Percent	Frequency	Percent	
Opinion Markers	5	17.9	8	28.6	13
Attitude markers	7	18.4	8	21.1	15
Boosters	8	38.1	5	23.8	13
Hedges	6	30	5	25	11

Table 13. Distribution of markers in backward- vs. forward-linearized texts

5. CONCLUSION

The study aimed at answering the following research questions: (1) In what order do writers choose to present standpoints and arguments? (2) How does the choice of standpoint first vs. arguments first relate to the complexity of the argumentation?, and (3) How does the use of lexical devices correlate with standpoint placement and the complexity of argumentation? To answer these questions, I investigated texts from a corpus of English learner argumentative texts, written by Iranian and Norwegian learners of English. I combined insights from intercultural rhetoric and pragma-dialectics to identify more aspects of argumentative texts in relation to main standpoint and complexity of argumentation.

Differences between the groups can be summarized as follows: 1) regarding text structure, nearly all Iranians present main standpoints early in the text, while more than half of Norwegians present it late, 2) Iranians use more levels of subordinate-supports and present more attacks and responses to attacks, therefore, we may say that Iranian students behave differently from Norwegians when adapting to audience demand (by presenting complex argumentation structures to convince readers), 3) based on the characteristics of detached and engaged argumentative styles, we might say that since Iranian students use more attitude markers, they are more personally engaged in presenting the main standpoints than Norwegians.

The two groups seem to share similarities in three respects: 1) a negative correlation exists between opinion/attitude markers and hedges, 2) one level of responding to attack was used in both groups, and 3) a positive correlation exists between attitude markers and opinion markers. Therefore, regardless of students' linguistic/cultural background, both groups have similar argumentative behavior in these three areas.

These findings indicate that, although each group seems to have specific characteristics which may help in assigning an argumentative style, comparison based on aspects such as presentational devices are trickier and more complex. Therefore, the markers that are present should be considered in relation to the ones which are left unstated.

Finally, selection of main standpoint and dialectical routes taken to strengthen that standpoint and, as a result, selection of strategies to persuade the audience, seem to be different in these two groups but no culture specific patterns were found in presentational devices accompanying the main standpoint. The annotation scheme developed in this study seems to help in annotating specific aspects of argumentative texts which can be further

compared to find culture specific characteristics. It can help analysts to find potential patterns in texts written by writers from the same or different cultures, since ignoring this information will have consequences for students from different cultural/linguistic backgrounds who intend to enter academia.

This study has limitations such as the size of the annotated sample and having only one annotator. As a result, the findings of this study can only indicate that specific phenomena have been observed and should be further investigated among other groups.

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The Ambitious and the Modest Meta-Argumentation Theses

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ABSTRACT: Arguments are weakly meta-argumentative when they call attention to themselves and purport to be successful as arguments. Arguments are strongly meta-argumentative when they take arguments (themselves or other arguments) as objects for evaluation, clarification, or improvement and explicitly use concepts of argument analysis for the task. The ambitious meta-argumentation thesis is that all argumentation is weakly argumentative. The modest meta-argumentation thesis is that there are unique instances of strongly meta-argumentative argument.

KEYWORDS: argumentation, meta-argument, meta-cognition

1. INTRODUCTION

The thesis that we think about our thinking, reason about our reasoning, or argue about our arguments is not a particularly surprising one. In some ways, its very statement is proof positive of its truth. Of course, just as we can reason badly, we can reason badly about our reasoning, and so an interesting (and potentially more surprising) possibility is opened: that there are unique errors to be made at the meta-cognitive and meta-argumentative levels of our reasoning (See Aikin & Casey 2022c). And, further, there may be particular norms and expectations we have of ourselves and our interlocutors when we operate at this meta-level. So, a set of conditions for successful meta-level reasoning and argument arises, necessitated by how we are assessing our assessments of our first-order reasoning.¹ Consequently, arguers proceed with an expectation that these meta-considerations bear on, are used in monitoring, and direct our first-order reasoning.

It is in this expectation of norm-monitoring and norm-directedness that we think an interesting loop occurs between our first-order reasoning and our norm-sensitivity on the meta-level: *maybe all our reasoning requires that we are implicitly keeping tabs on whether our reasoning lives up to those norms and reasoning about which norms apply.*²

1 For overviews of those norms and errors at this level, see: (S. F. Aikin & Casey, 2022c, 2022b, 2022a, 2023).

2 For others who have argued for versions of this thesis, see: (Cohen, 2001; Godden, 2019). And others have argued that there are further deliberations on how strictly rules are to be enforced (Lisciandra, 2023).

The modest thesis is that there are instances of explicitly meta-argumentative arguments that have particular vocabulary for those norms and forms, name them, apply them, and overtly evaluate arguments in light of them. Again, the modest thesis is not surprising at all. But this modest thesis bears the seeds for an ambitious (and surprising) thesis, that all argument is implicitly meta-argumentative. We will show how these two theses are connected and why there is good reason to think they are both true.

2. THE MODEST THESIS

To start, let's define some terms to keep our place in thought. An *argument* is a set of reasons given in support of a conclusion, and *argumentation* is a process of reason and argument exchange in pursuit of evaluating the overall case bearing on some issue. Arguments in the first structural sense are monological, and arguments in the second process sense are dialogical (and, hence, for the sake of clarity, called 'argumentation' to capture the process force). Arguments are meta-argumentative when they are arguments about arguments or argumentations for the purpose of evaluating, explaining, or otherwise understanding whether, how, or why they work.³

An orienting analogy to get a grasp on the processes of meta-argumentation is to think of it in terms of being a form of explicit meta-cognition. So, meta-cognition is thinking about thinking, and that meta-level thinking plays two roles: monitoring and controlling our first-order thoughts. Many who write on meta-cognition invoke the image of a thermostat to invoke its dual role of monitoring and controlling.⁴ The force of the image is that the thermostat monitors the temperature of a building, and when the temperature reaches some thresholds, the thermostat will activate other parts of the environmental system to regulate those temperatures. So, if things are too cold, the thermostat kicks on the heat. And if things are too hot, the thermostat engages the cooling system. Once the temperature returns within the prescribed bounds, the thermostat will disengage those systems. Meta-cognition, on this image, monitors our first-order thinking and when it is given indicators that there needs to be re-direction, it engages corrective systems. In fact, there is good evidence that all of our first-order thinking has a background meta-cognitive monitoring (and potential control) in the process. Meta-cognitive monitoring and control are central elements all reasoning (Ackerman & Thompson, 2017, 2018). Call this the meta-cognition thesis.

An example may be useful to show the meta-cognition thesis is quite plausible. It is drawn from the extensive research establishing that there is a consistent belief-bias in our evaluations of our own reasoning. In short, if we believe the premises and conclusions of an argument, we are strongly inclined to endorse the reasoning as good. Consider the following syllogism (what we call the *dog-syllogism*):

All dogs are mammals

Some mammals are pets

So, some dogs are pets

Given that most people hold the premises and conclusion of the dog-syllogism to be true, they will likely assess the reasoning as acceptable – this is the belief bias. Because they

³ See: (S. Aikin, 2020; Cohen, 2001; Finocchiaro, 2013; Marraud, 2015; Wooldridge et al., 2005)

⁴ For examples of the image, see (Ackerman & Thompson, 2017, 2018)

feel right about the inputs and outputs, they do not engage the more costly testing measures for evaluating the reasoning. Only if there has been some hint of trouble (false premises or conclusion) or a kind of social provocation or priming (like, “this is a test” being communicated to them) most people do not detect the fallacious form the reasoning takes. The fallacy can be shown with the following counter-example (what we will call the *triangle syllogism*):

All triangles are polygons
Some polygons are squares
So, some triangles are squares

The key here is that the monitoring function or our first-order reasoning engages correctives only when prompted, and acceptable input and output does not engage that support-quality detection. We monitor our reasoning, but we engage our controls only when our monitoring comes upon something that prompts the engagement. That, again, is how belief bias works, because acceptable inputs and outputs are the low-cost path to reasoning endorsement. So, the dog-syllogism, because it is truth-in and truth-out, doesn't get the scrutiny for reasoning that the triangle-syllogism would. Further, notice that it's only once we have the counter-example provided do we now have the explicit meta-argument about the initial argument, essentially of the following form:

Valid arguments do not have counter-examples.

This argument (the dog syllogism) has a counter-example (the triangle syllogism).

So, this argument (the dog syllogism) is not valid.

Notice that once we've got the meta-argument above, we are using explicitly meta-argumentative concepts and vocabulary: validity, counter-examples, logical form, syllogism, etc. The observation about background monitoring and how corrective methods are engaged now occasions an observation about our explicit and shared reasoning about arguments. And these distinct observations now yield an explicit distinction. On the one hand, we have what is the endpoint of our thinking about the arguments – we have an *explicit meta-argument*. An argument is explicitly meta-argumentative when it is about an argument and uses meta-argumentative concepts and vocabulary in the evaluation and explanation of the argument's success or failure. But there must be a sense that we are also performing meta-cognitive tasks at the outset – otherwise we would not be able to explain the belief bias and the credence difference between the dog-syllogism and the triangle- syllogism. So, when we give and accept arguments like the dog syllogism, we are implicitly monitoring (and controlling) our shared reasoning – they are implicitly meta-argumentative arguments. An argument is implicitly meta-argumentative when meta-cognitive processes of monitoring and control of the reasoning processes are necessary for the reasoning's performance. The key here is that the belief bias shown in the dog syllogism (and the fallacy committed) is best explained by our errors in reasoning about our reasoning (effectively, reasoning that if true premises and true conclusion, then good reasoning), and those who did not fall for the fallacious inference did so because they, for external reasons, engaged a more costly reasoning check and yielded a nascent form of the explicit meta-argument.

There, on the basis of these considerations, are two senses that an argument can be meta-argumentative: implicitly or explicitly. And this distinction now allows us to state the two theses:

The modest meta-argumentation thesis: some arguments are explicitly meta-argumentative.

The ambitious meta-argumentation thesis: all arguments are implicitly meta-argumentative.

As we noted at the output, the modest thesis is not a surprise at all, but there has been some progress here: we have more determinatively identified the obvious so that we can understand what's not quite so obvious, namely, the ambitious thesis.

It is worth giving the full argument for the modest meta-argumentation thesis, since if the objective is real mastery of the obvious (and we'd joked at the outset that stating it seems proof positive of its truth – how might that work?), we must bring that mastery to bear. Here is the case for the modest thesis:

1. There are fallacy-accusations in argument exchange
2. Some fallacy accusations are arguments
3. Fallacy-accusations are explicitly meta-argumentative
4. *So*, there are some explicit meta-argumentative arguments

The case for premises 1 and 2 is that, in light of our case from the counter-example to the dog-syllogism, we have a fallacy accusation that is overtly argumentative. Next, the case for premise 3 is that the argument about the dog-syllogism is explicitly meta-argumentative, as it uses the concepts of validity, counter-example, and syllogism. Further, one could, in variations of the arguments, speak of undistributed middle terms or mood IAI in Figure 1. The point is that in these instances we not only reason about our reasons, but we do so with a vocabulary to systematically explain our evaluations. These are explicit meta-arguments, and so, we see the modest thesis follows.

3. THE AMBITIOUS THESIS

The case for the ambitious thesis requires some reflection on what we are doing in the argumentative process. The insight, we think, of the dog-syllogism and its connection to the belief bias is that our bad reasoning is as much a problem of attention (to the wrong things) as it is inattention (to the right things). The takeaway is that even when we reason badly at the first order, we are monitoring and controlling our reasoning at another level – we choose heuristics, engage in testing strategies, and we decide to continue or terminate reflection on a question. And so, it's the meta-work, too, that contributes to the errors on the first-order.

Another way to appreciate the case for the ambitious thesis is to emphasize the fact that arguments are inference-inducing speech acts. That is, arguments are given for the sake of moving from inputs to outputs, and an important element of making an *inference, qua inference*, is that one doesn't just take the input in and spit out the output. One endorses that movement of mind. That is, it seems a constitutive part of an inference is that one finds the premises, all things considered, to be appropriate support for and reason to accept the conclusion. That is, drawing a conclusion is not a mere causal consequence of accepting premises, but that one has thought through the information and endorsed that conclusion as appropriately following.⁵

Importantly, the claim here is not that the *validity* of the argument depends on our assessment. That relation obtains between premises and conclusions regardless of our

⁵ Versions of this constitutive thesis of reasons can be found in: (S. F. Aikin & Casey, 2022c; Godden, 2019; Valaris, 2014).

attention. Rather, the issue is what we are doing when we respond to arguments as arguments. Our invocation of meta-level reasoning here is our best way to acknowledge that this is an intellectually demanding task, one that requires that we reflect upon our cognitive work and endorse it as we do it. In the same way that our beliefs, as our beliefs, have an endorsement element to them, so do our inferences. A parallel Moore's paradoxical arrangement can be shown between them. Consider:

- (a) The internal inconsistency of saying: "I believe that it will rain, but it will not."
- (b) The internal inconsistency of saying: "I reason that q, since p, but q does not follow from p."

The point is that in both cases, not only does the Moore's paradoxical nature of those statements show that there's a constitutive endorsement internal to both belief and inference, but their explicit statements (in arguments, particularly) have the same commendative force.⁶ This endorsement is what it is because we have positively evaluated the beliefs (against the evidence) and the inferences (against background standards of support). One model for this evaluation is that there are cognitive seemings that make some inferences more plausible than others. So, syllogisms in Barbara, *modus ponens*, simple inferences to the best explanation, and the like will all have plausibility on their face in ways that obvious fallacies (like the triangle syllogism), complex implications, or evidentially underdetermined circumstances will not. We can become more or less sensitive to these forms, and we can become insensitive to how bad some are because of other cognitive heuristics (as we see in the belief bias cases). So, cognitive seemings are defeasible and sometimes are results of misleading heuristics, but they are the background of our normative evaluations that make inferences intellectual achievements so that in performing them, we also endorse them.

Argumentation, by extension from these considerations above, will more prominently highlight meta-argumentative elements. So long as we consider argumentation a process of reason and argument exchange over what the best resolution to some question or issue is, it will have the implicitly meta-argumentative features reviewed. We will reason over whether some reason was good or determinative, we will deliberate over whether we need more evidence or whether one of us is biased, and over who has the burden of proof. As we reason more and more about our reasons as we exchange them, what was implicit now begins to become explicit. But it will not be explicit in every case, but in the background. The case, then, for the ambitious thesis can be stated as follows:

1. All arguments and argumentations are essentially inferential products and processes.
2. All inferences constitutively require endorsements from processes of monitoring and control.
3. Arguments that require meta-cognitive processes of monitoring and control are implicitly meta-argumentative.
4. So, all arguments and argumentations are implicitly meta-argumentative.

The insight behind this argument is primarily that of taking argument and argumentation to be either a product of our reflection on our reasons or the process of that reflection, so

⁶ See (S. F. Aikin, 2006) for the commendative force of self-attributions of belief. For deployments of Moore's paradoxical features of belief, see (Adler, 2006) and for use of the paradox for inferences and arguments, see (S. F. Aikin, 2011).

with them we are endorsing, making explicit, and trying to display the support these reasons provide for our conclusions. That reflective enterprise requires that we are at least implicitly surveying those reasons against a backdrop of quality criteria, completeness of evidence, procedural fairness in the exchange, and so on. And, again, that such normative positive evaluation is constitutive of these practices is shown in the Moore's paradoxical nature of statements endorsing those inferences in the first person, but denying them in the objective mood. The consequences, we believe, of this result are multiform.

First, we think that we, as theorists of argument, need not only a program of evaluation for our first-order reasoning, but also for our meta-argumentative evaluations. Again, simply being aware of the belief bias should itself be a new norm for our evaluations of our argument evaluations. Second, now that we see that our initial argument-assessment tools are defeasible, we have reason to introduce new meta-argumentative considerations on whether closing inquiry is too hasty or on whether pursuing further critical questions is a waste of our time. Third, and finally, we have good reason to believe that many of the errors we make and many of the disagreements that divide us are not merely conflicts on the first-order, but are also disagreements on how and whether particular argumentative norms bear on our exchange. If all argument is implicitly meta-argumentative, then clarity on all the levels will be more useful than attending only to the material issues initiating the critical discussion. Consequently, our objective is to open further inquiry into the norms of meta-argument and the variety of ways we fail to follow them.

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The Rule of Law, Stases, and the Polarizing Style *Public Argument and Paradiastole*

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ABSTRACT: The rule of law is an essential feature of national and international democratic public argument. Civic stasis and factional stasis are constituted by two streams of contestation over government and society that flow from ancient times in Western civilization. Civic argument channels the energy of disagreement into institutional processes aimed to mediate or resolve difference. Factional stasis amplifies contestation energies through paradiastole, a trope that spirals conflict and erodes capacities to govern. When systatic and asystatic streams meet, common trust requisite to change or repair public institutions erodes. Substantive issue cases are traded for identity antagonisms. The polarizing style tropes factional conflict into a transposition of rule of law to authoritarian dictate.

KEY WORDS: civil society, faction, identity, paradiastole, polarizing style, public argument, rule of law, stasis

1. INTRODUCTION

Polarizing style is identified by van Eemeren et al. (2022) as an inviting category for inquiry. We take van Eemeren's (2019) suggestion to examine the pragmatic and dialectical features of the "polarizing style" (p. 166). This study examines polarized public argument as a culturally embedded ensemble of tropes and figures that energize two competing, pragmatic traditions located within the twin heritage of institutional civic argumentation (law and legislation) as well as that of corrosive conflict, factional strife, and authoritarian rule. A conservative "backlash" to the emergence of a quasi-consensus in favor of socially liberal and democratic values has led to a wave of authoritarian populism, threatening to erode the civic culture by delegitimizing "the core channels linking citizens and the state" (Norris & Ingelhart, 2019, p. 16, 436). The rhetorical vector of this process is a polarizing style that erodes comity requisite for civic deliberation, a necessary feature of democratic governance.

The polarizing style persists in the expression of stases across eras and nations. Generally, stasis flows from two rivers of expressive argument: The first, where civic disputes are organized into propositions of contention between prosecutor and defense in the pursuit of a legal or deliberative judgment; the second, where the clash of partisans jumps from local agonistic contestation to self-seeking tactics of aggression, power, and violence. The first stream generates institutional debates over cases; the second, turbulent vortexes of clash. Spontaneous and manufactured public controversies, alike, spread over global networks.

As in the past, polarization is animated by *paradiastole*, a master trope that re-names vice as virtue and flips virtue to vice (Alberti & Strait, 2019). We identify discursive, affective, and stylized resonances that this condition of public argument renders vivid through announcing opposing claims with a mix of figures from clarion euphemisms and discordant dysphemism to ridicule and contempt. A polarizing style seeks to shape the force of public argument.

Western democratic public argument is structured within at least two major traditions of stases. The first, which we call *factional stasis*, refers to acts, discourses, and events of antagonisms that are generated into spiraling civil strife and grueling power conflict. The second, which we call *civic stasis*, refers to both the social spaces of public argument and their articulation within a legitimate process of stock issues for discussion and debate. Often, the rhetorical accounts of civic stasis are rooted in classical legal institutions of local rule within Greek democracy and the Roman Republic.

The use of civic stases to structure argument processes in democracies is secured by the rule of law (*Rechtsstaat*). This doctrine binds the presentation and resolution of disagreement over public questions to legitimate processes of executive, legislative, and judicial argumentation. These processes exhibit principles of “publicity; prospectivity; intelligibility; consistency; practicability; stability; and congruence” (Waldron, 2016, para. 2). Just as the rules of stasis vary somewhat from place to place, so, too, government principles for identifying the rule of law are neither universal nor a closed set (McCubbins, Rodriguez, & Weingast, 2009). Yet, when invoked, the doctrine is articulated through a coherent mix of legal principles, similarly applied, in contrast to arbitrary or corrupt use of power. Formally defined, the “rule of law” is

the mechanism, process, institution, practice, or norm that supports the equality of all citizens before the law, secures a nonarbitrary form of government, and more generally prevents the arbitrary use of power. Arbitrariness is typical of various forms of despotism, absolutism, authoritarianism, and totalitarianism. (Choi, 2023, para. 1)

Civic institutional argument and public debate set in motion—pragmatically, through the articulation of policy explanations, justifications, and evaluations—principles that may be drawn in as stakes of judgment. The rule of law can move from a concern peripheral to claims in contention to a main stake in a debate. Judgment against a party risks rejection of the process. Thus, a party to a dispute becomes factionalized. The polarizing style reinforces factional objections as stasis is networked into disinformation, fallacies, and aggressive gestures. Public argument becomes overheated. Public discussion of strategy openly embraces naked power, respected by its subjects “solely because it is power” (Russell, 1938, p. 75). Assertions enflame zones of disagreement with concocted attributions of disloyalty, wrong-doing, and scapegoating rituals of blame.

After tracing the heritages for these civic and factional stases, we dialectically assemble a late modern theory that connects the two traditions through the practice of polarizing rhetorical style. Polarizing style is constituted by the trope of *paradiastole* to reframe vice as virtue and virtue as vice, and depends upon an antagonistic economy of desire in which conspiracy, hoax, and blood libel function as the basic *topoi* for representing one's enemy. Factional stasis is pragmatic in a narrow, short-term sense; it uses rhetoric as a tool to fool the masses, split the opposition, and sustain solidarity with threat and promises of self-proclaimed "anti-establishment" leaders of the people. Public argument may become so hot and warped by such grasping strategies as to trigger forces whose actions actively threaten the peaceful transfer of power, a most fundamental aspect to democracy and rule of law. Civic stasis is pragmatic, too, in its call to adhere to a process that benefits the public in the long-run and its defense of the fundamental principles of a polity.

2. FACTIONAL STASIS

In political history, factional stasis emerges in discussions of civil war in ancient Greece. The Greek word *στάσις*, derived from the verb *ἵστημι* ('to stand'), denotes position, especially within athletic contests and warfare (Hawhee, 2004). Stasis is "the moment when two wrestlers would lock each other up in a stance that neither could easily break" (Walsh, 2017, p. 4), and similarly, opposing military forces engaged in *melee* (Wheeler & Strauss, 2007).

The concept of factional stasis advances the metaphor to refer to a standpoint and the people who share that standpoint (Hansen, 2004, pp. 126–127). Consequently, stasis is often translated as 'faction,' and more specifically, a revolutionary group disdaining established institutional processes and parties. Stasis also came to refer to the conflict between such factions, i.e., civil war. Aristotle (1941) defined stasis as political change achieved through force or deceit and aimed at fundamentally changing the structure of the state (Skultety, 2009). Political scientists often use the term interchangeably with 'polarization,' a "bimodality" of "preferences between groups" (Hetherington & Weiler, 2009, p. 19).

The most famous account of factional stasis appears in Thucydides' (1910) *History*, concerning a period that saw fractious civic conflict erupt all over the Greek world, often pitting oligarchs and elites against a populist *demos*. Thucydides famously described how this political climate induced semiotic breakdown and a reversal of discourse ethics:

Words had to change their ordinary meaning and to take that which was now given to them. Reckless audacity came to be considered the courage of a loyal supporter; prudent hesitation, specious cowardice; moderation was held to be a cloak for unmanliness; ability to see all sides of a question incapacity to act on any. (Thucydides, sec. 3.82.4)

As Skinner (2007) argues, Thucydides here points to the corrosive effects of the rhetorical inversion of moral worth—what rhetoricians would later refer to as *paradiastole* or *distinctio*—under conditions of civic strife. Aristotle (1984) discussed this trope in the *Rhetoric* when addressing how speakers reframe vice as virtue, noting that "Those who run

to extremes will be said to possess the corresponding good qualities; rashness will be called courage, and extravagance generosity” (1367b2-3).

Paradiastole is associated with *antanaklasis*, which denotes a “reflection” or “bending back” of light towards its source, an echo of sound, and also the physical rebound generated by an object thrown against another. As rhetorical figure, *antanaklasis* describes cases “where the same word is used in two different meanings” (Quintilian, 1998, sec. 9.3.68). The author of the *Rhetorica ad Herennium* recommends the strategic recasting of virtues to bolster one’s case in deliberative speech:

[If] it is at all possible, we shall show that what our opponent calls justice is cowardice, and sloth, and perverse generosity; what he has called wisdom we shall term impertinent, babbling, and offensive cleverness; what he declares to be temperance we shall declare to be inaction and lax indifference. ([Cicero], 1954, sec. 3.3.6)

Paradiastole, “used to redefine the honorable as the dishonorable in order to disable the opponent,” is a “trope born of and tending toward the reproduction of contention” (Gold & Pearce, 2015, p. 188). By attacking the shared ground of judgment and belief, it undermines the mechanism by which consensus could be achieved.

Moreover, factional stasis encourages moral equivocation, in which criminal acts and dishonest dealings are signs not of an untrustworthy character, but of a cunning intellect: “To succeed in a plot was to have a shrewd head, to divine a plot still shrewder,” and ultimately, “to forestall an intending criminal, or to suggest the idea of a crime where it was lacking, was equally commended” (sec. 3.82.5). Factional stasis only admits as a guiding moral telos the instrumental success of the faction over against all other ties and institutional logics, “making the party caprice of the moment their only standard” (sec. 3.82.8). Compromise is neither sought nor desired; extremism is valued, while moderation and centrism are despised. Actual deliberation is impossible because dialogue and debate are just unnecessary risks. Finally, standards of sincerity, good faith, decorum, and honor become the cynical objects of ridicule as “society became divided into camps in which no man trusted his fellow” (sec. 3.83.1).

3. CIVIC STASIS

The second meaning of *stasis* that we wish to consider here is associated with the teleological outlook of Aristotle and ancient Greek and Roman practices of legal argument. Civic institutions situate stasis in terms of primary issues of a case or stock questions in a controversy. Much like the image of wrestlers locked in combat, this stasis entailed a point of dispute around which arguments come to clash. Classical rhetoricians developed a theory of stasis as practical method to navigate controversy, “a way of identifying, controlling, and resolving... conflict within the community” (Carter, 1988, p. 101). From Hermogenes through Cicero to the present day, the rhetorical theory of stasis has largely concerned the division and subdivision of disputable questions, classifying arguments according to the “underlying structure of the dispute that each involves” (Fahnestock & Secor, 1983; Heath, 1994, p. 114; Yuan et al., 2017). Hermogenes identifies four types of questions to be resolved by argument: those of fact or inference, definition or interpretation, nature or value, and action or procedure. These questions follow a logical sequence. Did

something happen? If so, what? How should we feel about it? Finally, what should we do? Latter questions presuppose agreement on former ones. Cicero expands each of these divisions into subdivisions, dividing, for example, questions of fact into those about existence, origin, cause, and change. Each subcategory can be further subdivided, resulting in rich and complicated taxonomies of disputable questions (Burke, 2015; Nadeau, 1959). One distinction of particular importance to the present discussion concerns the disputable and indisputable. In any public controversy, some arguments are possible or valid and some are not. The resolution of disputable questions depends on a series of prior agreements. Hermogenes divides political questions (ζήτημα πολιτικόν) into *synestota*, for which stasis can be found, and *asystata*, which cannot be argued (Karadimas, 2014). Systatic questions have a clear matter to be judged, about which logically coherent and potentially persuasive arguments exist, and for which exists an audience capable of evaluating those arguments. In a legal context, Hermogenes (1964) explains that this final requirement is true “when whatever is before the jurors is uncertain in judgment and not prejudged before the trial but capable of being judged” (pp. 390-391).

We can refer to *stasis points* as expressions of contestation. Stasis points emerge in the public sphere through what are perceived as efforts of persuasion in the shape of strikes, picketing, protests, and other forms of engagement. The judicial process follows a similar logic, while managing to domesticate clash with procedural regularity. In democracies, policy deliberation stems from the articulation of issues. Customarily, modern cases for preserving, extending, or overturning the status quo become debated in terms of needs, causes, plans, and outcomes.

In democracies, the frame of contestation is ontic: The point of clash or stasis becomes a standpoint to be channeled in institutional systems of mediation and adjudication designed to resolve disputes with the help of evidentiary tools. When points of conflict emerge and fester outside the domestic constitutional order, they tend to be viewed as standoffs, according to an ontological framework of antagonism. Stasis, then, has a twin face: On the one hand, stasis presents a way of organizing clash presented for the judgment of elites or public audiences; on the other, in policies directed to attenuated situations of the polis, stasis becomes conflict, risking the comity of governance.

4. POLARIZING STYLE

Polarizing style emerges as a dominant rhetorical form during periods of civil strife, during which members of different factions share diminishing “common symbolic space” (Mouffe, 2005, p. 13). Polarizing style is an ensemble of tropes, twists of mind, expressions, and motivations that spur connection and push (back). *Ad hominem* becomes a key topos; dialectical proposition, a fallacy. In a world in which images have “saturated our political imagination,” the challenge is securing attention, which feeds off novelty and prompts aggressive speculation (Bottici, 2014, p. 3). The spectacle of disinformation risks lives and welfare for self-promotion and power. Authoritarian sourced disinformation sets a polarizing style that does damage to the office, and leaves an anti-democratic legacy that goads voter suppression and violence.

We highlight two key relationships between factional and civic stasis. First, factional stasis inhibits public discussion of resolvable policy problems by undermining

prior agreements on earlier stasis points in the chain. Put simply, we share less of the first principles that serve as prerequisites to substantive deliberation. Second, by relinquishing truth, sincerity, and normative rightness as validity conditions for public speech acts, factional stasis redefines productive discussions as asystatic and toxic argumentation as systatic, inverting the rhetorical presumptions of healthy liberal democracy.

4.1 The prior agreement problem

In late modernity, with reason split up into its moments, public argument is often not what it appears to be (Habermas, 1987). Expressed arguments often function merely as symbolic tokens standing in for conflict that is primarily affective rather than logical, concerned more with identity than ideas (Matheson, 2019). This directly relates to the degree of polarization in a society. Without shared symbolic space, there can be no mutually held first principles. If a voiced argument is reflective of actual stasis, agreement on prior stases is assumed, but in fact is often incomplete or missing altogether. Additionally, as identity antagonism supplants logical reasoning in an individual's motivational structure, her utterances are less likely to be sincere disclosures of subjective rationales. There are still taboos against intergroup animus, and the very act of giving reasons presupposes that there are reasons to give. The lack of truthfulness makes it difficult to classify the true nexus question of a debate, as the putative arguments are illusory. We may hear claims about, say, the prevalence of adverse effects from the COVID vaccine, or aversion to a therapy that is experimental – coupled, of course, with the enthusiastic willingness to consume an anti-parasitic drug formulated for livestock (Cáceres, 2022). Those arguments are just code for the unstated but real reason, which is that the person refusing vaccination hates and resents the kind of person who gets vaccinated.

Late modernity also confuses the traditional structure of civic stasis with its constitutional rhetoric because of the complexity of risk. Risk is never absolute. Uncertainties run in multiple directions. Every risk is bound up with other risks. Individuals can reasonably disagree about how tolerant one ought to be toward different levels and sources of uncertainty, as well as the appropriate relative degree of aversion to various kinds of risk. Additionally, risks are the product of human intervention and so the facts are to some degree dependent on action (Beck, 1992; Luhmann, 2005). Consequently, the stasis points must be taken in parallel rather than in order, and are shaped more like a recursive network than a linear progression. Moreover, modernity provides increasingly powerful tools with which we can understand the facts about the world, but those tools depend on shared trust in the basic mechanisms for recognizing, auditing, and authorizing expertise. Resolving any node in the stasis network requires trust, which becomes perhaps insurmountable in a conflict built on distrust, the fractionalization of expertise, and open hostility to the networked authority of institutional governance.

4.2 The vortex of systatic and asystatic (ant)agonisms.

Polarizing style yoked to civic stasis warps the rhetorical boundaries between systatic and asystatic contestation. Ideological differences give way to affective antagonism, while actual policy disagreement becomes smaller and less important. Instead of ideas, identities are at stake, as conflict centers around the “core self-understanding of what it means to be

a good person and... the basis of a good society” (Hetherington & Weiler, 2009, p. 13). This drives voting behaviors, ultimately reintroducing ideological polarization among elites, as politicians perform intergroup animus through partisan policymaking, while extracting maximal material advantage for their financial backers (Abramowitz, 2010).

Polarizing speakers call attention to constraints on argumentation, real or imagined. Their audience constitutes a *silent majority*, as Nixon put it (although during the Victorian era this phrase was a euphemism for the deceased), who, despite their majority status, have been ignored by antagonistic political elites (Hughes, 2010). This move justifies contempt for traditional political norms, which in some cases are read as a form of censorship. The epithet of *political correctness*, for example, has channeled public resentment against higher education (among other things) into a myth whereby decorum and inclusiveness are read as the work of “repressive thought police” (Wilson, 1995, p. 16). The thoroughly hypocritical nature of such moves is evident in their parallel efforts to silence their opponents. Polarizing argument impugns the legitimacy of whole classes of speakers, institutions, and, importantly, channels of communication.

When factional stasis prevails, appeals to common virtue, compromise, and collaboration with opponents are, if offered sincerely, seen as an embarrassing sign of naiveté or a fatal weakness. Attacks on process corrodes the principles of rule of law. One’s interlocutors are illegitimate. Derision rules. In some cases, a fundamental antagonism between adversaries is juxtaposed with a denial of that very antagonism. Consider the wave of laws in the United States banning the teaching of “critical race theory” in public schools. People of one faction have defined their self-identity around the refusal to acknowledge historical racial injustice, and so such discussions are asystatic (Kelsie, 2019; Wynter, 2022). There is an implicit recognition that one’s affective animus is so strong, that to even engage a topic would be impossible – but, of course, this is framed as an attack on the opponent for being “divisive,” promoting “class warfare,” engaging in “identity politics,” weaponizing “collective guilt,” and so on (Chon-Smith, 2015; Scola, 2021). Here, again, we see the trope of paradiastole positioning virtue as vice.

There are no easy or obvious remedies to factional stasis. An explicitly “reconciliatory” argumentative style (van Eemeren, 2019, p. 166) that works to blur the lines of political conflict and de-emphasize sub-national collective identities can backfire. Writing 16 years before the election of Donald Trump, Mouffe (2005) presciently suggested that post-war centrism had not culminated in “a more mature, reconciled society without sharp divisions;” rather, “when democratic confrontation disappears, the political in its antagonistic dimension manifests itself through other channels” (p. 114). She argued that Clintonian triangulation, intended strategically to be depolarizing, directly led to his impeachment, because without “contestation over real political alternatives,” fundamental antagonisms emerge pathologically (in that case, concerned with sex scandal), “manifesting... under forms that undermine the very basis of the democratic public sphere” (p. 115). Similarly, Barack Obama championed a health-care policy developed by his political opponent Mitt Romney, leading to the emergence of a movement (the Tea Party) which understood this policy to be as extreme as the Bolshevik revolution (De Genova, 2020; Kabaservice 2012).

5. PUBLIC ARGUMENT AND THE POLARIZING STYLE

The rule of law underwrites civic argumentation and debate among the 166 sovereign democracies across the world. The World Justice Project (2022) extends institutional stases to international standards of governance. Criteria for the rule of law in respective democracies are measured and published. The rule of law works toward becoming a standard for democratic public argument. For example, the European Union celebrates the rule as “one of the fundamental values upon which the EU is based” (European Commission, 2022, para. 1). The rule acts as a “preventive mechanism” from deterioration of politics (European Commission, 2023, para. 32). The polarizing style—in its pragmatic assemblies of tropes as well as its dialectical transfers of the political imaginary—invites critical, appreciative studies of public argument in the pursuits of identity, change, peace, and justice.

Public argument in a democracy always risks fractionalization among advocates who find their interests ill-served by conventional means and are willing to push contestation into a struggle for power. The polarizing style of public argument energizes factions that erode democratic rule of law. Groups alienate, self-organize, network, and inveigh against law as governance, justice, and/or regulation. Ruling elites deploy publicity to play factions against one another. Hegemons concoct or sponsor aggressive practices of propaganda, brash self-assertion, and cheer for rebellion, too. Any democratic centrist civic realm may divide, fragment, and collapse from a flood of such triggered assaults—for a time. Just as rhetoric can build up a public sphere by a series of well-considered, timely civic deliberations and fortunate outcomes, democratic processes can spiral downward, quickly, toward authoritarian rule. The legal, legislative, and executive process of public argument may become rent through theft, unjust risk exposures, denial of rights, press restrictions, procedural bias, and the co-option of an independent judiciary. Authoritarian regimes are glued together by exception to civic process. Democratic rule of law becomes endangered by polarization when factions and elites amalgamate together in partisan struggles for power. Authoritarian elites, then, offer strong-man controls as a specious promise of a return to order, ante. Argument is pushed outside the orbit of convincing audiences. Tropes and figures function as verbal glue binding thinking into opposition that spirals.

Polarizing argumentative style destabilizes the stakes of partisan disputes, pushing uncommitted observers and moderates to take sides. Adversaries multiply. Identity differences gin individuals into enemy camps, exiling adversaries from the once common symbolic space. The dynamic power of paradiastole as a trope is multiplied rhetorically by mimetic rivalry, posturing small problems into differences in first principles and facilitating the creative reproduction of division and acrimony. Indeed, the dwindling of needed, substantive agonistic conflict itself amplifies polarization, recalling Freud’s “narcissism of minor differences” (Freud, 1989, p. 72). In a modern pluralistic liberal democracy, polarizing style enacts conflict to transform the collective identities of adversarial citizens into antagonistic combatants. When appeals to decorum and shared values are read (fairly or unfairly) as vehicles of domination and exclusion, polarizing style has the potential to provoke a legitimization crisis in the public sphere, attacking the meta-argumentative norms that structure the very deliberative environment mediating that critique.

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Argumentation by Analogy as a Comparison of Argumentative Relationships

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ABSTRACT: The thesis of this paper is that what characterises argumentation by analogy is that it is based on a comparison of argumentative relationships. I distinguish two types: intra-argumentative relationships and interargumentative relationships. By the former I mean the relationship between what is presented as a reason and that which that reason allegedly support. This is usually marked by expressions such as ‘so,’ ‘therefore,’ ‘because,’ ‘consequently,’ etc. By interargumentative relationships I mean the relationship between two or more reasons. This is usually marked both by coordinative locutions such as ‘in addition,’ ‘on the other hand,’ ‘what’s more,’ ‘moreover,’ etc., and by adversatives expressions such as ‘but,’ ‘though,’ ‘yet,’ ‘having said that,’ and so on. On the basis of this, two varieties of argumentation by analogy are distinguished: argumentation by parity of reasons and argumentation by parity of weighings.

KEYWORDS: analogy, argumentation by analogy, argumentative relations, comparison argumentation, similarity

1. INTRODUCTION.

Analogy is an elusive concept. The best example of this is that the practice of beginning the investigation by pointing out this issue has become commonplace. John Stuart Mill, for example, laments that “there is no word [...] which is used more loosely, or in a greater variety of senses, than analogy” (Mill, 2009 [1843], p. 534); John Woods and Brent Hudak, for their part, point out that “analogy is one of those ideas as old as logic itself, and yet, perhaps more than the others, it has resisted analytical reconstruction to the point of theoretical impotence” (Woods and Hudak, 1989, p. 125), and Douglas Walton, Chris Reed and Fabrizio Macagno notice that “so much has been written on it, in so many fields, including philosophy, cognitive science, artificial intelligence, linguistics, psychology, law, and computing, that we can barely scratch the surface here” (Walton, Red and Macagno, 2008, p. 43). We could say, to use an Aristotelian expression, that analogical is said in many ways.

This state of affairs requires a certain amount of delimitation work from the outset. In what follows, I will not study analogy in general, but what has been called ‘analogical argumentation’ or ‘arguments by analogy,’ i.e., a way of arguing in which an analogy plays a non-trivial role in giving support to a claim. This excludes both non-argumentative uses of analogy, as in illustrations or imageries, and cases where the analogy is not part of the reason put forward, as in argumentation for an analogy. Nor will I deal with reasoning by analogy, understood as the psychological process attributed to an agent making analogies. These are important topics for a general theory of this notion but can be left aside here.

Within this narrower context, my aim is to highlight ways of saying the analogical that have been largely neglected by argumentation scholars. Specifically, I will try to show that what characterizes analogical argumentation is that it is based on a comparison of argumentative relationships. As we shall see, this gives rise to a meta-argumentative account, i.e., one in which the analogy itself is about other arguments. Certainly, this claim is not new (see Govier 1985; Woods and Hudak 1989; Marraud 2007; Juthe 2009; or van Laar 2014), but some of its consequences are: by applying the same idea to more complex combinations of reasons a new variant of arguments by analogy can be distinguished. This slightly more complex way of arguing has gone unnoticed in argumentation theory,¹ and it is important to make the distinction since both varieties are not assessed in the same way – mainly because the comparison is different.

To show this, I will first explain what I mean by ‘analogy’ and ‘analogical argumentation.’ This will be done in the following section by distinguishing two general ways of understanding these notions, one based on a comparison of properties and the other on a comparison of relations. The next step will be to specify what kind of relations arguments by analogy operates on. My thesis is that they are argumentative in nature, in the sense that they involve considerations that are presented as reasons in a given context. Based on this idea, two types of argumentative relations will be identified. On the one hand, there is the relation between what is presented as a reason and that which that reason supposedly supports, and on the other hand, there is the relation between different considerations that are presented as reasons for the same or for incompatible claims. Following Marraud (2015), I will call this ‘intra-argumentative relationships’ and ‘inter-argumentative relationships,’ respectively. From here, two varieties of argumentation by analogy will be distinguished: argumentation by parity of reasons and argumentation by parity of weighings (Alhambra 2022 and 2023a). The aim of the final section will be to illustrate these varieties by analysing a couple of real examples.

2. ARGUMENTATION BY ANALOGY

As has been said, the multiplicity of approaches makes it difficult to find a precise and unified definition of the notion of analogy –if anything like that is even feasible. To get around this pitfall, I will just borrow Paul Bartha’s characterization and use it as a tentative starting point. According to this author “an analogy is a comparison between two objects, or systems of objects, that highlights respects in which they are thought to be similar” (Bartha 2010, p. 1). Here is an example: “I’m the Michel Jordan of lazy sport analogies” (Conan O’Brien, *Twitter*, 23/09/19²). Although this is obviously a joke, it can be seen that two objects or domains are being compared: the domain of playing basketball and the domain of drawing analogies. Furthermore, it is clear that the comparison is put forward to highlight something in which those domains are believed to be similar, namely the respective positions of Miche Jordan and Conan O’Brian in them.

¹ An exception is (Marraud 2021, pp. 181-184). Of course, it is not that cases of this type have not appeared in the repertoire of examples of other theorists (see Alhambra 2022, pp. 776-780); the problem is rather that their complexity is overlooked due to overly simplistic theoretical tools.

² <https://twitter.com/conanobrien/status/1176197542041837570>.

From this general idea, we can characterize analogical argumentation as “one in which a comparison between two objects or systems of objects is presented as a reason for assigning to one of them a property that the other —it is claimed—has” (Alhambra 2023a, p. 4). I will call these objects or systems of objects ‘source case’ and ‘target case,’ and I will understand ‘case’ in a broad sense. Thus, in principle, an argument by analogy may concern objects, relations between objects, systems of relations, and so on.

Now, we have something to start with. The problem is that this characterization is too broad to be useful. We can distinguish at least two general –but to some extent incompatible– ways of understanding what these comparisons consist of. On the one hand, there are those who place the emphasis on a similarity of properties. Analogies would work, according to these authors, in an additive way, so to speak: the more properties the objects share, the better the analogy and, therefore, the better the argument by analogy. John Stuart Mill gives a good example of this idea:

“The moon resembles [395] the earth in being a solid, opaque, nearly spherical substance, appearing to contain, or to have contained, active volcanoes; receiving heat and light from the sun, in about the same quantity as our earth; revolving on its axis; composed of materials which gravitate, and obeying all the various laws resulting from that property. And I think no one will deny that if this were all that was known of the moon, the existence of inhabitants in that luminary would derive from these various resemblances to the earth, a greater degree of probability than it would otherwise have” (Mill 2009, p. 394).

On the other hand, we have those who argue that argumentation by analogy is primarily based on a comparison of relations. In the words of Richard Whately: “analogy being a ‘resemblance of ratios’, that should strictly be called an argument from analogy in which the two things (*viz.*, the one *from* which, and the one *to* which, we argue) are not, necessarily, themselves alike, but stand in similar *relations* to some other things” (Whately 1963, p. 90). What matters here is not so much that the cases compared resemble each other, but rather that the relations that obtain in one domain also obtain in the other. Here is an example of this second idea:

“When a country which has sent out colonies is termed the mother country, the expression is analogical, signifying that the colonies of a country stand in the same relation to her in which children stand to their parents. And if any inference be drawn from this resemblance of relations, as, for instance, that obedience or affection is due from colonies to the mother country, this is called reasoning by analogy” (Mill 2009, p. 393).

In what follows I will develop a variant of the second approach. So, to me an analogy will be a comparison of relations of a certain kind and, consequently, an argument by analogy will be one in which a comparison of relations is presented as a reason for assigning to one case (the target) a property that the other (the source) it is claimed has.³ This provides us with a somewhat more precise characterization of our subject of study,

³ Elsewhere (see Alhambra 2023b) I have proposed a general category that I have named ‘comparison argumentation.’ This category encompasses both arguments based on a similarity of properties and arguments based on a similarity of relations. I have called the former ‘arguments by resemblance’ and the latter ‘argumentation by analogy.’ Thus, although I reserve the term analogy for cases based on a parallelism of relations, I do not deny that there are other ways of arguing based on other kinds of comparisons. A similar strategy has been adopted by authors such as (van Eemeren and Grootendorst 2016, p. 133-134; Juthe 2005, p. 7, or Doury 2009, p. 147), although the criteria used to make the distinction and, therefore, the types of arguments distinguished, do not coincide.

but it also raises the question: what do the relations compared in an argument by analogy consist of?

3. ARGUMENTATIVE RELATIONSHIPS

As has been said, my thesis is that what characterizes arguments by analogy is that they are based on a comparison of argumentative relationships. I have shown elsewhere (see Alhambra 2022) that this idea gives rise to a meta-argumentative account, i.e., one in which the analogy itself is about other arguments. See, for example, the following case:

“When people tell him they don’t fear surveillance because they have nothing to hide, Snowden says he tells them: “Arguing that you don’t care about privacy because you have nothing to hide is like arguing that you don’t care about free speech because you have nothing to say”” (Schrodt 2016)⁴.

In this example, the source and the target cases are themselves arguments: ‘I have nothing to hide so I don’t care about privacy’ (target) and ‘I have nothing to say so I don’t care about free speech’ (source). Snowden argues that the target argument is bad because the source argument is obviously so, and they are parallel. Although in this example the analogy is used to attack the target argument, something that has been called ‘logical analogies’ (Govier 1985) or ‘refutation by parallel argument’ (Juthe 2009), it can also be used to defend it, as Woods and Hudak (1989) first openly proposed and we shall see in the next section.

This approach seems plausible enough –at least for cases like Snowden’s–, but it poses a problem. In order to explain what arguments by analogy consist of, one must first have a general notion of argument, and that can be seen as begging the question. I of course defend a particular theory of argumentation, the so-called ‘argument dialectics’ (see Leal and Marraud 2022), but in what follows I will try to avoid this issue by not committing myself to particular theoretical assumptions. Thus, I will characterize argumentative relationships on the basis of general ideas on which there seems to be consensus in argumentation theory. If I do not succeed in this attempt, I hope that at least the case analyses in the next section will lend some plausibility to my proposal. This would be a good starting point to discuss the adequacy of the notions I advance here.

I will start my characterization of the notion of argumentative relationships from the assumption that the practice of arguing has to do with the public exchange of reasons. The relationship between arguments and reasons has been pointed out by many scholars in the field. Trudy Govier, for instance, claims that “an actual argument is simply a piece of discourse or writing in which someone tries to convince others (or himself or herself) of the truth of a claim *by citing reasons* on its behalf” (Govier 2017, p. 7); Robert Pinto defends that “argumentation involves offering and/or *exchanging reasons* –either reasons for adopting various attitudes towards specific propositional contents or else reasons for acting in various ways” (Pinto 2009, p. 268), and Hubert Marraud characterises the very notion of ‘arguing’ as “presenting to someone something *as a reason* for something else” (Marraud 2020, p. 2 –all italics are mine).

But what is a reason? This notion is not easy to grasp. In Alhambra (2022, pp. 763-768) I try to explain what a reason is in terms of the criticism that a consideration that is

⁴ <https://www.businessinsider.com/edward-snowden-privacy-argument-2016-9>

presented as such has to go through in order to be called, first, a reason and, second, a good reason. For the sake of simplicity, here I will just borrow the following definition by Anthony Blair: “a single reason is the smallest amount of information that by itself lends some measure of credence to a position” (Blair 2012 p. 148). Reason-exchange practices usually involve at least two kinds of reasons: justifying reasons and explanatory reasons (see Álvarez 2017), although the criteria for drawing the distinction are the subject of dispute. What is generally agreed upon is that reasons are weighted notions (see Lord and Maguire 2018). The weight or strength of a reason may vary depending, among other things, on other reasons considered. Because of this feature, it makes sense to combine them in different ways. In Blair’s words: “It is often appropriate to have more than one reason for a position, since in that case more reasons can mean *stronger* support” (Blair 2012, p. 148 –italics are mine). The same idea is behind the pragmatodialectical notion of argumentative structure: “in an argumentation with a more complex structure, several reasons are put forward for or against the same standpoint” (van Eemeren and Grootendorst 2003, p. 4). This is especially clear with coordinatively compound argumentation, where reasons are combined to increase the strength of support for the standpoint (van Eemeren and Grootendorst 1992, pp. 76-77).⁵

From this idea that it is possible to distinguish between single reasons and combinations of reasons, two types of argumentative relations can be also identified. On the one hand, there is the relation between the consideration presented as a reason and the claim that consideration supposedly supports. This is usually marked by expressions such as “so,” “therefore,” “because,” “consequently,” “in view of the fact that,” and so on. This idea has received different names in argumentation theory: atomic inferences (Juthe 2018, p. 417), single argumentation (van Eemeren and Grootendorst 2016, p. 73) or microstructure (Freeman 2011, p. 1). Following Marraud (2015), I will call it ‘intra- argumentative relationships.’ These relationships can be expressed by resorting to conditionals such as “if it were the case that *R*, then there would be a reason for *C*.”⁶

On the other hand, there is the relationship that obtains, not between a reason and its claim, but between two or more reasons. This is usually mark both by coordinative locutions such as “moreover,” “in addition to,” “what’s more,” “on top of that,” and so on (see Eemeren, Houtlosser and Snoeck Henkemans 2007, pp. 201-219), and also by adversatives expressions such as “but,” “though,” “yet,” “even so,” “having said that,” and so on (see Juthe 2018, pp. 431-434; Leal and Marraud 2022, pp. 315-319). The difference is that the former are usually used to combine reasons for the same or similar claims, while the latter are usually used to combine reasons for incompatible claims, as we shall see in the next section. This has been called molecular inferences (Juthe 2018, p. 419), complex

⁵ The same applies in principle to the notion of ‘premises set structure’ and ‘convergent argument’, more commonly used in the informal logic or North American tradition (see for, example, Freeman 2011). However, due to the usual terminological confusion between the notions of ‘premise’ and ‘reason,’ I have preferred not to mention these notions in the body of text. For an insightful analysis of this issue see (Juthe 2018, pp. 417-419).

⁶ I construe these conditionals as expressing the relationship conveyed by connectives such as “so,” “therefore,” “because,” and so on, but I think they do not add anything to an argument. That is, they are neither premises nor warrants in Toulmin’s sense. I also agree with (Verheij 2005, p. 353) that they are not material conditionals, because material conditionals are truth-functional and that does not capture the meaning those expressions (see also van Laar 2017, p. 44).

argumentation (van Eemeren and Grootendorst 2016, p. 71) or macrostructure (Freeman 2011, p. 1). I will call them ‘inter-argumentative relationships.’

My thesis is that the analogy in an analogical argumentation may operate on both types of argumentative relationships, which gives rise to two varieties of argumentation by analogy. In different articles (Alhambra 2022, 2023a and 2023b) I called this varieties ‘argumentation by parity of reasons’ and ‘argumentation by parity of weighings.’ To better understand my proposal, let’s look at a couple of examples.

4. TWO VARIETIES OF ARGUMENTATION BY ANALOGY

4.1 ARGUMENTATION BY PARITY OF REASONS

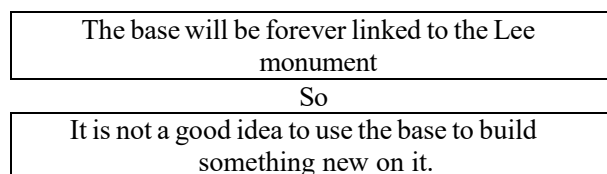
In the first variety the analogy is a parallelism of what I have called intra-argumentative relationships. This was indeed the case in Snowden’s example in the previous section, but let’s look at one more case.

In a report on the decision of the Virginia Supreme Court (USA) to remove the monument of Confederate General Robert E. Lee, reporter Gregory S. Schneider collects the testimony of Janice Hall Nuckolls, a citizen who lives near the monument. Asked what to do with the base on which the statue stands, she answers as follows:

“The base will be forever linked to the Lee monument, no matter how much paint is on it,” she [Janice Hall Nuckolls] said. “Having to start with that would be like being given a canvas to paint but being told to work with the painting that has already been started by someone else. And it’s not a good painting.” Gregory S. Schneider, “Virginia Supreme Court clears way for Lee statue in Richmond to come down,” *The Washington Post*, 02/09/2021.⁷

In the first line, Nuckolls seems to answer the question posed by Schneider, which could be formulated as “Do you think it is a good idea to use the base to build on?”. If we assume that she is being collaborative here, this sentence can be seen as a reason to take a negative stance on the issue. And if so, we can reconstruct her move as an argument:

Diagram 1. Monument argument.

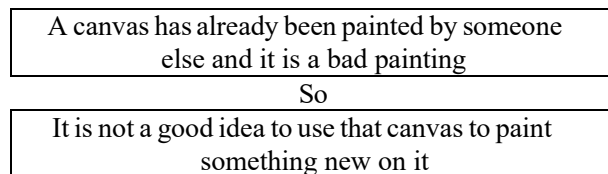


In the second sentence, Nuckolls makes a comparison between the monument and the canvas cases. This is an analogy, as the expression “that would be like” suggests (see Snoeck Henkemans 2003, p. 971, or Doury 2009, p. 148), but the question is, in what sense are these situations analogous? It cannot be because the base of a monument and a canvas are similar objects, as they seem quite different in principle. Nor can it be because the

⁷https://www.washingtonpost.com/local/virginia-politics/lee-statue-richmond-court-removal/2021/09/02/4a2ee794-0bee-11ec-a6dd-296ba7fb2dce_story.html.

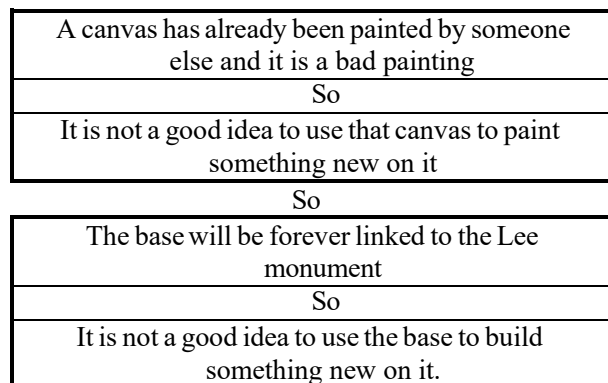
sentences compared express true propositions, since the canvas case is hypothetical, as the verb tense suggests. I contend that this is so because the considerations mentioned in both situations are argumentatively oriented towards parallel claims. If this is correct, the canvas case can be reconstructed as a parallel argument:

Diagram 2. Canvas argument.



Thus, what Nuckolls is doing here is to argue that the consideration put forward for removing the monument base is a worthwhile reason because it parallels the consideration put forward for not using the canvas –which is supposed to be a worthwhile reason. We could represent the argumentation by means of the following diagram:

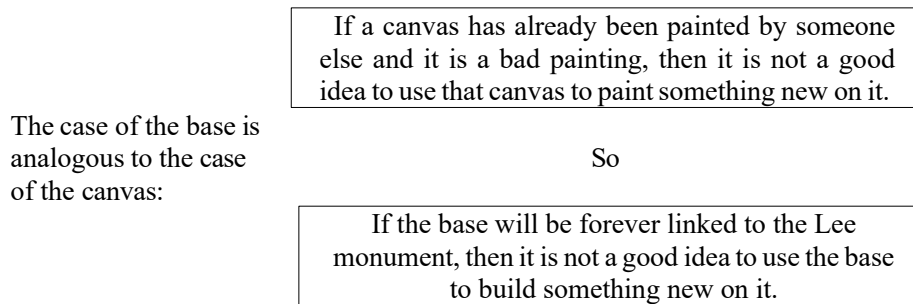
Diagram 3. Monument-canvas argumentation by analogy.



Here, the premise of the argument by analogy (upper bold rectangle) is the canvas argument and the conclusion (lower bold rectangle) is the monument argument. We have then an argument about other arguments, a meta-argument.

Nevertheless, it has to be noted that not all aspects of the arguments compared play the same role in Nuckolls' argumentation: it makes no difference, as far as the analogy is concerned, whether there is in fact a canvas that has been painted or whether it should not actually be painted on it (note that it is a hypothetical case). What matters here are the relationships between the considerations presented as reasons and the claims those consideration favour in each situation. As said, these relationships can be expressed by resorting to conditionals. Thus, we can simplify Nuckolls' argumentation as follows:

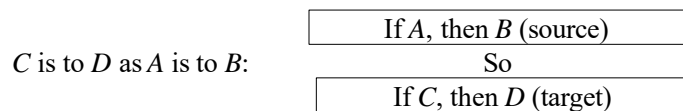
Diagram 4. Monument-canvas argumentation by analogy simplified.



“Being analogous” must be read here as “being parallel.” We can resort to the typical expression of a parallelism and say something –much more cumbersome– like this: “The base will be forever linked to the Lee monument” is to “it is not a good idea to use the base to build something new on it” as “a canvas has already been painted by someone else and it is a bad painting” is to “it is not a good idea to use that canvas to paint something new on it.”

Using variables, we can design an argumentative scheme as follows:

Diagram 5. Scheme for argumentation by parity of reasons.



4.2 ARGUMENTATION BY PARITY OF WEIGHINGS

In the second variety of analogical argumentation the analogy operates upon what I have called “inter-argumentative relationships.” Let us consider another case:

“Well, I have just had a pang of regret, yes: since Cardinal Cañizares said the other day that cells from aborted fetuses are being used to make a vaccine against Covid-19. [...]

Respected Monsignor, imagine that you have just spiritually assisted a youngster who has been “legally” executed, horror, and that in a hospital bed there is a person whose life depends on the youngster’s heart, or his kidneys. Would your eminence authorise the transplantation of his organs? [...] I think so. Does not your eminence not find any similarity between the youngster’s corpse and the aborted fetuses? I do, with apologies” (Agapito López Villa, “El diablo y las vacunas” [The devil and the vaccines], *Hoy*, 21/06/2020 – translation is mine).⁸

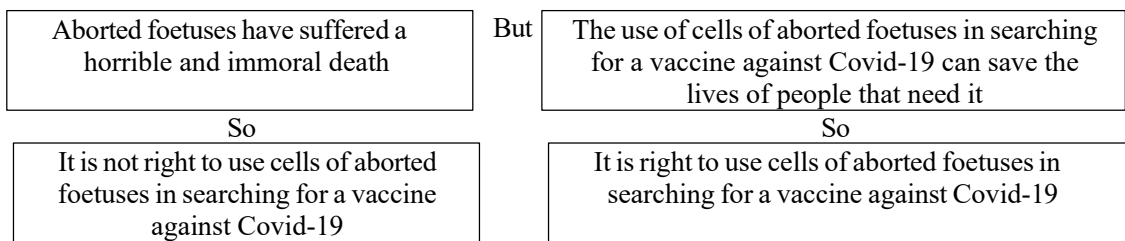
Here Agapito López Villa replies to Cardinal Cañizares, who had argued that the use of stem cells from aborted fetuses in the search for a Covid-19 vaccine was wrong, because those fetuses had suffered a horrible and immoral death. López Villa does not directly state his position but uses a hypothetical case: the situation in which a youngster

⁸ <https://www.hoy.es/extremadura/diablo-vacunas-20200621112832-nt.html>.

has been executed and another person needs his organs. What we have here is a typical moral dilemma: two considerations that favour incompatible claims are weighed against each other. After presenting this hypothetical case, López Villa does two things by means of rhetorical questions. First, he attributes more weight to the second consideration, because he says that the transplantation is right on the base of the reasons considered. And second, he draws an analogy between the foetuses' and the youngster's case. In presenting both cases as analogous, he means that the same verdict applies to the case of vaccines. We may reconstruct this case as follows: "it is true that aborted foetuses have suffered a horrible and immoral death, but the use of their cells in searching for a Covid-19 vaccine can save lives, so it is legitimate to use them."

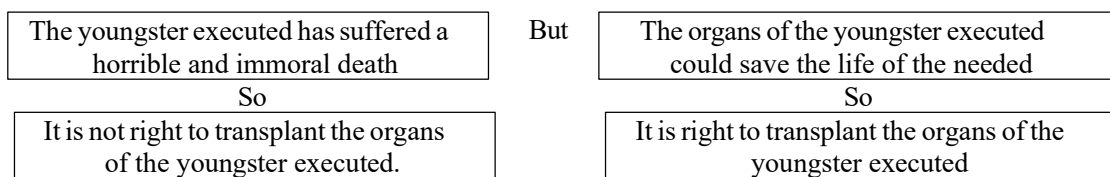
What is interesting here is that the subject of the analogy is not arguments, as in Nuckolls' case, but weighings of reasons for incompatible claims. As we saw, this is the case of inter-argumentative relationships expressed by adversative expressions such as "but," "however," or "although." We can depict López Villa's position as follows:

Diagram 6. Foetuses argumentation.



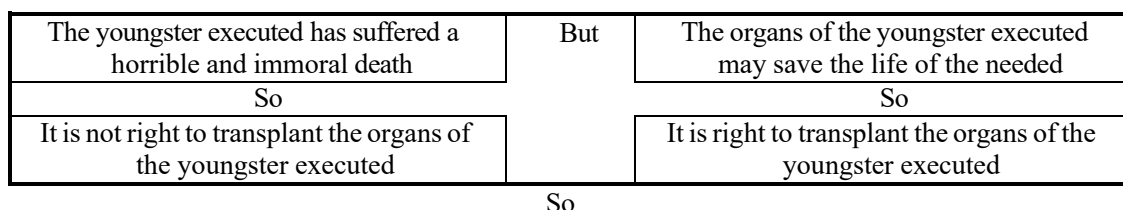
As we have just seen, in order to justify the attribution of weight expressed by the connector "but," López Villa appeals to the hypothetical case of the youngster executed, which can be represented as follows:

Diagram7. Youngster executed argumentation.



The following diagram depicts López Villa's whole argumentation:

Diagram 8. Foetuses-youngster executed analogical argumentation.



Aborted foetuses have suffered a horrible and immoral death	But	The use of cells of aborted foetuses in searching for a Covid-19 vaccine may save lives
So		So
It is not right to use cells of aborted foetuses in searching for a Covid-19 vaccine		It is right to use cells of aborted foetuses in searching for a Covid-19 vaccine

As said, I call these variety “argumentation by parity of weighings.” I propose the following scheme:

Diagram 9. Scheme for argumentation by parity of weighings.

A	But	B
Therefore		Therefore
C		Non-C

Reason D is to reason E as
 reason A is to reason B:

Therefore

D	But	E
Therefore		Therefore
F		Non-F

Both argumentation by parity of reasons and argumentation by parity of weighings are arguments about other arguments. In both varieties it is argued that a claim is supported by reasons because the case is parallel to another –hypothetical– case in which a claim is supported by reasons. The difference is that while in Nuckolls’ case it is argued that the claim is supported by a worthwhile reason, in Lopez Villa’s case it is argued that the claim is supported not only by a worthwhile reason, but by one that is stronger than a reason against. In other words, while in Nuckolls’ case the property transferred from the source to the target is “to pose a *pro tanto* reason”, in López Villa’s case it is “to pose a relatively strong reason.”

5. CONCLUSIONS.

In this paper I have defended the claim that what characterises argumentation by analogy is that it is based on a comparison of argumentative relationships. To show this, I have first explained what I mean by ‘analogy’ and ‘analogical argumentation.’ I did this by distinguishing two general ways of understanding these notions, one based on a comparison of properties of objects and the other on a comparison of relations of a certain kind. The next step has been to specify what kind of relations are these. As said, my position is that they are argumentative in nature, in the sense that they involve considerations that are presented as reasons in a given context. Based on this idea, I have distinguished two types of argumentative relationships. On the one hand, we have the relation between what is presented as a reason and that for which that is a supposedly reason, and on the other hand, we have the relation between different reasons for the same or for incompatible claims.

Following Marraud (2015), I have call this ‘intra-argumentative relationships’ and ‘inter-argumentative relationships.’ Accordingly, two varieties of argumentation by analogy have been identified: argumentation by parity of reasons and argumentation by parity of weighings Alhambra (2022 and 2023a). In the former, the arguer defends that an argument puts forward a worthwhile reason because it parallels another argument that is supposed to do so. While in the latter, the arguer claims that an argument poses a relatively strong reasons because it parallels another argument that is supposed to do so.

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Between IS and AS: Legal Fiction as Rhetorical Argument

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ABSTRACT: “Legal fiction” is a technical tool enabling the law to create assumptions or treat situations as if they were true although they may not correspond to empirical reality. Focusing on “legal person,” a typical legal fiction treating a non-natural person entity as a person in the law, the paper discusses the rhetorical-argumentative functions it performs in legal discourse.

KEYWORDS: analogy, Kenneth Burke, legal fiction, legal person, metaphor, personification

1. INTRODUCTION

The relationship between the law, argument, and rhetoric should be obvious to all of us. Since antiquity, the theory and practice of rhetoric have been closely associated with the law and legal argument. In Athens, the “forensic” was one of the three branches of rhetoric in the Aristotelian schemes; in Rome, Cicero practiced the rhetorical art not only as a statesman but also as a lawyer. Skipping over the Middle Ages, in modern times, the law has become one of the most favorite “argument fields” (e.g., Matlon, 1982; Mills, 1976; Rieke, 1982) for rhetoric and argument scholars to inquire into. Scholarly journals in our discipline have published numerous essays discussing the issues pertaining to the law and legal practice (e.g., Esposito & Tuzet, 2020; Feteris, 2012; Hasian, 1997; Jones, 1976; Rountree, 2001; Sanbonmatsu, 1971); book-length studies addressing these issues also abound (e.g., Dorland & Charland, 2002; Fish, 1989; Hariman, 1990; Perelman, 1980).

Equally important, those studying or practicing law have also recognized their own profession’s intimate relationship with rhetoric and argument. We have a plethora of law review articles as well as book-length works discussing the law in terms of language, persuasion, storytelling, metaphor, and other rhetorico-argumentative constructs (e.g., Brooks & Gerwitz, 1996; Greenhaw, 1995; Harrinton, Series & Ruck-Keene, 2019; MacCormick, 2001). Among these most rhetorically-sensible in the law, James Boyd White, a respected law professor at the University of Michigan, wrote as follows:

When I say that we might regard law as a branch of rhetoric, I may seem to say only the obvious. Who ever could have thought it was anything else? The ancient rhetorician Gorgias (in Plato’s dialogue of that name) defined rhetoric as the art of persuading the people about matters of justice and injustice in the public places of the state, and one could hardly imagine a more compendious statement of the art of the lawyer than that. A modern law school is, among other things, a school in those arts of persuasion about justice that are peculiar to, and peculiarly effective in, our legal culture.... What do people think law is if it is not rhetoric, and why do they think so? (p. 29)

Building on these previous studies, this essay attempts to further explore the law's relationship to rhetoric and argument. Specifically, the essay will pick what is called "legal fiction" and discuss its rhetorical nature. Legal fiction is a legislative and legal technique to create assumptions or treat situations as if they were true, even though they may not correspond to real-world facts. Just as a technique of rhetorical invention in creative writing, it works to create the discursive-textual reality in the law. But it is a special kind of invention. While it is fictional or fictitious, legal fiction is an established legal concept, hence legally binding. As it allows the law to depart and liberate from the constraints imposed by hard facts and natural circumstances, legal fiction enables us to better cope with practical and conceptual challenges, resolve ambiguities, or address other problems in the law.

The rhetorico-argumentative analysis in what follows will place a particular focus on "legal person," the most typical form of legal fiction. Legal person is a status of personhood given to non-natural person entities in legal discourse. While corporations are its most representative type (Bakan, 2005; James, 1993), there also exist other non-natural person entities that could potentially be legal persons, such as the natural environment and non-human animals (Franceschini, 2022). Most recently there has emerged a debate on whether we could extend the legal person status even to human-made machines such as artificial intelligence (AI) (Gunkel & Wales, 2021; Lau, 2019; Mocanu, 2022; Negri, 2021). After delineating the rhetorical nature of legal fiction whose existence owes to language of the law alone, the essay proceeds to examine corporation, the non-natural person entity whose status as a legal person seems least controversial, and AI, a possible and perhaps the most controversial legal person, from the perspective of metaphor, more specifically of "personification" (Lakoff & Johnson, 1980), of "analogical extension" (Burke, 1984), and of the combination of these two (Morrison, 2021).

2. LEGAL FICTION

Jeremy Bentham (1843), a renowned 19th-century English jurist, once distinguished two kinds of entities our language deals with: the real and the fictitious. The former is an entity, "the existence of which is made known to us by one or more of our five senses." The latter is an entity, "the existence of which is feigned by the imagination,—feigned for the purpose of discourse, and which, when so formed, is spoken of as a real one" (lo.1735). *Prima facie*, nothing belonging to the realm of the fictitious should be given its place in the law. After all, the term forensic originates in the truth-seeking nature of argumentation in the Athenian court. Who wants the feigned imagination to prevail over the truth and fact in forensic rhetoric? Who wishes the judge to buy fiction and reject evidence during the course of a courtroom debate?

While it seems natural that many of us have such a "fear of fiction" (Petroski, 2019, p.26) in the law, however, the problem is much more complex than it may look. As "[t]hings we 'learn' from fictional narratives may... affect our beliefs, decisions, and actions more broadly (Petroski, 2019, p.55), even Bentham recognized a very "possibility for literary fiction to have impacts on reality" (Wrobel, 2020, p.417). For instance, a fictional story may have stronger appeal to readers because they find it more "realistic" than objective news reports. In addition, the distinction between fact and fiction is much

less stable than we wish it to be. “[F]ictional discourse can... *include* statements that are factually accurate. It is also possible to make factual statements about fictional matters; indeed, factual statements about fictional things... are not only possible but common” (Petroski, 2019, pp.35-6, italics original). In legal discourse, a fact is what is defined as such in the law. This is not to say, however, that statements we make about factual matters are always factual. What if something defined and stated as a fact is more fictional than factual, then? It is in this context that Stolzenberg’s (1999) observation on Bentham’s take on fiction makes sense: The commonly held view that Bentham was a “scratching critic of legal fiction” is misleading, given his theory of evidence in which he “classified legal facts as a species of fiction” (p.223).

As the law indeed has this hidden “legal-fictions tradition” (Petroski, 2019, p.28), it is no wonder that legal fiction is an inevitable part of the contemporary legal culture. Treating a situation or a phenomenon as if it were another, the law has created many fictions that do not correspond to real-world facts. For instance, one way to create legal fiction is through the language of “deem.” In some legal contexts, signing a contractual document not only means you agree to enter the contract; you are also “deemed” to have read and understood each and every word in the document, which, however, is not true and factual in many cases. Or in Japanese law, those who are missing for more than seven years are to be “deemed” to have been dead, and this fiction is to be treated as real in legal discourse with no factual evidence available to support it.

Some legal fictions are too “natural” to be recognized to be fictional or fictitious; yet, if demanded, several reasons can be offered to justify their existence and utility in the law (Dyschkant, 2015; Fuller, 1967; Moglen, 1998). “In this age of fact, fancy is at a discount. Consequently legal fictions... have fallen not only disuse but also disfavor. Many of them, however, have done good work in the past, and some are doing it now” (Miller, 1910, p.623). For instance, legal fictions make our legal system more flexible, enabling the law to adapt to new and changing circumstances and needs of a society. They can fill the gap in the law as well, helping us to resolve legal issues for which no established rule or precedent exists. Legal fictions are also employed for pragmatism and efficiency in the law, as in the case of deem. In any case, legal fictions are linguistically-created legal realities: While they are fictitious, they are un rebuttable and treated as real all through legal proceedings even though they do not correspond to the real and factual in the empirical world.

3. LEGAL PERSON

3.1 *Personifying corporation*

Among all the legal fictions we now have, “legal person” is a typical, if not the most typical, one. A legal person is a status given to a non-natural-person entity so that it can be treated as a person with certain rights, obligations, and legal capacity in the law. It is fictitious in that it is not a real-life person in the empirical world. As it is an established legal concept, in legal discourse it should be treated as a person just like other natural person individual entities. Its prime example is corporation. While a corporation may be composed of persons, it itself is not a person. Yet, it can gain the status of personhood once it is feigned

as a person in the law. As a legal person, it is authorized to act as if it were a single entity. Just as a natural person, it can enter into contracts, own property, sue or be sued in court, and engage in various other legal transactions.

The 1896 court ruling on *Salomon v. A Salomon Co & Limited* in the United Kingdom granted a “separate legal personality” for a corporation (James, 1993). Also called the “Salomon Principle,” this landmark decision established that “a properly formed registered company is a separate legal entity from its shareholders and has distinct rights and liabilities as an autonomous legal person” (“Separate legal personality,” 2023). Similarly, in 1970 the Japanese supreme court ruled that a corporation may exercise its own right to political participation independent of its employees and even of its shareholders. The court held that “the articles of fundamental rights in the [Japanese] Constitution should be applied to corporations” and that “corporations should enjoy the same liberty as natural persons to carry out political activities such as supporting, endorsing, or objecting to specific policies of the government or political parties” (Hasebe, 2007, p.304).

Speaking in rhetorical terms, when a corporation becomes a person in the law, “personification” happens. Personification is a metaphor that attributes human qualities, characteristics, or actions to non-persons, which allows us to “comprehend a wide variety of experiences with nonhuman entities in terms of human motivations, characteristics, and activities” (Lakoff & Johnson, 1980, p.33). For instance, “Inflation has attacked the foundation of our economy,” “Inflation has pinned us to the wall,” “Our biggest enemy right now is inflation,” and “Inflation has robbed me of my savings” are all metaphorical expressions that personify inflation. “Viewing something as abstract as inflation in human terms has an explanatory power of the only sort that makes sense to most people. When we are suffering substantial economic losses due to complex economic and political factors that no one really understands,” these metaphors “[give] us a coherent account of why we’re suffering these losses” (Lakoff & Johnson, 1980, p.34). Likewise, when we are ascribing the legal person status to a corporation, the rights, liabilities, and obligations are to be given to it just as individual natural persons. As a corporation enters into a contract as a legal person, we expect it to behave just as natural persons, keeping the contractual agreement as responsibly as other real-life persons.

Needless to say, even if a corporation is personified in the law, it does not mean that it becomes a real-life human being. It is a “mere” metaphor, not a full-fledged metamorphosis. In many instances, however, we see its identity as a (legal) person being extended beyond the law. In fact, to talk about a corporation as if it were a person seems too natural to be recognized as an instance of personification, i.e., a product of rhetorical artistry. There exist a plethora of non-legal texts and discourse treating corporations as if they were persons. For instance, Joel Bakan (2005) discussed a modern-day corporation as if it were a person with anti-social mentality, criticizing its “pathological character” that “pursue[s], relentlessly and without exception, its own self-interest, regardless of the often harmful consequences it might cause to others” (pp.1-2). Similarly, Davis, Chun, and da Sliva (2001) found that we measure corporate reputations as if they were the personality of individual human beings.

At this point, we perhaps should realize that calling a real-life human being a person itself is metaphorical. From what can be termed an “etymological” standpoint, American jurist Lon Fuller (1967) wrote:

Those who contend that “corporate personality” is and must be a fiction should be reminded that the word “person” originally meant “mask”; that its application to human beings was at first metaphorical. They would not contend that it is a fiction to say that Bill Smith is a person; their contention that “corporate personality” must necessarily involve a fiction must be based ultimately on the notion that the word “person” has reached the legitimate end of its evolution and that it ought to be pinned down where it now is. (p.19)

This should be all familiar to rhetorically-trained argument scholars, given a host of studies on the rhetorical power of “person/*persona*” in various persuasive discourses (e.g., Black, 1970; Gibbons, 2021; Morris, 2002; Ware & Linkugel, 1982; Wander, 1984). Person/*persona* is not what we are; it is rather what we (are obliged to) wear and perform in public, hiding our private selves. We should also realize that, unlike Fuller’s observation just above, perhaps the definitional evolution of the term person/*persona* may continue further, and someday it may reach the point where it gets to include not only a natural person but also a variety of other non-person entities. It will be interesting to see how our legal system will respond to that when it happens.

3.2 *AI and analogical extension*

Having spoken of the metaphor of person/*persona* in the law, another way to discuss the rhetorical construction and working of legal fiction is through what American rhetorical critic Kenneth Burke called “analogical extension.” In his *Permanence and Change* (1984), Burke explained the idea this way:

[W]e have... considered man as the son of God, as an animal, as a political or economic brick, as a machine, each such metaphor, and a hundred others, serving as the cue for an unending line of data and generalizations. The attempt to fix argument by analogy as a distinct kind of process, separable from logical argument, seems increasingly futile. The most practical form of thought that one can think of, the invention of some new usable device, has been described as an analogical extension, as when one makes a new machine by conceiving of some old process, such as the treadle, the shuttle, the wheel, the see-saw, the wedge, etc., carried over into some set of facts to which no one had previously felt that it belonged. (pp.95-6)

Analogy is a mode of inference based on similarity and closeness. It draws a conclusion on something by comparing it to something else but similar and close to each other. Metaphor also works as comparison, but, unlike the comparison in analogy, the metaphoric comparison is between two *prima facie* dissimilar things. “Harvard College and Bates College are both liberal arts colleges in the US. What is true about Harvard, therefore, is true about Bates.” is an example of analogy; “You are my sunshine, my only sunshine; you make me happy when skies are grey.” is an example of metaphor. Namely, while analogy is premised upon the similarity or relationship between two things, no such similarities or relationship is assumed for metaphor; metaphor rather invents them by way of discourse. It is important to note, however, that Burke novelly and strategically confuses these two when explaining the rhetorical operation of analogical extension. In other words, his analogical extension first invents certain similarities or relationship between dissimilar things and then exploits them for rhetorical purposes.

If we follow this logic, then, there may be no limit to analogical extension. As we invent the similarity and relationship between two different things and exploit them

rhetorically, we could infinitely extend one construct to another or, to borrow Burke's words above, "to which no one had previously felt that it belonged." In terms of the law, however, there do exist limits to such extensions. For analogical extension to take place in legal discourse, the existence of the similarity and relationship is not sufficient. That is, when extending the concept of personhood to non-person entities in the law, we will have to consider various other aspects, such as legal frameworks, philosophical perspectives, ethical considerations, societal norms, practical implications, and cultural beliefs. Needless to say, the law is made to exist to serve human interest; our legal systems thus are necessarily human-centric. As they are primarily designed to address human needs, interactions, and responsibilities, in many cases, extending the legal person status to non-person entities is difficult. While similarities between humans and certain highly intelligent non-human mammals (such as dolphins and anthropoid apes) can be relevant in highlighting their capacity for sentience, emotions, or certain cognitive abilities, for instance, this does not necessarily mean that these non-human animals should be granted the same legal person status as natural persons (e.g., Franceschini, 2022).

On the other hand, the concept of corporation as a legal person is very fit for our reality of (post)modern, global capitalism. As big corporate conglomerates and multinational capitals have replaced individuals and become the main socio-economic actors, personifying a corporation in legal discourse seems not only natural but also desirable and preferable from the anthropocentric/capitalistic viewpoint. While "[t]he concept of the corporation as a separate legal personality is... essentially a metaphorical use of language," wrote Nicholas James (1993), a personified corporation has a powerful rhetorical presence as it is "both analytical and ideological, descriptive and prescriptive" (p.218).

Besides legally personified corporations, there is another interesting case of analogical extension of personhood in the law: robotics and AI. We have seen the AI-operated home robots become part of some families. More significantly, we now have highly advanced generative AI such as ChatGPT. It is not a real-life person but a human-made machine that can exchange messages meaningfully and intelligibly in a way very similar to natural persons. Recall the etymology of person/*persona* that originally denotes a mask, a non-person entity; calling a real-life human being by the name of person is metaphorical after all. "If legal personhood is already dissociated from the human substrate," as Sergio Avila Negri (2021) noted, "there would be no way to deny personhood to robots due to the non-existence of any human characteristic in these artefacts" (p.6). For instance, if we were to write and publish a scholarly paper with some assistance from ChatGPT, should we acknowledge it just as this author does? Or should we even list it as one of our co-authors? If so, is the authorial credit or the copyright to be given to ChatGPT? Legal scholars and practitioners already started debating these complex issues (e.g., Gunkel & Wales, 2021; Lau, 2019; Mocanu, 2022; Negri 2021). Perhaps we as scholars of rhetoric and argument may have to join them and discuss these issues soon.

4. AN EXCURSION ON OTHER LEGAL METAPHORS

Focusing on legal person, this essay has explored the problem of legal fiction from the rhetorical perspective. To further discuss the rhetorical problem of metaphor in legal

argumentation, at this point two little excursions are to be taken, the one onto the idea of “intellectual property,” the other the “bundle-of-rights.”

4.1. Intellectual property as a metaphor

The basic idea of intellectual property is to grant certain rights exclusively to creators and owners of intangible assets such as artistic creations, literary works, inventions, and trademarks. While it is a relatively new legal concept, intellectual property is an established legal concept, and it has already become part of the legal system and subjected to legal protections and regulations in many countries and regions, both in common law and written law traditions.

Some legal scholars, however, have questioned the way intellectual property has been conceptualized in the law (e.g., Frye, 2015; St. Clare, 2010; Tamura, 2014, 2021). Specifically, they point out problems concerning the “metaphorical” nature of intellectual property. While the idea of property traditionally refers to tangible possessions such as real estate and automobile, intellectual property assumes no such tangible possessions. In reality, intellectual property is not a property but something else: They are entities that are dissimilar to each other. Yet, because it is called as such, we erroneously assume that intellectual property has qualities similar to those of tangible property. Expressing his anti- metaphorical position rather overtly, Bryan Frye (2015) wrote:

[T]he rhetoric of intellectual property is metaphorical. In theory, intellectual property is justified on welfarist grounds, because it solves market failures in innovation and thereby increases the public surplus. But in practice, the scope of intellectual property rights is unrelated to their ostensible welfarist justification. Intellectual property metaphors prevent us from understanding intellectual property by obscuring the lack of connection between its theoretical justification and its actual scope. (p.736)

Seen from this standpoint, then, intellectual property is a metaphor that masks the problem it itself creates. Rather than stimulating innovation and creativity and increasing the public surplus, argued these critics, it overemphasizes the exclusive right to individual creators and owners of the property, unfairly limiting the other’s access to that property, going against the public interest, and serving the economic interest of the small number of neoliberal capitals.

4.2. The “bundle of rights” metaphor

Because it is a metaphor, intellectual property may be problematic in the law. It does not necessarily follow, however, that we should do away with any and all metaphors altogether in legal discourse. At this point, it should be pointed out that metaphors are a rhetorical device that helps us communicate with each other more effectively, efficiently, and persuasively; they enable us to convey a complex, abstract, and unfamiliar concept in a simpler, more concrete, and more familiar term. While these are benefits of metaphors in general, they should not be underestimated when it comes to the law as well. There should exist metaphors that help us communicate better in the law. As they are “our primary sources of generated and reflected light,” noted American jurist Linda Berger (2013), metaphors are “the primary ways in which we understand new information..., determine

where something new likely fits..., or suggest a different point of view” (p.148) in legal argumentation.

Property as a “bundle of rights” is one such metaphor. Widely and primarily used in common law countries such as the United States and United Kingdom, many find this metaphor very useful when discussing the idea of property in the law. Specifically, it helps to explain the idea of property which, in fact, is far more complex than it may look. Namely, the ownership of a property is not to be seen as a single, indivisible right; rather, it should be taken as a combination of various multiple rights and entitlements. Jane Baron (2014) of Temple University Law School further explained:

Bundle-of-rights analysis helps to specify the legal relations of parties in both simple and complex property arrangements, to identify explicitly the normative choices implicitly in those arrangements, to assess the quality of the human relationships that property entails, and to force the production of information pertinent to those issues.... Indeed, the complexity of contemporary property issues—in particular, their growing connection to the alternative legal fields of “privacy” and “intellectual property”—makes the bundle conceptualization all the more fruitful. (p.60)

With this bundle of rights metaphor, we can better understand and deal with the complex nature of property and its ownership both of which are not unitary and monolithic. If you own some area of land, for instance, you legally have a property. But what you actually and legally have is the bundle of rights and entitlements regarding the land, such as timber rights, the right to build a home, mineral rights, access rights, the right to sell, etc. Rather than giving the exclusive right to the property owner wholistically, therefore, each one of these rights can be dealt with separately by the balancing of interest among them.

5. CONCLUSION

As part of the collective attempt to further explore the law’s relationship to rhetoric and argument, this essay has discussed the rhetorical nature of legal fiction, more specifically of legal person. As a legislative-legal technique, legal fictions create situations as if they were true, even though they may not correspond to real-world facts. Focusing on legal person, their most typical example, the essay sought to show that legal person can be conceived as a product of rhetorical invention, more specifically of personification and analogical extension. While they are linguistically-created legal realities that do not necessarily correspond to real-life facts, they are to be treated as real in the law, exerting influences even outside the legal discursive domain. This norm-generating power of legal fictions should not be underestimated; the rhetorical function they perform goes beyond the realm of “mere” rhetoric (e.g., Farrell, 1993).

Before closing, two brief observations are in order. First, the preceding analysis suggests that we should approach legal argumentation not only from logical-demonstrative perspectives but also from ana-logical as well as metaphorical ones. While argument scholars do recognize that metaphor is a significant rhetorical move, not many studies have treated it as substantive part of argumentative discourse (e.g., van Poppel, 2021). Yet, the modern law has traditionally dealt with both the real and fictitious entities. Accordingly, we should draw our scholarly attention not only to the logical-demonstrative but also the reality- creative functions of discourse in legal argumentation. Borrowing Bentham’s words

once again, legal fiction is a linguistic existence “feigned by the imagination” but “is spoken of as a real one” in the law.

Second, the analysis also hints that we may need to further reconsider the idea of person/*persona* in the law. This essay picked and discussed the two specific cases of legal person, i.e., corporation and AI. Behind the personification of, and the analogical extension of personhood to, these two obvious non-person entities, there exist more delicate and complex cases. For instance, the *New York Times* reported that, in the United States, anti-abortion activists are pushing for so-called “fetal personhood law” granting fetuses the same legal rights and protections as any already-born person (Zernike, 2022). Different but similar politico-legal issues have emerged in term of persons with disabilities as well. As Paolo Heritier (2022) noted, “The legal technique of *fictio iuris* [legal fiction] is the premise for analyzing contemporary problems” concerning the attribution of rights and responsibilities not only to “non-human personalities, such as robots” but also to “persons with disabilities. The contraposition of [these two entities], understood as opposing visions of anthropological and human models, is part of the philosophical dispute between humanism and post- or transhumanism” (p.1334). Given these cases, the study of legal fiction cannot but expand its analytical scope, dealing not only with the intersection between the law, argument, and rhetoric but also with the one between what Thomas Goodnight (1982) called the “technical” and “public” spheres of argumentation,¹ or even with the one between natural law and legal positivism.

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¹ Goodnight's idea of argument spheres is not based on Jurgen Habermas' (1990) distinction between *der Öffentlichkeit* (translated in English as “the public sphere”) and *der Privatsphäre* (translated in English as “the private sphere”) (pp.89-90) but is an extension of Stephen Toulmin's (1958) argument fields.

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The Virtues of Virtue for Inquiry, Argumentation and Education – *Pace Paglieri*

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ABSTRACT: We argue that Paglieri's presentation, *Argumentative virtues: Back to basics* (ECA 2022), involved a misunderstanding both of the nature of virtue and of the nature and goals of critical thinking education. In contrast, we argue for the centrality of virtues in argumentation and for educating critical thinkers using the Inquiry Approach to teaching critical thinking.

KEYWORDS: argumentation, critical thinking education, inquiry approach, pedagogy, virtue argumentation theory, virtues

1. INTRODUCTION

In "Argumentative virtues: Back to basics" (ECA 2022), Paglieri poses challenges to the treatment of virtues in Aberdein's and Cohen's Virtue Argumentation Theory (VAT) as well as in Bailin and Battersby's Inquiry Approach to critical thinking (IA). He challenges the link between virtues and argument quality, questioning what is added to understanding argument quality by positing virtues. Virtues, are, he maintains, neither necessary nor sufficient for argument quality. He further questions what useful role virtues play in thinking about and designing critical thinking education.

VAT and IA differ in significant ways. They arise in different contexts, have different goals, differ in conceptualization of some of the relevant concepts, and, most centrally, differ with respect to the role of virtues in argumentation and argument assessment. Nonetheless, they do share some common perspectives. These include a focus on argumentation and on the character and conduct of the participating agents rather than simply on individual arguments. Most important, the two views share their disagreement with the conception of virtues underlying Paglieri's critiques of both.

VAT and IA also have common cause in emphasizing the importance of virtues, both in thinking about critical thinking as conceptualized in IA, and in thinking about

argumentation as conceptualized in VAT, and argue for their centrality in educating critical thinkers and being good arguers. In this regard, we argue that Paglieri's criticism of the role of virtues in the inquiry approach to critical thinking education is unjustified. We further describe educational strategies which can guide pedagogy for fostering virtues of argumentation and inquiry.

Before addressing Paglieri's specific challenges to the role of virtues in VAT and in IA, it will be helpful to describe the main aspects of each of these views, highlighting the differences as well as the overlap between the two views and between the role played by virtues in each. This will provide a context for addressing Paglieri's challenges to the role of virtues in each of the views.

2. VIRTUE ARGUMENTATION THEORY

Virtue theories do not think of arguments as abstract reasons-conclusion complexes or even as the finished products of (individuals') reasoning, but rather as complex events constituted by the give-and-take of reasons between engaged arguers. Nonetheless, virtue argumentation theories (VATs) are not all alike. They differ with respect to their goals, what they emphasize, the role they see for argumentative virtues, their lists of argumentative virtues, as a virtue, and even what counts as an argument. However, there are twin themes that unite them. First, virtue theories recognize how important good arguers are for good argumentation, and second, they have a deep appreciation of how important good argumentation is for human flourishing (Aberdein, 2020; cf. Bailin, 2014).

The first insight is that the key to good argumentation – to a productive exchange of reasons – is the arguers themselves. Good reasoners are more important for successful argumentation than the reasons given. After all, good reasoners can be counted on to give appropriate responses to the reasons they are given, whether good or bad; but good reasons cannot be counted on to elicit appropriate responses from the reasoners to which they are given. Giving reasons is of no use if the recipient isn't reasons-receptive; arguing is futile when an interlocutor isn't reasons-responsive. The second insight is that the reason for reasoning is *reasoners*. The measure and value of argumentation is in the arguers. Its fruits can be found in individual cognitions, social relations, group deliberations, and occasionally even political negotiations. And, of course, education (Bailin, 2014).

Much of VAT can be summed up in the phrase: *For better arguments, get better arguers*. This formulation has, however, been subject to several common misperceptions. First, the relevant sense of "argument" obviously must include arguers, so it is closer to its dialectical sense and ordinary usage than to logico-mathematical uses that refer to abstract structures of propositions in premise-conclusion complexes. Without that concept of argument, the entire project could be dismissed as an exercise in *ad hominem* reasoning (See Aberdein, 2014, *contra* Howell & Kingsbury, 2013). Second, arguments are not the same as inferences, and the quality of an argument cannot be reduced to the quality of its inferences: no one denies that non-virtuous arguers can produce chains of inferences that are deductively unimpeachable (*contra* Adler, 2007). Third, argument quality includes but is not limited to the purely logical evaluation of its validity or invalidity; more nuanced gradations are needed which may include reference to epistemic, social, psychological, ethical, and other factors. Fourth, the plurality of relevant factors for argument evaluation

means that the quality of an argument also cannot be identified with rhetorical success, dialectical closure, or the goals of the individual participating arguers (Cohen, 2022). Fifth, ethical considerations are indeed relevant. Regardless of whatever logical acumen or dialectical dexterity they may exhibit, argumentation that is abusive or unjust is not *good* argumentation (Bondy, 2010; Cohen, 2022). But sixth, ethical considerations cannot be the whole story. Again, we are not denying that bad people can have good arguments; what we are acknowledging is that vicious *arguers* are inimical to successful, high-quality argumentative exchanges.

The overall *telos* of argumentation for virtue theories remains epistemological, but in a very broad sense that encompasses both individual and social epistemology and recognizes cognitive gains beyond just the addition and subtraction of proposition-sized beliefs. We can *learn* from arguments, and what we learn includes appreciation, understanding, and skills, as well as propositional beliefs; and we can achieve more through argumentation than persuasion and resolution of difference, including *mutual* understanding, appreciation, and respect.

There are differences among VAT theorists that are more problematic. There is, for example, the foundational question about which of the main concepts — an argumentative virtue or a virtuous argument — is more fundamental. If the virtues precede the notion of a good argument, then there seems no way to identify the virtues or classify them as argumentative; if the latter, the virtues are derivative and theoretically eliminable, even if they retain practical value for pedagogical, heuristic, and evaluative purposes (Godden, 2016; Goddu, 2016, Paglieri, 2022). Similarly, there is considerable room for debate as to how the virtues determine specific moves in specific contexts (Gascón, 2015). Finally, there are differences as to how VAT stands in relation to the traditional agenda of argumentation theory: Can it answer questions about inference validity or argument cogency? Should it even try? Despite these differences, there is agreement that since the responsibility for the success or failure of argumentation falls on the arguers themselves, they need to take center stage.

3. INQUIRY APPROACH TO CRITICAL THINKING

In contrast to VAT, the Inquiry Approach is not a theory of argumentation but rather an approach to critical thinking education (Bailin & Battersby, 2016). Unlike traditional approaches to critical thinking education which focus on individual arguments (in the product sense), the focus of IA is on argumentation, that is, on the entire dialectical exchange of such arguments on an issue, including arguments on various sides of the issue, objections to the arguments, and responses to the objections. The focus, thus, is not so much on individual acts of face-to-face arguing, as it is in VAT, but on the entire back-and-forth argumentative exchange taking place over time and in various media and contexts, including in print, in individual inquiry, and in group deliberation (Bailin & Battersby, 2009).

In our view, a primary goal of critical thinking education is teaching students to make reasoned judgments, and IA seeks to achieve this through engaging students in inquiry. This involves critically investigating issues of significance, actively seeking and identifying credible information, and making judgments based on a comparative evaluation

of reasons and arguments on various sides of the issue (Bailin & Battersby, 2016). Although we recognize that people argue for a variety of reasons and with various goals, our interest is in argumentation which leads to reasoned judgment, i.e., the epistemic goal of argumentation.

The inquiry approach aims to develop students who have the capacities and understandings that enable them to make such reasoned judgments in the various contexts in which they find themselves. Its aim, that is, is to develop critical thinkers. Being a critical thinker involves having the ability to make reasoned judgments, but it also involves more than this. A critical thinker is someone who is disposed to actually engage in critical thinking when encountering issues in their lives and to do so in a manner which instantiates certain virtues. The overarching virtue is a commitment to making judgments on the basis of reasons and evidence - what we have termed the spirit of inquiry – what Siegel (1988) calls the "critical spirit" and Hamby (2014) calls a "willingness to inquire" – and to acting in accordance with the norms of reason. A critical thinker also displays certain sub-virtues which are included in that commitment, for example, being fair-minded, open-minded, willing to revise their judgments when warranted. For IA, virtues are not related to the quality of an argument as they are for VAT, but are, rather inherent in the practice of inquiry and defining qualities of a critical thinker.

4. PAGLIERI'S CHALLENGES

It is important to make clear at the outset that Paglieri frames his comments as challenges to claims regarding the role of virtues in argumentation, highlighting aspects that he views as problematic and requiring further work, rather than as a fundamental critique of the project as a whole.

Although there are several areas which Paglieri probes in his presentation, the one that is particularly relevant to both Cohen's version of VAT and to the Inquiry Approach to critical thinking relates to the relationship between virtues and argument quality. A second area probed by Paglieri which is particularly relevant to IA relates to the role virtues play in thinking about and designing critical thinking education.

The question Paglieri poses with respect to the first issue is whether argumentative virtues are causally tied to the quality of an argument. He challenges Cohen's view that argumentative virtues are constitutive of argument quality, arguing that the claim that a good argument is one in which the arguers have argued virtuously risks vicious circularity. To avoid this problem, one would require evidence of a relationship between an argumentative virtue and some intuitive mark of argument quality. As virtues are neither necessary nor sufficient for good arguments to occur, he claims that one would need to look for empirical evidence that particular virtues are causally connected with the quality of the resulting argument ("however argument is conceived").

This request for evidence of a causal relationship between particular virtues and the quality of an argument also enters into Paglieri's challenges regarding the role of virtues in critical thinking education. He is critical of critical thinking theorists for not offering a well-ordered list of virtues, ranked in terms of their importance to the quality of the argument in order to train students for improving their contribution to arguments.

His view of virtues as a means for getting students to produce better arguments is particularly apparent in his criticisms of IA. The role he understands virtues to play in IA is as "a positive consequence or happy side effect of the inquiry approach" rather than as a means for making students better at arguing. Thus, according to Paglieri, virtues for IA are valuable as an end and not a means and are thus "of limited use for instructional design" and for planning educational interventions. Further, he argues that because virtues are intangible, they can only be assessed indirectly and thus are of limited use for educational assessment. Paglieri's final challenge to critical thinking educators is to provide more insight on how to leverage virtues for critical thinking education in concrete terms, offering something usable to teachers, as well as a clearer elucidation of "why doing so should matter."

5. PAGLIERI'S PROBLEMATIC CONCEPTION OF VIRTUES

Our primary issue with Paglieri's challenges relates to the conception of virtue which underlies his critiques. His request for evidence of a causal link between particular virtues and argument quality frames the discussion in the (implicitly physicalist) vocabulary of cause and effect, resting on a view of a virtue as some type of internal mental entity that can cause certain behaviours or ways of acting. This framing commits the fallacy of reification and rests on a misconception of the nature of virtues. We view virtues, in contrast, as aspects of character *constituted* by consistent ways of acting (tendencies to behave in certain ways). It is not that critical virtues make our students better at arguing. Rather, arguing virtuously is part of what it means to argue well. Inquiring virtuously is part of what it means to be a critical thinker. Thus, it would be better not to reify the virtues at all and speak of *being virtuous* rather than *having virtues*. The relationship between *being* virtuous and *acting* virtuously is conceptual rather than empirical. Virtues are conceptually tied to the goals and norms of inquiry and argumentation.

This problem of treating virtues as *things we have* instead of *ways we are* is also evident in Bondy's framing of the value of virtues in argumentation. He states, "What makes it [open-mindedness] a virtue is the fact that people with open minds *are better situated to be able to fairly consider arguments against their own views* [emphasis added]; when the arguments against their views are strong ones, they will be able to change their beliefs to fit with what their new evidence bases support" (Bondy, 2015, p. 464). It is not, however, that people who are open-minded *are better situated to be able to fairly consider arguments against their own views*. Rather, fairly considering arguments against one's own view is part of what it *means* to be open-minded. A criterion for a judgment being reasoned is that one has considered opposing arguments. Thus, it would be contradictory to say that someone is open-minded but never seriously considers opposing arguments. Similarly, it would be odd to say that someone is open-minded but that we would need empirical evidence to establish that this virtue contributed to the quality of their argumentation since fairly considering opposing arguments is one of the criteria of argumentation quality.

6. THE ROLE OF VIRTUES IN IA

Pagliari's criticisms regarding the necessity and usefulness of virtues in IA is problematic on several fronts. His claim that if virtues are only a happy side effect of inquiry, then they are educationally unhelpful and not useful for designing "educational interventions" displays a number of misunderstandings.

6.1 The goals of critical thinking education

Pagliari appears to see the goal of critical thinking education as training students to produce better arguments. In contrast, we view the goal of critical thinking education as educating critical thinkers (cf. Siegel, 1988). And we would argue that virtues are central to this goal. It is not that virtues make students better at arguing, i.e., at producing and recognizing valid arguments. It is, rather, that arguing virtuously is part of what it means to argue well. And inquiring virtuously is part of what it means to be a critical thinker. If our goal is simply to produce students who can identify a fallacy, but we are not concerned with whether they may knowingly use a fallacy to win an argument, then virtues do not matter. If our goal is simply to produce students who are able to evaluate the cogency of an argument, but we are not concerned with whether they are likely to resist cogent arguments against their views, then virtues do not matter. If our goal is to train students to produce better arguments but we are not concerned with whether they exercise critical thinking in their lives outside our classroom, then virtues do not matter. But surely what we want is to produce critical thinkers, people who are "appropriately moved by reasons" (Siegel, 1988), who are committed to rational judgment and action, who are intellectually honest, who will revise their judgments when faced with compelling evidence, etc. This is neither causal to arguing well nor a happy side effect of inquiring. It is, rather, part and parcel of inquiry and of argumentation in the broader sense, part of what it means to be a critical thinker/competent inquirer/good arguer.

Contrary to Paglieri's claim that ends or goals are of limited use for instructional design, we would argue that they are vital for guiding educational practice. If our goal is to produce critical thinkers, that should affect the content and pedagogy of our courses, determining "what we should teach, how we should teach, how we should organize educational activities, what the points of many of those activities are, how we should treat students and others in the educational setting, and so on" (Siegel, 1988, p. 46). We cannot assume that a critical thinking course that simply focuses on 'educational interventions' to teach students the proper procedures for reasoning will achieve this goal. Rather, we have proposed a curriculum centred on the practice of inquiry, in which students not only learn to critically investigate issues and make reasoned judgments, but also to understand, appreciate, and practice the virtues of inquiry (Bailin & Battersby, 2015b).

6.2 The nature of education

Pagliari's reference to pedagogy in terms of planning behavioural interventions reveals an excessively narrow and technical view of education which does not take into account the goals of critical thinking education. Our primary focus is not simply the improvement of

individual acts of thinking, but rather the development of critical thinkers. And the virtues which are central to this aim "are traits of persons, not acts of thinking" (Siegel, 1988, p. 41). The notion of designing behavioural interventions is totally inappropriate to fostering these virtues. The aim is to educate students, and in addition to developing capacities for reasoned judgment, it also involves developing an understanding of the nature of inquiry, an appreciation and respect for reasons based on this understanding, and a commitment to act in accord with the demands of reason (Bailin and Battersby, 2007). Someone who appreciates reason respects its normative demands, values its inherent virtues, and is appropriately motivated to accept its practices (Bailin & Battersby, 2007, 2015b). Educating critical thinkers is not, then, simply a matter of improving certain acts of thinking. It has a much broader aim - developing character. As Siegel (1988) points out: "When we take it upon ourselves to educate students so as to foster critical thinking, we are committing ourselves to nothing less than the development of a certain sort of person" (p. 41).

We are not suggesting that fostering virtues is simply a matter of "engaging in the right practices to acquire virtuous inclinations through habit formation" as Paglieri indicates. We are suggesting that engaging in practices of inquiry in appropriate educational contexts with appropriate pedagogy can foster in students the virtues of inquiry, with virtues acquired not through mindless habituation but as involving 'choice, understanding and knowledge' (which it does even for Aristotle). Burbules (1995) makes the point thus: "A virtue ... is not a mere expression of habit, but an expression of judgment and choice" (p. 86). The aspects of knowledge, understanding and appreciation are conspicuously absent from Paglieri's framing in terms of behavioural interventions.

Paglieri's criticism of critical thinking theorists for not offering a well-ordered list of virtues prioritized by importance in order to train students to produce better arguments betrays similar misunderstandings regarding educating for critical thinking virtues. Developing virtues is not a matter of having a prioritized list of virtues, with behavioural interventions to teach open-mindedness one day and fair-mindedness the next. Rather, virtues are fostered through a multi-faceted approach involving curriculum, pedagogical practices, settings, and classroom interactions. (Particular strategies are described in Section 6.3 below.)

Critical thinking theorists have, in fact, offered lists of virtues, as Paglieri himself admits, and although a variety of additional virtues have been added by various theorists, there is, actually, considerable agreement as to principal virtues to be fostered, e.g., open-mindedness, fair-mindedness, mutual respect, intellectual honesty (e.g., Siegel, 1988; Paul, 1990; Ennis, 1996). It is, indeed, the case, as Paglieri argues, that virtues may sometimes conflict and that different, sometimes even opposing virtues are required in different situations. For example, judgment revision may require intellectual humility in some circumstances and confidence in others. Rather than demonstrating the need for a prioritized list, what this shows is the opposite - that a variety of different virtues may be relevant, and that which virtues are most relevant depends on the context. Thus, what is needed is the development of judgment based on an understanding of the inquiry project and of the specific situation. This is not very different from what happens in the case of a conflict between moral virtues. Whether truth telling or not hurting others takes priority may be different in the case of whether to tell your grandmother your true feelings about her hat versus whether to tell your partner that some action of theirs is causing you

significant distress. In both kinds of cases, you discuss with students the conflict, how each of the virtues relates to the point of the practice, and how each applies in the particular situation.

Pagliari's claim that virtues are of limited use for educational assessment because they can only be assessed indirectly based on observed behaviour is another example of the fallacy of reification. It is true that virtuous behaviour can only be assessed by observing behaviour, but virtuous behaviour is not the basis for inferring some mental entity. It is precisely the virtuous behaviour that we are interested in assessing.

6.3 *Fostering virtues*

There are many ways in which the goal of fostering critical thinking virtues can be instantiated in a classroom focused on inquiry. Educators can engage students in discussion regarding the nature and aims of inquiry, with students generating what would be appropriate expectations for students of other students, for students of the instructor, and for the instructor of students in a classroom devoted to inquiry (Bailin & Battersby, 2017).

Such a discussion can include highlighting obstacles to the spirit of inquiry (e.g., myside bias, the desire for certainty, defensiveness) and offering suggestions for countering these obstacles, (e.g., being aware of one's initial views and biases, monitoring one's process of inquiry and dialogue, and evaluating one's own view (Bailin & Battersby, 2016, pp. 267-276).

Certain virtues can be highlighted in contexts where they arise, for example highlighting intellectual honesty via a discussion of plagiarism, highlighting fairly representing other views through a discussion of the principle of charity, or focusing on how to deal with conflicting virtues in cases in which such conflicts arise.

Authentic assessment practices, that is, assessment tasks which reflect real world critical thinking contexts, can be helpful in fostering virtues of inquiry. In particular, formative assessment, that is, assessment that is ongoing and includes instructor and peer feedback and revision can promote critical reflection on one's thinking and a willingness to revise one's judgments (Bailin & Battersby, 2015b).

Certain classroom activities can help foster virtues of inquiry when introduced in the context of the aims of inquiry. For example, having students lay out and evaluate pro and con arguments on an issue in a dialectical argument table (e.g., Bailin & Battersby, 2016, p. 194) can demonstrate the importance of considering arguments on various sides of issues and of fairly evaluating competing arguments in order to reach a reasoned judgment.

Having students specify the level of confidence justified by their judgment in an inquiry can help them to understand the tentativeness of judgments and to develop appropriate intellectual humility (Bailin & Battersby, 2015a). Activities such as having students give arguments for points of view opposite to their own, or structured controversy, in which students alternate in defending different sides of an issue, then collectively come to a reasoned judgment (Johnson & Johnson, 1988, 2009) can contribute to the development of open-mindedness and fair-mindedness.

The nature of teacher-student interaction is also crucial for the fostering of critical thinking virtues. To this end, Siegel (1988) advocates "the critical manner of teaching" (p. 46) which involves modelling by the teachers of critical thinking dispositions and

interacting with students in ways which reinforce the critical spirit, for example, recognizing students' right to demand reasons, and the obligation to provide genuine reasons, to honestly appraise the power of the reasons, and to submit their own reasons to scrutiny of the students.

The creation of a community of inquiry in the critical thinking class has an important role to play in fostering the virtues of inquiry (Lipman, 2003). This is a community which instantiates the norms of critical inquiry, promoting rigorous but respectful critique, including of one's own views, open-minded and fair-minded exchanges, and revising one's judgments when justified by the evidence and arguments. It is also a community committed to respectful treatment, meaningful participation, and productive interaction (Bailin & Battersby, 2017). Virtuous argumentation is encouraged, valued, and practiced both in the class as a whole and in small group inquiry and deliberation.

7. CONCLUSION

The critique offered by Paglieri has provided us with the opportunity to clarify our views regarding the nature and role of virtues in argumentation and in critical thinking. His challenges have allowed us to correct a common misconception about the nature of virtue, arguing that the connection between virtues and good argumentation (for Cohen) and between virtues and critical thinking (for Bailin and Battersby) is not causal, as Paglieri suggests, but rather, conceptual. Virtues do not cause good arguments. Rather, arguing virtuously is part of what it means to argue well. And inquiring virtuously is part of what it means to be a critical thinker.

We have also highlighted a misunderstanding regarding the nature and goals of critical thinking education inherent in his position, arguing that the goal of critical thinking education is not to produce better arguments but rather to educate critical thinkers. Responding to his question about why virtues matter, we have argued for the importance of virtues, both in thinking about argumentation as conceptualized in VAT and in thinking about critical thinking as conceptualized in IA and argued for their centrality in educating critical thinkers and being good arguers. Finally, we have described educational strategies which can guide pedagogy for fostering virtues of argumentation and inquiry.

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Rhetorical Topos Analysis

Considerations for a systematic method of argumentation analysis

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ABSTRACT: Aristotle's conception of *topoi* makes them a suitable access point for rhetorical analyses that ask about argumentative strategies with respect to their socially anchored persuasive potentials. *Topoi*, understood as elements of argumentations with endoxal character, allow to reconstruct *inventive*, *probative*, *elocutionary*, and *dispositional* production decisions. Our paper brings together and further extends more recent developments towards rhetorical discourse analyses and thus makes a proposal for a systematic rhetorical topos analysis.

KEYWORDS: argumentation analysis, discourse analysis, parliamentary debates, rhetoric, topos analysis

1. INTRODUCTION: RHETORICAL TOPOS ANALYSIS

When people discuss in parliamentary debates or other public settings they use arguments to justify their positions and to persuade others – either their opposite or the public (or both). Arguments used in these discussions are not always – and maybe not even mainly – logically valid. However, the arguments' validity is not the only factor that influences its persuasive potential. Other strategic elements of argumentation, like norms, ideas and concepts arguments draw on, accepted opinions they are based on, and their linguistic realisation contribute to the possible impact as well. These are in the focus of our approach. As rhetorical scholars, we are interested in persuasion processes and the persuasive strategies underlying them. This implies a strong notion of agency. Joachim Knape, for example, makes the orator concept the “Archimedean point”¹ (Knape, 2000a, p. 33) of his rhetoric theory. For him, the concept of strategy thus denotes a “calculation of success and effectiveness [...] at the centre of which is the analysis of the relevant goal-resistance-means relations.” (Knape, 2009, col. 153) While we do follow Knape's production-theoretical position expressed in this, its application within the realm of discourse analytical research proves to be challenging. Rhetorical discourse research must face the problem that discourse research initially assumes subjects as products of social practice (e.g. Angermüller, 2014, p. 19) and thus represents a weak concept of agency. Naturally, we cannot elucidate the extent to which the argumentations under investigation directly manifest the speakers' intention in respect to their anticipated audience (see also Perelman & Olbrechts-Tyteca, 1958). But we can productively interpret this field of tension by seeing the discursive embedding of the persuasion process and the preforming of the agents'

¹ All translations are ours.

topical inventory and therein contained conceptions as a possibility to explain the persuasive potential that is called upon.

As we suggest, *topoi* are a suitable object of analysis for such a ‘discursively embedded’ and in that sense socially anchored notion of strategic communication. We assume that speakers strategically choose specifically those *topoi* that they deem accepted among their audiences and thus persuasive. In recent years, scholars of the Seminar for General Rhetoric in Tübingen (Krautter, 2019; Laubinger, 2020; Dorn, 2022) used rhetorical models of *topos* analyses to investigate argumentation in discourses from a rhetorical perspective. Integrating and extending these approaches contributes to a research program that is interested in strategic aspects of the use of *topoi*, which expresses itself in questions like: How do speakers (or writers) justify their positions to persuade the audience in a specific part of a specific discourse? Which *topoi* do they use? Which ideas, values and norms lie behind them and thus strengthen the position? For what purposes do the speakers use them? How do they formulate them stylistically? And how do they arrange and combine them? Though the existing works each make valuable contributions for that cause, a comprehensive analytical approach is still missing.

We thus propose a *topos*-analytical method with a rhetoric-systematic background that is interested in the speakers’ *inventive*, *probative*, *elocutionary*, and *dispositional* decisions made by the speaker in the process of producing a speech or text.² We thus aim to present the persuasive potential of argumentations in a comprehensive way. While we suggest that all four dimensions come into play in practical communication at all times, we want them to be understood as modular categories of analysis. We consider the *inventive* dimension a suitable and necessary starting point, since here the *topoi* become evident as distinct categories. Nonetheless, even the *inventive* dimension offers much flexibility and allows for a proper adaptation to the research question at hand. We then consider the *probative*, *elocutionary*, and *dispositional* dimension to be facultative. They can be examined, related to all other dimensions, or omitted – again depending on the research projects specific needs.

2. OUR CONCEPT OF TOPOS

The *topos* category offers a valuable way to implement this understanding, because arguably it provides the link between discursive embedding and pre-forming on the one hand and intentional application on the other.

We thereby mainly follow Aristotle's concept of *topoi*, especially in two respects: First, we follow his, albeit much-discussed (e.g. Rapp, 2000, p. 32), conception of *topoi* as *elements* of arguments, which expresses itself in his partly synonymous use of the terms *stoicheîon*, *tópos* and *protaseis* (Bornscheuer, 1976, p. 30). We determine for our analytical

² We are aware that the term ‘*elocutionary*’ suggests proximity to Great Britain’s eighteenth-century *elocutionary movement*, which put a strong emphasis on delivery (e.g. Goring, 2014). Divertingly, we based the naming of the analytical categories as far as possible on the *officia oratoris* in order to make it clear that we are concerned with the reconstruction of potential production decisions of the speakers (‘*probative*’/‘*probare*’ though eludes this idea, since it is not considered an *officium* in its own right). In that sense, the ‘*elocutionary*’ dimension here refers to the *officium ‘elocutio’* and is concerned with the reconstruction of stylistic production decisions that are necessarily part of the *topoi*’s realisation by the speakers.

approach that the topos category in this sense denotes a “semantically significant text component” (Knape, 2000b, p. 748) in a context of reasoning, thus making topoi the guarantors for the arguments’ persuasive power (Sprute, 1975, pp. 79-81). This could be represented in different ways; Tim Wagner and Josef Kopperschmidt suggest taking Stephen Toulmin’s *layout* (Toulmin, 1958) and interpreting topoi as its *warrant* (Wagner, 2009, col. 623; Kopperschmidt, 1989, p. 142). This emphasises the category’s relation to agent-specific intentions and argumentative goals and distinguishes it from a purely literary interpretation.

Second, in his ‘Topics’ Aristotle describes its purpose as “to find a method with which we shall be able to construct deductions from acceptable premises (*endoxa*) concerning any problem that is proposed” (Arist. Top. 100a19–20). Aristotle’s topoi thus rest on the idea of *endoxa*. Topoi are not persuasive due to certain knowledge but due to probable knowledge, i.e. premises about what is correct in most of the cases or believed by most people or by the wisest people.

Upon this supposition Lothar Bornscheuer develops a meta-scientific understanding of the concept of topos. Based on Aristotle’s and Cicero’s conception of the topic he identifies the topic as “the toolkit of an argumentation habitus that is creative in thought and language, but at the same time based on the common societal norms of opinion, language and behaviour” (Bornscheuer, 1976, p. 94). In his attempt to systemize the concept of topos he delineates various dimensions within which each topos can be situated and introduces four inherent structural features. Besides contributing to the topic’s theory, the structural features can help describe the research potential of a topos analysis going beyond that of a formal logical analysis.

The structural features can be translated into English as *habituality*, *potentiality*, *intentionality* and *symbolicity*. The first structural feature, *habituality*, aligns with Aristotle’s portrayal of topoi as being based on *endoxa*. Following Bornscheuer, collective- habitual preconceptions underlie every topos. These may encompass moral-social standards of value, convictions shaping world views, and knowledge content. Thus, topoi reflect “a society’s internalized language and behaviour habitus” (Bornscheuer, 1976, p. 96). As we conclude, this expresses the preforming of the agents’ topical inventory and the contained conceptions. Analysing topoi can, therefore, offer insights into the underlying concepts and values of arguments.

The second structural feature, *potentiality*, refers to Aristotle’s postulate that topoi can be applied to any given problem. The “unlimited capacity for argumentation requires an unlimited productive argumentation reservoir” (Bornscheuer, 1976, p. 97), which topoi provide both due to the wide variety of different topoi and due to the inherent flexibility of every topos. *Potentiality* implies that every topos must be applicable for different contexts, diverging conclusions and even opposing goals. A topos analysis can thus investigate whether the same topoi are used to achieve different argumentative objectives.

Intentionality as the topoi’s third structural feature emphasizes that use of topoi always aims at the topoi’s rhetorical impact. The choice and concrete application of an indefinite and rather abstract topos in a specific situation is left to the individual user. The habitual and adaptable nature of topoi is employed strategically to persuade. As a result, a topos as an argument is not a randomly usable aspect but rather a concrete and individual variation of a more abstract element. Analysing topoi, therefore, necessitates and enables examining their situational impact intentions.

The fourth and final structural feature, *symbolicity*, addresses the diverse modalities through which topoi find application within a textual composition. These manifestations can materialize through compound expressions, proverbs, phrases, succinct sentences, and keywords but also in lengthier segments of text. The same topos may assume varying degrees of verbal and semantic concentration. Thus, there are no rules on how to apply and formulate topoi, only a general framework within which each individual or group makes an own choice and specification. A topos analysis can thus reconstruct recurring linguistic realisations and formations.

3. ADAPTATION FOR AN INTEGRATIVE ANALYTICAL APPROACH

In discourse linguistics, a more or less systematic approach for a topos-analysis has been developed. Very interesting for our approach are Martin Wengeler's works. He uses topos analyses to analyse newspaper articles regarding migration in Germany in the 1960s, -70s and -80s. His goal is a "discourse- or rather mentality-historically interested language historiography." (Wengeler, 2003, p. 175) His method, based on Aristotle's conception of topoi and interested in argument patterns, is a solid starting point for our aim to study.

However, Wengeler's approach restricts itself to the reconstruction of a thinking habitus in the tradition of the *histoire des mentalités* and is not primarily interested in the strategic-argumentative implications of topoi. Hence, we follow Wengeler in his general procedure but suggest different or rather further going analytical dimensions. Especially Bornscheuer's structural feature of *intentionality* is worth more attention. For looking at strategic aspects and persuasive intentions the method needs to be supplemented. There have been some approaches in Tübingen going in this direction, like that of Jutta Krautter, analysing topoi in the discourse on neuro-enhancement, Severina Laubinger, investigating the crisis topos in German party programs, and Nicolas Dorn, examining neo-atheistic and Christian apologetic argumentation. We aim to integrate parts of these approaches and supplement them to a comprehensive approach. Drawing on Wagner (2009), we propose four basic analytical dimensions of possible persuasion decisions that build on both Aristotle's and Bornscheuer's groundworks: An *inventive*, *probative*, *elocutionary*, and *dispositional* dimension (see table 1).

Table 1: Overview: Four analytical dimensions of rhetorical topoi analyses

dimension	question	output	examples for categories
inventive dimension (obligatory)	Which topoi are chosen in the respective discourse?	catalogue of topoi found in the corpus (degree of abstractness and further differentiation according to research interest)	authority topoi legal authority topoi religious authority topoi epistemic authority topoi ...
			topoi of more or less ...
			burdening topoi ...
			humanity topoi ...
probative dimension (facultative)	Which communicative goals are these topoi used for in the specific case?	general stances	pro con
		specific conclusions	praising/blaming evoking/mitigating fear strengthening/reconfiguring societal values ...
		functions in topical patterns	data topoi valuation topoi principle topoi goal topoi
	
elocutionary dimension (facultative)	How are these topoi realised and formulated linguistically?	lexical phenomena	recurrence of catchwords ('burden', ...) nouns verbs adjectives ...
		grammatical phenomena	sentence complexity (parataxis, coordination, subordination, ...) sentence types (question, exclamation, ...) ...
		tropes, figures	amplifications ('many – almost all') generalisations ('almost all') ...
	
dispositional dimension (facultative)	How are these topoi constellated in single texts or the discourse?	relative positions	order of topoi (1st argument, 2nd argument, 3rd argument, ...)
		relations of topoi	combination of topoi (topos 1 + topos 2, ...)
	

3.1 *The inventive dimension of topos analyses*

First, and as a basis for all facultative further steps, we propose an *inventive* dimension of selecting, accessing and connecting, but also a preformation of speakers and their available topical inventory, in which the conception of topoi as based on endoxa and characterised by the structural moments of *habituality* and *potentiality* becomes evident. An analysis of the topoi in their *inventive* dimension can provide insight into what decisions are made regarding topoi and endoxa they rest on. This choice provides information about the habitus of thought, norms, values, and principles that lie behind the arguments – both due to the speakers' preformation by socialization and their anticipated audience they want to persuade.

We suggest inductively developing a topos catalogue on sub-corpora which can then be applied to the whole corpus. To develop the catalogue, we propose to build categories on one sub-corpus and to examine and modify them on a second sub-corpus. The first step is to go through a first sub-corpus and identify and extract all argumentative text segments. As a second step we paraphrase all the argumentations in the linguistic form of a warrant. We then sort them regarding their inference patterns and provide them with a definition and a title.

The definitions need to be abstract enough to be applicable for different argumentation goals and expressions and material enough to be traceable to concepts and perceptions forming their basis and to allow a distinction between multiple topoi. Depending on the research interest the degree of abstractness and differentiation can vary from rather formal (example (1)) to rather material (example (2)). We propose to formulate them as a warrant like these examples of Wengeler's topoi show.

- (1) Authority topos:
Because a person or institution acknowledged as an expert or authority approves/disapproves a certain action/holds a certain attitude, this action should/should not be carried out/this attitude should be adopted. (Wengeler, 2003, p. 322)
- (2) Burdening topos:
Because a person/institution/country is heavily burdened or overburdened with certain problems – or because such a burden is imminent, actions should be carried out that reduce or prevent this burden. (Wengeler, 2003, p. 303)

After sorting and defining the topoi the next step is to examine and modify them on a second sub-corpus by applying them on this sub-corpus and adjust any inadequacies.

Subsequently, categories attain their ultimate form and can be applied to the whole corpus.

The topos catalogue can contain common topoi that have been described before and that are typical for many discourses like the authority topos and more special topoi typical for the chosen discourse and corpus like the burdening topos which is, for example, frequently used in the migration discourse.

The level of abstraction of the topoi depends on the research question at hand. Works that are interested in the strategic use of specific topoi might want to make further distinctions on either formal or material, context-specific, level. For instance, more fine-

grained differentiations of authority topoi according to the authority's source (legal, administrative, religious, deontic, epistemic, etc.; e.g. Walton, 1997, pp. 89-90; Bocheński, 1983, pp. 141-142) or consequences of following or dismissing such authorities (accepting certain paradigms, inclusion, exclusion, punishment; e.g. Goodwin, 1998, p. 273) can bring valuable insight in implications made by the strategic use of these topoi.

This analytical dimension makes it possible to identify which topoi are used frequently in the corpus and thus which norms, values and principles are important to the speakers in the discourse. This is the basis and foundation of our model of a rhetorical topoi analysis of discourses. All further steps are facultative and can follow, depending on the question of interest. Moreover, the *inventive* dimension can be broken down further – in the case of a comparative study, for example, we can examine which topoi were particularly important in specific time periods or in different countries. Thus, we can find out what principles were prevalent at certain times and how that changed or how certain groups differ in the values that are important to them. Another intriguing research question is for which purposes certain topoi are employed, such as arguing for or against particular political measures. This leads us to the next dimension.

3.2 *The probative dimension of topoi analyses*

The *probative* dimension marks the use of topoi for specific contexts of reasoning and individual communicative goals. Here, on the one hand, the conception of topoi as semantically significant textual components becomes most evident, as they prompt case-oriented conclusions. On the other hand, the topoi's general potentiality becomes traceable in the topoi's various actual implementations: The same topoi are put forward with different manifestations, allowing different conclusions for different communicative goals. When topoi are applied and textually realised in discourse, the probative dimension marks the resolution of the topoi's generic potentiality in a case-oriented intentionality.

In principle, the analytical design of the probative dimension strongly depends on the research interest and may vary between inductive or deductive approaches. In Wengeler's work, the dimension is already laid out in its basic features, though it does not interest him as much regarding strategic decisions: He distinguishes between topoi put forward either for or against a cause in a global sense (for or against migration) which acts as a subsumption principle for all stances that occur in the discourse but is not further differentiated (Wengeler, 2003, pp. 301-302; see also the examples given there and the general structure of the interpretation).

Applying this distinction on German parliamentary debates can, for example, yield insights into which topoi are used in support of or in opposition to specific legislative measures by different political parties. Furthermore, it allows for an exploration of topoi which are employed both in favour of and against particular measures. The following examples from members of the Bundestag Stephan Mayer (3) of the governing Christian Social Union supporting stricter asylum policy and Dietmar Bartsch (4) of the opposition party The Left rejecting stricter measures show that the burdening topos can be used for both argumentation goals:

- (3) One thing must be clear: If the numbers continue at this high level, sooner or later Germany will be overburdened. In terms of registration, application, and

application processing, this is a huge challenge, and accommodation as well as integration into our society and into the labour market cannot be achieved in the long run, even for a strong and prosperous country like Germany, even with the greatest effort, if the numbers remain at this high level. (Mayer, 2015, p. 12283)

- (4) Your petition is: tightening, tightening, tightening. That cannot be. [...] The result will be that we will produce countless legal disputes, that authorities and courts will be additionally burdened – not to mention the burden on the people affected. (Bartsch, 2016, p. 15346)

A further step can be the reconstruction of the argumentative goals and respective conclusions. For a thorough inductive approach, we suggest reconstructing the arguments at hand according to Toulmin's layout, thus making the different conclusions *as such* and regardless of their illocutive character accessible (Kopperschmidt, 1989, p. 142) for further clustering. Moreover, the reconstruction according to the layout can further strengthen the traceability of the analysis. Laubinger, for example, inductively (though while waiving the resource-consuming reconstruction via the layout) identifies six recurring types of conclusions or functions of crisis-topoi which German parties operate with when applying the topoi in their party programs: praising or blaming, evoking or mitigating fear, strengthening or reconfiguring societal values, gaining insight on the character of crises, avoiding future crises, and applying criticism of the political system (Laubinger, 2020, pp. 258-260).

Linguist Josef Klein found recurring functions of topoi in plenary debates which can be clustered to a basic topical pattern that follows the stages of John Austin's model of action: *data topoi* allow to establish a description of a situation, *valuation topoi* allow to assess the established situation, *principle topoi* allow to introduce maxims of action, and *goal topoi*³ allow to recommend concrete actions or goals (Klein, 2019, p. 130; with slight deviations see also 2000; 2003). The topical pattern then serves as a deductively introduced cluster for following topoi analyses (e.g. Römer & Wengeler, 2013; Römer, 2017).

The application on examples from German parliamentary debates in the climate discourse shows that authority topoi with scientific authorities are implemented on all stages of the topical pattern found by Klein. In example (5), Michael Thews of the governing Social Democrats draws on experts commissioned by the federal government, who assess the sustainability strategy launched by the governing coalition positively – thus functionalizing the authority topoi as a *valuation topoi*. Oliver Krischer from the opposing Green Party on the other hand uses an authority topoi to formulate actions and goals, functionalizing it as a *goal topoi* (example (6)).

- (5) Now, however, the German government voluntarily had the sustainability strategy reviewed by experts last year. Let me quote from the resulting report, the Peer Review 2018: [Germany's] sustainability institutions are well designed, the necessary technologies are available, the stakeholders are engaged and the financial resources to support the measures are also in place. In this report, the independent

³ In German Klein uses the term "Finaltopos" (e.g. Klein, 2019, p. 77). To avoid the interpretation as being the *final* topoi in the sense of *last* topoi we chose to translate it as *goal topoi* which leaves open the position within the argumentation and stresses its goal-orientation.

experts certify that Germany is making good progress at the national level. (Thews, 2019, p. 14161)

- (6) The Coal Commission said by consensus and across all boundaries – to my knowledge there was also no dispute at all – that renewables should be a central component of structural change. (Krischer, 2019, p. 13981)

A comparable differentiation on the *probative* level can also be made with the burdening topos presented above as an example. The selected example (7) shows a burdening topos from the German migration discourse being functionalized as a *goal topos*, with which an acceleration of asylum procedures is justified:

- (7) Speeding up procedures and the processing of unresolved cases are really central if the hardship in the municipalities is to be alleviated. (Göring-Eckardt, 2015, 12274)

The *probative* dimension offers much flexibility regarding its inductive, deductive or combinatory configuration and thus needs adaptation to the respective research goal. It can offer insight into the concrete application of topoi and recurring patterns that are informative of strategic decisions made by the speakers on a probative level.

3.3 The elocutionary dimension of topos analyses

Following the *symbolicity* and tendency towards “formulaic fixation” (Bornscheuer, 1976, p. 103) of topoi, we propose an *elocutionary* dimension of linguistic realisation and configuration. Literary topos analyses, often stemming from Ernst Robert Curtius’ famous conception of topoi (Curtius, 1993), regularly build on the assumption of topoi as socio-culturally embossed expressions of both a way of thinking *and writing or saying* (“clichés that are generally usable in literature”, Curtius, 1993, pp. 92-93; similarly, Bornscheuer, 1976, pp. 103-106). Literary analyses thus tend to interpret topoi primarily as stylistic phenomena, putting them in proximity to catchword analyses. While stylistic phenomena such as catchwords are a starting point (though not sufficient) for identifying topoi (Knape, 2000b, p. 759), rhetorical topos analysis is also concerned with considering style as an expression of strategic choices and an important contribution to the arguments’ impact. Bornscheuer’s structural feature of *intentionality* entails that topoi are not necessarily visible on the textual surface as catchwords, but that *elocutionary* choices can point to the topoi and, more interestingly for our cause, at the same time do that in a specific manner which supports or even evokes the topoi’s specific principle or idea (e.g. contradiction or parallelism).

Example (8) and (9) (and similarly example (6)) can demonstrate the potential of the *elocutionary* dimension: On a stylistic level, an amplification (“many scientists – almost all of them” [“viele Wissenschaftler – fast alle”]; “enormous challenge, perhaps even *the* challenge of the next decades” [“enorme, vielleicht sogar die Herausforderung der nächsten Jahre”]) and a generalisation (“almost all” [“fast alle”]) are employed to further strengthen the respective topos on a stylistic level:

- (8) But it is also the case that many scientists – almost all of them [*viele Wissenschaftler – fast alle*] whose statements I have read since Friday – say: so far, the measures you have listed and undertaken in the package are just not enough. (Verlinden, 2019, p. 13974)
- (9) Since the beginning of the year, we have had uninterruptedly high numbers of refugees, numbers that are now increasing – I chose this word very deliberately – exponentially. Until recently, we could not even slightly imagine the arrival of people in the scale of the last weeks. Refugee policy in Germany is thus becoming an enormous challenge, perhaps even *the* challenge of the next decades [*eine enorme, vielleicht sogar die Herausforderung der nächsten Jahrzehnte*]. (Pistorius, 2015, p. 12280)

In principle, all stylistic categories come into question here as differentiations of the *elocutionary* dimension, such as lexical phenomena (recurring words, verbs, adjectives etc.), grammatical phenomena (sentence types, sentence complexity etc.) and tropes and figures. Classical rhetoric provides a comprehensive catalogue for this. Though not primarily topos analytical, some pragmadialectical analyses proceed similarly and integrate linguistic-stylistic analyses into the analytical framework, proposing the use of checklists, as one of its cornerstones (e.g. van Haaften, 2019; van Haaften & van Leeuwen, 2021; 2018). This deductive approach seems useful to us to keep track of the possible range of phenomena, but overall, the formation and selection of categories is also based on the material and the guiding research question. As for the other dimensions, the *elocutionary* dimensions' full potential lies in the interrelation and conflating interpretation with the other analytical dimensions (e.g. the applied concept of authority being strengthened on a linguistic level and so on).

3.4 *The dispositional dimension of topos analyses*

Further, we propose a *dispositional* dimension that describes the sequence and linking of the individual topos into a more general concept. In it, the facultativity of the topos category is expressed on the one hand, and habitualised genre practices and deviations from them on the other. This dimension can provide insights into topos constellations and patterns in structure. It can be combined with all other dimensions. This is possible by analysing the position of either the topoi themselves or their probative purposes or their stylistic shapings. It is for example interesting to look at in which order topoi are often used or if there is a recurring structure of first *valuation topoi*, then *goal topoi* or if specific stylistic realisations of topoi occur more often in the beginning of a speech and so forth. A very basic distinction would be the distinction between “beginning, middle, end” or “first argument, second argument, third argument and so forth”.

Another interesting area of investigation would be the question of which topoi are commonly combined. The authority topos and the burdening topos can, for example, be combined like example (10) shows:

- (10) Yes, the Chancellor is right: the factual limit will probably be difficult to quantify. But the situation in the municipalities is dramatic: In Bavaria, there are

municipalities that are at the burden limit. Therefore, there can be no ‘going on as before’. This was also impressively confirmed by the municipal central associations at the hearing on Monday. We must take this development into account. (Lindholz, 2015, p. 12589)

Andrea Lindholz of the ruling Christian Social Union in Germany demands stricter asylum laws backing this up with both burdens and authorities. Combining two or more topoi can amplify the argument and thus the persuasive potential and is therefore an intriguing object of investigation.

With the *dispositional* dimension it is thus possible to investigate how the topoi are constellated in single texts or the discourse. On the one hand, this dimension achieves to trace specific arrangement orders and patterns of topoi as well as probative functions as well as *elocutionary* choices. On the other hand, it achieves insights into combinations of topoi.

4. CONCLUSION AND FINAL REMARKS

The four analytical dimensions we propose result from an integral understanding of the topos category that attempts to depict the comprehensive potential regarding possible production decisions and thus persuasive factors. The first and basic analytical dimension, the *inventive* dimension, provides information about the speakers’ and/or the anticipated audience’s habitus of thought, norms and values lying behind the arguments. Different speakers, time periods, countries or settings can be compared to find argument patterns typical for the respective discourse. The further three dimensions are facultative and always related to the first dimension but can furthermore be related to each other. With the *probative* dimension one can achieve insights into which topoi are used for which argumentative goals or specific conclusions. The *elocutionary* dimension concerns the linguistic realisation and formulation of topoi, considering lexical, grammatical, or figural phenomena that, for example, amplify the argument’s persuasive potential. The *dispositional* dimension examines topoi in their relative position in texts, constellations and relations to each other to find recurring patterns in structure and combination.

The method can be used for critical analyses as well, outgoing from the different dimensions. Possible starting points here can be the logical validity of arguments on the one hand and on the other hand, contrary to this, criticism of the use of accepted concepts to promote questionable moral purposes.

It is important to us that the four dimensions are understood as an analytical framework. Of course, their suitability and concrete layout depends on the respective question. We specifically want to maintain a certain flexibility of the method, which on the one hand does justice to the different question interests and on the other hand to the systematic, but productive vagueness of the topos category itself. In doing so, we hope to bring together some of the work that has been done in general rhetoric and to provide a foundation for future work that ventures into the field of rhetorical discourse analysis.

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Caregivers' Reasoning about Oncological Treatment in Online Discussions

A comparative analysis

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ABSTRACT: In long-term conditions, a great burden is placed on caregivers, who contribute to decisions regarding treatment. Studies on caregivers' role in the decision-making process are scarce. In this paper, we aim to describe reasoning patterns on decisions regarding treatment, as they appear in two corpora consisting of discussions posted on online fora that include patients, caregivers and professionals. In the analysis, we focus in particular on the argument schemes used by caregivers.

KEYWORDS: argument schemes, caregivers, decision-making, medical argumentation, oncology, online health communities

1. INTRODUCTION

This paper is set within an ongoing line of research that aims to explore the reasoning used for decision-making in different medical settings (Bigi, 2016; Lamiani et al., 2017; Bigi, 2018; Macagno & Bigi, 2020; Macagno & Bigi, 2021). Literature on medical decision-making is usually focused on the consultation and considers mostly the doctor-patient dyad. In this paper, we widen our perspective on decision-making assuming that any decision is made in the context of a larger 'ecosystem', which includes all the interpersonal relations any individual is a part of. These relations – such as family, friends, acquaintances, colleagues – will inevitably influence a person's decisions, either intentionally or not, and should be considered. The ecosystem also includes any 'impersonal' source used to access information, such as TV, radio, Internet, social media. An additional element of complexity in decision-making is the fact that decisions are made after 1) information has been collected and considered and 2) various options for action (if available) have been weighed one against the other to assess which one is the most reasonable in consideration of the issue at hand (Elwyn & Miron-Shatz, 2010; Walton, Toniolo & Norman, 2014).

In this paper, we take into consideration both these levels of complexity by examining how the caregivers of oncological patients collect and assess information in online health communities (OHC). In particular, we are interested in how reasoning about the management of oncological conditions is developed in OHC. As Holmes (2019, p. 5) states: "More studies are recommended to explore the resources available to people living

with and beyond cancer and identify how people evaluate and make decisions based on Internet use.”

The paper is structured as follows: section 2 explains the structure of decision-making in a dialogical and argumentative perspective and expands on how the ‘relational ecosystem’ works with respect to decision-making and online health communities. Section 3 presents the study design and results. Section 4 discusses the results and offers concluding remarks.

2. MAKING DECISIONS ABOUT HEALTH

The imperative of patient participation and the ethical limitations posed to healthcare professionals ever since the end of World War II have favoured the development of studies on how health-related decisions are made. The most relevant line of research produced in this perspective has been the one on ‘shared decision-making’, a concept that has been subjected to serious reconsideration in recent years (Kaldjian, 2017; Duffin & Sarangi, 2018; Gerwing & Gulbrandsen, 2019; Dingwall & Pilnick, 2020; Elwyn et al., 2023; Pieterse et al., 2023). A different approach has taken models developed in the field of argumentation studies and applied them to decision-making in healthcare (Akkermans et al., 2023; Jackson, 2020; Bigi, 2018; Rubinelli, 2013; Pilgram, 2012). In this study, we follow the latter ‘trend’ and refer in particular to the model in Figure 1, proposed by Walton, Toniolo and Norman (2014), which represents graphically the structure of a deliberation process understood as the combination of different ‘dialogue types’. This figure is useful for our discussion to understand the close connection between the information that can be collected regarding an issue and the proposals that can be formulated in order to make a decision on the most appropriate course of action.

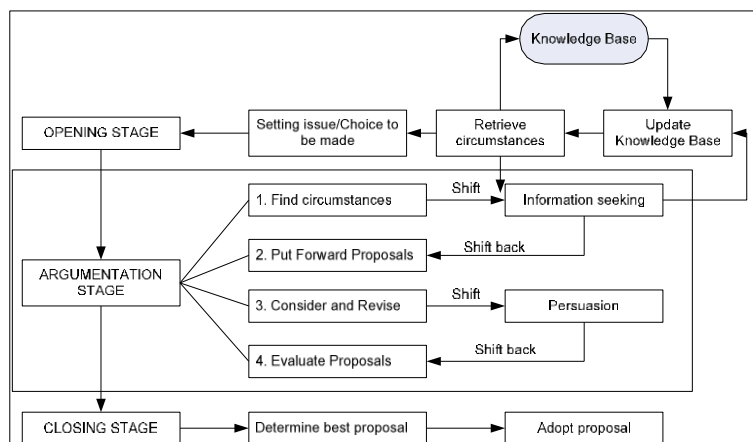


Fig. 1 – The model of the deliberation dialogue (Walton, Toniolo & Norman, 2014)

In the specific case of decisions regarding health, the oncological context poses specific challenges because of the nature of the disease. What frequently happens is that patients are supported by family members, partners or friends, who are usually referred to as ‘caregivers’ and who are carrying a great emotional and sometimes also physical burden (Kirk, Kabdebo & Whitehead, 2022; Alam, Hannon & Zimmermann, 2020). Relevant for

our study is that they are also often crucially involved in the process of making decisions regarding treatment (Acquati et al., 2022; van Oosterhout et al., 2021; Gieseler et al., 2021). In the oncological setting, especially in cases of advanced cancer, it can be quite challenging to decide for a particular kind of treatment because it is difficult to find a balance between the goal of ‘length of life’ (LoL) and ‘quality of life’ (QoL), which are not always aligned (Shrestha et al., 2019). It is at these points that decisions stop being the result of a discussion between the doctor-patient dyad and become the outputs of wider deliberation processes, involving many participants. Indeed, once the options for treatment have been explained and discussed in the doctor’s office, there is usually time to consider and come back with a decision. Studies show that this time is often used by caregivers to collect additional information, second opinions or more generically moral support in view of making the decision (with or on behalf of the patient) (Verma et al., 2022; Dionne-Odom et al., 2019; Kinnane & Milne, 2010). In consideration of these factors, it makes sense to characterize the interactions that occur at this stage in the decision-making process as instances of “polylogue”, as described by Kerbrat-Orecchioni (2004). Referring to the representation in Figure 1, this polylogical phase corresponds to point 1. in the Argumentation Stage, where participants have the goal to define circumstances and find relevant information that will help them decide. In the case of OHCs, this phase is realized through ‘wide’ interactions that involve multiple participants, not necessarily acquainted with each other, but bound together by the common experience of the disease. During these interactions, participants do not only seek and provide information, but also support it through argumentation in order to frame it as reliable.

Ever since its availability to the larger public, the Internet has become a favoured source of information for patients and caregivers, and along with the Internet, also online health communities, which have existed for about forty years now, and recently have increased the numbers of their users, also due to the development of social media (Jackson, 2023). Existing studies exploring the use of online resources by patients and caregivers usually provide recommendations to clinicians on how to take into account patients’ use of online information without stigmatizing it, and on how to improve the quality of online information. Many of these studies observe the impact of participation to OHCs on patients’ health literacy and empowerment (among others, Watson, 2018; Holmes, 2019; Braun et al., 2019; Zhou & Wang, 2020; Johansson et al., 2021; Chi et al., 2022).

From the point of view of the decision-making process, OHCs can be considered part of the extended ecosystem mentioned before, within which each individual is set and that influences decisions. In particular, regarding health-related decisions, OHCs seem to provide large networks that individuals can turn to when they need additional information, clarifications, or simply the opportunity to express their feelings to others who are assumed to be able to understand them.

The reason to consider caregivers’ use of OHC to retrieve information about treatment is that it is not completely clear how discussions in online communities might influence patients’ and their caregivers’ decision-making regarding treatment (Holmes, 2019).

3. STUDY DESIGN AND RESULTS

Our first step in this exploration has been an analysis of reasoning patterns, as they appear in two corpora, one in Italian and one in Russian, consisting of discussions posted on online fora that include patients, caregivers and professionals.

We identified two freely accessible online health communities: “AIMAC forum” (<https://forumtumore.aimac.it/>) and “Rak pobedim” (“we will defeat cancer”, <http://www.rakpobedim.ru/forum/>). The first one, which we will refer to as AF, has been created by an Italian association that includes oncological patients, their caregivers and friends. The second one, which we will indicate as RP, is a similar online health community, occasionally including healthcare professionals.

In our analysis, we first searched for threads about treatments. To do this, we considered the titles of threads and the titles of conversations within threads. We then singled out from each forum a sample of 20 conversations regarding treatments, experience about treatments, and how to manage them. We analyzed the kind of questions posed by caregivers, in order to better understand what kind of information they were seeking and how they asked for it. Finally, we considered the answers by forum members to describe the kind of information provided and, if possible, the argument schemes (Walton 2006) used by participants to support their recommendations and make them more credible.

The next section reports the main results with examples from both fora. The original posts in Italian and Russian have been translated by the authors (SP for Italian cases, and VN for Russian cases).

3.1 Results

The first step in our analysis consisted in the observation of caregivers’ questions. Comparing both OHCs, it is possible to notice some similarities in this respect. When posing questions that have to do with treatments, caregivers tend to ask for: real-life experiences regarding treatments that have been prescribed; second opinions; advice and help regarding cases in which not even the clinicians seem to be able to find solutions.

Table 1 offers examples of these different kinds of questions.

FORUM	EXAMPLES
RP	<p>(1) Immunotherapy. Dendritic cell-based vaccine. Hello. I need feedback from real people who have experienced this vaccine themselves. What are the results? Is it worth the risk?</p> <p>(2) Good afternoon, please advise me. My mom has been diagnosed with second stage breast cancer. Chemotherapy is prescribed before surgery. Are there any more modern methods of treatment that are not so harmful to the body?</p> <p>(3) Hello. Does anyone have any feedback on recently invented viruses? Any side effects or contraindications? I know this is, let’s say, unofficial, but I’d like to try it. My husband got bone metastasis, middle ear squamous cell cancer. Doctors are already letting him go home.</p>

AF	<p>(4) I am turning to your association for advice about the right therapy to follow after surgery, also in consideration of your experience.</p> <p>(5) My father was diagnosed with stage IV glioblastoma. If you can tell me, according to your knowledge, I ask about the best center in Italy to rely on.</p> <p>(6) Does anyone have any knowledge/experience of a specialized center that can help for one last (desperate and different) attempt?</p>
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Table 1. Caregivers' questions.

Many of these questions allow us to detect a recurrent dilemma that seems to concern caregivers in their decision-making about treatments, i.e., the uncertainty of the outcomes. In other words, it is often the case that patients have been prescribed a certain treatment or have been proposed an alternative, but it is not at all obvious if the proposed therapy will be beneficial, or – in the case of an alternative – which of the different suggestions could be the most appropriate. It seems that in all these cases the decision has been left to patients and their caregivers, thus the need to seek advice where someone could have already experienced the same situation. Table 2 shows examples of these cases.

FORUM	EXAMPLES
RP	<p>(7) My mother, 77, relapsed after having a kidney removed. Her condition is now tolerable. We have Sorafenib (generic) but we are afraid to take it. We are afraid that the side effects will cause her to give it up after a week or a month, and then the tumor might grow more dynamically - this is a concern, although I haven't read this about Sorafenib specifically...</p> <p>(8) My mom had her uterus removed and a biopsy revealed cancer cells. [...] Now the doctor suggests doing a course of radiation and remove lymph nodes, just in case! If I agree with radiation, is it necessary to remove the lymph nodes so urgently? [...] Mom is 59, active, NOT an old woman. I would not want to worsen her health.</p>
AF	<p>(9) Q: I am really afraid that this treatment will be too strong for him and that he will be very sick... is there someone who knows it and can tell me what they think? A: if in your dad's case chemotherapy has been suggested, it means that it makes sense. It's terribly hard to weigh costs and benefits of different therapies, but personally I would focus on the quality of life rather than on mere duration</p> <p>(10) Last week he started chemotherapy and he will have to undergo another 3 cycles + radiotherapy, then he will be operated and he will resume the chemotherapy cycle. What should I expect? Could he live a normal life after the surgery? Will this heal him?</p>

Table 2. Requests for advice.

Based on these and other examples, it seems possible to say that caregivers' questions tend to point to two main reasoning patterns (Table 3).

In the first one, a certain treatment has been prescribed and this is the reason for seeking a kind of 'second opinion' with the peer group in the OHC. The implicit premises in this line of reasoning are that: 1) the group may have relevant information, and 2) experts may have a general picture (e.g., through statistics), but peers have the experience (and may know about exceptions).

The second line of reasoning usually follows from the fact that no treatment is considered possible and this is the reason for seeking advice about 'alternative' treatment options. The implicit premises in this case are that 1) the group may have relevant information, and 2) it is possible that there exist 'non institutional' options that experts will not consider and that the group might be aware of.

FORUM	EXAMPLES
RP	<p>(11) Good evening, I need advice and recommendations... my dad has stage 4 prostate cancer. Since August 2014, every 3 months we have been injecting Zoladex, and every day we drink Bicalutamide and Omnic. [...] Some days ago he began to complain of pain in his legs, his face became yellow, he is experiencing shortness of breath. [...] A paid oncologist recommended to cancel Bicalutamide completely and to check his heart. I don't understand why his heart, as I always associated the yellowing of the skin with a liver problem. Maybe someone has experienced something similar...? I will be grateful for any little information and advice!</p> <p>(12) What do you think about treating cancer with fractional asd 2¹? Why I ask: a friend of mine has cured her husband from lung cancer for 5 years. Now he is healthy. My mother started too, so far without result, though only a month has passed.</p>
AF	<p>(13) We would like to ask for some advice on the therapy he is following, as about 10 days ago he had the first epileptic seizure and until now they still have not found an antiepileptic drug that works, they are trying with Vimpat.</p> <p>(14) Is there anyone who made use of these "tonics"??? Or anyone who has pain problems for which oxycodone does not help, and has found alternatives?</p>

Table 3. Examples for the two different lines of reasoning used by patients' caregivers.

As for users' replies, they are usually based on their personal experience, and advice is supported by arguments from example. Table 4 shows a few cases.

FORUM	EXAMPLES
RP	<p>(15) Hyperthermia is one of the most effective treatments for cancer. A good acquaintance of mine was refused everywhere, but the Hyperthermia Institute accepted him and carried out the procedures. The result is that he has lived for 10 years and feels like a healthy man, even his metastases have gone away.</p>

¹ Refers to a drug that is not explicitly proposed for the treatment of cancer.

	(16) At the last, 4th stage, if treated ONLY with immunovaccine and nothing else, then no, it is not worth it. [...] When my wife was diagnosed with 4th degree oncology, the immuno-oncologist refused to treat her. He's a great specialist and doctor. But he's not omnipotent. And he can only cure early stages with immunovaccine.
AF	(17) Hi Irene, it's difficult to provide certainty but I think this behavior is due to the illness, not to treatments. My dad had the same kind of tumor... (18) Palliative care does not mean "imminent" end of life. For personal experience with mom, during the first months and the following months of care we had home care that provided nurse, doctor and psychologist who occasionally visited my mom and treated postsurgical wounds etc...

Table 4. Replies containing arguments from example.

Other times users back up their advice by referring to its source, e.g. the family doctor, the pharmacist, or a reliable research center/hospital. In these cases, they are still providing their personal experience or opinion, but they make its acceptability stronger by calling into play those institutional 'actors' that in some cases are not considered sufficient by those who ask the questions. This kind of 'backup' is never contested.

Table 5 shows one example for each forum of this kind of reply.

FORUM	EXAMPLES
RP	(19) Hello, the Petrov NIC in St. Petersburg produces their own vaccine based on dendritic cells, as I understand it is a state institution, a research centre... why is it rubbish?
AF	(20) Very dry eyes, for example, it looks like they can be prevented with blueberry supplements, my pharmacist told me!

Table 5. Replies containing arguments from authority.

4. DISCUSSION AND CONCLUSION

Based on our analysis, some considerations can be proposed for discussion.

First of all, albeit having been shown in previous studies from a clinical and psychological perspective, the relevance of analysing caregivers' participation in the decision-making process emerges also from our study through a very interesting linguistic phenomenon. In both corpora, it is possible to observe a peculiar use of the first-person-plural pronoun 'we' by caregivers when reporting about treatments. Indeed, this pronoun, employed in its inclusive sense (Fillmore, 1971) as shown in the examples in Table 6, displays the attitude of the caregivers to participate in, or even carry, the burden of the treatment, as if they were suffering the negative effects of the disease *in the same way* as the patients. This specific use of the inclusive pronoun 'we' can be considered as an example of empathetic deixis, which highlights the emotional proximity and solidarity, or even identification, of the speaker with the situation and the person they are referring to

(Lyons, 1977; Andorno, 2005). In this regard, Graneva (2022, pp. 180-181) talks about the “psychological we”, pointing out that in Russian this kind of empathetic deixis, which expresses the speaker’s empathy towards the referent, is very frequent in mothers’ narratives referred to their children: *My načali (= on načal) v 4 mesjaca kušat’ risovuju kašku* [We started (= he started) eating rice porridge at 4 months]. Table 6 reports examples of this phenomenon.

FORUM	EXAMPLES
RP	(21) Hello! We have been diagnosed with recurrent lung cancer with an EGFR mutation in exon 19. We have been treated with gefitinib for almost 3 months. Once a month we have blood tests. (22) We started getting HIFU and (we) had chemo at the same time.
AF	(23) Testicle tumor should be an easy one, so most doctors say... right, but ours unfortunately is aggressive! (24) In January we’ll be using the wheelchair, and we’ll start chemotherapy.

Table 6. Examples of empathetic deixis in caregivers’ posts.

A second consideration has to do with the fact that patients and caregivers access OHCs when faced with the dilemma of having to choose between treatments that are likely to increase the length of life (LoL) at the expense of its quality and treatments that may guarantee a better quality of life (QoL) but a shorter survival. The dilemma is created by the fact that this choice is often accompanied by uncertainty: experts may have said that “in most cases” either LoL or QoL are to be expected as the effect of treatments, but it may not always happen that way. Thus, any decision involves a high degree of risk and seeking help in OHCs is part of the deliberation process implied by such dilemmas. Indeed, before any decision it is necessary to collect at least the relevant information. In cases such as the ones observed in the OHCs we analysed, users are looking for the kind of information that experts cannot provide, i.e. personal experience.

Indeed, the first generalization from our data regards the kind of information that participants share. We observe three kinds of information, or knowledge, that are sometimes competing and other times ‘collaborating’: professional expertise, personal experience, and ‘alternative’ knowledge.

Professional expertise is what participants have been provided with by their healthcare professionals. It is expressed through protocols, guidelines, assessment criteria and statistics deriving from randomized controlled trials. This kind of expertise is what constitutes the starting point for accessing the forum: it is either not enough (doctors are not able to recommend anything), not satisfactory (recommendations for treatment do not guarantee positive outcomes), or users simply want to double check the information they have. In all of these cases, the other members of the OHC are considered to be knowledgeable ‘actors’, potentially able to fill the gaps left open by experts.

Indeed, personal experience is what OHCs are concerned with. This is the second kind of information that is shared by participants; actually, it seems to be precisely the kind of information most participants are looking for. In most cases, it looks like personal experience is considered complementary to professional expertise, not because the latter is

unreliable or in bad faith, but because members of the OHC may have experienced those rare symptoms or effects that statistics are not able to capture. In reply to requests for advice (e.g., “what should I do?”, “what would you do?”, “is there anybody who went through the same experience and can advise me?”), participants back up their advice by using their own experience as arguments from example; in these cases, the use of empathetic deixis strengthens the arguments by making caregivers appear as though they were primary sources of the information. However, differently from what happens in many public controversies about health issues (Jackson, 2020), this anecdotal evidence is not used to push aside professional experience or to contradict it.

In this respect, it is interesting to observe what happens when some participants ask about or try to suggest ‘alternative’ solutions, i.e. non-scientifically grounded advice of some kind. In many cases their posts are simply dropped by the others, in some cases rather heated discussions are triggered precisely by the fact that such suggestions are unreliable and not backed up by sufficient evidence.

Clearly our data is too limited to make relevant generalizations regarding the different role of these kinds of knowledge in the decision-making process, but it is interesting to note that in both fora the majority of participants displays a trusting attitude towards science. By seeking advice and help on OHCs they are not showing disregard or lack of trust in scientific knowledge, but are trying to ‘fill the gaps’ that that kind of knowledge is leaving open. Our observations are also in line with the findings reported in Macagno and Bigi (2021) where different levels of evidence were described and their uses measured in a corpus of doctor-patient consultations. In this corpus, experts tended to look for recurrent patterns in patients’ symptoms, and used this evidence to support their advice; patients, on the other hand, tended to use evidence coming from direct observations and to use it without making any interpretative effort. In a sense, this is what happens also in our OHCs, where evidence from direct observations is used to support the advice users are giving each other.

Other considerations can be relevant at a more general level. More precisely, in spite of its limitations this analysis offers the opportunity to observe how the acceptability of certain arguments may change depending on the conversational context in which they are used (Walton, 1996; 1998). Indeed, arguments from example such as the ones commonly used by participants to support their advice would never be considered acceptable if used by healthcare professionals. On the other hand, arguments from authority or expert opinion that would probably be considered signs of a paternalistic approach used by professionals are frequently used to back up participants’ advice to each other.

This paper reports on an ongoing line of research on deliberations regarding health. Within this ongoing effort, a continuation of this exploration will include the analysis of the expression of doubt and ‘expertise’, to describe how the reliability of the answers is established. At another level, we intend to analyze, where possible, the causes of doubt: apart from what we have already observed, are there other reasons why people ask for advice on OHCs? Why were the interactions with experts not enough? Finally, which arguments are not considered acceptable by members of OHCs? Through these and other research questions, we aim at reaching a more comprehensive description of the deliberative processes that lead to decisions about health.

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Explanatory Dialogues and Digital Medicine

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ABSTRACT: To what extent can the model of explanatory dialogue elucidate the interaction between the Doctor and diagnostic AI, i.e., Explainable Artificial intelligence (XAI)? We argue that explanatory dialogue models do not make an optimal framework for analyzing and evaluating the Doctor-XAI interaction. This is because this interaction, typically, does not aim at transferring *understanding*, a main goal of explanatory dialogue.

KEY WORDS: artificial intelligence, clarification, defeaters, Douglas Walton, epistemic luck, explanatory dialogues, explainable artificial intelligence, justification, medicine, understanding

1. INTRODUCTION

Explanations are ubiquitous in the medical domain. While doctors try to identify a disease that explains the patient's symptoms (Josephson & Josephson, 1994), researchers often focus on etiology and identify causes that explain diseases (Marcum, 2008; Dragulinescu, 2016). Accordingly, scholars recognize that the *inference to the best explanation* (henceforth, IBE) is essential to medical practice. In a broad sense, IBE amounts to generating, justifying, and accepting a hypothesis H because H provides the best explanation of data (Harman, 1965; Douven, 2021). For instance, a doctor may conclude "The patient has hemolytic anemia" because this type of illness— together with background information (age, gender, medical history, etc.)—best explains the patient's symptoms (e.g., dark urine).

Explanations are frequently used in dialogues: in response to the User's question ("Why p ?"), the Explainer explains p for the sake of clarifying (Cawsey, 1992) or transferring her understanding (Walton, 2011). In fact, since scholars often define

explanation in terms of its communicative goal,¹ and the User's interests, commitments, and criticisms determine if the explanation achieves this goal, explanations might be portrayed as inherently dialogical. In that case, dialectics provides essential tools for studying explanations. Applying a normative model of explanatory dialogue should contribute to the analysis and evaluation of a particular explanatory interaction.

Explanatory dialogues in medicine include different parties: a doctor might be explaining something to a patient, family member, another doctor, or she might demand an explanation from some Artificial Intelligence System (henceforth, AI). The usage of AI in diagnostics and medical prediction has increased recently but, at the same time, software has become extremely complex and started to lack interpretability. Namely, when the AI system generates an output—e.g., a correct diagnosis that “The patient has hemolytic anemia”—doctors and software engineers find it difficult to understand how, or on what grounds, the system produces such output (Holzinger et al., 2019). Since treating them as ‘black boxes’ is epistemically and morally problematic, AI systems must become explainable. Making AI transparent and interpretable by clarifying a software's training, database, restrictions, correlations, inferences, etc. is the main goal of *explainable AI* (henceforth, XAI), an emerging field in AI.

This paper's main question is: Does the model of explanatory dialogue—proposed, for instance, by Douglas Walton (2011)—elucidate the interaction between the doctor and XAI? After all, the Doctor appears to assume the User's role. She faces something she does not understand and demands an explanation from XAI (the Explainer): “Why output (hemolytic anemia, rather than...), based on the input (patient's symptoms, biographical information, etc.)?” Surprisingly, we argue that explanatory dialogue models, although helpful to some degree, do not make an optimal framework for analyzing and evaluating the Doctor-XAI interaction. This is because such interaction often does not aim to transfer *understanding*—the main goal of explanatory dialogue—but rather justification, knowledge, or truth. Consequently, studying the Doctor-XAI interaction from an argumentative viewpoint, e.g., that of a critical discussion (van Eemeren & Grootendorst, 2004) or inquiry (Walton & Krabbe, 1995), seems more promising.

The paper proceeds as follows. Section 2 provides an overview of explanation studies in argumentation theory. Section 3 describes the features of explanatory dialogues. In Section 4, we introduce an example from medical diagnostics and explain what motivates the development of explainable artificial intelligence (XAI). Section 5 shows that although the Doctor-XAI interaction might be initiated by a clarification request, it assumes more fundamental goals. In Section 6, we sketch several arguments why the Doctor-XAI interaction does not aim at understanding and, consequently, should not be primarily analyzed in terms of an explanatory dialogue. Section 7 summarizes the main results.

2. EXPLANATIONS IN ARGUMENTATION THEORY

Explanations raise many kinds of questions. First, theorists focus on *conceptual demarcations* and questions like: What distinguishes an ‘explanation’ from ‘reasoning’ and ‘argument’ (Wright, 2002; McKeon, 2013; Dufour, 2017; Govier, 2018)? On

¹ For instance, an explanation is meant to “make clear to the hearer some complex piece of knowledge” (Cawsey 1992: 5), “achieve the state where hearer knows” (Moore 1995: 10), or “transfer ... understanding from the one party to the other” (Walton 2011: 356).

standard accounts, both argument and explanation instantiate reasoning, but while arguments “provide evidence for accepting a doubted conclusion,” explanations “provide a cause for an already accepted conclusion” (Mayes, 2010, p. 95). So, for instance, the Doctor demands an explanation by asking “Why does the patient have dark urine?” and, presumably, an argument by asking “What makes a hemolytic anemia the best diagnosis?”

Second, scholars study the explanation’s formal dimensions. Their research centers on developing *argument schemes* (with the list of critical questions) associated with paradigmatic explanatory inferences, e.g., IBE (Walton et al., 2008; Wagemans, 2016; Yu & Zenker, 2018; Olmos 2021). Third, *pragmatic research* focuses on defining the speech act of explaining (Gaszczyk, 2023) and studying its applications in communication. For instance, transferring understanding—as the essential function of explaining (Lipton, 2004; Grimm, 2010)—becomes critical when the Challenger cannot figure out the Proponent’s commitments and, consequently, fruitfully participate in a discussion. In such circumstances, explaining facilitates communication as a ‘local’ move made in a broader argumentative context (van Laar and Krabbe, 2013).

Studying explanations as moves in argumentative dialogues, however, is different from studying *explanatory dialogues*, i.e., dialectical procedures that systematically promote the transfer (or enhancement) of understanding.

3. EXPLANATORY DIALOGUES

Cawsey (1992), Moore (1995), and Walton (2004, 2005, 2011) have developed models of explanatory dialogues, thereby explicitly engaging in the “explanatory dialectic” (Rescher, 2007, p. 48). Cawsey and Moore emphasize that, sometimes, the User does not understand the computer’s explanation, so the computer must respond to her feedback. We summarize Walton’s model below.

First, at the beginning of the explanatory dialogue, the User lacks understanding: she encounters “an anomaly in the account” (Walton, 2011, p. 350), surprising data that does not cohere with her expectations based on ‘how things normally work’ (e.g., dark urine). Second, the User assumes that the Explainer understands the anomaly, and requests an explanation (“Why is the urine dark?”). The goal of explanatory dialogue is “a transfer of understanding from the one party to the other” (2011, p. 356) and, for this to happen, the User “is supposed to understand all the premises in the chain of reasoning” (2005, p. 81). Third, the Explainer offers an explanation and the User either accepts it or requests further reasons or clarifications. At this point, an explanatory dialogue may shift into an argumentative one, such as examination (2011). Finally, the understanding is transferred if the Explainer responds to all questions and challenges, and the User does not have further demands. We can present this simplified version of Walton’s model in a systematic dialectical fashion.

INITIAL SITUATION	(1) The User is puzzled by some anomaly she does not (but wants to) understand, (2) The Explainer has understanding.
COLLECTIVE GOAL	Transferring understanding from the Explainer to the User.
OPENING STAGE	Agreeing on roles, and starting points (propositions both parties <i>understand</i>).

EXPLANATION STAGE	The Explainer responds to the User’s explanation request [<i>possible shifts to other dialogue types</i>].
CLOSING STAGE	The explanation is judged to be successful or not (i.e., to transfer understanding or not).

Figure 1. Walton’s (2004, 2005, 2011) Model of Explanatory Dialogue

Does this model elucidate the Doctor-XAI interaction? At the beginning of a diagnostic procedure, the Doctor gathers data: the patient’s biographical information, medical history, results of physical examination, laboratory tests, etc. Consider the real-life example from *casiMedicos*:²

A 32-year-old woman with cerebral palsy from childbirth came to the emergency department for a few days of dark urine associated with an episode of high fever and dry cough. On admission, the CBC showed 16900 leukocytes/mm³ (85% S, 11% L, 4% M) ... In the biochemistry LDH 2408; bilirubin 6.8 mg/dl, ... The morphological study of blood showed macrocytic anisocytosis with frequent spherocytic forms and polychromatophilia without blasts. The irregular antibody study is positive in the form of panagglutinin...

Next, the Doctor feeds the AI system with this data (inputs), gets the diagnosis “The patient has hemolytic anemia associated with respiratory infection” (output), and requests an account of why these inputs generate this output. So, apparently, the Doctor assumes the User’s role and eventually interacts with the XAI (assuming the Explainer’s role).

4. EXPLAINABLE ARTIFICIAL INTELLIGENCE

As Nyrup & Robinson (2022, p. 12) put it, “medical AI systems are developed to take on increasingly critical roles in assisting with clinical reasoning tasks such as diagnosis, prognosis, and treatment decisions.” The problem is that their “applications became increasingly successful but increasingly opaque” (Holzinger et al., 2019, p. 1): it became difficult to spell out the grounds and procedures the AI uses to transform inputs into outputs. In effect, XAI is developed to enhance the “transparency and traceability of statistical black-box machine learning methods” (Theunissen & Browning, 2022, p. 2) and tackle “multiple layers of opacity” (Holzinger et al., 2019, p. 1). But what does the ‘opacity’ mean? What conditions reduce explainability and why is it important to overcome them?

Nyrup & Robinson (2022) argue that explainability is not well-defined. They understand it as AI’s relational property—depending on context, audience, and purpose—and identify features that reduce it. First, explainability is reduced by *secrecy*. For instance, some software cannot convey information about their inner states: they are simply not designed to formulate an explanation, explicitly, on demand. Second, the audience can lack the vocabulary to interpret an explanation, thereby reducing AI’s explainability (*technical literacy*): often, laymen do not understand technical concepts and formalisms. Third, the system’s *complexity* can render understanding cognitively demanding, despite the User’s technical literacy.

² *casiMedicos* is a project where collaborators attempt to make various medical data more accessible to public (see <https://www.casimedicos.com/>). For instance, in one part of the project, voluntary medical doctors explain examples from MIR exams. We took our example from this data set.

[A]dvanced machine learning models, ... can take hundreds or thousands of input variables and use these to calculate a highly nonlinear and non-monotonic function (Selbst & Barocas, 2018, 1094-96), meaning that there are no simple, overall rules for whether increasing a given input variable will increase or decrease (and by how much) the probability of a given decision. (Nyrup & Robinson, 2022, p. 8)

Fourth, sometimes, the User cannot translate AI's computational states into human concepts (*semantic mapping*). Suppose that the medical AI 're-groups' original inputs into larger units that seem entirely random to the human mind: e.g., {dark urine, mother of two, macrocytic anisocytosis}, {high fever, married, bilirubin 6.8 mg/dl}. The User might observe how such units interact and understand their syntactic behavior, but cannot comprehend their semantic meanings. Finally, the AI system can draw seemingly irrelevant inferences. Suppose AI somehow (correctly) infers "The patient has hemolytic anemia" from "The patient had a traffic accident twenty years ago." Since the User cannot integrate this inference into her *domain knowledge*—i.e., how things normally (causally) work—the AI lacks explainability. So, according to Nyrup & Robinson's *Explanatory Pragmatism*, both the AI's and the User's features contribute to defining and enhancing explainability.

Explainability is important for epistemic, pragmatic, and ethical reasons. Suppose the Doctor makes a diagnosis D based on evidence E . If AI suggests a conflicting diagnosis D^* , the Doctor cannot assess its epistemic significance unless AI's reasoning is explainable: the Doctor must know whether AI has taken E into account to assess whether D^* defats D , or, perhaps, E defeats D^* . Moreover, to decide whether to apply AI in medical practice, its training must be transparent: if some diagnostic software was trained on the data concerning white males, its applications are risky when patients are, predominantly, black females (Nyrup & Robinson, 2022, pp. 10-12). Finally, XAI is motivated by ethical concerns. In high-risk domains (e.g., medicine, law, or finance), the Users are entitled to explanations (Cappelen & Dever, 2021, p. 25). Explainability enables autonomous decision-making—governed by the stakeholder's values—about matters that directly influence their lives (e.g., "To take an additional round of chemotherapy, or not?"), thereby reducing the threat of paternalism (Theunissen & Browning, 2022, pp. 7-8).

Studying the Doctor-XAI interaction within the pragmatic dialectical framework seems perfectly reasonable. Both dialecticians and XAI researchers stress the essential roles of audience and the contextual goals in assessing dialogue moves. And since XAI is all about understanding, interpretability, and explainability, applying the normative model of explanatory dialogue seems like an obvious choice. But is it an optimal choice? Do diagnosticians seek understanding (transferred via explanations), or do they demand clarifications, justifications, or knowledge (transferred via arguments)? Since the evaluation of some contribution depends on the dialogue's 'collective goal,' we must closely examine this question.

5 THE GOAL OF XAI: CLARIFICATION?

Clarifications improve the User's understanding, but, unlike explanations, do not enhance understanding of events, or facts (i.e., anomalies, such as the dark urine) but rather obscure expressions, or speech acts (e.g., unclear concepts, or ambiguous utterances) (Walton, 2007, 2011; van Laar & Krabbe, 2013). While explanations

address puzzling states of the world, clarifications address obscure meanings of the words. Accordingly, the collective goal of clarification dialogue is to help the Hearer to understand an obscure or problematic utterance of the Speaker (Walton, 2007).

AI's ability to clarify utterances improves explainability. Suppose AI supports its diagnosis by referring to its sophisticated statistical methods. However, this explanation contains technical AI jargon—e.g., 'noise-aware machine learning'—that the Doctor is unfamiliar with. To enhance explainability, first, AI may translate 'noise-aware machine learning' into a more conventional expression the Doctor is familiar with (such as 'measurement error') (Faes et al., 2022). Then, AI might clarify the meaning of this expression: "This diagnostic software is sensitive to the possibility that measured values of original variables do not correspond to their true values due to observational, environmental, or instrumental factors generating measurement errors." Accordingly, AI's clarificatory abilities might reduce secrecy and technical illiteracy.

However, clarifications are not enough. Even when all utterances are clear, AI's reasoning might be too complex, or based on correlations that seem irrelevant to humans (domain knowledge). Crucially, since the Doctor is interested in facts and events—causal or symptomatic relations in the real world relevant for understanding the patient's condition—rather than linguistic meanings, clarifying cannot be the ultimate goal of the Doctor-XAI interaction. Even if necessary, clarifying is not sufficient to assess some diagnosis or understand why AI selects it.

If understanding what something means is an auxiliary goal in the Doctor-XAI dialogue, what is the essential one? Does the Doctor interact with XAI to *understand why* "The patient has hemolytic anemia?", or, more precisely, why "AI inferred 'The patient has hemolytic anemia' [instead of some other diagnosis]?" Or does she want to *know why* (or if) the diagnosis is true or was inferred by AI? Is the Doctor-XAI dialogue primarily explanatory or argumentative?

6. THE GOAL OF XAI: TRANSFERRING UNDERSTANDING, JUSTIFICATION, OR TRUTH?

Figure 2 shows how the dialogue between the Doctor and AI naturally progresses.³ Initially, the Doctor takes information about the patient for granted but does not understand why some of it is true. Symptoms *S* represent an anomaly, and she wants to understand why the patient has them.⁴ So, the Doctor requests the explanation at t_1 , and AI responds with a diagnosis *D* at t_2 .

For now, the dialogue goal is explanatory and corresponds to Walton's model: AI is transferring its understanding of why *S*. But since the Doctor wants the best available explanation, she tests *D*'s acceptability. For instance, she might suspect *D** is an accurate diagnosis and, at t_3 , introduce the so-called "argued challenge" (van Laar & Krabbe, 2013, p. 206): "Why autoimmune hemolytic anemia, instead of acute leukemia? Acute anemia also explains dark urine, fever, and dry cough."⁵ To be adequately explainable in such circumstances, AI must offer reasons that justify

³ This is not, by any means, the complete dialogue profile of the Doctor-XAI interaction. The dialogue can also take other, alternative routes.

⁴ That symptoms are usually "those findings for the case that show abnormal values" (Josephson & Josephson, 1994, p. 9) fits nicely with the notion of 'anomaly.'

⁵ Argued challenges expose the *contrastive nature* of statements, explanations, and arguments (see Dretske, 1972; Lipton, 2004).

selecting D over D^* , e.g. (from t_4 to t_6): “Autoimmune hemolytic anemia explains all symptoms. Leukemia neither explains the absence of blasts in the blood, nor the presence of panagglutinin.” So, the explanatory dialogue shifts into argumentation: explaining symptoms in terms of a diagnosis turns into justifying diagnosis in terms of symptoms.

Time	Dialogue party	Type of dialogue move	Dialogue move
t_1	The User (Doctor)	Why _(exp) S ? <i>Request for explanation</i>	Given biographical information [age, gender], medical history [cerebral palsy], etc., why does the patient have these symptoms [dry cough, high fever, dark urine; blood test results, etc.]?
t_2	The Explainer (AI)	Because [diagnosis] D . <i>Explanation</i>	Because of autoimmune hemolytic anemia associated with respiratory infection.
t_3	The User (Doctor)	Why _(arg) D ? (What about D^* ?) <i>Request for justification</i>	Why anemia? What about acute leukemia? (Acute leukemia also explains dark urine, fever, and dry cough.)
t_4	The Explainer (XAI)	Because E . <i>Argument</i>	Because anemia is the best explanation for observed symptoms. <i>Inference to the Best Explanation</i>
t_5	The User (Doctor)	Why _(arg) E ? <i>Request for justification</i>	Why is anemia the best explanation, i.e., a better explanation than acute leukemia?
t_6	The Explainer (XAI)	Because A . <i>Argument</i>	Because while anemia explains all symptoms, leukemia neither explains the absence of blasts in the blood, nor the presence of panagglutinin. <i>Inference to the Best Explanation, continued...</i>

Figure 2. The Doctor-AI (XAI) interaction: natural progression

To answer our main question—“Can the model of explanatory dialogue elucidate the interaction between the doctor and XAI?”—we must focus on the dialogue’s second part. Namely, XAI is activated only at t_4 —prompted by the Doctor’s argued, contrastive challenge at t_3 . Before, AI acts as a ‘black box:’ it does not explain why symptoms S imply diagnosis D (and not D^*). So, we can formulate our research question, as follows: Can the model of explanatory dialogue elucidate the sequence of Doctor-XAI interaction from t_3 to t_6 ?

As we have seen, the sequence from t_3 to t_6 is genuinely argumentative. Explanatory considerations come to the fore but perform a justificatory function.⁶ Granting that the dialogue is explanatory in this sense, our essential question—in its final, most precise formulation—concerns the relevance of the explanatory dialogue’s goal: Does the dialogue from t_3 to t_6 aim at *transferring understanding* from XAI to the Doctor? We argue that, typically, it does not. But before sketching our arguments, we must introduce the last piece of the puzzle: the meaning of ‘understanding.’

6.1 What is understanding?

Scholars define understanding as cognitive success (Elgin, 2007) that “essentially involves an element of ‘grasping’ or ‘seeing’” (Grimm, 2010, p. 342). To understand why D , one must grasp “ S , therefore D ,” i.e., have this inference under cognitive control (Hills, 2016). Many cognitive abilities indicate cognitive control. For instance, grasping some general principle entails one’s ability “to apply the principle to particular situations” (Grimm, 2010, p 341). However, our diagnostic dialogue (from t_3 to t_6) focuses on grasping a particular diagnosis rather than some general principle (such as natural law): the Doctor wonders why a particular patient should be diagnosed with a particular disease, given her unique biography, history of illness, and a set of symptoms.

Grasping such inferences requires the ability to infer correct conclusions about similar cases, or flawlessly manipulate the initial variables (Hills 2009, 2016). As Grimm puts it, one must be able to “anticipate how changes in the value of one of the variables ... would lead to (ceteris paribus) a change in the value of another variable” (2010, pp. 340-341). For instance, to understand “Eating animals is wrong because of the suffering of animals under modern farming methods” an agent must reason correctly about cases where animals do not suffer or are not exposed to farming methods (e.g., wild animals, fish, etc.) (Hills, 2009, p. 100). In this sense, understanding “ S , therefore D ” assumes one’s “capacity to answer new questions” (Scriven 1972, p. 32).

6.2 Understanding is irrelevant, extra-dialogical, or secondary

Is the purpose of communicating with a diagnostic AI system—and XAI as its internal part—to enable doctors to reason in similar cases, answer new questions, or manipulate variables?

This seems counterintuitive. If the case concerns a 32-year-old woman with cerebral palsy, dark urine, and dry cough, then the Doctor is interested in diagnosing *this* woman, with *this* medical history, and *these* symptoms. She wants to know why AI transforms these specific inputs into *this* specific output (autoimmune hemolytic anemia associated with respiratory infection). Consider the following questions:

⁶ AI justifies accepting D by showing that D is the best explanation of S .

- Would the diagnosis be different if the patient were also a drug addict a long time ago?
- Would the diagnosis be different if the patient also had night sweats?

The Doctor's ability to answer these questions demonstrates understanding, but it is difficult to see how adequate management of false and random variables contributes to diagnosing the actual patient. If the patient was not a drug addict, then grasping the connection between addiction and anemia—i.e., understanding—is diagnostically useless and cannot be a goal of our Doctor-XAI interaction.

Notice, however, that we created the previous case by adding a random (and false) variable to the actual case. What about manipulating existing (non-random, and true) variables? Consider the next questions:

- Would the present diagnosis be different if the patient were a 32-year-old man, or 62-year-old woman, or did not have cerebral palsy, or did not report high fever, or...?
- Would the existing set of symptoms be different if acute leukemia were the correct diagnosis, or...?

The ability to answer these questions might be crucial to diagnosing an actual patient. Sometimes, inferring a correct diagnosis in similar cases—e.g., when the patient is a 32-year-old *man*—proves the Doctor's ability to evaluate the epistemic relevance (and significance) of available evidence. That is, suppose that, when variables change, the Doctor selects the implausible diagnoses. This indicates her general incompetence in evaluating a causal significance of age, sex/gender, and cerebral palsy—or symptomatic significance of high fever—for having hemolytic anemia. This general incompetence might entail a particular one: the Doctor will not be able to assess evidence about the actual patient and, as a result, select the epistemically justified diagnosis. Furthermore, to select the most plausible diagnosis, the Doctor must eliminate alternative hypotheses, and this also requires reasoning in similar cases (Khalifa, 2017, p. 56). She might assume leukemia is the right diagnosis, identify expected symptoms, and reject the hypothesis by showing that these symptoms do not correspond to actual ones. Hence, grasping is sometimes diagnostically relevant.⁷

However, *per se*, this does not make understanding the goal of the Doctor-XAI interaction. If the dialogue were about transferring understanding, the Doctor would test the AI's grasping abilities by asking questions, such as: "What if the patient were a 32-year-old man?" Such questions are naturally asked during the software's *training*—because engineers seek to develop reliable software applicable to many patients and circumstances—but seldom arise during our Doctor-XAI interaction. The Doctor is more interested in testing the AI's diagnosis and justifications (by asking critical questions) than examining the AI's grasping abilities. Notice, however, that some questions achieve both: by requesting AI to eliminate an alternative hypothesis, the Doctor tests the diagnosis *and* examines AI's ability to manipulate variables.

Accordingly, our research question does not have a straightforward answer. While some sorts of understanding (1) do not contribute to the Doctor-XAI interaction, other sorts are essential to its success: sometimes, grasping is precisely what the Doctor

⁷ This coheres well with our previous conclusion that, in this interaction, explanations provide justifications.

needs to evaluate the available evidence and select the best diagnosis.⁸ However, understanding remains secondary: it is legitimate as long as it promotes selecting the most plausible diagnosis.

6.3 *Understanding is too epistemically permissive*

The understanding's relations with truth, justification, and epistemic luck also challenge the hypothesis that doctors interact with XAI to gain understanding.

First, some scholars believe understanding is non-factive (Elgin, 2007). One might be able to coherently manipulate the variables—while getting supposedly, or approximately accurate results—while using false propositions. For instance, de Regt (2015, p. 3782) argues that Newton's theory of gravitation provides an understanding of gravitational phenomena, although Einstein's theory of general relativity refuted its essential hypothesis: the existence of attractive forces. So, a physicist working within Newton's framework understands both the reality and gravitation theory, although the theory is false and its descriptions are inferior approximations. Similarly, a false diagnosis might produce an understanding of accurate symptoms, and false evidence can produce an understanding of an accurate diagnosis. Acquiring a cognitive state that is, in one important sense, insensitive to truth cannot be the primary goal of the diagnostic dialogue.

Second, even if understanding is factive—i.e., requires grasping connections between true propositions (Grimm 2010)—it is not sensitive to epistemic defeaters.⁹ To justify a diagnosis *D*, the AI should recognize and eliminate reasons that (potentially) undermine *D*. However, Hills (2016) argues that understanding is not sensitive to misleading evidence. To reformulate her example, suppose the AI generates accurate diagnosis *D* without taking into account a relevant symptom *M*. If AI added *M* to her set of inputs, the diagnosis would be different (i.e., false). Luckily, *M* is a piece of misleading evidence, and ignoring it led to an accurate diagnosis. In this case, AI has the understanding of why *D*, although producing *D* was epistemically unwarranted: evidence that seemed relevant at the time was set aside. A cognitive state that permits ignoring relevant evidence cannot represent the primary goal of a diagnostic dialogue.

However, the final epistemic 'insensitivity' of understanding—the one concerning epistemic luck—adds an unexpected twist to the story. Surprisingly, it might make understanding a more suitable goal of diagnostic dialogue than knowledge or justification. Let's paraphrase another example from Hills (2016). Suppose AI correctly infers *D* from the particular set of symptoms. However, for any other set of symptoms, AI would select the wrong diagnosis and provide a bad explanation. In this case, AI understands why *D* is true, but lacks justification: in an obvious sense, the true diagnosis was acquired accidentally, by the unsafe process of belief-formation (Pritchard, 2007). But notice that, in a concrete diagnostic case, the Doctor might find the 'lucky' nature of AI's inference completely irrelevant. As we have already seen, the Doctor is primarily interested in getting an accurate diagnosis and strong justification concerning a particular patient (a 32-year-old woman with cerebral palsy, dark urine,

⁸ However, that the Doctor's grasping might be essential for the dialogue's success still does not mean that her understanding is dialogically produced. If understanding *does not result* from the interaction, but is triggered by it, or simply applied to it, then it cannot represent the dialogue's final goal (in a traditional sense).

⁹ Defeater-sensitivity is crucial for justification, and "justified belief has an intimate link to true belief" (Goldman, 2003, p. 62). Obviously, a diagnosis is more likely to be true if it is strongly justified, and the main goal of diagnostic procedure is to select the true diagnosis.

etc.), and, in this respect, AI does the job perfectly. Its inference is accurate, based on strong medical grounds, and survives critical testing. Transferring understanding does the trick, so can it be a dialogue's primary goal, after all?

This is a curious result. When epistemic luck is concerned, justification and understanding switch roles: seeking justification forces the Doctor to examine AI's performances in other cases (because true conclusions shouldn't be lucky), while seeking understanding allows her to focus on the actual patient (because understanding-related inferences *can* be lucky).

What do we conclude from all this? We started from the intuition that a diagnostic dialogue is about knowledge and justification rather than understanding. Issues concerning epistemic luck force us to rethink our approach and take a step back. Rather than exploring complex relationships between justification (knowledge) and understanding, we should further explore how they relate to the *truth*, i.e., to what extent, and in which circumstances, they contribute to accurately diagnosing a particular patient. The latter is the primary goal of the diagnostic Doctor-AI dialogue and all other (epistemic) abilities and states—justification, understanding, explanation, argument, clarification—are welcome as long as they promote it.

7. CONCLUSION

In this paper, we explored whether the model of explanatory dialogue—that focuses on the transfer of understanding—represents an optimal framework to analyze the Doctor-XAI interaction.

We showed that, typically, the Doctor is not after understanding, but justification. However, understanding and justification should ultimately serve the truth: what epistemic state the Doctor prefers—justified belief or understanding—depends on what promotes selecting an accurate diagnosis in particular circumstances. For instance, if the presence of epistemic luck would require rejecting an accurate diagnosis (because it is, in some sense, unjustified), the Doctor might privilege understanding over justification. At any rate, for studying the Doctor-XAI interaction, inquiry (Walton & Krabbe, 1995) is usually a more suitable normative framework than critical discussion (van Eemeren & Grootendorst, 2004). However, a critical discussion seems more suitable than an explanatory dialogue.

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On Alcide de Gasperi's Argumentative Defence of Trieste at the 1946 Paris Peace Conference

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ABSTRACT: This paper examines the speech that Alcide De Gasperi delivered at the 1946 Paris Peace Conference, focusing on the portion in which he dealt with “the problem of Trieste”. The analysis reveals that arguments from authority, pragmatic arguments and numerical arguments were selected to discredit the peace treaty provisions objectively. However, metaphors also stand out, suggesting that De Gasperi strategically merged elements of detached and engaged argumentative styles to foster the amendment of the treaty.

KEYWORDS: argumentative style, De Gasperi, metaphors, numerical arguments, Trieste

1. INTRODUCTION

Located in the far northeastern corner of Italy, on the border with Eastern Europe, on a narrow strip of territory lying between the Adriatic Sea and Slovenia, the city of Trieste was often a bone of contention between nations and powers. Notably, its port was the main outlet to the sea for the Austro-Hungarian Empire (Cattaruzza, 2017, p. 40), giving the city a significant strategic and commercial importance.

The “problematic” nature of Trieste revealed itself at the end of the two World Wars in particular. At the conclusion of the second, in early May 1945, the Allied forces led by the 2nd New Zealand Division and the Yugoslav Partisans both occupied Trieste and defeated the Nazis; this episode is known as “the race for Trieste” (Cattaruzza, 2017, p. 216).

Events assumed a frenzied pace. The surviving Germans surrendered to the Allies. Despite the National Liberation Committee's desperate attempts to deliver the city to the New Zealand General Bernard Freyberg, the Yugoslavs were the ones who took ownership of the symbols of power, namely the prefecture and city hall, where they took down the Italian flag and raised the Yugoslav flag. The officers from New Zealand were escorted to the Hôtel de la Ville as “guests.” The forty days of Yugoslav occupation of the city thus began—the event that marks the origin of the issue of Trieste. (Cattaruzza, 2017, p. 216)

The “issue” or “problem” of Trieste, thus, marked the first diplomatic crisis of post-war Europe. While waiting for the decisions of the 1946 Paris Peace Conference, the region named Venezia Giulia and comprising Italian, Slovenian and Croatian territories was divided into two areas: the A zone controlled by the Allies and the B zone controlled by the Yugoslavs.



Figure 1. The “race for Trieste”, drawn from Cattaruzza (2017, p. 222)

Despite Italy’s co-belligerence with the Allies after the Armistice of Cassibile in 1943 (Cattaruzza, 2017, p. 180), the country was “considered an ally of Germany” (Cattaruzza, 2017, p. 225) and “treated as a defeated state” (Cattaruzza, 2017, p. 289) at the 1946 Peace Conference, where “representatives of twenty-one Allied nations met with representatives of Germany’s former allies – Bulgaria, Romania, Hungary, Finland, and Italy – over a period of ten weeks” (Blumenthal, 2021, p. 22).

At the Paris Peace Conference of 1946, both the Italian and Yugoslav delegations presented several arguments in favor of their territorial demands. As a defeated nation, Italy gave up the principle of “strategic” border, falling back onto the idea of “ethnic” border, similar to the one proposed by the American President Woodrow Wilson at the end of World War I. (Cattaruzza, 2017, p. 2)

The option of an “ethnic border” was the most realistic, as “this line was also the most equitable from a national point of view” (Cattaruzza, 2017, p. 225).

Nonetheless, the ethnic criterion was also crucial for Yugoslavia. As a victor state, it could assert a broad interpretation of that principle, by pushing its application as far as the extreme limits of the western Slovenian settlements. (Cattaruzza, 2017, p. 3)

As a result, the 1947 Paris Peace Treaty “forced Italy to give up almost all the territories on the Adriatic Sea that had been conquered in World War I” (Cattaruzza, 2017, p. 3). As Figure 2 shows, “the Italian border was set at Duino, whereas the area of Trieste and a strip of the Italian northern coast were supposed to form the Free Territory of Trieste” (Cattaruzza, 2017, p. 289), “ruled by a governor appointed by the United Nations Security Council” (Cattaruzza, 2017, p.226).



Figure 2. Paris Peace Treaty, 1947, drawn from Cattaruzza (2017, p. 230)

Before the actual signing of the treaty, at the 1946 Paris Peace Conference Alcide De Gasperi had delivered a speech before the representatives of the victorious Allied powers to explain his country's views on this decision and, in general, on "the peace treaty's harsh terms" (White, 2020, p.129). It was 10th August 1946. Within his address, the Prime Minister of the Italian Republic devoted considerable time and effort to arguing about the territorial clauses and "the problem of Trieste".

On August 10, 1946, in his speech to the Paris Peace Conference, De Gasperi expressed his bitterness over the fact that the French line no longer set the border between Italy and Yugoslavia, but rather between Yugoslavia and the Free Territory. He declared that the new border damaged the integrity of the nation, and foresaw a future when the TLT [Free Territory of Trieste] might become the theater of grave international conflicts that would engulf the neighboring states. (Cattaruzza, 2017, p. 228)

De Gasperi had already spoken in favour of Italy and Trieste in his meetings with the Council of Foreign Ministers, which had been created at the 1945 Potsdam Conference and was charged to prepare the draft peace treaties (Cattaruzza, 2017, p. 224).

De Gasperi had travelled to Paris in May to plead the cause of Trieste again. There seemed to be grounds for some hope, but in early June came news of plans to create the Free Territory of Trieste and to cede the whole of Istria, including the city of Pola, to Yugoslavia. (Canavero, 2019, p. 102)

One of the founding fathers of the Italian Republic (White, 2020, p. 2) and the European Union (Canavero, 2019, p. 19), De Gasperi was famous for his "pragmatic and

down-to-earth oratory” (Canavero, 2019, p. 61), as he was resolved “to convince rather than entrance, to persuade rather than receive applause” (White, 2020, p. 28). This is what he also tried to do at the 1946 Paris Peace Conference. Figure 3 shows the multiple argumentation structure (van Eemeren & Snoeck Henkemans 2017, p. 58) that underpinned De Gasperi’s defence of his standpoint in favour of the amendment of the peace treaty. This structure has been reconstructed thanks to a previous study of De Gasperi’s address that is described in Brambilla (2023).

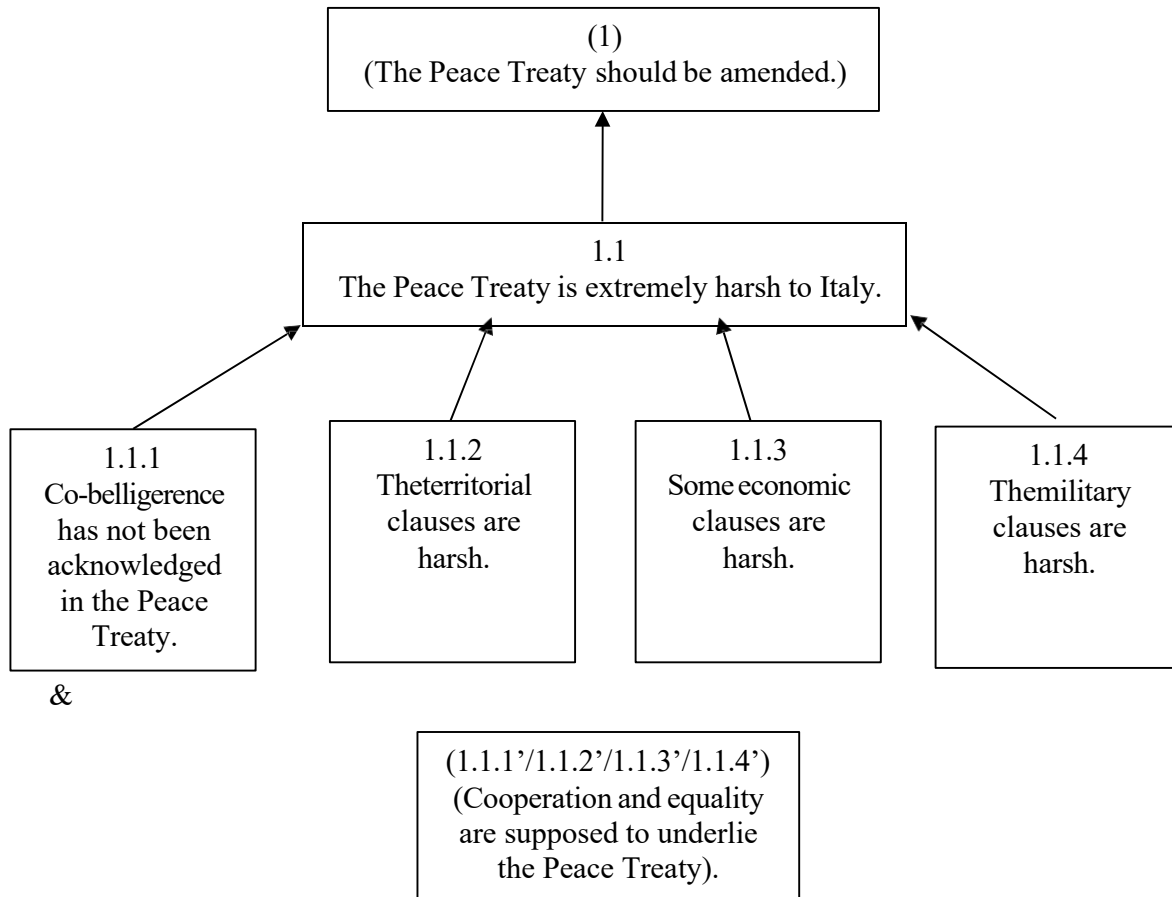


Figure 3. Multiple argumentation in De Gasperi’s 1946 speech to the Paris Peace Conference

As Figure 3 illustrates, De Gasperi implicitly defended one main standpoint throughout his address (1. “The Peace Treaty should be amended”), and he did so by advancing multiple arguments. Argument 1.1 (“because the Peace Treaty is extremely harsh to Italy”) was used to defend standpoint 1, while the claim that the treaty was extremely harsh to Italy was further defended and explained by means of four additional arguments. Thus, the severity of the treaty was motivated by saying that the fact that Italy had fought with the Allies since 1943 had not been acknowledged in the treaty (1.1.1), the territorial clauses were harsh (1.1.2), some economic clauses were harsh (1.1.3) and the military clauses were harsh.

The analysis of De Gasperi's speech was initiated in 2022, and the results have been and will be outlined in a series of publications. Brambilla (2023) focused exclusively on the examination of the verbalisation of argument 1.1.1, concerning the defence of Italy's antifascist identity. The present paper, instead, presents the findings of the analysis of another portion of De Gasperi's memorable piece of political rhetoric, namely that corresponding to the verbalisation of his second argument (1.1.2), the one concerning "the problem of Trieste".

2. METHODOLOGY

The portion of De Gasperi's speech concerning the territorial clauses makes up 1476 words. As specified in Brambilla (2023), in Paris De Gasperi uttered approximately 3500 words, 1500 of which have already been analysed (Brambilla, 2023). In this respect, the present paper will virtually complete the examination of argumentation in the speech in question; notably, arguments 1.1.3 and 1.1.4 "occupied" a relatively small portion of the address, probably because of De Gasperi's topical choices, who selected the themes related to arguments 1.1.1 and 1.1.2 as most significant to lead the audience to consider amending the draft peace treaty.

Drawing on Pragma-dialectics, the investigation will focus on the description of how De Gasperi argued in favour of a solution to "the problem of Trieste", that's to say how he illustrated the socio-political implications of the decisions made by the Allies to render the city a "free territory" under UN administration and to force Italy to cede Istria and part of Venezia Giulia to Yugoslavia.

At the Paris Peace Conference, "Italy was subjected to decisions taken by others [...] shaped by power relations at the international level, and it was condemned to what has been defined 'the politics of impotence'" (Cattaruzza, 2017, p. 4); hence, De Gasperi's speech can be considered an instance of "a mixed difference of opinion, where two parties have advanced contradictory standpoints [and] each party has an obligation to defend his own standpoint" (van Eemeren, 2010, p. 218).

In describing the argumentative features of the speech, the analysis will be centred on the notion of *strategic manoeuvring* (van Eemeren, 2010, p. 93), to try and investigate how the speaker simultaneously pursued rhetorical effectiveness and dialectical reasonableness in order to convince the audience that the peace treaty had to be amended (partly) because the territorial clauses were too harsh. Emphasis will also be laid on the pragma-dialectical notion of *argumentative style* (van Eemeren, 2021), which will favour the description of De Gasperi's speech, characterised by elements of detached (van Eemeren, 2021, pp. 19-20) and engaged (van Eemeren, 2021, p. 21) argumentative styles alike.

As Alcide De Gasperi delivered his address in Italian, selected excerpts of the speech will be displayed in their original form, but they will be regularly accompanied by a translation into English. An official translation of the speech was published by *The New York Times* (NYT) on 11th August 1946, the day after De Gasperi delivered his address; this translation was retrieved through the Library System of the University of Trieste, which provides free access to the archives of the newspaper in question.

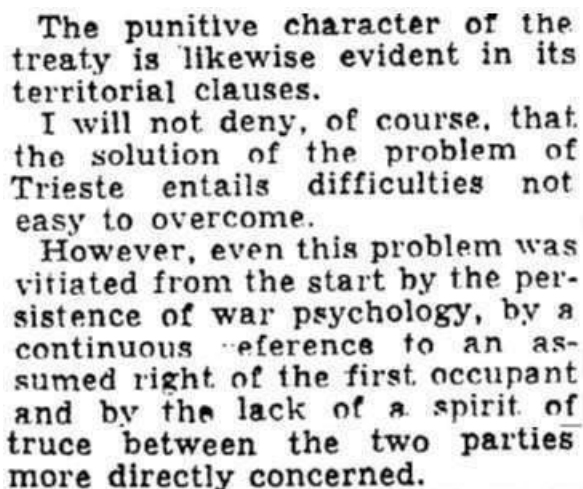
The aim of the present paper is not to assess the quality of the translation of the speech from Italian into English but rather to examine argumentation in favour of a solution to “the problem of Trieste”. Yet, in the excerpts shown, disputable translation choices will stick out; therefore, reference will occasionally be made to the notion of *argumentative equivalence* (Brambilla, 2020), which will foster the description of how the aspects of strategic manoeuvring characterising De Gasperi’s speech were conveyed cross-culturally and cross-linguistically.

3. FINDINGS

The section of De Gasperi’s speech that is the object of analysis in the present paper starts with the speaker expressing argument 1.1.2 explicitly, as he claimed that “The punitive character of the treaty is likewise evident in its territorial clauses”.

- (1) *Il carattere punitivo del trattato risulta anche dalle clausole territoriali. E qui non posso negare che la soluzione del problema di Trieste implicava difficoltà oggettive che non era facile superare. Tuttavia anche questo problema è stato inficiato fin dall’inizio da una psicologia di guerra, da un richiamo tenace ad un presunto diritto del primo occupante e dalla mancata tregua fra le due parti più direttamente interessate.*

The original translation of Excerpt (1) as appeared in *The New York Times* is displayed in Figure 4.



The punitive character of the treaty is likewise evident in its territorial clauses.
I will not deny, of course, that the solution of the problem of Trieste entails difficulties not easy to overcome.
However, even this problem was vitiated from the start by the persistence of war psychology, by a continuous reference to an assumed right of the first occupant and by the lack of a spirit of truce between the two parties more directly concerned.

Figure 4. Translation of Excerpt (1) in the NYT

Specifying that the territorial clauses were harsh, argument 1.1.2 was advanced in defence of argument 1.1, i.e. to support the claim that the treaty was harsh in general. The speaker, then, admitted that the problem of Trieste was objectively difficult to sort out but he maintained that the management of this problem had been “vitiating from the start by a

war psychology” and “by the lack of a spirit of truce between the two parties more directly concerned”.

As shown in Excerpt (2) and Figure 5, De Gasperi later retraced the phases that had led to the draft of the peace treaty and by doing so he advanced additional arguments.

(2) *Mi avete chiamato a Londra il 18 settembre 1945. Abbandonando la frontiera naturale delle Alpi e per soddisfare alle aspirazioni etniche Jugoslave, proposi allora la linea che Wilson aveva fatto propria quando, il 28 aprile 1919, nella Conferenza della Pace a Parigi invocava “una decisione giusta ed equa, non già una decisione che eternasse la distinzione tra vincitori e vinti”.*

On Sept. 18, 1945, you called me to London. At that time, in order to satisfy Yugoslav ethnical claims, I proposed to you to relinquish the natural frontier of the Alps and fall back on the line which Wilson had traced when, on April 23, 1919, at the peace conference in Paris he bid for “a just and equitable decision which would not draw an everlasting distinction between victors and vanquished.”

Figure 5. Translation of Excerpt (2) in the NYT

As shown in Figure 5, De Gasperi reminded his audience that he had proposed an ethnic border, similar to “the line first proposed by Woodrow Wilson at the Versailles Peace Conference in 1919, and adopted by the President of the Council of Ministers” (Cattaruzza, 2017, p. 225). As anticipated in Section 1, this line was named and known as “ethnic” because it was the most sensible, fair and egalitarian for the nations involved (Cattaruzza, 2017, p. 225).

From an argumentative point of view, the excerpt displayed in Figure 5 provides textual evidence of the fact that De Gasperi advanced two different arguments. First, an argument from authority (Perelman & Olbrechts-Tyteca, 1958, p. 410), as he quoted Wilson’s words at the 1919 Peace Conference labelling the ethnic border “a just and equitable decision which would not draw an everlasting distinction between victors and vanquished”. Second, in quoting Wilson, De Gasperi also drew a straightforward analogy (Garssen & Kienpointner, 2011, p. 40) between the line set in 1919 and the one that had to be set in 1946. This analogy was used argumentatively, giving rise to an instance of descriptive analogy argumentation (Garssen, 2017, p. 41) that can be represented as follows:

1. Standpoint: The ethnic line is the best solution.
 - 1.1 Because: The ethnic line is the one proposed by Woodrow Wilson in 1919.
 - 1.1.1 And: The line proposed by Woodrow Wilson was the best solution.

After simultaneously advancing an argument from authority and an argument by analogy, De Gasperi reminded his audience that he had “suggested that the economic problem of Venezia Giulia should be solved by internationalizing the port of Trieste and by setting up a form of collaboration with the port of Fiume and with the Danube-Sava- Adriatic railway system” (*Proponevamo inoltre che il problema economico della Venezia Giulia venisse risolto internazionalizzando il porto di Trieste e creando una collaborazione col porto di Fiume e col sistema ferroviario Danubio-Sava-Adriatico*). In line with his constant search for sensible policies and tangible results (Canavero, 2019, p. 62), he specified that “the treatment of minorities should be based on parity¹ and reciprocity” (*era naturalmente inteso che si dovesse introdurre parità e reciprocità nel trattamento delle minoranze*) and reminded that it was precisely the Council of Foreign Ministers that on 19th September 1945 had opted for “an ethnic line which should leave a minimum of inhabitants under alien rule” (*la linea etnica in modo che essa lasciasse il minimo di abitanti sotto dominio straniero*).

He went on stating that, despite the appointment and fruitful work of a committee of experts, “the Yugoslavs delegates insisted, with arguments still based on the idea of punishment, for total possession of Venezia Giulia, and particularly of Trieste” (*Ma i rappresentanti iugoslavi insistettero, con argomenti di sapore punitivo, sul possesso totale della Venezia Giulia e specie di Trieste*). Then, he reminded that “there then began a strenuous search for compromise” (*Cominciò allora l'affannosa ricerca del compromesso*), which was frustrated by the decision by the English and the Americans to fall back on the French line. De Gasperi called the French line “a line of political expediency” (*una linea politica di comodo*), which left 180,000 Italians in Yugoslavia, 59,000 Slavs in Italy and excluded from Italy Pola and other minor towns along the western coast of Istria and implied therefore for us an unbearable loss” (*perché rimanevano nel territorio slavo 180.000 italiani e in quello italiano 59.000 slavi; soprattutto essa escludeva dall'Italia Pola e le città minori della costa istriana occidentale ed implicava quindi per noi una perdita insopportabile*). The speaker, however, also highlighted a positive implication of adopting the French line and introduced the theme of the Free Territory of Trieste, as shown in Excerpt (3) and Figure 6.

- (3) *Ma per quanto inaccettabile, essa era almeno una frontiera italo-jugoslava che aggiudicava Trieste all'Italia. Ebbene, che cosa è accaduto sul tavolo del compromesso durante il giugno, perché il 3 luglio il Consiglio dei Quattro rovesciasse le decisioni di Londra e facesse della linea francese non più la frontiera fra Italia e Jugoslavia, ma quella di un cosiddetto “Territorio libero di Trieste” con particolare statuto internazionale? Questo rovesciamento fu per noi una amarissima sorpresa e provocò in Italia la più profonda reazione.*

¹ In the NYT article, the Italian term *parità* was translated as *party* rather than *parity*, suggesting a certain inaccuracy in the drafting of the translated text. Notably, accuracy is, besides equivalence, appropriateness and usability, one of the four parameters of translation quality (Viezzi, 1999, pp. 146-150).

But, however unacceptable, it was still a frontier between Italy and Yugoslavia and assigned Trieste to Italy. How did it happen that on July 3 somewhere on the road of compromise, the Council of Four reversed the London decision and made the French line no longer a frontier between Italy and Yugoslavia, but the frontier of a so-called "Free Territory of Trieste."
This reversal came to us as a bitter surprise and gave rise in Italy to the strongest reaction.

Figure 6. Translation of Excerpt (3) in the NYT

After claiming that the French line was at least a solution that assigned Trieste to Italy, De Gasperi stated that the decision made by the Council of Four – namely the USA, the USSR, the UK and France – to change their minds and create a free territory of Trieste governed by the UN “came [...] as a bitter surprise” for Italy. Notably, the arguer expressed his solid position by asking a rhetorical question; yet his position was not reproduced in the form of a rhetorical question in the translated text, which thus appears less riveting and engaging than its Italian counterpart. In other words, even though the content of the speaker’s message is preserved, its form is not, jeopardising the attainment of argumentative equivalence between the Italian speech and its translation into English.

At this point, De Gasperi reiterated that the peace treaty was extremely harsh to Italy (argument 1.1), also in the light of the harsh territorial clauses (1.1.2). From this excerpt, though, he also started expressing his argument creatively and evocatively, resorting to metaphors.

- (4) *Nessun sintomo, nessun cenno poteva autorizzare gli autori del compromesso a ritenere che avremmo assunto la benché minima corresponsabilità di una simile soluzione che incide nelle nostre carni e mutila la nostra integrità nazionale. [...] La soluzione internazionale, dicevo, com'è progettata, non è accettabile e specialmente l'esclusione dell'Istria occidentale fino a Pola causerà una ferita insopportabile alla coscienza nazionale italiana. La mia preghiera non ebbe risposta e venne messa agli atti. Oggi non posso che rinnovarla, aggiungendo degli argomenti che non interessano solo la nostra nazione, ma voi tutti che siete ansiosi della pace del mondo.*

No indication, no gesture on our part could have authorized the sponsor of this solution, which maims our national unity and bites into our very flesh, to believe that we could accept responsibility for it. On June 30, as

The international solution for Trieste as planned, I stated in that message, could not be accepted, especially because the exclusion of western Istria down to Pola would inflict an unbearable wound on the Italian national conscience.

My plea found no answer. It was filed away.

Today I can do nothing more but renew it, adding certain considerations, which are of interest not only to my country but to you all who are anxious for world peace.

Figure 7. Translation of Excerpt (4) in the NYT

As shown in Figure 7, the speaker said that the solution proposed by the Allies “maims our national unity and bites into our very flesh” (*incide nelle nostre carni e mutila la nostra integrità nazionale*) and “would inflict an unbearable wound on the Italian national conscience” (*causerà una una ferita insopportabile alla coscienza nazionale italiana*). By selecting lexical items that pertain to the semantic field of war (*maims, bites into our very flesh, unbearable wound*), De Gasperi contributed to keeping public discourse in the war context in spite of the end of the conflict. After verbalising his argument creatively, the arguer clarified that he would “add certain considerations” (*aggiungendo degli argomenti*); these considerations were uttered in the form of *numerical arguments* (Andone, 2022).

According to Andone (2022, p. 688), “numbers constitute scientific evidence”. When used argumentatively, they “can offer essential insights into the benefits or undesirable consequences of a policy proposal” (Andone, 2022, p. 686).

From an argumentative perspective, we can understand numerical arguments in policymaking as premises supporting prescriptive positions in favour of a particular course of action. (Andone, 2022, p. 689)

Notably, numbers often constitute “the premises of a pragmatic argument scheme” (Andone, 2022, pp. 689-690), as pragmatic arguments are those arguments enabling audiences to judge an event or action by its favourable or unfavourable consequences (Perelman & Olbrechts-Tyteca 1958: 358).

In De Gasperi's address, numbers were generally used to quantify the extension of the given territories assigned to each nation by the treaty and to specify the number and nationality of their inhabitants, in order to corroborate the assessment of the acceptability of the treaty provisions.

- (5) *Il Territorio libero, come descritto dal progetto, avrebbe una estensione di 783 kmq. Con 334.000 abitanti concentrati per 3/4 nella città capitale. La popolazione si comporrebbe, secondo il censimento del 1921, di 266.000 italiani, 49.501 slavi, 18.000 altri. [...] L'effetto di codesta vostra soluzione è che, fatta astrazione dal Territorio libero, 180.000 italiani rimangono in Jugoslavia e 10.000 slavi in Italia (secondo il censimento del 1921) e che il totale degli italiani esclusi dall'Italia calcolando quelli di Trieste, è di 446.000.*

The Free Territory of Trieste as described in the draft, would cover 783 square kilometers with 334,000 inhabitants, three-fourths of whom are concentrated in the city. The population would comprise, according to the 1921 census, 226,000 Italians, 49,501 Slavs and 18,000 of other origin.

The net result of the solution you propose is that apart from the Free Territory, 180,000 Italians are left in Yugoslavia and 10,000 Slavs in Italy (1921 census), while if you consider also Trieste you find fully 646,000 Italians are severed from their country.

Figure 8. Translation of Excerpt (5) in the NYT

As suggested in Figure 8, De Gasperi emphasised numbers concerning the Free Territory of Trieste. He first clarified that “The population of the Free Territory would comprise 226,000 Italians, 49,501 Slavs and 18,000 of other origin”; he added that “apart from the Free Territory, 180,000 Italians are left in Yugoslavia and 10,000 Slavs in Italy”; and concluded by specifying that “if you consider also Trieste, you find fully 646,000 Italians are severed from their country”. Notably, this last number (646,000) was reported incorrectly in the NYT article, as De Gasperi had specified that the number of Italians that would have been severed from their country was 446,000. This additional typo points, again, to a certain inaccuracy in the translated text.

As Andone (2022, p. 692) maintains, numbers are “employed to problematize and prioritize issues”, and so were in this passage. As numbers in policymaking are often used as premises of argumentation to support prescriptive positions in favour of a particular course of action and, therefore, function as the premises of pragmatic arguments (Andone, 2022, pp. 689-690), De Gasperi's argumentation in favour of a solution to the problem of Trieste can be reconstructed in the form of an argumentative pattern of complex problem-

solving argumentation (Garssen, 2017, pp. 36-37), as in this portion of the speech we have “a combination of a prescriptive standpoint [...] and an argument in which numbers elucidate a problem and/or a priority” (Andone, 2022, p. 689).

- (1.) (The Peace Treaty should be amended) and the Free Territory should not be created.
 - 1.1 The Peace Treaty is extremely harsh to Italy.
 - 1.1.1 The territorial clauses are harsh.
 - 1.1.1.1 226,000 Italians living in the Free Territory and, in general, 446,000 Italians would be severed from their country.
 - 1.1.1.2 Apart from the Free Territory, 180,000 Italians would be left in Yugoslavia and 10,000 Slavs in Italy.

This argumentative pattern was functional to leading the audience to understand the nature of “the problem of Trieste”, which was an ethnic and national one, boiling down to preventing internal political struggles that would escalate internationally.

- (6) *Come farà l'ONU ad arbitrare e ad evitare che le lotte politiche interne assumano carattere internazionale?*

trial centers. How will the United Nations arbitrate and prevent the internal political struggle from becoming an international one?

Figure 9. Translation of Excerpt (6) in the NYT

Figure 9 further shows that De Gasperi did not refrain from resorting to rhetorical questions to challenge the opinions of his audience; incidentally, this rhetorical question – as several others – was translated accurately in the NYT article. Immediately after asking this question, the speaker further described “the problem of Trieste”, yet without the aid of numbers but by making recourse to metaphors again.

- (7) *Voi rinserrate nella fragile gabbia d'uno statuto i due contendenti con ragioni scarse e copiosi diritti politici e voi pretendete che non vengano alle mani e non chiamino in aiuto gli slavi, schierati tutto all'intorno a 8 chilometri di distanza, e gl'italiani che tendono il braccio attraverso un varco di due chilometri?*

Do you really intend to enclose
in the fragile cage of an inter-
national statute these two adver-
saries, and still hope that they
will not come to blows? Will both
the Slavs call for the help of
their brethren deployed five miles
away around the city and the
Italians reach out, through the
narrow one-mile gap, to their
own people?

Figure 10. Translation of Excerpt (7) in the NYT

As displayed in Figure 10, too, De Gasperi did not refrain from selecting rhetorical questions as presentational devices in his speech at the Paris Peace Conference. With the rhetorical question shown in Figure 10, he compared the territorial solution proposed by the Allies to “a fragile cage” where the two parties are enclosed “with scarce rations and significant political rights”. Incidentally, this clause cannot be read in the official translation of De Gasperi’s speech, as shown in Figure 10. The omission of the translation of this pragmatically significant clause is just one example of the questionable translation choices made by *The New York Times* to inform a wider English-speaking audience of the appeals launched in Paris by the Italian Prime Minister. Reference is made in Brambilla (2023) to the numerous disputable translation choices that characterised the NYT article, which, in light of its international scope, might also have “discursively contribute[d] to justifying the sanctions and harsh provisions [against Italy] in the Peace Treaty” (Brambilla, 2023, p. 490). In that context, though, emphasis was laid on the quasi- systematic omission of – among other lexical items – the adjective *antifascist*, which seemed to intentionally conceal references to Italy’s non-fascist identity in the translation. In the portion of speech analysed in this paper, though, typos and less significant omissions stand out, suggesting a certain inaccuracy rather than a deliberate purge of De Gasperi’s themes and presentational devices. In this respect, these aspects could also have been determined by editorial choices or a hasty translation (which was published the day after De Gasperi delivered his address).

Regarding argumentation, the speaker iterated rhetorical questions and selected metaphors as presentational devices throughout this whole section of the speech and, actually, throughout the whole address. The treaty was said to “*cast its shadow* on Trieste and on its industrial activities” and, as shown in Excerpt (8) and in Figure 11, the audience was rhetorically asked the reason why they were *shutting their ears* “to the cry for help of the Italians in Istria”.

- (8) *A qual prò dunque ostinarsi in una soluzione che rischia di creare nuovi guai, a qual prò voi vi chiuderete gli orecchi alle grida di dolore degli italiani dell’Istria – ho presente una sottoscrizione di Pola – che sono pronti a partire, ad abbandonare terre e focolari pur di non sottoporsi al nuovo regime?*

What good will come of clinging to a solution which only bids for new trouble? Why shut your ears to the cry for help of the Italians in Istria—remember the appeal from Pola—who at this very moment are preparing to abandon hearth and home rather than submit to the new regime?

Figure 11. Translation of Excerpt (8) in the NYT

Notably, the noun phrase “cry for help” does not do justice to the careful choice of words whereby De Gasperi depicted the heartbreaking situation of the Italians in Istria; whereas he spoke of their “cry of pain” (*grida di dolore*), the *New York Times* gave back the picture of supplicant rather than grieved citizens.

At the same time, despite his iterated recourse to metaphors and rhetorical questions, De Gasperi never forgot, until the end of his speech, to insert his emotional appeals into a pragmatic argumentation pattern, as he highlighted again the fact that the peace treaty as it was would create new trouble (“What good will come of clinging to a solution which only bids for new trouble?”).

4. CONCLUSION

The pragma-dialectical analysis of argumentation in the portion of speech in which De Gasperi dealt with the harsh territorial clauses in the draft peace treaty and “the problem of Trieste” at the 1946 Paris Peace Conference suggests that, owing to the presence of arguments from authority, pragmatic arguments and numerical arguments, the speaker’s argumentative style can be labelled “detached” (van Eemeren, 2021, pp. 19-20). Numerical arguments were selected to provide evidence of the ethnic and national nature of the problem of Trieste, with a view to preventing political struggles at the regional and international levels. Primarily used to highlight the nationalities of given groups residing in given cities and countries, numbers functioned as premises of pragmatic argument schemes; they were used to elucidate prospective ethnic problems and, therefore, played a crucial argumentative role in the pattern of complex problem-solving argumentation that De Gasperi harnessed to discredit the treaty provisions objectively and propose a solution to the issue of Trieste.

In addition, quoting the words of American President Woodrow Wilson at the 1919 Paris Peace Conference was functional to strengthening De Gasperi’s proposal to opt for the ethnic border, which was objectively presented as the best solution to the problem of Trieste. All these argumentative choices were instrumental for the speaker to radiate objectivity, as far as the topical dimension of his speech was concerned, and to convey reliability, as far as the audience demand dimension was concerned (van Eemeren & Garssen, 2023, p. 513).

However, quoting Wilson also enabled De Gasperi to draw a straightforward analogy between the border set in 1919 and the one that had to be set in 1946. Notably, the recourse to analogy argumentation is an element that, according to van Eemeren (2021, p.

21), characterises an “engaged” argumentative style. The same holds true for metaphors and rhetorical questions, which were iterated by the arguer to reach an appealing conclusion. By challenging his audience with rhetorical questions and comparing the territorial solution proposed in the peace treaty to a “fragile cage” that “maims our national unity [...] bites into our very flesh” and “would inflict an unbearable wound on the Italian national conscience”, the speaker radiated commitment to the cause at issue (van Eemeren & Garssen, 2023, p. 513), enriching his objective arguments in favour of a solution to the issue of Trieste with unmistakable elements of an engaged argumentative style.

These analytical findings are in line with those outlined in Brambilla (2023), where De Gasperi’s strenuous defence of Italy’s antifascist identity was demonstrated to be shaped by elements of detached and engaged argumentative styles alike. As a result, this hybrid argumentative style, which shapes the whole (or at least most of the) speech that De Gasperi delivered at the 1946 Paris Peace Conference, can be said to have been selected in light of its potential to enhance the acceptability of standpoint 1 promoting the amendment of the draft peace treaty.

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The 2022 US National Security Strategy *Responding to new threats in an evolving world*

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ABSTRACT: This paper examines the National Security Strategy (NSS) of US President Joseph R. Biden to analyze how the president frames his vision of imperial righteousness and sets the agenda for US foreign policy. Biden identifies the People's Republic of China (PRC) and Russia as primary adversaries. He also emphasizes the need to cooperate on transnational issues and the need to combat both international and domestic terrorism.

KEYWORDS: Biden rhetoric, National Security Strategy, rhetoric of imperial righteousness, US foreign policy rhetoric, US presidential rhetoric

1. INTRODUCTION

On October 12, 2022, the Biden White House released its National Security Strategy (NSS). The strategy had been delayed by Russia's invasion of Ukraine in February 2022. The NSS aims to shape US policy abroad and domestically including the military ambitions of Russia and growing competition with China, as well American economic competitiveness, influential coalitions, and a host of other concerns. The NSS, written by a team of advisors and strategists, represents the aspirations of the Biden administration, so we will be using Biden and NSS interchangeably in this paper.

The NSS of the United States is a document mandated by Congress that communicates the priorities of a US presidential administration regarding national security of America and its people. Congress directs that the NSS be published annually; however, that is rarely the case. The NSS includes discussions of US international interests along with defense capabilities that are necessary to counter domestic and international threats, providing an aspiration of what the US desires the world to be and how the US intends to achieve that goal. It must also seek to "satisfy the bureaucratic interests of countless departments, agencies, and bureaus in the sprawling US national security apparatus" (Patrick, 2015). Kroenig (2022) notes however, that in practice, there are diverse audiences. The National Security Strategy communicates priorities "to the rest of the US government, and is also read closely by allies and enemies, so the document is trying to serve several

purposes and balance several competing interests” (Kroenig 2022). Fontaine observes, the word “strategy” in the NSS is something of a misnomer—anyone looking for an articulation of objectives and how to achieve them may be disappointed. Rather, as Fontaine notes, the NSS is a “very long foreign policy speech, a snapshot of how a particular administration understands its global security and economic environment [I]ts chief value is [as] a signaling device” (as cited in Dhanani & McBrien, 2022). Preble (2022) clarifies the nature of the NSS by noting:

And, let’s be clear, this is a *very* ambitious document. It aims to “proactively shape the international order” asserting that the United States can only be prosperous and secure when the rest of the world is moving in that same direction—a debatable proposition, at best. Other countries manage to enjoy relative peace and prosperity without aspiring to change the entire planet.

The NSS advocates for American leadership which hinges on the willingness of other nations to be in agreement with diverse US goals such as arms control, global health, and climate concerns. This paper will analyze the 2022 NSS through the lens of the rhetoric of imperial righteousness and its themes of national security, the nature of the enemy, democracy and freedom, and American morality.

2. THE RHETORIC OF IMPERIAL RIGHTEOUSNESS

Since the late 20th century, US presidents who have advocated for war have used the rhetoric of imperial righteousness (Burnette & Kraemer, 2007). In the early 20th century, American presidents justified war in terms of “militant decency” (Friedenburg, 1990). The rhetoric of militant decency extolled the themes of US power, US character, and American assumption of social responsibility (Friedenberg, 1990). George W. Bush, in the aftermath of 9/11, “defined the US role in international conflict as preemptive” (Burnette & Kraemer, 2011, 171). This shift marked an imperial stance: the US had the prerogative to impose their will on other countries. This rhetoric based this imperial stance on the premise of righteousness: the US would do the right thing for itself and for other countries in the international community (Burnette & Kraemer 2011).

There are four themes of imperial righteousness (Burnette & Kraemer 2011). The first theme of imperial righteousness is the importance of national security, which concerns examining the nature of threats and activities necessary to defend against the threat. The second theme of imperial righteousness is characterizing the nature of the enemy by creating and personifying an enemy that threatens US values. The third theme is the celebration and defense of democracy and freedom. This involves spreading the cause of democracy and freedom at home and abroad. The fourth theme of imperial righteousness is commending American morality by arguing that what is good and socially responsible is an obligation of empire.

We have examined the rhetorical expressions of imperial righteousness in the rhetoric of George W. Bush 2002 (Burnette & Kraemer, 2003). We have also analyzed and compared Bush’s 2002 and 2006 NSS documents and Barack Obama’s 2010 NSS. We found that American foreign policy as expressed in the Bush and Obama presidencies conveyed the importance of the American imperium. In the case of the Biden

administration, one of the primary tasks of the Biden NSS is to counter the threat to the American imperium posed by Russia and China.

3. NATIONAL SECURITY

The national security theme of the rhetoric of imperial righteousness contains four categories: military might, domestic and international security, cooperative security strategies to meet transnational challenges, and American leadership.

The 2022 NSS, like its predecessors, begins with the idea that the American military is the best in the world. Biden notes that “The American military is the strongest fighting force the world has ever known” (NSS, 2022, p. 20) and that the US will not “hesitate to use force when necessary to defend our national interests” (NSS, 2022, p. 20). This strategy is qualified by noting that the US will only resort to the use of force to achieve clear objectives that are consistent with American values and laws. A strong military:

helps advance and safeguard vital US national interests by backstopping diplomacy, confronting aggression, deterring conflict, projecting strength, and protecting the American people and their economic interests. (NSS, 2022, p. 20)

Biden calls this integrated deterrence, which is the combination of US capabilities, including military might, “to convince potential adversaries that the costs of their hostile activities outweigh their benefits” (NSS, 2022, p. 22). According to the document, the use of the military should be strategic. The NSS states:

We will make disciplined choices regarding our national defense and focus our attention on the military’s primary responsibilities: to defend the homeland, and deter attacks and aggression against the United States, our allies and partners, while being prepared to fight and win the Nation’s wars should diplomacy and deterrence fail. (NSS, 2022, p. 20)

In this way, the NSS is able to state that “a combat-credible military is the foundation of deterrence and America’s ability to prevail in a conflict” (NSS, 2022, p. 21).

Biden’s NSS reduces distinctions between domestic and international security concerns noting that “we have broken down the dividing line between foreign policy and domestic policy” (NSS, 2022, p. 11). Biden makes it clear that the US will “invest in our innovation and industrial strength and build resilience at home” but he also argues that this requires the US to “advance shared prosperity domestically” while proactively shaping “the international order in line with our interests and values” (NSS, 2022, p. 11). The NSS argues, “In an interconnected world, there is no bright line between foreign and domestic policy. The future of America’s success in the world depends upon our strength and resilience at home” (NSS, 2022, p. 14). Biden also advocates that US “success at home requires robust and strategic engagement in the world in line with our interests and values to make life better, safer, and fairer for the American people” (NSS, 2022, p. 14). Biden believes that the United States must work cooperatively with countries and people around the world to meet the challenges of “this decisive decade” (NSS, 2022, p. 37). He observes, “Our future and the world’s are interlinked. That is why our strategy is global” (NSS, 2022, p. 37).

Several issues provide an explanation for the confluence of domestic and international security. For example, with regard to international financial issues including World Bank and IMF, the NSS argues that “more stable growth abroad means a stronger economy here at home. As other economies prosper, demand for US exports of goods and services increases, creating US jobs.” (20) In this way international concerns become domestic concerns and necessitate a concentrated dual approach to security issues.

As the line between domestic and international security disappears, significant world issues begin to influence strategic security strategies. The NSS argues that “The actions we take now will shape whether this period is known as an age of conflict and discord or the beginning of a more stable and prosperous future” (NSS, 2022, p. 6). Competition between the major players on the global stage pits democracies against autocracies and while this competition exists, governments must also deal with “shared challenges – or what some call transnational challenges – that do not respect borders and affect all nations” (NSS, 2022, p. 8). Climate disasters, food insecurity, pandemics and health issues, as well as other issues summon the United States to “prioritize leading the international response to these transnational challenges” (NSS, 2022, p. 1). which the NSS indicates “are at the very core of national and international security and must be treated as such” (NSS, 2022, p. 6). The NSS maintains that “of all the shared problems we face, climate change is the greatest...for all nations” (NSS, 2022, p. 8) causing “catastrophic impacts” that “will be irreversible” (NSS, 2022, p. 9). The test for national security emerges when countries “compete for resources and energy advantage—increasing humanitarian need, food insecurity and health threats, as well as the potential for instability, conflict, and mass migration” (NSS, 2022, p. 9). Biden argues that “The climate crisis is the existential challenge of our time” (NSS, 2022, p. 27). He warns, “A warming planet endangers Americans and people around the world—risking food and water supplies, public health, and infrastructure and our national security” (NSS, 2022, p. 27).

A second world issue affecting security is the risk of another global pandemic. The NSS asserts that “We have a narrow window of opportunity to take steps nationally and internationally to prepare for the next pandemic and to strengthen our biodefense” (NSS, p. 28).

Pandemics and global health are issues that will supersede global competition, for as the NSS maintains, “...we must engage with all countries on global public health, including those with whom we disagree, because pandemics know no borders” (NSS, 2022, p. 28). The 2022 NSS deems that “Incorporating allies and partners at every stage of defense planning is crucial to meaningful collaboration” (NSS, 2022, p. 21). The NSS posits:

Our strategy is rooted in our national interests: to protect the security of the American people; to expand economic prosperity and opportunity; and to realize and defend the democratic values at the heart of the American way of life. We can do none of this alone and we do not have to. (7)

To build these coalitions to address global issues Biden suggests that “the key...is to recognize that the core of our inclusive coalition are those partners who most closely share our interests” (NSS, 2022, p. 16). Biden recognizes that:

America's treaty alliances with other democratic countries are foundational to our strategy and central to almost everything we do to make the world more peaceful and prosperous. (NSS, 2022, pp. 16-17).

The NSS posits that the United States' allies and partners are key components of its security strategies in advancing a "world that is free, open, prosperous, and secure" (NSS, 2022, p. 16).

In the introductory letter to the NSS, Biden declares that "Around the world, the need for American leadership is as great as it has ever been. We are in the midst of a strategic competition to shape the future of the international order" (NSS, 2022, p. 1). Later in the NSS, Biden affirms that declaration by stating "Although the international environment has become more contested, the United States remains the world's leading power" (NSS, 2022, p. 7). Biden also gives a realistic look at the dynamics between domestic integrity and legitimacy abroad:

The quality of our democracy at home affects the strength and credibility of our leadership abroad—just as the character of the world we inhabit affects our ability to enjoy security, prosperity, and freedom at home. (NSS, 2022, p. 7)

The NSS clarifies that the goal of the US as a global leader is a "free, open, prosperous, and secure international order" that can allow "people to enjoy their basic, universal rights and freedoms" (NSS, 2022, p. 10).

4. THE NATURE OF THE ENEMY

Defining a nation's enemies serves not only security purposes but rhetorical purposes. Edelman (1988) contended that enemies in political rhetoric can "give the political spectacle its power to arouse passions, fears, and hope" in audiences (p. 66). The US enemies in the NSS are authoritarian autocracies. As Biden notes, "The most pressing strategic challenge facing our vision is from powers that layer authoritarian governance with a revisionist foreign policy" (NSS, 2022, p. 8). He enumerates the threats that authoritarian nations pose to:

international peace and stability—especially waging or preparing for wars of aggression, actively undermining the democratic political processes of other countries, leveraging technology and supply chains for coercion and repression, and exporting an illiberal model of international order. (NSS, 2022, p. 8).

According to the NSS, the biggest threat to the US is posed by the People's Republic of China (PRC) and Russia. These are authoritarian autocracies that contrast with American democracy. The NSS notes, "In their own ways, they now seek to remake the international order to create a world conducive to their personalized and repressive type of autocracy" (NSS, 2022, pp. 8-9). The Biden administration makes a distinction between the threat posed by the PRC and Russia. The NSS notes:

The PRC and Russia are increasingly aligned with each other but the challenges they pose are, in important ways, distinct. We will prioritize maintaining an enduring competitive edge over the PRC while constraining a still profoundly dangerous Russia. (NSS, 2022, p. 23)

The difference between the countries necessitates different strategies for dealing with these enemies.

Throughout the NSS, Biden identifies the PRC as the “most consequential geopolitical challenge” (NSS, p. 11). The NSS argues that the PRC is “the only competitor with both the intent to reshape the international order and, increasingly the economic, diplomatic, military, and technological power to do it” (NSS, 2022, p. 23). Biden warns, “Beijing has ambitions to create an enhanced sphere of influence in the Indo-Pacific and to become the world’s leading power” (NSS, 2022, p. 23). The document also builds its case against the PRC by noting that the PRC commits human rights abuses in Xinjiang, Tibet, and even Hong Kong.

The other autocratic enemy that looms as a serious concern in the NSS is Russia. Biden argues, “Russia poses an immediate and ongoing threat to the regional security order in Europe and it is a source of disruption and instability globally” (NSS, 2022, p. 11). The NSS notes, however, that Russia “lacks the across the spectrum capabilities of the PRC” (NSS, 2022, p. 11). One of the most egregious acts by Russia is its invasion of Ukraine. The NSS places the invasion in the context of ongoing Russian foreign policy: “Over the past decade, the Russian government has chosen to pursue an imperialist foreign policy with the goal of overturning key elements of the international order” (NSS, 2022, p. 25). The NSS characterizes Russia’s involvement in Ukraine as “a full-scale invasion of Ukraine in an attempt to topple its government and bring it under Russian control” (NSS, 2022, p. 25).

The NSS names other autocracies who “are also acting in aggressive and destabilizing ways” (NSS, p. 11). These include Iran and the Democratic People’s Republic of Korea (DPRK) (NSS, pp. 11-12). In addition to naming enemies that are nation states, the NSS also identifies terrorists as enemies. Some of the terrorists are external to the United States. The NSS names, “Al-Qa’ida, ISIS, and associated forces [that] have expanded from Afghanistan and the Middle East into Africa and Southeast Asia” (NSS, 2022, p. 30). The NSS argues, “Today’s terrorist threat is more ideologically diverse and geographically diffuse than that of two decades ago” (NSS, 2022, p. 30), and that Syria, Yemen, and Somalia “remain terrorist sanctuaries” (NSS, 2022, p. 30).

In addition to threats from outside, there is also an enemy within. The NSS identifies “a range of domestic violent extremists here in the United States” (NSS, 2022, P. 30). Biden defines domestic terrorists as “a range of domestic violent extremists, including those motivated by racial or ethnic prejudice, as well as anti-government or anti-authority sentiment” (NSS, 2022, p. 31).

Enemies are not only defined by who they are (such as countries and terrorists), they are defined by what they do. One thing that enemies do is pose threats to cybersecurity. The NSS notes that contemporary societies are:

increasingly digital and vulnerable to disruption or destruction via cyber attacks. Such attacks have been used by countries, such as Russia, to undermine countries’ ability to deliver services to citizens and coerce populations. (NSS, 2022, p. 34)

Another category of enemy actions is taking hostages and holding wrongful detainees. “Using human beings as pawns is antithetical to American values and to the global order to which we aspire,” argues the NSS, warning, “Yet, that is what governments, regimes,

and non-state actors do when they hold Americans against their will as hostages and wrongful detainees” (NSS, 2022, p. 35).

When a nation defines its enemies, it also defines itself. Where the enemies outlined in the NSS are autocratic and committed to dismantling democracy, the US is committed to upholding the philosophy and laws that constitute democracy.

5. DEMOCRACY AND FREEDOM

Celebrating and upholding the values of democracy and freedom is the third major theme of imperial righteousness that the NSS upholds. Burnette and Kraemer (2011) argue, “Staunchly supporting democracy . . . has been a continuing theme for American presidents” (p. 175). Biden’s NSS continues in the tradition of describing democracy as one of the highest American values. The NSS observes, “Our democracy is at the core of who we are” (NSS, 2022, p. 16). Moreover, according to the NSS, American democracy serves as a model for other countries: “America’s democratic experiment has long been a source of inspiration for people around the world” (NSS, 2022, p. 16). This is because the US “system of government enshrines the rule of law and strives to protect the equality and dignity of all individuals” (NSS, 2022, p. 16).

The 2022 NSS contends that American democracy has been the target of attacks by enemies within and outside the US and the US will defend democracy against all attacks. One alarming internal threat, according to the NSS, is multiple unfounded challenges to election results. The NSS warns, “As Americans, we must all agree that the people’s verdict, as expressed in elections, must be respected and protected” (NSS, 2022, p. 16). This marks a departure from recent NSS documents; the Bush and Obama NSS’s did not discuss internal threats to American democracy. In addition to defending the American democratic system against internal enemies, the US must also defend its democracy against external enemies. Biden’s NSS declares, “America will not tolerate foreign interference in our elections. We will act decisively to defend, and deter disruptions to our democratic processes” (NSS, 2022, p. 16).

According to the Biden administration, democracy is not just good for Americans—it benefits everyone. This is consistent with previous NSS documents, which have promulgated the narrative that the US must defend democracy around the world not only for the sake of American security, but for the promotion of safety and security around the globe. Biden promises, “we will take steps to show that democracies deliver” (NSS, 2022, p. 8). The NSS specifies that the US will ensure:

the United States and its democratic partners lead on the hardest challenges of our time, but by working with other democratic governments and the private sector to help emerging democracies show tangible benefits to their own populations. (NSS, 2022, p. 8)

Although democracy is hailed as an absolute good, the NSS seeks to reassure other countries that the US will not try to force democracies on others. It maintains “We do not, however, believe that governments and societies everywhere must be made in America’s image for us to be secure” (NSS, 2022, p. 8).

6. AMERICAN MORALITY

The final rhetorical theme of imperial righteousness is the power of American morality. In their NSS documents, George W. Bush and Barack Obama praised the innate moral purpose of American citizens. Furthermore, they argued that this morality served as a justification for US foreign policy. In Biden's NSS, there is less discussion of American morality, and that discussion centers on notions of leadership. Biden posits that Americans are the people who are poised to defend democracy and peace in the aftermath of world crises. He notes:

As the world continues to navigate the lingering impacts of the pandemic and global economic uncertainty, there is no nation better positioned to lead with strength and purpose than the United States of America. (NSS, 2022, p. 1)

In a thinly veiled warning, the Biden also says, "We will not leave our future vulnerable to the whims of those who do not share our vision for a world that is free, open, prosperous, and secure" (NSS, 2022, p. 1). The 2022 NSS also offers sharp words for competitors who "mistakenly believe democracy is weaker than autocracy because they fail to understand that a nation's power springs from its people" (NSS, 2022, p. 2). The document states, "Our people are resilient and creative And it is our democracy that enables us to continually reimagine ourselves and renew our strength" (NSS, 2022, p. 2).

7. CONCLUSION

In analyzing Biden's 2022 NSS, we see powerful similarities and a noteworthy difference between Biden's rhetoric of imperial righteousness and that of Bush and Obama. The 2022 NSS, like those in 2002, 2006, and 2010, still features a heavy emphasis on national security and the necessity of preserving it. Biden's NSS also still defines sinister enemies and, in the process, defines Americans as their opposite. In the 2022 NSS, Americans are the noble leaders of the 21st century and caretakers of the world order. In a continuation of the arguments of previous NSS documents, the 2022 NSS promotes democracy as a cornerstone of the articulation of American foreign policy. The Biden NSS characterizes the US as one of the most venerable and stable democracies in the world. Even in the wake of the domestic terrorist attacks of January 6, 2021, the US defends its ability to protect democracy in the international community.

In addition to these similarities, however, we also see a notable shift in the rhetoric of imperial righteousness. While there is still a discursive framing of American character in Biden's NSS, we see less of an emphasis on the moral dimension of American character than in other NSS documents. In our previous studies of Bush and Obama rhetoric, we argued that their rhetoric suggested that Americans "look to what is good and socially responsible as an obligation of empire" (Burnette & Kraemer, 2007, p. 197). Biden's NSS places much less emphasis on the morality of the American people as a rationale for foreign policy. We believe that Biden's NSS is responding to a different national and international set of circumstances and that, as a result, he has adjusted his rhetoric to the exigences the US faces. Our study of Bush's rhetoric looked at his statements as he was making a case for war. Like all leaders who want to justify war, Bush had to use the language of morality. Obama, in his NSS, also spent significant time making the argument that American security

was not merely a matter of survival, but of upholding precepts of right and wrong. Biden's NSS upholds American morality as a hedge against the PRC and Russia, but the document emphasizes the need for the US to work with allies and be clear-eyed about the nature of the threat from our enemies. Biden posits that the US is facing transnational challenges, and the NSS focuses more on a pragmatic approach of working with other countries in cooperative ventures to meet those challenges. In the Biden NSS, we see a shift from a philosophical perspective to a more pragmatic perspective in meeting the challenges facing the world.

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What About Whataboutism?

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ABSTRACT: In some recent literature whataboutism is analyzed as a sometimes reasonable argument or claim about inconsistency on an issue of dispute, akin to the *ad hominem tu quoque*. We argue that this doesn't capture the peculiarly meta-argumentative failure (or success) of "what-about" appeals. Whataboutist moves are appeals to evidence about whether one has assessed the total evidence, and so need not be failures of consistency on the first order.

KEYWORDS: bothsiderism, fallacies, free speech fallacy, meta-argument, *tu quoque*, whataboutism,

1. INTRODUCTION

On a Facebook thread about road safety on a local internet news group, "Margaret," pleaded with motorists to "watch out for cyclists when pulling out of parking spots" and to "stay out of the bike lane" among many other things. Neighbor "Gary," taking umbrage at Margaret's concerns, replied: "in my experience, bikes have been the more frequent problem" and "many go on the sidewalk." Quick to reply to Gary was "Annie," who asked, "Do you have any more *whataboutism* to add to this conversation, Gary?"

"Whataboutism" is a commonly-encountered term in critical discussions these days, particularly since the 2016 US Presidential election. Several magazine articles and radio spots have discussed it, and now it's attracted the interest of argument scholars (Barceló Aspeitia, 2020; O'Connell, 2020; Aikin & Casey, 2022c; Bowell, 2023). In general, whataboutism consists in a particular kind of critical response, and so it is dialectical in nature. Its purpose seems to be to deflect criticism of one standpoint by raising parallel concerns about another, presumably more worthy target of criticism. The name "whataboutism" comes from a phrase that often (but clearly not always) precedes the criticism—thus, the question "*what about x?*" implicates that there is a *y* receiving attention that in fact should be set aside, when one sees things from the appropriate position of seeing all the issues. In the literature on the fallacy, the consensus view seems to be that whataboutism is a sometimes reasonable argument scheme akin to the *ad hominem tu quoque*. In the *tu quoque*, one alleges that an interlocutor's inconsistency on a topic disqualifies them or their view from serious consideration, or at the very least it reveals something about their view that fails similar standards of scrutiny (Aikin 2008). We agree

that there is something correct about this basic description; *consistency* seems to be a paramount consideration in whataboutist cases. But we also think that this approach fails to capture what is distinctive about whataboutism. For, unlike the tu quoque, the inconsistency on the issue is not always second-personal, that is, it's not directed necessarily at an *interlocutor's* inconsistency on the matter. And further, there are instances of whataboutism that do not depend at all on inconsistency. Rather, we shall argue that whataboutism is a meta-argumentative strategy akin to *bothsiderism* and the *free speech fallacy*, in that one is gathering evidence about whether the discussion has accurately represented all of the considerations on the question. This can be represented sometimes by charges of inconsistency, but they need not be in tu quoque form. Instead, the whataboutist charge is one about whether all the considerations on the issue have been considered, so it is, as we have held, a meta-argumentative case (and fallacy).

Here is how we plan to proceed. We begin by surveying the recent scholarship on whataboutism. We then explain how the argument depends on a form of reasons-contrastivism (which we also briefly explain). This makes sense of some of the cases we discussed. But, as we argue, whataboutism is also a kind of meta-argument. We explain meta-argument briefly, and then explain how whataboutism is similar to other meta-argument cases.

2. WHATABOUTISM IN THE FALLACY LITERATURE

Other than our own brief discussion of meta-argumentative fallacies, with whataboutism featuring as an example, in the closing chapter of our *Straw Man Arguments* (2022c) there are three accounts of whataboutism in the literature. There have also been a smattering of think-pieces, blog posts, and whatnot on the origins and use of the concept. They generally note whataboutism's origins in Soviet propaganda and in discussions of the Irish Troubles, its recent popularity among certain ex-US Presidents, and its enduring place in the Russian disinformation toolkit (Lucas, 2008). They also regularly identify whataboutism with standard tu quoque cases. For instance, National Public Radio's Kurtzleben describes as a counter-charge of hypocrisy: A charges B with something bad, B charges A with something bad (2017). However, a recent piece in *Time* about President Trump's document scandal comes close to getting the meta-argumentative picture right, noting that the point is not to respond to arguments on the first order, but on the second order in that the issue is now about how the arguments have not been fair to the various considerations or consistent in their evaluations (McQuade, 2023).

The scholarship on whataboutism stresses different faces of the phenomenon. Further, each instances underscores, as is the state of in fallacy theory these days, that whataboutism admits of non-fallacious cases following (Aikin, 2008 and Tindale, 2007). Additionally, there is the continued tendency in recent fallacy theory in seeking to explain whataboutism in terms of other more basic or well-known fallacy types (like the tu quoque, red herring, or false dilemma). Call this the *reductivist* program in fallacy theory – that of taking purportedly new fallacies and making the case that they are merely special instances of more basic fallacy types. Our plan is to argue that there needs to be a new category of fallacy types, that of the meta-argumentative form. So, in this case, *non-reductivist* fallacy theory. Further, while all the scholars review agree that whataboutism regards consistency

at some level, they differ on the extent to which that characterizes the problem. Critically, they also differ on the description of the paradigmatic argument situation, such as whether whataboutism is something that occurs in dialogues between discussants, and so is second-personal, or whether it is third personal.

Barceló Aspeitia (2020) argues that the non-fallacious use of whataboutism (the term, by the way, he reserves only for the fallacious use) is fundamentally, but not entirely, an inconsistency charge, like the selective application a general premise. His central case is one where a religious fundamentalist is accused by a dialogue partner of cherry-picking religious precepts to be fundamentalist about. The accusation, *what about x?*, is meant to reveal that the target has been *insincere* about their view. This charge, he argues, is to be carefully distinguished from the charge of hypocrisy, as one sees in tu quoque arguments. The whataboutist charge is not then about the normative status of the arguer (440), as in tu quoque cases, but about the sincerity of their views. What about fallacious whataboutism? Barceló Aspeitia's answer is that the fallacy lies in the derailment of discussion by charges of insincerity when suspicions of insincerity are unwarranted. Barceló Aspeitia clearly views whataboutism through the lens of the critical discussion, where participants engage in the reasonable resolution of a disagreement, and the key to these discussions is a sincerity requirement. Fallacious whataboutism, then, is a form of inappropriately charging insincerity.

O'Connell (2020) holds that whataboutism (which he calls "whataboutery"), while similar to the tu quoque, merits a more general approach. This is because whataboutism is not always directed at the hypocrisy of one's interlocutor. O'Connell suggests the following the following as a schema:

A person refers to a situation, A, and says that A is morally repugnant; A ought to be condemned; we should do something about A. In response, another person says, "Well, what about B? B is also morally repugnant. If you are concerned about A then you should be concerned about B." (245).

First, it is clear that, as distinct from Barceló Aspeitia, whataboutism is often targeted at parties *not* present in a critical discussion (244). Second, the whataboutist's "what about" *and* the original case are presumably something that they and the target *agree* to. In the situation as he describes it, both A and B are bad, and agreed to be so. When fallacious, whataboutism consists in "an illicit attempt to change the subject and derail the discussion" (243). Fallacious whataboutism consists in "derailing moral consideration of a particular issue by deflecting attention to another issue" (246). Ultimately, then, fallacious whataboutism is a red herring: a technique for ending a discussion *without* admitting disagreement.

Like Barceló Aspeitia and O'Connell, Tracy Powell (2023) distinguishes between fallacious and non-fallacious uses of whataboutism. She also agrees with Barceló Aspeitia and O'Connell that whataboutism fundamentally concerns consistency. For Powell, specifically, it is often a form of tu quoque because the "principal motivation," is to draw "attention to alleged hypocrisy" (96). While the point of this move, at bottom, is deflection (93), whataboutism seems to be a complex strategy, involving many different kinds of fallacious moves, such as the red herring (102), the fallacy of relative privation (101), or false dilemma (104).

This brief literature review shows that a key question is whether whataboutism is primarily *second* or *third* personal. To begin, whataboutism is *second personal* when it involves an inconsistency or hypocrisy charge in the context of a dialogue by one interlocutor of another (who may only be imagined to be present). The primary aim of whataboutism on this form is the character (their consistency, hypocrisy, or sincerity) of the interlocutor target. To cite one of Bowell's cases, when asked to clean his room, Bobby asked of his *father what about Billy?* It also seems that popular use (exemplified in recent think pieces). The basic form of second-personal whataboutism is that YOU have left off some consideration or a crucial piece of evidence. While Barceló Aspeitia takes this approach exclusively, Bowell and O'Connell leave the door open for a *third-personal* form of whataboutism. This differs from the second-personal form in that the question is not levied by one party against another in the dialogue for an evident inconsistency, but rather to a third party being criticized or wider considerations (O'Connell, 2020, p. 244). Return to the Troubles case. As O'Connell notes, what is crucial is that there are *three* parties involved: Some who criticizes the IRA, someone who replies on their behalf by pointing to *someone else* (the British) who are not party to the dialogue. And in the case of asking 'what about x?' the arguer is reminding an audience of all the considerations on the issue that may have been forgotten. This is no longer an inconsistency charge, but a question of whether we have surveyed all the relevant reasons bearing on the question. For this reason, we agree with O'Connell that the *tu quoque* approach comes up short in describing all cases of whataboutism. Rather than seek a more generalized account, however, we would propose that there are at least two versions of whataboutism: a second-personal, *tu quoque* (style) version and a third-personal version.

3. CONTRASTIVISM

Contrastivism about reasons is the view that evaluating reasons requires evaluating those reasons against a set of alternatives (Sinnott-Armstrong, 2008). This means that reasons evaluation is triadic, between (i) the reason, (ii) what the reason is a reason for, and (iii) the alternatives, or the contrast class. To speak generally, a reason for p, in order for it to be a reason for p, it must also be a reason for p *rather than* q. In light of this, it's easy to see that the contrast class is the source of the whatabout question. Consider the following case of moral reasoning from (Snedegar, 2015):

Suppose you run into the burning building, scoop up Tiny Tim, and carry him out to safety. Is this what you ought to have done? Maybe so. But what if an alternative, one that you could have just as easily performed, was to run in, scoop up both Tiny Tim and Tiny Tom – who was right next to Tiny Tim – and carry both of them to safety? (p. 379).

Indeed, *what about Tiny Tom?* It seems natural to us to understand whataboutism as an argument form that regards contrasts such as this. The whatabout form, then, means to pick out the relevant contrasts that have been neglected.

The challenge of any account of a fallacy is to explain both what makes a fallacy attractive and what accounts for its fallaciousness. In the case of whataboutism, the

attraction is that reasons work on contrasts. This is what gives the whataboutist the feeling that they're doing something right (and what makes many of us fall for it), because a contrasting case can undercut the reasons if they have not borne on it (as we see with the question *what about Tiny Tom?*). But whataboutism is fallacious when those are not the right contrasts, given the scope of the conversation. Let's put this thought together with our first example. That Margaret made an argument about irresponsible motorists is understood by Gary against the contrast set of other topics she could have discussed. Gary doesn't argue that Margaret is *wrong* about the motorists, it's that there are other, more worthy targets of criticism such as cyclists on sidewalks. Understood against the purportedly proper contrasts, Gary alleges, Margaret has failed. But Margaret hasn't failed, because she is addressing driver attentiveness to cyclists who have a right to be on the road. When Gary asks about irresponsible cyclists, Annie is right to point out Gary's confusion of the proper contrast class.

4. META-ARGUMENT

Whataboutism is a meta-argumentative fallacy. Let us now briefly introduce the concept of meta-argument. The prefix "meta" comes to us from ancient Greek, where it means, roughly, "about." Thus, in a simple sense, one does meta-argument when they, argue, well, *about* arguments (Finocchiaro, 2005, 2007, 2013). It's the *content* of arguments that makes them meta-arguments in the first instance. But the term "meta" also means "after," "beyond," or "above." We can understand meta-argument on further layers of their function. In one way, it's a relation between arguments: not only is one argument about another, but it evaluates, explains, or clarifies it. Call this the relational sense. In another sense, meta-argument might refer to something internal to argument, call this the internal sense. So, arguments are token reflexives in that their 'therefores' invoke the norms of appropriate inference as the inference is made. All arguments are internally meta-argumentative, or so it seems to us (see the case for this in our Aikin & Casey, Forthcoming).

The norm-constituted nature of argumentation is especially evident when evaluating arguments. Critical dialogue, then, is not only argumentative, but also meta-argumentative – if you're exchanging and weighing reasons, you're arguing about arguments. For to criticize something as an argument means to allege that it's failed to meet some kind of standard. Sometimes failing to meet a standard is a matter internal to the type of operation one is trying to achieve. One generalizes hastily if one uses too few cases as a basis for the inductive step.

Cohen (2001), Breakey (2021), and Aikin and Casey (2022c, 2022a, 2022b, 2023a, 2023b) describe a different sense of meta-argument. These are arguments that come *after* or *in the wake of* arguments. In a sense, we have an argument and then we argumentatively reflect upon it with another argument. Consider the case of a really impressive argument for some outrageous conclusion about which one might reason in the form of what Cohen calls a meta-argument for rejecting good arguments (MARGA): "this argument seems really good, but the conclusion is really bad, and therefore there must be some mistake, though I can't identify it." (78-79). The meta-argument here is about the first, but it is in critical relation to it. Thus, we call this the *relational* form of meta-argument – it is a second argument, reflecting upon and in the wake of the prior. The meta-argument that comes in

its wake isn't about the argument in a simple sense. Rather, with this following argument, we ask whether this *prima facie* good argument reflects all of the considerations bearing on the issue or whether the premises *really* support the conclusion. The relational meta-argument opens a new reflective space where we ask about the target argument as an item for evaluation as an argument. This feature of meta-argument, we hold, is evident in whataboutist arguments.

5. WHATABOUTISM AS A META-ARGUMENTATIVE FALLACY

Our argument is that Whataboutism is an instance of meta-argument. When fallacious, then, it's a special case of meta-argumentative fallacy. First, let's get clear on what makes something a meta-argumentative fallacy. Recall above where we described meta-argument in two ways: internal and relational, and the fallacious explicit cases are relational cases. Relational meta-arguments are responses to arguments, but they are not responses on the first-order merits of the argument. Rather, they are meta-arguments because they take *the fact of there being an argument at all* as the significant input – that there is evidence about the breadth of evidence on an issue. Whataboutism is among several cases of reasoning along similar lines, that one, in assessing the argument and other factors bearing on it, have meta-evidential considerations that must be aired. Other forms of this reasoning are the free speech fallacy and bothsiderism. We will survey their meta-argumentative features to then highlight those of whataboutism.

A standard version of the free speech fallacy runs that since some viewpoints have not been given full voice in debates, the result of the debate is undercut. The fallacy works from the appropriate default attitude of open inquiry norms, including wide viewpoints for consideration, but it becomes fallacious when those representing refuted views insist on being considered seriously, even after repeated refutation (Aikin & Casey, 2023a). They infer that since they are excluded from the debate, the results of the debate are either unjustified or obviously false, because important rebutting evidence has been quashed. What matters in this case, clearly, is not the quality of the original objections, but rather the fact that they were made at all. This is not a reply that can be characterized by standard dialectical rules, such as those described by Walton (1998) or van Eemeren and Grootendorst (2004), as the respondent does not attend to merits of the opponent's case at all. Rather, they ignore the case entirely and turn to the fact that the case has been prevented from being made. However fallacious all of this sounds, it's not a standard case of irrelevance (or something else). For certainly the offering of arguments has a *kind meta-relevance* (or *meta-irrelevance*).

Another meta-argumentative fallacy along these same lines is bothsiderism (Aikin & Casey, 2022a). In bothsiderism, one concludes that a disagreement on an issue is sufficient evidence to conclude that the issue is undecidable in a way that means it is rational to split the difference between the sides or withhold belief. Here again, bothsiderism does not interrogate the quality of the arguments that have been advanced; rather, it takes a second order fact (the fact of arguments being made and disagreement continuing) as sufficient to draw conclusions about the matter at the first order.

Let's return to whataboutism. The first similarity with the above cases is that the whataboutist charge does not challenge the salience, truth, or validity of the target's claim.

This is because the whataboutist will build the charge on the agreement about the original case and on the contrast case. The whataboutist, in other words, does not challenge *what someone said*, rather, they build their meta-argument on it given agreement on the overlooked contrast.

To put the theory into motion, consider two instances of whataboutism, one in the second person form, and one in the third. Consider an exchange between two people running as follows:

Analisa: I think it's terrible that Russia doesn't respect human rights – look at how the LGBTQ community is treated there.

Barron: Yes, that's bad, but what about the fact that the United States engages in state-sanctioned killing of leaders around the world?

In this case, Barron has proposed a whataboutist charge to Analisa, with the objective of contrasting the bad of human rights abuses with the injustice of assassinations. It's worth acknowledging that the parallel with *tu quoque* arguments is deep in this case, as Barron's charge is that moral consistency is not being met. Further, the inconsistency is presented as tacitly in the second-person, as Barron's implication is that Analisa's criticism of Russia's human rights record would be worth mentioning only if she did not attend to the United States's record of attacking state leaders. This is why we'd termed this form the second person to begin with, keeping the TU in the *tu quoque*. And, finally, Barron's argument is made even with a concession that Analisa is right that there is a bad. His case is that there is plenty of blame to go around, and the question is who deserves the most. What makes this argument meta-argumentative is that it is made primarily as a criticism of some reasons on the basis of there being reason to think they are undercut by an overall survey of the relevant reasons. The error, however, is that not all moral evaluation is a matter of rank-ordering the various bads. In fact, one would not be able to have a rank-ordering of the bads unless one were to look at each on their own. And this is precisely what Analisa is doing – she is looking at a particular bad thing and recognizing the injustice and unique alienation inherent in human rights abuses.

Consider now whataboutism in the third person. Importantly, these instances emerge in cases where the considerations on an issue are expanded in ways that favor the arguer's conclusion. So, again, in the Troubles case, the argument that there should be peace is undercut by the question of whether those arguing for peace had forgotten yet another atrocity. So, "What about Bloody Sunday?" In this case, to be clear, the issue is not a charge of inconsistency of the application of some rule of evaluation, but that one has not fully surveyed the range of atrocities demanding reprisal. Consider, now, two people in the following conversation:

Tamir: We should buy a new dishwasher. It would make our evenings so much easier after making and cleaning up after dinner.

Ronda: Yes, that would be nice to have one. But what about how much it would cost, and what about how hot it would make the apartment, and what about how hard they are to install?

The importance of these cases is that Ronda is bringing up concerns about the overall good of having a dish washer – making the kitchen hotter and being expensive are relevant considerations. And so, again, given the contrasts, the reasons for the dishwasher must also be reasons for also putting up with a warmer kitchen in the evenings and accepting the costs of buying and installing the appliance. These are all appropriate things to consider, but the trouble can be that one can pose whatabouts indefinitely.

Ronda: What about the noise? What about the water used? What about the electricity bill? What about how we are going to miss out on drying the dishes together? What about the fact that dish washers regularly leave residue on glasses? What about the fact that they break down?

You can see how this can go, and once we get to Ronda's ramped-up round of whataboutism, we can see that it's a tactic of swamping Tamir's proposal with a deluge of critical questions. At some point, even if they are all small, his overall case begins to look weaker. In this regard, the fact that there are so many (even if inconsequential) critical questions begins to appear to be evidence that Tamir's case is not so good. It is the argumentative equivalent to a death of a thousand cuts. In this regard, the whataboutist case is similar to that of the bothsiderist – the persistence of a disagreement is taken as meta-evidence that there is not a winning side to the issue. One way to see whataboutist cases in the third person as fallacious is simply that they rely on the multiplicity and variety of the contrasts to be considered. In Tamir and Ronda on the dishwasher, Ronda's case is made by the sheer quantity and variety of her critical questions. But quantity is not necessarily a good guide to quality.

Whataboutism requires a meta-argumentative survey of contrasting cases that have not been considered in the initial argument. Whataboutism is a charge of not having a representative set of considerations on an issue, and this can take the form of charging hypocrisy, as we see in second-person whataboutery, and it can take the form of a long list of hanging critical questions, as we see in third-person whataboutery. Whataboutism is a meta-argumentative move, and what makes it fallacious or not is whether the contrasting cases are relevant to the critical conversation and whether they improve it by expanding it.

6. CONCLUSION

Our analysis has shown that whataboutism comes in two main forms. In the one, what we've called the second-personal form, it's assimilable to the *tu quoque* fallacy, where one accuses a dialogue partner of inconsistency. In this regard, we think there is a reductivist line to take with the fallacy, taking whataboutism to be a special version of standing fallacy forms. In the other version, what we've called the third-personal form, one doesn't charge their partner with inconsistency, but rather raises a contrasting consideration whose existence alters the original claim. We think this means the third person version of whataboutism is best understood in terms of reasons contrastivism, where one's reasons for *p* are incomplete until they include a contrast set. This means that to raise contrasting considerations is legitimate in some cases. It is not legitimate, however, in too many cases, thus the fallacy of whataboutism. However, both forms of whataboutism belong in the class

of meta-argumentative fallacies, like bothsiderism, and the free speech fallacy, among others, because both forms of the fallacy are cases that one has evidence of whether all the evidence on the matter has been considered. These are meta-argumentative because one does not reason on the first order but rather on the second order.

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Climate Scientists as Rhetorical Citizens *Public Argumentation in Persuasive Op-Eds*

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ABSTRACT: What persuasive strategies should scientists use when performing rhetorical citizenship in our post-truth, hyper-partisan times? To understand what appeals can be employed by experts seeking to change the minds of opposition audiences in the public sphere, we examine opinion editorials by climate scientists published in “red state” newspapers, that is, regions of the United States that are majority Republican, a political party whose leaders continue to question the reality, cause, and/or significance of global warming.

KEYWORDS: climate crisis, hostile audiences, identification, scientist citizens, values

1. INTRODUCTION

At the time of this writing, the Southern United States is sweltering under a blanket of unprecedented heat and humidity that has already taken many lives (Mascarenhas & Simonson, 2023). The record temperatures coincide with wildfire smoke from Canada that has triggered air quality alerts for nearly a third of the American population (Livingston, 2023). Human-driven climate change has been linked to these events and others around the world, including in Europe, which was recently identified as the fastest warming continent on the planet (World Meteorological Association, 2023). However, despite the immediacy of these conditions to people’s lived experiences, climate change has still not motivated the degree of political action and economic reorganization that climate scientists and climate change activists have advocated for, for decades. Climate change is an exemplar of a wicked problem, but so is its public communication in a moment marked by acute political polarization and distrust of institutional information sources.

Climate scientists are the people with the best understanding of climate change mechanics. As such, they have much to share with the public about their research. We also believe that as citizens with expert knowledge they have an obligation to not only communicate openly in the public sphere about the climate threat but to communicate freely concerning mitigation and adaptation policy proposals. The nature of these dual obligations, to maintain the perception of being an unbiased, credible expert and to advocate for social betterment with that expert knowledge, is often rife with tension, internally and politically. This identity has been coined the scientist citizen (Pietrucci &

Ceccarelli, 2019; Syfert, 2019). Although much is written on the communication by scientists to those within their own community, fewer analyses have been conducted to better understand the mechanics and efficacy of scientist communication to the general public. Fewer still exist that take a rhetorical approach, shedding light on choices made by scientist rhetors to characterize social problems, target audiences, themselves, and lines of argument aimed to influence belief and action. Concerning climate inaction, effective communication now more than ever can be defined by the ability to persuade hostile audiences.

The research presented here is the second leg of a project that examines newspaper op-eds and editorials written by scientist citizens for their potential to communicate with and influence ideologically hostile audiences. The first leg examined guest editorials on COVID-19 vaccination policy written by rhetors with medical and/or scientific expertise (Ceccarelli & Syfert, 2022). The present leg examines opinion editorials by climate scientists, published in prominent newspapers located in politically red or purple states in the United States, that is, states that are majority Republican or lean Republican, the conservative party there. These editorials were selected for close reading because their audience cannot be assumed to already agree with the writers' thesis. The process of selecting texts for close reading was difficult because so few editorials written by those with scientific credentials were directed toward hostile audiences. Climate scientists communicating via editorials did so in much greater quantity through blue state newspapers (that is, newspapers in states that are majority Democrat, the other dominant party in the U.S.) and more left-of-center prestige press such as *The New York Times*. Our focus on communicating across ideological divides, and subsequent analysis of the rhetorical moves to do so effectively, may contribute to the goal of overcoming political polarization and encouraging meaningful climate action.

2. LITERATURE REVIEW

Newspaper opinion editorials have long been a message board to begin and continue discussion within the public sphere on issues of collective interest. Some scientists have identified this form of more direct public communication of their work as an urgent need and have taken it upon themselves to communicate through the op-ed genre. Such a move strays from the more familiar communication of scientific ideas via intermediaries such as journalists and science writers who craft popularizations in articles and books. In writing op-eds, scientists speak more directly to the public, gaining more control over how their research is understood and framed. It also gives these scientist citizens access to audiences that might not otherwise be exposed to current climate research. However, access to new audiences does not guarantee adherence to their theses. Scientists must frame their research carefully to get through to audiences that not only lack knowledge, but also have social or political reasons to reject their claims. For example, Parks and Takahashi (2016), using speech act theory as a framework, found that scientists engaging public audiences via op-eds can advance science communication beyond deficit models through employing personal stories, accessible descriptions of research, and references to history and popular culture.

The move away from a model of science communication that relies solely on removing the knowledge deficits of general audiences can be partly attributed to an increased recognition of how group identity at times influences or even subverts the goal of enhancing comprehension of science. Under this premise, efforts to persuade audiences skeptical to positions of scientific consensus require consideration of rhetorical principles, including audience analysis. In a case study of Christian climate scientists attempting to persuade religious and conservative audiences, Doug Cloud (2016) identified and analyzed three rhetorical moves used when communicating with hostile audiences: a pivot toward shared values, the use of local evidence, and the disparaging of “tree-hugger” environmentalists. Cloud found utility in these moves but also warned of trade-offs in such ways of minimizing difference.

Climate change has been popularly framed as an issue treated differently by liberals and conservatives, and this division has been exacerbated by a decline in trust among political conservatives in the scientific community (Mann & Schleifer, 2020). This decrease in trust has been connected to popular news stories of researchers manipulating data and engaging in other unethical research practices, as allegedly exposed during the Climategate controversy (Nadelson et al., 2014). Distrust in science also can be driven by political, social, and economic actors reacting to whichever science policy issues are most salient to them in public discourse (Nisbet, Cooper, & Garrett, 2014). This link between ideology and trust points to a necessity for scientist rhetors to not only advocate their thesis with rhetorical finesse but to also allay the distrust held by some conservative audiences for researchers engaged in science that assesses the environmental and health impacts of modern society.

The literature on climate science uptake by popular audiences should not be understood as calling out political conservatives as anti-science. Stable conservative identities are found to hold largely positive attitudes towards science and scientific research itself (Mann & Schleifer, 2020). The greater import here is the capacity of political polarization around issues grounded in scientific expertise to depress trust in science on both ends of the ideological spectrum (Nisbet, Cooper, & Garrett, 2014). When considering disturbing arguments made by politically dissonant others, skepticism is a common psychological response.

The scientific community remains one of the most trusted institutions in the United States and retains an important capacity to inform public opinion and policymaking. The epistemological ground of the scientist is highly valued, and because of that, inconvenient claims of fact reported by individual scientists are countered through kneejerk attempts to dismantle that epistemological privilege. Relying too heavily on the elevated positionality of the authoritative scientist can result in arguments interpreted along party lines, or worse, reinforce impressions of self-serving and elitist motivations behind scientists advocating for policies related to climate change (Syfert, 2022). The framing of arguments matters when scientists attempt to bridge this divide and replaster the cracks in their pedestal. One approach that has been suggested is for scientists to focus on economic arguments, war- on- science framing, and the portrayal of scientists as heroes of a national story (Ceccarelli, 2018). These are moves to expose the citizen behind the scientist curtain, to find a sort of common ground. Lynda Olman (Walsh, 2017) suggests greater consideration of stasis doctrine and Toulmin argumentation in climate debates, as these techniques cope with both

facts and values. Through them, the scientist citizen may cultivate phronesis and better persuade through relating climate uncertainties with audience values.

The opinion editorials analyzed here attempt the above rhetorical techniques, among others. Their design to effectively engage ideologically hostile audiences is assessed as they are compared with each other. Op-eds such as the ones examined in this paper represent an underutilized medium for the public communication of climate science, one that requires an acute attention to rhetoric and principles of argumentation that transcend deficit approaches and get scientist citizens closer to meaningful persuasion.

3. ANALYSIS OF FRUMHOFF AND EMANUEL

The first opinion editorial we analyzed was syndicated with the McClatchy News Service (Frumhoff & Emanuel, 2011a) and published in several member newspapers in the United States, including in red states such as Texas (Frumhoff & Emanuel, 2011d) and Montana (Frumhoff & Emanuel, 2011e) and swing states such as Florida (Frumhoff & Emanuel, 2011b) and Ohio (Frumhoff & Emanuel, 2011c). Although the title varies slightly from one to the other, the content is the same in all of them.

It was co-authored by two scientists, Peter Frumhoff and Kerry Emanuel. The first author is an ecologist and Nobel Prize-winning lead author of the 4th Assessment Report of the IPCC. But the author note at the end of the essay does not mention that; it identifies him only by his role as a political activist: “the director of science and policy at the Union of Concerned Scientists.” The second author is identified in the author note as “a professor of atmospheric science” at MIT.

Significantly, those professional identifications do not occur until the end of the op-ed. At the beginning, the authors choose not to establish their ethos with scientific credentials or institutional affiliations. Instead, they introduce themselves as representatives of the two oppositional political parties in the United States: “One of us is a Republican, the other a Democrat.” It is only after marking themselves as partisans who “hold different views on many issues” that they claim their unified identity in the technical sphere: “But as scientists, we share a deep conviction that leaders of both parties must speak to the reality and risks of human-caused climate change and commit themselves to finding bipartisan solutions.” It is this transformation, from people holding conflicting political viewpoints in a two-party system to people sharing a unified scientific conviction, that drives the essay. You can see an example of their technique for turning dualities into a thesis of unification in this very sentence. Reality and risks is an alliterative combination of the known present and the unknown future. To speak and to commit is to connect words and action. The authors make arguments grounded in their positionality as partisans *and* in their authority as scientists. In each case, presumptive dualities are transcended by a singular thesis.

Consider that main claim, that political leaders “must” unite on climate change. This is a public policy claim addressing a procedural stasis with a modal auxiliary verb of necessity: “must.” They repeat this appeal throughout the article. “Republicans skeptical about climate policy should” acknowledge the reality of climate change. “And Democrats must speak out as well.” They conclude the essay with a call to action in the same vein: “It is time for leaders of both parties to take seriously what science tells us we are doing to our

common atmosphere, so we can take up the urgent task of finding solutions on common ground.” Again, the language points to dualities synthesized: common atmosphere and common ground, taking seriously (an attitude) and taking up a task (an action). They transform otherwise antithetical terms into a unified thesis. Representing different political parties, they are unified in demanding that politicians come together, just as the authors have come together, on this issue.

Significantly, although they are speaking here as citizens, what unifies them is not their citizen identities, Republican and Democrat, but their commitment to the science, a commitment that they share *as scientists*. The noun “science” appears multiple times in the essay, as a subject with authority that “tells us” its dire “findings.” Science also appears as something that irresponsible politicians might “misrepresent,” make “misleading statements about,” or fail to “take seriously.” The authors acknowledge that “science is never truly settled,” but they insist (speaking as citizens) that “no responsible leader would wait for 100 percent certainty to respond to a serious threat.” “Scientific” is used by the authors as an adjective to modify “understanding” and “evidence,” indicating solid and reliable knowledge. And “scientists” are characterized as people who not only “share a deep conviction,” but “have known [about this issue] for more than 100 years,” and are “already working to help states and cities prepare for climate change impacts.” This last is noteworthy because it blurs the division between the public and technical spheres: scientists are serving the public good, assisting governmental entities in planning against future harms.

It is this uniting of the authors’ positions as citizens and scientists that is the most interesting thing about this essay. When the opinion editorial was published, science journalist Andrew Revkin (2011a) flagged it for readers of *The New York Times - Dot Earth Blog* and asked for their thoughts. The comments section that followed is unsurprising, drawing arguments from both sides of the political aisle that repeat petulant authority appeals, ad hominem attacks, and charges of fallacious reasoning. But one remark stands out, from Louis Derry (2011), a Professor of Earth and Atmospheric Sciences at Cornell University, who defends Frumhoff and Emanuel as “acting fully appropriately” in advocating “for policy options based on their understanding of critical scientific issues.” The idea “that scientists can only speak about science, and policy makers (politicians) will take those factoids and create responsible policies” is “an illusory scenario,” he writes. “We absolutely need scientists, doctors, engineers, etc. to say ‘I have spent a long time studying this issue, and that leads me to recommend X,’ without having to divorce their opinion from their professional expertise.”

This statement from Derry is the only one in the comments feed that Revkin (2011b) took the time to reply to, offering what amounts to a standard purification move: when scientists “step outside their areas of scientific expertise,” Revkin insists, “it’s vital to shift gears, end a sentence on sea ice, and begin a new one as a citizen.” According to Revkin, not only claims addressing the procedural stasis, but statements addressing the qualitative stasis are out of bounds for scientists speaking *as scientists*: “Judgments about how much warming, or risk of warming, is too much are mainly delineated by values, not data.” It appears that Revkin would have scientists serve as what Roger Pielke Jr. (2007) calls “honest brokers,” sticking to “just the facts, ma’am,” and somehow withdrawing their scientific expertise from all other matters of public argumentation in which they are involved.

This response got Emanuel (2011) to weigh in on the Dot Earth comment thread. Complaining about the “asymmetry inherent” in politicians stepping outside their expertise to make “demonstrably false statements about science” while telling scientists to “sit down and shut up” in public forums, Emanuel says “we are tired of being told this.” The scientist citizen has a special responsibility, he insists: “If experts who discover a problem fail to bring it to the attention of their fellow citizens, they fail society.” The scientist’s duty to society includes sharing knowledge about the existence of global climate change, as well as assessing its significance, and pitching in to mitigate its impacts.

Seeking to serve society by putting aside their partisan differences, Frumhoff and Emanuel are scientist citizens trying to do the right thing. But there is reason to believe their rhetorical strategy is ill advised. They devote most of their opinion editorial to criticizing Republicans who refuse to acknowledge the problem of climate change (Frumhoff & Emanuel, 2011a). This censure is unlikely to change minds, setting up an antagonistic relationship with the very people they are trying to persuade.

The fact that a Republican and a Democrat can model shared conviction and commitment suggests at least the possibility of transcending partisan animus in fraught times by uniting at another level. The analogy they use to begin the article captures this point well. “When it comes to foreign policy, the saying goes that politics stops at the water’s edge. When it comes to climate science, we say that politics should stop at the atmosphere’s edge” (Frumhoff & Emanuel, 2011a). Again, we see these writers use nicely balanced phrasing while rejecting division and pleading for unification. But sadly, the appeal is unlikely to work. The atmosphere’s edge is too amorphous to serve as an effective goad to consubstantiality. Without some scapegoat outside our atmosphere to unite against, this attempt at identification disperses like vapor. What actually unites the two political antagonists who write this op-ed—namely, science—is *not* something that unites them with their target audience. Instead, it divides the authors from that audience.

4. ANALYSIS OF CATANIA AND HAYHOE

The second opinion editorial we selected for analysis does a better job of finding a unifying value to persuade a hostile audience. Rather than unite around science, Ginny Catania and Katharine Hayhoe (2021) build their opinion editorial in a Texas newspaper on appeals to fiscal planning and local identity. Writing in the context of a local energy crisis in February 2021, when “ice, snow and record-breaking cold” “left millions across Texas without electricity, heat or water,” these scientists speak to the same thesis as Frumhoff and Emanuel. They argue that “the state’s leaders need to accept climate science and begin using research” to build a more resilient community (Catania & Hayhoe, 2021). But Catania and Hayhoe are more rhetorically savvy in their arguments. While the word “science” and its derivatives appears 18 times in the op-ed by Frumhoff and Emanuel (2011a), it appears a mere four times in the op-ed by Catania and Hayhoe (2021). The word “science” appears in the Catania and Hayhoe essay’s thesis statement (that the state’s leaders need to accept climate science and begin using research to prepare for the future). The word “scientific” appears twice, once to modify “debate,” the other time to modify “understanding,” implying that science uses argumentation to build knowledge. And the term “scientists” appears only at the very end, when they offer themselves and the 57 other

Texas scientists who co-sign their essay as public servants “to turn Texas into a leader in climate preparedness.” They declare: “Texas’ scientists stand ready to help.” This vision is the same as the one Frumhoff and Emanuel offered: scientists “working to help states and cities prepare for climate change impacts” (Frumhoff & Emanuel, 2011a). But the rationale supplied by Catania and Hayhoe for accepting that help is not that science trumps political partisanship, but that local fiscal planning demands it.

Using present tense auxiliary verbs of certainty (is and are), Catania and Hayhoe (2021) point to the risks of climate change: “rainfall is becoming more intense... Heat waves are getting longer and more severe... coastal communities are becoming even more vulnerable.” They do not specify whether it is science or personal experience common to themselves and their readers that grounds these claims. Instead, they follow this list of ills with a modal verb of necessity (must) and an auxiliary verb of certainty (is) to set out their call to action: “Texas must prepare for these risks. Such planning is critical for the state to remain financially resilient in the face of climate change.”

Note their call for fiscal responsibility here. This is a fundamentally conservative appeal to red state Republicans. Catania and Hayhoe (2021) argue: “Upfront investment in resilient infrastructure saves much more money than a do-nothing approach and avoids much of the hardship created by lack of planning.” Drawing on a source of prudent planning that their audience respects, they point out that “as the U.S. military says, climate change is a threat multiplier.” Establishing that “Texans already face more risks than any other state, with a record-breaking \$124 billion toll from climate and weather events since 1980,” they bemoan the “costs of elevated mortality rates, and declining agricultural and labor productivity.” It just makes good business sense to “build a more resilient Texas.”

Note also their focus on a local Texan identity that connects them with their audience. From the very beginning of the editorial, they mention that “like our fellow Texans, we were also victims of this preventable disaster.” The only time they identify themselves as scientists, it is as “Texas’ scientists,” at the very end, and the signatories to this op-ed-turned-public-letter are all Texas scientists as well. It is that local identity, rather than science, that unifies the authors and their audience behind the thesis that politicians must accept climate change and use science to prepare for its impacts.

These rhetors know what they are doing. In an article written a bit over a year after this op-ed, Hayhoe (2022) explains that when connecting with Texas audiences about climate change, she is careful to remind them that she is “someone who lives in Texas and wants the best for it.” Recognizing the need for identification if persuasion is to work, she says “we need to connect with others on values we share and encourage them to take action too.” It is that rhetorical sensibility that we would urge scientists such as Frumhoff and Emanuel to adopt in their efforts going forward.

5. CONCLUSION

Economic appeals and local identity can unite scientist citizens with otherwise hostile audiences in the public sphere. While we wholeheartedly endorse the position of Frumhoff and Emanuel that scientists have a right, indeed a duty, to communicate the urgency of the climate crisis and advocate for bipartisan action on it, the kind of rhetorically sensitive approach taken by Catania and Hayhoe seems better designed to do that than an approach

that elevates science over politics as a transcendent space for conflict resolution. Insofar as skeptical readers do not identify as scientists, but instead as fiscally conservative citizens of red states, arguments that seek to create a bond with that audience, rather than further divide the authors from that audience, are more likely to be persuasive.

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Argumentation and Agency for Building *Ethos* in an Italian Bank's Institutional Website¹

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ABSTRACT: When arguing on their ability to have a positive impact on others (i.e. agency) in their institutional websites, banks can build their *ethos* appealing to the possibly conflicting arguments of *competence* (e.g. making profit) and *benevolence* (e.g. helping people), addressing multiple text stakeholders bearing different interests. Our explorative case-study investigates whether and how the biggest Italian bank reconciles the conflict between competence and benevolence by integrating the analysis of argumentation with that of agency.

KEYWORDS: agency, banks, benevolence, competence, corporate communication, institutional advertising

1. INTRODUCTION

Research in the field of business genre studies has shown that text genres in business communication often fulfil a promotional function along an informative one (Garzone, Poncini & Catenaccio, 2007; Breeze, 2013), and that this has acquired even greater significance after the rise of digital communication (Askehave & Ellerup Nielsen, 2005).

Some of these promotional activities involving old and new genres take place in websites (Poppi, 2011; Catenaccio, 2012), that along commercial advertising also include institutional advertising. The ultimate persuasive goal of institutional advertising, therefore, points to the *institutional websites'* argumentative nature: "business enterprises argue in their institutional advertising in order to attract new clients or to reinforce their image and reputation with existing clients" (Palmieri, 2014, p. 20). Indeed, institutional websites are usually places where companies justify their action in order to legitimize it, thus building their *ethos*. In Aristotle's account, which has then been revised in corporate communication contexts (e.g. Fuoli & Hart, 2018), *competence* and *benevolence* are two aspects of *ethos*², where the former refers to the company's expertise in their field and the latter to their selfless inclination to help others.

¹ Claudia Coppola has written sections 1, 4.1, and 5; Sara Greco has written sections 2 and 3. Section 4.3 has been jointly written.

² The Aristotelian concept of *ethos* has received significant attention in the domain of business rhetoric. We choose to follow the terminology adopted by Fuoli & Hart (2018), while we are aware that there are other

In big companies' institutional advertising, such as that of banks, these two dimensions of ethos often regard the way their action affects others (or themselves): that is to say, companies can argue on the reasonableness of their action in terms of how it creates profit (proving competence) or in terms of how it does good to others (proving benevolence). Because of the connection of competence and benevolence and the representation of the company's actions, we assume that, in institutional websites, competence and benevolence are largely related to what has been defined as "agency" (van Leeuwen, 1995), the "property of those entities (i) that have some degree of control over their own behavior, (ii) whose actions in the world affect other entities (and sometimes their own), and (iii) whose actions are object of evaluation (e.g. in terms of responsibility for a given outcome)" (Duranti, 2004, p. 453).

Competence and benevolence do not necessarily go hand in hand in all communication forms. As noted by Catenaccio & Degano (2011), some speakers – in our case, a bank – may find themselves in a difficult position in which the values of competence and benevolence are of different degrees of interest for different segments of addresses, who may even interpret them as opposite cultural values. In our case, text genres comprised in an institutional website are indeed addressed to multifaceted groups of people having different expectations on the bank and bearing different (or differently prioritized) interests, i.e. to several different "text stakeholders" (Palmieri & Mazzali-Lurati, 2016). Some authors have already observed a possible argumentative conflict between the need to justify one's actions in terms of competence or in terms of benevolence, especially with regards to activities belonging to the Corporate Social Responsibility (CSR) domain. Catenaccio and Degano (2011, p. 80) maintain that:

[...] while social responsibility is unquestionably laudable, its exigencies frequently run counter commonly accepted principles of business culture, first and foremost the profitability principle. Thus, when engaging in CSR communication, companies are faced with considerable challenges, as their actions and declarations are likely to be heavily scrutinized by multiple publics – from investors, to customers, to regulators and pressure groups – not all of which may be sympathetic to the same arguments.

On the one hand, in the case of high-street banks (i.e. large and widespread institutions), this task may prove particularly challenging given their need to reconcile the purpose of capital growth with other kinds of activities (Rocco, 2013). On the other hand, some authors have recently pointed out how companies can in fact discursively frame matters such as sustainability as a business opportunity, thus reconciling the two dimensions (Moon & Parc, 2019). Given these apparently contradictory findings, in what follows we propose an explorative case study involving the biggest Italian bank's website, where the argumentative analysis is integrated with the linguistic analysis of agency in order to verify whether the competence and benevolence dimensions are opposed or not.

conceptualizations of the dimensions of ethos (see for example Flyvholm Jørgensen & Isaksson, 2008, who distinguish among expertise, trustworthiness and empathy).

2. RESEARCH QUESTIONS AND STUDY RATIONALE

This study aims at investigating whether and how a bank tries to reconcile the potential conflict between the two dimensions of competence and benevolence in their institutional websites, in particular when *justifying their action* in terms of its final impact (e.g. enhancing profit or reducing inequalities).

For this reason, we focus our analysis on the argumentative bits within the websites that can be reconstructed as means-end argumentation, i.e. arguments based on the *locus from final cause* (Rigotti & Greco, 2019). Based on existing literature (see Sect. 2), we assume that the conflict between competence and benevolence is mainly found at the level of “principles” (Catenaccio & Degano, 2011, see above). In argumentative terms, this means that the conflict may be found at the level of implicit cultural premises; in particular, following the Argumentum Model of Topics (AMT, Rigotti & Greco, 2019), we posit that the potential conflict between competence and benevolence identified by Catenaccio & Degano (2011) lies at the level of *endoxa*, i.e. cultural premises that are assumed as part of the material-contextual starting points that constitute the interlocutors’ common ground and that, together with procedural-inferential starting points determined from the *locus*, are involved in argument schemes determining argumentative inference. In this study, we will reconstruct the endoxa of the identified arguments based on the locus from final cause, in order to compare competence-related and benevolence-related endoxa.

As mentioned above, in order to analyze the conflict of competence and benevolence and its possible reconciliation on institutional websites, we deem as important the complementation of the argumentation perspective with a linguistic analysis of the representation of agency in discourse. In an ethnopragmatic perspective (Duranti, 2004), agency can be linguistically encoded in different ways according to the pragmatic purpose and expressing specific socio-cultural values. Therefore, the linguistic analysis of the Bank’s agency (what kind of actions are being performed by the Bank? affecting whom?) can help better grasp whether the identified endoxa can be classified as benevolence-related or as competence-related.

Therefore, we consider those sections of the biggest Italian bank’s institutional website (Intesa Sanpaolo) where the bank’s agency is specifically addressed (see §3), namely answering the following research questions:

- 1) How is the bank’s agency linguistically encoded in arguments of competence and benevolence?
- 2) At the level of endoxa, are arguments of competence and benevolence indeed irreconcilable or can they be reconciled? If they can be reconciled, how does it happen in the bank’s argumentation?

At a theoretical level, this study contributes to fill some gaps in the literature. While the argumentative activity within banking discourse has received much attention in some genres of financial communication such as takeover bids (Palmieri, 2014), earning call conferences (Koskela & Crawford Camiciottoli, 2020; Palmieri, Rocci & Kudrautsava, 2015), statements and other texts issued in times of crisis (Palmieri & Musi, 2020), less attention has been devoted to banks’ institutional advertising, in particular the one regarding banks’ ability to impact society. Moreover, while agency in relation to argumentation has been recently explored in forms of discourse such as the polylogue around fashion sustainability (Greco & De Cock, 2021), more comprehensive discourse-

oriented studies of agency within corporate (including banking) discourse are needed (Darics & Koller, 2019). To our best knowledge, in no previous work the study of the theoretical interrelation between ethos-building argumentation and the linguistic encoding of agency has been proposed.

3. MATERIALS AND METHODS

The corpus for the present study was collected from the original (i.e. Italian) version of Bank Intesa Sanpaolo's institutional website³.

Specifically, we focused on those pages belonging to genres fulfilling the move of justifying the bank's involvement in a general area of business (e.g. innovation, culture) or specific project (e.g. clothing distribution, climate change). These pages are presumably addressed both to mainstream users (such as private clients, employers-to-be, students etc.) and institutional actors (such as potential investors, non-profit organizations etc.). The selected corpus consists of 80 webpages, for a total number of 96263 tokens.

In many senses, the Italian high street bank Intesa Sanpaolo is a paradigmatic case (Flyvbjerg, 2001, pp. 79-80). First of all, in their institutional website Intesa Sanpaolo claims to have the aim of becoming the first "Impact Bank" in the world, showing how expressing agency is discursively relevant to them. As already mentioned, Intesa Sanpaolo is the biggest banking group in Italy and one of the biggest groups in Europe; therefore, the dimension of competence is necessarily at stake in the bank's communication. Given its purpose to be an "Impact Bank", Intesa Sanpaolo is also engaged in numerous activities in the areas of environment, social inclusion, culture, education and innovation. In this sense, the dimension of benevolence is also at the core of the bank's self-presentation. Lastly, considered its role of leader, this Bank is presumably a discourse benchmark for other banks and companies; therefore our findings, although not generalizable, may be particularly relevant, at least for the Italian context.

Given our research questions (§2), and specifically the focus on arguments regarding the reasonableness of the Bank's action in terms of its final purpose, as already mentioned in this preliminary study we have chosen to focus solely on means-end argumentation, i.e. on the *locus of final cause* (Rigotti & Greco, 2019), relying on the pragma-dialectical approach to identify standpoints and supporting arguments. As said above, we also relied on the Argumentum Model of Topics (ibid.) to analyze inferential structures, especially to retrieve the cultural endoxa that we assume are at the basis of the potential conflict that the bank needs to deal with.

Then, the analysis of the linguistic encoding of agency allowed helped with the classification of endoxa as competence-related as opposed to benevolence-related. Also relying on corpus-driven techniques⁴ (frequency lists, Key-Word-In-Context tool), we focused on predicates present in the datum and on the semantic roles of agent, patient(s) and beneficiaries in order to identify the most frequent semantic fields (Fillmore, 1976) and better discriminate whether the Bank was appealing to its own competence or benevolence when building its ethos. We then coded the endoxa against the categories of

³ The website is available at the following link: <https://group.intesasanpaolo.com/it/> (last access: 29/09/2023).

⁴ The corpus analysis software AntConc (Anthony, 2022) was used.

(i) competence and (ii) benevolence; during the analysis we then added a third category for blurry cases (see §4.2).

Lastly, for those cases where endoxa of competence and benevolence were found to be reconciled, in a subsequent phase of annotation we coded the argumentative sections for types of reconciliation, namely through (i) subordinative argumentation (ARG), (ii) multiple argumentation (MUL), (iii) semantic/syntactic means (SEM/SYN) (see §4.2).

Given the explorative nature of this study, the methodology of selecting a paradigmatic case study is particularly suited. By selecting an important high-street bank in the Italian context and exploring how the potential conflict of competence and benevolence is dealt with in its institutional website communication, our aim is not to generalize our findings, but rather to formulate more specific hypotheses for further research.

4. RESULTS

4.1 Argumentation and agency

In the selected corpus, 76 argumentative sequences including arguments based on the locus from final cause (generating either the maxim of the goals case or the maxim of the problem-solving case) were identified. These were mostly found in the introductory part of the text, thus fulfilling the move (Bhatia, 1993) of introducing the different topics by arguing on their reasonableness.

The standpoint is mostly conveyed implicitly. Fig.1 shows the AMT's inferential configuration:

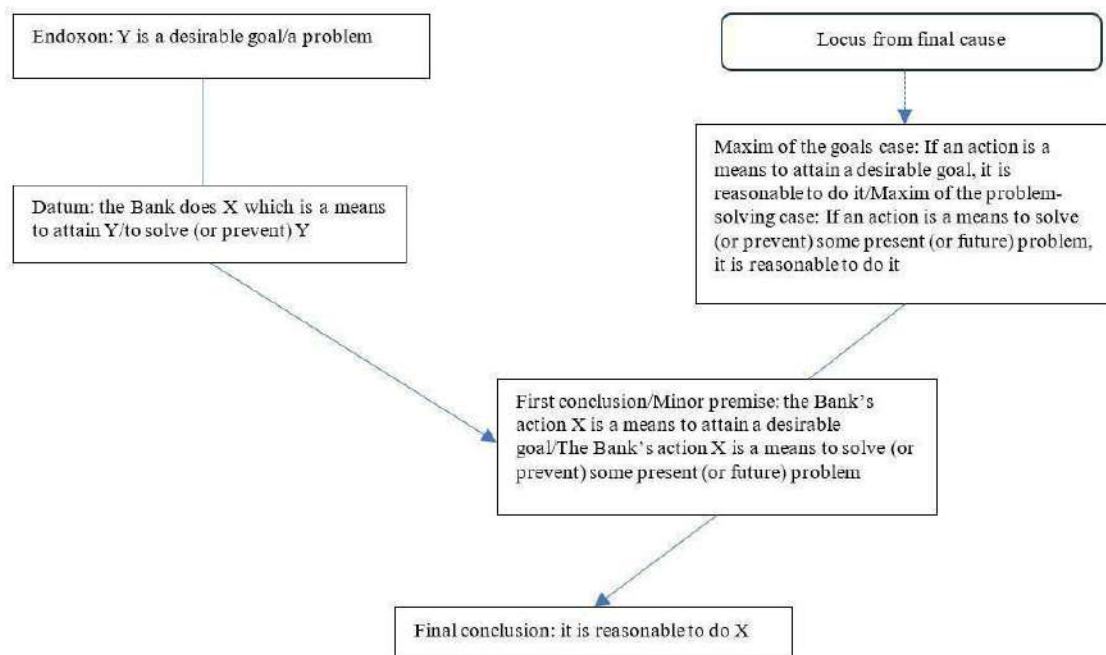


Figure 1 - AMT's inferential configuration of argumentation based on the locus of final cause

See the following example⁵:

- (1) *Investing in the young, by giving a sign of trust, openness and involvement of young people is of outmost importance to promote new paths of communication and interaction with future clients. For this reason, we developed a specific product line*⁶.

1. It is reasonable that Bank Intesa Sanpaolo developed a specific product line for young people) [standpoint]

1.1 a Investing in the young promotes new paths of communication and interaction with future clients [datum]

(1.1b and new paths of communication and interaction with future clients are a desirable aim) [endoxon]

Looking at predicates in the datum from the viewpoint of agency (in this example, ‘promote’) we could grasp which semantic fields they referred to and what is the degree of agency they carry. Looking at frequency lists of these predicates, it would seem that the Bank’s agency is constructed mainly referring to the semantic fields of creation, elimination (which can be seen as two complementary domains) and support. This is traceable in the frequent use of predicates such as ‘generate’ (‘generare’, ranking 1st in the list), ‘promote’ (‘promuovere’, ranking 1st together with ‘generate’), ‘guarantee’ (‘garantire’, ranking 2nd) ‘support’ (‘sostenere’, ranking 3rd) ‘contrast’ (‘contrastare’, ranking 4th), ‘reduce’ (‘ridurre’, ranking 5th), and their synonyms.

Predicates such as ‘create’ (‘creare’), ‘generate’ (‘generare’), ‘build’ (‘costruire’), ‘realize’ (‘realizzare’) point to the Bank’s highest degree of agency, i.e. the Bank as creator (with agency being even enhanced by the metaphor in the case of ‘build’, cf. Duranti, 2004). In such cases the Bank refers either to its own competence (as in “generate economic and competitive advantage for enterprises”) or benevolence (as in “create an efficient support network”). In the former case, patients and beneficiaries of the Bank’s action are referents such as ‘value’, ‘enterprises’, ‘stakeholders’ or the Bank itself. When referring to the benevolence dimension, these predicates collocate with referents such as “a future for current and next generations or social inclusion”. In some cases, both dimensions are simultaneously referred to through juxtaposition and/or semantic vagueness, as in “create long-term value for the Bank and for the community” where in this context ‘value’ possibly refers to different referents (i.e. money, job opportunities, better life quality etc.) depending on who the final beneficiary is, while still conveying a positive connotation (Lombardi Vallauri, 2019; Catenaccio, 2020). The predicates ‘reduce’ and ‘contrast’ are used either to refer to the economic/financial domain (e.g. in “reduce the risks”, referring to the clients’ portfolio), proving competent, or (more often) to CSR-related issues (as in “reduce environmental impact”, “contrast food poverty”), proving benevolent.

As for the support dimension, predicates such as ‘support’, ‘favour’, and causative constructions such as “make someone/something grow/prosper” point to a Bank which is

⁵ All examples are translated from the original Italian into English. For each example, links to the original Italian webpage are provided (last access: 29/09/2023).

⁶<https://group.intesasanpaolo.com/it/sostenibilita/inclusione-finanziaria-supporto-imprese/inclusione-finanziaria/soggetti-vulnerabili>

slightly less agentive, and that empowers others to act instead by giving them instruments. This domain also concerns either the competence dimension, with beneficiaries being e.g. ‘enterprises’ (as in “support private and public enterprises on a financial level”) or the benevolence one, with beneficiaries being people (as in “support families”) as well abstract concepts (as in “favour social inclusion”). Again, even in this case the Bank sometimes strategically refers to its impact on both financial and societal level simultaneously. This happens, for example through morpho-syntactic means, e.g. through noun phrases (adjective+noun) such as ‘fair development’ or ‘socioeconomic growth’. In such cases the Bank may be willing to meet both the needs of text stakeholders primarily interested in the fact that there is development or economic growth and those more interested in the fact that development be fair and that economic growth also concern social aspects.

Within this domain, when the semantic beneficiary of the company’s action is the Bank itself, we observed the use of presuppositions triggered by either change of state predicates such as ‘reinforce’ (‘rafforzare’), ‘consolidate’ (‘consolidare’) (as in “strengthen the Bank”) and definite descriptions (as in “protect the Group’s financial stability”), also jointly (as in “further reinforcing its leader Bank role”). This tendency shows that, when referring to its impact on the Bank itself, the company already takes for granted (i.e. already given in the common ground, Stalnaker, 2002) its competence (i.e. its stability, reputation, leadership and so on) and focuses on how its action can make it even more competent.

To summarize, when justifying its action in terms of impact on others (or on itself), the Bank discursively builds itself as a creator, a problem-solver and, most of all, a facilitator, either when trying to prove competent or benevolent. When referring to impacting on itself, the Bank’s competence is already taken for granted by means of presuppositions. Crucially for the purpose of this study, the analysis revealed that in many cases the Bank simultaneously refers to the two dimensions of competence and benevolence on the semantic and/or syntactic level, which arguably makes it possible to meet the multifaceted exigencies of multiple text stakeholders within the same argumentation.

4.2 Reconciliation of endoxa

Resting on the analysis of agency (see §4.1), we coded endoxa of competence and benevolence according to the categories ‘competence’ (C), ‘benevolence’ (B) and ‘both’ (C/B). In our corpus we found 86 endoxa of benevolence, 35 of competence (showing a preference of the former over the latter) and 42 blurry cases, where both dimensions are referred to. As far as the reconcilability of the two dimensions is concerned, we found that in 38 cases the Bank refers to either competence or benevolence, while in 38 cases they refer to both dimensions.

Given our research questions (see §2), here we will focus on cases of reconciliation. Among these, we found three subtypes, namely (i) reconciliation by subordinative argumentation (coded with ARG), in which competence and benevolence support each other, (ii) reconciliation by multiple argumentation (coded with MUL), in which competence and benevolence are juxtaposed, and (iii) reconciliation by semantic/syntactic means (coded with SEM/SYN), in which competence and benevolence are merged but it is unclear how their interact. We also tagged those cases when two of these strategies

cooccur (for example, ARG+SEM/SYN indicates that in that section competence and benevolence are reconciled both through subordinative argumentation and semantic/syntactic means). In our corpus we found 4 cases of reconciliation through subordinative argumentation (2 ARG and 2 ARG+SEM/SYN); 25 cases of reconciliation through multiple argumentation (5 MUL and 20 MUL+SEM/SYN) and 32 cases of reconciliation through semantic/syntactic means (10 SEM/SYN, and the above-mentioned 2 ARG+SEM/SYN and 20 MUL+SEM/SYN). Therefore, we clearly see a preference in the use of reconciliation through semantic/syntactic means and multiple argumentation over subordinative argumentation. In what follows we will show examples of and comment on each of these subtypes.

As already mentioned, the Bank reconciles the two dimensions mostly by means of semantic and/or syntactic means. Let us see an example:

(2) *In order to guarantee a future of growth and development it is necessary to invest in education and research, contrast school dropout and facilitate employment opportunities for young people, by supporting the right to education concretely and by developing Life Skills for the future*⁷.

1. It is necessary that the Bank invests in education and research, contrast school dropout and facilitates employment opportunities for young people, by supporting the right to education concretely and by developing Life Skills for the future

1.1 a the Bank's investment in education and research guarantees a future of growth and development

(1.1b and a future of growth and development is a desirable aim) [C/B]

In justifying its own action in terms of how it creates “growth and development”, which are semantically vague in this context, the Bank, on the one hand, meets the interests of the mainstream public and some institutional subjects (such as students, possible future clients, universities etc.) who may read this in terms of the Bank's goodwill to support young people (especially those subject to school dropout risk) throughout their educational path and working career. On the other hand, the Bank also satisfies the expectations of more institutional addressees (such as companies, private investors) who may see the final purpose of growth and development as a sign of the Bank's ability to make profit (in the long run) out of their investments, and therefore judge the Bank as a good partner for future collaborations. The reconciliation through semantic vagueness still holds when expressions such as ‘growth’, ‘development’ are modified by adjectives such as ‘inclusive’, ‘sustainable’ in syntactically simple and therefore little predicative noun phrases such as “sustainable development” or “inclusive growth”, “sustainable economic and social development” (see §4.1). In such cases, and more broadly when the Bank refers to things that possibly involve a benefit for the society and economic growth (such as employment) we observe an attempt to put together both ethical issues (such as inclusion or sustainability) and profit on the semantic and/or syntactic level. By these means, the Bank is asking each receiver to reconstruct the implicit meaning according to their own expectations and preferences.

⁷ <https://group.intesasanpaolo.com/it/sociale/iniziativa-per-universita-e-scuola>

In the following example, taken from a section addressing sustainable investments, the two dimensions are appealed to in a multiple argumentation; therefore, there is no explicit mention of the link between the two:

(3) *We are constantly engaged in the creation of new solutions aimed at meeting the exigencies of our clients in order to valorize a long-term growth of their investments, in compliance with environmental, social and governance sustainability criteria*⁸.

(1. It is reasonable that the Bank is constantly engaged in the creation of new solutions aimed at meeting the exigencies of their clients)

1.1 a the Bank's solutions valorize a long-term growth of clients' investments

(1.1b and a long-term growth of clients' investments is a desirable aim) [C]

1.2 a the Bank's solutions comply with environmental, social and governance sustainability criteria

(1.2b and meeting environmental, social and governance sustainability criteria is a desirable aim) [B]

Here the comma after "investments" seems to indicate that the investments' long-term growth and the implementation of environmental, social and governance sustainability criteria are two distinct positive effects that the Bank's proposed solutions can bring about. Therefore, in such cases, even though there is an attempt to put together the two dimensions, possibly addressing the rhetorical needs of different kinds of audiences, there seems to be no full reconciliation between competence and benevolence but rather a sort of juxtaposition of the two dimensions (cf. Catenaccio & Degano, 2011).

As the data show, only in a few cases the two dimensions seem to be reconciled on an argumentative basis, as in the case of (3), when the Bank argues on the reasonableness and usefulness of their ESG (Environmental, Social and Governance) Laboratory:

(4) *The ESG Laboratory is an actual and virtual meeting point, to accompany Italian enterprises through sustainable transition, a development path aimed at generating new competitive advantages and support a long-term growth with positive impacts on the environment and people. The project is addressed to all enterprises and the respective supply chains interested in ESG – Environmental, Social and Governance-related matters.*

*The aim of the Laboratory is to foster discussion and stimulate awareness on ESG-related matters between companies and supply chains. By sharing experiences, the aim is to support Clients in taking their first steps towards initiatives that improve their sustainability profile with positive effects on the enterprise's development*⁹.

(1. it is reasonable that the Bank has set up an ESG Laboratory)

1.1 a the ESG Laboratory accompanies Italian enterprises through sustainable transition

⁸<https://group.intesasanpaolo.com/it/sostenibilita/supporto-ai-clienti-nella-transizione-esg/investimenti-sostenibili>

⁹ <https://group.intesasanpaolo.com/it/sezione-editoriale/laboratori-esg-per-la-crescita-sostenibile>

- (1.1b and sustainable transition is a desirable aim) [B]
- 1.1 b.1a sustainable transition generates new competitive advantages and support a long-term growth
- (1.1b.1b and new competitive advantages and support a long-term growth are a desirable aim) [C]
- 1.1 b.1b.1a new competitive advantages and support a long-term growth have positive impacts on the environment and people
- (1.1b.1b.1b and positive impacts on the environment and people are a desirable aim) [B]
- 1.2a The ESG Laboratory supports Clients in taking their first steps towards initiatives that improve their sustainability profile
- (1.2b and a good sustainability profile is a desirable aim) [B]
- 1.2b.1a a good sustainability profile has positive effects on the enterprise's development
- (1.2b.1b and the enterprise's development is a desirable aim) [C]

Interestingly enough, the argumentative reconciliation of the two dimensions here seems to be bidirectional: in 1.1 it is argued that sustainable transition is desirable (appealing to benevolence, in 1.1b) *because* new competitive advantages and a long-term growth are desirable (appealing to the Bank's competence, in 1.1b.1b), which in turn is desirable *because* it has positive impacts on the environment and people (appealing again to benevolence, even if in a semantically vague way through the vague noun phrase "positive impacts", in 1.1b.1b.1b); in 1.2 it is argued that having a good sustainability profile is desirable (which, *per se*, would seem to point to benevolence, in 1.2b) *because* it brings about the development of the enterprise (which points to the Bank's ability to create profit for enterprises, in 1.2b.1b). In such cases, we see a reconciliation between the two dimensions, and the link on argumentative basis seems to make the Bank's action in line with the different addresses' needs and expectations. However, it is worth noticing that the fact that the argumentative links between the dimension is signaled by the preposition 'with' (in "with positive impacts on the environment and on people") may make the link between the two dimension slightly more opaque as compared to a more explicitly causative connector such as *because*.

5. GENERAL DISCUSSION

Overall, although in its preliminary nature, our analysis led to some general considerations.

The first important finding (answering RQ1) is that the Bank, when justifying its action in terms of its impact on others (or itself), discursively portrays itself as an agent that creates things (or, conversely, reduces or eliminates them) and that supports (people and initiatives, or itself). In doing so, it appeals either to dimensions of competence (e.g. by referring to creating value, avoiding financial risks and supporting enterprises) or benevolence (e.g. by referring to generating social impact, reducing inequalities and promoting art and culture). The analysis of agency also revealed that the Bank can appeal simultaneously to both dimensions when its action affects different beneficiaries; this is

done through syntactic/semantic means, i.e. through semantically vague expressions (e.g. ‘value’) or little predicative NPs (adjective+noun) such as ‘inclusive growth’.

The second important finding (answering RQ2) that emerged from our data is that reconciliation between the dimensions of competence and benevolence does take place in Intesa Sanpaolo’s institutional website, but not systematically. This confirms previous research showing that the conflict between CSR-related and profitability can in fact be (at least, discursively) overcome (Catenaccio & Degano, 2011; Moon & Parc, 2019). In particular, it seems that, given this Bank’s mission to be a driving force of growth (affecting different groups of actors), it may be easier for them to refer to these two dimensions as interrelated or, at least, not contradicting.

The non-systematic nature of the Bank’s reconciliation strategies that we found in our data also leads to some observations. Among the found strategies, we believe that reconciliation is only effectively achieved through subordinative argumentation. As shown, subordinative argumentation makes it possible to appeal to both dimensions separately, clarifying what precise impact the action has on different beneficiaries, but at the same time linking them (even though not always explicitly) and making the whole reasoning stronger. A more systematic use of subordinative argumentation for reconciling the two dimensions, therefore, would be presumably more in line with the Bank’s objectives claimed on the website. Empirical evidence (such as surveys or other types of behavioral experiments along the lines of Fuoli & Hart, 2018) is needed to investigate whether this would also make the Bank’s communication perceived as more credible and honest on the part of the receiver. Similar considerations might be applied to the frequent use of semantically vague expressions in the bank’s website: although vagueness certainly secures some advantages such as conveying a positive connotation in a compact way, reaching a wider audience (Mannaioli, Ansani, Coppola & Lombardi Vallauri, 2024), mixing the two dimensions to the extent of making referents not retrievable may also have its drawbacks in this context (e.g., in terms of brand reputation). Again, empirical backing is needed.

On the one hand, the fact that the Bank often resorts to reconciliation on the semantic/syntactic level and multiple argumentation instead of subordinative argumentation seems to highlight the relevance of meta-argumentative awareness on the part of websites’ editorial staff, or may point (at least partly) to genre constraints. On the other hand, it seems fair to observe that the preference for semantic vagueness may also be ascribed to a difficulty in changing a strong cultural endoxon such as the irreconcilability of competence and benevolence, which seems to be particularly strong in the Italian environment, especially regarding banks. However, one cannot exclude that the conflict will be neutralized at some point, especially because in other domains this discursive conciliation between profit and CSR has already taken place.

6. CONCLUSION

We proposed an explorative study investigating whether and how a big Italian bank reconciles the dimensions of competence and benevolence in ethos-building argumentation in their institutional website advertising by integrating the analysis with the investigation of agency. Our findings suggest that reconciliation does take place but not systematically,

and that this is mainly performed through semantic/syntactic means and juxtaposing arguments, and more rarely on a real argumentative basis.

Given their case-study nature, our findings are not generalizable. However, this study not only provided insightful results for the Bank under investigation and possibly for other Banks, but also proved the theoretical and methodological validity of integrating ethos-building argumentation and other domains of discursive self-construction such as agency, possibly paving the way for more comprehensive investigations of this kind in the domain of business rhetoric.

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The Role of *Ethos* in Legal Rhetoric

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ABSTRACT: What is the role of *ethos* in legal rhetoric? Is it like an etiquette or does it have an aim? I claim that the first option represents a misleading interpretation due to the transit of the concept from Athens to Rome. I support instead an iatrolological conception of *ethos*, which aims to the goal of taking care. Finally, I will propose an example of iatrolological *ethos* that can be found in legal interpretation.

KEYWORDS: Baumlin, *ethos*, legal interpretation, *pistis*, rhetoric

1. INTRODUCTION

The paper will be divided in three sections. The second section explores possible reasons underlying a certain interpretation of *ethos*, in which it has lost its autonomy as *pistis* and has been assimilated to *logos* and/or *pathos* – I will call this interpretation “option 1”. In this way *ethos* represents a sort of stable warranty (similar to what in the legal field would be called an *iuris et de iure* presumption) because of the trust attributed to *mores* in Roman society. The third section tries to restore a conception of *ethos* as independent *pistis*, claiming for an iatrolological *ethos*. It means that *ethos* has an aim *per se*, and this aim is connected to the practical-moral way of being of the Heideggerian *Besorgen*, which means to take care. I will call this second interpretation of *ethos* “option 2”. I will finally propose an example – in the fourth section – linked to the iatrolological role of *ethos* in the legal interpretation. In conclusion I will point out the opportunity to shift the attention, in analysing *ethos*, from the audience to the speaker. It is eventually worth to remember that, in a rhetorical perspective, *ethos*, *logos* and *pathos* are always connected in the speech (Piazza, 2015, p. 49): however, in order to stress the role of *ethos* and its evolution I will consider them here separately.

2. ON THE NON-INDEPENDENCY OF *ETHOS*: OPTION 1

Ethos represents a technical *pistis* and it is described as an ethotic mean of persuasion (Wagemans, 2021, p. 581) based on the character of the speaker (Piazza, 2015, p. 49). Even though the noun “*pistis*” has several meanings (Piazza, 2015, pp. 45-46) I will refer here as ‘mean of persuasion’. Piazza explains that there are two places in *Rhetoric* where Aristotle talks about *ethos*: second chapter, Book I (1356a 4-13) and first chapter, Book II (1378a 6-19) where he explains the skills connected to the rhetorician (Piazza, 2015, p.

91)¹. Based on these two different places it is possible to sketch two different interpretations connected with it.

Aristotle affirms that “[*ethos*] is realized by means of the character when the speech is said in such a way able to make worthy of faith the one who speaks” (Piazza, 2015, p. 92, my translation). Based on this passage *ethos* can be tracked only through the words used in the speech and can be found within it. In this way, *ethos* is not clearly distinct from *logos*, because both seem to be founded in the speech itself (Piazza, 2015, p. 78). It causes a problem of overlap, and in this way the role played by the single *pistis* is not clear anymore.

The foundation of option 1 can be found in the transit of the concept of *ethos* from Athens to Rome. Precisely in this moment, *ethos* started to lose its autonomy. In fact, in the Greek society *ethos* was considered an autonomous category in the Aristotelian rhetoric, the ethotic one. However, *ethos* lost its independent position and started, along centuries, to be assimilated to *logos* or even *pathos*. It happened because of three main reasons.

The first reason deals with a linguistic problem. As usually happens with translations (it happened, for instance, for the passage from *nomos* to *lex*: Manzin, 2022, p. 139; Irti, 2021, p. 122), the original meaning of *ethos* was misrepresented. In fact, it was translated in latin with “*mores*” (from Quintilian) or “*sensus*” (from Cicero) both referring to the emotional sphere, because of the importance attributed by Roman society, losing in this way its contact with the concrete habits of the speaker (Plantin, 2001, p. 330). But, as

Plantin reminds, *ethos* in ancient Greek meant both “the habitual residence of an animal and the habitual character of a person and by extension his habits of life” (Plantin, 2001, p. 330, my translation), similar to what today would be called the ‘lifestyle’ of a person: there are no emotional aspects in this definition, contrary to the Roman translation of the concept.

The second reason can be found in the different configuration of the trial in Athens and Rome. Since the Roman trial, the figure of the accused began to split into that of the *patronus* and the *cliens* (Montefusco, 1992, p. 247). *Patronus* is what today we would call lawyer, whereas the *cliens* is the client, the accused. In Athens, the defendant used to defend himself without any mediation of anyone (Kennedy, 1968, p. 419; May, 1981, p. 308); therefore, the speaker's *ethos* was identified with a single person, of the accused himself. Differently, at the time of Cicero, the ethical component was traced back to two people (albeit manifested in the single speech of the rhetorician): the *cliens* and the *patronus* (van den Bergh, 2009, pp. 160-166). In this way, *ethos* was represented by the *mores* of the *cliens*, mentioned in the defense by the rhetorician (in order to show to the judge that the accused was from an honorable and decent family) and in the activity of the *patronus* itself. In this way, the defendant's *ethos* was not only strengthened, but even replaced by that of a further subject distinct from the offender, the *patronus*: and the *patronus* with his *mores* and his reputation could guarantee the position of the client.

There is also a third reason connected with this change and it has something to do with the introduction of doctrine of speaker's tasks, called the doctrine of *docere*, *conciliare* and *movere* (Montefusco, 1992, p. 249; Žmavc, 2018, p. 349). This doctrine has introduced some sort of goals for the speech of the rhetorician, who had to: inform, keep

¹ I choose the interpretation of Piazza and not the one offered by Clayton (Clayton, 2004, p. 186) who includes Book III in the places of *Rhetoric* where Aristotele talks about *ethos* because this latter encloses indications about style, that in this paper are assimilated to the elements I include in option 1.

the attention but in particular, to provoke benevolence. Because of this last task, and because of the importance attributed to *mores* by Roman society, the rhetorician was used to emphasize the *mores* of the client and to degrade other party's *mores*. The most important element was therefore considered to be the *mores*, not the facts actually happened or the reasons of the other party.

Thereby *ethos* in Roman society is reduced to the mention of the *mores*, an empty etiquette suitable for the historical context of that time. In this way, the Aristotelian *ethos* flattens in the emotional importance transmitted about the *mores* of the parties and of the lawyers, due to the relevance that *mores* had in Roman society – contrary to the Greek *polis*. In this way, the authentic meaning of *ethos* was manipulated. Therefore, considering *ethos* only or mainly linked to the words (*logos*) used in a speech (which can also have an emotional relevance, connected in this sense with *pathos*) is misleading and, historically speaking, it is an interpretation based on the wrong transplantation of concepts from two different communities, the Greek one and the Roman one.

3. ON THE INDEPENDENCY OF *ETHOS*: OPTION 2

However, this is not the only passage where Aristotle talks about *ethos*, so it is possible to underline a different position. Aristotle also affirms that: “three are the causes that make those who speak credible. The same are, in fact, the reasons why we believe, beyond the demonstration. They are wisdom, virtue and benevolence” (Piazza 2015, p. 95, my translation). In this part, Aristotle connects the capacity of the speech to be persuasive with the intellectual, moral and emotional-relational qualities of the rhetorician (Piazza, 2015, p. 95). In this way *ethos* is not only linked to the discourse but it includes other different elements. I will call this interpretation “option 2”.

Option 2 is an inclusive interpretation that can be found in most of the contemporary literature. *Ethos* has been described as composed not only by the words of the speech but also linked to the fact that the speaker covers an institutional position (Amossy, 2001, p. 19) or has some kind of authority (Plantin, 2011, p. 332) or there are expectations that need to be satisfied before the speech (Herman, 2022, p. 5). Recently it has been studied because of the pandemic, in order to understand the trust of the population towards the national authorities (Kjeldsen et al., 2022, p. 3): in this context *ethos* is described “not a fix quality in a sender or a text but constantly negotiated with trust” (Kjeldsen et al., 2022, p. 3) and therefore with audience as well. Preferring a pragmatic approach, as someone does (Amossy, 2001, p. 5; Walton, 2006, pp. 60-63; Žmavc, 2018, p. 350) allows also to suggest that *ethos* can be connected to a certain aim of the speaker².

It is actually possible to find a certain aim of *ethos*: this is what Baumlin and Meyer affirm in what they consider a possible ‘manifesto’ for the twenty-first century (Baumlin, Meyer, 2018, p. 22). He claims that *ethos* is something in between the speaker and the audience (Baumlin, 2018, p. 4), confirming the inclusive interpretation of option 2. But even more, he defines *ethos* as “dwelling-place”, a notion that goes back to Heidegger (and before him, Heraclitus). According to an Heideggerian interpretation of the notion of

² Note that, claiming that *ethos* has a function *per se*, it is not the same of affirming the function of the speech act which of course has, at least an attempt to it, through the illocutive aim (Searle, 2019, pp. 178-179): here I mean to refer to the aim of the speaker himself or herself (which can be realised through the speech act).

“dwelling-place”, it represents the place of the *Da-Sein*. *Da-Sein* has what Heidegger calls a “fundamental determination” namely, the practical-moral way of being: and the goal of this practical-moral way of being consists, for Heidegger, in taking care (*Besorgen*). This is why Baumlin and Meyer attribute to *ethos* an iatrolological value (Baumlin, Meyer, 2018, p. 22) – from *iatros*, meaning “medical” – because it is considered connected to precisely this practical-moral way of being of the speaker. The fact that it is a “fundamental determination” seems to suggest that it is not something avoidable: the question regarding the best way to take care (of the others or of myself) is hidden in everyday life and in this sense is a “dwelling-place” (Baumlin, Meyer, 2018, p. 12), it is familiar to everyone. For this reason, *ethos* does not only regard what someone knows or is (Tindale, 2011, p. 343) but also what someone does, and this is why it is in the end connected to an ethical issue. The experience gained through actions is subsequentially shown in the speech of the rhetorician.

4. IATROLOGICAL *ETHOS* IN ACTION: THE EXAMPLE OF LEGAL INTERPRETATION

The value and the role of the iatrolological *ethos* can be seen in the legal field, more precisely in the position of the judge and in her/his attitude towards the vulnerable subjects involved in a judicial trial. It is possible to point out different places where its function is visible: for instance, in the legal interpretation, in the application of teleological norms and in the individuation of particular kinds of legal exceptions (Diciotti, 2018, p. 19, p. 22, p. 25). I will consider here the first example, namely the legal interpretation.

Before commenting the example proposed by Diciotti, it is preliminary important to remind that nowadays vulnerability has a relevant place in the legal doctrine, especially because of the frequent use by the European Court of Human Rights: from a simple quantitative point of view, it is possible to notice that the use of this concept has increased along the years, from seven judgments containing this word in 2000, to seventy judgments mentioning it in 2013 (Diciotti, 2018, pp. 13-14). In line with the attitude of the Court, a particular protection is given towards vulnerable subjects also in the Italian context, through article 2 and 3.2 of the Constitution with the principle of solidarity (Bresciani, 2020, pp. 118-119).

Vulnerability is a complex concept for two different reasons: *i*) because of its vagueness and *ii*) due to the tension with other legal principles. I will briefly explain both these reasons:

- i*) Vulnerability is described as a vague concept (Diciotti, 2018, p. 16; Casadei, 2008, p. 291), without a codified definition (at least in the Italian legal system, as pointed out by Poggi, 2020, p. 85). It is possible to derive three different meanings based on the interpretation of the European Court of Human Rights (Diciotti, 2018, pp. 14-17) summarized in a few words as follows: vulnerability can be used in a strict sense (meaning someone is vulnerable because of certain external circumstances), in a broad sense (meaning someone is vulnerable because of certain internal circumstances) or in a very broad sense (meaning someone is vulnerable because of particular internal circumstances, representing a “general disadvantage compared to other people”, *ibid.*, p. 17,

my translation). The meanings adopted by the judgments of the Court are vulnerability in a broad and very broad sense.

- ii) Moreover, it is also worth to mention that this concept involves tensions with other legal principles, such as the right of the self-determination (Conza, 2019, p. 122; Bresciani 2020, p. 111; Poggi, 2020, pp. 84-85). In fact, the risk pointed out is legal paternalism, which deals with the problem of “whether the need to protect weak and vulnerable persons against their will (and, therefore, by themselves) can justify the intervention of the legislator criminal; and, if so, to what extend” (Bresciani, 2020, p. 111, my translation). The implicit premise refused by legal paternalism consists in the so-called “myth of autonomy” (Corso, 2018, p. 62) which consists in two different claims already supported by Kant (see also Coyle, 2018, p. 82): the first one regards the fact that the individual can emancipate from the needs, developing his or her moral abilities, no matter the psychological conditions; the second one claims that the human dignity acquires value because of the invulnerability of the individual, such as the capability of tolerate pain. The myth of autonomy, from a Kantian philosophical position, entered in the modern and post-modern legal domain as well. It is testified for instance, by the idealized *homo economicus* at the basis of the first studies of the economic analysis of law, also called with the acronymous “EAL”, (Silvestri, 2019, p. 406) based on the assumption – subsequently criticized (Silvestri, 2019, p. 411, p. 419) – that everyone is able to have a complete information and to choose the best option for himself or herself and, in the thesis of Bresciani, by the principle that the State cannot interfere with the private life of citizens (codified, for instance, in art. 8 ECHR). The limit is however tricky. While it is easily recognizable that a subject can never have totally complete information regarding a choice that must be taken, it is not the same in affirming the legitimacy of the help to suicide, especially for whom it is considered valid the “argument of incompetence” by which “the most vulnerable people, the sick ones, who would have more reasons to give up their lives, are not competent to do so, or at least that there is a presumption of incompetence in their regard” (Poggi, 2020, p. 85). In fact, it is well known the tension between the right to self-determination and the article 580 of the criminal Italian code in the “Cappato trial”³ (Conza, 2019, pp. 122-124), where in the end (with the judgment of the Constitutional Court 242/2019) the right of self-determination was considered to prevail.

It is relevant to underline that both these issues deal with the idea of iatrolological *ethos* because in both circumstances what is needed to be understood is the best way of protecting people involved in the legal controversy. This attitude of protection, in concrete, is shown by the interpretation of the Court and it involves not only the parties in the trial but also future and precedent parties in a similar situation as well as citizens, because of their right to know about the legal consequences of their actions.

In between these constraints the role of iatrolological *ethos* takes place. Article 3 of the Convention of Human Rights states: “No one shall be subjected to torture or to inhuman or degrading treatment or punishment”. In order to establish what torture is, the Court does

³ The explanation of the trial is available at <https://www.associazionelucacoscioni.it/the-cappato-trial-step-by-step> (consulted on 26.09.2023).

not consider only the legal material (such as the disposition, or precedents) but it mainly takes in consideration the effects that a certain act, potentially considered as torture, has provoked towards the subjects involved in the legal controversy. Therefore, the act will be more likely considered as a torture if the subjects involved are vulnerable, namely are in a fragile position and they need protection. Usually, these subjects considered by the Court are children, incapacitated, detained, belonging to discriminated minorities, asylum seekers and immigrants (Diciotti, 2018, p. 30). More precisely,

This way of characterizing the cases referred to in art. 3 seems be based on the idea that the distinction between qualifiable and not qualifiable treatments as torture or as punishment or inhuman or degrading treatment depends not only on the different aspects of the activities that give rise to these treatments but also by the effects of these activities on individuals different for their particular characters or the situation in which they are (Diciotti, 2018, p. 20 [my translation]).

Therefore, the iatrolological *ethos* in this case can be found in the attitude of the judge in considering massively the role of these vulnerable subjects and, because of their role, defying what torture is in a specific legal trial. In other words, the attention on the effects of the action towards vulnerable subjects is able to shape the meaning of a concept – and to influence concretely the life of the subjects involved. Moreover, it shows that *ethos*, again meant as essentially connected to a role of protection, is actually at the core of legal interpretation and at the core of law, described as the distinctive element of the legal domain (Kahn, 2006, p. 934) and linked to the roots of law itself (Puppo, Tomasi, 2023).

5. CONCLUSION

Affirming that *ethos* finds its aim in protection, opens up many questions and critical points such as: what is the best way of protecting in the specific case? Or, how is it possible to verify that choice to be the best one? Many needs of protection are usually involved in a case: which one does have the priority?

In order to try to reply to them, it could maybe be helpful to shift the attention from the legal controversy to the qualities of the one/s who judge/s the controversy (I am referring to the virtue jurisprudence proposed by Solum, 2003, pp. 198-199); in rhetorical terms, from the audience to the speaker. As well known, audience and consent are key elements for persuasion⁴, and they have been reevaluated after the Second World War especially thanks to the work of Chaïm Perelman and Lucie Olbrechts-Tyteca (Piazza, 2015a, p. 49). Analysing the concept of audience in recent studies (such as the one proposed in the *New Rhetoric*, the “constitutive audience” by Charland and also the idea of “cognitive environment” by Tindale) Kjeldsen has noted that “they are speculative, theoretical constructions” (Kjeldsen, 2018, p. 4) made by the speaker. Based on this construction, it could be claimed that the speaker only must adapt his or her speech and manners in such a way suitable for the audience she or he has in mind, in order to obtain persuasion: in this way, the speaker “builds” his or her *ethos* (Clayton, 2004, p. 186). However, the idea behind the iatrolological *ethos* I support is partially different.

⁴ Following Piazza, 2015, p. 34 I reject the distinction between conviction and persuasion, unknown by Aristotle and Greek communities generally speaking, and introduced centuries later by Kant.

The audience is a constituent of the rhetorical situation (Bitzer, 1968, p. 6) and, at least in vernacular rhetoric (Kjeldsen, 2018, p. 28), it is always characterized by active participants (Kjeldsen, 2018, p. 6): it surely represents a prominent role of the listeners. Nevertheless, the idea behind the iatrogenic *ethos* of Baumlin seems to refer to something already there, belonging to the speaker before the speech. *Ethos*, according to this reading, it is not entirely created for the purpose of a certain speech towards a certain audience. However, audience has a role in *recognizing ethos* and, in this sense, it seems possible to affirm that it is co-built by the audience and the speaker. In fact, “a speaker cannot give herself or himself trust; the audience extends that to them” (Tindale, 2011, p. 342). The issue of the construction of *ethos* could therefore be studied from two different perspectives: the one of the audience, for instance, through audience studies (Kjeldsen, 2018; Kjeldsen et al., 2022) and the one of the speaker himself or herself, which seems to be the one closer to the idea of iatrogenic *ethos* supported by Baumlin. Since *ethos* aims at protection, the problem that arises is the follow one: what is the best way to take care and to show this intention to an audience? This is why *ethos* is connected to the fact that the speaker needs to develop certain virtues in order to understand what and how concretize this intention. It is in fact relevant to remind once again the framework by which rhetoric was originally conceived:

[...] it is important to keep in mind that for Aristotle the goal of an individual learning about ethics and politics is to acquire the knowledge and training necessary to behave virtuously; therefore, it makes sense to assume that his purpose in teaching ethics and politics was primarily to help his students become men who would behave virtuously throughout their lives (and potentially to share their knowledge and training with others) (Clayton, 2004, p. 191).

In this way, even though *ethos* is manifested within the speech, the construction of it goes beyond it, involving not only the effects of the decision but also the development of particular virtues (not all virtues are, in fact, connected to deliberation: Corso, 2022, p. 55) of the speaker and therefore the capability of managing exigence, audience and constraints which pertains the rhetorical situation (Bitzer, 1968, p. 6). A virtue can be defined as “ability to identify issues or needs that provide reasons to act in a given situation” (Amaya, 2022, p. 13) or as “attitude to choose the right mean” (Corso, 2022, p. 56): however, in both these cases, this ability or attitude needs to be experienced and improved (Trujillo, 2022, p. 88 talks about “training” referring to legal ethics) – in fact, prior reputation, namely what someone has or has not done, also matters in the meaning of *ethos* (Herman, 2022, p. 5; Amosy, 2001, p. 7; Tindale, 2011, p. 344). And, in this training, the possibility to educate emotions (relevant because of their cognitive role: Amaya, 2022, p. 19; Corso, 2022, p. 57; Puppo, 2023, pp. 84-85), is for sure included, as nowadays well known (Amaya, 2022, p. 22; Corso, 2022, p. 58; Puppo, 2023, p. 101).

This second perspective on the study of *ethos* therefore leads to emphasize the role of the agent: that is, of the development of his or her character and thus of his or her virtues. Because of that, it supports a conception of Aristotelian *ethos* linked to a precise methodology, that is, virtue ethics (Campodonico, Croce, Vaccarezza, 2019). It confirms the possibility, on one hand of considering Aristotle – at least within *Rhetoric* – a virtue argumentation theorist (Aberdein, 2021, pp. 221-226); on the other hand, it stresses the importance of considering argumentation “as a practice rather than [on] arguments as

products” (Gascón, 2016, p. 446), where also the virtues of the speaker, and not only the cogency of arguments, are relevant.

Iatrological *ethos*, has, therefore, a role: and its role aims at protection. In the end of this research, I propose that iatrological *ethos* could be described as the rational and emotional capability of taking care in the best way possible, according to what the speaker has lived and learnt through his or her life (similarly to the experience of the encounter rhetoric proposed by Tindale, 2021, pp. 28-29). It is manifested through the speech but it is not limited to it, because it includes virtues; and, therefore, the possibilities and will (or the lack of them) that he or she has in order to cultivate them.

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Insinuated vs Asserted Ad Hominem

An Experimental Approach to their Rhetorical Effectiveness on Ethos

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ABSTRACT: As they are usually plausibly deniable and not explicitly stated, insinuations are assumed to preserve the image speakers want to project to their audience. We experimentally investigated the effect of insinuated ad hominem on perceived ability, benevolence and integrity – building on Mayer et al. (1995)’s framework for trust assessment. We assumed and observed that insinuated ad hominem attacks help mitigate the consequences of personal attacks on these characteristics when competing with asserted ad hominem attacks.

KEYWORDS: ad hominem arguments, ethos, experimental pragmatics, insinuation, rhetoric, trust

1. INTRODUCTION

In a campaign meeting during the 2016 US presidential race, Donald Trump referred to Hillary Clinton’s plans regarding the 2nd Amendment. He told his audience: “Hillary wants to abolish – essentially abolish the 2nd amendment. By the way, and if she gets to pick... (crowd booing) if she gets to pick her judges, nothing you can do, folks, although... (Trump pausing) *the second Amendment people maybe there is* I don’t know... (crowd laughing)” (Corasaniti & Haberman, 2016). After being accused of implicitly inciting Second Amendment (henceforth, 2A) supporters to shoot Hillary Clinton, Donald Trump clarified his point on Twitter: “Media desperate to distract from Clinton’s anti-2A stance. I said pro-2A citizens must organize and get out to vote to save our Constitution!” (Donald J. Trump, 2016), thereby claiming that he meant that 2A supporters should vote for him, not that they should kill his opponent. Trump’s utterance conveys controversial content in the form of an insinuation against his political rival. In his tweet, he provides himself with a “way out”, not only by denying his intention to insinuate but also by suggesting a much safer alternative interpretation of his words and accusing the media of malicious intent. Yet, whatever the politician’s intention, the crowd seems to have grasped a message that provoked laughter.

Insinuations are classically defined as “non-overt intentional negative ascription[s], whether true or false, usually in the form of an implicature, which [are] understood as a charge or accusation against what is, for the most part, a non-present party” (Bell, 1997, p. 36). The example given above gives us a glimpse into the many rhetorical advantages that insinuation can bring: it allows speakers to avoid reputational sanctions and preserve the image they want to project to the audience (by suggesting an alternative ‘safe’ interpretation), to hold the audience responsible for reaching a disparaging interpretation

(by blaming the “desperate” media), to stain the reputation of a target, and to provoke laughter and possible complicity with the audience (here, with the crowd, who ended up laughing at his words, as can be seen in the background of the video). Because they are likely to be rhetorically effective, it stands to reason that insinuations can play a role in an argumentative setting. More specifically, and to the extent that they are used to disparage, it seems reasonable to assume that they may be used in personal attacks, in particular to express the abusive variant of the *Ad hominem* (AH) argument.

Abusive AH “occurs where one party in a discussion criticizes or attempts to refute the other party’s argument by directly attacking that second party personally” (Walton, 1998, p.2). The corresponding argument scheme is used as a refutation of someone’s claim: the speaker who launches the AH expresses their disagreement (“I don’t think A”) and supports it by an explicit¹ personal attack (“because [+ personal attack]”). van Eemeren et al. (2000) experimentally investigated the normative acceptability of various types of asserted AH (henceforth AAH), namely the abusive, the circumstantial, and the *tu quoque* variants, while comparing them to sound argumentation. They found that the perceived reasonableness of either AAH argument was lower than that of sound arguments.

In our work, we explore the idea that insinuations could be incorporated into this argumentative structure by playing the role of the reason behind the disagreement. The structure would then be a disagreement (“I don’t think A”) supported by an insinuated personal attack (“because [+ insinuation]”). In the same vein as van Eemeren et al.’s (2009) experiment, we assume that an insinuated AH (henceforth IAH) is perceived as more reasonable than an AAH.

The relevant literature has started to compare effects of explicit vs. implicit meaning in relation to personal attacks. Among other contributions, Mazzarella et al. (2018) experimentally found that speakers implying false accusations (using presuppositions and implicatures) risk lower reputational sanctions than speakers asserting them. Oswald (2022) also suggests that insinuation protects the speaker’s image because the implicit content of insinuations can be plausibly deniable. For our purposes, we note that “image” projected by the speaker *during* the discourse can be translated into the “ethos” in Aristotelian terms. For Aristotle (Aristotle & Barnes, 1995), *ethos* is made up of three elements: practical wisdom (*phronesis*), goodwill (*eunoia*), and reliability/honesty (*arete*). Our purpose in this study is to assess whether IAH behaves differently than AAH when it comes to assessing these *ethotic* dimensions.

In their Model of Organisational Trust (MOT), Mayer et al. (1995) identified the components of trust as three elements parallel to those that make up the Aristotelian *ethos* and define trust as “the willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to the trustor, irrespective of the ability to monitor or control that other party” (p. 712). Deciding to trust, that is, to make oneself vulnerable is the result of an assessment of three criteria, namely: ability (how skilled, expert or competent the person in the domain under consideration is), benevolence (how much the person cares for me and my interests), and integrity (how honest, fair and sincere the person is). This model has been notably tested in a corpus study of the discursive and pragmatic dynamics of trust-repair strategies used

¹ Nothing in Walton’s definition specifies that the attack must be explicit (although he may have implied it), which is why we are careful to distinguish between *asserted* ad hominem (AAH) and *insinuated* ad hominem (IAH).

by BP after the Deepwater Horizon oil spill of 2010 (Fuoli & Paradis, 2014) or the analysis of strategies used by fictitious pharmaceutical companies in the denial of allegations to maintain the population's trust (Fuoli & Hart, 2018).

While many studies have described the rhetorical effectiveness of insinuations, only some, if any, have tested it experimentally, let alone in an argumentative setting, and thus hypotheses remain mainly theoretical and in need of robust empirical evidence. The advantage of the MOT is that it offers an interesting experimental setup by dividing trust (which is challenging to define unequivocally) into three less abstract components. Our goal is to operationalise the latter into an experimental design to assess whether these three criteria may be influenced by *how* speakers phrase their attacks. In other words, we are concerned here with whether pragmatic phenomena affect rhetorical phenomena. By only manipulating the explicitness of the reason given to support the disagreement, we assume that speakers will be perceived as having more ability, benevolence and integrity when they phrase their personal attacks implicitly instead of explicitly.

Section 2 sets out our experimental methodology testing the rhetorical effectiveness of insinuated ad hominem on *ethos*. Section 3 presents the data analysis strategy and the results we obtained. Section 4 concluded with a discussion of our findings and experimental manipulations that could overcome potential limitations and develop new directions of investigation.

2. METHOD

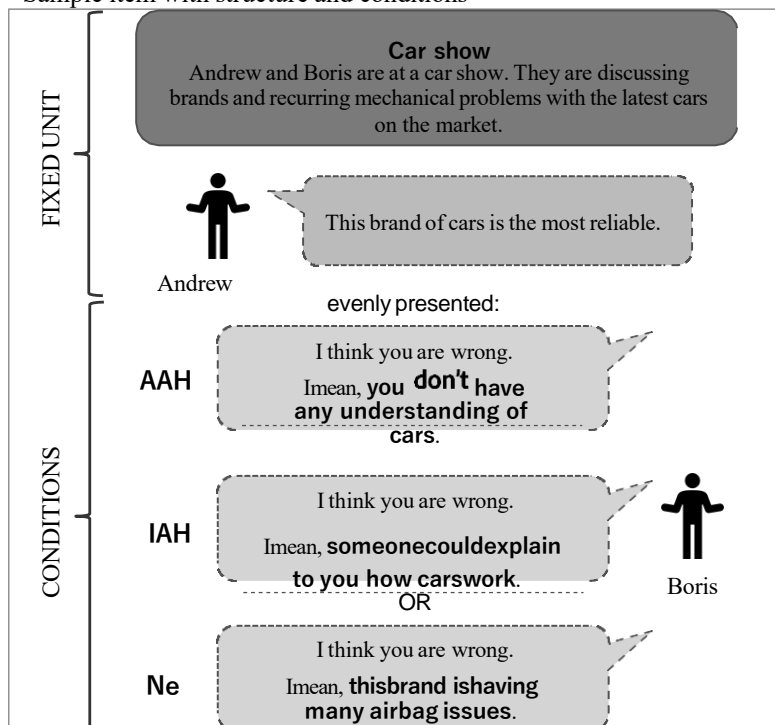
The main difference between the study of van Eemeren et al. (2009) and ours is that we are not interested in the perceived reasonableness of the AH arguments but in their effect on the trust placed in the insinuating speakers. Moreover, only the implicitness of the personal attack in the justification of the disagreement was manipulated and only AH arguments of the abusive type were used. Finally, we ensured that only the reasons for disagreement contained the attack, not the formulation of the disagreement. The reason for implementing this constraint systematically comes from an observation of van Eemeren et al. (2009)'s experiment, which we think may turn out to be problematic for the consistency of our items. In their study, van Eemeren et al. contrasted formulations of disagreement that already seemed to attack the proponent in the standpoint (e.g., "What do *you* know about ethics? [+ personal attack]" or "*You* can't judge anything about this! [+ personal attack]") to formulations in which the standpoint did not contain any attack, combined to sound arguments (e.g., "I don't believe *that* at all! [+ sound argument]" or "No one believes *that*! [+ sound argument]"; emphasis added).

Our items were structured as follows (see Figure 1 for sample item and structure): a context is presented, and a dialogue unfolds afterwards. In the dialogue, the first character (A) defends a claim with which the second character (B) disagrees. B then supports the disagreement with either (i) an argument with an asserted attack (AAH), (ii) an argument with the same attack, but insinuated (IAH), or (iii) a neutral and sound argument without any personal attack (Neu). The latter condition was added to replicate the results on the perceived reasonableness of van Eemeren et al. (2009) with the measures on trust and to control the effectiveness of our attacks. Thirty-nine dialogues were created and used in our

experiment, each presented under one condition. Participants were distributed into three lists according to a Latin square design and were presented with the three conditions.

To make sure that the terms “ability”, “benevolence”, and “integrity” had been acquired, participants went through a training session which featured a slide with definitions (according to Mayer and Davis, 1999, p. 124, with minor changes) which they were asked to read carefully, and were told that there would be a knowledge check stage after the sample item. Thus, *ability* was defined as a “group of skills, competencies, and characteristics that allow a party to have influence within some domain. [For instance,] for a member of management, this [includes] both the formal and informal influence they are perceived to have in the organisation, as well as their perceived competence and skills”. *Benevolence* was defined as the “extent to which a trustee [(i.e., the one who is trusted)] is believed to want to do good to the trustor [(i.e., the one who trusts)], aside from [personal interest]. [For instance,] if an employee believes a manager cares about the employee’s interests, the manager will be seen as having benevolence for the employee.”. Finally, *Integrity* was presented as the “trustor’s perception that the trustee adheres to a set of principles that the trustor finds acceptable. This [includes] not only that a manager [observes] values that the employee sees as positive, but also that the manager acts in a way that is consistent with [these] values”.

Figure 1
 Sample item with structure and conditions



Once the definitions were assimilated, participants went through the structure of the dialogues with a sample item where the structure of each element was presented (context, 1st claim, 2nd claim consisting of a disagreement followed by an argument, response to measures of trust, etc.). At the end of the training session, participants had to drag the

definitions presented previously and drop them under the appropriate characteristic of trust. They could not proceed until the definitions had been correctly assigned. For each item, the three characteristics presented in random order had to be assessed on an 11-point Likert scale from 0 (not at all) to 10 (absolutely).

Fifty participants were recruited on the Prolific platform (prolific.co), completed the questionnaire (see Table 1 for sample demographics) and paid for their contribution. All participants were fluent and first-language English speakers. The theoretical framework, number of participants, assumptions and data analysis strategy were preregistered.

Table 1
Sample demographics, completion and remuneration

Sample size	50
Age (years)	
<i>m (sd)</i>	35.44 (11.74)
<i>range</i>	[20 – 71]
Gender	
Female	23 (46%)
Male	26 (52%)
Other	1 (2%)
Completion (min)	
<i>mdn (IQR)</i>	30.29 (21.54)
Remuneration (£/h)	£3.15 (£6.20/h)

Note. *n* indicates sample sizes. *m* and *sd* indicate means and standard deviations, respectively. *mdn* and *IQR* indicate median and interquartile range, respectively.

3. RESULTS

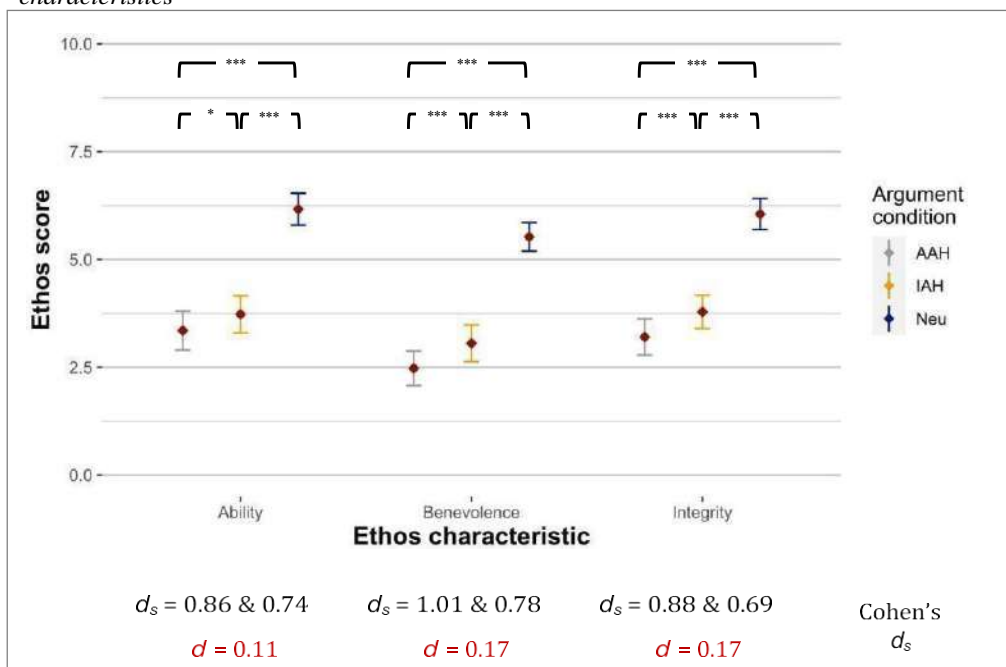
To test our hypotheses and avoid fixed effect fallacies by separating by-participant and by-item analyses, linear mixed models (LMM) have been computed in R. These LMM analyses allow the variability of the items and participants to be taken into account and controlled when calculating the effects of our factors. The LMM included the argument condition, trust characteristics and their interaction as fixed factors, and the items and participants as random intercepts. To test our hypotheses, post hoc tests within the LMM will be carried out to determine for which *ethos* characteristics IAH and AAH differ.

Table 2
 Descriptive statistics on the effect of argument condition on trust characteristics

	Ability	Benevolence	Integrity
Asserted AH (AAH)	3.35 (1.59)	2.47 (1.41)	3.20 (1.48)
Insinuated AH (IAH)	3.73 (1.52)	3.06 (1.50)	3.78 (1.36)
Neutral argument (Neu)	6.17 (1.30)	5.52 (1.17)	6.05 (1.27)

Note. *n* indicates sample sizes. *m* and *sd* indicate means and standard deviations, respectively.

Figure 2
 Graphical representation and effect sizes of the effect of argument condition on trust characteristics



Note. Error bars represent 95% confidence intervals. *** indicates $p < .001$. * indicates $p < .05$. AAH, IAH, and Neu represent Asserted Ad Hominem, Insinuated Ad Hominem, and Neutral arguments, respectively. Cohen's d_s in black represent effect sizes of the Neu-AAH and Neu-IAH differences, respectively. Cohen's d in red represents effect sizes of the AAH-IAH differences.

Means, confidence intervals of the argument and trust conditions and effect sizes are displayed in Figure 2, and descriptive statistics are presented in Table 2. We have found that neutral arguments are more trust-eliciting than AH arguments for each trust characteristic. These findings replicate those of van Eemeren et al. (2009) on measures of trust within a more standardised and controlled protocol. In line with our hypotheses, we found that IAH is significantly more trust-eliciting than AAH in each trust characteristic. The difference between AAH and IAH is minor in terms of perceived ability. Such a more

negligible difference makes sense in that both conditions are not supposed to show any asymmetry in expertise, as their content is presumed to be similar. In the contrast between Neu and AH, this difference in ability is most substantial because Neu puts forward elements that can testify to some knowledge of the proponent in the issue.

4. DISCUSSION

In this experiment, we observed that pragmatic variations in the formulation of the personal attack do influence rhetorical effects. As a reminder, we confirmed that insinuations are preferred to asserted attacks when assessing the trust that can be placed in a speaker. Nevertheless, arguments without attacks (i.e., Neu) remain by far the preferred method for supporting disagreement. This is not only in line with van Eemeren et al. (2009) results but also indicates that participants identify something problematic in AH arguments.

The first point to emerge from these results is that insinuation does not only seem to protect the image of speakers *after* denial (i.e., after the speaker has resorted to plausible deniability), in the case where they are accused of having intended a problematic statement, but also *before* any form of denial. In other words, you are better off, in terms of *ethos*, if you insinuate, rather than assert a personal attack. There are several possible explanations for this finding. Firstly, it could be explained by politeness considerations. The attack behind the argument is less confrontational and face-threatening, more ‘softened’ and appears to be more readily accepted when it remains implicit, which is a hallmark of implicit face threats (see Brown & Levinson, 1987). Indeed, as indicated by our results, insinuating speakers are perceived as more benevolent or, under the definition assimilated by our participants, they are “believed to want to do good to the trustor, aside from [personal interests]”. Thus, independently from the simple aim of being able to deny any hurtful comment if accused, speakers may have been perceived as not having had the intention to use malicious words towards a person that could be their friend or colleague.

The experiment reported here was the fourth in a series testing the rhetorical effectiveness of insinuations in an argumentative setting (see de Oliveira et al., in press). The first experiment, which measured to what extent participants thought the disagreement was supported by the personal attack, did not establish any difference between IAH and AAH. We hypothesised that this was because asking participants to judge whether the personal attack (however it may have been conveyed) supports the disagreement might have focused their attention on the *content* of the attack rather than on the way it was formulated – and, consequently, since the content of IAH is extremely similar to that of AAH, we might have unwittingly lost the effect of insinuation altogether. In our second experiment, which we ran with all items previously elaborated (and those which the experiment reported here used as well), we found that a disagreement supported by an IAH was in fact still perceived as more persuasive than a disagreement supported by an AAH. These findings may be supported by the fact that insinuating speakers are perceived as more trustworthy, which, in turn, influences the extent to which their claims are perceived as more persuasive. However, we could not at that point state any causal or temporality with certainty and were limited to assuming a correlation between these two phenomena, which would have to be tested in a follow-up study. Our limitation with that second experiment was that, unlike the fourth study we reported above, we did not define

“persuasiveness” to the participants and left them free to interpret it. It is thus also possible that participants judged the adequacy of the disagreeing reply rather than its persuasiveness. All these reasons led us to a penultimate experiment, in which we found no difference between IAH and AAH in agreement with either the proponent or the opponent. This supported the marginal effect in the second study, where the rhetorical interest of insinuations does not seem to be found to lie entirely in its persuasive force. We were thus led to conclude that the perceived persuasiveness of insinuations, which we established in the second experiment, does not seem to rest on issues of content, namely on *logos*, but that the *ethotic* implications of the use of insinuation as a personal attack may be relevant here – which is what we indeed found in the experiment described above.

Now, we are aware of at least three limitations in our study. Even though IAH may differ from AAH, the former arguments remained low on the scale compared with neutral arguments. It may be that neutral arguments contrast too strongly with AH arguments and reduce the preference for the latter: removing neutral arguments in our experimental design could widen this difference between AAH and IAH. A second alternative would have been to direct personal attacks toward a third person not involved in the conversation. This way, insinuations would no longer be seen as confrontational towards their interlocutor and could be better regarded (in terms of persuasion, agreement and image). This option would allow us to determine whether personal attacks that are insinuated perform even better rhetorically once we remove them from a dialogue in which they target the addressee – which seems to be problematic also for politeness reasons, as face-threats, be they explicit or implicit, conveyed to the addressee might be perceived as more problematic than those directed at a non-present third party. Finally, the way opponents expressed their disagreement in their standpoint also appears to be conflictive in our items, as expressing disagreement as “I think *you* are wrong” might be tantamount to engaging in a conflict about the person. A more neutral expression such as “I don’t believe *that*” would have the advantage of keeping the conflict at the level of opinions instead of making it personal. As a result, IAH could leave more room for innocuous interpretations as the disagreement is expressed in more open terms.

5. CONCLUSION

These results are the first to experimentally test the rhetorical effectiveness of insinuations in *ad hominem* arguments. They provide the first set of evidence on essentially theoretical assumptions and open up several avenues of research in experimental pragmatics, mainly with regard to implicit meaning as it is used in argumentative settings. It has been observed that insinuations are not preferred tools for persuading an audience, but above all, that they seem to positively affect the perception of how trustworthy the insinuator is in the eyes of their audience. Whether this effect carries over to other directions evoked in what precedes, and whether we can establish it more prominently is the object of current experimental work at the interface of pragmatics and argumentation.

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Fallacies as Cultural Representations

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ABSTRACT: In this paper I apply the epidemiological model of the spread of beliefs as cultural representations to the field of fallacies. This model argues that beliefs tend to replicate like a viral epidemic, and those strains that are dominant in a given socio-cultural sphere become cultural representations. The ultimate aim is to denounce the fact that some fallacious argumentation schemes have managed to colonise the human mind and become cultural representations in our society today.

KEYWORDS: argumentation schemes, epidemiology of beliefs, fallacies, presumptive arguments, Sperber

1. INTRODUCTION

In this paper I would like to reflect on the idea of applying the epidemiological model of the spread of beliefs to become cultural representations, well known in anthropology and psychology, to the use of fallacies in the public sphere.

What I intend to do is to launch a denunciation, I hope with some justification, of the fact that some argumentation schemes, generally considered to be fallacious, have managed to colonise our minds and are applied in the form of beliefs and as cultural representations. We could say that the fallacy has become a belief, and this has managed to replicate like a virus and has come to constitute itself as a cultural representation. A serious consequence of this fact is that it is impossible (or at least very difficult) to open effective lines of argumentation that can reveal the fallacious character of these new and harmful cultural representations.

I begin by introducing the idea of the epidemiology of beliefs (section 2). Section 3 presents an extremely simple view of fallacies, in line with the aim of this paper. Section 4 is devoted to showing a practical example of the institutionalisation of fallacious argumentation schemes. Finally, some conclusions and open questions are presented in section 5.

2. EPIDEMIOLOGY OF BELIEFS

Beliefs in a given society tend to replicate like a viral epidemic, and the strains that are dominant in a particular socio-cultural system become part of the cultural representations of that society. Dan Sperber developed this idea of the epidemiology of beliefs in 1996, long before the internet and viral postings, and of course long before the coronavirus pandemic. Moreover, “the value of an epidemiological approach lies in making our

understanding of micro-processes of transmission and macro-processes of evolution mutually relevant.” (Sperber, 2002, p. 82).

It is important to note that beliefs such as “witches ride on broomsticks”, “ $E=mc^2$ ” or “all men are born equal” are examples of cultural representations based on reflective beliefs. These reflective beliefs owe their spread to the communication process. As Sperber says:

Reflective beliefs are not only consciously held; they are also often deliberately spread: For instance; religious believers, political ideologists, and scientists, however they may differ otherwise, see it as incumbent upon them to cause others to share their beliefs. Precisely because the distribution of reflective beliefs is a highly visible social process, it should be obvious that different types of reflective beliefs reach a cultural level of distribution in very different ways. (Sperber, 2002, p. 95).

The process of spreading a belief can be very different depending on the belief in question, but Sperber shows with some examples that there are essentially two factors to consider: the cognitive factor (being attractive, easy to remember) and the ecological factor (spreading by authority, by institutions). While the diffusion of a religious belief or a myth is very much determined by cognitive factors, political beliefs are essentially diffused by ecological factors (mainly from the institutional sphere), and scientific beliefs require a high degree of both cognitive and ecological factors for their diffusion. Let us look at this briefly, because it will be of interest in addressing the question of the establishment of fallacies as cultural representations.

For example, a myth that is far from our intuitive beliefs and our relationship with the world needs to be attractive or easy to remember in order to be spread. It also requires that the person telling it has authority (ecological factor), but this authority structure is more fragile than the transmission itself because of its cognitive attractiveness. In the case of political beliefs, the fate of beliefs is linked to that of institutions. Sperber gives the example of “all men are born equal”: in a society organised around different rights based on birth, this belief is highly relevant and can gain ground if enough people take the risk of spreading it. Institutional support is essential for its spread. Scientific beliefs are influenced by both factors in very relevant ways: on the one hand, we believe in everything that science tells us in an *institutional* way. We believe in the scientific method, in scientists and in the consensus among them. That is why we believe in $E=mc^2$, even if we do not fully understand what this equation means or its consequences. But there is also the cognitive factor. As Sperber says: “The human cognitive organization is such that we cannot understand such a belief and not hold it.” (Sperber, 2002, p. 97). So, if we study for several years and come to understand the argument that leads to $E=mc^2$, the cognitive effort is so great that it would be very difficult not to believe in it.

I would like to point out that we are not addressing the *ethics of belief* as an issue here (see, for example, de Donato Rodríguez and Zamora Bonilla, 2014). In general, I assume that, according to this epidemiological model, we lack voluntary control over the beliefs we hold that have previously become (or are about to become) cultural representations. On the other hand, although it is not discussed here, I would like to point out that in normative discourses governed by rational norms, such as science and argumentation theory, it should be natural to take a deontological view of beliefs for their acceptance, maintenance or rejection.

3. FALLACIES

Let us now define the scope of the fallacy I am considering. The definition of a fallacy is not straightforward and also depends on the perspective and theory of argumentation. However, I would like to take a simple perspective here.

In many cases, some traditional fallacies, such as some *ad* fallacies, the straw man or the slippery slope, take the form of non-fallacious presumptive arguments, depending on the context or their particular merits, in the course of a critical discussion or dialogue framework (see, e.g., van Eemeren & Grootendorst, 1984; Walton, 2006, 2008; van Eemeren 2012). However, in this analysis of fallacies at the institutional level, I assume that typical fallacious argumentation schemes are actually fallacious moves. This is partly justified because when we find these presumptive arguments at the institutional level, they appear as more decisive arguments than they really are, losing sight of their inherently presumptive and defeasible nature. In this case, a presumptive argument becomes fallacious (see e.g., Walton, 1995, p. 228).

For the moment, I will leave aside widely used methods for assessing the fallacious character of an argument, such as a thorough analysis of the context (Walton, 2008), an examination of possible violations of the rules of critical discussion (van Eemeren & Grootendorst, 1987), derailments of strategic manoeuvring (van Eemeren & Houtlosser, 2000), or a deep dive into the critical questions for a particular argumentation scheme (Walton, Reed, Macagno, 2008). I will return to this issue later, in section 5. This approach aims to highlight the common use of classic fallacies at an institutional level and the lack of additional support for the use of these arguments.

It is not difficult to identify fallacies in public discourse (political, ideological, advertising), even at the institutional level, when we are immersed in the academic sphere. Some of them are as gross as *ad hominen* fallacies that it seems impossible for such arguments to survive in any kind of argumentative discourse. But the truth is that they do survive in many instances in the public sphere, certainly aided by the role of emotions, which could also obscure the identification of fallacious arguments when we are attached to certain currents. For this reason, I will refrain from analysing political, ideological or advertising discourse. Let us move on to science: we all generally agree that science must be governed by sound arguments based on the scientific method.

4. FALLACIES AS CULTURAL REPRESENTATIONS

In order to understand how some fallacies are commonly introduced into institutional discourse, I would like to discuss here the promotion of traditional and complementary medicine (T&CM) that the World Health Organisation (WHO) has been carrying out in recent years. This promotion has taken the form of various WHO's reports and a new chapter on traditional Chinese medicine in the last revision of the *International Classification of Diseases* (WHO, 2019), which is an influential and essential document for medical practice. Many of the conclusions and recommendations of these reports have been widely criticised and denounced by, among others, independent experts (Edzard Ernst, Cochrane.org, see e.g. Ernst, 2006, 2015), international academies of science and

medicine (European Academies' Science Advisory Council (EASAC), Federation of European Academies of Medicine (FEAM); see Fears et al. 2020), and editorials and reports in leading scientific journals (Cyranoski, 2018; Nature's editorial, 2019). The main criticism is that T&CM treatments have not been yet adequately validated according to established scientific and regulatory criteria.

In this paper I want to show that fallacious argumentation schemes, consolidated as cultural representations, can benefit certain kind of institutional discourses. The big question will be: why does a key institution for us promote therapies that are not scientifically supported? Obviously, the answer to this question has several dimensions, which I will not go into here. From an argumentative point of view, it will also be a never-ending task to fully analyse the WHO's reports and evaluate its arguments. I would like to note that this case is only taken as an example to denounce the institutionalisation of fallacious argumentation schemes, in so far as here some arguments that might be considered traditional fallacies are used as positive arguments to support the promotion of T&CM, leaving aside the presumptive nature of these arguments.

4.1 WHO traditional medicine strategy: 2014-2023

Here, I will focus on the report *WHO traditional medicine strategy: 2014-2023* (WHO, 2013). First of all, I would like to point out that, although one might expect a WHO's report on T&CM to regulate practices that are widespread around the world and affect people's health, the aim of this report is not to regulate but to promote T&CM. We can find this in many paragraphs of the report, for example: "policy: integrate traditional medicine within national health care systems, where feasible, by developing and implementing national traditional medicine policies and programmes" (WHO, 2013, p. 11); but this aim is made clear on the website where the report is hosted: "The strategy aims to support Member States in developing proactive policies and implementing action plans that will strengthen the role traditional medicine plays in keeping populations healthy"¹. In this regard, I would also like to point out that the report is available on the WHO website (see footnote 1) in 9 languages (Arabic, Chinese, Italian, Russian, Thai, Vietnamese, English, French, and Spanish). If you browse through the website, you will notice that the other reports, mostly related to conventional medicine², are only available in English or in English and French³. From the point of view of argumentation we can find several weaknesses in this report. Here, I list only some of them:

(1) We could suspect that there is a bias of publication, since most of the references in support of T&CM are to previous WHO's reports or to journals of T&CM medicine.

(2) The report states that there is no proven evidence for T&CM medicine (and yet the WHO wants to include it in public health systems around the world!) because typical clinical trials or conventional methods, although they are valuable methods, are not sufficient to prove the effectiveness of these therapies (see e.g., WHO, 2013, p.39). However, the other proposed methods for generating evidence on the effectiveness of T&CM are ambiguous and are not well specified (see WHO, 2013, pp. 39, 47, 48). For

¹ <https://www.who.int/publications/i/item/9789241506096>

² Conventional medicine might also be called Western medicine.

³ See e.g. *WHO Medicines and Health Products Programme Strategic Framework 2016 – 2030*.
<https://www.who.int/publications/i/item/WHO-EMP-2017-01>

instance, we find “develop research methodologies consistent with T&CM theories and practice.” (WHO, 2013, p. 48) as one of the strategic actions for partners and stakeholders. This is one of the cornerstones of any pseudoscientific practice: it is presented as if it were scientific fact, and to justify it, if some scientific evidence supports the practice, they use it to make their case, but if they find opposition in the science, they proclaim that the scientific method is not appropriate for what they are trying to evaluate.

(3). Let us look at the definition of traditional medicine (the type of medicine promoted by the report):

Traditional medicine (TM): Traditional medicine has a long history. It is the sum total of the knowledge, skill, and practices based on the theories, beliefs, and experiences indigenous to different cultures, whether explicable or not, used in the maintenance of health as well as in the prevention, diagnosis, improvement or treatment of physical and mental illness. (WHO, 2013, p. 15).

It is quite striking that the WHO proclaims that public health systems should invest in treatments “whether [they are] explicable or not”.

(4). The report also encourages Member States to follow the example of countries where both types of medicine coexist (see WHO, 2013, p. 37). While it is perfectly logical for a country with a strong tradition of T&CM to try to make both types of medicine coexist, should the rest of the Member States follow this example? I think it would be more appropriate for a WHO’s report to try to promote conventional medicine in places where there is a strong tradition of traditional medicine and where the population is reluctant to accept Western medicine. These arguments could be identified with the fallacy of the middle ground approach: when the arguments of the two parties are balanced, although the weight and the substance of the arguments are not equivalent. In this case, T&CM medicine and conventional (Western) medicine are treated equally, whereas the treatments of conventional medicine are tested according to rigorous procedures and the scientific method.

(5). Arguments that can be considered traditional fallacies are used as positive arguments. The clearest argument of this type is the appeal to popularity. Sentences in the report like this from the foreground, “T&CM is an important and often underestimated part of health care. It is found in almost every country in the world and the demand for its services is increasing.” (WHO, 2013, p. 7) or,

the WHO Director-General, Dr Margaret Chan, stated that “For many millions of people, herbal medicines, traditional treatments, and traditional practitioners are the main source of health care, and sometimes the only source of care. It is also culturally acceptable and trusted by large numbers of people.” (WHO, 2014, p. 16).

are used as positive arguments to support the promotion of T&CM therapies. As I have said before, for me the fact that many people around the world rely on alternative medicines should be reason enough for the WHO to issue a report with regulations, not a roadmap, to continually encourage their promotion and integration into public health systems.

4.2 Popular opinion and middle ground approach

We might think that when an institution as important to us as the WHO promotes T&CM, even though the efficacy of these therapies is not well established, it is because arguments

such as popular opinion and the middle ground approach prevail in our society. I think we are facing a replication of the virus of these fallacies. Unfortunately, it is very reminiscent of what Sperber said about how ideological beliefs spread until they become cultural representations. As we have seen previously, these beliefs are spread by ecological factors, by the institutions. The serious thing is that these viruses have taken over the institutions and the population, and now one cannot argue against this position. To refute these WHO reports, one has to be an expert, one has to know which studies that concluded that T&CM therapies are not effective were omitted, and so on. One cannot just argue against the substance of the report: WHO cannot promote T&CM therapies because many people use them or put conventional and T&CM medicine on an equal footing; these are the arguments widely used as positive arguments in the report. Nowadays, popular opinion (even if it is not supported by the majority) and the middle ground approach are hardly considered fallacies and have become beliefs and cultural representations: everything is equal, everything is the same or everyone is right.

In a scientific context such as the one we have seen, these presumptive argumentation schemes take precedence over the results of science itself. My sense is that schemes that are usually classical fallacies are increasingly being used in a wide variety of fields. I also believe that they tend to be used in political and ideological issues. One feels increasingly limited in the task of denouncing them, because it seems that by attacking the fallacy one is attacking the ideology. The good thing about finding these schemes in science, from the point of view of denouncing them, is that we all generally agree that science needs to be governed by other kinds of arguments.

5. CONCLUSION

Finally, I would like to raise some questions for argumentation theorists. We all know that these kind of arguments can be legitimate and not fallacious, depending on the context. Argumentation from popular opinion is often a good tentative basis for prudent action where an issue is open to divided opinions. Of course, appeal to context is essential to carry out any argumentative evaluation. But nowadays I find that it is common to invert and adapt the context in order to justify fallacies. Is this relativism in evaluating fallacies the responsible for their spread? Is it possible, therefore, to limit this relativism? Certainly, the critical questions of the argumentation schemes go in this direction.

Let us see the argumentation scheme proposed by Walton (1995, pp. 154-155) for the argument from popular opinion:

If a large majority of some reference group accept A as true, then there is a presumption in favor of A.

A large majority of the reference group accept A as true.
Therefore there is a presumption in favor of A.

Critical questions:

1. Does a large majority of the cited reference group accept A as true?
2. Is there other relevant evidence available that would support the assumption that A is not true?
3. What reason is there for thinking that the view of this large majority is likely to be right? (Walton, 1995, 155-154).

The arguments put forward in the WHO's report do not allow the critical questions to be answered properly. We cannot answer question (1), simply because the report does not provide statistics or there is not a clear identification of the reference group. To answer question (2), it is noteworthy that we have found a bias of publications in the report. The report hides all relevant evidence that would support the assumption that A is not true. For question (3), if we follow the arguments of the report, we have to make a circular argumentation: this large majority is right because it is the large majority. It is worth noting that the vagueness of the WHO's argument and the lack of a clear justification are consistent with the assumption that these argumentation schemes (which are only presumptive arguments) have the status of consolidated beliefs.

But could these questions also be answered in a far-fetched way in order to achieve the goal in question? What I mean is that with this method, fallacies will always find a loophole to stop being fallacious arguments. For example, to answer question (1): if millions of people rely on T&CM (even if many of these people do not have access to Western medicine, note that these data are not included in the report), this is enough to believe in T&CM because the number is very significant, regardless of the expansion of the reference group; to answer question (2): if there are no references to relevant evidence against the efficacy of T&CM in the WHO's report, it is simply because there are none. A credible institution like the WHO produces reliable reports; question (3): countries with a long tradition of T&CM, such as China, do not have high mortality rates (data not included in the report), so this type of medicine is appropriate for citizens all over the world.

Who is right in this case? Who is answered according to the dialectical rules of an argumentative exchange? To conclude, assuming that these presumptive argumentation schemes are commonly used as definitive arguments, I will pose a final question: how can argumentation theorists combat fallacies as cultural representations?

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Did Aristotle Write on Fallacies?

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ABSTRACT: Aristotle wrote on paralogsms, not on fallacies. Recently, John Woods argued for a “misalignment” between some concepts of fallacies and various lists of fallacies supposed to share a core based on Aristotle’s list. We stress multiples continuities and discontinuities between Aristotle’s paralogsms and modern concepts of fallacy and show that his concept of paralogism already did not match his list. Yet, he also paid attention to irregular arguments not listed in *On sophistical refutations*.

KEYWORDS: Aristotle, dialectic, J. Woods, fallacy, misalignment, paralogism, rhetoric, sophism, syllogism

1. INTRODUCTION

Although the concept of fallacy is not consensual among contemporary argumentation theorists, a few statements about its link with Aristotle’s so-called fallacies appear to be commonplaces.

I propose what seems to me to be three of them. To begin with, Aristotle is said to be the first author who produced and published a (rather) systematic theory of fallacies and illustrated it with a list of examples. Second, we are direct heirs of his work which is at the root of most contemporary reflections on fallacies. Related to the previous one, a third commonplace is that his list of fallacies, or its most important items, is still listed in the major contemporary general theories on fallacies.

As expected, I intend to discuss and challenge these commonplaces and some neighboring points. I do not claim that they are definitely wrong, but rather simplistic, as is often the case with commonplaces. We already have various theories on fallacies, but I contend that the history of the concept of fallacy and related notions is still rudimentary and needs closer attention to improve our understanding of this complicated phenomenon. Long-term History often appears stratified like geological layers, hence continuities may coexist with discontinuities and some layers may experience distortions.

According to me, John Woods’ suggestive concept of ‘misalignment’ is another convenient way to present this idea of a conjunction of continuities and discontinuities between an old and a contemporary concept, especially when it went through translations. The first part of this paper discusses Wood’s concept of misalignment between what he calls the traditional list of fallacies and the traditional concept that would dominate today’s approaches. The second part focuses on Aristotle’s concept. I show significant discrepancies between his concept of paralogism and the essential features of the

contemporary concept of fallacy that Woods considers standard. In the third part, I challenge *On sophisticated refutations*' claim that its list of thirteen types of paralogisms was exhaustive. Aristotle himself pointed to other problems or situations involving fallacious arguments that do not seem to belong to this list.

2. WOOD'S MISALIGNMENT THESIS

In *Errors of reasoning* (2013), J. Woods introduces his "concept-list misalignment thesis", namely:

Contrary to the traditional concept-list instantiation thesis, the items on the traditional *list* are not to be found in the extension of the traditional *concept* of fallacy. (p. 6)

To make it definitively clear, we have to take a few steps backward. What is this "concept-list instantiation"? Does it mean that Woods' favorite traditional list of fallacy that he calls "the Gang of Eighteen" would "fall into the traditional concept of fallacy" (p. 5)? This should not be surprising, for we could ask the Socratic question: is it possible to make a list of X, without a concept of X? In the case of fallacies, Woods' answer seems to amount to a firm 'yes'. Later in the book, he is very clear about this tension between concept and list when he writes about this misalignment: "It is a thesis about traditions – the traditional *list* of fallacies and the traditional concept of *fallacy*" (p. 133). So, traditions are crucial. Now, let us ask: what is this "traditional concept of fallacy"?

The traditional view is that most, if not all, of the items on this list instantiate the rule-violation conception of error [...] A further feature of the traditional conception is that fallacies are errors which people in general have a natural tendency to commit, and do commit with a notable frequency. They are also attended by a significant likelihood of postdiagnostic recurrence. They are like bad habits. They are hard to break. (p. 5)

How traditional is this traditional view? Woods makes a suggestion: "By 'traditional' I mean what has come down to us over the years in variations of some initial starting point. The starting point for the concept of fallacy is Aristotle" (p. 133) This is not far from our two first commonplaces. But let us be careful: even if it is true that Aristotle's concept of fallacy is the starting point, this does not imply that we find his concept of fallacy on arrival. We should also be careful with the concept of tradition: it has a strong tendency to be fuzzy, especially around the beginning. Woods himself gives a wise piece of advice :

A theory of the traditional concept must pay heed to its historical lineage, but it need not be the case – indeed hardly ever is the case – that when the lineage is a long one, a good theory of a traditional concept is unchangingly the same as the theory of its originating idea. So, it should not be surprising that traditional fallacy theory is not Aristotle's. (p. 134)

This appears to agree with our first commonplace: Aristotle is the first (known) author of a systematic theory of fallacies. But we should be careful about the second one, namely that we are his heirs. This may be true, but the legacy may have become bastardized. Moreover, this corruption may affect both the list and the concept. When Woods stresses that the misalignment thesis is a matter of tradition, he speaks of a plurality of traditions: the traditional list and the traditional concept. But who says that each one is not itself corrupted or distorted? Aren't we dealing with a plurality of lists and a plurality of concepts? Woods does not go that far, but we can find hints that he walks on this path which, according to me, is the right one.

Traditional or not, the list of fallacies is itself an ideal. You may dream of it, but if you look around you will not find it. What you will find is many lists of fallacies. Woods has his 'Gang of Eighteen'. He also contends that Aristotle has a 'Gang of Thirteen' (Woods is inspired by the thirteen fallacies of *On sophisticated refutations*), and he remarks that Tindale (2007) opts for a "Gang of Twenty-eight" (2013, p. 5). It seems that there are as many lists as authors. But according to Woods "all retain a substantial common core, of which the Gang of Eighteen is a reasonable representative assortment" (p. 5). At most, this is true of recent works. But you can also imagine that most lists only pay homage and tribute to Aristotle's works. This is more or less our third commonplace: modern lists are centered on Aristotle's Gang of Thirteen. But again, this is an illusion for they usually do not include all of the thirteen. Some of them are regularly depreciated or even forgotten: for instance the fallacy of *Accent* or the *Accident*. They are simply not good contemporary examples of fallacies. Thus, not only are the modern lists fluctuating with a tendency to inflate but there is indeed a drift from this Gang of Thirteen of which Aristotle was so proud.

The concept of fallacy does not fare much better. A falsely naïve argument against the view that we share Aristotle's concept is that he could not have spoken of fallacies because he spoke Greek and 'fallacy' is not a Greek word. He wrote about *paralogisms* and from this Greek word to the English 'fallacy' there is at least the discontinuity of one translation, if not two, since the way has gone through the (scholastic) Latin *fallacia*. You could object that it is direct from the Greek *paralogism* to the English (or German or French, etc.) 'paralogism'. Yet, as suggested by the first item of Aristotle's Gang of Thirteen, beware of an equivocation based on a seducing homophony. Furthermore, despite their proximity, 'paralogism' and 'fallacy' are not familiar synonyms in English. Here again, there is a conceptual shift.

We have already mentioned some features that Woods holds typical of today's common understanding of what a fallacy is. He qualifies this understanding as traditional, but we shall see that this tradition is rather recent, at least when compared with Aristotle's concept. Woods summarizes these features in a short synthetic formula: EAUI. E like error, A like attractive, U like universal, I like incorrigible. This formulation has the advantage of looking clear and easy to remember. Woods has serious reservations about using these four criteria as a systematic way to characterize a fallacy and on their literal interpretation: "regardless whether the traditional concept is or is not what I take it to be, the EAUI notion is not a fit target for a theoretical robust account of fallacy" (2013, p. 136). I will not dig further into Woods's opinion but grant, like him, that these four letters, EAUI, give a not-too-bad approximation of a typical contemporary approach to fallacies. I will compare it with Aristotle's concept.

3. ARISTOTLE'S PARALOGISMS

We have just paid attention to some lexical aspects including a possible challenge coming from the translation of the Greek “paralogism. Let us still pay attention to words for a while before turning to what is more or less hidden behind them. Aristotle makes a strong connection between two core concepts of his philosophical system: syllogism and paralogism. The main one is the concept of syllogism, for paralogism is defined from it as shown by the first page of *SR* (I, 164a20). Aristotle defines a paralogism and immediately gives one of the rare definitions of a syllogism that can be found in his works. But first, what is a paralogism?

Let us now treat of sophistical refutations, that is, arguments which appear to be refutations but are really fallacies (*paralogisms*) and not refutations [...] (1955, p. 11)

The translator chose to translate ‘paralogism’ by ‘fallacy’ although the contemporary concept of ‘fallacy’ is broader than Aristotle’s paralogism. Moreover, a conceptual misalignment between the two concepts is already creeping. The Philosopher goes on.

That some reasonings are really reasonings, but that others seem to be, but are not really reasonings, is obvious. For, as this happens in other spheres from a similarity between the true and the false, so it happens also in arguments. For some people possess good physical condition, while others have merely the appearance of it, by blowing themselves out and dressing themselves up like the tribal choruses; again, some people are beautiful because of their beauty, while others have the appearance of beauty because they trick themselves out ...

This English translation uses the terms ‘reasoning’ and ‘argument’ to translate the Greek *syllogism* and *logos*. Whether a distinction should be made between ‘reasoning’ and ‘argument’ is an open topic, but the main point is that both terms are commonly used to translate *syllogism* and *logos*. A recent tendency of French translations is to use ‘deduction’ for *syllogism*, but not always¹. For instance, in this paragraph of *SR* Aristotle uses only one term (*syllogism*) but Dorion (1995) and Hecquet (2015) use both ‘argument’ and ‘syllogism’. An English translation of their very close French translations of Aristotle is: “That some arguments (*arguments*) are deductions (*déductions*) while others seem to be deductions but are not, is obvious”. This may appear as mere details, but it also shows how traditions can shift and meanings too. You could also add that all this is really obvious, for there are very strong inductive arguments that could easily be taken for valid deductions. So, what is the problem? The problem is that appearance matters and that for Aristotle the specificity of syllogism, hence deduction, is crucial as shown by the well-known definition that comes just after he introduces the concept of paralogism:

Reasoning (*syllogism*) is based on certain statements made in such a way as necessarily to cause the assertion of things other than those statements and as a

¹ An example is Brunschvig’s translation of the *Topics* (2015).

result of those statements; refutation, on the other hand, is reasoning accompanied by a contradiction of the conclusion. (I, 165a)

Hamblin's celebrated statement "A fallacious argument, as almost every account from Aristotle onwards tells you, is one that seems to be valid, but is not so" (1970, p. 12) has been much criticized, mostly about the requirement of validity. But if we drop the shift introduced by the translation of *paralogism* by 'fallacy' (a crucial shift, since a paralogism claims to be a syllogism, hence a deduction), Hamblin is certainly wrong about the tradition coming after Aristotle, but faithful to the very word of the Philosopher.

Yet, a problem arises which has to do with a concept-list misalignment. Aristotle's list is notoriously misaligned with his previous definition of paralogism. The reader expects examples of fallacious syllogisms, but Aristotle's examples often are no more than sketches. The fallacy of *Accent* is exemplary. Aristotle explains that it is not easy (probably a euphemism for 'impossible') to provide an oral example because oral Greek is accentuated. If you change an (oral) accent, the meaning of the expression changes so that nobody can be trapped. The trick is only possible with a text based on an accentuated language devoid of written signs for accents, as still was Aristotle's Greek. Another well-known example where Aristotle's example is far from a regular syllogism is the fallacy called *The multiple question* (V, 167b38-168a16). The trick is clear but the way to reconstruct it as a syllogism is rather obscure. Thus, it is often a long way from Aristotle's concept of paralogism to his examples, as it is between his Gang of Thirteen and the Gang of Eighteen and other gangs.

Here is a last point about lexical aspects. Why did Aristotle not use the Greek *sophisma*, which meant a trick and has been used by other Greek-speaking authors to speak of fallacious arguments? Aristotle uses the adjective 'sophistical', he speaks of the tricks of sophists, but does not apply *sophisma* to paralogisms although he uses it in other places, for instance in the *Politics* (1297a) or the *Metaphysics* (1000a19). You find no occurrence of this word in *SR* nor in the *Rhetoric*. It appears two times in the *Topics* (8, 11, 162 a12- 19), in two consecutive sentences, the second of which is considered inauthentic. A plausible explanation is that Aristotle wanted to stress the close theoretical link he made between his concepts of paralogism and syllogism. This suggests a possible origin of a misalignment, or a mismatch, between the Aristotelian paralogisms and the contemporary fallacies: from a theoretical point of view, Aristotle was mostly interested in pseudo- deductive arguments, not in bad or weak reasoning in general. This could explain why he does not pay attention to pseudo or weak inductive arguments: they are foreign to the field of syllogism.

Now, let us compare his paralogisms and Woods' EAUI approach to fallacies. First, strictly speaking, paralogisms are not errors. But they are linked to errors in the way tricks are: they are put forward by a crafty person who makes no mistake but tries to make other people commit one. You become her victim, only if you grant her sophism.

Are paralogisms attractive, that is are they "errors towards which people in general are drawn" (Woods, 2013, p. 135)? We have just said that sophists are supposed not to fall into their paralogisms. So, even if paralogisms are attractive, at least sophists escape their attraction. Moreover, Aristotle (1955) has his own opinion about the scope of this attraction: the potential victims of paralogisms are not anybody: "[...] reasoning (*syllogism*) and refutation are sometimes real and sometimes not, but appear to be

real owing to men's inexperience; for the inexperienced are like those who view things from a distance" (SR, I, 164b25). Thus, for Aristotle, paralogisms are not unconditionally attractive, unless you consider that men, in general, are inexperienced (Yet, we shall see further that he grants that wise men can make mistakes). Moreover, in the *Rhetoric* he makes an aristocratic distinction between the happy few who can participate in a dialectical debate and the crowd who constitute the audience of rhetorical discourses. For "The function of rhetoric is to deal with things about which we deliberate, but for which we have no systematic rules; and in the presence of such hearers as are unable to take a general view of many stages, or to follow a lengthy chain of arguments." (1967, I, 2, 1357a2) A few lines further, about the method of syllogistic demonstration, he adds: "The first of these methods [*the dialectical one*] is necessarily difficult to follow owing to its length, for the judge is supposed to be a simple person".

'Inexperienced' and 'simple' are vague terms that do not strictly overlap but give the impression that Aristotle speaks of uneducated people or having trouble paying sustained attention to a speech. Except when he makes a comparison between inexperienced people and "those who view things from a distance" he says nothing linking the attractiveness of paralogisms with a general aspect of human nature. Yet, although he does not speak of a general tendency to be trapped by paralogisms, several of his remarks suggest that experienced and wise men too can be trapped by paralogisms if they do not pay attention. First, it is likely that if they could not be deceived, sophists would not insist on abusing them in dialectical debates. Furthermore, they can be trapped by ignorant people, especially in the case of a fallacy of Accident, for: "[...] it is along these lines that specialists and men of science in general are refuted by the unscientific for they argue with the men of science with reasonings based on accident, and the latter, incapable of making distinctions, either give in when questioned or think they have done so when they have not." (SR, VI, 168b6). Thus, the success of a fallacy is not the result of a mysterious general attraction but of unfavorable pragmatic conditions like carelessness, ignorance, confusion, or a lack of experience usually highlighted by the sophist's stimulation.

The question of universality ("common enough to qualify for a kind of universality" (Woods, 2013, p. 135)) meets the question of attractiveness ("people in general are drawn"): fallacies can be said common in several ways that should be distinguished to avoid the threat of a fallacious equivocation. Yet, Aristotle does not claim that paralogisms are common, although at least one of them is not bound to a specific cognitive status: the fallacy of the *Consequent*. He gives various examples to illustrate the possibly universal spontaneous trait that "whenever if A is, necessarily B is, men also fancy that if B is, A necessarily is" (SR, V, 167b2). Indeed, as he discusses paralogisms in the limited context of a dialectical exchange, it is no surprise that you find no systematic reflection on the universality of paralogisms.

What about incorrigibility? Here again, the focus of Aristotle's dialectical treatises is not conducive to a general discussion of the incorrigibility of paralogisms. So, we must settle for clues. In the *Rhetoric*, Aristotle explains that "the orator should be able to prove opposites, as in logical arguments; not that we should do both (for one ought not to persuade people to do what is wrong), but that the real state of the case may not escape us, and that we ourselves may be able to counteract false arguments if another makes an unfair use of them." (I, 1, 1355a30) Thus, it seems that this devoted professor of rhetoric hopes that his inexperienced students will not remain "simple men" but become experienced. Common

natural weaknesses should therefore be corrected, for we have seen that even men of science can be abused if they are not vigilant enough. Are these considerations sufficient to claim that paralogisms are incorrigible, or not incorrigible? This question may look like the fallacy of the multiple question: any exclusive answer seems to lead to a deadlock.

To sum up, the typical uses that Aristotle saw for his paralogisms have a family resemblance with the modern EAUI approach to fallacies, but we have also underlined important discrepancies or mismatches to confirm a conceptual misalignment between the ones and the others. Now, let us have a closer look at the question of the relationship between Aristotle's concept and his list of paralogisms.

4. ARISTOTLE'S LIST OF PARALOGISMS

In several places of *SR*, Aristotle suggests that his list of thirteen paralogisms is exhaustive. However, he does not express it so directly. He separates his thirteen paralogisms into two classes: six paralogisms *in dictione* (dependent on language) and seven paralogisms *extra dictionem* (independent of language). He claims that you can prove that the paralogisms *in dictione* are six, "by induction and by syllogism" (*SR*, IV, 165b27-30). Later, he does not explicitly say that the seven paralogisms make an exhaustive list, but that he has identified and listed "the various conditions under which false proofs (*paralogisms*) occur, for there are no further conditions under which they could occur, but they will always result from the above causes" (*SR*, VIII, 170a10-13). So, his list could be said exhaustive, if you could show that any paralogism looking new is an effect of any one of these causes. About this point, Aristotle is in a comfortable position since paralogisms sometimes overlap and each of them would be a particular case of one of them, *ignoratio elenchi* (ignorance of refutation) because they all manifest that the speaker seems to ignore what a correct refutation is. (*SR*, VI, 168a20)

Yet, Aristotle's theoretical audacity seems to be contradicted by some of his own observations or comments.

4.1 Rhetorical paralogisms

In the *Rhetoric*, he makes a very thorough parallelism between the two logical tools used in dialectic (syllogism and induction) and those of rhetoric (enthymeme and example). This leads him to claim that rhetoric has a specific kind of argument that is equivalent to paralogisms which he calls apparent enthymemes. A whole chapter of the second book is devoted to them and provides a specific list of nine or ten items, depending on the way you count them. Some of the paralogisms *in dictione* of the *SR* are grouped here under a single heading and we meet again five of the seven dialectical paralogisms *extra dictionem*: *Ignoratio elenchi* and the *Multiple question* are missing. But we also find three new ones, introduced as particular cases of one of the 'causes' listed in the *SR*.

Aristotle says of the first one that it can be found in dialectical contexts, as illustrated in the *SR* (*SR*, XV, 174b10). It is the abusive use of connecting words like 'therefore' to give the impression that an argument has been put forward. Aristotle gives no more details; thus we do not know how this leads to a paralogism in the strict sense of this term unless you broaden the definition of syllogism. So, this practice of adding superfluous 'therefore'

can be considered an intentional fallacy in the modern sense of the term, although people sometimes use logical connectors without meaning a logical link². Is this fallacy really new? Is it irreducible to one of the Gang of Thirteen? In his comment, Aristotle speaks of the “form of the expression”, which is the name of the last of the fallacies *in dictione* listed in the *SR*. But if we compare it with the examples given in the *SR*, it seems difficult to see the fallacy of the *Rhetoric* as an instance of this parallogism.

The second new item is a bit similar. Aristotle introduces it as a trick based on the “form of the expression”. But again, the link with the fallacy bearing this name is unclear. This fallacy is the use of exaggeration. It can be used to construct or debunk a point of view (II, 24, 1401a2-12). Here again, it is not easy to find a telling example of a syllogism based on it. As in the previous case, Aristotle seems closer to the modern concept of an informal fallacy than to his original concept of parallogism. This enlarges his list and creates a stronger alignment with our contemporary concepts and lists of fallacies, but another serious misalignment with his own concept.

The third new apparent enthymeme of the *Rhetoric* is the one said drawn from a sign. It is not strictly new, since Aristotle makes a clear allusion to the rhetorical use of this kind of argument in the *SR* when he speaks of the *Consequent* and more precisely of the case of the man accused to be an adulterer because he is well turned-out and lurks at night (*SR*, V, 167b8-11). Yet, the *Rhetoric* lists the argument from sign, then the *Accident* and the *Consequent* as three different types of apparent enthymemes, and we meet again the unfaithful well-dressed night owl about the *Consequent* without any connection with the argument from sign. In any case, in opposition to the two first new apparent enthymemes where the trick comes from the verbal behavior of the speaker – let us say the form of his expression – Aristotle makes a clear allusion to the theory of the syllogism about this argument from sign, but just to say that it is “assylogistic” (II, 24, 1401b10).

4.2 Topical parallogisms

The chapter of the *Rhetoric* preceding the chapter on apparent enthymemes lists twenty-eight *topoi* that Aristotle considers helpful to design “a demonstrative enthymeme” aiming at supporting or refuting a thesis (II, 23, 1397a7). Nowadays, it has become commonplace to consider that some types of arguments registered as fallacies are not always fallacious: it depends on the context. This is mostly said of informal fallacies. This view seems rather close to Aristotle’s idea about these *topoi* that can sometimes provide cogent enthymemes. As he says, you have to examine the situation. Here are four examples, close to some inferential schemes taken as fallacious nowadays. This list does not claim to be exhaustive.

Let us begin with the argument from opposites. If one member of a couple of opposite terms has a property, conclude that the other has the opposite property. For instance: “self-control is good, for lack of self-control is harmful” (II, 23, 1397a10). This argument can easily be interpreted and reconstructed as a case of *Denying the antecedent*, a fallacious form that is not explicitly listed in the Gang of Thirteen, although it appears in Aristotle’s discussion of the *Consequent*. Aristotle is right: the examination of the situation

² There are several examples of trendy use of some logical connectors in French. For about five years, ‘Du coup’ (hence, therefore, etc.) has been very fashionable: some people use it compulsively in almost each of their assertions. It seems to be a kind of verbal twitch.

at hand may lead to the inclusion of some information as an extra premise. Thus, from the classical invalid form of *Denying the antecedent* the argument can shift to a new valid version that still has a premise that denies the antecedent.

A second form that should be examined is the argument “from related terms”. Aristotle gives no definition but only a few examples, among which “If selling is not disgraceful for you, neither is buying disgraceful for us”. We can easily imagine it used and interpreted as a ‘*Tu quoque*’ *ad hominem* argument. For example, a saleswoman is blaming young people for buying the alcohol she sells: they could reply by using this *topos*. But Aristotle stresses that it is risky and he now makes an explicit reference to the concept of paralogism: “However, in this there is room for a fallacy (*paralogism*).“(II, 23, 1397a29). Is it a new one? It is not easy to reduce it to twelve of the members of the Gang of Thirteen. Yet, as far as this kind of answer is commonly used to shift the topic, *Ignoratio elenchi* seems wide enough to accommodate it, although this can be said of many irrelevant replies, insults for example.

We stay close to *Tu quoque* attacks with the sixth topic: “[it] consists in turning upon the opponent what has been said against ourselves and this is an excellent method. [...] it should only be used to discredit the accuser. For in general the accuser aspires to be better than the defendant [...]” (II, 23, 1398a3-15). Does Aristotle really approve of this “excellent method”? Translations differ on this point³. It is difficult to imagine Aristotle encouraging the use of paralogisms, knowing that he denounces it in other places and claims they should be studied only to defend against them. On the other hand, “excellent method” can be interpreted more neutrally, for instance from a mere technical point of view: it could be excellent because rhetorically very efficient. So, this excellence does not seem to be logical, it rather refers to conventional ethics for he states that “it is ridiculous for a man to reproach others for what he does or would do himself, or to encourage others to do what he does not or would not do himself.”

The eleventh topic provides a fourth model of argument, close to our contemporary fallacies based on testimony, *Ad populum* and *Ad auctoritatem*. “Another topic is that from a previous judgment in regard to the same or a similar or contrary matter, if possible when the judgment was unanimous or the same at all times; if not, when it was at least that of the majority, or of the wise, either all or most, or of the good [...]” (II, 23, 1398b19 1399a5). This crescendo starting from the quantity of judgments shared by an anonymous crowd, before rising to the quality of the judgment of rare wise men is typical of Aristotle who already used it to characterize those probable opinions essential to the premises of dialectical arguments. Here again, he gives no comprehensive definition of this kind of argument but only a rather long list of examples, often borrowed from celebrated sources. And one more time, he does not connect it to the theory of syllogism and paralogisms or take sides on its logical value but stresses the rhetorical power of a conventional ethical attitude: “it is not possible to contradict, for instance, those in authority, or of those whose judgment it is unseemly to contradict, for instance, the gods, a father, or instructors.”

³ Chiron’s French translation (2007) only says that this turnaround should be made ‘in another way’.

5. CONCLUSION

To say that Aristotle wrote about fallacies is a satisfactory approximation for a general introduction to inexperienced people. But if we take a closer look, Woods is certainly right to point out a misalignment between what he qualifies as the traditional concept of fallacy and his favorite list – one among many others rather faithful to the one introduced by Aristotle in *On sophisticated refutations*.

But we have also seen that Woods does not go far enough with this idea of misalignment. Besides the common observation that the various contemporary views on the concept of fallacy are scattered, despite a relative consensus about the fallaciousness of a particular argument, we have first shown an important misalignment between the Aristotelian paralogisms and most of the aspects shared by these views. In this sense, it is inaccurate to say that Aristotle wrote about fallacies.

However, we have also shown that his investigations into the practice of argumentation led him to stress other arguments that can be deceptive, beyond those of *On sophisticated refutations* which became the reference work on this topic. This enlargement may give an impression of inconsistency between Aristotle's writings, but it also sets higher proximity between this enriched list of deceptive arguments and the contemporary lists that include non-deductive fallacies, some of which had already been identified by Aristotle, although foreign to his concept of paralogism.

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Scare Tactics, Media Capture and the Pandemic *Argumentative Style in the Online News Media*¹

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ABSTRACT: This research explores argumentative style in institutional context of the news media, analysing the three aspects of strategic maneuvering. I present a case study from Hungary where the media can be described as mono-polar and statist commercialized. The Government and the pro-government media viewed the coronavirus as a further opportunity to delegitimize the non-government media by claiming that they spread scary rumours and fake news. I carry out the argumentative analysis of this phenomenon.

KEYWORDS: argumentative style, journalism, media systems, news media, political communication, pragma-dialectics, strategic maneuvering

1. INTRODUCTION

Argumentative style has recently received considerable attention in argumentation theory, specifically pragma-dialectics (van Eemeren, 2019). Empirical research on the topic pertains to the analysis of argumentative style in the political, diplomatic, legal, facilitatory, academic and medical domains (van Eemeren et al., 2022). This research explores argumentative style in the institutional context of the news media, taking the three aspects of strategic maneuvering into account as well as relying on the disciplines of journalism and media studies. Strategic maneuvering is an exceptionally useful conceptual framework to study journalistic style because in other disciplines, media content and form often get separated and examined independently of each other, or the focus is solely on presentation. However, with the help of the three aspects of topical potential, audience demand and presentational devices, a new picture of journalistic discourse can be drawn. This research presents an illustrative case study with which recurring patterns of engaged and detached argumentative styles are discussed in a captured media system. The research question is the following: How can the argumentative style of the pro-government media be characterized when they claim that the non-governmental media spread scary rumours and fake news? The research concerns the communicative phenomena in the Hungarian media brought on by the Covid-19 pandemic.

The appearance of the coronavirus resulted in such a crisis that demanded fast, detailed and trustworthy media coverage. This necessitated the government's cooperation with all media outlets. Events in March 2020 (the first month of the pandemic) presented new challenges for the Hungarian press, such as daily press conferences by high-ranking

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public officials and the amended crime of scaremongering in the Criminal Code.² At the same time, citizens became witness to how the Hungarian government and the pro-government media attempted to delegitimize the non-government media and make their work impossible. As an example, the public broadcasting media started a show called *We uncover the fake news* in which they discussed reliable news items from the non-government media. As another example, in a pro-government television talk show, the following remark was made about journalists not supporting the government: “some of these scaremongers should be visibly sat in a police car and taken away.”³ Pro-government criticism referred to how the non-governmental media scare their readers, moreover, induce danger to the public which is unnecessary thanks to the Government’s adequate crisis management. However, the disinformation and delegitimization propagandized by the pro-government media could not only harm non-governmental journalists, but citizens as well. To understand the severity and significance of the case study, it is important to discuss the Hungarian media system. Hungary as well as many Central and Eastern European (CEE) countries do not fit into the tripartite media systematization conceptualized by Hallin and Mancini (2004). Although CEE countries’ media systems resemble that of the polarized pluralist (or otherwise known Mediterranean) countries, they present meaningful deviations. The Hungarian media system can be characterized as statist-commercialized which means that the government has control of the public media and much of the private media. Despite the semblance of political parallelism, parties in the political opposition do not have their own media outlets. Thus, a mono-polar media landscape has been in the making since 2010, the start of the Fidesz-regime with a parliamentary majority. Journalist often go against professional norms, mainly the duty of helping the public make informed political decisions. Their aim is to ensure the continued rule of the government. As a result of the skewed media system, unethical journalistic practices became profitable. It is political loyalty that pays off instead of high-quality journalistic performance. Meanwhile, trust in media organizations decrease. Hungary fits into the trends observed in CEE countries, but their volume and effects seem to be outstanding. These particularistic media policy practices have been first been enacted in Hungary and can serve as a model for other countries in the region (Bajomi-Lázár, 2017; 2019).

In the following section, I will briefly discuss the theory of strategic maneuvering and the concept of argumentative style, as well as the function of the media and the argumentative characteristics of news articles. In the methodological chapter, I will disclose how I chose the articles for analysis. I will then carry out the argumentative analysis of the articles taking the three aspects of strategic maneuvering into account. Results show that most of the articles published by the pro-government media can be

² “First, not only are false statements which may disturb public order now a criminal offense, but also those which are capable of hindering or foiling the effectiveness of the defence (against the coronavirus in the present case). Second, it is no longer necessary to commit the crime at the scene of a public danger, but it is enough for it to take place during a special legal order, regardless of the location. There is currently a state of danger in Hungary and the government is able to maintain this state for an unlimited time period. The penalty has also been tightened, as the act is now punishable by imprisonment for up to five years instead of the previous three.” Hungarian Civil Liberties Union. How not to commit “scaremongering?” April 29, 2020. <https://hclu.hu/en/articles/how-not-to-commit-scaremongering> (Last visited: June 24 2023).

³ Sajtóklub (2020-03-16) - HÍR TV. March 16, 2020. <https://www.youtube.com/watch?v=qjxt70Avqvc> (Last visited: June 24 2023).

characterized by the engaged argumentative style, and only one article can be characterized by the detached argumentative style. Lastly, concluding remarks will pertain to the empirical results and the media system.

2. STRATEGIC MANEUVERING IN THE NEWS MEDIA AND THE ARGUMENTATIVE STYLE OF JOURNALISTS

In the theory of pragma-dialectics, strategic maneuvering refers to the arguers' continuous effort to keep the balance between dialectical reasonableness and rhetorical effectiveness in every step of the argumentation. Within strategic maneuvering, three aspects are distinguished: topical potential, audience demand and presentational devices. The distinct yet inseparable aspects are associated with types of choices made in the process of maneuvering. In each step, the arguer decides how to apply the topical potential and the presentational devices in order to satisfy audience demand. The topical potential includes the arguments and argument schemes available in the argumentative situation. Thus, the topical potential is the repertoire of options for making an argumentative move at a particular point in the argumentative discourse. The topical choice refers to the selection of those arguments and schemes from the topical potential that connect to the audience's preferences and promote the perspective connected to the goals of the arguer. The concept of audience demand refers to the effort of making a selection which pleases the audience or places the case in a perspective which resonates with the audience. The selection of the presentational devices involves a choice about how the argumentative moves are presented in the way that is strategically best (van Eemeren, 2010).

Strategic maneuvering is connected to distinct institutional contexts according to which the communicative and argumentative practices are conventionalized (van Eemeren, 2010). At this point, it is important to mention the institutional goals of the media and journalism, as well as the argumentative characteristics of news articles. The media have multiple fundamental functions: provide information about events and their contexts, articulate suggestions pertaining to the public's attitudes about events, provide fora for a wide range of views, mediate between the government and the people, exercise control over the government etc. (Christians et al., 2019). Journalism is a performative discourse aimed at imposing and legitimizing representations of the social world. Thus, news articles are not merely descriptions of events but strategic interpretations of them, giving journalists the possibility to assert their moral authority. News articles also encase the social world in a professional discourse which "has to convince the readers that events occurred exactly as the newspaper describes" (Broersma, 2017, p. xxviii).

The media became the place, the object and the tool in the fight between political forces. The relationship between the media and politics can be interpreted in multiple models (Hallin & Mancini, 2004). These institutions might have an antagonistic or symbiotic relationship, but their close connections and interdependence cannot be questioned (Cook, 2005; Mazzoleni, 2012). The hybridity of contemporary media systems as well as the breakdown of boundaries between journalism and propaganda sold as journalism is well documented (Ekman & Widholm, 2022). No media scholar would ever say that the media are completely neutral anywhere in the world, even if journalists are

committed to the ideology of the objectivity doctrine (Hallin & Mancini, 2004; Bajomi-Lázár, 2003).

Articles in the news media cannot be unambiguously distinguished from op-eds. However, based on the previously stated functions of the press, even news reportings can contain argumentation. I do not claim that every writing in the news media can be categorized as argumentative, it is more accurate to state that some articles are partly argumentative (Walton, 2017; van Eemeren, 2018). The difference of opinion is between the journalist and the reader. The journalist and the reader do not necessarily have different standpoints concerning the propositions in the article. The difference of opinion and the persuasion can be interpreted as the adherence of minds (Perelman & Olbrechts-Tyteca, 1959).

The strategic maneuvering of a news article means that the journalist reasonably presents the facts while attempting to persuade the reader of the article's interpretation of reality (van Eemeren, 2010; Morasso, 2010). The reader might view the article as reasonable because it is based on propositions which represent commitments and aims, and the article prompts the reader to draw seemingly reasonable conclusions based on the argument schemes used. Thus, the cognitive element cannot be disregarded. However, rhetorical effectiveness is paramount as the article emotionally affects the reader, and that is also a way to get the reader to accept the article's conclusion (Walton, 2007). Supporting the standpoint with arguments as well as persuading the audience can be analysed in terms of style. Remarks about style can pertain to the conduct of the debate, the arguers' mode of expression, their attitudes, linguistic elements, nonverbal communicative acts etc. Remarks about style can be analysed in relation to a speech event (e.g., the first presidential debate between Donald Trump and Joe Biden), a person, a type of communicate act (e.g., audio-visual political advertisements) or a period of a certain communicative act (e.g., op-eds in the 21st century) (van Eemeren, 2019).

When it comes to analysing argumentative texts and debates, it is important to differentiate between style and argumentative style. Argumentative style is worth examining based on its instrumental characteristic as it contributes to resolving the arguers' difference of opinion and the aim of the arguer to persuade their opponent and the audience. Thus, the focus is on the argumentative goal of style and connecting style to the characteristics of argumentative discourse. Argumentative style can be analysed in terms of the three aspects of strategic maneuvering: argumentative style systemically and consistently affects the choice from the topical potential and presentational devices in order to satisfy audience demand. Van Eemeren (2019) remarks that argumentation theory does not have a full catalogue of argumentative styles.

In my research, I will analyse two argumentative styles articulated by van Eemeren (2019): the engaged and the detached styles. In an argumentative text written in an engaged argumentative style, the arguer chooses starting points and topics with which they can emphasize their personal relation and involvement in the topic, and which can be familiar and close to the readers. The arguer's engagement and commitment can be expressed with informal language (e.g., first-person plural) and emotionally laden words. With the help of the often-employed comparison (or analogy) argument scheme, the arguer can relate their topic to ones already familiar and accepted. The detached argumentative style can be characterised by factual propositions, objectivity, easily verifiable starting points, formal or expert language and the causal argument scheme.

3. METHOD

The period chosen for analysis is March 2020, the month when the coronavirus was first detected in Hungary. The articles chosen for analysis were published in March 2020 on the 20 most read pro-government news media websites. However, not all news media outlets communicated extensively about how the non-government media spread scary rumours and fake news, only three of them did: Magyar Nemzet (n = 5), Pesti Srácok (n = 2) and Origo (n = 2) did. The aim of my research is not to analyse every article and provide the dialectical routes taken in each of them, only to show recurring characteristics of the engaged argumentative style as well as present the detached argumentative style in the one article published in the pro-government media.

4. THE ASPECT OF TOPICAL POTENTIAL

In the articles characterized by the engaged argumentative style, the most prominent starting point is how other countries deal with the virus. On the one hand, the health crises experienced in Italy and China can be familiar to most readers as these countries, their procedures and statistics got extensive media coverage in Hungary. On the other hand, there is Sweden, a country that is pejoratively labelled as a “*liberal model state*”,⁴ which cannot be called a progressive, nor an exemplary country due to certain provisions.

The pro-government media connect the non-government media to websites which are widely known as fake news sites. This coupling can be inserted into the comparison argument scheme as is known in pragma-dialectics. As previously noted, the comparison argument scheme is characteristic of the engaged argumentative style (van Eemeren, 2019). In the comparison argument scheme, one similarity between two entities justifies another similarity between the same two entities (van Eemeren & Garssen, 2020). In the news articles showing characteristics of the engaged argumentative style, multiple similarities between the non-government media and fake news sites are mentioned, and the same conclusion can be drawn from all the similarities. This conclusion is that the work of the non-government media is reprehensible and harmful, much like that of fake news sites. According to the pro-government media, the work of non-government journalists and “*scaremongering Facebook-champions*”⁵ is “*the biggest scoundrelism*”⁵ because they all cause fear. These news media sites are also falsifying news, therefore their case will be discussed by the Parliament thanks to the amendment of scaremongering in the Criminal Code. Non-government journalists are discussed in the same way as “*other loudmouths*”⁵ who will have to pay for their crimes. Another similarity can be identified in the following excerpt and that is how the non-government media and fake news sites are both controlled by the political opposition: “*The level of scaremongering in the non-governmental media barely surpasses that of fake news factories also operated by the opposition.*”⁶ The pro-

⁴ Bayer, Zs. Az elvtársak össze-vissza beszélnek. *Magyar Nemzet*. March 16, 2020. <https://magyarnemzet.hu/velemeney/az-elvtarsak-osszevissza-beszelnek-7889411/>

⁵ Jeszenszky, Zs. Alattomos haszonlesők. *Magyar Nemzet*, March 19, 2020. <https://magyarnemzet.hu/velemeney/alattomos-haszonlesok-7896260/>

⁶ Bálint, B. Ha az ellenzék és a sajtója így folytatja a pániknak lesznek áldozatai nem a járványnak! *Pesti Srácok*, March 10, 2020. <https://pestisracok.hu/ha-az-ellenzek-es-a-sajtoja-igy-folytatja-a-paniknak-lesznek-aldozataim-a-jarvanyinak/>

government media state that the scaremongering and panic-inducing communication of the non-government media is politically driven as journalists are dominated by their “*superegos*”⁷ as in the politicians. Additionally, the non-government media and the fake news sites “*are driven by profits per clicks.*”⁸ It is important to note that the pro-government media do not reflect on the difference between alarmist news (scary rumours) and fake news, they use these expressions interchangeably.

In van Eemeren’s study about argumentative style, he references the two argumentative techniques of *The New Rhetoric* (Perelman & Olbrechts-Tyteca, 1958): association and dissociation. Association is the argumentative coupling of previously distinct elements into one unit, and dissociation is the argumentative separation of previously unified elements. By creating an association between the non-government media and fake news sites, readers are led to the conclusion that non-government media should be prosecuted in the same manner as fake news sites. Moreover, the articles in the pro-government media use dissociation of the non-government media from the traditional media. Thus, non-government media cannot provide reliable or credible news. One article draws attention to the “*disgrace*”⁹ and presents a detailed description of the press’ responsibility – “*it is a deadly sin, if some media outlets do not help the community, do not inform but create panic, aggravate and spread scary rumours.*”⁹ Another article states that “*this is not bravery or journalistic ethic, this is simply scaremongering and causing public danger.*”⁵ According to their reasoning, this is why the amendment of the Criminal Code is not only legitimate but necessary. The following can be an interesting example of degrading non-government journalists: “*I still consider the leftist-liberal press workers to be Hungarians, compatriots, my colleagues, and I respectfully ask them to take a deep breath, count to ten, and leave their 10 year-long pure hatred of Orbán behind, to abandon how their primary duty is not to do journalism but to fail at it [...] and stop spreading lies.*”¹⁰

Another way of degrading non-government journalists is to downgrade them to bloggers: “*the young and dishevelled bloggers of Index with their stretched-out sweaters.*”¹⁰ In the beginning of the 2000s, the battle of discursive legitimation and boundary work in journalism included that print journalists degraded online journalists to bloggers in order to protect the journalistic profession. In the demarcation battle between journalism versus non-journalism, bloggers were described as homebodies, unable to care for themselves or simply infantile (Tófalvy, 2016).

There is only one article showing the characteristics of the detached argumentative style.¹¹ In this article, the amendment of the Criminal Code is justified by factual propositions, the truth of which can be checked: “*The results of most recent opinion poll*

⁷ Bayer, Zs. Az igazi pánikkeltés. *Magyar Nemzet*, March 26, 2020. <https://magyarnemzet.hu/belfold/az-igazi-panikkeltés-7931762/>

⁸ Bácskai, B. Akadálytalanul terjednek a legelképezhetőbb álhírek is. *Magyar Nemzet*, March 23, 2020. <https://magyarnemzet.hu/belfold/akadálytalanul-terjednek-a-legelkepezhetőbb-alhírek-is-7917953/>

⁹ Nagy, E. Rémhír kufárok, avagy az ellenzéki sajtó becstelensége. *Pesti Srácok*, March 25, 2020. <https://pestisracok.hu/remhir-kufarok-avagy-az-ellenzeki-sajto-becstelensege/>

¹⁰ Apáti, B. Olasz és spanyol apokalipszis. *Magyar Nemzet*, March 28, 2020. <https://magyarnemzet.hu/velemenyo/olasz-es-spanyol-apokalipszis-7940387/>

¹¹ Lomnici, Z. Drákói szigor szükséges a köznyugalom és közbizalom megzavaróival. *origo.hu*, March 18, 2020. <https://www.origo.hu/itthon/20200318-drakoi-szigorszukseges-a-koznyugalom-es-kozbizalom-megzavaróival-szemben.html>

show [...] that in the case of the coronavirus pandemic, there is a public consensus about the government's actions." This article also references statistical data: "74% of the respondents think that the spread of the coronavirus is alarming." However, the most important difference is that a causal argument scheme can be identified instead of the comparison scheme. According to van Eemeren and Grootendorst (1992), one of the subtypes of the causal argument scheme is the pragmatic argument scheme. A pragmatic argument contains an appeal to the expediency of an act. The article notes that the amendment of the Criminal Code is necessary because "the objected propositions are capable of increasing panic and decreasing the effectiveness of acts aimed at protecting the lives of Hungarian people." The author of the article is the legal expert, and he argues for the "necessary draconian measures against those breaching the peace and public confidence."

To conclude, according to the pro-government media, there are multiple reasons for the scaremongering of the non-government media: overthrowing the government and Fidesz, helping the opposition make profit ("even in this time of crisis, they are serving political interests"⁹), increasing their readership ("exchanging people's fear for clicks"¹²) or simply viciousness ("they are all cheering for the virus"¹⁰).

5. THE ASPECT OF AUDIENCE DEMAND

Most schools of argumentation theory emphasize the importance of taking the audience into consideration (Perelman & Olbrechts-Tyteca, 1958; Tindale, 2004; van Eemeren, 2010). However, these theories segment the audience differently: primary and secondary (van Eemeren, 2010), intended and actual (Crosswhite, 1996; Perelman & Olbrechts-Tyteca, 1958; Tindale, 2006), real and projected (van Eemeren, 2015a). These distinctions imply that it is not unambiguous who the audience is in an argumentative situation (Palmieri & Mazzali-Lurati, 2016; Tindale, 2015).

The makeup and attitudes of the audience watching and reading the pro-government media could be identified by the pro-government media outlets themselves or public opinion polls. Present research cannot undertake the analysis of the intended or the actual audiences of the news articles published by the pro-government media. However, in the analysis of strategic maneuvering, the aspect of audience demand can be inferred from the argumentative characteristics of the articles – those characteristics with which the audience could be reached according to the authors.

In the articles characterized by the engaged argumentative style, authors regularly use the plural first-person personal and possessive pronouns. 'We' refers to the whole population of Hungary fighting the coronavirus or the community between the author and the readers who reach the article's conclusion together: "Miklós Hargitay [a non-government journalist] opened our eyes on Saturday."⁴ The author supposes that the readers are unfamiliar with something published in the non-government media: "I decided to share the news articles from the opposition media with you, so that you can also see."⁴ There is a sudden distancing from 'we' when it comes to the victims of the non-

¹² Az ellenzéki média pánikot akar kelteni a koronavírus miatt, aki pedig ezt szóná teszi, azt megpróbálják megalázni. *origo.hu*, March 1, 2020. <https://www.origo.hu/itthon/20200229-hisztéria-panik-balliberalis-media.html>

governmental media's scaremongering – “if they are led to believe that nothing works, everything is faulty, that the decision-makers and authorities are not on top of the situation, they might not only panic”,⁵ “the opposition media spreading scary rumours is making many people unstable.”⁹

In the article representing the detached argumentative style,¹¹ the pronoun ‘we’ refers to the standpoint of the author and the organization he is working for: “we believe that this is not only about morally questionable clickbait or political profit-making.” This article also mentions the increasing anxiety “in the Hungarian population” and the protection of “Hungarian people,” as well as abstract concepts such as freedom and law.

6. THE ASPECT OF PRESENTATIONAL DEVICES

The analysis of presentational devices includes stylistic and structural characteristics, such as choice of expression, mode of argumentation (verbal, visual, multimodal), the venue at which the arguments are made (Fahnestock, 2009; Zarefsky, 2009). In the following, I will focus on how the pro-government media refer to the non-government media because this can be connected to the topical choice of associating them with fake news sites as well as dissociating them from traditional media.

The pro-government media articles characterized by the engaged argumentative style only call non-government media as opposition media or independent in quotation marks: “the opposition media chorus who thinks of themselves as independent objective,”⁸ “objective-independent-progressive (synonyms of leftist-liberal) media”.⁹ These expressions can be taken as justification for political subordination, much like the following: “party press of Gyurcsány [former Prime Minister, now opposition politician]”,¹² “party press of DK [party of Gyurcsány]”,¹² “the amendment of the Criminal Code is not supported by the opposition while their servants in the press are whining like a dog scared of reprimand and messing under the table.”⁹ Other expressions are put between quotation marks as well: “journalist”⁵ and “expert”⁴ with which non-government journalists are discredited. Similarly, the following expressions are employed to degrade them: “trash media,”⁷ “cunning grabbers,”⁵ “crooks.”⁷ Non-government media are being compared to fake news sites as such: “the leading fake news sewer of the opposition,”⁶ “peddlers of scaremongering.”⁶

An important stylistic characteristic of audience demand is irony. In an argumentative and rhetorical sense, irony serves to build a connection between the rhetor and their audience. Irony is a sign of shared knowledge and a confidential relationship between the author and the readers (Booth, 1974; Kaufer, 1977; Perelman & Olbrechts-Tyteca, 1958). It can be argued that the authors of the news articles would not employ irony if they did not presume that the intended meaning could be inferred by the audience, like in the following instances: “the excellent thinking of Comrade Hargitay [a non-government journalist] fascinated me as well”,⁴ “how interesting it is that the opposition media chorus who thinks of themselves as independent objective has instantly taken the amendment up on themselves.”⁸

In the article representing the detached argumentative style,¹¹ the most important presentational device is the matter-of-fact technical language. Since the author of this article is a legal expert, the legal jargon is present: “in addition to the need to preserve one's

own authority (interior aspect), it is also necessary to speak briefly about the effectiveness of the external, primarily EU, institutional environment (exteriority).” The author refers to the non-government media in a markedly different way than in the articles characterized by the engaged argumentative style. He mentions “*certain online media*”, and when he quotes the titles of some articles, he refers to the media outlets as “*one of the popular online news media.*”

7. CONCLUSION

*“For the record, we don’t make up fake news. Moreover, we sometimes soften harsh reports because this is a time of emergency. We are fully aware of our responsibilities, and we report on reality by following the most serious rules of journalism”*¹³ – this was stated by one of the most prominent and widely read non-government online news media sites, as a response to the allegations brought up by the pro-government media.

News media with different political attitudes attacking each other is not unusual, but due to the amendment of the Criminal Code, the attacks took a turn for the worse. Actual fake news spread with an astonishing speed on social media platforms, thus it is undoubtedly important to combat the dissemination of fake and scaremongering news. However, the delegitimization attempts of the non-government media by the pro-government media could be seen as a political action, rather than a helpful warning to the people. Similarly, the amendment of scaremongering in the Criminal Code could be viewed as a “*political bludgeon*”¹⁴, rather than the attempt at sanctioning false rumours.

In my research, I carried out the analysis of argumentative style in the news articles published in the pro-government media, written about the scaremongering communication of the non-government media. Most news articles showed the characteristics of the engaged argumentative style, while only one article could be characterized by the detached argumentative style. The non-government media were associated with fake news sites and were dissociated from traditional media. This was justified by the allegation that non-government journalists create panic and spread scary rumours with the goal of getting more clicks and serving the political opposition. Concerning the strategic maneuvering identified in the news articles, the topical choice was reinforced with presentational devices, thus they could fulfil audience demand.

Based on the empirical analysis, two important conclusions can be drawn. First, media products can simultaneously serve multiple functions, but these functions distinctly come to the forefront in each article, e.g., providing information gets subsumed under the support for the government. Second, articles written in either argumentative style could inform people about events, build a community, create consensus as well as delegitimize certain actors. However, the dominance of articles showing the characteristic of the engaged argumentative style leads me to conclude that the authors of those articles believed that the engaged argumentative style could have a bigger potential.

The limitation of this research pertains to the small number of articles analysed, thus results may vary for another topic or period. A large-scale analysis could also shed

¹³ Magyari, P. Felelősségünk tudatában. *444.hu*, March 20, 2020. <https://444.hu/2020/03/20/felelossegunk-tudataban>

¹⁴ Urbán, Á. Az álhír az új Soros? *Mérték Médiaelemző Műhely*. June 4, 2020. <https://mertek.eu/2020/06/04/az-alhir-az-uj-soros/>

light on the potential connection between the media system and the argumentative style of journalists. However, some argue that this type of engagement and emotional involvement is becoming prominent in journalistic reporting and there is an “increased variety of valid news styles” (Peters 2011, p. 301). Lastly, one potential long-term influence of the consumption of politicized media is worth noting, and that is the loss of trust for the media by the consumers (Guess et al., 2020).

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Rhetorical Questions as Argumentative Devices in U.S. Supreme Court Dissenting Opinions

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ABSTRACT: This paper analyzes rhetorical questions as argumentative devices in U.S. Supreme Court dissenting opinions from the October 2021 Term Year. The author creates a taxonomy based on question function. The author also notes that most guides to legal writing caution attorneys to avoid rhetorical questions in briefs, and this paper therefore examines why U.S. Justices, when arguing in dissent, frequently use a rhetorical device that is generally disparaged by legal writing experts.

KEYWORDS: argumentative devices, argumentative style, dissenting opinions, legal argumentation, rhetorical questions

1. INTRODUCTION

A rhetorical question, or *erotema*, is “a declarative statement posing as an interrogatory.” (Black, 1992, p. 2). It “requires no answer other than the audience’s agreement with the statement implied.” (Fahnestock, 2011, p. 298) The context of a rhetorical question allows its audience to intuit an intended answer, and rhetorical questions thus make their points “obliquely rather than directly.” (Smith, 2002, p. 248)

In the legal context, rhetorical questions have long been studied as argumentative devices in oral courtroom advocacy. (Teninbaum, 2011, pp. 485-519; Clason, 2010, pp. 89-93; Zillman & Cantor, 1974, pp. 228-36; Zillman, 1972, pp. 159-65) Yet similar studies in the context of written legal advocacy seem nonexistent. This gap may stem from the fact that legal writing experts in the United States have long disparaged, or at least discouraged, the use of rhetorical questions in written legal advocacy. For example, Diana Simon has explained that in her 25 years of teaching legal writing, she has “often told students who try to use rhetorical questions in a brief that ‘you might not like the answer to your question’” and that “a declarative statement is a more concise and effective way to state a point.” (Simon, 2021, p. 73) Two other legal writing professors have noted that in legal briefs, rhetorical questions “tend to fall flat” and can come across as “contrived and even manipulative.” (Fordyce-Ruff & Dykstra, 2018, p. 51) A well-respected legal writing textbook puts it bluntly: “Avoid rhetorical questions” because they “usually irritate legal readers.” (Ray & Ramsfield, 2018, p. 467) Even those who tolerate the use of rhetorical questions in written legal arguments tend to discourage their frequent inclusion. Bryan Garner, in the leading guide to legal usage, notes that rhetorical questions “quickly become tiresome if overused.” (Garner, 1995, p. 771) Similarly, legal writing textbook author Michael Smith cautions law students and attorneys to use rhetorical questions, if at all, “with care” because “[a] legal advocate’s job is to answer questions, not pose them.” (Smith, 2002, p. 249)

Despite these cautionary words from experts, rhetorical questions do find their way into what some might consider the highest form of written legal argumentation in the United States: dissenting opinions authored by Supreme Court Justices. A dissenting opinion is, in fact, an argument. While a majority opinion of an apex court must, in some sense, persuade the public to maintain the court's legitimacy, a dissenting opinion actively argues to a future court "in the hope that the court will mend the error of its ways in a later case." (Brennan, 1986, p. 430) Indeed, a dissent may even successfully argue to a court in the present, as the Justices circulate their preliminary opinions among each other in draft form. Justice Ruth Bader Ginsburg once noted that occasionally "a dissent will be so persuasive that it attracts the votes necessary to become the opinion of the Court" and that she once had the "heady experience" of writing a draft dissent for herself and one other Justice that eventually "became the opinion of the Court from which only three of [her] colleagues dissented." (Ginsburg, 2010, p. 4) Thus, to author a dissent is an inherently argumentative act. And, like all argumentative writers, authors of dissents "embed rhetorical, analytical, and writing choices" in their opinions in an attempt to persuade. (Keene, 2023, p. 2648)

The study reported in this paper seeks to uncover precisely how, and how frequently, the Justices of the 2021-22 United States Supreme Court chose to use rhetorical questions as argumentative devices in their dissenting opinions. After reporting quantitative data, this paper describes the author's functional taxonomy of these questions and then discusses why rhetorical questions appear so often in dissenting opinions, despite their disparagement by so many legal writing experts.

2. METHODOLOGY

To assess rhetorical question usage, I surveyed in early 2023 all the cases from the October 2021 Term of the United States Supreme Court, the most recently completed term. United States Supreme Court terms run from October to the following October, so the October 2021 Term ended in October 2022. I gathered all the Court's opinions from this term from the Court's official website at www.supremecourt.gov/opinions/slipopinion/21.

I then looked at each case to determine whether one or more dissenting opinions had been published in relation to it. For this purpose, I decided to count as dissenting opinions those in which a Justice concurred in part and dissented in part with the majority. I chose to be inclusive in this way because such opinions, insofar as they argue in part against the majority's decision, would likely feature the same rhetorical characteristics as a full dissent. I did not count any other type of opinions, such as majority opinions or full concurrences, as dissents.

Within my dataset of Supreme Court cases that included dissenting opinions, I then determined which dissenting opinions contained one or more "argumentative" rhetorical questions (ARQs). I defined an ARQ as an explicit question (i.e., punctuated with a question mark) that furthers the persuasive force of the dissenting argument. The dissenting author may or may not have followed the ARQ with an explicit response, but, in either case, the reader must have been able to know or anticipate the author's intended response to the question.

I specifically did *not* count as ARQs several categories of explicit questions. First, I did not count the actual legal question presented by the litigants to the Court. Second, I did not count what legal writing textbook author Michael Smith has called “transitional rhetorical questions,” which are those that a writer uses “simply to set up an ensuing discussion.” (Smith, 2002, p. 247) These questions are used merely as organizational device to introduce the dissenting author’s own thoughts. An example of a merely transitional rhetorical question comes from Justice Stephen Breyer’s dissent in *Cummings*

v. Premier Rehab Keller, where Justice Breyer finishes Part II of his dissent with a list of contract claims supporting emotional distress damages and begins Part III by writing “Does breach of a promise not to discriminate fall into this category? I should think so,” before explaining his reasons for that answer in the remainder of Part III. (slip op. at p. 6 of Breyer’s dissent) Third, I did not count as ARQs any genuine hypothetical questions springing from the majority’s decision. In common law nations such as the United States, jurists frequently reason by analogy and use hypothetical, often specifically detailed, sets of facts to consider the likely boundaries of a given legal rule. This practice of hypothesizing is one more of reasoning than of direct argumentation, at least when the hypothetical question is genuine—that is, when the poser of the question has no particular response to it in mind. Thus, I decided that genuine hypothetical questions were not ARQs.

With the above parameters in mind, I then counted the number of ARQs in every dissenting opinion and divided that total by the total number of dissents to reach an average-ARQ-per-dissent figure. I also calculated an average-ARQ-per-dissent figure for each Justice.

Next, having determined which dissenting opinions from which cases contained at least one ARQ, I set about studying those cases so as to fully understand the legal issues about which the opinion-authors were writing. This studying entailed reading the majority opinions and any additional opinions (such as concurrences or additional but non-ARQ-containing dissents) along with the ARQ-containing dissent in each case. It also entailed, when necessary, familiarizing myself with additional legal authorities, such as the statute or regulation being interpreted in a given case, or precedential opinions cited in a given case, or secondary sources that explained unfamiliar areas of law. These efforts enabled me to appreciate the legal context of each dissenting argument and better understand the specific function of each ARQ.

As a final step, I sorted all the ARQs into functional categories to develop a taxonomy of ARQ usage, and I totalled the number of ARQs in each category to determine the most and least common purposes for which the Justices were using ARQs.

3. RESULTS AND DISCUSSION

3.1 Frequency of ARQ usage

The Supreme Court issued decisions in 66 cases in the October 2021 Term, and 42 of those cases generated at least one dissenting opinion. (Recall that “dissenting opinion” here includes an opinion dissenting in part.). More specifically, those 42 cases generated 51 such opinions. The number of dissenting opinions exceeds the number of cases because

Justices who differ with the majority’s decision for differing reasons may choose to write their own, separate, dissents within the same case.

As for ARQs, 25 of the 51 dissenting opinions, or 49.02%, contained at least one ARQ. The average number of ARQs per dissenting opinion was 1.667, as shown in Table 1 below. Thus, almost half of the dissenting opinions featured one or more ARQs, with an average of more than one per opinion.

<i>Cases with dissents in 2021 Term</i>	<i>No. of dissents</i>	<i>Dissents with ARQs</i>	<i>Avg. no. of ARQs per dissent</i>
42 of 66	51	25 (49.02%)	1.667

Table 1: Frequency of ARQ inclusion in dissenting opinions

Further, only one Justice, Clarence Thomas, did not author any dissenting opinions in the October 2021 Term. The other eight Justices all used ARQs at least occasionally in their dissents. Among the eight, the average number of ARQs per dissenting opinion ranged from 0.5 (Roberts and Barrett) to 5.557 (Kagan) as shown in Table 2 below.

<i>Justice</i>	<i>Total ARQs in 2021 Term</i>	<i>Avg. ARQs per dissenting opinion in 2021 Term</i>
Alito	4	1
Barrett	1	0.5
Breyer	40	5
Gorsuch	17	2.125
Kagan	39	5.57
Kavanaugh	2	1
Roberts	1	0.5
Sotomayor	26	2.167
Thomas	0	0

Table 2: Frequency of ARQ use by dissenting Justice

3.2 Functional Taxonomy of ARQs

The ARQs included in the dataset of dissenting opinions tended to sort themselves into several functional categories, which I developed into the following taxonomy of six types.

3.2.1 The Directly Challenging ARQ

The first and most common type is the Directly Challenging ARQ. A dissenting author deploys this type of ARQ by first reciting some part of the majority’s reasoning and then immediately inserting an ARQ to comment negatively upon it. The implied answer to a Directly Challenging ARQ is almost always in the negative.

An ARQ from Justice Brett Kavanaugh’s dissent in *Concepcion v. U.S.* exemplifies this type. The issue in that case stemmed from historic unequal sentencing as between defendants convicted of crimes involving crack cocaine on the one hand and defendants convicted of crimes involving standard cocaine on the other. The former group were much

more likely to be people of color, and the law prior to 2010 called for longer sentences for crack-related crimes than for crimes involving standard cocaine. The Fair Sentencing Act of 2010 remedied the situation by mandating equivalent sentencing from that point onward, but it did not address the situation of people who had previously been sentenced unequally and were already serving longer prison terms. A subsequent statute, the First Step Act of 2018, addressed that situation by allowing courts to reduce the sentences of prisoners sentenced before 2010, and to do so “as if” the Fair Sentencing Act had been in effect when the prisoners had committed their offenses. Mr. Concepcion had been sentenced prior to 2010 for crack-related crimes committed in 2007, and he sought a sentence reduction under the First Step Act. Complicating his request was his argument that the court, in deciding whether and how to resentence him, should consider evidence of his rehabilitation while in prison as well as 2016 changes to general sentencing guidelines that favored him.

The five-Justice *Concepcion* majority decided in his favor, holding that in deciding whether and how to modify a pre-2010 sentence under the First Step Act, a judge may consider facts and law that did not exist at the time of the prisoner’s original offense. Justice Sonia Sotomayor’s majority opinion emphasized the breadth of discretion that the statute had always afforded to judges in matters of sentencing. Justice Kavanaugh authored a dissent that three of his colleagues joined. In it, he summarized the majority’s reasoning but then noted a distinction between original sentencing proceedings, in which judges have indeed had broad discretion to consider facts and law, and specialized sentence- modification proceedings under the First Step Act, in which, Kavanaugh argued, judges were required by the “as if” language to consider only the facts and the sentencing guidelines as they stood at the time of the prisoner’s offense. Kavanaugh then explained how the majority’s holding would play out:

[A] crack-cocaine offender such as Concepcion who was sentenced before August 3, 2010, may now obtain the benefit of the non-retroactive 2016 change to the [sentencing] guideline. But a crack-cocaine offender who was sentenced from August 3, 2010, to July 31, 2016, will not be able to obtain the benefit of the non-retroactive 2016 change to the [sentencing] guideline. What sense does that make?

(slip op. at pp. 3-4 of Kavanaugh’s dissent) Of course, the implied answer is that the majority’s holding makes no sense at all. Indeed, the Directly Challenging ARQ is a particularly pointed type. Its undercurrent seems to say, “The majority’s logic is seriously flawed.”

3.2.2 *The Gap-Identifying ARQ*

As its label suggests, the Gap-Identifying ARQ, which is usually phrased as a “why” or “what” question, addresses what the dissenter perceives as a specific gap in the majority’s reasoning. An example comes from Justice Stephen Breyer’s dissent in *Shoop v. Twyford*. That case concerned a lower court’s order granting an Ohio prisoner’s request that the State of Ohio transport the prisoner to a hospital for medical testing. The prisoner had requested the testing because he hoped it would reveal that he had suffered from a neurological defect when he committed the violent crimes of which he had been convicted. If brain testing were to show such a defect, that test result, if admissible, could support the prisoner’s request for habeas relief. The State of Ohio appealed the transport order, arguing that the

federal district court had no authority under the All Writs Act to issue an order for the purpose of allowing a prisoner to search for evidence when the prisoner has failed to show that such evidence would be admissible in connection with his claim for relief. A five-Justice majority held that the order had been properly appealed by the State of Ohio and that the district court had lacked authority under the All Writs Act to issue the transportation order.

Justice Breyer authored a dissenting opinion in which he argued that the nature of the transportation order prevented it from being immediately appealable in the first place. Ordinarily, appellate courts may hear appeals only from final orders—that is, from orders that terminate litigation at the lower-court level. A party subject to a non-final order must normally wait until the litigation terminates at the lower-court level before filing an appeal to challenge that order. Thus, the many discovery-related orders that district courts issue as the parties invoke the discovery process to gather evidence are not immediately appealable. Justice Breyer likened the transportation order in *Shoop* to a non-appealable discovery order. In doing so, he questioned the majority’s grounds for distinguishing the two:

The Court suggests that the transportation order here is not a mere discovery order because it “require[es] a State to take a convicted felon outside a prison’s walls.” [citation omitted] The Court says doing so “creates public safety risks and burdens on the State that cannot be remedied after final judgment.” [citation omitted] But what exactly are those risks?

(slip op. at pp. 5-6 of Breyer’s dissent) Like many Gap-Identifying ARQs, Breyer’s starts with a “But,” which tends to emphasize the sudden appearance of a stumbling block in the majority’s logic. The ARQ thus emphasizes that the majority has indeed failed to identify any specific “public safety risks” at all.

3.2.3 *The Dramatically Introducing ARQ*

A dissenting author uses this type of ARQ to introduce his or her recitation of the majority’s reasoning, but the ARQ is not merely transitional. Instead, it criticizes the reasoning it introduces. A good example comes from another Breyer dissent, this one from *New York State Rifle and Pistol Association v. Bruen*, in which the majority held unconstitutional a statutory requirement that an individual show “proper cause” before being permitted to obtain a license allowing him or her to carry a concealed firearm outside the home. The first sentence of Part III.A of Justice Breyer’s dissent begins with the following ARQ:

How does the Court justify striking down New York’s law without first considering how it actually works on the ground and what purpose it serves?

(slip. op. at p. of Breyer’s dissent) Of course, this is a loaded question and not just a segue. The implied answer is that the Court cannot justify doing so.

3.2.4 *The Analogizing ARQ*

The dissenting author deploys the Analogizing ARQ by hypothesizing a scenario that is arguably analogous to the case before the Court. The author then poses an issue-question

about the scenario that has a more obvious answer than does the actual question presented to the Court for decision.

Justice Brett Kavanaugh posed an Analogizing ARQ in *Becerra v. Empire Health Foundation*. That case concerned the interpretation of a statute governing adjustments of reimbursements from Medicare to hospitals that treat disproportionate numbers of low-income patients. At issue, in part, was whether patients who qualified for Medicare but whose actual hospital expenses were not paid by Medicare counted as being “entitled to” Medicare Part A benefits for purposes of the statute. While the Court’s syllabus used over 250 words to describe the highly technical issue, Justice Kavanaugh’s dissenting opinion posed what he viewed as an analogous question in under sixty words and answered it in three:

Suppose that a college says that your academic record entitles you to a scholarship for next year if your family’s income is under \$60,000, unless you have received another scholarship. And suppose that your family’s income is under \$60,000, but you have received another scholarship. Are you still entitled to the first scholarship? Of course not. So too here.

(slip op. at p. 3 of Kavanaugh’s dissent) The Analogizing ARQ thus likens the majority’s decision on the actual issue to a simple, obvious error.

3.2.5 *The Impracticality-Identifying ARQ*

This type of ARQ normally begins with “how” and emphasizes the dissenter’s argument that the majority’s decision is unworkable in practice. In common-law jurisdictions such as the United States, appellate court decisions create precedential rules that lower courts must follow. A frequent argument an attorney may raise on appeal, therefore, is that the opponent’s proposed outcome would create an unworkable or inequitable rule going forward.

While rare in the dataset, the Impracticality-Identifying ARQ did make two appearances, both in Justice Sonia Sotomayor’s dissent in *Kennedy v. Bremerton School District*. That widely publicized case pitted the constitutional mandate that the government not impose religion on citizens (the Establishment Clause of the U.S. Constitution) against an individual’s constitutional rights to speak freely and to practice his or her chosen religion freely (the Free Speech and Free Exercise Clauses of the U.S. Constitution).

Kennedy arose from the activity of a coach of American football in a public high school. The coach, a Christian, had a practice of situating himself in the middle of the football field at the conclusion of each game and inviting others, including the student players, to join him in Christian prayer. Typically, most of the players would kneel around him, although some later stated, according to their parents, that they did so only because they did not wish to be separated from their teammates.

After being warned by the public school district that this practice violated the Establishment Clause and being instructed to cease engaging in it, the coach continued his midfield postgame prayer three more times, but without expressly inviting others to join him on those three occasions. As they had on the prior occasions, a group of students knelt around him and joined in the prayer. The school district then suspended the coach, who sued the district, arguing that the invitation-free prayers had not violated the

Establishment Clause but that his suspension had in fact violated his own free speech and free exercise rights.

The majority held in favor of the coach, and its opinion focused only on the last three occasions of prayer, which had occurred after the warning and had served as the basis of the coach's suspension. In holding that the invitation-free prayers had not violated the Establishment Clause, the majority expressly abandoned precedent holding that a government actor's endorsement of a particular religion represented a violation. In dissent, Justice Sotomayor noted that the final three occasions of prayer could not be divorced from the context of the prior occasions, which had led players to view every occasion as part of a coach-led prayer circle that the coach wished them to join. She also took issue with the majority's replacement of the endorsement test for Establishment Clause violations with an ill-defined test based in eighteenth-century history and tradition:

For now, it suffices to say that the Court's history-and-tradition test offers essentially no guidance for school administrators. If even judges and Justices, with full adversarial briefing and argument tailored to precise legal issues, regularly disagree (and err) in their amateur efforts at history, how are school administrators, faculty, and staff supposed to adapt? How will school administrators exercise their responsibilities to manage school curriculum and events when the Court appears to elevate individuals' rights to religious exercise above all else?

(slip op. at p. 30 of Sotomayor's dissent). Here, the ARQs emphasize that the majority opinion not only applies to the coach's dispute with the school district but also will apply to future, factually nuanced, scenarios that school administrators will need to resolve on the fly within increasingly vague legal parameters.

3.2.6 *The Implicitly Ad-Hominem ARQ*

Usage of this type of ARQ was confined to one case, *Dobbs v. Jackson Women's Health Organization*, which received unprecedented public attention and abolished the federal constitutional right to receive an abortion. Indeed, this type of ARQ may well prove to be unique not just to *Dobbs* but to the Court's 2021 Term, if and when other terms are similarly studied.

The sharp split among the Justices in *Dobbs* resulted in a majority opinion by Justice Samuel Alito in which four other Justices joined, a concurring opinion by Chief Justice John Roberts, and a rare three-author dissenting opinion by Justices Stephen Breyer, Sonia Sotomayor, and Elena Kagan. The five-Justice majority overruled *Roe v. Wade*, the 1973 Supreme Court case that recognized a limited right to receive an abortion based in the Fourteenth Amendment to the U.S. Constitution, and *Planned Parenthood v. Casey*, the 1992 Supreme Court case that upheld *Roe*. The majority opinion in *Dobbs* noted that while the requirements for the Court to overrule its own precedent are stringent and such decisions are rare, the Court had done so before.

The dissenters noted that prior cases in which the Court had overruled itself had involved specific, legally sound, reasons for reversal that had resulted in unanimous, or near-unanimous decisions, unlike *Dobbs*. The dissent quoted from the *Casey* plurality opinion, which had been jointly authored in 1992 by Justices Sandra Day O'Connor, Anthony Kennedy, and David Souter. The quotation explained that to overrule *Roe* based upon nothing more than an intervening change in the Court's membership would do

“lasting injury to this Court and the system of law which it is our abiding mission to serve.”
 (slip op. at p. 60 of Breyer-Sotomayor-Kagan dissent, quoting *Planned Parenthood v. Casey*, 505 U.S. 833, 864) The *Dobbs* dissenting opinion then continued, stating that

[t]he Justices who wrote those words—O’Connor, Kennedy, and Souter—they were judges of wisdom. They would not have won any contests for the kind of ideological purity some court watchers want Justices to deliver. But if there were awards for Justices who left this Court better than they found it? And who for that reason left this country better? And the rule of law stronger? Sign those Justices up.

(slip op. at p. 60 of Breyer-Sotomayor-Kagan dissent) The above ARQs draw an implicit contrast between the five Justices who joined in the *Dobbs* majority opinion on the one hand and Justices O’Connor, Kennedy, and Souter on the other. The implicit message is that the members of the *Dobbs* majority are not judges of wisdom but instead are judges of ideological purity who are harming the Court, the country, and the rule of law.

3.2.7 Frequency of ARQ Usage by Functional Type

The first three types of ARQs above far outnumbered the three remaining types, as Table 3 below illustrates.

<i>Functional Category</i>	<i>Number of appearances in dataset</i>
Directly Challenging	37
Gap-Identifying	21
Dramatically Introducing	17
Analogizing	4
Implicitly Ad-Hominem	3
Impracticality-Identifying	2

Table 3: Frequency of ARQ usage by functional category

4. SPECULATION ON THE FREQUENT DEPLOYMENT OF A DISPARAGED DEVICE

Two reasons may account for the dissenting Justices’ use of ARQs, despite the warnings from experts in legal writing. First, the writer-audience relation inherent in a dissenting opinion differs from the one inherent in an attorney’s brief. An attorney writes a brief hoping to persuade a judge, who holds the power in this dynamic. The attorney thus has inferior status in relation to the judge. On the other hand, a dissenting Justice writes to the public and to future Supreme Courts, whom the Justice likely views as equals. A recent study of rhetorical questions found that their use was rarer when a person with inferior status addressed a superior. The study author noted that because such questions impose a viewpoint on the audience, they may seem “inappropriate, if not disrespectful” when posed by an inferior. (Spago, 2020, p. 79) This difference may mean that the legal writing experts’ cautions regarding rhetorical questions represent sound advice for attorneys writing briefs but are irrelevant for Justices writing dissenting opinions.

Second, the norms governing written legal rhetoric may simply be changing. Indeed, legal writing expert Ross Guberman has recently noted that he has “done an about-face” from his original view that the use of rhetorical questions in legal writing were “pompous, if not offensive,” and now believes that careful advocates can use them “to great effect.” (Guberman, 2011, p. 191) While most attorneys may worry about the consequences of striking out in a new rhetorical direction that may irritate some readers, the Justices risk less in doing so and may simply represent a vanguard.

5. CONCLUSION

This study has revealed that the 2021-22 United States Supreme Court Justices deployed rhetorical questions as argumentative devices with a surprising frequency, given that legal writing experts have generally disparaged the use of such questions in written legal argumentation. Each of the eight Justices who authored dissents in the October 2021 Term used argumentative rhetorical questions (ARQs) at least occasionally, and the average dissent contained 1.667 such questions.

These argumentative rhetorical questions were used most often to directly challenge the logical coherence of the majority’s reasoning. Other uses included identifying specific gaps in that reasoning, analogizing the majority’s decision to a simple and obvious error, and noting the impracticality of the majority’s holding.

Two reasons may account for the dissenting Justice’s use of ARQs, despite the cautions of experts in legal writing. First, the rhetorical situations of judicial opinions and of briefs may differ in a way that makes the expert advice sound for attorneys but irrelevant for judges. Second, the norms for both genres may simply be changing, and the Justices, whose positions leave them less vulnerable to negative consequences from ARQ usage, are simply at the vanguard of a trend.

Future research ideally could include one or more similar studies of ARQ frequency in Justices’ dissenting opinions from prior terms, perhaps from 20 or 30 or 50 years earlier, to determine whether the use of ARQs has increased over time. Such studies could also trace whether, or how, the specific functions of ARQs in dissenting opinions have changed over time.

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Arguments as Propositions that are a Kind of Act?

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ABSTRACT: Recent work on the nature of propositions has revived early 20th-century attempts to explain propositions in terms of acts. Hence, even if arguments are composed of propositions, if the propositions are in turn ultimately a kind of act, then arguments will be composed of acts. I shall argue however that such act accounts of propositions cannot support the current act-type theories of arguments and also offer challenges to act-based accounts of propositions.

KEYWORDS: abstract objects, act-type, argument, predication, proposition

1. INTRODUCTION

The three standard options for the constituents of arguments are propositions, acts, or linguistic or representational entities such as sentences or certain kinds of images. Most theorists hold, or at least implicitly act as if they hold, that arguments are repeatable. I can repeat Anselm's Ontological argument, say, by writing an expression of it on the board, and it still be Anselm's argument and not some new argument just created. But unlike propositions, acts and expressions, properly understood, are not repeatable. Hence, we apparently have a very simple argument that arguments are composed of propositions.

But, in fact, all that repeatability gets us is that arguments are some sort of object that can have multiple instances in time and space. So, while act-tokens or expression-tokens are neither abstract nor repeatable, act-types and expression-types are. Hence, we are back, very close, to where we started—the options for the constituents of arguments are propositions, act-types, or expression-types.

Given that all the options are abstract objects, part of me is tempted to just take the win on the following claims for which I have been arguing for years—whatever arguments are, they are abstract objects. Hence, we must be careful to distinguish the thing (the abstract object that is an argument) from any particular expression of it—the literal words on the page or the particular act that is, at a particular time and place, the arguing or the presenting of that thing. But I'm a philosopher, constitutionally compelled to find the truth, or understanding, or knowledge, or wisdom—whatever one takes to be the ultimate object of philosophy, and so I want to know *which* kind of abstract object arguments are.

Fine. In typical philosophical fashion, I'll start with what arguments are not. Arguments are not expression-types. Argument 1: Linguistic expressions are expressions in a particular language. If all the expression-tokens are expressions in a particular language, then the expression-type is also within a particular language. Arguments are translatable across languages, i.e., the same argument can be expressed in different languages. Hence, arguments are not expression-types. Argument 2: Even within a single

language, what argument is being expressed can depend on context in a way that is not true of expression-types. Different tokens of the expression:

(A) He just about scored a goal, so we can still win,

will express different arguments when uttered or written in the United States as opposed to the United Kingdom. But those tokens are of the same expression-type. Hence, arguments are not expression-types.

What of act-types? In earlier work, (2018, 2015), I have suggested, though never fully argued, that the relevant act-types are going to be expressed in terms of the content, i.e., being an uttering or presenting or whatever of a particular content, i.e., the propositions. But if the contents, the propositions, are doing all the work of delineating the relevant act-types, then we ought to just define the arguments in terms of the propositions. I am yet again not going to fill out this suggestion. Instead, I will explore a strategy that act-type theorists might adopt to attempt an end run around my suggestion that propositions are doing all the work.

Suppose you accept my suggestion that even for act-type theorists, propositions are doing all the work. Hence, we have made significant progress—the constituents of arguments are propositions. (Brief victory dance.) Unfortunately, the philosopher’s compulsion quickly kicks in again—so, what are propositions? And that is a hundred fifty plus year quagmire that I have been deliberately avoiding. As long as I can have some version of the standard notion that propositions are mind-independent abstract objects, then I can say what I want to say within argumentation theory. For example, such propositions, but not acts or expressions or expression-types, satisfy the following, uncontroversial claims about arguments and their constituents:

1. Arguments are repeatable.
 - 1a. The constituents of arguments are repeatable.
2. The same argument can be given in different languages.
 - 2a. The constituents of an argument can be given in different languages.
3. The same argument can be given in different ways within one language.
 - 3a. The constituents of an argument can be given in different ways within one language.
4. Arguments can have properties such as all the premises being true or the premises necessitating the conclusion, etc.
 - 4a. The constituents of arguments can, either singly or together, have properties such as ‘is true’, ‘is false’ ‘is necessary’, ‘is possible’ etc.

It turns out, however, that there is a non-standard view of propositions, one discussed around the same time as Frege’s and Russell’s views, but which resisted Bolzano’s sharp distinction between acts and contents, (Moltmann & Textor, 2017, p. vii), that might also satisfy these claims. At the time the view did not get much traction, but it has seen a more recent revival, viz. the view that propositions themselves are best construed as a type of act. Perhaps the act-type theorists will get the last laugh after all and I will have to retract my victory dance. The rest of this paper will be mostly devoted to presenting such a theory of propositions and discussing its ramifications for argumentation theory. Before

I do that however, I shall briefly discuss one act-based conception of propositions and discuss why it will not work.

2. ACT-TYPE VIEWS OF PROPOSITIONS

Kazimierz Twardowski, lecturing in the early 1900s, held that propositions are the products of acts of judging, asserting, etc., and last only as long as the acts themselves. (Twardowski, 1912/1999/2017, p. 90) Perhaps someone attracted to the view that arguments are the product of arguing would be similarly attracted to the view that the argument's constituents are themselves the products of acts such as judging, asserting, etc. Unfortunately, independently of repeatability issues for propositions (propositions only last as long as the act, so any new judging of P will produce a new proposition and by extension a new argument), on Twardowski's view there are no propositions that are unknowable or not entertainable, since the propositions themselves don't exist unless produced by some mental act.

Consider the following proposition:

(B) There exists a proposition about a number no thinker will ever consider that it is even.

(B), having been asserted by me, judged by you, etc. clearly exists on Twardowski's view. I maintain that in addition (B) is true. It's being true however requires the existence of a proposition of the form, n is even, which has never been thought of. But on Twardowski's view propositions that have never been thought of are impossible.

I am open to the possibility that (B) is false, but, if it is, it is contingently so—its falsehood depends on the cognitive capabilities of future or potential thinkers, which I am perhaps selling short. Or perhaps it is false because there is a being who is eternally thinking about everything, and so producing all propositions. But our philosophy of language should not by itself be generating an argument for the existence of God. On Twardowski's view, however, the proposition is necessarily false—no appeal to the potential cognitive abilities of thinkers is required—unconsidered propositions just do not exist.

If one grants my argument from (B) to the existence of propositions that no one has ever thought of, then I can add the following item to my list of things I can say about arguments and their constituents.

5a. The constituents of arguments can exist independently of anyone thinking of them.

I leave as an open question whether we should also add,

5. Arguments can exist independently of anyone thinking of them.

I maintain that 5 is also true, but Jeffrey Goodman (2018), for example, accepts 5a, but denies 5. We create arguments by thinking about groups of eternal, mind-independent, propositions in a particular way, Goodman says. Rebutting Goodman's view is a project

for another time, so I will withhold judgement about 5 here. I turn now to other act-type views of propositions.

Edmund Husserl held that propositions are properties, “the universal, the species of a particular feature present in all statements of the same sense.” (Moltmann & Textor, 2017, pp. x-xi) Put another way, propositions are the properties that certain acts (and possible acts) of judging, asserting, etc. all have in common. But other than saying that propositions are the ideal common species of certain acts, Husserl did not specify further what this common property was. If it turns out that the only such common property is something like, *expressing the proposition P*, then the propositions are grounding the property rather than the property constituting the proposition.¹

More recently, Peter Hanks (2017), though he initially talks in terms of propositions as judgements and assertions, quickly defines judgments and assertions in terms of acts of predication. Similarly, Scott Soames claims, “the proposition that Socrates is human is the act of predicating humanity of Socrates.” (2017, p. 184) In other work, Soames holds that the predication need not be intentional, and so though he often talks in terms of cognitive acts, he also talks in terms of cognitive operations and cognitive events. For example, he writes: “the proposition that o is [P] is simply the minimal event type in which an arbitrary agent predicates [P] of o.” (2014, p. 96). Keeping Soames’ tendency to sometimes talk in terms of events or operations in mind, I shall however continue to explicate his theory in terms of acts. (My critical comments will not ultimately depend on this).

Predication act-types are repeatable. When I assert that Socrates is human and you judge that Socrates is human, part of what we do in common, according to Soames, is predicate humanity of Socrates. If I think Socrates is human in English and someone else thinks it in German, we still both predicate humanity of Socrates, so propositions can be given in different languages. Similarly, if I wonder whether Socrates is human and you claim that Plato’s teacher is human. Hence, 1a, 2a, and 3a all come out true on a Soames style cognitive act-type view of propositions.

According to Soames, a proposition, A is true at a world state w iff “whatever (namely o) [A] represents to be a certain way is that way ([P]) [at w]; is false [at w] iff o isn’t [P at w.]” (2014, p. 96) Necessity and entailment can now be defined in standard ways. Hence, Soames’ view makes 4a true. Note that for Soames, a proposition being true at a world state is not the same as a proposition being instantiated at a world state. No agent in a world may ever predicate P of o in that world, but if o is P in that world, then the proposition is still true in that world. This is but the first step in Soames’ account of making 5a come out true. I hold off now on the rest of the account, but see Problem #3 below, merely noting that Soames does want 5a (and I suspect 5) to come out true.

So here we have a non-standard account of propositions as cognitive act-types that looks like it could say what a standard mind-independent abstract object view of propositions can say about arguments. And if it can say all these things and do all the work we want of any theory of propositions, then, since I am already committed to there being act-types, I should, for reasons of ontological parsimony, prefer the act-type view of propositions (and arguments) to the more standard *sui generis* views. Before I explore

¹ For other non-act-based conceptions of propositions as properties see, for example, Jeff Speaks (2014), (properties of everything), David Lewis (1979), (properties of possible worlds), Peter van Inwagen (2004) (0-place properties of nothing.)

whether such a view really can give us what we want, I shall briefly articulate how such a view would fit into the current state of theorizing about the nature of arguments.

3. RELATIONSHIP TO CURRENT ARGUMENTATION THEORY

Typical act or act-type accounts of arguments (and their constituents) appeal to speech acts. David Hitchcock (2021, 2017) has spent considerable effort developing, modifying, and defending such a view. At base, pragma-dialectics is grounded in such a view. But acts of predication are internal mental acts, whereas speech acts are external communicative acts. Hence, a Soames style cognitive act-type account of propositions would not vindicate any extant theory of arguments being composed of act-types. The act-types are just of different kinds.

One view of argument that is at least consistent with a Soames' style view of propositions is Dale Hample's argument₀—argument-as-cognition. But Hample's argument₀ is a much broader notion than merely a certain set of a predication act-types—“these mental processes encompass everything involved in ‘thinking out’ an argument: the perceptual and inferential experience of noticing an argument or the need for one; the memorial processes of storage, retrieval, and reconstruction of pertinent cognitive elements; the information processing which is applied to the argument and its potential parts; the creative energies that generate new arguments or responses to them; and the productive abilities that give form to utterance.” (1985, p. 2). So, at best, the set of act- types of predication instantiated at a particular time by a particular agent would be a subset of the cognitive operations that Hample includes as part of argument₀. (Maybe we could call this subset of predications the illative core of argument₀?)

Despite the fact that no extant theory of arguments constructs them out of cognitive act-types, suppose one were to construct such a theory. Arguments (or perhaps simple arguments) are groups, collections, sets, whatever of propositions one of which is designated the conclusion. (Better: an argument is a set of a set (possibly empty) of propositions and another proposition.) Propositions are themselves cognitive act-types, namely predications of properties (of however many places) of things. So, the crucial questions for such a theory—what is the nature of predication? And can predication support a theory of arguments?

4. PROBLEMS FOR A PREDICATION THEORY OF PROPOSITIONS

Though Soames does take predication to be a primitive in his theory he does say some things about it. For example: “How we see things—the predications we make—is usually automatic, unconscious, and so better described as a kind of cognitive *operation* than as a species of *intentional action*. (2014b, p. 95, emphasis in original). Like Husserl, Soames identifies propositions in terms of what is common to various other acts or events—“all instances of the event types seeing *o* as red and imagining *o* as red—as well as instances of the types judging and asserting that *o* is red—are instances of the event type *cognizing o as red*, a.k.a *predicating redness of o*.”(2014a, p. 228, emphasis in original) But, he argues that this does not commit him to some mysterious act of bare predication out of

which these other acts are composed. “To see *o* as red is to predicate redness of *o* (i.e. to cognize of *o* as red) *in a certain way*, while to visualize *o* as red is to predicate redness of *o* *in a different way*.” (2014a, p. 229, emphasis in original). He also says that to predicate redness of *o* is to represent *o* as being red. (2104b, p. 96) Indeed, I suspect predication is for Soames a fundamental kind of representation that agents perform that grounds non- agential representation.

I conclude with some potential challenges for a cognitive act-type theory of propositions and a theory of arguments grounded in such propositions.

4.1 *Problem #1: Conflict with Ordinary Language*

Even though Soames has provided truth conditions for propositions, viz. a proposition, a cognitive act of representing, is true iff the world is the way the act represents it to be, it still seems odd to say that acts can be true or false. Some would even say it is a category mistake. The oddity goes the other way too. Propositions are act or event types, and since acts and events happen, instances of propositions must happen. For example, an instance of $2+2=4$ is happening right now.

Soames admits that this is a cost of his theory, a cost he initially balked at, but has come to accept. First, he is not claiming that all acts or act-types have truth conditions, merely representational ones. Second, because “our task is theory construction—which in philosophy as well as empirical sciences can, when successful, usher in new, surprising and sometimes counterintuitive truths—ordinary-language style arguments that deny this ...have no .. force against the act view of propositions.”(2014a, p. 240). So yes, it is a surprising counterintuitive truth that some acts can be true or false and that propositions happen, just as it is a surprising counterintuitive truth that we cannot coherently hold all our commonplace beliefs about identity, change, and persistence simultaneously, or that a baseball is a layered lattice of mostly electron wave clouds grounded in, according to at least one current theory, one dimensional vibrating strings. (If you were to bombard the baseball with high energy photons, then some of the electron waves would act like particles and the baseball would seem like mostly empty space—obvious right?)

Regardless, the question remains whether any argumentation theorist is willing to construct a theory committed to holding that certain sorts of acts are true (or false) and that propositions happen.

4.2 *Problem #2: Too Many Propositions*

Different acts of prediction will be different propositions. Consider:

(C) George is not tall.

A when confronted with that sentence does the following—predicates “non-tallness” of George. B does the following: predicates “tallness” of George, and then predicates “not-true” of the resulting proposition. So what exactly is the proposition that is the meaning of “George is not tall”? Soames actually gives *both* of these as possible ways of understanding sentences such as “George is not tall” saying that the former is available to cognitively primitive agents who may not have access to awareness of their own mental doings, i.e.

their own predications. (2014b, p. 98) Soames provides three ways to get “Romeo loves Juliet.” Soames also admits, that for even more complicated cases, he might have to define propositions not solely in terms of acts of predication, but also include operations on acts of predication. (2014b, p. 99) But as the complexity increases the number of ways an agent might “act out” what looks like just one proposition will also increase, and hence so will the actual number of propositions.

But one of the jobs that appeal to propositions is supposed to do is explain how your believing George is not tall and my wondering whether George is not tall and someone else asserting George is not tall in German all involve the *same* thing. But since I do not have access to any of your cognitive acts or operations, I cannot tell at all whether anyone else is in fact engaged in the same sort of act as I am when I judge that George is not tall.

Soames is aware of this problem, though he calls it minor (2014a, p. 238), and suggests a couple of ways he might initially try to solve it. One might admit that there are indeed multiple propositions, but then characterize “attitudes like judging, believing, and asserting in a way that guarantees that an agent who bears them to [any] of the ...propositions bears them to all.” (2014a, p. 238). So now a defender of Soames would have to provide a philosophy of mind that accomplished this task (and keep it consistent with Soames’ view that some agents are not aware of their own cognitive acts of predication, yet still have relations to propositions.)

Alternatively, he suggests we might identify the proposition with the disjunctive act type that is all the ways of generating what we take to be one proposition. (2014a, p. 238). Of course, we may not be able to specify in advance what all these ways are and we cannot specify the unknown ways as ways of generating the same proposition, since we are currently trying to identify the proposition itself. For example, is saying “it is not the case that both not A and (P and not P))” a way I can construct what you construct by saying A? If so, then propositions will have to be infinitary disjunctions of predications and operations on predications and hence most agents will have at best partial access to any proposition whatsoever.

4.3 Problem #3: *Not enough propositions.*

Soames wants a naturalistic account, one ultimately grounded in concrete act tokens. As such, one might worry that he does not have the resources to generate all the propositions that we think there are. Here are the principles Soames provides for the generation of propositions.

(1) If an event type E has instances that exist, then E exists. (2014b, p. 101)

By itself (1) does not get us 5a.

(2) If R is an n-place property for which there have been events in which an agent predicates R of things and (ii) o_1, \dots, o_n are objects for each of which there have been events in which an agent thinks of or refers to it, then there exists a proposition p which is the (minimal) event type of targeting o_1, \dots, o_n and predicating R of them. (2014b, p. 102)

(2) does get us 5a, since even if there is no agent who has ever predicated say R of o, as long as some agent has predicated R of something and some agent has thought of o, then the predication type, predicating R of o, exists.

But one might worry that this is still not enough to get us the propositions that I said existed because of (B). After all, some of the numbers of which it is true that they are even, have never been thought of by any agent. Soames hints at the following to solve this problem:

The answer, I think, is that we have a systematic linguistic means—the numeral system—mastery of which allows us to directly designate each number. Appealing to this systematicity, we may plausibly extend the existence conditions given in [(1) and (2)] to allow for the existence of propositions entertainable by those who have mastered this or related systems. (2014a, p. 232)

In other words, Soames is suggesting some third sort of systematicity condition, which he does not explicitly provide.

Clearly Soames needs to provide more details about the systematicity condition, but at the very least the final formulation of the condition will have to avoid the following worries. First, does a systematic linguistic system really give us access to the properties or the objects, which are what is supposed to be being involved in the predication, or merely names and predicates, i.e. ways of referring to the properties and objects. But if access to a linguistic system of representations of objects and predicates is enough, then isn't the following enough to get me all possible propositions?

(D) I predicate everything (widest possible scope universal) of everything (widest possible scope universal)

Given access to the system of logic and its conventions, is (D) enough to generate the existence of all possible propositions? I suspect not—that just seems too easy. But if not, why not? Why is appealing to the numeral system okay, but, say, 2nd-order logic not okay for generating propositions no one has ever thought of?

Second, assuming logic is not a sufficient system for generating the existence of all possible propositions, it still seems we can point at propositions that are not generated by any of Soames three conditions. Soames himself gives the example of “for each molecule in the universe the proposition that it is a molecule exists and is true.”(2014b, p. 102). His solution to this problem is to accept that for many of these alleged propositions, they in fact, don't exist, but are nevertheless true.

Really??? Non-existent things with properties like ‘being true’!? Soames isn't saying the propositions are merely non-actual or merely possible—they do not exist at all— no instances in any world, no agent in any world thinking of that particular molecule (or else we are back to needing God again), and yet these non-existent propositions have the property of being true. I'd rather be a Platonist than accept non-existent things having properties.

Of course, if Soames did accept that mastery of certain logical systems was indeed enough to generate all possible propositions, then Problem #3 is solved. But if (D) is sufficient to generate all possible propositions, then Soames has a new problem.

4.4 Problem #4: *Way, Way Too Many Propositions?*

Predicating something of something else is an action or operation that agents perform. Are there limits to what predications agents can perform? For example, can I predicate ‘is red’ of the action ‘swims’, to get ‘Swims is red?’ If so, then there is an act-type that is the predicating of red of ‘swims’, and so there is a proposition expressed here. Synesthetes can literally argue about the color of middle C or the taste of triangles. Given that perceptual experience is one of the ways in which agents represent X’s as Y’s, then there are such acts of representing and so such propositions on Soames’ account. What of “The slithy toves did gyre and gimble in the wabe.” Did I just predicate slithy of toves, and then gyring and gimbaling in the wabe of slithy toves? If so, then we have a proposition. Can I predicate non-existence of things with all the puzzles doing so engenders?

If there are limits to what predications can be performed, then what are they. Perhaps Soames’ might try to claim that not all acts of predication instantiate propositions—but if so, how do I tell which predications are and which are not? But if there really are no limits, then (D) captures every single possible predication, and there are significantly more propositions than we thought.

If there are a lot more propositions than we thought, then there are a lot more arguments than we thought as well. Here’s one:

(E) The slivly toves did gyre and swims is red, so Dan is Harvey.

(Note that the ‘is’ in the conclusion is not the is of identity, but rather the predicative ‘is’, i.e., I am predicating Harvey of Dan—read it as something like Dan Harvies.). Even if you think some extra work needs to be done to make a set of a set of propositions and another proposition into an argument, whatever that extra work is, I did it for (E), so (E) is an argument. Even better, (E) is classically valid. It is not possible for the premises to be true and the conclusion false—after all there are no world states in which the premises are true (and so though it is valid it is also necessarily not classically sound.)

If you are willing to accept (E), and all its brethren, as arguments, then problem #4 is not a problem for you. But if you are not, but still want to provide a cognitive act-type account of the constituents of arguments, then an account of what predications actually are possible or what predications actually count as propositions is owed.

5. CONCLUSION

Could propositions themselves be a type of cognitive act or operation? Yes. And if you think, as I do, that arguments are composed of propositions, then arguments could be composed of types of cognitive acts or operations. I have merely pointed out some of the challenges one has to overcome or consequences one must accept to adopt such a theory of propositions and arguments. Whether any argumentation theorist is going to adopt or defend such a theory remains to be seen. In the meantime, I am going to stick with my boring, traditional, abstract mind-independent eternal propositions and arguments.

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Propaganda in Russian Media Coverage of the War in Ukraine

Emotion vs. reason

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ABSTRACT: Generally accepted definitions of propaganda feature a prominent role that emotional appeal plays in making communication propagandistic. This paper is an attempt to explain how Russian propaganda works, and why it is so effective, by looking at media content through the prism of interaction between emotion and reason in Russian media discourse. A logico-pragmatic-stylistic analysis is applied to the coverage of the Ukraine war by the influential Russian daily *Izvestiia*.

KEYWORDS: emotion, emotional appeal, logico-pragmatic-stylistic analysis, media discourse, propaganda, rational appeal, reason, Russian media, speech acts, Ukraine war

1. INTRODUCTION

The purpose of this paper is to examine propaganda in Russian media coverage of the war in Ukraine. The study is aimed at revealing the nature of propaganda as a pervasive use of emotions that supplant rational arguments or obscure their flaws. We believe one can use emotions as a yardstick by which to ‘measure’ propaganda. By looking at media content through the prism of interaction between emotion and reason in media discourse, one can explain how propaganda works and why it is so effective in achieving its goals.

In 1931, American social scientist William W. Biddle published an extensive study of propaganda used during the First World War in the *Journal of Abnormal & Social Psychology*. His paper, “A psychological definition of propaganda,” concluded that “propaganda, as a means of social control, is relying less upon techniques which help the individual to come into intelligent control of his conduct, [and] is relying more on techniques which induce the individual to follow non-rational emotional drives.” (Tattie, 2021) According to Biddle, four main principles that successful propaganda adheres to include: “1) rely on emotions, never argue; 2) cast propaganda into the pattern of ‘we’ versus an ‘enemy’; 3) reach groups as well as individuals; 4) hide the propagandist as much as possible.” (Biddle, 1931, p. 294)

According to Richard Alan Nelson:

Propaganda is neutrally defined as a systematic form of purposeful persuasion that attempts to influence the emotions, attitudes, opinions, and actions of specified target audiences for ideological, political or commercial purposes through the controlled transmission of one-sided messages (which may or may not be factual) via mass and direct media channels. (Nelson, 1996, pp. 232-233)

Rebecca Curnalia offers the following definition:

Propaganda is a series of targeted, systematic messages disseminated through multiple channels for a prolonged period of time that offer biased opinions or perspectives through the selective use of specific, emotionally arousing, comprehensible, and aesthetically appealing techniques that circumvent scrutiny of the message to influence attitudes and beliefs. (Curnalia, 2005, p. 240)

While these definitions may differ in some respects, all three of them stress a larger role of emotional and aesthetic appeals and a lesser role of rational appeal. Importantly, the third definition states that propaganda uses not only emotionally arousing but also aesthetically appealing techniques that circumvent scrutiny of the message. As we will see in our case study of the Ukraine-related content from the Russian newspaper *Izvestiia*, Russian media propaganda uses well-known and respected cultural figures, youth ensembles, and members of show business to deliver its message about the war in Ukraine in an aesthetically appealing way. The fact that Russian audiences appreciate talented performance is an important extra factor in making the message itself persuasive and propaganda effective.

2. MODERN RUSSIAN PROPAGANDA: TWENTY YEARS IN FORMATION

In Volume 1 of their trilogy *The rhetorical rise and demise of “democracy” in Russian political discourse* David Cratis Williams, Marilyn J. Young, and Michael K. Launer describe the ambivalent attitude people have towards evidence. They argue that

we all have something of an approach–avoidance relationship with evidence in human affairs. We like the trappings of reasoned decision-making and tend to produce ‘reasons’ to support the decisions we make, giving the appearance of induction (adducing evidence, constructing arguments, trying to show we ‘arrived at a conclusion’ based on evidence). But all too often these reasons are developed after the fact rather than before, and are usually reached deductively or unthinkingly, often based on the opinion of a perceived leader. (Williams, Young, & Launer, 2021, p. xxxii)

Taking American society as an example, they explain that “it might be that our society no longer engages in public argument—as that term is ideally conceived—at all. Even using the broadest possible definition of argument—a claim backed by evidence—there is little in the public realm to contravene this notion.” (Williams, Young, & Launer, 2021, p. xxxii)

This is especially true of Russian propaganda, which over the past two decades has encouraged Russians to give up trying to critically assess the facts at hand—delegating this function to media and politicians. Therefore, once argument was banned in the public domain, facts started to play solely the role of validator in the decision-making process, rather than its generator.

In 2014, in my paper *Western and Russian media coverage of the Ukrainian crisis: an emotional commitment or bias?* I explained that the Russian annexation of Crimea was presented by the Russian mainstream media as liberation—the reunification of the Russians living there with their homeland, akin to their return from captivity. According to this line of thinking, it was a legitimate restoration of historical truth: an act of saving Sevastopol, a city of Russian naval glory, for which so much Russian blood had been spilt, and keeping it from becoming a NATO naval base. Russian media showed Crimeans dancing in the street with tears of joy in their eyes. (Golubev, 2014)

In 2022, the situation was different. Instead of the blitzkrieg of 2014, Russian troops encountered fierce resistance from Ukrainian society and the Ukrainian army from the very beginning of the invasion. As the war dragged on, propaganda needed a new approach to ensure that the Russian society supported the war effort. As political commentator Maria Domańska observes, the Kremlin has attempted

to carry out an unprecedented social experiment in the midst of armed conflict. After two decades of discouraging Russians from engaging in state affairs and “big politics” (an approach typical of an authoritarian model of rule), 2022 saw top-down efforts to mobilise them around the government’s aggressive goals (a shift to a totalitarian model). The citizens were pushed to “patriotically” support the Kremlin, and the ground for this push was prepared through stepped-up repression, censorship and mass indoctrination. (Domańska, 2023)

This approach has worked well in silencing the opposition within Russia, but it has been less effective in convincing Russian society of the rightness of the cause. To counteract this, the audience was pushed into the sea of emotion ranging from love for their homeland and pride of the nation’s hard, but glorious, history rooted in endurance and sacrifice, to solidarity in the face of a common enemy, and a faithful unity in carrying on God’s mission to the world. With the Ukrainian army inflicting heavy casualties on the Russian army in its own territory and causing havoc in many parts of Russia itself, this sea of emotions has become the reason why the families of killed or maimed Russian soldiers still believe that their sacrifice was not in vain.

To back this assessment, I will examine the Ukrainian war-related content published on the website of the Russian national daily *Izvestiia*. I will provide a close English translation of the Russian-language content.

3. METHODOLOGY

A comprehensive logico-pragmatic-stylistic analysis of media content will be applied. It consists of three parts, each with its own jurisdiction, yet only in combination do they contribute to the final research findings.

Logical analysis will primarily deal with the rational appeal of the message to be examined, i.e., the logical validity, relevance, and reasonableness of the argumentation employed.

Pragmatic analysis will mainly address the emotional appeal of the message through the prism of communicative intentions expressed by its author. To this end, pragmatic analysis will first focus on what speech acts the author of the message performs, in terms of the speech classes they belong to—e.g., assertives, commissives, directives, expressives or declaratives—and in terms of their illocutionary force. The latter is defined by the degree of confidence the author expresses in the truth of the proposition (assertives); by the strength of commitment the author expresses that he or she performs the act contained in the proposition (commissives); by the degree of freedom the author allows the recipient of his or her directive to refuse to comply with the proposition (directives); by the degree of sincerity the author shows in expressing his or her emotions (expressives); and finally, by how much the utterance brings about reality change (declaratives). Secondly, pragmatic analysis takes stock of word connotations, i.e., how much of the vocabulary used

in the message has a positive or negative connotation, which affects the emotional charge of the message.

Stylistic analysis deals with the aesthetic appeal of the message, i.e., what stylistic or rhetorical techniques—such as repetition, parallelism, rhetorical questions, and the like—the author uses to make the message aesthetically appealing to an audience. Repetition is a figure of speech where a word or phrase is repeated more than one time for emphasis. It attracts the attention of the readers or listeners to a specific phrase. Parallelism repeats grammatical elements; a parallel construction can enhance readability and make it easier to convey an idea effectively. As a figure of speech, it can emphasize and create memorable phrases.

The approach is based on, but is not limited to, Aristotle's rhetorical triad of *logos-ethos-pathos*, (Bartlett, 2019) the pragma-dialectical theory of argumentation, (van Eemeren & Grootendorst, 1992) speech act theory, (Austin, 1962) a taxonomy of illocutionary acts, (Searle, 1975) pragmatics, (Grice, 1989) and illocutionary logic. (Searle & Vanderveken, 1985)

4. RUSSIAN MEDIA PROPAGANDA CASE STUDY

On Victory Day in Russia—May 9, 2023—*Izvestiia* ran the story *Mashkov visits veterans of the special operation at a Moscow hospital*. Vladimir Mashkov is a famous Russian stage and film actor and director. The keywords for the story included *Vladimir Mashkov, servicemen, actors, veterans (of), the Special Operation*. The last two terms clearly form a single unit, which is manifested in Russian by the genitive case of the second term, and yet these two terms are presented as two individual links. This is an important nuance as the term *veterans* used on its own becomes vital for connecting the current war with WWII. The keywords designate the main characters (*Vladimir Mashkov* and *servicemen*), their identities (*actor* and *veterans of the Special Operation*) and the setting (*the Special Operation*).

The heading is followed by a photograph of Mashkov wearing a conspicuously plain sweatshirt with a Z sign, the symbol of the Special Military Operation. The text under that picture, which sets the stage for the video report of the visit, says:

People's Artist of Russia Vladimir Mashkov visited veterans of the special operation to protect Donbass who are being treated at P.V. Mandryka Hospital. This became known on May 8th.

The wording has no mention of Ukraine as a country; instead, it suggests that Russia is conducting a defensive military operation to protect Donbass.

The video that follows contains Mashkov's speech to the veterans and a selection of short clips from the Victory Day concert that followed. The caption in the upper left-hand corner of the video reads, *Vladimir Mashkov, People's Artist of the Russian Federation*. Mashkov's purposefully plain attire, which contrasts with his honors, is meant to manifest his humble dignity. Making the speaker appealing and credible increases the aesthetic appeal of the message.

In order to apply a logico-pragma-stylistic analysis to Mashkov's speech, we divided it into three segments, according to the ideational structure of the discourse. Italicised words are those that the speaker stresses.

4.1 Segment 1

I want to say *thank you* for your <pause> *hard work in service*. <pause> You have gone through incredible trials <pause> *that* <pause> only our *fathers* have gone through. You were the *first* to feel the *pain* of our *land* and the *first* <pause> to *respond* to that pain. That is why *you* <pause> are the *ones* <pause> who are connected <pause> *by blood* to our native land.

4.1.1 The logico-pragmatic-stylistic analysis of Segment 1

In terms of rational appeal, this segment presents a logically valid argument structure consisting of three premises and a conclusion: the veterans have gone through incredible trials; they were the first to feel the pain of their land; they were the first to respond to that pain; therefore, they were connected by blood to their native land. The weakness of the argumentation lies in the fact that the notion of *our/native land* is not defined; therefore, it remains unclear what links the concept of *responding to the pain of our/native land* to Russia's special military operation in the neighboring state of Ukraine. The audience is left with a choice of several very different options to answer this question, at various times supplied by Russian propaganda:

- a. Ukraine and Russia are but one country, Ukraine's independence is a historical mistake;
- b. Russia is defending itself by fighting its enemies (Nazis, the collective West, NATO) in Ukraine to stop them from attacking Russia;
- c. Russia is defending itself by defending Donbass, since it is a new province of Russia;
- d. Russia is defending the Ukrainian Russian-speaking people of Donbass from being attacked by the Ukrainian Nazis (the Ukrainian Nazi Government);
- e. I don't want to think about it; or
- f. I don't care.

Neither Mashkov nor his audience seem keen to dispel this ambiguity.

The speaker builds his emotional appeal as follows. Starting his presentation with an expressive speech act thanking the veterans for their hard work and heroism and directly addressing the audience with the pronoun *you*, Mashkov establishes rapport with his audience. He then performs a series of assertive speech acts to establish bridges between the present and the past, between today's veterans and their fathers and between today's veterans and their native land. To do this, he puts a strong emphasis on hardship and sacrifice that special operation veterans share with their fathers, veterans of WWII through the use of emotionally charged words and expressions such as *hard work in service*, *incredible trials*, *pain*, *our/native land*, *blood*.

To make his message aesthetically appealing, the experienced theater actor masterfully uses pauses before the key words he intends to stress—and then verbally and using his body-language puts a clear emphasis on these words and expressions, most of which are emotionally charged, as we saw above (these words are italicised in the segment). To identify with his audience, Mashkov switches between addressing the veterans as *you* and using the pronoun *our*. The speaker uses repetition, a figure of speech used to attract the attention of the audience to a specific word or phrase. He repeats *you/your* 5 times, *have gone through* 2 times, *first* 2 times, *pain* 2 times and *our/native land* 2 times. He also uses the literary device of parallelism to provide his audience with a sense of balance or rhythm and to enhance message readability and ease of processing. Parallelism goes beyond simple

word repetition, it repeats grammatical elements, or sentence structure. In a short segment Vladimir Mashkov uses parallelism in two sentences in succession: a. *You have gone through incredible trials that only our fathers have gone through* and b. *You were the first to feel the pain of our land and the first to respond to that pain*. All of the above makes the message aesthetically appealing to its audience.

4.2 Segment 2

From our birth we've got a sense of *fear*, <pause> a sense of *pain*; <pause> even a sense of *loneliness* we've got! <pause> The sense of love for one's *motherland* <pause> *it's not there!* It must be <pause> *told*. <pause> The sense of *comradery* – it also needs... <pause> The sense of *patriotism*, <pause> the sense of *conscience*.

4.2.1 The logico-pragmatic-stylistic analysis of Segment 2

From the point of view of rational appeal, this segment is a case of moral argumentation based in scientific fact. Valid, relevant, and reasonable by itself, the argument fails to add much clarity as to how the love for one's motherland relates to the war in Ukraine.

To appeal to his audience emotionally, the author first performs assertive speech acts to point to natural human weaknesses using nouns with negative connotations, e.g., *fear*, *pain*, *loneliness*, and *[lack of] love for the motherland*. Following that, Mashkov performs directive speech acts to urge that nobler qualities of character be talked about and developed through the use of nouns with positive connotations such as *love*, *comradery*, *patriotism*, and *conscience*.

When building aesthetic appeal, the author again makes a masterful use of pauses to draw attention to important words and expressions, then putting an intonational and body-language stress on these elements. He not only repeats the most important term *sense* six times in this segment but uses parallelism of construction, inverted sentence structure, and concise 'bullet-like' incomplete sentences. His upward rhetorical climb in the first *sense* sequence culminates in the emphatic use of the qualifier *event*.

4.3 Segment 3

<Cut> *You will be the mirror of our great country and the mirror of its feelings. Happy upcoming holiday to you!* <pause> *Recover. Victory will be ours!* Thank you.

4.3.1 The logico-pragmatic-stylistic analysis of Segment 3

The rational appeal of the segment is based on the claim, *You will be the mirror of our great country, the mirror of its feelings*, which, taking into account the fact that clearly some part of the speech was edited out, can be considered to logically follow from the preceding discourse, and the implicit argument, *Russia is a great country; therefore, victory will be ours*. The strength of the latter argumentation is in its valid structure and relevance to the main aim of the discourse to uplift the veterans' spirits, whereas its weakness is that the premise is an opinion rather than fact, whose validity a critical mind in the audience would easily question.

To arouse emotions in his audience, Vladimir Mashkov starts this segment with an assertive speech act with an illocutionary force of predicting, *You will be the mirror of our great country and the mirror of its feelings*. His intentions are clearly to make the veterans proud of their service to Russia and to build confidence in them that their sacrifice was not in vain. By projecting the proposition into the future, Mashkov gives it a perspective beyond the bounds of the present moment. In fact, this utterance may even be regarded as a commissive speech act of promising so much confidence the speaker expresses in the likelihood of the proposition. He further strengthens the same message by another assertive speech act with an illocutionary force of predicting, *Victory will be ours!* that can also be regarded as an indirect speech act of promising. Since it is a conclusion to his speech, Mashkov also performs two expressive speech acts that fit the occasion: he wishes his audience a good holiday, expressing as much sincerity as possible, and thanks them for listening to him speak. His directive speech act calling on them to recover can also be read as an expressive speech act of wishing them good health or even an assertive speech act of predicting that they will definitely recover. The speaker's foremost communicative intentions in this concluding passage are to reassure his listeners and to infuse them with his enthusiasm about the future.

Rhetorically, Vladimir Mashkov's message is impeccable: he finishes his speech the way he started it: directly addressing the audience with the pronoun *you* to reestablish his contact with them and emphasizing their emotional connection with Russia by using the word *feelings*. As in the first segment, he identifies himself with his audience by using the pronouns *our* and *ours*. By repeating the word *mirror* when referring to the veterans, he pictures them as an example of national greatness and individual purity. In this segment as well, the actor effectively uses gestures to aid his pauses and intonation to stress key words.

To summarize the logico-pragmatic-stylistic analysis of Mashkov's speech, I would like to conclude that Mashkov's discourse projects a powerful emotional appeal while the rational appeal is much weaker, as it is hard to be sure what Mashkov's underlying arguments are. Aesthetically, Vladimir Mashkov delivers a forceful yet gracious speech from the stage.

4.4 *The concert clips*

The impact of Mashkov's speech is further strengthened by several clips from a concert featuring a youth ensemble performing patriotic war songs. The lyrics of the songs heard on the video can be rendered in English as follows:

Song 1

The red rocket flies, the machine gun beats – unquenchable!
And so, we need one victory,
One for all, we'll pay any price,
One for all, we'll pay any price.

Song 2

We didn't have time to look back,
We didn't have time to look back,
And the sons, and the sons
Are going into battle.

Song 3

And that night the samurai decided
To cross the border over the river.

A shot to the audience: some girls in the audience are seen enjoying the concert, filming it with their phones and singing along.

Song 4

Sprawling, green maple, a leaf carved,
I am in love and shy before you.
A green maple, a curly maple,
A fuzzy, curly, carved maple.

4.4.1 *The logico-pragmatic-stylistic analysis of the concert clips*

To build an argument, the lyrics contained the following messages: *we all just need one victory, and we are willing to pay any price for it; the sons are going into battle, just like their fathers did before them; the samurai attacked us at night; we must protect our beautiful land and those we love.* The argument again points to the conclusion that now, as then, Russia is defending itself having been left with no other option than to fight back.

The emotional charge of the concert is evident in the choice of words denoting such notions as life and death, self-sacrifice, battle, victory, covert enemy attack, love for a girl and one's native land, and the beauty of one's native land. Visually, the video projects a good holiday atmosphere. It only contains images of positive emotions. The shot of the girls in the audience, who are shown filming and singing along, attests to their appreciation of what they see on stage. There is no sign of sadness or any other unpleasant emotions. The faces of wounded veterans are blurred. Never do we see any shots of their injuries or crutches.

Aesthetically, the youth ensemble is meant to signify the continuity of Russian history across generations. The clips are arranged craftily to form a circle: from a full ensemble performance to the boys' performance to the girls' performance and again to a full ensemble performance. The lyrics fit well with who is singing. The performance is aesthetically appealing.

4.5 *Two more stories*

The *Izvestiia* page continues with two more stories about cultural figures supporting the war.

4.5.1 *The first story*

The title of the first one is *Russia's fate is decided in Donbass*. The title, which one can click on to read the story, is accompanied by a picture of the interviewee and a summary:

Eduard Boyakov, the Artistic Director of the New Theatre, talks about historical values, poisonous cookies, and the secret of the popularity of the singer Shaman.

This interview with a respected theater director serves as another justification for the claim that Russia has no choice but fight for Donbass. The summary contains all the important propaganda references: to the true cultural values of Russia; to the cookies that Victoria Nuland, Assistant Secretary of State for European and Eurasian Affairs in the Obama administration, handed out to the protesters in Kiev at the end of 2013—which became an instant meme on Russian social media, and later among millions of Putin supporters around the world; and to the rising star of singer Shaman, whose song *Let's Rise* about Russian war heroes who gave their lives for the living, became a major propaganda symbol of the war in Ukraine.

4.5.2 *The second story*

What follows is a paragraph that introduces the second story featuring a member of Russian show business who supports the war. The text says:

Earlier, on April 24, it was reported that the singer Yuta (Anna Osipova), an honored artist of Russia, performed at a military hospital in Severomorsk in front of servicemen, among whom were participants of special operations. She thanked all the soldiers for their courage and bravery and wished them a speedy recovery.

The *Izvestiia* page ends with a paragraph striving to explain the purpose of the Special Military Operation. It is perhaps the only attempt at using argumentation explicitly. In the passage, the war is framed as a protective effort on the part of Russia that concerns solely the annexed Donbass region of Ukraine, with all the blame put squarely at the feet of the Ukrainian government.

Russia continues a special operation to protect Donbass, whose residents have refused to recognize the results of the 2014 *coup d'état* in Ukraine. The decision to begin it was made on February 24, 2022, amid a worsening situation in the region due to the shelling by Ukrainian troops.

From the point of view of emotional appeal, the message is intended to arouse in the reader feelings of incomprehension at the unwillingness of the Ukrainian government to accept the legitimate decision of Donbass residents to refuse to accept the events in the rest of Ukraine, of pity for the people of Donbass, and of indignation at the actions of Ukrainian troops. The author chooses the term *coup d'état*, which has an expressly negative connotation, to refer to the events that are elsewhere known as the Revolution of Dignity. Stylistically, the paragraph is an example of using a compact form to express such a wide range of ideas and incite such a wide gamut of emotions.

The last paragraph on the page again restricts the setting to the Donbass region with no mention of Ukraine:

See more current videos and details about the situation in Donbass on the *Izvestiia* TV channel.

5. CONCLUSION

This study demonstrates that the logico-pragmatic-stylistic analysis can be used as an instrument to ‘measure’ propaganda, producing verifiable and reproducible results.

The logico-pragmatic-stylistic analysis of the Ukrainian war-related content published on the website of the Russian national daily *Izvestiia* on May 9, 2023, demonstrates an example of the effective use of propaganda by Russian media. The *Izvestiia* case study demonstrates that reliance on emotion rather than on reason is indeed one of the key assets that propaganda employs to achieve its ends and to do so effectively. It also demonstrates that a major extra factor that contributes to the effectiveness of propaganda is a masterful use of aesthetic appeal.

By likening Russia’s Special Operation in defense of Donbass to the Soviet sacrificial struggle during WWII, Russian propaganda implicitly uses the same emotionally charged defensive-war argument in its coverage of the war in Ukraine. Just as in 2014—when Russian media justifying the annexation of Crimea celebrated the event by likening Crimea to a stranded ship coming back to a peaceful home harbor—Russian media today continue to immerse the audience in the sea of emotion ranging from fear to anger to pride to love in order to compensate for the weaknesses of reasoned argumentation. Using talented, easily recognized, professional speakers, the Russian propaganda machine successfully creates an Orwellian narrative in which war is peace, offense is defense, and Ukraine is Russia.

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The Use of Diagrams in Argumentation

Logical, Argumentative and Rhetorical Approach

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ABSTRACT: The study of rhetoric and argumentation mainly concentrates on how people use verbal language. However, diagrams have been used since ancient times in Western culture to clarify and simplify the cognitive procedures involved in discourse. This paper aims to shed light on this diagrammatic practice. An original diagram, the argumentative tetrahedron, will be presented on this occasion, the corpus of examples consisting of media positions on Covid-19 vaccination.

KEYWORDS: complexity, COVID-19, diagram, Toulmin, values, warrants

1. INTRODUCTION

The study of rhetoric and argumentation mainly concentrates on how people use verbal language. However, diagrams have been used since ancient times in Western culture to clarify and simplify the cognitive procedures involved in discourse. But while they do elicit comments on the content of the concepts used, it is rare for the iconic choices themselves to be taken into account as a decisive factor. This is what I have chosen to emphasize in this paper. First, I will look at a few well-known and lesser-known examples, and then present an original diagram that I have used in my teaching of argumentation and that I apply here to the arguments about the vaccination in the recent pandemic. I will pay particular attention to the nature of the iconic signs selected, insofar as they convey conventional meanings of a logical nature, but also take on, more or less deliberately, a symbolic significance due to the metaphors generated by their combination.

2. DIAGRAMS IN ARGUMENTATION: ELEMENTS FOR AN OVERVIEW

Let us begin briefly with basic diagrams, taking into account the notions of *direction* and *force* and mentioning the iconic devices used.

Direction is the most commonly used element: an argument supports (indicated by an arrow) a conclusion thanks to the existence of a *topos* (which acts as a warrant). This is both a logical and visual reformulation of the syllogism. The *topos* corresponds to the major premise which is generally written on the first line, the argument corresponds to the minor on the second line, and leads to the conclusion on the third line. The major premise can either remain implicit or be made explicit.

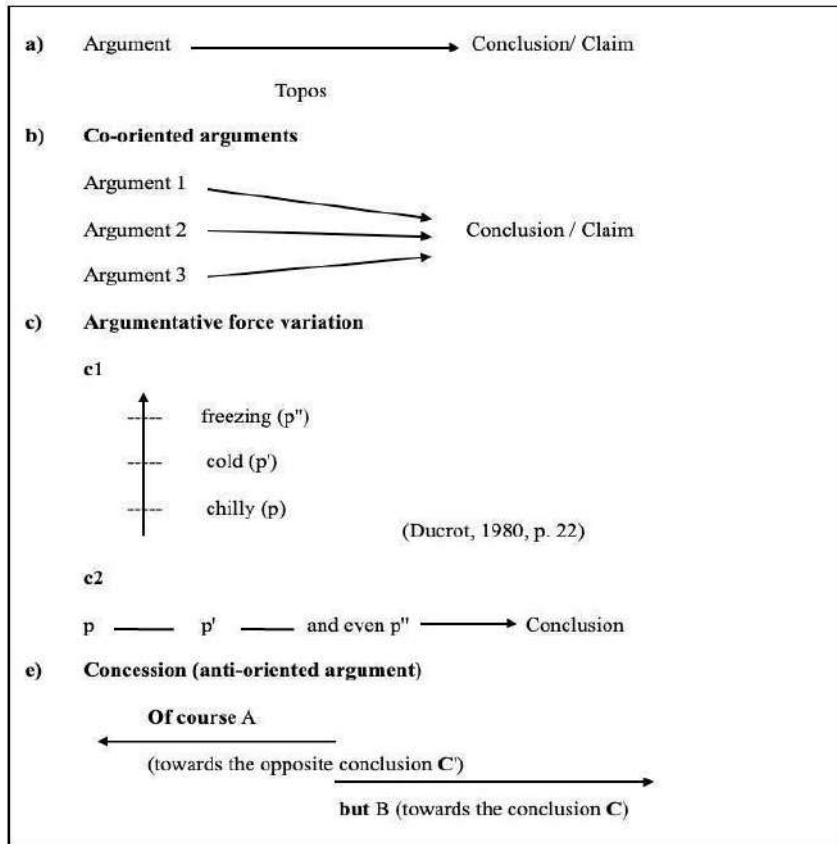


FIG.1

Force is also an essential aspect of the argument. Two or more converging arguments *reinforce* the conclusion and the gradation of force of the arguments can be represented on a scale specific to an argumentative class (for a given speaker in a given situation). This is demonstrated by the use of the adverb "even". For example, using the temperature paradigm: "it's chilly, it's cold, it's even freezing". Conclusion => "It's impossible for me to stay in this room". This argumentative "scale" is presented vertically by Ducrot (1980), but it can be switched to a horizontal line which corresponds to the linear deployment of the discourse.

A few words about the *concessive construction*. It "co-ordinates two statements having opposed argumentative orientations, while retaining the overarching orientation determined by the first proposition (Plantin, 2017, p. 147). We can represent this movement, which is the anti-orientated discourse through an *arrow pointing to the left*. The claim being defended, confirmed by 'but', is unfolding with a new argument to the right leading towards the conclusion.

When we progress from simple argumentative sequences to more complex developments, we have to mobilize and articulate general concepts, abstract propositions whose nature and relationships have been represented by various diagrams since Antiquity. In dialectical jousting, numerous diagrams have been drawn up to bring greater clarity to exchanges between interlocutors. Some of them have been particularly popular with scholars.

1.1 Logic diagrams

To find one's way through the thicket of abstract notions, scholars have used Porphyry's Tree to memorize the scale of beings and the succession of divisions caused by differences in Aristotle's ontology, giving a visual representation of conceptual operations.

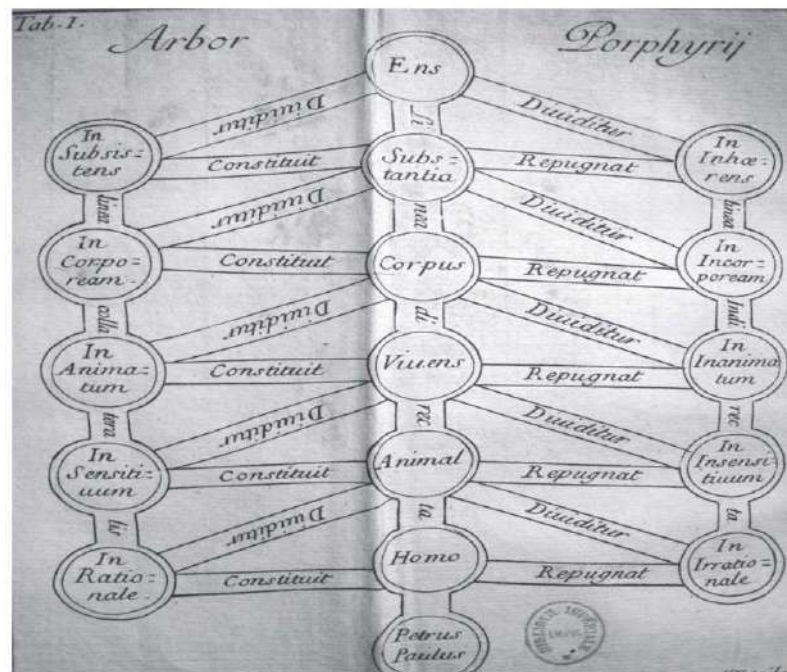


FIG.2

The choice of the tree as an analogical figure should not be underestimated: Porphyry's Tree is made up of three rows or columns of words: the genera and species are at the centre, forming the trunk, and the differences on either side serving as the branches. The tree conveys the idea of an ordered constitution (Verboon, 2014).

The Apulean Square was used to navigate through the various types of propositions mentioned in Aristotle's *Peri Hermeneias*, according to their quantitative or qualitative content: universal and particular propositions, affirmative and negative propositions (Verboon, 2014, p. 97; Parsons, 2021). The semiotic square of a logical-semantic nature, which is inspired by it (Greimas 1970, pp. 135-155), is still used to account for relations of contrariety and contradiction in narratology. Some have questioned its strict logical value, but it continues to play a heuristic and topological role in many fields of semiotics.

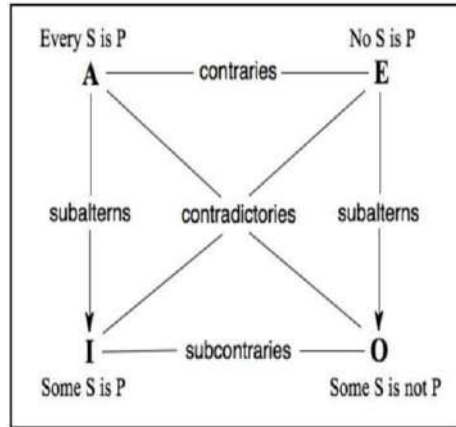


FIG. 3

1.2 Argumentation trees and maps

But other types of diagrams have become increasingly popular in argumentation studies, breaking more or less from the traditional logical constraint that leads to monological and binary discourse.

We should start by mentioning the English logician, Richard Whately. In the *Elements of Logic*, (1831, Appendix III, p. 374), he presents a method of logical analysis called "Praxis of Logical Analysis" illustrated by a diagram (p. 376) with a deliberately didactic aim. This diagram is intended to help his students to present logical analysis in a "clear and appropriate mode". It should also be noted that Whately takes up the idea of the logical *Division* of the figure of the Porphyrian *Tree*.

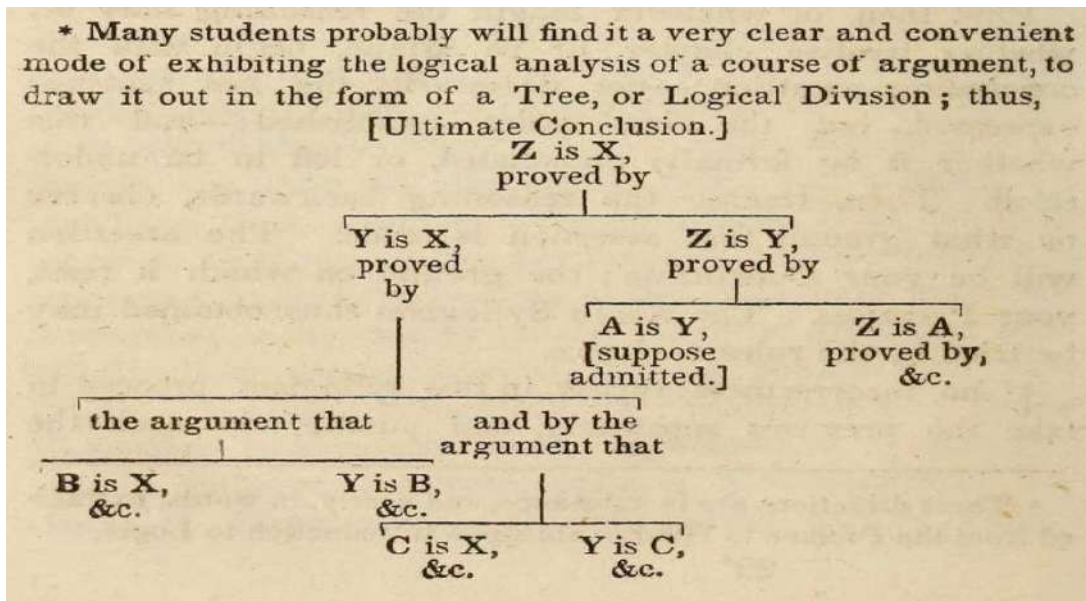


FIG. 4

The method consists of indicating at the top the conclusion you want to reach, and showing the reasoning by which you reach it, making appear the reasons you use (grounds). Once the initial premises have been established, you can once again search what justifies them.

Whately's approach was largely ignored or forgotten over time¹. Other attempts were made in the 20th century: Wigmore proposed a diagrammatic Chart Method for the field of law "capturing the structure of the proof of facts at trial" (Goodwin, 2001, p. 223). Beardsley, for his part, proposed in *Practical Logic* (1950) the first example of an argument map: "He represented the statements as nodes, using circled numbers, and he represented the links between the premises and the conclusion as arrows joining the nodes. He drew what he defined as the 'skeletal pattern' of the argument, representing its structure" (Reed, Walton, Macagno, 2007, p. 7). But it is at the beginning of the 21st century that the use of argumentative maps really took off, particularly thanks to the work of scholars such as Chris Reed, Glenn Rowe, Douglas Walton, Trevor Bench Capon, Martin Davies, Tim van Gelder. The diagramming activity is included as a pedagogical tool in Walton's textbook (2006) in a chapter entitled "Argument diagramming", which uses the chain metaphor: "Identifying the structure of such a chain of argumentation can be extremely useful prior to criticizing the argument by finding gaps or problems in it and evaluating the argumentation as weak or strong" (p. 136). The book, which leaves little room for complex arguments, studies in detail the case of the diagrammatization of convergent, divergent, serial, linked arguments, unstated premises and conclusions. In an article published in 2008, Macagno and Walton examine different types of conflict, based on dialogue situations: What does it mean to be cultured? What is true temperance? For or against abortion? For or against euthanasia?

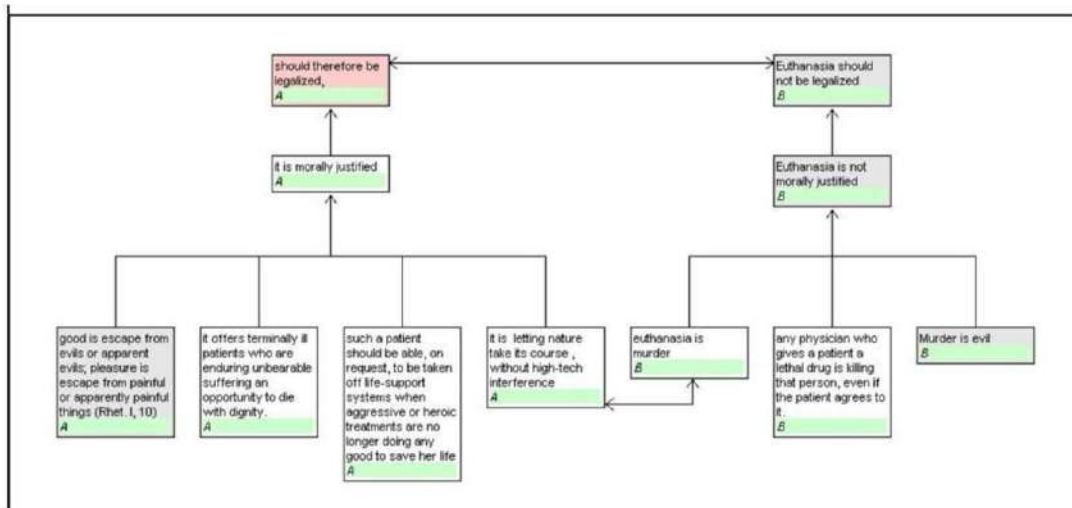


FIG. 5

¹ Almost at the same period, Schopenhauer used Euler's and Venn's diagrams in a rhetorical and, more specifically, eristic context, with the aim of uncovering the opponent's stratagems and learning how to turn his own weapons against him. Recent researches have established that this dialectical use of diagrams, as evidenced by the *Berlin Lectures* written in the 1820, was part of a heuristic approach (akin to *inventio*), which anticipates the use of argumentative maps for the study of dialogues (Lemanski, 2022).

Converging arguments lead to a conclusion: the tree structure is maintained. The boxes at the lower level juxtapose arguments of a different nature (knowledge, principles) without ranking them, and at the upper level are reduced to a dominant argument of a moral nature: euthanasia is morally justified, euthanasia is morally unjustified. Note that the structuring of the conflict is based on different definitions of euthanasia, which are shown in contact with the two trees (see the arrows between B and A).

These diagrams, these argument maps, which may include objections, counter-arguments, rebuttals, refutations, are designed for computer applications that are now widely used: *Rationale*, *Reasoninglab*, *Araucaria*, etc.² These arborescent diagrams are sometimes difficult to read in the academic articles, but they can lead to collaborative work thanks to large digital screen such as The Analysis Wall that has been designed and constructed by the *Argumentation Research* Group (School of Computing, University of Dundee). Note that the pre-eminence of the tree in the construction of argument maps has even been justified by Reed and Rowe, who questioned Toulmin's horizontal diagram and suggested a vertical translation of it in an issue devoted to the American researcher (*Argumentation* n° 19, 2005).

1.3 Toulmin's lay out

Let us move now to the Toulmin's diagram. The fact that it was so widely distributed shows a great demand for it. The canonical example is too well known to be explained in detail. I will insist on its diagrammatical construction.

First, in constructing his diagram (he calls it *lay out*), Toulmin justifies the use of arrows and dashes according to the status of the elements they connect: "We may symbolize the relation between the data and the claim in support of which they are produced by an arrow and indicate the authority for taking the step from one to the other by writing the warrant immediately below the arrow" (Toulmin 1958, p. 92). The relationship between data and claim is explicit, while the warrant is linked to them *implicitly*: this is why it is located "just below the arrow".

Second, the diagram's orientation is *horizontal* and follows that of the discourse: we therefore break with the vertical arrangement ascending towards the conclusion in Whately's diagram.

Third, in the traditional syllogism presentation, the major (the *topos*) is at the top of the series of three propositions. The Toulminian diagram shows the topical guarantees as a *vertical paradigm pointing down under the arrow* between data and claim.

Finally, Toulmin wishes to clarify the different status of premises depending on whether they are facts, information (*data*) or rules or principles (*warrants and backings*). It distinguishes between two levels of guarantees: the warrant and the backing, the backing having a higher level of generalization within the epistemological or legal field presupposed by the warrant.

² Araucaria is a "box-and-arrow representation of the premises and conclusions of an argument, showing how one argument can be chained together with others to form a sequence of reasoning. [...] One of our goals in the book is to show how argumentation schemes are in the process of being modeled by argument technology in the field of artificial intelligence (AI)." (Walton, Reed and Macagno, 2008, p. 7)

The interest of this proposal lies in the emphasis it places on the argumentative orientation and on the process of generalization at work as a result of taking into account more or less general guarantors.

Of course, argumentative exchanges are not limited to stating conclusions and premises. These are the product of an abstraction and extraction operation. The diagram merely allows us to 'visualize' the abstract pattern that structures an argument, to provide its skeleton. To understand the richness and substance of the argumentative movement, it will be necessary to go back to the text or the dialogue, to the actual interactions between participants. On this point, I refer to Ruth Amossy's excellent paper (2023).

This very often used Toulmin's lay out has been criticized, among others, by Baruch Schwartz and Michael B. Baker in *Dialogue, Argumentation and Education* (2017). I will focus on three points: orientation, nature of the guarantors and the generalization. In their view, this diagram provides a monological, mono-oriented image of the argumentative movement. Instead of the canonical example of Harry, a British subject, they analyze an argument about a tenant's rent increase (They borrow this example from Plantin, 1996):

Repairs have been done in your building => So, your rent will be increased next month.

First observation: for the authors, Toulmin's lay out which starts with the data and goes to the conclusion is appropriate to describing scientific reasoning or demonstration (they call it "*direction of reasoning*"), but argumentation generally moves backwards to find justifications, and even often moves backwards and forwards to reinforce its argumentative force (they call it "*direction of argumentation*", subject to generalization movement).

According to them, the psychological movement consists of seeking information (data, which is a form of factual argument) and other arguments that go beyond the present situation (warrants, rules, principles). They call this movement the "rhetorical phase of seeking out arguments": which is actually known as *inventio*.

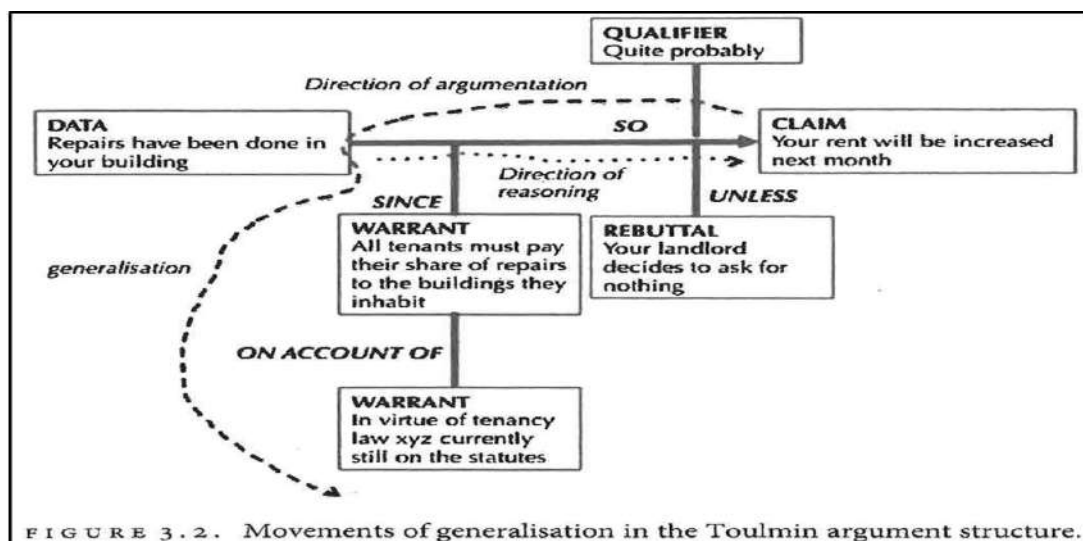


FIG. 6

Second, Baker and Schwartz no longer distinguish between two types of guarantors. They use the same term twice (the word 'warrant'). They do not wish to divide the movement of generalization into two clearly distinct phases (warrant and backing). So, in this new version of the diagram, the generalization movement tends to extend beyond the series of guarantors invoked, towards a guarantor with greater authority and greater weight, coming, perhaps, from another field.

However, it's worth noting, that, in another book which Toulmin published with Allan Janik and Richard Rieke (*An Introduction to reasoning*, 1979), the original model is used in various other fields of reasoning (artistic, ethical, managerial), with a number of changes to the vocabulary and form of the diagram. Above all, when the diagram is complete, it undergoes a significant visual change: warrants and backing linked by a vertical arrow (not a dash) are placed *above* the horizontal arrow going from the Grounds to the Claim.

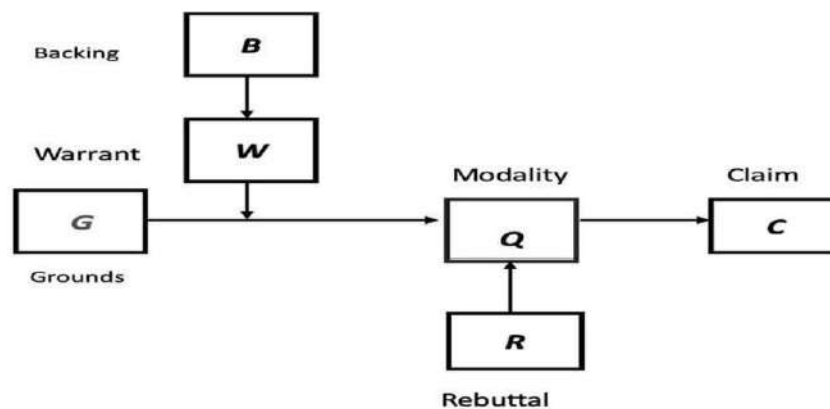


Fig. 6-5

"Given grounds G, we may appeal to warrant, W (which rests on backing B, to justify the claim that C — or at any rate, the presumption (M) that C — in the absence of some specific rebuttal or disqualification (R)"

FIG. 7

This arrangement results from a difference in the status of warrants and backings. While they were supposed to remain presupposed and implicit in the 1958 book, they are now presented as imposing their explicit authority ("we may appeal to..."). But this presentation continues to consider each argument within the limits of its own particular field, without taking account of the variety of the principles involved in communicative interactions or individual deliberations. Situations of crisis, dilemmas, and perplexity such as we encounter in practical decisions, cannot be satisfied with such a segmentation of experience.

3. A DIAGRAMMATIC PROPOSAL: THE ARGUMENTATIVE TETRAHEDRON

I would now like to introduce the tetrahedron, making it clear that it is not intended to compete with the other diagrams but to complement them.

3.1 Why this tetrahedon?

First of all, this diagram brings a major change in how this type of visual tool is used. It is a 3-dimensional diagram. The use of the tetrahedron arose from a pedagogical concern about *inventio*, the search for ideas in compound developments.

The idea was to help undergraduate students who were faced with exercises in which they were asked to express a personal point of view on social issues, based on a synthesis of documents coming from various disciplines: literature, history, philosophy, anthropology, psychology, sociology, economics, among others.

Let us take the example of a recent exam (2020). The corpus brought together the following documents about urban loneliness: a sociological article from *Courrier international*, an extract from a survey conducted by psychotherapist and psychoanalyst Monique de Kermadec, *Un sentiment de solitude*, an extract from Romain Gary's novel *Gros câlin*, and a poster calling for Neighbours' Day. Of course, it would obviously be an illusion to claim, in the name of "general culture", to provide genuine training in such a wide range of disciplines. What is required is a *cross-disciplinary approach* that would give access to the commonplaces of judgement that recur in this type of situation.

The tetrahedron is based on the simple idea that any individual confronted with the need to choose must necessarily take into account three dimensions of experience: knowledge and transformation of the non-human world (point 3), the interaction between human subjects (point 2) and the demands of subjectivity (point 1). This determines the specific knowledge and domain of evaluation on which we can base our judgments. For instance (pt. 1 self) concerning the person in his/her singularity: dietetics, body hygiene, psychology (introspection), psychoanalysis, practices of the self, meditation, spiritual exercises, etc.

Besides, this division is based on distributions that have become widespread in our culture over the last few decades: Charles Taylor's *Sources of the Self*, Ricœur's *Oneself as Another*, latest Foucault's *The Care of the Self* and *The Government of Self and Others*, but also Georges H. Mead's *The Mind, the Self and Society*. Sartre comes to the mind with *pour-soi* ("for oneself"), *pour-autrui* ("for the other"), and *en-soi* ("in itself"), as does Levinas with the figure of "the Other" (human and divine). Finally, for the "non-human others", it is hard not to mention Bruno Latour, whose recent death has had a worldwide impact.

Each of these 3 poles gives rise to judgements of fact, knowledge or judgments of value (and consequently to rules, standards, and principles), in other words to more or less valid and general data and justifications.

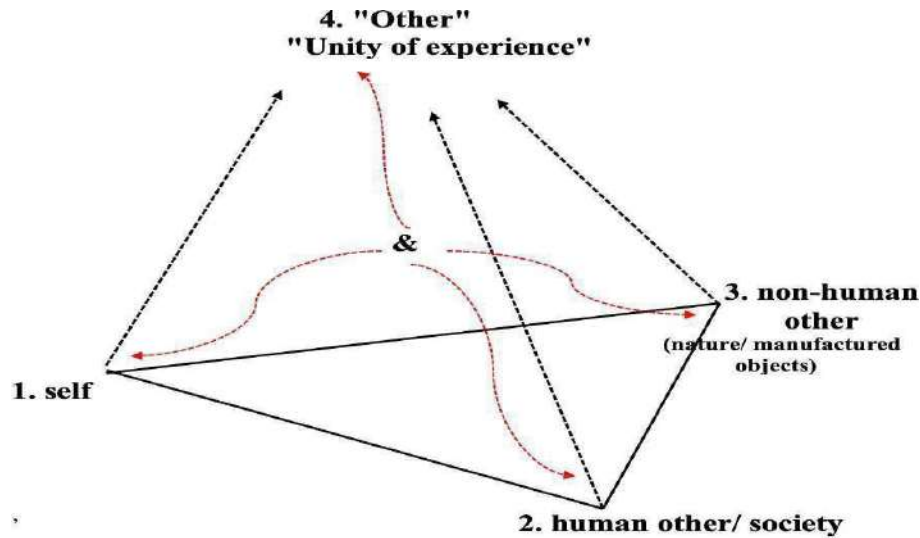


FIG. 8

In addition, each of these poles which focuses on many questions, indicates a direction of action towards the search for solutions with a view to improvement (symbolized by the *upward direction of the arrows*). Moreover, every individual is confronted to the challenge of *unifying* and *harmonizing* these different (but always interacting) aspects of experience. Bending these lines towards their position is always an ordeal for him or her. This is why I choose a torn typographic symbol, the ampersand, to represent it. Point 4 (Other, with a capital letter), indicates the ideal or hypothetic resolution of our contradictions. Projecting our desire on a supposedly powerful entity is a frequent way to remedy our powerlessness. It may be provided by a religion, a worldview, an ideology, a value system, or, at least, almost imperceptively, by a large set of commonplaces, a *doxa* of which the individuals are more or less aware, but which is useful in the face of difficulties.

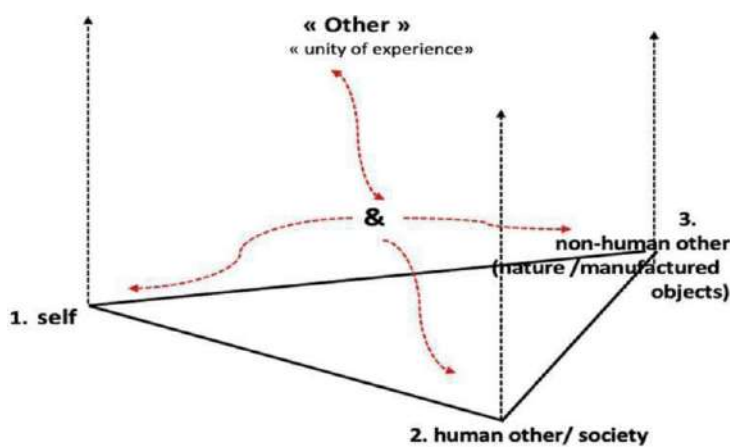


FIG. 9

Human beings have gradually discovered countless resources for their own development (agriculture, craftsmanship, medicine, science, technology). But, at first, they found themselves rather powerless in the face of death, diseases and the difficulties of simple survival. This is why, beyond the visible world that they perceived and sought to master, they turned to invisible powers capable of bringing them protection and consolation. This is the origin of religions, philosophies, and ideologies which were destined to introduce intelligibility, coherence and overall meaning into the chaos of experience. Depending on the culture and the time, these "powers" have taken the form of spirits, gods, a single God (the god of monotheism), a specific kind of spirituality, or a secular religion advocated by a charismatic leader or a party. In secularized societies of the liberal type, the unifying pole most often remains in the background, presupposed and implicit (in the "it goes without saying" mode). It corresponds to the dominant *doxa*, to generally accepted opinions. The evidence of common sense (commonplaces) ensures the optimal adaptation of the subject to the world in which he or she lives. This *doxa* may be vehemently denied, but it is likely to be activated and to manifest itself forcefully in the event of conflict with a competing *doxa*.

In diagrammatic terms, a necessary structure of experience is represented by a thick, continuous line in the basic triangle from which there is no escape. The lines running from each of the poles are dotted and indicate the directions of desire, will and practice on which will be grafted more or less strong argumentative guarantees that can be mobilized to support a conclusion or a claim. As in Toulmin's diagram, modified by Schwartz and Baker, the argumentative movement, constantly outstrips the ultimate guarantors, but here not downwards, but upwards.

3.2 A case study: arguments about vaccination during the Covid epidemic

After establishing this framework, I suggest using this diagram to analyze a critical moment and a decision to be taken.

I had the opportunity to study the positions expressed during the COVID-19 epidemic in France as part of an article (Guerrini, 2023). I didn't use the tetrahedron in that occasion, but I thought it would be useful for this presentation. In the context of the Covid epidemic, everyone was faced with the question " I wonder if I'm going to get vaccinated". The tetrahedron can be used to group the recurring arguments according to its 4 poles. I have only included a few concepts or brief statements to aid in understanding the process, rather than presenting a complete inventory.

The question of whether you want to be vaccinated is raised by the existence of a virus that is dangerous for humans. So, (pt. 3, non-human other) knowledge about the virus and the epidemic gave rise to varying descriptions, diagnoses, remedies, and prescriptions. For instance, judgments about their dangerousness range from " It's just the flu" to the most alarming predictions and measures.

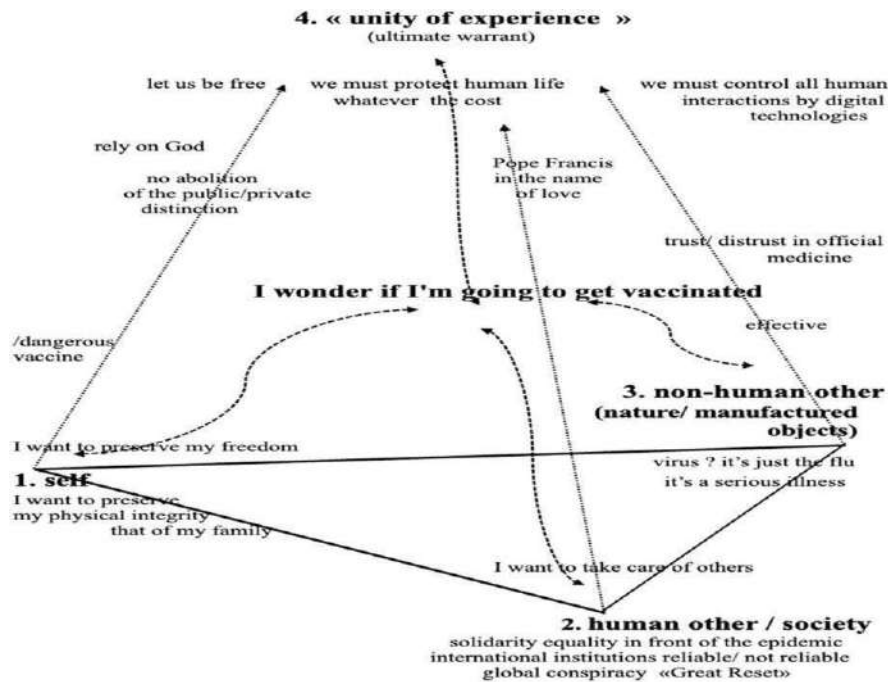


FIG. 10

Of course, the decision whether or not to be vaccinated is based on the individual's desire (pt. 1) to escape illness, to preserve his/ her life and health. The argument can serve both conclusions, for each pole gives rise to different, even opposing, arguments.

Communication campaigns in favor of barrier measures and vaccination emphasize concern and respect for others and solidarity (pt. 2). The decision-makers involved at various levels (borough, state, European union, World Health Organization, for instance) are subject to highly contrasting assessments, in the name of principles and values.

At last, decisions about vaccination may be justified by a variety of ultimate beliefs about the relationship between human beings and the world in which they live (pt. 4). Faith in God may lead people to minimize a risk from which they believe they are protected (ultra-Orthodox Jewish in Israel, for instance). On the other hand, the obligation to be vaccinated may stem from a revived religious dogma: Pope Francis called for vaccination in the name of love, another name for charity, one of the three theological virtues. From a non-religious point of view, it may stem from the invocation of absolute respect for human life and its physical integrity. Other absolute attitudes can also be found: the refusal of any control, or on the contrary the desire for total control of society, absolute political subordination, eliminating any distinction between the individual and society.

This type of diagram is not intended to be presented all at once and to be exhaustive as a “solution” to the question posed, but to identify tensions or convergences between arguments, or even areas of ambiguity or ambivalence. When presented in a relatively rich form, it allows to have an overview of the problems encountered by an individual when wondering: "Am I going to get vaccinated, or not?"

Therefore, the tetrahedron enables us to visualize different argumentative movements we can mention.

Several arguments can be put forward in favor of vaccination (case of convergent arguments, indicated by green arrows): "I want to get vaccinated to defend my physical integrity, because it is a serious disease, because I have confidence in medicine and vaccines, and in the name of solidarity, to take care of others, etc."

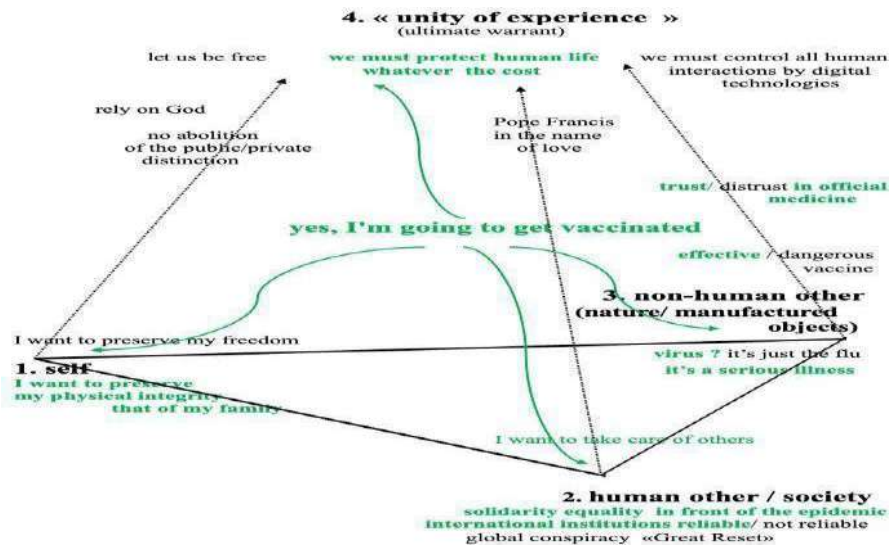


FIG. 11

On the other hand, arguments may converge against vaccination: "I want to preserve my integrity, the vaccines are experimental, not safe, international organizations are manipulated by Big Pharma, etc." (red arrows).

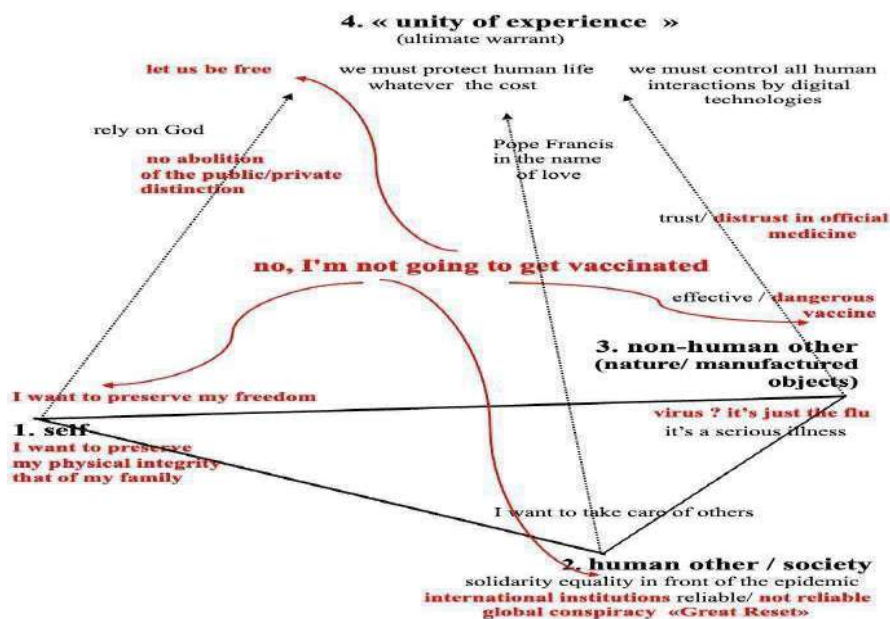


FIG. 12

At a higher level of complexity, we can formulate a concessive judgment taking into account possible objections: "OF COURSE I want to preserve my individual freedom (red arrows), BUT this disease is serious and we have an effective vaccine, we must take care of others, etc." (green arrows).

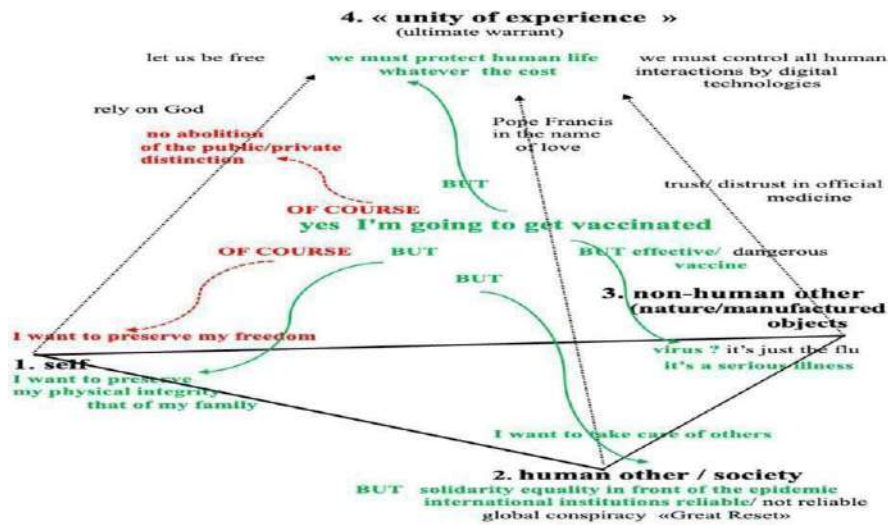


FIG. 13

And, to refuse vaccination: "OF COURSE I want to take care of others, BUT this pseudo-vaccine is dangerous, international organizations are manipulated, and above all I want to preserve my freedom to ensure my family's health".

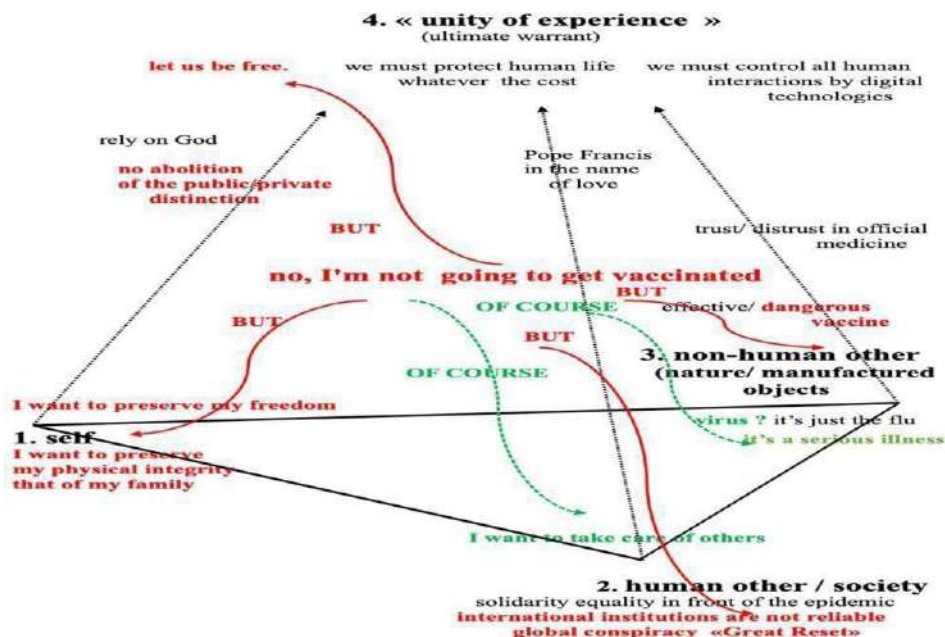


FIG. 14

This diagram, which seeks not only to select valid statements, but to account for the various arguments of people involved in an interaction or a deliberation, is in some ways in the tradition of Schopenhauer's diagrams which, beyond the strictly logical uses of Venn's curves, sought to account for the speakers' actual arguments, as Lemanski points out.

The tetrahedron does not offer a logical procedure, a critical tool against errors, but rather a heuristic way of expanding the range of possible arguments, stimulating self-deliberation or collective discussion. Other procedures (and other diagrams, like those we have mentioned) can then be applied to assess the quality of the identified arguments.

Of course, the tetrahedron presents a static image of a moment of choice. But we can imagine a succession of tetrahedrons, or a movement within a single tetrahedron, showing the stages of a personal evolution on an issue during a deliberation, or a life experience. The tetrahedron, while emphasizing the vital need to take these three poles into account, indicates the human effort to overcome our own survival conditions and our aspiration to give direction to the improvement of our existence.

However, the absolutization of a pole can give rise to various forms of radicalization which jeopardize argumentative autonomy. If all knowledge and all power are attributed to a great "Other" whose will is imposed on beings who have no other choice than to submit to the duties established by a revealed Law or Text, the idea of human choice is considerably diminished, and the argumentation is limited to commenting on the Truth of the Dogma. On the other hand, the over-determination of the "other human", in communitarian or collectivist forms which sacrifice the point of view of the "self", makes argumentative discourse inaudible or impossible due to group pressure or censorship. When only science, economics or "good nature" are taken into account, the "non-human" of biological, technical or commercial determinations replaces any form of deliberation and choice. And, finally, if the "self" becomes the measure of all things and claims to be its own guarantor, free from any dependence or attention to the "human other" or "non-human other", we arrive at the most radical forms of individualism, which make any common deliberation and any responsible speaking in any way impossible.

If each of these paths has been explored historically, it is partly because the effort to establish a certain balance between them is such a challenge that it seems easier to renounce complexity and adopt a form of simplifying radicality.

4. CONCLUSION

Denying the importance of the overall form of the diagram adopted would be vain. When we started, we noticed the symbolic role of the tree in medieval symbolism. Reed and Rowe present their work as serving a more pluralistic orientation in the use of diagrams. And, certainly, argumentation maps increasingly integrate critical elements into their design in order to test the claim supported. However, we cannot help thinking that this vertical orientation towards the chosen claim contributes to a confirmation bias. In any case, it hardly encourages openness to the unexpected. On the other hand, Toulmin's diagram corresponds to the imaginary 'path' which leads from a given fact to a conclusion, unless one or more obstacles (rebuttals) arise, the arguer being led to strengthen his position with

the support of better guarantors. As we have seen, this 'path' is located in a single field and does not encompass the whole experience.

Despite its limitations (only 4 matrix positions and its inability to flush out fallacious arguments), the tetrahedron makes it possible to capture a wide range of aspects of a problem to which an individual is exposed as a responsible agent. It is a rhetorical tool for persuasion, but also a tool for critical thinking and for considering complexity.

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Argumentation: What It Is & How to Do It

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ABSTRACT: Starting from a review of three theories of argumentation (the dialectical, the rhetorical and the logical) this essay proceeds to take yet another perspective on argumentation. A distinction between the probative and psychological levels of argumentation is introduced and both levels are shown to be pliable by practical reasoning. An argumentation theory based on practical reasoning suggests a way in which dialectic, rhetoric and logic, may be interconnected in the practice of argumentation.

KEY WORDS: argumentation, argumentation theory, dialectical, logical, practical reasoning, probative level, psychological level, rhetorical, strategic manoeuvring

In this essay I use the word ‘argument’ for sets of sentences, propositions, or utterances that divide into premises and conclusions, and the word ‘argumentation’ for the sequence of interactive acts of communication that occur when people argue with one another. The first part of the essay retells how the idea of perspectivism in relation to arguments/argumentation was extended to perspectivism with regard to *theories* of argumentation. After that a distinction is drawn between probative and psychological aspects of argumentation and they are both considered from the point of view of practical reasoning. The essay ends with a suggestion of how the familiar perspectives on arguments/argumentation (logic, dialectic and rhetoric) may be seen to be related to each other through the lens of practical reasoning.

1. PERSPECTIVISM: ARGUMENTATION

In Wenzel’s “Three perspectives on argument” (1990) he distinguishes three perspectives on “arguments”: the dialectical, the rhetorical, and the logical. The rhetorical perspective is really a perspective on argumentation as is the dialectical perspective; the logical perspective looks for an argument in the argumentation. These perspectives, and Wenzel’s elaboration of them, are familiar to all of us so I need not explain or discuss them further here. In another essay (1987), however, Wenzel went on to say that “we need to bring the three [perspectives] together in some eventual synthesis that will constitute a full theory of argument” (p. 102). I understand him to have meant *a full theory of argumentation*. Wenzel’s desideratum was repeated by Tindale (1999, p. 6) twelve years later. Proposals were soon underway by those who agreed that these perspectives should be unified, and

the upshot was a number of different *argumentation theories*, each of which purported to give a better account of the synthesis of the “three perspectives on argument” than its rival theories. Let us consider three familiar argumentation theories and ask of each of them (a) why it thinks it is a better basis for a synthesis of the three perspectives on arguments than the other theories? and (b) what is relationship is between the perspectives in each of the theories?

2. PERSPECTIVISM: ARGUMENTATION THEORY

2.1 *The dialectical perspective*

The Pragma-dialectical theory takes the dialectical perspective on argumentation to be the most important.

Dialectification means that the argumentative discourse is viewed from the perspective of the theoretical ideal of a critical discussion aimed at resolving a difference of opinion on the merits and subjected to rules which incorporate all standards of reasonableness that need to be observed in the argumentative discourse for achieving this purpose. (van Eemeren, 2018, p. 29)

This dialectical basis for understanding and evaluating argumentation must be combined with the desire of argument agents to be effective in their pursuits and seek resolutions in their own interest, that is, with their rhetorical goals. Accordingly, Pragma-dialectics seeks to accommodate the rhetorical aspects of argumentation in a complete, or “extended,” theory of argumentation. Consider the following passages.

To overcome the sharp and infertile ideological division between rhetoric and dialectic, we view dialectic ... as a theory of argumentation in natural discourse, and fit rhetorical insights into our dialectical framework. (van Eemeren and Houtlosser, 1999, p. 483)

In the “extended theory” the dialectical theoretical framework attuned to dealing with the reasonableness of argumentative discourse has been methodically enriched with a rhetorical dimension accounting for the effectiveness of argumentative discourse. (van Eemeren, 2018, p. 114)

In these passages, rhetorical moves are pictured as constrained by a framework of dialectical rules that determine what passes for reasonable argumentation. So, the rhetorical strategic maneuvering in argumentation discourse is subject to the standards of reasonableness provided by the dialectical rules for an ideal critical discussion. An additional reason why the dialectical perspective should be considered basic to the rhetorical perspective is that the dialectical rules are proposed as general or universal principles whereas rhetoric is concerned with particular occasions. “It seems natural, then,” writes Tindale (2004, p. 15), “that the specific should be embedded in the general.” As for logic, it is also embraced by the dialectical rules for a critical discussion: good dialectical practice requires logical standards and one of the rules of the Pragma-dialectical code of conduct, the validity rule, demands that there be a satisfactory relationship between the

premises and the conclusion of arguments, and to determine that is the job of logic. In this way the dialectical perspective is seen to be basic to both the rhetorical and logical perspectives.

While staying true to the main tenets of its original formulation, the Pragma-dialectical theory continues to evolve. In more recent accounts of the relationship between dialectics and rhetoric van Eemeren makes the following observation.

Viewed from a critical point of view, paying attention to rhetorical effectiveness is in fact only worthwhile if this happens within the boundaries of dialectical reasonableness. Similarly viewed from a practical point of view, setting dialectical standards of reasonableness is only of any significance if this goes together with paying attention to the rhetorical tools for achieving effectiveness. (van Eemeren, 2018, pp. 114-15)

This remark shows a further development in the pragma-dialectical theory, suggesting a kind of symbiotic relationship between dialectical and rhetorical perspectives on argumentation.

2.2 *The logical perspective*

Following Wenzel (1990, p. 25) we may take the logical perspective to be a focus on the acceptability, relevance and sufficiency of premises, the three familiar criteria that are associated with informal logic. We should note that this is a wider conception of logic than what formal logicians work with. Logic, as they see it, is only concerned with questions of consistency and validity. But it is the broader conception of logic that is in play for discussion of argumentation theories, and since the wider conception includes the requirement that premises must be acceptable in addition to being logically sufficient, we may call it the ‘epistemic perspective’ as well as the ‘logical perspective’.

According to Ralph Johnson in *Manifest Rationality* (2000), “Logic ... sees the *telos* of rational persuasion as governed especially by Logos. It does not deny that Ethos and Pathos have roles to play, but these are secondary” (p. 269). So, this view gives priority to the logical perspective over the rhetorical one on the basis that logic is more central to rational persuasion than are other means of persuasion. Johnson also distinguishes the illative core of an argument (the premise-conclusion set) from what he calls an argument’s dialectical tier, an essential part of an argument in which an arguer carries out their rational obligations to respond to objections pertaining to the illative core (p. 165). The illative core is subject to logical evaluation but the activity in the dialectical tier – which is dependent on the illative core -- is subject, we presume, to dialectical norms. Logical norms may thus be seen as basic or prior to dialectical norms because the dialectical tier is ontologically and functionally dependent on the illative core.

Harvey Siegel defends the view that it is the epistemic (logical) perspective that is the most important in argumentation theory. In “Arguing with arguments” (2022) he maintains that “epistemic norms enjoy conceptual priority in argumentation” (p. 1). There are two arguments for this claim, one based on practice, the other on the concept of ‘argument’. The argument based on practice is that ‘arguments’ in the sense of

propositional abstract structures of premises and conclusions, “are what we traffic in when arguing” (p. 3, and *passim*); that is, they are what we use when engaged in the activity of argumentation. Without such arguments, thinks Siegel, there can be no argumentation (p. 28); they are the essence of the practice of argumentation (p. 10). Hence, Siegel considers his theory to be an epistemic theory of argumentation because the standards (norms) for arguments in the abstract propositional sense are epistemic standards (p. 28).

How are the (logical-) epistemic components of argumentation related to the dialectical and rhetorical components? Siegel sees the norms of other perspectives on argumentation as “reasonable and legitimate ways to evaluate arguments” (p. 5) and sometimes appropriate (p. 26), but although they are compatible with epistemic norms they are not of equal priority (p. 28). Underlying this claim, perhaps, is a conceptual argument. It is the view that ‘argument’ in the abstract propositional sense is the basic concept from which other senses of the term, ‘argument’ as argumentation, for example, flow (p. 24) or are derived (p. 28).¹ So, because the abstract sense of ‘argument’ is the conceptually basic meaning of ‘argument’, the norms attendant to it are conceptually prior to norms that are relevant to secondary meanings of ‘argument’, such as ‘argumentation’. If it is granted that dialectical and rhetorical norms pertain primarily to argumentation rather than to arguments, then we can see why they are conceptually secondary norms in relation to epistemological norms since they pertain to a derived sense of ‘argument’. Siegel offers no comment on how the norms of dialectics and rhetoric might be related to each other; he is not espousing a particular synthesis of the three perspectives in this essay.

2.3 *The rhetorical perspective*

Wenzel (1987, p. 108) proposes what he admits is a controversial hypothesis, to wit, “logical evaluation is constrained by the possibilities of rhetorical analysis. In other words, the rhetorician must clear the way (indeed, must lead the way) for the logician.” The point is that rhetorical analysis must precede logical evaluation because arguments (in the product sense) are uncovered and identified through rhetorical analysis. Tindale goes even further. His view is that the rhetorical perspective embraces both the logical and dialectical perspectives. In *Acts of Arguing* he writes, “the most appropriate synthesis of the main perspectives of argumentation theory is one grounded in the rhetorical [perspective]” (1999, p. 6) and in a subsequent book, *Rhetorical Argumentation*, he urges that,

a complete theory of argument will accommodate the relationships among the three [perspectives: product, procedure, and processes]. Still, it is the rhetorical that must provide the foundation for that theory, and it will influence how we understand and deal with the logical and the dialectical in any particular case. (2004, p. 7)

¹ I am not sure what argument there is for this claim. Could the concept of ‘argument’ have developed from the concept of ‘argumentation’ through analysis of ‘arguing with someone’? “Why are you saying (arguing) that?” “These are my reasons (my argument)”.

The idea here is that the perspectives of logic and dialectics should be situated “within a rhetorical casing” (1999, p. 15). The casing Tindale has in mind, however, is a broader conception of both rhetoric and argument than what we associate with the dialectical and logico-epistemological, or philosophical, perspectives. It “mixes them with newer innovations” (2004, p. 20). In particular, he adds the concept of an argumentative situation in which “an argument is the discourse of interest that centers, and develops in, the argumentative situation” (p. 23). This harkens back to the idea that rhetoric is concerned with the process aspect of argumentation. It is only as the process of argumentation develops, thinks Tindale, that we will be able to identify the roles to be played by logic and dialectics in individual cases. Since it proposes to combine a network of concepts rather than identify fundamental norms of argumentation, it might be more helpful to think of the rhetorical perspective as binding all three perspectives together rather than being a foundation.

What is alleged to be the advantage of the rhetorical perspective on argumentation, over its rivals, is that it is through rhetorical analysis that the roles of logic and dialectic in each particular argumentation instance come to light. Our understanding of argumentation situations guides us in telling which logical standards should be in play and which other considerations are dialectically relevant. So, the rhetorical perspective on argumentation does not assume particular logical or dialectical standards as having universal application but leaves them to be situationally determined.

2.4 Reflection

What might lie behind the presence of these three distinct perspectives on argumentation? The dialectical perspective has its roots in interpersonal argumentation; that is, disagreements between individuals or small groups (Is *King Lear* better than *Macbeth*? Did the war end in 1865, not 1864?). The rhetorical perspective has developed out of a tradition in which the object was the persuasion of groups such as juries and political bodies (this man is innocent; this policy better increases national security). The rhetorical aspects of argumentation is less committed to explicit interaction than the dialectical (read: dialogical) aspects. The logical-epistemic perspective stems from our desire to know the world, both physical and social, in which we live (Is climate change real? Do children of rich parents live longer than children of poor parents?) and accordingly is closely tied to scientific methodology. Each of the perspectives champions its own standards and methods and wants to extend them to the subject matter of the alternative perspectives in order to make a general theory of argumentation. But the attempt to embrace all the perspectives in any one perspective necessarily leads to considerable gerrymandering of concepts (round pegs are forced into square holes) and this meets with resistance from those who see their preferred perspective less honored than they think it should be.

I think it is right that the use of rhetoric in persuasion must be restrained by rules of some kind; I am not sure they have to be the particular rules proposed by Pragmadiagnostics or only dialectical rules. I think it is right that interpretation and analysis must precede argumentation evaluation; I am not sure that the interpretation and analysis must

necessarily be restricted to what rhetorical and/or dialectical categories have on offer. (We must resist the temptation to say that *whatever* is needed for interpretation belongs to rhetoric.) I think too that argumentation that does not satisfy relevant logical / epistemic standards is not good argumentation and should not persuade a reasonable person; but I am not sure that this necessary condition requires that epistemic norms have conceptual priority over other norms in a theory of argumentation. (Having priority in the evaluation of arguments does not imply having priority in argumentation theory.)

3 ARGUMENTATION AS PRACTICAL REASONING

3.1 *Probative and psychological levels of argumentation*

We can understand our argumentation engagements as operating on two levels at once. On what we may call the probative level we make, listen, and respond to arguments; on this level we mainly traffic in propositions (sentences that make arguments and sentences that make questions or criticisms). On another level, the psychological (or non-probative) level, we say and do things that affect the psychological climate (the discursive environment) in which the probative activity is taking place. This can also include indicatives and questions (“that is an insightful analogy you propose”; “Do you really want to associate yourself with that kind of politics?” ...) but also gestures (winking, slamming the door, laughing, raising an eyebrow). The purpose is to dispose an argumentation participant to respond to probative moves in a desired way, not to add to evidence or criticism. Thus, what a persuader-by-arguments should seek to do, in addition to making good arguments and criticisms, is to foster a psychological climate that, at least, will not hinder the reception of their arguments and criticisms and, at best, will facilitate their critical acceptance. If one does not coordinate the moves on the probative and psychological levels one is likely to frustrate one’s purpose: a good argument may be stubbornly resisted; a fallacy complaint may not be taken seriously. On the probative level we should adjust our arguments to our argumentation partners, but on the psychological level we attempt to adjust the attitudes of our argumentation partners to the reception of our arguments and/or criticisms made on the probative level.

Pragma-dialectical theory understands the rhetorical aspects of argumentation as strategic manoeuvring. I think we should take the further step and recognize that strategic manoeuvring is practical reasoning in the context of argumentation. That there is “manoeuvring” gives the game away. That one *selects* arguments and presentational devices and *adjusts* them to an audience indicates that one is choosing means to an end. That argumentation is a “goal-directed ... activity” (van Eemeren, 2018, vii) reinforces the view that argumentation is practical reasoning because being goal-directed *is* the hallmark of practical reasoning. And Tindale (2004, 5) writes that the rhetorical emphasizes “the means used” in argumentation communications. Nothing new here. After all, Aristotle thought that rhetoric is the ability to see which practical means would best accomplish a desired goal on a given occasion with a given audience (*Rhet.* I, 2, i). My point is not to

complain about rhetoric but to say about it what others do not say often enough: *In the activity of argumentation the role of rhetoric is to support practical reasoning aimed at influencing the cognitive and/or affective states of other people.*

At both the forensic and psychological levels our participation in argumentation is, essentially, an activity of practical reasoning. On the probative level, for example, we practical-reason that an appeal to patriotism will, on a given occasion, be more fitting than an appeal to sympathy. At the same time, on the psychological level, we practical-reason that standing beside our nation's flag, letting patriotic music play in the background and interspersing our forensic argumentation with references to national heroes will advance the likelihood that our point of view will be accepted. In another situation we take the sting out of a personal criticism on the probative level by asking for clarification and on the psychological level by inducing laughter, making our critic blush, or taking on an exaggerated attitude of guilt. The covid pandemic had the consequence that a lot of television interviews were conducted electronically from the interviewee's chosen location, mostly their homes or offices. Notice the backgrounds they chose for themselves: books, no books, flags or religious symbols, sport trophies, a plain brick wall, an image of a natural setting. Whatever background they intentionally presented themselves against can be understood to be a means of influencing the psychological climate in support of their views.

We need only the simplest ideas about practical reasoning to understand how argumentation is practical reasoning from both sides of a standpoint or thesis. An agent wants to bring about a certain goal, G, and believes that the means, M, is sufficient for that to happen. Whether or not G is an acceptable goal is a moral, perhaps prudential, question; whether M is a sufficient means within the agent's capacity is a factual question and, if M involves affecting persons, also a moral question. The one resisting the advances of a protagonist can defend their position by being critical of G or M, or both.

This idea of how practical reasoning works in argumentation is very similar to the technical Pragma-dialectical concept 'strategic manoeuvring', although it may be somewhat broader. On the psychological level of argumentation, for instance, practical reasoning, unlike strategic manoeuvring, need not be limited to linguistic expression, and it does demand that arguers have a design or plan for a course of argumentation other than in a very general and vague way. Practical reasoning moves and responses in argumentation may just be intuitive responses to an interlocutor's last contribution; nevertheless, they can be viewed as being in the service of advancing or resisting an arguer's position. Also, the practical reasoning view of argumentation pays more attention than strategic manoeuvring to the active participation of antagonists.

Here I am taking the view that what argumentation is, at bottom, is practical reasoning, and accordingly that practical reasoning should be our perspective on argumentation theory. This is very similar to Tindale's preference for the rhetorical perspective but digs deeper because practical reasoning underlies rhetorical insights, and is broader, and more open to the many factors that encircle the activity of argumentation. Also, a focus on practical reasoning can sideline the persistent negative connotations associated with rhetoric in contemporary culture. The proposal that practical reasoning is

fundamental to argumentation will meet resistance from those who think that practical reasoning is dependent on epistemic reasoning (Siegel 2019), but it may gain some support from others who think that epistemic reasoning rests, ultimately, on value reasoning (Hardwig 1991). Discussion of these alternative positions, important as they are, is not possible within the present limits. For now, let us explore how the practical reasoning perspective on argumentation might unfold, and, in particular, how the three perspectives with which we began our inquiry not only complement each other but may be viewed as intertwined.

3.2 *A practical-reasoning theory of argumentation*

As a first attempt to outline the practical-reasoning perspective on argumentation, we can formulate the following ten theses.

(T.1) *Initial situation – telos.* An agent, A, has the goal of influencing the cognitive or affective states of a target B. Importantly, A and B are persons.

(T.2) *Initial situation – constraint.* A must use only symbolic means (language and gestures) to achieve A's goal and B has only the same means for resisting or acquiescing to B's goals.

(T.3) *Means – Method.* Because of T.1 & T.2 A engages in practical reasoning about how best to achieve A's goal. The target, B, may at the same time engage in practical reasoning about how to respond to A's efforts. This involves A and B making moves on both the probative and psychological levels of argumentation.

(T.4) *Means – Information.* Because of T.2 and T.3 agent A relies on knowledge of human nature in general, and the particular circumstances of their targets. The more information the agent has about the target the better they will be able to influence the target in the desired way. General knowledge of human nature such as that people like to be reassured, minds are changed incrementally, people are more likely to be influenced by someone they trust, etc. is useful for A's purpose. So is information about individual targets helpful, such as what are their present beliefs, fears and loyalties, economic standing, history, and education. Information about targets is grist for the practical-reasoning mill that agent A needs to effectively influence their target. Similar considerations apply from the target's point of view. It is in this way that practical reasoning is the foundation of the activity of arguing.

(T.5) *Constraint – Ethical.* Because of (T.2 - T.4) the agent and target incur ethical obligations to treat each other as persons, with respect. "In acts of persuasion, so act as to treat both yourself and others as ends in themselves and never merely as means" (Johnstone, Jr. 1981, 310, via Kant 1785, 429). So, here ethical considerations become relevant. That's inevitable since A and B are engaged in inter-personal attempts of trying to bring about changes in each other. Treating a person with respect in the course of argumentation involves recognizing their autonomy by using good argument and being open to responses.

(T.6) *Constraint – Standards*. Because of (T.5) our attempt to affect others who are autonomous rational beings, our argumentation must meet logico-epistemic standards.

(T.7) *Constraint – Method*. Because of (T.6) both pro and contra-arguments for a thesis should be sought (see Mill, *On Liberty*, ch. 2). This is where dialectical considerations come into the picture. Insofar as dialectical theories are about objections and responding to them, they are a good fit with the dialoguing that constitutes much of argumentation. (In Aristotle's *Rhetoric* (1.2.7) rhetoric is pictured as an offshoot of dialectics and ethical studies; on the practical reasoning model dialectics emerges as a restraint on practical reasoning (rhetoric) due to rational and moral considerations.)

(T.8) *Constraint – Testing*. Because of (T.7) evaluation is needed for the pro and con arguments offered up by dialectical activity. This is where criteria, formal and/or informal, for being in agreement with logical/epistemic standards become part of argumentation theory.

(T.9) *Constraint – Transparency*. Because of (T.5 - T.8), transparency is needed. This thesis could have been placed earlier in the list, but the openness required by ethics for good argumentation (T.5) should include the sharing of standards, methods, and criteria for testing in the process of argumentation. (Transparency is basically the same requirement as Johnson's manifest rationality requirement.)

(T.10) The theses T.1 - T.4, are the bases of the activity of influencing others through symbolic means. The theses T.5 - T.9 turn influencing into normative argumentation. The theses T.1 - T.4 are thus the base conditions for the activity of argumentation. The constraints (T.5 - T.9) combine to reign-in free-wheeling, un-fettered, self-interested practical reasoning aimed at influencing the attitudes of others.

3.3. *Some loose ends*

On the view outlined above, argumentation is not an extension of the concept 'argument', and argumentation theory is not an extension of logic. Argumentation is a form of persuading or influencing others and argumentation theory falls under the broad umbrella of persuasion theory. Arguments – in the abstract propositional sense – are in service of persuading by reasons; they are essential components of good argumentation, and the concept of 'argument' is necessarily embedded in normative theories of argumentation.

As for the question of how the three perspectives on 'argument' "hang together" or are to be combined in a theory of argumentation, the practical reasoning perspective proposes an answer. Picture a sequence of concepts with each, save the first, depending for its presence in argumentation theory on its predecessor: <practical reasoning, rhetoric, ethics, rationality, dialectics, logic>. Because we engage in practical reasoning about how to influence people we have use for much of the information falling under rhetorical concepts; because we are trying to influence others we have ethical considerations; because we have ethics (respect for persons) we have standards of rationality; because we have standards of rationality we have dialectical requirements, and because we have dialectical requirements we need logical/epistemic standards to chase the chaff from the wheat.

There is a perspective that considers practical reasoning in argumentation as just one type of argumentation activity, a deliberation dialogue, in which two or more people jointly engage in practical reasoning to decide the best course of action to realize an end in which they have a shared interest. The view argued for in this essay is that all kinds of dialogues (critical discussions, persuasion dialogues, inquiries, negotiations, etc.) issue from practical reasoning of the individual parties in the course of the argumentation in which they find themselves and in which they try to satisfy their own interest. It may not be a selfish interest, but practical reasoning, I suggest, underlies *all* argumentation.

So, what is argumentation? When people engage in argumentation they attempt to influence the cognitive or affective states of some other(s) person/people on the basis of arguments or argument criticisms. How does one do argumentation? One uses practical reasoning on the probative level to choose arguments and criticisms which one believes will further one's goals and, on the psychological level, one uses practical reasoning to select things to say or do that will affect the discursive environment in a way that will make co-arguers receptive to arguments and/or criticisms made on the probative level.

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Perspectives on Political Arguments

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ABSTRACT: The terms ‘political argument’ and ‘political argumentation’ are widely used, but no single meaning of the terms is obvious. We want to identify different meanings given to these terms and determine which of them might be most helpful in locating political argumentation within argumentation generally. We first explore the external relations of political arguments; then, we explore the internal features of political arguments. We end with investigating the relations of political argumentation to the public.

KEYWORDS: political argument, political argumentation, practical reasoning, public goods, public sphere

1. INTRODUCTION

We want to inquire into the nature of political arguments. What is it that sets them apart from other kinds of arguments? The word ‘argument’ is, however, as we all know, ambiguous. To resist possible confusion, we shall always use the word ‘argument’ for sets of sentences that divide into premises and conclusions and the word ‘argumentation’ for the sequences of speech acts exchanged by people when they argue with each other, constructively or not, about a question that is the subject of their disagreement. We will respect the distinction and first consider different ways that political arguments are located in argumentation (discourse) and, after that, see what may be said about political arguments independently of their contexts in argumentation: A way to understand this is to consider what are the external properties of political arguments, and what are their internal properties.

2. EXTERNAL RELATIONS OF POLITICAL ARGUMENTS

In this part of the essay, we consider three possible relational properties of political arguments: the source of the arguments, the sphere in which arguments are made, and the fields or domain in which political arguments are found.

2.1 By speaker

Arguments count as political if made by people who have or take a political role. This will include those who hold or are seeking political office and others who contribute to what might be considered political issues. (We must limit the scope here to the arguments these people make during their political work, not their private lives). Fairclough and Fairclough attribute such a view to T.A. van Dijk.

[van Dijk characterize[s] ... political discourse as attached to political *actors* – individuals (politicians, citizens), political institutions and organizations, engaged in political *processes* and *events* – and [he] emphasis that a notion of *context* is essential to the understanding of political discourse. This means that, outside political contexts, the discourse of politicians or any other ‘political actors’ is not ‘political’. ... The institutional dimension is obvious in the case of such political contexts as parliament or government ... but is also present in more weakly institutionalized contexts, such as internet discussion forums ... where citizens avail themselves of their right to publicly criticize government policy for failing to meet legitimate *commitments* and *obligations*. (Fairclough and Fairclough 2012, pp. 17-18)

Here, political arguments (they are part of political discourse) are traced to political actors. Political actors are, in turn, identified by contexts of argumentation, which are the institutions or “places” where political argumentation takes place. However, these institutions or places, although some of them are readily identifiable, can also be either vaguely or circularly identified, as is the case with internet discussion forums. Political arguments happen in such and such discussion places, which are, in turn, identified as those in which political arguments are made. So, theories along these lines cannot give us a sharp demarcation of political arguments.

2.2 By spheres

Habermas gives us a sociological perspective on political argumentation. His work is exactly at the intersection of our interests: argumentation and politics. From him, we have the important concept of ‘the public sphere,’ which he originally identified as a 17th and 18th century phenomenon of informal discussions in private salons and other meeting places. In our day, the public sphere is quite different due to changes in communication capacity and increased levels of education. It is now a much more ubiquitous but also amorphous “place.”

Perhaps it will be helpful to distinguish the public sphere from other spheres in the way Thomas Goodnight (1982) has done. The personal sphere of argumentation is relatively private; it is that in which we argue with our friends about things that concern us personally and are not normally of interest to other people. The technical sphere is related to subject matters in which one needs some kind of specialized education or skills to participate; hence, discussion of pollution levels, the difference between Hegelianism and Marxism, or evolution theory, is carried on by knowledgeable people in the technical sphere. It is of interest not only to the participating discussants but to others equally well-informed with an interest in those questions, but not so much to those without the background to follow the argumentation. Contrast these spheres with:

Argumentation in the public sphere has two key characteristics. First, it is addressed to and offered on behalf of, the general public. Therefore, at least in theory, it is accessible to everyone. ... Second, the outcome of the arguments may affect the community at large, not just the individuals who are deliberating. (Zarefsky, 2019, p. 246)

Zarefsky observes elsewhere that political argumentation “is predominantly the discourse of the public sphere, to which access is in principle unrestricted and for which technical expertise is not the price of admission” (2009, p. 115). It is open to all (p. 120). Hence, the genesis of political argumentation has a broad basis. However, although political arguments dominate the public sphere, they are not the only argumentation activity found there. The arts (e.g., music and other entertainments), popular culture (e.g., fashion, “lifestyles”) and sports (baseball) are also discussed and argued in the public sphere, but they hardly count as political topics.

2.3 *By fields*

To say that political argumentation can be identified with argumentation in the public sphere is to identify it by “place” and indirectly by who is doing the arguing. Another way to carve up argumentation activity in a society is in terms of fields. In Zarefsky’s 1982 essay, he reviews different ways of distinguishing argument fields. One is by academic fields such as law, science, ethics, religion, and politics. (Notice that fields constitute a broader category than subjects such as Aristotle’s political subjects, discussed below; they are subjects belonging to, or within, a field.)

Fields of argumentation can be distinguished by their situational features, that is, the situations that give rise to argumentation in each of them. This conception of fields is akin to what Pragma-dialecticians call “domains”: they give a partial list: law, commerce, academia, medicine, and politics. (Notice that the examples of fields a few sentences back would all fit within the academic domain.) Each of the domains is said to have its own particular type of “communicative activity” – roughly, a “kind of discourse” – that has developed within the domain to meet the domain’s needs and has become conventional. Thus, conventional types of communication have developed in the legal domain for drafting indictments, trial procedures, appeal procedures, etc. In the political domain, the types of conventional argumentation activities include the prime minister’s question time, debates, interviews, parliamentary debates, etc. This reminds us of van Dijk’s view discussed above, but more is being said here. It is not only who makes political arguments, but something is said about what kinds of arguments are predominant in the domain. A genre of argumentation has developed with each domain-specific conventional communication. In the legal domain, for example, where the need is to have a third party settle a dispute, the genre of argumentation is adjudication (van Eemeren, 2010, p. 147); in the scholarly domain, where the need is to decide a question of knowledge, it is disputation; and in the types of political where the need is to preserve a democratic political culture, the predominant genre of argumentation is deliberation (2010, pp. 140 -148).

Saying that political arguments are those made by certain speakers in specific contexts of argumentation, or are a key activity in the public sphere, or are the

arguments found in political argumentation activity may serve to pick out political arguments extensionally. Still, it tells us little about what the arguments are actually like. What are they like, internally, without reference to their larger context? We will explore this in the following parts of this project.

3. INTERNAL FEATURES OF POLITICAL ARGUMENTS

3.1 *Premises and principles*

Perhaps an analogy can help us identify the nature of political arguments. We can say that moral arguments are those that essentially contain at least one moral premise (principle or judgment). Frankenna, reflecting on Socrates' method in Plato's *Crito*, observes the following:

In each of these arguments Socrates appeals to a general moral rule or principle which, upon reflection, he and his friend Crito accept as valid. ... In each case he also uses another premise which involves a statement of fact and applies the rule or principle to the case in hand. Then he draws a conclusion about what he should do in this particular situation. This is a typical pattern of reasoning in moral matters ... (Frankenna, 1973, p. 2)

By analogy, we may say that mathematical arguments are those that rely on a general rule or principle of mathematics (e.g., the transitivity of 'greater than') and arguments about aesthetic value depend on aesthetic principles (objects of art must be objects of aesthetic contemplation) and arguments about economic predictions depend on principles of economics (e.g. increase in demand leads to increase in prices) and scientific arguments as those which essentially have a scientific law, singular causal statements or explanatory hypotheses as a premise. Why not then say that a political argument is one that essentially has a political principle, or consequence of a political principle, as a premise?

Although initially attractive, this proposal faces the complication that it is not always possible to distinguish political principles from neighboring ethical and economic principles since some principles belong to more than one field (subject area). "Expenditures should not exceed income," for example, can be both an economic and a political premise, and "Violent aggression should be prohibited" can be both a moral and political premise. However, the fact that some political arguments are also at the same time economic or ethical arguments does not prevent them from being political arguments. Still, the kinds of principles or judgments that we hypothesize underlie political arguments ultimately rely on may not be on the surface of the discourse but rather lie buried in unexpressed assumptions of which even argument-makers themselves are not aware. That sort of difficulty can affect the identification of all kinds of arguments by their essential principles as premises, political arguments included. These problems, taken together, affect the practical feasibility of identifying political arguments by their premises.

Caution: We note that arguments *for* political principles, as offered by political theorists, are not what politicians (practicing politicians) traffic in when engaged in

political activity. Political argumentation in the activity of politics is *from* political principles, not towards them.

3.2 Subject matter

Can political arguments be identified by their subject matter? That is, by the factual premises and conclusions of which they are made? Aristotle seems to have thought so: “The most important subjects on which people deliberate and on which deliberative [political] orators give advice in public are mostly five in number, and these are finances, war and peace, national defense, imports and exports and, the framing of laws” (*Rhet.* 1.4.7). We might add some subjects of contemporary political interest: education, health services, infrastructure, pensions, and immigration. But not all arguments falling under such headings are political arguments. When a farmer reasons that he should turn his fruit orchard into a vineyard because it would be more profitable, his argument is primarily economic (finances), not political. Similarly, the argument that I should eat more vegetables is about health, not about politics. This is not to belittle the fact that many non-political arguments have political echoes. But not all arguments about topics that are also pursued in politics are best seen as political arguments, in our view, because it makes the concept of ‘political argument’ too amorphous and takes away from what should be the focus of understanding and evaluation in political arguments. Hence, defining ‘political argument’ in terms of subject matters alone is not satisfying.

It is better to see political arguments as making proposals about action in the subjects that Aristotle identified. He said that we do not argue about ends or goals of action but about the means of bringing the ends about (*E.N.* 1112b13). If we agree that the goals of politics are given – at least, on a very general level -- then what remains is figuring out how to achieve those goals, and this is where proposals supported by arguments enter the picture. We then have political arguments as those whose conclusions are proposals for actions to reach a community’s (a city’s, a region’s, a state’s) goals. So, it is not simply the subject matter of arguments *per se* that makes an argument political, but that it has the logical feature of being a proposal for a course of action to meet one of the goals. Taking some of the subjects Aristotle thought were especially political, consider this display:

Subject Matter	Community’s Goals	Proposed Means (Political Proposal)
Finances	Sound management	- Increase taxes to balance the budget - Decrease expenditures to balance the budget
War and Peace	Safety and Security	- Engage in diplomacy with hostile neighbours - Increase the size of the military
Trade	Strong economy	- Improve infrastructure to facilitate exports - Weaken currency to increase exports
Laws	Justice	- Pass laws L_1, \dots, L_n , to promote social equality - Enforce present laws more stringently

As we can see, proposals from different subject areas are tied to different general goals. The display does not indicate what reasons might be given for the proposals, but we can add those with our imaginations. That political arguments have proposals for meeting goals is an internal property of political arguments; that the alternative proposals will vie for attention and acceptance by decision-makers is an external property of political arguments.

3.3 Practical argumentation

Isabella and Norman Fairclough write that “politics is most fundamentally about making choices about how to act in response to circumstances and goals, it is about choosing policies”; accordingly, they view “political discourse as primarily a form of argumentation, and as involving more specifically practical [arguments], [arguments] for or against particular ways of acting, [arguments] that can ground decisions” (Fairclough & Fairclough, 2012, p. 1).¹⁰ With others, they see that it is the genre of deliberation, with its main type of argumentation being practical reasoning, that makes political discourse unique (p. 20).

This identification of political argumentation as practical argumentation suggests that it satisfies a scheme something like this:

(Sc1) We should obtain a goal, *G*.

Doing action *A* is a means of obtaining *G*. [proposal]

So, (practically speaking) we should do *A*.

This is a practical argumentation schema, and particular political proposals might take this form. For the Faircloughs, “deliberation involves ... considering *alternative practical arguments*, supporting *different claims* and examining and weighing considerations that support these alternative claims. This is what agents deliberating together are doing” (p. 50). Deliberation is not a kind of argument but a kind of thinking that becomes argumentation when it is done in concert with others. So, deliberation seems to consist of a kind of meta-practical reasoning about which practical reasoning argument to choose: second-order practical reasoning about first-order practical reasoning. This is an internal property of deliberation (in politics).

Fairclough and Fairclough make an important observation about practical reasoning.

... agents do not move *from* premises *to* a claim for action that is allegedly *supported* or *justified* by those premises. ... A more accurate view of what goes on would be [that] ... People come up with a tentative choice, a judgment, an idea, as possibly the right thing to do, and then think of its implications for various spheres of life. ... In order to *increase the rationality* of their final decision people have to think of challenges to their original hypothesis, i.e., the hypothesis that the action is the right one. ... Criticism, not justification, is the way that rational argument can advance our ... rational decision making. (2012, p. 49).

The method of evaluation of arguments is intimately connected with the argument kinds to which they belong. Thus, another internal feature of political

¹⁰ We have made three changes of ‘argumentation’ to ‘argument’ in this sentence

arguments is that practical reasoning arguments are evaluated in part by the acceptability of their consequences. Fairclough and Fairclough share the critical rationalist perspective on argument evaluation with the Pragma-dialectical theory.

Christian Kock is very much in agreement with the Faircloughs about the role of practical reasoning in political discourse. He acknowledges Aristotle's insight that extends practical reasoning from personal to political interests.

Ethics is about deliberate choice by individuals and political argumentation is about [i] the collective [ii] deliberate choices [iii] by the polity: [iv] politics is about making these choices well so that the good life of all citizens is optimally secured; [v] rhetoric is one of the principal means to do this. (Kock, 2017, p. 53).

Political deliberation is a kind of group (collective) practical reasoning in the face of an exigency: a choice must be made between alternative proposals. "On any important decision," said Aristotle, "we deliberate together because we do not trust ourselves" (*N.E.* 1112b10, as quoted by Kock 2017, p. 47).

The argumentation that goes on is between the deliberators as they try to persuade each other which proposal to choose, that is, which argument is best. That political (and ethical) argumentation is about choice rather than facts (propositions) contrasts it with argumentation in science, which attempts to determine what is true or probable. But choices are neither true nor false (Aristotle, *E.E.* 1226a4). From this, Kock concludes that political argumentation, because it is about choices (proposals), not propositions (sentences that have a truth value), lies outside the scope of logic. In Kock's view, logic can only deal with propositions; hence, appeals to logic cannot aid in making choices. So, here is agreement with the Faircloughs: practical reasoning – political argumentation -- does not proceed logically from premises to conclusions.

But Kock takes a step further. Value orderings (value preferences) differ among people. That is because values are subjective and allow value-holders to prioritize their values as they wish; moreover, values are incommensurable: they resist being reduced to other values, so there is no one set of value priorities that can ground objective decision procedure in political argumentation. So, there may be good arguments on both sides of a political proposal, but there will be no rational procedure or logical means to decide between them. Such situations are typical of political argumentation, and Kock characterizes them as constituting legitimate dissensuses (p. 173). What, then, is the character of political argumentation? "The kind of argumentation through which we may work upon other individuals' free choice," thinks Kock, "is rhetoric" (p. 178). This distinguishes his position from the critical rationalists' position, which chooses between competing proposals on the basis of how their logical consequences fit with our values and desires. The rhetorical method is to weigh, in some non-mathematical way, the competing proposals and, through the resources of rhetorical persuasion, find the one most palatable (p. 282). Whether there is much in-practice difference between the Faircloughs and Kock on how deliberation can lead to political choice awaits further examination.

We have looked at the internal constitution of political arguments to see what kind of arguments they are and found that they are practical reasoning arguments that support political proposals. They are the subject matter of the argumentation activity type: deliberation.

4. POLITICAL ARGUMENTATION AND THE PUBLIC

The quest for a good definition of political argument and political argumentation is to be continued.

However, here is another attempt to bring empirical and normative dimensions of political argumentation together:

A sequence of speech acts constitutes political argumentation if implemented; therefore, empirically speaking, it affects the public, and normatively, the effects of good political argumentation should be positive, i.e., should serve the public good.

Since we include the effect on the public as a necessary condition to public argumentation and, normatively speaking, the positive effect on the public, i.e., advancing public interest, as a good political argumentation, we need to provide some explanation on how we understand the public and public interest.

Four terms are relevant to our discussion: Public sphere, public interest, private sphere and private interest. How do we distinguish them? Roughly speaking, the private sphere refers to the domain of personal life and individual autonomy, so it is the realm of individual choice. Life in the private sphere is a private existence that “referred to the family and the intimate circle of personal friends, the spheres of individual work and the consumption of goods, and the realm of individual beliefs and preferences” (Constant, as explained in Geuss, 2001, p. 1). On the other hand, public life is situated in the public sphere, which relates to the domain of collective life and societal interactions. So, in the public sphere, we have “public existence,” which is “designated action in the world of *politics*” (ibid our emphasis). As we can see, politics is fundamentally a public phenomenon. This is not to say that in private existence, we are not engaging in political argumentation; it means that the nature of our argumentation to be political has to be about subjects that affect the public existence.

Let us move to public good and private good. Generally speaking, there are two essential features to make sense of their differences: excludability and rivalry (Geuss, 2001). Public goods are non-excludable and non-rival goods, which means (1) no one is excluded from benefiting the goods, and (2) accessing A to the goods does not limit accessing B to the goods. Examples of public goods are security provided by the military or public places such as parks. On the other hand, private goods are both excludable and rival. This means that if I don’t have money, then I cannot enjoy the goods, or if I have access to it, it affects someone else access. An example of private goods would be anything we must buy from our pocket. We also use public good in the sense of that which is in the public's interest instead of private interest.

So, political argumentations are proposals argued for that, if implemented, will affect the public existence as opposed to private existence. As discussed, the nature of these proposals are practical arguments, meaning they are justified positions on how to achieve X, Y and Z. The nature of these goals is such that they affect public life, either in promoting public goods and interests or harming public goods and interests (since not all goods are necessarily physical in nature, we also use interest to capture non-physical goodness such as acknowledging and protecting human dignity, the rule of law, etc.).

Now, let us move briefly to a normative dimension of political argumentation

and ask why does good political argumentation have to affect the public positively, i.e., advancing public goods and interests? One way we suggest differentiating public interest from private is through the most obvious way: whose interest is being advanced? Private interest includes individual, family or group interests, above all financial interests. But, normatively speaking, what is wrong with advancing one's own family or group interest in the context of political argumentation? At the end of the day, this seems to be a common feature of politics, especially in non-democratic systems, however unfortunate it is. The answer to these questions depends on two other questions: who provides the interest? On whose expense?

In our discussion on political argument and political argumentation, the answer to the first question is public office and public officials. The answer to the second question is constituency. So, good political arguments are proposals on how to advance public goods and interests, and bad political arguments are proposals which harm public goods and interests but advance private interests through the means of public offices. We all know intuitively that something is wrong when the core of politics, i.e., being a public servant, is exploited. What justifies politics in the first place is being a servant of the public. No wonder during the election campaign, all that politicians are talking about is that they are the servants of the people, i.e., the public, because it speaks to our intuitive understanding of politics.

One objection to linking the public sphere and public interest to our discussion of political argumentation might be about the blurred line between the public sphere and the private sphere. Yes, it is blurring, but not to the degree of dysfunction. We all get upset when we hear that a public official who is supposed to serve the public interest misuses his authority by advancing his own interests.

Another challenge to our approach might be formulated as the following. Many actions and argumentative activities happen in the private sphere and personal life, but they could have public ramifications. For example, how a parent raises their children will have public ramifications because it shapes, to an extent, their character and how they interact in the public sphere. We believe our argument still stands even in examples like these from the private sphere, not because every argumentation in private life is political, but because those with ramifications on the public have a political dimension. No wonder why governmental agencies intervene when there are signs of child abuse in the household. This is because, on the one hand, it is the state's duty to safeguard the dignity of everyone, including children; on the other hand, it is in the public's interest that children grow up in a safe space and become functioning citizens.

5. CONCLUDING REMARKS

We began by considering what might count as political *arguments*. After several attempts, we arrived at the conception of political arguments as arguments directed at others and anticipated responses. Hence, we turned to reviewing various suggestions about political *argumentation*. Although they all require some kind of inter-personal deliberation in pursuit of political goals, the theories we consulted varied in the kind of argumentation they used in the course of the deliberations (rhetorical, dialectical). Only one of the sources considered, Fairclough and Fairclough, went as far as to explicitly

identify the kind of argument deliberators must use in pursuit of their political goals: practical reasoning. Practical reasoning occurs in both private and public spheres. What we consider political is practical reasoning on the matters that affect the public.

So, it seems to be the only necessary condition that an argument or an argumentative activity has to satisfy to be a political argument/ation is, if implemented, it affects public life as opposed to private life. Then what follows is, regardless of who is an arguer, a politician or a regular citizen, or where the argument is made, in a parliament building or a coffee shop, or whether the subject of an argument is economy, culture, education, environment or what have you, or whether the argument is strong, or weak or whatever argument type might be, or whether the implication of the arguments are positive or negative on the general public, as long as an argumentative activity affects the public, it will fall under the category of political argumentation.

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Argumentations in the Qur'an *A Perspective of Generalized Argumentation Theory*

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ABSTRACT: This paper adopts Shier Ju's Generalized Argumentation Theory (GAT) to analyze some cases of Qur'anic argumentations. By comparing it with Rosalind Gwynne's analysis of the same cases using some of the methods of modern argumentation theory, the paper illustrates the feasibility of adopting GAT to study Qur'anic argumentations and the relative advantages of it, and shows Qur'anic argumentations comply with the social norms of the local communities at the beginning of the rise of Islam.

KEYWORDS: argumentation, Generalized Argumentation Theory, Qur'anic argumentations

1. INTRODUCTION

Rosalind W. Gwynne's research (Rosalind, 2004, pp. ix-x) found more than thirty kinds of argumentations, expressed in both explicit or implicit ways, in the Qur'anic text. These argumentations are the pronouncements of God's appeal to His authority, and this authority has no any other source except that of Himself. Rosalind argues that the Qur'an does not present its content in a way that has self-evident meaning but constructs its own schemes of argumentation to show how its content appeals to its audiences in terms of how they understand it and act upon it. The schemes of argumentation that Rosalind summarizes from the Qur'an overlap with those of argumentation theory focus, e.g., comparison, contrast, categorical argumentations, conditional and disjunctive argumentations, and there are certainly some schemes of argumentation that are unique to the Qur'an, e.g., rule-based Reasoning, logic of commands. (Rosalind, 2004, pp. xii-xiii). The second section of this paper will begin with a case from each of these two schemes of Qur'anic argumentations and a brief introduction to Rosalind's analysis of it.

In two papers published 10 years apart, Shier Ju proposed and refined the research methodology of Generalized Argumentation Theory (GAT) (Shier, 2010 & 2020). He led a team of researchers who sought to study argumentative practices in different cultures

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from both anthropological and sociological perspectives. The team's research programs are based mainly on GAT (van Eemeren et al., 2014). The third section of this paper will briefly demonstrate the research methodology of GAT and reconstruct the cases of Rosalind mentioned above using GAT to show how the cases serves as a social interaction that comply with the social norms of the local community in the period of the rise of Islam. The fourth section will briefly summarize GAT's relative advantages compared with the method employed by Rosalind.

2. TWO CASES OF ARGUMENTATIVE SCHEMES THAT ARE UNIQUE TO QUR'AN

As mentioned above, here we have selected some short cases of Qur'anic argumentations offered by Rosalind. The reason for the selection is as follows: her book is the only collection of works in the English-speaking world devoted to Qur'anic argumentations, as the author herself states: "Though Qur'anic reasoning underlies the immense structure of Islamic theology and law, relatively few books analyze the structure of Qur'anic proofs."

(Rosalind, 2004, pp. xiv-xv) Moreover, the argumentations selected from the book specifically describe some of the basic patterns in the human-god relationship as well as the argumentations in the earliest scriptures of Islam.

1. Rule-based reasoning. This scheme of argumentation has such a feature: "Whatever the structure of the original rule-sentence, it must be restatable in the following form: In circumstances X, Y is required/permitted." This pattern is the product of following four "structural characteristics...necessary for the rule to function as a rule...: a. an indication of the circumstances in which the rule is applicable; b. an indication of that which ought, or may, or must be, or not be, concluded or decided; c. an indication of the type of inference contemplated, whether under the rule it is permitted, required, or prohibited; d. an indication that the statement is indeed designed to function as a rule or inference-warrant."

As an example of a rule that governs human relations and offers more than one possible course of action, let us consider a verse on divorce.

When you divorce women, and they fulfill the term of their waiting-period, either take them back on equitable terms (*bi-ma'rūf*) or set them free on equitable terms; but do not take them back to injure them, (or) to take undue advantage; if any one does that; He wrongs his own soul. Do not treat God's Signs as a jest, but solemnly rehearse God's favours on you, and the fact that He sent down to you the Book and Wisdom, for your instruction. And fear God, and know that God is well acquainted with all things.

(Q 2:231)

Taking just one part of the complex rule the verse demonstrate, It shall be restated it as follows: "When a husband who is considering divorce decides to take his wife back, he may do so provided that he treats her equitably and does not intend to harm her." In which:
a. Circumstances: A man considers divorcing his wife. b. Decision: He decides not to divorce her. c. Type of inference: This decision is permitted, provided that his intention is to treat her equitably and not to harm her. d. Status as rule: If the man fails to observe

this rule, he will bring punishment upon himself, because he is ignoring what God has sent down for his instruction.

2. The logic of commands. God's primordial mode of speech in the Abrahamic faiths is that of command, so that the study of divine command is in a sense coextensive with the study of revelation. God's very acts of creation are commands: ... "He created [Adam] from dust, then said to him 'Be!' and he was." (Qur'an 3:59). Toshihiko Izutsu has written that, the imperative is a very remarkable linguistic device for designating the action or event desired in so straightforward and compulsory a way that the mere mention of the action or event in that form is generally sufficient to bring about its immediate realization (Rosalind, 2004, pp. 67) . For example:

(Allah also) forbidden to you for marriage are your mothers, your daughters, your sisters, your paternal and maternal aunts, your brother's daughters, your sister's daughters, your foster-mothers, your foster-sisters, your mothers-in-law, your stepdaughters...
(Q 4:23)

As above are the two cases I quoted. For Rosalind, rule-based reasoning can still be considered some analysis of the verse, whereas the logic of the command does not analyse its structure in depth, except to emphasize that it consists of imperatives. And both make no consideration of the social context in which the verses were descended.

3. GAT AND ITS RECONSTRUCTION OF THE CASES

3.1 *An introduction to GAT*

GAT suggests that the concept of argumentation should be defined on the interactions in socio-cultural groups:

An argumentation in a socio-cultural group is a sequence of discourses actions aimed at reasoning following the norms of the group; where discourses are meaningful linguistic units consisting of natural language, body language, visual image language and other symbols. (Shier, 2010 & 2020)

Therefore, the study of a socio-cultural group's argumentations (or "reasoning styles") should be conducted in a localized perspective (and is expressed in the "six steps" in the following). A localized perspective does not imply a development of a specific theory of argumentation, but allows us to provide a "container", i.e., a possible framework for containing all argumentations, especially including those from minority or non-mainstream cultures.

The GAT treats argumentative participants as subjects of social interaction who subordinate to a socio-cultural group (or groups) and share the (at least relatively) same context. They understand the (functional) discourse actions of other participants in terms of the social norms which are developing elements of the context or being consistent with it and then they perform certain (functional) discourse actions regarding the same things. Clearly that each part of this periodic process will be governed by the social norms mentioned above. The social norms argumentations are also served as the rules we have to indicate by which the socio-cultural group (or groups) constructs its argumentations. Socio-

cultural groups are localized in terms of their ethnic history, places of residence, population size, psychological structure, etc., and therefore argumentations that conform to the corresponding socio-cultural norms are also of localized reasonability in the corresponding senses.

The above two schemes of Qur'anic argumentations using the GAT to demonstrate its perspective and use. While it is true that the fundamental beliefs of Islam consider this religion to be universal, Muslims are still a part of a socio-cultural groups but not the whole. In this sense, we can say that the universality of the Qur'anic argumentative patterns in the cognitive state of Muslims is not in conflict with the localized reasonability in the sense of this paper.

Now for the specifics of the GAT: the six-step approach. Starting from the effectivity² of locally reasonable argumentations, we analysed the socio-cognitive process of argumentative discourse actions in social interactions of arguers, and finally developed a six-step procedure of argumentation localizing method, which consists of the following:

i. Socio-cultural background information gathering; ii. Conducting argumentative fieldwork (including textual fieldwork, as taken in this presentation); iii. Analysis of data to offer candidate rules of argumentation; iv. Candidate rules defence or interpretation; v. Validating the rules in the field (Finding grounds in the sense of social norms); vi. Modifying or adding to these rules according to the socio-cultural context or our needs (step vi is the subsequent extension of the theory).

The following rules are composed of four classes of rules & one class of preferences. A single rule is not restricted to one class, it can belong to different classes at different points of time in an argumentative discourse or a sequence formed by various discourses. By noting the “the class consisting of the norms and customs of the socio-cultural group of the current arguer” as A, and “the class consisting of the norms and customs of the socio-cultural group of all the arguers that appear in the whole corpus” as B, we have: a. Rules of (Argumentative) contextual understanding. These rules answer the question of which ways (including thinking and expression, hereinafter) of A or which ways of conforming to A the current arguer has taken to understand the meaning of the discourse actions performed by other arguers and the contextual changes they have caused in the previous context, and to update their own context. b. (Argumentative) functional rules. These rules answer the question of which of A, or of which ways conforming to A the current arguer should take to decide the intended function of the argumentative discourse action to be taken in the updated context in order to achieve a certain function (or its sub-functions). c. (Argumentative) rules of expression. These rules answer, with the completion of the answer in b., of which ways of A or which ways of conforming to A the current arguer has followed in that context in order to achieve that function, and to select the discourse actions to perform and achieve that function. c'. (Argumentative) expression preferences. These preferences answer the question of what personal preferences the current arguer has when selecting discourse actions in c.. These preferences must not be contradictive to A nor to the rules of expression. d. Nth-order (argumentative) chunking rules. This type of rules answers the question of which, from the point of view of the corpus as a whole as an argumentative process (and not from any intermediate point in the time period occupied by contextual updating or functional realization), the respective

² effectivity involves the elements of successful communication, persuasiveness, and coherence with knowledge in the domain of discourse, in contrast to the concept of validity in formal logic.

argumentation (and its sub-ones) therein construct functional sequences for their discourse actions (or call them discourse turns chunk sequences from the point of view of conversational analysis) according to which of B, or according to which of the ways that are consistent with B. With the Nth-order chunking rules, we can clearly see how the process of implementing any of the argumentative functions as an argumentative corpus whole is supported by the implementations of its sub-functions using the chunking rules. In the Nth-order argumentative sequences, the total function is implemented at the Nth order, i.e. LN. (Shier, 2020, pp. 11-13)

With regard to the application of the six-step approach to argumentations that has a contextual basis of localized reasonability, we defend the following: First, the rules of the six-step approach have a feature of social-functionalism, which takes the social function of the argumentations as the entry point for understanding the argumentations in a particular socio-cultural context; and the so-called function is cognitively neutral because it refers to “the ability of a thing making a change to something else”. Therefore, as long as a particular researcher is able to identify a “change” in an argumentation, they will be able to confirm what a function of the discourse action in the argumentation is. It is true that this requires the researcher to have some knowledge of the cultural background of the local persons, but it does not require the researcher to have the same cognitive status as the local persons do. Hence the six-step approach is positionally neutral and does not conflict with the locally reasonable contextual basis and argumentative methods. Specifically, for examining argumentations in the Qur’an, there is almost no dispute among Muslim and non-Muslim cognitive subjects as to what function an argumentative discourse performs, because the persuasive process of argumentation itself specifically demonstrates the function and the researcher only needs to summarize.

Second, the GAT does not intend to abstract the argumentations, and then to introduce a theory that constructs a set of plausible norms or rules to which argumentations must adhere. The rules and norms of argumentations, if there are any, are entirely determined by the socio-cultural norms followed by the argumentation subjects in the analysed argumentative discourses, being independent of the GAT.

According to these two defences, the six-step approach applies to argumentations with localized contextual bases and argumentative methods, which makes the GAT a container mentioned above. Therefore, we can say that the GAT can serve as a candidate for a metatheory of argumentation theories.

For a purely textual field, the six-step approach is perhaps a little weak, because of the length of the text in hand and the associative unavoidable tailoring of contextual factors and discourse interactions, the current text may need to be complemented by other texts. But it is more dynamic for real fieldwork in real contexts, because the concrete audio and video materials can reflect the strategies of discourse selecting and corresponding rules of argumentation in dynamic contexts in a delicate way.

3.2 GAT's reconstruction of the cases

We now consider the reconstructions mentioned in Section 2. To the rule-based reasoning case with the form “In circumstance X, Y is required/permitted. In circumstances X, Y is required/permitted.” GAT can discover anything new based on this. As mentioned above, we have to consider this rule (and its various examples in Qur’an) in a particular socio-

cultural context. At least in the perception of believers, the verse is sent down from God, and the context of its sending and the circumstances together constitute a rule of contextual understanding for the believers (if they religiously knowledgeable enough, like an Imam), and then he can arrange the corresponding functional rules, rules of expression, and preferences in his argumentative discourse according to this rule of contextual understanding. The Nth-order (argumentative) chunking rule does not appear here for the time being, because it needs to be summarized by the researcher from longer discourse interactions.

We will first briefly describe the context of the verse and then give a specific example. It was narrated from Ibn Abbas: This verse was sent down by Allah when this man abandoned his wife, then returned to her before the end of the abstinence period, only to abandon her again, which hurt her and made things difficult for her. The example is, suppose an Imam is receiving a religious counsel from a husband (the corresponding discourse is often not very brief). The husband states that he is unpredictable in his relationship with his wife. At this point, the Imam can immediately give the above verse as an exhortation. If the husband does not understand the meaning, the Imam can tell him the context of the above verse, so that both of them are in the same context regarding the topic at hand.

This kind of religious counsel is a part of the traditional Muslim way of life, dating back to the very beginning of Islam, and is abundantly reflected in the Hadith records. In fact, the rule-based reasoning embodied in the Qur'anic argumentations is abundant in the Hadiths, meaning that the Qur'anic argumentations and the rules they demonstrate not only a layer of meaning that is consistent with the local social norms at the beginning of Islam (since the verses were constantly becoming social norms), but are themselves becoming arguments for new social norms (such as the Hadiths) and are presented to us as a process of social interaction.

In the GAT's perspective, from the Imam's discourse action in giving the verses, we can obtain the corresponding rules of contextual understanding, and the way his exhortation discourse action for the next discourse allows us to extract functional rules, rules of expression, and expression of preferences. For the entire religious counseling discourse, which is often not very brief, we then construct the support relations between the functions of its sub-discourses layer by layer (i.e., extract the Nth-order chunking rules), and thus obtain the total function of the entire discourse.

Thus, we will achieve a cognitively neutral reconstruction of the entire discourse in a GAT manner, with the concept of function at its core, so that rule-based reasonings as rule-building elements of the GAT towards constructing Islamic argumentations has the feature of obtaining socially interactive functions, rather than just being seen as abstract propositions that provides norms for action.

It is easy to see that for all the verses in which rule-based reasoning can be found, this rule can be embedded in the construction of the rules of the GAT in the manner described above, to explain traditional or contemporary Muslim argumentations. We can defend this rule based on the context of the Qur'anic revelation, and thus indirectly defend the rules of the GAT.

To the logic of command case, the verse cited was used as a rule of command, and was soon used in early Islamic communities for social interaction, as seen in the chapter on "Marriage" in *The Complete Hadith of Bukhari*, article 5100:

It is narrated from Ibn Abbas that the Prophet was asked, "Why did you not marry the daughter of Hamzah?" He replied, "He is the daughter of my nursing brother."

In the GAT's perspective, the rule of contextual understanding for this hadith is clearly Q 4:23 (or the overlapping verses), and we can easily obtain the functional rule of the Prophet's next discourse based on its content: to tell the questioner that the Prophet is the one who obeys Allah's commands and therefore cannot break them. The corresponding rule of expression is: omitting premise - the Prophet could have quoted the verse directly and revealed his intention directly, but he chose to express himself using a statement that would allow the questioner to deduce his intention. The rule of expression is also reflected in the expression of preference at the same time. At this point such a short social interaction discourse is analysed, and if it is more complex, we construct its total function as described above.

4. CONCLUSION

Shortly speaking, this paper shows the basic approach of the GAT and two short examples of its use of the concept of function to construct (or reconstruct) discourse rules. The social-functionalism advantage of the GAT is not only its neutrality of cognitive status, but also in its consideration of the social-cultural contexts in which discourse is situated.

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Joint Meaning of Speech Acts of Arguing

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ABSTRACT: Argumentation is often described as a communicative activity. Assuming a Searlean approach to speech acts, Pragma-dialectics and the Linguistic Normative Model of Argumentation characterize it as a specific type of speech act. Recently I have argued that the Searlean approach assumed by both theories entails certain problems. To overcome them, I propose to distinguish two levels in the analysis of the illocutionary act of arguing. The first one is related to the speaker's utterance, while the second refers to the communicative exchange involving both the speaker and the hearer. This paper explores the idea that the meaning that can be attributed to the illocutionary act of arguing at each of those levels differs. I will argue that it is necessary to distinguish between the speaker's meaning and the joint meaning of illocutionary acts of arguing.

KEYWORDS: commitment attributions, illocutionary act of arguing, joint meaning, normative effects, two-levels of analysis

1. INTRODUCTION

Argumentation is often understood as a communicative activity. Within this conception, and adopting a Searlean approach, Pragma-dialectics (van Eemeren & Grootendorst, 1984) and the Normative Linguistic Model of Argumentation (henceforth referred to as LNMA) (Bermejo-Luque, 2011) characterize it as a specific type of speech act. This characterization entails, among other things, providing those conditions under which a speaker's utterance (or set of utterances) counts as an act of arguing. In the Pragma-dialectical model and LNMA, these conditions are formulated following Searle's (1969) account of speech acts. However, if a normative (or interactional) approach to speech acts is adopted, it seems necessary to account not only for these conditions related to the speaker's utterance, but also the illocutionary effect formulated by Austin (1962, pp. 115- 116) as the production of changes in the normative position of the participants of the communicative exchange brought about by the performance of speech acts and conceived as their rights, obligations, entitlements and responsibilities (Sbisà, 2006). According to the normative approach (Sbisà, 2006; Witek, 2015), speech acts are to be characterized by taking into account the way "they change the normative stances of interlocutors" (Corredor, 2023).

In order to account for these normative effects in the case of argumentation and, at the same time, incorporate the insights from Pragma-dialectics and LNMA, my proposal consists in distinguish between two levels in the analysis of the illocutionary act of arguing (Haro Marchal, 2023). While the former relates only to the speaker's utterance and the fulfillment of certain conditions, the latter refers to the communicative exchange where

both speaker and listener participate in the realization of the illocutionary act (2023, p. 482). However, the question of whether the meaning that can be attributed to the illocutionary act of arguing differs at each of the two levels remains to be explored. For any speech act, including the act of arguing, to be successfully performed, the speaker's utterance should be correctly interpreted by the hearer. However, this recognition of the meaning of the speaker's utterance (i.e., the speaker's meaning) by the hearer does not always go well. To account for this gap and following de Carassa & Colombetti's (2009) joint meaning account, I propose to distinguish between the speaker's meaning and the joint meaning of illocutionary acts of arguing. The former refers to the meaning attributed to the illocutionary act performed at the first level, while the latter represents the meaning jointly constructed by the speaker and the hearer at the second level, which may or may not align with the speaker's meaning. By accounting for the meaning of illocutionary acts within this normative framework, we can explain how the normative effects associated with the performance of any illocutionary act, including arguing, are produced.

2. TWO LEVELS OF ANALYSIS

The characterization of argumentation as a particular type of speech act can be done from two different perspectives. On the one hand, it can be characterized as an act as an act performed by the speaker, and on the other hand, it can be characterized as an exchange in which both the speaker and the hearer actively participate in the performance of the illocutionary act of arguing by means of which normative effects are introduced, i.e., the changes in the set of rights, obligations and entitlements of the participants of the argumentative exchange. The first perspective is the one adopted by both Pragma-dialectics (van Eemeren & Grootendorst, 1984) and LNMA (Bermejo-Luque, 2011). Both theories adopt a Searlean approach in which for the speaker's utterance (or set of utterances) to count as an act of arguing some conditions must be met. These conditions are formulated in Searlean terms, such as the propositional content condition, the preparatory conditions, the essential condition, and the sincerity conditions (van Eemeren & Grootendorst, 1984, pp. 43-44; Bermejo-Luque, 2011, pp. 71-72).

I have argued that, despite the explanatory virtues of the Searlean framework adopted by these models, it also presents certain issues (Clark, 1996; Sbisà 2009), namely, it attributes a mere passive role to the hearer regarding the performance of the illocutionary act, and the normative effects associated to the act are not taken into consideration (Haro Marchal, 2023, pp. 486-487). In order to address these issues, I propose to adopt a normative (or interactional) approach to speech acts (Caponetto & Labinaz, 2023; Corredor, 2021; Sbisà 2007) according to which speech acts can be characterized as social actions. Moreover, in this framework speech acts are characterized taking into account the way they change participants' normative positions (Corredor, 2023), i.e., their rights, obligations, and entitlements (Sbisà, 2006).

Adopting this approach, I consider that a suitable strategy to overcome the problems of the Searlean approach while keeping the virtues of Pragma-dialectics and LNMA consists in distinguishing between two levels in the analysis of the speech act of arguing (Haro Marchal, 2023, p. 482). At the first level, to determine whether the illocutionary act of arguing has been successfully carried out, it is only necessary to take

into account the speaker's utterance and the fulfilment of certain conditions (Haro Marchal, 2023, p. 490). On the other hand, at the second level, to know whether the illocutionary act has been successfully carried out, it is necessary to take into account the speaker's utterance, but also the hearer's response. This is so because the hearer's response shows how they have interpreted the speaker's utterance (Sbisà, 1992, p. 101; Haro Marchal, 2023, p. 491) and also whether the normative effects associated with the act of arguing have been produced, rendering the act successful.

3. JOINT MEANING OF ILLOCUTIONARY ACTS OF ARGUING

In argumentative exchanges, individuals participate in mutual recognition and change of their normative stances. At the second level of analysis, for the act of arguing to be successful, the associated normative effects must be produced. Therefore, accounting for how these effects are brought about is essential. Following Sbisà's (2009) proposal, I argue that the recognition of these effects by both the speaker and the hearer is crucial. To hold someone accountable and to determine the obligations and rights they acquired by means of the act, it is important to reconstruct not only what that person intended to communicate, but what was actually communicated. This seems to be especially relevant in cases involving commitment attributions, such as the fallacy analysis and identification (Lewiński and Oswald, 2013).

In order to account for the distinction between the meaning that can be attributed to the illocutionary act of arguing at each level, I will draw from Carassa and Colombetti's (2009) joint meaning theory. In their paper "Joint meaning", Carassa and Colombetti (2009) present an approach to the meaning of speech acts in which their goal is to reconcile two apparently conflicting intuitions. The first one is that what a speaker means is just a function of their communicative intuitions, independently of what the hearer does, and even of the actual existence of a hearer. The second is that, when communication is carried out successfully, the resulting meaning is, in an important sense, jointly construed by the speaker and the hearer (2009, p. 1837). To do this, they distinguish between the speaker's meaning, understood as a personal communicative intention, and the joint meaning, understood as a joint construal of speaker and hearer. They define the joint meaning as a type of propositional joint commitment, that is, a commitment of a speaker and a hearer to the extent that a specific communicative act has been performed by the speaker (2009, p. 1851). Furthermore, joint meaning is regarded as a deontic concept, which means that it entails obligations, rights, and entitlements, and cannot be reduced to personal beliefs or personal intentions (2009, p. 1837).

But how can this approach be applied to the case of argumentation? In my view, in order to determine whether the normative effects associated with the successful performance of the illocutionary act of arguing have been produced, it is necessary to characterize the meaning of the illocutionary act of arguing at the second level as a joint construal of both the speaker and the hearer, and not only in terms of the speaker's communicative intentions (i.e., as the speaker's meaning of the speaker's utterance), as it would occur at the first level. It is the joint construal by the speaker and the hearer that determines what was actually communicated, and not just what was intended to be communicated.

In order to illustrate the idea that the meaning of the speech act of arguing is different at each level, let's consider the following example from a scene in the movie "When Harry met Sally". This dialogue is an example that Laurence Horn (2004: 5) analyzed concerning the difference between conversational and generalized implicatures. In this presentation, it will be used as an example of argumentation. Harry is talking about his woman friend Sally with his friend Jess:

- (1) a. [Jess:] If she's so great, why aren't YOU taking her out?
- b. [Harry:] How many times do I have to tell you, we're just friends.
- c. [Jess:] So you're saying she's not that attractive.
- d. [Harry:] No, I told you she is attractive.
- e. [Jess:] But you also said she has a good personality.
- f. [Harry:] She has a good personality.
- g. [Jess:] [Stops walking, turns around, throws up hands, as if to say "Aha!"]
- h. [Harry:] What?
- i. [JESS:] When someone's not that attractive they're ALWAYS described as having a good personality.
- j. [HARRY:] Look, if you were to ask me what does she look like and I said she has a good personality, that means she's not attractive. But just because I happen to mention that she has a good personality, she could be either. She could be attractive with a good personality or not attractive with a good personality.
- k. [Jess:] So which one is she?
- l. [Harry:] Attractive.
- m. [Jess:] But not beautiful, right?

I will now examine how the analysis of the illocutionary act of arguing differs when we take into account the different meanings that can be attributed to the act at each level. From LNMA, the analysis of the example would be the following. By means of (1c), Jess asserts that Harry meant that Sally is not very attractive. By means of (1e), Jess asserts that Harry told him that she had a good personality. Jess implicitly asserts that, if Harry told him that she had a good personality, then Harry meant that she's not very attractive. Jess adduces that Harry said that she had a good personality as a reason to conclude that he meant her to be unattractive. The argumentation, according to the Linguistic Normative Model of Argumentation, would be constituted by (1c) and (1e) together with the implicit assertion.

As we can see, the only thing that we need to consider in order to know whether the act of arguing has been happily performed in the first level of analysis are the speaker's utterances. On the other hand, from the second level, it is necessary to also consider the hearer's response, which shows how the speaker's utterances were interpreted by the hearer. That is, we need to consider Harry's responses, which allow us to determine whether the meaning of the illocutionary act has been jointly construed and hence whether the normative effects associated with the illocutionary act of arguing have been brought about. However, at the level of the communicative exchange, the second level of analysis, in order to know whether the speech act of arguing that the speaker was intending to perform was actually carried out by means of (1c) and (1e) (and the implicit-inference claim), it is necessary to take into account the hearer's response that shows how Harry has

interpreted or recognized Jess's act. This allows us to determine whether the normative effects associated with the successful performance of the illocutionary act (at the second level) have been produced. Harry's response (1f) shows that, in the first place, he was interpreting Jess's utterances as mere assertions. This joint construal of Jess's illocutionary act, whose intention was to perform an illocutionary act of arguing, is not taken up or accepted by him. By means of (1i), Jess makes explicit the implicit inference-claim, what supports his implicit assertion, rejecting Harry's interpretation of his speech acts as mere assertions. And by means of (1j), Harry shows that he accepts or takes up Jess's utterances as an illocutionary act of arguing (although he questions the warrant).

As it can be observed, the analysis of the example differs in accordance with the level of analysis at which we situate ourselves. While at the first level the meaning of the illocutionary act is accounted for as dependent solely on the speaker's communicative intentions, at the second level it is characterized as jointly construed by the speaker and the hearer, determining, as pointed out, what is communicated and not merely intended to be communicated. Following Sbisà (2009), I consider that it is the communicative exchange, and not merely the speaker's utterance, what makes possible the production of normative, illocutionary effects (and their recognition) that results in a successful illocutionary act arguing at the second level of analysis. As I previously mentioned, according to the normative framework of speech acts, illocutionary acts are social actions whose performance introduce changes in the rights and obligations of the participants of any communicative exchange, including the argumentative ones. In this regard, it important to stress that in order to consider an individual responsible for what they have done or interpreted, and in order to determine what are the obligations and rights acquired by them and their interlocutor by means of the performance of the act, it is important to reconstruct the meaning of their illocutionary act, i.e., what that person actually communicated. And this is what the distinction between the speaker's meaning and the joint meaning within the two different levels of analysis allows us to do.

4. CONCLUSION

As we have seen, a suitable strategy to avoid the problems of the Searlean account assumed by LNMA and pragma-dialectics consists in distinguishing between two levels in the analysis of the illocutionary act of arguing. In addition, the distinction between speaker's meaning and joint meaning of an illocutionary act of arguing within the two levels of analysis allows us to account for what constitutes a successful illocutionary act at each level, and how the normative effects associated with successful illocutionary acts of arguing are produced. Furthermore, this distinction seems to be particularly relevant for accounting for those cases involving commitment attributions. Therefore, it remains to be investigated whether this distinction between the speaker's meaning and the joint meaning of illocutionary acts of arguing can shed light on cases such as fallacy analysis and identification (such as the straw man fallacy) (Lewiński and Oswald, 2013), or instances where language norms relate to some kind of injustice phenomena (Zenker et al., 2023), such as the case of discursive injustice (Kukla, 2014) or speech affordances (Ayala, 2016).

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Argumentative Use of Slogans *The Case of the Egypt Uprising*

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ABSTRACT: In 2011 during the Arab Spring, there were a series of shocking uprisings. This work examines the role slogans played in the Egypt uprising. This paper is relevant to the rhetorical approach to argumentation theory: Why are slogans effective in changing minds and bringing people together in social movements? An argumentative understanding of slogans explains their roles in social movements in challenging the status quo through advocating actions.

KEYWORDS: extremism, political argumentation, rhetorical argumentation, slogans, uprising

1. INTRODUCTION: A SUMMARY OF EVENTS

Due to many factors, such as unemployment, poverty, political unrest, and autocratic rules, the majority of the Arab world was in waiting for a spark to explode, politically speaking (Salih, 2013). The spark was the death of a young man in Tunisia. On December 18, 2010, a street vendor, Muhammad Bouazizi, set himself on fire after he had enough of humiliation and harassment by the police force (Salih, 2013). His death was a trigger factor to unleash years of accumulated anger of the people against the regime, and soon, thousands of people were on the street demanding the fall of the regime. The Tunisian demonstration soon, like a fiery blaze on a windy day, “spread throughout [the] Middle East and North Africa countries such as Egypt, Yemen, Syria, Bahrain, Algeria, Morocco and others” (Puspitasari, 2017, p. 162).

How could the death of one man bring a series of changes in countries that were ruled by an iron-fist for several decades? The answer to this question is not easy. However, what is clear is that we were witnessing a kairotic moment, politically speaking: the death of Bouazizi, however unfortunate it was, was at the right time and the right place to unleash rage in the heart of Tunisians to come on the street and demand a radical change in the status quo: topple down the regime and they achieved it. Then-president Zine al-Abidine Ben Ali and his family, in less than a month after the demonstration had started, fled to Saudi Arabia on January 14, 2011 (Abouaoun, 2019). Another important question to ask here is: What roles can emotions, such as rage, play in political argumentation generally and in relation to extremist demand to change a status quo specifically? How does rage manifest in the usage of slogans? I will partially address these questions in this research.

In the case of Egypt, the murder of Khaled Said was a trigger factor for the uprising (Salih, 2013). Said was killed by police on June 6, 2010. Both Bouazizi and Said, according to Puspitasari, “represented middle-class people who tried to make a living without any help from the government. Since the middle class was the people who suffered the most,

they felt related to Bouazizi and Said” (2017, p. 169). Kairotic understanding of the death of Said is relevant here, too. This is because the brutality of the police in modern Egyptian history under the rule of Hosni Mubarak was not uncommon. Yet, this particular case of police brutality hit the target: unleash the people’s wrath against the regime.

The success of the Tunisian uprising in obliging Ben Ali to flee under the pressure of demonstrations after 24 years in power in just 28 days was an important external factor in initiating the popular uprising in Egypt. As a result, just 11 days after the regime was toppled in Tunisia, on January 25, a popular uprising in Egypt started, and “anti-Mubarak activists started organizing people through Facebook and Twitter to protest against then president of Egypt, Hosni Mubarak” (Puspitasari, 2017, p. 163). So, the mixture of external factors, i.e., the success of the Tunisia uprising, and internal factors, i.e., the death of Said, the failure to deliver good governance by Mubarak, and the availability of social media to facilitate a common anti-regime discourse were all played important roles in what was unfolding in Egypt in 2011.

January 25, in many ways, is a symbolic day. It was declared by Mubarak in 2004 as a ‘police day’ and public holiday so the general public would show support for the police force and would see it as “a symbol of patriotism and sacrifice” (ibid). However, for the general public, the police were far from a symbol of patriotism and sacrifice: “For them, police was merely a very corrupt, ill-trained, has no respect towards human rights, and a brutal instrument of President Hosni Mubarak” (ibid). As a result of the uprising, now, January 25, for Egyptians, is a symbolic day of courage, sacrifice, and uprising against a dictator who has ruled them for 30 years. By noon on January 25, 2011, people poured into the streets and moved towards Tahrir Square while shouting Karama (dignity) and Hurriyah (freedom). Even though police tried to disperse the people with tear gas, “in the late afternoon, it seemed like nearly 90,000 people occupied the Tahrir Square (Liberation Square), which became a headquarters of the revolution” (ibid). To add to the symbolic nature of January 25, “while most of young policemen worked hard to control the riot in Tahrir Square, senior police officers enjoyed and celebrated their Police Day-break in the Semiramis Intercontinental Hotel, not far away from Tahrir Square,” not knowing that what looked like a small protest soon will be unstoppable (ibid). Later, the regime did everything to ensure it would not have the same fate as Tunisia. More than 500 people were arrested in just three days, and the internet and communication services were stopped (ibid, p. 164). Yet, the demonstrations just kept growing.

Once he realized police brutality and military muscle were no longer effective in suppressing people, Mubarak tried to lessen the anger of the Egyptian people, which was just growing, with empty rhetoric and promises of constitutional change. On Tuesday, February 1, 2011, in a speech, he promised to change the constitution to address protesters’ demands and said, “Hosni Mubarak who speaks to you today is proud of the long years he spent in the service of Egypt and its people. This dear nation is my country, it is the country of all Egyptians, here I have lived and fought for its sake and I defended its land, its sovereignty and interests and on this land I will die and history will judge me and others for our merits and faults” (ibid, p. 164). These words did nothing, Egyptians knew how corrupt he was, and how he has used “his dear nation” for his benefit, and they were right. As it was later disclosed to the public, Mubarak had 40 billion dollars in his bank account while the country suffered from poverty and unemployment (ibid, pp. 167&172). After 18 days of continuous demonstration, in which 846 Egyptians were killed and around 6467

were wounded, on February 11, 2011, Mubarak handed over his power to the Supreme Council of the Egyptian Armed Forces (Salih, 2013 & Puspitasari, 2017). This research investigates the rhetorical role of slogans in this important moment in Egyptian history.

2. MAKING OF SLOGANS

Argumentation was involved in many ways in the Egypt uprising, but I limit my focus to the role that slogans played as a rhetorical device. Before discussing slogans, I will briefly talk about how slogans are relevant to the rhetorical study of extremist argumentation. Extremist argumentation is challenging and aims to change a status quo radically through argumentative tools (Hassan et al., 2023).

Slogans can be defined as “the symbolic justification for [an] action. They provide a bridge or direct link to social action” (Denton, 1980, p. 12). The rhetorical study of argumentation focuses on modifications of ideas through discourse. The rhetorical approach to extremist argumentation explains how changes in the cognitive environment lead to changes in the status quo. Therefore, an argumentative understanding of slogans explains their roles in social movements in challenging or changing the status quo through advocating actions. Slogans are a rich and symbolic use of language, and “language has an internal and dialectical relationship with society; ‘whenever people speak or listen or write or read, they do so in ways which are determined socially and have social effects’” (Fairclough 1989: 23 as quoted by Lahlali, 2014, p. 7). Slogans’ political and social effects motivate people to join social movements and advocate for changes.

Slogans are useful discursive tools for understanding the worldview of social movements: they are “the ‘mental rationalizations’ of a movement” (Denton, 1980, p. 16). Hence, they are shortcuts to understanding the attitude of a social movement toward the status quo: what aspects of reality should be modified or preserved? Since different social movements might disagree on the change they advocate for, slogans do not only unite people but also divide and change people’s positions. In any case, slogans are essential in social movements’ success since they express their ideology in a rhetorically rich manner, and they also strengthen membership affiliation (Denton, 1980).

But what are slogans exactly? According to Cail Newsome, slogans are useful rhetorical tools “by which a large group of people may express their collective ideas” (2002, p. 21). Because of this function, among other functions I will discuss later, slogans are very rich semantically speaking, even though syntactically speaking, they can often be very short and simple. Slogans are short “phrase[s], or expression[s], fittingly worded, which suggest action, loyalty, or which cause people to decide upon and to fight for the realization of some principle or decisive issue” (Denton, 1980, p. 12). Because of these reasons, I examine slogans used in the Egypt uprising to make sense of the relationship between modifications and representation of ideas through slogans and the ramifications of these modifications and representations on the political status quo in Egypt during the 2011 uprising.

According to Mukesh Trehan and Ranju Trehan, a slogan usually has the following features: “it is a short, simple phrase or a catchy sentence which is easy to remember, sweet, easily pronounceable, [and] pleasing to [the] ear” (2006, p. 121 as quoted by Michalik & Suchanek, 2016 p. 46). An essential feature of slogans that the aforementioned definitions

lack is the role of slogans in evoking strong emotions, which is a crucial aspect of the rhetorical richness of slogans and their usage in extremist political argumentation. According to Newsome, “to thrill, exhort, and inspire is at the heart of persuading an audience” (2002, p. 21). However, these features should not mislead us into believing that slogans cannot express complex and rich ideas. They are capable of “simplifying a complex system” of ideas (Newsome, 2002). For example, in the complex abortion debate, “the slogan ‘Adoption—Not Abortion’ reduces the complexity of the abortion issue involving social and moral issues, problems of adoption, rape, incest, and so on into a very simple alternative or solution:” to adopt and not to abort (Denton, 1980, p. 13). Moreover, since “everyone looks to see what will stick in the minds of the listener” (Newsome, 2002, p. 22), these rhetorical simplifications of complex ideas are essential in order to achieve adherence to their arguments. This is also true for political parties, not just for social movements. It can be argued that the success of a political party in an election campaign might be measured by how well they use slogans. This is how powerful slogans can be. Lasswell writes, “political campaigns [...] become a battle of competing symbols, and perhaps the winner is the party that can formulate a system of symbols [i.e., slogans] that either better expresses or more effectively manages collective attitudes” (1927, p. 627).

One reason why social movements and political parties need slogans is not just because slogans can be practical rhetorical tools but also because of psychological or cognitive related factors of the audience, which reduce the public's appetite for sophisticated discourses. According to Denton:

The public will seldom tolerate lengthy explanations or justifications of political attitudes and world views. [...] ‘Intolerance for depth’ by the public forces social and political leaders to simplify and package their ‘picture of the world,’ which must produce ‘impressions’ of action, direction, and thoroughness” (1980, p. 13).

Slogans, in a sense, are spoon-feeding the public in plain and clear language: here is what we believe in and what we strive for because “most people would rather die than think” (Bailey 1976, p. 501). This is a rather pessimistic view, and it could be debated, but it offers some explanation of why slogans are effective communicative tools.

Although this research is not approaching slogans logically, in service of providing a balanced view of slogans, I will mention a few logical weaknesses that slogans might exhibit. In a study on one hundred slogans of advertisements, Aurelia Vasili (2018) concludes that, generally, slogans have two shortcomings, logically speaking. First, slogans are enthymematic arguments and, on purpose, lack a premise or premises that, if they were not missing, the slogans “would make the public ponder and take longer to make the desired decision or even make the opposite decision” (Vasili, 2018, p. 57). The second issue concerns the conclusion of arguments from slogans: “all of the one hundred slogans lack an explicit conclusion, makes them all fall into the category of non sequitur fallacies, that is, of errors due to the fact that the conclusion is not entailed by the premises of the argument” (Vasili, 2018, p. 60). There could be more nuanced comments on the logical shortcomings of slogans; however, as far as these straightforward logical observations go, I believe they actually show the rhetorical strength of slogans. The enthymematic nature of slogans invites the audience to be an active receiver and provide the missing premises. Moreover, it is worth mentioning that slogans can also be presented as a form of poetry because they can have a certain rhythm and music (Colla, 2013). As for conclusions not

being entailed by the premises, this is very common in the realm of inductive reasoning, in which slogans usually reside. A logical approach to slogans can be more productive if it takes the special features of slogans that we have briefly discussed.

Moreover, slogans do not necessarily have to be fallacious to create adherence, and not all effective slogans are fallacious. According to Newsome, who applies the Aristotelian framework of rhetoric to slogans, “slogans work best if they are composed of meaningful, persuasive messages that move the audience on the basis of *emotion, reason, and credibility*” (2002, p. 31 *my italic*). In this analysis of slogans, I am mainly focused on “their role of providing rationalization of action, attitudes, and beliefs” (Denton, 1980, p. 16). This approach fits the rhetorical approach to extremist argumentation: challenging and changing a status quo radically through the means of argumentation.

3. SLOGANS IN THE 2011 EGYPT UPRISING

The time frame of the Egypt uprising that is the focus of this research is relatively short. However, in terms of the rhetorical usage of slogans, it is probably the richest timespan in modern Egyptian history because of what they helped achieve: toppling down the Mubarak regime. By observing the slogans used during the uprising, a correlation can be made between the slogans used and the overall public consciousness of the Egyptians. Slogans modified the cognitive environment of Egyptian society, and this modification reflected in changing the overall consciousness in the way that “It has shifted from a discourse of complete allegiance to the regime into a discourse of total defiance and accountability; from a discourse of ‘long live sir’ to ‘down with the dictator’” (Lahlali, 2014, p1). It can be argued that slogans were not just a way to represent the collective will but also an active factor in modifying and directing the collective will (Colla, 2013). This is partly because slogans did not always spontaneously emerge during emotionally charged rallies, but some activists were studying slogans in advance, drafting and improvising them. For example, Ashraf Khalil and Kamal Abu Eita were two famous slogan writers (Colla, 2013). So even though there were moments of spontaneity, overall, slogans were well-thought-of before they were chanted in public. This is not easy to achieve because “a slogan's power is the degree to which it can detach itself from the specific conditions of its initial composition, and the degree to which it circulates as if it were the anonymous expression of a collective will” (Colla, 2013, p. 38). So, slogans were seen as spontaneous even though, at times, they were deliberately constructed, and they were directing and modifying the collective will, even though they were seen as passive representations of the collective will. This clarifies the rhetorical richness of the slogans and the success of the slogan writers in understanding their audience: the protestors. In this section, I will analyze different types of slogans that were used during the uprising.

4. CLASSIFICATION OF SLOGANS

Many slogans were used during the uprising with different languages, demands, and ideological backgrounds. Different slogans had different natures, such as “liberal, secularist, and religious nature;” however, despite the diversity of Egyptian people, they

were all united by one goal: Mubarak must leave (Lahlali, 2014, p. 3). Because of the diversity of slogans used, careful study of them requires classification to avoid hasty generalization. We start with two main types of slogans: invective and zeal slogans.

1.1 Invective and zeal slogans

Overall, slogans in the Egypt uprising can be classified into two main groups: zeal or bravery (*hamasa*) and invective or insulting (*hija*) (Colla, 2013). Roughly speaking, the ethos of zeal slogans is futuristic, while the ethos of invective slogans is rejecting the present. In other words, in using invective slogans, protestors were radically opposing the current status quo, while by using zeal slogans, they were arguing for replacing the current status quo with a preferred one. The most obvious realization of what they were opposing and hoping for was Egypt without the Mubarak regime.

Invective, i.e., insulting slogans, played an important role in intensifying and prolonging protestors' anger against the Mubarak regime. The invective slogans were partly caused by the accumulated dissatisfaction of Egyptians under Mubarak's rule for decades and partly by the death of protestors who were killed brutally by the armed forces during the uprising. As a result, invective slogans fueled the anger of people, which led to further clashes between the security force and protestors, which led to more casualties. A key example of the invective slogan was: "aha SCAF" slogan: fuck Supreme Council of the Armed Forces. This three-letter word, *aha/a7a*, is "a uniquely Egyptian word, means, roughly, "fuck that," or "fuck it" (Colla, 2013, p. 40). The *aha* word appeared in insulting slogans in various ways: "it is shouted at demonstrations [...], scrawled across walls, [and] typed across social media" (ibid. 44). The level of anger and dismissal in this simple word was unprecedented in Egyptian history. An autocrat ruled Egypt, and this type of public denouncement of the authority was simply unacceptable and came with a heavy price. Until 2011, invective slogans were "a marginal and often absent form of rhetoric for opposition groups" (Colla, 2013, p. 40). So, as the protest began and security forces began killing protestors, "this simple and ineloquent phrase of disgust became a surprisingly articulate—or at least effective—slogan for those rallying in solidarity with the activists in the street fighting against SCAF's rule" (Colla, 2013, p. 40). This shows, at the right time and place, solidarity and collective will across diverse people can be strengthened not by sophisticated discourse, but rather a simple "fuck it" phrase.

We begin to appreciate the magnitude of the insulting rhetoric if we consider the context. In a democratic society, insulting slogans might not be as effective or shocking as it is in an undemocratic society. This is partly because freedom of speech has already allowed citizens to use insulting rhetoric to express their contempt many times; thus, it is no longer unexpected and shocking. However, to directly and publicly insult the authority, including the president, in an undemocratic regime like Egypt, where the freedom of speech was a sham, depicts the extremity of the mindset. This, as explained in the first section, came with a heavy price—several hundred protestors were killed. These slogans both represented an extreme mindset in demanding radical change, i.e., change of regime and encouraged this extreme mindset to continue despite the murderous response by the regime.

A key purpose of invective slogans was to deprive the Mubarak regime of any legitimacy. It is used to express a rhetoric of total dismissal: We are not here to ask for reform in this or that aspect of the regime; we are here to topple the regime. This explains

why protests kept growing even though Mubarak promised many changes. This clearly shows the extremity of invective slogans: demanding a radical change. One way to deprive legitimacy of the authority is to label the head of the state and other high officials “as foreign, traitor, oppressor and coward,” and invective slogans were used effectively in this direction (ibid. 42).

4.2 Zeal slogans

We can only see part of the picture through invective slogans, the part of ‘turn down the regime,’ and we need to consider zeal slogans to see the other part, ‘building a new regime.’ Through insulting slogans, protestors were building a wall between themselves and the regime, but through zeal slogans, they turned down any barriers between them, so they came together, supported each other, and became one united force. Let us read two zeal slogans; the Arabic and English versions of slogans are provided to notice their rhythm and their meanings.

The first example (ibid. 41):

-Ya ahlina, indammu 'alayna

(People! Our people!—come join us!)

Above all, this slogan is a call for solidarity. Those who are already on the street speak to those who, for whatever reasons, have not yet made up their mind to join the uprising. The audience here is not the regime, as it is the case in invective slogans; the audience is fellow citizens. When the audience is the regime, the rhetoric is hateful, dismissive, ridiculing, and delegitimizing, but when the audience is the Egyptian people, the slogans are appreciative, well-coming, solidifying and encouraging. Invective and zeal slogans, in a sense, are in dialectical relations: invective destroys, but zeal rebuilds, destroying what the regime wants but building what the people want. In other words, the dialectic is between maintaining the regime’s status quo and the yet-to-come protestor’s status quo.

The second example (ibid)

Alli, alli, alli-s-sot/illi yihtif mish haymot

Alli, alli, alli kaman/illi yihtif mish gaban

(Raise, raise, raise your voice; he who shouts will never die!

Raise, raise, raise it again; he who shouts is not a coward!)

Here, it can be argued that there are indirect and direct audiences. The indirect audience is people who want to join the uprising but hesitate. The direct audience is protestors on the street. The common message, though, for both audiences is encouragement. The first part of the slogan speaks to the fear of the indirect audience, the fear of punishment by the regime, which might include death, by reminding them that history will remember those who die with dignity for the sake of the noble cause and thus don’t fear death. In the second part, the message fuels already courageous people on the street to be even more courageous and chant more loudly. The overall message is the encouragement to defy any fear, including the fear of being murdered by the security forces.

We would underappreciate the role slogans played in the uprising if we only examine them semantically and analytically because “there was more at stake in poetic slogans than the creation and distillation of semantic meaning. These slogans were

performatives, which, under the right circumstances, created the movement they spoke of' (Colla, 2013, p. 42). In other words, in expressing the protestors' demands, the slogans were also modified and recreated them. The rhetoric of slogans, then it can be argued, has a double-edged effect: in expressing what a social movement wants, it recreates it.

In the section "Making Sense of Slogans," we have seen references to the rhythmical element of slogans as an important rhetorical feature. The environment in which a message is exchanged plays an important role in the syntactical and semantical construction of that message. Slogans usually are intended for public demonstrations. Therefore, a rhythmical element of slogans is useful so that they can be easily chanted by the crowd on the streets. If we examine the last slogan mentioned above, we clearly see its rhythm. Of course, in a translated version, this aspect of the slogan is not as clear as in the original language- Arabic. As rhythm makes slogans easier to chant, it encourages more members of the demonstration to join the chanting; as a result, they feel more connected. Rhetorically speaking, successful slogans are those that generate an energetic environment in which the attendees of an event are filled with passion and enthusiasm. This shared energy, even if it is not created by slogans, is certainly maintained and augmented by it. It is part of human nature that members of any group, including a social movement, strengthen their bond through shared messages, and we see this in many social, political, religious, and even sports events. Moreover, the rhythm of slogans makes them memorable, thus keeping the demand of the movement fresh in the memory of the members.

5. CONCLUDING REMARKS

Slogans play a crucial role in any social movement. They can function as a discursive net in which they connect all the members to certain demands they argue for. It is interesting how thousands of people rally around certain slogans. Here, it can be argued, cognitively speaking, the members of a social movement are glued together by simple words or phrases that we call slogans. It shows, rhetorically, how rich and complicated slogans can be.

Rhetorically rich Slogans can have the following features. They have a rhythm which makes them easily chanted and remembered. They evoke emotions, usually passionate and encouraging emotions. They can simplify complex discourse into simple yet effective phrases or short sentences. They capture the collective ethos of the movement in the sense of speaking on behalf of each and every member of a massive amount of people. In this context, collective ethos means 'speaking on behalf of a group' (Amossy, 2018). Moreover, slogans can strengthen the group identity of the members of a movement, not just because slogans can express what they all want, but also through chanting them all together passionately and loudly. Last but not least, in expressing the demands, slogans can recreate those demands in the cognitive environment of the general public and in the minds of members of a social movement.

In the case of the Egypt uprising in 2011, slogans played an important role in manifesting and feeding an extremist mindset. The mindset was extremist because it aimed at a radical change in the political status quo: a regime change. The goal was achieved. However, although it could be important, changing the head of the state does not guarantee full-fledged systematic change. According to Heba Morayef from Amnesty International, "The situation in Egypt is significantly worse today [2021]. If you look at the number of journalists in prison, if you look at the number of human rights defenders in prison... the

numbers are just crazy (VICE news, 2021, 22:17-22:36]. So, things did not go as the Egyptians dreamed of. For example, Abdel Fattah el-Sisi seized power through queue in 2013 from elected president Mohammed Morse, who was elected in 2012. More than 300 protesters were killed who demonstrated against the queue. Moreover, in a very questionable election, the same person, el-Sisi, won 97% of the votes in the 2018 election. Thus, although the movement successfully forced Mubarak to step down, Egyptian people still are far from living the democratic system they dreamed of. The story of the Arab Spring is to be continued.

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Argument *Ad Feminam*

The Use of Gendered Attacks to Discredit the Women Participating in the 2021 Hearings of the Select Committee to Investigate the January 6th Attack on the United States Capitol

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ABSTRACT: This analysis focuses on argument *ad feminam*, a distinctive form of the abusive *ad hominem* fallacy in which an argumentative claim is discounted because a woman made it. As a case study, we focus on the gendered attacks that Donald Trump and his surrogates used to discredit the women who testified in the televised hearings conducted by the Select Committee to Investigate the Attack on the United States Capitol on January 6, 2021.

KEYWORDS: *ad feminam*, *ad hominem*, fallacy, January 6, Trump

1. INTRODUCTION

The standard treatment of the *ad hominem* fallacy, van Eemeren and Grootendorst (2015) observe, 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 is made to undermine his credibility” (p. 616).

Argumentation theorists frequently discount such attacks as fallacies of relevance. While there may be a connection between the premises and the conclusion, under closer scrutiny, Rescher explains, the premises “fail to provide sufficiently relevant evidence for the conclusion” (p. 70). “It is,” Cliff (2017) concludes, “an attempt to distract from the matter at hand by introducing irrelevant details aimed at discrediting the individual” (p. 10).

A growing body of scholarship suggests that *ad hominem* in public discourse is worthy of reconsideration and rehabilitation. For example, Hinman (1982) has observed that “there is a wide variety of situations in which *ad hominem* arguments are not fallacious” (p. 338). Echoing this sentiment, Johnson (2009) argued that “intellectual

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virtues, moral virtues, and non-moral character traits can all be legitimate factors” when dealing with public argument and “deciding contentious public issues that are otherwise irresolvable” (p. 252). Argumentation theorists have identified two contexts in which *ad hominem* attacks might be both relevant and effective: the courtroom, where *ad hominem* may undermine the character or credibility of a witness, and the political campaign, where *ad hominem* may be used to distract the audience and undermine a candidate.

Our interest in argumentation theory and political campaigns led to a project that focused on presidential candidate Donald Trump’s use of *ad hominem* attacks with a particular emphasis on name-calling (Mehltretter Drury & Herbeck, 2019). While campaigning for the Republican nomination in 2016, Trump faulted “Lying’ Ted” and “Crooked Hillary” for displaying a lack of character, he disparaged “low energy” Jeb Bush and “Crazy Bernie Sanders” for possessing flawed personalities, and he savaged Carly Fiorina and “Little Marco” Rubio for their appearance and physical stature. Instead of treating these verbal assaults as simple insults, we concluded that Trump’s campaign used personal attacks as “an important means of persuasion for audiences when the *ad hominem* connects to larger arguments through references, enthymemes, and other rhetorical forms” (Mehltretter Drury & Herbeck, 2019, p. 150).

While researching the 2016 campaign, we noted that Trump talks about women, especially political rivals, in language intended to trivialize and demean. Building on this observation, this analysis focuses on argument *ad feminam*, defined as an attack against a specific woman grounded in her character rather than the argument or position she espouses. We argue that such attacks are worthy of attention as they reinforce gender stereotypes, especially the idea that women are less than men.

This analysis begins with Trump’s tendency to insult women, it develops a typology for *ad feminam* arguments, and it illustrates the typology using attacks by Trump and his surrogates against the women who played prominent roles in the January 6 Hearings conducted by a Select Committee of the United States House of Representatives.

2. THE ART OF THE INSULT

Donald Trump has an exceptional talent for delivering *ad hominem* attacks, so much so that the *New York Times* maintained a detailed list of his insults before being barred from Twitter (Quealy, 2021). While the breadth of the list is impressive, we were especially interested in Trump’s attacks on women. “Men receive just as much criticism when it comes to Mr. Trump and his nicknames,” Zoeller (2020) noted, “but his comments against females have often focused on insulting their looks, mentioning bodily functions, calling them ‘that women,’ and even comparing them to animals.” “He talks about women, any prominent, powerful women,” Walsh added, “in the most demeaning of ways, trivializing them” (Prasad, 2019). Echoing this sentiment, Munoz highlighted the distinctive ways he attacks females, noting his preference for a “very gendered attack” (Zoeller, 2020).

To dismiss female politicians, Trump uses derisive labels like “Crazy Nancy” Pelosi or “that woman in Michigan,” referring to Governor Gretchen Whitmer, who he belittled as a “half-whit” (Quealy, 2021). In the September 9, 2015, edition of *Rolling Stone* magazine, Trump disparaged a Republican rival, business executive Carly Fiorina. “Look at that face!” he cried. “Would anyone *vote* for that? Can you imagine that, the face of our

next *president?!'* (Solotaroff, 2015). To question her competence, he labeled Senator Elizabeth Warren as “goofy,” “nasty,” and a “lowlife” (Quealy, 2021). During the 2016 presidential campaign, he attacked Hillary Clinton’s emotional and mental state, referring to her as “totally unhinged” and “unbalanced” (Quealy, 2021). Some of his most vitriolic attacks are reserved for women of color, as when he attacked Senator Kamala Harris after the vice-presidential debate in 2020, referring to her as a “monster,” a term generally reserved for murderers or terrorists (Summers 2020).

Trump’s *ad hominem* attacks are not confined to female politicians, as he has a particular disdain for female journalists, especially those who dare to challenge him in public. He denounced a former Fox reporter and moderator of a 2015 Republican primary debate, Megyn Kelley, for “asking me all sorts of ridiculous questions.” He added, “you could see there was blood coming out of her eyes, blood coming out of her whatever” (Zoeller, 2020). After a 2020 Town Hall moderated by Savannah Guthrie, Trump claimed Guthrie had gone “totally crazy.” “Everybody thought it was so inappropriate,” Trump added. “Savannah—it was like her face, the anger, the craziness” (Maddaus, 2020). Trump terminated an interview with veteran journalist Lesley Stahl for a *60 Minutes* segment because she displayed a “negative attitude” when questioning his response to the coronavirus pandemic. At a campaign rally, he claimed Stahl had “fire coming out of her eyes,” an attack reminiscent of his comments about Kelly (Alexander, 2020). On Twitter, Trump called the Stahl interview a “vicious takeout attempt,” adding, “watch her constant interruptions & anger. Compare my full, flowing and ‘magnificently brilliant’ answers to their ‘Q’s’” (Grynbaum & Haberman, 2020). During a contentious Town Hall in May 2023, Trump derided CNN anchor Kaitlan Collins for being a “nasty person” when she questioned him about his mishandling of classified documents (Mastrangelo, 2023).

Although they pose no political threat, Trump routinely attacks female celebrities. For more than a decade, Trump exchanged insults with comedian Rosie O’Donnell, referring to her as “fat,” “a total loser,” and “a trainwreck.” When Megyn Kelly called him out for making demeaning comments about women, Trump replied, “only Rosie O’Donnell” (Zoeller, 2020). Celebrity TV star Omarosa Manigault Newman joined the Trump administration at the start of his presidency. After leaving the White House, she published a tell-all book titled *Unhinged*. Trump responded by calling a “crazed, crying lowlife.” “Good work by General Kelly for quickly firing that dog!” (Zoeller, 2020). During the 2015 Republican presidential primaries, Trump commented on the appearance of Heidi Klum, a German-American model and television host. “Sadly,” he lamented, “she’s no longer a 10” (Bueno, 2017). After teenage environmental activist Greta Thunberg was honored as *Time*’s 2019 Person of the Year,” Trump tweeted that she had an Anger Management problem.” He encouraged her to “go to a good old fashioned movie with a friend!” (Quealy, 2021).

These *ad feminam* attacks are effective because they undermine the character of the women that Trump is targeting while simultaneously shifting the audience’s attention away from the issue being discussed. We should pay particular attention to such attacks, Mercieca (2020) warns, as demagogues like Trump skillfully use these arguments to “appeal to our stereotypes or prejudices about people and as distraction, diverting attention away from legitimate issues” (p. 18).

3. ARGUMENT *AD FEMINAM*

“Developed to assist the male participants in Greek and Roman political life,” Moi (1999) explains, “classical rhetoric never coined the term *ad feminam* to describe arguments direct ‘to the woman’” (p. 138). This omission is understandable, Moi continues, as *hominem* is a Latin word meaning “literally to the person.” Under this definition, “to argue *ad hominem* is to attack the person who makes the argument one detests, rather than the argument itself, usually in order to move the audience, to stir their passions against this adherent person” (p. 138). Since *hominem* is gender-neutral, *ad hominem* would include attacks against both men and women.

The attacks on female politicians, journalists, and celebrities recounted in the previous section are a form of *ad hominem* argument. However, there is good reason to differentiate *ad feminam* attacks, as they are based on different stereotypes and prejudices. To illustrate this distinction, we focused on the six women who testified before a select committee investigating the January 6, 2021, assault on the United States Capitol Building. President Trump and his surrogates chose not to participate in the legislative process. They were quick to respond to the televised hearings, especially to the testimony offered by the women. Using social media and televised interviews, Trump and his surrogates responded to criticism of his behavior with *ad feminam* attacks. These attacks took three forms: 1) they questioned the women’s competence, 2) they denigrated the women’s physical appearance, and 3) they questioned the women’s emotional and mental health. In so doing, Trump pursued the same strategy that he has successfully used to respond to all women who challenge him, criticizing them in personal terms designed to undermine their credibility, question their integrity, and raise doubts about their sanity.

4. CASE STUDY: THE ATTACK ON THE WOMEN PARTICIPATING IN THE 2020 HEARINGS ON THE JANUARY 6TH ATTACK ON THE UNITED STATES CAPITOL

On January 6, 2021, supporters of former President Donald Trump stormed the capital and tried to stop the Congress’s ratification of the 2020 presidential election. On July 1, 2021, the House of Representatives voted for an independent bicameral commission to investigate the insurrection. The measure passed the House by a vote of 252-175, with thirty-five Republicans supporting the bill. When a Republican filibuster in the Senate defeated the measure, House Speaker Nancy Pelosi appointed a select committee to investigate the events. The House of Representatives then passed a resolution, “Establishing the Select Committee to Investigate the January 6th Attack on the United States Capitol,” by a vote of 222-190. This resolution allowed Pelosi to appoint eight members, and House Minority Leader Kevin McCarthy was empowered to nominate five members “in consultation” with the Speaker. To fill her eight seats, Pelosi selected seven Democrats and Republican Liz Cheney, who was designated as vice chair. When McCarthy proposed three House members who had voted to overturn the Electoral College results in Arizona and Pennsylvania, Pelosi rejected his recommendations. Rather than offering substitutes, McCarthy pulled all his picks. The refusal to participate was a mistake, as it allowed Pelosi to control the Committee’s makeup, and she appointed Adam Kinzinger, a Republican who had voted for Trump’s second impeachment.

After a year of investigation, the House Select Committee publicized its key findings during ten televised hearings between June 9, 2022, and December 19, 2022. “Each hearing,” Press (2022) observed, “had one central theme, delivered in skillfully edited—and short—video clips and buttressed by carefully chosen—and short— statements by live witnesses.” The Final Report, an 845-page document, was released on December 22, 2022. Shortly after that, the Committee began releasing transcripts of the interviews completed during the investigation. The Committee officially disbanded on January 3, 2023, when the 117th session of Congress ended.

“One persistent theme now runs through all of the House Select Committee’s Jan. 6 hearings,” Ferullo (2022) observed. “Forget Hollywood Studios, forget the Marvel Universe—taken together, these hearings are the most compelling television series in years about the power of women.” Unfortunately, the courageous women who testified were singled out and attacked for their participation. In exposing ex-President Trump’s effort to overturn the 2020 election, Karni and Haberman (2022) emphasized that the House Select Committee “relied on the accounts of several women who came forward to publicly tell their stories. Their statements, and the attacks that ensued, laid bare how women often still pay a higher price than men for speaking up.”

Many witnesses who testified before the Committee and appeared in the televised hearings were male. While the men were critical of President Trump’s behavior on January 6, 2021, their testimony was often ignored by the former president and his surrogates. As Karni and Haberman (2022) observed, male witnesses “received some criticism from the right,” but “the attacks have not been at the same volume or intensity, or of the same degree of personal nastiness, as those against Ms. Hutchinson in particular.”

This restraint was not evident in the response to Vice Chair Cheney and the five women who testified during the televised hearings. His targets included Caroline Edwards, a Capital Police officer who testified at the first hearing (June 9, 2022); Ruby Freeman and her daughter Wandrea “Shaye” Moss, Georgia election workers who testified at the fourth hearing (June 21, 2022); Cassidy Hutchinson, a White House aide to Chief of Staff Mark Meadows who was the sole witness at the fifth hearing (June 23, 2022); and Sarah Matthews, a White House Deputy Press Secretary who testified at the seventh hearing (July 12, 2022) (Select Committee).

Twitter permanently barred ex-President Trump from its service on January 8, 2021, “due to the risk of further incitement of violence” (Delkic, 2021). Stripped of his platform, Trump shifted to Truth Social, the flagship app of his new social media company. During the televised hearings, the ex-president issued *ad hominem* attacks from his Truth Social account. He denounced the investigation as a partisan “witch hunt,” attacked witnesses, and denied wrongdoing. Members of the “Unselect Committee” were denounced as “political HACKS” and “Thugs and Scoundrels” (Axelrod, 2022). Trump singled out Vice Chair Cheney for special criticism, referring to her as a “despicable human being . . . who is hated by the great people of Wyoming” (Moore, 2022). These attacks are notable, but this analysis focuses on the gender-based *ad feminam* attacks that Trump directed against the women who participated in the hearings.

The first set of *ad feminam* attacks focused on the women’s competence. To undermine their credibility, Trump achieved this by downplaying their service length, minimizing job responsibilities and proximity to power, and using derisive nicknames to minimize job performance. These moves were deliberate and consequential, as they

allowed Trump to ignore the substances of the women's testimony by questioning their competence.

Trump responded to Sarah Matthews' testimony with a statement on Truth Social: "'15 minutes of fame' Matthews, who I don't know, is clearly lying" (Eaton, 2022). As part of this post, Trump included a picture of himself with Matthews, the woman he did not know. The post concluded with a tweet from Matthews thanking Trump and Vice President Pence for their service, adding, "It was the greatest honor and privilege of my life to serve this great nation" (Patteson, 2022). Trump's response was masterful, as it dismissed Matthews' service as inconsequential, and at the same time, it appropriated her compliment as genuine.

Even before the attack on the Capitol, Trump attacked Georgia election workers Ruby Freeman and Shaye Moss. In his phone call with Georgia Secretary of State Brad Raffensperger, Trump claimed they had engaged in ballot tampering, falsely alleging that they pulled fake ballots from suitcases hidden under tables at a ballot-counting center (Miller & Kinsella, 2023). During the conversation, Trump used Freeman's name "no less than 19 times," labeling her "a vote scammer, a professional vote scammer and hustler, known scammer, known political operative, and ballotteer" (*Freeman v. Giuliani*, 2022).

Trump's surrogates reiterated these *ad feminam* attacks on the women who testified. Rudy Giuliani used his podcast to question Ruby Freeman's integrity, referring to her as someone with "a history of fraud participation," and claiming that she, with the help of other election workers, counted the same ballots "eight times," "cheating" in a manner that "looked like a bank heist." On Christmas Day in 2020, Giuliani attacked "Ms. Freeman and her crew" for attempting to scan ballots multiple times, likening them to "crooks springing into action" (*Freeman v. Giuliani*, 2022).

A second *ad feminam* attack highlighted physical appearance. This attack is based on "pretty privilege," a phenomenon that occurs when people associate physical beauty with health, talent, and success. Western appeals to beauty are built on a particular conception of attractiveness: feminine facial features such as a smaller jaw-to-cheekbone ratio, thinner nose bridges, and a smaller forehead. "For Mr. Trump, Filipovic (2017) observes, "this sexism moves in two directions: Women who are young, slim, white and conventionally attractive are sex objects, while women who don't fit his narrow ideal of femininity are dismissed as pigs and dogs."

Between 1993 and 2015, then-reality TV star Trump did regular interviews with radio host Howard Stern. During these conversations, the pair discussed topics ranging from celebrity feuds to Trump's sex life. The pair frequently talked about women, and Trump offered disparaging comments and issued attractiveness ratings (Heil, 2017). Given this background, it was not surprising when a statement with Trump's "Save America" masthead attacked "Hutch, as we called her," for being a "terrible employee." "Her biggest job," the statement continued, "was making sure that we had Die Coke in the kitchen, on a least two occasions, she brought in Diet Pepsi. TOTAL FAILURE." Switching to Hutchinson's appearance, the statement concluded, "the kids say 'she's a 10 but and I can't go that far, we're being completely honest. She's a 6 but she turned her back on MAGA'" (Reuters Fact Check, 2022).

When Reuters tried to authenticate the post, it discovered that "the purported statement is not viewable on Trump's official website, nor can the statement be seen in archived versions of the website dated June 28, 2022" (Reuters Fact Check, 2022). The

fake statement was widely circulated, however, likely reflecting that the message was consistent with authentic posts and the interviews with Stern in which Trump had disparaged female employees for their competence and rated their attractiveness.

While the statement linked Hutchinson's competence and appearance, Newsmax host and Trump supporter Greg Kelly flipped this argument. Instead of dismissing a woman because she is unattractive, Kelly argued that the Select Committee "picked her, in part, because of her good looks." "They've done this before," he continued. "They had hundreds of cops to choose from. They chose Ms. Edwards." Switching back to Hutchinson, Kelly added, "they dressed her up real nice. I think they may have sent her to some, sort of, rancho relaxo" (Media Matters, 2022). Kelly's attacks objectify women, dismissing them because they are either too pretty or not pretty enough.

Finally, Trump's argument *ad feminam* takes a particular form when attacking the women's emotional or mental health. Passion or emotion is often understood as a reasoned argument when displayed by a man; questioning a woman's emotional or mental state is often sufficient to render her argument irrational and irrelevant. On this point, Palczewski and Chase (2021) explain: "An angry man is just an arguing man. However, woman's argument, regardless of its emotional expression, is coded as angry/emotional and, thus dismissible" (p. 26).

To be fair, Trump routinely calls his political opponents or critics as "crazy." This is a derisive label that he has applied to CNN reporter Jim Acosta, Former New York City Mayor Michael Bloomberg, Connecticut Senator Michael Blumenthal, Texas Senator Ted Cruz, *New York Times* columnist Maureen Dowd, New York Congressman Jerry Nadler, Virginia Governor Ralph Northam, MSNBC host Lawrence O'Donnell, Vermont Senator Bernie Sanders, California Congressman Adam Schiff, and California Congressman Maxine Waters (Quealy, 2021). However, the argument *ad feminam* takes the form of attacking the emotional state to a new level which is evident in Trump's diatribe about Cheney on Truth Social: "Those that know Chaney [spelled wrong] are not surprised because she is a COMPLETE PSYCHO has no regard for the truth as to what really happened, and is angry that the people of the Great State of Wyoming put her out to pasture in a record setting defeat" (Mueller, 2022). "She blames me for this, but she only has herself to blame," Trump added. (Mueller, 2022).

Trump used the same type of *ad feminam* attack against Cassidy Hutchinson. In a Truth Social Post on June 28, 2022, he laid the foundation: "When she requested to go with certain others of the team to Florida after my having served a full term in office, I personally turned her down. I understand that she was very upset and angry that I didn't want her to go, or be a member of the team. She is bad news" (Bustillo, 2022). In an interview on Newsmax, Trump referred to Hutchinson as "this girl." He accused her of making up stories, adding, "She's got serious problems, let me put it that way." He concluded she has "mental problems" (Karni and Haberman, 2020). The implication of this attack is clear: Hutchinson's testimony is not credible. Such attacks draw on stereotypes of "hysterical" women who cannot be trusted with important tasks.

5. CONCLUSION

Trump's use of *ad hominem* attacks was integral to his political success and a formidable weapon that he used to attack his political opponents. This analysis argues *ad feminam* attacks are a distinct subset of argument *ad hominem*. These attacks function rhetorically to create spectacle, to divert attention, and to reinforce gender stereotypes against women's competence, thereby enhancing traditional claims to masculinity and power. Such appeals are devastating, and yet pervasive and persuasive.

The analysis of the Select Committee hearings found three distinct forms of *ad feminam* arguments: attacks based on a woman's competence, physical appearance, and mental and physical health. Moreover, we note that whereas our previous analysis of the 2016 *ad hominem* attacks found that others who tried these fallacious appeals tended to be criticized for their lack of valid support, Trump's *ad feminam* attacks were often spread beyond his social media and interviews. There are many examples in which conservative commentators use similar strategies to attack these courageous women and undermine. We should thus be wary of *ad feminam* attacks, as they threaten democracy while devaluing women.

NOTE: Any opinions, findings, recommendations, or conclusions expressed in this analysis are those of the authors and do not reflect the views of the authors' places of employment.

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Argumentation and Discretionary Power

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ABSTRACT: This essay addresses the reasonableness of discretionary power, such as exercised by police, immigration officials, and teachers. Discretion is the power to interpret rules, to accept reasons given by individuals subjected to these rules, and to make judgments concerning their treatment. The essay articulates three faces of discretion, frames discretion as noumenal power, explicates the second-personal speech act structure of discretionary power, and concludes with a proposal for assessing the reasonableness of those encounters.

KEYWORDS: asylum, discretion, discretionary power, noumenal power, reasonableness, second-personal speech acts

1. INTRODUCTION: WHY FOCUS ON DISCRETIONARY POWER

Let me begin with three reasons why argumentation scholars should focus on discretionary power.

First, it is a ubiquitous form of power shaping our public and professional lives: we see discretionary power in our encounters with police, with administrative agents deciding our eligibility for social benefits, with immigration agents deciding where we may live, with child psychologists formulating education plans for our children. And in our roles as professors, when granting or denying requests from students, when assessing colleagues' applications for tenure and promotion, and when saying yes or no to requests for university service. In each of these encounters, reasons are exchanged, evidence is presented and assessed, judgments are rendered and communicated, and appeals are made and heard. In some encounters we occupy the role of the discretionary agent entrusted with the authority to issue judgements and make decisions, while in others we are the target, the one assessed and evaluated.

Second, the present moment is ripe for examining the use and abuse of discretionary power: consider the demonstrations over the abuse of discretionary police powers by the Black Lives Movement; or the vociferous public protests over the management of COVID-19; or the public uproar in Israel over proposals to limit the discretionary power of the judiciary by weakening its "reasonableness doctrine" for reviewing executive and legislative decision-making (Kingsley, 2023); or the stripping of the discretionary power of the environmental protection agency in the US to regulate air and water pollution (Liptak, 2023). Discretion is the lifeblood of administrative law. It has grown in importance with the rise of the welfare state and the concomitant rise of bureaucrats charged with making determinations of entitlement, as well as the necessity of professional experts for

managing wicked collective action problems. The increase of discretionary power has always been met with popular resistance. Presently it seems to have reached a fever pitch as those on both the left and right make calls for limiting discretion, such as “defunding the police” and “deconstructing the administrative state.”

Finally, the analysis of discretionary power is fertile ground for reflecting on and, perhaps, revising three central precepts of argumentation theory. By investigating how argumentation animates discretion we can reflect on how *power* operates in and through argumentation. By examining the speech acts at play in discretionary encounters—in particular, those acts of demanding, requesting, and pleading that operate as “second person calls” to open disagreement space, to revise our normative standing vis-a vis one another, and to shape and modify the space of reasons—we can gain a clearer understanding of the inherent *relationality* of argumentation. And, finally, by taking a closer look at how *reasonableness* operates as both the method for exercising discretionary power and the standard of review by which it is assessed we can gain critical insights into its nature.

2. THE THREE FACES OF DISCRETION

Discretion is the capacity to make discriminating authoritative judgments. More specifically, it is the ability afforded to exercise choice between two or more courses of action, each of which is legally permissible, ethically appropriate, and epistemically sound, though not in equal degrees.

Discretion has both structural and epistemic dimensions. On the one hand, as Anders Molander (2016) notes, the *structural* dimension of discretion is the authority afforded to an agent to make autonomous judgments and decisions, with the degree of autonomy granted comprising the scope their discretionary power. On the other hand, this autonomy is granted on *epistemic* grounds—on the presumption that the agent makes those decisions based on sound reasoning in the face of indeterminacy and justifies them with good reasons (with “good” cashed out by the target being able to recognize the agent’s decision is justified by the fair application of generalizable warrants, while being sensitive to the character of their individual circumstances). These are descriptive and normative dimensions: describing the basic work of discretion but also setting normative expectations for which discretionary agents are held accountable. Discretionary agents can fail on either dimension. They can overstep their authority or fail to exercise their ascribed powers. And they can fail epistemically by substituting faulty heuristics for sound reasoning, over relying on categorical judgments when assessing situations, not using argument schemes appropriately, or insufficiently articulating the reasons underwriting their decisions.

Discretion is a multidimensional concept, referring to three analytically distinct but often overlapping powers. I refer to these distinct powers as the three faces of discretion. Each face refers to not only form of power but is also exercised through distinct forms of argumentation and is assessed with distinct standards of reasonableness.

The first face of discretion is *the power to decide and distribute*. We most commonly understand discretion as the authority to decide between competing options, each with distinct advantages and disadvantages. This authority often entails the power to render those decisions into policies for governing behavior and distributing goods. Examples include leaders choosing between competing policy options, financial agents

making investment decisions, police officers detaining and using force against suspects, bosses commanding workers' behavior, parents making decisions for their children, and individuals choosing and justifying how they spend their time and money. The argumentation accompanying this face of discretion often takes form as practical reasons and arguments (Lewinski, 2021), with agents justifying their decisions in terms of the potential benefits of the decision and those opposing the decision arguing that the costs are too high for the decision to be acceptable. Those opposing the decision may also contest the authority of the decision-maker and argue that the decision is illegitimate (Lewinski, 2022). Assessments of this form of discretionary power often operationalize reasonableness in terms of *prudence*, making wise judgments in the face of contingency and *duty*, carrying out the obligations and fulfilling the responsibilities of an office (Hicks, 2008).

The second face of discretion is *the power to interpret and enforce*. Discretion also refers to the power to interpret, apply, and enforce laws, rules, guidelines, and standards. Examples include judges adjudicating legal claims, bureaucratic agents, such as immigration officers, reviewing asylum petitions, social workers determining eligibility for public benefits, or EEOC and Title IX officers overseeing investigations and making rulings on allegations of harassment and discrimination, as well as the examples of our work as professors described above. The argumentation accompanying this face of discretion is interpretive in nature (Langsdorf, 2007), with agents assessing the correspondence, or lack thereof, between a stated norm and actual behavior or, more broadly, from a general rule to a specific case. The work of statutory interpretation and the concomitant arguments justifying a particular interpretation serves as an exemplar of this form of argumentation (Walton, Sartor, and Macagno, 2018). Assessments of this face of discretionary power, which occur when rulings are appealed, often operationalize reasonableness in terms of the agent's *fidelity* to the law, rule or guideline and *fairness* to involved parties.

The third face of discretion is *the power to disclose and expose*. Discretion, finally, refers to the power to share private information about oneself or others. This is what we mean when we ask someone to be discreet. Examples include disclosing personal details about one's life in public settings, people gossiping about a friend, family member, or colleague, the collection and sale of a person's internet browsing history to data brokers, media outlets publishing sensitive information about public figures or national security, and the limits placed on officeholders to classify and declassify state secrets. This face of discretion concerns revealing information as a means of pressuring a person or an institution to account for their beliefs and actions. And one important type of information that may be revealed is the presence of disagreement itself; the decision to publicize a difference of opinion and initiate argumentation as means of pursuing accountability may have profound consequences for the relationship between the parties, be that an interpersonal relationship or a political-institutional relationship, say between a whistleblower and a corporation. Mark Aakhus (2010) refers to this kind of argumentation as "transparency work." Given that this face of discretion involves why, when, and where to surface disagreement and initiate argument, assessments of this form of discretionary power often operationalize reasonableness as *appropriateness*, especially in terms *propriety* and *respect*.

While these three faces of discretion often operate in tandem, it is important to retain their analytic distinctiveness because they invoke different standards of reasonableness. Some of the most unfortunate abuses of discretion, such as police misconduct and the failure of private equity managers to perform their fiduciary duties, has been the result of the (sometime intentional) misapplication of the standards of reasonableness pertaining to one of the faces for the other (Hicks, 2002; Hicks and Dunn, 2010).

3. DISCRETIONARY POWER AS NOUMENAL POWER

Discretionary power is not unlimited but bound by professional and communal norms formulated in statements of mission, policy, and protocol. Which are rarely airtight; rather, agents must interpret them considering contingent circumstances and apply them to unfolding situations. Moreover, they must do so in relation to stated purposes, goals and ever evolving strategic priorities. These interpretations become the basis for decisions, expressed as justifications and articulated in terms of the distribution of benefits to, or the issuing of sanctions for, the target of discretionary power. Discretion, then, is interpretive power coupled with the authority to enforce that interpretation on the behavior and bodies of others.

Since these professional and communal norms are themselves conditioned by a series of indeterminate normative standards, expressed by terms such as ‘adequate’, ‘appropriate’, and most commonly, ‘reasonable’, discretionary power is, ultimately, the power to decide what is reasonable and what is unreasonable. That is, discretionary power is the authority afforded to define the situation in such a way as to give life to these norms, to determine when and how to apply them, and, crucially, to assess an actor’s attempts to reason within these norms as either immaterial or dispositive.

Discretionary power is, therefore, the capacity of an agent to “influence, use, determine, occupy, and even seal off the space of reasons for others” (Forst, 2015, p. 116). What Rainer Forst (2015) refers to as noumenal power: the ability of an agent to intentionally shape the space of reasons of the target in a way they would not have done without the interference of the agent—with the space of reasons conceptualized as the normative space of freedom and constraint in which the reasons motivating how one feels, believes, and acts are formulated and justified. In the context of discretionary power encounters, noumenal power is exercised by the agent determining what counts as reasons and how those reasons can be expressed—including how they must be formulated to be considered relevant, when they can be uttered in the encounter to warrant consideration, the criteria for determining if they are sound or fallacious, and what sorts of response the target’s reasons deserve from the agent.

4. DISCRETIONARY POWER ENCOUNTERS: THE POLITICAL ASYLUM PROCESS

While discretion is an important concept itself, by reconstructing the argumentative character of concrete discretionary power encounters we see some its key features more clearly. Features that show us that discretionary power encounters are a unique context of argumentation deserving of further study. To illustrate, let's take the United States Citizenship and Immigration Service's (USCIS) description of the process for requesting political asylum in the US, describing the process as it unfolds across successive stages (USCIS, ND).

In the US migrants have one year to request political asylum, providing that they can demonstrate a "reasonable fear" of facing persecution or torture upon returning to their home country. Let's call this "request" made by the target the initial stage of the discretionary encounter.

If the UCIS gives uptake to the request—meaning that they elect to review it, which is in no way certain, and may take a long time— then, a "credible fear interview" with an asylum officer is scheduled. The purpose is to determine if migrant's "fear" is indeed "reasonable"—operationalized as the migrant providing sufficient evidence to establish a "significant possibility" that they will face persecution or torture. Let's call the agency's decision to give the target's request uptake the second stage of the discretionary encounter, and the "credible fear interview" the third.

What is most striking about the interview is its explicit adversarial framing. The UCIS does not stipulate what evidence migrants need to present to demonstrate their fear as reasonable. Rather, the asylum officer makes this determination during the interview. Asylum officers are directed to test the credibility of the migrant's claims—which are advanced by their testimony and the supporting witnesses and documents they can muster to back up their testimony—through the speech acts common to interrogations: asking the same questions over and over, demanding migrants repeat their narratives multiple times to look for inconsistencies, and throughout the interview casting doubt on the migrant's standpoint by telling them that they don't believe them. The form and force of the speech acts comprising the interview make it clear that the officer's determination of reasonable fear is not taken only from the migrant's verbal claims but by reading the migrant's affective displays and bodily reactions as "evidence" of those claims; that is, the officer exercises their epistemic discretion in their analysis of the migrant's interview performance.

The officer conducting the "credible fear interview" does not, however, have the discretion to grant the request for asylum. If the asylum officer finds that migrant's fear is indeed reasonable, they write a report documenting the case and this report becomes the official "application" for asylum that is submitted for agency review. Let's call this transformation of the migrant's "request" into an "application" the fourth stage of the encounter. And the fifth stage is the subsequent "asylum merits interview" with a senior officer.

The purpose of the merit interview is to determine if the migrant is legally eligible for asylum, which is largely a matter of reviewing their past actions and known associates for evidence that were not complicit with acts of persecution in their home country, they have not engaged in criminal activities, and that they are not associated with a terrorist

group. While this interview is officially farmed as “non-adversarial” it is not necessarily less harrowing for the migrant, as it will likely focus on the most intimate acts and relationships of the migrant’s life, as the officer looks for possible reasons for ineligibility. If the “merits” interviewer finds the migrant is legally eligible, the case is advanced for review by an immigration judge, the sixth stage of the encounter. The judge may either review the case file on its own, or demand that the migrant come in for an additional interview, if they feel additional evidence is needed (a possible seventh stage).

The immigration judge’s review is final and cannot be appealed. If the judge finds the migrant’s fear to be reasonable, the request is granted (and the migrant tries find a home and get the official paperwork that will allow them to work, which entails a host of ongoing discretionary encounters); if the judge finds the migrant’s fear to be unreasonable, the migrant is scheduled for deportation.

Granting that this is an all too abstract account of the asylum process, I believe that briefly reflecting on the unfolding of this encounter affords two potential insights.

5. CONTEXTUAL FEATURES OF ARGUMENTATION IN DISCRETIONARY POWER ENCOUNTERS

Even this cursory description of the asylum process gives us, first, insight into some salient and, I believe, general features of the argumentation occurring in the context of discretionary power encounters. And by extension insight into some of the general features of the argumentative relationships enacted during those encounters.

There is marked *asymmetry* in knowledge and power performed in the encounter, with the agent able to demand extensive knowledge of the target’s life. While the target knows nothing of the agent’s life and is prohibited from seeking such knowledge.

These encounters are *intimate*. Targets must provide intimate details about their lives, such as sexual practices, psychiatric records, and detailed descriptions of familial relationships. Agents observe the target in their homes, at school, and at work and depend on those observations to make inferences about the target.

They are *affectively charged*. Not simply because the encounter may have severe consequences for the target. Affects themselves are often assessed in the encounter, with the target’s bodies and emotional displays constituting the evidentiary basis for the agent’s decision.

They are marked by *dispersed authority*. Often no single agent can make the decision. Thus, it may be hard to locate who is accountable.

Finally, the application of discretionary power is typically not a single isolated event but is *ongoing*. Targets may be required to have repeated, often stressful, encounters with agents.

While each of these features are easily identifiable in the asylum process, I think these are contextual features of most discretionary power encounters, be that the process of requesting welfare benefits, seeking reproductive health services, undergoing annual performance reviews, or pleading for an extension on an assignment. What differentiates the structure of discretionary power encounter is whether it is a matter of the target initiating the process by issuing a request or plea, such as the cases of requesting political asylum and pleading for an extended deadline, or is it a matter of the agent initiating the

encounter by issuing a demand, say in the case of a police officer directing movement, pulling over a car, or hailing a potential suspect to search them for contraband.

6. THE RELATIONALITY OF DISCRETIONARY POWER: SECOND PERSONAL SPEECH ACTS

A second potential insight can be gleaned from this account of discretionary power encounters: when examining the moment-to-moment unfolding of the discretionary power encounter—within the asylum process, and more generally—we see that its argumentative texture is organized less around the use and distribution of assertive speech acts than second personal speech acts. And, further, I take this to mean that both the structural and epistemic dimensions of discretionary power are enacted in and through the use and distribution of second-personal speech acts in the encounter.

There is a difference between assertive and second-personal speech acts. A difference that matters for understanding relational performances of discretionary power.

Assertives, as van Eemeren and Grootendorst (2004) explain, are speech acts in which the speaker asserts a proposition and commits themselves more or less strongly to its acceptability. Although the prototype of an assertive is the speaker guaranteeing the truth of a proposition, they more commonly express opinions on events or situations. Assertives include claims, statements, reports, explanations, suggestions, assurances, suppositions, and denials. And they rightfully occupy a central place in our conception of argumentation.

Second personal speech acts, and for our purposes think of demands, requests, and pleas, have a different normative pragmatic structure and function than assertives, however. Following Lance and Kukla (2013), second personal speech acts are forms of address in which ‘I’ address ‘you’ specifically, seeking that ‘you’ respond in a way consistent with our relationship, thereby affirming that relationship by performing it. For instance, if I invite you, who I consider my friend, to come to my house to hang out, then I am seeking that you accept my invitation on the basis of our friendship; if I later discover that you accepted out of a sense of obligation or that you felt sorry for me, then I would be justly hurt and may question our friendship. And if you must reject my invitation, I expect you to do so in a way consistent with our friendship. Or if I am a police officer demanding you show me identification, I expect you to obey me and, moreover, to perform your obedience in a way that clearly signals your recognition of my authority (by doing so immediately, without any furtive movements, and without the direct eye contact that may indicate defiance).

The most salient difference between assertives and second personal speech acts is that assertives are judgments about the world, its inhabitants, and their actions made by an arguer who stands apart—expressing a point of view on that world (quite literally a standpoint), with this viewpoint being either from her individual outlook (first-personal) or as representative of a generalizable outlook (third-personal). Second personal speech acts, on the other hand, call into being a specific relationship and do the work of assigning the normative statuses of the relational partners from within the relationship itself. Hence, each time “we” successfully perform a second-personal transaction our relationship is reenacted and the norms that underwrite it are reinscribed. The friendship deepens, police authority

is reaffirmed. Conversely, when these speech acts fail or are challenged—when your friend ghosts you or you turn your cell phone on to film the police officer—disagreement space is opened and the relationship with all the normative statuses it entails are open to revision. Which is why Lance and Kukla argue that second person speech acts “both depend on and make use of existing normative contexts and roles for their production, and call into being new relations and statuses that revise the normative structure of social space and action” (2013, p. 457).

Discretionary power encounters are organized in terms of second personal transactions. They have a call-and-response structure that underwrites the authority of the parties, and for which we must account to see the encounter from the target’s point of view. While doubtlessly there are an abundance of assertives issued in asylum decisions—most notably in the post-interview reports and the letters accounting for the final ruling authored by the agents—the unfolding of the argumentative process in the transaction between the agent and target occurs primarily in the interviews, which are, like all interviews, constituted by questions and answers, and the myriad of communicative functions accomplished via those questions and answers. For the target it is surely the experience of being interrogated and waiting for the agent’s response to their request that circumscribes what discretionary power feels like, something we may miss if we reconstruct the event in primarily as a series of assertions and defenses of standpoints. But even more generally the process is structured in terms of a request-response sequence, from the initial request for asylum all the way through the discretionary act of judge who grants or denies that request. The same sort of call-response sequence is common to most, if not all, discretionary power encounters. The operative difference being whether the sequence begins with a request by the target or a demand by the agent. The normative statuses and relations of power of the participants derive from the respective ability each is afforded to make requests and demands. Meaning that the structural dimension of discretion—the respective authority, or lack thereof, afforded to the agent and the target—is constituted through the distribution of these second-personal speech acts in the encounter.

We can see three types of second personal speech acts present in the asylum process, which I believe are common to discretionary power encounters: demands, requests, and entreaties. And while all three are types of directives—involving attempts by the speaker to bring it about that recipient do something—they are not interchangeable. Each presents different types of reasons which, in turn, license different forms of inference. Each imputes different responsibilities the parties have to one another as they consider those reasons. And, thereby, each affords parties differing degrees of freedom and constraint in choosing how to feel, think and act. That is, these second-personal speech acts give shape to the space of reasons the parties share. And navigating in and justifying from this space of reasons constitutes the epistemic work of discretion.

A successful demand imputes an obligation to the target to obey the speaker and to do so in a way that makes clear the reason they are obeying is a recognition of the speaker’s authority. That is, the target obey because they take themselves as relationally owing it to the speaker to perform the action. Demands, of course, fail when the target does not perform the proscribed action. But they can fail in other ways. For instance, if the target performs the act but in a way that makes it apparent that they are doing so not out of respect for the speaker’s authority but because it will shut them up and let the target get on with

their day. Demands perform a relationship of inequality, succeeding or failing to the extent that this inequality is made manifest.

Requests, on the other hand, perform a relationship in which inequality is suspended: in assuming the authority to make the request, the speaker also recognizes the authority of the target to freely decide whether to grant it. Requests, *contra* Searle, are not weaker forms of demands. Rather, they give the recipient what Lance and Kukla (2013) call a “petitionary reason” to grant the request: to do it for the speaker, considering the relationship in which they stand, as a means for enacting and extending that relationship. In other words, whatever reason I may have had for doing the proscribed action your request gives me a new reason to do it: for you, for us. Requests succeed to the extent that the target acts because of these petitionary reasons. Requests can fail in several ways. When the recipient feels they can’t deny the request for fear of relational repercussions, which is to say the request is taken as a disguised demand. Or the speaker’s entitlement to make the request is challenged because the recipient does not believe the speaker has the requisite authority to make the request of them or that they do not have access to the resources to allow for the performance of the proscribed action. While it easy to see how requests operate in interpersonal contexts, they also operate in discretionary contexts as well, as parties transact as customer and business owner, landlord and resident, police officer and suspect, teacher and student, or elected official and citizen, by issuing and responding to requests. If discretionary agents could not make requests, or if all their requests were heard as disguised demands, their jobs would be infinitely harder and we would have to conclude that all discretionary power is coercive, which it is not, nor do we want it to be.

Finally, entreaties perform, at least potentially, a renegotiation of the power in a relationship: The speaker first calls upon the target to grant them entitlement to issue a request, then, if acknowledged, proceeds to make it. If successful the speaker possesses a power that they did not possess before: the power to forward requests, issue invitations or, perhaps, make demands.

Common to the second personal speech acts that constitute discretionary power is that they are irreducibly relational—they do their work by presenting reasons whose form and force institutes and modifies the normative social statuses and moral relationships of the interlocutors. Hence, we should, I conclude, describe these argumentative encounters and all the labor performed by the arguers within them in terms of their relational qualities and assess them with reference to a normative standard of reasonableness tailored to account for these relational qualities.

7. CONCLUSION: TOWARDS A CRITICAL–RELATIONAL STANDADRD OF REASONABLENESS

Reasonableness has a dual character. On the one hand, it is way characterizing the competence of reasoners and their arguments. On the other hand, it is a way of assessing the fairness of the argumentative exchange, with a particular focus on how arguers’ approach and treat one another (Hicks 2003; 2008). We can see this at work in the various standards of reasonableness used in the three faces of discretion: prudence, fidelity, and propriety are used to assess the competence of discretionary reasoning and argumentation,

while duty, fairness, and respect are used to assess the reasonableness of the arguer's orientations and behaviors in the application of discretionary power.

While there has been much work on reasonableness as competence, with the concomitant fleshing out of its normative standards, much less work in argumentation theory has focused on explicating normative standards of relational reasonableness. To that end I propose that assessing the reasonableness of discretionary power encounters begin with two critical questions:

First, how do the discretionary agent and affected party approach and treat one another? This is *the procedural starting point of the argumentation*. A reasonable application of discretionary power requires the agent to justify the decision with reasons that are alert, alive and sensitive to the affected party. Reasons that are cognitively and affectively alive to the needs and desires of the affected party, reasons that are attentive to with the affected party's experiences, and reasons which are given in terms that the affected party can understand and accept.

Second, what are the normative assumptions constituting the relationship between the discretionary agent and the affected party? This is *the material starting point of the argumentation*. To determine what is reasonable we must interrogate the nature of the relationship between interlocuters, asking just what each party owes to the other—the forms of care, respect and dignity required to maintain that relationship. The normative force of a particular reason, as the most reasonable, does not stem from logical or moral principles antecedent to the situation at hand, but from the reflexive authenticity of the relationships, and their concomitant relational contracts, in which we stand.

My hope is that foregoing analysis of discretionary power and these critical questions can aid us in forming a critical-relational conception of reasonableness to sit beside the critical-rational conception that has proven so useful for assessing the epistemic dimensions of argumentation. A critical-relational conception that can animate an account of the argumentation occurring within discretionary power encounters that individuals and movements can use to make vivid the challenges to their oppressive relations and their aspirations towards a transformed web of relationships, ranging from the most intimate to the most institutionalized.

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How & Why Toulmin Model Became Triangular

(Over)simplification in Japan

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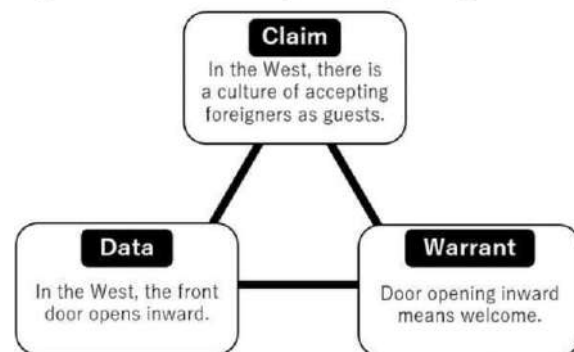
ABSTRACT: The Toulmin Model is introduced also to Japan, but in a unique way. While the original model consists of 6 elements, the model in Japan, called Triangular Logic Model, consists of 3 (claim, data, warrant). This paper discusses 1) the process of and reasons for the triangularization of the model and 2) pros/cons of this phenomenon. Though triangularization succeeds in making the model popular in educational practice, this (over)simplification lets the model go in the opposite direction to which Toulmin wanted to.

KEYWORDS: Argument Fields, Debate, Education, S. Toulmin, Triangular Logic Model.

1. INTRODUCTION

Toulmin Model is well known all over the world. This is also the case in Japan. Toulmin Model is used in school in various subjects (mainly in Japanese and social studies, and even in science), and now is in official textbooks (Sanseido, 2020, pp. 104-105; Kyoiku- Shuppan, 2020, pp. 115-117). However, the model has been modified in a unique way¹. While the original model consists of six elements (data [ground], claim, warrant, backing, qualifier, and rebuttal), the model in Japan is constructed with just the former three (data, claim, and warrant) and puts them in a triangle form (Figure 1). This model called Triangular Logic Model is introduced as if Toulmin had developed and named it. Thus, most people in Japan come up with the triangle when they hear the name “Toulmin” or “Toulmin Model”.

Although Toulmin emphasized the importance of field-dependency, the practice in schools in Japan eliminates the perspective of argument fields and uses the Triangular Model as a kind of panacea. In this paper, I make considerations on how and why such modification to simplify the model happened. In short, the purpose of this simplification was to make the model and debate activities more popular in



¹ This phenomenon seems unique to Japan as prior research pointed out () and the listeners to this presentation at ISSA 2023 did not disagree.

school, which was accomplished, but on the other hand, there were some negative effects at the same time.

First, I see the abstract history of accepting Toulmin in Japan and clarify the process of making the model triangular (section 2). Then I argue the pros and cons of the modification (section 3) and especially focus on the cons, negative effects, in argumentation education (section 4). I conclude by arguing the necessity of rethinking the model and Toulmin's philosophy behind the model.

2. PROCESS OF ACCEPTING TOULMIN IN JAPAN

Toulmin published *The Uses of Argument* in 1958. After about a decade, Toulmin was introduced to Japan in the 1970s. Debate activities became popular and some communities were established in 1980-1990 (e.g., Japan Debate Conference in 1986, the National Association of Debate in Education in 1996). As interest in active learning grew, discussion and debate practice were introduced into classrooms. One of the purposes was to let middle and high school students learn to search and collect the materials and to use them in arguments better in 2010s as preparation for lowering the voting age.

Here the point is that the official textbooks were published earlier than the Japanese translation of *The Uses of Argument*. While Triangular Logic Model appeared in the textbooks in school in April 2011, the translated edition of *The Uses of Argument* was published in May 2011. Therefore, the textbooks might be written without referring to the Toulmin's original texts. In fact, the textbooks introduced Triangular Logic Model without showing that it is derived from Toulmin (though the textbooks emphasize the importance of showing evidence).

Then we have to scope at 1970s, when as I mentioned Toulmin was introduced to Japan. At this time, none of his books has been translated yet: only some passages were quoted and introduced. Here is one key person, M. Matsumoto, a professor of teaching English, who introduced Toulmin Model in his books and contributed the most to the birth of Triangular Logic Model. In 1970s, Matsumoto wrote a series of 2 books. One is *The Method of Intellectual Combat* in 1975, and the other is *The Logic of Intellectual Combat* in 1979. In *Method*, he argued that the causal relationship is shown in the form of a triangle. In *Logic*, the structure of 3 elements (claim-warrant-data) appeared, but not triangular yet.

Then he concluded his idea of using Toulmin in his book *Introduction to "Debate"* in 1982. As I quote below, he introduced the original Toulmin Model with 6 elements as the method of inference and distinguished the main 3 elements and the additional 3 elements.

You can see the 3 elements (claim, data, and warrant) are parallel to the major premise, minor premise, and conclusion in syllogism. The other elements (backing, qualifier, and rebuttal) are, to say, the points in order to support them. Therefore, when we construct arguments or rebuttals, **it is important to fill the main 3 elements first of all (claim, data, and warrant). The remaining three can be filled in later.** (Matsumoto, 1982, p. 69)

Here are two key points. One is Matsumoto made it clear that the 6 elements can be divided into the main ones and the others. This perspective itself is not so rare, but was innovative for Japan at that time. The other point is that Matsumoto did not eliminate backing, qualifier,

and rebuttal. He just insisted that these 3 elements could be filled later and did not that they were useless or needless.

So next we have to consider the reason why these 3 elements vanished. In this paper, I hypothesize that this modification occurred because of practical concerns. In short, Toulmin Model became triangular in Japan in order to make it easier to use in educational practice. They thought the simpler the model is, the easier to use in school, as Inoue (1977), a contemporary of Matsumoto, professor of teaching Japanese, wrote:

However, there are some problems in Toulmin Model. In some cases, Q (Qualifier) or B (Backing) may be needed for both D (Data) and W (Warrant). Also, if we reconstruct the W as C, B can be interrupted as its D. In short, this layout needs to be fixed. Then, **the model will be clear theoretically and easy to use practically if Q, R, and B are lumped together as "provisos (conditionals)" for C, D, and W (considered as subcategories within those categories).** (Inoue, 1977, p. 107)

From this perspective, Matsumoto made Triangular Logic Model. Nevertheless, as I wrote, Matsumoto used Toulmin's idea sometimes without showing that it derived from Toulmin, which made it difficult for subsequent researchers and literature to refer to Toulmin's original source. After several decades, Triangular Logic Model is now in official textbooks, but there is not Toulmin's name nor Matsumoto's name (for his sin?). Therefore, the circumstances are as follows. When teachers want to use Toulmin Model in their class, there is a high bar for them to check Toulmin's original texts in English. Then they use the articles or books introducing Toulmin in Japanese, i.e. Matsumoto's or its following texts, and they find not Toulmin's original theory but only the arranged and modified model. Whatever reservation Matsumoto made, most of the following texts introduce only Triangular Logic Model without declaring such reservation. Obviously, by seeing with our eyes, there is no backing, qualifier, or rebuttal in Triangular Logic Model.

Now we can understand the process of and reasons for the birth of Triangular Logic Model. In the next section we will see the output of this modification.

3. PROS AND CONS OF TRIANGULAR LOGIC MODEL

Now that we understand the process of triangularization, it is time to consider the results of this phenomenon. There are pros and cons of the triangularization of the model, so in this section I check the both and lay the foundation for the next section.

The merit of the triangularization is making the model easier to use in education, as mentioned already in the last section. Matsumoto wanted to make debate practice more general and popular in Japan for some reasons. Japanese were (have been) said to be not good at debating, and Matsumoto was afraid that Japan would lose out in international competitions if it did not develop the ability to debate (Matsumoto, 1975). In this point, simplification succeeds in making the model popular. One easy but interesting example that shows the soundness of this proposition is search results on the internet. When we throw the words 'Triangular Logic' into Google Scholar, we can find almost twice as many references as on Toulmin model (in July 2023, 839 hits with 'Triangular Logic (三角ロジック)' while 476 hits with 'Toulmin Model (トウルミン(・)モデル)'). So now in

Japan, the simplified Toulmin model, Triangular Logic Model is more well-used than the original one.

On the other hand, we have to check the negative side of this simplification. To give the conclusion first, it goes opposite to which Toulmin wanted to go. How opposite? Toulmin made his argument model in order to criticize and update the syllogism. But now, since Triangular Logic is interpreted as Toulmin Model (or to say, Toulmin Model is replaced with Triangular Logic Model), people in Japan mix up Toulmin Model with syllogism as follows.

Toulmin Model is well-known. In this paper, we employ Triangular Logic Model as simplified Toulmin Model. (.....) In this paper, Triangular Logic Model is regarded as a representation of syllogism. (Kitamura et al., 2017, pp. 1-2)

Then why did Toulmin criticize and try to update syllogism? Toulmin questioned the universality and invariance of the validity of syllogism and added some conditions. Toulmin thought that validity depends on its contexts and tried to make the contexts clear by inventing 3 additional elements: backing, qualifier, and rebuttal. In this experiment, the challenge Toulmin faced was how consensus is possible in a pluralistic situation (Ujikawa 2007), so he emphasized the necessity of limiting our ideas even though they seemed perfect.

What we should do is not to establish a universal, new, and inclusive theory but to limit the range of the theory even if it is formed in the best way. (Toulmin, 1990=2001, p. 314)

This limitation also applies to Toulmin Model.

I'd approve of anything people find fruitful, so long as they don't use my ideas dogmatically. (.....) So, you have to find out as you go along in what areas this model works best and in what areas one has to use it with qualifications. (interview with Olson, 1993)

Unfortunately, however, few educational practices using Triangular Logic Model or Toulmin Model (=T(L)M) in Japan pay attention to this point. In many cases, T(L)M is used as if it is a kind of panacea. Most of the textbooks in school encourage students to apply the "omnipotent" triangle to any kind of text regardless of the genre (e.g. novel, essay, thesis) or discipline (e.g. sociology, biology, geology), and never to recreate the model based on the text types. Toulmin emphasized the importance of such differences of genres or disciplines by the concept of 'argument field(s)', but this point has been left out. To say, the Japanese textbooks prevent students from "finding out as you go along in what areas this model works best and in what areas one has to use it with qualifications."

Why is the model seen as invariable and changeless in Japan? One hypothesis is that it is because *An Introduction to Reasoning* has not been translated into Japanese yet. This is a textbook written by Toulmin and Janik, and in the last part of the book they list some fields as examples (law, science, arts, management, and ethics) and make considerations on the variations of the model. In Japan, this book is not easy to read nor

introduced as a guide for teachers², so the idea that the model can and should be modified in accordance with the fields is not familiar. Since Toulmin Model and argumentative practices are implemented in school in a context of critical thinking, also the model itself needs to be examined. Viewed in this way, this situation must be changed.

4. FORGOTTEN ‘ARGUMENT FIELDS’

In the last section, I list the pros/cons of the Triangular Logic Model and make consideration on the issue of overlooking the context by the triangularization. Although it is unable to check the causal relationship statistically here, in this section I argue the problems that might be caused by not paying attention to argument fields.

One problem is the ‘Rompa boom’. Rompa means refutation in Japanese. Hiroyuki, an influencer on SNS, became popular in recent Japan. He is regarded as good at debating (actually just good at fallacies like *ignoratio elenchi*) and Japan is experiencing a ‘debate’ boom (not academic nor educational) as an entertainment because of him. Herewith, it is reported that many kids say ‘Hi, Rompa (論破)!’ meaning ‘Yes, now you’re refuted!’ to their parents, teachers, and friends (Asahi, 2023). The most famous and popular spell is ‘Sorette anata-no kansou desuyone (それってあなたの感想ですよ?)’ meaning that ‘It is just your subjective feeling’ or ‘Is there any data supporting it?’. They say this phrase even when scolded for not doing their homework: their parents say ‘You had better started doing your homework earlier, hadn’t you?’ and they reply ‘It is just your subjective feeling’.

They say such phrases to display their superiority over their counterparts, but in many cases, they fail to make a refutation, or at least manage to refute only one perspective. They are not able to take into consideration the plurality of argument fields. With the perspective of argument fields, they might notice how their ‘refutation’ is nonsense. There are both fields where feelings are essential elements for arguments and where talking about feelings is needless. Without understanding such plurality of fields, strange situations occur in which they fail to construct arguments correctly while they are sure that they win the game.

On the other hand, too much attention to the plurality of argument fields leads to another problem. The other problem is historical revisionism. In Japan, super right wings have taken advantage of debate activities as a tool to empower themselves. Debate sets the theme in a form of dichotomy, so two positions are treated equally. This scheme enables them to act as if their minor theory is on an equal level to the mainstream theory (Kurahashi, 2018), and they say the cliché historical revisionists often use: ‘While you are right in one sense, we are right in another sense’.

Although Toulmin insisted he doesn’t support either relativism or universalism, the concept argument fields is criticized for leading to relativism (Pineau, 2013). Even though reconsidering Toulmin’s philosophy behind Toulmin Model is worthwhile, emphasizing the plurality of argument fields leads to the problem common with the ‘plurality of narratives’. While the theory of plurality of narratives criticizes evidence-centrism and enhances the

² Only do few papers (like Aoki, 2016) refer to *An Introduction to Reasoning* and the necessity to recreate the model.

value of witness and verbal dictation on one hand, it also empowers historical revisionism on the other hand (Kurahashi, 2018, p. 86).

As far as I have researched there are few studies investigating the concept argument fields and even no study connecting it with educational practices in Japan, so this is the issue I think worthy of further investigation.

5. CONCLUSION

This paper revealed the process of and reason for shifting Toulmin Model to Triangular Logic Model. Toulmin was introduced to Japan before translating his books so that only did Toulmin Model spread in the context of education without conducting research on his philosophy behind the model. Toulmin Model was recreated into the form of a triangle in order to make itself easier to use, which was accomplished to the extent to which Triangular Logic Model is now in official textbooks. However, at the same time, it had a side effect which was to cut off the contextual (=field-dependent) terms from the model and prevent students from “finding out as you go along in what areas this model works best and in what areas one has to use it with qualifications” although it was the very aim and purpose of Toulmin. The lack of research on Toulmin’s philosophy including the concept of argument fields in Japan may lead to some problems like Rompa boom or historical revisionism using debate activities.

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Strategic Ambiguity vs. Strategic Clarity *The Defense of Taiwan*

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ABSTRACT: The United States has long endorsed strategic ambiguity to deter Taiwan from declaring its independence and China from taking Taiwan by force. The United States sells defensive weapons to Taiwan but does not commit to its' defense. Now there is debate as to whether strategic ambiguity should be replaced by an explicit commitment to defend Taiwan. This paper assesses the arguments in this debate, their appeal to different audiences, and ability to deter conflict.

KEY WORDS: China, hegemony, strategic ambiguity, strategic clarity, Taiwan, U.S. defense

Most argumentation textbooks emphasize the importance of offering clear and readily understandable arguments to reduce misunderstandings and guide hearers toward better decisions. In pragma-dialectics, for example, ambiguity may violate the language use rule, which requires “that the participants do not create pseudo differences or pseudo solutions by not expressing or not interpreting their own and each other’s intentions as accurately as possible, without relying on not transparent, vague or equivocal formulations or inaccurate, sloppy or biased interpretations” (van Eemeren & Garssen, 2023). There are times, however, where clarity is not a priority. In a study of foreign policy arguments, David Zarefsky (2019) argued, there were situations and contexts where productive argumentation was better served by “strategic ambiguity.” Zarefsky (2019, p. 106) explained that “ambiguities may serve not so much to mask intentions but to keep options open.” Thus, “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 interests of all participants and contributes to resolving a disagreement” (Zarefsky, 2019, p. 113). Zarefsky concluded that ambiguity may be an especially useful argument strategy in instances where arguers are addressing heterogeneous audiences.

This paper considers the paradigm case for strategic ambiguity in U.S. foreign policy, the arguments offered to express the U.S. commitment to defend Taiwan. As Boon and Sworn (2020) noted:

To achieve strategic ambiguity, the U.S. purposely creates uncertainty about the conditions for, or nature of, its possible intervention in a conflict between China and Taiwan. This uncertainty introduces the possibility of a U.S.-China war if Beijing were to invade Taiwan. Simultaneously, it is possible that America may

abandon Taiwan in a China-Taiwan conflict if Taiwan were to go too far in pursuing independence.

The policy of strategic ambiguity may have been less purposeful than the above quotation suggests. Throughout World War II the United States was allied with the Republic of China ruled by Chang Kai-Shek. When the Communists closed in on him and captured the mainland, Chang and the remnants of his forces retreated to Taiwan and continued to govern as the Republic of China. Chang claimed he would someday recover all of China, and he retained the support of the United States and the China seat in the United Nations. In 1972, however, President Richard Nixon and Secretary of State Henry Kissinger visited Beijing and met with Chairman Mao and Premier Chou En-Lai. Nixon and Kissinger sought to establish diplomatic relations with China and open the Middle Kingdom to investment and trade. The main sticking issue in these conversations was Taiwan. On October 26, 1972, Kissinger came up with language on Taiwan that was acceptable both to the United States and to the PRC: “The United States acknowledges that all Chinese on either side of the Taiwan Straits maintain there is but one China. The United States Government does not challenge that position” (MacMillan, 2008, p. 214).

The United States and China agreed to a framework for consensus of the One China policy in the Shanghai Communique in 1972, the Joint Communique on the Establishment of Diplomatic Relations between United States and People’s Republic of China in 1978, and the 817 Communique in 1982 (Ye, 2021). The United States agreed to no longer recognize the ROC as the legitimate government of China and supported denying Taiwan membership in the United Nations. Yet, even as relations thawed between Washington and Beijing, Taiwan continued to enjoy support in Washington. As a result, almost from the beginning, the U.S. government obfuscated any signs that made it appear it had abandoned Taiwan. In 1979, the U.S. Congress passed the Taiwan Relations Act (TRA) that:

Declares it to be the policy of the United States to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other people of the Western Pacific area. Declares that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern. States that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means and that any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes is considered a threat to the peace and security of the Western Pacific area and of grave concern to the United States . . . the United States shall provide Taiwan with arms of a defensive character and shall maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or social or economic system, of the people of Taiwan (H.R. 2479, 1979-1980).

As demanded in the Taiwan Relations Act, the United States continued to express its commitment to the “One China policy” and the conviction that the future of Taiwan would be decided peacefully by the people of greater China, while simultaneously offering

brisk arm sales to Taiwan and opportunities for Taiwan's military to actively train with U.S. forces to enhance military readiness. Each new arms sale provoked angry responses from Beijing that the United States risked war in the region and interfered with China's sovereignty (Wu, 2021). For the most part, these protests did not risk escalation into actual conflict. In 1996, however, China deployed approximately 150,000 troops to Fujian Province across the Strait from Taiwan and began conducting exercises that appeared to be in preparation for an invasion. Taiwan went on high alert, and President Clinton declared China's actions "provocative" and "reckless" and dispatched two U.S. aircraft carrier groups to the Taiwan Strait (Chen Qimao, 1996). Rather than risk a confrontation with a far superior force, the PRC backed down.

The conditions that defined the relations between the United States, China, Taiwan, and the American allies in the region in 1996 are different today. These new developments have caused many foreign policy experts, military leaders, diplomats, and elected officials in the United States to begin to openly debate the merits of strategic ambiguity. Some, especially on the right, have questioned whether the United States should continue to serve as a global peacekeeper and as Taiwan's protector. For example, President Trump was skeptical about the U.S. commitments to its treaty partners and openly inconsistent in his attitudes toward Taiwan. He signaled support for the island when he broke diplomatic norms and accepted a congratulatory phone call from Taiwan's President Tsai-ing Wen following his own election in 2016 (Grzegorzewski, 2022). But a few days later in an interview with Fox News, Trump said he saw no reason to be "bound by the One-China policy unless we make a deal with China having to do with other things" (Jennings, 2016). In other words, Trump was willing to use Taiwan as a bargaining chip to win economic concessions from China (Jennings, 2016).

More frequently, however, have been the calls to make explicit the commitment to defend Taiwan, even at the risk of provoking conflict with China (Kuo, 2023). President Biden flirted with the idea of redefining the U.S. security commitment when he told an interviewer on the national news program *60 Minutes* that the United States would defend Taiwan if China attacked (Ruwitch, 2022). The statement marked the third time since 2021 that Biden had suggested the United States was abandoning "strategic ambiguity" toward Taiwan, even though a follow up statement from a White House spokesperson muddied the waters, and returned to ambiguity, "The president has said this before... He also made clear then that our Taiwan policy hasn't changed. That remains true" (Ruwitch, 2022).

1. THE EVOLUTION OF THE U.S.-TAIWAN RELATIONSHIP

When President Nixon and Henry Kissinger agreed to the "One China" policy, China was a weak and impoverished nation, suffering through the Cultural Revolution, and only recently emerging from one of the worst famines in modern history (Dikotter, 2016). Taiwan was experiencing its own trauma and was governed by a corrupt and authoritarian regime. Chang Kai-shek was remembered in Washington as a somewhat unreliable partner in the battle against Japan on the Mainland, and he governed Taiwan with an iron-fist. He persecuted, arrested, and even murdered his political opponents in the period known as the "White Terror" (Shattuck, 2017). Nixon and Kissinger likely saw little difference between the two regimes, and thus dealt away Taiwan's independent future without considering

anything beyond their own domestic political objectives. Access to a developing Chinese economic market would more likely win Nixon votes in the upcoming presidential election than would faithfully supporting a regional ally. Today, however, the conditions are very different. China now boasts the second largest economy in the world, it has vastly strengthened its military capabilities, and it is now perceived as a threat to U.S. hegemonic authority in the region and beyond. Meanwhile, Taiwan has transitioned into a vibrant democracy. Taiwan has a highly developed and technologically capable workforce, strong universities that are contributing to solving global problems, and it produces most of the cutting-edge computer chips that are essential for the manufacturing of everything from cell phones to automobiles, aircraft, and the next generation of military weapons and spacecraft (Hollihan & Riley, 2023). It is not simply that the United States and its allies need access to these chips to keep their economies growing, it is also that the United States seeks to deny such access to China to contain its growth and development, especially its military capabilities (Ye, 2021).

As an emergent democracy, it is difficult for the United States to dismiss the achievements of Taiwan. Should, for example, Taiwan's scientists and medical specialists be denied the opportunity to participate in the international conversations regarding the COVID pandemic, when Taiwan's early success in controlling the transmission of the disease suggests that other nations could benefit from Taiwan's experience? Despite being very close to China and having many of its citizens moving back and forth regularly to the mainland, Taiwan better controlled the spread of the virus in the early period of the disease than almost any other nation. This success was regularly touted in U.S. media outlets as an argument for why Taiwan should participate in the World Health Organization meetings on the pandemic (for a full discussion of Taiwan's pandemic soft power see Hollihan & Riley, 2023). Others made a similar case regarding Taiwan's ability to contribute to possible solutions to the climate crisis (Liu & Chao, 2023). China's efforts to completely isolate the accomplished, well-educated, and democratic people of Taiwan seem out of step with America's values, public opinion, and attitudes in the U.S. Congress.

It is not only the democratic evolution and achievements in Taiwan that have altered the U.S.-Taiwan relationship, but also the deterioration of U.S.-China relations. Hostility toward China may be the only issue in Washington on which both Republicans and Democrats agree. After the United States shot down a Chinese spy balloon that had traveled across the country, including over highly sensitive military sites, congress unanimously passed a resolution condemning China (Demirjian, 2023). Why would they not? A recent Pew survey reported that 90 percent of Americans held negative views of China (American's unfavorable views, 2022).

There are many reasons for this hostility toward China. Former President Trump certainly stirred up hostility when he accused China of "stealing American jobs," and not competing fairly for trade. His attacks led to his imposition of tariffs, many of which remain in place even though Trump is not (Hollihan, 2019). Trump's focus on trade was only one of many issues that served to drum up hostility toward China. Media coverage of China in the United States was almost entirely hostile around a variety of different issues (Carpenter, 2020). First, coverage focused on China's expansive claims to shoals in the South China Sea. The PRC turned the contested reefs into islands and began to build airstrips, docks, and military bases on them, even though Xi Jinping explicitly promised this was not his intention (Panda, 2016). Second, the media extensively reported the detention and

persecution of Muslim Uyghurs in Xinjiang Province, which Human Rights Watch declared a form of genocide (Break their Lineage, 2021). Third, stories reported on the prosecution of human rights activists and attorneys who received long prison sentences for defending their clients' claims against the central government (Wang, 2023). And, finally, and perhaps most significantly impacting Taiwan, stories reported on the draconian new national security law Beijing imposed on Hong Kong in 2020 that violated China's "one country, two systems" promise that Hong Kong would retain its democratic liberties for fifty years after unification (The End of One Country, Two Systems, 2020). Even media narratives on these issues, however, may not have matched the public anger that surfaced after Xi Jinping visited Moscow and embraced Vladimir Putin, pledging that China and Russia would remain close allies despite Russia's brutal invasion of Ukraine. "The two leaders referred to each other as dear friends, promised economic cooperation and described their countries' relations as the best they have ever been" (Putin, Xi, 2023). Thus, while the United States and most of its allies were condemning the Russian invasion, leveling harsh sanctions against Russia, and sending weapons so Ukraine could defend itself, China was standing with the aggressor.

2. STAKEHOLDERS/AUDIENCES IN THIS CONTROVERSY

Forceful arguments have been offered in U.S. media outlets and by diplomats, elected officials, and international relations scholars regarding the future of strategic ambiguity. Some argue that strategic ambiguity may have been appropriate for an earlier era, but that given the rise of China both militarily and economically, and the consolidation of power in the hands of one man, Xi Jinping, who has recently extended his term of office, this policy is outdated. They cite the Russian invasion of Ukraine as an instance where ambiguous security commitments failed to stop an aggressor. Others, argue that for a variety of different reasons, soon to be considered, strategic ambiguity continues to be the best policy and that the United States should not change course. Before exploring these arguments in greater detail, we will consider the multiple audiences/stakeholders to whom these foreign policy arguments are directed. Some of these stakeholders are directly addressed, others are not specifically addressed but have a status as likely participants in a potential conflict, and others may serve as gatekeepers who transmit news and perspectives to other stakeholder audiences (Palmieri & Mazzoli-Lurati, 2021).

First, the arguments are clearly directed to persuade Xi Jinping and his government that hostile actions against Taiwan would entail significant risk of military escalation leading to the loss of many lives and military assets, would be financially devastating to China, and to the global economy, would cause China to be viewed as a pariah in the community of nations, and that Taiwan would be so thoroughly devastated by the conflict that it would not prove to be a valuable asset to the Motherland.

Second, an implicit audience for these arguments is the Chinese public. Although the Communist Party exerts intense control over media coverage, and Chinese citizens are exposed to few media narratives that do not conform with the official party viewpoints, the United States hopes its discourse regarding its commitments to Taiwan will cause the regime to temper some of its fiercely nationalistic discourse so that it does not inflame public passions to a point where they cannot be easily managed or controlled. Regulating

the intensity of this hyper-nationalist fervor so that it does not result in violent public protests as have occurred in the past is an important objective of the regime.

Third, the government and people of Taiwan are an important audience for this discourse. Although the United States celebrates the progress toward democracy in Taiwan, it does not want to encourage the current or a future regime—at least now—to declare Taiwan’s independence. The fear is that such a declaration would so provoke the Chinese public that the regime would be all but compelled to bring Taiwan back into the fold. Taiwan’s military leadership is also an audience for this discourse. The U.S. does not presume that Taiwan could muster the personnel or weapons systems to fully counter and repel an invasion from the mainland. The goal is to assure that Taiwan can make such an invasion costly and potentially embarrassing to China. This means the Taiwanese must continue investing in expensive weapons systems, must train to assure mission readiness, must be willing to accept tremendous sacrifices (think what is happening in Ukraine), and must have a stream of young people willing to heroically step forward to serve.

Fourth, the American public, members of congress, and American diplomats and academics are an audience for these arguments, and sometimes participate in their creation and communication. Some believe an open debate about the extent of the U.S. commitment to Taiwan is the best way to prevent a conflict we may lack the will, resources, and stamina to conduct.

Finally, the governments and publics of our allies in the region and beyond are an audience. U.S. hegemonic influence in the Asia-Pacific is important to the security and economic stability of all our partner nations, but especially to Japan, South Korea, the Philippines, Australia, and New Zealand. Likewise, all these nations harbor suspicions and anxieties about a rising China.

3. ARGUMENTS FOR STRATEGIC CLARITY VS. AMBIGUITY

Advocates for an explicit security commitment to Taiwan often begin by referencing traditional foreign policy literature that evasive or slippery texts in international agreements can lead to conflicting interpretations and may result in serious miscalculations (Friedman, 2017). They argue that an expression of clarity regarding how far the United States was willing to go to defend Taiwan is the best strategy to help “avoid a fatal strategic blunder” (Wu, 2021, p. 182). They note that “U.S. and European officials spoke resolutely in support of Ukraine but did not match words with commensurate actions. As Russia’s invasion of Ukraine in 2014 highlighted, muscular rhetoric did little to deter Putin’s attempts to claw back greater control over Ukraine’s destiny” (Hass, 2022). They also observe that evasion strategies “inevitably serve the interests of the side who wields hegemonic power,” and that they are effective if the hegemon can “maintain a status quo based on power asymmetry” (Friedman, 2017, p. 398). If the power gap shrinks it is less likely that the rising power will be restrained by the ambiguous efforts to deter its’ actions. Advocates of strategic clarity argue that “the global balance of power has undergone a shift characterized by the rise of China and a relative decline of U.S. hegemonic power” (Boon & Sworn, 2020). As China has gained prosperity it has invested in its military. A Rand Corporation study in 2015 revealed the decline in U.S. military dominance over China. The study predicted China would outperform or equal the United States in 6 out of 9 areas of conventional force

capability, and as a result the ability of the United States to contain conflict in the Taiwan Strait was diminished (Grzegorzewski, 2022). China's military capabilities have been further enhanced since this study was conducted, while the U.S. contributions of weapons and armaments to support Ukraine may have further diminished U.S. dominance (Townshend & Crabtree, 2022). These experts also argue that China's rise has been so great that the United States can no longer deter China by itself. It needs the participation of its allies, especially Japan, Australia, and NATO partners. Winning such participation will be difficult with an ambiguous policy toward Taiwan, and easier if the commitment is clarified, becomes a shared goal, and is understood as important by these allied governments and their often-skeptical publics (Townshend & Crabtree, 2022). The United States and the United Kingdom have agreed to share nuclear powered submarines with Australia and should support Australian and Japanese efforts to "build long range missiles on home soil by sharing intellectual property, provide more U.S. weaponry to India, and beef up foreign military financing in the region starting with a dedicated fund to boost Taiwan's deterrence capabilities" (Townsend & Crabtree, 2022).

Advocates of clarity argue the second purpose of an ambiguous policy toward Taiwan's defense, was to deter Taiwan from trapping the United States in an unwanted war by declaring independence and provoking China. They argue that this is an outdated concept and that today no Taiwanese elected officials advocate a declaration of independence, and the Taiwan public does not favor such a declaration, because they know doing so would spark a conflict in which they would bear the brunt of the suffering (Kuo, 2023). Furthermore, they claim that an explicit security commitment could contain language that specifically outlined conditions under which the commitment of aid would not be guaranteed, as is the case in the NATO security agreements (Kuo, 2023). Finally, Senator Chris Murphy (D-CT) tweeted that China "has already priced in a full U.S. defense," as a result, "China's operational plans assume Washington will intervene. U.S. and allied power—not ambiguity—is what deters China. Ambiguity by itself offers little additional benefit" (Kuo, 2023).

Advocates of strategic clarity argue Taiwan is uniquely valuable as an ally because of its democratic politics, vibrant economy, high quality human and technological resources—think cutting edge computer chips, and its strategic location (Wu, 2021). Robert Kaplan, for example, "argues that Taiwan plays a crucial role in the containment strategy because China could break the 'First Islands Chain' if reunification occurred, which may substantially weaken America's geopolitical predominance in the Asia-Pacific region" (cited by Ye, 2021).

Other advocates disagree and argue that we should maintain a policy of strategic ambiguity. Most do not deny the value of Taiwan as an ally or the importance of containing China's military ambitions. They are, however, more optimistic about future relations between the two nations. They believe if direct confrontation is avoided it is more likely these nations can find issues upon which they can agree so that the relationship either improves or at least does not further deteriorate (Chang-Liao & Fang, 2021). They argue that strategic clarity is more likely to provoke Beijing into acting quickly to seize Taiwan, because it sees the United States as now intractably committed to thwarting China's rise and denying its rightful place in global affairs, and because they see the need to act before the United States is able to further buttress Taiwan and its other allies in the region (Chang-Liao & Fang, 2021). More explicit claims that the United States will defend Taiwan will

merely “legitimize the claims by China’s hardliners that the United States has adopted a more hostile attitude” (Wu, 2021, p. 182). Such experts see the moment of transition from ambiguity to clarity as a period of significant risk that “would not solve the fundamental security problem and might provoke an attack from China” (Wu, 2021, p. 182).

Advocates of strategic ambiguity also warn that U.S. allies might prefer that the United States not clarify its commitment to Taiwan, because doing so would put them under political pressure to do the same. The historically pacifist Japan, for example, faced significant public opposition when former Prime Minister Abe sought to revise the Constitution to permit a more active role for Japan’s military (Suzuki & Okuda, 2023). How likely is it that the current administration in Japan would win sufficient public support for a clearly expressed commitment to defend Taiwan from Chinese aggression? Rather than sending a definitive message to China that the United States and its allies would defend Taiwan, the shift to a message of clarity might reveal how divided the allies really are, and how much public opposition there was to support a war over the island.

Those who advocate sticking to strategic ambiguity also argue that shifting to a policy of clarity could intensify the pressure by hardliners within the United States to openly reject the One China policy. Many such hardliners in the U.S. congress, for example, believe that China wants to dominate global affairs and undermine the United States. An ambiguous policy of exchanging weapons is justified because it is called for in the Taiwan Relations Act, and it enhances Taiwan’s self-defense. A commitment to defend Taiwan as a treaty ally, however, appears to undermine the United States commitment to the One China policy. Some legislators have already called for the passage of a resolution to end the “outdated” One China policy (U.S. Lawmakers urge, 2022). China would certainly see this as a provocation. As Bonnie Glaser (2017) wrote:

With the return of Hong Kong to Chinese control in July 1997, Taiwan remains one of the few areas over which Beijing claims sovereignty but does not control. It is widely viewed by Chinese on the mainland as the last vestige of the century of humiliation that began with the Opium Wars in the middle of the nineteenth century. The persisting separation of the mainland and Taiwan is also portrayed as a hindrance to China’s reemergence as a great power, which President Xi Jinping has dubbed the great rejuvenation of the Chinese nation. The Chinese Communist Party’s legitimacy is linked to its pledge to achieve reunification of Taiwan with the motherland. A commonly held view on the mainland is that no Chinese leader could remain in power if he allowed Taiwan to separate from the PRC and be recognized by the international community as an independent sovereign state.

Xi Jinping would thus be under tremendous political pressure to act boldly to reclaim China’s renegade province, even at the risk of all-out war with the United States and its allies. Advocates of strategic ambiguity argue pragmatically that an ambiguous commitment gives the United States freedom to act as it wishes or needs to in response to the situation at hand. They argue that given the risks and costs, it is unlikely Beijing would launch a rapid invasion of Taiwan or attempt a total boycott to strangle its economy. Instead, Beijing would likely use a “gray zone” strategy to achieve their desired outcome. “By combining attacks on IT infrastructure, imposing economic sanctions, and employing paramilitary agencies, gray zone coercion is likely to achieve battlefield results similar to military operations” (Chang-Liao & Fang, 2021). As this paragraph was written, the *New York Times* reported Microsoft had detected computer code “installed by a Chinese government hacking group” in Guam, which “would be the centerpiece of any American military response to an invasion or blockade of Taiwan” (Sanger, 2023).

China is already conducting military incursions into Taiwan's territory by air and sea. Taiwan must scramble its fighter jets and defensive ships to counter the violations of its sovereignty which saps the resources of the army and navy and contributes to a "war of nerves" that erodes national security (Chang-Liao & Fang, 2022). China also undertook a misinformation campaign during Taiwan's last presidential election to undermine public confidence in their government (Applebaum, 2022). How should the United States respond to such "gray zone" aggressions? Strategic ambiguity may be a more effective strategy than strategic clarity in the face of actions that remain below the threshold of direct military confrontations (Chang-Liao & Fang, 2021). Advocates note that President Obama's declaration in 2014 that the Diaoyu/Senkaku islands came under the U.S. defense treaty with Japan did not reduce tensions in the region. Instead, China flooded the area with ships and flights, in a strategy like the one used in the South China Sea, establishing de-facto control of much of the area (Chang-Liao & Fang, 2021).

4. CONCLUSION

The future of Taiwan is arguably the most intractable foreign policy problem in the world today. Certainly, it poses the greatest challenge in Sino-US relations. Strategic ambiguity bought time for Taiwan to make itself impossible to ignore (Wu, 2021). Taiwan transitioned to democracy, developed its human and economic capital, and became a model of resiliency and self-governance. Given the different values, historical experiences, and goals of the varied audiences evaluating these arguments about deterrence, we believe strategic ambiguity may continue to best serve U.S. and Taiwanese interests. Frankly, regardless of which policy is embraced, there is a strong risk, and perhaps even a likelihood, that China will not be deterred from seizing control of Taiwan and the United States and China will someday be at war over Taiwan. Four-star U.S. General Mike Minihan, who heads the Air Force's Air Mobility Command, wrote in a January 2023 memo "that his gut told him the United States would fight China in the next two years, comments that Pentagon officials said were not consistent with American military assessments" (U.S. Four Star, 2023). Hopefully, the general is wrong, and the Pentagon denial is correct. It is clear, however, that conflict between two nuclear powers and the world's two largest economies is now alarmingly possible.

Hopefully a conflict, if it comes about, will remain a gray zone confrontation that does not escalate to total war. War gamers believe that the best defensive strategy for Taiwan is to assure Taiwan access to "mobile munitions—such as shoulder-held anti-aircraft and tank missile launchers and attack drones—before conflict . . . Like the porcupine, this strategy enables the smaller party to have the potential to inflict enough damage that it deters actions of the larger aggressor" (Protecting the Porcupine, 2023). Experts argue that this is essentially the strategy that has permitted Ukraine to hold off the Russian aggression and allow time for the United States and its allies to respond to the crisis (Protecting the Porcupine, 2023). War games conducted by the Center for Strategic and International Studies suggest that:

A Chinese invasion of Taiwan in 2026 would result in thousands of casualties among Chinese, United States, Taiwanese and Japanese forces, and it would be unlikely to result in

a victory for Beijing . . . A war over Taiwan could leave a victorious US military in as crippled a state as the Chinese forces it defeated.

At the end of the conflict, at least two US aircraft carriers would lie at the bottom of the Pacific and China's modern navy, which is the largest in the world, would be in "shambles" (Lendon & Lieberman, 2023).

The war games also predicted that Taiwan's economy, industrial capacity, and infrastructure would be destroyed, it would be left without water or power, and it would take many years to recover (Lendon & Lieberman, 2023). It is also likely that a war over Taiwan would destroy the global economy and have repercussions for nations around the world (Milmo, et. al, 2023). This crisis must be averted, and the United States and China must find a way to peacefully resolve this conflict, hopefully with a resolution that respects the liberties and well-being of the people of Taiwan and welcomes their contributions to the global system.

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Arguing on Unlevelled Playing Fields: Local Management of Reasonableness in a Special Place for Managing Disagreement About Health

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ABSTRACT: Within the argumentative polylogue framework of Lewiński and Aakhus (2023), the *places* where arguments develop are recognized as potential targets for design. In the UK, an important place for arguing about health is a process for creating clinical care guidelines. A review of the design of this place exposes both its vulnerabilities (e.g., unexamined presumptions) and its resources for overcoming these vulnerabilities (openness to both systemic redesign and to local management by participants).

KEYWORDS: argumentative polylogue, health controversy, clinical guidelines, myalgic encephalomyelitis, chronic fatigue syndrome

1. INTRODUCTION

This paper has to do with the designability of argumentation, including not only its interactional design but also its repertoire of inferential methods. For the former, I draw heavily on the work of Mark Aakhus (especially 1999, 2001, 2002, 2003, 2007, 2013, and 2017) and on the idea that contemporary argumentation practice is already heavily “built up” through technical improvements that call for a comprehensive rethinking of its nature. For the latter, I incorporate my own recent work on innovation in inference methods (Jackson, 2015a, 2015b, 2019; Jackson & Schneider, 2018; Schneider & Jackson, 2018).

A focus on designability almost inevitably challenges legacy thinking about argumentation. Newly designed objects do not generally fit neatly into conceptual systems devised from pre-existing objects that they augment or replace. The “built-up” nature of contemporary communication practice (Aakhus, 2007) is part of the rationale for a wholesale theoretical shift advocated by Lewiński and Aakhus (2023). The polylogue framework they advance reconceptualizes argumentative discourse as complex networks of *positions*, *players* who advance positions, and *places* where players exchange arguments for and against positions. All of these elements have adapted to change in media ecology.

‘Place,’ though, is my main concern in this paper. Lewiński and Aakhus (2023, p. 81) describe place as “the particular sociolinguistic work, including the physical, technological, and institutional accoutrement, that projects and enables (or limits) various kinds of participation status and the available moves and countermoves in interaction.” Even the simplest dyadic exchange involves sociolinguistic work. Argument occurring spontaneously in interpersonal interaction is structured by participant-administered turn-taking and repair-like sequential structures (Jackson & Jacobs, 1980; Jacobs & Jackson,

1982, 1983). From these taken-for-granted elements arguers can spontaneously restructure their own argumentative practices, experimenting with alternative ways of allocating turns at talk. However, the polylogue framework exposes an important fact about all contemporary discourse: No place stands alone as a site for arguing. Places exist within what Lewiński and Aakhus call an “ecology of places.” Increasingly, this ecology of places includes some that have been deliberately designed around furtherance of argumentative purposes. And whether spontaneously or deliberately designed, places are open to redesign.

Though I am not at present prepared to explain how the evolving ecology of places is entwined with innovation in reasoning, some important hints have been given by Toulmin (1958) in his controversial theory of field-dependent reasoning. Further hints will emerge from the work reported here.

2. PLACES FOR ARGUING ABOUT HEALTH AND MEDICINE

Health controversies are replete with unmanaged and mismanaged disagreements, but also with interventions taking the form of places designed for making argumentation more productive. Elsewhere (Jackson, 2023) I have discussed various places that have been constructed on purpose to try to resolve disagreements over an illness so controversial that to refer to it by any name is to align oneself with a contentious position. The illness is now mostly known by initials: ME/CFS, from myalgic encephalomyelitis and chronic fatigue syndrome. Places for attempting progress toward resolution have included (among others): a working group on CFS/ME formed by the UK’s Chief Medical Officer in 1998 (CFS/ME Working Group, 2002), a panel formed by the US Institute of Medicine in 2013, whose report (IOM, 2015) proposed an entirely new name, “systemic exercise intolerance disease”; and a Dutch advisory group on ME/CFS formed in 2013 (Health Council of the Netherlands, 2018). Each of these could be the subject of design inquiry. However, I have chosen for this analysis a place designed not for any single controversy but for repeated use in managing disagreements of importance to public health. This place is a guideline development process designed and administered by the UK’s National Center for Health and Care Excellence (<https://nice.org.uk>).

NICE was chartered in 1999 with a mission “to improve health and wellbeing by putting science and evidence at the heart of health and care decision making” (<https://www.nice.org.uk/about/who-we-are/our-charter>). It is an organization whose existence presupposes a certain ecology of places, and a certain repertoire of reasoning resources, that did not exist a century earlier. Marks (1997) traces the rise of medical science through the twentieth century, showing how the invention of randomized clinical trials (RCTs) was intertwined with aspirations for “therapeutic reform.”

To situate the analysis within the recent history of health policy debate, NICE was formed just as evidence-based medicine was taking hold, a time when there was a strong sense worldwide that medical practice was lagging behind what medical science could support. By the turn of the century, the ecology of places already included clinical care settings, heterogeneous science places, various kinds of agency processes, and more. In this context, NICE began designing a process for translating scientific findings into clinical guidelines to provide a routine path from science to practice.

Figure 1 is an effort to show what was designed and how it changed the ecology of places. Pre-dating the creation of NICE, public health authority would have been part of a network of player nodes, place nodes, and the connections between player nodes and place nodes, all of which are indicated in Figure 1 with solid borders and lines. There was already plenty of science present in the network (coming from “science places” that are not shown), but there were only indirect and uncertain links between the scientific literature and clinical practice. Elements that were added to this network are shown with dotted borders and lines, the most significant of which are those that create an established path from the scientific literature to clinical care through a new place node connected directly to both.

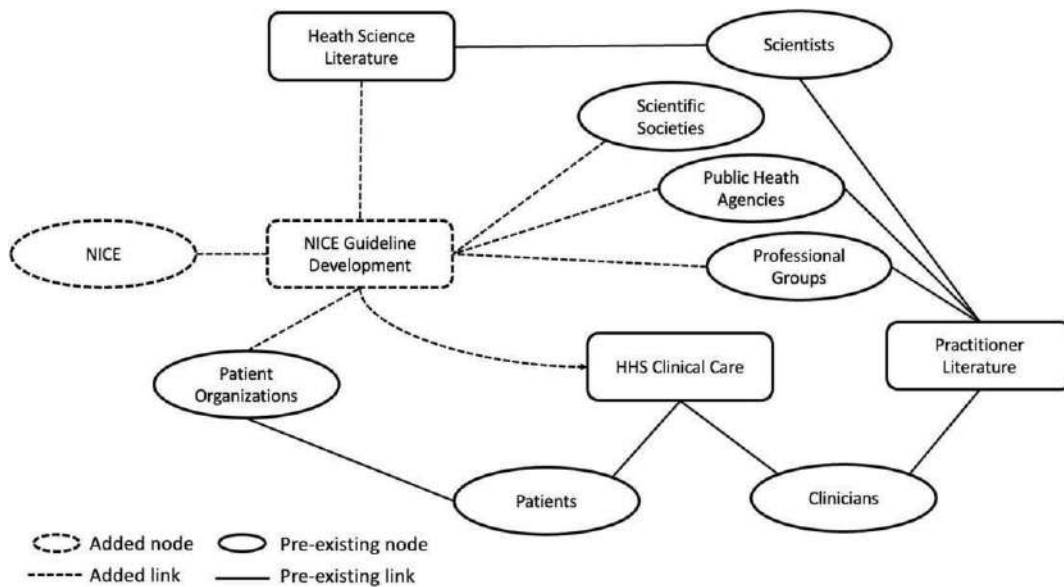


Figure 1. Players (ovals) and places (rounded rectangles) in a generic health polylogue before (solid lines) and after (dotted lines) NICE intervened with a new place.

A basic outline of the new process is shown in Figure 2, with the many tasks involved sorted by who has primary responsibility for each set of tasks. An important feature of the design of this process is the delegation of guideline writing to those most affected by the guideline. NICE assures that the writers of the guideline include representatives from the most important stakeholder groups (those who receive treatment and those responsible for offering treatment). The committee includes experts (professionals engaged in practice) and lay members (generally patient representatives). Organizations representing scientific expertise may register as stakeholders and offer written comments to the committee, but individual scientists are rarely included as voting members of the guideline committee. For patient stakeholders other than the very small number of lay members of any committee, the NICE process created a need for an entity to register on their behalf if no such patient organization had already formed around a “disease constituency” (Epstein, 2016).

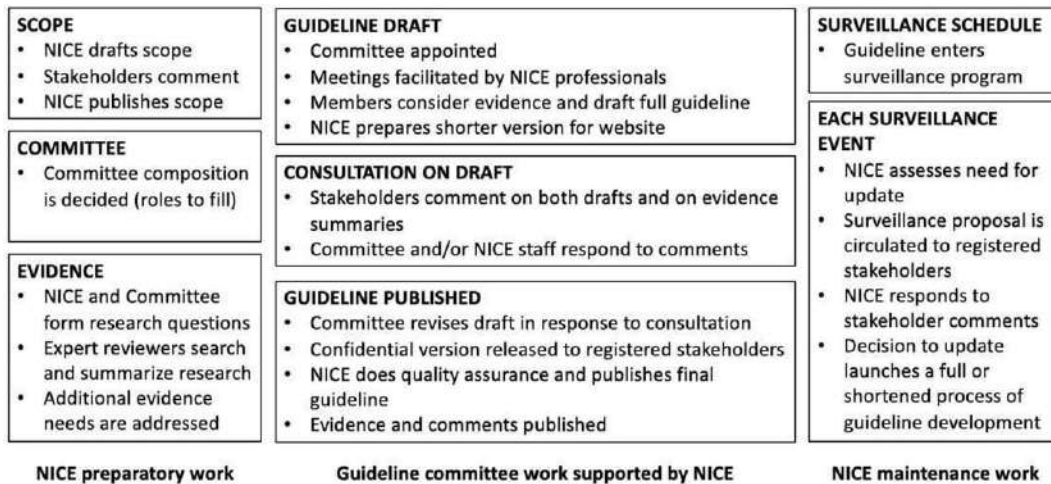


Figure 2. The NICE guideline development process in broad outline.

Although this outline has not changed since NICE's formation, details of how tasks are performed have undergone considerable revision. This can be seen by comparing successive versions of the manual NICE uses to structure the process. Comparing the initial manual (NICE, 2006a) and the most recent revision (NICE, 2023), the most striking difference is the incorporation of a vast number of innovations in reasoning about health that have occurred as a result of dilemmas faced in attempting to turn raw science into something useful at the clinical level. These include literature search methods, research synthesis methods, and evidence grading methods. In 2006, guidance on how to work with research evidence was rather minimal; today it is intricate and technical, with an increasing list of unusual evidence judgment problems to consider and suggestions on how to solve them. For example, as early as 2007 NICE had noticed that its preferred methods for representing evidence quality were too simplistic and had begun experimenting with new methods that were soon incorporated into all guideline development (Thornton et al., 2013; see esp. p. 124). As these new methods have been incorporated over time, the judgments made by participants in the guideline writing process should be expected to have become more nuanced.

Two things have not changed over successive revisions of the manual. First is that the guideline committee has authority to decide what to recommend. NICE personnel play supporting roles (including various kinds of quality assurance) before, during, and after the committee's term of service. The second is a nonprescriptive stance toward disagreement management methods for the guideline committee itself. All appointees must agree to a code of conduct, but the committee is then left to manage disagreements however it deems best.

3. DESIGN LOGIC IN THE NICE GUIDELINE PROCESS

Aakhus (2002) suggested that designs for arguing be evaluated against normative models of argumentation such as the critical discussion model of pragma-dialectics, and Aakhus

and Bzdak (2015) elaborated this suggestion for processes that involve stakeholder engagement. According to Aakhus and Bzdak, a design's logic can be described in terms of its (1) exigency, (2) purpose, (3) orchestration methods, and (4) systemic rationality. For brevity, these will be explained as applied to the NICE process.

Exigency has to do with what prompts the creation of the design. For NICE, the exigency leading to the guideline development process was the gap between expectations for benefits from investment in medical science and actual improvements visible in medical practice. It was generally assumed at the time that the main barrier to evidence-based medicine was that no practitioner could be expected to master the scientific literature for every condition encountered in practice. The exigency in this case and the general form of NICE's response can be seen quite clearly in Figure 1: The lack of a path for content to move from research places to clinical care places is remedied by creation of research-based guidelines that can be consulted as a routine part of clinical practice.

Purpose is different from exigency and also distinct from the goals of any of the identifiable stakeholders. The purpose of the NICE process has always been to produce guidelines for practice, adapting both to the exigency just noted and to general assumptions about democratic participation. Under similar exigencies, it has been common for governments to assemble scientists to come to consensus on how their findings should inform practice, but NICE intended from the start that people with the most stake in the guideline should be responsible for ultimate decisions about whether a body of scientific work made a clear case for any particular approach to a given disease. This did not mean, however, that stakeholders could simply bargain among themselves to reach guidelines acceptable to as many as possible; the result had to be defensible as a considered response not just to stakeholder preferences but to the research evidence (including evidence of cost-effectiveness). A clear design hypothesis here is that ordinary stakeholders can and will take scientific evidence into account if well enough supported. The support needed by stakeholders had to be learned from experience (as is evident from the evolution of the manual).

Orchestration techniques are procedures that structure contributions to the discourse. In NICE's case, there are several distinguishable activities to orchestrate, of which the most important are assembly of a body of scientific evidence, identification of legitimate stakeholders, formation and support of a writing committee, consultation between the writing committee and the rest of the stakeholders, publication of the guideline, and ongoing "surveillance" for signs that the guideline needs updating. Each of these can be orchestrated in ways different from what NICE actually chose to do. For example, the writing committee's deliberations take place under strong confidentiality agreements, while the consultations are entirely public. The first of these decisions reflects a design hypothesis that a closed group engaged in sustained collaborative work will resolve more disagreements than an open-ended set of interested parties who are not obliged to respond to one another. The latter decision (to make consultations public) reflects a design hypothesis that all players' positions should be open to inspection by all others. Assuming NICE does not undercut its own design, this means that no player can influence the content of a guideline by lobbying NICE directly; all must address the guideline committee.

Systemic rationality refers to whatever it is about the process that can be pointed to as a reason to trust its outputs. Two specific design features of importance to systemic

rationality of the guideline process are the highly regimented methods for reviewing and evaluating scientific literature and the strong commitment to inclusiveness. A design hypothesis evident in the former is that the fact base should be assembled by those with expertise but with no stake in the decision. For the latter, the bearing of the fact base on any practical decision requires legitimation by those with the most at stake. The claim made for the credibility of the system's output is that it brings a shared body of fact to a decision made by people directly affected by what happens.

One overarching design hypothesis in the NICE guideline development process is the idea of dividing up a decision-making task and delegating different parts to different performers. As Figure 2 makes clear, the process of writing a guideline is quite complex, involving at least four groups of task performers (not counting scientists who produce primary research reports): NICE professionals with many different technical skills, outside experts to whom tasks can be delegated, an independent committee of representative stakeholders, and a much larger set of other stakeholders who contribute written argumentative content to be considered by NICE and its committee. NICE's most important actions are two delegations: one to internal or external experts trusted with impartially reviewing the scientific research literature, and the other to a NICE-appointed committee entrusted with bringing stakeholder views to bear on formation of the guideline. This overarching hypothesis has been tested in many prior designs, not always with good results (see, e.g., Aakhus, 1999). There is no guarantee that it will have the benefits expected—but the systemic rationality of this particular design depends on both delegations performing as expected. NICE does not “delegate” stakeholders to comment but invites them to do so and promises to see that comments are addressed by the performers of delegated tasks.

Another overarching design hypothesis, most visible in the surveillance program, is that decisions about health care are never really final; by design, NICE holds its institutional positions accountable to new evidence, and by extension, to new thinking *about* evidence. Obviously, research done subsequent to the publication of a guideline may call a recommended treatment into question, or it may identify some new treatment that is preferable to the best treatment known at the time the guideline was published. Much less obviously, innovation in reasoning about health may lead to new perspectives on old research. Starting around the turn of the twenty-first century, interest in more rigorous methods for evaluating the strength of research evidence escalated in connection with other innovations in research synthesis methods. Several frameworks for assessing evidence appeared independently, including a system known as GRADE designed specifically for evaluating the relevance and strength of evidence relative to practice guidelines (Guyatt, Sackett, et al., 1995; Guyatt, Oxman, et al., 2008). When NICE adopted the GRADE system, it formalized a presumption established in the original guideline manual (that RCTs should form the core of evidence for treatment effects if possible) while adding explicit mention of conditions under which any actual instance of a presumptively strong form of evidence might have to be “downgraded.”

While quite different choices might have been made in the design of this process or in its occasional improvements, nothing here looks manifestly unreasonable. Departures from idealizations of argumentation are evident (especially those involving the establishment of presumptions) but they all have an intelligible purpose. But whether different choices would produce better decisions, or better-defended decisions, is actually

an empirical question, not a theoretical or philosophical one. The main reason for this is that, as with all designed things, we cannot know in advance how the design's action possibilities will be absorbed into actual practice. So unless a design *is* manifestly unreasonable (for example, actively suppressing dissent), its evaluation will inevitably require observation of how people do their own sociolinguistic work within it. Local management by participants themselves often exposes strengths and weaknesses of the design that are impossible to anticipate in the abstract.

4. THE NICE DESIGN UNDER LOCAL MANAGEMENT

NICE has used its guideline process hundreds of times. In each use it must be enacted by a different group of participants who engage in local management of the interactions occurring under NICE's orchestration. No one case can show how often the design performs as expected. However, a well-chosen case *can* show ways in which it might fail and ways it might avert failure. Looking closely at how the NICE guideline development process has worked for the extremely vexing case of ME/CFS exposes certain vulnerabilities, but as will be shown, it also puts on display the impressive capacity of this design for locally managed repair and for systemic improvement over time.

NICE's involvement with the ME/CFS controversy began in 2004 and is ongoing. Long before NICE's intervention, the controversy had taken shape around two core concerns: (1) the nature of the disease and (2) the treatments available to patients. Patients mostly believed that they were suffering from bodily illness requiring medical treatment, and clinicians—especially in the UK—were much more likely to suspect psychosomatic illness. The guideline development process produced an institutional position on treatments but did not take a position on the exact nature of the disease. Omitting scientists, Figure 3 shows roughly what positions were circulating and who their proponents were.

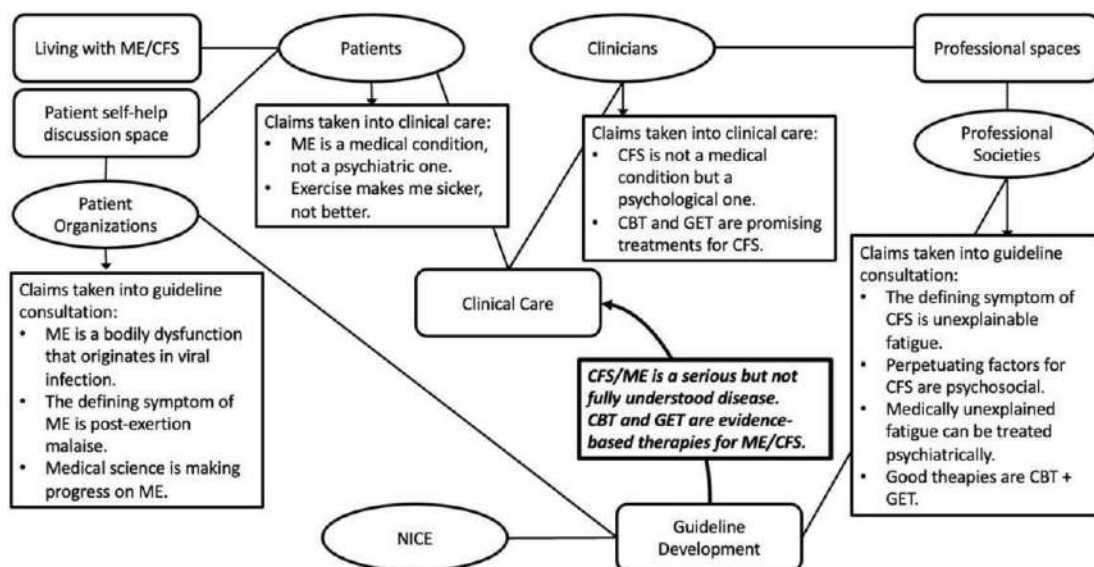


Figure 3. Players, positions, and places involved in or affected by CG53 (2007).

Argumentative texts generated in the development of a guideline are important data for assessing the design. These texts include preliminary exploration of a topic by NICE itself, consultation over its initial ideas about how to charge a guideline committee, preparation of one or more expert reviews of literature, notes on committee meetings, drafts of documents, and extensive written contributions from stakeholders. Questions that can be answered by examining the arguments in these texts have to do with whether, under this design, stakeholders elaborate their reasoning in normatively positive or negative ways. Do they attempt to resolve issues, or simply press their own preferences? Do they pay attention to the reasoning of their opponents, or simply contradict opposing views? Do they engage in the form of argument extension that is the hallmark of good debating, or simply escalate pressure? Do they embrace the systemic rationality of the process, or seek to undermine it in single-minded pursuit of their individual goals? It is important to look not only at what arguments are made but also at how these arguments fare within the various steps of the process. How are constructive and obstructive moves taken up by those able to respond?

Figure 4 shows diagrammed arguments from one thread involving arguments presented during consultation over NICE's first guideline on ME/CFS (the draft guideline, NICE, 2006b; consultation comments, NICE, 2006c; and the final version of the guideline authored by the committee, NICE, 2007a). The issue in this thread is whether the guideline should recommend a form of treatment known as Graded Exercise Therapy (GET). This treatment had been tested in randomized clinical trials (RCTs) that appeared to show moderate benefits for patients being treated for chronic fatigue, but patient organizations had accumulated many reports that GET worsened patients' symptoms. Similar arguments centered on Cognitive Behavior Therapy (CBT), though here patients reported only that it was ineffective, not that it was harmful. The arguments on both sides of the issue center on what to count as evidence, and it is clear that the NICE process allows argument to go quite deeply into evidence assessment. But the thread concludes in a disappointing way, with a choice of which evidence to believe based on placement of the evidence type within a prescribed hierarchy in which RCTs and systematic reviews of RCTs are placed at the top.

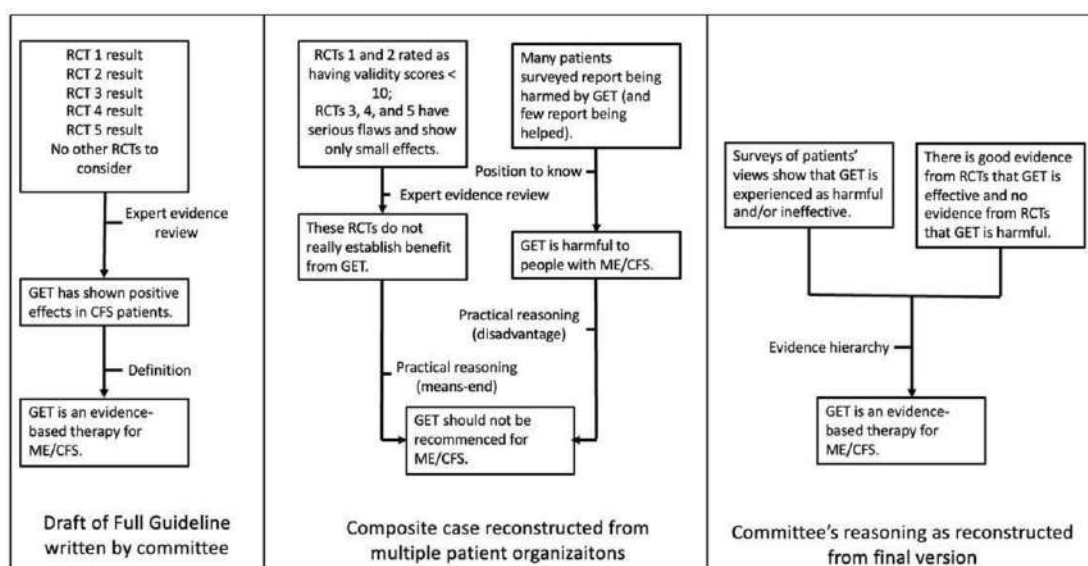


Figure 4. One thread in debate over content of CG53.

There are several design hypotheses deeply embedded here that do not come to the surface in the consultation over this guideline. These have to do with the topic-independent assumption that RCTs are ideal for evaluating effects of medical treatments and the subsidiary idea that a formal evidence search should begin by searching for RCTs, resorting to other kinds of evidence only when RCTs are lacking. The rationale for this is clear, but it has an unintended consequence: It creates an unlevel playing field for competing ideas about treatments, advantaging any treatment that someone would invest in evaluating within an RCT and disadvantaging ideas that have only civilian patients as champions. In the 1990s, as the illness was becoming better known, many ideas about possible treatments were circulating, including some that were discovered by patients and widely shared among themselves. While RCTs were done on many ideas about drugs that could be prescribed or therapies that could be professionally delivered, patients' ideas were largely ignored.

A presumption in favor of treatments backed by scientific evidence is not unreasonable, so long as it is possible to overturn the presumption through reasonable exception. In 2006, the strength of the presumption was at a high point. RCTs and evidence pyramids were still recent inventions for which there was great optimism and great enthusiasm. It was certainly realized by then that some RCTs are poorly designed (as is evident in inventories of flaws threatening validity, such as Campbell & Stanley, 1966). It was not so well understood that some RCTs produce weak evidence through no fault of the experimenter, and that *many* produce evidence that supports no one position (e.g., because effects happen to be very small or too highly variable to be predictable for any patient). Even less well understood in the general public were the processes leading some treatments to be extensively researched and others to be ignored. The guideline development committee embraced top-of-the-pyramid thinking rather uncritically, but they can be faulted for this only if we are willing to fault them for not discovering *right away, on their own*, that arguments relying on RCTs are defeasible for any or all of these reasons.

Clinical Guideline 53 (CG53, NICE, 2007b) identified GET and CBT *and no other treatments* as evidence-based for ME/CFS patients. The practical consequence of this would be that for the next 15 years patients seeking treatment in the NHS would be ushered into these treatments, a deeply distressing outcome for the patients and their advocacy organizations. Had any other treatments (such as pharmaceuticals) been shown through RCTs to be helpful for ME/CFS patients, the small benefits observed for GET and CBT would have been less likely to dominate care. Patient organizations were appalled by this situation and redoubled both their efforts to assemble evidence against these treatments and their efforts to identify promising alternatives as research priorities meriting support. What happened after is very pertinent to the evaluation of the NICE design.

NICE (the organization) is not a place but a player that takes institutional positions of its own, mostly by accepting reports from its committees. In 2007, NICE accepted the committee report, taking on as its own institutional position that GET and CBT were "evidence-based" for treatment of moderate CFS. NICE resisted many efforts by stakeholders to get it to withdraw its endorsement of CG53, but as noted earlier, the process has a built-in repair mechanism consisting of a regular schedule of surveillance reviews. Originally, these reviews were meant to identify new research that might change any component of a guideline. CG53 came due for routine surveillance in 2010, and NICE duly consulted with the stakeholder community before postponing a decision until 2011, pending results from an ongoing RCT known as the PACE trial (which, significantly, also

included a treatment meant to represent a technique favored by patients known as “pacing”). When PACE findings became available and appeared to confirm the benefits of GET and CBT (and to show no benefit from pacing), NICE stood by the CG53 committee’s conclusions. Skirmishes around surveillance reviews continued (along with a considerable amount of other activism outside the NICE process). NICE remained implacable—until 2017, when patient advocates at last succeeded in putting together a challenge capable of overturning the presumption *in this case* without undermining the value of RCTs in general. This challenge depended on showing that CG53’s original evidence base was weaker than formerly believed and that new research purporting to *confirm* the value of GET and CBT instead raised new concerns about the entire body of evidence.

In a document known as a surveillance proposal, NICE (2017a) argued that there was no reason to update CG53. Reports had continued appearing from the PACE trial, purporting to add evidence in favor of CG53’s treatment recommendations. But the validity of the PACE trial was very widely questioned in the research literature as well as in patient communities, especially after the experimenters were forced by court action to release anonymized data that others could re-analyze. Figure 5 shows how NICE attempted to handle the critiques of PACE that had appeared by 2017. NICE reasoned (panel a) that if PACE were discounted entirely, there would be no justification for reconsidering the conclusions drawn by the CG53 committee. This reasoning drew many direct rebuttals in stakeholder consultation (NICE, 2017b), of which two are shown. VIRAS (panel b) pointed out that taking PACE at face value, the evidence it produced was evidence that the objective benefits of GET and CBT were too small to matter at all to patients. BRAME (panel c) pointed out that it had never been reasonable to consider updates only on the appearance of new evidence, a clear step forward in recognizing that problems with treatments in actual use may not appear during trials and may never be documented in research literature.

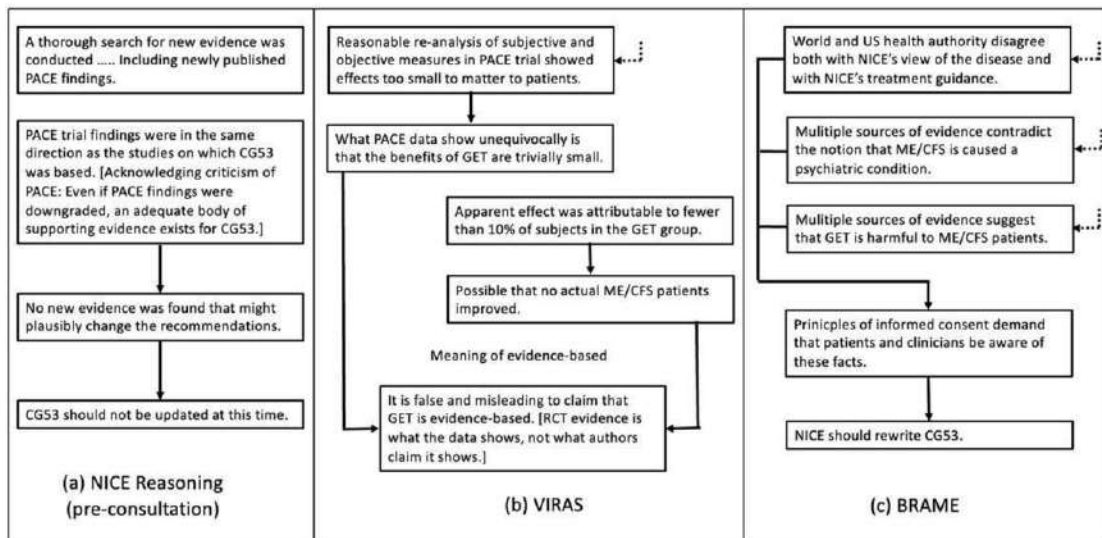


Figure 5. Two rebuttals of a position taken by NICE in surveillance review of CG53.

In its final surveillance report, NICE (2017c) reversed position, based on new evidence brought forward by stakeholders during consultation. Thereafter, a new guideline

development committee was appointed, and a new literature review was conducted from scratch. The original evidence base for everything included in CG53 was re-reviewed using updated methods that were part of the then-current manual. This produced a new wave of protest from a different set of stakeholders (a subset of Royal Colleges representing interested medical specialties). But in the end, NICE Guideline 206 (NG206; NICE, 2021) cautioned against referring ME/CFS patients to GET and recommended CBT only in a very limited role as compared with its centrality to treatment under CG53.

NICE's involvement is still not over. Subsequent to publication of NG206, a powerful and prestigious group of stakeholders have urged NICE to set NG206 aside, publishing harsh critiques in medical journals (Flottorp, et al., 2022; White, et al., 2023). So far, NICE has stood by its committee and defended its process (Hall, 2023). NICE's confidence in its guideline committees is anchored in the consistency of its process from topic to topic and in the belief that a heterogeneous committee arguing among themselves will have considered the arguments like those now being made in the press. How the present dispute will play out is not at present predictable; it depends largely on how the critiques of NG206 are answered.

5. CONCLUSION

Strong presumptions like those favoring RCT evidence over all other evidence create an unlevel playing field in NICE's guideline process, especially under conditions in which some stakeholders have more access to the performance of RCTs than others. But whether an unlevel playing field resulting from an established presumption is a threat to the quality of argumentation depends on what possibility there is for the presumption to be overturned. And overturning presumptions is necessarily a matter for local management; it is a kind of repair mechanism to be used infrequently, in circumstances that cannot be predicted.

Recall that the presumption is here orchestrated through the performance of the literature review, which becomes a starting point for the work of the guideline committee. This bit of orchestration is easily tweaked if experience shows that it creates more problems than it solves. But if experience shows that problems can be handled through local management, it is better to safeguard local management than to try to achieve infallibility. This is because delegating questions to experts is generally a good design hypothesis, but attempting to put them beyond criticism is a terrible one.

In the case considered here, stakeholders on the patients' side were eventually able to overturn the presumption enjoyed by this specific body of RCT evidence, after which the defense of GET and CBT began to crumble. Perhaps the most encouraging thing to notice in this case is that patients' persistent critiques of CG53 were not attacks on NICE's design, but a limited effort at repair within one instantiation of that design. Patients never attacked reliance on RCTs in the abstract. Patient organizations never suggested that NICE should rethink its general preference for RCTs or restructure its process to de-emphasize the reliance on science. Though ME/CFS patients have long been stereotyped as militant in their attacks on science (Blease & Geraghty, 2018), what actually happened here was that patient organizations quickly saw that procedures that are reasonable in the abstract had broken down *in this particular instance*. And, importantly, the process left room for local management to repair the breakdown.

The NICE process is not foolproof, but as a place designed for managing disagreement about health, it withstands scrutiny quite well. Much credit goes to NICE's institutional commitment to making full use of innovations in reasoning about health, but so too is credit due to how the process leaves many avenues open for local management of unforeseeable dilemmas in reasoning from medical science to health care practice.

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What Can Be Learned about Argument Schemes from Other Fields' Inventions?

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ABSTRACT: Argumentation in specialized fields cannot be adequately described in terms of vernacular schemes. As Toulmin (1958) observed, specialized fields invent new inference methods and innovate in their use. We argue that studying these inventions and innovations is important in itself, but it can also challenge current theoretical assumptions about vernacular schemes as well.

KEYWORDS: argumentation schemes, critical questions, randomized clinical trials, warrant-establishing argument

1. INTRODUCTION

For several years, we have been closely studying innovations in reasoning about health. (Jackson & Schneider, 2018; Schneider & Jackson, 2018; Schneider & Jackson, 2020). Combining the strengths of our different backgrounds, we have been trying to understand a cluster of phenomena that have to do with new ways of knowing things that become resources for managing disagreement, while also being contestable practices that define new disagreement management challenges. The innovations we study compete with prior reasoning practices—for example, with the patterns of argument we all recognize as schemes. For that reason, we are inclined to think of them as scheme-like, having a similar function but much more complex structure than vernacular schemes. This paper draws out four major findings about innovative forms of reasoning and speculates on what that might mean for all other schemes.

2. NEW ARGUMENT SCHEMES CAN BE INVENTED

First, we have learned that new schemes are being invented all the time in fields whose core business is knowledge production. Without using the language of schemes, Toulmin said almost the same thing long ago (1958), but he did not really show it. We take Toulmin's remarks not as finished theory but as a suggestion for how argumentation theory might develop a set of concepts applicable to argument as it occurs in realistic contexts. If

we want a realistic theory of argumentation, we must pay attention to how the practice develops and changes over time.

Our first collaborative project (Jackson & Schneider, 2018) was a study of a hugely influential innovation of the 1990s, known as a systematic review, one version of which is the now very well-known Cochrane Review. Early on we recognized this as the sort of thing Toulmin had in mind when he talked about specialized warrants that fields invent to augment their pre-existing stock of reasoning tools. A Cochrane Review takes a pile of published research as its data and moves from the pile of studies to a conclusion about “what research shows.”

We coined the term “warranting device” to try to convey two things. First, inventions like Cochrane Reviews play the same role in arguments as is played by a propositionalized warrant like “An expert’s opinion that A is true is a reason to believe A.” Second, this particular invention, Cochrane Review, is a bundle of procedures, resources, and institutional commitments that are all part of the warranting. The bundle is device-like in various ways, including in being open to improvements that preserve its core role in reasoning.

Working on Cochrane Reviews led us immediately to a prior invention, an even more significant one: the Randomized Clinical Trial (Schneider & Jackson, 2018). RCTs were invented in the twentieth century to solve the problem of how to evaluate causal relationships between medical treatments and health outcomes. By the end of the century tens of thousands of RCTs were being published in the medical literature every year.

RCT-based arguments are typically expressed in research reports that describe exactly how the experiment was conducted. To arrive at a scheme definition, we must abstract from those research reports. For example, we need to see that these RCT-based arguments all have the same kind of conclusion, an assertion about effects of a medical treatment. Further, we need to see that the scheme requires at least two distinct kinds of premises: the observations made, obviously, but also, a specification of how these observations were obtained. Both the observations and the specification are needed for evaluation of the conclusion. And not all RCTs produce strong arguments. The exceptions shown in Figure 1 serve the same role as critical questions.

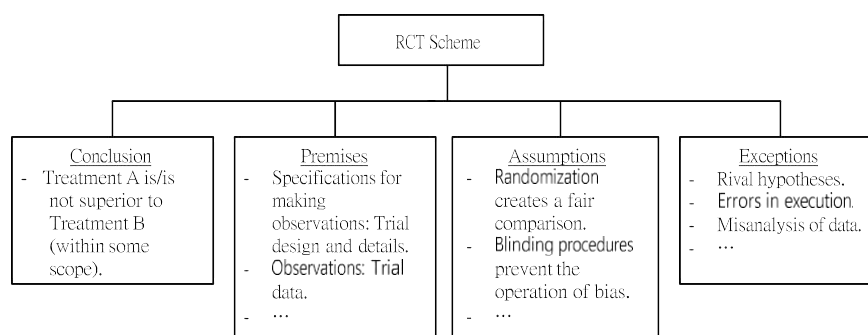


Figure 1: A scheme definition for the RCT Scheme from Schneider & Jackson (2018).

Specification of how observations were made is an unusual premise type, compared with more familiar schemes. It seems quite natural that the actual observations should serve as a premise, but describing the procedures that produced the data has no analogue in the schemes included in the user’s compendium compiled by Walton, Reed, and Macagno

(2008). Instructions on how to perform (and report) RCTs are common: numerous articles and books describe how to conduct an RCT in every medical specialty (e.g., Zabor et al., 2020, for pulmonary medicine). Cochrane Reviews, likewise, are produced according to a carefully curated handbook (Higgins et al., 2020), and the report must affirm that the handbook was followed. Affirming that observations were obtained properly is what distinguishes arguments as “from RCT” or “from Cochrane Review.”

Such explicit operationalization is not a feature of the vernacular scheme definitions, like the Expert Opinion scheme given by Walton, Reed, and Macagno (2008, p. 310), shown in Figure 2. The critical questions point to vulnerabilities one would want to avoid if possible, but exactly how are they to be avoided? Is there anything that can be said about when and how to rely on expertise in reasoning and in arguing? To describe how to instantiate Expert Opinion well requires more than critical questions. It would require instructions on how to instantiate the scheme type or guidance on what one should do to produce a strong instantiation rather than a weak one.

Argument from Expert Opinion	Critical Questions
Major Premise: Source E is an expert in subject domain S containing proposition A.	<ul style="list-style-type: none"> • How credible is E as an expert source? • Is E an expert in the field that A is in? • What did E assert that implies A? • Is E personally reliable as a source? • Is A consistent with what other experts assert? • Is E’s assertion based on evidence?
Minor Premise: E asserts that proposition A is true.	
Conclusion: A is true.	

Figure 2: Expert Opinion Scheme and Critical Questions from Walton, Reed, and Macagno (2008, p310).

This contrast leads us to ask: Should we really consider RCTs as schemes? What makes warranting devices like RCT and Cochrane Review seem different from ordinary schemes is that they include explicit instructions for instantiating the scheme, while other schemes are abstractions from instantiated schemes—without any allusion to the instantiation process. Vernacular schemes do get instantiated, but seemingly without effort or plan.

What might be involved in investigating the methods of instantiation for vernacular schemes? A beginning point would be to consider the many different ways a person ends up saying something that can be reconstructed as an argument from expert opinion. Just a few examples will suffice to show that something might be gained by trying to specify how best to make use of expertise:

- a) If any expert says anything, believe it (and repeat it if an opportunity arises).
- b) If someone challenges something you believe, go find an expert who contradicts your challenger.
- c) In making a decision about what to do or what to believe, locate any relevant expert fields and find out what experts seem to agree on.

Notice that only one of these is a method any argumentation theorist would be likely to recommend. Although the argumentation theory literature is rich with suggestions on how to evaluate arguments based on expertise, it is poor in advice on how to strengthen them. We might be able to do much better, as we’ll suggest momentarily.

So let's return to what we learn from studying invented schemes and ask if any new directions open up for studying familiar schemes. New schemes are being invented in many specialized fields involved in knowledge production, and their unexpected properties can lead us to unexpected possibilities for further investigation of schemes considered to be well-understood. Specifically, all schemes must be instantiated to become arguments and for some, it will be worthwhile to propose methods of instantiation.

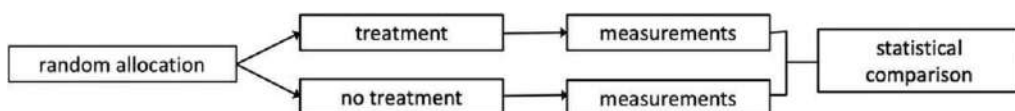
3. INVENTED SCHEMES CAN BE REVISED IN LIGHT OF EXPERIENCE

The story of RCTs is a twentieth century story, but people did not start from scratch inventing the RCT. Some form of medical experimentation has been going on for a very long time. Many building blocks for RCTs are ancient. Without any of the tools of modern science, we can imagine that many physicians lost to history tried things on their patients and drew inferences from the results. Anyone can conduct their own experiment of this kind. What happens, you might ask, if you take melatonin as a preventive for jet lag? You may learn something, but you will not generate particularly strong evidence that melatonin does or does not work.

Applying Mill's (1843) method of difference improves the situation a little bit. Observing an untreated patient provides at least some idea of how much a person might improve without treatment, so the difference in outcomes, at least conjecturally, could be the effect of the treatment. But in contemporary terms, we would say that even this improved design fails to provide strong evidence because it confounds treatment effects with uncontrolled individual differences between the two patients.

Observing many patients given the treatment or denied the treatment is a further improvement, because it eliminates the confounding. Yet this is still highly vulnerable to doubt, especially if there is any possibility that the two groups of patients started out different.

Two twentieth-century inventions, closely connected to one another, attempt to protect conclusions drawn from experiments from any suspicion that something other than the contrasting treatments resulted in different outcomes for the two groups. Both inventions originated in agricultural research (Fisher, 1935) and diffused into research on human subjects. The first invention was random allocation—the idea being to create a fair comparison, not to guarantee equivalence between the two treatment groups. The second invention was statistical comparison, a technique for assessing how confident we can be that a difference in outcome was not due to chance variation among randomly allocated patients.



Possible claims:

- The treatment worked.
- The treatment didn't work.

Figure 3 A basic design for experimenting on medical treatments

The design shown in Figure 3 can be found with slight variations in many books on experimental design. As compared with earlier ways of reasoning about effects of interventions, this design is much stronger, having built in answers to many questions that could have been asked about the nonrandomized version. This much can be found directly in Fisher’s classic work—but his concern was experimenting on plants and soil, not on humans. To tailor randomized experiments to human subjects, researchers simply had to start *conducting* experiments to discover some of the things that can go wrong when human subjects are involved. One thing that can go wrong is that a patient’s expectations about a treatment can make them more hopeful or more pessimistic, and these expectations can affect their response to treatment. This might be solved by attempting to prevent the patient from knowing which treatment they are receiving—for example, by giving a medically worthless pill to one group and a visually similar pill with the experimental drug to another group. This is a way to create “blinding.” And precautions can also be taken to assure that those who administer the treatment or make observations are also blind to which group the subject is in. Designs comparing treatment to treatment are alternatives to designs comparing treatment to no treatment.

As inventions layer on top of one another, the iterative revision in design often comes about as an effort to build in answers to possible objections to conclusions drawn from the measurements collected in the experiment. Those objections are both critical questions that draw blood against prior designs and components of the improved RCT scheme. When schemes are designed, a recurrent critical question is often handled by tweaking the procedures.

Figure 4 shows the modern RCT structure, the expected standard for medical evidence. An experiment must have these features built in from the start to pass peer review or to be used for regulatory decisions from agencies like the US Food and Drug Administration (Schneider & Jackson, 2018). Critical questions about the equivalence of the conditions cannot be adequately addressed if randomization has not been part of the procedure.

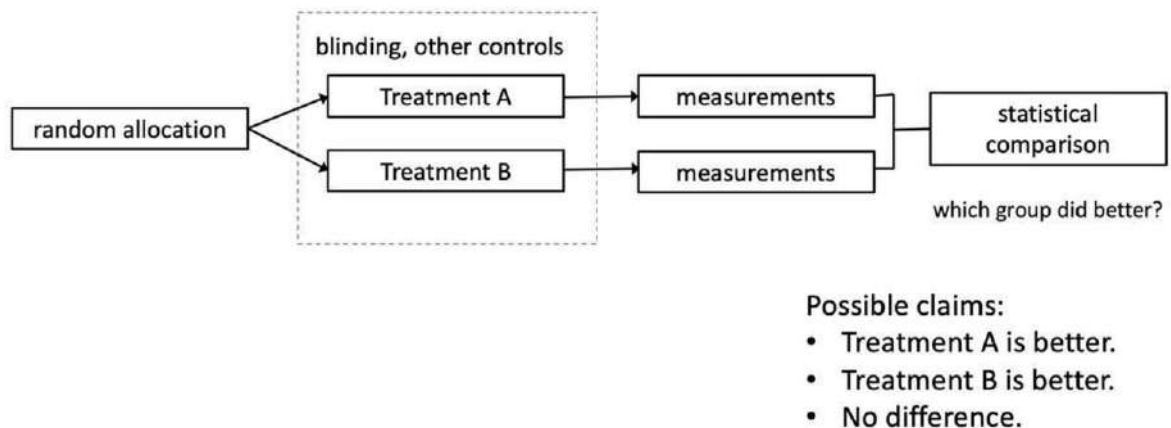


Figure 4: Layering blinding and other controls over the previous inference structure strengthens any claim about the effect of the treatment.

Figure 5 shows an argument constructed on the logic of RCT. Observations drawn from a properly performed RCT create some level of plausibility for a conclusion about

the effect of the treatment. Its plausibility depends on exactly what was done and exactly what was observed.

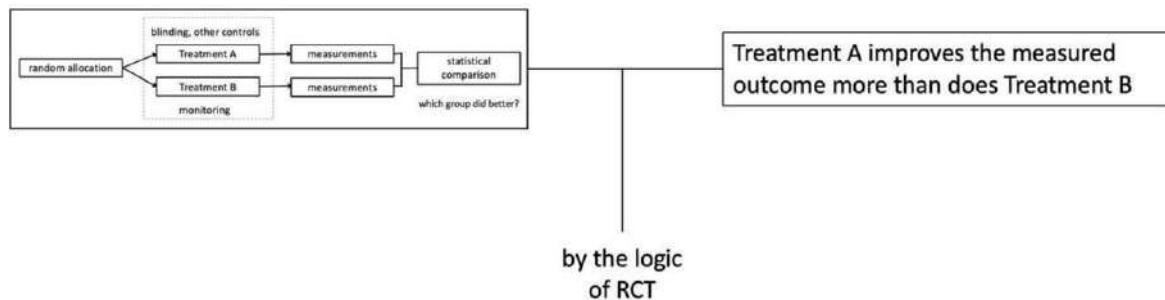


Figure 5: The RCT scheme with a sample instantiation.

Pretty obviously, an experiment without randomization is less convincing than one with randomization, and an experiment with a single observation per condition is less convincing than one with many replications. People have known for a very long time that it might be worthwhile to make observations under contrasting conditions. But starting in the early twentieth century people started inventing techniques to develop this basic strategy for experiments on human subjects.

Here again, what we observe for recently invented schemes seems to set them apart from vernacular schemes like Argument from Expert Opinion. The revision history of an invented scheme like RCT or Cochrane Review is a matter of record, openly debated and easily located. Is the same true for vernacular schemes? We can't as easily see shifts that may have taken place unnoticed over millennia. The best contemporary instantiations of a scheme like Argument from Expert Opinion may closely resemble arguments made hundreds or thousands of years ago. But the resemblance could be deceiving. Expertise as an argumentative resource has certainly not remained static, nor have ideas about how best to manage this resource. If a vernacular scheme absorbs invented resources, is it still the same scheme?

Consider, for comparison, recent inventions designed on purpose to make an appeal to expert opinion as strong as it can be, as invulnerable to critical questions as possible. Science Court was a speculative 1970s-era proposal for a way of improving policy debate by extracting issues requiring technical expertise (Aakhus, 1999), and using a quasi-judicial process to return just one adjudicated expert opinion to the policy debaters. Aakhus explored the design of Science Court, treating the separation of factual questions from broader argument structures as a design hypothesis. Consensus reports work on a similar design hypothesis: They are increasingly used to translate technical expertise into propositions usable in practical deliberation. Consensus reports assume that no single expert can speak for expert fields anymore, and we should not be asking whether any particular expert has credibility but rather what consensus experts form when tasked with hashing out their disagreements.

Accepting the output from black-box devices of these kinds is still reasoning from expert opinion, but we suggest that this can be seen as a "revision" of this reasoning principle that tries to deal with the fact that experts in the same field may support opposite conclusions based on their opinions.

4. CRITICAL QUESTIONS, AND THEIR OWN LIMITATIONS, ARE DISCOVERED THROUGH EXPERIENCE

We have already seen that invented schemes undergo revision, sometimes very rapidly, as the first efforts at instantiating the scheme reveal vulnerabilities. The third thing we have learned from our prior work is that methods for evaluating instantiations of these schemes also emerge over time. They are not invented but discovered through experience in use of the scheme.

When RCTs were introduced into medical research—around mid-twentieth century—other fields already had quite a lot of experience in conducting experiments on human subjects. For example, experimental persuasion research was already well-established, and widely recognized “threats to validity” became a routine part of peer review (Campbell & Stanley, 1963). Some of these threats were attached to faulty design, such as failing to assign subjects to treatment at random, but others were out of the experimenter’s control, like differential loss of subjects after randomization.

There does not seem to be a finite list of critical questions for RCTs—just an aggregation of everything learned in experience, so far, using this scheme. Figure 6 lists a few very typical questions that social scientists and medical scientists ask when evaluating an experiment.

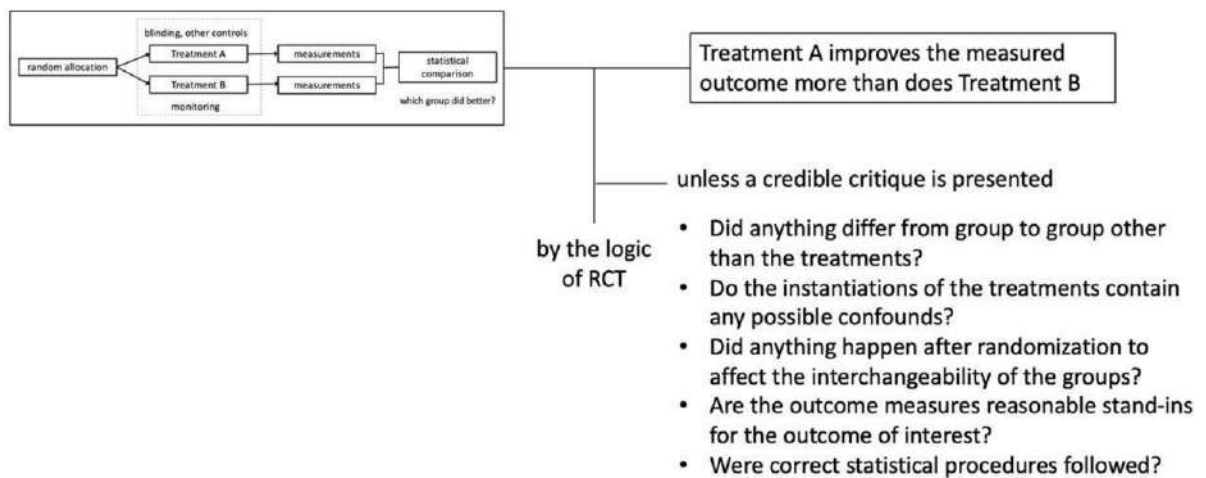


Figure 6: Experience-based critical questions for evaluating claims supported by RCTs.

Yet efforts to grade the evidence provided by an experiment, as separate from whatever the experimenter claimed, do seem truly innovative. The rise of systematic review methods like Cochrane’s required methods for aggregating the results of many experiments. This created a need for grading the individual studies in order to decide whether all should be weighted equally. Figure 7 shows a common element of Cochrane Reviews—a table of assessments of the individual studies reviewed against a set of biasing factors such as failure of randomization.

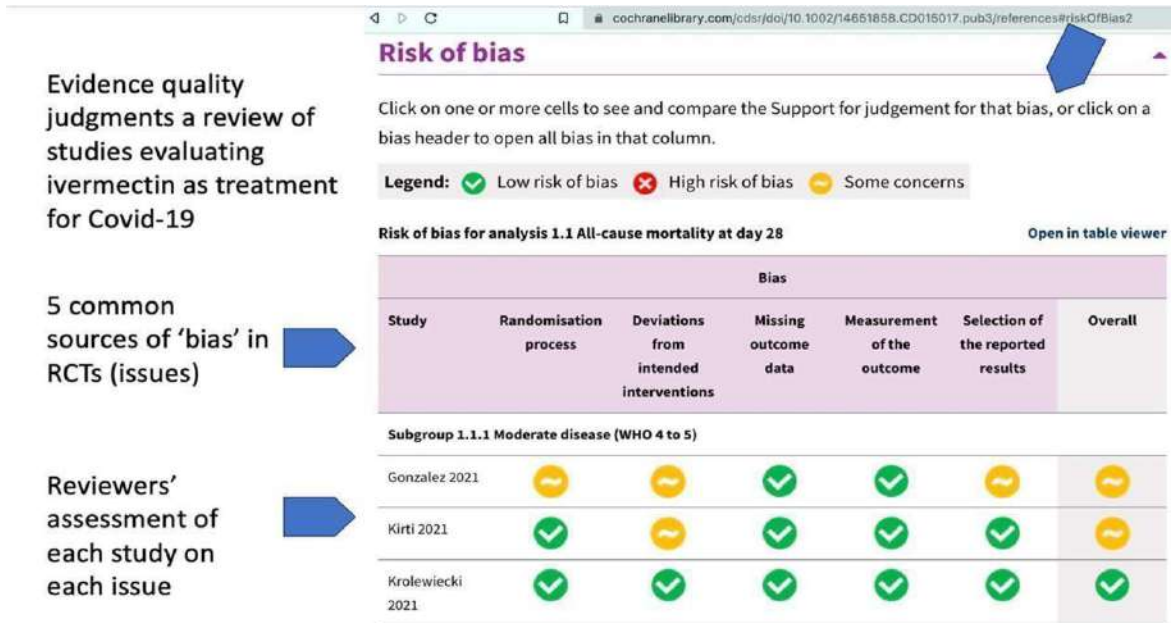


Figure 7: Risk of bias as assessed in a Cochrane Review (Popp, 2022).

Much more sophisticated grading methods have emerged in preparing research evidence for incorporation into policy deliberation. These are based on the realization that even a very well-conducted RCT can fail to produce evidence for anything actionable. To separate judgments of study quality from judgments of evidence quality, people began creating rubrics for extracting and evaluating bits of evidence from research reports (Guyatt et al., 1995).

Critical questions are often structured to support binary decisions between accepting a conclusion as presumptive and rejecting it as fallacious or weak. A critic may be tempted to run down a list of critical questions and find one whose answer justifies rejecting an argument. With invented schemes, we see two quite innovative ideas added to the idea of critical questions. First, in evaluating an argument we can do much better than simply accepting a conclusion as presumptive or rejecting it out of hand. We can grade its strength or weakness and pool it with other conclusions also varying in strength. Second, even if we reject a *conclusion*, inspection of the data may support some alternative conclusion that follows quite convincingly.

We have seen that critical questions for invented schemes are discovered gradually in the use of invented schemes, and that we can innovate in assessment methods in ways that look nothing like critical questions. Innovation in assessment methods for vernacular schemes is no less possible than it is for newly invented ones.

5. SCHEMES AND OTHER REASONING RESOURCES ACQUIRE TRACK RECORDS

For vernacular schemes, we have seen this point made in Mizrahi’s series of papers on the poor track record of Arguments from Expert Opinion (2013, 2016). But our notion of track record is a little more expansive, including not only the scheme’s tendency to produce bad arguments but also the practical issues surrounding the use of the scheme.

We have noticed that warranting-establishing arguments like those that persuaded medical professionals to adopt RCTs (Schneider & Jackson, 2018) and those that established Cochrane reviews as preferable to prior review methods (Jackson & Schneider, 2018) often rest on future projections of track records. Essential to establishing a new warrant is reason to believe that it will produce results not possible otherwise, better results than current methods, the same quality of results more efficiently, or some other general advantage. For example, Bradford Hill (1952) attempted to persuade clinicians to give up autonomous experiments of their own in favor of cooperative clinical trials in which clinician judgment was replaced by random assignment of patients to treatments. Most people regard this as a huge advance, believing that RCTs have served us better than what preceded them. The comparison he made is shown diagrammatically in Figure 8.

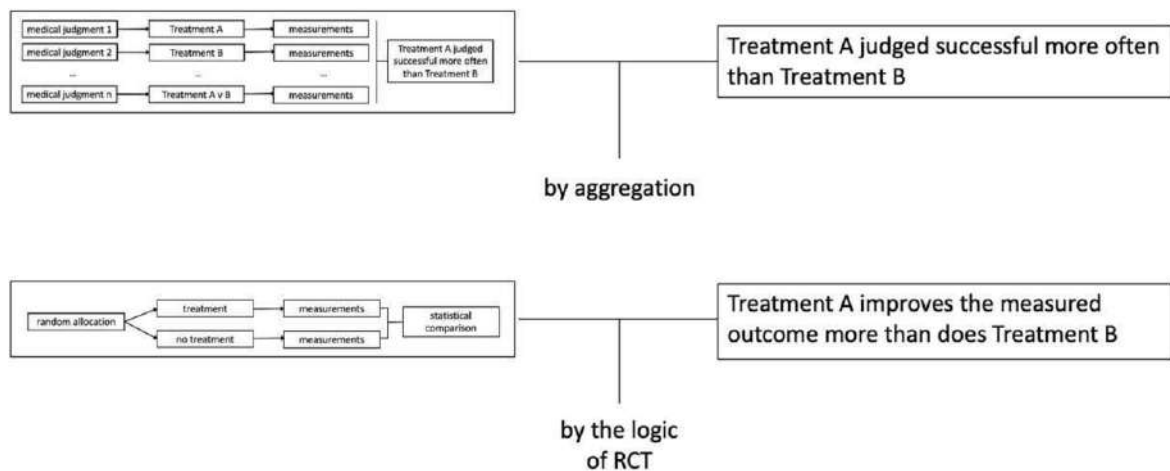


Figure 8: Aggregation of individual doctors’ clinical experience versus reliance on RCTs.

But despite the reverence accorded to RCTs by mainstream public health authorities, the RCT enterprise has also met with a certain amount of disillusionment. There is a growing realization with policy-making and clinical care that evidence from RCTs always falls far short of what is needed to make a confident decision (Schneider & Jackson, 2020). For example, a critique of RCTs that first appeared in 1967 was centered on the fact that RCTs structured to best support causal claims are unsuited for their actual purposes in public health (Schwartz and Lellouch, 1967). As shown in Figure 9, RCTs can supply a means-end premise for a practical argument about how to treat a patient, but all of the familiar questions one would naturally pose about this conclusion are unanswered. For example, if multiple treatments exist or if new ones appear, the options can “outrun the evidence.” More critically, the fact that a treatment is efficacious on average does not mean

that it will work for every patient. It took decades for Schwartz and Lellouch’s arguments to attract any real notice (Schneider & Jackson, 2020); the RCT scheme had to acquire a disappointing track record before their arguments could be appreciated.

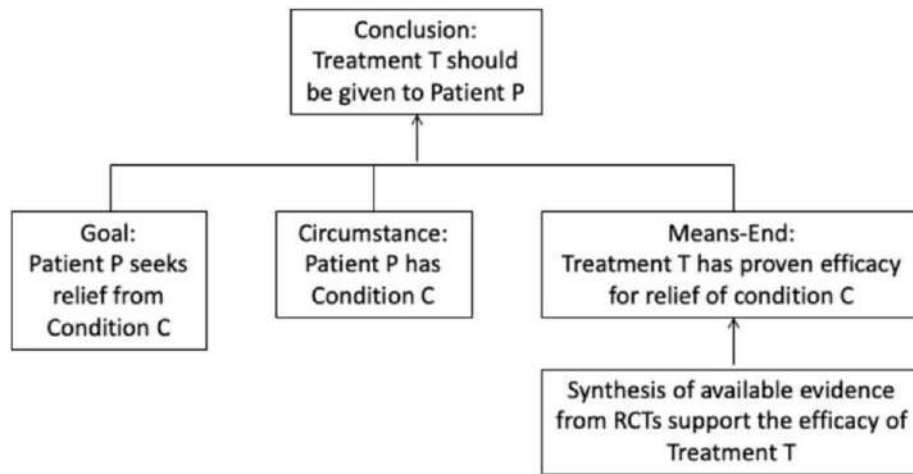


Figure 9: Practical reasoning diagram with Means-End premise drawn from explanatory RCTs (Schneider & Jackson, 2020).

RCTs will certainly not be obsolesced all at once, but at least three developments on the frontiers of medical science provide concepts to which they can be compared (Schneider & Jackson, 2020). These are innovations like single-subject experiments (Nikles et al., 2011), pragmatic trials using large numbers of patients in realistic care settings (Tunis et al., 2003), and causal modeling of treatment effects using huge datasets generated in clinical practice (Pearl & Mackenzie, 2018).

For vernacular schemes, it is not quite apparent who will care about any studies we may do on their track records in ordinary discourse. For example, it is hard to imagine ordinary people in ordinary communication contexts resolving to give up Argument from Expert Opinion despite Mizrahi’s efforts to demonstrate the poor track record of this form of arguing. But invented schemes with poor track records quickly get replaced, and empirical assessment of their track records can be part of a design methodology (Jackson & Aakhus, 2014).

6. CONCLUSION

Studying the emergence of new forms of reasoning has practical importance, since these new forms are responsible for more and more of what circulates as knowledge. And as we have tried to suggest here, whatever we learn about innovations in reasoning and argument can reflect back on well-established argumentative practices, drawing our attention to things missed in the past.

One of the things we’ve seen quite clearly in our own work is that specialized schemes often start out producing arguments with vulnerabilities that even laypersons can easily spot, but the process of revision soon makes the arguments produced too technically complex for anyone but experts to meaningfully challenge them. One compelling reason

to study them from an argument theoretic perspective is to contribute to critical assessment
from outside the specialist field.

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Arguments and Speech Acts Reconsidered

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ABSTRACT: The generally accepted view of making an argument articulated by van Eemeren and Grootendorst (1982, 1983) is neither empirically adequate nor normatively satisfactory. Analysis of empirical examples of prima facie good arguments amplify the objections first noted by Jackson (1985) and by Jacobs (1989). Two key problems are exposed: (1) the reduction of argument components to assertives, and (2) the identification of illocutionary force with a particular, contingent perlocutionary intent.

KEYWORDS: illocutionary force, making an argument, perlocutionary point, speech acts

1. INTRODUCTION

Following John Searle's (1965, 1969, 1975, 1976) elaboration of J. L. Austin's (1962) theory of speech acts, studies of argumentation have come to take for granted a conceptualization of argument in terms of an act or performance of the sort captured by phrases like "She made an argument" or "She argued that . . ." (O'Keefe, 1977, 1982). The connection between arguments and speech acts was elaborated in various ways (Fogelin, 1978; Habermas, 1970, 1979, 1984; Jackson & Jacobs, 1980; Jacobs & Jackson, 1981, 1982, 1989; Kauffeld, 1987; Kline, 1979). The most straightforward analysis was provided by van Eemeren & Grootendorst (1982, 1983, 1992). While tightly enmeshed within a broader pragma-dialectical theory, their Searlean analysis has taken a place in the field as something like the received view (See Kauffeld, 2009a, and Snoeck Henkemans, 2014, for comparative overviews). This paper aims to pose some problems with their Searlian view.

2. THE SEARLEAN MODEL OF ARGUMENT AS A SPEECH ACT

In the classical Searlean (1965, 1969) analysis of speech acts, any illocutionary act can be classified in terms of a distinctive set of felicity conditions that identify it as the type of illocutionary act that it is, and the satisfaction of those conditions are pragmatic presuppositions of the act being performed. Collectively, the felicity conditions form a necessary and sufficient set for the performance of the type of illocutionary act in question. The condition Searle called the essential condition is key. The essential condition spells out the force of the act *as* an illocutionary act, and the other conditions (the various propositional content, preparatory, and sincerity conditions) must be (presumed to be) satisfied for that force to successfully and nondefectively take effect. When performed successfully, a variety of obligations, entitlements, and other social states of affairs become operative and, with the exception of certain special institutional acts that require special

statuses like firing, christening, and maybe ordering, they become operative simply by recognizing their occurrence. So, for example, promises place the promiser under an obligation to do what they promise and entitle the addressee to depend on the promise being carried out. Assertions carry various degrees of obligation on the speaker to have reason to believe the truth of what is asserted and entitle an addressee to treat the asserted proposition as being true. Compliments award a certain praiseworthy status to the person complimented. Information questions place the questioner in a state of informational uncertainty.

These sorts of effects are to be distinguished from perlocutionary effects, which are contingent consequences that may or may not occur even if they are intended as part of the illocutionary point of the speech act. Thus, requests count as undertakings to get someone to do something, but any request may or may not be carried out. Promises are not always kept. Compliments may flatter or embarrass, or simply be dismissed. Arguments that are intended to be convincing may not be. Questions may get answers or not.

PRO-ARGUMENTATION

- (1) The speaker has put forward an expressed opinion O .
- (2) The speaker has put forward a series of assertions S_1, S_2, \dots, S_n in which propositions are expressed. (Propositional content condition)
- (3) Advancing S_1, S_2, \dots, S_n counts as an attempt by the speaker to justify O to the listener's satisfaction, i.e., to convince the listener of the acceptability of O . (Essential condition)
- (4) The speaker believes that: (a) the listener does not (or may not) accept O ; (b) the listener does (or will) accept S_1, S_2, \dots, S_n ; (c) the listener will accept S_1, S_2, \dots, S_n as justification of O . (Preparatory conditions)
- (5) The speaker believes that: (a) O is acceptable; (b) S_1, S_2, \dots, S_n are acceptable; (c) S_1, S_2, \dots, S_n justify O . (Sincerity conditions)

Figure 1.

CONTRA-ARGUMENTATION

- (1) The listener has put forward an expressed opinion O .
- (2) The speaker has put forward a series of assertions S_1, S_2, \dots, S_n in which propositions are expressed. (Propositional content condition)
- (3) Advancing S_1, S_2, \dots, S_n counts as an attempt by the speaker to refute O to the listener's satisfaction, i.e., to convince the listener of the unacceptability of O . (Essential condition)
- (4) The speaker believes that: (a) the listener accepts O ; (b) the listener does (or will) accept S_1, S_2, \dots, S_n ; (c) the listener will accept S_1, S_2, \dots, S_n as a refutation of O . (Preparatory conditions)
- (5) The speaker believes that: (a) O is unacceptable; (b) S_1, S_2, \dots, S_n are acceptable; (c) S_1, S_2, \dots, S_n refute O . (Sincerity conditions)

Figure 2.

Figures 1 and 2 present the felicity conditions for the speech act of making an argument according to van Eemeren and Grootendorst (1982, 1983). For the case of pro-argumentation the felicity conditions define the expression of arguments that justify a standpoint; for contra-argumentation the felicity conditions define the expression of arguments that refute a standpoint. Searle and Vanderveken (1985) subsequently revised the classes of felicity condition to decompose the essential condition into the illocutionary point, its degree of strength, and mode of achievement. They added to the sincerity condition a corresponding degree of strength. But this housekeeping would not substantially affect van Eemeren and Grootendorst's (1982, 1983) analysis. It should also be noted that Searle (1991) has subsequently emphasized that he sees these conditions as "responsibility" conditions that a speaker takes on when expressing a speech act. This is both more agreeable to van Eemeren and Grootendorst's own inclinations toward externalization and substantially narrows a gap that has dogged speech act analysis: the question of whether failure to satisfy certain conditions leads to a misfire in which a speech act does not come off at all or leads to a recognizable but defective speech act. On a responsibility view, part of the meaning and the recognizability of an utterance *as* making an argument would be that the speaker is normatively responsible for satisfaction of the preparatory and sincerity conditions. If, on this view, the speaker has not conveyed a sense of accountability to the satisfaction of those conditions, the speaker has simply not made an argument. It would come off as something more like open and harmless "bullshitting" in Frankfurt's (2005) sense of the term.

This analysis of the illocutionary act of making an argument has not gone without objection and criticism (Jackson, 1985; Jacobs, 1989), and the empirical studies in van Eemeren, Grootendorst, Jackson & Jacobs (1993, especially chapters 5 and 7) reflect many of those concerns. In subsequent elaborations of pragma-dialectical theory (van Eemeren, 2010, 2015, 2018; van Eemeren & Grootendorst, 1992, 2004) the conventionalism of the early Searlean model was largely attenuated by a more explicit effort to subsume and explain felicity conditions as the normative product of a practical rationality reflected in Grice's (1975) Cooperative Principle and its attendant conversational maxims (though see Kauffeld, 2006). Still, two features of the initial analysis persist: First, the illocutionary complex of the speech act of arguing is still usually treated as a complex of assertive – and not as just expressed propositional contents – as is the standpoint whose expressed opinion the argument is designed to justify or refute. Second, the illocutionary force of the argument is still analyzed as an undertaking to convince an opponent listener of the (un)acceptability of the standpoint under discussion.

Before exploring these problems, we should acknowledge that this pragmatic analysis of argument as a speech act would be relatively agreeable to most of the professional membership of the argumentation discipline because it fits so well with our technical objects of study. Consider these familiar representations of argument:

All Greeks are men.
All Athenians are Greeks.

Therefore all Athenians are men.
(From Copi, 1953, p.163)

Figure 3. Syllogism.

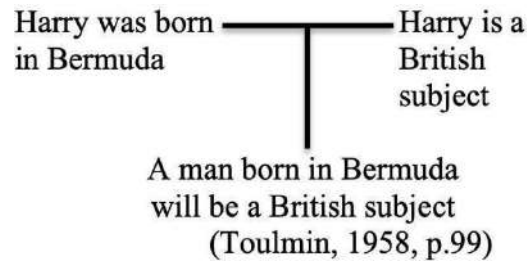
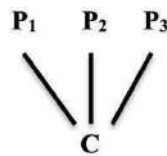


Figure 4. Toulmin Diagram.



- P₁. Frances is very successful in her career.
- P₂. Frances has a secure and supportive marriage.
- P₃. Frances had a stable and secure childhood.
- C. Therefore, Frances is a happy person
(Hughes, 1992, p. 82)

Figure 5. Line Structure.

- | | |
|--------------------------------|----------|
| 1. $A \supset B$ | |
| 2. $\sim A \supset (C \vee D)$ | |
| 3. $\sim B$ | |
| 4. $\sim C$ | |
| 5. $\sim A$ | 1, 3, MT |
| 6. $C \vee D$ | 5, 2, MP |
| 7. D | 4, 6, DS |

To PROVE: D
 GIVEN 1, 2, 3, 4 (and the rules of natural deduction)
 (Jacobs, 01-30-07: Lec Slide)

Figure 6. Formal Proof Exercise.

Figures 3 through 6 present the objects of analysis in many academic articles, textbooks, and classroom exercises. Those representations of the logic of argument are the products of analysis and the objects of theorizing. We look for propositions, we think in propositions, and it is a pretty small step to attribute assertive force. No wonder warrants are so commonly treated as assertions rather than rules and data as assertions divorced from the material evidence they report. Logical exercises like that in Figure 6 even foster the impression that ordinary arguments (line 5, 6, and 7) naturally progress from given starting points (lines 1 through 4) that must be implicitly present if they are not explicitly set out (cf. Jacobs, 2018).

Moreover, the force of argument as intrinsically pointing toward something like conviction, persuasion, or consensus formation is practically built into the discipline's theoretical traditions and its empirical sites for research and criticism. Formulating the force of an argument (the essential condition) as an act which undertakes to convince a listener by means of reasons that justify or refute a standpoint would seem definitionally obvious and normatively natural to most argumentation scholars. It would seem as unobjectionable as defining rhetoric as something like suasive discourse, symbolic inducements, or finding the available means of persuasion.

Maybe so. But maybe not.

3. THE STATUS OF ASSERTIVES IN STANDPOINTS AND ARGUMENTS.

Difficult problems emerge when we treat as assertives all arguments and the standpoints they undertake to justify or refute. With respect to standpoints: *Any* act can be justified or criticized, undercut, or otherwise disputed. Court rulings and findings, for example, are justified by arguments. But rulings and findings are not *assertives*; they are *declaratives* that bring about their represented states of affairs. Hitchcock (2019) shows that we make arguments that justify *questions*. Kock (2009) argues that, because arguments over *commissives* and *directives* involve a practical reasoning that ends in an intention, these sorts of standpoints cannot be reduced to assertives without missing the force of the acts in question. Similarly, Jacobs, Jackson & Zhang (2022) show that the arguable in Donald Trump's infamous "Charlottesville" press conference was a decidedly equivocal and contestable condemnation of the protesters.

None of these cases of standpoints are plausibly reducible to assertions without loss of the very object that is subject to argument. As Jackson (1992) and van Eemeren et al. (1993, chapter 5) show, a reduction to assertions cannot recognize or explain the systematic quality of the "disagreement space" opened by the arguable speech acts (see also Kauffeld, 2009b). But it seems to me that the deeper analytic problem behind this observation of otherwise puzzling systematicity is that what emerge as standpoints in the disagreement space are themselves arguments for the arguable speech act. "You should buy this product" reconstructed in an advertisement is not an endpoint. It may be argued for, but it is just the highest-order link in an argument that justifies the *proposal*. "My statement was timely" or "My statement was balanced" or even "My condemnation was a good one" do not capture what is arguable and in dispute in Trump's press conference; it is Trump's statement, with its ill-defined and contestable force, that the press corps challenges and Trump tries to justify.

With respect to arguments: There are two kinds of problems that I see. First, some speech acts other than assertive speech acts can be used to make good arguments. Reconstructing such acts as assertives dissolves pragmatic properties that are intrinsic to the way they work *as* good arguments. Second, there is considerable variation in the force of the assertives that can be used to make arguments. The members of the general class dubbed assertives (Searle, 1976; Searle & Vanderveken, 1985) are not homogenous enough to not worry about important distinctions among them with respect to how they function as arguments. Since this second problem bleeds into the question of the illocutionary point and force of arguments, I will take it up in the next section.

Turn then to the status of non-assertives as components of arguments. Jacobs (2000), Jackson (1993), and van Eemeren et al. (1993, chapter 5) all analyze good arguments that make no sense as good arguments if treated as mere assertions. Their strength as arguments can't be recognized if their force is not acknowledged in the analysis. At the very least, such acts serve as backing for the so-called indirect assertives they might be reconstructed to express. And while "backing" (Toulmin, 1958) may be a secondary component of an argument, it is still a component. Suffice it to say that these examples indicate a broad variety of non-assertive speech acts whose force can constructively enter into the force of an argument (e.g., assurances, guarantees, offers, rhetorical questions, permissions, renunciations and repudiations).

Now, I expect that many argumentation analysts will be naturally discomforted by my line of reasoning, and not without good reason. It is captured by the representations of arguments in figures 3 through 6. Their logical patterns of inference, whether formal or informal, all operate with some sort of truth conduction or variation on that theme. They model relations among propositions. Or, at least, those are the kind of models that we know how to work with. It's those models that we have in mind when we talk about argument relevance, strength, plausibility, and so on. They are, as it were, the only game in town. And overlaying assertive force onto propositions doesn't really change any of that; it only adds communicative and procedural considerations. As of now, we have no clear way of talking about how arguments work to justify anything other than assertions or how anything other than assertions can work to justify. But that doesn't mean we should deny or turn away from what is plainly the case. We should figure out how this works.

4. THE ILLOCUTIONARY FORCE OF ARGUMENTS

There is no such thing as the "persuasive force" of an illocutionary act of making an argument. That kind of talk confounds perlocutionary effects with illocutionary achievements. Van Eemeren and Grootendorst (1982; 1983) are an exemplar of careful analysis of the rational relation between undertaking to convince a listener (illocutionary force) and actually convincing an opponent (perlocutionary effect). Of course, part of the illocutionary force of making an argument may be an intended perlocutionary point. Making an argument ordinarily, even canonically, expresses the intended perlocutionary point of convincing. But some perfectly good arguments do not work this way.

While an intended perlocutionary point may be part of its illocutionary force, not all speech acts have a perlocutionary point, at least, not intrinsically. Assertions, according to Searle (1969), are one such illocutionary act. Assertions, at base, simply express the illocutionary force of representing their propositional content as true. That's what someone undertakes to do when they assert something, at least minimally. The speaker takes on responsibility for the proposition being true (or at least having good reason to think that this condition of truth is satisfied). And in doing so, the asserted proposition is given *prima facie* standing in the conversation that obligates the speaker to act consistently with that proposition and entitles the hearer to do so as well. It is placed on the conversational scoreboard, so to speak, but in a rather weak way that only demands mutual orientation or consideration. Think here of suppositions. But, in asserting some proposition, a speaker can take on stronger perlocutionary points, giving

the assertion a stronger illocutionary force. There is a whole chain of possible perlocutionary points: by representing the truth of a proposition, thereby getting the hearer to believe that the speaker believes that the proposition is true, thereby getting the hearer to believe the proposition is true. The same kind of chaining can occur with making an argument. But it need not do so.

Consider arguments that count as, or at least support, warnings. Warnings, taken as assertive-type advisories, are minimally designed to have a kind of scoreboard force. Such arguments do not necessarily have the force of undertaking to get the addressee to accept (or act on) the argued for warning. They do not even necessarily have the force of undertaking to get the addressee to accept the argument as a justification of the warning. Such arguments may be designed merely to get the addressee to bear responsibility for *not* accepting the argument and it's argued for warning. To the extent that the warning and its argumentative support have been *recognized* (accepted or not), a liability shift takes effect as a social consequence of that recognition. Arguments for warnings have the force of shifting liability by virtue of a kind of conditional justification: If you disregard it, and the argument turns out to be true, the blame is on you. You've been warned! This kind of argument can lead to rather unsettling but perfectly legitimate uses. Consider the kind of warning commonly found on the packaging for Q-tips (figure 7):



Figure 7. Q-tips Warning.

The argument that entering the ear canal could cause injury is not an undertaking to get the reader not insert the swab into the ear canal. There is only one real use for Q-tips, and everyone knows that. The product has been carefully crafted over the past century for just that use. And that's why people buy it, and the manufacturer and the buyers all know that. What the warning does is shift liability onto the user when use it as intended and then injure their ear.

The same kind of illocutionary logic is at work with the Surgeon General's warning placed on the side of American cigarette packages illustrated in Figure 8. The argument that the Surgeon General says, e.g., smoking causes lung cancer, heart disease, emphysema,

and may complicate pregnancy does not have the force of undertaking to get the buyer not to smoke or to quit. It merely gets the addressee to bear the responsibility of not accepting the warning and its argument. So, the warning effects a liability shift, one that could prove useful in defending against lawsuits from injured smokers or their families. That is why tobacco industry lobbyists cooperated to formulate the legislation that put these warnings on cigarette packages.

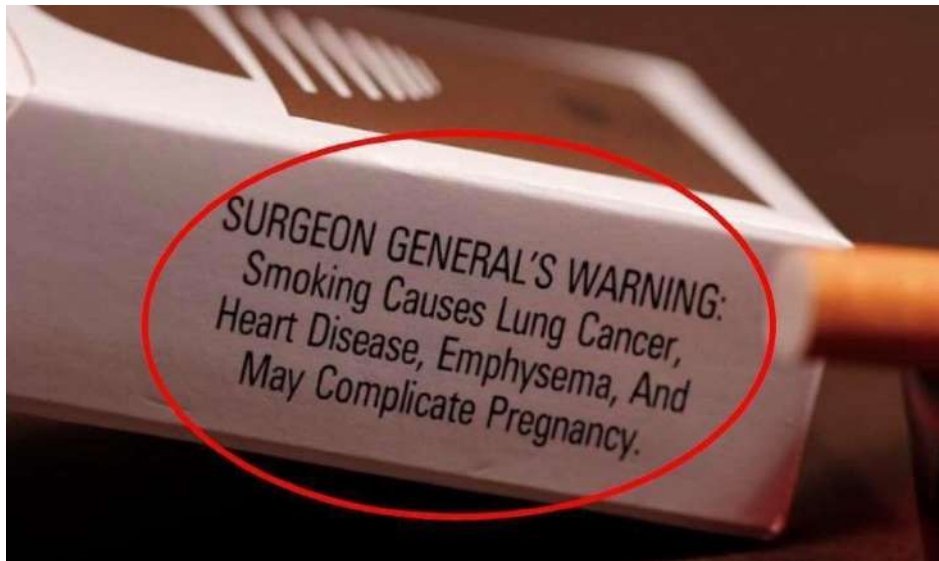


Figure 8. Surgeon General's Warning.

That this is the illocutionary force was made clear when tobacco companies sued the United States Food and Drug Administration after the FDA tried to require that pictures like those in figures 9 and 10 be placed on the front of cigarette packages. One can readily see that those pictures might actually be so vivid as to be taken as serious undertakings to get smokers to quit.

The point here is that these warning arguments justify not smoking or not sticking Q-tips in ear canals (if true), but they do not necessarily *count as* expressed undertakings to get the reader to not do so or to even accept the justifications. That the reader has been alerted to the argument is all that is needed for such arguments to take effect. You can almost hear the product manufacturer saying in response to a challenge, "You've been warned. It's your choice. It's up to you. I'm just saying." So, in a chain of perlocutionary effects, there is a conventional consequence (the liability shift) that stops well short of an intended perlocutionary point of trying to convince an addressee to accept the standpoint or the argument. And these warnings illustrate that possibility.



Figure 9. FDA Proposed Warning.



Figure 10. FDA Proposed Warning.

Now consider another way in which arguments can be made without any actual or expressed intention to “justify (refute) O to the listener’s satisfaction, i.e., to convince the listener of the (un)acceptability of O.” Arguments can be made as a kind of agonistic performance. While such performances occur under conditions that may be perceived as troubling, spoiled, unwelcome, or otherwise undesirable, even ruined, the normative defect is in the situation and not in the arguments. Here, arguments may still be felt to be morally demanded—even more so than in ordinary circumstances. And many can be perfectly good arguments. But the arguments do not fit the canonical pattern of argument spelled out by van Eemeren and Grootendorst (1992, 1993). My study of the arguments (and other exchanges) between a travelling evangelical preacher and his audiences of college students illustrates such a case (van Eemeren, et al., 1993, chapter 7; Jacobs, 1982, 1983). Today it would be called a case of deep disagreement (Fogelin, 1985).

Here, in figures 11 through 16, I want to consider some Facebook posts of a more secular and political bent. They are a sample of what regularly appears on my Facebook feed.



Figure 11. Facebook Post.

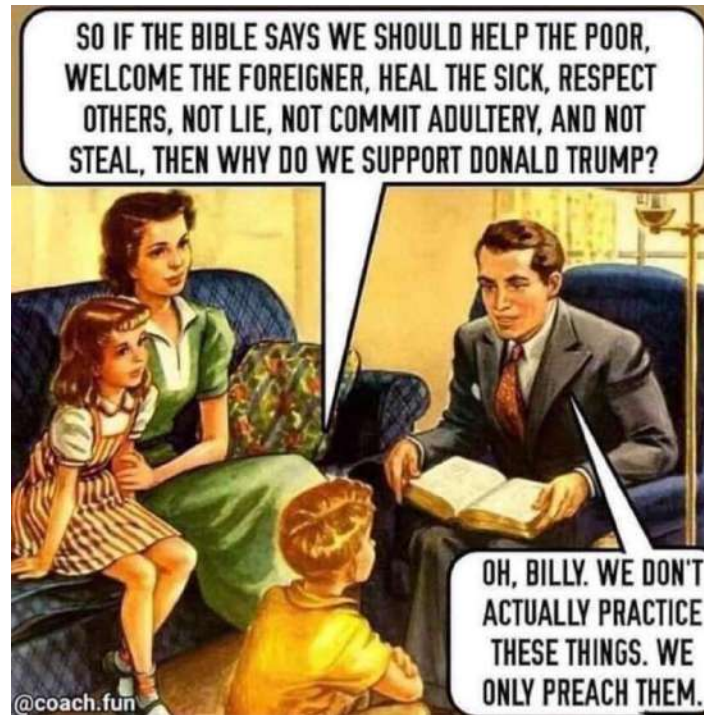


Figure 12. Facebook Post.



Figure 13. Facebook Post.



Figure 14. Facebook Post.

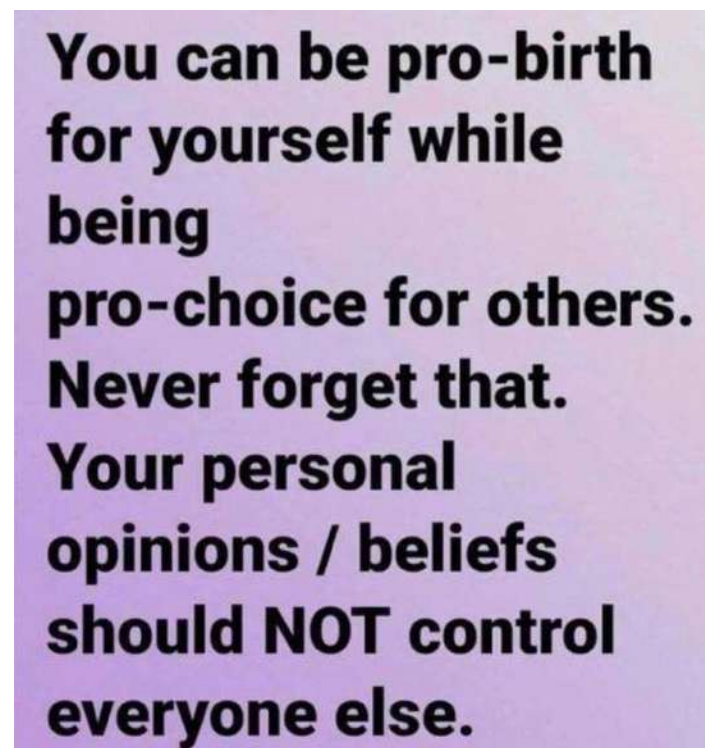


Figure 15. Facebook Post.



Figure 16. Facebook Post.

These posts appear directed at, or at least motivated by, an opponent with whom the poster is in strong disagreement. Some even directly address such opponents. But the posts are only displayed to like-minded “Friends” found in my Facebook silo. Any “confrontation” is purely imaginary and does not express any undertaking to convince an opponent of anything. Arguments like those in figures 11, 12 and 13 are framed in such a way that the opponent is presupposed to accept arguments that they should not (11) and to reject arguments that they should (12, 13). Indeed, figure 16 amounts to an argument for not arguing with such people. If anything, these posts suggest the kind of situation where the poster has given up on the opponent and turned their back on them, but still cannot let go of the dispute.

Nor should we interpret these arguments as efforts to convince the “listeners” who the poster does address. If anything, these posts express a secure presumption that the listeners already strongly agree with the standpoint and overall position of the poster, to the point of sharing the palpable disdain for the opponent and the exasperated, almost desperate, dismay at the standpoint the opponent seems to hold. The dripping sarcasm and ridicule in figures 11, 12, and 14 exemplifies the kind of attitude that is shared not through justification but in the simple act of interpretive recognition. Like a joke, you either get it or you don’t.

That much said, these posts do recognizably express arguments. They are recognizable undertakings to present good reasons to justify a standpoint. But there is no sense of presuming that the arguments would be acceptable to an opponent or that their force as justifications would be acceptable, only that they *should* be. The arguments in these posts suggest little concern for finding common ground or serious consideration of the opponent’s possible objections or counter-arguments. For example, the arguments in

figures 13, 15 and 16 use labels and descriptions that most opponents would reject out of hand. These posts give the strong impression that the arguers are past those sorts of considerations and that they presume their audience is too.

So, the essential condition that constitutes making this kind of argument is quite different from that articulated by van Eemeren and Grootendorst (1982, 1983) for resolution-oriented disputants. These sorts of agonistic arguments are resistance-oriented. They presuppose a situation structured by conditions and populated by actors that radically foreclose the possibilities for resolution but open up a strong moral demand to display resist justified by a seemingly irrational and perverse opponent. Of course, these posters may be wrong about the conditions they perceive and express in their arguments. Facebook and modern media seem to be creating pretty distorted patterns of communication. But then again, they may not be.

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Motivated Reasoning and Contradictory Internet Memes *Bottomless irony and the affective conditions of assent*

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ABSTRACT: There is a saying that “my contradiction is your dilemma.” The argumentative logic of consistency posits that answering a contradiction poses a dilemma because every answer requires replicating the initial tension. However, recent developments in motivated cognition question this assumption. A motivated cognition approach to argument examines the ways that arguments most often work as methods of self-defense rather than engagement. The result is that argumentative contradictions offer argumentative opportunities.

Here, I am interested in common internet memes that center on a fundamental contradiction. Because the contradiction is not all that it claims to be, I will call them ironic in the sense of Wayne Booth’s notion of the “bottomless irony” that characterizes many protest arguments. Booth argued that many protest arguments worked solely by posing endless negation as a form of defense while avoiding overt commitment to any positive affirmation. As such, they represent a type of motivated reasoning designed to defend rather than create the positive conditions to cultivate assent.

KEYWORDS: internet memes, irony, motivated reasoning

1. INTRODUCTION

One of the recent developments in communication, in general, has been the rise of memes. These sharable, short, and often multimodal messages are a function of social media. They gain their life through social networks sustained by familiar people who are often labelled “friends”. As such, information comes to us through a privatized networks that actively resist associating with traditional public information structures (White 2022).

One effect of social media amplified content is that it tends to segregate information. Because people generally receive information from those they perceive as similar, information tends to become self-referencing. Self-segregated information communities reinforce currently held positions. Such information is often called siloed because it is protected or walled-off from competing information that might lead to questioning, cognitive dissonance, and discomfort.

The tendency to silo information, sometimes known as bounded rationality, is also tied to a variety of personal biases. Because most people want to think of themselves as ethical and intelligent, they more easily embrace information that confirms their self-concept. Such an approach to information, segregating and attending to the agreeable and ignoring what is left, is called motivated cognition (Lebo & Cassino 2007; Slothuis & de Vreese 2010; Taber & Lodge 2006). The general notion is that people have a greater interest in defending themselves from potential threats, sometimes called motivated retrenchment, than they do in accurately processing new or challenging information.

Agreeable information requires little elaboration. The lack of overt defense of strongly held beliefs results in “moral dumfounding” (Bullock 2011; Nicholson 2011). Because moral premises are foundationally important to arguments, providing them weight, it appears that meaningful, rational engagement with these premises might be impossible. However, within communities, some will entertain elaborated arguments when they use familiar moral frames, and some well-informed partisans are open to arguments from consonant moral foundations and are occasionally willing to process information systematically and ignore source cues (Bullock, 2011; Nicholson, 2011).

Strong partisanship and more selective social networks reinforce argumentative confidence (Gelman 2008). This, in turn, is accelerated by the ready availability of diverse information that supports asymmetrical skepticism. Additionally, what counts as factual information does not exist independent of an essentially contestable political process which finds fortification with the news convention of presenting information in a dialectical and “balanced” form (Kuklinski, Quirk, Schweider, & Rich 1998). While this convention intends to create the illusion of objectivity, it also encourages the motivated to find legitimacy in the available confirming evidence (Nyhan & Reifler 2010). Consequently, it is easy for partisans to invest more effort in critique than defense of their fundamental principles (Slothuus & de Vreese 2010).

More interesting, motivated retrenchment occurs without much self-awareness as people wish to maintain the belief that they have adequately evaluated new arguments and evidence before coming to reject them (Pyszczynski & Greenberg 1989). Often, initial claims are so familiar and have been repeated so often that they gain the status of objective facts that require no defense or elaboration. To this end, arguers go to great lengths to create objective-seeming attributions for even false information to avoid more detailed elaboration (Higgins, Bargh, & Lombardi 1985; Srull & Wyer 1979; Wyer & Ottati 1993).

The result is that recent work in cognitive effort demonstrates that recalcitrance results from great skill and effort. In fact, those that are the most invested, engaged, knowledgeable and capable are often the most resistant to correcting misperceptions (Nyhan & Reifler 2010; Peffley & Hurwitz 2007). Motivated arguers have several ways of dealing with dissonant information. Most fundamentally, they may selectively find, listen to, or ignore dissonant arguments. Such selective attention allows ideas to find consistent and strong reinforcement in an environment characterized by ready confirmation (Friedman, 2006). In turn, the perception of being surrounded by supporting evidence increases confidence while simultaneously providing exemplar arguments that disparage counter-views (Edwards & Smith 1996; Lord et al. 1979; Taber & Lodge 2006). Thus, selective attention results in a closed-loop of conviction marked by an idiosyncratic consistency (Kruglanski, Shah, Pierro, & Mannetti 2002).

Motivated reasoners are not blind nor dumb. Instead, they are typically skilled at discounting arguments at odds with strongly held beliefs—which is distinct from the skill of explaining their beliefs to others (Nyhan & Reifler 2010). Motivated arguers invest significant effort in evaluating arguments and evidence. In fact, their greater knowledge and engagement position them to generate more numerous counterarguments than an objective participant. Consequently, motivated arguers greet dissonant information with an asymmetrical skepticism where they take reinforcing information without much thought or effort, and invest significant effort in evaluating dissonant information and developing counterarguments (Ditto & Lopez 1992; Edwards & Smith 1996; Taber & Lodge 2006).

2. THE MEME

In a socially connected community, such as a siloed reasoning community, memes are a convenient way of communicating information and constituting community. These easily apprehended political arguments evolve to create the conditions of their own survival and replication (D. Johnson, 2007). As such, memes seek to spread from person to person within a community bounded by a mindful sense of similarity. Often, these communities are defined not by a coherent sense of identity, but rather by a sense of dissimilarity from other groups. As Tuters and Hagen note, “political memes can be extremely effective in the formulation of an organic and classless ‘us’ bound together by existential antagonisms against a nebulous ‘them’”(2020, p. 2223).

However, such spread is not by a simple replication or strategic action. Instead, in each instance, the meme is unowned and free-floating as it creatively engages the audience. The result is that it changes a bit in each deployment. Often, the inherent ambiguity and accessibility of the meme facilitates its creative appropriation. To understand a meme, often requires being part of the community that has fostered and embraced the meme.

An essential element of any meme is its immediate comprehension. Through the framework of its supporting community, a meme gains its place. Hahner writes, “memes can elicit argument by spreading different frames for interpretation and inviting audiences to utilize those frames to evaluate the image”(2013, para.14). As such, they tend to take a visual form and perform in the ways of other varieties of visual argument.

In the framework of established social communities and siloed information designed to facilitate motivated cognition, memes sustain political arguments a bit differently than traditional argument. Within this interpretive framework, political arguments find support in a variety of heuristics that resist externalization or argumentative reconstruction (Van Den Hoven 2015). While this is a controversial position, it is not unreasonable to acknowledge that a reconstruction of an argument is not the same as the argument itself (R. H. Johnson, 2003). While it is possible to make a Ramist split between the logic of an argument as seen in its reconstruction and the rhetorical elements related to its presentation as with the theory of pragma-dialectics and strategic maneuvering (Van Eemeren & Grootendorst 2004). For the meme, the reconstruction is not elaborated in the traditional sense. Instead, it is a shorthand for a community that is familiar with these types of arguments.

Instead, memes represent a variety of enthymeme that extracts meanings from their particular audience where these meanings freely move (Gronbeck 2005). While the meaning may appear fixed and dumbfounded for an intended audience, they also are open to reinterpretation and reappropriation as the heuristics change from community to community.

3. IRONIC ARGUMENT

We live in an ironic age. In many argument communities, reverence for common knowledge has been displaced by suspicion and the desire to generate our own, more authentic, truth and to see with our own unbiased eyes and to “do my own research” to generate a unique understanding. The generation of unique understandings has been

facilitated by the privatization of information amplified by the rise of social media (White 2022). In a sense, most new information appears to be ambivalent, or, at least up for debate and everything takes an ironic caste as almost nothing is as it seems.

There is a long history of the study of ironic argument. Such arguments, start with the presupposition that what is seen is not what is meant. In the right frame, nearly every speech act can be used ironically. These oblique arguments generally gain their meaning by their deployment within a particular context. As such, they rely on a sympathetic audience to bring the context that will reorder the argument in an intended direction. As a result, noted by Kenneth Burke, “true irony” depended on a sense of humility or kinship between the arguer and the audience (1984). In this linkage, irony performs within a comic frame that seeks a gentle correction by a shared community (Parson 2010).

Likewise, Wayne Booth embraced the rhetorical power of irony. However, Booth is even more explicit in emphasizing the ideally sympathetic dimension of stable irony. He writes: “the predominant emotion when reading stable ironies is that of joining, of finding and communing with kindred spirits. The author I infer behind the false words is my kind of man, because he enjoys playing with irony, because he assumes my capacity of dealing with it, and---most important—because he grants me a kind of wisdom, he assumes that he does not have to spell out the shared and secret truths on which my reconstruction is to be built”(1974, p. 26).

Against this stable and sympathetic irony, Booth proposes the notion of an unstable variety. Where stable irony starts with the assumption that there is some shared value or agreement, the unstable variety which embraces a variety of infinite rejection of value or agreement. The unstable variety relies upon a universe that lacks definite meaning. As such, each level of ironic revelation is met by another potential revelation. Booth refers to this variety of ironic apprehension as “bottomless” (268) in that its only endpoint is to deny the affirmations of its competitors. He continues: “the ironies of the abyss not only destroy us but finally bore us as they destroy” (269).

The result is that ironic argument is be both associative and dissociative. That is, while it defines a community who are in on intended reconstruction, it also defines a community that is not in on the joke (Kaufer 1977). As such, the audience divides between those that know and those that do not. The problem is that this effect is achieved through an ambiguity where empathy with the primary audience is antipathy toward other audiences. The reconstruction of the argument moves, therefore, in potentially paradoxical ways. This is especially problematic in a world of memes where it is not entirely clear who the author is or what their intention might be.

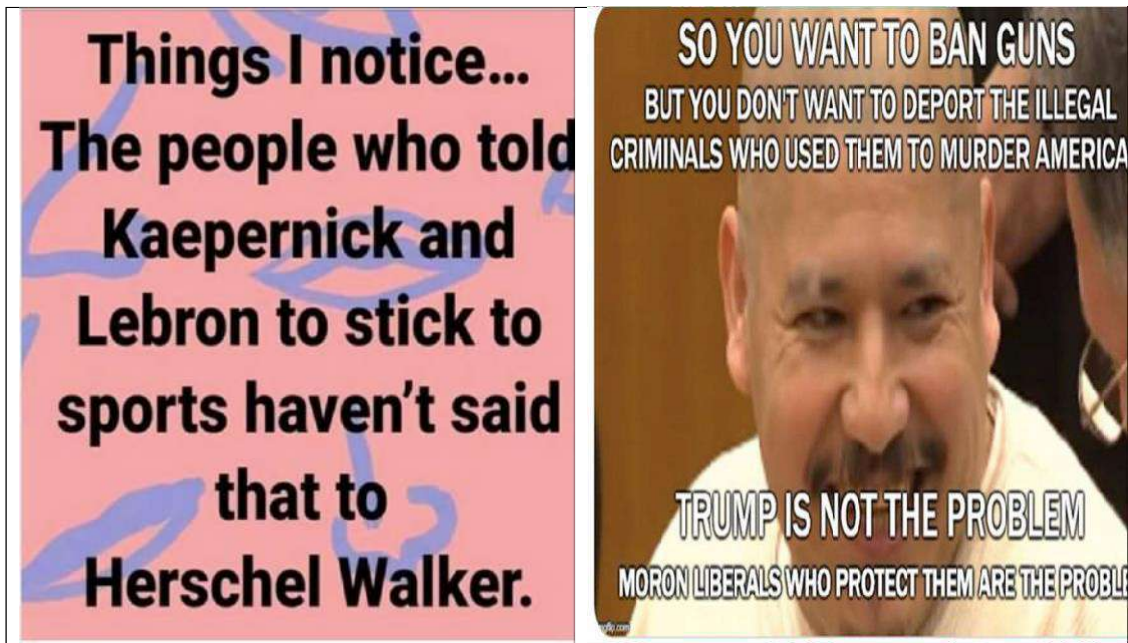
If we assume that the goal of argumentation is engagement or agreement, the rise of ironic memes and prevalence of motivated cognition are problematic. Here, the goal of argument is not to reach out, but rather the justify and to resist change or engagement. Such argument relies on dumbfounding in that it resists elaboration with its claim to obviousness. In this way it mirrors other cultural argumentative moves

As an example, we turn to “whataboutism” which is a variety of *tu quoque* or *ad hominem* argument. The *tu quoque* argument is also known as the “you too” argument is a classical fallacy goes to the hypocrisy of an argumentative target (Dykstra 2020; van Eemeren et al. 2000). In recent years, whataboutism has become a standard frame for internet discussions (Bowell 2020). Often, they function to highlight the implicit bias in participants to a conversation (Barceló Aspeitia 2020). However, these accounts of the

subtlety of the argument does not explain the manner that most of these arguments get deployed.

Instead of viewing memes as directed at some third party to a conversation who is asked to make a judgement, such as a legal judge, the modern privatized information economy facilitated through social media poses them as a constitutive claim. As Booth noted, to get the joke is to be part of the community. This constitutive claim occurs within a privatized information economy that gives it credibility and a public information economy that prioritizes balance which is a variety of empirical ambiguity (Dykstra 2020). The question form, itself, has greater legitimacy because it takes the form of a legitimate inquiry rather than an attack on the character of a particular or identifiable arguer (van Eemeren et al. 2012).

4. SOME EXAMPLES





(Etan Thomas [@etanthomas36], 2022; GingerDudeTX, 2022; Facebook, 2022;
California the Sanctuary State of Decay - Imgflip, 2022)

Generally, a reconstruction of the whataboutism claim offers the conclusion that what people say is not really what they mean. While what they might intend is left unstated, the idea that they are generally unprincipled, or that the context determines their principle is the general theme that holds the argument together. Ultimately, such memes posit a cognitive dissonance that should bother one's competitors, or at least disqualify them from speaking to an issue. As such, they pose an end in themselves. They do not speak to an issue, so much as disqualify people from speaking to an issue.

Such constitutive arguments pose a problem to traditional argument studies. Because they presuppose a reconstruction according to the agreement with the audience, they do not attempt to engage those that are not already constituted by it within the realm of such memes. Or, at least, this is what appears to be the case.

5. CRITICISM

Each of the memes represents a style of argument rather than a singular ideology. Some are conservative and others are more liberal. They each make a historical argument regarding consistency. They posit something like: "you did these things then, now you do these things." The intended reconstruction is that some people, "them", are hypocritical or that they are motivated by their circumstance rather than enduring principles. In the end, they imply that the subject of the meme has no firm principles and that their arguments should be disregarded. In this way, they represent a classic *ad hominem*.

From the outset, it is not exactly clear what the preferred position is, that is, it is difficult to discern which half of the dilemma is preferred. That information derives from the audience who understand the author's intention based on how they received it. While

there is a double possible conclusion, the meaning derives from a reconstruction of the author who is unidentified but known to the audience (Booth 1974; Chateau 2020).

While the meme's argument is clear, it is not entirely clear who makes the argument.

In one instance, the argument quotes the well-known comedian John Oliver, but the statement lacks any attribution. They are proposed as simple truth statements. Their credibility, however, does not come from some objective source characteristic of the traditional public information economy. Instead, they derive their credibility from the manner of their sharing. Being shared within a community, they gain the credibility of the community and their meaning through community heuristics. This private information economy accepts its authority from social networks rather than overt claims of epistemology.

Not only the source but the main point is not entirely clear. The meme invites a conclusion from the audience based on their identification with the meme. These ambiguous, bi-directional, but seemingly objective statements create an metonymic "us v. them" framework that distinguishes those that get the point from those that resist (Tuters & Hagen 2020).

The ambiguity works in a few ways that inhibit a clear engagement as an argument. The free reiteration and appropriation of the meme puts it beyond the responsibility of any identifiable person or group. When the meme goes poorly or is poorly received, there is no entity to take responsibility. From the point of view of the poster, the whole thing was just a "joke" without any clear argumentative claim or intended impact associated with it. In fact, if one were to reconstruct a claim, the claim would be a function of the reconstruction and not any intent. From the position of the poster, the meme possesses a kind of magic that arouses a response without implicating the responsibility of a particular advocate. It is the work of an unknown "shit-poster". Burton writes: "Meme magic allows them to see themselves as exercising an intoxicatingly masculine vision of ironic freedom while doing that requires little in the way of courage, physical strength, or personal sacrifice." (Burton 2016, p. 5)

The ambiguity of the author, the power of the private information economy, the ironic frame for internet memes advantages motivated argument. The case does not need to be made for any premise or claim—they are dumbfounded. Instead, a community's premises or claims must only be defended. This moves most debates to negative ground and sets the stage for defensive claims such as "whataboutism." Our contradiction does not need to be explained since they have contradictions as well. Our virtue is assumed while theirs is placed in doubt.

This represents the variety of "bottomless" and unstable irony that Booth warned against. Instead of winning people to one side, the goal is to diminish and degrade the other side. There is no invitation for "them" to join "us". There exists only the disgrace from being one of "them".

These do not overtly embrace *tu quoque* or whataboutism—but elide these with questions left unanswered—where the answer exists in the mind of the audience.

6. CONCLUSIONS

While the memes are designed to establish an antagonistic mentality, their ambiguity offers a means to engagement. In a world where presumption favors the status quo and defense only needs to exhaust the offense, the magic of memes is that they provide an unceasing defensive posture. Like a child that learns the word “why”, the constant “whying” of political arguments resists closure. Consequently, every ironic statement possesses two parts. In the ironic statement, the focus can be turned back to turn the original position. In debate, this is called a linkturn. In general, it is one of the most effective strategies for engaging with others’ arguments because it cedes dumbfounded arguments to focus elsewhere (Janas 2021; Palczewski & Madsen 1993).

Because we have *a priori* commitments to our fundamental premises they are hard, if not impossible, to change. In the motivated cognition scheme, it is not a sound strategy to try to get people to alter the parts of an argument where they are most entrenched. Such value commitments are in a sense transrational—in that they are accepted to a level that most have difficulty explaining why they believe what they believe. When confronted, people become, literally, dumbfounded (Stanley et al. 2019).

Consequently, arguers invest more effort in critique than defense (Slothuus & de Vreese 2010). In affective argument literature, the inability to elaborate consonant moral premises is called “moral dumbfounding” (Schein & Gray 2018). It is the point at which premises transcend argument and where meaningful rational engagement might be impossible. There are circumstances within communities where engagement is possible. People will entertain elaborated arguments when they occupy familiar moral frames or when they are able or motivated to engage less comfortable frames (Bullock 2011; Nicholson 2011).

The levels of community support and engagement in meme culture resist the elaboration of arguments. Instead, it is possible to concede the value and to reconstruct the argument along with an opposite focus. Because meme arguments often work by establishing a contradiction, they also create a dilemma which is open for argumentative exploitation. Arguing both the link and the impact is likely to create a dilemma when answering a contradiction. Instead, the better strategy is to concede the impact.

The ironic meme arguments work their magic through association and dissociation. If you get the joke, the irony is typically stable, and the point is clear. As Booth noted, you realize that this is your kind of person, and you find support in their exposition. Likewise, if you don’t get the joke—you realize that you are the butt of it. However, there are opportunities for re-association in the unstated portions of the argument.

These arguments depend on the reconstruction of the intention of a known arguer whose argument takes the form of a question—turning ambiguity on itself while implying an impact. Here, an advocate has only to alter the frame of interpretation. Rather than taking a defensive point of view and arguing the differences in the case, it is possible to appropriate the impact and take an offensive position.

Regarding the memes presented above, you end up with a series of counter-questions that imply a reconstruction of the argument from the opposite point of view, but united in conceding the dumbfounded impact:

So, we should listen to Hershel Walker?

Wouldn’t it be best to enforce all the laws and ban guns and deport immigrants?

So, you believe that every life is worth saving?

You believe that free markets work?

Because it focuses on a contradiction, the source of its own irrelevance is inherent in each meme. The balanced “whataboutism” framework concedes its ambiguity that only bears fruit through the identification of the audience with the author. If we get it without elaboration, we know that they are our kind of person. It assumes that we understand and accept the implied impact, which should drive our evaluation of the link. The argument, in true “shitposting” fashion, preys upon a schadenfreude at the spectacle of “their” cognitive dissonance, while ignoring the cognitive dissonance inherent in its expression. In this way, the argument performs as *ad hominem*. But the ironic meme itself is a cognitive dissonance invisible to the people that propagate it. This is because we are rational, and they are irrational. We are principled, and they are self-interested.

The linkturn strategy does not defeat the ironic meme so much as disable it. It points out what should be obvious, that the argument is not the sole property of one side or another. In essence, it attempts an us-versus-them antagonism by setting the stage for a potential “us” united by a sense of incomplete justice. While the memes attempt to “own” the opposition, their ironic form creates the conditions for a level of argumentative commensurability centered around core values. Such reconstructions require that advocates be willing to make argumentative concessions—especially at the level of morally dumbfounded arguments.

Where Booth was critical of bottomless and unstable varieties of argument, such arguments have become part of the regular arsenal of social media argumentation. However, they are not entirely bottomless. They do have a sense of terminal value or impact. However, their instability is a resource for counterargument that can re-position unstable arguments in a stable form.

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What Place for Parties' Emotions in Dispute Mediation's Discourse?

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ABSTRACT: Looking at mediation sessions' transcriptions, it can be easily observed that mediators try to grant a place to parties' emotions in the discussion. This is useful for conflict resolution, as a change at the emotional level is a prerequisite for breaking the negative spiraling of conflict (Bush and Folger 2005). The author employs Micheli's (2014) linguistic model for identifying emotions in discourse and she discusses the relationship between emotions and argumentation in mediation's discourse.

KEYWORDS: argumentative discussion, conflict's transformation, dispute mediation, emotions, strategic maneuvering

1. INTRODUCTION

In this paper, I refer to dispute mediation as a standardized professional practice, that is part of the Alternative Dispute Resolution Movement (ADR) that started developing in the 1970s in North America¹. Deepening our understanding on how parties' emotions are expressed and how they are taken into account for conflict resolution is pivotal, since "conflict is emotionally defined" (Jones, 2001, p. 90) because "the triggering events that 'cause' conflicts are, by definition, events that elicit emotion" (Jones, 2001, p. 90). This happens because "[e]motion results from a perception that something personally important is at stake" (Jones, 2001, p. 94), which is always the case when we enter a conflict. So, when people first enter a mediation process, they necessarily are feeling many difficult emotions such as fear, rage, sadness, regret. These emotions might lead parties to lose sight of their initial goal of finding a solution and it might push them instead to focus on "destruction" of the other (see Glasl, 2004; Greco, 2020): in worst cases, this leads to dramatic situations in which all parties involved are severely hurt by the final outcome.

Therefore, conflict resolution processes such as mediation can only be successful when they manage to break the negative spiraling of conflict, transforming emotions from negative to positive (Bush & Folger, 2005; Greco et al. 2022). This is fortunately possible, as mediation as proven to be an efficient tool to solve conflicts and there are countless examples of successful cases. But how *does it happens?* In order to understand how parties' emotions change during the mediation process, it is fundamental to analyse the "communicative process" (Greco, 2020, pp. 120 *ff.*, my translation) that takes place during the sessions. Even though non-verbal elements such as smiling can be hints that the way

¹ This is not to say that the findings of this research are completely not applicable to other types of mediation (e.g. informal mediation, school peer mediation) but we lack evidence to make claims in this regard so far.

parties are feeling is changing or has changed, looking only at those is not enough to explain *why* it is changing or has changed. In the following section (2), I will discuss how emotions are expressed by the parties in relation to argumentation in mediation discourse. In section 3) I will discuss the literature on emotions in mediation discourse; in section 4) I will present the data-collection methodology employed for this study; in section 5) I will describe the theoretical model from the linguistic perspective that I employ in the analysis; in section 6) I will present the preliminary findings through the discussion of some examples.

2. EMOTIONS AS ARGUMENTATIVE ELEMENTS IN MEDIATION'S DISCOURSE

From an argumentative perspective, it not unusual to find emotions both in standpoints and in arguments in parties' discourse in mediation. For example, in a conflict between two co-workers, at a certain point one of the parties (G) says: "I clearly feel violated from a financial point of view because they paid him for a job I did". In this case, Giorgia (G) expresses a standpoint in which she claims to feel a specific emotion ("feeling violated") and justifies it with an argument:

1 I feel violated from a financial point of view
1.1 Because they paid him for a job I did

Therefore, the emotion she feels is justified by what she considers a *datum* (in AMT terms, see Rigotti and Greco 2019), that is by a factual premise (the fact that her colleague was given a sum of money in reward for a job that in fact *she* did). But emotions can also be part of arguments, as it is the case for example in a mediation case between two sisters regarding constructions works to be done in the family holiday home that hey recently inherited. In this case, at a certain point, Anna (A) justifies her position with her desire not to feel a negative emotion ("anxiety"):

1 I don't want to invest money to do reparation works in the house we inherited
1.1 Because in order to do it I would need to contract a debt
1.1.1 and contracting a debt makes me anxious

These examples show that parties sometimes verbally express their difficult emotions in mediation sessions. In the next section (3) I will discuss how mediators respond to these expressions of emotions.

3. MEDIATION AND EMOTIONS

A work that I carried out together with two colleagues (Greco, Cigada & Jermini-Martinez Soria, 2022), in which we analyzed seven mediation sessions' transcriptions in French², shows two main ways in which mediators engage with parties emotions: a) when it is not

² These cases are also part of the corpus employed for the analysis carried out in this paper and described in section 4.

already the case, they make parties' dysphoric emotions *explicit*, which is in line with Jameson et al. (2009) observation that “[a] conflict [...] will be transformed only if the underlying emotion is explored and discussed” (Jameson et al. 2009, p. 169); and b) they show parties, typically towards the end of a session, a trajectory of their emotions from negative ones to more positive ones (see Greco, Cigada & Jermini-Martinez Soria, 2022). We interpret these mediators' moves as part of their “strategic maneuvering” (van Eemeren 2010), in particular as “presentational devices” (Greco, Cigada & Jermini-Martinez Soria, 2022, p. 4).

However, in spite of the important role emotions play in the development of conflicts and consequently in dispute mediation, few studies discuss it (see Jones, 2006, p. 284). Jameson et al. (2010) also point out that mediators are provided few guidelines on how to deal with parties' emotions (Jameson et al., 2010, p. 25). Jones mentions “only two studies [that] have actually investigated how emotion may impact the mediation process or perceptions of mediation”. The first one, carried out by Thompson and Kim (2000) “demonstrated that negotiators' expressed emotions could impact the ability of third parties (e.g. mediators) to develop accurate perceptions of the negotiators' interests and intentions” (Jones, 2006, p. 284). The second one, carried out by Friedman et al. (2004), analyzed “data from actual online mediation” (Jones, 2006, p. 284) to investigate whether expressing the emotion of anger impinges or not the mediation process (Jones 2006, p. 284). Jameson et al. (2010) analyze eight simulated mediations and they identify five strategies mediators use to regulate parties' emotions (“grant legitimacy, encourage emotion identification, confront avoidance of emotion, paraphrase emotion and encourage emotional perspective taking”: Jameson et al. 2010, pp. 25-26).

Moreover, “there are few discursive studies of emotion in mediation” (Greco, Cigada & Jermini-Martinez Soria 2022, p. 5). This is problematic because, as Greco (2020, p. 120) observes

in order to understand how emotional orientation may be transformed in the mediation process, and the role of mediators in this process, it is necessary to look more closely at the talk taking place in interactions (Greco, Cigada & Jermini-Martinez Soria, 2022, p. 5).

With this work, I am trying to contribute to filling this research gap.

4. METHODOLOGY: DATA COLLECTION

I analyzed a multilingual corpus of role-played mediation sessions' transcriptions, composed of seven cases in French and three cases in Italian³. The mediation cases included in the corpus are cases of interpersonal conflicts of different kinds (e.g.

³ Most of the corpus was collected in the context of my PhD dissertation “*Reframing as an argumentative competence in dispute mediation*” (Jermini-Martinez Soria, 2021) within the SNSF-funded research project “*RefraMe*” (project nr. 10001C_17004/1, “The inferential dynamics of reframing within dispute mediators' argumentation”, 2017-2020; applicant: Sara Greco). The third case in Italian was collected in the research project “*Quelle place pour les émotions des parties dans le discours en médiation des conflits?*” (Funded by the Empiris Foundation – research grant Jakob Wüest attributed to Dr Chiara Jermini-Martinez Soria for the duration of one year). This entire corpus is, to my knowledge, the first and only corpus collected in Switzerland so far of these kinds of data.

neighbourhood conflicts, workplace conflicts). All the mediators that participated in the role-plays are certified professional working in Switzerland at the time of data collection.

Since mediation is an extremely confidential process, it is almost impossible to collect data from real mediation sessions (see for example Donohue, Allen & Burrell, 1988, p. 134). For this reason, role-plays have been since long employed by scholars working on dispute mediation and considered a valid alternative to natural data. Jameson et al. (2014) observe that “[there is] precedent for the use of simulations for the study of natural linguistic phenomena, such as apologies (Demeter, 2007) and invitations (Rosendale, 1989)” (Jameson et al., 2014, p. 213). Janier and Reed (2017) analyze mediation discourse in a “mock-mediation”. They argue that “the case presented and the mediation are realistic and can be exploited for the fulfillment of [their research] task”, because “[it] was originally created for training mediators” (Janier and Reed, 2017, p. 46) and because it was mediated by “graduate mediators” (Janier and Reed, 2017, p. 46). Van Bijnen claims that “[using role-plays is] a functional solution that has become standardized in studies on mediation discourse from a conflict resolution and argumentative perspective” (van Bijnen, 2020, p. 64).

Since the goal of this work is to analyze how mediators react to emotions that parties convey through *semiotization* (Micheli 2010, 2014), role-plays are a valid way to try to answer to this research question, since it can be hypothesized that when confronted with a party that for example express feeling unease with the situation (see example from mediation case “parking conflict” in section 6 below), mediators will react in the same way they would when confronted with this same situation in their professional practice. Moreover, role-plays are frequently used in the training of professional mediators (see for example Greco Morasso, 2011, p. 149 ff.).

The corpus has been transcribed using a methodology adapted from Traverso (1999), taking into account also ICOR conventions⁴, according to which non-verbal aspects (such as for example pauses, shouting, gestures) can have an interpretative value when analyzing the data.

5. DATA ANALYSIS: MICHELI’S MODEL

I employed a theoretical model developed by French linguist Micheli, building on Plantin’s work (Plantin, 1999). Micheli distinguishes emotions according to their *semiotization*: *said emotions* refer to “lexical items indicating an emotion” (Micheli, 2014, p. 23, my translation); *shown emotions* refer to “phrases that show emotions through elements interpreted as hints” (Micheli, 2014, p. 25, my translation), such as for example “prosodic characteristics” (Micheli, 2014, p. 27, my translation); *argued emotions* refer to cases in which “the discourse proposes [...] a *representation of a situation*” (Micheli, 2014, p. 29, my translation) that leads listeners or/and readers to “*infer* that a specific emotion is indeed present. [...] This inference [...] happens because the represented situation is conventionally associated with a specific emotion” (Micheli, 2014, p. 29).

⁴ http://icar.cnrs.fr/ecole_thematique/tranal_i/documents/Mosaic/ICAR_Conventions_ICOR.pdf

This model presents the advantage that it allows to analyse emotions in discourse “without presupposing that the speaker actually feels that emotion (even though that can obviously also be the case” (Micheli 2014, p. 18, my translation). In fact, “if we say that a speaker ‘semiotize’ an emotion, we only indicate that he or she makes an emotion manifest through the use of signs (Micheli, 2014, p. 14, my translation). This is an important characteristic of the model, because linguists do not have the tools to actually *claim* that a speaker is indeed feeling an emotion, as other expertise (e.g. in psychology) would be required.

6. FINDINGS

The analysis carried out so far presents two main preliminary findings. Firstly, it shows that mediators transform in “said emotions” what parties introduce in the discourse either as “shown emotions” or as “argued emotions”. Consider the following excerpt from a family mediation case revolving around complex issues that involve a loan of a big amount of money:

- 171 T j’aurais pas dû faire ce que j’ai fait⁰ ça se répare pas voilà⁰
I shouldn’t have done what I did⁰ it’s something that cannot be repaired⁰
172 M2 vous regrettez ce qui s’est passé entre vous deux ↑ c’est ça que vous dites ↑
Do you regret what happened between you ↑ is that what you’re saying ↑

At turn 171, Tom (T) describes how he evaluates his actions of the past, namely as something that he “shouldn’t have done” – which is a way of viewing things that we typically associate with the emotion of *regret*. Therefore, we are in presence of an argued emotions according to Micheli’s model. In the immediately following turn (172) the mediator (M) asks Tom whether he “regrets” what he did, pointing out that it is a request of confirmation that he understood correctly (“is that what you’re saying?”). To do so, the mediator employs a verb, “regret”, that directly describes an emotion. Therefore, the mediator here transforms what Tom introduced in the discourse as an “argued” emotion in a “said emotion”.

This operation of transformation is a prerequisite for mediators to be able to carry out two other important tasks, that I have discussed in a previous work together with two colleagues (see Greco, Cigada & Jermini-Martinez Soria, 2022, p.1): a) make parties’ negative emotions explicit and b) show parties’ a trajectory of their emotions from negative to positive. All these mediators’ moves are useful for conflict resolution because they clarify the core of the conflict, empower the parties as co-arguers and make emotions parts of an argumentative discussion (see Greco, Cigada & Jermini-Martinez Soria, 2022, pp. 14 ff.).

From an argumentative point of view, here the emotion is part of a standpoint justified by an argument. In fact, Tom’s reasoning can be reconstructed as follows:

- (1 I regret doing what I did)
1.1 Because it is something that cannot be repaired

The argument he provides is intrinsically linked with the semantics of the verb *regret*: in fact, it is a verb that implies that one wishes something to have happened differently in the past – and the past by definition cannot be changed.

Secondly, the analysis shows that, when parties introduce emotions in the discourse (be in the form of “said”, “shown” or “argued” emotions), in some cases mediators invite them to develop the discourse around emotions whereas in other cases they prefer to talk about something else. Examples of these two scenarios are presented in the following two excerpts:

Turns 38-41 mediation case “Parking conflict”: P = Patricia; L = Linda; M = mediator

38 P oui parce-que depuis effectivement depuis que ça s’est passé on (.) c’est presque un peu on évite de d’arriver au même moment on on s’évite (.) cordialement on va dire

yes because after after that happened (.) it’s almost we avoid to arrive at the same moment (.) we avoid each other politely we could say

39 M vous ressentez aussi ça vous↑
do you also feel this way ↑

40 L ⁰oui oui⁰ je sens aussi cette () un peu de la gêne
⁰yes yes⁰ I also feel this () a bit of annoyance

41 M de la gêne donc c’est quelque chose d’inconfortable pour vous ces ces jours-ci

annoyance so it’s something uncomfortable for you these these days

Turns 60-61 mediation case “roommates rent conflict”: S = Sophie; M = mediator

60 S et là on est en train de me dire qu’elle va aller vers le nouveau propriétaire et là il y a un petit conflit (.) moi je me sens plus à l’aise et je crois pas que je peux continuer à payer ce qu’elle me réclamera

and now she’s telling me that she’s going to (tell) my new landlord and we have a small conflict (.) I don’t feel comfortable anymore and I don’t think that I can continue to pay what she’s going to ask me

61 M pour vous vous avez aucune obligation de continuer à payer parce que il n’y a pas de contrat à la base↑

so for you you do not have any obligation to pay rent because you don’t have signed a contract ↑

In the first excerpt (mediation case “parking conflict”), Linda (L), one of the parties in a neighbourhood conflict around the use of a common parking lot, express (turn 40) that she still feels a bit uneasy after she entered a conflict with her neighbour Patricia (P). In the following turn (41), the mediator repeats the specific term employed by Linda to describe her feelings (“annoyance”) and adds a comment (“so it’s something uncomfortable for you these days”) that shows her attentive listening and her interest in this particular aspect, i.e. Linda’s current way of feeling. Argumentatively, here Linda’s emotion is part of her standpoint (I feel a bit of annoyance).

In the second excerpt (mediation case “roommates rent conflict”), one of the parties’, Sophie (S), also expresses feeling discomfort in the conflictual situation she is in (“I don’t feel comfortable anymore”, turn 60). The emotion is part of her standpoint, justified by the fact that she has a conflict with her roommate:

1 I don’t feel comfortable anymore [living here]
1.1 Because I have a conflict with my roommate

However, in this case, the mediator chooses to ask a question (at turn 61) about another element that she brought into the discussion, namely the fact that she does not think that she will be able to keep paying her rent.

7. CONCLUSION

The empirical analysis of transcriptions of mediation sessions’ cases shows that dispute mediators intervene in a variety of ways to deal with conflicting parties’ emotions; these different ways, however, have in common the fact that they are intended to foster conflict resolution – and choosing to employ one instead of the other can have a significant impact on the mediation process. In fact, if for example a mediator chose to dig deep into a party’s emotions in a phase of the mediation where this is not the suitable course of action, the consequences could be negative.

Moreover, the analysis shows that emotions (either said, showed or argued) can be either part of standpoints or of arguments in the parties’ discourse. This is particularly important as unfortunately emotions are sometimes viewed as disconnected from reason, whereas in fact they can indeed *be* reasons to justify courses of actions or be *justified* with solid arguments.

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Deciphering the Discourse of Livestreaming E-commerce in China

From the perspective of classical rhetorical persuasion

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ABSTRACT: This paper aims to analyze the discourse strategies in the live-stream sales in China, by a case study of the streamer Dong Yuhui. It reveals Dong Yuhui's sophisticated uses of the traditional rhetorical techniques to achieve better persuasive effect. In particular, it shows that in his live-stream discourses Dong Yuhui deliberately establishes his good ethos and prefers to use good logical arguments, and he also uses narrative strategies to sentimentally inspire the audience's resonance.

KEYWORDS: classical rhetoric, e-commerce, ethos, livestreaming, logos, pathos, persuasion

1. INTRODUCTION

As an online shopping method, 'livestreaming E-commerce' refers to a new form of e-commerce in which an anchor tries to recommend some products by means of video live broadcast. At present, China's livestreaming E-commerce has developed for more than 7 years, creating a trillion-level market scale with a huge market value and many significant social effects. In 2021, *The Time magazine* included two famous Chinese anchors of Taobao platform, *Weiya* and *Li Jiaqi*, as the Top 100 influential figures for the year, and they are classified into the category of "innovators". When introducing them, besides reporting their achievement of hundreds of millions of dollars in sales in one year, the *Time magazine* has also stressed on their promotion of agricultural products during the pandemic, and their charity works in poverty alleviation as well.

Although the livestreaming e-commerce market in Europe and the United States is not as big as in China, it has also been developing rapidly. For example, Amazon is

vigorously developing its streaming media platform, *Amazon Live*. According to Forbes, the platform is extremely similar to the Taobao Live streaming. Following Tmall's November 11-Singles Day shopping festival, it launches the Prime Day, inviting celebrities such as the comedian Kevin Hart and the Australian model Miranda Kerr to engage in e-commerce live streaming. Recently, *YouTube* has also partnered with the e-commerce platform *Shopify* to add product links in its live broadcast, short videos and long videos. Now its users can use *Shopify* to directly purchase items on the page. As a global trend, livestreaming has become an emerging e-commerce model that is more and more influential in China and all over the world. One of the crucial reasons for its great success is simply that the information conveyed by the streamer through his/her specific words and well-designed expressions in the livestreaming are well accepted by the audience, and thus achieved a better persuasive effect. Accordingly, we believe that the livestreaming e-commerce can be easily taken as an interesting phenomenon to be analyzed from the perspective of Rhetoric, for rhetorical studies center on persuasion and provide us with adequate tools for analyzing how language and other symbolic means can be effectively used to enable the audience to accept the persuader's opinions.

In argumentation theory, the rhetorical approach has normally been traced back to the western classical rhetoric, in which Aristotle was certainly one of its most important figures. This paper is an attempt to offer an analysis of the discourses in the livestreaming sales in China from the Aristotelian classical rhetorical perspective. In particular, it will focus on a case study of the New Oriental's streamer *Dong Yuhui*, exploring his persuasion strategies in terms of Aristotle's famous "three means of persuasion" - *ethos*, *logos* and *pathos*. The rest of the paper is structured as follows. In the next section we will first briefly introduce Aristotle's classic rhetoric theory, and then review some existent researches that have used Aristotle's framework to analyze discourses in various fields. After that, in section 3-5 we will take Dong Yuhui's charitable e-commerce live streaming as research material, and use text analysis and case study to reveal (a) how the anchor builds his own character through his discourse, (b) how he uses logical arguments to meet the audience's rational thinking, and (c) how he has cleverly appealed to emotion to stimulate the audiences' association and resonance. In the last section, we conclude that means of *ethos*, *logos*, and *pathos* coexist in successful livestreaming e-commerce discourses, and in order to accomplish the desired persuasive effect they need to be used in a balanced way.

2. ARISTOTLE'S THREE MEANS OF PERSUASION AND THEIR USES IN ANALYZING DIFFERENT DISCOURSES

According to Aristotle, the "technical" means of persuasion can be divided into three sub-categories: the first depends on the personal character of the speaker; the second relies on the trust of the audience through factual argument, logical reasoning or apparent proof that is provided by the words of the speech itself; and the third depends on putting the audience into a certain frame of mind, by arousing the emotions and

feelings of the audience for persuasive purposes (van Eemeren *et al.* 2014, p.117). In other words, Aristotle believes that the persuasive effect can be well determined by the three elements of *ethos*, *logos* and *pathos*.

Ethos. The means of *ethos* refers to the use of the speaker's character. If a speech relies on the character of the speaker, then it will be credible to the listener. Because "we believe good men more fully and more readily than others: this is true generally whatever the question is, and absolutely true where exact certainty is impossible and opinions are divided" (*Rhet.*,I.2,1356a6-8). Moreover, according to Aristotle, it should be stressed that the speakers must accomplish these effects by what they say in the speech, for a pre-existing good character cannot be part of the technical means of persuasion. Aristotle remarks that "there are three things which inspire confidence in the orator's own character-the three, namely, that induce us to believe a thing apart from any proof of it: good sense, excellence, and goodwill" (*Rhet.*,I.2,1378a6-8). If they displayed none of them, the audience would doubt that they are able to give any good advice at all. However, if they have displayed all of them, as Aristotle concludes, it cannot rationally be doubted that their suggestions are trustworthy.

Logos. The means of *logos* is through the argument itself. Taking the distinction between deduction and induction as a starting point, Aristotle divides the logical means of persuasion into enthymemes and examples. In enthymemes, something is proven in a deductive way by means of probabilities or signs; in examples, something is proven in an inductive way. Aristotle observes that in the rhetorical context of a speaker addressing an audience, the deductive argument employed in the enthymeme does not have to be complete (*Rhet.*,I.2,1356a16-19), because the audience in the target group will usually be able to add the missing parts with the help of their background knowledge regarding the issue at hand.

Pathos. The third one, *pathos*, refers to the means of putting the audience into a certain frame of mind. According to Aristotle, it is a psychological fact that "our judgements when we are pleased and friendly are not the same as when we are pained and hostile" (*Rhet.*,I.2,1356a15-16). Therefore, he further specifies several forms of emotion (such as happiness, pity, fear and other such kind of emotions), and advises the speaker to appeal skillfully to the audience's emotional responses in order to establish in their minds certain attitude or understanding about some concepts, values, behaviors and situations.

At present, Aristotle's three means of persuasion has been widely used as a framework to analyze discourses in political speech, court mediation, commercial advertising, e-commerce products and many other fields. We have summarized some existing works in Table 1 below.

Table 1 Researches using Aristotle's three means of persuasion

Research field	Research context	Research methods	Research questions	Impact Effect	Reference
Politics and policy	Presidential candidate 's Facebook page	Content analysis	How the ethos/logos/pathos elements in Facebook posts influence the campaign	The uses of the three means of persuasion enhance the persuasive effect of the campaign text	Bronstein (2013)
	Institutional Change (Australian Senate Committee Report)	Case analysis	How to choose rhetorical strategies to persuade managers to take action	The three means of persuasion are conducive to improving the persuasive effect of institutional change	Brown <i>et al.</i> (2012)
Controversies and disputes	Letter of complaint (a student's complaint case at the University of Jordan)	Qualitative analysis	What are the main strategies that students use to persuade the addressee to take action?	The three means of persuasion are conducive to persuading managers to take action	Al-Momani (2014)
Commercial advertisement	Real commercial advertisements and sample advertisements recommended to advertising companies	Content analysis	How to choose rhetorical strategies to make commercial advertisements achieve the desired publicity effect	By using the combination of the three means of persuasion, the ideal publicity effect can be achieved	Romanova <i>et al.</i> (2019)
E-commerce products	Crowdfunding platform	Content analysis	What rhetorical skills should crowdfunding entrepreneurs use	The crowdfunding project using the three means of persuasion has the greatest persuasion effect	Tirdatov (2014)

Rhetoric plays a key role in explaining the persuasive effects and the symbolic means used in different forms of discourse. Table 1 shows that the classic Aristotle's framework of *ethos*, *logos* and *pathos* can be used as a general tool to analyze different persuasions in various fields. Till now, most of the studies on discourses in livestreaming E-commerce in China have mainly focused on the credibility of the persuader, the content structure, and the characteristics of the audiences (Peng 2020). We believe that it is also promising to use the *ethos*, *logos* and *pathos* framework to analyze the persuasive discourses in livestreaming E-commerce. And in this paper, we choose to focus particularly on the discourse in charitable e-commerce livestreaming, for in such a context the anchors are normally marketing some public welfare products, thus they will need to take more efforts to convince the audience of the quality of the products, and sometimes they will have to try various means in order to provoke the purchase willingness from the audience.

Since livestreaming E-commerce is becoming a vital part of China's internet and digital economy, more and more commercial organizations are gradually getting involved. Among them, the New Oriental company is a very famous example. the New Oriental company used to be a giant company in the field of education and training in China, but in 2021 the Chinese government has implemented the "Double Reduction" policy which forbids almost all the outside class training, so the market value of New Oriental fell by 90%. 60,000 employees were dismissed, and the total cash outlay for tuition fees and rent refunds from teaching stations, etc. reached nearly 20 billion yuan. Then, the company chooses to turn to the livestreaming sales to save its own business. The New Oriental's six months (From June to November 2022) of Gross Merchandise Volume (GMV) reached again \$4.8 billion. However, this would not be possible without the contribution of its most famous streamer, *Dong Yuhui*. At present, the number of followers in Dong Yuhui's e-commerce live streaming room has reached 1126 million. So in this paper we choose to carry a case study on Dong Yuhui's discourses in his charitable e-commerce livestreaming, especially, his live-stream sales on agricultural products and books during June to September 2022.

3. "A YOUNG MAN WHO IS STRUGGLING IN A BIG CITY LIKE YOU AND ME"

Aristotle believes that the impression of a person's personality is an important factor for persuasion. As mentioned above, to be convincing, a speaker needs to have three qualities in character: good sense, excellence, and goodwill. Dong Yuhui's growth experience is inspirational and touching. From the last place in the English exam when he was a child, he eventually became an eminent English teacher in New Oriental who had taught 500,000 students. Because of his love of reading, he became popular on the Internet years later with his solid literary foundation. When he was a teacher, he found a way to subsidize poor students without telling them. He asked for nothing in return and only wanted them to grow up happily. Dong Yuhui's abundant experience, tenacity,

kind and upright character are consistent with the good qualities that people yearn for, which has aroused broad value recognition in his audience.

After receiving a widespread attention, Dong Yuhui still identifies himself as “*a farmer’s child, a young man who is struggling in a big city like you and me*”. “*As a former teacher and a current e-commerce streamer, it is my blessing, honor and mission to impart knowledge, make people love reading, and finally love life.*” In the face of the New Oriental crisis, Dong Yuhui did not shrink back or leave, but instead remained steadfast in his original intention of teaching and educating people, and integrated his personal goals with the larger national picture. As one netizen commented: “*Selling goods is secondary. Dong Yuhui’s correct values and transparent outlook on life are what ordinary people pursue.*” For many netizens, following Dong Yuhui’s live broadcast room means a status symbol and value recognition, indicating “taste”, “cultivation”, “style”, “never give up”, etc.

Moreover, *Ethos* appeal emphasizes that the speaker must establish his or her own character through words, implying and constructing his or her professionalism and goodwill between words. It can be seen that Dong Yuhui himself also tries to build his own image of a streamer with both morality and talent through his own words to help consumers make an overall evaluation on his credibility and personality.

Example 1: *Why does helping farmers win the hearts of people? First of all, it is in line with the social morality of “To ordain conscience for Heaven and Earth. To secure life and fortune for the people.” “I have heard that dukes and senior officials are beset with worries not about their poverty, but about lack of equal shares, not about the scarcity of sustenance in their regions, but about the stability and peace of their populace’s life.” So that is “From those to whom much has been given, much is expected.”* (Source: Special charitable e-commerce live streaming of Yunnan trip in Dong Yuhui’s live broadcast room in September 2022. Products: Yunnan Sunshine Rose Grape)

Here Dong Yuhui has talked about his views on supporting agriculture in the live streaming. He began by referencing Zhang Zai’s “Heng-qu’s four dicta” in the Northern Song Dynasty to express that supporting farmers is in line with social morality. “To ordain conscience for Heaven and Earth” refers to establishing a spiritual value system for society with morals like “benevolence” and “filial piety” as the core. That is to say, to make the world full of “benevolence and righteousness”, we must first possess these qualities ourselves. In the second half of the sentence (To secure life and fortune for the people), “people” refers to the masses, while “life” pertains to the fate of the masses. This involves the issue of “settlement of life” that Confucianism has been paying attention to. “To secure life and fortune for the people” implies that officials should prioritize the safety and well-being of the citizens. In this example, Dong Yuhui initially highlighted the importance of supporting agriculture, and linked it to the idea of “To ordain conscience for Heaven and Earth. To secure life and fortune for the people”, reflects his commitment to social responsibility and dedication to China’s public welfare undertakings. In the second sentence, quoting the famous sayings of “*People*

do not suffer from poverty but from inequality” from *the Analects of Confucius*, Dong Yuhui illustrates that the distribution of social wealth is a major problem for any country and society. This also shows his concern for others and social equity. Dong Yuhui believes that people with talents, property status, power and opportunities should do something beneficial to society and human beings. Therefore, he quoted the third ancient famous saying, “*From those to whom much has been given, much is expected*”, showing his noble sentiments and spirit of serving the people. These character traits are constantly pursued and adhered to by him in public welfare undertakings. In the previous example, he used three well-known sayings in a row to answer the question “Why do helping farmers win the hearts of people?” This showed his profound understanding of traditional Chinese culture. The excellent character and noble sentiments he showed in the e-commerce live streaming are based on erudite and versatile qualities.

4. “TO REVERE NATURE IS TO REVERE OURSELVES AND HUMAN BEINGS”

Dong Yuhui has also preferred to use the power of *logos* to generate persuasive effects. He excels at adducing good reasons to convince the audiences, and this, in turn, also makes him so particular as a successful streamer. Most Chinese streamers, even the top ones like *Li Jiaqi*, like to persuade their audiences by simply emphasizing the discount in price, and by quoting their own personal experience of using the product. Their contents of live streaming are typically as follows: introducing the characteristics of the product, emphasizing the price advantages, reporting inventory time and again, and using repeatedly the iconic slogans like “Oh my god!” “Buy it! Buy it! Buy it!” to stimulate the audiences’ nerves to encourage buyings.

The following two passages are example of the reasons *Li Jiaqi* used to persuade the audience to buy his products.

Example 2: *This color is extremely fashionable. On my god! This color reminds me of a female star, Angelina Jolie. It's really beautiful and special. I have never thought that a dark berry lipstick could make people look so white. Be sure to buy this color!* (Source: Li Jiaqi's Taobao live streaming room on April 1, 2021. Product: M.A.C lipstick)

Example 3: *Bestore still has 6,000 boxes of small walnut kernels. Now, 4000 boxes left. It is a real bargain and everyone is rushing to buy it, and there are only 2,000 boxes left. Although it costs 89 yuan per box, you will definitely feel highly cost-effective.* (Source: Li Jiaqi's Taobao live streaming room on December 25, 2021)

In Example 2, the reason why Li Jiaqi recommended lipstick was that it can make people look whiter and fancier. In order to express his affirmation of the value of the product, he incorporated English words such as “oh my god”, “special” and “low” in

between the Chinese sentences. This livestreaming mode creates a humorous atmosphere through code-switching (such as Chinese to English), so as to be psychologically closer to the audiences in the live streaming room. In example 3, Li Jiaqi stimulated the audience's desire to purchase the product by emphasizing the price advantage and repeatedly reporting on the inventory, thus prompting audiences to buy the product as soon as possible.

In contrast, the reasons offered by Dong Yuhui are always more subtle. To illustrate this point, we will make a comparison between the live streaming discourses of Dong Yuhui and another famous streamer Liu Yuanyuan. They happen to have recommended the same book "*The Natural History Book*" respectively in their live streaming rooms at different times.

Table 2 A comparison between Liu Yuanyuan's and Dong Yuhui's live streaming discourses (Example 4)

Product in live streaming	<i>The Natural History Book</i>	<i>The Natural History Book</i>
Source of discourse	Liu Yuanyuan's TikTok live streaming room on September 6, 2021	Dong Yuhui's New Oriental live streaming room on June 16, 2022
Discourse in live streaming	<i>This book can now be seen as a classic work, the price of which will not easily be cut. Originally priced at 460 yuan, it is currently available for only 168 yuan, representing an incredible discount of 300 yuan.</i>	<ul style="list-style-type: none"> · This book helps children understand how to revere nature <i>The elements of our bodies are as old as the blue planet beneath us. For example, 70% of our body is water, and the hydrogen that makes up water comes from the Big Bang. The rice and flour we eat is essentially carbon, which comes from nuclear fusion inside the earth. Additionally, our bodies contain iron, which when combined can form a nail approximately 7cm long. Therefore, from this perspective, we are no different from rocks, flowers and trees, as well as birds and beasts. Only by revering nature can children be friendly to nature. To revere nature is to revere ourselves and human beings.</i> · This book tells children not to complain too much when they are having trouble. <i>Children will encounter numerous changes during their growth, but the only thing that remains unchanged is change.</i>

		<p><i>When children read The Natural History Book, pictures of species one after another made them obviously feel the change. It's critical to remind them that when their own circumstances change, they shouldn't excessively complain, but rather adapt their mindset accordingly.</i></p>
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In the above example, Liu Yuanyuan only emphasizes the original price and the current discount before sharing the link of the products. This approach, known as “price stimulus” in marketing, taps into consumers’ psychology of seeking lower prices. Unlike the low-cost purchase gimmick prevailing in the live streaming e-commerce market, Dong Yuhui’s live streaming persuasion is extremely different from pure “consumerism”. When recommending the same book, Dong Yuhui used parallel sentences to popularize hydroxide and nuclear fusion to the audience in the live streaming room, and then he swiftly transitioned into a philosophical discussion by asking, “Why do we feel a sense of familiarity when we see these?” Because we have the same composition as rocks, flowers and trees, birds and beasts, and human beings themselves are biophilia. We should therefore make our children revere nature, ourselves and human beings. The reason offered by Dong Yuhui for buying the book is that the book is not just a simple encyclopedia of natural collection, but it also tells the children what the true meaning of life is. By reading this book, children unconsciously expand their horizons and develop a disciplined cognitive system. As a result, although he did not emphasize the low price at all, more than 30,000 copies of the book were sold on the day of his live streaming.

As a successful anchor, Dong Yuhui has gained popularity among his audience. He knows well that repetitive and emotional discourses cannot attract the audience’s for long periods of time. He tries to share his own insights of the product with his audience, rather than merely introducing products. He never imitates other streamers, and his discourses are always unique, reason-based and culturally embedded.

5. “IN FACT, IT IS NOT THE CORN YOU ARE MISSING, BUT YOUR FORMER SELF”

Empathy is the link between the streamer and the audience, and Dong Yuhui has shown remarkable skills in evoking emotional experiences and in establishing an emotional connection with his viewers. He is good at finding a relationship between the products and the viewers by excavating the hidden knowledge of products, their childhood memories and life situations. He likes to describe a real life scene to resonate with the audiences. During these moments, the audiences began to re-examine the value of the products and establish a favorable link between the products and themselves. For example, when selling northeast Nongsao corns, Dong Yuhui gave a lively description of the following scene:

Example 5: You often remember that in the midsummer wind, you sit in the yard to enjoy the cool night breeze. The leaves were rustling, one or two unknown birds occasionally flew by, making a crisp sound. You were eating a corn poked with chopsticks, and holding in your hand the cooled watermelon just taken out of the well. Adults were busy talking, sometimes whispering and sometimes laughing. You didn't care what they were talking about because you don't know any about human affairs at that time. Many years later, you can barely remember the taste of that corn, but you clearly remember those midsummer nights, stars shining, breeze blowing, and leaves rustling. You were young at that time, without having a headache or cervical spine problem that would make you toss and turn in the sleepless night, or make you feel dizzy in the morning when you wake up. At that time, your parents were still in good health, they were young and your grandparents were with you. In fact, it is not the corn you are missing, but your former self. (Source: Dong Yuhui's New Oriental live streaming room on September 22, 2022, product: Northeast Nongsao Corn)

In this example, Dong Yuhui talked about a person's typical childhood memories, such as the sunshine in the alley, the occasional birds flying into the yard, and the many stars in the sky, all of which evoke the emotional memory of consumers. And then he linked the product with the viewers' reminiscent feelings. By incorporating emotional storytelling and evoking childhood memories, he creates a deeper connection with the audience. This connection helps to foster empathy between Dong Yuhui and his viewers.

Here are two other examples of Dong Yuhui's sophisticated use of *pathos*:

Example 6: "Never had I shown you the snow on the Changbai Mountain, nor had I taken you to experience the breeze blowing in the field in October, nor had I shown you the heads of grain which bends down like a wise man. I haven't taken you to witness all this, but honey, I want you to taste the rice that resemble them." (Source: Dong Yuhui's New Oriental live streaming room on July 26, 2022, product: Heilongjiang Wuchang Paddy Rice)

Example 7: In explaining why the price of agricultural products sold in his live streaming room are sometimes higher, Dong Yuhui says that: "Cheap grain harms the peasants. If an agricultural product is completely unprofitable, fewer people are opting to farming. Therefore, the price of agricultural products cannot be too low. However, it also cannot be too high, because we should be responsible to consumers. It costs 20 yuan for a box of apples, which is not expensive. But the money for selling 1,000 boxes of apples in one night will be sufficient for the farmer's child to go to college, enough for his living expenses, and enough for the medicine cost of elderly

people in rural areas.”

In both passages Dong Yuhui is appealing to the audiences' emotional feelings. The first would be our hoping to make the best for our lover whenever we can; and the second is our natural sympathy to the hardworking farmers living in a poor situation in rural areas, it makes us feel that every order they placed was a good deed to farmers. In general, Dong Yuhui's selling discourses tend to provide sentimental value for the audiences. He uses various rhetorical devices such as parallelism and antithesis to create vivid and engaging visualizations that can enhance the audience's experience. And his uses of picture narrative techniques create a special atmosphere that brings to the audience much pleasure and a sense of beauty. By immersing the audience into his narratives, he enhances emotional resonance and strengthens the connection between the audiences and his products.

6. CONCLUSION

The classical three means of persuasion proposed by Aristotle have been widely used to study the effective persuasions in various fields. In this paper we also adopt this Aristotelian framework to analyze the discourses in Chinese livestreaming e-commerce, focusing particularly on a case study of the very famous and successful streamer Dong Yuhui. It is shown that Dong Yuhui has appealed regularly and deliberately to *ethos*, *logos*, and *pathos* in order to engage his audience and to convey his message persuasively. In terms of *ethos*, Dong Yuhui effectively shapes himself with a respectful personality that is appropriate and compelling for his audience. Regarding the means of *logos*, his arguments are always well-organized and can better cater to the audience's thinking. Moreover, he pays attention to the structure and coherence of his reasoning, ensuring that his audience can follow along and understand his messages. At last, Dong Yuhui also excels at appealing to *pathos* in his livestreaming, he prefers to use narrative tactics to evoke emotions and to inspire association and resonance among his audience. Streamers commonly use various linguistic tools and techniques to influence their audience's preferences, attitudes, and responses without forcefully imposing an idea on them. Our analysis of Dong Yuhui's case makes it clear that the effective uses of *ethos*, *logos*, and *pathos* are crucial for a good streamer. And it also indicates that Dong Yuhui's success cannot come down to any of these three means alone, a successful streamer need to apply all of them to create a balanced and more compelling persuasion.

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Inferentism vs Reasonism in the Analysis of Arguments

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ABSTRACT: Argument Dialectics is a reasonist and holistic theory of argument. It is a reasonist theory because it conceives arguing as presenting something as a reason for something else, and it is holistic because the conclusion is not primarily the conclusion of an isolated argument, but the conclusion of a discourse. To illustrate how reasonism works, and how it differs from the prevailing atomistic inferentism, we will analyse several arguments in both ways.

KEYWORDS: argument dialectics, atomism, generalism, holism, inferentism, modifier, particularism, reasonism, warrant

1. INTRODUCTION

Argument dialectics (AD) is a reasonist, holistic and particularist theory of argument (Leal & Marraud 2022, Part II). It is a reasonist theory (as opposed to inferentist theory) because it conceives arguing as presenting something as a reason for something else, and not as presenting something as a logical consequence of something else. “A reason is a consideration that favors, or calls for, a certain response” (Dancy 2007, p. 20). Accordingly, that 'A so B' means the consideration B favors the conclusion A, rather than can A be concluded from B or A follows from B.

AD is holistic (as opposed to atomistic) because, if 'A so B' means *A favors B*, the conclusion is not primarily the conclusion of an isolated argument, but the conclusion of a discourse (through weighing or balance of reasons). Only when we try to isolate the effect of a consideration on the orientation of a discourse to arguments, in the traditional logical sense of compounds of premises and conclusion, appear. For the reasonist, A is an argument because, in the context of the discussion, A favors B, whereas for the inferentist the argument is A so B. AD recognizes that a consideration may be relevant to a conclusion because, without being a reason, it affects a reason in various ways, and therefore an argument is conclusive or not depending on contextual factors, and the logical properties of an argument are extrinsic to it.

Finally, it is particularistic as opposed to generalism because it maintains that what makes something a reason for something else need not be a general rule of the kind 'Data such as D entitle one to draw conclusions, or make claims, such as C', but may be a non- general

assertion which, in the context where D is advanced, explains why D is a reason for C. All this may seem odd due to the extreme influence of formal logic and deductivism in philosophy and argumentation theory. This influence has caused most argumentation theorists and philosophers to assume that warrants (i.e., that which explains how something is a reason for something else) must be general.

A particularistic account of warrants is based on the idea that concrete particular judgments are epistemologically prior to abstract principles and that humans simply have the ability to recognize that a certain reason succeeds favoring a claim in a particular situation regardless of knowing any universal generalization or rule of inference. Understanding that a reason favors a claim does not require prior knowledge of some abstract rules of inference, but rather that such rules are abstracted from concrete cases as rules of thumb. This means that there are no “pure laws of form” completely separated from matter (Theron 1997). This particularistic account of warrants has more evidence for it than what is currently acknowledged. It is supported by the new theory of material induction where inductive reasoning is not governed by general rules but by particular facts obtaining within particular domains (Norton, 2003, 2010, 2014). Indeed, the same seems to hold for scientific reasoning in general (i.e., for confirmation, discovery, and explanation) (Brigand 2010). There is a reason to think that this is also true for traditional deductive argumentation, as evidenced by the fact that semantic and logical paradoxes seem to be generated by the assumption that inferences work solely in virtue of the form of an argument (Smith 1986, pp. 173–194; 1988, pp. 124-176). Furthermore, both *modus ponens* and *modus tollens* have arguably been shown not to be universally valid (McGee 1985; Malerkern 2020; Yalcin 2011; Stern & Hartmann 2018). In addition, so called ‘formal inferences’ can be analyzed in terms of material inference but not vice versa. (Brigand 2010, following Brandom 1994). Plus, material inference captures Wittgenstein's idea that meaning is (at least to some extent) use; we are able users of concepts and syntax without being able to formulate any explicit rules for such use. Finally, there have been recent advancement of “logical particularism”, which is a logic without general logical principles (Wyatt & Payette 2018; 2021). While it is true that the above research — while criticizing and rejecting generalism and formalism — has not departed from inferentism, nor hence from the stress on logical consequence and atomism, it is obvious that the result of this research coheres very well with AD holism and with a particularistic account of warrants.

Although it is beyond the scope of this paper to discuss the nature of warrants, we can assert that the idea of non-general warrants is not an implausible idea.

These principles are displayed in several ways in Argument Diagramming in AD; namely and among others:

- (a) Arguments are no longer chains of inferences, and to the vertical premises-conclusion axis, a horizontal axis representing the relationships between arguments must be added.
- (b) In addition to reasons and conclusions, considerations that, without being reasons in themselves, are conditions for something to be a reason, or that increase or decrease the weight of a reason must be represented.
- (c) To represent second-order reasons, we must allow that an argument can function, as well as a consideration, as a premise or as a conclusion.

To illustrate how reasonism works, and how it differs from the prevailing atomistic inferentism, we will provide analyses of both approaches.

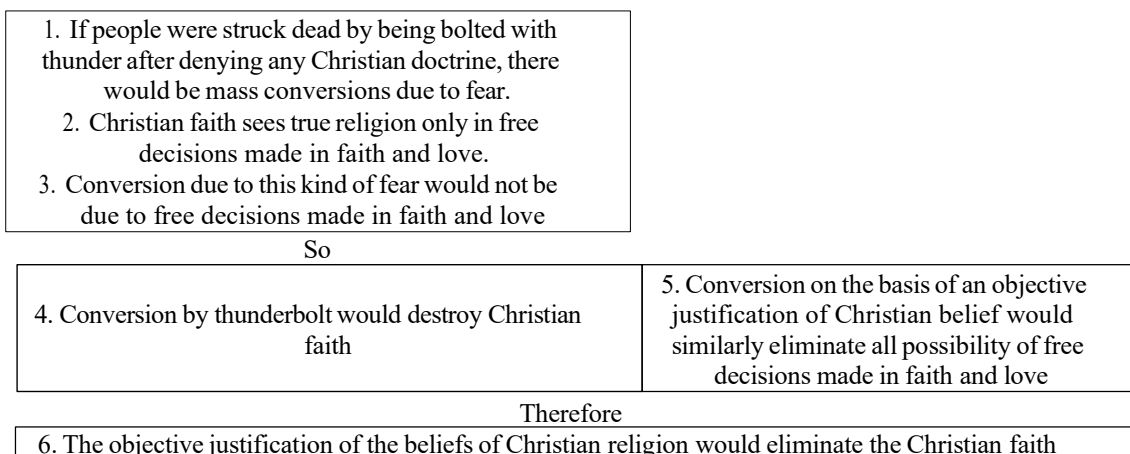
2. SERIAL VS SUPPOSITIONAL ARGUMENTS

“An example seems the best way to illustrate the truth of this claim. Alasdair MacIntyre once argued that Christianity does not require any fully objective justification for beliefs about God. MacIntyre defended this conclusion by saying that anyone founding his religious belief on an objective justification proving God’s existence would, in effect, be unfree in his belief in God. He put it this way: ‘(S)uppose religion could be provided with a method of proof. Suppose for example... that the divine omnipotence was so manifest that whenever anyone denied a Christian doctrine he was at once struck dead by a thunderbolt. No doubt the conversion of England would ensue with a rapidity undreamt of by the Anglican bishops. But since the Christian faith sees true religion only in a free decision made in faith and love, the religion would by this vindication be destroyed. For all the possibility of free choice would have been done away. Any objective justification of belief would have the same effect. Less impressive than thunderbolts, it would equally eliminate all possibility of the decision of faith. And with that, faith too would have been eliminated.’” (Trudy Govier 2019, pp. 9-11).

GOVIER’S INFERENTIST ANALYSIS

“1. If people were struck dead by being bolted with thunder after denying any Christian doctrine, there would be mass conversions due to fear.
 1. Christian faith sees true religion only in free decisions made in faith and love.
 3. Conversion due to this kind of fear would not be due to free decisions made in faith and love.
 So,
 4. Conversion by thunderbolt would destroy Christian faith.
 5. Conversion on the basis of an objective justification of Christian belief would similarly eliminate all possibility of free decisions made in faith and love.
 Therefore,
 6. The objective justification of the beliefs of Christian religion would eliminate the Christian faith.” (Op cit., p. 10).

Govier thus reconstructs MacIntyre’s argument as a subordinative argument.



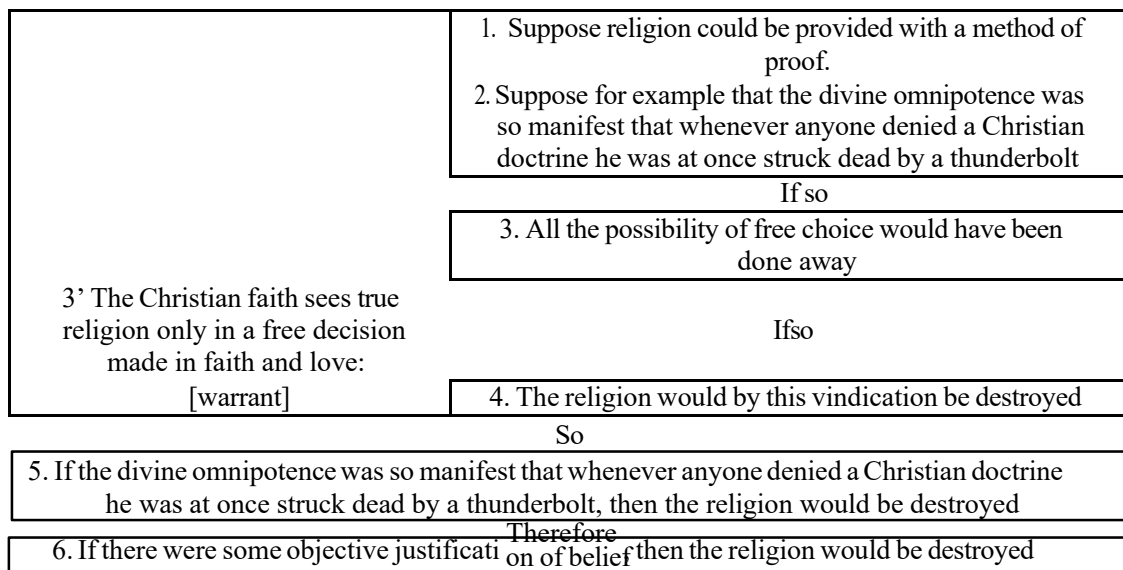
ADREASONIST ANALYSIS

Analysis should be guided by argumentative connectors, punctuation marks and other similar devices (in bold):

(S)uppose religion **could** be provided with a method of proof. **Suppose** for example that the divine omnipotence was so manifest that whenever anyone denied a Christian doctrine he was at once struck dead by a thunderbolt. **No doubt** the conversion of England **would** ensue with a rapidity undreamt of by the Anglican bishops. **But since** the Christian faith sees true religion only in a free decision made in faith and love, the religion **would** by this vindication be destroyed. **For all** the possibility of free choice **would** have been done away. **Any** objective justification of belief would have the same effect. Less impressive than thunderbolts, it would equally eliminate all possibility of the decision of faith. **And** with that, faith **too** would have been eliminated.

Diagram

A first possibility is to insert a conditional as an intermediate conclusion of the suppositional argument and premise of the following generalization.



This reconstruction is elegant and reminiscent of the natural deduction rules of conditional introduction and generalization. The catch is that it departs from MacIntyre's literalism. A second possibility is to take as premise the first argument as a whole and as conclusion the second argument as a whole:

2' The Christian faith sees true religion only in a free decision made in faith and love: [warrant]	1. Suppose for example that the divine omnipotence was so manifest that whenever anyone denied a Christian doctrine he was at once struck dead by a thunderbolt
	If so
	2. All the possibility of free choice would have been done away
	Ifso
Therefore	3. The religion would by this vindication be destroyed
	4. Any objective justification of belief would eliminate all possibility of the decision of faith
	Ifso
4' The Christian faith sees true religion only in a free decision made in faith and love: [warrant]	5. Any objective justification of belief would eliminate faith too

This is more in line with the letter of what MacIntyre says, but it is also odder.

Remarks

In the context it is not abusive to consider 'free choice' and 'free choice made in faith and love' interchangeable, nor to understand 'religion' as referring to the Christian religion. This would lead to a new paraphrase: without a free decision made in faith and love, there is no Christian religion, very similar in content to the statement 'the Christian faith only sees true religion in a free decision made in faith and love.' 'But' presents as incompatible conclusions 'the conversion of England would ensue with a rapidity undreamt of by the Anglican bishops' and 'The religion would by this Vindication be destroyed'. Govier ignores the verbal assumptions and modes and the occurrence of 'but', and thus that MacIntyre does not claim that religion has been destroyed, but that if religion could have a method of proof, faith would have been eliminated.

In the Reasonist Analysis, 'The Christian faith sees true religion only in a free decision made in faith and love' is not a premise but a warrant: It is not a consideration constituting the reason, but an explanation of that in virtue of which something is a reason. As Toulmin states: "the warrant is, in a sense, incidental and explanatory" (Toulmin 2003, p. 91).

3. SINGLE ARGUMENT VS INTENSIFIER

"Two things are certain. The nuclear weaponry now in place will not disappear. Even if arms control talks were to resume in earnest, the best that could be hoped from them would be a reduction in the pace of growth. And the implacable hostility will not abate, either. Nor should it. Every free society has legitimate sympathy for those elsewhere who would be free. Every totalitarian regime seeks dominion over its neighbors. This conflict is fundamental. The challenge of our times is to pursue it through avenues that do not lead to the total war that will be unwinnable for all. In that quest, even the price of the Summer Games as now constituted is not too much to pay, and there are means at hand to minimize

the loss.” (Govier, Op. cit. 219, 236-237; from William Gold, ‘Games Were Doomed
 Four Years Ago’, Calgary Herald, May 15, 1984).

GOVIER’S INFERENTIST ANALYSIS

- | |
|---|
| <ol style="list-style-type: none"> 1. The nuclear weaponry now in place will not disappear. 2. Even the most successful arms control talks would only reduce the amount of nuclear weaponry. 3. Implacable hostility between the superpowers will not and should not disappear. 4. Every free society has legitimate sympathy for those who want to be free. 5. Every totalitarian regime seeks domination over its neighbors. 6. The conflict between free societies and totalitarian regimes is fundamental. 7. The conflict between free societies and totalitarian regimes must be pursued short of total war. 8. There are means to minimize the loss of the Summer Olympic Games. |
|---|

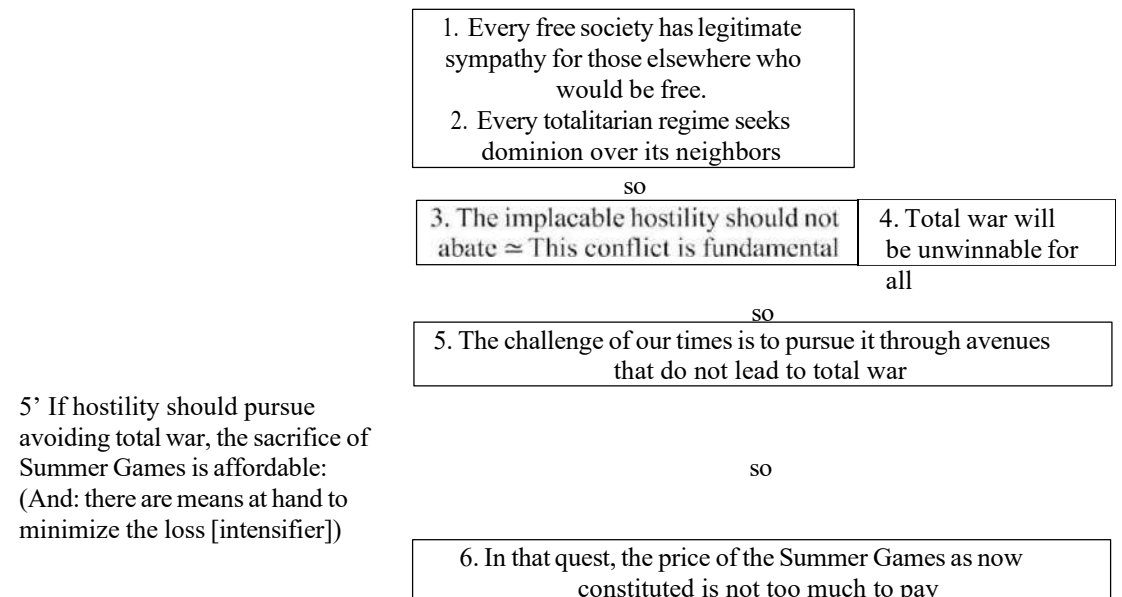
Therefore

- | |
|--|
| <ol style="list-style-type: none"> 9. The loss of the Summer Olympic Games is not too high a price to pay for the benefit of pursuing the fundamental conflict between superpowers. |
|--|

ADREASONIST ANALYSIS

The first part of the text seems part of a rejoinder to a previous argument, with an opposite slant to the one that follows. Unfortunately, the 1984 *Calgary Herald* is inaccessible to us.

We will therefore analyze only the second part: “Nor should it [the implacable hostility abate]... **In that Quest, even** the price of the Summer Games as now constituted is not too much to pay, **and** there are means at hand to minimize the loss.” Govier turns a contextual factor relevant for evaluating the argument (*There are means to minimize the loss of the Summer Olympic Games*) into a premise, a part of the argument in its own right. From a reasonist point of view, it is a contextual factor that increases the weight of the reason added, as shown in the diagram below.



For the reasonist, an intensifier is an element that increases the strength of the reason in the context in which it occurs. One could object that what we take as a contextual factor outside the argument: *there are means at hand to minimize the loss*, should be interpreted as an argument part of a complementary coordinately compound argumentation (van Eemeren & Grootendorst 1984, Snoeck Henkemans 1997), that is, as an additional argument whose function is to block an anticipated objection against the warrant (5'). But that is not a credible interpretation for two reasons. Complementary arguments are supposed to refute anticipated objections against the sufficiency of the argument they complete, and it is difficult to see how "there are means at hand to minimize the loss" would work in that respect. Second, such an interpretation would turn the warrant into another reason for the claim, which makes much less sense with respect to the argumentation as a whole. That there are means to minimize the losses deriving from an action is not *per se* a reason to perform it. Thus, the claim makes more sense as something external to the argument itself that increases its weight.

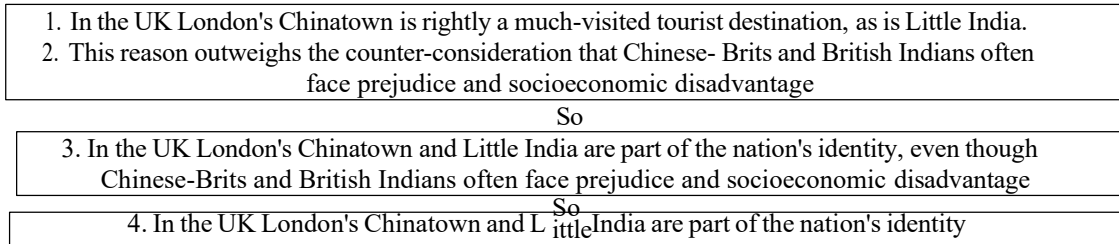
4. BBC-ARGUMENT VS REFUTATION

For an inferentist analysis of weighting (conductive arguments) we turn to Hans Hansen (Hansen 2011). We have analyzed according to his model a real argument from the BBC.

"This offers us a new way of looking at national pride. It doesn't have to mean seeing 'your people' as better than other nations', nor does it mean a centralisation of meaning and power. Instead, it can involve the devolution of traditions and an appreciation of regionality and of the enormous cultural value of new citizens. The European Union is an example of supranational identity that allows citizens to feel they are European and identify with the values of the EU, but without having to give up their national identity. A similar idea can apply within nations as well as between them. In the UK, for instance, London's Chinatown is rightly a much-visited tourist destination, as is Little India – they are part of the nation's identity, even though Chinese Brits and British Indians often face prejudice and socioeconomic disadvantage."
(Gaia Vince, 'Is the world ready for mass migration due to climate change?'. BBC Future, 11/11/2022. <https://www.bbc.com/future/article/20221117-how-borders-might-change-to-cope-with-climate-migration>).

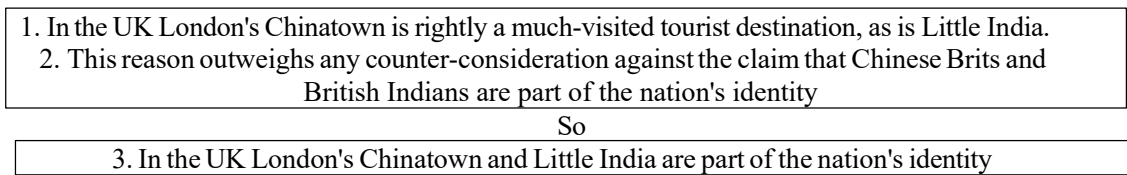
A distinctive feature of Hansen's analysis is that he adds an on-balance premise: "These reasons outweigh the alleged counter-considerations", which is necessary for the conclusion to follow from the premises.

HANSEN-STYLE INFERENTIST ANALYSIS

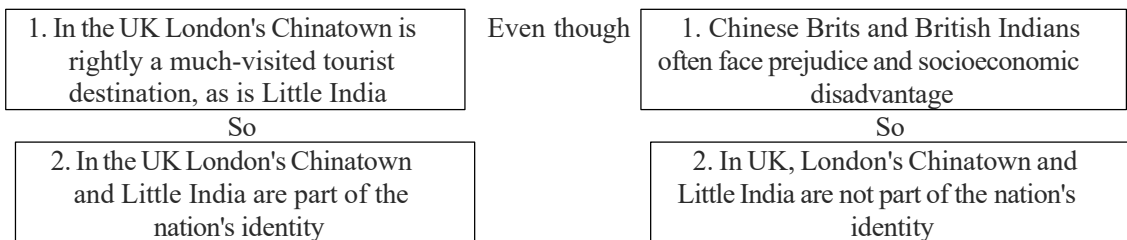


There is a difference between concluding something from the conjunction of several considerations (premise 3 consists of several considerations) and from concluding from considerations despite counter-considerations. Hansen's analysis handles the two cases in much the same way, although concluding something from a consideration despite counter-considerations involves a crucial weighing of reasons.

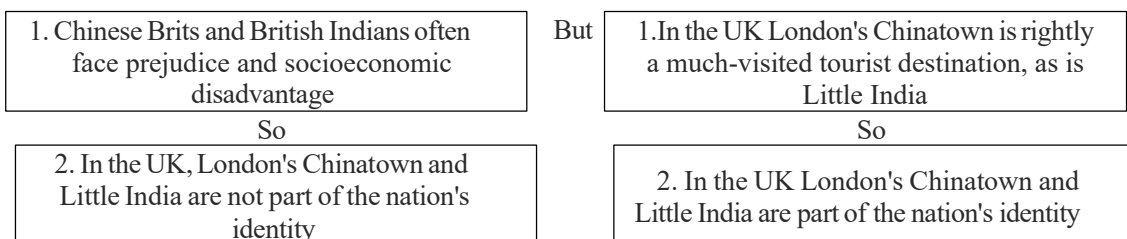
Secondly, it could be argued that the inference presupposes that the considerations adduced to support the conclusion outweigh any counter-considerations that might be adduced, and should be inferentially reconstructed as:



AD REASONIST ANALYSIS



Or, equivalently,



Thus, the inferentist chaining of arguments is transformed into a weighting of *pro tanto* opposed reasons. The conclusion of adduced considerations is that in the UK London's

Chinatown and Little India are part of the nation's identity. From a reasonist perspective, the contribution of each consideration is assessed separately, and segment the discourse into two arguments that are weighed against each other. By contrast, interpreting the discourse from an inferentist perspective yields either that although there are indeed two arguments, they are instead connected by a chain of inference with a single direction, from top to bottom (the first inferentist analysis), or that there is only one argument, which entails that all premises are linked into one single reason (the second inferentist analysis). The reason for this dissimilarity between an inferentist and reasonist analysis, is that for inferentism, there is only one interargumentative relation: ‘chaining’ or ‘concatenation,’ while a reasonist framework with its holistic approach has a variety of inter-argumentative relations which makes the notions of weighing and comparing opposing reasons essential.

5. ARGUMENTUM A FORTIORI

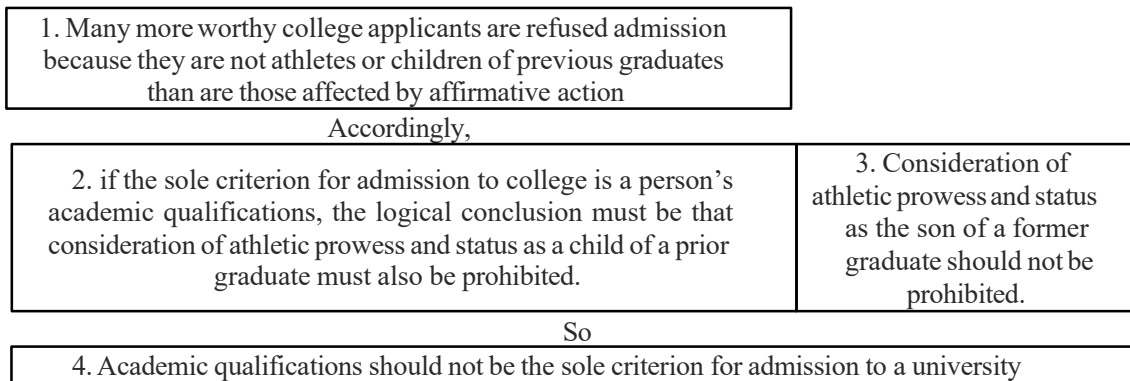
“If admissions must be on only academics, we must reconsider athletics too.

The Oct. 26 front-page article “One man’s battle to ban race in admissions” reported on Edward Blum’s carefully engineered legal cases attempting to have the Supreme Court prohibit consideration of race in college admissions. The article states that Mr. Blum’s major concern is that many worthy applicants are refused admission because they are not Black.

While perhaps trite, Mr. Blum should be careful of what he is asking for because he might get it. Many more worthy college applicants are refused admission because they are not athletes or children of previous graduates than are those affected by affirmative action. Accordingly, if the sole criterion for admission to college is a person’s academic qualifications, the logical conclusion must be that consideration of athletic prowess and status as a child of a prior graduate must also be prohibited.”

Bruce N. Shulman, *Silver Spring*. The Washington Post October 28, 2022 at 3:46 p.m.
<https://www.washingtonpost.com/opinions/2022/10/28/race-college-admissions/?commentID=f4298bb6-044a-4447-91a5-5ed7822b28a0>

AN INFERENTIST ARGUMENT RECONSTRUCTION



AD REASONIST RECONSTRUCTION

Shulman is criticizing an argument by Blum:

- | |
|--|
| 1. The consideration of race in college admissions results in many worthy applicants being rejected because they are not black |
| 2. Consideration of race in college ^{so} admissions should be prohibited |

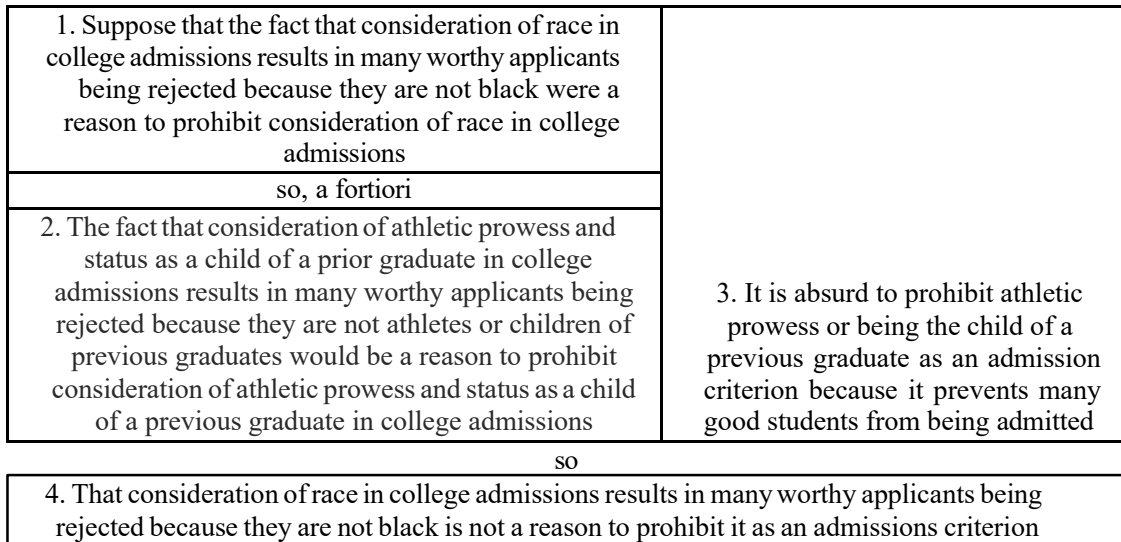
Shulman compares Blum's argument with this one, which he considers similar:

- | |
|---|
| 1. Many worthy college applicants are refused admission because they are not athletes or children of previous graduates |
| so |
| 2. Consideration of athletic prowess and status as a child of a prior graduate must also be prohibited |

In addition, Shulman enunciates the warrant (or better, the backing of the warrant) of Blum's argument (common to both arguments): the sole criterion for college admission is a person's academic qualifications. And Shulman also mentions an intensifier that applies to the second argument: *many more* worthy college applicants are refused admission.

Shulman claims that accepting the first argument forces one to accept, *a fortiori*, the second, which he, for the sake of argument, assumes to be invalid (where invalid means that the argument fails to be a reason in favor of the conclusion). Thus, Shulman uses many suppositional arguments. Alec Fisher defines suppositional arguments as “arguments [that] reach their conclusion *not* by asserting their starting points, but by *assuming* or *supposing* something ‘for the sake of argument’ as it is often described” (2004, p. 115), and further on he explains that a suppositional argument can be represented as an argument — Suppose P were the case; so C would be the case —, or as a conditional — If P were the case, then C would be the case (*Op.cit.*, p.120).

Representing suppositional arguments as counterfactual conditionals, the following diagram results:



Here the conclusion depends on two premises: one is a statement (‘It is absurd to prohibit athletic prowess or being the child of a previous graduate...’) and the other is a

suppositional argument ('Suppose that the fact that consideration of race in college admissions..., so, *a fortiori*, the fact that consideration of athletic prowess and status as a child of a prior graduate in college admissions...'). The point is that the truth of this statement and the validity of that suppositional argument entitle one to draw the conclusion that 'the fact that consideration of race in college admissions results in many deserving applicants being rejected because they are not black is not a reason to prohibit it as an admissions criterion'.

6. SUMMARY

In order to highlight the differences between the inferentist and reasonist approaches to argumentation, we have analyzed several passages from one and the other mode. We used concrete examples that have been analyzed by other authors with an inferentist approach and performed a reasonist analysis as a comparison. For a reasonist approach we chose the AD framework since that framework is the only framework (as far as we know) which has an explicit reasonist approach. Our comparative analysis of inferentism and reasonism shows that that inferentism conceptualizes argumentations as chains of inferences, with a single direction, from top to bottom, with solely one inter-argumentative relation: chaining or concatenation. The reasonist approach differs sharply from this in that it recognizes a variety of inter-argumentative relations, where the concept of weighing and comparing opposing reasons is essential. For the inferentist, a 'conclusion' is always the conclusion of an argument, whereas for the reasonist a 'conclusion' is the result of an overall assessment of the joint consideration of arguments and counterarguments. It should be clear from our comparison that the evaluation of an argumentation will be very different depending on whether the argumentation is analyzed with an inferentist or a reasonist approach. Consequently, theorists should be aware of these different approaches when analyzing and evaluating argumentation.

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A Historical Survey of Speech and Education at Mission Schools in Modern Japan

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ABSTRACT: This paper conducts archival research to shed light on speech and debate education in mission schools in modern Japan. After the Meiji Restoration in 1868, many Protestant missionaries arrived in Japan. They opened Western-style schools based on the liberal arts tradition and provided students with opportunities to practice speech and debate both inside and outside of class. This paper presents the result of a preliminary investigation into argument practice in mission schools in modern Japan.

KEYWORDS: debate, literary society, mission schools, modern Japan, visual argument

1. INTRODUCTION

This paper conducts archival research to shed light on speech and debate education in mission schools in modern Japan. After the Meiji Restoration in 1868, many Protestant missionaries arrived in Japan with the aim of spreading their Christian beliefs. As a part of their missionary efforts, they opened Western-style schools based on the liberal arts tradition. Contrary to the general belief that the Japanese oratorical culture lacks the tradition of debate and argument (Sato, 2017), many mission schools provided students with opportunities to practice speech and debate both inside and outside of class. However, speech and debate education in mission schools has been insufficiently studied thus far.

This paper presents the result of a preliminary investigation into speech and debate education in mission schools by examining published materials documenting the school histories and historical records of select literary societies. The goals of this paper are three- fold. First, this paper attempts to present an overall picture of mission schools' speech and debate education by investigating how prevalent it was among schools nationwide. Second, the paper recounts debate activities in two mission schools where debate was a major activity in their literary societies. Third, the paper looks at girls' mission schools and attempts to identify notable features in speech and debate education there. Overall, this paper argues that speech and debate education in mission schools was intended not only to improve students' speaking and argumentation skills but also to cultivate their civic virtues.

2. SPEECH AND DEBATE EDUCATION AS LIBERAL ARTS EDUCATION IN MISSION SCHOOLS

Triggered by the arrival of the US Navy ships led by Commodore Matthew Perry in 1853, Japan was forced to establish diplomatic and commercial relations with the United States and other western superpowers. This so-called opening of the country (*kaikoku*) enabled foreign missionaries to reside in seven designated ports in Japan. According to Ballhatchet (2003), “[t]he majority of missionaries were American, with contingents from Britain and Canada, and from the mainstream denominations: Presbyterian and Reformed, Congregational, Methodist, Episcopal, and Baptist” (p. 42). Foreign missionaries began to pursue missionary activities more vigorously after the longstanding ban on Christianity was lifted in 1873. Believing that education was “[t]he most easily accessible way ...to reach the hearts of the Japanese” (Ritter, 1898, p. 22), foreign missionaries invested heavily in educational work. As a result, a total of 70 Protestant mission schools—18 for boys and 52 for girls—were founded by 1889 (Watanabe, 2008, p. 144).

Against this historical backdrop, it was natural that early education in mission schools was under the strong influence of American colleges. For example, the curriculum of Toogijuku which went into effect in 1878 was modeled after that of Indiana Asbury University (now DePauw University), or the alma mater of John Ing who spearheaded the development of the curriculum (Kitahara, 2002, pp. 90-93). Another example is Doshisha Academy (now Doshisha University). The school was founded in 1875 by Joe Nijima who was ordained as a Protestant minister in the United States. Soon after the opening of the school, a literary society called *Dōshinkōsha* was formed and students held speech meetings there just like members of college literary societies in the United States (Aoyama, 1931, pp. 91-92). Like Toogijuku and Doshisha Academy, many other mission schools had one or more literary societies in the Meiji period (1868-1912), including Meiji Gakuin (now Meiji Gakuin University), St. Paul’s School (now Rikkyo University), Tokyo Eiwa School (now Aoyama Gakuin University), and Tōyō Eiwa School (now Azabu Junior and Senior High School). Literary societies were also established in all-girls mission schools such as Ferris Seminary (now Ferris Jyogakuin), Tōyō Eiwa Girls’ School (now Tōyō Eiwa University), and Shinei Girls’ School (a precursor of Joshigakuin Junior and Senior High School).

Common activities in literary societies included speech (oration), debate, declamation, and essay writing. Performing arts such as theater and music were also a substantial portion of literary societies’ activities in some mission schools, especially girls’ schools. Just like American colleges at the time, liberal arts were at the heart of mission schools’ education in the Meiji period (Sato, 2006). According to Schmidt (1957), college literary societies in the United States represented “probably the most liberal part of the ‘liberal’ education of the nineteenth century” (p. 99). This holds largely true for mission schools in Meiji Japan. Literary societies performed important civic functions by providing students with a space to speak up and engage in free and open discourse.

Activities in literary societies were often conducted in both Japanese and English. Many mission schools founded in the 1870s and 1880s were initially named Eiwa or Waei Gakkō (literally, English-Japanese or Japanese-English Schools). As the names suggest, mission schools attracted students for their intensive English education. The by-laws of Eiwa Bungakukai, a literary society at Meiji Gakuin, stipulated that composition, speech,

and debate be practiced in both English and Japanese (Kikuta, 1970, p. 80). Kwansei Gakuin even had two literary societies: Seinenkai (the Youth Association) and Eigo Bungakukai (the English Literary Society). Members of the Youth Association practiced oration, debate, elocution, declamation, and essay writing mostly in Japanese (Kwansei Gakuin Kirisutokyōshugi Kyōiku Kenkyūshitsu, 1976). Members of the English Literary Society, on the other hand, undertook “their business transactions and literary exercises” in English (Kanzaki, 2005, p. 220).

It should also be noted that literary societies allowed students to socialize with those from other mission schools. Literary societies of some mission schools periodically held joint meetings. Such intermural events usually lasted longer, involved more activities, and attracted larger audiences. For example, St. Paul’s School, Tokyo Eiwa School, Tōyō Eiwa School, and Meiji Gakuin formed Dōmeibungakukai (an allied literary society) and held joint meetings in the late 1880s (Kikuta, 1970, pp. 97-98). Invitations were also sent to several girls' mission schools as well. To mention one example, a joint meeting on February 22, 1889, garnered over 350 participants, including students and faculty from five girls’ schools (Miyaji, 1970, pp.105-106). Students from Shinei Girls' School even performed music on stage. As no co-educational schools existed during this period, these joint meetings were rare opportunities for male and female students to learn together in the same physical setting.

3. DEBATE ACTIVITIES IN MISSION SCHOOLS: THE CASES OF MEIJI GAKUIN AND TOOGIJUKU

This section focuses on debate activities in mission schools. Although the details of debate activities in mission schools remain largely unexplored, our preliminary archival research has found that debate was a major activity in the literary societies of at least two mission schools in the 1870s and 1880s: Toogijuku in Hirosaki (the northern part of Japan) and Meiji Gakuin in Tokyo (the eastern part of Japan). Debate was also regularly conducted in the Youth Association of Kwansei Gakuin in Osaka (the central part of Japan) in the early 1890s. This geographical diffusion hints at the spread of debate education among mission schools across Japan.

Eiwa Bungakukai, a literary society at Meiji Gakuin, was established in 1884. As noted above, its goals were to develop students’ writing, speaking, and debating skills in Japanese and English. From the beginning debate was the main feature of its regular programs. A debate usually took place towards the end of a regular program following several speeches. All students at Meiji Gakuin were divided into two opposing teams in advance and the team leader and secretary assigned students to debate on behalf of the team (Miyaji, 1970, p. 103). No information about the number of speakers is available, but different students were chosen to debate each time so that all students had the chance to participate in a debate. The two teams sat opposite each other during a debate, including those students who were not assigned to speak on that day (Miyaji, 1970, p. 103). Both sides spoke several times and a decision was made by a majority vote.

The procedures for debating in Toogijuku’s literary society were a little different. The society met every other Saturday and typically opened a regular program with the declamation of famous works by several members. Other students then read their own

essays. Afterwards a debate and orations took place in that order (Kimura, 1931, p. 27; Yamaga, 1931, p. 6). Students were selected for a debate in advance and prepared arguments either in favor of or in opposition to the topic. They took turns giving speeches during a debate until all major arguments were exhausted. The chair then opened the floor to further debate and any member was allowed to voice their opinions on the topic. After a while, the chair brought such “floor debate” to closure, listened to opinions from two “jurors”, and rendered a decision. A critic was designated separately to offer an assessment of the arguments and speeches presented in the debate (Yamaga, 1931, p. 6).

These records suggest that there was no standard way to conduct a debate across mission schools during this period. Debates in mission schools seemed to be unstructured compared to the contemporary debate we are familiar with. Although the way debate was conducted at Toogijuku and Meiji Gakuin differed in many ways, they had one thing in common: All students got a chance to speak and have their opinions taken seriously by others. Branstetter (2022) argues that many people in the Meiji period came to appreciate democratic sensibilities by taking part in *enzetsukai* (speech societies) and *tōronkai* (discussion or debate groups). Similarly, we hold that the back-and-forth exchange of arguments within the literary societies not only helped students to cultivate argumentation skills but also served to inculcate democratic values and norms in them.

As far as topics are concerned, students at Meiji Gakuin and Toogijuku debated a variety of controversial issues. The topics used in Meiji Gakuin’s literary society during 1884 and 1888 ranged from “should men and women be granted equal rights?” (October 10, 1884) and “should the youth and students be given freedom to discuss politics?” (October 30, 1885) to “should the military spending be cut to build a railroad system in Japan” (March 5, 1886) (Kikuta, 1970). Although no records of specific debate topics used in Toogijuku’s literary society can be found, Hanshiro Kimura (1931), a school alumnus, recalls that political, economic, and local topics were mainly debated during his school years (from 1875 to 1881). The debate topics used in these two literary societies suggest that students at Toogijuku and Meiji Gakuin were given some leeway in debating controversial social issues including political ones—albeit within the confines of the literary societies—even after the Assembly Ordinance in 1880 prohibited students from even attending political meetings in public (Nakamura, 1993, p. 21). As the above topic list shows, students at Meiji Gakuin even debated the pros and cons of the restrictions on students’ right to speak about political matters in public.

Lastly, debate meetings in mission schools sometimes had real-world consequences. For example, a speech and debate meeting by Toogijuku’s literary society was made open to the public every fourth Saturday. According to Kitahara (2002), these public events served to inform local people of current news, stimulated the formation of local speech and debate associations, and thereby laid foundation for the growth of popular rights movements (*jiyū minken undō*) in Hirosaki (pp. 110-119). Students occasionally convened debates on pressing topics facing the school as well. For example, when Ayao Hattori, then the school manager at Meiji Gakuin, asked for students’ opinions on the relocation of the school campus, the literary society decided to hold a debate on whether the campus should be relocated to Ushigome or Takanawadai. The debate took place on March 26, 1888 and resulted in favor of Ushigome by a vote of 23 to 22 (Kikuta, 1970, p. 88). Although it is doubtful that the result of the debate affected the school’s decision, it nevertheless illustrates that school authorities valued the activities of the literary society.

4. DEBATE EDUCATION IN MISSIONS SCHOOLS FOR GIRLS

This section has two parts. The first part delineates the characteristics of debate education in mission schools by examining the debate topics we discovered through our archival research. Some mission schools for girls had debates with variety of topics on different occasions. In the second part, we demonstrate how female students engaged in argumentative practice through the analysis of a play performed by students in Ferris Seminary.

We had access to the historical records of the mission schools for girls listed in Table 1. Most of our research for this paper was conducted utilizing school history books that were compiled and published in the 1970s and 1980s for commemorative occasions, such as the school's 100-year anniversary. The availability of historical evidence in these books seems varied as each school had been affected differently by disasters, such as big earthquakes or war during the century since the school's founding.

Mission Schools for Girls	Location	Year of Est.
Ferris Seminary (Ferris Waei Jogakkō, now Ferris Jogakuin)	Yokohama	1870
Hara Girls' School (Hara Jogakkō, now Joshi Gakuin)	Tokyo	1870
Kyōritsu Girls' School (Kyōritsu Jogakkō)	Yokohama	1871
Rikkyo Girls' School (Rikkyo Jogakkō)	Tokyo	1877
Baika Girls' School (Baika Jogakkō)	Osaka	1878
Kwassui Girls' School (Kwassui Jogakkō)	Nagasaki	1879
Yokohama Eiwa Girls' School (Yokohama Eiwa Jogakkō)	Yokohama	1880
Tōyō Eiwa Girls' School (Tōyō Eiwa Jogakkō)	Tokyo	1884
Kanazawa Girls' School (Kanazawa Jogakkō, now Hokuriku Gakuin)	Kanazawa	1885
Sōshin Girls' School (Sōshin Jogakkō)	Yokohama	1886
Matsuyama Girls' School (Matsuyama Jogakkō)	Matsuyama	1886
Friends Girls' School (Furendo Jogakkō)	Tokyo	1887
St. Hilda's School (Kōran Jogakkō)	Tokyo	1887
Kinjō Girls' School (Kinjō Jogakkō)	Nagoya	1889

Table 1: The list of mission schools for girls this paper studied

In general, debate activities were not as widely practiced in girls' schools as in boys' schools. Out of 14 girls' schools surveyed in this study, only four schools published records of debate activities during the 1870s and 1880s. For example, the major activities of the literary society at Tōyō Eiwa Girls' School were musical performance, declamation, poetry reading, tableau vivant, and discussion (Miyasaka, 1975, p. 182). Tomita (1998) also suggests that theatrical performance was more characteristic of literary societies at all-girls mission schools than at their male counterparts (p. 95). It does not follow, however, that female students in mission schools had no opportunities to learn debate. For example, Keishisha and Reishisha, literary societies at Kwassui Girls' School in Nagasaki, were established to cultivate students' writing, speaking, and debating skills (Kwassui Gakuin Hyakunenshi Henshū Iinkai, 1980, p. 37). Table 2 shows the record of debate topics used in the three mission schools for girls.

Date	School, location and occasion	Debate proposition/topic	Source
May 1878	Hara Girls' School, Tokyo, Debate (Hara Jogakkō, Tokyo, Tōronkai)	1. Pros and cons of reading novels (Shōsetsu wo yomu no rigai)	Nanaichi zappō (Kyōkai shinpō, 1879, p. 4)
June 1878		2. Pros and cons of editing the customs or rules on Christian marriage proposal (Reiten/kyōkai kyūkon nadono kisoku wo henshū suru no rigai)	
		3. Is Hebrews a Letter of Paul? (Heburu sho wa hatashite pouru no tegami naru ya ina)	
		4. Can utilitarianism be used as an effective guide for morality? (Rigaku wa dōtoku no kyōdō sha naru ya ina)	
June 1, 1889	Ferris Seminary, Yokohama, the celebration for the opening of Van Schaick Hall (Ferris Waei Jogakkō, Yokohama, Ban sukoikku hōru kaikai shiki)	There was a “student debate on women’s suffrage (joshi senkyo ken ni kansuru seito kan no tōron)” as one of the programs during the celebration.	Ferris Waei Jogakkō rokujū nen shi (Yamamoto, 1931, p. 70)
February 27, 1892	Baika Girls' School, Osaka, a meeting for the literary society (Baika Jogakkō, Osaka, Dai nijū ikkai kōbun kai)	Which is more important for general education for women, English studies or Japanese and Chinese studies? (Futsū joshi kyōiku ni oite eigaku to wakangaku to izure ka omosuku beki)	Tsubomi (Kiji, 1892, p. 39)

Table 2: Topics debated in mission schools for girls in the Meiji period

The topics debated in the mission schools for girls were wide-ranging, depending on the school and the occasion. Hara Girls' School was one of the oldest mission schools for girls, having been established in 1870, two years after the Meiji Restoration, and had at least four debates in 1879. Nanaichi zappō, a Christian newspaper, reported that the school had “debate meetings (tōronkai),” one in May and another in June in 1879. Nanaichi also reported the “propositions for the next meeting,” which probably indicates that they regularly held monthly debate meetings at that time (Kyōkai shinpō, 1879, p. 4). In the May debate meeting, Hara had a debate on education which questions the worth of “reading novels” and also had a debate on Christian customs regarding “Christian marriage proposal” (Kyōkai shinpō, 1879, p. 4). As the meeting in June also had a topic related to Biblical interpretation of Hebrews, Hara Girls' School may have intended to use debate, at least in part, for religious education. The final debate topic from Hara was about “utilitarianism” which we surmise prompted philosophical or moral arguments in educational contexts. If Hara held debates on a monthly basis as the record suggests, it can be said that the liberal arts education that the missionary teachers attempted to promote took root in the school in the early years of the Meiji period.

Ferris Seminary is also one of the oldest mission schools in Japan. The school had a debate at the celebration for the opening of their new school auditorium, Van Schaick Hall, on June 1, 1889. It was part of a series of events for the whole day. In the morning, they had the main opening ceremony which included prayers, singing hymns and speeches by

missionaries and pastors. This was followed by a lunch reception which 70 guests attended, including the governor of Kanagawa Prefecture and Mr. Greathouse, U.S. Consul-General, both of whom made celebration speeches. The following afternoon, “the guests, the school staff and the students got together at the celebration,” where “the staff and students gave performances, such as playing instruments, delivering speeches and reciting verses” (Yamamoto, 1931, p. 71). One of these performances was the debate listed in Table 2. The exact phrasing of the proposition for the debate is unknown. However, it was reported that “the student debate on women’s suffrage received a big round of applause” (Yamamoto, 1931, p. 71). The topic suggests that political arguments were exchanged by students in the debate, which “drew the attention of the entire audience, reflecting the view of the times” (Yamamoto, 1931, p. 71). Around the time this debate was held, women’s rights, including women’s suffrage, were being vigorously advocated by the general public. For example, *Jogaku zasshi*, “Japan’s first mass-circulation periodical designed for women” (Brownstein, 1980, p. 319), published a series of editorials on women’s suffrage (Komyoji, 1888a, 1888b). All in all, the debate illustrates Ferris students’ willingness to actively engage in social issues.

Baika Girls’ School in Osaka was recorded having a debate in 1892. The topic was school education for girls, asking students to compare the importance of English studies and Japanese and Chinese studies. Around that time, the westernization trend present since the Meiji Restoration shifted toward nationalism, “starting from the Normanton Incident in 1886,” followed by “the government failures in Treaty Revision” and subsequent social changes such as “the promulgation of the Meiji Constitution in 1889” and “the establishment of the Imperial Diet” in the next year (Ferris Jogakuin 150 nenshi hensan iinkai, 2022, p. 124). The criticism against westernization at the time put “mission schools into financial trouble” (Yamamoto, 1931, p. 81). The debate in Baika can be seen as one of the responses to that outside criticism. Also, it should be noted that the debate was held within a meeting of literary society (*kōbun kai*), hence it is possible that the debate topic was proposed by the students.

While it is true that more mission schools for girls adopted liberal arts education selectively and focused more on activities such as drama, song, recitation and reading, through study of the debate topics from the three mission schools for women, we surmise that some schools engaged in debate and argumentation quite vigorously. Each school had to adapt to the changing social circumstances caused by the major political transition from the feudal Edo government to a modern Meiji government and chose to have different focuses in accordance with their own pedagogical principles. In the next section, we discuss a play performed at Ferris Seminary, which exemplifies another display of arguments made by female students in mission schools.

On May 26, 1887, about two years before the women’s suffrage debate discussed earlier, Ferris Seminary held a social gathering which was attended by two hundred people including the students’ families and “the ladies and gentlemen specially invited by the school” (Shinpō, 1887, p. 38). As part of the program, a *hanjimon* play was performed, which exhibited arguments for women’s rights. Other events on the program included music performances, songs and an English recitation of an excerpt from Shakespeare’s *King Lear*. The *hanjimon* play was performed by students and presumably written by the students at Ferris Seminary.

The term, hanjimonono, originally comes from a type of riddle expressed by letters and visual images, which was popular in the Edo period (Hanjimonono, n.d.). A similar form of expression in Western culture is “rebus,” which is “a puzzle device that combines the use of illustrated pictures with individual letters to depict words or phrases” (Rebus, n.d.). Both hanjimonono and rebus ask viewers to make certain efforts to reveal the hidden message/information that they present. When viewers find the answers, it eventually gives them a sense of accomplishment. The hanjimonono play at Ferris had four scenes which asked the audience to find the answer to the riddle the play as a whole presented, as Jogaku zasshi described “there was a hanjimonono” which expressed “one assertion (kakugen)” out of “the four parts of the play” (Shinpō, 1887, p. 39).

Jogaku zasshi described the four scenes of the play as follows. Scene one is on women’s clothes. The character Nakase, who wears an outfit with a hakama (a Japanese divided skirt) and hifu (a Japanese garment put on over a kimono), and the character Yoshimi, who wears western clothes, visit the character Azuma-jō who is rumoured to be conservative (shukyū heki). The three of them have arguments over “the improvement of women’s clothes” (Shinpō, 1887, p. 39). The names of the three women in the scene were carefully chosen, as Nakase (中瀬) which can be read in Japanese as “Middle-flow,” Yoshimi (西海) as “West sea” and Azuma-jō (東嬢) as “East woman,” correspond to their respective style of clothes or their character. Scene two is an argument for women’s occupations. Two Japanese women talk (monogatari) as they twist paper, which implies that they are doing a side job at home. As they twist papers, they talk about women in western countries who receive vocational aid (jusan no moyō), which indicates “the importance of women’s occupations” (Shinpō, 1887, p. 39). Scene three is about a bell and drum, which work as part of the key to find the assertion the whole play attempts to generate in this hanjimonono. In the scene, an old couple look for a lost child, making alert sounds with a bell and a drum (shōko wo nara shite), and they look “comical” (Shinpō, 1887, p. 39). Scene four is about a straw doll, which is also a part that directly leads to the assertion. In the scene, along with a prologue (kōjō) that “urges the audience to find an assertion (kakugen)” out of the “implication from the previous three scenes,” a straw doll appears looking miserable (Shinpō, 1887, p. 39). After scene four, “the audience excitedly discussed and sought for the answer, then one person answered correctly” that the assertion the play infers is “proof is better than argument” (Shinpō, 1887, p. 39).

To explicate how this hanjimonono play worked to generate the assertion that “proof is better than argument” would require additional information on Japanese language and of a famous quote from the Japanese card game (iroha karuta). First, the audience needs to notice that bell and drum (shōko) in scene three indicates a word “proof (shōko),” because they are homophones in Japanese; both are pronounced as shōko with different meaning, “bell and drum” and “proof.” Also, the appearance of the straw doll in scene four reminds the audience of a card in the Japanese card game. The card depicts a picture of a samurai raising a straw doll with a quoted proverb, “proof is better than argument.” Scene one on women’s clothes and scene two on women’s occupation function as the proofs that call for the improvement of women’s rights, which also supports the assertion that proof is better than argument. The play was a form of visual argument with an implicit claim which in turn, was articulated by the audience who were called to answer the hanjimonono riddle the play presented.

As noted in the last section, students' participation in political activities had been restricted after the Assembly Ordinance in 1880 which prohibited teachers and students from participating in political meetings (Nakamura, 1993, p. 21). The implicit argument the play presented could have been a deliberate attempt to evade violation of the Ordinance. As Pattessio (2011) notes, the limitations of such government restrictions that the Ordinance and the "Law on Assembly and Political Associations," were "far from being proof of women's limitations," but instead, were "the signs that early Meiji women had indeed created for themselves the possibility of speaking and acting in Japanese society" (p. 31).

Debate may not have been prevalent in mission schools for girls in early modern Japan; however, the surviving archival records indicate that certain schools engaged in debate quite actively. Also, some students were argumentative enough to put their political claims in a play that carefully circumvents the government restrictions and the violation of social norms.

5. DISCUSSION AND CONCLUSION

This study conducted archival research on debate activities in mission schools in modern Japan. Many of those schools followed the tradition of liberal arts education that the missionaries, mainly from the United States, intended to bring in, having literary societies in which students engaged in activities such as speech, debate, writing, theatre, or music. Not all mission schools put emphasis on debate; however, some schools considered debate as an important element of their education, and the students actively participated in it. Debate, regardless of its format, served as an important vehicle for promoting civic education and even facilitating students' political participation.

The debate topics employed in each school were varied. Some schools preferred religious and educational topics while others, with the notable example of Meiji Gakuin, debated on controversial policy topics, which can be seen as preparation for political participation, such as the promulgation of the Meiji Constitution in 1889 and the establishment of the Imperial Diet in the following year. Although this study is limited in its scope, it is possible that their debate topic choices could have changed over time.

Although this study did not find extensive records of debate by female students, some mission schools for girls did practice debate. Ferris Seminary, at least during some part of the Meiji period, debated political topics and presented political arguments in a form of a play to a large audience. Ferris can be considered to be more politically oriented than other schools since around the time they held the debate in the late 1880s, Toshiko Nakajima (also known as Shōen Nakajima or Toshiko Kishida), a prominent women's rights activist, was teaching at Ferris, and indeed, delivered her own speech at the same celebration event (Yamamoto, 1931, p. 71). In such an environment, assertive students who sought to argue for their rights might have invented a play like the hanjimonō in which their claims were implicit enough to conform to the government regulation on public assembly. To be sure, similar attempts were made elsewhere during the same period. For example, several works of fiction were published in which female characters vigorously engage in public speaking and argue for women's rights. As Sekiguchi (2000) points out, most of those "women speaker novels (*joshi enzetsu shōsetsu*)" were published "between

1886 and 1890” (p. 14). Indeed, the government restriction on students’ advocacy did not eliminate it, rather it led some students to invent creative methods to express their arguments in no less effective, but surely safer ways.

Many historical documents have been digitalized in Japan, namely through the efforts of the National Diet Library. Archival research surely benefitted from the easier access to the digitalized historical materials and the keyword search which has saved significant amounts of time. However, it would be difficult to discover argument practices such as the hanjimonos play only through a keyword search, because it is unlikely to locate the implicit arguments intentionally hidden in the play. Continuous effort is still essential in archival research to uncover argument practices in historical contexts.

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Irredentist Claim-Making

Legitimation Warrants for Possessive Statism in Vladimir Putin's War Rhetoric

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ABSTRACT: A source of significant tensions, irredentist claims are a form of strategic political argumentation by which a state claims territory from across its borders by laying claim to the people who inhabit those areas. Through a rhetorical analysis of statements by President Vladimir Putin which extended irredentist claims in the days leading to Russia's invasion of Ukraine, this paper explores irredentism as a mode of claim making that bridges local with global argumentative contexts.

KEYWORDS: global governance, international, irredentism, legitimacy, legitimation warrant, multipolarity, relations, Russian-Ukrainian war, possessive statism

1. INTRODUCTION

On February 21, 2022, in a major public address delivered three days before his country's invasion of its neighboring state, Russian President Vladimir Putin referred to the people in Ukraine as "our comrades, dear ones, among whom are not only colleagues, friends, former co-servicemen, but also relatives, people who are connected to us with blood, family ties" (Putin, 2022a). Then on the day of his so called "military operation," Putin characterized the situation in Donetsk and Luhansk as "genocide with respect to the millions of people living there who count only on Russia, who count only on us, on you" (Putin, 2022b). Less than a month later, Russia's government-controlled news media announced that the country had posted a letter to the UN High Commissioner for Human Rights, claiming "mass abridgements of the rights of Russian compatriots abroad on the grounds of citizenship, nationality, and language" (RIA News, 2022). Collectively these statements suggested that Russia's aggressive foreign policy was motivated by care for people living outside its borders. Claiming those people as its own served as justification for Russia's effort to redraw the political map of Eurasia by annexing Donbas and its population.

There is a name for this type of political action and its accompanying claims. Irredentism is a form of strategic political argumentation by which a state claims territory from across its borders by laying claim to the people who inhabit those areas. The phenomenon of irredentism is not new and it has long been viewed with concern. Some of the bloodiest conflicts over the last century and a half originated with irredentist claims. The First Balkan War was fought over territories of the Ottoman Empire. Nazi Germany's claims on Czechoslovakia ignited World War II. "Greater

Serbia” claims led to the Yugoslav wars. Armenia’s occupation of Nagorno-Karabakh seized a significant amount of land from Azerbaijan and generated a million Azeri refugees (Kornprobst, 2008). And beyond Europe, a number of irredentist disputes linger into the present as a source of significant tension. Among the better-known cases are China’s annexation of Tibet and its claim on Taiwan, Somalia’s claims to parts of Kenya and Ethiopia, the Sino-Japanese disputes over the Diaoyu/Senkaki islands, Bolivia’s claims to the Atacama region, India and Pakistan’s competing claims over Kashmir, the Israeli-Palestinian conflict, Ireland’s claim to Northern Ireland, and many others. Given this background, Russia’s invasion of Ukraine may be its own unique development, but President Putin’s irredentist justification for authorizing his military action takes up an argumentative form that exceeds this particular conflict. Thus, rhetorically, the Russia-Ukrainian war is not an isolated event and there are significant stakes for closely examining its argumentative buildup.

There are several reasons why irredentist claim-making is a worthy object of study for argumentation scholars. First, whereas scholars from a variety of disciplines such as history, geography, international relations, anthropology and others have attended to cases of irredentism either separately or comparatively, one fundamental aspect of irredentism remains stubbornly out of view. Regardless of their geo-political and cultural contexts, what makes irredentist claims distinctive is precisely their rhetorical character: they are speech acts that constitute a relationship between people, place, and political structure. Each case of irredentism has been framed by an official statement by the government laying claim to people across its borders and the responses of the challenged government as well as other foreign actors. In this sense, claim-making is a core feature of irredentism.

A step further, the political character of irredentist claim-making challenges some of the basic assumptions of our dominant models of public argumentation. First, for arguments to work, as Stephen Toulmin (1958) established, some warrant needs to be shared by speakers and audiences. The claims-grounds-warrant model thus presumes the existence of some form of community. This is the reason why we commonly justify the study of political rhetoric in its national forms as an opportunity to inquire into the character and value structure of a political community that is held together through shared cultural, symbolic, and institutional means. Irredentist claims, however, operate in the field of international relations. And if there is one feature of that field that scholars and philosophers have long highlighted and tried to work around, it is that beyond sovereignty which has been characterized as an institution—a territorial property right predicated on recognition from other states—international relations operate as an anarchy (Wendt, 1994; Hurd, 1999). From there, the question of “what motivates states to follow international norms, rules, and commitments?” (Hurd, p. 379) remains largely unanswered even as debates continue to rage among various academic schools of international relations.

Thomas Risse (2000) has also highlighted a second presupposition that has stood in the way of seriously engaging with the role of arguing in international relations. For him, the extent to which relationships of power are ever present in international relations had made it “preposterous to assume that truth-seeking discourse is possible in international politics” (p. 14). Showcasing the limits of both realist (rational choice) and social constructivist approaches to international relations, Risse has made a useful intervention by differentiating between various forms and functions of arguing in international affairs such as bargaining, rhetorical action, and truth seeking that in turn operate differently on the planes of diplomatic negotiations and public discourses. The

yield of such finer-grained approach would be to demonstrate that “argumentative rationality appears to be crucially linked to the constitutive rather than the regulative role of norms and identities” (Risse, p. 2). Consequently, this line of scholarship suggests that for international relations to operate in any form other than anarchically, some form authority and legitimacy needs to be constituted so that states’ actions and the justifications for their actions could appear as system building in some way rather than fully arbitrary.

Hence, in this paper I investigate irredentist claim making, a form of argumentation commonly perceived as a violation of international norms of sovereignty, a major assault on international law, a direct challenge to the post-colonial territorial status quo, and thus seemingly antithetical to the project of global order. I am interested in an elusive element that might better equip our argumentation models to approach the “complex case” of global politics. I take Goodnight’s definition of a complex case as “a situated argument where the settlement of a disagreement depends upon the resolution of multiple points of disagreement” (Goodnight, p. 158). Specifically, the element I seek to identify is what G. Thomas Goodnight has called the “legitimation warrant”: a missing piece in Toulmin’s model that may allow argumentation scholars “to seek out those argumentative situations where standards for reasoning essential to a field evolve” (Goodnight, p. 164). In focusing on the way legitimacy is construed in irredentist claims I, therefore, both echo and challenge Isabela Iețcu-Fairclough’s (2008) suggestion that judgments of “legitimacy in the political field, should be placed in concrete political, social contexts, and assessed in terms of the shared beliefs and norms of a given community and in terms of how they attempt to *transform* these contexts” (p. 416). I echo her emphasis on the dynamic character of legitimacy, but to honor that, I argue, we need to abandon a static notion of argumentative context as a pre-given container of argumentation and focus instead on the system-building capacity of claim-making (Keremidchieva, 2014). In my paper, therefore, I proceed in three steps. First, I provide an overview of irredentist claim-making and its connection to the problem of legitimacy in global politics. Next, I examine textual evidence from Russian President Vladimir Putin’s public announcements at the beginning of the Russia-Ukraine war. I conclude by suggesting that this most recent iteration of irredentist rhetoric has implications for the character of the system of global governance, signaling, in particular, a discursive move toward multi-polarity as an emergent model of international relations.

2. JUSTIFYING IRREDENTISM, OR THE PROBLEM OF LEGITIMACY IN INTERNATIONAL RELATIONS

The term “irredentism” was first coined in Italy in the 19th century when the country referred to Italian speakers living in the Austro-Hungarian Empire and Switzerland as “irredenta,” or “the unredeemed” (Petacco, 1998). Since then a range of political behaviors and expressions have been defined as irredentist. For example, in his study of Turkish policies in the Balkan and Middle Eastern contexts, Jacob M. Landau (1995) defines irredentism as “an ideological or organizational expression of passionate interest in the welfare of an ethnic minority living outside the boundaries of the state peopled by that same group” (p. 1). Such interest may vary greatly in intensity, with some states extending only tacit symbolic support and others providing more material

aid to kin groups outside their borders. In view of this range of behaviors, however, some scholars have opted to treat as irredentist only situations in which military action gets initiated against a neighboring country in the name of protecting ethnically similar, but territorially separated, people (Hale & Siroky, 2023, p. 500).

Even though irredentism is not rare, as Markus Kornprobst (2007) points out, it is dramatically understudied, with most of the literature developing in the 1990s “amid fears that Europe’s future may resemble its past” (p. 481 n.2). For the most part, irredentism is considered a side effect of the end of empires, when political and territorial dissolution renders ethnic groups separated by newly drawn borders. For example, irredentist claims have originated in the aftermath of the fall of the Ottoman empire, the British empire, more recently the Soviet Union, but also as far back as Song China (960-1279 AD). But it is also important to emphasize that all states, and not only empires, are ethnically and culturally diverse, so irredentism cannot be understood as the pursuit of territorial and demographic congruity or as a response to the challenges of diversity per se. Finally, irredentism is a phenomenon that is distinctive from secessionism, whereas a group seeks to claim territory for itself without necessarily looking to reunite with a proverbial motherland.

The majority of the extant scholarship has sought to determine, in a realist fashion, the major causes of irredentism. For example, in a global empirical analysis, Christopher W. Hale and David S. Siroky (2023) tested the comparative significance of factors that prior scholarship had suggested might be contributing to irredentist conflict. Factors for consideration included ethno-demographics, economic situations, regime types, and the presence of various forms of political and economic competition on both sides of the irredentist border. Other scholars have focused on the character of diasporic politics (Kim, 2016). Examining comparative data from the 1980s and 1990s, Stephen M Saideman and R. Williams Ayres (2000) tested the comparative value of five other explanations: the nature of the group seeking reunification with its motherland, “characteristics of the group’s kin, contagion processes, ethnic security dilemmas, and the end of the Cold War” (p. 1126). Despite their diverse methodologies and the range of cases that they cover, however, these studies have failed to produce a coherent explanatory or predictive theory of irredentism.

Still, the extant scholarship has generated insights that are relevant to the question of what could legitimize and, on the flip side, de-legitimize irredentism in contemporary global politics and why a rhetorical approach to the phenomenon would be especially productive. First, irredentism entails the work of communication in mobilizing group identities. Emergent media forms are likely to “repurpose” messages in ways that may render communication itself a mechanism of insurgency and counterinsurgency (Driscoll & Steinert-Threlkeld, 2020). Along with that, irredentism is closely tied to the development of the nation-state as the premier form of political organization in modernity. A significant dimension of this development is the emergence and circulation of nationalism as a historically particular ideology connecting territory and people in ways that defy human diversity, mobility, and cultural variegation as facts of life (Gellner, 2006).

The third, and I believe most underappreciated dimension of irredentism, is its relation to the plane of international relations itself. While they are a direct and express challenge to the Liberal International Order, irredentist claims can also be characterized as a symptom both of the system’s emergence and of its precarity. And at the current moment, if there is any consensus, it is that the system is failing on all fronts (Ponsard, 2006; Hlatky & Fortmann, 2020). The sense of foreboding has been building from all corners.

For example, dating the literature on global security appears to also be a measure of its optimism, with early faith in cooperative security giving way to frustration (Klein, 1994; Lepgold & Weiss, 1998). Those invested in institution building as a mechanism for coordinating action and promoting justice now recognize that institutions themselves can become engines of inequality (Hurrell, 2005). Others find fault with the core liberal grammar of the global political order (Mearsheimer, 2019) as well as its communicative processes (Keremidchieva, 2024). It is in this context, therefore, that I wish to examine Russia's irredentist claims towards Ukraine with specific attention to their legitimation warrants.

3. PRESIDENT VLADIMIR PUTIN'S IRREDENTIST RHETORIC

The rhetorical centerpieces of Russia's justification for the invasion of Ukraine came on the 21st and the 24th of February, 2022. On those dates, Russian President Vladimir Putin made extended televised speeches discussing the topic of Russia-Ukraine relations and the country's stance toward its neighbor. In opening the first address, which was delivered three days before the launch of his military invasion, Putin (2022a) first appealed to his fellow "citizens of Russia" and "dear friends," informing them that the topic of his speech would be "the events in Ukraine and why they are so important to us, to Russia." Then he immediately stated that "of course, my speech is also addressed to our compatriots in Ukraine." Thus, from the very beginning, Putin made a classic irredentist move by extending political belonging to people living across a territorial border. It wasn't just people in Ukraine that he laid claim to, however. He quickly emphasized that "Ukraine for us—it is not just an adjacent country. It is an inseparable part of our own history, culture, spiritual space." He further elaborated that "for a long time the inhabitants of the south-western ancient Russian lands called themselves Russians and Orthodox. It was this way till the 17th century, when parts of these territories united with the Russian state." From there, Putin moved the narrative chronologically. His historical timeline next asserted that "contemporary Ukraine was wholly and completely created by Russia, more specifically Bolshevik, communist Russia. This process began in practice right after the 1917 revolution..." Putin's narrative highlighted the numerous changes in the political map and status of Ukraine's territory over the years of communist rule, from its incorporation into the newly created USSR in the 1920s, through Stalin's disputes with Lenin over the administrative governance of the new country's territories and peoples, to Khrushchev's decision to add Crimea to the Soviet Ukraine, to what Putin termed the "humiliating" Brest-Litovsk treaty and the subsequent development of the Soviets' nationalities policies, which Putin interpreted as recklessly dabbling in nationalism. From Putin's point of view, these early Soviet policies were "not just a mistake, they were much worse, a big mistake." He emphasized that from his perspective after the dissolution of the USSR in 1991 "that became absolutely obvious."

Putin's critique of nationalism in these passages tests popular journalistic interpretations of his governing ideology as being itself nationalist in character (Kuzio, 2017). It also contradicts to some extent the idea that the capture of Donbas was sought in the name of ethnic reunification per se. Instead, my reading of his speeches in their original form, prior to translation, focuses on the way Putin invokes the root of the term "nazi" (нация -nation), in a way that recalls earlier soviet discourses that resisted the

coupling of state and nation, so as to combat the spread of fascism. Communism meant to present a radical challenge to nationalism. The earlier history and theory of global communism was an effort to establish worker solidarity as an alternative relational principle to displace the sense of community and affiliation offered by traditional social forms such as clan and nation (Keremidchieva, 2020). The formation of the Soviet Union prompted radical revisioning of the meaning of “nationality.” Starting in the 1920s, the project of re-defining and re-thinking how populations could be described, organized, and governed, became a core imperative.

By the 1930s, the project of building a multinational socialist federation meant that nationalities had to be constructed in a literal sense. As Francine Hirsch (1997) recalls, in their search for a ‘standardized’ system to organize the new state, specialists and officials sometimes gave official status to peoples who wanted recognition as distinct nationalities, and sometimes actually created nationalities out of groups of people with (and sometimes without) ethnic, linguistic, and cultural similarities. The official classification of the population by nationality in large part was what made the category a highly politicized marker of identity. The production of the demographic censuses created nationalisms in regions where it did not previously exist (p. 277).

The irony, as Hirsch recognizes, is that the Soviets’ revolutionary agenda in the end produced a “modern citizenry” that was “based on a western European prototype—a citizenry divided into economically viable national-territorial units, each with an official language, culture, and history” (Hirsch, p. 278).

Still, what is distinctive and significant about this history to this day, is the memory of nation building through administrative means which entails both the denaturalization of nationality and a lingering recognition of the political character of nationalism. Putin has seized on that very legacy. He did not just find particular folly in the decision that “each republic of the USSR shall have citizenship of its own, which shall apply to all its residents” (Putin, 2022a). He found that representational model to be a recipe for nationalism and a catalyst for the subsequent dissolution of the Soviet Union. As he put it, “the virus of nationalist ambitions is still with us, and the landmine laid at the initial stage to undermine the state’s immunity against the disease of nationalism was just waiting for its time. As I’ve said before, the landmine was the right of secession from the Soviet Union.” In that respect, at least, Putin’s reservations toward certain versions of multicultural political representation is not too distant from similar critiques emanating from both progressive and conservative scholars of diversity governance in liberal political regimes (Antonsich, 2016; Greene & Keremidchieva, 2023). The effort to ground the state form in an equivalence between ethnicities and peoples has long been recognized as a fraught project.

I am not claiming, based on my reading of his speeches, that Putin is a Soviet man who is attempting to revive soviet ideology. I find comparisons between Stalin and Putin like the ones Kuzio and others draw, perfunctory and mostly agitational. Neither am I suggesting that Putin is offering a progressive approach to managing diversity. I am suggesting instead that Putin drew very particular lessons from the Soviet struggle to handle matters of cultural and national identity and its efforts to govern in a new way. One of these lessons was that cultural identity and political representation should not mingle. Putin accused Lenin of “making concessions to nationalists” by embracing the principle of self-determination for the USSR’s first constitution. The concept of self-determination, of course, is neither a Russian nor a Soviet creation, but a phrase that US President Wilson used in his “Fourteen Points” speech to European audiences at the end of WWI. The concept’s subsequent uptake as part of the formation of the UN and

the 20th century anti-colonial movements, which the USSR would often aid, was a case of motivated appropriation by unlikely audiences (Martel, 2017; Manela, 2007; Getachew, 2019). Furthermore, the USSR's own policies toward these developments were at best contradictory (Loefflad, 2019). For Putin, however, the Soviet constitution's tentative embrace of ethnic identity politics pointed to a deeper problem. He critiqued Stalin for not catching that flaw in the soviet system when he took over. In sum, for Putin "the disintegration of our united country was brought about by the historic, strategic mistakes on the part of the Bolshevik leaders and the CPSU leadership, mistakes committed at different times in state-building and in economic and ethnic policies."

The second lesson Putin drew was that a break with communist dogma was necessary. But moving Ukraine away from the legacies of Soviet rule would mean also challenging its very existence as a sovereign territory. As he put it flatly and with a hardly veiled threat, "you want decommunization? Oh yes, that agrees with us completely. But we must not, so to speak, stop halfway. We are ready to show you what real decommunization means for Ukraine." Consequently, when formulating his irredentist claim through his discussion of the character of national identity, Putin was invoking a core legitimation warrant. For him, irredentism is justified when it aims to correct historical mistakes in the way people and territory have been organized and administered. It is also justified in the name of steady governance; irredentism is right and just when it creates the conditions for strong statehood and effective administration. If there is a central ideological dimension to Putin's legitimation warrant, then, I would define it as strong, possessive statism. Without suggesting that the state form be anthropomorphized, the possessive statism I highlight here echoes and re-purposes for the state some of the tenets of possessive individualism (MacPherson, 1962), namely the notion that one should not be depended on the will of others and that economic and political relations with others are only means of securing one's own possessions. In such possessive statism, irredentism would be a measure to counteract secessionism.

In an international system that is deeply troubled by attempts to redraw borders, regardless of how those borders were first drawn, Putin's aversion to secessionism should not seem unusual. What troubles the system, however, is the question of who or what authorizes and legitimizes political and territorial boundaries. This is where the first legitimation warrant activated by Putin, namely that Russia's irredentist claim can legitimized autogenously, proves insufficient and the international system's significance as argumentation context becomes apparent. So, President Putin engages the character and exploits the flaws of that system directly. In standard stories, the Liberal International Order (LIO) emerged in the aftermath of WWII as a project of global governance based on two mechanisms: the development of international law as a tool for coordinated security and the development of a human rights regime as a tool for ensuring the dignity of the person (Deudney & Ikenberry, 1999; Mouffe, 2009). However, the track record of the system has been far from smooth or systematic.

President Putin's specific and repeated claims that his actions in Ukraine were a reaction to the expansion of NATO and the failure of the UN to stop NATO's extralegal actions around the world may amount to being only the most recent crisis in a system that is challenged from all sides. It is worth acknowledging that international law has limited resources for adjudicating irredentist claims. And in a global governance model that still privileges great powers, given the Security Council's membership and veto rights, the abundance of irredentist claims currently emerging

from Africa, the Middle East and Asia, suggest that the post-colonial map which the LIO aims to maintain is far from fully functional or sustainable. To the extent that nations are “imagined communities” (Anderson, 2006), attempts to find clear congruence between territory and people are at best futile and at worst dangerous. A reflexive defense of the LIO and its promises to ensure “capitalist development, security, and order” (Whyte, 2017, p. 308) on a grid made of nation states, thus, may displace the question, as Edward Said (2002) once put it, “Who decides when (and if) the influence of imperialism has ended?”

4. CONCLUSION

As a way to conclude, I want to return to my initial questions as derived from Goodnight’s legitimation warrant, Ian Hurd’s question about “what motivates states to follow international norms, rules, and commitments?” and Isabela Iețu-Fairclough’s suggestion that judgments of legitimacy in the political field can be derived from “shared beliefs and norms” even if we recognize that all rhetorical actions continuously re-make these contexts. Specifically, I ask, can norms in themselves legitimate? Our conventional approaches to argumentation that stress the importance of community and value congruity seem to suggest that yes, they can. But this is where, I believe, Putin’s possessive statism strikes at the heart of the international system as a norm-producing and norm-maintaining mechanism, threatening the promises and assumptions of the LIO and, potentially, our argumentation models as well.

To wit, I see little evidence to suggest that Putin is not aware of the presence of international norms and institutions or that he believes that such things should not matter per se. In fact, in the weeks leading to the invasion of Ukraine, he issued a number of statements expressing Russia’s desire to be a player in such arrangements. For example, on January 3, 2022, the Kremlin issued a joint statement affirming Russian’s commitment to the Nuclear Non-Proliferation Treaty, including article VI’s provision to “pursue negotiations in good faith...” (“Joint Statement”). But in a meeting with UN Secretary-General Antonio Guterres, President Putin made an important qualification. As he put it, on the one hand, “as one of the founders of the United Nations and a permanent member of the UN Security Council, Russia...[is] doing all we can to support the principles on which it rests, and intend to continue doing this in the future.” On the other hand, however, he also distinguished between the international system’s core texts (e.g., the UN Charter) and what he referred to as “some papers written by their authors as they see fit or aimed at ensuring their own interests.” The presence of mixed precedents such as the status of Kosovo, which has yet to receive full international recognition even though the International Court of Justice ruled in 2010 that “international law contains no prohibition on declarations of independence”, further seems to suggest for Putin that norms are a shaky ground for legitimacy simply because norms appear in practice to be quite inconsistent. As he put it to the UN Secretary-General, “we are also surprised to hear statements by our colleagues that imply that some in the world have exceptional status or can claim exclusive rights because the Charter of the United Nations reads that all participants in international communication are equal regardless of their strength, size or geographical location” (“Meeting”, 2022). The international system’s inconsistencies in practice and precedent have suggested to Putin that power differentials have a lot to do with political outcomes. Putin is, in other words, getting at the gap between normative principles and power

exceptions, and as I have previously argued, as argumentation scholars we too need “a useful and reasonable way out of the ‘paradox of ideal theory’” (Keremidchieva, 2019, p. 620).

The persistent and assertive presence of power differentials is indeed what has led scholars of international relations since Hobbes to advance the anarchy thesis. But power has a complicated relation to both legitimacy and authority and there are plenty of incentives to seek modes of engagement other than the proverbial state of nature. For scholars like Helen V. Milner, the anarchic character of international relations persists to the extent that it lacks a structure of authority that could then legitimate power. That last statement by Putin, however, if viewed in connection with a series of others, may point to a different possibility. From the moment of the UN’s founding and through the Cold War, the Soviet Union fashioned itself as a great power which aimed to serve as a defender of the smaller ones. With the dissolution of the USSR and the fall of global communism as a political and ideological alternative to liberalism and conservatism, Russia’s own position and role in the world could not be asserted on ideological grounds per se. The Yugoslav wars, which Putin continuously returns to as the trigger for his country’s re-awakening in the international arena, I believe, prompted Putin and his regime to seek a new positionality that could both capitalize on the past but also assert a distinctive future.

The international relations paradigm that Russia has embraced and is actively testing is multipolarity. As Putin stated in his address to participants of the 10th St. Petersburg International Legal Forum, “it is true, a multipolar system of international relations is now being formed. It is an irreversible process; it is happening before our eyes, and it is objective in nature. The position of Russia and many other countries is that this democratic, more just world order...where mankind’s cultural and civilizational diversity is preserved.” Importantly, the multipolarity that Putin envisions is a direct critique of the United States’ dominance in the LIO’s “unjust unipolar model” (Putin, 2022c). Notably, the model of legitimacy Putin offers is a departure from the currently dominant paradigms of both liberal proceduralism and normative cosmopolitanism. Instead, I find it to be a melding of two somewhat contradictory warrants. Putin repurposes the Soviets’ old rhetoric of radical equality—a form of immanent rather than nominal freedom—in international relations. Simultaneously, it asserts a form of possessive statism that both recognizes the need for active multilateral diplomacy and negotiation and minimizes the capacity of international institutions to move toward models of global governance with the potential of centralizing authority. Even if it offers little help in alleviating the intensity of conflict, we cannot not acknowledge that Putin’s model of international relations is well aligned with the current and historical realities of the way irredentism has been handled. That, in itself, should make the need to study irredentism more pressing. At the same time, I want to highlight how Putin’s model also pours a lot more dynamism and contingency into the connection between cultural identities, political identities, and state formation. This is a connection that argumentation theory typically likes to treat as its solid starting point, a starting point whose own legitimacy, I would argue, is in need of critical rethinking.

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Computer-Based Generation of Learner-Sensitive Feedback to Argumentative Learner Texts

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ABSTRACT: What is learner-sensitive feedback to argumentative learner texts when it is to be issued computer-based? Learning stages are difficult to quantify. The paper provides insight into the history of research since the 1980s and a preview of what this automated feedback might look like. These questions are embedded in a research project at the Universities of Paderborn and Hannover, Germany, from which a software (project name ArgSchool) emerges that will provide such feedback.

KEY WORDS: AI, argumentation mining, discourse history, (automated, learner-sensitive) feedback

1. INTRODUCTION

What is learner-sensitive feedback in the context of argumentative texts that school students write? How must learner-sensitive feedback on argumentative texts be conceptualized if it is generated automatically? What determines precisely which learning stage a student has already reached? These are, among others, relevant questions the current DFG-funded project Computational Support for Learning Argumentative Writing in Digital School Education (453073654) aims at. In our research we will develop a program or software (project name ArgSchool) for analyzing argumentative student texts to generate computer-based feedback conducive to learning.¹

The main goal of the project is to develop algorithmic methods for the automated analysis of argumentative learner texts and the generation of computer-based learner-sensitive feedback. To this end, a multilevel annotation process has been undertaken and completed, and a quality rating (assessment) is also underway. In this paper, however, we focus on learning stage sensitivity. After all, this determines what is actually understood by ‘conducive learner feedback’.

¹ The project runs for three years (2021–2024) led by Prof. Sara Rezat (Paderborn University, Language Didactics) and Prof. Henning Wachsmuth (Leibniz University Hannover, Computational Linguistics).

More precisely, we will classify from a discourse-historical perspective the preliminary work involved in the question of classifying a learning stage – and what makes it hard to find clear solutions. We discuss why the text order patterns (Textordnungsmuster) postulated by Augst & Faigel (1986) live on in the history of ideas until today. We then move on to ways in which various forms of automated feedback can be implemented.

2. MEASURING LEARNING STAGES?

2.1 First steps

In the German-speaking world, certain discourse relations or constructions in written argumentative texts have been studied since the 1980s, initially with a focus on language acquisition (cf. Augst, Disselhoff, Henrich, Pohl & Völzing, 2007, p. 199). The longitudinal study by Augst & Faigel (1986) was groundbreaking on this matter. Students from the first to the twelfth grade and students were asked to take position on the question of whether homework should be abolished. For this purpose, all students wrote a letter in an imaginary communication scenario to a so-called Prof. Augst, who claims to support this position. Some of the argumentative texts were collected later between 1988 and 1990 (cf. Augst, 1995).

The authors distinguished four different text ordering patterns (Textordnungsmuster). They were thus able to prove that all of them show up in the texts beyond the longitudinal age cut but are subject to a percentage shift.

At first, the strongly subjectively shaped linear-developing text order pattern dominates, at the end, the linear-dialogical pattern, which abstracts strongly from the own perspective, is found more frequently. (Becker-Mrotzek & Böttcher, 2020, p. 224, translation: SK)

Especially in earlier grades, linear-developing texts dominate, which have a chronological structure and are strongly influenced by the writer's own experience. Material-systematic texts understand the writing task in a strongly descriptive way and are oriented to it (often list-like). Only later do the other two patterns dominate, whereby form-systematic approaches are still more strongly influenced by school writing conventions, but (therefore) already distinguish pro and con arguments. Only in linear-dialogic texts does the social function of argumentation take a prominent place, since alternative perspectives are now presented with consideration of the addressed reader (cf. Augst & Faigel, 1986, pp. 114–121).

Augst & Faigel (*ibid.*, p. 109), drawing on preliminary work by Chafe (1982), postulate that texts constitute “super summative units” of “planned communication.” From this, they derive individual phenomena of planned integration and examine (a.) cognitive and interactional structures of text order, (b.) the structure of introduction and conclusion, (c.) the use of text- and argument-structuring metacommunicative turns of phrase, and (d.) the ability to orient to the addressee and the objective writing perspective (*ibid.*, p. 110). These criteria can be determined as precursor indicators of a quality assessment of argumentative text acquisition.

2.2 State of the art

Later studies could support and extend the approaches shown in Augst & Faigel (1986) several times. Coirier & Marchand (1994) indicated that an age of 13 or 14 is a critical stage in the acquisition of argumentative structures. Coirier & Andriessen (1999) identified concessive argumentation (and thus the decentralization of perspective outlined in Augst & Faigel) as an essential point of an elaborated argumentative text (EAT). Nevertheless, concessive reasoning remains a critical skill across ages (cf. Stein & Bernas, 1999; Flower, Long & Higgins, 2000; Ferretti, 2000; Steinhoff, 2007), and for this very reason it needs to be supported in acquisition.

Of central relevance to our research questions are the results Leitao (2003) generated for the relevance of counterarguments in texts written in school (second, fifth, and eighth grade). Participants of all ages tended to solely produce arguments in support of their own point of view rather than also discussing counterarguments (*ibid.*, p. 280).

Based on this pilot study, a qualitative study followed in which different age groups (second graders, fifth graders, and college freshmen) were presented with four different argumentative text versions containing different elements: (1) Introduction and point of view, (2) introduction, point of view, and (pro) arguments for point of view, (3) introduction, point of view, (pro) arguments, and counterarguments, as well as (4) a non-argumentative text.

At the broadest level, data from this study support the conclusion that participants do not conceive of counterarguments as a valuable rhetorical strategy in a text, unless the writer is able to preserve the strength of his or her own position by replying to it. (*ibid.*, p. 298)

These results are in sharp contrast to what is taught at school. There and in general, the appropriate application (and refutation) of counterarguments is considered a high-quality feature (cf. Feilke, 2010, p. 154).

A decentralized perspective, and with it a greater consideration of concessive structures, is thus one important criterion for measuring a student's learning stage. Augst, Disselhoff, Henrich, Pohl & Völzing (2007) refined the ontogenetic stage model of the Augst & Faigel survey twenty years earlier. It was composed of the following components: "Subjective selection and associative ranking" – this follows the observations of Feilke (1995) and can be strongly observed in younger cohorts; "subjective selection and connective complexification" – emotional attitudes towards the subject matter recede, also structurally the texts show more classical argumentation elements; "objective selection and analytical sequencing" – discourse relations or constructions such as weighing become increasingly apparent on the basis of pro-con rows; "objective selection and synthetic integration" – arguments lead to a clear conclusion, on the textual level the writers are more stylistically confident (Henrich, 2007, pp. 201–203).

It can therefore be said that Augst & Faigel's survey has had repercussions to this day. Neumann (2007) also took this up in her study on discursive writing products. A very precise scaling was developed, in which text structure was only one component among many. Rezat (2011) focused on the writing task and was primarily interested in concessive argument structures (cf. Anskeit, 2019, p. 98).

In 2019, Anskait's empirical study on Writing Arrangements at the Primary Level sheds light on the influence of the writing task and medium in the writing process at the primary level. In the case of text form, argumentative texts were surveyed in addition to descriptions. The goal was to explore the "influence of teaching different text forms on text production" (Anskait, 2019, p. 175). In the argumentation task, the participants were asked about their favourite excursion destination (zoo or Westfalenpark?). This was only one of many variables. The text quality was then evaluated using dichotomous criteria and holistic global judgments (cf. *ibid.*, 191). Dichotomously coded were the following variables (discourse units): Positioning (intro), Addressing, Justification, Anticipation, Weighing, Positioning (conclusion) (cf. *ibid.*, 195–197). The analysis was supplemented with a global scale (1 to 6), with text first and text last versions in the sense of research design. (For "rating and processing" of the data analysis, cf. *ibid.*, 223).

Our studies are based on this preliminary work. In addition to the aforementioned multi-level annotation, we also include a quality rating. However, the question of how a specific learning stage can really be measured by means of operationalizable indicators has been directly or indirectly circled in all studies since Augst & Faigel, without producing any tangible results so far (one reason for this is, of course, the diverging research interests). Nevertheless, this results in a desideratum: The measurement of learner stages is essential to provide individualized, developmental feedback. We therefore proceed in the following by giving an insight into our preliminary considerations for the generation of feedback and point out our connection points to relevant preliminary work. The underlying question is as to what learner-sensitive feedback might look like in the ArgSchool software.

3. FEEDBACK – PRELIMINARY CONSIDERATIONS

As our next project step, we will generate feedback for the annotated corpus of argumentative learner texts. Based on the considerations about the learning stages of the students, the feedback is to be intended to support students in the sense of formative feedback during the ongoing writing process and is generated according to individual needs. The aim of the feedback is to improve the quality of the text and especially the argument structure to move from the current learning stage to the next higher one. "Formative feedback is defined [...] as information communicated to the learner that is intended to modify his or her thinking or behavior for the purpose of improving learning" (Shute, 2008, p. 154).

Providing feedback on writing is an important part of teaching students to improve their own writing skills and writing processes, as writing places high demands on students (cf. Graham, Harris & Hebert, 2011). The most important project-related task for us is therefore to generate feedback to argumentative student texts that is as learner-sensitive and conducive to learning as possible, so that they are supported in the best possible way in the acquisition of their competencies.

Based on the multi-level annotation of the student texts as well as the qualitative assessment, learning stages must first be established to be used as a basis for feedback. The feedback will not only be generated for surface features of the texts, but will be much more detailed and focused on the acquisition of specific patterns of argumentative texts, both on a structural and on a content level. Steendam, Rijlaarsdam, van den Bergh & Sercu (2014)

stated that weaker writers often consider only surface aspects, so-called “lower-order concerns” (ibid., p. 909), when revising their texts. Through feedback on their performance, they should gain the ability to look at their texts more globally and revise “higher-order concerns” (ibid.) such as content and structure. Thus, one of the goals of learning-sensitive feedback is the training of the writers’ competencies as well as the development of structural knowledge and quality aspects of content. This goal can also be supported by further research, since feedback on low-order concerns (e.g., grammar, spelling, text length) is easy to implement and does not require much effort on the part of the writer (cf. Wagner & Lachner, 2021, p. 5). In contrast, feedback on higher-order concerns (e.g., organization, structure, style, and cohesion) is thought to have a more significant impact on text quality (cf. Patchan, Schunn & Correnti, 2016; Wagner & Lachner, 2021). By providing information about substantive aspects of a writing product, writers can be encouraged to realize a revision that can sustainably improve text quality (cf. Wagner & Lachner, 2021, p. 5). Accordingly, feedback on higher-order concerns tends to aim at a sustainable improvement of writing performance and is thus relevant for continuous improvement in the sense of a formative assessment. The planned feedback program is intended to finally capture the structure of learner texts at different levels (based on the learned patterns through multi-level annotation) and assess text quality (based on the quality ratings). Both aspects are needed to assess the writer’s learning stage and to generate individualized feedback through which the next learning stage can be reached. It is therefore clear to which text levels feedback should be generated.

Another important aspect is the content of the feedback. In addition to the text levels to be considered, the content of the feedback must also be designed in a learning-sensitive manner and promote the development of the students’ writing skills. The model of Hattie & Timperley (2007, p. 87) provides a good basis for the content-based design of feedback that promotes learning. According to them, feedback conducive to learning should answer three questions: (1) Where am I going? (Feed Up), (2) How am I going? (Feed Back), and (3) Where to next? (Feed Forward). Feed Up shows the target state and should be clearly defined. In best case, the learning objective is clearly defined in the classroom, which is then referred to in the context of feedback. Thus, the writer receives a reminder of the set goals regarding the writing product. Feed Back, on the other hand, shows the current or actual state and shows where the learner is in the ongoing learning process. The step-by-step process of increasing individual performance in order to reach the defined goal is called Feed Forward and is intended to reduce the difference between the actual and the target state. In particular, the feed forward plays an important role in the success of feedback, since feedback without concrete information on how to achieve an improvement is often left unused and thus has no effect on the learning process (cf. Busse, Müller & Siekmann, 2022, p. 117). To activate the learner to implement or apply the feedback in the context of a revision, concrete indications on potential for improvement are therefore crucial. The three basic questions that any effective feedback should answer are amplified in the model by levels of feedback that should be considered: “There is a distinction between feedback about the task (FT), feedback about the processing of the task (FP), about self-regulation (FR), and about the self as a person (FS)” (Hattie & Timperley, 2007, p. 90). All levels can have effects on the learner and should be considered when formulating feedback.

In addition to the groundbreaking findings of Hattie & Timperley (*ibid.*), other factors may influence the effectiveness of feedback. Shute (2008) names, for example “(a) motive (the student needs it), (b) opportunity (the student receives it in time to use it), and (c) means (the student is able and willing to use it)” (*ibid.*, p. 175). Despite the many other factors that can be found in the research literature on feedback, the model of Hattie & Timperley (2007) will be used as a basis, which can then be expanded during the development process for feedback.

The final issue under consideration at this time is the design of the feedback and how it can be delivered. When thinking about the design of feedback, several options are possible. Embedding the feedback into the text, as recommended by Wagner & Lachner (2021), facilitates the revision and transfer process for students. In this variant, text passages can be explicitly highlighted and comments or feedback on this passage can be directly implemented by the student without requiring a complex transfer performance from him. On the other hand, it would also be possible to provide feedback in the form of an overall evaluation that names individual parts of the text or conveys holistic impressions. In this case, the transfer performance for the students is higher since the feedback text must be compared with their own writing product and references between the two must be established.

Additionally, there is the possibility to integrate visual feedback, as implemented in the C-SAW tool (cf. Benetos & Bétrancourt, 2020). In the current project, visual feedback could graphically represent the argumentative structures of the text (e.g., as a tree diagram) and point out existing as well as missing structures or content. The software (C- SAW) is not intended as a feedback tool, because it rather supports the ongoing writing process for argumentative texts and is about digital authoring support. The software includes text modules that are to be filled in by the writer and assembled into an overall text. In this way, writers should gain sample knowledge about text structure and recognize missing structures more easily or consciously reflect on why text modules are used. The software also works with a visualization of the existing and missing structures in the form of a graphic tree map. Such a visualization would also be conceivable for the ArgSchool software but should then be made available primarily for teachers who can draw conclusions about general support needs of the learning group based on the representation.

4. CONCLUSION

At the current stage, there are still many unanswered questions regarding the design of the feedback and a separate approach based on the previous project steps is being developed. The goal of generating developmental and learner-sensitive feedback in an automated way remains, but also offers some challenges on different levels. A great advantage of automated feedback is that individualized feedback can be obtained independently of a real teacher. Access to feedback is easier overall and can be ensured on a very regular basis. In addition to the feedback from the teachers, students could also receive feedback on their text at home and during the ongoing writing process. This could happen several times a week if the student is motivated to write and revises the text based on the feedback. Thus, the process would have a corresponding positive effect on the writing process.

Despite its advantages, automated feedback should be seen as a complement to human feedback by a teacher rather than a replacement. It must be critically questioned whether AI software can provide the same performance as a human feedback provider with the appropriate expertise. AIs are already far advanced, but they are not completely perfect when it comes to evaluating and analysing the content of texts. Especially the effective feedback on higher-order-concerns poses great challenges to the systems, because for an adequate evaluation not only the resulting text product but also the context to the set learning goals and the underlying writing task are necessary. Interpersonal communication (e.g., gestures or facial expressions) as well as metacognitive influencing factors often cannot be performed at all or only to a very limited extent in automated feedback. Thus, the development of learner-sensitive, developmental automated feedback is still in its infancy and requires further research, to which the ArgSchool software is a contribution.

Of particular importance for successful feedback are clearly defined learning objectives, which are best defined in class and communicated by the teacher in a suitable form. In gradually moving from the current state of the writing product to the defined learning goal, the ArgSchool program is designed to actively support learners and drive skill acquisition. In addition to supporting learners, teachers can also use the data to get a better overview of the group's learning progress and make any needs visible. Whether as a basis for human feedback, as automated feedback for students, or as an evaluation option for argumentative learner texts, the possible uses of the program can be manifold. Therefore, the ArgSchool program could ultimately make a valuable contribution to the expansion of digital teaching content and promote the argumentative skills of students in a learning-sensitive and development-oriented manner.

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One-Premise Arguments

Jean Wagemans' Periodic Table of Arguments, a Revival of Aristotle's Topics?

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ABSTRACT: Jean Wagemans has proposed an analysis of arguments as consisting of one premise and conclusion and their classification in a Periodic Table of Arguments. This strikingly resembles Aristotle's pre-syllogistic analysis of one-premise arguments in his *Topics*. It is analyzed to what extent Wagemans' concept of the 'lever' of an argument as inference-warrant and classificatory criterion bears analogies to Aristotle's analysis of one-premise arguments according to set-theoretic modifications of subjects or predicates from premise to conclusion.

KEYWORDS: Aristotle, fulcrum, lever, one-premise argument, Periodic Table of Arguments, predicate, premise, subject, syllogism, topics

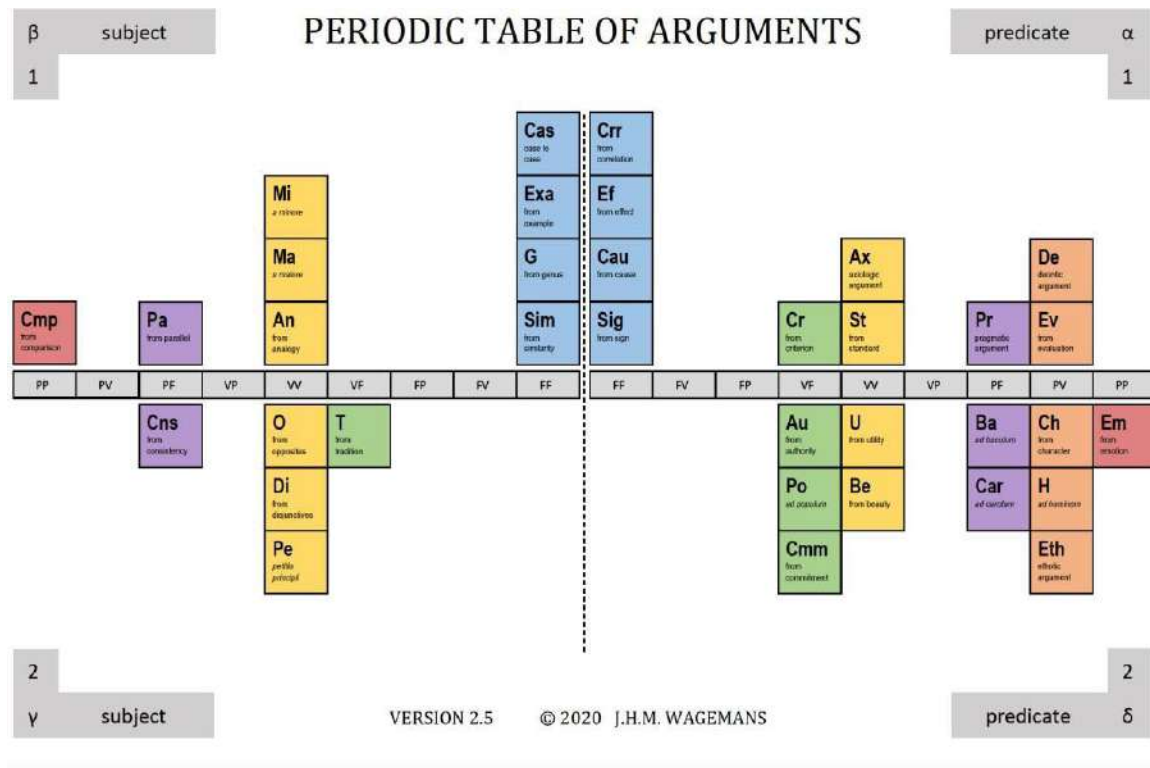
1. INTRODUCTION

Categorizing and systematizing types of arguments has been a central topic in argumentation studies ever since their beginnings. Rhetoricians and philosophers of all periods have proposed their own and sometimes very different taxonomies: The *Rhetoric to Alexander* and Aristotle have done so, so have Cicero and Quintilian, and so have the Stoics and medieval logicians, not to mention the supplements added in modern times, from Locke (1690) and Mill (1843) to Perelman and Olbrechts-Tyteca (1958), Toulmin (1958) and Walton, Reed and Macagno (2008). One can either draw up lists of argument schemes (or *topoi*, if you wish), or else one can establish sophisticated pluridimensional systems according to specific criteria. One can discern valid arguments from defeasible, invalid and fallacious arguments, strong from weak arguments, or introduce categories such as deductive, inductive, abductive or analogical. The most salient feature in all these attempts, however, is their obvious lack of homogeneity and compatibility.

2. THE PERIODIC TABLE OF ARGUMENTS

In most recent years, in a series of publications (2016, 2017, 2018a, 2018b, 2019, 2020, 2021a, 2021b, 2023a, 2023b) Jean H. M. Wagemans has proposed a completely novel approach at categorizing argument types, which he has laid out in what he calls a Periodic Table of Arguments (abbreviated as PTA), in which all familiar types of arguments can be conveniently located in one way or another. This periodic table (Figure 1) is also accessible online on a regularly updated website (Wagemans, 2017).

Figure 1:



The central novel feature of Wagemans' analysis however is that he views arguments as combinations of only one premise and a conclusion, instead of the usual two or more premises model. These two propositions are as a rule connected by linguistic argument function indicators such as 'because', 'so', 'therefore', 'hence' or the like.

According to Wagemans' analysis, both the premise and the conclusion are predicative statements, involving each a subject and a predicate. The important question however is, how to get from the single premise to the conclusion. Wagemans' explanation of what happens on the way from premise to conclusion is that one of the two elements of the premise, either the subject or the predicate, remains stable, while there is a change in the other element. The steady element he calls the fulcrum of the argument, and the variable one its lever.

A second category introduced by Wagemans also comes into play: that is what he calls the substance of the argument. Are the two statements involved statements of fact or of value or of policy? Statements of fact are just factual predications (like 'a is X'). Value statements would point to normative qualifications such as that some thing or action is good, beautiful, useful, ethical, or else bad, indecorous, disadvantageous, immoral. Policy statements finally would take into consideration possible practical consequences such as concrete actions. The nine possible combinations of such types of statements yield nine potential categories of argument types on either side, identified by dyadic combinations of the letters F (for fact), V (for value) and P (for policy), arranged in columns and indicated each by their own specific colour. Each of

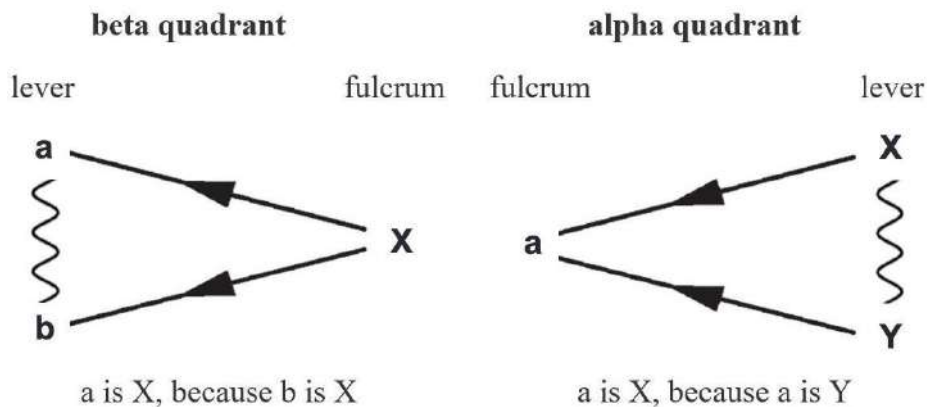
these columns contains arguments of the same type and substance. Some of those potential combinations however are actually void.

My aim in this paper will be to suggest that this way of looking at argument structure has a parallel in an analysis of arguments that Aristotle conceived and applied in his early writings on argumentation, long before he developed his theory of the logical syllogism in the *Analytics*. This parallel is primarily suggested by the shared concept of one-premise arguments. I will first give a brief outline of Wagemans' periodic table concept, and then delineate the similarities with Aristotle's early views. Finally, I will illustrate the parallel using as examples the arguments from sign and from example.

3. THE FOUR QUADRANTS

Depending on which of the two constituents, subject or predicate, functions as the lever and which as the fulcrum, Wagemans' design leads to two basic categories, 'predicate arguments' and 'subject arguments', placed within what he calls the alpha and beta quadrant. The system works as follows: Arguments that share the same argument form are situated within the same quadrant, while those that share the same combination of types of statements are placed in the same column. Those with the predicate as the lever fill the alpha quadrant on the top right hand side, and those with the subject as lever the beta quadrant on the top left. An alpha type argument thus runs 'a is X, because a is Y', a beta type one 'a is X, because b is X' (see Figure 2).

Figure 2:



The arguments in these two quadrants Wagemans calls first-order arguments. Hence there must also be second-order arguments, which are placed in the gamma and delta quadrants respectively. Arguments in the gamma quadrant, like those in the beta quadrant, have the fulcrum on the predicate side and the subject as their lever. But in those argument types the subjects involved are full propositions in themselves, and the shared predicate is simply the claim of the truth of those propositions. Wagemans' example for a gamma argument is "*He must have gone to the pub, because the interview is cancelled,*" which is reconstructed as "*It is true that he must have gone to the pub, because it is true that the interview is cancelled.*" (Wagemans 2017, gamma quadrant). *He takes this to be negatively disjunctive (going to the pub is assumed to be incompatible with the interview not being cancelled). Clearly, the relation between*

the two propositions in question is quite wilful and depends on certain assumptions about standard habits or regular courses of events.

Still weaker are the arguments of the delta quadrant. This quadrant hosts the entire bulk of so-called ad-arguments, such as ad hominem, ad baculum, ad verecundiam, ad populum etc., commonly mostly regarded as fallacious. Like in the alpha quadrant, the lever is on the predicate side. A proposition is claimed to be true, because it possesses some other supporting quality. Wagemans' example is from an argumentum ad verecundiam: "We only use 10% of our brain, because Einstein said so" (Wagemans 2018b, p. 68), which he reconstructs as "That we only use 10% of our brain is true, because that we only use 10% of our brain was said by Einstein." (Wagemans 2017, delta quadrant). Very clearly, the relation between the two predicates is again quite loose and only imputed.

*Hence, for our purpose, we can leave aside the second-order quadrants and focus on the upper two only. But it is immediately obvious that combinations of statements of fact in both premise and conclusion only figure in the alpha and beta quadrants, i.e. in first-order arguments. On these I will now focus. One important question remains: How do the lever arms in Wageman's model work? In other words: How do we get from b to a or from Y to X along the wiggly line that connects them in his diagrams? And how can we ascertain whether the move of the lever will produce a valid conclusion or only a defeasible if not even fallacious one? For this, a look at Aristotle's *Topics* may be helpful.*

4. ONE-PREMISE ARGUMENTS IN ARISTOTLE'S *TOPICS*

*It is Wagemans' concept of one-premise arguments that in the first place strongly suggests a parallel with Aristotle's early logic as expressed in his *Topics*. When today we talk about Aristotelian logic, what we usually have in mind is the elaborate syllogistic logic expounded in his *Analytics*, according to which a standard syllogism invariably consists of two premises and a conclusion, and involves exactly three terms, one of which occurs in both premises, but is eliminated in the conclusion. But recent scholarship has progressively called attention to the fact that there had been an earlier stage in Aristotle's reasoning on argumentation, in which he had not yet developed the fully-fledged syllogistic theory, but had allowed also for arguments with one premise only, from which the conclusion would be deduced directly, without the intervention of a second premise. This type of argument is prevalent in Aristotle's earliest work on argumentation, that is the *Topics* (Rapp 2002, vol. 2, pp. 243-248).*

*The *Topics* is basically about the best method for finding appropriate premises, from which a particular conclusion can be deduced, mainly for the purpose of dialectical disputes as were regularly conducted in Aristotle's school for the training of his students' intellectual abilities. Especially according to Christof Rapp, commentator and translator of Aristotle's *Rhetoric* in 2002, this concept of one-premise arguments would also still underlie Aristotle's theory of enthymemes in the *Rhetoric*, which means that, whenever Aristotle speaks of enthymemes in the *Rhetoric*, he does not talk about syllogisms with one premise missing, but about genuine one-premise arguments (Rapp 2002, vol. 1, pp. 323-335; vol. 2, pp. 228-229; 233-236; 243-248). Of course Aristotle uses the term *syllogismós* in *Topics*, *Rhetoric* and *Analytics* alike, and with more or less the same definition. But Rapp insists that what*

he means in each of those cases is not the three-proposition and three-term syllogism of the *Analytics*, but simply a deductive argument.

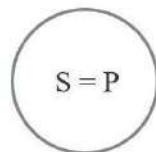
Here is how Aristotle defines *syllogismós* in the very first chapter of the *Topics*: “A deductive argument (*syllogismós*) is a reasoning in which, certain things having been posited, something other than these things necessarily results by virtue of the things posited” (*Topics* I 1, 100a25-27, my trans.). This definition is repeated almost verbatim in the *Analytics* (*Analytica Priora* I 1, 24b18-20), and the *Rhetoric* merely adds that the conclusion may as well follow only “as a rule” (*Rhetoric* I 2, 1356b16-18). This is to say that Aristotle never substantially changed his definition of *syllogismós* qua deductive argument. Some have pointed to the plural of ‘things’; but the corresponding Greek word (the unaccented indefinite pronoun *τινων*, *tinon*) is vague enough to indicate an undefined number of premises, including also the case of one premise only. Or else, ‘things’ may describe the substantial contents of one single premise (quite in the sense of ‘something’ ore ‘some facts’).

In the *Topics*, Aristotle’s main concern is with a workable method for finding appropriate premises for deduction, i.e. with the production of arguments. For this purpose, he first asks which different types of predications are possible. And Aristotle would not be Aristotle, if this would not result in a clear methodical and logical system:

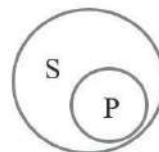
He distinguishes four types of what he calls ‘predicables’: definition, genus, property and accident (Smith 1997, p. xxix-xxx; Wagner & Rapp 2004, pp. 27-28). This fourfold taxonomy comes about by a cross-combination of the two criteria of necessity and exclusivity of the predication: If the predicate applies to the subject both necessarily and exclusively, what we have is a definition; if neither, it is an accidental predicate; if the predicate applies necessarily, but not exclusively, he speaks of a genus; inversely, if it applies exclusively, but not necessarily, we are confronted with a property (Smith 1997, pp. xxix, 4 and 62, prefers to call it ‘unique property’, to avoid equivocations and to render more adequately Aristotle’s term *ídion*).

Figure 3:

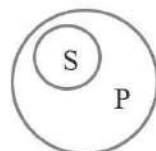
a) Definition:



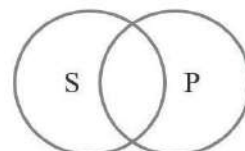
c) Property:



b) Genus:



d) Accident:



With respect to the relative extensions of subject and predicate terms, these four types can be visualized in set-theoretical Venn diagrams (Figure 3). When the

predicate is a definition, subject and predicate are exactly coextensive (all Ss are Ps, and inversely). In the case of a genus, the predicate is wider than the subject, and the latter is a strict subset of the extension of the predicate: hence all Ss are Ps, but there may still be Ps that are not Ss (e.g.: all dogs are animals, but not all animals are dogs). In the case of a property, it is the predicate that is a strict subset of the subject: *only* Ss can be Ps, but not necessarily all of them are (e.g.: only human beings can be philosophers, but not all of them are). The relationship is even looser in an accidental predicate: S and P only partly overlap: i.e. there are Ss that are Ps, but also Ss that are not Ps, and there are also items other than Ss that are Ps (e.g.: there are dogs that are black, but also dogs that are not black, and also many black things other than dogs).

By way of these set-theoretical relations, Aristotle manages to determine which changes or replacements within a subject-predicate proposition may legitimately be made from premise to conclusion without affecting the truth value of the proposition, or, put in Wagemans' terms, which kinds of moves of the argument's lever will preserve the truth of the proposition, and which will in some way impair it. It is for instance immediately evident that any term may in any position (no matter whether subject or predicate) be replaced by its definition and vice versa without jeopardizing the proposition's truth, or that in a genus predication the predicate may always be extended or the subject narrowed down; in a property predication, inversely, the subject may be extended or the predicate narrowed. Neither however is possible without risk of fallacy in predications of accident.

With the help of these insights, for Aristotle's purposes in the *Topics*, the participant in a dialectical debate will be in a position on the one hand to establish and propose appropriate premises, from which the desired conclusions can be directly and consistently deduced, and on the other hand to check the opponent's premises for any weaknesses or logical faults that can be taken advantage of. The main part of the *Topics* (books II-VII out of 8) is filled with instructions on how to proceed in each of the four categories of predicables and with useful standard types (*topoi*) of such arguments. A caveat may be in order here, though: It must be admitted that Books II-VII of the *Topics*, which contain those extensive lists of *topoi*, do not mention deductive arguments (*sylogismoi*), while Books I and VIII, which do speak about *sylogismós*, never mention *topoi* (Wagner & Rapp 2004, p. 33, note 15).

Anyway, by this method Aristotle succeeds in setting up a logical method of deduction that works well for one-premise arguments. To give an illustrative example: While according to the developed syllogistic method the conclusion that Socrates is mortal will require the two premises that (a) all human beings are mortal, and (b) Socrates is a human being, the same conclusion, according to the logic of the *Topics*, can be deduced directly from the premise that Socrates is a human being via the logically legitimate extension of the predicate term 'human' to 'mortal', because the premise is a case of genus predication, in which this replacement is a legitimate and truth-preserving move.

Wagemans' system, like that of Aristotle's *Topics*, is also explicitly intended for producing as well as for analyzing and evaluating arguments. It may not only produce arguments, but also guide the identification and detection of arguments in given texts ("argument mining", as Lawrence and Reed 2019 have called this process), the mapping out of arguments and the identification of argument types, for which latter purpose Wagemans has even developed a special procedure, called Argument Type Identification Procedure, ATIP (Wagemans 2021a).

5. EXAMPLES

In this final section, for the purpose of demonstration I will analyze two types of arguments from Wagemans' periodic table according to the method that underlies Aristotle's *Topics*. For this purpose I will pick one argument type each from the Fact-to-Fact arguments of the alpha and beta quadrants respectively, namely the argument from sign from the alpha quadrant and the argument from example from the beta quadrant, since these have parallels at least in the description of enthymemes in Aristotle's *Rhetoric*, which, if we believe Christof Rapp, still follows the one-premise-argument model of the *Topics*.

I begin with the argument from sign. As a paradigm, Wagemans (2017, alpha quadrant, argument from sign) chooses an example taken precisely from Aristotle, yet from the beginning of the *Metaphysics* (I 1, 980a21-27): “**All human beings (*a*) by nature desire to know (*X*), because all human beings (*a*) have a liking for their senses (*Y*).**” The fulcrum here is the subject (*a*) ‘human beings’, and the lever moves from (*Y*) ‘having a liking for their senses’ to (*X*) ‘desiring to know’. Here, ‘having a desire to know’ is taken as the wider genus of ‘having a liking for the senses’, since sensual knowledge is a strict subset of knowledge in general.

It may be easier for demonstration purposes to examine an example from Aristotle's *Rhetoric* (I 2, 1357b15), from a medical context (from which Aristotle takes most of his examples for sign arguments): ‘Patient X is ill, because s/he has fever’. Laid out more explicitly, this would mean: From the premise ‘patient X has fever’ is deduced the conclusion ‘patient X is ill’ (the subject still being the fulcrum). This is justified by the rule that in a genus predication an extension of the predicate is legitimate. Hence what we get by this is an infallible sign (Aristotle calls this a *tekmérion*, a demonstrative proof). Yet most arguments from signs are actually fallible (or defeasible, if you wish) arguments. Just imagine what will happen if we change the argument as follows: ‘Patient X has fever, therefore patient X has the flu’. In that case the predicate has been narrowed down instead of extended (since not all feverish persons suffer from the flu; it may just as well be pneumonia, or perhaps even Covid). This is not to say that the argument is completely nonsensical; most doctors will employ such arguments on a daily basis. It is just defeasible logically, yet still quite useful pragmatically. So here we obtain a criterion to distinguish fallible from infallible sign arguments.

Let us finally turn to an argument from example. Wagemans (2017) does not offer any example for that. So we may borrow one from Aristotle: ‘Wise men are just, because Socrates was just’ (*Rhetoric* I 2, 1357b12-13). Here the fulcrum is the predicate, and it is the subject that is modified. What happens is that the subject gets extended from one exemplary wise person, i.e. Socrates, to all wise men. Yet from a logical point of view, this is eminently risky. For what applies to Socrates as an individual need not necessarily apply to all wise men. Hence the argument is evidently defeasible, as on principle all arguments by example are. It is not logically permitted to extend the subject in such a type of argument without jeopardizing the truth of the proposition.

By contrast, however, it would be perfectly legitimate to further narrow down the subject. But this of course is impossible when the subject consists of only one person in the first place. Hence, for demonstration, let us imagine another example:

‘argumentation theorists are clever; therefore: philosophers are clever’. This is clearly a risky conclusion. There may still be some dumb philosophers (other than argumentation theorists, of course). Yet it would be perfectly legitimate to deduce from the premise that argumentation theorists are clever the conclusion that pragma-dialecticians (or, for that matter, informal logicians) are clever, since they each represent a strict subset of argumentation theorists.

6. CONCLUSION

I hope to have been able to make plausible that there are some striking similarities between Jean Wagemans’ recent theory of the functioning of one-premise arguments by way of the mechanism of fulcrum and lever and Aristotle’s early model of the functioning of one-premise arguments in the *Topics* and probably still so in the *Rhetoric*; moreover that Aristotle’s interpretations, if laid out in a set-theoretical model of extension and narrowing of subjects and predicates respectively, may offer a reasonable method for screening the soundness or defeasibility of argument types within Wagemans’ Periodic Table of Arguments. This may perhaps not work for all types of arguments displayed in that table, most probably not for the entire gamma and delta quadrants, in the worst case perhaps even only for the very few fact-to-fact arguments in the alpha and gamma quadrants (which nonetheless represent the core of good and reasonable argumentation). Hence, whether it can rightly be called a revival of Aristotle’s early theory remains to be seen, and more research needs to be done. But even so, Wagemans’ theory of the possibility and the mechanisms of one-premise arguments and the investigation and study of Aristotle’s early pre-syllogistic logic of arguments may lend each other mutual support.

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Dead-end of Argumentation: The Holocaust Analogy

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ABSTRACT: This paper explores the utilisation of Holocaust analogies in media discourse, focusing on their ethical and moral implications. It acknowledges the lasting impact of the Holocaust on the Jewish population while discussing the disregard for ethics in favour of effective arguments. The study analyses Holocaust analogies from Twitter and journalistic publications using a pragma-dialectical approach and Moral Judgement Theory. By examining contextual factors and subject matters, the research evaluates the plausibility and moral standing of these analogies. The findings provide insights into the various contexts in which the Holocaust analogy is employed and its potential links to the rise of anti-Semitism, contributing to a better understanding of its portrayal in public discourse and the media.

KEYWORDS: analogy argumentation, media, moral judgement, pragma-dialectics, the Holocaust analogy

1. INTRODUCTION¹

The excessive and habitual use of Holocaust analogies in public discourse is a growing concern. While this concern is often discussed among activists, opinion makers, academics, journalists, and comedians, it is based on anecdotal evidence (Friedberg, 2018; Clark, 2021; Baddiel, 2021; Sawkins & Rollison, 2022). Historical analogies, including the Holocaust analogy, serve the purpose of providing a deeper understanding of reality by comparing past and present events that share significant similarities (Desch, 2006; Temkin, 2023). These analogies can shape decision makers' perceptions of the costs and benefits of various actions, especially if one believes that history repeats itself (Desch, 2006; Spinney, 2012; Temkin, 2023). Argumentation theory allows for the use of any argument, including the Holocaust analogy, as long as there is sound reasoning and evidence (Drury, 2019). However, the utilisation of the Holocaust analogy often leads to a cessation of reasonable argumentation.

The concern arises from the potential distortion of the memory of the Holocaust through its extensive and inappropriate use (Gerstenfeld, 2009). This analogy's usage can undermine its emotional weight and contribute to the reported increase in anti-Semitism,

¹ Disclosure statement: This research paper, including all analyses, interpretations, and conclusions presented herein, is based on data and information collected and processed, as well as written and submitted for publication prior to the events that transpired on the 7th of October, 2023. As such, the findings and discussions contained within do not reflect or take into account the developments or data emerging from these events. The author acknowledges that these subsequent events may have significant implications for the subject matter of this research. However, any analysis or interpretation of such events falls beyond the scope of this paper. The readers are therefore encouraged to consider the specified timeframe when evaluating the relevance and applicability of these findings.

as identified by the Center for the Study of Contemporary European Jewry (2021) (BBC News, 2022a). Literature suggests a strong connection between expressed opinions and their manifestations in physical reality, particularly regarding the use of violent language and subsequent actions (Silva, 2017).

Analogies establish a relationship between unlike things and involve argumentative choices (Bates, 2009). In pragma-dialectics, van Eemeren and Garssen (2014) differentiate between descriptive and normative analogies, as well as figurative analogies. Analogy argumentation is thus suggesting a resemblance or similarity between two things, the argument and the standpoint (van Eemeren & Grootendorst, 1992). Within the Moral Judgement approach, Cowie (2019) posits that arguments from analogy are based on the thought that moral judgments and epistemic judgements are the same kind of thing, linking beliefs to truth and evidence and what one ought to do (Cowie, 2019). However, Holocaust analogies should primarily be understood as political statements in a market-driven media environment, exploiting the emotional impact of extreme formulations (Bischoping & Kalmin, 1999; Mukherjee et al., 2022; Citron et al., 2019; Moore, 2018).

This paper aims to examine the influence of Holocaust analogies and argumentation from analogy on public discourse, specifically exploring their broader implications and consequences in various contexts. It seeks to answer the research question: *How are Holocaust analogies used in public discussions on various events and issues, in the media?* Building upon existing knowledge of analogies and argumentation, this paper analyses Holocaust analogies in the media, identifying the objects or situations to which the Holocaust is being analogised. It takes an exploratory and interpretative approach, systematically examining a curated corpus of analogies and analogy arguments from journalistic articles and Twitter artefacts. The research investigates the presence of analogies in public discourse, evaluates the arguments, and explores the moral soundness and plausibility of these analogies. Additionally, it explores whether these analogies serve other purposes, such as diverting attention or eliciting strong emotional responses.

This research aims to gain a comprehensive understanding of how Holocaust analogies are used in argumentation in public discourse. The analysis remains impartial, focusing solely on factual open-source information and the intended meanings conveyed by the analogies. The paper consists of five themed sections: introduction, theoretical dimensions, methodology, analysis and findings, and discussion and conclusion.

By examining the use of Holocaust analogies and their argumentative function, this research contributes to the understanding of the prevalence and implications of this analogy, as well as of the Holocaust itself, in public discourse, while also identifying limitations and suggesting areas for future research.

2. ANALOGY AND ANALOGY ARGUMENTATION

Analogies have garnered significant interest from various disciplines, including law, ethics, artificial intelligence, argumentation theory, and mathematics (Guarini et al., 2009). Analogies offer a means to compare different things within diverse contexts and for various purposes (Guarini et al., 2009). Although the classical Greek term for analogy, "analogia" or *αναλογία*, translates to "proportion," it now refers to "extents of similarity" (Guarini et al., 2009). Analogies simplify the understanding of complex phenomena by defining them

through more familiar concepts, bypassing the need for unique definitions and meanings. The complexity of the cognitive processes involved in analogy construction has contributed to their extensive study (Guarini et al., 2009).

Analogical reasoning and argumentation are commonly employed to solve problems, describe, learn, or explain things by expanding our understanding through known phenomena (Juthe, 2005). Bates (2009) argues that analogies present relationships between dissimilar entities by highlighting possible comparisons, making them choices in argumentation. Making an argument from analogy suggests a resemblance, agreement, likeness, parallel, or other types of similarity between the argument and the standpoint (van Eemeren & Grootendorst, 1992; Walton, 2010). Not all analogies, however, are argumentative; some are simply explanatory statements (van Poppel, 2021). An analogy becomes argumentative when connected to a particular claim in a context of disagreement (Schellens, 1985, as cited in van Poppel, 2021).

The general argument scheme for analogical argumentation consists of a standpoint, an argument, and a linking premise (van Eemeren et al., 2002; van Eemeren et al., 2007). A basic analogy argument structure comprises a standpoint, the argument expressing the determining relation, and the unexpressed linking premise representing the one-to-one relation between the elements (Juthe, 2016).

Within the pragma-dialectical approach, various types of analogical argumentation have been identified, including same-domain analogies, figurative analogies, descriptive analogies, and normative analogies (van Eemeren et al., 2007; van Eemeren & Garssen, 2014). Same-domain analogies compare elements within the same field of knowledge, while figurative analogies compare concepts from different domains. Descriptive analogies focus on relevant similarities, and normative analogies rely on systematic categorical differences (van Eemeren & Garssen, 2014). Figurative analogies involve comparing elements situated in different levels of experience, spheres, or kinds, often utilising figurative language like metaphors or similes (van Eemeren & Garssen, 2014).

The Moral Judgement Theory emphasises the role of analogical argumentation in ethical discussions, as analogies contribute to our knowledge and involve moral choices (Smith, 2002). Analogies based on moral judgments can have normative implications in establishing moral norms or principles, but not all analogies based on moral judgments are inherently normative (van Eemeren & Garssen, 2014).

The analysis of analogies necessitates considering factors that bridge the acceptability gap between the argument and the point of view, such as prior knowledge, moral and ethical codes, intelligence, political convictions, and demographics (Guarini et al., 2009). Analogical argumentation is susceptible to fallacies, particularly the fallacy of false analogy, which arises when one falsely assumes that things similar in one respect must be similar in others (Guarini et al., 2009; Walton, 2010).

3. HISTORICAL ANALOGIES & THE HOLOCAUST ANALOGY

Historical analogies, such as the Holocaust analogy, attract significant research interest (Walton, 2010). Historical analogies link well-known past events to current situations and are based on underlying arguments from analogy. However, a distinction should be made between historical analogies and historical comparisons. An analogy oversimplifies and

distorts the differences between events, while a comparison critically considers the similarities and differences (Rozett, 2022). Historical analogies often evoke strong emotional responses and have political implications. They are utilised in various contexts, including public representation, media, and individual memory (Ariely, 2020).

The Holocaust analogy is a specific type of historical analogy that refers to a wide range of political issues (Steinweis, 2005). Equating rivals or enemies with Nazis and making comparisons to the Holocaust are not uncommon (Ariely, 2020). Holocaust analogies are used by various actors, including political establishments, human rights activists, NGOs, writers, and artists (Ariely, 2020). Bates (2009) concludes that the use of a historical analogy such as the analogy to the Holocaust encourages over generalised and superficial conclusions. However, these analogies can contribute to the distortion of the Holocaust's historical record (Crane, 2022; Panisson et al., 2018; Kirmayer et al., 2014). The use of Holocaust analogies often leads to a focus on dramatic events, superficial conclusions, and neglect of historical context and motives (Bates, 2009). The Holocaust analogy carries the premise that standing by and doing nothing is akin to being an accomplice to genocide (Desch, 2006). Yet, the fairness and validity of the analogy remain subjects of debate.

The use of Holocaust analogies has become somewhat normalised or trivialised over time. While it is assumed that the analogy carries deep meaning and influence, studies suggest that it may not significantly influence public opinion or moral judgments (Valentino & Weinberg, 2017). Despite this, the analogy continues to be used. The power and purpose of the Holocaust analogy may not align with people's expectations, yet its usage persists.

4. CONTEXTUAL BACKGROUND

The Holocaust, also known as the Shoah, refers to the genocide of European Jews during World War II by the Nazi regime in Germany (Moore, 2008). It is important to note that not only Jews but also other marginalized groups, such as Roma people, gays, and lesbians were targeted (Moore, 2008). Yet, despite its extensive documentation, there is no shared memory of the Holocaust, as different societies present and remember the history of World War II and the crimes against Jews in diverse ways shaped by national, cultural, ideological, religious, and political interests (Moore, 2008; Wodak & De Cillia, 2007). The Holocaust holds significant importance in Jewish identity today and remains a topic prone to discussions, controversies, and distortions (Ariely, 2020; Gerstenfeld, 2009).

The Holocaust analogy, when evoked, can refer to various aspects of the event, politics surrounding it, or other cruel occurrences (Ariely, 2020). The understanding of the analogy depends on individuals' knowledge of the Holocaust and their awareness of its facts, which can range from strong and accurate analogies to abstract and emotionally provocative uses (Ariely, 2020). The Holocaust has influenced political relationships and policies worldwide, leading to discussions and controversies that can distort its memory (Desch, 2006; Gerstenfeld, 2009).

The Jewish experience extends beyond the Holocaust, with a long history of discrimination that predates the genocide (Behar, 2022). Jewish identity is fragile, and there is an unspoken consensus that because the Holocaust already happened, this does not mean

it could not happen again (Radney, 2019). Jewish people face what is called 'double-status racism,' experiencing both low-status racism and high-status racism, such as conspiracy theories (Baddiel, 2021).

The analysis of the Holocaust analogy in modern day discourse demands placement of Jewishness within the paradigm of Identity Politics, as a lot of the discourse on social media nowadays happens through its lens, regardless of where on the political spectrum it comes from (Crenshaw, 1989; Cook et al., 2014; Miller, 2020). Competitive victimhood, a concept related to identity politics, contributes to anti-Semitism and the distortion of the Holocaust (Rozett, 2022). The Holocaust analogy can be weaponized within the framework of oppression competition and can be used to question, judge, scrutinise, and insult Jewish people (Schechter, 2016)

The habitual use of the Holocaust analogy raises concerns about the distortion of Holocaust memory and the potential increase in anti-Semitism (Gerstenfeld, 2009). Language plays a significant role in shaping perceptions and can have violent consequences, although the connection between language and physical manifestations is complex (Silva, 2017). The Holocaust analogy itself is not inherently anti-Semitic or violent unless explicitly intended as such or interpreted that way by the audience (Leezenberg, 2017; Taddei, 2017). However, the analogy can be seen as an example of 'soft-core anti-Semitism,' as it is the event most frequently alluded to in public discourse, opening the possibility of debate and inviting malicious actors (Heni, 2008).

In the analysis of the Holocaust analogy in public discourse, it is crucial to consider the argumentation processes, the events or issues being analogised with the Holocaust, the intentions of the speakers, and the possible conclusions drawn by the audience (Gerstenfeld, 2009). Moreover, understanding the complex relationship between language and violence is essential for analysing and interpreting the Holocaust analogy and its implications (Silva, 2017).

5. METHODOLOGY

The process of assembling the corpus presented challenges in achieving systematic outcomes. To ensure manageability within the timeframe of this thesis, the research focused on Holocaust analogies from 2022 to the beginning of 2023. Explicit analogies were selected, and the main search term used was "the Holocaust," excluding other domain-specific terms to maintain a narrow and specific corpus assembly process.

Regarding data sourcing, the final corpus was compiled from Twitter and LexisNexis. Twitter was chosen for its capacity to provide immediate opinion sharing in a concise format, allowing access to a diverse population. The platform's Advanced Search feature facilitated straightforward data collection. In contrast, LexisNexis (NexisUni) offered access to journalistic material from official publications, capturing opinions expressed within a narrower professional social layer. These platforms were considered representative of the media space where public debates occur, offering a wide range of data reflecting the diversity of Holocaust analogy contexts.

To gather a corpus encompassing various analogy uses, trending keywords were selected based on the significant global topics of recent years. These keywords were obtained from [isidewith.com](https://www.isidewith.com), a platform that lists the most discussed political and social

issues derived from public polling. Examples of these keywords included *Abortion*, *Police*, *Covid-19*, *Vaccine*, *Trans/gender*, *Colonialism*, and *Ukraine*. It is important to note that the gathered analogies were not exclusively tied to these search terms, as they also appeared in tags due to Search Engine Optimization practices. This approach allowed for a structured diversification of the corpus, creating a representative sample.

During the search process on both Twitter and LexisNexis, methodological choices were made to ensure contextual diversity. The location parameter was set to 'Worldwide,' and a broad range of outlets and authors were included. However, the language limitation was English, encompassing sources written in English or available in English.

The corpus collection methodology involved data gathering from Twitter and LexisNexis within the period of 2022-2023, utilising the search term '(the) Holocaust.' By applying various search operators, hashtags, and exact phrases related to the search terms, the Twitter search was refined, resulting in up to 20 tweets for analysis. For LexisNexis, a search within the database for journalistic articles containing '(the) Holocaust' aimed at assembling up to 10 relevant articles. Preprocessing of the data involved removing duplicates and filtering out tweets and articles that were not relevant to the research focus. The final corpus consisted of 13 Tweets and 8 journalistic articles, providing a sufficient number of cases to analyse the variety of subjects with which the Holocaust is analogized within the designated time frame. Each analogy was examined individually, considering its argumentative structure, underlying standpoints, and the similarities and differences between the analogized events or phenomena. The methodology employed a combination of the pragma-dialectical approach and the moral judgement theoretical approach, drawing from best practices in analogy analysis to facilitate a thorough critical evaluation (Govier, 1989; van Eemeren et al., 2002:137; Smith, 2002; Juthe, 2005; van Eemeren et al., 2007; van Eemeren & Garssen, 2014:40; Desch, 2006; Cowie, 2017).

6. ANALYSES

The analogies were assigned to specific domains based on their contextual relevance. The domains represent the broader themes or topics within which the analogies are found. Table 1 provides an overview of the identified domains, their corresponding contexts, and the distribution of corpus artefacts within each domain.

Context refers to the specific topic or subject that is being analogized with. In some cases, the context can be the broader theme of the Tweet or article. Determining the context was relatively easier for journalistic articles due to the availability of more information. However, for Tweets, which had limited framing information, special attention was given to the timeline and consideration of the external events or issues that the Tweet might be associated with. Despite this challenge, identifying the contexts of each analogy was not difficult. The domains were inductively established prior to the analysis. The analysis found that the analogies largely conformed to at least one of the predetermined domains, aligning with the initial predictions.

Domain	Context	Twitter	Articles
	(Teaching of) Transatlantic Slave Trade	2	
	Australia day	1	
	Nakba	1	
	Surinamese Slavery		2
Analogy to a current/ongoing (<i>geo-political conflict</i>)	Ukraine	1	2
	China and Uyghurs	1	1
Analogy to a (current) social issue	Body politics		1
	Police brutality	1	
	Mass shooting & 2nd amendment	1	1
	Burning of the Qur'an	1	
	Covid-19	1	
	'Pride flag'	1	
	Abortion		2
	Transgender 'debate'	1	

Table 1 – Overview of Domains and Contexts

Example analysis 1:

A cool fact about the police is that one of the first heads of Interpol, the international police agency, was Reinhard Heydrich, architect of the Holocaust.

Domain: Analogy to a (current) social issue, Context: Police Brutality, Source: Twitter

The Tweet is identified as containing the Holocaust analogy in the context of the ongoing discussion of police violence and brutality in the US. The author, an American journalist, presents a fact stating that Reinhard Heydrich, the architect of the Holocaust, was one of the first heads of Interpol, the international police agency. This analogy falls within the broader domain of *Analogy to a (current) social issue*, specifically discussions of police violence in the US.

The argument in the Tweet suggests that the ideas and practices of the Holocaust are present in the police system today, based on the shared association of Reinhard Heydrich with both Interpol and the Holocaust. However, the author does not provide further reasoning or references to support the argument or clarify the logical connections. The analogy relies on the interpretation of the audience and lacks specific details or clear definitions of the similarities.

The identified similarity claim is based on the fallacy of generalisation, suggesting that the entire category of "police" shares the qualities of Reinhard Heydrich as a perpetrator of the Holocaust. However, there are critical differences between the purpose and intent of the Holocaust and the actions of the police (Welzel, 2006). While police violence in the US disproportionately affects non-white minorities, it is not explicitly part of their mission to commit violent acts against these groups (Desmond et al., 2016; *Mapping Police Violence*, 2022). The suggestion of a direct and explicit similarity between Interpol under the Nazi Regime and the US Police is inconsistent and far-fetched.

Overall, the argument from analogy in this Tweet is not strong and does not withstand scrutiny. However, it effectively captures public attention and provokes discussions, which may be the intended goal of such opinions shared on social media.

Example analysis 2:

<...>For example, the cabinet wants Minister for Legal Protection Franc Weerwind to travel to Suriname. The choice for Weerwind, himself a descendant of enslaved people and of Surinamese descent, is unfortunate, as if you let a Jew make excuses for the Holocaust.<...>

Domain: Analogy to a (past) historical event, Context: Surinamese Slavery, Source: NexisUni

The argument from analogy in this case is presented within the discussion of European Colonialism and Surinamese slavery, falling under the domain of Analogy to a (past) historical event. While acknowledging baseline categorical differences between the Holocaust and Surinamese slavery, the analogy aims to deepen the understanding of historical injustices and their legacies. It is made with the normative claim that the oppressed should not make excuses for their oppression to the same extent that a Jew should not make excuses for the Holocaust.

The analogy highlights the quality of systematic oppression in both the Holocaust and Surinamese slavery, where marginalised groups experienced dehumanisation and brutal treatment, resulting in lasting social, economic, and political impacts. Franc Weerwind is seen as analogous to a Jew in terms of being a victim or descendant of victims

of systematic oppression, with comparable long-lasting impacts. The analogy stands when considering these respects, as reasonable grounds for comparison exist.

However, there are problematic aspects to using the Holocaust analogy in this context. Comparing Weerwind, a government-elected politician, to an abstract individual of Jewish heritage is illogical, as it implies equal significance in their words or actions (den Hartog, 2022). Additionally, the analogy fails to account for the diversity of the world's Jewry, which is not a single organised political body. The author's choice to employ the analogy instead of making a straightforward statement suggests a preference for a stronger and more emotionally evocative argument.

Overall, while the analogy draws meaningful similarities, its use in this context is contentious due to the specific comparisons made and the potential for misrepresentation of individuals and groups involved.

Example analysis 3:

We must not let China get away from Uyghur genocide as Uyghur genocide model exported elsewhere rapidly as something so great when it's purely evil. If "Never Again" declared to Never repeat holocaust, we must never let Uyghur genocide go away without China taking responsibility.

Domain: Analogy to a current/ongoing (geo-)political conflict, Context: China & Uyghurs, Source: Twitter

The analogy presented in the Tweet draws a parallel between the Holocaust and the ongoing atrocities against the Uyghur population in China, emphasising the need to hold China accountable. It is normative in nature, suggesting that the Uyghur genocide is evil and comparable to the Holocaust. The analogy is used descriptively, employing the reality of the Holocaust to highlight the reality of the Uyghur genocide (BBC News, 2022b).

The argument asserts that China should not be allowed to escape scrutiny for its actions against the Uyghurs, paralleling the commitment of "Never Again" in preventing the Holocaust from recurring. It calls for the international community to take action against the Chinese authorities responsible for these crimes. The analogy is supported by two justifications: the historical context of the Holocaust and the potential for the Uyghur genocide model to be exported elsewhere.

However, there are aspects of the argument that warrant scrutiny. The interpretation of "Never Again" as an imperative vow made by the global society to prevent genocides is called into question. While the phrase emerged as a commitment following the Holocaust, it has been criticised for often being used as a cliché and for the failure to effectively prevent genocides. The Jewish community's understanding of "Never Again" differs, focusing on preventing victimisation rather than a global imperative (Kellner, 1994). Therefore, extrapolating the principle of "Never Again" to other groups may not be as useful in preventing genocides and genocidal practices altogether.

In summary, while the analogy between the Holocaust and the Uyghur genocide seeks to emphasize the importance of holding China accountable, the interpretation of "Never Again" and its application to other groups raises questions about its effectiveness in preventing future atrocities.

7. DISCUSSION

The analysis of Holocaust analogies reveals their diverse types, forms, and objectives within different domains. Same-domain analogies, both descriptive and normative, and figurative analogies are identified, aligning with the proposed categorisations (van Eemeren, 2007; van Eemeren et al., 2002; Renardel de Lavalette, 2019). Analogies to the Holocaust within the domain of "Analogy to a (past) historical event" predominantly fall under the normative category. These analogies utilise the Holocaust as a benchmark to address consequences or treat events with a similar level of seriousness. In the domain of Analogy to a current/ongoing geo-political conflict, limited factual information hinders evaluation, and the strength of the analogy may vary over time. Analogies in this domain primarily serve to convey urgency and moral obligation to intervene. Within the domain of Analogies to a (current) social issue, emotive parallels are drawn, often employing hyperbolic use of the Holocaust analogy, and primarily relying on its symbolic significance as a great tragedy.

While the prevalence of Holocaust analogies across domains underscores their influence in shaping discourse and prompting discussions on various events and issues, the analysis reveals that most analogies are not reasonable upon critical examination. Many analogies exploit the significance of the Holocaust for dramatic effect or exaggeration, but fail to meet the requirements for unquestionable acceptance (Botting, 2022; Temkin, 2023). Despite the lack of reasonable arguments, individuals who use the Holocaust analogy are deeply passionate about their cause and often do not place themselves in the position of someone for whom the Holocaust carries equivalent emotional significance. In many instances the Holocaust analogy is used because the arguer (perhaps) cannot find a better argument, as it is not for the presence of extensive knowledge on the subject or willingness to argue reasonably that the arguers often leave the analogy to speak for itself, effectively facilitating for the argument to reach a dead end (Pander Maat, 1987). Consequently, the Holocaust analogy does not contribute to the resolution of disagreements or promote learning among participants (Goode & Wettersten, 1982; Desch, 2006).

The relevance of the Holocaust analogy to current social developments and discourse is evident, particularly in relation to ongoing cultural shifts and military conflicts. However, the reliance on the analogy may indicate a lack of alternative or new terminology to describe these events. An anecdotal distinction can be observed between analogies found on Twitter and those in journalistic artefacts. Journalistic analogies tend to be more complex, sophisticated, and challenging to disprove, potentially due to the nature of the text and the expertise of the writers.

The developed analytical methodology provides an in-depth understanding of each case of analogical argumentation in the corpus. It can serve as a valuable tool for studying individual instances of analogies and can be adapted to explore different topics or themes in future research.

8. CONCLUSION

This analysis provides a limited but insightful understanding of the use of the Holocaust analogy in public discourse and the media landscape. It demonstrates that the Holocaust analogy is utilised in a wide range of contexts by different individuals and segments of society worldwide. The analysis examines several cases that exemplify this variety to some

extent. However, it is important to note that the sample size is not representative, and therefore, it is not possible to determine statistically significant fluctuations in the use of the analogy or its correlation with societal or political changes.

Nevertheless, the methodology employed in assembling the corpus reveals that the Holocaust analogy can be found in discussions related to any trending topic or issue. This indicates that there are always individuals who rely on the Holocaust analogy to support their arguments, even if in small quantities. The fact of the analogies being present, both in the Twitter discussions, as well as embedded into the journalistic narratives, demonstrates that the analogy use does take place to an extent some would still see as significant – after all, there has been enough concern, raised by academics, comedians and journalists. It is essential, however, to recognise that this analysis represents only a fraction of the broader understanding of the Holocaust's place in public discourse.

It is key to understand that the Holocaust analogy is not inherently anti-Semitic or violent, unless it is explicitly used in an anti-Semitic manner. The goals behind the use of the analogy are primarily attention-grabbing, exaggeration, and using a well-known event as an example. While it is unfounded to attribute the rise in anti-Semitism solely to individuals who use the Holocaust analogy, the pervasive use of the analogy in public discourse draws more attention to the Holocaust, which can invite discussions that are not always favourable or respectful (Johnson, 2018).

The use of the Holocaust analogy can be seen as an example of what Heni (2008) describes as "soft-core anti-Semitism," as it is frequently brought up in public discourse without being explicitly offensive. It raises ethical concerns to base one's argument on a tragic event related to a specific group. Initially, it was hypothesised that the use of the Holocaust analogy reflects a moral choice made by the speaker. However, the analysis indicates that those who employ the analogy do not necessarily hold specific beliefs about the Holocaust itself. Instead, their moral judgments pertain to the issues they are analogizing with the Holocaust.

While these individuals may genuinely care about the causes they are advocating for and seek to draw attention to them through extreme analogies, it also reflects a certain level of egotism (Kaci et al., 2018). They are highlighting their cause at the expense of another cause and another group that is foreign to them (Kaci et al., 2018).

It is also of use to address the limitations of the present research. Firstly, the analysis is constrained by the limited scope and timeframe, resulting in a small number of analysed tweets and articles. A more comprehensive study would require a larger corpus and the application of social theories to understand the motivations behind the Holocaust analogies. Secondly, the analysis is limited by the choice of media channels. Twitter and NexisUni were chosen for their advanced search options and the potential for diverse results. Twitter provided raw opinions, while NexisUni represented more deliberate and well-thought-out argumentation. Other media platforms and genres should be considered in future research to compare the differences in analogy use.

The analysis also does not account for the potential audience size or the number of impressions that analogies may have. The consequences of using the Holocaust analogy may vary depending on the platform and the visibility of the speaker.

Additionally, the analysis is focused on content produced in English or formally translated into English, limiting the topics to those relevant to English-speaking countries. The use of the analogy may differ in different languages and cultural contexts, and future research should explore this further.

Overall, the limitations of the paper underscore the need for a more comprehensive

and nuanced analysis of the Holocaust analogy in the media, taking into account a larger corpus, different media platforms, and diverse cultural contexts.

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Stasis on the Greasy Grass

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ABSTRACT: In a Greek universe of movement, ‘stasis’ named moments of tensional standing-still generated by counterbalancing forces: material, sociopolitical, and argumentative. These intertwined senses inform understanding of arguments over U.S. colonial history that materialize at famous memory places. Since 2003, an Indian Memorial at Little Bighorn Battlefield National Monument – long a shrine to George Armstrong Custer and the 7th U.S. Cavalry – has contested settler memories not through subaltern critique or reconciliation but through sustained stasiastic opposition.

KEY WORDS: Custer, Greasy Grass, Indian Memorial, Little Bighorn, multi-modal, stasis

1. INTRODUCTION

The purpose of this paper is to consider the relevance of argumentation to an understanding of material spaces, that is, to treat physical places as literal sites of multi-modal argument. More specifically, we’re interested in what have been called “memory places,” sites that recall and commemorate past events (Dickinson, Blair & Ott, 2010, p. 2). Memory places are well-suited to study from an argumentation standpoint because they often are sites of controversy: people disagree over what happened, what should be remembered, and how it should be remembered. As sites of actual armed conflict, battlefields are especially rich sites at which to explore conflicts of memory.

This paper examines one such battlefield: the site on which occurred what U.S. American settlers known as the Battle of the Little Bighorn and Native peoples know as the Battle of Greasy Grass. This site is particularly interesting because settler memories were almost exclusively memorialized for about 130 years; only in the past 20 years, with the dedication of an Indian Memorial (IM), has the longstanding settler version of what happened been destabilized. Previous scholarship has treated the IM as constituting a form of oppositional argument that contests the site’s historical claim that only settler lives are worth remembering (McGeough et al., 2015). This paper elaborates and refines the nature of this opposition. Considering multiple plausible interpretations of the site as now constituted, we argue that it resists a unified, nonoppositional interpretation and, further, that its oppositional character is best understood as stasiastic.

2. BACKGROUND

Interstate 90 is an east-west transcontinental highway and the longest interstate highway in the United States, stretching from Boston, Massachusetts, through Chicago, Illinois, to Seattle, Washington. Its shorter cousin, Interstate 94, which originates near Detroit, Michigan, is the northernmost east-west interstate highway in the country, linking the Great Lakes with the northern Great Plains and Intermountain West. Both are major arteries through Wisconsin and Minnesota (even sharing a roadbed for some distance in the former) that we have traveled often between our home states and our current home in California. The routes present one simple, if Hobbesian, choice: North or South Dakota?

Eastbound, this choice must be made a few miles past Billings, in southeastern Montana, where I-94 originates (or, westbound, terminates) at I-90. Here on the arid high plains, the undulating terrain of muted gold/grey/brown extends to the far horizon, interrupted by occasional threads of green along creeks and coulees. Particularly at the glance afforded by a speeding automobile (Dickinson, 1997, p. 11), a sense of vast, undifferentiated space prevails; Big Sky Country, indeed. Road signs—both official highway signs and commercial billboards—are key in marking places within space, that is, sites of activity that travelers will find here but not there. Whether one travels east or west, on I-90 or I-94, one cannot miss the signs directing travelers to a site of significant *historical* activity 50 miles from their junction, along the Greasy Grass/Little Bighorn River.

The bare facts regarding the battle are these: During what was called the Great Sioux War of 1876, the U.S. Army conducted a military campaign to subdue recalcitrant Lakota (Sioux) and Tsistsistas (Northern Cheyenne) peoples who refused confinement on their reservations. Twelve companies of the 7th Cavalry Regiment, under the command of Lieutenant Colonel George Armstrong Custer, were part of a planned three-pronged pincer movement. On June 25, the 7th was the first unit to encounter an enormous Native village, gathered along the Greasy Grass for the summer buffalo hunt. Estimated to contain 1,800 lodges, 10,000 inhabitants, and thousands of ponies, one of Custer's scouts called it "the largest village I have ever heard of" (MacNab, 2003, p. 45; Nevin, 1973, p. 216). A lack of reconnaissance, erroneous assumptions, and miscalculation—by Custer and other commanders—contributed to a disastrous armed engagement—over two days and roughly 3.5 miles of complex terrain—in which 268 U.S. personnel were killed and 55 severely injured (Scott et al., 2013, p. 244). Most memorably, Custer and the five companies that remained under his direct command, who undertook a final defensive stand from a hilltop, were wiped out in only "as long as it takes a hungry man to eat a meal" (*Battle*, n.d.). For this reason, schoolchildren also learn that the battle is called 'Custer's Last Stand' and that the hilltop is called 'Last Stand Hill.'

3. MEMORY WORK AT THE GREASY GRASS/LITTLE BIGHORN

Settler memory work began almost immediately after the battle. The initial public reaction to the shocking news from Montana Territory was mixed. At an Army inquiry, some officers blamed Custer's actions. But the Army, already facing Congressional restructuring proposals that would reduce its officer corps, had a vested interest in

deflecting criticism. Moreover, Custer's widow, Libbie, worked tirelessly to burnish her husband's reputation. Over time, the story of the Battle of Little Bighorn that came to predominate in settler society was a heroic narrative of courage and sacrifice in the face of overwhelming odds.

Immediately following the battle, soldiers were buried in shallow graves where they fell, hastening decomposition and human and animal depredation and making identification of remains difficult. This quickly was deemed insufficiently dignified. Custer himself was reinterred at the U.S. Military Academy at West Point a year later. In 1879, the Secretary of War declared the site a national cemetery in order to preserve the graves, and the 11th Infantry constructed the first memorial: a log structure roughly 10' x 10' and 11' feet high, within which were buried the horse and human bones that could be found. In 1881, a 12'-tall granite pillar inscribed with the names of 220 cavalymen replaced the wooden structure on top of Last Stand Hill; remains were reinterred near the new memorial but stakes were placed in the ground to mark where soldiers had fallen. In 1886, the site was named, after its tragic hero, *National Cemetery of Custer's Battlefield Reservation* and expanded to include the dead from other campaigns and wars. In 1890, the stakes were replaced with marble markers. In 1946, the site was renamed but retained its eponym: *Custer Battlefield National Monument*. The cemetery proper is still called *Custer National Cemetery*.

To call this site a 'memory place' is to beg an obvious question: Whose memories? Of course, Native participants in and eyewitnesses to the Battle of Greasy Grass had their own memories, stories, and memorial practices. Shortly afterward, family members removed the bodies of their loved ones from the field and marked with rock cairns the spots where they had died. In 1925, Mrs. Thomas Beaverheart wrote its superintendent seeking inclusion: She requested that a marker be placed on the field to indicate where her father, Lame White Man, a Tsistsistas warrior, had fallen (Greene, 2008, p. 170). The superintendent did not respond. Although the forces of change—numerous, varied, and complex—accelerated after 1940, when the National Park Service assumed jurisdiction from the War Department (see Greene, 2008, Ch. 5), it is fair to say that settler memories went largely unchallenged for a century. In 1972, the superintendent denied a request by members of the American Indian Movement to erect a cast-iron plaque reading: "In memory of our heroic warriors who defended our homes and laws against the hostile aggression of the United States government" (Greene, 2008, p. 228; Linenthal, 1993, p. 159). Not until 1976 did indigenous memories gain traction, when 100 AIM members "escalated symbolic guerilla warfare" by interrupting the Monument's centennial commemoration, singing "Custer Died for Your Sins" while carrying the U.S. flag upside down as an "international signal of distress, because the red man of the Western Hemisphere is in distress" (Linenthal, 1993, pp. 143, 159). AIM returned on the 112th anniversary of the battle to cement into the grassy area adjacent to the pillar, in which enlisted soldiers are buried, a crude steel plaque (subsequently removed) reading: "In honor of our Indian Patriots who fought and defeated the U.S. calvary [sic] In order to save our women and children from mass-murder. In doing so, preserving rights to our Homelands, Treaties and Sovereignty" (del Olmo, 1988; Greene, 2008, p. 228; a photograph of the plaque appears in Linenthal, 1993, n.p.).

The most dramatic expansion of memory began in 1991: The site was renamed Little Bighorn Battlefield National Monument (LBBNM, a name that, Natives noted

wryly, no longer celebrates the loser) and Congress authorized construction of an Indian Memorial. The competitively selected design consists of a circular sandstone and earthen structure with concave exterior walls, resembling a hillock. The interior walls feature marble slabs that tell the stories of the Native nations involved. There are four openings in these walls, the largest of which displays an open bronze sculpture of ‘Spirit Warriors,’ executed by Oglala Lakota artist, Colleen Cutschall. The IM is located on a ‘shoulder’ of Last Stand Hill, separated from the 7th Cavalry pillar by 75 yards and by the road that takes visitors from the Visitors’ Center to the far end of the battlefield, approximately three miles away. In addition, red granite markers have been added to indicate those locations where Native warriors are known to have died.

4. STASIS ON THE GREASY GRASS/LITTLE BIGHORN

We believe that, in its current form, LBBNM constitutes a memory place characterized by opposition and, in particular, stasiastic opposition. In this section, we elaborate this characterization; in the next, we will argue for its superiority.

In a universe of movement, ‘stasis’ for the Greeks named those moments of tensional equilibrium created by counterbalancing forces, in at least three senses. Reflecting broader Greek interest in ‘phusis’ (or ‘physis,’ roughly translated as ‘nature’), including principles of physical motion, the first sense was material: the point of rest created when movement in one direction is halted by countermovement in the opposite direction (Dieter, 1950). Reflecting an equal concern with ‘nomos’ (referring to law, custom, convention), the second sense was sociopolitical: internal strife and civil war, not only in the city-states but also within Greek colonies in Italy, Sicily, and elsewhere (Berger, 1992; Gehrke, 1985). Reflecting speculation about ‘logos,’ the third sense—and the most familiar—was rhetorical: a theory of opposition that identifies the essential (potential) point(s) of clash in an argumentative exchange, particularly in a forensic context in which disputes are focused on the past and concerned with judging justice and injustice (Hohmann, 2001). These intertwined senses generate an analytical construct ripe for application to a memory place like LBBNM, at which distinct material structures evoke and convey differing memories regarding the United States’s own colonial history and implicitly judge differently the (in)justice of this history.

Indeed, the four traditional points of forensic stasis—conjecturing about a fact, definition, quality, and objection—comprise a useful interpretive heuristic. Two caveats are in order, though. First, because the site is presentational and multi-modal, not strictly discursive, the four points cannot be applied in linear fashion. Features of the site do not correspond one-to-one to each point, discretely and exclusively. Instead, these features reflect multiple points simultaneously and nonhierarchically. Second, many facts about the battle remain unknown while others are disputed. Even archaeological study has not answered all questions or settled all disagreements, which are beyond our scope.

Nevertheless, consider the following three material aspects of this memory place. First, presence. The sheer existence of the IM materializes a Native presence in terms parallel (although not equal) to the Army’s presence. This demands reconsideration of the facts, of what happened. It also influences the quality of these events by, at minimum, expanding the scope of lives deemed worthy of grieving, that is, memorializing loss of

life more widely than the loss of soldier lives exclusively (McGeough et al, 2015).

Next, location. The IM could have been constructed in any number of places; indeed, four locations were considered (Greene, 2008, p. 229). But its position on a shoulder of Last Stand Hill is factually fitting inasmuch as it gestures toward the eventual relative positions of Native warriors and U.S. troops. Location also implicates quality: On one hand, its comparative proximity to the 7th Cavalry pillar suggests the equal worth of the lives lost (but see below). On the other hand, just as Native warriors threatened the Army, many ‘Custer buffs’ (Greene, 2008, p. 221) saw the IM as a threat to settler memory and opposed its construction, at least at this location, on the grounds that it would desecrate a sacred memorial space.

Third, design. The IM’s exterior is circular, built of earth and stone; its four openings occur at the four cardinal directions; the Spirit Warriors are spectral, their bodies seemingly made of earth and sky; indeed, the entire structure seems a part of the land. Each of these elements reflects Native spirituality and literally grounds the IM in nature. This contrasts starkly with the 7th Cavalry pillar, which is made of visually alien gray granite and seems to be trying to escape the earth. These design differences define the battle, and modify its quality, from a strictly military engagement to a cultural one as well. Moreover, the IM’s groundedness suggests what (who) belongs and what (who) is alien to the scene, which implicitly (re)defines the battle more particularly as an invasion.

The interior plaques that present Native memories of the battle introduce what for most visitors is probably a new fact: that two other tribes—the Crow and Arikara—scouted for the Army. Historically, the Army was present that day, in part, because the Crow had sought the government’s help in preventing incursions into their homeland by the Lakota, who were being pushed west, out of their traditional lands, by settlement in the Dakotas, particularly the Black Hills. Inscriptions on the red granite markers reflect this history. They remember warriors who died defending their “way of life,” not their homeland, because this was and still is Crow land and contemporary Crow insisted on this terminological distinction. This new fact means that the battle can no longer be defined simply as settler vs. Native. It also defines the battle not as *an* invasion but as *invasions*—plural.

Consider lastly and especially the opening to the south, which intentionally is oriented toward Last Stand Hill. Standing in the IM’s center and looking to the south, the 7th Cavalry pillar is framed in this ‘Spirit Window,’ inviting the spirits of the soldiers to enter. More than any other element, this window alters the quality of the site and redefines the form of engagement between Army and warrior, settler and Native, as something other than opposition, pure and simple. In doing so, it argues most strongly against several other, otherwise plausible, interpretations of the site.

5. IMPLICATIONS

In two contradictory ways, one might essentially deny that the site is oppositional at all. On one hand, one might claim that the IM and 7th Cavalry monuments are autonomous, having nothing to do with one another. Although proximate, the IM also is peripheral to the Visitor Center, Last Stand Hill, and the other features of the site; from a distance, it might not even be noticed. In any event, it certainly is possible to visit one and not the

other. Although we haven't systematically observed circulation patterns, some tangible evidence suggests that different people make use of the site differently: Almost certainly, the visitors who leave coins on soldiers' marble markers are not the visitors who leave offerings of sweetgrass and eagle feathers at the feet of the Spirit Warriors. Nonetheless, the entire history of the IM, not to mention its design features, suggests engagement with the memorials to the Army and settler memories.

On the other hand, by including Native memories, the IM might seem essentially to complete the site, rendering it a unified whole. The visual cue that most encourages this reading is a quotation in both Lakota and English on an exterior wall of the Visitor Center, attributed to Oglala holy man Black Elk: "Know the Power that is Peace." This quotation articulates superficially with the IM's theme of "Peace through Unity" to generate a plausible impression of reconciliation and comity between settler and Native. In one way, this impression is bolstered by the fact that this theme was revised from the original, "Power through Unity"—meant as an appeal to Native peoples to stop fighting *amongst themselves*—in order to appeal more to white Americans (Greene, 2008, p. 315). However, this gesture has not been reciprocated by Custerphiles, who have campaigned to have the Black Elk quotation removed on the grounds that it is too 'pro-Indian' (Greene, 2008, pp. 183, 222-223).

In short, the IM materializes a kind of opposition to but also a kind of engagement with the 7th Cavalry monuments. Of what kind? A third, more tenable interpretation would find that settler memories still dominate the scene while the IM constitutes counterhegemonic resistance. Indeed, in terms of location and sheer volume, settler memories do dominate: The national cemetery and Last Stand Hill are larger, visually more prominent, and closer to the Visitor Center parking lot where guests arrive, while the IM lies on the periphery, physically separated and symbolically marginalized by a ribbon of asphalt. Indeed, some Natives object that its location on land lower than Last Stand Hill "makes it appear that the soldiers are still more important than our fallen warriors" (Greene, 2008, p. 316). Similarly, soldier markers greatly outnumber (quantitatively) warrior markers, which might suggest to some that settler loss is much more (qualitatively) to be mourned.

In our view, however, the Indian Memorial refuses subalterity. Most prominently, the Spirit Window's invitation to soldier spirits is a challenge to engage Native spirits and Native memories literally on Native grounds. In this sense, Native memories both oppose and set the terms of engagement with settler memories.

6. CONCLUSION

This is why, to conclude, we are attracted to stasis as an interpretive lens. If points of stasis are moments of rest generated when movement meets countermovement, rest implies tensional equilibrium. Opposition between hegemon and subaltern may be (much?) more common, and moments of equilibrium may be fleeting. But stasis imagines that such moments are possible and that the outcome of opposition is not predestined and cannot be foretold. We believe that the IM has created such a moment at LBBNM, a moment lasting 20 years—and counting. In fact, we would suggest, although the IM disputes settler memories of the Greasy Grass on factual, definitional, and qualitative

grounds, it ultimately deploys the fourth point of forensic stasis by *objecting* to those memories on jurisdictional grounds. The IM materializes Native ‘sovereignty,’ the word that appeared on that AIM plaque in 1988 and the word, demand, and condition that best articulates indigenous peoples’ objection to more than five centuries of colonization and their refusal to cede jurisdiction to settlers to judge the past, dominate the present, or dictate the future.

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Remarks on the Challenge Raised to Argumentation Practice by Conspiracy Discourses

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ABSTRACT: Conspiracy discourse (CD) holders seem impervious to rational argumentation based on validated argumentative schemes (Keely, 1999). The hypothesis here is that practicing a minimal recognition of claims and values might be a way to open dialogue in some cases. Following a dialectic method (Rescher, 2009) and Cassam's contribution (2021), I will get back to Lippmann's theory to clarify a conceptual dissociation (in Perelman's sense). The trucker convoy in Ottawa, Canada (2022) will serve as case study.

KEYWORDS: argumentation, Cassam, conspiracy, dialectic, discourse theory, dissociation, Ottawa, Perelman, Rescher, trucker convoy

1. INTRODUCTION

Many observers have remarked that in a plurality of countries, some people tend to fall prey to different forms of conspiracy talk. The proponents of these ideas about conspiracies are practicing dubious strategies among which the reversal of the burden of proof (Oswald, 2016, p. 14), where the discourse holder does not have to justify his/her claims but leaves the recipient to prove his/her own position – even if oftentimes it is quite well established by data, reports, publications of all kinds. What can argumentation and rhetoric do in front of such a situation? One task is certainly to show how the discourse works, to analyze the structural moves helping to clarify its characteristics, to build an argumentative profile (Wood & Douglas, 2013). The question asked here is different: at what conditions a dialogue can be established with people influenced by these discourses? Based on empirical exchanges, it can be supposed that not everyone that takes on some elements of conspiracy discourses is out of reach of dialogue. Obviously, I will not be able to develop the whole of what would be needed on such a topic, but I will focus on one of these conditions, taken from the point of view of the speaking person wanting to establish such a dialogue, with a close one, a friend or a known person. Therefore, the perspective is much more centered on individuals eventually embarked in those discourses, than on analyzing specific pieces; I leave on the side the real proponents, sometimes (and with good reason) called conspiracy entrepreneurs (Rotschild, 2021).

2. POINTS OF DEPARTURE

The stance taken here is what I call practical philosophy. I can shortly define it as a preoccupation to connect questions most of the times treated separately (ethics, politics, epistemology) while at the same time, being preoccupied by socially shared issues relevant to common action, that need to be treated in interdisciplinary settings – here the conspiracy phenomenon (Létourneau, 2020). Argumentation and rhetorical analysis can be distinguished with some overlaps (Tindale, 2004), but here they are situated inside that philosophical-practical perspective. In what follows, I use Perelman’s dissociative strategy and also dialectical analysis, following N. Rescher’s proposals from philosophy (Perelman & Olbrechts-Tyteca, 1990 (1958); Rescher, 2006; 2009).

Confronted to conspiracy productions, this perspective faces a double task: on the one hand, a minimum of refutation of the content of these discourses is unavoidable, not only because of lack of cogency and valid argumentation, but also because of political interests that include sometimes issues of public safety. Some of these groups can become radicalized, as was seen with the January 6th, 2021 events in Washington, D.C. involving many Q Anon sympathizers, among other groups (Dreisbach, 2022). It seems to me that the episode of the Freedom Convoy, in the winter of 2022 in Ottawa, Canada, also show this risk potential, even if these Canadian episodes didn't get too out of hand; I will come back to this particular case later – an impressive number of trucks blocking the capital city for almost a month.¹

But on the other hand, a critical approach, both ethical and political, should not just side with “the powerful” and the elite on difficult issues, for instance the pandemic and the response in terms of mandatory regulations. Furthermore, philosophy and argumentation scholars or practitioners might want to avoid concurring to the exclusion and/or complete isolation of persons who take up these discourses: that would be breaking down the bridges of dialogue and hardening rejection. As an example of stigmatization, people associated with antivaxx discourse, have been treated as “covidiot” on a regular basis during the pandemic: this can only exacerbate an already difficult situation between groups in society. There is no pure identity on the one side between proponents and opponents of science, and on the other with people from lesser or richer economic status, but it remains that some are more alienated than others, and access to knowledge is not always a given. Furthermore, studies show that many “hardcore” conspiracists might have very peculiar psychological tendencies (Hart & Greither, 2018) which might immunize them to different viewpoints. That group also has a large sphere of influence, and we can suppose that some sympathizers might not be irrecoverable. If we want to keep on living together in a plural society, we need a certain degree of mutual recognition as a condition for dialogue, at least in terms of relationships with people. Saying this is not implying that it is always possible, I recognize it has limits. But we need to distinguish between the core and the margins, occasional users and conspiracy leaders, these two situations cannot be treated the same way. The margin is what preoccupies me here.

¹ For some details on the many different events and the time frame, references can be found in the site of this public encyclopedia, https://en.wikipedia.org/wiki/Canada_convoy_protest

3. BRIEF REVIEW

In recent decades, conspiracism has become a distinct field of research (especially since Grauman and Moscovici, 1987). A vast body of literature exists, which is expanding on several disciplinary fronts: political science and psychology, argumentation studies, philosophy, sociology, etc. Recent examples include from political science notably Sunstein & Vermeule, 2019, with the notion of “crippled epistemology” and precisely that attention to public security issues; and in social psychology Diegeuz and Delouvé, 2021; also Geoffroy, Boily and Nadeau 2022. In argumentation studies, D. Zarefsky (1984) and S. Oswald (with M. Lewinsky and others) in particular have retained attention; in philosophy, the impressive beginner was Karl R. Popper, in *Conjectures and Refutation* (1972) but since then several works have been important including Brian Keely (1999), and most recently Quassim Cassam's 2019 work.

There is a link of this topic with the much-discussed characteristics of our times being a “post-truth” era, into which conspiracy discourses seem to flourish. Lies are certainly not a recent invention, but many critics converge today in the idea that we're in this age exemplified by Bolsonaro and Trump, a culture of fake-news, all things which are facilitated by online platforms (Robert, 2021; Frankfurt, 2005) and AI (let us think of deepfakes as an example, e.g. an image of the pope Francis recently produced with machine guns). But the discussion of this type of phenomenon can be linked to the previous century with Dewey and Lippmann, we'll come back to this (Dewey, 1925; Lippmann, 1922). Basically, in a world of propaganda, as Hannah Arendt explained, the hallmark of totalitarian thinking is to no longer even distinguish between the true and the false (Arendt, 1976; 1951). We can't forget the fact that, still in April 2022, 35% of the American population, including 68% of Republicans, believed that Biden's November 2020 election was stolen - at least that's what they said when they were asked (Roose, 2021). Clearly, conspiracism is not unconnected with a political culture that seems to have broken away from the need for validated knowledge, and it seems to fit perfectly well in a war between ideologies and ways of life.

Karl Popper had already pointed out that one of the characteristics of conspiracy discourse is the idea of assigning a very specific reason to explain some of the unpleasant phenomenon that occur in our social life. These discourses provide a well-assigned, a simple and limited causality in lieu of asserting that people are just being paralyzed by the complexity of contemporary problems (Popper, 1972, 123-125). It's easier to identify a small group of alleged culprits, than to start thinking about the accumulation of unforeseen effects, not necessarily intentional, of human actions that have often been inspired by ordinary intentions. When reporting on conspiracist discourse of his day, Popper noted this problem of unintended indirect consequences, which are often multifactorial and therefore difficult to deal with.

Many commentators, among which Diegeuz and Delouvé, have underscored the affinity between CDs with narrative style, notably through the notion of plot (Diegeuz & Delouvé, 2021, 27-52). Conspiracy discourse tells a story, there's a direction and meaning, usually confronting perverse beings and innocent victims, and there's also often the “clue novel” aspect, which is not displeasing for the habits of a story-driven culture. Hollywood and their followers have trodden for decades on fictive conspiracies, and we sometimes wonder whether some people nowadays can still distinguish between the real and the

fictional. But I will not be able to treat mental health issues here; in that direction, critics have talked about a “paranoid style” that seems peculiar to CD. (Dieguez & Delouvé, 2021, 176 f.). In a different and opposed direction, CDs as ways to make sense of events can be seen as having value as such, some are considering them as religions (Robertson et al., 2018). For reasons to be detailed elsewhere, this direction for me is not to be followed, notably because that would endow these groups with new rights. That being said, the general freedoms recognized in the different charters of rights obviously apply.

4. DISCOURSES OR THEORIES?

It is usual in English to speak of Conspiracy Theories (CTs). But conspiracy allegations are most of the times not theories in the strict sense of the term, since a theory would be hypothetical in nature, which is not the case with most conspiracy discourses. Yes, these discourses claim to describe states of affairs and to provide explanations, precisely in terms of conspiracy. They pretend to offer some analysis, and therefore express cognitive claims. Oswald has clearly showed how these discourses imitate science as a part of their rhetoric (Oswald, 2016). But most of the times they lack a satisfying method of inquiry and are not open to consider their proposals as hypothetical, as any theory would. Another point that goes in the same sense: to treat them as theories is to dignify their status in a disproportionate way.

If by theory we mean an idea of any kind, categorically stated, often of an all-encompassing nature, that comes up with a secret, an evil explanation for something, then it's all right to talk about theories; but if we take theory to mean a set of hypotheses that are testable, verifiable and even falsifiable, then no, because these imaginative scaffolds are not theories at all. We are dealing with speeches having an explanatory claim, but they are speculations. Rhetorical moves aside, their discourses are not situated on a scale of modality, but rather as categorical assertions. This is true of Q Anon, but it's also true of other groups, such as the equally categorical Sovereign Citizens. Proponents of the Great Replacement are not considering a hypothesis; they are certain of what they put forward, even if they look like “doing their research” etc.

Talking of discourses instead, we can then allow that a given set of symbolic productions might comprise a lot of specific “theories” – for instance, inside the Q Anon discourse taken as a whole, a myriad of sub-theories has been developed, which are highly speculative and devoid of backing (Rotschild, 2021, 30). Talking in terms of conspiracy discourse allows us to focus on specific content that can be documented and studied, while avoiding more general reconstructions that summarize in broad strokes the strong and recurrent points of these contents. Therefore, I prefer to speak of conspiracy discourses or narratives than of theories. But obviously we can use a number of synonymous terms to describe the phenomenon.

5. SOME STRONG CHARACTERISTICS OF CONSPIRACY DISCOURSE

To better characterize CDs, we can draw on two concepts: symbolic amalgam and categorical statements, both of which are easy to control in discourse analysis. They could

also be interpreted under Dennett's meme theory, that is not limited to religious phenomena: groups of symbols, catchphrases and images that attract, offer an apparent advantage, and are therefore replicated and repeated (Dennett, 2006, 341-357), becoming an object for cultural epidemiology (Sperber, 1985).

Prima facie, a conspiracy discourse always puts on its imaginary scene a relatively small group of people, driven by sinister thinking and evil goals who have, as the word implies, secretly devised a plan of domination, which can be global in some cases and therefore all-encompassing, but not always. Plans can fit into plans like Russian dolls one into the other. The Protocol of the Elders of Zion is the classic example.

But how can we better characterize conspiracy talk? Here's the list of characteristics put forward by philosopher Q. Cassam. According to his analysis, CDs are first and foremost highly speculative. On the basis of minute clues, they make major theoretical leaps. Secondly, they are systematically opposed to the most obvious explanations that are available on a given phenomenon, discourse holders define themselves by their opposition to some Official Story (OS). For instance, the World Trade Center could not simply have been hit by Al Qaeda militants – the CIA is the real culprit. Third, they will look for details that do not fit with the Official Story and produce a leap of imagination on that basis; a glimpse in a photograph, some discrepancy between testimonies and accepted timetables. Fourth, their discourse is esoteric, it is a knowledge reserved for the few, not easily accessible; only the conspiracist and his followers can decode the details and know “the truth”. Fifth, there's an amateurishness to these discourses, which emerge from a vast DIY enterprise; once again, based on a few bizarre elements, a scaffolding is built. Sixth, they reflect a totally anachronistic vision of the world - think of the Protocols of the Elders of Zion - or the idea that someone like Bill Gates could manipulate millions of people, including scientists, to insert microchips into vaccines is a rather archaic way of thinking. If you think about it, it implies a vision of the world restricted in size and complexity. Last but not least, these discourses (which he describes as “theories”), are completely immune to criticism, meaning that rational no argumentation can convince them. For me, this description is sufficient, even though it is a critical assessment. One missing element in Cassam's list is the concept of an alternative elite or source of knowledge that is at the basis of the phenomenon.

6. REAL OR IMAGINED CONSPIRACIES?

With others, I suggest it is necessary and required to distinguish between the investigation of real possible conspiracies and CDs. Many would agree that calling someone a conspiracy theorist or proponent is becoming pejorative nowadays. It would be paradoxical, however, to think that by universalizing the idea that conspiracy is a mentality with characteristics that we need to know more about in order to guard against it, we end up discrediting all research into genuine conspiracies. This would be a wholly undesirable consequence since it would make critical discussion impossible. Therefore, we have to be quite careful with this kind of talk: we have to recall to people that there have been real conspiracies, the Kennedy assassination, the attack on the World Trade Center and Washington in 2001, etc. But typically, with conspiracy as a mentality or ideology, these documented facts are seized upon to pretend to find behind them another, deeper, more mysterious and eviler layer of

conspiracy: it's the CIA that's behind 9/11! It was the deep state, controlled by the Cubans or the Russians, that had JFK assassinated.

So, let's start by going back to the need for distancing ourselves from conspiracy as a discourse, without abandoning another demand, that of maintaining in populations the critical sense that is indispensable to any democratic life. Drawing inspiration from Cassam, that would lead us to distinguish between real conspiracies (with a small c) and imaginary conspiracies (with a big C).

Yves Citton has recently suggested to distinguish between complotism and conspiracism, keeping the first word to describe phantasmagoric scenarios, and conspiracism to preserve a critical stance towards phenomenon that might be real, like capitalism. But this does not translate very well in English even though it might work in the French language (Citton, 2023, 62). And capitalism, in any case, does not as a whole qualify as a conspiracy. We can remain critical of our leaders and organizations, and also of the communication work of major agencies dedicated to some profitable end, without alleging a global conspiracy. Societies are dominated by certain economic and political elites: there is no secret here. This is also not the fact of a small clique of people acting out of Davos or something of the kind. To discuss factual inequalities in society is not esoteric, speculative or far-fetched, nor is it based on a few clues; it requires no special initiation in an enlightened club. Admitting this obviously does not imply to deny the existence of cover-ups, and communication campaigns to avoid responsibility; see the Tobacco industry, more recently the oil companies (Oreskes & Conway, 2010). The fact that there are real conspiracies does not imply that the whole System is a vast conspiracy.

7. LEADERS OR ORDINARY PEOPLE?

Another complication comes from the fact that there are two levels of discussion involved: the macro-social level and the individual, interpersonal level. We have creators or authors of CDs, and therefore we also have CD as a cultural and social phenomenon, but there is also users, people touched by it, that find themselves willingly or not in that cultural nebula. This raises a number of issues: access to valid knowledge, but also public safety, freedom of expression, recognition of a person's experience and reflection, the right to dissent, and even the democratic need for vigorous criticism. We can't treat individuals as if they were pure propagandists, even though there is no doubt that some discourses can be identified as propaganda; see Q Anon as an example (Rotschild, 2021). At the interpersonal level, the clinical approach seems required, each case being specific and different. Furthermore, it would be naïve and ineffective to just enact a theoretical refutation, since it is well understood that adherents of conspiracy discourse are often impervious to reasoned argument. To stop (or even to start) at sophistic refutation would not be sufficient. We have to look for what is actually motivating these discourses.

8. EMOTIONS AND VALUES OR IDEAS AND THEORIES?

One way to get out of that difficulty is by separating the cognitive content of an expression from its motivational sources. I will proceed here to a dissociation of notions, in Perelman's

spirit (Perelman & Olbrechts-Tyteca, 1990 (1958)). To distinguish between the expression of a claim and the meaning content of the discourse provides us with an important maneuvering space. It is a means to maintain a certain recognition of validity on the side of the person holding the CD, again supposing this person being not a hardcore proponent, which is a prerequisite for any dialogue, without abandoning the disconnection from content, e.g., the refutative part. But this is not only a rhetorical move; it is also backed by literature about public opinion phenomena, as I explain further on.

Emotion has a certain quality that, under certain conditions, can be recognized as meaningful. If we admit this, conspiracy discourse would then be understood as to speak of something other than what it purports to say. A candidate for this “other something” would be the feeling of social alienation in the face of an increasingly complex world. A better candidate yet might be values - but values and the alienation feeling can also go together. Let us comprehend values here as the elements (things, actions, states of being, desired results) to what people actually attribute importance, considering valuing as an act, not as a platonic content (Dewey, 1939). Values have a cognitive aspect, but it might not always be explicit in all cases. For instance, if I believe that to practice a sport helps me realize the value of health, this element can be held implicitly when I go for a run and talk about it with a friend.

About a century ago, in his well-known work *The Phantom Public* (1925), which had been preceded by a book entitled *Public Opinion* (1922), the political scientist and columnist Walter Lippmann dwelt on opinion and its place in democracy. He explained we cannot be satisfied with a normative view considering only the requests of democratic theory. There is not a structured public already endowed with given opinions. What is widespread in the population is disseminated and non-unified thoughts and ideas, images and symbols which are conveyed in various ways and widely echoed – this echoing phenomenon was already happening before social media. In this respect, he points out that we obviously don't have structured theories in “the public” generally speaking; rather, we have feelings, figures, key messages that have nothing to do with considered intellectual content for instance of a given political party or candidate; in fact, they are dissociated with such ideas. Here is John Dewey commenting Lippmann in his review of the latter's 1925 book, *The Phantom Public*:

The making of a general will out of a multitude of general wishes is not a Hegelian mystery, but an art well known to leaders, politicians and steering committees. It consists essentially in the use of symbols which assemble emotions after they have been detached from their ideas. Dewey, LW2, p. 215.

From the moment we accept this detachment between symbols and their intellectual content - a phenomenon that is fundamental to propaganda (Lippmann, 1922) - CDs become vehicles that don't matter primarily because of their “theoretical” content, as if they had to be treated as theories in due form, e.g. as speeches that may or may not be true. Rather, they matter because of what they signify, i.e., what people can and do decode in them.

To give an example, if we take the movement against restrictive measures during the Covid 19 pandemic, and of the anti-vaccination movement inside of it, there's no doubt that these movements were accompanied by conspiratorial discourses. But aren't we justified in seeing in them a demand for freedom, a rejection of the normative social constraints that became so strong at the heart of the pandemic, between 2020 and 2021?

On that basis, leaders with political will or aspirations did develop discourses that were aimed at rallying opposition, and some of them were both CDs and actual conspiracies, as was seen in Canada and even more so in the United States. Seeing a conspiracy at the “deep state” level, some leaders among the protesters of the January 6th events in Washington, D.C., were at the same time conspiring against the actual State’s electoral process.

9. CAN WE VALIDLY INTERPRET CONSPIRACIES? A CASE IN POINT

I'd now like to explore the possibility of finding a "meaning" for conspiracy discourses, as a basis for dialogue. This fundamental dissociation can be assumed from a hermeneutical point of view that has distanced itself from a Gadamerian posture postulating some “truth” of the discourses (Létourneau, 1998). The fact of decoding and interpreting a given discourse as the expression of an unstated claim doesn't imply attributing a truth value to conspiracy proposals, which in most cases are completely impossible to validate. But it does permit to establish a basis for dialogue, at some deeper level: precisely around values, emotions, felt needs or requests – and a mix of these. On the other hand, such decoding does imply a political reframing that explicitly serves as an interpretative framework for the decoder. At the very least, this must be made transparent in the interpreters’ work.

During Canada’s trucker episode in February 2022, thousands of truck drivers with family, friends and sympathizers occupied the city of Ottawa for almost a month, with some parallel movements in Québec city, Edmonton, Windsor, etc. Some copycat protests did emerge in Europe after that, but not with the same importance or effect. Many of the protagonists of this movement have used conspiracy discourses, especially James Bauder as the main initiator. Many movements participated: CanadaUnity (Bauder’s group, antivaxx and Q Anon sympathizers), Action4Canada, HoldFast, among others (Lind, 2022), and a group around the so-called Queen of Canada.

More recently, the focus of the media has largely been on Tamara Lich and Chris Barber, who coordinated the movement on the field.² The large participation that accompanied it was largely fueled by discontent with health measures, restrictions to travel for business (impossibility to pass the US frontier) and family reasons. The demand for an end to restrictions seem to have been the underlying motivation behind these cries of "libârté" or “freedom” - it was the key message to be decoded through that language of conspiracy. CDs in that context were symbols around which rallying was possible. In any case, after weeks of hesitancy notably with the city of Ottawa and the provincial

² As we complete this article, Lich and Barber are still in trial at the Ontario Court of Justice. “The charges against Lich and Barber include mischief, obstructing police, counselling others to commit mischief and intimidation”. The prosecution pleads a number of elements; they broke the law, refused to move even after the Emergency Act had been voted. According to their lawyers, the issue “will be whether the actions of two of the organizers of a peaceful protest should warrant criminal sanction.” One RCMP ex-officer who had to quit his job for refusing to be vaccinated had this comment: “a guilty decision will lead to a deeper divide among Canadians, and a "much deeper mistrust of the current existing legal system from the people that already feel disenfranchised, that supported the convoy." All of this of course does not change the required necessity to act for the protection of the public good during the pandemic, vaccination is a validated practice.
<https://www.cbc.ca/news/canada/ottawa/tamara-lich-chris-barber-trial-begins-1.6956948>. See also
<https://ottawacitizen.com/news/local-news/trial-of-accused-convoy-leaders-lich-barber-a-guide-to-court-coverage>.

government of Ontario, the federal government removed the trucks. The following political debate focused especially on the legitimacy of the Emergency Act on the part of the Federal Government, with the Commission Rouleau or Public Order Emergency Commission (POEC, 2022). As Guizot said long ago, a good government is expected to have no one willing to conspire against it (Dieguez and Delouvé, 89).

Certainly, a number of conspiracy holders were at the center of this movement, in its often-marked departure from scientific data. Notably the talk about vaccines and governments colluding with big pharma, or Bill Gates with his 5G chips, were heard, and did not bother to back itself with data, studies or reports. But the fact that it was riddled with frivolous theories didn't prevent the message from getting through in the end; decision makers understood the meaning of all this, which was simpler than the conspiracy discourse held by leaders. Other factors intervened in the political decision to ease the restrictions; but they also can be seen as a response to this demand, which was understood as going far beyond the truckers' movement alone.³

10. CONCLUSION

What were these speeches about? These discourses speak of their transmitters and creators and in a populist manner, they play on the feelings, fears and values of its recipients, but they have no referent, and therefore no truth value in the traditional sense. They can be decoded as showing something about their producers and potential receivers. They are essentially wholesale denials of credibility for anything resembling official discourse, linked to what exists as social order. Can the social order as it exists, for some people at least, be experienced as alienating? If the answer is yes, then conspiratorial discourse seems to be an expression of this feeling.

However, the question of the feasibility of the dialogue I envision here based on these distinctions, remains uncertain. Much of the literature argues and no doubt rightly so, that we have with CDs a set of convictions held with vigor, in an approach that is precisely categorical and not receptive to nuance and reinterpretation. Still, the hypothesis could be tested, with the following supposition: not all the people rephrasing bits and pieces of conspiracy discourse are irrecoverable or lost forever to shared reason.

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³ <https://www.canada.ca/en/public-health/news/2022/09/government-of-canada-to-remove-covid-19-border-and-travel-measures-effective-october-1.html> The abolition of restrictive measures did not happen right away, but close enough for the protesters to declare their (relatively late) victory.

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A Construction Based on Audience *A Rhetorical Interpretation of the Toulmin Model*

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ABSTRACT: Toulmin provides a structural model which is more useful than traditional logical methods for dealing with practical argumentation. However, while a hot topic in argumentation theory, the current interpretations and elaborations of the Toulmin model mainly focus on logical and dialectical features, which ignore the exploration of rhetorical concerns. This paper calls attention to the rhetorical dimension of Toulmin's argument theory by exploring the vital concept of audience.

KEYWORDS: argumentation theory, argumentation and rhetoric, audience, rebuttal, the Toulmin model

1. INTRODUCTION

In the book *The Uses of Argument*, Stephen Toulmin (1958/2003¹) criticizes the traditional formal logician's ambitions to universal standards, which lead to the neglect of considering concrete and practical applications in the real world. In Toulmin's view, it was the excessive admiration for mathematical models and formal methods that led to the eager pursuit of a certain absolute and universal "idealized logic," but at the same time, we lost the theoretical connection between the study of logic and the actual analysis and evaluation of argumentation. In fact, a systematic divergence has grown up between the categories of logical practice and the analyses given of them in logicians' textbooks and treatises. (Toulmin, 2003, p. 8) There is an essential difference between the norms associated with evaluating everyday arguments in various academic disciplines and the criterion of formal validity used in formal logic. (Toulmin, 2003, p. 116)

Toulmin (2003) distinguishes analytic arguments and substantive arguments and asserts that arguments that appear in different fields and disciplinary areas are mostly substantive arguments rather than analytic arguments (p. 116). Because the complexity of substantive arguments is reflected in the emergence of new information, and in practical argumentation, we have to discriminate between specific fields, which are bound to change gradually over time, and the knowledge associated with them is not constant. The "idealized logic", which uses mathematics and formalization as its method of study, is undoubtedly inadequate in practice in terms of its necessary reasoning and its use of timeless and context-free propositions. We need "substantive logic", a logic that returns to the practical art, which means a kind of applied logic (Toulmin, 1983, p. 396). Thus, Toulmin constructs a theory of substantive argumentation.

¹The reference book in this paper is the revised version of 2003, and the original one is of 1958.

On this basis, Toulmin analyzes the process of argumentation by studying the practice of argumentation, taking into account the fields of argumentation and other factors, and argues that there are different levels of argumentative elements. The “warrant” of licensing is a different level of argument from the “data” and “claim”, and by analogy with jurisprudential argumentation, he outlines the different elements of argumentation and constructs a framework -- the Layout of Arguments, which was first introduced by Toulmin in *The Uses of Argument* and is now commonly referred to as the Toulmin Model.

However, there are also connections between Toulmin’s argument theory and rhetoric. After the initial release of Toulmin’s *The Uses of Argument*, in contrast to the criticism and claims of “anti-logic” from logicians, the book attracted the positive attention of rhetoricians due to the consideration of realistic argument and the criticism of the effectiveness of form. This approval surprised Toulmin, who had no idea that his work would be of interest to rhetoricians (Toulmin, 2003, p. viii). His view doesn’t change.

He believes that his study of arguments contributes to the ongoing logical debate rather than contributing to rhetorical theory, especially when he acknowledged that he knew little about rhetoric (McCarron, 2021, p. 4). Toulmin’s primary objective is to expand the scope of the logic’s application and to extend it into an “applied” art. While he acknowledges that the analysis and evaluation of argumentation will involve different areas based on the substantive situations, and that the evaluation of argumentation should also take into account its “functionality” (Toulmin, 1983, p. 396). As will be shown in this paper, these rhetorical features of the theory indirectly reveal the consideration of the audience in Toulmin’s argumentation theory.

Toulmin’s early-stage weak understanding of the nature of rhetoric is reflected in his confusion about the concepts related to “argument theory”, “rhetoric”, “informal logic” and “substantive logic”. In his 1982 speech at the University of Michigan, Toulmin named “The art of identifying and explaining the nature and mode of operation of “right” arguments” as substantive logic. He reports that “historically, it has been called more than a dozen different names, including topics, argumentation, rhetoric, organon, and method” (Toulmin, 1983, p. 398), which shows his belief, at that time, that these nouns refer to the same thing. However, they are not synonyms and cannot be equivalent. He also notes that calling this art “informal” logic was negative and asserts “substantive logic” should be the positive alternative. This mixed understanding shows that Toulmin’s cognition of rhetoric is not exact, which indicates he is unconscious of rhetorical features in the construction of his theory. Therefore, as a critical theorist of the same period as Perelman, Toulmin also developed his argument theory rhetorically, but unconsciously.² Drawing attention to the quality of the audience, we can detect that the reliance on rhetoric is mainly reflected in the motivation behind the creation of his theory, the criteria of theory evaluation, and the construction of the framework.

Toulmin’s main goal is to expand the scope of the application of logic and to extend it into an “applied” art while taking into account that the analysis and evaluation of argumentation will involve different areas depending on the substantive situations and that the evaluation of argumentation should also take into account its “functionality” (Toulmin,

² Perelman emphasized the essential differences between his ideas and Toulmin’s in the article: *The New Rhetoric* (Perelman, 1984) and *The Rhetoricians: Remembrances and Comments*. Perelman said Toulmin ignored the role of the audience in his book of 1958 and his analysis concerns only the manner of establishing judgments of fact (p. 195).

1983, p. 396). These are the rhetorical features of the theory, and through specific analysis, it is possible to find that the construction of the theoretical model shows conscious consideration of the audience in Toulmin's theory of argumentation.

As a crucial turn in history, the Toulmin model, as the main outcome of Toulmin's argumentative thought, has become a hot issue in contemporary argumentation theory. However, academic research on the Toulmin model of argumentation has mainly focused on the logical and argumentative features of the Toulmin model (Hitchcock, 2003, 2006; Freeman 1991,1992 ; Slob, 2006), but with few interpretations of the rhetorical dimension.

In this paper, I intend to investigate the role of the audience in Toulmin's model and propose a way of interpreting the model from a rhetorical perspective, pointing out the foundational position of the audience in Toulmin's model. Although in this monograph Toulmin never uses the term audience, an audience concern can be found in his theoretical foundation and the construction of the Toulmin Model. It is the consideration of the response to the audience that ensures the construction of strong arguments.

2. FIELD, VALIDITY AND AUDIENCE

In constructing his theoretical model, Toulmin introduce plural fields to explore the validity to what counts to a good argument. To look at the field and explore fields in argument, rhetoric is unavoidable, for the assessment of argument according to fields and the acceptability to the audience is diverse in different fields. Toulmin's central thesis is that the standards and values of practical reasoning are not purely abstract and formal and that the soundness criterion depend largely on the nature of the problems at issue. (Toulmin, 2003, p. 185)

Toulmin points out the tendency to misinterpret or distort the elements and structure of real arguments by pursuing certain timeless and universal principles of necessity in analyzing actual arguments. (Toulmin, 2003, p. 106) He stresses the acceptability of actual arguments can be best understood and analyzed only in the context of concrete argumentative practice (p. 185).

Accordingly, Toulmin introduced the concept of "field", which is not a static concept, but is the branch of discipline or the field of human activity in which the subject of the argument is concerned. For example, the problem of geometry is related to the field of geometric disciplines, aesthetic judgment is related to the discipline of aesthetics, the problem of law is related to the field of courts, and so on. They are concerned with different subjects of argumentation, with different purposes to be achieved, and with different guarantees, which correspond to specific fields. According to the different contents and topics, the analysis and evaluation of the actual argumentation will depend on its specific field: "Arguments in different fields need to be evaluated for their merits according to the appropriate criteria in their field The value of an argument recognized in one field will not necessarily be reflected in an argument in another field" (p. 255). This is about incorporating practical, discursive elements into argumentation and analyzing arguments in specific contexts, which inspires us to judge the fields to which they belong according to the themes and goals of the argumentation.

Therefore, arguments in different fields will show their "field-dependence" in terms of their justification requirements, evidence-based approaches, and assessment norms. According to Toulmin, universal principles of necessity under the previous formal logical

analysis approach cannot be applied to the analysis of everyday argumentation. “It simply cannot be explained in a purely formal way. So-called ‘validity’ is for them a completely inaccessible and inappropriate normative requirement” (p. 154). Toulmin then gives a broader meaning to the term “validity”, arguing that logic cannot be an idealized discipline closely related to mathematics, but must evolve into a discipline based on the practice of argumentation, seeking a closer connection with epistemology (p. 234).

The extension of validity is the outcome of his consideration of Aristotelian rationality. Toulmin points out that theoretical and methodological research on “rational evaluation” must be conducted simultaneously in two complementary directions: “formal” and “functional”. As he mentioned in his 1982 lecture at the University of Michigan, philosophers have followed Plato’s idealistic intellectual tradition, thus completely contradicting the “formal” and “substantive” dimensions of argumentation.³ However, the study of logic, if we return to the Aristotelian theoretical tradition, should be “the theory and art of rational evaluation of argumentation,” which includes elements related to “form,” or “analysis,” as well as elements related to “function,” using different theoretical terms and normative standards.

Toulmin inherits Aristotle's view of rationality and relates the concept of “rationality” to the empirical dimension of the real world. In addition to universal, context-free, and necessary rationality, there is also a kind of rationality that depends on real activities and involves historical, empirical, and contextual dimensions in the treatment of the real world. The criterion of argumentation, accordingly, is related to practices and is not validity in the formal logical sense, but strength or weakness in the substantive sense, which is expressed in the terms of reasonable and unreasonable, sound or unsound, warranted or unwarranted, suitable or unsuitable, strong or weak, which shows exactly the basic characteristic of the functional consideration of rationality. In the broader sense, the soundness of the argument is an “intraterritorial,” not an “interterritorial” notion (van Eemeren, 2014, p. 211). This means that the argument must be assessed according to the particular norms which apply to the field to which the argumentation refers.

The critical distinction of fields is a major innovation in Toulmin’s argument theory, which extends the validity of argumentation and brings new insights to scholars, leading them to explore argumentation using in practical methods. From the above analysis, it is clear that it reflects Toulmin’s thinking and expansion of argument validity, and the combination of fields and argument evaluation reflects Toulmin’s care for realism in constructing applied logic, and on this basis, it also establishes a close connection with the audience. In the practical turn of argumentation, the logical and rhetorical dimensions of argumentation are deeply interwoven. If we wish to deal with real, everyday argumentation, we must then have to take into account the “functionality” of realistic argumentation mentioned by Toulmin. The audience becomes an indispensable and crucial element because the audience is the object of everyday argumentation, the subject that a particular argument wants to influence or produce effects in a particular field. Toulmin distinguishes between substantive and analytical argumentation and points out that the

³ The lecture was given by Toulmin at the University of Michigan in 1982, and the whole paper was collected on the book of the rhetoric of Western thought (third edition) by J. Golden, G. Berquist & W. Coleman (eds.). pp: 391-401. Dubuque, Iowa: Kendall Hunt Publishing Company. 1983.

rationality of everyday argumentation, which is “substantive”, depends on the specific analysis of a particular field, situation, and experience.

As an interactive activity, argumentation has its audience, and the audience is the direct object of argumentation, which is the direct manifestation of its effect. In order to achieve a proper analysis of the validity of arguments, it is necessary to take into account their corresponding audiences, and the presentation of the diversity of audiences is achieved through the field. By assigning a particular argument to a field, it is possible to assess it according to the truth value assigned to its justification and proof by the audiences typically involved in that field. For example, if we are interested in the validity or suitability of an argument for a particular audience, it may be useful to evaluate the argument in light of the beliefs generally held by that audience. Thus, the field question is posed in a way that reflects the model’s care for the audience. Different arguments in different fields face audiences with different perceptions, knowledge, and values, and thus different levels of acceptance of the arguments.

Starting with the exploration of the concept of validity, Toulmin inherited the empirical rationality of Aristotle, developed the corresponding substantive rationality and the corresponding substantive logic, with the foundation of the most critical concept “field”. Toulmin’s definition of substantive empirical rationality and field-dependent considerations both reflect a close connection to the rhetorically critical concept of the audience. The following section will provide a rhetorical elaboration of the Toulmin model based on audience.

3. RESPONSE TO AUDIENCE’S CRITICISM

In response to the diversity of the field of everyday argumentation, Toulmin points out that the evaluation of substantive argumentation should be reliable or reasonable rather than valid in the sense of formal logic. Toulmin observed that different fields use distinct argument evaluation criteria but using the same argument model (Verheij 2006; van Eemeren et al. 2014, pp. 203–256; Zenker 2018).

Toulmin (2003) argues that a sound argument, with a well-grounded or firmly backed claim, is one that will stand up to criticism (p. 8). Although the origin of criticism hasn’t be stated, it should come from an audience in practical argumentation, thus this reliability is evaluated according to the audience to whom the argument is addressed. With the concern of audience, argumentation can be analyzed as a process in which arguers give information to make it acceptable to their intended audience, which reflects relevant rhetorical feature of Toulmin’s idea.

In constructing their new audience-oriented rhetorical theory, Perelman and Olbrechts-Tyteca (1969) point out that a good argument should satisfy the following three elements, namely, adherence, relevance, and resistance to objections (pp. 469, 475), of which the key element is the ability to resist objections or criticism. In both cases, the source of criticism and opposition is the audience, which results in a direction to consider the anticipated negative voice as much as possible in the construction of the argument. In this sense, the consideration of validity by Toulmin coincides with Perelman’s, which has the rhetorical dimension for practical use through the concern of audience.

Toulmin developed a set of foundational components to portray everyday realistic arguments, which is named the Toulmin model. According to Toulmin, every argument is composed of a claim(C), the reason for that claim(D), and the warrant that licenses the step from this reason to that claim. In principle, this is the simplest form of argument. But Toulmin observes that in everyday arguments, we can also distinguish three more elements: backings, rebuttals, and modal qualifiers, and the framework appears as follows:

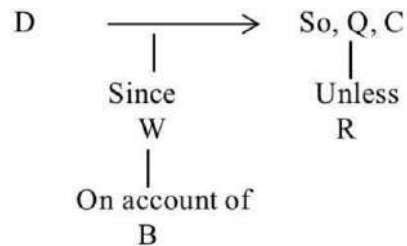


Fig. 1 The Toulmin model on *The Uses of Argument* (2003, p. 97)

Toulmin's goal for *The Uses of Argument* is to provide a framework for justifying statements, especially for practical argumentation. To him, this justifying function implies that asserting something means making a “claim”, and a person who asserts something lays claim to acceptance by a potential challenger (Toulmin, 2003, p. 90). The challenger, in this context, plays the role of the audience in argumentation. Therefore, good argumentation requires justifying the claim by presenting arguments that support the claim in response to the challenge posed by the audience. And the consideration of the audience allows for the analysis and evaluation of arguments in everyday contexts, and the success of an argument is dependent on its ability to respond to the criticism of the intended audience.

Now, we could give the interpretation of The Toulmin Model through the lens of audience. The key element of the Toulmin model, warrants, receives lots of concerns in logical approaches, like as the license of inference between claim and data, but it can also be understood from a rhetorical perspective through audience. Warrants confer different degrees of force on the conclusions they justify. This force and degree of support is reflected in a rhetorical perspective as the force of resistance to the audience’s rebuttal. When the arguer gives an assertion from data to claim, the audience as challenger may question and criticize this support by asking how one can get C from D and finding incompatible cases to challenge the connection from D to C. The arguer should thus strengthen the argument by focusing on the criticisms that the audience may raise, and the warrant can be analyzed as a response to the audience’s challenge or criticism, which also indicates the persuasive goal of the argument. Moreover, since the criticisms raised by the audience vary with different audiences in a given field, warrants possess field-dependent features.

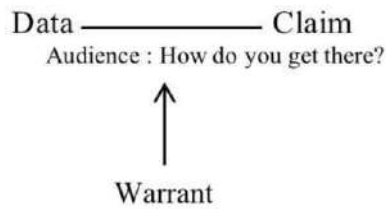


Fig.2 warrant and the response to audience's criticism

After a warrant has been created to ensure the process from D to C, the audience may criticize the strength of the warrant with the questions that “Does C necessarily follow from D based on the warrant?” and “Is there any exception in which the rule isn't applicable?” Considering the first criticism, Toulmin introduces the modal qualifier(Q) as “an explicit reference to the degree of force which our data confer on our claim in virtue of our warrant”(Toulmin, 2003, p. 94). With modal qualifiers like “almost certainly”, “probably”, “presumably”, the degree by which D ensure C is different.

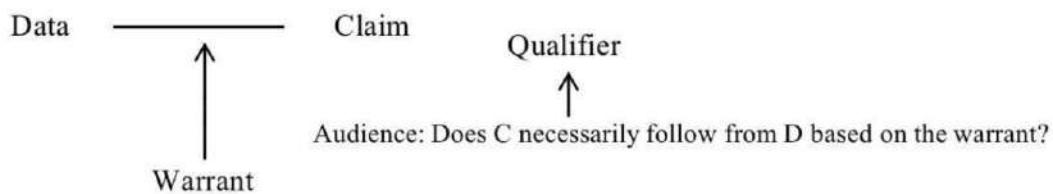


Fig. 3 qualifier and the response to audience's criticism

Besides, if there were exceptions to the rule or some criticism of expectation from the audience occurs, the force of the warrant would be weakened. In that case, conditions of exception or rebuttal (R) have to be inserted to give responses to the criticism of the audience, which refers to “circumstances in which the general authority of the warrant would have to be set aside” (p. 94).

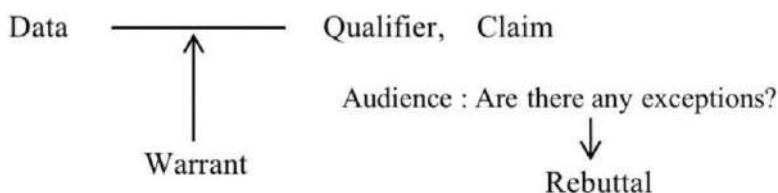


Fig.4 rebuttal and the response to audience's criticism

Sometimes the criticism could also be the warrant itself, that is where does the reliability of the warrant come from? To give the response to this criticism, backing is requested. Backings are defined as “other assurances” that stand “behind our warrants” (p. 96).

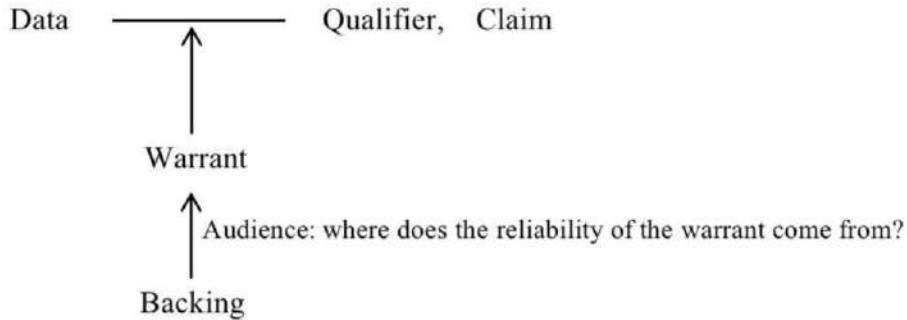


Fig. 5 backing and the response to audience's criticism.

According to the above analysis, the example of Harry which is presented in the book can be illustrated in the following fig. 6, which shows the model's construction and the function of each subsequent statement through the response to criticism of the audience. Starting from the critique of the conclusion, other elements of the argument are added step by step by considering the possible challenges and critiques from potential challengers, the audience. Ultimately, the argument achieves its strength and acceptability by responding to the critiques presented by the challengers at each step.

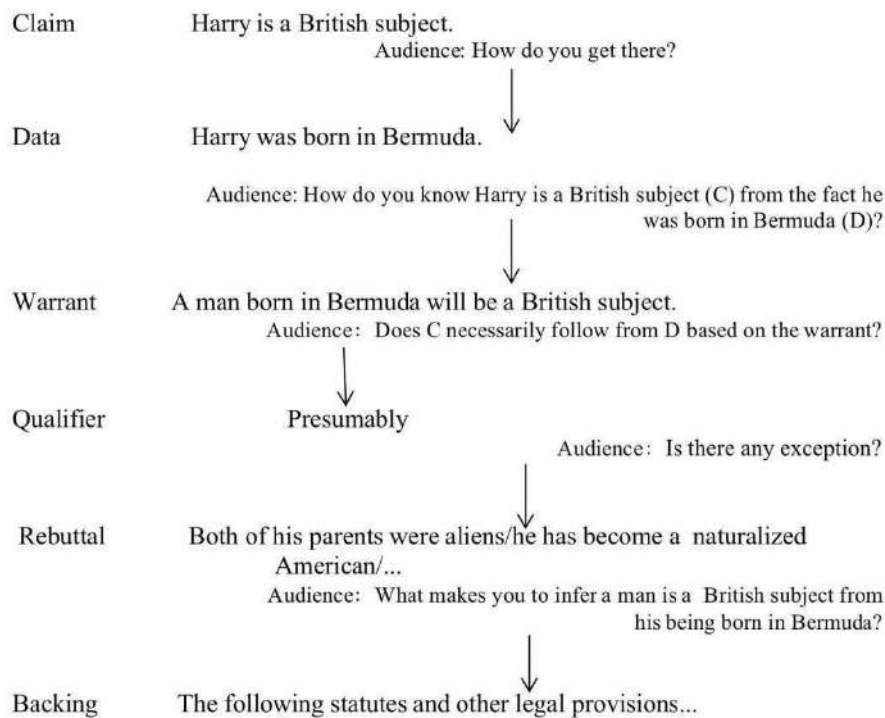


Fig. 6 The interpretation of The Toulmin Model through resisting audience's criticism

Starting with the criterion of resisting criticism, Toulmin's argument diagram can be interpreted from the perspective of the audience, which also reflects the rhetorical character

of the Toulmin model. The above analysis greatly shows how the audience is integrated into the construction of the argument. In the procedural portrayal of argumentation, each step of the argument can be critically examined. The development of the argument can be interpreted as a response to the audience's scrutiny at each step. The inclusion of warrant, qualifier, backing, and rebuttal are actually responses to the audience's criticism, and this response also accelerates the audience's acceptance to achieve the purpose of persuasion in the rhetorical sense.

4. THE RHETORICAL CONCERNS OF REBUTTAL

In the above analysis, we have interpreted the Toulmin model at the rhetorical level through the introduction of the concept of "field" and the pursuit of audience acceptance. Each element of the Toulmin model can be constructed with step-by-step responses to the audience's criticism, through which the ability of the argument to resist rebuttal is enhanced. Moreover, the rebuttal, which is the key element in the Toulmin model, is most closely connected to the audience. Rebuttal originates from the audience and is a direct manifestation of the audience's criticism. By elaborating on the relationship between rebuttal and audience and exploring the key role of rebuttal in the Toulmin model, we will further give an explanation of the Toulmin model on the basis of audience. Besides, through further analysis of rebuttal, it is asserted that rebuttal not only has its critical function but also plays a strengthening role in argumentation. In addition, rebuttal becomes a key tool for argument evaluation and plays a key role in argument evaluation.

In addition to its strengthening function for argumentation, the above analysis also reflects the critical role of rebuttal in the evaluation of arguments. Toulmin's assessment of argumentation is reflected through rebuttals. First of all, different audiences in different fields have different perceptions and values, and accordingly, their acceptance of argumentation varies from one to another. Thus, in contrast to the "rationality" of formal logic, which is a universal, necessary, and definitive view of reason, substantial rationality in substantial argumentation is realistic and defeasible and has close conjunction with reality. It involves more functional content, and the corresponding norms and standards are realistic. Compared with seeking a unique "reason" in all fields of experience, the evaluation fully takes into account the special requirements of the different problems faced and is closely related to the audience.

As a key element that distinguishes the Toulmin model from traditional formal logic, Toulmin gives a rebuttal to a variety of functions. The first is the weakening of the authority of the warrant. Rebuttals can "indicate circumstances in which the general authority of the warrant would have to be set aside". At the same time, it is a key part of the weakened argument, it can challenge the applicability of the warrant because rebuttal could be "exceptional circumstances which might be capable of defeating or rebutting the warranted conclusion" (Toulmin, 2003, p. 94)

The presence of a rebuttal weakens the support and undermines the acceptability of the audience. Toulmin emphasizes that good argumentation can stand up to criticism, and I have shown criticism comes from the audience, and thus the strength of the argument should be evaluated and judged by the acceptability of the argument by the audience. The field-dependent nature of substantive argumentation complicates the analysis of

acceptability directly, but it becomes easier to assess the acceptability of argumentation from the perspective of audience criticism, and rebuttal becomes a tool for argument evaluation.

From the audience's perspective, good arguments can stand up to audience rebuttals. The implication is that if it cannot withstand the audience's rebuttals, it means that the argument is not accepted by the audience, and the soundness of the argument is challenged. Therefore, if an argument is presented without a rebuttal from the audience, it can be said that the acceptance of the audience is realized and the effect of functional rationality is achieved. If there are refutations from the audience, it shows reflects the audience has questions about the acceptability of the argument and the justification of the argument is defeated and defeasible.

Secondly, since the rebuttal will affect the use of a qualifier, it also becomes a tool for different argumentation effectiveness and acceptability in the argument evaluation. The Qualifier indicates the strength conferred by the warrant (p. 94). Therefore, when evaluating the force of the argument, the analysis of the type and force of rebuttal can indirectly give assessment to the effectiveness of the audience acceptable-- acceptance. Bart Verheij (2006) focused on the important role of rebuttal in argument evaluation, extended Toulmin's rebuttal from formal construction of Toulmin's scheme and differentiated five types of rebuttal, which are (1) Rebuttal to D; (2) Rebuttal to C; (3) Rebuttal to W; (4) Rebuttal to D

→ C; (5) Rebuttal to the support from W to D → C. As Verheij (2006) observes, the three situations to which Toulmin attaches to the term rebuttal (defeat of the conclusion, of the applicability of the warrant, and the authority of the warrant) are among these five kinds of rebuttals, viz. the second, fifth and third, respectively. Verheij (2006) raises the five kinds of rebuttal to analyze the statements of arguments, which leads to the emphasis on the evaluation status of the statements in an argument. But from this classification, we could analyze the force of each kind of rebuttal, then give a method to test the degree of the argumentation's force by checking the force and number of rebuttals. The more rebuttals there are and the stronger force they have, the more criticisms from the audience exist, thus the weaker the acceptability of the argument is.

From a rhetorical perspective, the process of argumentation is actually the process in which the speaker persuades the audience. Different rebuttals from the audience indicate different levels of acceptance of the argument. When there are no more rebuttals from the audience, it means that the audience accepts the given argument. The larger the number of rebuttals from the audience, the greater the questioning of the reliability of the argument, and the lower the strength of the reliability and effectiveness of the argument. In the functional validity of substantive argument researches, the validity of an argument depends on the audience's acceptance of the reasoning. As long as the audience has reasonable questions, the proponent will still be asked to answer them. The absence of any reasonable questions and rebuttals means that the argument is accepted by the audience. Thus, if a reason is accepted in a particular context, then not only the proponent but also the opponent acknowledges the commitment. Slob and Freeman present the opponent from a dialectical perspective which is in fact also the presentation of the audience.

The consideration of rebuttal in the Toulmin model is reflected in the construction of its model. By considering the rebuttals of the basic parts W, D, and C and responding to these rebuttals, audience acceptance is improved and the justification of the arguments is achieved. Thus, the argument should be constructed by considering the possible rebuttals from the audience and responding to them in order to enhance the validity of the argument.

In this sense, rebuttals indirectly support the argument and the audience becomes a co-creator of the argument. Moreover, the rebuttal also embodies the defeasible reasonableness under the Toulmin substantive argument. The rebuttal is field-dependent and audience-related, and its presentation may lead to the fact that the reasonableness which applies to the previous field is no longer applicable to the present, thus to the defeasibility of the previous argument. In conclusion, rebuttal, as a key element in the Toulmin model of argumentation, is the basis for the later development of the Toulmin model. Rebuttal embodies the relationship between the audience and the evaluation of argumentation, expresses the audience's questioning of the strength of argumentation, and is a crucial manifestation of the effectiveness of argumentation, meanwhile becoming a beneficial tool for the evaluation of argumentation.

5. CONCLUSION

The purpose of this paper is to try to give a new interpretation of the Toulmin model from a rhetorical perspective through a specific exploration of the concept of audience and the related concept of rebuttal. By analyzing the rationality underlying his theory, it can be found that the rationality that Toulmin seeks to apply to the analysis of everyday argumentation is an empirically based, functional substantive rationality. This pursuit of rationality is manifested in the acceptability of arguments by the audience. Moreover, through the introduction of key conceptual fields, Toulmin further develops his approach to argument analysis and evaluation that differs from traditional formal logic and also reflects rhetorical features. Again, Toulmin defines a good argument as one that can stand up to criticism, which implicitly reflects the model's concern for the audience. The rebuttal, as a direct manifestation of the audience's criticism, becomes a beneficial tool for argument construction and argument evaluation. It is on the basis of the continuous response to audience rebuttals that the Toulmin model is procedurally developed and refined.

In the construction of his theory, Toulmin considered the concept of rationality and distinguished between formal logic and substantive logic, taking into account the shortcomings of the "standard theory" of that time. Rhetorical features are implicitly involved in his construction of the model, even though it does not put forward a precise rhetorical perspective, and the grasp of rhetoric and substantive argument is not appropriate. Thus, his theory in general reflects his unconscious rhetorical concern, and further elaboration of his model through a rhetorical perspective can help us understand the Toulmin model more deeply and promote its further development in everyday analytical argumentation.

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The Application of Contemporary Western Argumentation Theories in English Speech and Debate in China

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ABSTRACT: Western argumentation studies in contemporary China were not revived until the twentieth century with a heavy influence of Western epistemologies, especially pragma-dialectics and informal logic. In recent years, a new domain of argumentation studies has emerged in China as English speech and debate have flourished in Chinese universities over the past three decades. This essay focuses on how Western theories are applied in this emerging domain in China.

KEYWORDS: contemporary Chinese argumentation, English speech and debate in China, Western contemporary argumentation theories

1. INTRODUCTION

In recent years, English speech and debate emerged as a trend of critical thinking education in Chinese universities. The nature of persuasion in speech and forensic education is inherently connected with argument and reasoning, providing Chinese educators and students with a unique approach to explore and practice the theories of argumentation. With the background of the overall argumentation studies in contemporary China, this paper focuses on how Western theories are applied in the emerging domain of English forensic education. In what follows, I first provide a brief introduction of the influence of Western theories in contemporary argumentation studies in China. I then provide a brief review of the development of English forensic education in China over the past three decades and explain how some of the Western argumentation theories are applied in speech and debate curriculums in Chinese higher education. Finally, I conclude by arguing the application of Western theories in Chinese forensic education should inform Chinese contemporary argumentation theories.

2. CONTEMPORARY ARGUMENTATION STUDIES IN CHINA

Although ancient China has a rich tradition of argumentation, such tradition did not thrive after its peak in the Spring and Autumn or the Warring State Period (van Eemeren, 2019). The study of argumentation “lost its popularity completely” after Confucianism became the institutionalized orthodoxy since the West Han dynasty (p. 775). The tradition of argumentation was not rediscovered until the early twentieth century when Chinese scholars tried to find a counterpart of Western logic in ancient China. Subsequently, the

study of the classical tradition of argumentation is known as *Chinese Logic*, and controversy occurred among Chinese scholars on whether it should incorporate traditional Chinese values or simply adopt Western methods of thinking. For example, Hu Shi 胡适 (1891-1962), a prominent Chinese scholar trained in America advocated Western scientific methods while his opponents Liang Qichao 梁启超 (1873-1929) and Liang Suming 梁漱溟 (1893-1988) upheld the Chinese traditional values after a critical examination of Western culture. According to Lu (1998), two lines of research developed over the study of Chinese persuasive discourse and speech theory from the early late nineteenth to the subsequent century. The first line upheld Chinese rhetoric to be an integral part of “Chinese philosophy” and the second line attempted to “conceptualize the discipline under the original Chinese notion of *ming* 名 (naming) and the Western notion of logic (*luo ji* in Chinese)” (p. 40). To some contemporary Chinese scholars, the concept of *ming* is “equivalent to the Western notion of logic” although the Chinese translation of logic or 逻辑 *luo ji*, as Lu points out, “is a borrowed Western term and concept, having never appeared or been used in ancient Chinese writings” (p. 42). Lu concludes that contemporary Chinese scholarship on logic or argumentation in general focused more on interpretation of classical theories instead of evaluating these theories or advancing new theoretical dimensions. Furthermore, because of a lack of exchange between Chinese and Western scholars as well as barriers of language and translation, Chinese works of *ming* or logic were not introduced to the West and Chinese scholars have not fully embraced or applied the Western theories of rhetoric and argumentation, causing confusion. In fact, some saw the Western theories as “a form of cultural imperialism” over indigenous Chinese terms of logic (p. 42).

The controversy over Chinese logic lasted until the middle of the twentieth century when there was more enthusiastic reception of modern logic and argumentation studies in China. However, it was not until the 1990s when Western theories like pragma-dialectics were embraced by a new generation of scholars in China. The local research of argumentation studies in modern China has been heavily influenced by Western traditions, especially pragma-dialectics and informal logic. van Eemeren et al. (2014) identify the Institute of Logic and Cognition at the Sun Yet-san University (SYSU) as one of the leading institutes of modern argumentation studies in China, which hosts researchers from a variety of backgrounds including philosophy, logic, psychology, and computer science with “a strong tradition of studying argumentation from the perspectives of modern formal logic, cognitive science, and artificial intelligence” (p. 776). Besides Sun Yet-san University, a few other Chinese universities including Jiangsu University and Zhejiang University have established research centers for argumentation studies. Originally established in 2011, the Jiangsu University Center for Argumentation Studies has a strategic cooperation with the International Learned Institute of Argumentation Studies (ILIAS).¹ The Center of the Language and Cognitive Research (CLCR) at the School of Linguistic Sciences and Arts at Zhejiang University hosted the first Chinese Conference on logic and argumentation in 2016 (“*Zhe jiang*”, 2016). In recent years, more schools, such as the College of Philosophy in Nankai University, have established academic cooperation and exchanges with international institutes of argumentation such as the University of Windsor in Canada. With the influence of Western logic studies and the

¹ Information of the Center of Argumentation Studies is from the official website of the School of Foreign Studies at Jiangsu University. Retrieved from <https://sfl.ujs.edu.cn/info/1012/1024.htm>

collaboration with scholars from the West, Chinese scholars incorporate Western argumentation theories in their teaching and research to develop local argumentation studies.

According to van Eemeren et al. (2014), both informal logic and pragma-dialectics have had a significant impact on modern argumentation scholarship in China. Song Ruan wrote the first series of papers introducing the basics of informal logic in 1991. Hongzhi Wu published *An Introduction to Informal Logic* in 2009, providing a more elaborated and comprehensive overview on the theoretical framework and methods of informal logic. A few major works regarding pragma-dialectical theories have been translated by Chinese scholars between 1991 and 2006, including *Argumentation, Communication, and Fallacies* (by van Eemeren and Grootendorst 1992), *Critical Discussion* (an earlier version of *A Systematic Theory of Argumentation* by van Eemeren and Grootendorst 2004), *Fundamentals of Legal Argumentation* (by Feteris 1999), and *Argumentation: Analysis, Evaluation, and Presentation* (by van Eemeren et al. 2002). The continuous import of Western informal and pragmatic-dialectical theories from the 1990s has a clear influence on the current argumentation research by Chinese scholars. For example, connecting with pragma-dialectical and informal logic theories, the research group led by Qingyin Liang and Minghui Xiong conducted a series of research on legal argumentation. Minghui Xiong published *In Litigational Argumentation: A Logical Perspective on Litigation Games* in 2010, providing a new framework for legal argument analysis. Shier Ju, leading a research group from SYSU, focused on the study of argumentative practices in different cultures from anthropological and sociological perspectives. Research on argumentation studies also reveals a distinction between informal logic and pragma-dialectics. For example, Yun Xie (2008) analyzed the divergence between “the ‘product-driven’ context of the ‘solo argument construction’ of Johnson’s dialectical tier” and “the ‘process-driven’ dialogical context of the ‘duet cooperative discussion’ between two parties of pragma-dialectics,” reflecting on the different meanings or functions of dialectic under the informal logic and pragma-dialectic frameworks (p. 283-285). These examples are among the representations of the emerging scholarship of argumentation studies by Chinese scholars in recent years. In general, contemporary argumentation studies in China manifest the considerable influence of Western theories, whether seen from the earlier controversy between inheriting traditional values or adopting Western methods, or from the impact of informal logic and pragma-dialectics in recent argumentation research. While the recent argumentation studies in China have spanned across different disciplines such as logic, philosophy, law, or computer science, the existing literature has little discussion on the application of Western argumentation theories in the emerging domain of English speech and forensic education in China. In what follows, I provide a synoptic brief review of the development of English debating in Chinese mainland universities since the 2000s and briefly analyze the influence of some of the contemporary argumentation theories on the evolution of English debate education in China.

3. WESTERN ARGUMENTATION THEORIES IN ENGLISH DEBATE EDUCATION IN CHINA

A new domain of argumentation studies emerged in China as English speech and debate flourished in Chinese universities over the past three decades. This emerging domain developed in a broad context of English education becoming “a subject of paramount importance” in China during the last quarter of the twentieth century (Hu, 2005, p. 5). English Language Teaching (ELT) was among “perceived priorities” for national development and English language proficiency can lead to “a host of economic, social, and educational opportunities” for individuals (p. 6). English forensic education surged in China from the mid-1990s when public speaking and academic debate became new forms of English learning activities among Chinese college students. In general, competitive English speech and debate developed from popular extracurricular activities to become part of national core curriculums for college English education in recent years. Because debate is a sub-category of argumentation practice, English debate education in China has become a domain of practical application of Western argumentation theories. Although pragma- dialectics has had a dominant influence on argumentation scholarship in the Chinese academia, the realm of English debate in China has been predominately shaped by informal logic theories. The major theoretical framework guiding the instruction of English debate, whether in tournaments or classrooms, is largely adapted from informal logical theories of practical reasoning and an Aristotelian tradition of rhetoric and argumentation. In addition, argumentation theories serve primarily as pedagogical tools to train students effective critical thinking capabilities.

The early training materials for English debate workshops in China around the 2000s were mostly handouts of lectures or brief pamphlets compiled by trainers who helped Chinese teachers and students prepare for competitive tournaments. The early trainers were often international debate coaches or college professors whose areas of specialty involved competitive debate or argumentation studies. As debate spread from tournaments to classrooms, the need for more systematic textbooks increased. Such need pushed the publication of textbooks written by American experts. For example, Gary Rybold from Irvine Valley College wrote a training pamphlet for debate workshops in Xi’an around the 2000s, which was turned into the textbook *Speaking, Listening and Understanding: Debate for Non-Native English Speakers* published by International Debate Education Association (IDEA) in 2006. In 2010, a second textbook by Rybold, *Debating in English: A Critical Thinking Approach to Effective Speaking*, was released by the Foreign Language Teaching and Research Press (FLTRP). Both books provided basic introduction to critical thinking in speech and debate for non-native English learners, especially novice debaters. For example, the second textbook involved topics of like developing effective public speaking skills, impromptu and extemporaneous speaking, motions, propositional case development, oppositional counter-case development, refutation and rejoinder, logical fallacies, and competing in debate tournaments (Rybold, 2010). In 2011, Steve Johnson from the University of Alaska Anchorage published *Winning Debates* in China. Johnson was invited by the organizing committee of the FLTRP Cup national English debating competition, to be the chief trainer and adjudicator of the event between 2004 and 2011. Compared with Rybold’s critical thinking approach to English speech and debate, Johnson (2011) provided a review of the basics of argumentation theory with a focus on the British Parliamentary

style of debating. The themes of *Winning Debates* include a philosophy of debating, arguments and argumentation, stasis and structure, basic strategy and skills, the speakers and speeches, decision making and strategies, the paradox of debating, advanced tactics and adjudicating debate. The influence of practical reasoning and informal logical theories can be traced in both Rybold's and Johnson's approaches to debate and argumentation. For example, the influence of the Toulmin model of argument is particularly evident. Rybold (2006) quoted the model and its three major elements including "claim", "grounds", and "warrant" recommending debaters to understand the model because "it helps keep your argument linear and to the point" (p. 77). Johnson argued that "the true magic of argument" happens in the process of finding the "inference" between a claim and its support (p. 18). These interpretations of argument are essentially compatible with the Toulmin Model of argumentation as an example of practical reasoning. Toulmin's influence is also exemplified in debate textbooks written by Chinese teachers. For example, Fan (2013) discusses a similar model of argument in *Parliamentary Debate: Formats and Strategies*. Jin et al. (2016) also adopts the Toulmin model as a framework of argument in a textbook of English debate written by teachers from Beijing Foreign Studies University. As demonstrated in the existing textbooks of debate by international or local teachers in China, the Toulmin model as an exemplar of practical reasoning has served as a rule of thumb for Chinese students to lay a foundation for understanding of argumentation.

The influence of Aristotelian reasoning is also evident in the English debate curriculums in Chinese universities. Aristotle's three pillars of speech-ethos, pathos, and logos-are among the most quoted theories of persuasion for beginners of speech or debate classes. As classical Greek rhetoric has been regarded as the root of modern Western argumentation studies (Lee, 2020), Aristotle's conception of logic has been loosely introduced as key elements of reasoning in Chinese debate classes. For example, induction and deduction are commonly discussed as basic patterns of reasoning. Arguments of probability, instead of the syllogism, are analyzed for building logical analysis. The model of argumentation taught in a general debate curriculum reflects a "system of analyzing and evaluating arguments" for pragmatic reasoning (Walton, 2008, p. xiii). In specific, a typical instruction to establish good argumentation for debate usually starts with an analysis of the different types of claims, or motions, followed by tactics of case construction for the propositional side, the counter arguments for the opposition along with strategies for refutation, summation or point of information. In addition, adjudication criteria such as matter, manner, method are commonly introduced. For each unit of reasoning, the quality of evidence is highlighted and the standards to evaluate such quality include but are not limited to relevancy, credibility, sufficiency, and diversity. Besides, schemes of warranting are vital components emphasized to guarantee the quality of an argument. For example, common strategies of warranting include building inferences between the premise and conclusion through analogy, generalization, appealing to authority, analysis of consequences, cost and benefits, etc.

It is worth noting, informal logical fallacies are a key element in debate education. Some of basic fallacies introduced in textbooks such as begging the question and hasty generalization can be traced back to Aristotle. An example to exhibit this model of instruction is *Building Global Relations Through Debate*, a textbook published in 2016. The book is co-authored by a group of American professors led by Robert Trapp from

Willamette University and Chinese debate teachers from a few schools with active forensic programs such as Fudan University and Xi'an Jiaotong University.

In recent years, Chinese teachers continued to explore more localized approaches to apply Western argumentation theories in debate classrooms. Some pioneering exploration has been made to shift the debate format centered paradigm of instruction drawn from competitive events to an argumentation-based curriculum design treating debate as an area of application for critical thinking and reasoning. Although the theoretical framework of such curriculum is still largely influenced by informal logic theories and Greco-Roman rhetoric, more efforts has been made to place argumentation within the framework of Chinese cultural context with intercultural perspectives. This localized progress is best exemplified in the publication of an argumentation and debate textbook, *Critical Thinking in Argumentation*, by Fudan University in 2023. The textbook embodied the collaboration of Chinese college English teachers to bring in a systematic theoretic framework of Western rhetoric and argumentation as the foundation of speech and debate classes. For example, the book provided a stipulative definition of argumentation as “the study of reasoning for the purpose of constructing, analyzing, and evaluating the quality of arguments” (Wan & Li, 2023, p. 8) and an introduction of the classical roots and modern development of Western argumentation theories including some of the basic theories by Aristotle, Toulmin, Perelman, and the school of Pragma-dialectics. Chinese cultural elements were included in the exemplification of argumentation concepts with cross-cultural notes provided to compare classical Chinese and Western world views. Furthermore, the book treated academic debate as one genre of argumentation along with other argument practices in organizational or interpersonal contexts, extending the scope of argumentation studies in the debate community to a broader picture of practical reasoning in human communication, which essentially reflects an informal logic approach to study argument as the “products of communication” (Blair & Johnson, 1987, p. 147) in natural language practices.

In the context of Chinese higher education, debate and argumentation are widely recognized as effective tools to enhance higher order critical thinking (CT) skills among EFL learners (Yang & Rusli, 2012; Qin, 2013; Wang, 2021). Developing CT skills is one of the essential purposes of Chinese college English (Zhang & Kim, 2018). One piece of strong evidence of the function of debate in CT cultivation in China is that beginning in 2018 debate has been made, along with public speaking, as part of the national core curriculum for college English majors by the Ministry of Education. Over the years, English speech and debate has gradually developed to be a paradigm of critical thinking education among the community of college English educators. The exploration of how speech pedagogy can facilitate CT cultivation has been a constant theme of national teachers' workshops. For example, Wang (2020) argued that oral English education in China after 2018 “should break the traditional single language skill training mode and cultivate students' critical thinking ability” through the curriculum design of English parliamentary debate (p. 69). Wang (2021) explored an analytical framework of English debate in Chinese classrooms and discussed the challenges of developing CT skills through teaching debate. Zhang et al. (2023) argued that “a systematic curriculum framework of critical thinking” should be developed in Chinese universities and English language debate shall be one of the “*embedded* courses” (p. 404). In an interview study, Hu (2015) confirmed the positive role of forensic participation in improving college students' critical

reading and evaluating abilities and argued that English debate can help the respondents “to get rid of ego-centric and socio-centric thinking, which paved the way for them to become an accomplished and responsible thinker” (p. 7). Besides, Zhang et al. (2019) examined the effect of English speech education on student’s development of self-efficacy based on a data collection of 455 college students from Chinese mainland universities. As these studies demonstrate, the application of argumentation theories in speech and debate curriculums in China has served primarily a pedagogical function to develop individual skills of critical reasoning and thinking. The informal logic or Aristotelian theories are incorporated in the curriculum for teaching debate and cultivating transferable skills.

4. CONCLUSION

The dynamics behind the development of debate education in China poses a unique opportunity to observe the application of Western argumentation theories in Chinese higher education. While contemporary argumentation studies in China have been heavily influenced by informal logic and pragma-dialectics in general, the development of English speech and debate in the past three decades has added a unique chapter of how informal logic argumentation theories shapes the theoretic framework of debate education in China. The study of Western argumentation theories in English forensic education has important implications in contemporary Chinese argumentation studies. First, it reveals the co-existence of two parallel academic communities of argumentation in China, both of which have had rapid development in the past three decades yet neither community seems to be aware of the existence of the other. The first community conducted research adapting theories and methods of the van Eemeren school of pragma-dialectics or the Canadian school of informal logic. Chinese researchers active in these research traditions are from departments like philosophy, linguistics, or cognitive sciences, whose research interests expand through a diversity of fields from legal reasoning to cultural studies. The second circle is the emerging community of English speech and debate education consisting of the college English teachers for ELT education, whose interests are primarily on speech and debate pedagogy in cultivating Chinese learners’ critical thinking abilities. At the current level, the first circle has a great deal of scholarship produced by scholars in a few key universities who have been advancing argumentation research, while the second circle involves faculty members from English programs across the nation with a pragmatic focus on the teaching of English public speaking and debate. While the co-existence of the two circles demonstrates the diversity of argumentation studies in China, it also calls for further awareness from the two communities to converse with one another for a full picture of argumentation studies in China. In the long term, the two communities may converge and collaborate with each other in teaching or research for a thriving future of argumentation studies in the Chinese academia. In addition, the development of English debate education reveals a lack of theories or methodology to approach broader argumentation studies beyond the paradigm of critical thinking education. There is an urgent need for more scholarly conversation about English debate education in China since little research has been done to examine the unique significance of this emerging domain and how contemporary Chinese argumentation theories and practices can be developed to improve pedagogy. The bulk of existing literature related to English debate in Chinese classrooms

focuses on practical concerns research related to CT cultivation. Little scholarship has been made on other functions of argument, such as the epistemological means of “creating knowledge” or axiological purpose of building a just society (Rowland, 1995, p. 351). This lack of foundational work can be bridged through integrating theories and pedagogy of rhetoric, argumentation, or communication education into debate teaching and research, an effort which could be subsumed as a new domain under the broad umbrella of English studies in China. The current community of college English speech and debate provide a preliminary basis for such a new domain of Chinese academia.

Besides, although English debate in China is informed by Western theories of argumentation, there remains the critical puzzle to explain the reason for the unprecedented popularity of English debating in Chinese education mandated by Chinese authorities, as the Chinese culture is believed to be defined by values of harmony-seeking and conflict-avoiding that discourage public discussion of controversy, an antithesis of “the culture of critique” in societies like America (Tannen, 2012, p. xi). It is also thought-provoking that although China has a rich legacy of classical rhetorical and argumentation theories as exemplified in the major schools of thoughts like Confucianism, Mohism, Legalism, Daoism, and the School of Ming, they seem to have had a limited influence upon the modern English forensic education. Nonetheless, while English debate in China takes a Western form and has been influenced by Western theories, Chinese college English teachers in local communities has been exploring a localized path to develop the study of debate and argumentation in Chinese classrooms. There remains a need for further investigation to examine how the forms and function of argumentation have been adopted in the cultural context of contemporary Chinese society. Although such theory development is beyond the discussion of this paper, the review of English debate education in China and the application of Western argumentation theories in this emerging domain point to the possibility of developing a localized contemporary Chinese argumentation theory in further studies.

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In What Sense Do Visual Arguments Exist?

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ABSTRACT: This paper critically examines the ongoing debate concerning the existence of visual arguments and proposes a solution to this existential problem. Using the type-theory framework we introduce, the existential problem of visual arguments is discussed in two senses. Firstly, this paper argues that visual arguments exist while their existence is dynamism-based. Secondly, this paper argues that visual argumentation theory exists in the sense that it can expand argumentation theory in both descriptive and normative aspects.

KEY WORDS: multimodal, verbal argument, visual argument, visual argumentation theory

1. INTRODUCTION

Despite the substantial progress made in the field of visual argumentation since 1990s, an ongoing theoretical debate revolves around a fundamental question—the existence of “legitimate” visual arguments (e.g., Groarke, 1996; Birdsell & Groarke, 1996, 2007; Fleming, 1996; Johnson, 2003; Blair, 2012; Godden, 2013; Groarke, 2019). This issue, as described by Kjeldsen, is the “principal issue” in the study of visual argumentation (Kjeldsen, 2015, p. 116). While many scholars assume the existence of legitimate visual arguments and explore their functioning, doubts regarding their existence persist. Nevertheless, as Groarke notes, these doubts “have not stopped” the continued growth of the field (2019, p. 334). We contend that further clarification on this issue would be a significant benefit to the field of study. It could provide a clearer understanding of the logical position of visual arguments, thus establishing a more robust theoretical foundation for the analysis and evaluation of visual arguments, especially within the framework of informal logic.

The existential problem of visual arguments is usually discussed in two senses. First, it questions the existence of visual arguments as a type of argument: Do visual arguments exist? Second, it examines the existence of the theory of visual arguments. This paper addresses the existential problem of visual arguments within the framework mentioned above, which can be termed “the type-theory framework.”

This paper aims to critically examine the existential dispute over visual arguments through the type-theory framework and present a more systematic and clearer account of the existential problem of visual arguments. In what follows, we will discuss the existential problem of visual argument as a type of argument in Section 2, and the existential problem of visual argumentation theory in Section 3. Section 4 will provide a summary and explore the implications of the clarification offered in this paper.

2. THE EXISTENTIAL PROBLEM OF VISUAL ARGUMENTS AS A TYPE OF ARGUMENT

As a common tool of persuasion in everyday life, there is no denying that visual images serve as a significant tool for persuasion. However, this paper is primarily concerned with a different question: Can we consider such persuasion to be potentially rational, or does it at least involve elements of rationality? In simpler terms, does the concept of visual argument hold ground?

To answer this question, we must clarify the concept of argument. A classic and widely quoted definition of argument is provided by O’Keefe (1982). He makes a distinction between “argument₁” and “argument₂,” and defines these two types of argument (*ibid.*):

I think that the everyday sense of “argument” (as argument₂) paradigmatically refers simply to those cases in which extended overt disagreement occurs between interactions (p. 11).

Thus my view is that paradigm cases of argument₁ are ones involving a linguistically explicable claim and one more linguistically explicable reasons (p. 17).

Given that the dispute of whether visual arguments exist is clearly unrelated to extended overt disagreements in interactions (argument₂), this paper focuses on argument₁ as the relevant criterion for the existence of visual arguments. According to Blair (2012, pp. 207-208), there are two important implications of the conception of argument₁: Firstly, argument₁ is propositional because claims and reasons must be propositions. Of course, to avoid unnecessary philosophical disputes, the term “propositional” here should be understood in a broad sense if the claims and reasons can be affirmed or rejected. It means that value judgments and norms of action are regarded as propositional. Secondly, argument₂ does not limit the argument to verbal arguments, but merely requires that both the reasons and the claims can be explicated in language. In other words, the medium of expression for an argument does not have to be language itself; it merely needs to be capable of translation into language.

We concur with Blair’s analysis of O’Keefe’s concept of argument₁. The above analysis suggests that O’Keefe’s definition is suitable as a criterion for the existence of visual arguments. This is because: 1) This definition establishes a minimal criterion for the abstract concept of argument. As a basic form of rational persuasion, we contend that an argument inherently needs to exhibit objectively discernible clarity, implying that its premises and conclusions should be expressible through language at the very least. 2) Argument₁ does not presuppose that argument can only be expressed through language, thereby leaving a substantial theoretical space for the existence of non-linguistic forms of argument. Based on this, the existential problem of visual arguments as a type of argument lies in whether visual images can be translated into a set of verbal propositions. Some of these propositions would function as premises, while the rest would constitute the conclusion.

From the point of view of the communication practices of human societies, propositions are in fact expressed in a variety of forms other than language, including silence, signs or signals, facial expressions, and other body language (Blair, 2012, p. 209). This suggests that there is no compelling reason to consider language as the exclusively legitimate form of propositions. Furthermore, Blair provides examples of advertisements to illustrate that visual images (or propositions) can be translated into a set of verbal propositions that function as premises and a conclusion. For instance,

he asserts that the Benetton advertisement published in *The New Yorker* magazine (the issue of April 29 and May 6, 1996) constitutes a visual argument (p. 214):



Figure 1

Based on the relevant background information of figure 1, Blair (2012, p. 215) contends that the visual argument represented by the image can be constructed as follows: “Racism is a construct, not an inborn attitude; adults impose its ugliness on the innocence of children; therefore, racism is unjustified and should be ended.”

Despite proponents pointing to numerous typical instances of visual arguments (such as the advertising case mentioned above), critics persist in raising significant questions about the existence of so-called visual arguments. This paper posits that two doubts of them are the most representative, which can be respectively labelled as “structural concerns (SC)” and “propositional concerns (PC).”

SC pertain to the difficulty of visual images in conveying the fundamental premise-conclusion structure of the argument. Fleming (1996) emphasizes that an argument requires a structure in which “conceptually distinct ideas can be sequentially linked,” but a picture, by itself, cannot array ideas in the two-part conceptual structure of the argument (i.e., premise-conclusion structure). This is to say that, due to the lack of temporal syntax, visual images at best can express a proposition that serves as either a premise or a conclusion, but they struggle to distinctly express premises and conclusions. However, we do not think that SC is insurmountable. On one hand, it appears that Fleming primarily considers single or static visual images, overlooking the scenarios involving multiple or dynamic visual images. While a solitary or static visual image might only express a solitary proposition, a sequence of interrelated visual images (such as comics) or dynamic visual images (like animations) has the potential to convey the temporal succession of ideas, thus achieving the fundamental “premise-conclusion” structure. On the other hand, even if we consider only a single visual image, the basic “premise-conclusion” structure can be presented through enthymeme. For example, Figure 1 is also a single visual image, but it is still capable of expressing an enthymematic argument that contains an implicit conclusion. In other words, a single visual image can indeed express multiple propositions, with the understanding that certain propositions and the logical connections between them are expressed through enthymeme.

In contrast, PC appears to be more intractable. PC refers to the difficulty of explicitly translating visual images into verbal propositions. Despite proponents presenting a number of instances of visual argument (i.e., cases in which visual images are successfully translated into premises and conclusions), Johnson (2003) still maintains that such a translation process heavily relies on background knowledge. He thinks that the image by itself cannot “determine” the premises and the conclusion, as it is not hard to imagine that other possible conclusions might well be “implied” or

“suggested” by the same picture. Consequently, if someone lacks the relevant background knowledge about a specific image, it will be difficult for them to provide a translation that satisfies proponents of visual argument. Even as an advocate for the existence of visual arguments, Blair (2012, p. 210) concedes that there is a “systematic indeterminacy” about visual expression.

Do all visual expressions have such a systematic indeterminacy? Godden (2013) tries to find a determinate visual argument. He argues (pp. 1-2) that scholars often use eye-catching advertisements or cartoons as cases of visual arguments, but they are probably not legitimate visual arguments. On the contrary, legitimate visual arguments tend to be “much less interesting” and far rarer than proponents might believe—such as the Venn diagram in mathematics. He provides an example, stating that the following diagram clearly represents a valid syllogism: All M is P; Some S is M; Therefore, Some S is P.

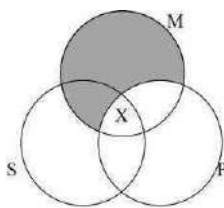


Figure 2

However, strictly speaking, we think that Godden’s example is still not a visual argument, as Figure 2 merely represents a valid argument form rather than an argument. It is only after exemplifying this argument form (such as substituting M with “felines,” P with “mammals,” and S with “leopards”) that we can say the Venn diagram represents an argument, and this exemplification process precisely requires the involvement of language. In other words, based on necessary assumptions (such as the interpreter understanding Venn diagram reading rules) and linguistic exemplification, some (not all) Venn diagrams can explicitly express a valid syllogism. Compared to advertisements or cartoons, Venn diagrams, if intended to convey arguments, similarly rely on language, albeit to a lesser degree. Now let us go back to the key question—do all visual expressions have such a systematic indeterminacy? Yes, just to varying degrees. Various types of visual images differ not in whether they rely on language, but rather in the extent to which they do so.

Crucially, is the systematic indeterminacy of visual expressions sufficient to make visual argument impossible? Regarding this question, Johnson (2003, pp. 10- 11) would likely provide an affirmative response. He emphasizes that in the process of constructing arguments, “most of the essential work” is accomplished by language rather than images. Therefore, visual arguments, according to him, do not exist. In contrast to Johnson, Blair (2012, p. 210), even though acknowledging that such systematic indeterminacy is likely to pose “formidable practical problems” for both arguers and audiences, believes that it does not make visual argument impossible “in principle.”

The above dispute reveals that scholars have different understandings of the key term “visual arguments,” or they are using this term in different senses. To resolve this controversy, we propose that visual arguments exist, but their existence is in a different sense from that of verbal arguments. Due to the relatively greater determinacy of meaning, the meanings of verbal propositions are relatively clear and determinate. Even if not initially determinate, individuals can make it clear through

language-based information (e.g., understanding contextual information or engaging in dialogue with the arguer). In this sense, this paper views the existence of verbal arguments as a determinacy-based existence. In contrast, due to the relatively greater indeterminacy of the meaning of images, the process of converting images into verbal propositions exhibits a significant level of flexibility. In this sense, this paper views the existence of visual arguments as a dynamism-based existence. This view can also be termed “dynamic existentialism of visual arguments.”

In this regard, we need to clarify that: 1) We certainly do not deny the ambiguity of the meaning of language; we are merely emphasizing that, in general, the meaning of language tends to be more certain than those of images. 2) The terms “determinacy-based existence” and “dynamism-based existence” do not carry value judgments (i.e., they do not indicate superiority or inferiority); they are descriptive terms to characterize the respective traits of verbal and visual arguments. 3) The concept of dynamic existentialism regarding visual arguments does not suggest that the meanings of visual images are inherently impossible to clarify and determine. Instead, it emphasizes that the intrinsic flexibility of images makes the clarification process much more challenging compared to verbal arguments.

For the study on visual argumentation, dynamic existentialism of visual arguments offers the following theoretical advantages: 1) Critics of visual arguments often presuppose that the way verbal arguments exist (i.e., determinacy-based existence) is the only way arguments can exist. This viewpoint, however, reveals and rejects this presupposition, thereby creating room for the existence of visual arguments. 2) In terms of the determinacy of meaning, this viewpoint accepts and acknowledges the significant differences between visual images and language, thereby defusing the intense criticism raised by skeptics regarding the various interpretations of visual meaning.

3. THE EXISTENTIAL PROBLEM OF VISUAL ARGUMENTATION THEORY

According to the type-theory framework outlined in this paper, in addition to the existential problem of visual arguments as a type of argument discussed in the previous section, there is a need to assess the theoretical value of visual argument—is there a need for a theory of visual argumentation in addition to the current dominant theory of argumentation centered on verbal argumentation? In other words, does visual argumentation theory exist?

In general, a comprehensive theory of argumentation consists of two main parts: 1) a descriptive theory of argumentation, i.e., argument analysis, which involves a standardized reconstruction of an argument and an analysis of its logical structure; and 2) a normative theory of argumentation, i.e., argument evaluation, which involves an evaluation of the degree to which premises support conclusions. Given this, if there were to be a visual argumentation theory different from the current verbal argumentation theory, could it make a unique contribution in these areas? This paper will answer the question in terms of descriptive and normative dimensions respectively.

Concerning the descriptive aspect, verbal argumentation theory already possesses an array of advanced theoretical tools for reconstructing and analyzing arguments, including Toulmin’s model, argumentation schemes theory, pragma-dialectics, argument structure diagrams, and so forth. However, does visual argumentation possess its own distinctive descriptive theory? Scholars have proposed

various theoretical tools for the descriptive analysis of visual arguments, such as a modified version of pragma-dialectical principles of communication (Birdsell & Groarke, 2007; Groarke, 2019), an extended version of key component table and diagram (Groarke, 2019), and some rhetorical tools (Kjeldsen, 2015).

Interestingly, Johnson (2003) contends that we do not need a theory of visual argument. He recognizes that interpreting the meaning of visual images is important, but that other theories (rather than argumentation theories) can offer more help with this, such as deconstruction, semiotic theories, message design theories, and so forth.

In our view, Johnson's comments hold an important implication: The interpretation of meaning in images has already been studied extensively by other disciplines, such as semiotic theories, painting, and film studies. When the interpretation of meaning is completed, and the meaning of an image becomes clear (i.e., it is expressed through verbal propositions), this is the point where argument analysis can come into play. At this stage, analysts deal with a set of verbal propositions that can be analyzed using traditional verbal argumentation theory. Consequently, visual argumentation theory encounters a dilemma: when the meaning of an image is undetermined, its analysis is carried out by other disciplines; when the meaning of an image is determined, its analysis aligns with the theory of verbal argumentation.

The solution to this dilemma, we argue, lies primarily in demonstrating that when the meaning of an image is determined, its study still requires the involvement of visual argumentation theory (rather than solely relying on verbal argumentation theory). We believe that this has been demonstrated through research on visual argumentation theory over the years. Groarke, for example, has made significant contributions in this regard. As mentioned earlier, Groarke developed an extended version of key component tables and diagrams to analyze the structure of visual arguments. While it is not the intention of this paper to delve into the details of Groarke's theory, it suggests the possibility of developing a specialized theory for the descriptive analysis of visual argumentation. However, it is worth noting that even if there is a specialized theory for visual argumentation (such as Groarke's work), this theory primarily makes adjustments or introduces new elements to the theory of verbal argumentation. In other words, visual argumentation theory is not an entirely new and independent theory but rather an expanded version of verbal argumentation theory.

In a similar vein, the normative aspect of visual argumentation theory faces an existential problem. In Godden's (2013) view, this is "the most important theoretical issue" of the debate over the existence of visual arguments. He (pp. 1-2) suggests that if the existence of visual arguments does not need to revise the normative standards of argumentation theory, then visual arguments are not normatively significant. This implies that the inquiry into the existence of visual arguments becomes less important. Furthermore, Godden thinks that "the rational quality" of arguments (i.e., "the probative qualities of reasons") does not demand any adjustments to the criteria for evaluation, as these standards remain constant regardless of the mode (way) of argument presentation, which is called "normative non-revisionism" in his paper.

It is important to note that Godden's concept of the rational quality of arguments is a formal-logical one, devoid of subjective elements. However, Godden's concept of the rational quality of arguments will probably encounter resistance from scholars and researchers in the fields of informal logic and argumentation theory. A conception of argument strength that is widely accepted by informal logicians was

introduced by Johnson and Blair (1994). To provide a logical evaluation of arguments, they state (p. 50):

A logically good argument, as we shall use this term, is one whose premises supply strong grounds for any reasonable person to accept the conclusion.

Based on this, they raise a criterion for argument evaluation—RSA triangle. An argument must satisfy three different standards in order to be a good argument (1994, pp. 54-55): First, the premises must be relevant to the conclusion, which is the relevance test (R). Second, the premises must provide sufficient support for the conclusion, which is the sufficiency test (S). Third, the premises must be acceptable, which is the acceptability test (A).

While there are slight differences in their expressions (Johnson and Blair use “logically good argument,” while Godden uses “rational quality of argument”), they are essentially discussing the strength of arguments within the rational dimension. In contrast, Godden’s perspective only addresses a portion of the RSA triangle, focusing solely on relevance and sufficiency and neglecting the concept of acceptability. Acceptability test plays a crucial role in argument evaluation as it bridges the gap between propositions (reasons) and individuals (audiences). This test considers the subjectivity of the audience within the context of the argument.

We believe that the RSA triangle offers a more reasonable criterion for argument evaluation. Even if Godden’s argument stands, it would primarily demonstrate that visual arguments may not significantly impact relevance and sufficiency. However, acceptability, which considers subjectivity of the audience, depends not only on the content of reasons but also on their presentation. Visual arguments can exert a notable influence in this regard. In visual arguments, the premises could be conveyed through visual propositions rather than verbal ones, and the mechanisms of acceptability for visual and verbal propositions differ. It is not difficult to imagine that the level of acceptability among people might not be entirely consistent between directly presenting an image and a verbal proposition that is transformed from an image (even if it is a successful transformation). In fact, the former is often more readily accepted due to its potent sensory impact. Nevertheless, current standards for assessing premise acceptability are primarily rooted in verbal propositions. For instance, Freeman (2005) and Govier (2013) outline various criteria for premise acceptability, such as true premises, presumed premises, premises supported by a cogent sub-argument, premises supported elsewhere, and premises known a priori to be true. These criteria do not adequately accommodate the traits of visual images and propositions. By integrating insights from disciplines like communication studies, semiotics, visual rhetoric, and others, it may be possible to formulate assessment criteria for the acceptability of visual images and propositions. In this regard, visual argumentation theory could make a distinctive contribution to the acceptability standard, thus enriching argumentation theory in the normative dimension.

4. CONCLUSION

The main ambition of this paper is to critically examine the ongoing debate regarding the existence of visual arguments and to propose a solution to this existential problem. According to the type-theory framework we have introduced, the existential problem of visual arguments has been discussed in two senses.

First, concerning the existential problem of visual arguments as a type of argument, we have addressed two of the most notable concerns: structural concerns (SC) and propositional concerns (PC). Building upon these considerations, we have argued that visual arguments indeed exist, albeit with a dynamism-based existence, which we term dynamic existentialism. In comparison to the determinacy-based existence of verbal arguments, the dynamic existentialism of visual arguments underscores the intrinsic flexibility of interpretation the meaning of images.

Second, in relation to the existential problem of visual argumentation theory, we have argued that visual argumentation theory can offer distinctive contributions to both the descriptive and normative aspects of argumentation theory. Visual argumentation theory exists in the sense that it can expand upon the framework of verbal argumentation theory.

We believe that the exploration of the existence of visual arguments in this paper serves as a facilitator rather than an obstruction to the study of visual argumentation. On one hand, the concept of dynamic existentialism provides researchers with a clearer understanding of the logical status of visual arguments, indicating that logical theories and tools can be employed for analysis, albeit not entirely identical in specific methods to the analysis of verbal arguments. On the other hand, the theory of visual argumentation, by expanding the verbal argumentation theory, helps researchers to better comprehend the strengths and limitations of this theory, and may even spark more interesting research directions.

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What Constitutes an Intelligible Argument in the STEM Fields?

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ABSTRACT: Science communication in the format of digital presentations aims to make knowledge accessible e.g., in STEM fields. The multimodal nature of scientific presentations raises the question of how argumentations must be specifically designed to achieve the stated goals. Research shows that when presenting complex content, it is helpful to resort not only to verbal but also visual means. In this paper we address the characteristics that visualizations require to add significant value to the argumentation.

KEYWORDS: argumentation, concept mapping, evidential, multimodality, presentation, presentation competence, rhetoric (of science), science communication, STEM fields, visual arguments

1. INTRODUCTION

Scientists are looking for answers to questions that in many cases have social relevance. They share their answers in their scientific community. But their findings must find their way to a broader public, especially in democratic systems and in the age of “alternative facts” (Broks, 2017). Only in this way can participation be made possible; can citizens understand political decisions made based on research. Science communication for different target groups is a democratic issue (Akin, 2017).

An important communication format of science communication is the multimodal digital presentation, which is used at universities (Bucher & Niemann, 2012; Stark & Paravel, 2008), in public lectures and in more innovative formats, such as Ted Talks (Foung & Kwan, 2022; Kjeldsen, 2013) or Science Slams (Niemann et al., 2020), to the wider public. At scientific conferences e.g., at the annual Nobel Laureate Meeting, young outstanding scientists present their research and projects not only to other scientists, but also to the press and to foundations that might support the research. These formats have in common that excellent scientists share and recontextualize their findings. But does excellent research result in equally excellent multimodal science presentations? What makes multimodal argumentation in scientific presentations a situation in which sharing scientific knowledge succeeds? How can we support our students to come up with good multimodal arguments that lend themselves to digital presentations? For these questions rhetorical considerations are relevant as well as the interdisciplinary perspective. We argue that multimodal forms of argumentation in science communication have a long history and are constantly evolving with technological and media possibilities. We also look at digital presentations and ask what the benchmarks for successful knowledge communication are. Finally, we address the promotion of presentation skills, especially multimodal argumentation. Here we present the approach of Youth presents in more detail.

2. MULTIMODAL ARGUMENTATION: NOT A NEW PHENOMENON IN SCIENCE COMMUNICATION

Groarke points out in his article that "[d]uring the last decade, one source of debate in argumentation theory has been the notion that there are different modes of arguing that need to be distinguished when analyzing and evaluating arguments." (Groarke, 2015, p. 133) Therefore, it is important to clarify what is meant by argument or argumentation in this article. The use of these terms does not just mean persuading the addressee. The terms used here have a broader meaning that includes explanation and the aim of communicating knowledge, promoting understanding and insight into research and science. "Argumentation, in whatever sense it is conveyed, is an integral part of science and we argue it should be integrated into science education" (Jiménez-Aleixandre & Erduran, 2007, p. 3) Knowledge communication involves just as well claims to legitimacy, reasons, plausibilisation, and even the use of the triad of ethos, logos and pathos, to explain and prove how and why things work. Therefore, our focus is not on pros and cons or (persuasive) arguments in debates, but on explanations in knowledge-communicating multimodal presentations in STEM fields. Specifically, it is about the competence of students or learners to present their knowledge of STEM subjects in a multimodal approach, by digital presentations.

Multimodal modes of argumentation and representation, such as the combination of text and image, are a particular way of communicating and organizing knowledge in the natural sciences, as we can already see in Alexander von Humboldt's various written and drawn works. The concrete form of rhetorical techniques is, after all, also an expression of our thinking, presented in descriptive texts and visualizations (Humboldt, 2014; Humboldt et al., 2019). Humboldt expresses his scientific findings, he illustrates his results, he makes numerous details accessible e. g., details of the condor. He makes three drawings of the condor, two of which show details of the head and the claws. Humboldt did not stop at drawing. In his work "Animal Worlds" he presents his findings in form of long textual explanations (Humboldt et al., 2019). On the level of visual modality, he shows in detailed passages the plumage of the condor, the arrangement of the feathers, the shape of the head and much more. Regarding science communication, this is related to the decision of what needs to be illustrated, because it is of outstanding importance for scientific discourse.

On each of these modalities he applies the rhetorical principle of *evidentia*. This means that ideas are evoked by linguistic means (Koch & Schirren, 2016, p. 224). In ancient rhetoric, the richness of detail in terms of the composition of the text is subsumed under the term *enárgeia*, which is ultimately intended to support the argument of the speaker (Lipphardt, 2019, p. 85f.). A multimodal approach was already characteristic of the orator's action in antiquity. Rhetorical theory does not focus solely on the verbal modality. The spatio-temporal dimension, the moment of the speaker's performance, led in classical rhetoric to extensive reflections on body language and voice (Koch & Schirren, 2016, p. 223f.). The persuasive value of visual means in the context of the presentation of evidence is also clear, for example in the remarks of Quintilian (Quintilien & Rahn, 1972 VI 1, 30f.). There are still useful rhetorical techniques to be derived from this for today's communication problems. On the one hand, this means that the scientific facts are described in such detail that they are almost before your eyes. But it also means liveliness.

The condor becomes almost alive through the linguistic descriptions. Both modalities, visuals und verbals, are important for his scientific argumentation and contribution to gaining knowledge. In sum, image and text belong together, there's an interplay between different modalities: "thus I believe I am doing science a service by making public the detailed description and drawings I have sketched of the Condor on the spot." What can be observed in this example is the use of rhetorical techniques in a way that was medially possible at the time.

Media possibilities have always provided the framework for rhetorical actions and both forced and enabled the communicator to adapt and widen the media-specific principles (Knape, 2012). They are critical for which visualizations are and can be used to convey knowledge. The "Friendly's Milestones Project" (Friendly & Denis, 2001), which itself visualizes the history of data visualization, shows developments of statistics, cartography, graphic recording etc. It shows three aspects very well that are important for multimodal argumentation not only in the field of science communication: First, certain technologies are essential to measure, record and collect data in the first place – technology, which allows "(a) reproducing and publishing data graphics using color, (b) recording raw data for more than one variable at a time, and (c) tabulating or calculating some summaries that could then be displayed in graphs." (Friendly & Wainer, 2021, p. 159) Secondly, it shows that creative ideas about how this recorded and collected data can be shown and visualized, are crucial. Thirdly, the scopes of collected and visualized data "on social problems (crime, suicide, poverty) and disease outbreaks (cholera)" (Friendly & Wainer, 2021, p. 161) that led to an increase in graphs indicate their initial purpose, what they are still used for and what they are most beneficial for: To translate raw data, numbers and facts, often of social relevance, into more easily understandable visualizations so that this knowledge can be communicated to a wider public. It is, from the beginning: science communication.

Since more and more technologies emerge that can measure, collect, process, correlate and show information in a wide variety of modes, since we "live on islands surrounded by seas of data" (Friendly & Wainer, 2021, p. 1) that are getting bigger and bigger, it is all the more important not to lose focus. These vast amounts of data and modes open up completely different possibilities for thought structures, for asking questions, wondering how the world works, and the transfer of knowledge.

Humboldt, for example and as already mentioned, made drawings, and included detailed descriptions. For his drawings and descriptions, he had to rely on observations, on his senses, and he had little technical equipment - at least from today's point of view. It is obvious that he might have emphasized and examined different details, other facets, if he had had access to more advanced, our modern equipment. If he had lived in our times, for example, with the possibility of using high-resolution, high-speed cameras with the best microphones, he might have focused on the soundlessness of the of the wings of some bird species, such as the owl - and then asked himself what the cause of this soundlessness could be. He could then have pursued this leading question with the help of an electron microscope, for example, and made visible the structures that make possible the so-called laminar air flows which significantly reduce sound.

In short, these seas of data must be understood, selected, sorted, and arranged by the person who needs to have a guiding question and wants to explain or show something. The guiding question is decisive for which data are selected and used, which modalities are used to convey the acquired knowledge and which meaning is assigned to

them – and this always with a view to the addressees. Having this goal, answering the guiding question and transferring knowledge to the audience, in mind determines how knowledge is to be organized. The goals determine which forms and elements come together in such a way that they best illustrate or convey what is to be shown or clarified.

However, all this assumes that the central or guiding question is very clear to the person presenting, that certain scientific principles are known, in short that the arguments within the explanations are recognized. But this is exactly the problem for students and learners. It is one of the most challenging issues for students to identify where the argument actually lies and the best way to get to the answer of the guiding question.

All in all, these are the major challenges of argumentation. To counter them, argumentation researchers have long visualized arguments in basic patterns, through a so-called path analysis (Denis, J. & Legerski, 2006). Groarke for example used what he called “a ‘Key Component’ (KC) table and a corresponding diagram to clarify the content and structure of the argument proposed in a particular act of arguing” (Groarke, 2015, p. 135). Depending on the theory and the researchers, these patterns may vary, but each pattern is an example of both the elements that make up an argument and how those elements relate to each other.

To make it clear to students how arguments and argumentation works, we have implemented and established the visual technique of causal modeling, or concept mapping - again, a well-known and useful technique that has been adapted many times in the past. It is a method that has been shown (Hay et al., 2008; Khajeloo & Siegel, 2022) to increase students' ability to systematically identify the argument itself, and then to define and keep the guiding question not only in mind but in front of their eyes. It allows them to organize, sort, and integrate relevant information, to recognize the main structures of an argument in a text or in the topic they want to talk about. The concept we are referring to, and the individual elements that constitute it, are the work of Youth Presents and have been developed to enhance students' presentation skills. It consists of elements that are relatively easy to identify, since it is intended to help learners: Firstly, there has to be a guiding question or a phenomenon to be explained, which, as mentioned above, forms the beginning and the end of the mapping process; secondly, the causal factors that establish the link between the third element, the identified regularities such as laws of nature, rules, etc.

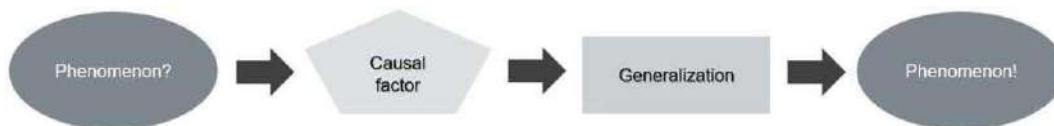


Figure 1: Path diagram

Hence, these first steps, identifying, to be able to recognize the argumentative structure leading to the answer, is crucial for understanding and reconstructing the argument. It is the basis for the next step, for preparing a presentation that explains the phenomenon in the best way possible. The scientific explanation of a phenomenon has to be transferred into the format of a presentation. But: As we are focusing on a specific medium, the digital presentation, and as it is so diverse in its modalities, it is important that we first of all clarify

what exactly we mean by a digital presentation and what needs to be taken into account here.

As we already outlined: Progress in information technology enables a wide range of visualizations, for example, various types of graphics, dynamic or static, videos or photographs, which are not only useful for science communication in general, but also can enrich teaching and learning (Finkler & Leon, 2019; Hegarty, 2004). Against the background of this communicative scope of action, science communication and knowledge presentations are a field of multimodal argumentation. To go into detail about media possibilities in digital presentations, to fully outline them, is an impossible undertaking because, like all media, they are continually changing. Today, scientific data can be presented in a variety of ways.

3. MULTIMODALITIES IN SCIENCE PRESENTATIONS

Digital slide presentations make it possible to use a very wide range of communicative resources that no longer function purely as visual representations of lines of text but can transform the communication of knowledge into an audio-visual experience. Successful knowledge transfer and science communication through presentations results from the orchestration of different factors. This perspective which takes not only the technical- digital information into account but also all factors of the live scenario is widely used in media science and linguistics. According to the linguist Lobin, who asks about the textuality criteria of digital presentations, three modalities are crucial for presentation (Lobin, 2013). From a text linguistic point of view, the presentation in its entirety is created by coherence between the levels of impact. In order to create this linkage of all communication levels, the presenter uses his body language and voice. Another important factor is the spoken language, the verbal presented arguments. And finally, the visuals such the slides are important as well. These three modalities are embedded in a concrete knowledge communication situation, what requires an alignment of all modalities with the specific target group. The approach of distinguishing between three modalities in digital presentations is also shared by the media scientist Bucher (cf. Bucher & Niemann, 2012, p. 285). According to them the presentation has a complex structure. This complexity comes from the “paradoxical combination of two different patterns of discourse structure: a linear pattern in time – the sequential rhythm of the discourse – and a non-linear pattern in space – the constellations of signs and symbols in three- dimensional space”(Bucher & Niemann, 2012, p. 285). The theory of multimodal understanding asks about the processing methods of the recipients: making sense “means integrating different modes of communications systematically” (Bucher & Niemann, 2012, p. 302), which means that attention has to be distributed in time and space. According to Lobin (Lobin, 2007), coherence markers are not important within textual modality, but between modalities. The principle of coherence means that in one sequence all three levels must be brought into relation with each other. Each device on its own, but also taken together, produces rhetorical effect and has an impact on the audience (cf. Bucher & Niemann, 2012).

The findings of media studies that relate to the processing side can also be used for the production side perspective of rhetoric. Recognizing that information processing and attention allocation is a challenge for listeners means that the design of different modalities

needs to be planned. Considering the rhetorical situation and the intended audience is central (Bitzer, 1968). In the case of knowledge and science communication, the wider public may include learners, citizens and people interested in science. Finally, the need to think about the rhetorical design of the different modes of presentation also concerns the level of argumentation, which in the case of digital presentations has a multimodal character.

Visual and verbal argumentation can be seen as “cognitive or logical operations”, but the patterns of verbal and visual argumentation are different, for example because there is no grammar for visual information (Kjeldsen, 2015, p. 124). Its location at the level of cognition can be found in ancient ideas about perception. According to these, the addressee should be induced to imagine images which, in later cognitive processing, are indistinguishable from actual visual images. In Hippias' multimodal approach to rhetoric, it is irrelevant whether memories are generated through language or images (Koch & Schirren, 2016, p. 224f.).

Nevertheless, diagrams and similar material have an evidence-generating function in science communication (Kjeldsen, 2015, p. 125). This means that they have a knowledge-generating effect. At the same time, it cannot be assumed per se that the visual level of a PowerPoint presentation has an argumentative character. Rather, it depends on what exactly is shown visually, whether, for example, photographs or more abstract scientific forms of presentation are chosen (Kjeldsen, 2021). On the level of the rhetorical logos, diagrams and scientific representations produced with the elaborate means of

graphic design can assume an important persuasive function. But it is precisely at this point that the constructive act of all rhetorical means is revealed: to make them visually accessible, which in some cases has resulted in elaborate data collection. They appear to be an objective image. At the same time, however, coloring, the choice of chart type, the presentation of bars, etc. are all means of emphasizing certain statements and persuading the reader to draw the desired conclusion (cf. Kjeldsen, 2021). Persuasion is therefore a matter of detail, and even representations that appear to be scientifically based can, like photographs, have a manipulative effect. However, graphic design techniques are particularly important for science communicators, especially in lay communication, to highlight key messages because their findings are particularly relevant to societal change and development. With regard to Ted Talks, which are not purely scientific events, Jiang & Lim talk about popularizing science, which refers to the 'engagement' factor of the communication (Jiang & Lim, 2022).

From our point of view, linguistic and visual means are each particular ways of organizing and representing knowledge. From our point of view, every representation is preceded by a constructive act of the orator. The orator decides in which way, for example, statistical values are visually presented. These statistical values are numbers, which therefore require interpretation. The orator decides which statement he wants to make. In rhetorical terms, graphic representation no longer encompasses only the objective level (logos) but is also sometimes aimed at pathos and ethos.

4. FOSTERING SKILLS IN MULTIMODAL PRESENTATIONS

Rhetorical, linguistic and media studies approaches are not sufficient for a theoretical approach to explanatory, knowledge-transmitting digital representations, because they do not sufficiently address the need for multimodal explanations that create meaning. They are also not sufficient for the development of students' presentation skills. We argue in this paper that findings from psychological and educational research are an interesting addition to the understanding of what other factors are important in the communication of knowledge. These insights can be used in the development of presentation skills to construct scientific explanations as a combination of verbal and visual information. At the Research Centre for Science Communication at the University of Tübingen, the Youth Presents team (Presentation Research Unit) is working on the question of how students can be encouraged to share their knowledge with others in presentations. The aim is to link research on the presentation of science with educational science work. Different disciplines will be combined in order to better support students during their school years. The following is an extension of the presentation approaches already outlined, and the question of what factors can be taken into account when promoting competence.

In learning contexts, linguistic formulations are still important for comprehension, and anyone who has ever looked at complex scientific presentations without any background or prior knowledge knows that this must be a very condensed type of information, but that it is not easy to decode. Consequently, making knowledge communication multimodal is neither a simple solution nor an easy undertaking, since only a precise analysis of the communicative context provides clues for the rhetorical approach. This easy-to-understand perspective is the starting point for the development of presentation skills: students learn that multimodal communication of knowledge must start with its addressees. Youth presents has defined learning areas for students in relation to presenting: Rhetorical situation analysis, argumentation, language and structure, use of media, and body language and voice. There are strong links between all of these areas of learning, and none of them can exist on their own. Nevertheless, it is important to consider the different areas of action and presentation in isolation. The sequence makes it clear that the analysis of the situation must precede the concrete design of a multimodal argumentation.

Before we can understand the complex formal language of physics, we access physical facts e.g., via simple language and explanations. We also understand physics through concrete examples and observations. The principle of concreteness fading is known from instructional psychology (Fyfe et al., 2014). This means that concrete materials are very important at the beginning of learning, and we would add in expert-layperson communication. In expert communication, on the other hand, the degree of abstractness can be high. The generation of *evidentia* and the choice of rhetorical devices depend on the level of knowledge of the learners. For the presentation in the school context, this means that students need to be aware of their acquired knowledge and also recognize where their addressees may have even less knowledge. Even if this is not a situation of expert-layperson communication in the strict sense, it can be said that any additional knowledge acquired may already require explanation to outsiders. Detailing (in terms of language, visualization) might be a good approach from a rhetorical perspective. However, this seems to be an important area of learning for students, as research has shown. For it is

precisely the additional information in an explanation that can make it easier for the listener to understand that is sometimes missing from students' explanations. Instead of the rhetorically necessary strategy of *enargeia*, they follow the rhetorical principle of *brevitas* (Lipphardt, 2019, p. 138f.). The fact that paraphrasing and finding words seems to be a challenge is also often seen in presentations, for example when slides are just shown without explanation.

The promotion of competencies should lead to a reflexive use of rhetorical means and to a differentiated view of the format of digital knowledge presentation, because even strategies such as *enargeia* have their limits, as we know from cognitive psychology research. One refers then to the seductive detail effect (Sundararajan & Adesope, 2020). Therefore, it makes sense to focus on the different modalities with students and to work on consciously shaping them. However, developing competence also involves linking all the means of communication.

5. AN EXAMPLE FROM THE FIELD

What could such a presentation look like, covering the aspects mentioned in our paper? In which the different modes of a digital presentation are used - text, visualizations, (moving) images? A presentation that shows how useful a path diagram can be for identifying and breaking down arguments? To answer this question, we will analyse a video example of a student's presentation from and for Youth presents (Wie Kommt Es Zum Gigantismus Bei Insekten?, 2019) – which is meant to explain a complex matter to students of the same age.

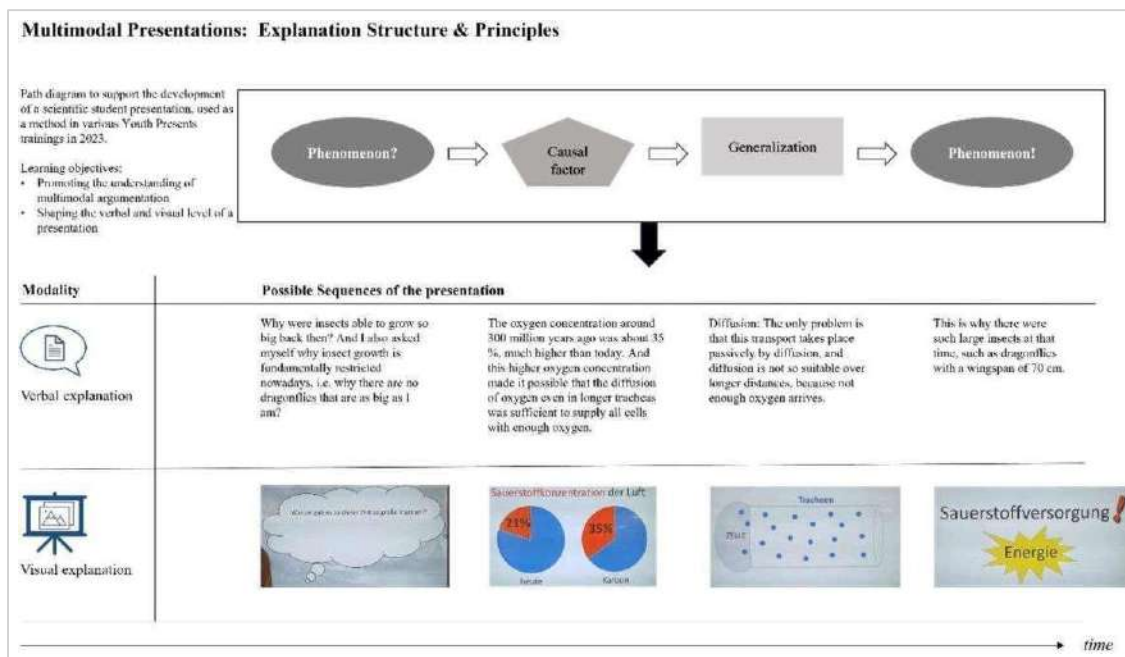


Figure 2: The path diagram applied to a presentation of Youth presents (own representation of authors)

Although this is an analysis, i.e. it is necessarily done from the point of view of the recipient, the analysis should refer to the rhetorical point of view of the producer, i.e. how the producer of a presentation can act and use the possibilities of digital presentation to convey knowledge.

What we can see in the presentation are various visual and verbal methods that make it easier for classmates to understand the content. The student has taken into account the audience's prior knowledge: She seems to have assumed in her preparation that her addressees do not yet have much of an idea of the subject, which is evident from the richness of detail in her explanations (concreteness). For example: She does not ignore the different breathing patterns of humans and dragonflies but explains them in a nuanced way. It is, so to say, an easy-to-understand perspective. She also provides a question that allows her to address several biological, physical processes, such as diffusion, pulmonary respiration, tracheal respiration, and explain them with illustrative (evidentia) examples.

Furthermore, and with reference to the path diagram we explained above, addressees can follow her presentation not only because she goes into the complex knowledge content in a concrete and vivid way, but also because she provides orientation with the guiding question verbalized at the beginning. She refers to this guiding question by continually addressing it, and in the end the attention of the addressees is "rewarded" by receiving a clear and comprehensible answer to the question (see Figure 2). This example can be used to analyze it with pupils, explain the path diagram to them and show the benefits of it.

6. CONCLUSION

In our remarks, we have shown that digital presentations are a special format of science communication. Depending on its situational embedding, it requires the communicator to choose special rhetorical means in order to answer the central question in a way that is comprehensible to the addressees. Knowledge and science communication is thus a constructive act of the communicator. The rhetorical construction of a response involves the elaboration of a multimodal argument. The spectrum of visual, verbal, and audiovisual forms of knowledge has become clear - and also that it is always a sign of the times, i.e. of media development and data generation. But it is precisely this diversity that represents a hurdle in the communication of knowledge. Exceptional research does not automatically lead to exceptional communication. This is why it is so important to develop students' presentation skills early on.

Youth presents has many years of experience in developing practice approaches to improve presenting in students. The content-related examination of a topic, which must inevitably precede every presentation, ideally leads to the conception of a multimodal argumentation. One way to practice this with students is to use a path diagram to consider specifically what is conveyed visually and what is conveyed verbally. This enhances the presenter's understanding and can also lead to providing better explanations in the presentation situation.

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Epistemic and Evidential Expressions as Context-Specific Argumentative Indicators in Institutional Dialogues

A Corpus Study of Interactions in the Financial Domain

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ABSTRACT: This paper presents initial results from a corpus study aimed at exploring the argumentative function of evidential expressions in financial dialogues. We assume a macro-argumentative perspective to verify the hypothesis that evidentials correlate with argumentative moves, focusing on inferential and hearsay. We find both inferential and hearsay markers to be highly correlated with argumentative discourse units with hearsay evidentials occurring in premises and inferential ones occurring along the argumentative inferential chain.

KEYWORDS: argumentative indicators, earnings conference calls, epistemics, epistentials, evidentiality, financial communication, macro-argumentation, micro-argumentation

1. INTRODUCTION

The relevance of argumentative indicators as linguistic cues for argumentative reconstruction has been already noted in several studies. Van Eemeren et al. (2007) highlight that argumentative indicators, i.e., “all words and expressions that refer to any of the moves that are significant to the argumentative process”, are “keystones in discourse” that can “facilitate the identification and reconstruction” of such moves. The reconstructive task can be a complex one for human analysts, let alone for algorithms, given the highly implicit nature of argumentation itself. Argumentative indicators, which guide the identification of argumentative moves and relations and which, moreover, constrain the argument schemes at issue (Musi and Rocci, 2016; 2017), are a useful tool for

reconstruction by human analysts and for automatic argumentative Argument Mining tasks.

Previous works (Musi, 2014; 2015; Musi & Rocci, 2016; 2017; Rocci, 2008a; 2008b; 2009; 2012; 2017; Rocci et al., 2019; Miecznikowski & Musi, 2015; Miecznikowski, 2015; 2018; 2020) showed that linguistic markers of evidentiality and epistemic modality, namely linguistic markers that express respectively the source of knowledge and the degree of certainty, can serve as argumentative indicators. Musi and Rocci (2017) observe that the indicative power of evidential and epistemic markers is tightly connected to their lexically encoded meaning, and hence less fluctuating across contexts compared to the shallow features (e.g., sentence length) that have typically been used in Argument Mining tasks. Yet, it is also true that the specifics of their distribution reflect the features of the genre and interactional context in which they occur, and while the basic type of evidential relation is semantically encoded, their specific pragmatic and argumentative function can be related to the activity type, its goals and constraints. Moreover, certain linguistic structures may occur frequently with an indicative function in a discourse genre, while they seldom or never occur in other genres. That's why, in order to extract their full indicative potential, linguistic resources susceptible to play an indicative role are to be identified and studied through context and genre specific quantitative corpus studies, to observe the correlation between linguistic items and argumentative discourse units, as a preliminary step to conducting an in-depth analysis of the retrieved indicators to verify and define their semantic and pragmatic features.

Consider example (1), below:

- (1) You just talked about having this record day. I think you said last Saturday.

The expressions you just talked about, and you said make explicit the source of the knowledge of the speaker. – which, in this case, pertains to the hearsay, i.e. what is heard from a source – the hearer in this case – while, in the second sentence, I think expresses a moderate degree of epistemic certainty, introducing also an element of subjectivity in the evidential source, possibly associated with the mediation of fallible memory.

Following the lead of Miecznikowski (2020), we maintain that suchlike evidential expressions signal an argumentative relation, first of all, at a micro-argumentative level, that is, they by themselves succinctly express a reason for the acceptance of the proposition in their scope, and that they also relate to the macro-argumentative level marking the propositions in their scope as premises or conclusions with respect to other utterances within a broader argumentative structure. According to Miecznikowski (2020), at a micro level an evidential frame always constitutes an argumentative construction, providing different types of reasons (arguments) for the scope, according to the type of source they refer to. In (1), the propositional scope (having a record day) is made acceptable through the expression you talked about, which attributes it to a knowledgeable source, source, i.e., the company management, realizing a micro-argument from authority. Interestingly, while the ascription is lexical, the argument crucially depends on the knowledgeable status of the hearer of the utterance in the specific financial context we study.

For Miecznikowski (2020) the micro-arguments of evidential frames have a clear affinity with loci from authority as presented in the Argumentum Model of Topic (Rigotti & Greco, 2019): hearsay evidentiality (referring to someone else's words) is clearly related

to arguments from expert or common opinion, while direct evidentials (which denote that something is known in virtue of a direct perception procedure) like ‘to see’ or ‘to observe’ can be linked to arguments from testimony. To analyse inferential evidential frames, which represent the acquisition of a certain piece of knowledge in virtue of an inference (e.g. verbs as ‘to seem/look like’ or ‘to demonstrate’ but also adverbs as ‘obviously’, ‘clearly’ or ‘evidently’¹) Miecznikowski (2020) introduces locus from reliable procedure, by marking the scope as the result of an inference the speaker points to a trusted knowledge acquisition procedure – even if the details of that reasoning are not immediately available to the hearer. As long as the inferential path is not displayed, the micro-argument can be likened to an argument from authority: “Trust me, I’ve done my reasoning” – as it were. Yet sometimes the premises of the reasoning supporting the scope are available in the discourse. In this case the inferential expression does not convey anymore an argument by itself: its micro-argument is dissolved in the macro-argument and the expression behaves mostly as a connective pointing to the link between the proposition in the scope and the premises. This is what happens to the inferential evidential sounds like, in example (2), below, which marks the connection between its scope and the preceding premise.

(2) You had a record day last Saturday. Soundslike things are good.

Finally, it can also happen that evidential markers “co-occur with further argumentation to support the proposition in their scope” (Miecznikowski, 2020) without being completely “resolved” into them. In this case, evidential frames become ancillary arguments (Herman and Oswald, 2022) lending additional credibility to the steps made in the main line of argument.

In the present work, we focus on evidential expressions, leaving out purely epistemic ones, and on macro-arguments, examining the correlation between evidential expressions and argumentative moves. Our aim is to test the hypothesis that evidential expressions function as argumentative indicators in the specific context of institutional dialogue (Drew & Sorjonen, 2011), represented by earnings conference calls, and are informative as regards argumentative reconstruction and Argument Mining tasks. In Sect. 2 we illustrate the corpus and the adopted annotation procedure, while Sect. 3 presents the results of the quantitative analysis conducted to corroborate our hypothesis. In Sect. 4 we propose the in-depth analysis of an example that shows how the macro-argumentative dimension and the micro- are intertwined.

2. DATA AND METHODOLOGY

2.1 Corpus

Our corpus includes the Q&A sections of 8 earnings conference calls (ECCs) held by two different companies, AirBnb (ABNB) and Door Dash (DDASH), for the four quarters of the financial year 2021 (53,000 words).

¹ See (Musi and Rocci, 2016) and (Musi and Rocci, 2017) for a detailed account of the adverbial expressions of inferentiality.

Earnings conference calls (ECCs) are communicative events with a fixed structure akin to press conferences, in which listed companies' managers present the quarterly results and answer to financial analysts' questions. Studies of argumentation in finance (Palmieri et al., 2015; Rocci & Raimondo, 2017) have observed that these exchanges are highly argumentative, and highlighted that argumentation represent a significant component of their value for the markets. In sum, these events are worth studying since they are key events in the financial context, they prominently feature argumentation, and argumentation may well be part of the reason why they are important. Furthermore, such dialogues embody the classic information asymmetry between insiders and outsiders that underpins so many interactions in finance, making the marking of sources of knowledge particularly prominent in them. In fact, Rocci et al., (2019). found that the epistemic positioning of the participants is mirrored by the distribution of evidential – and epistemic – expressions indexing the information asymmetry between managers – corporate insiders with full access to company information – and analysts – outsiders needing to gain that information to evaluate the company. Thus, the specific pragmatic functions of evidentials in ECCs are expected to relate to the characteristic of the socio-epistemic configuration of the activity, and to the incentives and (argumentative and dialogical) roles of participants.

2.2 Annotation schemes and process

A multi-layered, step-by-step annotation has been carried out in INCEpTION (Klie et al., 2018). First, a team of trained annotators annotated a layer for dialogue moves, aimed at distinguishing and retrieving answers, questions (and different types of questions) and prefaces, i.e., assertive prefatory statements “that can either precede, follow or be contained in a question sentence within a question turn, conveying information related to the question” (Lucchini et al., 2022). On top of that, two layers, presented in the next section, were implemented to the specific purposes of this work.

2.2.1 Epistential frames annotation

In order to identify the evidential strategies used in the financial dialogues and their correlation with ADUs, we adopted an onomasiological and corpus-driven approach. Unlike Rocci et al. (2019), which relied on a literature-derived dictionary of evidential expressions, we proceeded to the identification in the corpus of the expressions having an evidential function.

Drawing from the relevant literature (Chafe & Nichols, 1986; Bednarek, 2006; Lavid et al., 2016; Musi & Rocci, 2016; 2017; Pietrandrea, 2018) we defined an annotation scheme for epistential frames, adopting a “broad” definition of evidentiality as “attitude to knowledge” (Chafe & Nichols, 1986).

We use the term epistentials which was introduced by Faller (2002) to indicate linguistic expressions that carry either an evidential or an epistemic modal function, or both at the same time, as we are interested in identifying expressions that have an evidential and/or an epistemic modal function and because these two dimensions are often difficult to disentangle prior to a fully-fledged analysis. We also use the term frames, following (Miecznikowski, 2020), to indicate predicate-argument(s) structures representing an epistemic experience, i.e., a knowledge acquisition experience by a subject, in which the

cognizer (the subject of the knowledge process), the scope (the propositional content under the scope of the epistential expression, which constitute the fact or piece of reality object of the knowledge), and the source (the element through which the cognizer knows the content) are arguments of a predicate or operator corresponding to the epistential expression. Following (Pietrandrea, 2018), we considered them as constructional units.

The annotation scheme in Fig. 1 was then implemented in INCEption (Fig. 2).

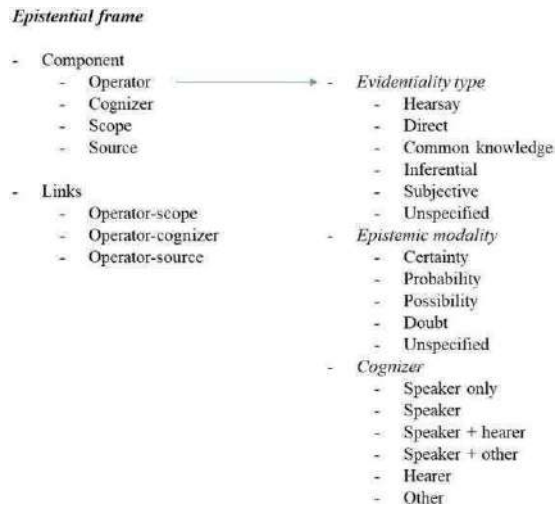


Figure 1

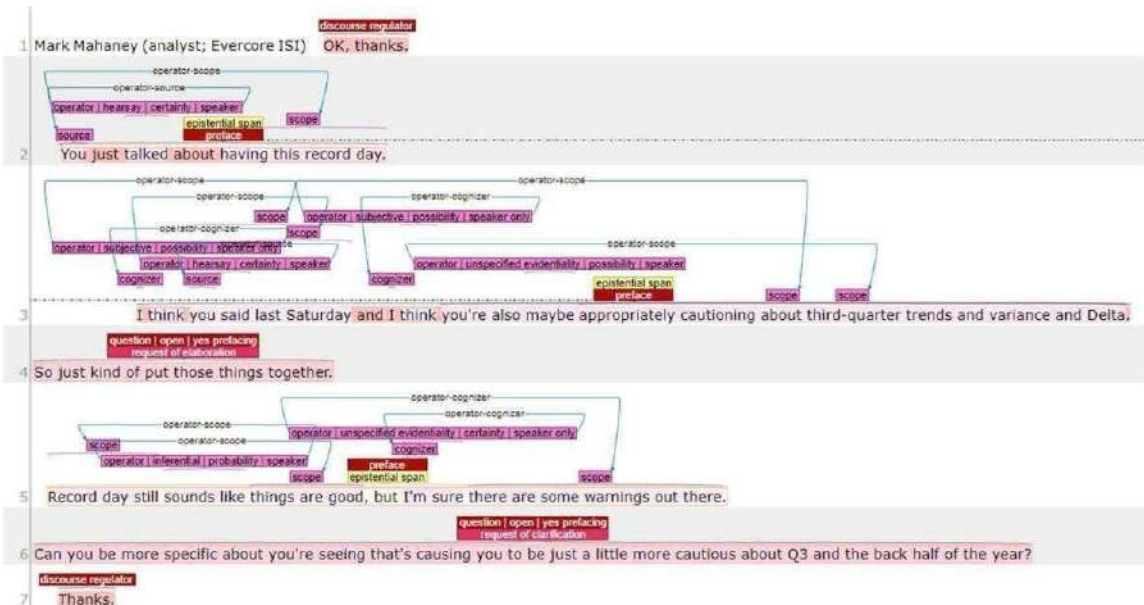


Figure 2

2.2.2 Argumentative moves annotation

A second layer was then implemented to annotate argumentative moves in both questions and answers turns on the basis of the scheme in (Fig. 3). Two tags, premise and conclusion, were set to describe the moves, and to signal intermediate conclusions in subordinative structures we annotated both tags on the unit; the length of the move spans was not predetermined. In order to easily identify the relations between moves – and thus have an overview of the argumentative structure of the annotated passages – we added a relational layer (Fig. 3)².

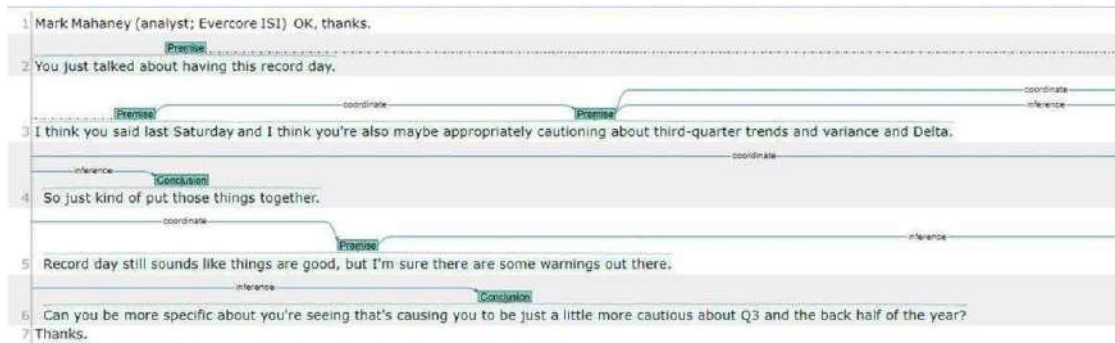


Figure 3

We first annotated the epistential frames layer on the entirety of the corpus; subsequently, we annotated the argumentative moves layer in one call (ABNB Q1) to conduct a pilot study. Since we were interested in observing the correlation between evidentials and ADUs, we decided to annotate the argumentative moves layer only on passages containing at least one epistential frame.

The results of the pilot (see Sect. 3) suggested an interesting relation between inferential and hearsay evidentiality and premises, hence we focused only on these two types in further analyses. We annotated all the remaining calls of the corpus for the argumentative moves layer, in passages featuring hearsay and inferential evidentials.

3. ANALYSIS OF THE RESULTS

As previously said, we first focused on the correlation between evidentiality and argumentative moves in one call (ABNB Q1). Table 1 shows the distribution of evidentials among argumentative vs. non-argumentative moves, respectively in absolute numbers and in percentage. These results overall indicate that evidential expressions tend to appear in argumentative moves and are therefore consistent with the hypothesis that they can serve as argumentative indicators.

² The layer expresses all the relevant information pertaining to argumentation structure: relation types represent links between two premises (coordinate), and between a premise and its conclusion (inference). To signal a multiple structure, we used the compound inference arrow, starting from the last premise of the chain and pointing toward the conclusion.

According to a Pearson's Chi-squared test, common knowledge, hearsay and inferential evidentials are statistically associated to (namely, more frequent than expected under chance) argumentative moves (from 73% to 92% of the occurrences).

Crucially, within argumentative moves, inferential and hearsay evidentials are significantly more frequent in premises (respectively 100% and 75% of the argumentative occurrences). In contrast, subjective evidentials, which include the expressions of opinions, evaluations and feelings presented as individually elaborated interpretations, and direct evidentials are equally distributed among argumentative and non-argumentative units.

Table 1. Distribution of evidentiality types across argumentative vs. non-argumentative moves in ABNB Q1 (X-squared = 38.712, df = 15, p-value = 0.0007075)

ABNB Q1	premise		conclusion-premise		conclusion		subtotal		non-argumentative		total	
common knowledge	2	67%	1	25%	0	0%	3	75%	1	25%	4	100%
direct	14	56%	5	10%	6	13%	25	52%	23	48%	48	100%
hearsay	11	100%	0	0%	0	0%	11	92%	1	8%	12	100%
inferential	27	75%	5	10%	4	8%	36	73%	13	27%	49	100%
subjective	15	44%	9	13%	10	15%	34	50%	34	50%	68	100%
unspecified	1	33%	1	8%	1	8%	3	25%	9	75%	12	100%
total	70	63%	21	11%	21	11%	112	58%	81	42%	193	100%

To validate the results concerning hearsay and inferential, we took a closer look at these two types in the whole corpus (8 calls). Tables 2 and 3 show that hearsay and inferential evidentials have a strong tendency to occur in argumentative moves. Respectively, the mean is 90% and 84% of the occurrences. Within argumentative moves, both occur more often in premises, which confirms the results from the pilot study. There is no significant difference among the 8 calls, which is evidence for the consistency of the trend we have found. We must note, however, that there is a difference between these two types.

INFERENTIAL	premise		conclusion-premise		conclusion		subtotal		non-argumentative		total	
ABNB Q1	2	70%		20		10	4	82%		18	4	100%
ABNB Q2	1	64%		9		27	2	81%		19	2	100%
ABNB Q3	1	67%		10		24	2	88%		13	2	100%
ABNB Q4	1	52%		16		32	3	86%		14	3	100%
DASH Q1	1	52%		17		30	2	85%		15	2	100%
DASH Q2		80%		0		20	1	91%		9	1	100%
DASH Q3	1	61%		17		22	1	72%		28	2	100%
DASH Q4	1	62%		8		31	2	93%		7	2	100%
total	11	62%	2	14%	4	24%	19	84%	3	16%	22	100%

Table 2. Distribution of hearsay evidentiality across argumentative vs. non-argumentative moves in the whole corpus

Table 3. Distribution of inferential evidentiality across argumentative vs. non-argumentative moves in the whole corpus

HEARSAY	premise		conclusion-premise		conclusion		subtotal		non-argumentative		total	
ABNB Q1	1	100%		0%		0%	1	92%		8%	1	100%
ABNB Q2		88%		0%		13%		100%		0%		100%
ABNB Q3	1	91%		0%		9%	1	85%		15%	1	100%
ABNB Q4	1	85%		5%		10%	2	95%		5%	2	100%
DASH Q1	2	100%		0%		0%	2	91%		9%	2	100%
DASH Q2	1	91%		9%		0%	1	92%		8%	1	100%
DASH Q3	1	93%		0%		7%	1	75%		25%	2	100%
DASH Q4		80%		0%		20%	1	100%		0%	1	100%
total	9	92%		2%		7%	10	90%	1	10%	11	100%

Respectively, the mean is 92% and 62% of the occurrences; this tells us that even though both tend to appear more often in premises than in other moves, this tendency is stronger for the hearsay. In fact, while inferential evidentials are preferentially associated with premises, they can also occur (14%) in intermediate steps of the inference chain (conclusion- premise) and, almost one time in four (24%), in the very conclusion or standpoint of the argument.

Musi (2016) and Musi and Rocci (2017) maintain that inferential and hearsay evidentials have usually scope on propositions that play the role of local or general standpoints, which is *prima facie* contradicted by our findings. More in detail, however, Musi (2016) observes that reportative evidentials are used to introduce third parties' opinions, while inferentials introduce propositions that can be "both the main standpoint or a local standpoint playing the role of a non-basic assailable premise in the whole argumentative structure".

However, this divergence disappears if we then consider that Musi looks at the type of propositions over which evidentials take scope, and the proposed analysis concerns the micro-argumentative level, where the scope always corresponds to the standpoint of the micro-argument.

Hearsay evidentials are shown to take scope over opinions or evaluations and in this sense, they are used to report the standpoint of a third party, with whom the author either agrees or disagrees. In our data, hearsay expressions appear especially in prefaces, i.e., statements used by analysts to contextualize and justify their questions, usually directly or indirectly quoting managers. Locally, the quotation provides the support to the proposition in the scope, which is often an opinion, or a standpoint that may even be justified somewhere else. However, in a macro perspective, the argumentative discourse unit containing the evidential has the role of providing a justification for the performance of the question act (Lucchini et al., forthcoming).

Inferentials are slightly more complex. Their semantic meaning is precisely that of indexing a premise-conclusion relation and signalling that a reasoning took place, the result of this reasoning being the proposition over which the inferential takes scope. When they occur in conclusions (24%) or in intermediate steps (14%) they are likely to function as quasi-connectives indexing the link between the scope and the supporting argument. Here,

as in example (2) above, the micro-argument is resolved into the macrostructure. Yet, when they occur in premises (62%) they retain at a micro-level the function of signalling a conclusion, of an implicit argument, which is, in turn, used as premise for a subsequent, higher standpoint at the macro-level. Along these lines, (Musi, 2016) already maintains that inferentials can introduce “a local standpoint playing the role of a non-basic assailable premise in the whole argumentative structure”. In such cases the premises of the micro- inference can be left implicit, either as trivially recoverable or out a strategic voluntary choice.

These micro- and macro-argumentative dimensions are constantly intertwining and cooperating, building complex structures whose double-layered nature is not always easy to disentangle. In the next section we provide an example from the corpus containing both hearsay and inferential expressions.

4. EVIDENTIALS IN MICRO- AND MACRO-ARGUMENTATION AT WORK. ANALYSIS OF AN EXAMPLE

To better understand how evidentials work as argumentative indicators and to look more in detail at the interaction of the two levels of micro- and macro-argumentation, we present here the in-depth analysis of an analyst’s question turn from AirBnb (Q2). We are in presence of an argumentative construction in which the preface serves as argument for the interrogative illocutionary act (the preface is meant to justify the utterance of the question showing the relevance of the latter); in this example, the evidential frames play out an interesting argumentative dynamic, where micro and macro levels are entangled and cooperate.

(3) Mark Mahaney (analyst; Evercore ISI): OK, thanks. [You just talked about having this record day. I think you said last Saturday, and I think you're also maybe appropriately cautioning about third-quarter trends and variance and Delta.]Preface [So just kind of put those things together.]Question [Record day still sounds like things are good, but I'm sure there are some warnings out there.]Preface [Can you be more specific about what you're seeing that's causing you to be just a little more cautious about Q3 and the back half of the year?]Question Thanks.

In this turn, the analyst performs two questions. The second one is actually a reformulation of the first one, so it can be considered as part of a single complex act of questioning (D’Agostino et al., under review). In the first preface, we find two hearsay evidentials (You talked about and you said) that report information given by the managers as background for the question; at a micro-level, since we can consider the company’s management as a reliable source on matters concerning the company, these frames serve as micro-arguments supporting the truth of the content (namely, that ‘Air Bnb had a record day – last Saturday’). The second occurrence is modalized and mitigated by the presence of a subjective (I think) which has scope on the entirety of the hearsay frame. The analyst means that ‘probably they said last Saturday – but could be otherwise’.

The event ‘having a record day’ is put in contrast with another event, namely that ‘the company is cautioning about third-quarter trends and variance and Delta’; this

proposition is introduced by the expression I think, which suggests a lower degree of certainty. However, the same content is taken for granted in the following part of the turn through a presupposition (that's causing you to be just a little more cautious about Q3 and the back half of the year). We could hypothesise that this 'I think' does not really evoke a subjective frame to represent an opinion but serves a politeness intent.

The conflict between what the managers said – the occurrence of a record day for the company – which is represented as justified by means of the hearsay, and an incompatible event – the company acting cautious – is the trigger of the question. The analyst asks to put those things together, presupposing that they can be put together and therefore implying that the contrast must be just apparent. More specifically, the conflict lays at the level of implicit conclusions: a record day means that the company is doing well and therefore should be optimistic about the future quarters (expected state of affairs), but they are acting cautiously (actual state of affairs), meaning that they are not optimistic.

The second part of the question turn rephrases and clarifies the previous one, making the conflict more explicit. The inferential expression it sounds like means that based on a premise (the fact that there has been a record day) the analyst inferred that things are good. While this conclusion was left implicit in the first part of the preface, the analyst makes it explicit here and indexes the inferential path he made. Analogously to the previous preface, we find a conflict with the following proposition (I'm sure there are some warnings out there) verbally signalled by the means of 'but'. However, in this case we have a different conflict at the level of the premise-conclusion relations. In fact, we claim that the entirety of the inferential frame Record day still sounds like things are good (the premise, the conclusion and the inference signalled by the evidential) is conflicting with I'm sure there are some warnings out there, the warnings being (implicitly) indexed as the reasons why the company acts cautiously. This relation is made explicit by the question (what you're seeing that's causing you to be just a little more cautious) that specifically asks for a clarification of what these warnings are. Such a formulation presupposes the existence of the warning signs, and this is line with the use of 'I'm sure', which expresses a high degree of certainty. The existence of some warning signs is, actually, inferred from the fact that the company is cautioning; interestingly, the speaker asserts with a stronger certainty degree the conclusion than the premise (I think you are cautioning). Nevertheless, he does not have, or at least doesn't say to have, evidence for it – to be sure expresses the epistemic modality but has not an evidential value and doesn't indicate a specific type of source.

We can schematize the complex argumentative construction we tried to describe above as follows (Fig. 4):

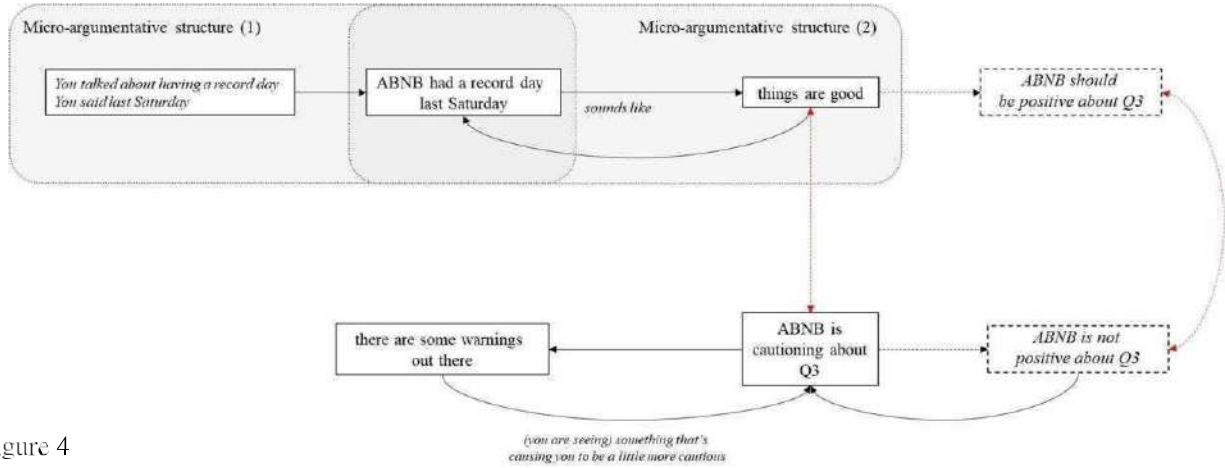


Figure 4

The straight arrows represent argumentative inferences, while rounded arrows causation; for instance, the fact that things are good is the reason behind the fact that the company had the record day, but the analyst inferred the former from the latter – the existence of the cause from the presence of its effect.

Similarly, the fact that there are warnings is the cause – i.e., the subjective reason – of their acting cautiously – as made explicit in the formulation of the question. Again, the speaker inferred the cause (there must be warnings) on the basis of the effect (because you are cautious). The dashed arrows and boxes signal implicit conclusions. We can identify the conflict (red dashed arrow) at the level of implicit conclusions, between the expected state of affairs and the actual state of affairs; however, as the speaker explicitly contrasts the two premises – things being good and the management acting cautiously – we can also represent at the level of premises.

The grey boxes highlight the two micro-argumentative structures: (1) represents the hearsay frame justifying the premise, while (2) represents the inferential frame that signals the path toward the conclusion. This reconstruction tries to capture inferential and causal relations to grasp the complex reasoning in the analyst’s question.

At a macro level, this entire architecture works as an argument for the performance of the questioning illocutionary act, i.e., these prefaces frame an issue (conflict) that makes the question worth asking. Consequently, we consider the preface as a single argumentative move, namely a premise. The conclusions are pragmatic ones and can be identified through the question acts themselves. Remarkably, the first question points at the conflict, asking for a resolution of it (put these things together). The second one is a specification of the former and request for clarification. It suggests that the resolution of the conflict hinges upon the identification of the warnings (what are you seeing that’s causing you to be a little more cautious) as missing premises.

The micro-argumentation in the prefaces has the role of framing the conflict and of representing the analyst’s reasoning in support. The presence of a conflict between the expected state of affairs and the actual state of affairs fulfils a precondition for asking the

first question; the evidence for the existence of warnings that are known to the managers but not to the analyst satisfies a precondition for the utterance of the second question.

5. CONCLUSION AND FUTURE WORK

The present work aimed at the exploration of the argumentative role played by evidential frames in financial dialogues and at verifying their potential as argumentative indicators by observing their distribution in argumentative units.

The preliminary results of the corpus annotation study showed that in the corpus evidential expressions tend to appear in argumentative moves, and that statistically hearsay and inferential evidential constructions are associated not only to argumentative moves but specifically to premises. To validate this result, we conducted a study focused on these two categories. It turned out that while for hearsay the association with premises is strict, inferentials prefer premises, but can occur in argumentative moves all along the inferential chain, with a substantial possibility of appearing in conclusions. Since such observations seemed to be in contrast with what observed in the literature, we reflected in Sect. 3 on a possible explanation, which essentially turned out to lay in the interplay between micro- and macro- argumentation.

The detailed analysis of the example (3) sought to unravel the inferential configuration of the analyst's turn, and with a special attention to examining how the micro and macro-argumentative dimensions are intertwined.

As to future work, we plan to extend the annotation to a larger corpus and to the whole class of epistentials, including the other categories of evidentiality as well as the expressions of epistemic modality. On the basis of such investigation, we aim at developing a lexicon of epistentials and at building large annotated corpora, in order to provide tools for Argument Mining. Further investigation of micro and macro-argumentative dimensions and of their interrelation in discourse represents another interesting path that could give insights for argumentative reconstruction.

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Rules for Epistemically Oriented Argumentative Dialogues

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ABSTRACT: In the current argumentation-theoretical discussion, no attention is paid to truly epistemically oriented dialogues that serve the cooperative and argumentative search for truth—called "discourses". The paper attempts to fill this gap. (1) After a precise determination of the desired conditions for discourses (epistemic goal, effectiveness, cooperativeness, argumentativeness, efficiency) (2) the game 'Disputation' (Lumer 1988) is presented and shown to fulfil these conditions, (3) while other discourse systems from the literature fall short of the conditions.

KEYWORDS: aims of discourses, cooperative dialogues, cooperative search for truth, disputation, doxastic conditions, effectiveness, epistemically oriented argumentative dialogues, increasing degree of certainty, rationally justified consensus, sequence rules

1. INTRODUCTION

This paper is about normative rules for cooperative argumentative dialogues with epistemic goals: the participants jointly try to settle an issue in an epistemically correct way by argumentative means. They do this (i) because they disagree and want to find out the truth, or (ii) because one of them wants to know exactly the position (including the justification) of the other, or (iii) because neither of them yet has a firm opinion on the question, but they want to inquire what the correct answer to the question is (one of them can then tentatively argue a weakly justified thesis, and both examine together whether this thesis can be upheld or how it can be improved), or (iv) because one of them wants to make sure whether her rationally justified belief will stand up to intersubjective criticism, etc. Such cooperative, epistemically oriented dialogues are relevant and possible in many contexts: political, scientific, legal, criminological, economic etc., when a group comes together to clarify a question cooperatively epistemically and by argumentative means.

The conditions of the type of conversation, at issue here, are thus more precisely:

1. They are dialogues, i.e. conversations between at least two people.
2. The rules for these dialogues are initially thematically open and open in terms of the type of thesis, they are therefore not domain-specific.
3. The dialogues are epistemically oriented; and good rules for such epistemic orientation are sought. This means more precisely:
 - 3.1 Epistemic goal: The goal (more precisely: the standard output (Lumer, 1990, pp. 30-43; 2005a, pp. 219- 220)) of dialogues is epistemic, namely to find out the truth.
 - 3.2. Epistemic effectiveness: The dialogue rules should maximally support the achievement of the epistemic goal, i.e. be helpful means.
 - 3.3. Cooperativeness: The common goal of the dialogue partners is to find out the truth; individual profiling or missionary goals or the like are subordinated to the

cooperative search for truth. 3.4. Argumentativity: An epistemically oriented dialogue can also solely collect information. Here however, we are dealing with the purely argumentative part of epistemically oriented dialogues, i.e. when at least hypotheses are already available, the truth of which may be disputed, or at least is not obvious, and which must be jointly examined and possibly revised. If one understands inquiry in the everyday language sense, the dialogue meant here is therefore the final phase of an inquiry. 4. Efficiency: The search for truth in dialogue should be resource-saving. – Conversations that try to fulfil these conditions are here neutrally called "(argumentative) discourses".

In argumentation theory there are various, more or less elaborated normative models of argumentative dialogues, but only a few systematic comparisons of such models. The aim of this paper is to make such a comparison in order to identify the most suitable model for the objectives just mentioned and possibly to propose improvements.

I will 1. first describe the epistemic goal in more detail and look at the types of argumentative dialogues discussed in present argumentation theory, 2. subsequently present the model of the most epistemically oriented dialogue model, namely the model "Disputation" developed by me, 3. then discuss some alternative approaches.

2. THE GOAL OF EPISTEMICALLY ORIENTED ARGUMENTATIVE DIALOGUES AND A TYPOLOGY OF ARGUMENTATIVE DIALOGUES

Epistemically oriented arguments serve to guide an addressee in rationally recognising the thesis and thus to pass on rationally justified acceptable beliefs as such intersubjectively (Lumer, 2005b, p. 190). In doing so, they also disclose the arguer's reasons for her thesis for possible criticism. Epistemically oriented argumentative discussions, i.e. discourses, go beyond this goal. In them the participants bring their epistemic abilities to bear for the cooperative search for acceptable theses together with the respective argumentative justifications, which are finally accepted (as rationally justified and acceptable) by all participants in the discourse.

Walton & Krabbe (1995, pp. 65-85, overview: p. 66; with subtypes: Walton, 1998, p. 30) have developed a much-cited classification of mostly argumentative dialogues. Their dialogue types, which are closest to the epistemic orientation just described, are the following:

1. Persuasion dialogues on the individual level serve to convince the other, and on the collective level they serve to resolve a difference of opinion.
3. Inquiry is about increasing knowledge and finding proofs.
4. Deliberation serves to find a collectively binding decision.

According to the description, inquiry is closest to epistemically oriented argumentative dialogues. After all, the goal is that all participants agree with a thesis at the end (Walton & Krabbe, 1995, p. 73). However, according to Walton & Krabbe, this is to be achieved primarily by incorporating Persuasion dialogues into Inquiry (ibid.). Furthermore, according to Walton and Krabbe, Inquiry differs from Persuasion dialogues primarily only in that the participants do not yet hold a thesis at the beginning (ibid. 72). Inquiry thus moves very close to Persuasion dialogues—which, as will soon be shown, are anything but

epistemically oriented. Anyway, Walton and Krabbe do not analyse Inquiry further or provide rules for it.

Deliberation, which Walton and Krabbe also do not go into further, but for which Hitchcock et al. (2001; similar: McBurney et al., 2007) have developed a model, serves above all to find a mutually accepted means for which practical arguments can then be made. According to Walton and Krabbe, these argumentations are (parts of) special persuasion dialogues (1995, p. 73).

What is striking about Walton's and Krabbe's typology, according to what has been said so far, is that no models for truly epistemically oriented argumentative dialogues have been developed along the line they have sketched.

Models for (in part epistemically oriented) argumentative discussions that do not follow the typology of Walton and Krabbe are developed by Hamblin (1970, pp. 253-282), Alexy (1978a; 1978b)—in the spirit of Habermas—, by Goldman (1999) and by myself (the latter is called "Disputation" (Lumer, 1988)). Of these three systems, Disputation is by far the most elaborated and will therefore be presented in more detail next. The following discussions always concentrate on the actual dialogical part of the models; thus, what they say about the rules for arguments in the narrower sense is ignored here. Rather, it is assumed that the respective dialogue model is supplemented by the epistemically best criteria for good arguments.

3. DISPUTATIONS AS A SPECIAL TYPE OF EPISTEMICALLY ORIENTED ARGUMENTATIVE DIALOGUES

3.1 External and internal goals of disputations

Disputation (Lumer, 1988; 1991) is a normative discourse model with game rules for a strictly epistemically oriented cooperative argumentative discourse between two persons. The model distinguishes between internal and external goals of a game. The internal goals—e.g. in chess, to checkmate the opponent—are defined by the rules of the game. The rules of the game as a whole, which also include the internal goals, should be designed in such a way that by playing the game external goals that are good in the life world are achieved; in chess, for example, this is an intellectually demanding entertainment of the two players.

The Disputation model starts from the assumption that we can also achieve many epistemic goals that we commonly associate with argumentative dialogues (i) privately, for ourselves through cognition, or (ii) monologically through argumentations that one addresses to another without the latter commenting further, namely the goals (i) rationally justified cognition of acceptable theses or (ii) the transmission of justified cognitions as such to someone else. The following circumstances, however, make an extension of these private or monologic possibilities necessary: 1. We can err in the application of rules of cognition, in particular commit errors which we cannot discover so easily by repeating the process of cognition. 2. Most of our cognitions are uncertain and therefore defeasible by new information. 3. Some of our insights, e.g. value judgments, summarise all the relevant detailed cognitions on a particular topic, but there is no systematic epistemic path to all of these detailed cognitions, it is only true that with an increased database and improved

possibilities to search it, or improved possibilities to combine these data creatively, more relevant detailed cognitions tend to be found. – In all three cases, the involvement of appropriate others can reduce these problems: 1. The additional control by a second person not only of the final thesis, but above all of the path of cognition to it, presented in the form of an argument, can help to recognise errors of justification. 2. The introduction of information unknown to oneself by others can reveal actually existing undercutters, but also, conversely, reveal that a discussion partner has the information for a stronger justification of one's own thesis. 3. Cooperative brainstorming tends to increase creativity and yield in the search for relevant facts; especially for practical arguments, it can reveal new interesting options for action or further relevant consequences of value objects.

The involvement of others can thus help, for one thing, to correct false beliefs and replace them with true ones on the same topic. For another, if an epistemically correct argumentative consensus is eventually reached, it leads in each case, i.e. if the initial insight has been corrected or if it has been confirmed, 1. to a stronger (rational) justification of the resulting belief and, if the justification has been correctly kept track of, 2. to a higher rational certainty about the resulting thesis. This means: 1. Cognitions are obtained by means of epistemologically distinguished ways of acquiring beliefs. I call the way to the belief the "objective justification" of the belief. If this justification meets epistemological standards, then the objective justification is (epistemically) rational. The memory of the central steps of this acquisition of belief or the knowledge of a key to these central steps (e.g. the memory of where a certain proof is carried out or an empirical piece of information is noted) is what I call the "subjective justification" for the belief in question (Lumer, 1990, pp. 34-35; 2005a, p. 215). Justifications vary in strength; they are stronger the more they increase the tendency for the resulting belief to be true or, put the other way round, the more possible deviations from truth they exclude (Lumer, 2018, pp. 321-326). Some of these possible sources of deviation from truth and corresponding dimensions of justification strength are: JS1: justification strength of the premises, JS2: truthfulness of the justification procedure, JS3: examination intensity and extensity, JS4: yieldingness of the justification material (for the thesis), JS5: correctness (freedom from error) in the application of the reasoning procedure, JS6: metatheoretical certainty about the justification procedure (ibid., pp. 322-324). According to the above, the involvement of others in a cooperative process of truth-finding can increase the strength of justification in all these dimensions, e.g.: The other may know a stronger justification of individual premises (JS1), know a justification with a stronger justification procedure (JS2), search the existing relevant empirical data material elsewhere or more intensively (JS3), contribute new relevant information (JS4), uncover justification errors (JS5), contribute a metatheoretical justification of the applied justification procedure. 2. Epistemologically rational subjects have a sense, an impression (of the degree) of certainty of their beliefs, which permanently keeps track of the justification of the individual opinions and summarises in an estimate their achieved strength of justification. This degree of certainty is rational if it reflects the actual strength of justification. It is then the subjective, epistemic counterpart of the actual, alethic strength of justification, adding to the latter a subjective representation. This sense of certainty is important in order to be able to deal rationally with our opinions; it helps us, for example, to assess how much we should rely on a particular belief or how necessary a stronger justification would be.¹

¹ I thank Harvey Siegel for extensively and helpfully discussing this topic with me.

Following these explanations, it can now be expressed understandably and precisely what the specific game-external goal, the standard output of disputations is: If the disputation participants have disclosed the justifications of the final theses of the disputation and subjected them to a comprehensive critique and, possibly after necessary corrections, finally see no more critical points in them—which implies that they have reached a consensus on the theses and their justifications—then (EG1:) possible previous wrong opinions of the disputation participants have been corrected and (EG2:) their rational certainty about the resulting thesis (theses) has been increased. In addition, a less specific external goal is (EG3:) the broadening of the information of the individual participants in the dispute. The associated internal goal of the game is: in the presence of comprehensive epistemic criticism possibilities, after appropriate critiques and corrections, (GI:) to arrive at shared rational justifications for shared theses that answer the questions of the disputation.

3.2 Cooperativeness in disputations – rules referring to the opinions of the disputation participants

Disputations are strictly cooperative. There is nominally a proponent and an opponent. But these fulfil the functions of critique and information provision in a highly cooperative manner. The rules state that if the participants have pertinent knowledge, i.e. see critical points, know criticisms, have relevant information, they must bring these into the disputation. The game-internal goal of reaching a consensus on arguments, i.e. to develop a shared, hence—this is explicitly demanded in the rules—believed by both, argument for a shared thesis, is also to be understood cooperatively: One must oneself be prepared to correct one's own beliefs and support the other in epistemically overcoming gaps in knowledge and false beliefs. This reference to states of belief is essential for disputations. For if I know pertinent things but do not say them, that is not maximally cooperative. And if I assert something but do not believe it myself or even consider it to be false, then the assertion has not survived my own critical assessment but is for the moment obsolete. Its

serious assertion is then not a constructive but a disruptive contribution that causes the other person to have to deal with misleading or unfounded opinions that do not deserve this discussion for the moment. Conversely, discourses whose rules do not refer to states of belief cannot produce epistemically good or even optimal cooperation, because they cannot demand that the participants in the discourse contribute their knowledge that serves the goal of cooperation to the maximum. If they prescribe certain moves at all, they can only prescribe sterile mechanical moves (e.g.: 'If the opponent asserts \bar{p} q , then the proponent subsequently asserts p ') or moves with alethic conditions (e.g.: 'if p is true, then assert p ') that overstrain the participants, i.e. cannot be generally followed.

3.3 The rules of disputations

The rules of Disputation are designed to achieve the game's external goal, the standard output, as effectively and efficiently as possible. These rules already include the game-internal goal of reaching a consensus on the thesis and its justification; when this goal is

achieved, the disputation is finished. But in order to achieve also the external goal with this internal goal, the disputation is regulated in such a way that the internal goal can only be achieved after disclosure of the reasons for the thesis and comprehensive, in turn justified possibilities for criticism of them.

In order to achieve maximum effectiveness in such a way that the disputations conducted according to the Disputation rules also lead as often as possible to the desired type of consensus, many aids known from actual discourses are integrated into the rules of Disputation. This leads at first sight to a very high number of move types in relation to other models: 30 in relation to an otherwise maximum of 12.

In order to use these move possibilities optimally, in particular effectively and efficiently, for the external goal of the game, there are also nine rules of sequence (with many sub-items), that prescribe which moves must be followed by which moves (Lumer, 1988, pp. 457-461), and rules which define the end of the disputation (*ibid.*, pp. 461-462). Because of this abundance of rules, only a few particularly important and characteristic ones can be presented below.

Characteristic in a narrower sense and fundamentally distinguishing, namely specifically epistemically oriented, are the already discussed internal goal of the game 'rational consensus on the arguments for the relevant theses' and some already intimated rules of the disputation, above all the rules: "truthfulness" (Lumer, 1988, p. 458: R4), "obligation to comment" (*ibid.*, pp 459-460: R6) and "obligation to justify" (*ibid.*, p. 460: R7). Truthfulness and obligation to comment together imply, for example, that one must communicate all relevant changes in one's opinion—for example, if one has discovered a weakness in one's own argument or thesis or a possibility for improvement of the other's argument or thesis. It is then also permitted to modify one's own thesis. One must agree if one considers the other person's thesis to be true and rationally justified. For theses of the other, which one accepts but for which one does not know a good justification, one must demand a justification. Etc. This also means that one must admit when one sees that one's own position has been relatively well attacked and not, for example, immediately question the counter-argument, assert its irrelevance or falsity (this would violate the truthfulness requirement of assertions) or continually demand justifications for what is actually quite a good argument (this would violate a seriousness requirement of questions or also of requests / petitions: The questioner, supplicant knows / has himself what he is asking for, what he is asking for or to raise long known objections against the position or argument, which, however, in the final effect, as is well known and is also known to the critic, can be rejected, simply in order to gain time and to tire the opponent by the obligation to react to objections that are in the final effect irrelevant (such critical attacks are not false assertions, also not false questions). Revealing the weaknesses of one's own position naturally presupposes trust in the other participants in the dialogue to do the same. The obligation to justify (*ibid.* R7), on the other hand, implies that one must provide justifications precisely when they are requested. This avoids, among other things, superfluous argumentation. Many of these move rules refer in their conditions to the epistemic and doxastic situation of the disputation participants. Only in this way can the disputation optimally exploit their already existing knowledge. The disputation participants, if they know relevant things that the others do not all know, must not hold back with them.

3.4 Possible improvements to the Disputation game

35 years after its publication, I would slightly improve this model—apart from the many linguistic errors²—as follows.

1. It would have to be stated more clearly that in the Disputation rules, criticisms of reasons or of the inference relation of an argument etc. are always conceived as counter-theses against subordinate theses. This is all implied by the rules, but should be stated explicitly. The same applies to the proponent's duty to react to the opponent's objections: Since these objections are themselves again assertions, i.e. theses, according to R6, a duty to comment also holds for them. This should likewise be explicitly pointed out.

2. Two new general rules should be introduced for the sequence rules R: i. a rule requiring orientation towards the cooperative and epistemic goals of disputations, even beyond the mechanical and literal observance of the other disputation rules, e.g. "The participants in a disputation are required to orient their actions towards the cooperative and epistemic goals of disputations."; ii. a rule about when a disputation is useful and when it should possibly be discontinued, e.g.: "One should begin a disputation only when the conditions for achieving the aims of a disputation are reasonably fulfilled, and break it off when these conditions are no longer fulfilled to a not inconsiderable degree." The latter also comes into play if it turns out that the disputation partner is not sufficiently capable or willing to act cooperatively, for example, seriously violates the disputation rules.

3. As an additional sequence rule Sx, a recommendation should be introduced that in the case of corresponding multiplicity (for reasons of efficiency) stronger reasons and criticisms should be presented before weaker ones (so also: Goldman, 1999, p. 141, R11).

4. A new move type (plus the associated sequence rules) would have to be added: Cx: Criticism of pragmatic fallacies—such as *ignoratio elenchi* or the presentation of an inadequate, too weak argument. (So far, according to the disputation rules, only fallacies that violate argumentation rules can be criticised, but not pragmatic fallacies.) – In addition, the move type of linguistic criticisms D3 should be supplemented by a few more criticisms: D3-new: "The opponent claims that the proponent's thesis is unclear, ambiguous, extremely vague, semantically nonsensical or similar." – Finally, a further pragmatic implication could be included in Rule R1.a, namely that all moves in a disputation imply the assertion that the disputation rules are observed with this move. With this rule, violations of the disputation rules can then also be subjected to a critique with a possible sub-discussion about them, without having to introduce further types of move.

All in all, these are all minor additions and not fundamental revisions of the Disputation. (These additions are designed, among other things, so that with the expanded set of rules, all relevant types of the forms of argumentative criticism listed by Krabbe and van Laar (2011, p. 225) can be raised in disputations.) They reinforce the effectiveness and efficiency of Disputation once again with a view to the goal of cooperatively confirming or improving a thesis with argument or constructing it completely anew and making it more

²The linguistic errors that can contribute most to confusion are probably the following two Germanisms:

1. "Argument" in the 1988 text often has the meaning of 'reason', i.e. it is not meant to designate the ensemble of thesis and premises, but only a premise or, more generally, a reason. 2. "Argumentation" in the 1988 text often has the meaning of 'argument', thus is not meant to designate, for example, the action with which an argument is presented, but the ensemble of thesis and premises.

certain and thus answering a particular question epistemically with maximum rationality and certainty.

4. SOME ALTERNATIVE DIALOGUE GAMES AND THEIR EPISTEMIC VALUE

After this detailed presentation of Disputation, it is time to discuss alternative systems of argumentative dialogues. I divide these dialogue games into three groups with structurally more and more epistemically important facilities / possibilities.

4.1 Argumentative dialogue games containing only permission rules

The best-known system of rules for argumentative dialogue is probably that of Pragma-Dialectics by van Eemeren and Grootendorst. There are several variants of it (in particular: van Eemeren & Grootendorst, 1984, pp. 151-175; 2004, pp. 135-157; detailed critique: Lumer, 2010, pp. 58-62); but these do not differ substantially with respect to the present discussion. According to Pragma-Dialectics, the aim of argumentative dialogues is to resolve a difference of opinion. This goal is not really epistemically oriented because it is ultimately only about an expressed consensus based on consensually agreed rules of argumentation. In the spirit of the policy proposed at the outset, I ignore this—suboptimal—commitment to consensual agreement on rules of argumentation and instead assume that these are simply replaced by a commitment to epistemologically robust criteria for good arguments. The actual dialogue rules of Pragma-Dialectics mainly contain rights to certain types of moves: e.g. the unconditional right to advance and question standpoints (van Eemeren & Grootendorst, 1984, p. 155, R2), the right to challenge the opponent (*ibid.*, p. 158, R4), the right of the antagonist to challenge undefended standpoints

(*ibid.*, p. 171, R13), but also obligations such as that to adhere to the agreed rules of argumentation when giving reasons or the obligation to defend only by arguments and to attack only by questioning (*ibid.*, p. 165, R8). As the last rule shows, not even a critique of an argument by a counter-thesis and its justification is allowed for. In general, there are no rules of sequence and, with the exception of the obligation to give reasons, there are no obligations to intervene. Truthfulness on the part of the dialogue participants is assumed, but explicitly not demanded (*ibid.*, pp. 151-152; 201). The system of rules thus does not provide for any obligations or recommendations to solve epistemic problems cooperatively on the basis of existing knowledge and epistemic abilities—e.g. where you have to query, when you should bring in your knowledge—, but leaves the interventions of the participants to their interest and strategic skill to prove their point of view according to the rules of argumentation. – In sum, the pragma-dialectical rules of discourse simply do not contain good rules for effective epistemic investigation of contentious theses. (A similar critique holds for Alexy's (1978a, pp. 233-257; 1978b) rules.)

In *A Framework for Deliberation Dialogues*, Hitchcock et al. (2001) address only deliberation, i.e. discussions for decision making. But if one understands deliberation epistemically, then deliberation is a special discourse with the goal of arriving at a common cognition that a certain action is optimal collectively or for all participants. Therefore, it should be possible to derive general rules for epistemically oriented discourses from the rules for deliberation. In fact, however, Hitchcock et al. do not say what would be a good,

especially epistemically good, decision at the end of a deliberation, so that it is also not clear how one should work towards this goal. Furthermore, although Hitchcock et al. define the individual types of moves, they do not provide the actual move rules of the game: Who has to do what and when? It remains unclear how to get to the general confirmation of an action proposal and thereby to the closure of the game. As the title of their paper says, it provides a "framework", more precisely: a semantics of deliberations, but not a normative game description or systematisation.

4.2 Argumentative dialogue games with purely behavioural sequence rules

The first group of models of argumentative dialogue contained no or almost no sequence rules and therefore did not regulate how the participants in an epistemic cooperation purposefully and effectively identify with high probability true theses with strong rational justifications; for this reason alone, these dialogue models are not effective epistemic instruments. The second group of models of argumentative dialogue to be considered here, on the other hand, contains such sequence rules.

Walton and Krabbe (1995, pp. 133-166) explicitly tie in with Pragma-Dialectics; they understand their model of Persuasion Dialogues as a further development of Pragma-Dialectics. The general goal of these dialogues is again to resolve a difference of opinion. The individual goal in each case is to persuade the other or, as it is called afterwards, to "win"—as the proponent, by deriving one's own thesis from the concessions of the opponent or, as the opponent, by inducing the proponent to retract her thesis (*ibid.*, p. 152). A huge difference between the model of Persuasion dialogues and the rules of Pragma-Dialectics for the discussion here is, however, that Walton & Krabbe include precise rules of sequence, e.g.:

S3.c: If the previous move contained a challenge of p , then the current speaker must provide an argument for p or retract p . (*ibid.*, p. 151)

S11.1: If a proponent has advanced an argument $\{p_1, \dots, p_n\}$ so c and the opponent has conceded p_1, \dots, p_n as well as the conclusiveness, then the conclusion c is also a concession of the opponent. (*ibid.*, p. 152)

Despite the sequence rules, from an epistemic point of view, however, this model of persuasion dialogues is problematic in several respects. The rules of sequence are too rigid. In many cases, repairs are possible in the situations described, especially in response to criticisms of the other. The main problem of the model, however, is that the goal is not epistemic, but for both players individually: to win. Not even real persuasion, i.e. a doxastic state, is the goal; but the goal is to force the other to make a concession, which, as has been seen, can also arise simply as a consequence of preceding moves. This lack of epistemic orientation is already caused by the fact that the conditions of the rules of sequence are formulated only in behavioural terms, such as: 'To a move of type A one must respond with a move of type B'. The epistemic potential of the participants cannot be exploited in this way. Since Persuasion dialogues—contrary to the initial descriptions—are only about winning, even the deeper meaning and the external goal of the game are no longer clear.

Does obtaining a concession that is no longer tied to a corresponding belief still have an external advantage that goes beyond showing the intellectual superiority of the winner?

The one of the dialogue games developed by Hamblin (1970, pp. 253-282, especially pp. 265-267) that is closest to what we are looking for here is more of a rudiment; its aims are not clear; and in any case, it is not epistemically oriented.

4.3 Argumentative dialogue games with sequence rules containing doxastic conditions
Goldman's contribution to the theory of epistemic discourse games is more promising than the games considered so far in this section in that Goldman avoids the two major mistakes of the groups just studied: Goldman provides goal-oriented sequence rules that also refer to the opinions of the dialogue partners in their conditions; and his rules are epistemically and cooperatively oriented.

Goldman (1999, pp. 139-144) has developed rules for argumentative dialogues that are oriented towards the veritist goal of improving opinions and arguments (ibid., pp. 139- 140) and are cooperative; thus, the goal of criticising a thesis or argument is that this criticism benefits the addressee epistemically (ibid., p. 140), precisely via the correction of false views. Goldman's rules provide for the following moves: asserting a thesis and giving reasons for it; criticising an argument: counter-assertions against the thesis, the premises or the inferential relation; withdrawing an assertion. There are still a number of helpful extensions possible here—as shown by the much higher (30) number of move types of Disputation. Some of Goldman's rules contain doxastic conditions: the duty of truthfulness (ibid., p. 134, R1 and R2); the duty to put forward only subjectively justified premises (ibid., p. 134: R3); the duty to communicate a change of opinion and thereupon also to retract corresponding theses (ibid., p. 143, R12). The rules of sequence, however, are quite rudimentary: the just mentioned duties to communicate changes of opinion and to retract theses are part of them, as well as a preference to begin with the strongest reasons and criticisms (ibid., p. 141: R11; p. 143: R13). But already the duties to comment on assertions and arguments and to respond to criticisms are missing. Nor does the theory go deeper into the internal and external goals of argumentative discourse—except for the idea of correcting false opinions and justifications—; and considerations on strengthening justifications through discourse are missing. All in all, therefore, Goldman's rules are a good beginning of an epistemically oriented theory of argumentative discourse, but only a beginning.

5. CONCLUSION: DISPUTATION AS THE BEST NORMATIVE MODEL OF EPISTEMICALLY ORIENTED DISCOURSE

To sum up, the critical discussion of alternative rule systems from the literature on the basis of the criterion of whether they fully realise the epistemic potential of discourses shows the following. Because they each lack several instrumentally necessary peculiarities of good discourses (which however are present in Disputation), they do not achieve this goal. Apart from Goldman's rules, the dialogue rules of all the other games discussed are not developed with specifically cooperative and epistemological goals. The disputation model, instead, is

oriented towards the goal of maximum epistemic cooperation; and its detailed move rules and general rules of conduct are designed to achieve this goal effectively and efficiently. It is thus currently the best normative model of epistemically oriented discourse.

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Performing Fragility and Masking Hate *Women's White Supremacist Rhetoric*

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ABSTRACT: By examining several prominent extremist women, this essay explores the rhetorical maneuvers of female rhetors who espouse supremacist views and promote extremist political platforms, particularly how they seize social media avenues to promulgate their extremist arguments. At the intersection of hegemonic white femininity and white supremacy, these female rhetors perform an assertively defended, yet fragile white womanhood that is enacted in a complicated space of misogyny that denies their agency.

KEY WORDS: affect, argument, performance, rhetoric, white supremacy, women

1. INTRODUCTION

Discourses of white supremacy have surged internationally as extremist movements experience renewed prominence amidst political polarization. For many, white supremacy is a masculine enterprise dominated by the angry voices of men who stoke fears about white genocide. Over twenty years ago, Blee (2002) noted “Today, women are estimated to constitute nearly 50 percent of new members in some racist groups . . . yet this new group of racist activists has been ignored, as researchers have tended to view racism as male-dominated and racist women as more interested in domestic and personal concerns than in its politics” (p. 7). Contemporary scholars also have argued that little attention is given to how women sustain white supremacy because these female participants have been framed as insignificant, lacking agency, or victimized, and “female extremists are also routinely presented as either atypical, abnormal, unnatural, or deviant” (Kisyova, Veilleux- Lepage, & Newby, 2022, p. 37; Skjelsbaek, et. al., 2020). Clearly, there is a pressing need to understand the rhetorical strategies used by women in extremist movements and their role in perpetuating hate and white supremacy.

The rhetorical maneuvers of white supremacist women are explored specifically in this essay at the nexus of performance, emotion, and argument. Female rhetors who espouse racist views and promote white supremacy serve as what McRae (2018) referred to as “the constant gardeners” for these movements (p. 4), and as the “organic intellectuals” who are influential in everyday life and “appear as actors who seek to normalize the ideas and principles of the far right in wider society” (Worth, 2012, p. 517). Women’s influence is central to the “labyrinth of networks” that promulgate right-wing ideas across social media and populist movements because they use their rhetoric to “intervene and work with dominant gender, sexual, and cultural norms to produce a nationalist, antifeminist, gender/heteronormative, xenophobic, and antiminority majoritarianism” (Graff, Kapur,

and Walters, 2019, p. 547). White supremacist women are dangerous precisely because their rhetorical tactics belie their motives by cloaking racial hatred in the language of family, heritage, and nationalism.

2. PERFORMANCE, ARGUMENT, AND AFFECT

The rhetoric of women advocates for white supremacy is constrained within the misogyny of the movement's principles and male practitioners. Llanera (2023) describes the situation for women in racist groups as a "curious and ambivalent" position in which, because they are white, they "are indispensable to the overall success of the racist patriarchy. But as women, they are ranked as subpar and are expected to submit to white men" (p. 9). Women who seek to express their white supremacist views must navigate the "misogyny paradox" (Llanera, 2023) that simultaneously places them on a pedestal while erecting seemingly impenetrable parameters for their submission.

Yet, these women white supremacists largely draw their rhetorical resources from conservative patriarchal ideology to construct a seductive narrative "in which women find liberation in a committed, inspired and harmonized alt-right identity which encapsulates femininity, traditionalism and reverence for gender complementarity" (Kisyova, et. al., 2022, p. 37). Significantly, women are "soldiers at the front line of right wing organizing" who are engaged in battles in which "women's role in home and family is reframed as combat" (Tebaldi, 2021, p. 74). Women provide the rhetorical appeals that suture extreme white supremacist ideology with imagery that evokes a nostalgic myth of heart and hearth. To disentangle these threads of advocacy and masking requires an understanding of how the rhetorical performance of women who espouse white supremacy intersects with argument and emotion.

First, "performance" is a rich concept that evokes an engagement with an audience, as well as conveys a dual meaning encompassing both strategic staging and the achievement of outcomes. To "perform" entails the adoption of a "persona" in concert with the enactment of a set of ideas to achieve a set of objectives. As Proctor (2022) noted, personas "are tactical in nature, not merely being people, but crafting negotiated identities to perform personhood in specific contexts with explicit aims" (p. 12). As white supremacist women engage in activism, "these women proselytize the performance of a gendered role as a way to achieve security in a fast-paced, unpredictable and racialized world" (Kisyova et. al., 2022, p. 41). Performances necessarily occur in spatial and temporal planes, factors both enhanced and complicated by the social media mechanisms that contemporary white supremacist women utilize.

Virtual spaces lend themselves to stylized and heightened performances that also provide easy means for audiences to participate in the identity and affect being performed. As Rice (2008) argued, "Rhetorics emerge less from exigencies than from a kind of accretion of linkages (immigration job loss security loss danger crime) wherein an individual is only a single node. Therefore, instead of arguing that a person either buys these racist beliefs wholesale or has them imposed wholesale, we find that we are talking much more about the articulations that come to be stuck together in and through circulating discourses" (p. 206). This substantiation of racist ideology, via emotionally charged

articulations that become increasingly interrelated as they circulate, provides the essential foundation for the performances of white supremacist women.

The relationship between rhetorical performance and the emotional and affective dimensions of communication explains how and why white supremacist women's arguments have efficacy. Deem (2019) noted that the linking of emotion and race-based identifications creates "an affective economy of fear, which enfolds the emotional registers of love (of the White-national collective) and hate (of those that would threaten it), [and] continuously works to police and retrace the boundaries between the White self and racialized others" (3190). The gendered performance of women advocates for white supremacy thereby can be understood as grounded in the links between emotions and practice. Macagno (2014) underscored this relationship between emotion, practice, and context: "Emotions are described in terms of perception and experience. They are triggered by assessments of states of affairs and lead to an action" (p. 119). Indeed, it is in this "active doing," based in a contextual assessment, where performance via emotion meets argumentation and influence.

This performative view of emotion and argument indicates how white supremacist women build and maintain their spheres of influence. The performance of emotion produces "feelings of community" (Papacharissi, 2016, p. 4-5) as women enact their role as influencers to be admired, yet also entice their audiences to embrace and emulate their roles within traditional femininity. Performative rhetoric that is grounded in emotion has strong constitutive functions, particularly within a context that is perceived by the audience to be threatening. Further, the impact of such performative rhetoric cannot be underestimated related to how it both evokes and confirms ideology and action. Indeed, as Kisyoova et. al. (2022) concluded in regard to women advocates for white supremacy, "They shape the ideological space of the extreme right for other women and spread their message by placing rhetorical emphasis on topics traditionally associated with lifestyle and well-being. By shaping the ideological space for other women, they become useful propagandists of white supremacist views" (p. 40). Specifically, this "propaganda" finds expression through women's performative rhetoric and incitement of emotion in three interrelated arguments: construction of feminism as the primary enemy, evocation of submission within white supremacist values, and elevation of protection of the family. These three arguments function as the linkages that draw in audiences, accrue ideological coherence, and constitute women's identity within the white supremacist community.

3. ANALYSIS: SUBMISSIVE SHIELD MAIDENS

The fundamental tenet of white supremacy is expressed in the "fourteen words" that guide their actions: "We must ensure the existence of our people and our future for White children." Consequently, fundamental to women's role in white supremacy is their responsibility to bear children above all else, and to engage in the fight against those who threaten their families. As Campion (2020) argued, "women in both the extreme and radical right interact in an ideological ecosystem which positions them as the key to racial salvation or endangered womanhood, legitimizes violent and non-violent action, and enables them to select and project an idealized and ideologically loaded expression of femininity" (pp. 14-15). Within the constraints of misogyny and the hegemonic masculinity that frames

their activities, white supremacist women have been able to forge a path to influence by harnessing the emotions of their female audiences and providing a seductive, albeit perverse, vision of women's agency.

White supremacist women strategically draw upon the "the archetypal roles of women as Mother, Whore, and Fighter that are widely shared inside organized racism and other extremist movements" (Latif, et. al., 2023, p. 416) to perform a persona of femininity that evokes power from the constraints placed upon them. In particular, I argue that their rhetorical performances engage three interrelated emotive arguments regarding victimage, submission, and protection to depict how women's roles properly are to be performed, as well as underscore the legitimacy and necessity for white supremacy. Excerpts from the discourses of several prominent white supremacist women are woven together to illustrate how these three arguments, articulated at the intersection of performance and emotion, constitute an integrative identity and bounded community for white women who believe that they are under siege.

3.1 Enemies and enmity

Rhetorical performances are staged in specific historical and cultural contexts that provide the foundation for appeals to emotion that will activate action. Because white supremacist women find themselves facing the "conundrum that the polar dictates of submission and action poses for women in the Far/Alt-Right" (Mattheis, 2018, p. 152), they must find a means to reconcile their subordinate status with a path that restores some agency to them. The principles of both theatrical performance and rhetorical influence prescribe that the formulation of an enemy against which one must act is the grounds for drama and a means for identification. As Kenneth Burke (1969) proposed, "identification is compensatory to division" (p. 22), hence identifications can be constituted upon antithesis. Significantly, because white supremacist women cannot both exist within the dictates of hegemonic masculinity and evoke men as the source of their anxieties and fears, they must seek enemies from without. Conceived both in the abstract sense of an animated force and as exemplified by specific proponents, "feminism" and its role in a conspiracy to undermine the white race supplies the necessary antagonist to engage white women's emotions in concert with a specific performance of femininity.

Labeling feminism as the source for the dangers and problems in the historical and cultural context engenders in particular the emotion of hate in the performance of femininity enacted by white supremacist women. In Book II of *On Rhetoric*, Aristotle (trans. 2007) described how hate functions rhetorically: "Now anger comes from things that affect a person directly, but enmity also from what is not directed against himself; for if we suppose someone to be a certain kind of person, we hate him" (p. 127). The emotion of hate therefore applies to kinds and classes, rather than offenses lodged against an individual, and as such, we can hate others solely for their perceived odious character and dark motives even without having directly experienced harm from them. In both the strain of white supremacy expressed in the "Tradwife" role as well as located in more aggressive social media personalities, feminism functions as the central scapegoat and target for hate and enmity. As Mattheis (2018) argued, "Far/Alt-Right women also want their participation in these movements to be recognized as an actively made choice and a pointed rejection of feminism" (p. 138). For example, Llanera (2023) noted that "Tradwives link

feminism to the deterioration of Western civilization, the core of which is the white nuclear family—making them, and people who venerate the vision of 1950s American family life with misplaced nostalgia, natural allies of the alt-right” (p. 7). Christou (2020) also described how the Tradwife discourse “brings together those who feel blindsided by the feminist movement and want to teach women how to take care of their man and give birth to more (white) babies” (n.p.). The performance of traditional femininity as a choice that is freely made is key to the constitution of identity for white supremacist women.

This rejection of feminism rhetorically pits women against women and identifies white supremacist proponents as the true heroes in their commitment to perform traditional femininity. As one female commentator stated on the website AltRight: “Rising from the shattered promises of feminism, they [Alt-Right women] have awoken to stand beside their brothers, partners, husbands, and children, to reclaim their destiny as women” (Davenport, 2016, n.p.). Explaining this alternative performative stance in opposition to feminism’s promises of liberation, Kisyova et. al. (2022) noted that “far right women activists construct a narrative in which women find liberation in a committed, inspired and harmonized alt- right identity which encapsulates femininity, traditionalism and reverence for gender complementarity. Women’s emancipation is presented as unnatural and constitutive of the crisis facing the white race” (p. 37). Moreover, for white supremacist women, feminism is akin to genocide because it is part of the larger conspiracy “to weaken the [white] race by producing lower birthrates, a more submissive workforce, and a more left politics” (Tebaldi, 2021, p. 78). Correspondingly, the proper role for white women is to accept that their destiny is to be the mothers whose mission it is to preserve the white race against these threatening forces.

3.2 Submissive reifications

The second argument underscoring the performance of femininity enacted by white supremacist women is the necessity of submission to hegemonic masculinity and the dictates of traditionalism for women, but this submission is redefined as the true courageous act. White women must persevere and prosper by finding their fulfilment in the domestic life and the roles of wife and mother. As Women’s Frontier, a racist website stated, “When we women take care of our household tasks, we must respect that intrinsic value of this work. It is not demeaning . . . We regard such work a noble pursuit” (quoted in Darby, 2020, p. 141). The discourses of white supremacist women direct the emotions of anger at feminists and their conspirators who have destroyed the sanctity of the home and hearth, and in turn, engender pride and resolve in virtuous women who embody the traditional roles. As white supremacist personality Lacey Lynn stated, “You have to be honest with yourself and say, ‘Okay, where did these things come from? Where did these problems come from?’ . . . you have to be able to say, like, you know, first wave feminism was not okay. It was not okay. It was not the only good wave of feminism. It wasn't the good wave. It was communism. It was women seeking superiority. It was domestic terrorism. It was—oh, it was terrible. It was terrible” (quoted in Charles, 2020, p. 172). Feminists are the true “terrorists” threatening the livelihood of good white women; consequently, white supremacists women’s hatred for their deeds must be turned to counteraction.

To perform agency, even in the midst of submission, then, white supremacist women appropriate the rhetorical themes of liberation and choice, a performance that “ultimately reinscribes the notion of women’s lost femininity and points to marriage and family as necessary goals for women to regain themselves” (Mattheis, 2018, pp. 11-12). Explaining this performance of traditional femininity, Tradwife proponent Alena Kate Pettitt proclaimed “We are very domesticated. We are here by choice. We are not here through oppression or control” (quoted in Sykes, 2023, p. 72). This “Tradwife” persona, in turn, upholds white supremacy in subtle but significant ways. White supremacist women forward their vision of heterosexual binary roles and relationships as universal and trans- historical; thus “by framing these particular formations of gender roles and identities seen in the white middle- class United States of the 1950s as traditional, the tradwife persona reifies them into natural fact for all humans” (Proctor, 2022, p. 9). This reification provides a convenient mask for deflecting charges of racism leveled at white supremacist women. Indeed, Ayla Stewart, the prominent tradwife blogger of “A Wife with Purpose,” perfected such a persona in presenting herself as “the good white mother castigated as a hate monger simply for trying to protect her children from harm” (Darby, 2020, p. 134). Stewart’s coy defense illustrates how emphasizing “tradition” functions as “one of the ways in which nationalist rhetoric claims an essentialized and largely a-historical version of culture” (Christou, 2020, n.p.).

In white supremacist ideology the preservation of the white race depends upon the actions of “good women” who will fulfill their central role in bearing white children, a mission that is especially crucial in a world that seemingly at every turn seeks to undermine this noble duty. The image of motherhood at the center of white supremacy is not new, as this role for women also was a central tenet for racist organizations like the Ku Klux Klan and the National Socialist Party. As Kathleen Blee (2002) observes, “Racist groups are obsessed with ensuring the purity of racial bloodlines, determining race from racial markings, and increasing white birthrates. To racists, reproduction can never be left to chance” (p. 154). Indeed, inspired by an anti-immigration statement by Republican Congressman Steve King that “we can’t restore civilization with somebody else’s babies,” Alya Stewart of “Wife With a Purpose” issued a “white baby challenge,” by throwing down the breeding gauntlet on her Twitter account: “I’ve made 6, match or beat me!” Stewart also proclaimed on a YouTube video that “Americans of original pioneer stock aren’t having enough babies” (quoted in Darby, 2020, p. 160).

The white nationalist depiction of the “great replacement” theory warning of the eradication of the white population therefore “becomes more deeply tied into notions of fertility, purity, and anti-feminism. White genocide means that elites are conspiring to end the white race through immigration, miscegenation, feminism, and indoctrination” (Tebaldi, 2021, p. 78). For example, one visual meme was directly accusatory, wherein, underneath photos of white women participating in Black Lives Matter marches, welcoming immigrants, and protesting for abortion rights, the caption reads: “There is no white genocide. There’s white suicide and women pull the trigger” (reproduced in Badalich, 2019, p. 50). Hence, white women must recognize their roles as mothers and traditional women and actively enact them to counter the dangers posed from without.

This image of the strong and devoted white mother and its performance in white supremacist discourse evokes provocative emotions and strong identifications. As Katherine Belew (2018) concluded from her research about white power organizations, “the emphasis

on white women's reproduction was so powerful that it worked as a unifying force for activists with dramatic—perhaps otherwise insurmountable—cultural differences. Motherhood spanned the distance between housewife populism and paramilitary violence” (pp. 169-170). Feminism is to blame for luring white women away from their true purpose and undermining the “natural” patriarchal social structure; in essence, feminists are guilty of race suicide “for working instead of making as many white children as possible, dispossessing men of their social and racial birthright” (Tebaldi, 2021, p. 78). Indeed, as Andrew Anglin from the AltRight website “The Daily Stormer” underscored, the wombs of white women “belong to the males of society” (quoted in Darby, 2017). Linking motherhood with “tradition” renders the rhetorical performance of white supremacist women more powerful, fueled both by anger at those who demean them and underscored by pride in their traditional choices.

3.3 Fearful maidens

The rhetorical performance of white supremacist women culminates in the persona of a good woman who is strong and unbowed in her determination to fulfill her destiny as a mother, wife, and traditionalist. Especially, it is the most virtuous and submissive of good women who must serve as protectors of their families and their country against feminists and their conspirators. Key to this third argument that undergirds the rhetorical performance is the emotion of fear, and the corresponding posture of defense, in the face of danger. In Book II of *On Rhetoric*, Aristotle described fear as “a sort of pain and agitation derived from the imagination of a future destructive or painful evil,” and explains further that “such things are necessarily causes of fear as seem to have great potential for destruction or for causing harms that lead to great pains. Therefore, even the signs of such things are causes of fear; for that which causes fear seems near at hand” (trans. 2007, pp. 128- 129). This definition captures the affective impact of white supremacist discourse that builds conspiratorial and paranoid visions of the burgeoning threats against the white race upon fragments of “evidence” and the imagined machinations of evil others. As Kisyova et. al. (2022) noted, “Far-right recruitment campaigns strategically tap into women’s anxieties and grievances about safety and security” (p. 40). For women white supremacists, summoning fears about the destruction of traditional femininity provides the gateway to other supremacist beliefs, particularly related to the horrendous dangers posed by non- white men.

Performing white supremacist womanhood in the face of imagined dangers requires a model for how to behave and what to believe. Hence it is not surprising that the imagined destruction of the white race often is expressed via archetypes of goddesses and women warriors. For example, in a widely circulated speech delivered to the racist gathering at the Ninth Identitarian Ideas Conference, then later posted on the white supremacist YouTube channel Red Ice TV, Lana Lokteff summoned the mythic image of Norse women who were ready to serve and defend: “Let’s not forget about Freya, the archetypal beauty. That’s, that’s what women want and that’s healthy and we should have that. But they also honor family and home but occasionally we have to pick up a sword and fight in emergency situations” (Lokteff, 2017, 9:36-10:37). The image of Freya, the Norse goddess of fertility who also is associated with prophecy and battle, is employed by Lokteff to provide an

emotional analogue for her audience. The image serves an assurance that the dual roles of domesticity and fighter are not contradictory.

In her speech Lokteff also filled out the connection between the mythic women called to act and the contemporary need for women to protect white supremacy. She argued that: “The shield maiden, the Vikings right, like today women of the right, would love to simply tend the home and make their surroundings beautiful - and I wish that's all we have to do. And, I know our ancestors worked to the bone in order for us to be able to have that luxury, but many women such as myself are realizing that this is an emergency situation. Our countries are being destroyed by leftists and anti-Whites. And, the future for our children is looking gloom[y]. Although, I think women are too emotional for leading roles and politics, this is the time for female nationalists to be loud” (Lokteff, 2017, 9:36-10:37). The image of women’s power in this statement is striking, but for Lokteff this power only is demanded in an emergency, as women must not overstep their proper submissive and quiet role in ordinary times. As Mattheis (2018) argued, “her rhetorical use of the ‘shield maiden’ and the linkages to the broader non-feminized concerns of Far/Alt-Right ideology allows Lokteff to ‘perform’ – to show rather than tell – how to be a proper woman in the movement (p. 151). Indeed, as Lokteff proclaimed, “In these times, us women must multi- task and rise to new heights as the enemy strikes on every level. We have to be lovers, mothers, friends, teachers, and now, shield maidens ready to go to battle” (Lokteff, 2017, 13:17-32). This persona of the traditional woman as shield maiden provides a foundation for drawing women audiences further into the white supremacist community.

Stoking fears that good white families are under siege opens additional pathways to identifying imagined forces marshalling against them. The rhetorical performance of the shield maiden role within a context that heightens threats from every unknown and different force in turn “positions the Alt-Right as a locus of white women’s comfort, safety, and protection in a dangerous world” (Mattheis, 2018, p. 154). In this way, the tradwife turned warrior provides the bridge between insular discourses about femininity and family and externalized racist ideologies that demonize the other. Among the racist tropes summoned in the call to action for women is the recycling of myths of sexual violence at the hands of vicious non-white men. For example, in a video entitled “Welcome Refugees?? I Blame Feminism and Here’s Why,” Ayla Stewart echoed the racist myths about violence against women, this time admonishing white husbands: “You would do anything to keep her safe, but are you really keeping her safe if you allow hordes of violent third-world immigrants into your nation?” (quoted in Darby, 2020, p. 157). Similarly, in a broadcast on Radio 3Fourteen, a white supremacist podcast site, Lana Lokteff focused on the victimization of white women: “Muslim men raping them in Europe, black men raping them in South Africa” (Darby, 2020, p. 208). The victimization of women, and by extension the victimization of the white race, here is articulated by the women themselves. For Stewart and Lokteff, white women’s enemies and white people’s enemies are the same: They are “degenerate groups with a coordinated agenda to destroy all that was good, white, and American” (Darby, 2020, p. 176).

Countering fear of non-whites with a confident persona of superiority rooted in fantasies of heritage and entitlement is central in the performance of white supremacist women. In Book II of *On Rhetoric*, confidence was positioned by Aristotle (trans. 2007) as complimentary to fear; as such, confidence is a “hope of safety [that] is accompanied by an imagination that it is near, while fearful things either do not exist or are far away.

Dreadful things being far off plus sources of safety being near at hand equal feelings of confidence” (p. 131). When white supremacists embrace heritage as a justification for their actions, they summon familiar themes that are resonant and accessible in audiences, underscoring their “natural” superiority to others. The appeal to heritage is another way to constitute the white supremacist community and to close ranks against external threats. The intersection of the white supremacist as tradwife and shield maiden plays across this landscape of fear and confidence. As Darby (2020) noted, “When a tradwife mentions threats to ‘European culture’ and ‘Western civilization,’ she’s borrowing euphemistic language from white nationalists. When she talks about protecting her children from multiculturalism and black-on-white crime, she’s all but reading from the hate movement’s proverbial handbook” (p. 156). Hence, it is not surprising that a white supremacist woman like Ayla Stewart decried multiculturalism as “propaganda” and admonished her audience of good, white mothers to remember that “Every choice we make for our child can either strengthen or weaken their sense of cultural pride and heritage” (quoted in Darby, 2020, p. 157).

As white supremacist women evoke confidence in their female audiences, they establish another constitutive means for creating community and modeling performance of the proper role for white women. Particularly potent in evoking affect are appeals to a white ancestry and white cultural practices as pure, and therefore, in need of protection. White supremacist women fundamentally are content to enact the traditional “normal” roles they embrace, yet in times of crisis when they are “terrorized,” they must activate their inner shield maiden. Indeed, in the identity constituted for white supremacist women the fates of their families, their country, and the whole white race rests in their hands.

4. CONCLUSIONS: COUNTERING WHITE SUPREMACIST RHETORICS

White supremacist women perform a traditional femininity where emotion and affect activated through argument, constitute identity, community, and action. Ultimately, white supremacist women link three arguments about threats from enemies, traditional submission as action, and the necessity for battle to constitute both a sense of identity and community for their women audiences. Emotion and affect become the vehicles for framing the ideology and inspiring action; hence these arguments are activated in practice and promulgated in virtual spaces where the perception of an existential threat to the white race is rampant. Essentially, as Stern (2019) noted, these women position themselves as the new counterculture, pitting themselves against a more backward Left and functioning as handmaidens for extremist groups. Far from being passive in their performance of traditional femininity, women are active agents in promoting and sustaining white supremacy. Consequently, we must be careful not to dismiss the discourse of white supremacist women as simplistic and anachronistic. Rather, their performance of traditional femininity clearly connects with a broad swath of women, thereby serving as a powerful gateway to extremist views. By reifying whiteness as universal and traditional gender roles as the root of the civilized world, these women provide an ideological linkage that envelops a large swath of the population, and via the emotional connections, and constitutes a welcoming place within white supremacy for these audiences. Indeed, the spread of white supremacy, nationalism, and virulent anti-feminism is not surprising

when then the rhetorical appeals used by white supremacist women are unmasked. To counter the affective appeal of performative rhetorics used by white supremacists requires own reflexivity as scholars. We need to acknowledge our own roles in perpetuating ideas about extremist groups that insulate us, rather than acknowledge the thin threads of our own complicity. As Devin Proctor (2022) noted, for example, “Not all tradwives are white nationalist fascists, but some are. And unless we address that fact, every time we talk about ‘traditional’ lifestyles, family structures, or marriage dynamics, then we are complicit” (p. 22). Moreover, to break through the political polarization that currently engulfs democratic societies requires that we do more than merely depict these racist groups as dangerous subcultures: We need acknowledge that their continued success is attributable not to “the pathological individual but rather a pathological vein of racism, intolerance, and bigotry in the larger population that the movement successfully mines” (Blee, 2002, pp. 187; 192). Consequently, the first step to countering white supremacist rhetorics is to understand the complex ways in which they build upon these embedded veins of hate, then we must insistently, and unfailingly, work to disentangle those connections.

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Classifying Argument Models

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ABSTRACT: An argument model is a specification of the parts of a simple argument. I propose a classification of argument models based on the oppositions generalism vs particularism and atomism vs holism. I will show that the standard premise-conclusion model is atomistic and particularistic, and that Toulmin soundness model is atomistic and generalist while Toulmin force model is holistic and generalist. Finally, I will outline a modified version of Toulmin model, inspired by holism of reasons, that is holistic and particularistic.

KEYWORDS: argument part, atomism, generalism, holism, particularism, Premise-conclusion model, Toulmin model, warrant.

1. ARGUMENT MODELS

An argument model is a specification of the parts of a simple argument, that is, of an argument that has no parts that are themselves arguments.

It is difficult to define ‘part of an argument’ without referring to some particular argument model—in fact, a model arguably provides, among other things, a definition of ‘part of an argument’. In almost every logic textbook you can find a definition like this one: “An argument can be defined as a complex symbolic structure where some parts, known as the premises, offer support to another part, the conclusion.” (Dutilh Novaes 2021). Catarina Dutilh Novaes’ definition fits the traditional premise-conclusion model, according to which the parts of an argument are the premises and the conclusion.

An argument model provides a criterion of argumentative identity based on the acceptance of the following principle: A is the same argument as B if and only if A and B have the same parts (arranged in the same way). This definition expresses a basic intuition about the parts of an argument: the parts of an argument are those considerations that differentiate an argument from another.

There are two main models of argument: the premise-conclusion model and the Toulmin model. However, the differences between them are not always well understood. In the former, the parts of an argument are the premises and the conclusion, while the Toulmin model distinguishes six elements in an argument: claim, data, warrant, backing, qualifier, and exceptions. Could it be said then that the Toulmin model distinguishes more parts in an argument than does the premises-conclusion model? Are data and warrant different kinds of premises? Are these differences merely terminological? In the following, I will attempt to answer these questions.

2. BASIC DISTINCTIONS

I borrow two distinctions from the theory of reasons to explain the differences between the premise-conclusion model and the Toulmin's model.

The first is the distinction between generalism and particularism. Adapted to argumentation theory, generalism claims that arguing involves applying general rules that specify what kinds of conclusions can be drawn from what kinds of data, whereas particularism claims that it is possible to argue without appealing to any general rule. For example, a particularist might maintain that arguing presupposes only the ability to grasp relevant similarities between arguments. To prevent misunderstandings, I note that by 'rule' I mean a directive that, under certain assumptions, prescribes or authorizes the performance or omission of an action or conduct. A rule is always a rule for doing something, as Wilfrid Sellars (1953, p. 329) says.

The second distinction is that between holism and atomism. Holism and atomism refer to the contextual or non-contextual character of reasons. For holism, whether a consideration is a reason for something, and what its weight is, depends on contextual factors, while for atomism, if a consideration is a reason, it is so in any context and with the same weight. Transposed to argumentation theory, holism is the thesis that the logical properties of an argument depend on factors that are not part of the argument, and atomism the thesis that the parts of the argument and their disposition completely determine its logical properties. Throughout this paper logical properties are understood in opposition to rhetorical and dialectical properties. Rhetorical and dialectical properties of an argument refer to its effects, intended or actual, on the audience and on the communicative exchange, respectively. For my purposes it is enough to say that the logical properties of an argument are those that can be defined without mentioning neither the audience nor the conventional rules governing argumentative practices.

Although there is some affinity between holism and particularism, both in the theory of reasons and in the theory of argument, all four combinations are possible. I will show, successively,

- first, that the premise-conclusion model (PCM) is atomistic and particularistic;
- second, that Toulmin soundness model (TSM), which corresponds to the first level of analysis of Toulmin, Rieke & Janik (1984), is atomistic and generalist.
- third, that Toulmin force model (TFM), which incorporates exceptions or conditions of rebuttal, and corresponds to the second level of analysis in Toulmin, Rieke & Janik (1984) is holistic and generalist;
- finally, that a modified version of Toulmin's model (MTM), that results from incorporating to TSM Dancy's (2004) conditions and modifiers and analogy as an alternative to warrants, is holistic and particularistic.

3. THE PREMISE-CONCLUSION MODEL (PCM)

In PCM an argument is a pair formed by a set of statements, called 'premises', and a statement, called 'conclusion'. The role of the premises is to lend support to the conclusion. A second postulate of premise-conclusion models is that the validity of an argument depends only on an intrinsic relation between its premises and its conclusion. Validity is

thus an intrinsic property of arguments, and if an argument is valid, it is valid in any context. To refer to the appropriate relationship between the premises and the conclusion of an argument, concepts such as logical inference or consequence are used. Hence, premise- conclusion models are inferentialist or consequentialist. As a corollary of these postulates, we arrive at the following principle:

- Atomistic principle. All contextual information relevant to determine whether the conclusion can be drawn from an argument concerns the properties of its parts.

(The atomistic principle is similar to the PC [Premises-Conclusion] requirement formulated and criticized by Don Levi, 1995, p. 80).

The atomistic principle introduces a new aspect to the notion of part of an argument. According to the previous definition, the parts of an argument are those elements that determine its identity. The atomistic principle extends this notion to all elements that are relevant for the evaluation of its logical properties. On an atomistic account, the parts of an argument are those elements that determine its logical properties. Sometimes the premises made explicit by the arguer seem insufficient to evaluate the logical properties of an argument. This leads Atomists to the conclusion that, in these cases, the non-explicit assumptions on which the validity of the argument also depends are implicit premises. The problem of implicit premises is a specific problem in argumentation theory arising from adherence to the atomistic principle, which should not be confused with the more general pragmatic problem, studied in philosophy of language and linguistics, of the distinction between what is said and what is communicated, which has given rise to concepts such as implicature. The reason for adding implicit premises is not the discrepancy between what is said and what is meant, but that the explicit premises do not seem sufficient to determine the logical value of the argument.

A model is generalist if the passage from the premises to the conclusion must be authorized by some general rule or principle. It must be remembered that a rule of logical inference such as modus ponens — B follows from A and If A then B — merely asserts a relationship between statements and is therefore not a rule in the sense required by generalism, since it neither prescribes, nor forbids nor authorizes any action (Harman 2002). In standard PCM the conditional ‘if Harry was born in Bermuda, then Harry is a British subject’ is an implicit premise of the argument Harry was born in Bermuda, so Harry is a British subject, which makes explicit the inferential commitment of the argument. If it is the conditional that entitles us to infer the conclusion from the premises, PCM is particularistic, because ‘if Harry was born in Bermuda, then Harry is a British subject’ is a particular statement, not a general rule. Thus, we recognize an argument validity by grasping its form, not by realizing that it is the result of applying some rule.

4. TOULMIN TWO LEVELS OF ANALYSIS

Although Toulmin's model distinguishes up to six elements in an argument (data, claim, warrant, support, qualifier and exceptions), I will deal mainly with the first three and the last one. To lighten the exposition, I will ignore backing. All these components are relevant to determine whether the requirements for drawing the conclusion are met, but that does

not imply that they are parts of the argument, unless one assumes something like the atomistic principle.

Toulmin, Rieke & Janik (1984) distinguish two levels of analysis of arguments, focusing on soundness and strength. The first level of analysis involves the elements that can be found in any fully explicit argument: claim, data, warrant and backing (Op.cit.: 25), while the second level adds the two remaining components: qualifiers and exceptions. These authors thus explain the difference between soundness and strength:

Whether or not an argument is sound depends on whether or not the required connections between the parts of that argument are or are not present at all. [...] Once the presence of the required connections has been demonstrated, however, a further set of questions can then be raised. These further questions have to do with the strength of the connections on which the argument depend. Granted that we have constructed an argument that is sound enough, so far as it goes, how much weight will it bear? (Op.cit., 81)

Thus, soundness is a qualitative concept – an argument is either (sufficiently) correct or it is not – whereas the concept of strength is comparative - an argument is more or less strong. First, I will present and analyse a simplified version of Toulmin model, which corresponds to the first level of analysis, and then an extended version, which corresponds to the second level of analysis.

5. TOULMIN SOUNDNESS MODEL (TSM)¹

Data are functionally similar to premises and claim to conclusion, so warrant is the main novelty of Toulmin Soundness Model. Of all that Toulmin says about warrants in 'The layout of an argument: data and warrants' (Toulmin, 2003, pp. 91-93), the following claims are especially important for my purposes:

- (a) Warrants are rules or principles, as opposed to data, which are factual information.
- (b) Warrants can be expressed tersely as 'If D, then C', or more explicitly and perspicuously, as 'Data such as D entitle one to draw conclusions such as C'.
- (c) Warrants are practical standards or canons by which the merits of arguments are judged.
- (d) An argument appeals explicitly to data and claim, while warrant is incidental and explanatory.
- (e) The force of an argument depends on the type of warrant involved.
- (f) Some warrants authorise us to make the step from data to conclusion either tentatively, or else subject to conditions, exceptions, or qualifications.

The second and more careful formulation in (b) makes it clear that the warrant is a generalization of the associated conditional 'If D, then C'. Moreover, the more explicit formulation makes it clear that the warrant permits a certain type of action in certain

¹ At the 10th ISSA I learned from Ryo Hisajima that what I call the 'Toulmin Soundness Model' is known in Japan as the 'triangular model'.

circumstances, and that it is therefore a rule, in the precise sense presupposed in the distinction between generalist and particularistic theories.

Is warrant a part of the argument? By ‘part of an argument’ can be understood factual information that either determines the identity of the argument or is relevant to its evaluation. Although the logical quality of an argument is determined by its warrant, since warrants are rules, and not statements of fact, adherence to the atomistic principle does not oblige to include it among the parts of an argument. Thus, TSM is compatible with both atomism and holism. However, statements such as "Whether or not an argument is sound depends on whether or not the required connections between the parts of that argument are or are not present at all" (Toulmin, Rieke & Janik, 1984, p. 81) invite an atomistic interpretation of TSM.

Be that as it may, the discussion of whether the warrants are parts of the argument or not is independent of the dispute between generalism and particularism. Toulmin seems to hold the generalist thesis that in every argument there is an implicit warrant.

From a position at the bedside of a sick patient, the physician may pick up minute signs or pointers on which he or she is justified in relying as clues to what is troubling the patient. Yet the doctor may not be able to relate the meaning of those small signs to any general principle of a sort that might figure in a medical handbook or textbook. In such a situation, it will not be surprising to find the physician saying, "In my experience, that kind of pallor around the temples can mean some sort of viral infection, and in this particular kind of case, I am inclined to think that it does." Just what exact "kind" of pallor and "kind" of case he is pointing to, the physician may not be able to explain any further; to that extent, therefore, the argument may be incomplete. (Toulmin, Rieke & Janik, 1984:53; my italics)

If the argument is incomplete because the physician is not able to identify the warrant, it seems that warrant is a part of the argument. Toulmin, Rieke & Janik also say, in the same vein, that "four elements [claim, data, warrant and backing] that can be found in any wholly explicit argument" (1984, p. 25). Thus, Toulmin simplified model is generalist because it makes the possibility of argument dependent on the provision of general rules or principles.

But at the same time, considering warrant as a part of the argument is at odds with the ideas that warrants are [c] practical standards of evaluation and [d] are secondary (incidental). Another reason for not considering warrant as part of the argument is the comparison of an argument to a dish (Toulmin, Rieke & Janik, 1984, p. 47): data would be the ingredients and the warrant would be the recipe used to combine those ingredients into an argument. Obviously, we would not say that the recipe is part of the dish.

6. TOULMIN FORCE MODEL (TFM)

Toulmin Force Model incorporates qualifiers, conditions of rebuttal and exceptions to the soundness model. The basic idea of TSM is that the premises and conclusion are connected through a general rule or warrant. The purpose of qualifiers, conditions and exceptions is to describe that connection. Conditions are general assumptions for the application of a warrant that, when not met, give rise to exceptions, while qualifiers are expressions that indicate the force that the warrant confers on the passage from the premises to the conclusion.

In *The Uses of Argument* (p. 93) and more clearly in *An Introduction to Reasoning* (p. 96) two reasons are distinguished for which an argument, despite being sound, may not be conclusive:

- Data and warrant only partially or weakly support the claim.
- Data and warrant only support the claim under certain conditions.

In the first case, qualifiers such as 'probably' can be used to indicate this, and in the second, qualifiers such as 'presumably'. Although Toulmin relates these two qualifiers to the force of an argument, only the first alludes to a comparative concept, since only 'probably' admits degrees. 'Presumably' indicates that one can assert the conclusion of an argument insofar as there is no reason to suppose that one is dealing with an exceptional case (Toulmin, Rieke & Janik, 1984, p. 98). To indicate that the warrant allows inferring the conclusion from the premises only in the absence of certain circumstances, locutions such as 'unless' or 'provided that' can also be used.

Exceptions have to do with notions such as defeasible argumentation and non-monotonic consequence. A datum D that is a good reason for a conclusion C may cease to be so when an exception E is considered. Expressed logically, one could say that argument D therefore C is valid and argument D and E therefore C is invalid. The admission that arguments can be defeated does not imply that one can speak of more or less strong arguments, which is what the notion of strength of an argument captures. Therefore, 'presumably' is not part of a scale with 'certainly', 'probably', 'possibly', etc.

Applicability of a warrant to a particular case normally depends on a host of unspoken assumptions, conditions, or presuppositions. These presuppositions are factual in nature, and in practice it is impossible to list them exhaustively before encountering the rare exceptions that bring them to light (Toulmin, Rieke & Janik, 1983, p. 100). Sometimes there may be practical reasons, having to do with the characteristics of the audience, the setting, and the purpose of the exchange, for making some of these conditions explicit (1984, p. 99). Such reasons arise when it is suspected that these conditions might not be met in this case, which is an exceptional case. The standard diagram of Toulmin's model of an argument places the exceptions below the qualifier prefixed to the conclusion, marking them with 'unless'.

Neither conditions nor exceptions are parts of the argument, if by such we understand those elements that determine the identity of the argument. On the one hand, it does not seem to make sense to speak of a definite set of conditions established beforehand. On the other hand, exceptions vary with context, so that the same argument encounters different exceptions in different contexts. Conditions and exceptions are thus relevant factual considerations for criticizing and evaluating the argument, and therefore, if they are not parts of the argument, TFM is holistic.

We can summarize the characteristics of TFM (leaving aside backing) as follows: it is tripartite, and classifies the parts of an argument into data, claim, and warrant; it is holistic, due to the presence of conditions and exceptions; and it is generalist and makes the possibility of arguing depend on the provision of general rules or principles.

7. MODIFIED TOULMIN MODEL (MTM): CONDITIONS OF A REASON

In TFM conditions are general assumptions for the application of a warrant, and exceptions are unusual conditions that prevent application of the warrant in that particular case. The strength of an argument is also closely related to its warrant: "Warrants are of different kinds and may confer different degrees of force on the conclusions they justify" (Toulmin, 2003, p. 93). Finally, the working of modal qualifiers is explained in terms of warrant, since qualifiers make "explicit reference to the degree of strength that our data confer on our assertion by virtue of our warrant..." (Ibid., p. 93). Although the concept of argument strength is comparative, Toulmin says very little about weighting, which he associates with situations in which it is necessary to choose between warrants pointing in different directions (Toulmin, Rieke & Janik, 1983, p. 66).

To transform TFM into a particularistic model of argumentation we need to define conditions and exceptions other than conditions and exceptions to the application of a rule, together with some explanation of the connection of premises to conclusion and of weighing that does not resort to general rules.

Argument strength can be defined without presupposing the existence of a warrant, using the machinery of holism of reasons (Dancy, 2004; Bader, 2017). Holism of reasons maintains that reasons are context dependent. To account for that dependence, Dancy and Bader distinguish three roles that a consideration can play in constituting a reason, or three forms of relevance, as Dancy puts it. A consideration may favor a claim, it may make or prevent another consideration from doing so, or it may increase or decrease the intensity of the support that one consideration lends to another (Dancy, 2004, p. 42).

The conditions of a reason are circumstances on which it depends whether a consideration is a reason for something. If the conditions are satisfied, the source provides a reason for the thesis, and otherwise not. Bader's conditions are closely related to the conditions and exceptions of Toulmin's model. There is, however, an essential difference, since for Toulmin conditions refer to the application of a general principle to a particular case, and in Bader's case they do not. This is crucial for the construction of a particularistic version of Toulmin's argument model.

Finally, modifiers are considerations that increase or decrease the weight of a reason for something, without being reasons in themselves for that something. Modifiers come into play when comparing, implicitly or explicitly, the strength of two arguments, and that "increased weight" should be understood in that context. This account of modifiers connects them to what Lord & Maguire (2016, pp. 18-19) call the "higher-order reasons view." The idea is that one argument has more force than another if there is a strong argument to conclude it; that is:

Argument A_1 is stronger than argument A_2 if there is a valid (meta)argument that concludes that A_1 is stronger than A_2 and in the context in which it is being evaluated the circumstances necessary to draw its conclusion are present.

8. MODIFIED TOULMIN MODEL (MTM): PARTICULARISM

So far, I have shown how to define the strength of an argument in terms of conditions and exceptions without presupposing that the argument relies on a general rule that serves as a warrant.

Warrants are general rules or principles that answer the question, referring to a premise-conclusion sequence, "How do you get there?". A particularistic theory of argument must show that one can answer that question without appealing to a general rule. This does not require denying the existence of general rules that allow one to go from the premises to the conclusion, but only denying that they are essential for argument.

Analogy is a mechanism of the type required, since to justify the passage from the premises to the conclusion one can resort to a comparison with other arguments (for a detailed account, see Alhambra 2023). By "argumentative analogy" I mean the following: Two arguments 'A therefore B' and 'C therefore D' are analogous if and only if the relation A-B is like the relation C-D.

If two arguments are analogous the relation between the premises and the conclusion in one and the other is similar. Similarity of relationship makes it possible to answer the question "How do you get there?" by pointing out an analogous argument. Such comparisons of two arguments do not involve any general principle. Of course, for the generalist the analogy is a means of drawing attention to the implicit warrant of analogans, which would also be, *mutatis mutandis*, that of analogandum. I think that it is just the other way around: the sense of the similarity of reasons or arguments is prior to the construction of general rules or principles of inference. Two arguments are not analogous because they are arguments from authority, but they are arguments from authority because they are analogous.

Summing up, Toulmin Force Model is holistic because of the presence of conditions and exceptions, and generalist because the definition of 'condition' (as well as the definition of 'argument strength') presupposes that every argument involves the application of a general rule that connects the premises with the conclusion. To move from generalism to particularism, MTM adopts the definitions of conditions and modifier of a reason from holism of reasons and construes analogy as an answer to the question "How do you get there?".

9. CONCLUSION

Logical evaluation of arguments in holistic models is contextual whereas in atomistic models it starts from a prior decontextualization. Levi (1995), among others, considers that such decontextualization is proper to logical analysis, while Wenzel prefers to say that "logical evaluation requires the re-situation of an argument in a context in which it can be evaluated with respect to form, substance and function" (2006, p. 20). If I have been successful, I have shown that the decontextualization of logical evaluation depends on certain assumptions and is only characteristic of some theories of argument.

The question of whether the connection between premises and conclusion is always established by applying some general rule or principle differentiates generalist theories from particularistic theories of arguments. Generalism is the thesis that arguing involves

invoking general rules that specify what kind of conclusions can be drawn from what kind of data, whereas particularism is the thesis that one can argue without appealing to such general rules.

I have illustrated each of the four possible combinations with a theory of argument, as shown in the table below.

Model	Atomistic/holistic	Generalist/particularistic	Parts/Other assumptions
Premises-conclusion	Atomistic	Particularistic	Premises-conclusion/ -
Simplified Toulmin	Atomistic	Generalist	Premises-conclusion-warrant/-
Extended Toulmin	Holistic	Generalist	Premises-conclusion-warrant/conditions
Modified Toulmin	Holistic	Particularistic	Premises-conclusion/warrant, conditions, modifiers

Once classification of argument models is available, the next objectives should be to refine it and to study the advantages and disadvantages of each type of argument theory.

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Toulmin's 'argument fields': an Operational or a Critical Notion?

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ABSTRACT: After briefly reviewing the controversies surrounding Toulmin's 'argument fields', it will be argued that such notion was not advanced by the author as a technical or truly operational notion for the analysis of argumentation but, rather, as a critical notion that allowed him to highlight the need to attend to field-dependent evaluative criteria within any rational justification practice. Finally, some remarks will be made about why it is relevant to favour such an interpretation.

KEYWORDS: argument fields, critical notion, field-dependency thesis, operational notion, rational justification, S. Toulmin

1. INTRODUCTION

In this paper I will address the question of how to interpret the Toulminian notion of 'argument fields'. But the first thing I would like to mention is how I came to be concerned with it.

In this regard, I should begin by saying that I am currently doing a thesis on Stephen Toulmin's contributions to epistemology and argumentation theory, trying to correlate both domains (e.g., by linking his understanding of argumentation and his positions in the field of philosophy of science). And I am working under the hypothesis that all his work is rooted in a common concern about rationality¹, and that it essentially seeks to criticise the modern conception of rationality in order to encourage us to take a broader one that allows us to resituate it and re-connect it with practice –adopting a more contextualist and pragmatic approach to the exercise of rational judgement. That is why the 'field-dependency' aspect of argumentative analysis and evaluation (as presented in *The Uses of Argument*) is of obvious importance to my research, given its relevance as a means to Toulmin's critique of modern rationality.

According to Toulmin, one of the main flaws of that modern conception would be to rely on an unnecessarily narrow and restrictive model of justification, the deductivist one (as the only acceptable or sufficient model for providing rational justifications to our beliefs). And, for his critique, the idea of the 'field-dependency' of argumentative evaluation standards is of obvious importance, since it illustrates that formal, a-temporal

¹ Hypothesis based on an overall reading of his written production and on some circumstantial evidence, such as him saying in an interview in the 1990s that "Actually (and perhaps I'll write an essay about this sometime), for those who are interested, the entirety of my work could in fact, from a certain point of view, be regarded as sketches toward a 'novissimum organum'; that is, all my books are in different ways concerned with rationality, reasonableness, the operations of the human reason, and so on" (Olson, 1993: 288).

and a-contextual standards –such as those of deductivism– are not sufficient to evaluate the "rational merits" of arguments; so that substantive criteria, that will be contextually determined, have to be taken into account.

Obviously, Toulmin's argument fields notion is vital to express this idea. But when I started working on this question I realised that, although I was able to grasp the meaning of his dependency thesis sufficiently well, I was not entirely clear about what the notion of argument fields actually meant. After reading many of his works I only managed to have a tentative and loose idea of its meaning (based on my understanding of the field-dependency thesis and on the links between the notion and that of 'rational enterprises' as found in his works *Human Understanding* and *An Introduction to Reasoning*). For me, fields were something like: certain areas in which the relevant rational justification and evaluation procedures are determined (in a certain sense). I.e., in which there is a set of shared beliefs about what counts as reasons to support certain kinds of claims and what is considered to be an adequate procedure for establishing a supporting link between these and those –and whose variety could be understood in terms of what is done in those specific fields, in relation to the ends they pursue, the problems they try to solve, etc.

But this is just some sort of rephrasing of the dependency thesis itself that does not clarify what argument fields are, so I did some research to find a better definition and discovered that this has been a very controversial topic. Here I will just try to present what I have come to in trying to better understand the notion and its implications and, to this end, I will proceed as follows:

First, I will briefly outline the controversy over the interpretation of the notion in order to extract from it some relevant remarks for the second point, which is the central one. There I will try to defend that Toulmin did not really advance this notion (primarily) as a technical or operational notion for the analysis of argumentation, but rather as a useful notion for his critique, through which to illustrate the thesis of the contextual dependency of rational justification. And, finally, I will mention some tentative conclusions trying to highlight the potential advantages associated with a non-technical interpretation of 'argument fields'.

2. SHORT OVERVIEW OF THE CONTROVERSY

Here are a couple of things that came to my attention as I delved into the controversy surrounding the interpretation of the notion after realising my lack of clear understanding of it.

To begin with, I think it can be established that two issues are at stake in this controversy:

The first one would deal with the nature of the argument fields. It would be about finding an accurate definition that would make possible to determine what they are and how to distinguish among them. We could say that it would be about the search for some kind of demarcation criterion for argument fields.

The second would have less to do with the notion itself and more to do with its connection to the general idea of field-dependency. The question, in this sense, would rather be something like: What is the relationship between the fields and the standards or criteria of argumentative evaluation?

Clearly, the two issues are not entirely independent (as the treatment of the former often affects the approach to the latter), but they are distinguishable. And by distinguishing between them the evolution of the debate over time can also be better understood.

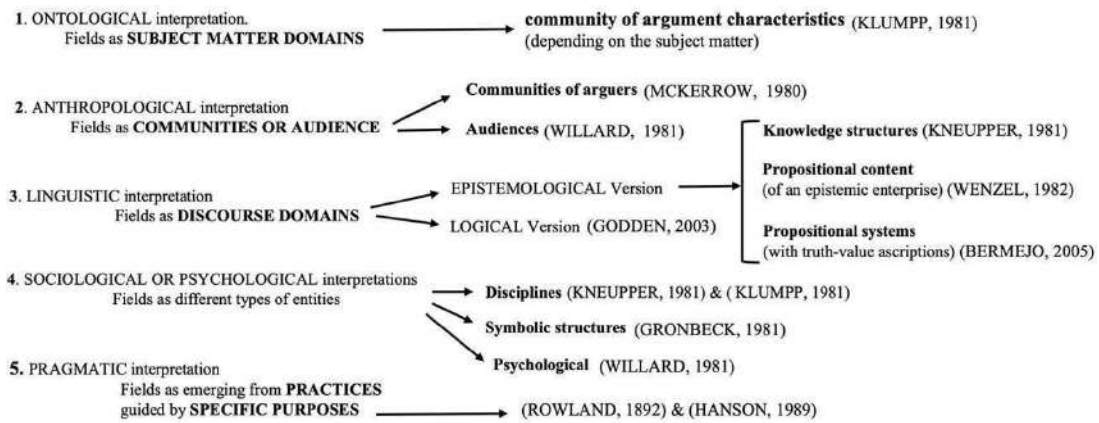
Regarding this evolution it is worth noting that, without doubt, its peak took place between the late 1970s and early 1980s. More precisely, during the First and Second Summer Conference on Argumentation (held at Utah University in 1979 and 1981). In the first one there were already several contributions on the topic of argument fields –e.g., Willard, McKerrow or Zarefsky (cf., Rhodes & Newell, 1980)– but, in the second one, the topic became one of the main themes of the conference, and many scholars tried to give their own interpretations of the notion. During the following decades some authors continued to address the issue –such as Rowland (1982), Hanson (1989) or Willard (1992), among others– but more and more sporadically. And, by the 2000s, although the topic was occasionally revisited – by Godden (2003 & 2009), Bermejo-Luque (2006) and, again, Rowland (2008)– little attention was paid to it. Thus, while this debate has not completely disappeared, over time it has been addressed in a more and more spaced out and autonomous manner, so it does not seem an exaggeration to say that the controversy (in the strong sense of the term) has been on the decline.

On the other hand, the above-mentioned issues have received varying degrees of attention. In the 1980s, especially at the 1981 conference, the former received much more attention than the latter. There were already those who, for example, accused Toulmin of falling into relativism because of his conception of field-dependent standards, but the main issue was how to interpret the notion of argument field correctly so that it would be useful for argument evaluation. In most subsequent publications the main issue gradually became, rather, whether or not the criteria of argument evaluation are field-dependent and, if so, in what sense they are (and how to interpret the notion was a rather secondary issue, as each particular interpretation served to nuance each author's position on the field-dependency thesis).

However, as they are related issues, it is worth paying attention to the development of the debate around the former –even if what interests us most is the latter– since certain useful clues can be extracted from it. For example, it allows us to notice to what extent multiple interpretations of the notion (more or less reconcilable) have been postulated; as can be seen in “figure 1” (based on the inventory created by Rowland (2008) and expanded by Godden (2009) and myself).

Some authors identify fields with subject domains and characterise them as sets of arguments features (which depend on certain subject matters); others interpret them as communities of arguers or audiences; others, as certain discursive universes –as: “knowledge structures”, or as the “propositional content of each rational enterprise with an epistemic purpose” or as distinct “propositional systems” (with truth-value ascriptions)–; others choose to understand them as sociological entities in a strong sense, as disciplines or as schools of thought; and so on.

Figure 1. Outline of interpretations



Thus, not only is it difficult to find a clear definition of the notion in Toulmin's work, but when looking at the secondary literature things become even more complex. The interpretations are not only multiple, but can be more or less compatible with each other and overlaps among them can be found. Some, such as the one proposed by Rowland in the 1980s (which I think is the most faithful to Toulmin's approach) sought to reconcile many of them, but it seems that, even in the face of the most holistic and complex interpretations, one can always find examples of Toulmin's lax and varied usage of the term that overflow them. In fact, after following the debate I realised that, although each interpretation was relevant and clarifying in its own way, I still only managed to have approximately the same rough idea as before about the meaning of the notion.

In addition, if we look at the evolution of the discussion about this first issue, we see not only that it progressively dissolved, but that it dissolved even though it did not manage to reach a resolution. With regard to the causes of this dissolution a few retrospective observations are worth noting.

On the one hand, it seems to have been implicitly concluded that the attempt to create a systematic theory of argument fields cannot succeed (as Rowland himself acknowledged in 2008); and, on the other hand, the debate around the notion may have ceased because the associated idea of the need to attend to specific contexts in order to analyse and appraise arguments has become tacitly accepted by the majority of argumentation scholars. In other words, the development of the discussion shows us the apparent impossibility of reaching an agreement on how to define the notion and, at the same time, the possibility of preserving, despite this, the basic Toulminian insights that, in my view, the notion was intended to illustrate.

I believe that the unfeasibility of agreeing on how to define the term on the basis of Toulmin's writings may already be a clue to what I want to defend here, namely, that he did not present it as a technical and operational notion for the study of argumentation, but only as an illustrative means to expound his contextualist and pragmatic positions. So now I will just briefly outline some of the reasons why I think this interpretation is plausible.

3. ARGUMENT FIELDS AS A NON-TECHNICAL NOTION

3.1 Difficulties in finding a specific definition of the notion

The first reason has to do with these very difficulties over agreeing on a specific definition of the term. I think that this difficulty has several causes:

a) Toulmin didn't offer a precise definition of it. In *The Uses of Argument* he gave several partial definitions that are somewhat lax and not clearly consistent with each other (cf. Toulmin, 2003 [1958], pp. 14, 154), and which didn't reappear in later works.

b) In fact, in all his works, rather than offering definitions, Toulmin gave examples of arguments belonging to different fields. But trying to delimit the notion through them is almost impossible, since in supplying examples he used it in a very unsystematic way (especially in relation to the level of specificity that these fields would have).

For example, he sometimes compares the arguments employed in ethical debates with those employed in legal or scientific forums (relating the notion apparently to his concept of 'rational enterprises' such as Ethics, Science, Law, etc.); at other times, he compares the kind of arguments to be used in clinical medicine with those in theoretical medical research (so it seems that the notion would have more to do with the kind of practices in which arguments are used); at others, he goes so far as to ask about the features of arguments characteristic of discussions of popular music as opposed to "some other field of argument" (Toulmin, Rieke & Janik, 1984, p. 367) (being more in line with thematic domains); and so on. Indeed, as can be seen in the following quote, he goes so far as to mention as different fields of argumentation: discussions about sports, art, business, pure mathematics or about the practical judgements of everyday life.

[...] the kinds of substantive considerations that actually support our warrants vary greatly between different enterprises and fields of argument: in scientific, medical, and legal arguments, in discussions about sport, art or business, in abstract discussions of pure mathematics, and in the practical judgments of everyday life. In all these fields, our warrants derive their foundation and authority from backing of quite different sorts. Hence the colloquial point of the phrase 'in the nature of the case'. (Toulmin, Rieke & Janik, 1984, p. 67).

So, there would be from a very broad field which he seems sometimes to have considered the field of common sense (Toulmin, Rieke & Janik, 1984, p. 118) to fields as narrow as the one of discussions about sport. Hence, it is almost impossible to give a definition of the notion that concretises its specificity without finding examples that overflow and contradict it.

c) On the other hand, he not only used the notion unsystematically, but often used other notions interchangeably (asquasi-synonyms). For example, sometimes the notions of 'rational enterprises' or 'rational disciplines' are used in an analogous way; in others, as in his dissertation, he speaks of 'fields of reasoning'; in *An Introduction to Reasoning*, although the notion reappears occasionally, 'fields of discussion' is preferably used to indicate approximately the same thing. To which we must add the use of many other related terms in various writings, such as: areas or 'fields of experience/practice/activity', 'fields of work/inquiry/thought', 'forums of arguments', etc.

But despite all this diversity and confusion, there is something common to all the examples and terms used as quasi-synonyms. They are always used for the same

fundamental purpose: to illustrate the need to attend to the specific contexts or situations in which processes of rational justification are carried out in order to understand them properly and to assess their rational merits fairly. This seems to indicate that Toulmin was not trying to use them to explain what argument fields are, but simply to make explicit that not all arguments can be judged in terms of a single model of rational justification.

For all these reasons, I believe that the interpretation according to which the notion of ‘field’ is understood as a critical notion subordinated to that of ‘field-dependency’ (serving to illustrate it) is plausible. This plausibility increases if we take into account Toulmin's own statements about his works and approach.

3.2 Toulmin's remarks on the purpose of his works

To begin with, as is well known, Toulmin insisted that when he wrote *The Uses* he had in mind to elaborate a philosophical critique focused on epistemological matters, not to elaborate some sort of argumentation theory or to advance a model for analysing arguments.

When I wrote it, my aim was strictly philosophical: to criticize the assumption, made by most Anglo-American academic philosophers, that any significant argument can be put in formal terms: not just as a syllogism, since for Aristotle himself any inference can be called a ‘syllogism’ or ‘linking of statements’, but a rigidly demonstrative deduction of the kind to be found in Euclidean geometry. [...] In no way had I set out to expound a theory of rhetoric or argumentation: my concern was with twentieth-century epistemology, not informal logic. Still less had I in mind an analytical model like that which, among scholars of Communication, came to be called ‘the Toulmin model’. (Toulmin, 2003, p. vii).

Thus, it seems implausible to think that when he introduced the argument fields notion he was intending to offer a truly technical and operative concept for rational analysis and evaluation.

Moreover, in some interviews he explained that, in that book, what he tried to do was to elaborate a more general account of what he had already stressed in his first two publications with respect to the specific fields of Ethics and Science (Olson, 1993: 289). That, in short, would be the fact that different modes of reasoning have to be differentiated “by reference to the larger activities of which they are a part, and to the ends which these promote” (Toulmin, 1953, p. 103). Or, as he put it retrospectively with regard to his early works,

My questions were: How the reasons we rely on in different kinds of research, inquiry and decision function, and, how these functional differences affect the ways in which arguments and beliefs are to be judged in one field rather than another. (Toulmin, 2010, p. 336).

In fact, in an interview in the 1990s, when talking about the general sense of his works, he said that what he had tried to do was

to help people understand what they need to know about Physics, what they need to know about Law, what they need to know about all these different ways of acting pragmatically if they want to

see how the ways in which we reason both legally and scientifically, or in any other field, fit and accommodate those aspects of human life. (Atienza & Redondo, 1992, p. 349).²

Two things can be discerned from these quotations. The first one is that he used the term 'field' in a colloquial (broad and vague) non-technical sense. And, if one takes into account that he sometimes speaks of 'fields of reasoning', sometimes of 'fields of discussion', etc., this seems to support the idea that the notion of argument fields was never intended to be a truly technical notion. The second one is that the term is always used in a context in which the important thing is to emphasise the need to adopt a contextualist and pragmatic approach to rational justification; i.e., the fact that we must pay attention to the concrete practices in which it is deployed in order to understand it and judge it adequately. This is the main point, and to what his field-dependency thesis leads to, since, as he also stated in the interview:

what I've been trying to do is to find ways of giving explanations of the Lebensformen, of giving explanations of those aspects of the forms of life, which we need, which enable us to see how those forms of life supply the backing for the warrants that go into our practical modes of argumentation. (Atienza & Redondo, 1992, p. 348).

In short, I think that this also supports the idea that the argument fields notion has always been contingent on the question of field-dependency.

3.3 Toulmin's disinterest in clarifying the notion

A final type of reason that supports my reading of the notion would be Toulmin's own disinterest in giving it a more concrete form. Even after there had been a debate about it, he didn't bother to provide a clearer definition.

It is noteworthy that, as Godden (2002) pointed out, when Toulmin participated in the 1992 ISSA conference, which included several of the authors who had participated in that debate, he made no mention of the controversy or the notion. Moreover, in that talk, in some interviews and in the updated preface to *The Uses*, he stated that if he were to rewrite the book he would change some things, but among those mentioned was certainly not to specify the notion of argument fields, but things like: That he would broaden the "context, and show that it is not just the 'warrants' and 'backing' that vary from field to field: even more, it is the forums of argumentation, the stakes, and the contextual details of 'arguing' as an activity" (Toulmin, 1992, p. 9); or the need to clarify the notion of 'backing' in different ways in relation, once again, to the different "fields of practice and argument" (Toulmin, 2003, p. viii). So, again, the importance of context and practice is stressed, but the notion of field is secondary and lax.

Actually, one can find some other circumstantial evidence that seems to point not only to the fact that Toulmin showed no real interest in clarifying it, but that he probably did not think it would be a good idea to do so. That is, he would not find it convenient to attempt to make it a technical or operational notion. For example, he once said that

² The original interview was published in Spanish, the passages offered here have been translated by the author of this paper.

The success of *The Uses of Argument* is largely due to the fact that I chose colloquial words (grounds, backing, and so on) which everybody understands. So too did Aristotle. His 'four causes' are the 'from what', the 'who did it', the 'what sort it is', and the 'in aid of what'. (The terms essential cause, material cause, formal and final cause, were mediaeval Latin introductions, which confused rather than elucidated his meaning.) (Toulmin, 2006, p. 29).

It seems plausible to think that he considered that, what he said about the scholastic technification of Aristotle's concepts (which would have confused rather than helped to elucidate their meanings) could be applied to the ones he himself proposed. Or, as another example, when Richard Rieke spoke on argument fields at the aforementioned conference (a couple of years after publishing *An Introduction to Reasoning with Toulmin and Janik*), he opened his paper by warning:

Research into argument fields carries with it the caveat that the scholar maybe looking for that which does not exist. As it was with phlogiston it may be with fields. Research tends to discover that which it sets out to find. (Rieke, 1981, p. 173).

After which he emphasised the need to systematically examine situation-after-situation to discover where communities or forums of reasoning may exist, and to avoid categorising hastily and "from the outside". I think Toulmin himself could have uttered such a warning. A warning which, on the other hand, is in line with what Rowland would later arrive at after giving up the enterprise of generating a theory of fields. I.e., the idea that:

[...] fields exist at so many levels of specificity that description rarely is useful apart from a particular case study. [...] descriptive studies of fields would need to be tailored to the specifics of a given controversy in order to be useful. (Rowland, 2008: 238).

With which I believe Toulmin would also have agreed, given his persistent insistence on paying attention, not only to contexts, but also to the specific situations and problems to be addressed.

4. CONCLUSION

On the basis of the above I would like to defend the following tentative conclusions:

1. Most likely, the argument fields notion was not presented by Toulmin as an operational notion in relation to argument analysis³, but as a colloquial notion with a critical function –against non-contextualist and non-pragmatic conceptions of rational justification.
2. That, being a colloquial notion, it is vague and imprecise by nature. And, regardless of whether it can be concretised for the purposes of specific research, this ambiguity or vagueness should be maintained when speaking of it in general theoretical terms. Since over-specifying or over-technifying it may have more disadvantages than advantages, such as generating unnecessary epistemological problems (like those that Toulmin tried to undo in *The Uses*).

³ Although it can be operationalised in different ways in different investigations on argumentation according to the concrete interests that guide them –to which I think Toulmin would not object at all as long as it is not taken as a strong theoretical term.

I think all this is important for one reason:

As I have already remarked, when the question of argument fields re-emerges nowadays, it comes up in connection with the second of the above-mentioned issues – the one related to the question of the contextual dependency of argument evaluation standards. And, in my view, the standard way of approaching the issue is not the appropriate one precisely because it is always addressed by presupposing one or another technical interpretation of the term that allows to demarcate a concrete level of specificity of the fields (regardless of whether they are equated with disciplines, communities, etc.). Thus, at the end of the day, each field is interpreted as a sort of autonomous and clearly differentiable "framework", as if there were clear discontinuities and no overlapping between them. And, if we combine this with Toulmin's hard contextualism, the ghost of incommensurability tends to creep in. In other words, a technical interpretation of fields usually leads us to accuse Toulmin of being a relativist or, if not, to try denying his relativism on the grounds that he did not claim that each field set its own standards (which is quite difficult to support in the light of his writings); but, given that in several of his works he made an energetic critique of relativism, I think that to assess whether or not he really fell into relativism (even if he didn't want to) we have to start by not misrepresenting his words. And, an important first step in this regard is, precisely, to reject a technified conception of argument fields.

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“...like their comrades who fell in 1916”: Argumentative Discourse in Propaganda Sheets from the Irish Civil War

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ABSTRACT: This paper focuses on the discourse of propaganda through a comparative study of two propaganda sheets from the Irish Civil War (1922-1923). Data from the ICW_Corpus unveil the main discourse strategies through which the (respective) enemy was represented and their moral credibility was questioned. Findings show how propagandists implemented recontextualisation and dissociation in relation to the legacy of landmark events in Irish history or the contentious issue of what a republic was supposed to be.

KEYWORDS: Civil War, discourse, dissociation, Ireland, propaganda, recontextualisation

1. INTRODUCTION

There is little doubt that propaganda has generated sustained scholarly interest over the past few decades (Zienkowski, 2021; Wodak, 2022). Common to more than one definition of it is the notion that propaganda is a goal-oriented activity, where a target audience is manipulated in keeping with the propagandist's agenda. Thus, Jowett & O'Donnell (2015, p. 3) define it as an “attempt to shape perceptions, manipulate cognitions, and direct behavior to achieve a response that furthers the desired intent of the propagandist”. Likewise, Wanless & Berk (2020, p. 86) regard propaganda as “the use of persuasive information to manipulate a target audience into a behaviour desired by the propagandist”. Finally, Walton (2007, p. 111) lays emphasis on the involvement of social groups as a distinctive trait of propaganda, which he describes as the concerted effort “to get an audience to support the aims, interests, and policies of a particular group, by securing the compliance” of a mass audience “with the actions being contemplated, undertaken or advocated by the group”.

Looking at propaganda through the prism of text and discourse analysis, broadly speaking, Van Dijk (2006, p. 369) establishes “the control of the shared representations of groups of people” as the general goal of manipulative discourse. This is postulated by the author to strengthen social beliefs that in turn control what people do or say in several situations and over relatively long periods. In order to shed light on the link between discourse and manipulation, Van Dijk (2006) considers interaction strategies in the form of a group's positive self-presentation as opposed to an outgroup's negative other- presentation, along with patterns of semantic, lexical and syntactic regularity in manipulative texts. Furthermore, Walton (1997) discusses the defining characteristics of propaganda as an identifiable type of argumentative discourse. In particular, Walton (1997,

p. 400) argues that propaganda “is most visible and has been most studied as used in war”, where participants “become caught up in an emotional attitude of hate and bitterness” that hardly ever gets people to consider and weigh up evidence from both sides of an issue.

War is indeed a context where propaganda was reported to be successfully used, borrowed and recycled through operations of recontextualisation marked by a high degree of intertextuality. This is viewed by Oddo (2018, p. 21) less as a static relationship between texts than as a communicative process, so that “when two texts share the same meanings, it is because the person who designed the second text recontextualized a meaning from the first”, more or less deliberately extracting some element from the original, so to speak, and repurposing it in a new context.

Overall, the relationship between propaganda and war has been extensively explored in historical research, as in Sevillano’s (2009) thorough investigation of anti- Republican propaganda during the Spanish Civil War. However, scholars appear to be less interested in newspapers and/or propaganda sheets as historical forces than mere historical sources. At the same time, argumentation studies have offered insightful commentary on the discourse of propaganda as a prime example of one-sided argumentation justified by results (Walton, 1997). Only tangentially, nonetheless, have such studies resulted in a systematic examination of propaganda in terms of regularity in discourse strategies against the backdrop of a sound data base.

In an attempt to try and address these gaps, this research is more narrowly focused on propaganda in the brief period of conventional warfare that characterised the Irish Civil War (1922-1923). In particular, the aim of the study is to focus on recognisable patterns in the discourse of propaganda through a comparative study of two well-known propaganda sheets of the age. For this purpose, the paper is organised as follows. Section 2 briefly outlines the historical background of the war with a view to explaining the rationale behind this work. In Section 3, corpus design criteria are discussed, and the methodological tools are introduced: this will allow for a presentation of the data set as well as a preliminary review of the procedure through which the data were studied. Section 4 then presents the findings of the study, which are eventually discussed in the light of the relevant literature in Section 5.

2. “...A POLICY OF WANTON DESTRUCTION”: THE IRISH CIVIL WAR

In the early hours of 6 December 1921, the British and Irish delegations who had entered into formal negotiations after two-and-a-half years of war between Britain and the Irish Republican Army (IRA) signed what became known as the Anglo-Irish Treaty. Although the efforts and ambitions of Irish nationalists were to be frustrated in that it was going to be beyond the British Government’s comprehension to grant Ireland Republican status, the Treaty gave 26 of the country’s 32 counties substantial internal autonomy under the name “Irish Free State”. This was no mean achievement because it afforded the Irish people an unprecedented opportunity to run their own affairs to a far greater degree than would have been the case under the Home Rule settlement produced by the British Parliament in September 1913.

The Treaty, however, contained the seeds of discord, as far as the Irish nationalist movement was concerned. To begin with, the Articles of Agreement required members of

the prospective Irish Parliament to swear allegiance to both the Free State Constitution and the British Monarchy, “in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations”. In addition, the Treaty conferred on Northern Ireland the right to opt out of the Free State, which it did soon after the Treaty was concluded. As a result, the conditions were created for the partition of the island of Ireland, which continues to this day.

On these grounds, both the IRA and Sinn Féin, its political counterpart, split down the middle. On the one hand, those who supported the Treaty saw it as a stepping stone to full Independence to be achieved presently through peaceful constitutional means. On the other hand, those who objected to the Treaty viewed it as a sell-out, the oath of allegiance and partition betraying the Republican ideals behind the Easter Rising (1916) and the War of Independence (1919-1921). The Treaty was ratified by Dáil Éireann (the Irish Parliament) by 64 votes to 57 and subsequently carried by popular vote. Furthermore, the election on 16 June 1922 put anti-Treaty Republicans on the back foot, with the Provisional Government claiming a mandate to implement the Treaty and the Catholic Hierarchy strongly backing the Government (Ferriter, 2005).

When “the anti-treatyites rejected majority rule as a basis for adjudicating the treaty issue” (Kissane, 2020, p. 26), the prospect of Civil War became more immediate. The war effectively broke out in late June 1922 as the anti-Treaty IRA was confronted by the new Free State Army, which sought to regain control of the Four Courts building seized by Republicans in Dublin. After their campaign in the Capital failed, anti-Treaty forces retreated to the countryside, notably behind the imaginary line between Limerick and Waterford. Not only had the IRA “made a mistake by leaving Dublin in the hands of their enemies, thereby allowing the Provisional Government to present itself as the lawful government in overall control of the situation” (Kissane, 2021, p. 50). The landing of Government troops in Counties Mayo, Kerry and Cork also enabled the Army to establish entry points behind the Limerick-Waterford line, which would in due course cut IRA brigades in the south-west, south and north-west off from one another. Benefitting as they did from a constant supply of arms and ammunition from Britain, the Army swept to an outright victory in the war’s conventional phase, although the conflict was to drag on until the spring of 1923. After claiming the lives of about 1,300 Irish people, the Civil War was brought to a close by the anti-Treaty IRA’s unilateral ceasefire on 24 April 1923.

The Civil War has been thoroughly analysed from a variety of angles. These include military strategy (Kissane, 2021), a comparison with similar conflicts in Europe (e.g., Kissane, 2020 on a parallel between the Irish and Finnish civil wars) or, more recently, gender-based violence (Connolly, 2019; Clark, 2020). At the same time, while historical research has raised the public’s awareness of the role of propaganda during the War (Hora, 2017; O’Brien, 2017; McCarthy, 2020; Ferriter, 2021), the idea of investigating propaganda from both sides of the Civil-War divide (“Free Staters” as opposed to “Irregulars”, as they would go down in history) from a discourse perspective, is novel and was a strong motivation for this research. The next section is intended to lay down corpus- design criteria and describe the methodological approach adopted in the study.

3. MATERIALS AND METHODS

The study was based on the ICW_Corpus, a small collection of 116 news texts from two propaganda sheets published during the Civil War. As such, the corpus is subdivided into two sections: the first one includes 69 texts from the Southern edition of Poblacht na hÉireann (Republic of Ireland), a prominent anti-Treaty news outlet; the second encompasses 47 texts from The Free State, a pro-Treaty newspaper with a large circulation (Glandon, 1985). All corpus texts were extracted from the Irish Newspaper Archives (INA),¹ the largest most up-to-date collection of news texts from the island of Ireland (Mazzi, 2019 and 2020). The Archives were searched according to the following criteria. First of all, Poblacht na hÉireann (PE) was interrogated by using “Provisional (Government)”, “Free State” and “Treaty” as search words, while texts from The Free State (FS) were retrieved through the search terms “Republican”, “Irregular” and “rebel(s)”. These terms were selected in order to produce an output of texts which, for each newspaper, could bring insights into how the enemy, their actions and possibly their mind set were represented. Secondly, the Archives were searched between June 1922, when the Civil War broke out, and 31 December 1922, for the purpose of covering the period where violence from both sides was at its most extreme.

As ever, the INA’s search engine displayed a series of texts (or whole newspaper pages) ranked through a relevance coefficient. The first 50 items on the list were individually accessed for the purpose of including the most relevant in the respective section of the corpus. With the exception of very few items that did not in fact meet the search criteria – i.e., news texts that were hardly legible or limited to a short headline with no text to follow – all items were eligible for inclusion. The reason why the corpus section from Poblacht na hÉireann is larger than that from The Free State is that more often than not, items from PE featured pages where more than one piece was on display, in contrast to FS where most items lay in individual texts. Nonetheless, the corpus strikes a fine balance between the two newspapers in that the texts from The Free State are on average longer than those from Poblacht na hÉireann.

From a methodological point of view, the study implemented a qualitative approach. Jackson, Drummond & Camara (2007, p. 23) refer to “qualitative enquiry” as research encompassing “all forms of social enquiry that rely primarily on non-numeric data in the form of words, including all types of textual analyses such as content, conversation, discourse, and narrative analyses”. It is significant that, among the types of research they associate with the concept of qualitative enquiry, the authors also feature discourse analysis, which they describe as “a way for examining language as it is used in specific contexts [...], highlighting the practices that comprise the ideologies, attitudes, ideas, and courses of action that systematically constitute the subjects and objects of which people speak” (Jackson, Drummond & Camara, 2007, p. 24). As far as this study is concerned, the emphasis was not so much on pre-determined sets of language tools such as word forms or phraseology: in fact, the idea was to design a small corpus allowing for a more fine-grained analysis and greater appreciation of news discourse in the historical context under investigation here. Accordingly, the “analysis was based on a close reading of the texts, not a key word search” (Mueller, Whittle & Gadelshina, 2019, p. 3). In more detail, the research was aimed at identifying any regular patterns in terms of the discourse strategies

¹ <https://www.irishnewsarchive.com/>, accessed November 2022.

(Mazzi, 2022) through which the enemy and their actions were represented, and their moral credibility was questioned.

4. “...FANTASTIC MELODRAMA FOISTED ON THE PUBLIC FOR PROPAGANDIST REASONS...”: THE DISCOURSE OF PROPAGANDA IN THE ICW_CORPUS

Moving on to findings from the study, the data provided ample evidence of two main strategies at work across the ICW_Corpus texts. First of all, recontextualisation was detected as a recurrent communicative process. Secondly, dissociation was identified as a widespread argumentative technique. In keeping with Oddo (2018), to begin with, recontextualisation was observed to be primarily used to brush and repackage anti-British rhetoric in order to attack the (new) enemy and breed the Irish people’s resentment against them. In more detail, the two propaganda sheets included in the corpus were found to repurpose information about the British system in force in Ireland until recent times (example 1 below), or else about the people that helped perpetuate that system (example 2).

With respect to the former, (1) shows that Poblacht na hÉireann threw what it saw as faked inquests into sharp relief. Thus, the inquests on the deaths of prominent nationalists such as Harry Boland and Cathal Brugha, whose lives were claimed by the War, are depicted as “a shocking farce [...] played by a servile Coroner and a packed jury”, which both remind “of the British during the Terror”. In relation to those it saw as the outlaws perpetuating the British system of oppression, moreover, The Free State often railed against the likes of Major Erskine Childers (2). Childers was a well-known writer, politician and militant who had served as secretary of the Irish delegation negotiating the Anglo-Irish Treaty (1921) with the British Government. Taking grave exception to the terms and conditions of the Treaty, he eventually joined the anti-Treaty forces. In the passage reproduced below, FS exploited Childers’ English origins to question his nationalist credentials (“a consistent British Imperialist”). In spite of the different commitment of the two propaganda sheets, a common thread between texts such as those in (1) and (2) is that in both, recontextualisation may be said to be designed to fit the narrative that the respective enemy was distinctively anti-national in outlook:²

- (1) The inquest on Harry Boland, like that on Cathal Brugha, was a shocking farce, staged by the Provisional Government, and played by a servile Coroner and a packed jury. [...] The proceedings were, of course, like that of the British during the Terror, and following the same example. Inquests will probably be abolished under the R.O.I. Act. While Harry Boland’s assassination unarmed in bed is shielded, two packed Coroner’s juries in the country have brought in verdicts of murder against Republican Soldiers engaged in an ordinary fight. The British system again. (PE, “Faked inquests”)

² In all numbered examples, the source – PE for Poblacht na hÉireann and FS for The Free State – as well as the headline of the article are reported in brackets. Italics for emphasis, wherever present, is mine.

- (2) The diabolical cunning of Major Erskine Childers, D.S.O., should not be underestimated. He has been a consistent English Imperialist all his life. He is always ready with plausible excuses. Recently in the Dail [sic], he admitted having volunteered and fought under the British flag to destroy the Boer Republics; also to having spied on Germany and helped to bring about the war on Germany [...] pretending to help Ireland to throw off the British yoke [...]. (FS, “Sinister Activities”)

As far as dissociation is concerned, secondly, this is postulated by Van Rees (2006, p. 473) to occur where “the speaker splits up a notion considered by the audience to form a unitary concept into two new notions, one of which comprises the aspects of the original notion” considered by the speaker to be real or central, while the other includes aspects deemed to be apparent or peripheral (cf. also van Eemeren, 2019). According to Van Rees (2006, p. 474), dissociation is intended to serve the speaker’s rhetorical aims in that it enables them “to reach a position that is the most advantageous for getting [their] standpoint accepted by the audience, so that the difference of opinion may be resolved” to their benefit.

At the outset, it is noteworthy that dissociation was deployed by the two propaganda sheets in two main contexts. First of all, its presence was established in correlation with passages where writers strived to determine the meaning of landmark events in Irish history, with the Easter Rising (1916) in a pre-eminent position. The Rising had been staged by a radical fringe of the Irish Volunteers along with the socialist republican Irish Citizen Army to proclaim an Irish Republic. Short-lived though it was to be, the Rising proved a watershed moment in the build-up to stunning nationalist success in the general election of December 1918, the War of Independence and the achievement of Independence itself in 1922. Not for nothing does its echo reverberate in more than one passage from corpus texts, where for instance The Free State equates National Army soldiers giving their lives for Ireland to the men and women who fell in 1916, in order to suggest that the new dispensation was in fact carrying out the collective will of the Irish people. Otherwise, dissociation was retrieved in texts where writers went to great lengths to settle the highly contentious issue of loyalty to the Republic, or rather what a true republic was supposed to be, a serious bone of contention in early twentieth-century Irish history.

More specifically, on the one hand, dissociation was documented in Poblacht na hÉireann to undermine the pro-Government press’ argument that, since the Treaty had been ratified by the Dáil and subsequently carried by popular vote, Free Staters were only obeying the will of the Irish people. In a number of texts from the relevant section of the corpus, PE contributors appear to split the two notions of “majority rule” and “will of the people” into two. As can be appreciated from example (3) below, lawful majority rule, which Republican propaganda professed to endorse, is therefore opposed to unlawful majority rule, associated with the Free State’s decision to allegedly “give or sell their country” and “surrender its independence”. Furthermore, the real will of the people, described as the Irish population’s fervent wish for peace and freedom, is opposed to the false will – or rather, “the Cowardice” – of the people. This was claimed by Poblacht na hÉireann to be all too obvious, their decision to accept the Treaty being justified by the British Government’s “threat of continued and more terrible war” to be resumed against Ireland, should its people choose to reject the Treaty itself:

- (3) ...when there is a division of opinion majority rule is the only principle of order. But it is not lawful for the majority to give or sell their country, to surrender its independence, to give away the heritage of posterity. Majority rule has its limits. [...] What is the real will of the Irish people? It is for Peace and Freedom. [...] The threat of continued and more terrible war made some willing to break a sacred oath and take another which they did not mean to keep. That was not the will of the people. [...] Let us face the truth plainly – it was the Cowardice of the people. (PE, Untitled)

On the other hand, dissociation was utilized by The Free State to dispute the anti-Treaty IRA's allegation that, as a dominion within the British Commonwealth of Nations, the Free State was not a republic, which frustrated the Irish people's national aspirations. As shown in passages such as (4) below, The Free State's reply to this line of argument was to split up the notion of "republicanism" into two. Real republicanism, seen as deeply rooted in the "realities" and the pragmatism of State-building in the wake of the War of Independence, is therefore contrasted with false, doctrinaire republicanism, which Free State propagandists correlated with empty "formulas":

- (4) The people have always sought and will always seek freedom under whatever form suits best at the moment. [...] no one who knows the popular mind in Ireland can be so foolish as to assert that the people in so doing committed themselves irrevocably to the Republican form. The undying people is not concerned with formulas or parties; it seeks realities... (FS, "Preserve the Republican ideal")

The idea behind this kind of excerpt was that it is not as important to be a Republic by name as it is to be one in fact. This view is corroborated by many a text in The Free State's section of the corpus, where the prevailing tone is almost didactic. A prime example of this is offered by (5) below. Here, the writer relates the history of some of the world's best-known Republics. In doing so, s/he splits the notion of "Republic" into two: accordingly, republics in reality are opposed to republics by name. Predictably, the Free State is posited as a notable instance of the former in that it is associated with the prototype of "a nation in which the voice of the people is the deciding factor". By contrast, republics by name are accounted for as "oligarchies pure and simple". In this vein, the Republic of Rome is described as "an Empire with the leaders of the army as dictators"; Venice, though nominally a republic, is said to have in fact been "an oligarchy, the common people being completely cut out"; and even seventeenth-century England, with Oliver Cromwell at the helm, was putatively more of an absolute monarchy than a republican state:

- (5) There have been many Republics in the world's history. Most of these were oligarchies pure and simple, but some were more or less democratic. [...] In the Republic of Rome, the chief power was in the hands of two Consuls elected annually [...], but the vast majority of the population were slaves. [...] The Roman Republic lasted for 500 years. For a great part of its existence it was an Empire with the leaders of the army as dictators. In the Middle Ages, [...] Venice became a great maritime power and trading centre, but the chief power

was in the hands of the merchant princes and it was really an oligarchy, the common people being completely cut out [...]. In the 17th century England called itself a Republic, with Cromwell at its head, but Cromwell was in reality monarch of England, and an absolute monarch at that. [...] From the foregoing resumé of the Republics of Ancient and Modern times, we can see that for a nation to call itself a Republic is not in itself an unmixed blessing. [...] A nation in which the voice of the people is the deciding factor is a Republic in reality, by whatever name it may call itself, and what we want is the reality. (FS, “Republics old and new”)

Going back to the acrimonious debate on Easter 1916 and its historical legacy, The Free State often compared those who fought in the Rising with anti-Treaty Irregulars, for the purpose of stressing the sharp difference between the two, as in example (6) below. What is crucial to passages like this is the writer’s application of dissociation to the notion of the “legacy of 1916”, as it were. This was split into the two notions of true legacy and false legacy, which in turn advanced the writer’s broad concept of the National Army as well as the State’s police and security forces as the true heirs of “the men of 1916”, as opposed to the Irregulars of 1922. These (“the men of 1922” in example 6) are described as “organized from the irresponsible elements of the community”, rising “against an infant State” and eventually flouting the rules of war to the point of inflicting torment “upon the civilian population”. In contrast, “the men of 1916”, of whom the Irregulars wrongly claimed to be legitimate heirs, are portrayed as “organised from the cream of the Irish-Ireland movement” to rise “against the might of an Empire” and surrender “according to the rules of war”, thereby sparing civilians from unimaginable pain:

- (6) The Irregulars wish to represent themselves as the successors of the men of 1916. The men of 1916 were organised from the cream of the Irish-Ireland movement [...] The Irregulars were organised from the irresponsible elements of the community [...]. The men of 1916 rose against the might of an Empire [...]. The men of 1922 rose against an infant State, struggling to its feet out of the wreckage of war [...]. The men of 1916 rose against the foreign enemy. The men of 1922 rose against their own people. The men of 1916 rose to drive the English out. The men of 1922 rose to bring the English back. [...] The men of 1916 surrendered according to the rules of war, in order to save the civilian population. The men of 1922 violated all the rules of war in order to have revenge upon the civilian population, who failed to support their policy. (FS, “Republics old and new”)

5. DISCUSSION AND CONCLUSIONS

This paper zoomed in on the main patterns in the discourse of propaganda from both sides of the Irish Civil War. Taken together, corpus data are consistent with Walton’s (1997, p. 394) view of propaganda as an instance of “persuasion dialogue”, where the proponent avails of “the commitments of the respondent as premises in order to persuade the respondent to also become committed to some particular proposition” they previously had

reservations about. The use of recontextualisation and dissociation in the two propaganda sheets under analysis here could be observed to be a step in such a direction.

More specifically, first of all, recontextualisation ensured that writers' argument be firmly embedded in endoxa as reasonable expectations, in keeping with what an interlocutor could be expected to accept in the social setting of discussion and within the given framework of ideas, traditions and beliefs (Vega Renon, 1998; Greco, 2023). Hence, both *Poblacht na hÉireann* and *The Free State* must have been acutely aware that their deliberate attempt to repurpose anti-British rhetoric by adapting it to the new context (and indeed, the new enemy) might be a powerful weapon, tapping as it was into the popular feeling of revulsion against the British as a deep reservoir from which to bring Free Staters or Irregulars into disrepute – examples 1 and 2, Section 4 – (Mazzi, 2024).

Through dissociation, secondly, the proponent – whether PE or FS – was altogether identified as granting “a concession on an interpretation of his standpoint that is presented as marginal, while taking a firm position on an interpretation that suits him better and that is presented as crucial” (Van Rees, 2006, p. 477). In the context of this study, this could essentially be phrased as follows for the two propaganda sheets: “True enough, the Treaty was accepted by a majority of the Irish people, but that was nothing more than a catastrophic result of unlawful majority rule and the cowardice of the people” (example 3), from *Poblacht na hÉireann*'s perspective; and “Sure, we do acknowledge that the Free State is not a republic by name, but it is definitely one in reality” (examples 4 and 5), from *The Free State*'s viewpoint.

Overall, the presence of such discourse strategies across corpus texts appears to provide evidence that, whether through recontextualisation or the “dissociation of a notion used by [...] an antagonist”, the proponent “is actually making an effort to convince the primary audience” (Wu, 2019, p. 17). Following Wu's theorisation and elaborating on Walton's notion of respondent, therefore, it can be pointed out that each propaganda sheet's argumentative discourse is intended to engage a twofold audience. On one side, it seems specifically addressed to the respective counterpart in the Irish press as an obvious target. On the other, *Poblacht na hÉireann* and *The Free State* (let alone mainstream pro-Government media outlets) only serve as the respective secondary audience, which as such is “only instrumental in convincing the primary audience”, i.e. the Irish general public, of the acceptability of the respective standpoints. This aim appears to be most successfully accomplished in the event of recontextualisation and, even more so, dissociation. By distinguishing putatively distorted, broadened or narrowed meanings from reportedly authentic and exact ones attached to key notions such as “majority rule”, “will of the people” or “Republic”, dissociation was pinpointed to “effectively undermine or unmask the authority of the secondary audience that is attacked” (Wu, 2019, p. 19).

As a path of further research, it would be interesting to investigate whether, or rather to what extent, the discourse of propaganda highlighted by this study with respect to propaganda sheets was also incorporated by quality newspapers of the time. Not surprisingly, this mainly concerns *Free State* propaganda which, in its efforts to describe the National Army's bravery and outstanding gallantry, the daily press was actively encouraged to draw on and quote liberally (Hora, 2017, p. 115).

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A Case for Different Standards of Argumentative Rationality

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ABSTRACT: I argue for different standards of argumentative rationality from considerations concerning Biro and Siegel's criticism of van Eemeren and Grootendorst's conception of argumentative rationality associated with their pragmatic-dialectic theory of argumentation. I claim that this criticism assumes a univocal standard of rationality associated with argumentation. I then argue against this assumption, which makes sense of how an argument judged bad by the lights of a given theory of argument may nevertheless rationalize believing its conclusion.

KEY WORDS: argumentative rationality, conventional and problem validity, epistemic seriousness, objective epistemic theory, pragma-dialectic theory

1. INTRODUCTION

Willard remarks that, “[n]ot all rationality theories include argument in their definitions, but virtually all argument theories include rationality in theirs” (1989, p. 152; by way of Godden 2015). The idea that rationality is in some way central to argumentation is widely held (e.g., Biro and Siegel 1992, Blair 2012, Habermas 1981, Johnson 2000, Siegel 1988). Biro and Siegel claim that, “[r]ationality is ... at the heart of argumentation, and argumentation theory should be understood as being concerned with the ability of arguments to render beliefs rational” (1992, p. 97). Taking rationality to be at the heart of argumentation, makes it “a fundamental task of any theory of argument... to supply, by manufacture or import, some theory of rationality” (Godden 2015, p. 136). Following Godden, I will call these theories of argumentative rationality.

Argumentative rationality concerns the rationality of believing the conclusion of an argument in light of believing its premises. A theory of argumentative rationality tells us when a reason-giving use of argument rationalizes one's believing the conclusion. That is, it tells us what must obtain for your reason-giving use of an argument to rationalize your believing the conclusion in light of the premises. In this paper, I consider a first-step response, which I label Argumentative rationality (AR): your reason-giving use of an argument rationalizes your believing the conclusion in light of the premises if and only if the argument so used possesses the good-making feature(s) of arguments.

In what follows, I first discuss two facets of (AR). Next, I sketch what I take to be epistemic and pragma-dialectic approaches to argumentative rationality, each uniquely instantiating (AR). With these illustrations of the import of (AR) in hand, I make a simple case for different standards of argumentative rationality. Finally, I conclude by considering a univocal standard of argumentative rationality, which appeals to what I call

a reasons-first conception of rationality. This motivates a picture of argumentative rationality that is incompatible with (AR).

2. THE CENTRALITY OF RATIONALITY TO ARGUMENTATION

Plausibly, one way that rationality is central to argumentation is that rationality of belief is an outcome of good argumentation and good argumentation is a determinant of the rationality of belief. I take (AR) to capture this. Again, (AR): your reason-giving use of an argument rationalizes your believing the conclusion in light of the premises if and only if the argument so used possesses the good-making feature(s) of arguments. I now highlight two facets of (AR).

First, by (AR) a distinguishing feature of argumentative rationality is that it concerns believing the conclusion of an argument used in a reason-giving way in light of the argument's premises. The question of whether it is argumentatively rational for one to believe a proposition *p* only makes sense given that *p* is a conclusion of an argument used in a reason-giving way. Accordingly, it is a category mistake to think that one's believing *p* is or isn't argumentatively rational divorced from an associated reason-giving use of argument whose conclusion is *p*. This highlights a pragmatic dimension of argumentative rationality. Relatedly, an argument itself doesn't rationalize believing its conclusion. Rather, it is only an argument in use that does so. Specifically, it is only the use of an argument whose premises are advanced or considered as reasons for a person *S*'s believing its conclusion.

Second, from (AR) it follows that your reason-giving use of an argument rationalizes your believing the conclusion in light of the premises only if the argument so used possesses the good-making feature(s) of arguments. Accordingly, by the lights of (AR) a theory of what makes arguments good is prior to a theory of argumentative rationality. To spell this out, consider the following.

[1] Your reason-giving use of an argument rationalizes your believing the conclusion only if the premises are good reasons you possess for believing the conclusion.

[2] If the premises are good reasons you possess for believing the conclusion, then your argument is good.

[3] If your argument is good, then it has the good-making feature(s) of arguments.

So, [4] your use of an argument rationalizes your believing the conclusion only if it possesses the good-making feature(s) of arguments.

Theories of argumentation identify the good making features of arguments. Given [4], a theory of good argumentation is conceptually prior to a theory of argumentative rationality.

In sum, one way rationality is central to argumentation is that the rationality of belief is an outcome of good argumentation and good argumentation is a determinant of the rationality of belief. Understanding this in terms of (AR) motivates thinking that argumentative rationality has what I'll label pragmatic and good-argumentation dimensions. Given the the pragmatic dimension of argumentative rationality, the question of whether it is rational in an argumentative sense for one to believe a proposition only makes sense given that the proposition is a conclusion of an argument used in a reason-giving way. According to the good-argumentation dimension of argumentative rationality, good argumentation is conceptually prior to argumentative rationality.

In order to drill down with respect to the good argumentation dimension of argumentative rationality, I replay the above argument as follows.

(1) An argument used in a reason-giving way is good if and only if (iff) the argument possesses good-making feature F.

(2) Your reason giving use of an argument rationalizes your believing the conclusion iff the argument so used is good (i.e., it possesses F).

So, (3) your reason-giving use of an argument rationalizes your believing the conclusion only if your argument is F.

The variable F is the conjunction of features an argument must possess in order for a reason-giving use of it to qualify as good. I don't take (1) to be controversial. Proposition (2) reflects (AR). Proposition (3) reflects the good-argumentation dimension of argumentative rationality: what makes an argument good is conceptually prior to argumentative rationality.

That good argumentation is conceptionally prior to argumentative rationality explains why different accounts of good argumentation are associated with different accounts of argumentative rationality. For example, on the epistemic approach to good argumentation advanced by Biro and Siegel (e.g., in 1992, 1997, 2006a, 2006b), F is epistemic seriousness. This determines the notion of epistemic argumentative rationality. On the pragma-dialectic approach to good argumentation of van Eemeren and Grootendorst (e.g., 2004, 1995, 1988), F is problem validity and conventional (intersubjective) validity. This determines pragma-dialectic argumentative rationality. I now briefly describe how epistemic and pragma-dialectic argumentative rationality are so engendered, starting with the first.

3. THE EPISTEMIC AND PRAGMA-DIALECTIC APPROACHES TO ARGUMENTATIVE RATIONALITY

The focus of Biro and Siegel's (objective) epistemic approach to good argumentation is arguments that aim at the achievement of knowledge or justified belief (Siegel and Biro 1997, p. 278; Biro and Siegel 2006a, p. 94). The point of giving such arguments is, generally speaking, to show that knowing or being justified in believing the premises warrants knowing or being justified in believing the conclusion (1997, p. 286). This motivates their claim that an argument is bad if its premises taken together fail to provide adequate support for its conclusion.

An argument is an epistemically unsuccessful one if it fails to warrant belief in its conclusion. This reflects that "the condition both necessary and sufficient for success in argumentation is that of rendering the conclusion warranted. An argument is epistemically successful to the extent that it provides warrant for its conclusion, and epistemically unsuccessful to the extent that it does not (Biro and Siegel 1992, pp. 96-7). An argument is epistemically serious to the extent that it is epistemically successful. An argument that aims at the achievement of knowledge or justified belief is good only if it is epistemically serious. It is hard to quibble with this intuitively plausible claim.

With (AR) in hand, this conception of argument goodness motivates epistemic argumentative rationality (EPIST AR): your reason giving use of an argument makes your believing the conclusion argumentatively rational just in case the premises constitute

justification you have for believing the conclusion. Note how the good argumentation dimension of argumentative rationality is in play here. As a theory of good argumentation is conceptually prior to a theory of argumentative rationality, what counts as a good argument on the epistemic approach grounds the associated notion of argumentative rationality, i.e., grounds (EPIST AR). I now turn to the pragma-dialectic approach to good argumentation.

Here the focus is on argumentation construed as a verbal, social, and rational activity aimed at convincing a reasonable critic of the acceptability of a standpoint by putting forward a constellation of propositions justifying or refuting the proposition expressed in the standpoint (2004, p. 1). “The primary function of argumentation is to be a rational instrument for convincing other people” (2004, p.15), by means of “expressions jointly used in an attempt to justify or refute a proposition” (2004, p.3). I understand rational persuasion on this approach as follows. A critical interlocuter C is rationally persuaded to accept the standpoint you argue for only if it is reasonable for C to be persuaded by your argument for it. It is so reasonable just in case your argument is both problem valid and conventionally valid.

Your argument is problem valid if you and your interlocuter C correctly take the conclusion to follow from the premises and it is conventionally valid if the premises are acceptable to you and C. An argument that aims at rational persuasion is good only if it is problem and conventionally valid. Even with first-step characterizations of problem and conventional validity, this claim is plausible. With (AR) in hand, this conception of argument goodness motivates pragma-dialectic argumentative rationality (PRAGMA- DIALECTIC AR): a reason giving use of an argument makes your believing the conclusion argumentatively rational (i.e., reasonable) just in case the premises are acceptable to the interlocuters (e.g., protagonist and antagonist) and this acceptability transfers to the conclusion.

Of course, there is much more to explain in order to give full-blown treatments of the epistemic and pragma-dialectic theories of good argumentation. Here I have aimed only to show how (AR), in particular the good-argumentation dimension of argumentative rationality, is a means of generating (EPIST AR) and (PRAGMA-DIALECTIC AR). To summarize, again (AR) is: your reason-giving use of an argument rationalizes your believing the conclusion in light of the premises if and only if the argument so used possesses the good- making feature(s) of arguments.

The epistemic approach’s story about the good-making features of arguments motivates (EPIST AR): your reason giving use of an argument makes your believing the conclusion argumentatively rational just in case the premises constitute justification you have for believing the conclusion. By the lights of (EPIST AR), argumentative rationality is a type of epistemic rationality according to which it is not rational for you to believe something unless your believing it is epistemically justified. To develop (EPIST AR), we need an account of epistemic justification.

The Pragma-dialectic approach’s story about the good-making features of arguments motivates (PRAGMA-DIALECTIC AR): a reason giving use of an argument makes your believing the conclusion argumentatively rational (i.e., reasonable) just in case the premises are acceptable to the interlocuters (e.g., protagonist and antagonist) and this acceptability transfers to the conclusion. By the lights of (PRAGMA-DIALECTIC AR), argumentative rationality is a type of procedural rationality (for discussion, see Corner A.

and Hahn, U. 2013) according to which it is not rational for you to believe something that is incompatible with previously accepted starting points or that doesn't follow from such starting points by criteria/norms that you are committed to.

I hope that it is obvious that both the epistemic and pragma-dialectic approaches to good argumentation are compatible with the (AR)-centric understanding of the centrality of rationality to argumentation. To quickly illustrate, simply instantiate (AR) with the relevant conceptions of good argument and argumentative rationality, which deliver conceptual truths about the two approaches. For example, if an argument is good (epistemic serious/prob & conv valid), then a reason giving use of it rationalizes (EPIST AR/PRAGMA-DIALECTIC AR, respectively) believing its conclusion. Also, if a reason-giving use of an argument rationalizes (EPIST AR/PRAGMA-DIALECTIC AR) believing the conclusion, then the argument is good (epistemic serious/prob & conv valid, respectively).

4. A CASE FOR DIFFERENT STANDARDS OF ARGUMENTATIVE RATIONALITY

Towards making this case, consider again the good-argumentation dimension of argumentative rationality, which says, in effect, that good argumentation is conceptually prior to argumentative rationality. This dimension of argumentative rationality problematizes the use of an account of argumentative rationality associated with one theory of argumentation to generate criticism of another theory of argumentation. To illustrate, I draw on criticism of the pragma-dialectic theory of argumentation advanced by Siegel and Biro (Siegel and Biro 2008, pp.194-195; Biro and Siegel 2006b, 6-7).

Simplifying, there is a scenario according to which the following argument is problem valid and conventionally valid.

The Candidate's race is X

No person of race X should be elected to public office
The candidate should not be elected to public office

The second premise is not justifiable. So, [1] it is not epistemically rational to believe the conclusion in light of the premises. What is the force of [1] as a criticism of the pragma-dialectic theory of argumentation? From [1], the argument in the scenario doesn't suffice for rationalizing believing the conclusion in light of the premises. Given (AR), problem validity and conventional validity are not good-making features of arguments. However, this begs the question against the pragma-dialectic theory of argument since it presupposes the epistemic account of good argument on which the epistemic approach to argumentative rationality is based.

What this suggests is that the centrality of rationality to argumentation understood in terms of (AR) does not problematize the pragma-dialectic approach (or the epistemic approach) to good argumentation. I am doubtful that it is correct to think otherwise. Accordingly, I don't see how to plausibly use (AR) to criticize the pragma-dialectic approach to good argumentation. For example, consider the following attempt.

[1] The problem validity and conventional validity of an argument do not make a reason-giving use of it good, because [2] an argument's possession of these features do not

rationalize believing the conclusion. This is a non-sequitur. [2] doesn't follow. These features of arguments do engender rationality, i.e., PRAGMA-DIALECTIC AR. Here's another attempt.

[1] The problem validity and conventional validity of an argument do not make a reason-giving use of it good, because [2] an argument's possession of these features do not rationalize believing the conclusion in an epistemic sense. This is question-begging by the lights of the good-argumentation dimension of argumentative rationality. Asserting proposition [2] assumes that problem and conventional validity are not good-making features of arguments.

Let's pause and focus on the central question of the paper. You use an argument to advances its premises in support of the conclusion. What must obtain for your use of the argument to rationalize your believing the conclusion in light of the premises? Plausibly, there are different ways your reason-giving use of an argument may rationalize your believing the conclusion, e.g., EPIST AR, PRAGMA-DIALECTIC AR (these are independent senses of rationality) Which standard of rationality is in play depends on the aim of the reason-giving use of argument.

If its rational persuasion, then the standard is PRAGMA-DIALECTIC AR, which doesn't require epistemic success. If it's the achievement of knowledge/justified belief, then the standard is EPIST AR, which **does** require epistemic success. Given (AR), this motivates thinking that there are different normative standards for reason-giving uses of arguments and so different corresponding accounts of the good-making features of arguments. Accordingly, given (AR), this motivates thinking that there are different standards of argumentative rationality. I encapsulate this in the form of the following argument.

[1] There are different ways the premises of an argument used in a reason-giving way may rationalize your believing the conclusion.

[2] Selecting just one of them as genuine argumentative rationality is unmotivated. So, there are different standards of argumentative rationality.

I now consider push back against [2]. There is just one correct account of good argumentation and so by (AR), this motivates making the associated notion of argumentative rationality the correct understanding of argumentative rationality. I am skeptical of this criticism of [2] because the typical theory of good argumentation has a focus.

For example, as highlighted above, Biro and Siegel (1992) begin their sketch of the epistemic account of good argumentation and fallacies by claiming that it, "founds itself on the claim that it is a conceptual truth about arguments that their central (not, of course, only) purpose is to provide a bridge from known truths or justified beliefs to as yet unknown (or at least unrecognized truths or as yet unjustified beliefs)" (1992 p. 92, italics are theirs).

I take their claim to provide a rationale for their account of good argument. However, other purposes arguments may serve motivate rationales for alternative theories of good argumentation (e.g., the pragma-dialectic theory).

A second response to this pushback is to abandon (AR). Specifically, reject that a reason-giving use of an argument rationalizes your believing the conclusion in light of the premises only if the argument so used possesses the good-making feature(s) of arguments. This amounts to abandoning the good-argumentation dimension of argumentative rationality according to which good argumentation is a necessary requirement of

argumentative rationality. By abandoning (AR), we may grant that there is just one correct account of good argumentation and reject that the associated notion of rationality is argumentative rationality. Of course, this response essentially abandons the above case for different standards of argumentative rationality. To spell this out, consider the following.

Recall the argument for the good argumentation dimension of argumentative rationality, which I repeat here for convenience.

[1] Your reason-giving use of an argument rationalizes your believing the conclusion only if the premises are good reasons you possess for believing the conclusion.

[2] If the premises are good reasons you possess for believing the conclusion, then your argument is good.

[3] If your argument is good, then it has the good-making feature(s) of arguments.

So, [4] your use of an argument rationalizes your believing the conclusion only if it possesses the good-making feature(s) of arguments

Abandoning (AR) and the associated good argumentation dimension of argumentative rationality in effect commits one to the rejection of [4]. Since [2] and [3] seem obviously true, [1] is the place to poke. Consider replacing it with [1']: your reason-giving use of an argument rationalizes your believing the conclusion only if the premises are reasons (rather than good reasons) you possess for believing the conclusion. Claim [1'] motivates a reasons-first conception of rationality. It is rational—in this sense—for you to believe something just in case you possess reasons for believing it, good or otherwise.

Recall that an account of (EPIST-AR) calls for an account of epistemic justification and that an account of (PRAGMA-DIALECTIC AR) calls for an account of the operative starting points and procedural rules operative in the relevant dialectical context. A reasons-first conception of rationality calls for an account of reasons for belief (e.g., for helpful introductions see Alvarez (2009, 2008), Audi (1993), Ginsborg (2006)). Such an account will uncover the normative oomph of reason-first rationality. Unfortunately, space restrictions prevent me from giving such an account (I do so in my forthcoming book) and so I can only be suggestive here.

Understanding argumentative rationality in terms of reasons-first rationality takes the standard of argumentative rationality to be achieved merely by one successfully advancing one's premises as reasons for believing one's conclusion. Your reason-giving use of an argument that rationalizes your conclusion belief so understood succeeds in placing your conclusion-belief in the space of reasons and thereby indicates your being responsive to reasons as such in the way that allows for reflectively stepping back and raising critical questions. For example, is your believing the conclusion epistemically rational? Is it pragma-dialectically rational? These two different rationality standards are in play depending on the operative account of good argumentation.

Note that argumentative rationality a la reasons-first rationality is prior to both (EPIST-AR) and (PRAGMA-DIALECTIC AR) in the sense that an argument used to advance reasons for believing its conclusion satisfies either only if it satisfies the standard of reasons-first rationality. To be clear, aligning argumentative rationality with reasons-first rationality does not rule out the normative relevance of (EPIST-AR) and (PRAGMA-DIALECTIC AR) to argumentation. Again, which are in play depends on the operative "sense" of good that guides an instance of argumentation.

To summarize, an argument for the claim that there are different standards of argumentative rationality may be put as follows.

[1] There are different ways the premises of an argument used in a reason-giving way may rationalize your believing the conclusion.

[2] Selecting just one of them as genuine argumentative rationality is unmotivated.

So, there are different standards of argumentative rationality.

I find don't find criticism of [2] based on (AR) and the claim that there is just one way that argumentation is good persuasive for the reasons given above. However, considering the pros and cons for adopting [2] is heuristically valuable as a means of thinking about why (AR) should be maintained. How, exactly, is rationality central to argumentation? As I have tried to illustrate above, different instantiations of (AR) (e.g., (EPIST-AR), (PRAGMA-DIALECTIC AR)) generate unique responses. So too does abandoning (AR) as I quickly illustrated with taking argumentative rationality as reasons-first rationality.

Of course, the pushback on [2] that I consider assumes the priority of good argumentation vis-à-vis rational argumentation. I confess that I am simply unable to conceive of a plausible case for prioritizing one standard of argumentative rationality over all others that is independent of considerations pertaining to what counts as a good argument. Hence, my rationale for considering the pushback in terms of arguing that there is just one correct account of good argumentation, which allegedly delivers a univocal standard of argumentative rationality.

To illustrate, grant that to use an argument in a reason-giving way is to advance the premises as (good) reasons for believing the conclusion whether for the purposes of rational persuasion or otherwise. I don't see how this motivates (EPIST-AR) independently of understanding the success of such uses of argument in terms of epistemic success. For example, your advancing the premises of your argument as (good) reasons for you to believe the conclusion brings into play reasons-first rationality. After all, if your premises are not reasons you possess for believing the conclusion, they certainly are not good reasons as understood on the epistemic approach adopted by Biro and Siegel. Suppose that arguing is essentially reason-giving and only contingently done to persuade. How does this alone conceptually prioritize epistemic rationality over, say, reasons-first rationality?

5. CONCLUSION

What must obtain for a reason-giving use of an argument to rationalize your believing the conclusion in light of the premises? The responses considered here have been developed in relation to Argumentative rationality (AR): a reason-giving use of an argument rationalizes your believing the conclusion in light of the premises if and only if the argument so used possesses the good-making feature(s) of arguments. (AR) speaks to the centrality of rationality to argumentation. A good argument must in some way make rational believing the conclusion in light of the premises. This is intuitively plausible. An account of good argumentation owes us a story about how using a good argument in a reason-giving way rationalizes believing the conclusion in light of premises.

Also, by the lights of (AR) if your use of an argument rationalizes your believing the conclusion, then the argument so used is good. Note that this makes argumentative rationality a thick concept.¹ To put this in general terms, a use of an argument rationalizes

¹ Thanks to Paula Olmos for input that suggested to me this formulation of an outcome of what I have called the good argumentation dimension of argumentative rationality.

believing the conclusion only if the user takes the premises to be reasons for believing the conclusion (descriptive) and, moreover, they are good reasons for believing the conclusion (normative). We may take the premises of an argument used in a reason-giving way to be good reasons for believing the conclusion only if the argument as used is good. We make argumentative rationality more restrictive by insisting that there is just one correct account of good argumentation. We make it somewhat less restrictive by being more pluralistic with respect to what counts as good argumentation. A pluralistic approach to good argumentation motivates the simple case given above for different standards of argumentative rationality.

However, perhaps we go wrong taking argumentative rationality to be a thick concept in this way. That is, perhaps we shouldn't make it a requirement for argumentative rationality that one's premises be good reasons for believing the conclusion. Instead, a use of an argument rationalizes believing the conclusion if the premises are reasons for believing the conclusion. This, in effect, construes argumentative rationality in terms of reasons-first rationality.

This move creates conceptual space for thinking that your reason-giving use of an argument can (argumentatively) rationalize your believing the conclusion even though the argument you use is a bad argument—by the lights of the operative account of good argumentation—and so your reasons for believing the conclusion aren't good reasons for believing it. On this way of looking at things, your argument's premises may be reasons that you possess for believing the conclusion and so your reason-giving use of the argument rationalizes your believing the conclusion, but your reasons are bad because, say, they do not justify your believing the conclusion. Or perhaps they are bad because they are incompatible with agreed-upon starting points or they don't deliver the conclusion by agreed-upon procedural rules. On this view, argumentative rationality does not suffice for good argumentation. This accords with Foley's observation that we can criticize others "as being unimaginative, or hypocritical or self-pitying or cowardly or even unintelligent without implying that they are thereby irrational" (1993, p. 7).

I end on an autobiographical note. I used to favor the idea for having different standards of argumentative rationality basically for the reasons given in my above case for this idea. I now wonder about the advantages of adopting a thinner concept of argumentative rationality according to which it is understood in terms of reasons-first rationality. This makes argumentative rationality univocal across different theories of good argumentation. To get at argumentative rationality so construed, we need an account of reasons for belief instead of an account of epistemic justification or dialectical procedural rules. In other work, I clarify the needed notion of reasons for belief towards developing a conception of argumentative rationality understood in terms of reasons-first rationality. This will enable an appraisal of its advantageous over other conceptions of argumentative rationality.

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From An Extremist to Status Quo: Changing Consciousness on Climate Change

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ABSTRACT: Unlike in the recent past, today it is controversial to hold a denialist position on the scientific consensus that we humans are warming the Earth. How did this change come about and what role has argumentation played? In exploring these points, this presentation will discuss with those who argue that a change of consciousness in relation to climate change has occurred and must occur through individual persuasion (John Dryzek, 2013; Lee McIntyre, 2021). We also review Jean Goodwin's (2014; 2015; 2019) argumentative analyses of climate controversies where scientists faced skeptics.

KEYWORDS: change, climate change, cognitive environment, consciousness, rhetorical argumentation

1. INTRODUCTION

Positions with respect to an issue can be placed on a spectrum that allows us to understand which are the radical positions and which are the accepted ones (the status quo). In this sense, what is the spectrum with respect to the issue of whether anthropogenic climate change is happening? Climate change is one of the main topics in contemporary public discussion. Today, governments and corporations around the world are called upon to adopt environmental policies and to join international agreements in the fight against climate change. This suggests that, on the issue of climate change, the positive position is at the center of the spectrum, while the negative position is at the limit. In other words, it is controversial today to take a position against the scientific consensus on anthropogenic climate change. In this sense, here we identify the pro-climate change position as part of the current status quo, while we understand climate change skepticism / denialism as extremist positions. However, this has not always been the case; on the contrary, pro-climate change positions used to be on the margins of the spectrum, as extremists. In other words, the burden of proof lies now in the denial position. How did that change?

We are concerned with understanding how the pro-climate change position managed to become part of the status quo, displacing skepticism/denialism to the extreme edge of the spectrum. It is worth making a clarification first: saying that the pro-climate change position is part of the status quo does not mean that skepticism has been defeated. On the contrary, different authors (Capstick et al., 2015; van der Linden et al., 2017; Levy, 2022) point out that manipulation and disinformation tactics targeting the scientific consensus on climate change have been successful in producing skepticism. Neil Levy even claims that "[g]iven the likely effects of climate change on the world, their success may be the biggest tragedy of the past half century" (Levy, 2022, p. 6). Despite this, such tactics have not succeeded in displacing belief in climate change to the extreme edge of the spectrum.

We will argue that the pro-climate change position became part of the status quo as scientific reasons modified our cognitive environment. To develop this argument, we will first deal with recent positions on what it means to "change minds" with respect to climate change; on the one hand, we will discuss the position of John S. Dryzek, who argues that green radical discourses have succeeded in changing people's consciousness at a very limited level. On the other hand, we will discuss the position of Lee McIntyre (2021), who proposes that the best way to change the mind of a climate denier is through personal encounters.

Before presenting the insights of these authors, it is worth distinguishing our perspective on what it means to change minds from other perspectives within argumentation studies. The question of whether arguments are sufficient to change someone's mind is prominent for argumentation theories (Cf. Dutilh Novaes, 2023). While much is being said about it, the dialectical perspective has answered in the affirmative by wielding the idea of critical argumentation. Here the basic point is that, through some kind of critical discussion, one side can rationally persuade the other to change her mind. Walton expresses it like this:

A proponent in a dialog persuades a respondent to accept a particular statement in this special sense when the proponent presents an argument containing only premises that the respondent is committed to, and uses this argument to get the respondent to become committed to the conclusion of the argument. Presumably, the respondent was not committed to this statement previously. So persuasion, in this sense, refers to the respondent's "conversion" so to speak, or the change in his commitments. Before he was not committed to this particular statement, but now he is. (Walton, 2007, p. 29)

According to this, rational persuasion is understood as a change of commitments resulting from the respondent's critical evaluation of an argument offered by the proponent. Similarly, although changing the term of persuasion to that of convincing (van Eemeren & Grootendorst, 1984), pragma-dialectics considers the rational change of opinion as part of their model of critical discussion. For them, one of the possible ways of resolving a difference of opinion (in the concluding stage) is through the change of opinion of an antagonist who fails (in the argumentation stage) to conclusively attack the protagonist's standpoint and decides to accept it. In sum, the dialectical perspective understands the rational change of mind as a possible outcome of critical discussion.

In contrast to this perspective, here we claim that a change of mind can be the outcome of rhetorical argumentation. This means that rhetoric -the modification of ideas through discourse- can modify an audience's opinion. Moreover, rhetoric can modify the cognitive environment in such a way as to change epistemic, social, and personal values in a community (Tindale, 2016). Thus, the idea of changing minds distinguishes our perspective not only from dialectics, but also from views of rhetoric that focus on "effective persuasion". This is, following Walton (2007), when a speaker persuades an audience to accept a conclusion, or carry out an action, using arguments that the audience already considers strong. In contrast to this view, here we do not consider effective persuasion as the aim of rhetorical argumentation.

2. CHANGING CONSCIOUSNESS THROUGH DISCOURSE

Dryzek (2013), characterizes green radicalism as a position that rejects the “basic structure of industrial society and the way the environment is conceptualized therein in favor of a variety of quite different alternative interpretations of humans, their society, and their place in the world” (Dryzek, 2013, p. 16). Thus, he analyses four categories of green radical discourses: 1) the “ontology” of the discourse, i.e., the basic entities whose existence is recognized or constructed, 2) the assumptions about natural relationships, 3) the agents related to the issues and their motives, and 4) the rhetorical devices deployed in the discourse.

Dryzek distinguishes between two types of green radical discourses: on the one hand, there is green consciousness, which seeks greater ecological sensibility at the individual and cultural levels. On the other hand, there is green politics, which seeks a structural change of the capitalist model through political action. These general types of discourse constitute a green public sphere that is essentially diverse (Torgerson, 1999; Dryzek, 2013), in that the content of ecological sensibility and structural change varies substantially with the discourse. Nevertheless, all forms of green radicalism are based on the belief that there are global ecological limits given by the Earth's finitude (Dobson, 1990; Dryzek, 2013).

In this sense, Dryzek is interested in understanding how these discourses manage to change people's consciousness, that is, the way people experience and think about the world. However, reasoned arguments may not be just enough to achieve that. In his words: “[r]easoned argument can only take us so far along the road. The rest of the path may require rhetorical strategies that reach beyond reason to passion” (Dryzek, 2013, p. 200). Accordingly, his analysis of rhetorical devices of green radical discourses is relevant to our discussion. Dryzek finds that both green consciousness and green politics discourses use organic metaphors, which seek to make people experience the world as if they were animals, or that portray the world as not reducible to its parts in which living beings interact in complex ways. They also employ distinctive rhetorical devices. Green consciousness discourses appeal to emotions by seeking a more empathetic and intuitive orientation towards nature by means of personal stories, myths, spiritual ceremonies, art, and poetry. On the other hand, green politics discourses consider that the current system can learn to be ecologically rational, appealing to ideals of progress beyond the current industrial order towards sustainable development as well as ecological modernization.

However, Dryzek's diagnosis is that green radicalism has been successful mainly in promoting a greener lifestyle, i.e., everyday consumer behavior and how children are educated. In addition, this radicalism has succeeded in changing certain public attitudes such as: awareness of ecological limits, sensitivity to the risks generated by the industry, and recognition of the possibility of a more convivial way of life (Dryzek, 2013, p. 225). Moreover, despite the limited impact of the governing green political parties, their discourse has transformed the terms of the political debate, making other parties conform to their positions on environmental issues. Hence, Dryzek claims:

In the last four decades or so green radicalism has come from nowhere to develop a comprehensive critique of the environmental, social, political, and economic shortcomings of industrial society. As such, it represents perhaps the most significant ideological development of the late twentieth century. (Dryzek, 2013, p. 227)

Despite this ideological development, Dryzek argues that changing consciousness is not enough to achieve the desired change sought by green radicalism. Moreover, he finds it ironic that the greatest impact of the change in consciousness is at the least radical level: consumer behavior. In his words: "it is the lifestyle greens who have had the most effect, not the more radical forms of green consciousness" (Dryzek, 2013, p. 202). This shows how environmentalist positions can be placed on a spectrum in which the status quo seems to be the position that focuses on the agency of the consumer rather than the manufacturer or the State.

Dryzek's claim that changing consciousness is insufficient to achieve the desired (structural) change is supported by three reasons: first, there is the practical problem that it fails to convince large numbers of people to change the way they relate to the world. Second, good intentions are never enough to guide action on ecological issues (which are inherently complex). Third, a change in consciousness does not indicate how to move from the current disequilibrium to the desired harmony with nature -although it would be sufficient to maintain harmony once we get there. In this sense, he claims

The problem here is that social, political, and economic structure is more than just a reflection of the attitudes of society's masses or elites, and so changed sensibilities will not necessarily lead to structural change (Dryzek, 2013, p. 205).

Dryzek's analysis is interesting in that it shows the argumentative strategies of green radicalism and assesses in a positive way the "ideological development" that these discourses have achieved. In other words, the author shows how the green discourse has improved our ecological sensitivity. Thus, we agree with him that these discourses have succeeded in changing our consciousness, i.e., the way we live and think about the world. We also agree that this change of consciousness is necessary to improve public and political culture, but not sufficient to achieve structural change.

However, we find two problems in Dryzek's proposal; the first is related to the distinction he makes between change of consciousness and structural change. For him, a change of consciousness refers to the process of persuasion that seeks to improve ecological sensitivity at the individual level. In this sense, he contrasts this process promoted by "the greens" with the "green policy" which seeks structural change. Although it is important to distinguish between these two kinds of changes aimed in the discourse (consciousness change and structural change), identifying change of consciousness with individual persuasion fails to appreciate that both types of discourse have succeeded in that kind of change. Instead, here we argue that radical discourses have indeed succeeded in changing people's consciousness, their ecological sensitivity, even though they are insufficient to bring about any structural change. However, for us, this does not mean that they have succeeded in convincing individuals about climate change, but that they have succeeded in modifying our cognitive environment, so that they have fixed certain values that now influence our personal values.

The second problem with Dryzek's proposal has to do with the way in which green discourses have succeeded in changing people's consciousness. According to him, reasoned argumentation is insufficient to achieve that. In addition, rhetorical strategies that appeal to passion are needed. Although Dryzek does not lay out a concept of reasoned argument, he does oppose it to appeals to emotions, indicating that argumentation appeals to reasons. For us, however, this idea is problematic, as it reduces the rhetorical impact just to

passion/emotion. In opposition to this idea, and in line with previous discussion, different perspectives on argumentation consider that rhetorical strategies are aimed at effective persuasion, not necessarily at emotion. On the one hand, from the dialectical perspective, Walton (2007) points out that effective persuasion is a possible outcome of rhetorical argumentation strategy, while van Eemeren (2018) points out that rhetorical effectiveness is one of the purposes strategically pursued in argumentative discussion.

On the other hand, from a rhetorical perspective, we point out that rhetorical strategies have the general aim of addressing audiences in an effective way. As should be noted, these perspectives do not limit the scope and content of rhetoric in the way Dryzek does by identifying rhetorical strategy with appeal to emotion. On the contrary, for these perspectives, persuasion is effective by other means different than appealing to emotion. For example, appealing to the ethos of celebrities that promote greener lifestyle and awareness of environmental issues it is also an effective way to convince an audience. More importantly, effectiveness is not irrational, as suggested by the opposition between reasoned argument and rhetorical strategy. Instead, for us, rhetorical argumentation is not reduced to emotion, nor is it irrational, although it can be used in a positive or a negative way. This is why we claim that rhetorical argumentation can indeed achieve a change of consciousness insofar as it manages to change personal values by making present the relevant social and epistemic values (Tindale, 2016).

3. ARGUMENTATION AGAINST CLIMATE DENIALISM

Lee McIntyre (2021) is interested in addressing current cases of science denial in the US. He builds on the consensus of previous research to define science denial by five common characteristics:

- 1) Cherry-picking evidence,
- 2) Belief in conspiracy theories,
- 3) Reliance on fake experts (and the denigration of real experts),
- 4) Committing logical errors, and
- 5) Setting impossible expectations for what science can achieve (McIntyre, 2021, p. 52).

With this definition, McIntyre seeks to show that science denial is not a problem of ignorance/lack of evidence, but a matter of identity. In his words:

Science deniers are not just ignorant of the facts but also of the scientific way of thinking. To remedy this, we must do more than present deniers with the evidence; we must get them to rethink how they are reasoning about the evidence. We must invite them to try out a new identity, based on a different set of values. (McIntyre, 2021, p. 76).

Accordingly, he argues that the best way to change the identity of a denier is through personal encounters that first create a trusting relationship on which the scientific evidence can then be presented and thus correct information deficits. Now, McIntyre claims that "[c]limate change denial represents the biggest, most important case of science denial in our time" (McIntyre, 2021, p. 110). The author explains that this case began as skepticism resulting from a campaign generated by political and economic interests that misinformed the US public about the scientific consensus that anthropogenic climate change is

happening. Today, however, there is a new form of denialism that doubts not so much the existence of climate change but more about whether we should do anything about it. This denialism is, for McIntyre, not a matter of evidence or belief but a matter of collective identity, which should not be categorized as skepticism. In his words:

Climate skepticism is thus not actually skepticism at all. In the face of an avalanche of evidence, continuing to shill for a contrarian point of view just because you hope it will be right is outright denialism (McIntyre, 2021, p. 121).

McIntyre offers three recommendations to have a personal encounter with a science denier:

i) Consider that science denialism exists on a spectrum of persuadability. This means that denialists do not necessarily share the same information, ideology, reasons, and purposes;
ii) Consider that misinformation and disinformation are amplified by social media, so that denialism seems bigger than it actually is; and iii) Be persistent in the conversation, i.e., do not be content with resolving an information deficit, but try to change the identity. In line with these recommendations, McIntyre organized a conversation with Pennsylvania coal miners about climate change. This experience allowed him to reiterate the importance of personal encounters. In his words, "[t]he idea of meeting one another as humans [...] and planting the seed of doubt so that people could change their minds seemed key" (McIntyre, 2021, p. 150). Moreover, these conversations led him to a recognition of the distinction between beliefs and values. Thus, it seems that the issue of climate change is not about beliefs, but about values; it is not about convincing someone to believe something but to value something. In McIntyre's words:

maybe the issue wasn't just getting deniers to change their irrational views but to delve a little deeper into understanding how those views were a function of their values, so that we could encourage them to care more about something that would affect us all. (McIntyre, 2021 p. 150).

In sum, McIntyre's position seems to be that a change of belief, related to the understanding and acceptance of scientific evidence, is not enough to change the mind of the science denier. What is necessary is a change of identity, that is, the acceptance of other values, which calls for a trusting relationship within a personal encounter. Moreover, in the case of climate denialism, changing minds means expanding the circle of concern. Thus, McIntyre argues that "at some level, the process of trying to change someone's beliefs is the same as trying to change what they care about" (McIntyre, 2021, p. 156).

McIntyre is right to point out that, in the case of climate change, it is necessary to consider both scientific evidence and collective identity -what we collectively value. Thus, to understand the change in consciousness regarding climate change it is necessary to consider the way in which our cultural cognition mechanisms (Kahan, 2012) have determined our positions on environmental issues. Furthermore, we share McIntyre's point that "[p]erhaps there aren't any ideal argumentative strategies for that [changing someone's belief and values]" (McIntyre, 2021, p. 156). However, we are less optimistic than he is about the effectiveness of personal encounters in bringing about such a change.

For us, individual persuasion fails to change identity in the way McIntyre believes. His personal encounters with the miners do not account for a change in what they value or believe. On the contrary, they reveal that there are already some levels of agreement on the seriousness of climate change, as well as some value for the environment. Thus, while McIntyre is right to consider values in addition to scientific evidence, there is no indication

that personal encounters will make the desired change when discussing with a climate denier. Moreover, as Dryzek notes, there is a practical difficulty of convincing large numbers of people with face-to-face encounters, especially given the argumentative skills needed to achieve one-on-one discussions that succeed in changing consciousness. In this sense, rather than relying on individual argumentative skills to address the problem of climate denialism, it is worth focusing on analyzing the way in which the cognitive environment has been modified.

From the discussions with Dryzek and McIntyre, it is possible to appreciate the role of argumentation in understanding the change of consciousness with respect to climate change. For the former, radical green discourses have achieved an ideological development, a change of consciousness, which is reinforced today through consumer behavior, new generations' education, and the environmental political debate. For the latter, individual argumentation is the best way to continue the change of consciousness, even against denialism. In this case, such argumentation involves at least three issues: a relationship of trust, the acceptance of scientific evidence, and the expansion of the circle of care. Despite apparent differences in considering argumentation in relation to climate change, both authors are close to the dialectical perspective that focuses on dialogue as a way to change the mind of the interlocutor. Furthermore, both authors consider that to achieve this change it is necessary to go beyond scientific evidence. On this last point we agree, we should think beyond the scientific evidence, and consider the values that determine our environmental positions, if we want to understand the way in which argumentation contributes to the positioning of the pro-climate change stance. However, contrary to Dryzek and McIntyre, our analysis of the change of consciousness is rhetorical, in the sense that it does not focus on individual (dialectical) argumentation, but on rhetorical argumentation that introduces new information and values into the cognitive environment we inhabit.

4. CLIMATE CONTROVERSIES

The pro-climate change position is scientific, i.e., it explains a natural phenomenon that can be empirically confirmed, namely that human activities are the main driver of climate change. We suggest that, in order to understand the social shift from rejecting to accepting this position, it is useful to analyze rhetorically the way in which this position was introduced and reinforced in our cognitive environment. This involves considering both the scientific argumentation against the challenges of climate skepticism, and the way in which climate scientists build trust in the audience. Both of these issues have been studied by Jean Goodwin (Goodwin & Dahlstrom, 2013; Goodwin, 2014; 2015; 2019) from a perspective of argumentation close to ours.

Drawing on literature on science communication, persuasion, rhetoric, and cognition, Goodwin & Dahlstrom (2013) propose two general strategies that can help climate scientists achieve greater 'communicative trust', which they define as "a willingness to consider a message favorably based on characteristics related to the message source, in contrast to characteristics of the message content." (p. 153, italics in the original). These strategies are distinguished in relation to the type of audience that the science communicator seeks to persuade. On the one hand, with respect to audiences that already trust science, scientists can enhance those factors that determine the perception of science as a

source of knowledge and expertise, and as an honest and open institution. Such factors include expertise, experience, clear delivery, citation of evidence, humor, similarity to the audience, etc.

On the other hand, with respect to audiences who are distrustful and critical of science, scientists may consider the following rhetorical principles: 1. Make yourself vulnerable, i.e., willingly increase vulnerability to the audience. For example, by engaging in discussion at the risk of being attacked, and presenting reasons to the audience; 2. Empower your audience by creating language they can understand; 3. Take responsibility for being wrong, as the expert who shares his or her changes of mind, uncertainties, and mistakes is more credible; and 4. Start small, as risk to the audience is reduced when they are invited to consider the least consequential issues first.

Goodwin (2014; 2015) discusses these sorts of strategies that help the climate scientists gain audience trust, focusing on the televised debate between climate scientist Stephen H. Schneider and an audience of 52 self-identified climate change skeptics (Insight, 2011). Thus, she (2014) describes the two challenges that Schneider faces in his exchange with the skeptics; the first is the distrust expressed in charges of bias due to personal interest, financial interest, or political interest. The second challenge is the strategy known as "Gish Gallop" in which the audience bombards the speaker with different considerations for a limited period of time.

Accordingly, Goodwin identifies different strategies that Schneider uses to deal with distrust, the "Gish Gallop" strategy and disagreement in general: first, he exercises "aggressive trust" in relation to his audience, i.e., he presumes the good faith of the skeptics, consistently expressing trust that they are not guilty of the argumentative misconduct (like bias) of which he is accused by them. Second, he resorts to metadiscourse¹ to clarify his own discourse, but also to prevent the audience from inferring that he does not have answers to all the issues raised in the debate. For example, he is explicit about the issues he is addressing, lists his arguments, and reiterates issues he has already responded to. Third, Schneider uses a "strategy of invitation" (Goodwin, 2015), that is, the attempt to reduce distance from the audience. Thus, he follows his own advice (in Schneider, 2009) of explaining technical terms in accessible language to achieve better understanding in the public arena. Additionally, he praises laypeople when raising good scientific questions and exhibits his personal concerns about the lack of civility in the public discussion on climate change by narrating his own negative discussion experiences.

While the strategy of invitation seems to be appreciated by and effective for some audience members, there were others unwilling to join in the way scientists look at the evidence. Moreover, they justified their distrust for scientists. Schneider deals with this challenge by exercising authority in those issues that are simply not debatable for him. Thus, although he is impersonal and apologetic, he always points out when someone is wrong or is saying something false. Also, he has the opportunity to present and exercise

¹ Linguist Ken Hyland (2017) claims that "metadiscourse" has a rhetorical function that should be further considered. He defines the term as a "commentary on a text made by its producer in the course of speaking or writing and it is a widely used term in current discourse analysis and language teaching" (2017, p. 16). For him, although it is an essentially fuzzy category, it always refers to a use of language out of consideration for the audience and reveals the way in which the writer understands the community addressed. More specifically, it reveals awareness that the audience may need elaboration, clarification, guidance, and interaction. (p. 17).

his notion of scientific credibility. Thus, to the question of why trust a scientist, raised by the audience, Schneider states that those who claim to have the truth and certainty should be distrusted. On the contrary, he expresses the complexities of climate science while showing its limitations. By doing so, he relates scientific credibility to modesty. In answers to other questions, he reiterates this relationship, pointing out that scientists who overstate are irresponsible. Thus, when asked about sources of information, he dismisses those sources that are highly polarized and thus do not follow the norms of civic dialogue.

Goodwin's analyses of the Schneider vs. Sceptics debate are interesting in that they make explicit the strategies used by the debating parties to deal with the disagreement. Moreover, she contrasts this case with the typical advice (Lamberts, 2014) for climate scientists to stop arguing with the skeptic and use instead more effective communication techniques. In her words, this case demonstrates "to the participants and the wider audience that something like a worthwhile argumentative interaction is possible, even among those who deeply disagree" (Goodwin, 2014). Although this optimistic conclusion contrasts with the view that disagreement about climate change is deep (Fogelin, 1985), it is consistent with her thesis that there can be good argumentation without resolution of disagreement (Goodwin, 1999). In her words: "perhaps changing minds – resolution of the disagreement – was not the point of the interaction" (Goodwin, 2014).

But are these strategies useful to confront a skeptic who is a very skilled arguer? Goodwin (2019) analyzes a televised debate between a climate scientist (Maslin) and a "climate sophist" (Morano), who has two characteristics: on the one hand, he has a relish for disagreement that allows him to doubt even the scientific consensus, and on the other hand, he possesses "Argumentative Content Knowledge" (ACK). This means according to Goodwin:

knowledge of a domain selected and structured in ways that are most germane for its arguability in a range of settings. ACK allows the arguer to transform content knowledge into argumentative representations (e.g., issues, arguments/refutations, evidence) and then to select appropriate devices from a presentational repertoire to embody these representations in discourse (e.g., argumentative indicators, patterns of organization), all in ways well adapted to the audience (e.g., their conceptions, interests, attention span). (Goodwin, 2019, p. 54)

In this case, the sophist has good knowledge about climate science, environmental public policy, the dynamics of international politics, but also about climate controversies: positions, arguments, refutations, strategies, style, etc. Thus, the ACK that would explain why, in this case, the sophist is better than the climate expert. Specifically, Goodwin recounts four strategies that account for Morano's ACK: i) he frames the debate around the lack of scientific consensus, ii) he has refutations in place for most of his adversary's points, iii) he provides scientific support or testimony, and iv) he maintains composure in the debate. Against this scenario, Goodwin prescribes some alternatives in the face of sophistry like: becoming as skilled and eager for disagreement; debating while ignoring disreputable views; and refusing to debate while assuming the consequences: "it allows the sophist to proclaim victory by default and undermines the public appearance of reasonableness that democratic societies depend upon to legitimate decisions." (2019, p. 59).

The notion of ACK is useful both to justify our interpretations of the discussion and to analyze the scope of the argumentative strategies used. Then this notion leads us in the right direction by considering the effect of continuity of argumentative discussions. Using Goodwin's metaphor, this is to consider the well-cultivated ground of the discussion. Using

the metaphor we have been developing in here, this is to consider the distinctive cognitive environment that the discussion itself creates, in which we can find expressions of reasons and values, as well as styles of thinking. Thus, ACK allows us to focus on the experience and understanding that discussants have as an audience and then use as speakers to deal with disagreement. Moreover, it is not necessary to be a speaker, a debater, to gain this kind of knowledge. Rather, from our very experience as an audience in society we can recognize patterns in public discussions.

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An Argumentative Approach to Map the Issue of *Impartiality* in Newsmaking and Factchecking

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ABSTRACT: News organizations are constantly attacked with accusations of lack of impartiality, but a shared understanding of the notion is missing. Combining corpus analysis with a focus group with practitioners, we unpack the impartiality conundrum, distinguishing its scope over the news product and the newsmaking process. The results show that while the impartiality of the first is not always a value, an impartial newsmaking process is key for a healthy information ecosystem.

KEYWORDS: argumentative reconstructions, bias, factchecking, fallacies, focus group, impartiality, (mis)information, newsmaking

1. INTRODUCTION

In the current (mis)information ecosystem, news making is a process ultimately aimed at gaining the acceptance of a certain interpretation of a news event, “a discourse aimed at convincing a reasonable critic of the acceptability of a standpoint by giving reasons that justify the standpoint” (van Eemeren & Grootendorst, 2004, p. 1). Lately, the notion of impartiality has become a widely discussed issue, pointing to the need for organizations to clarify how they work towards it.

The lack of impartiality is, in fact, frequently used as an argument to attack the credibility of news media venues, as well as to undermine the trustworthiness of fact-checkers. The impartiality of news/factchecks, regardless of the source, in a polarized social media world, is not common ground knowledge, but it constitutes a standpoint that must be constantly argued for. The “Leveraging Argument Technology for Impartial Fact-checking” (<https://latifproject.eu/>) project aims at helping journalists re-think their decision-making processes while checking sources and news in a critical perspective, thus reflecting upon impartiality. This is crucial to win or maintain the audience’s trust. As surfaced by Vir’s (2021) report, audiences across 4 countries (UK, Germany, USA and Brazil) strongly advocate for impartiality in journalism, but their understanding of the notion is blurred, lacking a uniform definition.

Drawing from this awareness, the European Broadcasting Union situates “Impartial and independent” as one of its main codes of principles (<https://tinyurl.com/yfnfmmmu>) (without offering a definition). The complexity underlying the notion has brought the media regulator Ofcom to commit to the following principle: “News, in whatever form, is reported with due accuracy and presented with due impartiality”

(<https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>).

The use of the deontic adjective ‘due’ suggests a non-normative view of impartiality that calls for re-calibration according to contexts. To put it as in the BBC’s editorial guidelines, “the term ‘due’ means that the impartiality must be adequate and appropriate to the output, taking account of the subject and nature of the content, the likely audience expectation and any signposting that may influence that expectation”¹. In further explaining the notion, the guidelines make it clear that impartiality does not always entail neutrality and goes beyond considering opposing strands of arguments. In other words, in the UK media sphere, there seems to be a focus on impartiality as a process rather than the product from a set type of best practices. Interestingly, the *International Fact-checking Network* does not mention impartiality among its codes of principles, while concentrating on fairness and non-partisanship.

The lack of a common paradigm makes it difficult to shape guidelines for best practices across types of journalism (e.g. investigative, reports) and factchecking (eternal vs. internal). In argumentative terms, impartiality does not constitute a *endoxon* (Rigotti & Greco, 2009) when applied to the information ecosystem.

To understand how the issue of impartiality is differently perceived by practitioners, we have carried out a focus group with 4 journalists and fact-checkers stemming from organizations diverse in scope, dimensions, and country of activity (see section 3). The questions asked and discussed in the focus group have been designed according to the results of a previous quantitative analysis mapping the scholarly discussions around the notion (see section 2). The argumentative patterns emerging from the focus group discussion pave the way for a clearer understanding of the challenges imposed by the operationalization of the notion.

2. CONTEXT: IMPARTIALITY & JOURNALISM

To achieve a comprehensive overview of how the notion of impartiality has been treated in the scholarly literature, we retrieved all the articles containing the keywords “impartiality + “news”/“journal*”/ “media” through the Scopus API obtaining a corpus of 532 articles (Masotina et al., 2023). To guarantee accuracy in the retrieval, we have zoomed into the most cited 50 scholarly articles across domains and onto articles classified on Scopus under the Comms and Media label. After having checked their topical relevance, we have identified bigrams containing ‘impartiality’, namely the most frequent co- occurring terms:

COMM&Media	Top 50
impartiality objectivity	impartiality objectivity
balance impartiality	impartiality fairness
due impartiality	balance impartiality
objectivity impartiality	objectivity impartiality
accuracy impartiality	value impartiality
impartiality fairness	notion impartiality

¹ <https://www.bbc.com/editorialguidelines/guidelines/impartiality/>

independence impartiality	impartiality bbc
impartiality applied	impartiality balance
impartiality empathy	accuracy impartiality
impartiality balance	commitment impartiality

Table 1: Top 10 bigrams containing ‘impartiality’

As visualized in Table 1, ‘objectivity’, ‘balance’, ‘fairness’ and ‘accuracy’ are notions closely talked about with ‘impartiality’ in both sub-corpora, while ‘independence’ and ‘due impartiality’ seem to be relevant for scholarly articles belonging to the Comms and Media domain. The paradigm of “impartiality-as-balance” has been widely criticized since ii) reducing the number of views represented to guarantee equal space to opposing voices (Wahl-Jorgensen, Berry & Cable, 2016) and ii) allowing reporting of non-factual views which can make popular discourse diverge from scientific discourse for issues of public interest (Biykoff & Boykoff, 2004). To address the risk of committing what is called by the argumentation community fallacy of *Bothsiderism* (Aikin & Casey, 2022), the BBC editorial guidelines, which are discussed in the focus group, have migrated from the “seesaw” model, voicing two contrasting viewpoints, to the “wagon wheel” format, presenting multiple viewpoints (BBC, 2007).

Similarly, ‘fairness’ and ‘accuracy’ are discussed in the literature as principles distinct from ‘impartiality’: Boudana (2016), for example, advocates for ‘fairness’ rather than ‘impartiality’ as a regulatory principle, proposing a model based on criteria of consistency and justification of position-taking; Riordan (2014) problematizes the challenges imposed by the Networked Society on the retrieval of accurate information to craft news. To investigate the presence of a shared definition of impartiality, we have read all the articles from the Comms and Media corpus with at least 50 citations. While three of them contain a (more or less) explicit definition, the notions used to conceptualize impartiality make use of a bundle of neighbour concepts: Hermida (2009, p. 276), examining journalism blogging, points out “that bloggers have to tread a careful line – they can be engaging and judgmental, but must not take sides”; Lasorsa, Lewins & Holyon (2012), equate impartiality in journalistic microblogging, to the expression of objective facts rather than personal opinions; Urban & Schweiger (2014) add to the lack of own evaluations of events, equal coverage of all voices speaking about a matter.

To summarize, the review of the scholarly literature suggests that a view of ‘impartiality’ as balance is highly controversial and non-overlapping with ‘accuracy’ and ‘fairness’, while it has been conceived as a measure of ‘non-partisanship’/ ‘independence’ and ‘objectivity’. Furthermore, new forms of journalism such as microblogging and domains of news coverage (e.g. politics, climate change) play a role in making certain aspects of impartiality more relevant.

3. DATA AND METHODS

The analysis of major codes of principles of news media agencies and of scholarly articles has provided a social constructionist view (Schiappa, 2003) of the meaning of ‘impartiality’, through the description of how the word has been used to refer to notions

and issues by a handle of stakeholders. However, the lack of a shared definition, calls for a shift of the analysis from the “meaning in context”, which refers to the ‘mere’ (formal) surroundings of a word or an utterance, to the “contextual meaning” which “captures a range of meaning effects that share, as a common denominator, the fact that they are determined in context” (Depraetere, 2019).

To investigate how ‘impartiality’ is conceived in the actual context of newsmaking and factchecking, we have organized a focus group with 4 journalists and fact-checkers, mixed as to age, country and type of institution (independent fact-checkers, charity, national news media organizations). The focus group has taken place on Zoom for 1hr30. The participants have been asked the following 10 questions by a moderator:

- 1) How is the notion of impartiality included among the codes of principles of your organizations?
- 2) How is impartiality defined by your organization?
- 3) How is the notion of ‘due impartiality’ distinguished from ‘impartiality’?
- 4) How do the concepts of ‘impartiality’, ‘partisanship’, ‘objectivity’ and ‘independence’ overlap?
- 5) Do you discuss impartiality in your day-to-day work?
- 6) The BBC has advocated for a “FROM SEESAW TO WAGON WHEEL” change to safeguard impartiality in the 21st century. What do you understand by these metaphors of the “see-saw” and the “wagon wheel”?
- 7) How much does your organisation care about being seen as impartial by the audience?
- 8) Given the news “50% of parents say climate change affects their decision to have more kids”, what aspects would you focus on to evaluate the impartiality of the news?
- 9) Given the news “Asylum-seekers flown to California say they were ‘deceived’ by people promising them jobs and housing”, what aspects would you focus on to evaluate the impartiality of the news?
- 10) Is there anything that you didn't have the chance to say, but that you would like to add to this conversation?

The participants have expressed consent for the focus group being recorded and transcribed to allow content and argumentative analysis. Questions 1), 2), 5) and 7) were asked to gauge (dis)similarities across different types of news media agencies; questions 3) and 6) were meant to understand participants’ views on the BBC’s take on impartiality; question 4) aimed at getting practitioners’ opinions on what emerged from the scholarly literature review; questions 8) and 9) were designed to surface how participants would operationalize the notion of ‘impartiality’ in practice; finally, question 10) gave them room to express thoughts felt as urgent by practitioners.

The transcriptions have been undertaken two main forms of discourse analysis depending on the type of questions asked: answers to *information-questions* (1, 2, 5, 6, 7) aimed at eliciting information around institutional behaviours, were analysed through content analysis, while answers to *information-question* 4), aimed at eliciting conceptual reasoning, together with *action-questions* (8, 9), aimed at simulating decision-making processes and the open-ended question (10) were analysed adopting argumentative discourse analysis. More specifically, the argumentation structure has been reconstructed

according to the annotation scheme for argumentative relations introduced by Peldzus & Stede (2105): support relations (arrow-head links) can be simple, when an argument provides support to another argument or a standpoint, or by example (rectangular shape); attack relations (circle/square-head link) are of the undercutting (challenging the acceptability of an inference between two propositions) or rebuttal type (challenging the acceptability of a proposition).

4. RESULTS

In the following analysis speakers will be referred to as: S1, journalist from national news media agency (BBC), S2, journalist from charity, S3, independent fact-checker, S4 journalist working as director of journalism school.

4.1 Impartiality: organizational view

In answer to question 1, all speakers agreed that the issue of impartiality is topical in the respective organizations, for different reasons. S1 explained that it is one of the main editorial values at the BBC, while S4 remarked it is at the very core of the school of journalism she is managing. S2 pointed, instead, to the controversiality of impartiality in the charity sector: “And it's quite a big debate raging in the charity sector right now. Because according to the rules in the UK as a charity, you can campaign on issues that affect your clients [...] But there have been several kinds of attacks on charities [...]”.

From the fact-checking perspective, S3 underlined the difficulty in keeping an impartial eye on the selection of news to be checked, especially when in the context of wars which affect the country you are living in. However, S1 and S4 were the only ones specifying the presence of impartiality among the institutional (BBC) codes of principles.

The reasons underlying such reticence became clearer when participants were answering question 2: S2 explained that impartiality does not apply to the domain of charities since “no charity is impartial about its cause”, while a relevant term would rather be “political neutrality”. S3 made it clear that in his fact-checking organization, an impartial analysis stands for a fact-based analysis where hypothesis and verification processes are objectively grounded. S4 stated that as a media agency and educational environment, they define impartiality as “the principle of presenting information, conducting research, and making decisions without biases towards any particular group or individually or in political affiliation”. Not surprisingly, S1 answered pointing to the notion of ‘due impartiality’ which accounts for an information ecosystem where it is difficult to get a complete picture. His answer offered a smooth transition to question 3, focusing on participants’ understanding of the difference between ‘impartiality’ and ‘due impartiality’. In this regard, S3 explained that he views ‘due impartiality’ as an individual matter for factcheckers who might be confronted with the risk of what he called “false equivalence”, equally promoting two sides for the sake of impartiality, even though the opinions of one of the two are largely more informative and fact-based. S2 pointed to the type and the quality of available sources as well, explaining that, for example, additional weight is given to what is said by the government in reporting about immigration, even when the information is inaccurate.

Even though (im)partiality emerged as being an underlying principle guiding decision-making choices (Q5), its overt discussion seems to be confined to different contexts depending on the organization at stake: S4 clarified that guidelines for impartiality are part of the media literacy program that it is taught in the journalism school, while S3 explained that the issue is overtly discussed when working in consortia including members that have received funding from a political power. S2 stated that at the BBC monitoring platform, which has the mission of giving voices to media sources (potentially partial) around the world, impartiality is mainly discussed about translation accuracy (“You know, when the dam blew up recently, in Ukraine, we have quite a long conversation of what is the right word for that, bearing in mind what we know right now. And the end, we settled on breached, the dam was breached, as the right English word, the right translation, if you like, of how we were going to describe it”).

Flipping the coin to the audiences’ perceptions, answers to question 7) have revealed that *being perceived as impartial* constitutes an essential means to achieve the ultimate goal of each of the organizations: S4 has explained that it is a *conditio sine qua non* for the journalism school to be compliant with the principles of an official news media agency; S3 has remarked that “if you are not seen as impartial, then you can be dismissed as disinformation as a network of disinformation, which is a chicken egg problem”. S1 has pointed to the tight connection with trust, which is at the core of the BBC (“if we are perceived as not being impartial, then you know, the whole thing starts to fall apart really”). Finally, S2 has explained that the audiences that need to see them as impartial, or at least credible are, on one side, immigrants and refugees whose voices have to be disclosed, and on the other the journalists they are facilitating talking to these people (“And our approach is that we will, we will support anyone, no matter what the political party if they are advocating for, for a kind of a better understanding of what's going on when it affects refugees. But yeah, on a, on a credibility level. I think we were very aware that we were journalists have to trust us to a certain extent when we're putting someone forward as well”).

4.2 Impartiality: conceptual view

Question 4) sparked up two lines of discussions, one focusing on ‘objectivity’ and the other one focusing on ‘partisanship’ and ‘independence’. As to the first one, the main standpoint is that ‘objectivity’ is not useful to define ‘impartiality’. The main reasoning at stake is that ‘objectivity’ and ‘impartiality’ are concepts which imply different definitional traits: while ‘objectivity’ can be measured against factuality, ‘impartiality’ is a dynamic, non-measurable notion. The articulation of the arguments in support of the standpoint is visualized in Fig. 1:

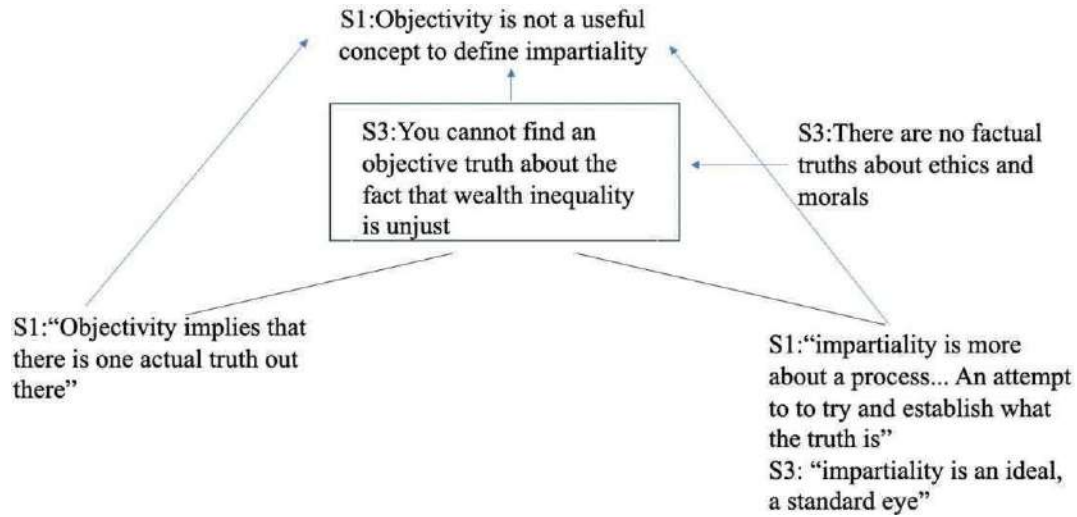


Figure 1: Argumentative structure discussion about ‘objectivity’ vs. ‘impartiality’

Turning to ‘non-partisanship’/‘independence’, S2, who considers impartiality as separate from independence and non-partisanship by default (see section 4.1), has cast a distinction between journalistic independence and non-partisanship, leading to an analogy between ‘impartiality’ and ‘independence’ as blurred terms that need to be publicly tackled within political spheres:

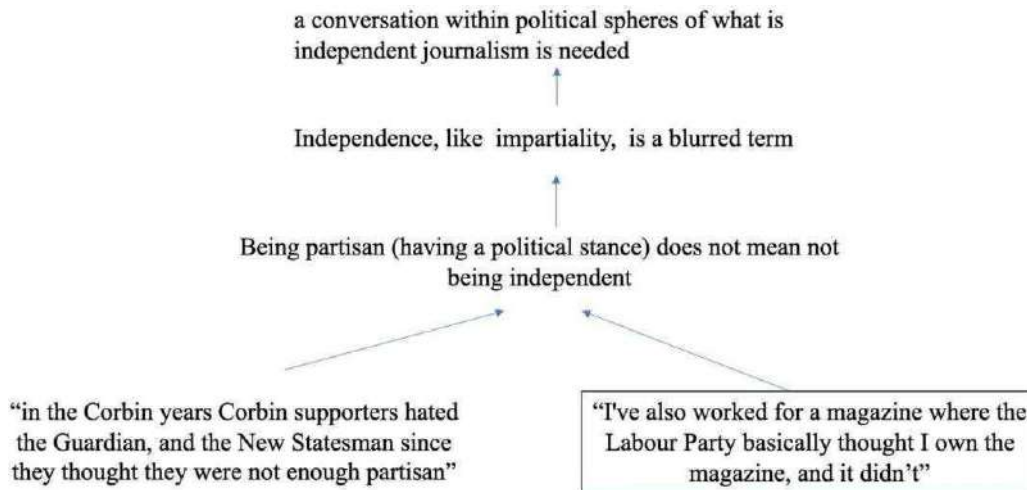


Figure 2: Argumentative structure about ‘partisanship’ vs. ‘independence’ vs. ‘impartiality’

The complexity highlighted by S2 about partisanship was acknowledged by the other speaker and provided hints for further reflection. In answering question 7), about the BBC metaphor of the seesaw and the wagon wheel, S1 equated this change in perception from a binary format to a multiplicity of voices as a “nice sugary treat” that feels at once utopian

and outdated: the current digital society is causing a proliferation of points of view that need to be weighted since frequently not accurate nor factual. Furthermore, while broadcasting allows for discussions involving multiple points of view simultaneously, the same format does not apply to written news.

4.3 Impartiality 'in action'

Questions 8) and 9) have been constructed from a bottom-up perspective: we assumed that putting the participant in the shoes of fact-checkers or readers who had to evaluate the impartiality of a couple of headlines, would have offered a view complementary to top-down questions around the definition of the notion, revealing empirical procedures. In both cases, multiple arguments pointing to accuracy and balance of viewpoints were deemed as relevant to support an evaluation.

To mirror the flow of the discussion, each participant has been mentioned in Figures 3 and 4 in front of the argument that they explicitly mentioned and/or presented as new information in the discussion. However, the exercise has been an effort of collective intelligence: each participant could hear the rationales of the others and freely express dissent. Since participants agreed on the arguments expressed by the others (agreement expressed by repetitions or markers such as “yes, and”; “As x said...”) the arguments have been represented as linked, constituted a plethora of conditions to be checked to evaluate the impartiality of the news headlines. The ways deemed relevant to check on ‘accuracy’ and ‘balance’ changed according to the scenario.

As to 8), S2 and S4 pointed to the trustworthiness of the source of the poll due to the variety of sound methodologies for generalizations of such kind. Picking up on it, S1 clarified that features such as sample size, demographic aspects, and geographical compositions, highly affect the validity of the results potentially leading to hasty generalizations. S3 pointed to the vagueness of the phrase “climate change”, which is referred to as a static general phenomenon, but it is differently perceived by people who have been, for example, directly affected by some of its consequences in terms of natural disasters as well as policies:

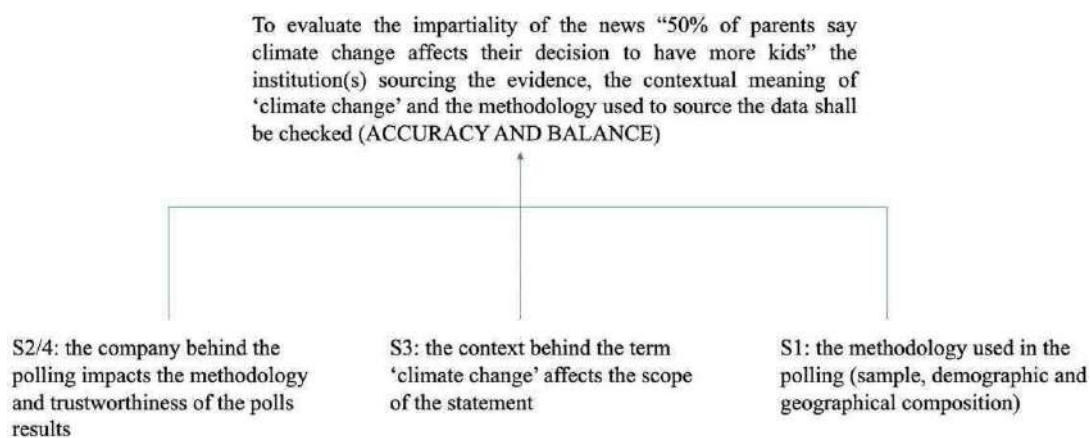


Figure 3: Argumentative reconstruction of impartiality evaluation about climate change news

As far as 9) is concerned, the lack of accuracy in terminology has been called out by S1 concerning the phrase “asylum seekers” that could have been used to designate individuals without such an official status having been already granted. On the other side, S2 has flagged the lack of information around the number and demographic features of the asylum seekers interviewed which could have led to an unbalanced view where a single individual or a specific national group has been voiced, while not representing a generalizable condition (e.g. “you know, you get one or two Saudi asylum seekers, and they're normally very wealthy and like, basically just living in private, rented while they're waiting on their claim, but the vast majority in the UK are living in a very different situation. So again, it's just like knowing who they are”). Finally, S3 has focused on the need to check who are the people accused of having failed the promises, to check whether expectations were legitimate in the first place.

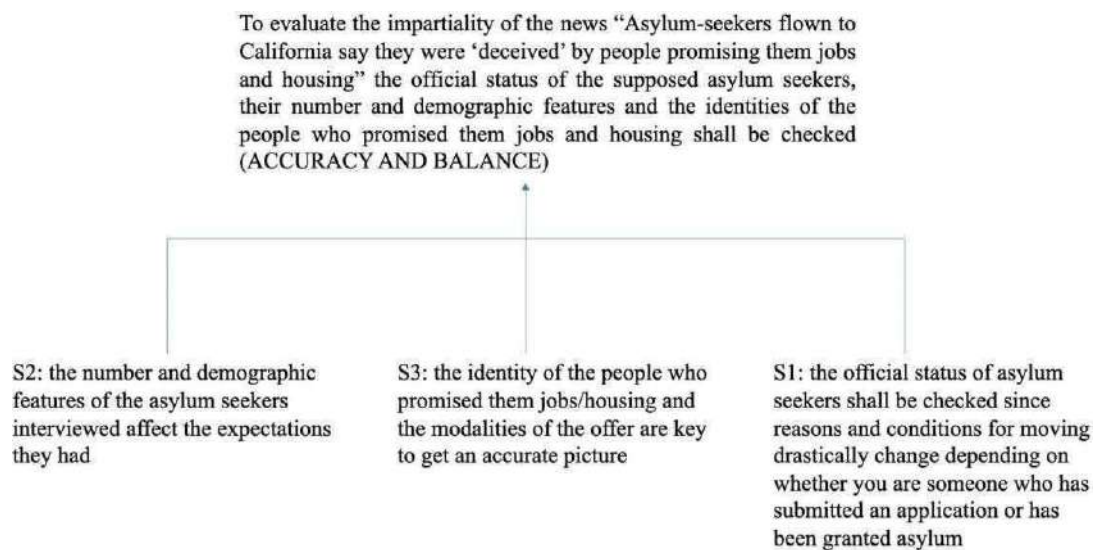


Figure 4: Argumentative reconstruction of impartiality evaluation about asylum seekers' news

4.3 Answers to the open-ended question

To conclude the focus group, we have allowed participants to express thoughts that they considered relevant to the issue, and that they had not been previously questioned about. Interestingly, the discussion unanimously converged on the issue of the challenges brought about by news digitization and Artificial Intelligence which characterise the Networked Society in the current information ecosystem. The underlined challenges can be reconstructed as an instance of multiple argumentation, since each of them undermines impartiality in newsmaking and factchecking:

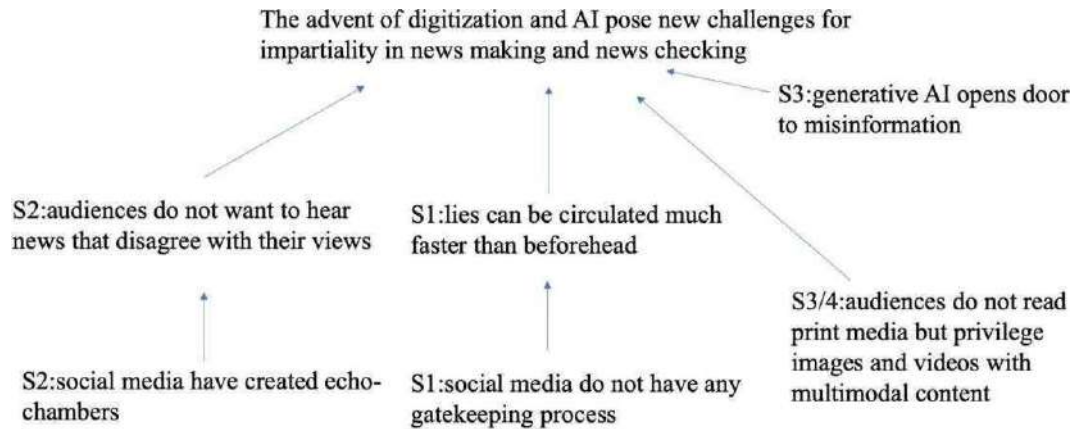


Fig. 5: Argumentative reconstruction of the discussion about the open-ended question

More specifically, the arguments advanced by participants revolve around changes in audience behaviour, dynamics of news and fake news circulation and misinformation tactics. S2 has highlighted the phenomenon of echo chambers which fuels confirmation bias making audiences resistant to accessing and processing information expressing points of view different from those expressed by their circles. S1 has voiced concerns about the proliferation of fake news, especially in an environment where social media, which lack a gatekeeping process, are utilized as primary sources for news. The preference for images and videos over text as a medium of information further complicates a scenario where the role played by new advances in generative AI made it simpler to craft fake news and sift them from fakery.

5. CONCLUSION

In the current Networked Society the impartiality of news and of fact-checkers is a controversial issue: their trustworthiness is more and more attacked pointing to their lack of impartiality, with arguments ranging from partisanship to poor accuracy and objectivity. Counterarguments could either rebut the lack of impartiality statement or undercut the inference that impartiality is a core ingredient for trustworthy journalism.

However, what 'impartiality' means for news production does not constitute shared endoxical knowledge: the review of 4 major codes of principles for news media agencies and factcheckers, has revealed that impartiality is either not mentioned or called upon without a definition, except for the BBC that has, however, resorted to the vague notion of 'due impartiality'. To investigate whether a clearer picture is offered by the academic literature, we have carried out a large-scale corpus analysis of scholarly articles containing the keywords "impartiality + 'news'/'journal*'/ 'media'", patterned with qualitative content analysis. The results shed light on the "meaning in context" of 'impartiality', revealing a cluster of neighbour terms which are talked about when the issue of impartiality is at stake ('objectivity', 'accuracy', 'fairness', 'balance', 'independence', 'partisanship'). From the analysis of the discursive construction of the notion, it is apparent that a common

definition of ‘impartiality’ is missing, while the type of newsmaking/factchecking (e.g. microblogging vs. political editorials) discussed imposes degrees of relevance upon neighbour concepts.

To get a first-hand understanding of the “contextual meaning” of ‘impartiality’, we have carried out an online focus group, informed by the corpus analysis results, with 4 practitioners stemming from different organizations (BBC, charity, school of journalism, independent factcheckers). We asked them a suite of 10 top-down and bottom-up questions addressing the attitude (stance and behaviours) of their organizations towards impartiality, their take on impartiality concerning neighbour terms, and their ways of evaluating the impartiality of two exemplary headlines. The argumentative analysis of the focus group transcripts has revealed key shared views at the organizational, conceptual and empirical levels:

- o Organizational level: ‘being impartial’ and ‘being perceived as impartial’ bear different values depending on the organization --- while public service national broadcasters and fact-checkers position impartiality at the very core of their mandate and as a pillar of readers’ trustworthiness, charities are by default not impartial since their mission is that of voicing otherwise un-heard minorities who needs to feel their view prioritized to speak up.
- o Conceptual level: participants agreed that impartiality cannot be equated or reduced to matters of objectivity, independence, or partisanship --- these factors might contribute to impartiality depending on the context of the application. ‘Impartiality’ is viewed by practitioners as a “standard eye”, a continuous approximation towards an ideal. What can be evaluated as more or less impartial is thus not the news or the factcheck itself (product) but the process that has led to it.
- o Empirical level: to evaluate the impartiality of news headlines, the defeasibility of the arguments underpinning their validity shall be checked, with a focus on information sources, the meaning of otherwise vague phrases and the presence of hasty generalizations.

Finally, from the discussion of an additional issue that participants considered worth mentioning, it emerged what we call the impartiality “odd paradox”: the meaning of impartiality in the newsmaking and factchecking process continuously evolves hand in hand with the evolution of the digital and of Artificial Intelligence which affects the (mis)information ecosystem.

To summarize, our argumentative approach to investigating “impartiality” in news-making and factchecking has revealed that two facets of the issue need to be considered. From a product (news, factcheck) point of view, impartiality entails voicing all available views without taking sides. Under this perspective, impartiality does not constitute a value for every news organization, but it depends on institutional commitments. From a process perspective, *impartiality* means sourcing evidence and formulating arguments in a non-fallacious manner, providing the audience with a means to critical think about the news. This take on ‘impartiality’ as ‘lack of bias’ is considered a value regardless of the institutional goal. Argumentation theory can help achieve the latter endeavour, advancing transparency in a continuously evolving (mis)information ecosystem.

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Non-Western Legal Argumentation Study

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ABSTRACT: This paper will explore the non-Western conceptions of legal argumentation from different law traditions compared with western traditions. We intend to take a broad view of the theoretical achievements in the study of non-Western legal argumentation in recent years, select essential and representative studies highlighting the accumulation of theoretical development of legal argumentation in non-Western scholarship in the recent period, and conclude with a summary and conclusion of the characteristics presented by these studies.

KEYWORDS: law traditions, legal argumentation, non-western, western

1. INTRODUCTION

The origin of legal argumentation can be traced back to the Sophists of ancient Greece, but as a theoretical branch of legal methodology research, it was formed in the European and American academic circles in the second half of the 20th century. Since its emergence, the theory of legal argumentation has gained much momentum and has become an important interdisciplinary field. Traditionally, legal argumentation has been mainly studied and analyzed in the context of Western legal traditions (Sartor 2005; Bongiovanni et al. 2018), such as the common law and civil law systems. However, in recent years, there has been a growing recognition of the need to explore and understand legal argumentation outside the scope of Western legal frameworks.

This paper will explore the concept of legal argumentation in different legal cultures and traditions compared to Western countries. It should be mentioned that when we talk about legal argumentation in this paper, it actually covers legal logic, legal reasoning, legal argument, legal thinking, and other related topics, and while there are some differences in the contents discussed in these topics, much of it is cross-cutting. It would be quite difficult to address every non-western country or region's legal argumentation study in one paper. Therefore, we intend to take a macro view of the theoretical achievements in the study of non-Western legal argumentation in recent years, select essential and representative studies highlighting the accumulation of theoretical development of legal argumentation in non-Western scholarship in the recent period, and conclude with a summary and conclusion of the characteristics presented by these studies.

The concept of the "West" initially arose from geography, but it evolved into an international political term with specific connotations as a result of colonialism and capitalism led by European and American nations. Historian William McNeill notes that "the West" primarily referred to the European region influenced by Britain and France during modern times due to their dominance in Europe. "Non-western," according to scholars like American legal scholar Harold J. Berman, denotes the historically developing culture of Western European peoples. This culture shared a common allegiance to the Roman Catholic papal hierarchy from the late eleventh to the early sixteenth century and experienced a series of national revolutions from the sixteenth to the twentieth century, which had repercussions throughout Europe. It also encompasses non-European societies that became part of Western culture through colonization or through religious, political, and cultural affinities.

Today, the Western world encompasses Western Europe, North America, and regions significantly shaped by Western political, economic, and cultural systems. These influences, driven by colonialism, imperialism, globalization, and the dissemination of Western ideologies and institutions, extend to fields like legal argumentation. In contrast, "non- Western" serves as a broad category to distinguish legal systems, traditions, or practices originating outside continental and North American realms. It embraces diverse cultural, religious, and philosophical perspectives, offering a framework to explore independent legal traditions. In this paper, our focus is confined to East Asia, the Middle East, and Africa.¹

2. LEGAL ARGUMENTATION STUDY IN EAST ASIA

East Asia boasts a diverse range of legal traditions influenced by various factors, including historical, cultural, and political contexts. These legal systems draw from both indigenous legal traditions and external influences, such as continental civil law systems, common law principles, and Confucianism. Consequently, the study of legal argumentation in East Asia involves a comprehensive understanding of statutory laws, case law, legal precedents, and the cultural values that shape legal decision-making processes.

2.1 China's legal argumentation study

In China, the term "legal argumentation" is a Western import and, as a branch of legal theory, has a relatively short history, emerging only at the beginning of the 21st century. Notably, there exist two pivotal milestones that significantly contributed to the establishment and development of this field. The first occurred in 2002 when Shu Guoying introduced the translated work "A Theory of Legal Argumentation" authored by Robert Alexy (2002; originally published in 1991). This seminal work, stemming from Alexy's doctoral thesis initially published in 1978, is widely regarded as a foundational text within the theory of legal argumentation. Its introduction into the Chinese academia marked a significant juncture in the transfer of European legal argumentation theory to China. Not

¹ It is worth noting that some scholars also include Latin America in the non-Western category, but some legal argumentation theorists from Latin America believe that Latin America should belong to the Western category. For the sake of brevity, we have set aside the discussion of Latin America.

only did this text serve as a catalyst for the advancement of legal argumentation theory within China, but it also attained the status of an essential introductory resource for contemporary Chinese scholars exploring this domain. The second crucial moment occurred in 2005, when Nian Chun and Zheng Yongliu undertook the translation of Ulfrid Neumann's article titled "An Outline of Legal Argumentation" (Neumann 2005; Neumann 2004).

While introducing Western legal reasoning theories, Chinese legal scholars also explored methods for constructing a theoretical system for legal reasoning. Zhang Baosheng is one of the leading scholars in the Chinese legal reasoning field, and his "Theory and Method of Legal Reasoning" (2000) is the first Chinese monograph on legal reasoning. He defined legal reasoning as the thinking process of specific subjects in legal practice, logically inferring and arguing new legal reasons from known legal and factual materials (Zhang 2000, p. 84). This type of thinking activity exists not only in judicial activities but also in legislation, law enforcement, and various legal practices and cognitive activities (p. 9). This definition clearly goes beyond the scope of reasoning defined in logic. In his view, studying legal reasoning has two aspects: the level of legal logic, which primarily investigates the external forms of legal reasoning activities, such as axioms, formulas, and symbolic systems; and the level of applying law, which studies the technical operational issues of legal reasoning (p. 7). Therefore, his legal reasoning methods are quite broad, including logical, scientific, philosophical, and empirical methods. Logical methods include traditional logical methods (deductive reasoning and inductive reasoning) and modern logical methods (fuzzy reasoning and probabilistic reasoning); scientific methods include natural scientific methods (natural scientific reasoning) and social scientific methods (economic analysis reasoning and social psychological reasoning); philosophical methods include dialectical logical methods (dialectical reasoning) and causation methods (causal reasoning); empirical methods (practical rationality methods) include common-sense reasoning, intuitive reasoning, analogical reasoning, and explanatory reasoning (p. 244). However, Zhang stated that his "Theory and Method of Legal Reasoning" is not a legal logic work but a philosophical work on legal reasoning (p. 10), thus clearly distinguishing legal logic from legal reasoning.

Of particular note is that, in contrast to formal reasoning, most Chinese legal argumentation theorists emphasize the primacy of practical reasoning. Although legal argumentation theorists worldwide generally hold similar views to Chinese legal argumentation theorists, the latter are closely related to the emphasis on the primacy of substantive justice over procedural justice. Practical reason refers to the experiential wisdom exhibited by judges and lawyers in the practical activities of specific cases and in courtroom debates. This type of wisdom differs from practical emotions and life emotions and is not achieved through formal logic (Zhang 2000, p. 49). Moreover, in introducing Western legal argumentation theories, scholars like Shu Guoying (Alexy 2002), Zhang Qingbo (Neumann 2014), and Jiao Baoqian (2005) have made contributions. Among them, Jiao (2006; 2010) published two monographs on legal argumentation, and his basic theoretical perspective is that legal argumentation is a kind of legal method for dealing with legal evidence. In his view, internal justification only needs to deduce the conclusion through deductive reasoning and does not require the method of legal argumentation. External justification is an argument against the major premise and therefore, requires legal argumentation as a legal method to prove it.

Legal substantive reasoning has become a major focus for Chinese legal argumentation theorists. Scholars holding this view usually divide legal reasoning into two types: formal reasoning and substantive reasoning (Zhang 2000, p. 244; Liang & Ke 2001). An extreme view argues that legal application is, in fact, a reasoning process for making judgments on cases based on legal norms, but in most cases, it is difficult to derive a conclusion that is taken for granted solely through formal logical reasoning. A more in-depth examination of normative content, legislative intent, and other complex social factors is often required. Therefore, legal reasoning is essentially a form of substantive reasoning, termed "legal substantive reasoning," where irrational factors may also play a role (Huang 2000). However, including irrational factors in legal reasoning is doubtful, and it may be more appropriate to use the terms practical reasoning or substantive reasoning; otherwise, legal reasoning lacks a rational foundation. A more moderate view holds that legal reasoning is a unified form of thinking and practical activity, and therefore, logic and experience are equally important (Zhang 2000, p. 240). Of course, Zhang Baosheng's view of logic is also a broad view of logic because he distinguishes logical methods into traditional logical methods (deductive reasoning and inductive reasoning) and modern logical methods (fuzzy reasoning and probabilistic reasoning) (Zhang 2000, p. 244). On this basis, Liang Qingyin and Ke Huaqing proposed a legal reasoning model that emphasizes formal reasoning and supplements it with substantive reasoning (Liang & Ke 2001).

In addition, the litigation argumentation game based on the three parties of the complainant (plaintiff/prosecution), the respondent (defendant/accused), and the trier may be a special contribution of Chinese legal argumentation theorists. Litigation is a game of rights and obligations between the complainant and the respondent, and this assertion is generally not challenged. Litigation is a legal argumentation game conducted by the complainant and the respondent to maximize their legitimate interests, and this should not be questioned either. In fact, many artificial intelligence and law experts modeling automatic legal reasoning are based on this idea (Prakken 2015; Lodder 2016; Gordon 2018). Under the Anglo-American legal system, judges are only judges and not argumentation players because they do not have the right to search for evidence in the category of evidence provided by the complainant and the respondent to support their judgment. The continental legal system, especially the Chinese legal system, is different; judges have the right to search for evidence they consider necessary to justify their decisions. Therefore, under the continental legal system, especially the Chinese legal system, judges are also players in the litigation argumentation game (Xiong 2010).

2.2 Japan's legal argumentation study

Japan is known for its rich cultural heritage and unique legal tradition, with a legal system that has evolved over the centuries. Throughout its history, Japan has undergone significant legal reforms, including the incorporation of Confucian principles, the influence of the Western legal system during the Meiji period, and the legal reforms that followed World War II. Therefore, Japan's legal argumentation is influenced by a combination of indigenous legal traditions, historical legacies, and contemporary legal reforms. Japan's legal argumentation is shaped by a complex interplay of historical, cultural, linguistic, and institutional factors.

In recent years, the intersection of legal argumentation and artificial intelligence (AI) has become a rapidly evolving field that presents a compelling confluence of traditional legal practices and cutting-edge technological advancements. Actually, the study of automated legal reasoning in Japan started in the 1980s. Kagayama (1989) introduces "legal expert system" research by using Japanese tort law as an example. According to Nitta and Sayoh (2020), in addition to the legal-expert system, as information and communication technologies and AI technologies have progressed, AI and law have broadened their view from legal-expert systems to legal analytics and, recently, a lot of machine-learning and text-processing techniques have been employed to analyze legal information. In this paper, they introduce the history of and the research activities on applying AI to the legal domain in Japan in their report. Among those researches, Hajime Yoshino's Logical Jurisprudence is an important concept in legal informatics. He developed Logical Jurisprudence as a new logical theory of law in which the viewpoints and methods of mathematical logic and logic programming are applied intensively and thoroughly to law, at abstract as well as concrete levels. This logical theory of law has been applied to construct an artificial intelligence of law and through this application activities, the theory itself has developed.

In the book *Fundamentals of Legal Argumentation*, the sub-section about legal argumentation in Japan also introduced the development of AI and Law reasoning models. Haraguchi, an artificial intelligence scholar at Tokyo Institute of Technology, introduced a system of order-sorted logic for analogical legal reasoning in Haraguchi (1996). Collaborating with Kakuta, an AI scholar at Hokkaido University, Sapporo, Haraguchi (1998) further advances a reasoning system based on Goal-Dependent Abstraction (GDA) to identify similarities based on specific objectives. Kakuta and colleagues (1997) also explore goal-dependent abstraction in the context of legal reasoning by analogy. Lately, Yamada et al. (2017) present a novel annotation scheme for annotating the argumentative structure of Japanese judgement documents, along with an annotated corpus. Hirata and Nitta (2022) introduce methods of analyzing legal documents such as negotiation records and legal precedents using computational argument theory in their book. These analytical methods demonstrate the application of logic-based AI methods in the legal field, and they contribute to the education and training of law students in logical ways of making arguments. Nguyen et al. (2023) examine challenges and opportunities in leveraging deep learning techniques for improving legal reasoning using PROLEG, identifying four distinct options ranging from enhancing fact extraction using deep learning to end-to-end solutions for reasoning with textual legal descriptions.

The study of AI and legal argumentation in Japan represents a fascinating exploration of the synergy between technology and jurisprudence. By delving into this burgeoning field, scholars, practitioners, and researchers gain insights into how Japan's legal professionals navigate the evolving landscape of AI-infused legal argumentation, ultimately contributing to the advancement of both legal scholarship and the practice of law in the digital age.

3. LEGAL ARGUMENTATION STUDY IN THE MIDDLE EAST

The Middle East's legal argumentation is deeply rooted in the region's historical and cultural heritage. With a history that encompasses empires, caliphates, and colonial powers, the legal landscape has been shaped by a blend of indigenous legal traditions and foreign legal influences. This intricate evolution has resulted in legal systems that incorporate Islamic law, customary practices, civil law principles, and modern legal reforms.

3.1 Islamic legal argumentation study

Islamic legal argumentation study delves into the principles, methods, and techniques used in the interpretation and application of Islamic law, also known as Shari'ah. Shari'ah is the primary source of law in the Islamic legal system, and legal argumentation often revolves around its application in specific contexts and situations. Islamic legal argumentation encompasses a comprehensive system of legal reasoning that draws upon various sources of Islamic law, including the Quran, Hadith (sayings and actions of the Prophet Muhammad), consensus (ijma'), and analogical reasoning (qiyās). These sources, along with the principles of Islamic jurisprudence (usul al-fiqh), shape the methodology and approaches employed in legal argumentation within the Islamic legal tradition. Scholars and jurists engage in extensive analysis and interpretation of these sources to derive legal principles and rules, and to address contemporary legal issues within the framework of Islamic law.

Anver M. Emon studies pre-modern and modern Islamic legal history, the role of Shari'a both inside and outside the Muslim majority world, and the historiography of that field of knowledge production. His research often involves the study of legal reasoning, ethics, and the historical development of Islamic legal thought. He has explored how Islamic jurists engaged with legal sources to formulate legal rulings.

Especially, the volume *Islamic and Jewish Legal Reasoning: Encountering Our Legal Other*, edited by Emon, provides valuable insight for us to take a closer look at Islamic and Jewish legal reasoning. In this volume, scholars examine such issues as judicial authority, the legal policing of female sexuality, and the status of those who stand outside one's own tradition. The book examines the legal reasoning methods employed in these two traditions, highlighting how both Islamic and Jewish scholars engage with legal texts, precedent, and moral principles to derive legal rulings. It explores the historical development of these legal systems and the challenges and opportunities that arise when they encounter one another in various contexts. One of the central themes of the book is the notion of "encountering the legal other." It explores how Islamic and Jewish legal scholars have historically engaged with the legal traditions of the other community, either through dialogue, comparison, or the incorporation of ideas and practices from the other tradition.

Another essential work that can provide us with insight into Islamic legal reasoning back to ancient times is *Malik and Medina: Islamic Legal Reasoning in the Formative Period*. Abd-Allah studies the legal reasoning of Mālik ibn Anas (d. 179 H./795 C.E.) in the *Muwatta'* and *Mudawwana*. He presents a broad comparative study of legal reasoning in the first three centuries of Islam. It reexamines the role of considered opinion (ra'y), dissent, and legal ḥadīths and challenges the paradigm that Muslim jurists ultimately

concluded on a "four-source" (Quran, sunna, consensus, and analogy) theory of law. Instead, Mālik and Medina emphasize that the four Sunnī schools of law (madhāhib) emerged during the formative period as distinctive, consistent, yet largely unspoken legal methodologies and persistently maintained their independence and continuity over the next millennium.

As for the contemporary theory, Rahman et al. (2022) propose a new (dialogical) approach to the study of different forms of correlative reasoning, which in Islamic jurisprudence is known as *qiyās* in the monograph "Parallel Reasoning in Islamic Jurisprudence." They argue that *qiyās* represents a sophisticated form of dialectical reasoning, shedding light not only on epistemological aspects of legal argumentation in a broader sense, including common law and civil law legal reasoning, but also providing a detailed model of parallel reasoning applicable to diverse problem-solving scenarios. This approach goes beyond the conventional analogical reasoning explored in the contemporary philosophy of science and argumentation theory.

The book concludes by briefly discussing modern perspectives on analogies in common law, civil law, and parallel reasoning in general. Rahman and Iqbal conduct an exhaustive logical analysis of Abū Ishāq al-Shīrāzī's two *qiyās*-based argumentation forms, which they aptly refer to as "inference by parallel reasoning." Drawing from Young's assertion that Islamic law rules and argumentation principles evolve through debate, Rahman and Iqbal illustrate the essential steps al-Shīrāzī believes are necessary for the effective application of *qiyās* in a debate setting.

In contrast to the traditional scholarly treatment of *qiyās*, which often assumes that a single jurist's comparison of similar cases goes unchallenged, Rahman and Iqbal reveal that successful *qiyās* deployment frequently hinges on a jurist mounting a comprehensive defense of their underlying assumptions about the two cases. This underscores the need for a more comprehensive exploration of the legal system when employing *qiyās* in jurisprudence.

3.2 Jewish legal argumentation study

Jewish legal argumentation, also known as Talmudic reasoning or halakhic discourse, is a field of study that explores the principles, methods, and intricacies of Jewish legal interpretation and analysis. It encompasses the rich tradition of Jewish scholarship and the diverse approaches employed in understanding and applying Jewish law.

A key aspect of Jewish legal argumentation is the concept of Halakha, which refers to the Jewish legal system and its comprehensive set of laws and regulations. Halakha encompasses a wide range of topics, including ritual observance, morality, civil law, and human relations. The focus of Jewish legal argumentation is the interpretation and application of Halakha, involving the analysis of legal texts, analogical reasoning, and engaging in debate to reach legal decisions.

One distinguishing feature of Jewish legal argumentation study is its reliance on an extensive system of commentaries and legal literature. Scholars engage in a deep examination of the Talmud, a compendium of legal discussions and debates, which forms the core of Jewish legal reasoning. The Talmud contains a multiplicity of perspectives and divergent opinions, allowing for a dynamic and evolving understanding of Jewish law.

Additionally, commentaries on the Talmud serve as important interpretive guides in legal argumentation.

The study of Jewish legal argumentation seeks to unravel the complexities of legal interpretation within Jewish law. It delves into the various methodologies employed by rabbinic scholars, such as textual analysis, logical reasoning, hermeneutics, and legal analogy, to derive legal rulings and principles from the biblical and Talmudic sources. Besides, it also examines the diverse opinions and debates within Jewish legal traditions, exploring the reasoning behind different legal perspectives and the mechanisms used to reconcile conflicting opinions.

Tooman's (2022) book *The Torah Unabridged* is a detailed examination of legal reasoning in the Hebrew Bible, grounded in a detailed philological analysis of the Hebrew texts. He examines the techniques biblical writers used in their appropriation, expansion, and manipulation of legal ideas within earlier biblical texts in order to apply the laws to moresituations, circumstances, and people.

Joseph E. David is the Professor of Law at Sapir Academic College in Israel and a Visiting Professor at the Program in Judaic Studies at Yale University and of Law at Yale Law School. His Areas of Expertise include law and religion, legal history, comparative law, legal philosophy, and jurisprudence. David (2021) focuses on the independency of legal reasoning and its relations to extra-legal modes of reasoning (e.g., logical reasoning, hermeneutical reasoning, etc.) in the Jewish jurisprudential tradition. This investigation's primary focus is the Midrashic paradigm, which permeates Talmudic literature and integrates exegesis, or scriptural reasoning, with judicial reasoning. The second area of emphasis will be the post-Talmudic theoretical debates concerning the reliability of autonomous legal reasoning as a reliable source of legal knowledge.

In his other paper, "Legal Reasoning (Ijtihad) and Judicial Analogy (Qiyās) in Jewish and Islamic Jurisprudential Thought", he examines legal reasoning and judicial analogy in medieval rabbinic thought from three aspects. He concludes that one cannot connect the justification of the use of judicial analogy with the rationalistic positions which sought to strengthen the power of reason. Instead, there is an inverse correlation between the use of reason as a possible source of religious knowledge and the justification of judicial analogy.

Jewish legal argumentation goes beyond the mere extraction of legal rulings. It explores the ethical, social, and philosophical underpinnings of Jewish law, as well as its practical implications for individual and communal life. Scholars in this field analyze legal principles, legal categories, and the historical development of legal concepts, aiming to understand the broader framework of Jewish legal thought.

The study of Jewish legal argumentation is not limited to scholars and jurists but holds relevance for individuals seeking to engage with Jewish law and its applications. It provides a pathway for understanding the moral and legal dimensions of Jewish teachings and offers insights into the complexities of legal decision-making within Jewish communities.

4. LEGAL ARGUMENTATION STUDY IN AFRICA

African societies have their own traditional legal systems, often referred to as customary law. These systems are based on local customs, traditions, and practices, and they can vary widely between different communities and ethnic groups. Customary law often covers issues such as family matters, land rights, and community disputes. Customary law continues to coexist alongside formal legal systems in many African countries.

It's important to recognize that the legal landscape in Africa is dynamic and can vary widely from country to country. Legal systems are influenced by historical, cultural, and social factors, and they continue to evolve as societies change and develop.

Therefore, African legal argumentation stands at the crossroads of diverse legal traditions, cultural norms, and historical narratives. As a continent characterized by a rich tapestry of linguistic, ethnic, and legal diversity, Africa's legal systems reflect the complex interplay between indigenous customs, colonial influences, and evolving contemporary practices. The study of legal argumentation in Africa delves into the techniques, strategies, and underlying principles that legal professionals employ to present their cases, persuade decision-makers, and navigate the intricacies of the continent's multifaceted legal landscape.

Spanning from the northern reaches of the Sahara to the southern tip of the continent, African legal argumentation encapsulates the varied legal philosophies that have shaped societies over centuries. At its core, this field of study is an exploration of how legal professionals construct narratives, weave together cultural contexts, and employ legal reasoning to seek justice, resolve disputes, and assert rights. Whether in bustling urban courtrooms, rural village councils, or informal community gatherings, legal argumentation serves as a vital thread connecting traditional practices with modern legal frameworks.

Some scholars have conducted in-depth research on justice systems and legal reasoning and argumentation in Africa. Obiora and Ndidi's (2001) book *Understanding Africa: Traditional Legal Reasoning, Jurisprudence & Justice in Igboland as a Basis for Culturally Rooted and Sustainable Development*, is an important introduction to the rich cultural heritage in the African continent. This book shows how traditional social, cultural, political and economic values; religious beliefs and practices; and traditional moral and legal reasoning, can be a basis for sustainable development.

The articles by Ouguergouz (2003) and Onazi (2014) collectively shed light on the multifaceted landscape of legal reasoning in Africa, particularly within the context of African legal traditions and their interactions with Western legal paradigms. Ouguergouz's work primarily centers on the African Charter on Human and Peoples' Rights, dissecting its implementation across diverse African jurisdictions. It unveils the intriguing overlap between Western conceptions of human rights and Africa's indigenous legal systems, thereby offering valuable insights into non-Western legal reasoning within the realm of human rights discourse.

Similarly, Onazi's collection of essays (2014) delves into various facets of legal reasoning within Africa, encompassing themes such as indigenous legal systems, customary law, and the interface between traditional African legal practices and modern legal frameworks. A common thread running through these essays is the critical perspective they bring to the fore regarding legal pluralism and legal reasoning within the African context.

Furthermore, both collections make a concerted effort to reverse this trend by introducing readers to key issues, questions, concepts, and dilemmas that form the foundation of African legal theory. They aim to illuminate the potential inherent in African legal theory and subject its fundamental concepts and principles to rigorous critical examination. The overarching goal is to better understand the extent to which African legal theory can contribute meaningfully to discussions addressing the complex challenges encountered by African and non-African societies alike.

In this broader context of exploring African legal theory and its potential contributions, Badru and Eegunlusi's work (2015) adds a distinctive dimension by scrutinizing the colonial legacy of empiricist-positivist legal reasoning within postcolonial African states. They advocate for the incorporation of African metaphysical epistemology into the postcolonial legal justice framework in Africa. This proposal is rooted in the alignment of African metaphysical epistemology with the cosmological and ontological perspectives held by significant portions of African populations. By doing so, it complements the Western empiricist-positivist legal reasoning, recognizing the coexistence and mutual enrichment of these two legal reasoning paradigms within the African context. In essence, it offers a framework that both acknowledges and addresses the limitations of Western legal reasoning, particularly in terms of objectivity.

These articles collectively engage in a comprehensive exploration of African legal theory, highlighting the interface between indigenous legal systems and contemporary legal frameworks while recognizing the need to re-evaluate the role of African legal theory in addressing the multifaceted challenges faced by African and non-African societies.

African legal argumentation is a captivating exploration of legal traditions in constant dialogue with societal values, historical legacies, and contemporary dynamics. By delving into the complexities of this field, scholars, practitioners, and researchers gain insights into how legal professionals navigate the multifaceted legal terrain of Africa, ultimately contributing to the development, reform, and understanding of the continent's legal systems.

5 CONCLUSION

These research efforts provide valuable insights into non-Western legal reasoning and argumentation from different cultural, regional, and religious perspectives. They contribute to an understanding of legal pluralism, highlight the complexity of non-Western legal systems, and provide critical analysis of the methods of reasoning employed in different non-Western legal traditions. They highlight the similarities, differences, and interactions between these legal traditions through a comparative analysis of non-Western legal argumentation and Western legal argumentation in China and elsewhere. They delve into the historical, cultural, and philosophical foundations of non-Western legal reasoning and its engagement with Western legal concepts. Although non-Western legal argument theory is still developing, it has great potential to enrich legal scholarship by incorporating different perspectives and expanding the theoretical foundations of legal argumentation. We believe that to develop a clear understanding of the non-Western legal argumentation and the law which it embodies, one must study it within the context of their social, cultural, political and legal history. Further research and interdisciplinary collaboration are needed

to deepen our understanding of non-Western legal argumentation theory and its implications for legal practice, justice, and cross-cultural legal dialogue.

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Legal Arguments in Interdisciplinary Argumentation¹

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ABSTRACT: Legal argumentation theorists have not predominantly so far been engaged in interdisciplinary argumentation. Instead, they have rather remained safely within their own discipline. However, when there is a need to justify a decision involving two or more disciplines, and in a contemporary world this is all the more so, a broader perspective is unavoidable. One example of such can be interdisciplinary argumentation joining law and economics.

KEYWORDS:

1. INTRODUCTION

Legal argumentation is an old, centuries-old field of law, but one that is constantly confronted with the particular challenges of the new era. Thus, traditionally, theorists of legal argumentation have not engaged substantively with other disciplines. At most, they have drawn on new insights from general argumentation theory and applied them to legal argumentation.

The contemporary interest in interdisciplinarity also brings new challenges to the field of legal argumentation. Legal argumentation has to confront arguments from other disciplines and together with them form a new whole. This can be a relatively simple integration of two disciplines or a complex interaction and integration of a large number of disciplines.

In this paper, I first discuss the meaning of interdisciplinarity, together with the advantages and challenges it brings in contemporary science as well as in more practical fields. I then discuss what interdisciplinarity actually is and how it differs from other related concepts. This is followed by a discussion of the interdisciplinary argument itself, where a legal argument is linked to an argument from another discipline, which can be simple, where two disciplines are linked (in our case law and economics), or complex, where several disciplines are linked (as illustrated in the field of trademarks). After this, I discuss the importance of critical questions, which are important to further test the premises when it comes to informal argumentation, as this necessarily leaves room for further reflection on the premises.

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2. THE IMPORTANCE OF INTERDISCIPLINARITY, ITS ADVANTAGES, AND CHALLENGES

Interdisciplinarity is a quite popular word today. In the area of scientific research, it is often maintained that different sciences have gone too far with their specialization in the past so scientists from different disciplines are no longer able to understand one another because they speak very different languages. Thus, interdisciplinary comes as a promise to connect them, coming from different disciplines, to look at a problem from different angles but trying to provide common (holistic) solutions, instead of their findings being merely fragmented and kept “safely” within the ivory towers of their own disciplines. The same logic of interdisciplinarity would also apply to practical problems, where, e.g., engineers and other specialists in practice with different backgrounds would study the potential impacts of constructing a new road (involving at least construction, transportation, environmental, labor issues, etc.).

Interdisciplinary argumentation integrates arguments dealing with ideas, methodologies, and perspectives from multiple academic disciplines to address complex problems and generate innovative solutions. This approach recognizes that many real-world challenges cannot be adequately understood or solved by a single discipline alone, and therefore, requires collaboration between experts from diverse fields (Thompson Klein 1991; Thompson Klein 1996; Gibbons et al. 1994; Repko 2011).

The reasons or drivers for interdisciplinarity, in the modern world, are said to be the following: (1) the complexity of nature, society, and ourselves; (2) the complexity of the globalized workplace; (3) the need for systems thinking and contextual thinking; (4) the changing nature of university research; (5) the public world and its pressing needs; and (6) a knowledge society’s need for both disciplinarity and interdisciplinarity. The advantages of interdisciplinary approaches are allegedly to enable more comprehensive, perspective-oriented views, and broader or holistic pictures of a problem that make possible integrated solutions to the problem (Repko, Szostak, and Buchberger 2016). Moreover, it encourages a holistic understanding of problems by drawing on the strengths of different disciplines. For example, tackling climate change requires insights from environmental science, economics, sociology, and policy studies. Also, it promotes creativity and innovation as novel connections between disciplines can lead to breakthroughs. Finally, it reflects the interconnected nature of the world and supports a more comprehensive analysis of issues (Thompson Klein 1990; Thompson Klein 1996; Gibbons et al. 1994; Repko 2012).

Challenges of interdisciplinarity are usually portrayed as shallowness or relative value of its findings in contrast to more absolute values given by disciplines (Repko, Szostak, and Buchberger 2016). Communication barriers can arise due to differing terminologies and methodologies across disciplines. Additionally, maintaining rigor and depth in multiple fields can be demanding, requiring individuals to balance breadth and depth of knowledge. Moreover, power dynamics might emerge, with one discipline dominating the discussion or certain viewpoints being marginalized (Thompson Klein 1990; Thompson Klein 1996; Gibbons et al. 1994; Repko 2012).

Given that disciplinarity could be understood as intra-disciplinarity, where every scientific discipline develops its own rules to deal with a fragmented problem, what is interdisciplinarity about and how can it be defined?

A language dictionary defines it as “involving two or more academic, scientific, or artistic disciplines” (Merriam-Webster’s Dictionary and Thesaurus 2020: 607). But that definition is only helpful to indicate that two or more disciplines are engaged in a common enterprise but nothing about the manner of their engagement. A more precise definition is provided by Repko, Szostak, and Buchberger (2016: 100): “Interdisciplinary studies is a cognitive process by which individuals or groups draw on disciplinary perspectives and integrate their insights and modes of thinking to advance their understanding of a complex problem with the goal of applying the understanding to a real-world problem.” Or, see the following definition provided by two of the same authors: “Interdisciplinarity studies a complex problem by drawing on disciplinary insights and integrating them. By employing a research process that subsumes the methods of the relevant disciplines, interdisciplinary work does not privilege any particular disciplinary method or theory.” (Repko, Szostak 2017: 75).

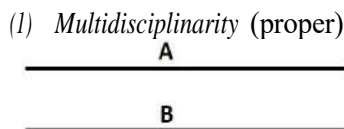
3. TERMINOLOGICAL AND CONCEPTUAL ISSUES

To better conceptually understand the meaning of interdisciplinarity, we may compare it with multidisciplinary, and transdisciplinarity,² of which the first seems to be more interesting for such comparison than the latter. “Multidisciplinary studies a topic from the perspective of several disciplines at one time but makes no attempt to integrate their insights. Multidisciplinary approaches tend to be dominated by the method and theory preferred by the home discipline.” (Repko, Szostak 2017, p. 75).

Thus, the *differentia specifica* of the above comparison between interdisciplinarity and multidisciplinary is integration (of various disciplines), and the lack of it in multidisciplinary approaches. But what precisely is meant by integration, or how intensively need two or more disciplines be merged together in order to be understood as integrated? The below text is to provide some answers to that.

The meaning of integrate is: “to form, coordinate, or blend into a functioning whole; to incorporate into a larger union” (Merriam-Webster’s Dictionary and Thesaurus 2020: 605). This new whole is composed of (previous) parts that need to be always present in any such interdisciplinary representation.

Below are presented elements (1) and (4) of the figure provided by Repko, Szostak, and Buchberger (2016, p. 100) added by my additional combinations (2) and (3):



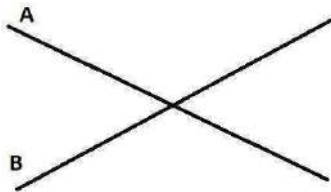
The meaning of multidisciplinary is when two, or more, disciplines (e.g. A and B) are viewed together but are never integrated, which would be the case, on the contrary,

² “Transdisciplinarity is best understood as a type of interdisciplinarity that stresses team research, a case study approach, and especially integrating not just across disciplines but also beyond the academy.” (Repko, Szostak 2017: 75).

where two distinct disciplines discuss a common problem from their different perspectives. That common problem would represent their integration.

As an example of multidisciplinary, Repko, Szostak, and Buchgerger (2016, p. 105-107) use the metaphor of a bowl of fruit where different fruits (such as apples, pears, bananas, grapes, representing disciplines A, B, C, and D) are put side by side. However, I believe that is not a good metaphor to depict that concept. In my opinion, in a bowl of fruit A, B, C, and D meet this being their common point. That seems to be more than multidisciplinary. It has some interdisciplinary elements as the bowl of fruit is to some extent their integration as, e.g., fruit nicely offered to a visitor. A clearly proper multidisciplinary would be when the fruits A-D would be randomly scattered on the table, or put in different boxes randomly placed to each other in a storage. Thus, the figure (2) below represents improper multidisciplinary.

(2) *Multidisciplinary* (improper – meeting at a common point)



(3) *Fullinterdisciplinarity*

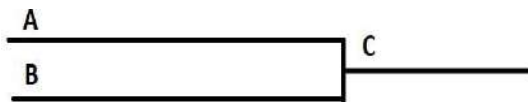


Figure 3 above represents full interdisciplinarity, where disciplines lose their separate characteristics as distinct disciplines and are merged into a higher whole. What occurs is their fully-fledged integration. A metaphor for that used by Repko, Szostak, and Buchgerger (2016, pp. 105-107) is a smoothie that is made out of a bowl of fruit. Frankly, this kind of integration, in which scientific disciplines would lose their identity along with their basic characteristic and laws (principles and rules) is hard to imagine. Rather, in modern interdisciplinary studies, pieces of the relevant disciplines are taken together with all the basic characteristics of their own disciplines, and combined into a new whole. Examples of interdisciplinarity studies are: area studies, gerontology, cognitive studies, neuroscience, medical technology, and international relations (Repko, Szostak, Buchgerger (2016, p. 84), as well as law and real estate management, Slovene and international studies, management and law, law and technology, etc.

Thus, the below figure (4) seems to better reflect what should proceed in academic disciplinarity, where disciplines must retain their essential properties when they are as such integrated into a higher whole. For example, law remains law even when joined with management or technology. What is usually done in such studies is that a part of law being relevant for another discipline is taken and joined with some basic postulates of the other discipline.

(4) *Partial interdisciplinarity*



Moreover, a genuine interdisciplinary argument presupposes relative equality between different disciplines' arguments without some of them being dominant in relation to other disciplines. This implies, first, an inductive relation between two or more different premises, with each of the disciplines represented by such premises, where the premises of, e.g., two distinct disciplines more or less equally lead to a common conclusion being their integration. In such, there should be no dominant discipline. For example, if we want to launch a new trademark, both economic and legal arguments are considered, which means that the trademark should at the same time be profitable and lawful. To keep with the concept of a genuine interdisciplinary argument, second, in a deductive argument, the arguments from all the disciplines must appear at the same level (e.g. being part of the upper premise), as it follows in the continuation of this paper with the examples of both types of interdisciplinary arguments.

However, if one of the disciplines is subordinated to the other, we deal with a quasi interdisciplinary argument. This would be the case in an inductive argument, in which the argument of one discipline will be way more important for the conclusion than the argument of the other discipline. The same would appear in a deductive argument, where the argument from one discipline would appear in the upper premise, while the argument from the other discipline in the lower premise.

4. LEGAL ARGUMENTS IN INTERDISCIPLINARY ARGUMENTATION (TRADEMARK LAW)

4.1 *Generally on interdisciplinary argumentation*

Interdisciplinary argumentation can be defined as argumentation in which arguments from at least two disciplines are simultaneously invoked to support (integrated) standpoints concerning a common point. Thus, interdisciplinary arguments can be simple, consisting of only two different disciplines, or complex, including a number of different disciplines. In the framework of such, disciplinary perspectives in the form of their major goals need to be simultaneously accommodated, these being either general (values or principles) or specific (specific tasks).

In this paper, I deal with the area of trademarks, which is the interdisciplinary common point. At the beginning, I present an analysis of simple interdisciplinary argumentation, in which marketing and law as different disciplines are joined with their major goals being engaging customers (by the effective advertising of a trademark) and lawfulness (following various legal requirements), with placing a trademark on the market being the specific task in this framework. In the continuation, we will see how interdisciplinary argumentation, where disciplines appear as "tribes with their own language and context" (Repko, Szostak 2017), differs in this situation from (intra-) disciplinary argumentation.

4.2 (Intra-)disciplinary arguments

Interdisciplinarity is about a common project, not the disciplines per se. Still, it builds on the disciplines and does not supersede them. What is taken from the ambit of a discipline, should fall into its “perspective,” this being specific elements that are typical for the discipline, such as its particular principles, goals, rules, methods, procedures, etc. (Repko, Szostak 2017). In this project, I picked the most specific goals of the disciplines as their typical perspectives and applied them to their specific task of launching a new trademark. What is understood as a task in this project, can also be called a common project from the interdisciplinary terminology.

Now I turn to the problems associated with the task of this project, and how can be discussed within specific disciplines of marketing and law concerning their most typical goals. I begin with the marketing argument.

In the relevant literature, marketing is defined in the following manner: “engaging customers and managing profitable customer relationships,” as well as “creating value for customers to capture value from customers in return” (Kotler, Armstrong 2017, p. 26). Moreover, it could also be defined as “the management process which identifies, anticipates, and supplies customer requirements efficiently and profitably” (Blythe 2006, p. 2). What seems to be important from the above definitions, which I extract for the purpose of the major general of marketing, is engaging customers effectively.

We need to use the above-mentioned for our specific task which is placing the trademark on the market. Thus, what follows below is the general structure of the marketing argument with a specific task in our case.

Diagram1: The general structure of a marketing argument

- MP: Effective TMs are successful with customers.
- Mp: A is effective.
 - Mp1: Evina TM very much resembles Evian TM.
 - Mp2: Everyone loves Evian.
- C: A is successful* with customers.

*Successful = persuasive

This argument could also be presented in a very rough multimodal³-visual-only form. See below Figure 1.

Figure 1: A visual argument demonstrating that the left TM is quite effective from the view of marketing but is potentially unlawful

³ No matter how rhetorically powerful such argument may be, it is not my intention in this paper to argue about its multimodal dimensions.



Source: https://www.facebook.com/evinavoda/?locale=sl_SI
Source: <https://trgovina.mercator.si/market/izdelek/863895/negazirana-izvirskavoda-evian-0-5-1>

We can see above a hypothetical argument, or it could actually (have) be(en) a real argument at some point, when the North Macedonian producer of Evina, mineral water, was considering its new trademark that very much resembled Evian, the famous French mineral water.⁴ It is obvious that the Evina trademark, a figurative trademark with word elements, is very likely to be confusing for customers, who would definitely know Evian as a world-famous trademark. However, from the marketing point of view, mistaking Evina for Evian would in the short run be effective as the company would sell more Evina bottles to customers who would buy them happily by thinking they are buying Evian.

But from the legal point of view, that could be problematic, even unlawful because new trademarks must not confuse customers with previous ones. But that is another type of argument, which can have different goals than arguments from another discipline. Such different, often diverging, goals, in this case, effectiveness versus lawfulness, can only be accommodated in an interdisciplinary argument, which we will see in the continuation. But now let us see, the following (intra-disciplinary) legal argument in our case:

Diagram 2: The general structure of a legal argument

- MP: TMs that confuse customers are legally invalid.
 - MP1: Identical or too similar (the Sabel test: visual, aural + conceptual analysis)
- Mp: A confuses customers.
- C: A is not a legally valid TM.

Suppose the creators of the Evina TM realized the legal problem with the TM's words being written in Latin, because that would too much resemble Evian and be unlawful. Therefore, they decided to write the name Evian in Cyrillic, which as a matter of fact is also the official script in (predominantly Orthodox) North Macedonia. That could perhaps be legally valid as it is hardly imagined that customers would confuse Evina written in Cyrillic with Evian (in Latin). People from outside the Orthodox countries would

⁴I would like to thank Siniša Zarić, a professor from the University of Belgrade, for drawing my attention to this trademark.

generally not understand it, the only problem could be with customers from these countries thinking that Evian was transcribed into their script (i.e. Cyrillic). However, that is not the way the trademark system works.

See below, in Figure 2, a very similar visual argument to the one in Figure 1 but changed a bit but perhaps enough to pass the legality muster.

Figure 2: A visual argument demonstrating that the left TM is less effective than the one in Figure 1, but is, on the other hand, potentially lawful



Source: https://www.facebook.com/evinavoda/?locale=sl_SI

Source: <https://trgovina.mercator.si/market/izdelek/863895/negazirana-izvirnska-voda-evian-0-5-l>

The idea in the background of this analysis is that in interdisciplinary argumentation, we need to accommodate the goals of distinct disciplines if they appear to be divergent concerning specific tasks. It is likely that the persuasive strength of Evina TM is now in Cyrillic weaker than before, but it is more likely that it would be lawful. Thereby, I enter a discussion about the logical structure of interdisciplinary arguments.

5. INTERDISCIPLINARY ARGUMENTS

5.1 *Simple interdisciplinary arguments*

In interdisciplinary arguments, we need to accommodate the goals of (at least two) different disciplines, which can often be diverging, as we saw above in our case of the trademark following the goals of the two disciplines: marketing and law. To have an interdisciplinary argument, their goals must continue to be presented all the time. One discipline('s goals) should not be superior to another discipline('s goals). Therefore, the logical relationship between the goals should be conjunctive – meaning that both goals must simultaneously be satisfied, regardless of the extent of their satisfaction. The level of achieving a particular goal might be different for a specific discipline – we saw before that the marketing goal needed to be accommodated with the legal goal, and it thus became less effective than before.

Below we can see the structure of a simple interdisciplinary argument concerning a trademark, in which the goals of both marketing and law are jointly considered.

Diagram3: The general structure of a simple interdisciplinary argument

- MP: From the interdisciplinary perspective of marketing and law, a TM must be both effective with customers and lawful to be successful.
- Mp: B is both effective with customers and lawful.
- C: B is a successful TM, from the interdisciplinary perspective of marketing and law.

When we join more than two disciplines in interdisciplinary arguments, the argument becomes a complex one. The major problem of complexity in this regard brings a greater problem for the accommodation of often diverging goals of the disciplines with the ambition to join them in a complex interdisciplinary argument. See an example of such below.

5.2 *Complex interdisciplinary arguments*

For a complex interdisciplinary argument, I use the same example of the Evina trademark. This time, I want to analyze it not only from the perspectives of marketing and law but also from some other disciplines, such as economics, management, and design (art). The advantage of adding three additional disciplines contributes to a more comprehensive dealing with a specific problem, the result of such analysis promises a more holistic response to the initial question of which trademark is (more) successful. The problem that such complexity brings obviously deals with a potentially greater problem to mutually accommodate different goals that these additional disciplines bring.

Before building the structure of such a complex interdisciplinary argument, I need to shortly introduce the (major) goals of the additional disciplines of economics, management, and design.

First, one of the main goals of economic analysis is surely profit maximization (Eatwell, Milgate, Newman 1987, p. 1.5). In the context of our trademark, this would be whether such a trademark will sell the products represented by it well. Further, one of the definitions of management is “a process of getting things done, effectively and efficiently, with and through other people” (Robbins, Coulter, et al. 2019, p. 32). Generally, it deals with the coordination and administration of tasks to be done. Finally, one of the design’s goals is also aesthetic, apart from its philosophical, sensory, emotional, or political goals (Ambrose, Harris, Ball 2019, p. 9).

Below we can see what would be the structure of a complex interdisciplinary argument, in which several goals of the disciplines joined must be followed that often diverge. Its framework, marketing and legal main goals are joined with the (additional) main goals of economics, management, and design. Thus, we deal with effectiveness with customers, lawfulness, profitability, (good) administration, and aesthetics,

Diagram4: The general structure of a complex interdisciplinary argument

- MP: A TM is successful if it is effective with customers, lawful, profitable, well- managed, and aesthetic.
- Mp: B is effective with customers, lawful, profitable, well-managed, and aesthetic e.
- C: The TM is successful.

6. CRITICAL QUESTIONS AND EVALUATION OF THE INTERDISCIPLINARY ARGUMENT: ADDING DISCIPLINARY ADEQUACY, MINIMAL-SCOPE, AND OPTIMIZATION REQUIREMENTS

Critical questions have a “heuristic role in the dialectical evaluation of arguments.” They ensure the acceptability of a schematic argument in the sense that all the questions with respect to that argument are satisfactorily answered (Walton 2003, p. 31). They provide the justificatory role of argumentation schemes (Walton, Godden 2005, pp. 476-478), which can be defined as “stereotypical patterns of defeasible reasoning that typically occur in common, everyday arguments” (Walton 1990). The diagrams used in this paper could be understood as argumentation schemes, however, for the reason of simplicity, I use the critical questions only with respect to the last argumentation scheme of a complex interdisciplinary argument. Critical questions are important because answering them enables not only acceptable⁵ but also better dialectical arguments. In my view, critical questions in fact represent a kind of “sub-premises” to the main premises, the role of which is to fill in the blank space between the premises. If the main premises are supplemented with critical questions’ replies as sub-premises to the main premises, the argument will become more transparent and comprehensible. That seems to be specifically important in law, where we typically deal with deductive syllogistic arguments that can be particularly unclear.

Concerning critical questions, I invoke those dealing with the requirements of a relevant discipline, the adequacy (minimum scope) of a discipline joined in the interdisciplinary argument, to what extent the disciplines are presented in the interdisciplinary argument, the disciplines’ integration, their common ground (Repko, Szostak 2017), and the level of optimization for the disciplines joined that needs to be ensured to have a good interdisciplinary argument. Below I initially discuss the first four requirements as conditions for an acceptable interdisciplinary argument, and then also the optimization requirement as a condition for a strong(er) interdisciplinary argument. After that, what follows is the presentation of the structure of a comprehensive interdisciplinary argumentation scheme again, this time accompanied with the critical questions.

In order to have an acceptable interdisciplinary argument, the problem or issue or intellectual question, in our terminology the “task,” must be addressed by a (i) relevant discipline or such disciplines if we want to have an interdisciplinary argument. The launching of a trademark definitely includes marketing as a relevant discipline, which does not apply to, e.g. biology that has nothing to do with the trademark, all the more if the products sold under that trademark are skies. Furthermore, (ii) the adequacy (or minimum

⁵ Following the (informal-logic's) rules of acceptability, relevance, and sufficiency (Groarke, Tindale 2013).

scope) of a discipline to be presented signifies the minimal level of the disciplinary perspectives involved in an interdisciplinary argument such that, in a predominant part, we still deal with that particular discipline. Then, (iii) the requirement of integration entails that the substance of an interdisciplinary argument should be something integrative, beyond the content of the mere disciplines. Finally, such interdisciplinary argument must have a (iv) common ground, like a red thread for all the disciplines like, in our case, the project of launching a trademark on the market.

The above-said seem to be the minimum requirements for an interdisciplinary argument to be acceptable. Our next condition, i.e. (v) optimization, deals with acceptable arguments that are stronger or weaker.

In the framework of disciplinary argumentation, the goals of specific disciplines within such could also be understood as optimization requirements. For example, if in marketing we like to be effective with customers, we want to be as effective as possible. In the same vein, if we want to make a good legal (i.e. lawful) decision, we would like it to be as good as possible. That, I guess, could apply to all the disciplines and their major goals joined within an interdisciplinary argument.

In the area of legal theory, the idea of optimization requirements is associated with Dworkin's consideration of the difference between legal rules and legal principles, in which the rules work in an all-or-nothing manner whereas the principles as optimization requirements: more or less (Dworkin 1987). That corresponds to Alexy's idea that constitutional rights have a similar structure as legal principles and also work as optimization requirements (Alexy 2002 and 2000). We want them to be realized as much as possible. This is evident in the event of the argument of weight (Alexy 2002), where in the case of a conflict between two fundamental rights (or principles) we want one of them to be realized as much as possible against the other right. For example, in a freedom of expression context, we want to secure an individual's right to privacy as much as possible against the public exposure of such a person by journalists. However, with absolutely public persons, it is the other way around.

The above idea applied to legal principles or fundamental rights could also work with disciplinary goals. They seem to have a similar abstract and general structure like principles. There are many different levels at which a certain goal can be realized. When we launch a trademark we would like to make as much profit (the economic goal) as possible with the products sold under the trademark. Furthermore, from a marketing point of view, we would like to be as effective as possible with the customers. Likewise, the management of a trademark could be better or worse. So the aesthetic component and, finally, the legal aspect. Although it is often hard to maintain that some legal solutions are more lawful than others when dealing with legal rules (having the all-or-nothing structure: it is legal or it is not), it could be said that some are better than others from the view of legal principles, goals or values. Many legal solutions could be better or worse from the view of legal certainty or justice as supreme legal values.

This section concludes with the general structure of our complex interdisciplinary argument, or its argument scheme, which is joined with the five types of critical questions discussed above.

Diagram5: The general structure of a complex interdisciplinary argument with critical questions

- MP: A TM is successful if it is effective with customers, lawful, profitable, well- managed, and aesthetic.
- Mp: B is effective with customers, lawful, profitable, well-managed, and aesthetic e.
- C: The TM is successful.

- Critical questions:
 - QC1: Is the discipline (together with its major goal) relevant to the common problem in this argument?
 - QC2: Is the discipline adequately represented in the argument?
 - QC3: Does the argument represent integration in relation to the disciplines?
 - CQ4: Is the response to the common problem also a common ground of the disciplines?
 - CQ5: How optimally are the disciplines represented in the argument?

6. CONCLUSION

Given the scarcity of debates on interdisciplinary argumentation, especially those focusing on legal argumentation, the present discussion is introductory in nature. While theorists of argumentation often include different disciplines in their discussions, this is usually not schematic enough to discern the relationships between disciplines and their relevance to the final conclusion.

The general aim of the paper was to present an interdisciplinary argument, which also consists of a legal argument, and its relationship to other arguments. The main conclusions of the paper are as follows: (i) An interdisciplinary argument requires an equivalent (adapted or conjunctive) relationship between disciplines, which is often not the case when legal arguments are added to the arguments of other disciplines in order to dominate such an aggregate. But in the latter case, this would be quasi-interdisciplinarity. Whether there is a genuine interdisciplinary relationship in a particular argument is tested by asking critical questions about the relevance of the discipline involved in the interdisciplinary argument, its sufficient representation, the integration of several disciplines, their common denominator, and their optimal integration. Another important observation regarding the paper is that (ii) in an interdisciplinary argument, disciplines are present with their own characteristics and regularities and should not be relativized against other disciplines.

I hope that this debate will stimulate further research in this area. Sooner or later, this will even be necessary, because in an increasingly interconnected world, the importance of interdisciplinarity only seems set to grow. In particular, it should be explored in more detail what the additional conditions of interdisciplinarity mean in terms of the relevance of a discipline, its sufficient representation, the integration of disciplines, their common denominator, and their optimal inclusion from the general part of the debate to the specific part of the research dealing with, e.g., trademarks.

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An Argumentative Approach to Representations of Fukushima *A Case Study of the Legacy Media Coverage over the Russian Invasion in Ukraine*

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ABSTRACT: This paper examines how the Fukushima nuclear accident provided the basis for authorizing the inference in reasoning of the German and Japanese climate policies in the *New York Times* coverage over conflicts between Russia and Ukraine. It also focuses on the ways in which not the a-bombed cities, Hiroshima and Nagasaki, but the nuclear disaster, Fukushima, was used for demonstrating what was actually happening at the Zaporizhzhia nuclear power station in the metaphorical framework.

KEYWORDS: argumentation, history, news media, newspapers, policy argumentation, political context, reasoning, validity

1. INTRODUCTION

Along with wind and solar energy, France, Europe's largest nuclear energy producer, in an unusual alliance with Eastern European countries, took part in looking to expand nuclear energy programs. Including Britain, those European countries desperate for a long-term and reliable source of energy to help reach ambitious climate goals turned to an answer to complement renewable energy—nuclear power. In the climate movement, the nuclear industry thus tried to have a good chance for a revival. Since a meltdown at the Fukushima nuclear power plant in Japan in 2011, the industry indeed sought a plausible opportunity to win recognition of nuclear energy as an acceptable source of clean power just like solar and wind. For the push to net-zero emissions and energy independence in an energy crisis caused by the Russian invasion of Ukraine on 24 February 2022, President Emmanuel Macron released an overview of building a new generation of nuclear reactors (Alderman, 2022, p. B4). In such political moves to redefine nuclear energy as a sustainable investment, Germany did not buy the idea that nuclear would be a solution to climate change. In reality, European countries began worrying that they might fall far short of energy supply even as they would step up investments in wind and solar power. The argument was that wind and solar power alone would not be enough to help countries meet the goals outlined at the United Nations (UN) climate summit at Glasgow in November 2021. Nonetheless, the German government took a tough stance on defusing efforts to include more nuclear power in Europe's green energy mix, following a 2011 policy set by then Chancellor Angela Merkel. In spite of the energy crunch, Germany sought a possible way to carry out the policy to shut down its last three nuclear power plants within the year of 2022.

This reminded the world after the disasters at Fukushima and Chernobyl not merely that new nuclear stations would take up a decade or more to come online, but that safety questions could not be ignored, along with concerns over a proliferation of nuclear plants and of radioactive waste that they produce.

This paper explores the ways in which the Fukushima nuclear accident was used for authorizing the inference in reasoning of the German and Japanese climate policies specifically in the legacy media coverage over conflicts between Russia and Ukraine from 24 February to 24 August 2022. By doing so, the study discusses whether the *New York Times* effectively or ineffectively set the political agenda—economic warfare with Russia as the outcome of the Ukraine war—in order to strengthen public support for the U.S. foreign policy to cripple the world’s 11th-biggest economy, one of the biggest exporters of energy, grain, and other commodities. For that purpose, what follows first introduces the concept of validity in ordinary argumentation, then explains the perils of global warming, and finally examines the ways in which relations between climate neutrality and energy security complicate matters in German and Japanese policy arguments covered by the U.S. qualified newspaper.

2. VALIDITY IN ORDINARY ARGUMENTATION

In ordinary argumentation, the relationship between the evidence and the claim is concerned. Along with the truth and quality of the evidence, this is the major consideration affecting the strength of an everyday argument. Here does the question come up of what enables the evidence to take as evidence for the particular claim.

The answer to that question is linked to the concept of validity which designates a test for the quality of an argument that is independent of the content of the evidence or claim. It does not ask whether the evidence is true, but rather if the evidence is true, whether the claim would be true. While the strength of the evidence is expected to strengthen the claim, the warrant will be a more general statement that makes underlying reasoning valid, or seemingly valid. Invalid reasoning can be considered to take a form of faulty reasoning, but not of failure to reach resolution of a difference of opinion as arguments in everyday language are so often incomplete (van Eemeren, Grootendorst & Henkemans, 2010, pp. 132-134).

What counts as valid will vary with patterns of inference. What is more, the warrant will not be self-evident in ordinary argumentation. That judgment is known to be fallible, and yet to make it is reasonable if over time similar judgments have been brought about by subsequent experience to be reasonable (Zarefsky, 2019, pp. 104-107 & 137-154).

3. THE PERILS OF GLOBAL WARMING

Prior to the covid-19 pandemic, globalization brought about increasing energy needs. While the strong demand for large-scale energy production resulted in a growing rise of carbon dioxide (CO₂) emissions from traditional fossil fuels, the spectre of climate change began calling for the urgent need to cut down greenhouse gases. In the name of “nuclear renaissance,” in the beginning of this century, nuclear power thus became viewed as one

clean, reliable energy that could be embraced by developing and developed countries alike. However, high-profile nuclear accidents at Three Mile Island, Chernobyl and Fukushima have demonstrated the underlying vulnerability of nuclear technology to human errors, design flaws, and natural disasters. In other words, enormous health, environmental, and economic costs became factored into a national energy policy—either including or excluding nuclear power as an option.

It was a triple disaster—a magnitude 9.0 earthquake followed by a 14-meter tsunami and the subsequent full meltdown, possibly even melt-through, of three of the six nuclear reactors at the Fukushima Daiichi nuclear power station owned by the Tokyo Electric Power Company (TEPCO) in northeastern Japan—that at once a Japanese local name, Fukushima, began standing for the multifaceted complexity of the events that took place on 11 March 2011 and all that became unfolded in the months ever since. Fukushima rhymes with the a-bomb city, Hiroshima. In addition, referring to this singular event as “3.11,” obviously evokes the political valence of “9.11” in the United States, thereby forging a parallel between the two crises and societies (Anderson, 2011). Nevertheless, the referents of 3.11 and Fukushima rarely coincided in the *New York Times* coverage of the sanctions war with Russia.

In the resurgence of energy security due to the Russian invasion of Ukraine, pushing for a nuclear revival to slash planet-warming emissions appeared as a pivotal moment in a growing debate over climate change. The divide took on new dimensions as means global leaders pledge to avert a climate catastrophe and to grapple with an energy shortage.

4. PRAGMATIC CAUSAL ARGUMENT

One of the frequently used, but complex schemes is argument from cause in everyday argumentation, which would explain how it is possible that an alleged factor could be the cause and why it is more likely than are other possible causes. Taking into deep consideration the threat posed by global warming that afflicted the whole world, Germany focused specifically on an unforeseen contingency of nuclear disaster in a profound influence of contextual cues on making decisions, formulating judgments, or expressing opinions. Even though it would be unlikely that nuclear power could play anything close to a dominant role in its energy supplies, Japan, facing a deep energy crunch, sought to rely on it for reaching net-zero energy.

4.1 Energy transition in Germany

Immediately after the Fukushima nuclear disaster broke out, the Merkel administration announced that Germany would be phasing out its 17 nuclear reactors, which provided one-fourth of the country’s electricity together with identifying alternative sources of energy (Friedman, 2022, p. A22). An energy transition from coal and nuclear energy to renewables took for granted an adequate supply of Nord Stream 2. Even though Russia annexed Crimea in March 2014, the German government discouraged questioning the viability of this gas pipeline. Despite the outbreak of Russian-Ukrainian war on 24 February 2022, the governing coalition still ruled out the idea of using nuclear power in order to ease an energy

crisis by restating that postponing the shutdown was “not a good plan” (Alderman & Reed, 2022, p. B1).

In the *New York Times* coverage for half a year, Germany seemed to prioritize the global issue of climate change to geopolitical uncertainty and national energy crisis in its decision-making. Yet the German government needed to reconsider most immediately in rising calls for a boycott on Russian energy by G7 the vision that —cheap and plentiful, cleaner than coal and safer than nuclear—liquified natural gas (LNG) from Russia was once seen as a crucial transitional fuel as the country gradually shifted from coal and oil to renewable energy. What is more, LNG turned out to be no longer cheap or plentiful, sending prices soaring on the continent. In Germany, such a chaos in energy markets led to greater needs not for the revival or deferral of nuclear energy, but for the development of sustainable resources.

Political moves towards curbing energy imports from Russia meant the turn to advancing renewable energy and/or preserving nuclear power. On the one hand, some European countries like France planned to promote energy security by constructing new nuclear reactors, which was shunned by many European nations after the Fukushima nuclear disaster. On the other hand, Germany went for solar power in particular, instead the latter. Its steps were likely to take time and could be politically contentious about soaring energy prices, i.e., the disruption to Russian gas supplies, leaving German people wonder how their government was planning to make its energy policy workable and future- proof. Yet the Fukushima nuclear disaster pushed Germany to take its nuclear plants offline. Not only would it further its efforts at energy independence and security, but would also reduce carbon emissions in line with Europe’s net-zero emission goal by 2050.

In the light of causal generalizations, the probably unstated statement of warrants is that Germany wishes to avoid nuclear meltdowns and radiation contaminations in addition to such climate impacts like extreme weather. Another unspoken premise is the country’s unresolved concerns over the storage of nuclear waste. From the means-end prediction and the statement of the desired end, the German government concludes that the country should develop solar and wind power (the means to be pursued toward the end) for climate and moral imperative (See Figure 1).

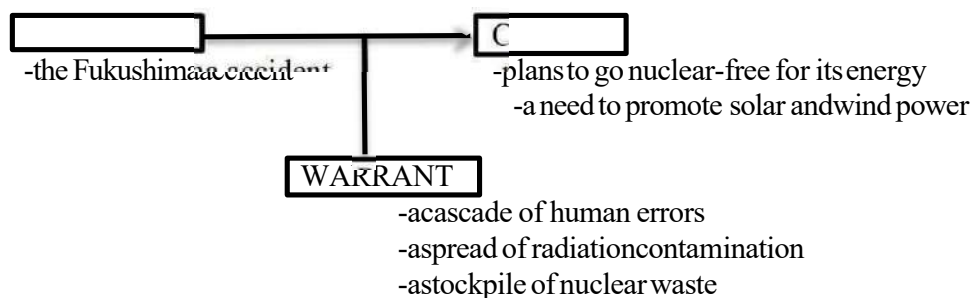


Figure 1: Logical validity in Germany’s policy argument

The cause-based warrants in Figure 1 suggest how and why Germany takes into serious consideration the geopolitical implications of dependency on Russian gas as well. In the carbon-free power example, it is not some inherent good of solar and wind power that recommends its adoption, but rather the consequence of averting a future nuclear disaster like Fukushima.

In patterns of causal argument, which can be used either to support or to discredit a claim, the strategy of relabeling is used exclusively as a way to cover something deficient in the ordinary argument. It is sometimes sufficient without explaining because the connotation of a technical term suggests that something is amiss. As causal responsibility focuses on the origin of climate change, on the one hand, why and how it occurs is relevant for understanding political issues and events. On the other hand, given the geopolitical implications and a sudden spike in energy and food prices, the obstacles for Japan to complement Russian supplies seemed to be logistical, financial as well as political.

4.2 Energy security in Japan

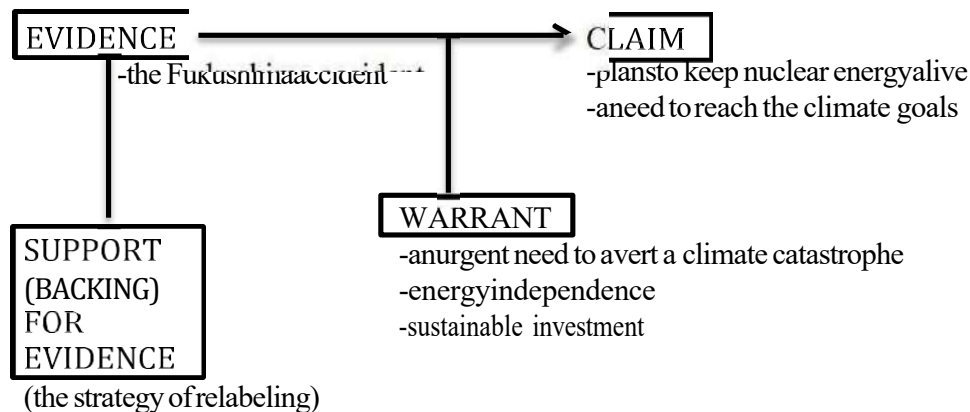
Prime Minister Kishida's plans for restarting and recovering nuclear power plants relabeled nuclear energy as a valuable option for national security, and yet a number of hurdles lied in the way to forge energy independence and to help bridge a Russian energy squeeze. Immediately after the meltdowns of three nuclear reactors at the Fukushima power station, Japan began embracing LNG as a transition energy in addition to reducing energy consumption as a whole country. Since then, around one-third of Japan's electricity had been made up for by burning LNG (Reed, 2022, p. A7). Hence the conflict between Russia and Ukraine left Japan in an awkward position of confronting the political as well as strategic vulnerabilities. Indeed, Moscow's aggression offered the Japanese "iron triangle" industrial complex, i.e., the administrative-bureaucratic-industrial vested interest, a great opportunity to recoup nuclear power in the overall energy mix for national energy portfolios. On the whole, the unexpected, geopolitical outcomes led Japan to dismiss a fresh idea to bring up a reliable and affordable power supply in a disaster-prone country out of hand.

The Ukraine crisis, more or less, reversed the Japanese nuclear industry's gradual decline resulting from the 2011 Fukushima disaster by highlighting an urgent need for Japan to secure alternative energy supplies. As a resource-poor country, Japan sought to confront geostrategic blunders to accelerate transition to renewable energy, especially the difficulty of meeting clean energy goals and of fulfilling the country's electricity demands. As a compelling reason to go green, however, ruling politicians began calling for a fresh look at nuclear power. This would involve committing to years of investments in the necessary equipment, knowhow, and human resources for nuclear technology. The current administration began taking a defensive position on climate change, by underscoring that nuclear energy does not produce direct carbon emissions. Moreover, resistance by the largest power companies had kept solar and wind power from being well integrated into the electrical grid by restating that renewables are less dependable and hard to store (Samuels, 2013, pp. 118-123 & 148-153). In the conflicts of interest, a need for seeking a quick fix led the government to argue not only for investment in more supplies of LNG, but also for a return to nuclear energy in the name of a balanced mix of energy sources.

Although the ruling Liberal Democratic Party (LDP) announced that nuclear power plants should generate more than 20 percent of Japan's electricity by 2030, at the moment, nuclear energy contributed less than 4 percent of the nation's electricity, down from nearly a third before the Fukushima nuclear disaster (Rich & Hida, 2022, p. A4). Local opposition was not the only obstacle to restarting nuclear power stations. All plants needed to follow the strict new guidelines adopted by Japan's nuclear regulator two years

after the Fukushima nuclear accident. Indeed, the war in Ukraine and the threat to a blackout in Tokyo after a strong earthquake on 16 March 2022 made the country more receptive to support a restart of nuclear power plants. While more than 60 percent of the Japanese public opposed rebooting the nuclear power plants in 2018, in a March 2022 poll by the Nikkei business newspaper, 53 percent supported to restart the plants (Rich & Hida, 2022, p. A4). Without reflecting upon the contentious issue of nuclear waste, the nuclear industry began making opportunistic declarations.

By claiming that nuclear power will be aligned perfectly with zero-emission goals, the Japanese government includes it in the current energy mix policy towards reaching carbon neutrality. In order to keep its word, as Figure 2 shows, the government makes the best of the pervasive practice of relabeling nuclear energy projects as environmentally friendly.



2: Pragmatic validity in Japan's policy argument

The strategy of relabeling nuclear power as eco-friendly is in itself greenwashing. The effect is that Japanese people view nuclear energy in a different light, and therefore their attitudes change. Such frame-shifting plays down the risks of nuclear accidents in the cost-benefit perspective. Indeed, the rising prices of oil and gas made nuclear energy more seemingly competitive. Nevertheless, the spectre of nuclear disasters left many Japanese, especially, those who still live with the devastating 2011 Fukushima nuclear catastrophe, traumatized.

A given geopolitical shift raised concerns over energy security. Only three months after the Glasgow climate summit, the global consensus on the critically important transition to renewable energy turned out to take a backseat to energy security since Russia started a major confrontation with the West over Ukraine. In the *New York Times* coverage over Japan's energy policy for those six months, the renewed focus on energy independence and national security worked out well as a valid excuse to policymakers for backsliding on efforts to make the Fukushima nuclear disaster recontextualized as moral questions. Skyrocketing oil and gas bills forced the country to deal explicitly with an energy shortfall. Japan could not make a decision on whether they should be in support of or against a nuclear-dependent society. Whereas Germany came to acknowledge the downsides of dependency on Russian energy, Japan failed to turn the tables on its long-standing pro-nuclear policy by facing up to gnawing anxiety for an invisible threat of

radiation exposure. These political and strategic vulnerabilities show how challenging the transition to green energy to be.

The sanctions war with Russia at first seemed to offer an answer by allowing the West to exert power through its control of the financial and technological networks at the heart of the 21st-century economy. Isolation from Western markets was supposed to end up with causing chaos in Russia, but at that moment over 100 countries with 40 percent of world GDP avoided taking part either in full or in partial embargoes (“Leaders,” 2022, p. 7). As most countries had no desire to follow such a West-led course of action, to an extent of mutual dependency, a globalized economy might be good at adapting to shocks and opportunities. Enforcing a global embargo was hard for both Germany and Japan to avoid blackouts at home and to reduce Russia’s oil-and-gas revenues abroad. Moreover, the West feared for post-covid recession as well as inflation triggered by energy shortfalls. As a result of the side-effects of war, sky-high energy and food prices were to be a challenge to keep the West united.

5. CONCLUSIONS AND CONSEQUENCES

Definitions, which are stipulated to assure that parties are talking about the same thing, are adopted “for the sake of argument” (Zarefsky, 2019, p. 210). As Chaim Perelman and L. Olbrechts-Tyteca (1969) argues, *all* definitions are *conventional* in the sense that the “factual” status of definitions is maintained only “so long as they remain unchallenged” (p. 211). In particular, political speakers construct a social reality by choosing contingency among multiple possibilities. Naming such a situation provides common grounds to take part in shaping and giving meaning to it. Since a situation by itself does not speak out, how to identify the context of what the public view is and how it manifests itself brings about a huge difference to the argument.

In the *New York Times* coverage over the Russian invasion of Ukraine for the first half of 2022, on the one hand, Berlin emphasized negative connotations of nuclear energy associated with the Fukushima nuclear disaster, thereby validating its claim to promote renewable as well as sustainable energy. On the other hand, Tokyo described nuclear power as acceptable, clean energy in transition to renewables. In order to meet the UN’s climate goals, Japan sought to revive a positive re-evaluation of nuclear power by taking an optimistic stance on nuclear-generated electric power. Both Japanese and German governments made a conciliatory gesture of taking into account the risks of climate catastrophe. However, they framed nuclear energy differently. To a much wider audience, Germany redefined the current situation of nuclear power plants not as a mere, technical issue, but as a moral question of public interest.

Just as using language to advance one interpretation or another, the way in which a situation is defined shapes the attitudes and actions of Japanese people towards nuclear energy. While Germany associated nuclear energy with clearly negative connotations by reminding the country as well as the world of the Fukushima nuclear disaster, Japan framed it as economically viable and scalable as well as green energy in highlighting a recent spike in energy prices. Here the denotation of nuclear power is held constant, but its connotative meaning is changed. This also uncovers the *New York Times*’ ambivalent attitudes toward nuclear power. What is more, the power of dissociation allows us to associate *atomic*

(bomb) with an *evil* power of mass destruction and *nuclear* (energy) with a *good* power of mass production. Indeed, in talk of a “nuclear renaissance” in the beginning of this century, nuclear power, if its technology is well regulated, was considered to have an important part to play in cutting greenhouse gases. Yet a series of nuclear explosions and meltdowns at the Fukushima Daiichi power station triggered at 2:46 PM on 11 March 2011 warned the whole world of a need to reflect upon the safety and security of nuclear energy.

Risking a catastrophe at the European largest nuclear power plant, Russia used territory around it as a staging ground for attacks on Ukraine positions. It was for the first time that the risks of nuclear plants on the battlefield became apparent and alarmed. Here the *New York Times* made the best of literal analogy between fighting around the nuclear power plants in Ukraine, especially targeting the Zaporizhzhia nuclear power station, and the Fukushima nuclear accident. While describing stark aggression as natural disaster, the metaphorical framework cast doubt on nuclear safety. Moscow took advantage of gaining control over the nuclear power complex, which might be used as a form of nuclear blackmail and heighten tension between the adversaries. An errant shell or missile might set off an environmental disaster and, if a fire broke out, release clouds of radioactive particles that could get carried by the wind around Europe. Russia’s seizure of the Zaporizhzhia nuclear complex indeed raised a contingency of radiation contamination and leak in the fertile soil. Nonetheless, in the news coverage, no images of sudden, enormous destruction, symbolized in the rising mushroom cloud of the atomic explosions and the towering mushroom clouds over Hiroshima and Nagasaki were called to mind. In other words, postwar Japan might fail to associate a nuclear power station with a serious military target, and even to show no grave concern about a spiral of deteriorating nuclear security. Russia’s belligerence could set off a nuclear catastrophe in Europe, invoking memories of the nuclear explosions and meltdowns in 2011 at Fukushima, but playing down those of the atomic blasts in 1945 at Hiroshima and Nagasaki. From a plane crashing into the facility to natural disasters, no operating nuclear power plant was even in the middle of active fighting, but the sprawling Zaporizhzhia nuclear facility. In spite of being the first active nuclear power plant in a combat zone, it was not designed to withstand such a range of risk. Thus, as Figure 3 shows, the UN called for an immediate stop to fighting that risks a nuclear disaster.

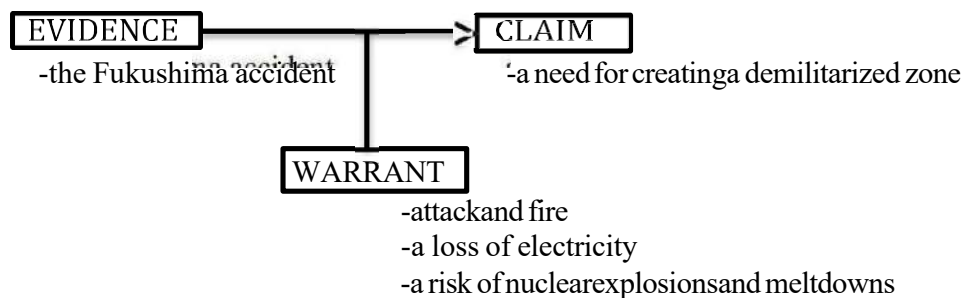


Figure 3: Validity in the metaphorical framework

The European Union and the United States also made a strong demand for establishing a demilitarized zone around the nuclear power plant. In the meantime, Russia and Ukraine blamed each other for strikes dangerously close to active reactors and stored nuclear waste. In those six months, there were no objective news reporting of damage to the reactor

buildings, but driving the world to fear for another nuclear tragedy. The most serious threat to the plant is a strike, either directly on a reactor or on a vital supporting gear, that causes a breakdown of its cooling system. On the whole, no one argued against that shelling around the nuclear plant site might result in one of the worst nuclear disasters in history.

Europe's geopolitical calculations were turned upside down by the war in Ukraine. European countries were, more or less, reliant on importing roughly 40 percent of its natural gas from Russia (Henderson, 2022). As Russia tightened LNG supplies, coal power plants were thus refired across Europe, and nuclear energy came to get a second look. Such a drastic shift brought about an energy shortage and high inflation that prevented Germany from taking the initiative in the transition path to climate neutrality. While moving forward with its "nuclear exit," on 5 September 2022, Germany announced the extension plan, i.e., a need to make two of its three remaining nuclear reactors alive as an emergency reserve for its electricity supply. On the whole, Germany seemed to make a balancing decision. In contrast, Japan took advantage of the current energy crisis to provide a convincing excuse for a high-risk nuclear technology. Here nuclear energy is relabeled as "safe" supply, as "reasonable" price, and as "efficient" energy so as to restart more existing nuclear plants and construct new ones. On each transition path toward a carbon-neutral future, in hindsight, the critical question would be raised about whether the Fukushima nuclear disaster would have indeed been a given turning point for the entire world.

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Toulmin's Warrants and Wittgenstein's Hinges

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ABSTRACT: Although the most discussed characteristic of *hinge propositions* is their alleged unchallengeability, Wittgenstein already assumes their non-permanent status. He claims, though, that we distinguish practices in which we challenge certain basic assumptions from practices in which we rely on them, so their (un)challengeability is basically local and practice-related. The particularity of hinge propositions is better captured by their specific *logical role* for which Toulmin's suggestions regarding his own concept of *warrant* proves useful.

KEYWORDS: argumentative practices, hinge epistemology, hinge propositions, recognition of reasons, Toulmin, warrants, Wittgenstein

1. INTRODUCTION

This paper constitutes a follow-up to my ECA-Rome 2022 paper "Wittgenstein's Hinges and the Limits of Argument" (Olmos, forthcoming), a discussion of Fogelin's (1985) positive and negative uses of Wittgenstein's concept of hinge propositions and of H. Siegel's (2013, 2019) critical response to some of his suggestions, especially their limiting role.

As is well known, Fogelin relied on the notion of framework (or background, or underlying) propositions (or principles, or commitments)¹ precisely to define what a deep disagreement is. But their role in Fogelin's account is really double, with both a positive and a negative aspect: they make *normal* argumentative exchanges possible (when shared), and they set limits to argumentative exchanges, creating deep disagreements (when conflicting).

H. Siegel has recently (2013, 2021) published some critical papers against this whole idea of propositions that cannot be "rationally challenged, defended, and evaluated" (Siegel, 2021: 1107), of commitments that "lie apart from the route traveled by enquiry" (Wittgenstein, *OC* §88). Siegel adopts instead a *pancritical fallibilism* and argues for the challengeability and open scrutiny of all propositions and commitments, including those that could be seen as framework/hinge propositions. For Siegel, the idea that some privileged beliefs would, on the one hand, be exempt from argumentative support and preclude it (when we agree on them) and, on the other, impede or end our argumentative exchanges (when we disagree on them) seems undesirable and deleterious for argumentation.

¹ Fogelin is not very consistent with the use of all these expressions that could obviously lead to differently nuanced hinge theories.

Siegel's claims in both these papers can be summarized in three main points, illustrated by the following set of quotations:

[A] *against unchallengeability in general:*

[f]ramework/hinge propositions are just as open to critical scrutiny as everything else. When we argue, there is no free lunch; no starting point immune from critical scrutiny. We should opt for fallibilism, not Wittgensteinian 'forms of life' or unchallengeable 'hinge propositions.' (Siegel, 2013: 166).

[B] *against the transcendental status of unchallengeability:*

[e]ven if Wittgenstein is right that hinge propositions are unchallengeable, there is nothing necessary or permanent about that status (Siegel, 2013: 165).

[C] *against practice-related unchallengeability:*

One plausible reading of Wittgenstein is that hinge propositions are groundless within a given language game or system of presuppositions/ judgment, but are evaluable/criticizable/supportable from some other language game or perspective. I am myself in some sympathy with this way of thinking about hinges [...] But this sort of relativity to a language game is innocuous, epistemologically (Siegel, 2021: 1111).

As in my ECA paper (Olmos, forthcoming), my (not particularly Fogelinian) response to Siegel starts by *qualifiedly* conceding [A]. I agree with Siegel that any and every content could be challenged *under certain conditions* (skeptical stands are understandable, reasonable, and rationalizable in the sense that reasons could be adduced for them and could even be useful for certain purposes). But, as Wittgenstein points out, this is not done without consequences: skeptical stands regarding some of our very ingrained certainties could change our understanding (the "grammar") of the very terms under which they are discussed (i.e. the meaning of terms such as "knowledge", "reason" or "justify").

As for [B], I claim that it is a point already conceded by Wittgenstein himself in *OC* § 96-99, when he presents his river-bed metaphor (*das Flussbett der Gedanken*) in which stable and flowing soil or sand are not strictly (or eternally) separable:

It might be imagined that some propositions, of the form of empirical propositions, were hardened and functioned as channels for such empirical propositions as were not hardened but fluid; and that this relation altered with time, in that fluid propositions hardened, and hard ones became fluid. (Wittgenstein, *OC* § 96).

Our main point of discussion is [C], as I am more than sympathetic to the idea that the unchallengeability of certain contents should be *locally* understood as *field* or *practice-related* (an idea that's also present in some of Wittgenstein's fragments), but I would not say that "this sort of relativity to a language game is *innocuous, epistemologically*" (emphasis added), but, precisely, that our awareness that there are contents that play the role of *hinges* in our epistemic practices, and more specifically, the conviction that these are not necessarily the same for every epistemic practice, every time or every culture, should make us change the way we do epistemology. This is where Toulmin's ideas and concepts come to help.

This paper, as distinct from my first paper on this topic, tries to provide a more detailed defense of my position regarding three aspects that I would develop in the following sections: some ideas about how a *practice-related* hinge epistemology could look like (section 2), the specification of the *logical role* of hinges in reason-giving

practices (section 3) and some further comments on the way this impinges on the partially closed and partially open character of our *non-ultimate* reason-giving practices (section 4). I will claim that Toulmin's distinctions and conceptual strategies when dealing with how argumentation works, especially his clearly Wittgensteinian concept of *warrant* might help us construe a workable understanding of hinges and their epistemic significance. Some conclusions will be offered at the end, in section 5.

2. AN EPISTEMOLOGICAL AGENDA BASED ON TOULMIN

Toulmin book, *The Uses of Argument* (1958) is usually conceived of as one of the foundation stones of argumentation theory and unfortunately it is not much read in other philosophical areas. However, Toulmin's avowed goal in this work was exploring the kind of reform that logic needed in order to address the problems of epistemology. The book's last chapter ("The origins of epistemological theory") and most significantly its Conclusions discuss what can be done with epistemology.

Toulmin's epistemological agenda is definitely *sectorial* or *practice-related*, based upon a, however vague (or open-ended), concept of *argumentative field* (Cf. Martínez García, forthcoming). In the following, rather clear claim, moreover, he seems to be circumventing the kind of discussion that presided the reception of Wittgenstein's *On certainty*:

...the proper course for epistemology is neither to embrace nor to armour oneself against scepticism, but to moderate one's ambitions—demanding of arguments and claims to knowledge in any field not that they shall measure up against analytic standards but, more realistically, that they shall achieve whatever sort of cogency or well-foundedness can relevantly be asked for in that field. (Toulmin, 2003 [1958], p. 229).

But mind that this very sentence starts with the following qualification "Only when one removes the initial logical confusions does it become clear that the proper course..." (Toulmin, 2003 [1958], p. 229). So, according to this, it is Toulmin's logical concepts and distinctions that allow for the very conception and development of such field-dependent epistemology:

It is only when one builds up a more complex, field-dependent set of logical categories that the detailed sources of our epistemological problems come to light (Toulmin, 2003 [1958], p. 230).

More *complex* and *detailed* because Toulmin's strategy is not only to reject the analytical standard for argument evaluation, but much more significantly to explore the kinds of *logical roles* to which the analytical standard has been blind and which, according to him, are fully operative in any argumentative practice. Even if Toulmin did not reach the full variety that we can identify in certain contemporary argumentation theories (namely in Marraud's *argument dialectics*, Cf. Leal and Marraud, 2022), the conceptual strategy is already there: data, warrant and backing are not just additional premises, and their justificatory contribution does not need to be conceptualized as simply adding propositional contents.

As we will see in more detail in the next section, the concept of *warrant* is the one that we can associate with Wittgenstein's intuitions about *hinges*, but in Toulmin's account

and discussion, warrants express in principle challengeable contents, even though their local validity defines the limits of a particular practice. And this sort of status is precious for us. As in Wittgenstein's river-bed metaphor, a particular grain of sand might sometimes be left flowing and sometimes be part of the *Flussbett*, but this does not mean that it will not duly play its role of supporting the flow in the latter case: "But I distinguish between the movement of the waters on the river-bed and the shift of the bed itself" (Wittgenstein, *OC* § 97).

Toulmin's three guidelines for the future of epistemology, as contained in the Conclusions of *The Uses of Argument* are fully consistent with this emphasis on the field-dependency of justificatory standards. These are:

- i. the need for a *rapprochement* between logic and epistemology:

the proper business of both is to study the structures of our arguments in different fields, and to see clearly the nature of the merits and defects characteristic of each type of argument. (Toulmin, 2003 [1958], p. 235)

- ii. the importance in logic of a *comparative* method that would not privilege the standards of any particular field:

What has to be recognised first is that validity is an intra-field, not an inter-field notion. Arguments within any field can be judged by standards appropriate within that field, and some will fall short; but it must be expected that the standards will be field-dependent, and that the merits to be demanded of an argument in one field will be found to be absent (in the nature of things) from entirely meritorious arguments in another (Toulmin, 2003 [1958], p. 235).

- iii. the reintroduction of historical, empirical and anthropological considerations:

But not only will logic have to become more empirical; it will inevitably tend to be more historical. [...] We must study the ways of arguing which have established themselves in any sphere, accepting them as historical facts; knowing that they may be superseded, but only as the result of a revolutionary advance in our methods of thought. In some cases, these methods will not be further justifiable—at any rate by argument: the fact that they have established themselves in practice may have to be enough for us. (Toulmin, 2003 [1958], p. 237)

The final references of this last quotation to ideas associated with Wittgensteinian hinges are patent for any philosophical reader.

Does this mean that Toulmin does not assign *any* task to a general-scope kind of epistemology? Not exactly, it is a restricted task, though that precisely means *moderating its ambitions*. A general epistemology might only deal with what Toulmin calls the *force* of its own central concepts, namely the *force of knowledge claims*, specifying their meaning, including their pragmatic implications: i.e. what it means for some agents in a certain contexts to accept them. However, according to Toulmin, there is no way that a general-scope epistemology might deal with the *criteria*² for the evaluation of knowledge claims, because these will definitely be field-related. To sum up, a general (*field-independent*) kind epistemology, specifying what knowledge claims amount to, i.e. dealing

²Toulmin uses this opposition between *force* and *criteria* in many passages of *The Uses* applying it to almost any concept he defines. There is, however, no clear quotation illustrating this in the final chapters, although what he states is fully consistent with such rendering.

with the (pragmatic) *force* of knowledge claims cannot be *evaluative* (it will be normative only in a very restricted, grammatical sense). We have to expect then that the evaluation of knowledge claims according to specific *criteria* would instead be *field-dependent*.

3. TOULMIN'S WARRANTS AS A MODEL FOR HINGES' LOGICAL ROLE

According to this framework, then, the central question regarding hinges (or something very like them) would not be so much which contents are and which are not "hinges" (that can change historically and between contemporary practices) as what is it to function as, to play the role of a hinge: a significant role that has consequences for its *local* unchallengeability. Such *functional* approach to hinge propositions would amount to a maximization of their positive/enabling aspect.

Wittgenstein suggest their characterization as *rules of testing* (OC § 98). Hinge epistemologist A. Coliva, for example, talks about *rules of evidential significance* and this idea justifies, in her view, their unjustifiable status:

they allow us to acquire and assess evidence [...] Yet that evidence, in its turn, being dependent on holding them fast, can't give them any epistemic support. [...] Therefore, hinges can't be justified. (Coliva, 2016, p. 86)

But Coliva is clearly engaged in a general-scope hinge epistemology (thus emphasizing *absolute* unjustifiability) and, moreover, even if she uses a *rule characterization* of hinges, she still wants to keep, at the same time, a propositional model for them. For Coliva, hinges would be: "propositions that play a rule-like role" (Coliva, 2016, p. 87). Her choice examples are presented then under that propositional aspect: "There is an external world", "My sense organs are generally reliable", "I am not the victim of sustained and lucid dreams".

Conversely, some of Wittgenstein fragments seem to point to a way of functioning that does not fit so well ideas associated with propositional contents:

All testing, all confirmation and disconfirmation of a hypothesis takes place already within a system. And this system is not a more or less arbitrary and doubtful point of departure for all our arguments: no, it belongs to the essence of what we call an argument. The system is not so much the point of departure, as the element in which arguments have their life. (Wittgenstein, OC §105).

As if giving grounds did not come to an end sometime. But the end is not an ungrounded presupposition: it is an ungrounded way of acting. (Wittgenstein, OC §110).

My claim that these Wittgensteinian (somewhat elusive) suggestions regarding the way a system of hinges shapes our ground-giving (*Begründung*) or reason-giving practices could be better captured if we set aside the propositional model of hinges and emphasize the rule- model, taking inspiration, precisely from Toulmin's formulation of *warrants*.

As *rules of testing*, (local) hinges would belong within the grounds (criteria) for content/claim assessing. But, as we have already stated, Toulmin's logical reform seeks to differentiate the diverse roles played by different elements of those grounds: not everything is *additional premises*, not every grounding element adds propositional contents. It is obvious that among Toulmin's distinctions the concept of *warrant* is the one that inherits

most characteristics from Wittgenstein's hinges, but Toulmin's precisions and formulations are also very important for our (argumentative) interest in Wittgenstein's concept.

According to this approach, the main idea would be that hinges are not just profound convictions that we are not prepared to renounce to (*OC* §105) but play a more distinct and argumentatively significant role in *the recognition of reasons*, shaping the way we argue and understand argument: becoming thus "the element in which arguments have their life". Their *positive* role for argument is not, then, that we simply need some starting point or some basic beliefs in order to justify others. Hinges would not work as direct reasons (or evidence) but as *rules of what can be taken as a reason for something else*. Using one of Toulmin's formulas for the correct expression of the role of *warrants*: rules expressing on what kind of data *one may take it* that some other content is (presumably) justified. They would correspond to "practical standards or canons of argument" (Toulmin, 2003 [1958], p. 91).

Although Toulmin's discussion of *warrants* certainly inherits many of his previous ideas on the logical role of *laws of nature* (Toulmin, 1953), which included a certain ambiguity between their propositional and rule character³, in *The Uses of Argument* insistence is placed on the non-empirical, non-propositional character of *warrants* and their *logical role* as rules. This is done in distinguishing warrants from both *data* and *backings*:

Distinction D/W:

The question will at once be asked, how absolute is this distinction between data, on the one hand, and warrants, on the other. [...] the nature of this distinction is hinted at if one contrasts the two sentences, 'Whenever A, one has found that B' and 'Whenever A, one may take it that B.' (Toulmin, 2003 [1958], p. 91).

Distinction B/W:

Though the facts about the statute may provide all the backing required by this warrant, the explicit statement of the warrant itself is more than a repetition of these facts: it is a general moral of a practical character, about the ways in which we can safely argue in view of these facts. (Toulmin, 2003 [1958], p. 98).

In both this quotations, the *practical, rule-like, or directive* nature of warrants is emphasized in order to fully understand their *logical role*: the role of ruling what kind of data/evidence *allow us to take it that* our claims are (at least *pro tanto*) justified. They delimit thus *the recognition of some content as a (pro tanto)⁴ reason for some other content*. And consistently with Toulmin's whole approach, this logical role would be fully operative only within a certain argumentative field or argumentative practice or, better said, the fact that it be operative in one field does not imply that we should expect it to be operative within a different field.

³ There would be interesting links between Toulmin's 1953 account of laws of nature and Coliva's 2016 *midways* proposal for the characterization of hinges.

⁴ This "pro tanto" qualification is not obviously in Toulmin and refers to the gradual distinctions attributed to the dialectical status of reasons (*prima facie, pro tanto* and *all things considered* or *conclusive reasons*) introduced by Marraud in his argument dialectics (Marraud, 2020a, p. 169; 2020b, pp. 155-156) and somewhat inspired in W.D. Ross work on normative reasons (Ross, 1930).

4. NON-ULTIMATE REASON-GIVING PRACTICES

Toulmin's account of the (local) logical role of *warrants* has, thus, consequences for their (also local) unchallengeability. Toulmin even thinks that such relative unchallengeability is what allows argumentation to even take place: "Indeed, if we demanded the credentials of all warrants at sight and never let one pass unchallenged, argument could scarcely begin." (Toulmin, 2003 [1958], p. 98).

But Toulmin has no transcendental argument for the *absolute* unchallengeability of any content or rule and always uses a rather flexible language that allows for the "testing of warrants". Sometimes, it even seems that it is *backings* and not operative *warrants* that define argumentative fields:

Two people who accept common procedures for testing warrants in any field can begin comparing the merits of arguments in that field: only where this condition is lacking, so that they have no common ground on which to argue, will rational assessment no longer be open to them. (Toulmin, 2003 [1958], p. 162).

But, again, the very notion of argumentative field or practice seems to be somewhat open-ended in what might seem a shortcoming of Toulmin's approach, although Martínez García (forthcoming) has convincingly argued that thus is precisely as it should be in order for it to work properly.

I will give an illustration of how I think this local, practice-related and finally transgressable unchallengeability works in practice⁵. When someone "presents something as a reason for something else" (as Marraud's definition of argument runs):

1. The way those two things are linked might be *practically accepted* and remain tacit *within an ongoing argumentative practice*.
2. If one of the participants asks "how do you get there?" one of the possible answers (for *particularists*; or the only one, for *generalists*, Cf. Alhambra, 2022) would be producing a warrant (W).
3. The warrant may pass unchallenged and argument and epistemic practice *hinge* on it *within an ongoing argumentative practice*, or...
4. ... its validity might be called into question and it may need to be supported by expressing its (*field-dependent*) backing (B). Offering such kind of backing might work as a mere reminder of a kind of validity that the interlocutor will have no problem to accept *within an ongoing argumentative practice*, or...
5. ... a full-fledged discussion might issue about the (factive or normative) validity of the warrant, asking for *warrant-establishing arguments*. And here we have finally *got out* of the original practice or at least entered a *critical argumentative level* within a field of reasoning (cf. *regular* vs. *critical* arguments, in Toulmin, Rieke and Janik 1978).

⁵This account of what happens in argumentative exchanges tries to be consistent with my own suggestion of three levels of argument reception and reason assessment as contained in Olmos (forthcoming). There the focus was on different kinds of more-or-less reflective practices allowing for more-or-less profound challenges. Here the idea is that *any* argumentative exchange in *any* practice might eventually lead to the transgression of those levels. But that does not mean that we do not distinguish those levels or that the distinction does not bear on the way we act argumentatively.

Unchallengeability must be dropped now, but mind that the way we understand and act on certain terms might have changed as Wittgenstein suggested of certain especially transgressive practices (namely philosophy), a worry that is also present in Toulmin, but with a slightly more liberal twist:

But supposing a man rejects all warrants whatever authorising (say) steps from data about the present and past to conclusions about the future, then for him rational prediction will become impossible; and many philosophers have in fact denied the possibility of rational prediction just because they thought they could discredit equally the claims of all past-to-future warrants. (Toulmin, 2003 [1958], p. 93).

Our ever-changing constellation of practices allows even for that... at least to a certain extent. This rather weak notion of unchallengeability intends both to recognize the specific *logical role* played by warrants-as-hinges (or *vice versa*) in the practical recognition of reasons and, at the same time, the open possibilities for their role-changing within an extended (finally field or practice-transgressing) exchange.

Nevertheless, Toulmin, not wanting, from a field-dependent epistemology point of view, neither *to embrace nor to armour himself against scepticism*, in certain passages, and in an apparently more general-epistemologists mode, suggest that his personal sympathies do not lie with pan-skeptical doubts. But mind that the way he argues against, for example, systematically doubting the reliability of our senses, is based on the idea that such doubts have been presented as deriving from the perplexities found by philosophers that only accept an analytical standard of argument evaluation:

Ever since Descartes, for example, philosophers have been teased by the problems he raised about the fallibility of our senses: [...] No problem could, at first sight, more gravely challenge our self-esteem or our claims to genuine knowledge. Yet it is only the false expectation that arguments from how things look to how they are could ideally achieve analytic validity that creates a problem here [...] The question we ask in such a case, whether any collection of sensory data *justifies* us in claiming knowledge about the world, does not call for entailments at all: the question is rather whether the evidence of our senses is always in fact rebuttable—whether the presumptions it creates are always in fact rebuttable—whether the presumptions it creates are always in fact open to serious dispute—and to this question the answer is surely ‘No’. These presumptions are very frequently of the strongest so that, as has well been said, ‘Some things it is more unreasonable to doubt than to believe.’ (Toulmin, 2003 [1958], p. 230).

It seems that Toulmin could accept (local) doubts about the reliability of our senses based on different philosophical or naturalistic (even scientific) grounds or stands, but what he is not prepared to concede is that the lack of an *a priori* formal validity ruling arguments from how things look to how things are becomes a reason to raise those doubts. What he is here arguing against is the kind of doubting practice that considers it has undoubtedly established the necessity to doubt.

In a Toulminian account of argumentative practices leading to a field-dependent epistemology, not even philosophy is an *ultimate practice* that may place itself above every other practice, once we reject the relevance for its disputes of the analytical standard: all discussions (save for the closed world of the formal sciences) are substantive, all rely on assumed/disputable ideas about *on what kind of data one may take it that some other content is (pro tanto) justified* or about *what can be taken as a reason for something else*.

5. CONCLUSIONS

I have defended that the local, practice-related, field-related (language-game-related) unchallengeability of certain contents (Wittgensteinian hinges or Toulminian warrants) is not at all an *epistemologically innocuous* characteristic. On the contrary, our awareness of the specific logical role that certain contents play *in a specific field* or practice is precisely what, according to Toulmin, for example, allows us to explore a really and fully *normative epistemology*. An epistemology that, moving beyond a general understanding of the *force* (meaning and pragmatic implications) of any knowledge claim, would be able to account for the detailed *criteria* that sanction their assessment *in that particular field*.

This idea could be polemic and could, of course, be challenged and rejected, but it is not *innocuous*, providing instead an epistemological agenda that clearly differs from most contemporary mainstream epistemology: the empirical, historical and anthropological study of really operative justificatory reasons, conceived of as substantive vs. formal reasons. The alternative to this sectorial epistemology is a general-scope epistemology looking for explicit general principles of validity or skepticism or a likewise general-scope hinge epistemology trying to identify which contents act (allegedly always, in any epistemic practice) as hinges.

One way to avoid discussions about whether some particular content is/is not a proper (Wittgensteinian) hinge, is to focus on a functional (vs. ontological) characterization of hinges. And here the opposition between propositional vs. rule models that is present in hinge epistemology literature becomes central. I have opted for a rule model that allows me to establish the connection between Wittgenstein's most argumentatively fruitful ideas on hinges (those related to reason-giving practices) and Toulmin's explication of the logical role of warrants. My suggestion is that hinges could be conceived of as *rules of what can be taken as a reason for something else*, or following a particular formulation of Toulminian warrants, *rules expressing on what kind of data one may take it that some other content is (pro tanto) justified*. Hinges play a situated but argumentatively central role in the recognition and assessment of reasons in any particular field (becoming thus "the element in which arguments have their life").

Even though discussions about the alleged *propositional content* of hinges and warrants (and "laws of nature", as in Toulmin, 1953) might be a question of philosophical interest (e.g. their alleged correspondence with the way the world actually is), their explicit rule-formulation seems to better explicate their logical role and pragmatic force.

Finally, my conception of the fields, practices and levels of discussion in which hinges and warrants work as such is not at all a closed or absolutely compartmented one. Unchallengeability is not absolute but unstable, although this does not mean that *ultimately* there is nothing to it because our practices are not *ultimate practices*. As Tindale has defended:

Talk of the need to be initiated into rationally systematized fields suggests that such fields are closed to the uninitiated. But the terms under which we allowed them to be deemed rational alongside each other points to an openness that invites some access. People do move between fields, and others, like the science journalist, can work on the periphery of fields [...] Closed systems [...] cannot remain closed for long, natural curiosity, and the desire to understand new experience discourages this. (Tindale 2021, p. 74).

Our own everyday experience dealing with different realms (“we participate in multiple forms of life, overlapping and crisscrossing”, Tindale 2021, p. 170) may help us understand how they may have their own reason-giving rules that we will both abide with when taking part in them and eventually put into question for other purposes: “we all experience such deep diversity of conflicts almost routinely, developing various strategies to manage them” (Tindale 2021, p. 168).

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Pragma-Dialectics Meets Virtue

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ABSTRACT: There are already relevant discussions proposing that Virtue Argumentation Theory and Pragma-Dialectics are indeed complementary approaches to the argumentative practice. Virtue has once been introduced into the application of critical rules and other second-order conditions (Gascón 2017a). In a similar vein, this paper continues to find more places concerning the arguers' state of mind that can be supplemented by virtue approach. First, I will consider some other "inner" obstacles which could be better addressed with the requirement of virtue. Second, to some extent, we will try to make a new interpretation on the theoretical results of fallacies analyzed by rules from a fresh virtue perspective.

KEYWORDS: critical rules, fallacies, Pragma-Dialectics, Virtue Argumentation Theory

1. INTRODUCTION

The standards of assessing the argument strength have been constructed under the development of the logical, dialectical, and rhetorical approaches, in which argument has been viewed as a static product, a procedure of critical discussion, and a process of changing the viewpoints of the audience, respectively. Among them, the study of the argumentative procedure has been properly undertaken by pragma-dialectics, which is becoming the most successful and widely accepted dialectical theory. Unlike these three traditional approaches to the argumentation practice, however, a kind of agent-based approach has been developed in the last two decades: the virtue argumentation theory, which stressed the role of arguers' argumentative virtues. Since the paper will show us how could a virtue approach work when it comes to benefiting the dialectical approach to argumentation practice, I will first give a brief introduction to each theory, including the origins of pragma-dialectics and the development of virtue argumentation theory.

The pragma-dialectical theory of argumentation was initiated by van Eemeren and Grootendorst in the 1970s and developed over the next five decades. Based on the combination of Searle's theory of speech acts and Grice's cooperative principle, the analysis of argumentation in pragma-dialectics has integrated both a communicative insight and a critical insight, including some effective principles, so that to avoid the performance of speech acts that may be redundant, unnecessary, or meaningless (van Eemeren and Grootendorst 2004). Since argumentation is characteristically aimed at resolving a difference of opinion on the merits by means of a critical exchange of argumentative moves between the protagonist and the antagonist, the theorists are supposed to systematically connect the descriptive pragmatic dimension and the

normative dialectical dimension of argumentation together.

In order to carry out a normative pragmatic research program, they successively proposed the ideal model of a critical discussion to provide vital guidance for the discussants' conduct, and presented a list of "ten commandments" as a practical code of conduct for people who want to resolve their differences of opinion in a reasonable way by means of argumentative discourse. In the ideal model, a critical discussion is divided into four stages including confrontation stage, opening stage, argumentation stage and concluding stage, and the discussants will be confronted with all of them. During the process, the speech acts of the discussants are specified in great detail according to the ten rules for critical discussion whose violation also amounted to the commission of a fallacy (van Eemeren and Grootendorst 1992).

For more than a decade, virtue argumentation theory has been developed as a new approach to the practice of argumentation by scholars like Cohen (2005) and Aberdein (2007). Specifically, based on the conception of "ideal arguer" and "cognitive achievement", they suggested to interpret the quality of argument through the virtue of arguer with theorizing it in a systematic way. In order to introduce virtue into argument analysis and evaluation successfully, scholars such as Cohen and Aberdein have critically rethought the argumentative interaction on the basis of a new dimension of the agent, and have provided a groundbreaking explanation of the specific relationship between virtue and argument strength: "A good argument is one that has been conducted virtuously", which means that we argue virtuously when we exhibit those acquired habits of mind that are conducive to one of argumentation's characteristic cognitive achievements (Cohen 2007).

Thus, argumentative virtue as a central concept in the virtue argumentation theory, begins to take its place in the discussion of argument norms. In order to clarify the definition, Aberdein (2010, 2016) further sorted out the virtues associated with argument, and developed preliminary list of their corresponding vices according to the thought of doctrine of the mean. Moreover, the traditional fallacy theory can be effectively analyzed in terms of vices. It can be seen that virtue argumentation theory breaks through the mainstream analytical framework in the field of argumentation theory and the discussion around it has increasingly become an emerging hot issue in the field of argumentation theory, providing a bold analytical approach for argumentation researchers and opening up a highly imaginative theoretical horizon.

2. PREVIOUS STUDIES

As for the idea that virtue could be introduced into the rules of Pragma-dialectics, there are already some theorists providing relevant researches to address it as a theoretical supplement by emphasizing the necessity, importance, and feasibility of this approach. They firstly agreed with that the pragma-dialectical rules are insufficient and the appropriate application of rules may require a suitably motivated and virtuous character, then they further pointed out that in several certain contexts it could be better addressed by the virtue approach with listing some other "inner" conditions in addition to applying the rules.

For example, in the discussion about limitation of Pragma-dialectics, Gerber focused on its moral quality and criticized that pragma-dialectical methodology potentially runs the risk of amorality since arguments are deemed 'good' as long as

they meet the goals of the speaker, regardless of what those goals or purposes might be (Gerber 2011). Pragma-dialecticians concentrate explicitly and exclusively on the argumentative quality of advocacy, which only means its “soundness”, not on other qualities “good” may refer to, which in turn may exactly be concerned by virtue argumentation theorists. Although Gerber clearly identified the ethical deficiencies of pragma-dialectical approach, he was not advocating the wholesale abandonment of the pragma-dialectical approach. Rather, he argued that a more philosophically robust theoretical foundation may offer critics a more useful, and indeed more ethical, method for interrogating argument. Now, I’d like to claim that the emergence of virtue approach to argumentation theory has indeed provided the possibility to remedy the ethical deficiencies of pragma-dialectics.

With more other recent works asserting explicitly the importance of an ethical approach in argumentation theory, Correia started to break the traditional assumption of the normative theories of argumentation, proposing that the mere acceptance of the rules of logic and dialectic does not suffice to ensure the reasonableness of arguments, nor does it suffice to fulfill the arguer’s obligations (Correia 2012). Specifically, he justified this claim from a theoretical point of view that the reasonableness of argumentative discussions can be unintentionally undermined by the arguers’ cognitive biases and such biases tend to be unconscious. Therefore, he argues for an approach that includes argumentative virtues in argumentation theory since the bias could be resolved by intentionally reinforcing the rationality of the arguers’ attitudes, including the acquisition of argumentational virtues.

Based on the discussion about unconscious bias by Correia, Gascòn further pointed out that belief bias, confirmation bias and blind point are respectively considered to be the obstacles to the correct assessment of arguments in according to the experiments of psychological researches. In order to follow the pragma-dialectical rules, there is something more needed than honesty and effort (Gascòn 2017a):

An approach to argumentation that deals with those kinds of biases should address the discussants’ dispositions and motivations, at least if such an approach is intended to have a relevant influence on practice and education. [...] It seems to me that a virtue approach to argumentation would be the most suitable theory for this purpose.

In fact, he agreed to use a virtue theory as a fruitful framework that would allow us to address the problem of bias, which provided us more possibility to regard these two theories as complementary approaches, instead of as opposite accounts of the same thing.

Based on these previous studies, I argue that, virtue argumentation theory could complement pragma-dialectics, and this paper is going to present more evidence from other two aspects besides the possibilities mentioned in the researches above. In a similar vein, my paper continues to find more conditions concerning the arguers’ state of mind that can be achieved by the virtue approach so that to supplement the rules. Also, to a certain extent, we could give a new explanation to the theoretical results of the fallacies in the analysis of pragma-dialectical rules in terms of virtue approach.

3. HOW COULD VIRTUE COMPLEMENT THE RULES?

According to the theorists, compliance with the pragma-dialectical rules, which constitute first-order conditions for conducting a critical discussion, cannot make sure that discussants will always be able to resolve their difference of opinion, it is just necessary but not sufficient (van Eemeren & Grootendorst 2004). Besides, there are definitely other higher-order conditions need to be fulfilled, among which the second-order conditions are related to the psychological state of the agents. However, the theorists themselves haven't clearly expressed what precisely the second-order conditions are for a reasonable discussion (Gascòn 2017a). Therefore, with the situation that the rules are incomplete, the first aspect is to discuss that how could virtue complement the rules since the virtue approach would allow us to address the problem on the certain aspects concerning the psychological states of the arguers, which still affect their argumentative behaviors, especially bias. In addition to the three bias mentioned by Gascòn, there are other factors that inadvertently undermine the rationality of argumentative discourse even if the discussants follow the rules prescriptively. As the bias listed before, the other two issues to be discussed here are identity prejudices and emotional effects, and these obstacles could be ameliorated by virtue requirements.

Fricker first discusses the notion of “epistemic injustice” and tends to focus on the practical harms caused by credibility deficits, including distorting the assessment of the arguer who is being prejudicially assessed and damaging the ability of the falsely stereotyped agent to engage in argumentation (Fricker 2007). Bondy continues to distinguish between argumentative injustice and epistemic injustice, arguing that the latter operates both in the form of deficiency and excess of credibility (Bondy 2010). In my opinion, there is no doubt that epistemic injustice and argumentative injustice are related to each other analytically. Given that the credibility problem is the basis of this kind of injustice, we can see that the arguments are particularly affected when the agent is faced with identity prejudices, which make the agent focuses unconsciously on the epistemically irrelevant factors such as race, gender, ability, and so on.

Here, let's consider the 1st commandment, as well as the 4th commandment, which require that we do not make the ad hominem argument, and the ad verecundiam argument which means we can't defend the standpoint irrelevantly (van Eemeren and Grootendorst 2004). However, identity prejudices can unintentionally cause the arguer to unjustly assign the credibility in others' opinions and reasons based on irrelevant factors, taking race and gender for example, thereby preventing the individual from complying with the rules without being aware of the biased association. Next we will specifically address race-based and gender-based biases as typical representatives of identity prejudice.

1. Discussants may not prevent each other from advancing standpoints or from calling standpoints into question;
4. Standpoints may not be defended by non-argumentation or argumentation that is not relevant to the standpoint.

As for bias based on race, one of the more extreme forms comes from Johnson and Blair in early time, who regarded “ethnocentrism” as one of the causes that make people reason fallaciously. An ethnocentric attitude, as applied to culture, is one that assumes that our culture is somehow better than others' culture or else that what is

true of our culture is also true of others' culture (Johnson and Blair 2006). Of course, there are many other forms of racial prejudice that permeate our daily lives. It is not difficult to see that since we are all born with different nationalities and come from different ethnic groups, under the influence of culture and education, racial bias are easily rooted naturally in everyone's heart without realizing it. Actually, maybe no one could be immune from having unconscious thoughts and associations since racial bias are subconscious bias that inadvertently undermining the rationality of argumentative activities, but becoming aware of implicit racial bias creates an avenue for addressing the issue (Maryfield 2018), and virtue argumentation theory, emphasizing on education and training on arguers' state of mind, can certainly say something to that.

As for gender bias, we also have several evidence that gender bias may always be unconscious and do have an impact on the argumentative process. The feminist theorists have already criticized some traditional assumptions that involve ideas, norms, and ideals—including conceptions of the virtues—that have been erroneously taken as universal, while actually they were representative of males only (Gascón 2017b). According to the criticism, the philosophical concept of reason has always been constructed as a male ideal. In fact, the problem is not simply that women are always unreasonable, but that the ideal of reason itself is gender biased naturally. From the conception to discussion, gender bias is everywhere and inevitable since the gender as a natural attribute affect the agent subconsciously. In order to address the problem, we'd better turn to the virtue approach again. Furthermore, it can be seen that the commitments to argumentative virtues are even beginning to take gender into account, for example, when Phillips proposed patience as an argumentative virtue, she expressed a gendered concern that the patience of a woman in an abusive marriage cannot be regarded as a kind of virtue in any case, so that we are supposed to appeal to the nature of virtue (Phillips 2021).

Therefore, according to the list of a tentative typology of argumentational virtue (Aberdein 2010), the virtue of Intellectual empathy and Fairmindedness could help us to better counteract the bias above in addition to the rules. To eliminate racial and gender prejudices, the first step is to be aware of them, and the discussant must try to understand the situation of the other person emotionally, so as to maintain a rational attitude towards the objective opposition of race and gender, driving us not to look down on any country, or not to give special treatment to any one gender. Consciously understand and avoid racial and gender biases, and thus to achieve the fairness in argumentative discourse.

In order to justify that an ethical approach is paramount to ensure the rationality of people's reasonings in everyday debate in addition to the logical and dialectical rules which are insufficient, Correia suggested that arguers may reason correctly both from a logical and dialectical point of view, and nevertheless be biased or "unfair" at different levels (Correia 2012). Moreover, he agreed that people's emotional attachment to given standpoints significantly affects the way they reason and debate in many ways, which means that the unfair situation seems to happen all the more when the arguer's "emotional attachment" to the standpoint is particularly strong. The notion of "emotional attachment" was starting to get concerned since the discussion of Johnson and Blair, who argued that the act of reasoning is rarely carried on in a situation that lacks an emotional dimension, and any attempt to segment reason and emotion is ill-conceived (Johnson and Blair 2006). Particularly, they mentioned "egocentrism" which is considered to be a tendency to view the world

primarily from the perspective of one's own ego and to allow one's interests to define one's world as one of the emotional attachment, leading us to think more about the relationship between reason and emotion. By egocentric commitments, we understand more on the argumentative moves affected by specific and individuating interests and involvements that we have as individuals, as contrasted with the more universal features, like gender and nationality mentioned above.

In addition to the emotional attachments discussed before, there is another emotional reaction that is to be emphasized here. The emotion of the arguers' fear, including of the unknown or uncertainty, could also unconsciously cause their unwillingness to continue arguing. Imagine if you've ever been in a situation where you're afraid to answer questions or even participate in discussions to avoid interaction because you're unsure or unclear about the answer. This is more likely to happen in people who are not confident or even restrained in expressing their ideas, and if you have been engaged in some Chinese education environment in early years, you will be more familiar with this situation. Taken this inevitable emotional effects into consideration, we are supposed to use virtue to complement the rules. In a similar vein, the theory of coalescent argumentation proposed by Gilbert also paid attention to the emotional dimension. In addition to the logical analysis of arguments, it gives three additional modes to take other components that have traditionally been studied by informal logic into consideration: emotional, visceral, and kisceral, so that to really enrich the conception of argument. The theory accounts for those aspects of the argument that are not logical and help people make sense of what happens in argumentative interaction, which is properly in line with the key ideas of the virtue approach.

The virtue of self-control has been shown to help address the effects of emotional attachment on argumentation. In argumentative discourse, the attitudes of arguers are responsible for the rationality of their reasoning, insofar as they can deal with, even counteract their emotional attachment discussed above by adopting the argumentative virtue of self-control, which seems to be defined as the ability to counteract one's own propensity to be biased for the sake of ensuring the rationality of arguments (Correia 2012). Consequently, based on virtues discussed in argumentation (Cohen 2005, Aberdein 2010), the attempt to more generally reflect on argumentative self-control as an arguer's virtue in argumentation theory in order to prevent our genuine efforts to argue in fair terms from often being undermined by emotional attachment, undoubtedly provides a promising framework to address it.

4. A NEW INTERPRETATION ON "FALLACIES"

The second aspect is that virtue approach could provide a new interpretation for the fallacy theory results analyzed by pragma-dialectical rules. According to the pragma-dialectical approach, the fallacies are identified as the violations of critical rules which represent the standards or general soundness norms for critical discussion, since the rationale for calling an argumentative move a fallacy is then that this move obstructs or hinders the resolution of a difference of opinion on the merits (van Eemeren and Grootendorst 1992). However, from the virtue perspective, the theorists argue that traditional fallacy theory is only part of a complete account of argumentational vice (Aberdein 2010). He analyzed every traditional fallacy in "Gang of Eighteen" effectively in terms of argumentational vice, so the fallacies could be

regarded as the lack of argumentative virtues. It should be noted that the agent considered in critical rules is only the protagonist or the antagonist, but in virtue analysis it refers to both the proponent and the respondent at the same time. So then, I will reinterpret the fallacies in pragma-dialectical view by the virtue theory, including both a traditional fallacy and a new fallacy.

Let's first focus on the analysis of a traditional fallacy. In pragma-dialectics, the fallacy of *ad baculum* is identified as the violation of the Freedom Rule 1 at the confrontation stage, specifically the protagonist or the antagonist restricting the other party's freedom of action (or putting the other party under pressure) by threatening opponents with sanctions (van Eemeren et al. 2004). However, when the theory of fallacy is connected with a virtue perspective, the failure of virtue is not always solely that of the arguer, but the respondent also has responsibilities which may not be adequately discharged. So that referring to the virtue argumentation theory, the fallacy of *ad baculum* has been received a new virtue theoretic treatment analytically, then we could see that illegitimate *ad baculum* arguments represent unjust and dishonourable behaviour by the arguer but also, should the argument succeed, a failure of intellectual courage by the respondent (Aberdein 2010).

According to the tentative typology of argumentational vice, the vices of the arguer in the fallacy of *ad baculum* belong to the narrow-mindedness of unwillingness to listen to others and the intellectual intransigence of unwillingness to modify one's own position respectively, while the vice of the respondent falls in the intellectual cowardice of unwillingness to engage in argumentation. As we can see, a new development in the virtue approach that needs to be emphasized here is that in the analysis of fallacies, we attribute not only to the arguer's lack of virtue in the course of the argument, but also to the vices exhibited by the audience, so that both of them should have virtue requirements as well. Therefore, when we combine the perspective of virtue to supplement interpretation on the fallacies in pragma-dialectics, we pay attention both to the two agents of the argumentation process, including the protagonist and the antagonist, which is also in line with pragma-dialectical emphasis on the dynamic dimension of argumentative interaction.

In the analysis of fallacies by pragma-dialectical approach, there are some other obstacles distinguished to resolving a difference of opinion on the merits that were earlier not recognized, and were therefore unnamed, so these violations of different rules are registered as "new" fallacies, including declaring a standpoint sacrosanct, denying an unexpressed premise, falsely presenting something as a common starting point and so on. In order to make the interpretation more complete, the analysis of a 'new' fallacy by virtue approach is necessary here, and this paper will take the fallacy of evading the burden of proof, which is one of the 'new' fallacies developed by pragma-dialectics, as an example to be discussed. It is regarded as the violation of the Defend Rule 2 at the opening stage, in which case the protagonist attempts to create the impression that there is no point in calling the standpoint into question, and no need to defend it to evade the burden of proof, specifically by immunizing the standpoint against criticism (van Eemeren et al. 2014). According to Aberdein, the analysis by argumentative virtue to the fallacies was restricted to the members of 'Gang of Eighteen', and does not include the "new" fallacies. Now, in addition to the traditional group, how could virtue approach interpret to it, that is, what are the corresponding vices to this 'new' fallacy?

Let's examine the specific way in which the Rule 2 is violated in more detail, for example, the protagonist may formulate the standpoint in a way that excludes

falsification: “Real men are leaders”, which could be immunized against criticism. Combining with the requirement of Rule 2 (Discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so) and referring to the preliminary list proposed by Aberdein, it could be transferred into the argumentational vices both of the proponent and the respondent. On the one hand, this kind of fallacy represents the protagonist’s injustice to others because the proponent does not fulfill the corresponding obligation in the burden of proof, and it is no doubt a dishonest act that the protagonist consciously evades his own responsibility based on self-interest, which presents his intellectual dishonesty. On the other hand, the antagonist should also be criticized by his over-reliance on reason and intellectual acquiescence, because if he had adjusted his attitude to reason and proof and critically considered the protagonist's behavior in the argumentative discourse, perhaps the fallacy would not have been occurred.

As a brief summary, the virtue approach offers a comprehensive understanding since it can not only provide a new explanation for the traditional fallacy analyzed by pragma-dialectics, but also can make a new analysis of the "new" fallacy concerned by its rules. This new perspective falls on the virtue of the two agents including the protagonist and the antagonist in the argumentation at the same time, therefore emphasizes more on the dynamic dimension of the dialectical interaction.

5. CONCLUSION

So, the conclusion of my paper is that Pragma-dialectics and virtue argumentation theory are indeed complementary approaches to the argumentative practice. Firstly, argumentative virtue could complement the pragma-dialectical rules since they are not sufficient conditions. In addition to the bias discussed by Gascòn, identity prejudices and emotional effects provide us more possibility to introduce virtue into the compliance of rules. Therefore when applying the rules, virtue is supposed to play an important role in it. Secondly, virtue could give pragma-dialectics a more dialectical interpretation on the fallacy theory, including the traditional fallacies and the new fallacies analyzed by its rules. Because in pragma-dialectics, the fallacy is identified as the violation of a certain rule of one person, which means the protagonist or the antagonist. But actually from the perspective of virtue, there are exactly two people (the arguer and the audience) lack of some virtues.

And finally, we could then make a promising view to the theory. It is likely that there will also be such a consideration of virtue approach in Strategic Maneuvering, which takes on a tendency from the analytic level of abstract idealization exemplified in the model of a critical discussion to the concrete level of the manifold practices of argumentative discourse. It has always been aimed at reconciling the reasonableness and the effectiveness. So far the research is still promoted to the process of making choices between argumentative strategies, not to the arguers’ virtues. But it is not difficult to say that the exploration about the role of virtue in the three aspects of Strategic Maneuvering, including the selection from the topical potential, the adaptation to audience demand and the exploitation of presentational devices, would definitely be valuable to the promotion of both theories.

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Motivated Criticism in Indigenous Consultations *Why Indigenous Arguments Do Not Convince the Crown*

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ABSTRACT: The paper reconstructs the dominant discourse of motivated criticism in a distorted reasoning context of Indigenous consultations with the help of the brand new category of Argument Continuity. Argument Continuity traces the effects of institutional power in reasoning exchanges by connecting arguments, counterarguments, and reasoning practices by the more powerful arguers to the resources (evidence sources) and incentives (costs) given by the authority rules of reasoning exchanges. It reveals how rules reinforce biases in consultations.

KEYWORDS: argument continuity, authority rules, motivated criticism

The paper acknowledges and respects the epistemic boundaries between Indigenous Peoples and the Crown within the Canadian administrative system. The research intentionally concentrates on the administrative state and its actors. As a non-Indigenous scholar, I recognize my lack of epistemic and cultural foundations for research utilizing Indigenous knowledge, evidence, and arguments. Despite these limitations, the aim is to leverage the research to support the Indigenous pursuit of procedural justice within colonial systems of administrative law and argumentative reasoning.

1. INTRODUCTION

In Canada, the Crown¹ is legally obliged to engage in consultations with Indigenous peoples when a resource development project has the potential to affect Indigenous communities adversely. Acting honorably, the Crown must provide reasons to show that Indigenous concerns were considered and reveal their impact on their decision (*Haida Nation v. British Columbia* 2004: para 44). “Responsive reasons” is a concept in Canadian administrative law that refers to natural justice and procedural fairness requirements when a decision maker is legally obligated to hear the affected parties and respond to their concerns before making the decision (Evans et al., 1995).

In discharging its duty to consult, the Crown often relies upon designated administrative agencies that have statutory discretion to consult Indigenous communities, assess the project’s effects on Indigenous livelihood, and decide whether the project can be justified for its approval by the Crown. Designing and conducting Indigenous consultations over

¹ The duty to consult applies only to the Crown – the executive branch of Canada’s federal and provincial governments (*Haida Nation v. British Columbia* 2004, para 53). Officials belonging to federal and provincial levels of jurisdictions that have statutory authority to implement the Crown’s duty to consult with Indigenous communities are counted as the “Crown”.

resource projects, an agency is an administrative decision-maker leading Indigenous hearings and whose rulings directly affect Indigenous communities. The agency must conduct hearings by securing the examination and cross-examination of all available evidence and arguments introduced by affected parties and by responding to those arguments with reasons revealing an agency's following the principles of substantial or merits-based rationality in justifying its decision, as "reasons are the primary mechanism by which decision makers demonstrate that they have actually listened to the parties" (*Vavilov v. Canada* 2019: para 127).

The internal rationality of an administrative decision may be called into question "if the reasons exhibit clear logical fallacies, such as circular reasoning, false dilemmas, unfounded generalizations, or an absurd premise" (*Vavilov v. Canada* 2019: para 104). Reasons that repeat statutory language, summarize arguments, and then state a peremptory conclusion will rarely assist in understanding a decision's rationale and are no substitute for a valid inference and judgment. Responsive reasons, as opposed to circular ones, serve as a safeguard against arbitrariness in processing diverse evidence, and the agency must disclose and articulate these reasons in two-sided reasoning over a controversial option.

2. THE MOST RECENT EXAMPLE OF FALLACIOUS REASONING IN INDIGENOUS CONSULTATIONS

During the consultation process for the Trans Mountain Pipeline Expansion Project (TM²), the Crown relied on the National Energy Board (NEB³), a federal agency tasked with regulating interprovincial and international pipeline projects. The NEB, as a singular authority mandated by its statutory act, took on the responsibility of designing and conducting environmental assessments and Indigenous hearings. In its regulatory order, the NEB independently determined the necessity of the TM project, assessed its potential impact on Indigenous interests, and evaluated the potential environmental and socio-economic effects without direct Indigenous participation. Similarly, in its hearing order, the NEB unilaterally established the List of Issues for the hearing process, selected panel members, outlined the types of evidence to be presented, and specified the epistemic procedures to verify evidence. The NEB exercised its discretion in determining the hearing procedure, permitting the testing of evidence through information requests and deciding against cross-examination during the 2014 hearings. This approach resulted in a situation where many Indigenous communities felt unable to fully participate in the Indigenous hearings due to concerns about their capacity to effectively communicate their traditional knowledge, as noted in the Crown Consultation and Accommodation Report 2019 (p. 207). Despite the challenges, Indigenous communities still participated and presented evidence highlighting concerns related to carbon emissions, oil spills, and potential irreparable damage to their traditional lifestyle. The court acknowledged that these

² The existing TM which runs from Edmonton, Alberta, to Burnaby, B.C., is the only major pipeline route for Western Canadian producers to transport their oil to Canada's West Coast. The project would result in the twinning of the existing 1,147-km pipeline system with about 987 km of new buried pipeline.

³ In 2019, the responsibilities of the NEB were transferred to the Canada Energy Regulator (CER) as part of broader regulatory reforms in the energy sector.

concerns were specific and focused, making them relatively straightforward to discuss, address, and respond to (*Tsleil-Waututh Nation et al. v. Attorney General of Canada et al.* 2018: 763). Nevertheless, NEB frequently expressed skepticism, stating that it remained “unconvinced” about the credibility of Indigenous concerns. The agency insisted that further research and data collection were necessary to substantiate these concerns (NEB Reconsideration Report, 2019, p. 397, 435, 457). Numerous Indigenous arguments were dismissed as unconvincing and rebutted with the “repeating tokens of the same counterarguments” without considering their merits (Pimenova, 2022).

At the hearing stage of the TM consultations, NEB was reluctant to depart from its previous finding that supported the project’s assessments submitted as a part of the TM proponent’s application at the regulatory stage. That precluded the Crown from adequately considering and responding to those concerns (*Tsleil-Waututh Nation et al. v. Attorney General of Canada et al.* 2018: para 560). When an agency, supposed to adjudicate the weight of all available evidence on both sides of a project, restates the premises and conclusions of arguments of the project’s proponent in its responses to Indigenous concerns, this agency becomes engaged in one-sided reasoning for a project and motivated criticism towards Indigenous concerns about a project.

3. TESTIMONIAL CREDIBILITY AND CAPACITY TO CONVINC

Indigenous consultations provide a distinct legal venue for Indigenous communities to express their concerns regarding resource development and have these concerns heard and evaluated impartially on their merits. Indigenous resource concerns possess unique epistemic qualities, often stemming from specific approaches to obtaining, testing, and interpreting evidence shaped by firsthand interactions with nature (Valadez, 2010). Unfortunately, firsthand experiences are inherently exclusive, making it challenging for people with diverse epistemic backgrounds to appeal to the institutional testimonial credibility needed to convince others of the plausibility of their experiences and concerns. When the evidence others provide diverges from our own experiences, we tend to dismiss their testimonies as unconvincing and unreliable (Lagewaard, 2021, p. 1589).

Institutional testimonial credibility is intricately linked to distributive and procedural justice when all members of society have equitable access to resources to defend and advocate for their diverse ways of life (Dworkin, 2000). In an egalitarian society, both dominant and non-dominant groups have an equal capacity to be heard, presenting diverse evidence that is evaluated based on its merits rather than the sources. Institutional power asymmetries influence the credibility of evidence sources, which can be hindered by unequal resource distribution when some sources are deemed more reliable simply because they are more accessible for justifying culturally dominant beliefs. Distortions in institutional testimonial credibility might occur when more powerful actors who control and structure the context of reasoning exchanges (distorted reasoning context) assess the relevance and sufficiency of evidence based on culturally dominant standards of evidence processing. Consequently, institutionally dominant actors, aligned with a dominant culture of development, consumption, and mitigation, can easily rationalize a reasoning discourse favoring project developments by finding seemingly reliable and sufficient evidence, even if the project adversely affects traditional ways of life and infringes upon rights. A

dominant culture, supported by prevailing institutions, standards, and procedures of evidence exchanges, presents the most convincing arguments, justifying dominant beliefs. Cognitive psychologists recognize that only beliefs coupled with the premises (evidence) necessary to draw warranted conclusions can be convincingly used in reasoning interactivity (Kunda, 1990, p. 480). In a distorted reasoning context, the process of coupling evidence and beliefs is structured by authority rules issued by a single authority to define a situation in a mandatory way (Ostrom, 1989). I borrow the term of authority rules from institutionalists to reveal the effects of institutional power in reasoning exchanges between institutionally unequal arguers. In defining a reasoning situation, authority rules define evidence availability and acceptability via imposing standards of evidence relevance, novelty, and procedural requirements that are costs and benefits of reasoning interactivity, making it harder or easier to search, evaluate, exchange, and adjudicate available evidence to defend/challenge favorable/unfavorable beliefs. Along with resources forming the available evidential pool, the costs and benefits constitute a set of affordances and constraints attached to reasoning exchanges, forming a disagreement space and affecting opponents' reasoning capacity to use diverse evidence to support diverse beliefs.

In Indigenous hearings, the reasoning capacity to convince is a set of available or distributed by an agency's authority rules resources (evidence sources) and requirements (costs) of evidence collecting, testing, and exchanging that Indigenous arguers need to carry to produce arguments defending their beliefs. There is no research measuring reasoning capacity via measuring the costs of reasoning interactivity in a distorted reasoning context, and my research brings up this gap.

4. MOTIVATED CRITICISM AND ARGUMENT CONTINUITY IN A DISTORTED REASONING CONTEXT

If opponents exchange arguments supported by an extended evidential pool and do not need to observe burdensome requirements of evidence admissibility in using this pool (expanded disagreement space with low costs of expressing disagreement), rebutting them without reflecting upon merits would be hard. Otherwise, if disagreement space makes it hard for opponents to bring diverse evidence and use this evidence in building a convincing case for compelling priors⁴ (seized disagreement space with high costs of expressing disagreement), it would be easier to reject diverse arguments, slipping into motivated criticism.

Motivated criticism is the biased reasoning practice of negatively evaluating unfavorable evidence. When opponents are motivated to look just for flaws in opposing arguments (Klaczynski, 1997), they employ motivated criticism. Motivated critics do not consider the substance of opposing arguments (by comparing merits and demerits) but systematically criticize them, referring to the structure/design and/or source of the evidence. The source is often adjudicated as "unreliable," while the methods of collecting evidence are flawed and non-representative (Lord, Ross, Lepper, 1979). The effects of motivated criticism on evidence processing are reflected in table 1.

⁴ In this paper, terms "priors" and "beliefs" are used interchangeably.

Table 1. The effects of motivated criticism on evidence processing

Evidence processing steps/factors	Directional motivation effects
Scope of evidence search	Restrictive – evidence that supports priors; inconsistent evidence is ignored or rejected (Lodge and Charles, 2000).
The time of evidence search	The evidence search is short. Once people find supporting evidence, even a single piece of bad evidence, they often stop the search since they have a “makes-sense epistemology” in which the goal of thinking is not to reach the most accurate conclusion but to find the first conclusion that hangs together well and that fits with priors (Perkins et al., 1983).
Order of evidence evaluation	The supporting evidence is considered first, faster, and with confidence (Weber and Johnson, 2011). The evidence acquired early in a reasoning process will likely carry more weight than later (Nickerson, 1998).
The time of evidence evaluation	Limited (Kruglanski and Freund, 1983). Time pressures lead to the arousal of a need for a preselected outcome, and arguers pursue hasty thinking to attain it.
Choice of inferential rules to evaluate inconsistent evidence	Inconsistent evidence is rebutted by casting doubt on the structure and source of this evidence. The source is often considered unreliable, and the process of collecting evidence is flawed due to “insufficient, nonrandom sample size or uncontrolled variables” (Lord, Ross, Lepper, 1979).

The negative evaluations often become fallacious refutations (Klaczynski, 1997) that fail to address the opposing argument’s substance. In the worst-case scenario, motivated critics choose the least costly response strategy – repeat “tokens of the same counterarguments” (Edwards and Smith, 1996, p. 22). Those restatements are circular fallacies if they lack an evidential warranty in the relation between premises and conclusions (Walton, 1985; Tindale, 2007). Circular counterarguments disrupt an argumentative discourse in response if opponents, starting from the point of the confirming argument production (for or against prior beliefs), continue to insist upon their priors at the stage of reasoning exchanges by ignoring evidence from opponents and, at the same time, without offering new evidence by themselves. They resist testing and retesting incongenial evidence. In their counterarguments, they restate the evidence used in previously articulated arguments. This consecutive activation of two biases – the confirmation bias at the stage of argument production and the disconfirmation bias at the argument evaluation – bolsters the self-serving effect of adversarial reasoning interactivity over time. The same arguer’s biased arguments and counterarguments constitute the fallacious continuity of self-serving behavior.

In my previous papers, I conceptualized this continuity by introducing an Argument Continuity, a non-hierarchical strategy of fallacious reasoning (Pimenova, 2022; 2023). Argument Continuity is a set of arguments and counterarguments repeatedly produced and reproduced by the same motivated critic through an adversarial reasoning process to dismiss unfavorable arguments without considering their merits. The main properties of Argument Continuity are presented in table 2.

Table 2. Properties of Argument Continuity

Property	Description
The motivation	Directional, one-sided
The most likely reasoning practice	Motivated criticism
Causal mechanism	Increasing returns (bolstering effect)
The nature of inferential relations between premises and conclusions in argument and counterargument by the same arguer	Persistent lack of evidential priority
The rationale for adjudicating the nature of systematically biased reasoning	Fallacious response pattern

Argument Continuity has a viciously circular pattern of demonstration by the premises and conclusions: the premises and conclusions of the counterarguments are as doubtful as the premises and conclusions of the arguments – they are the same propositions of the same arguer facing disagreement in reasoning interactivity. Persistence lends Argument Continuity a temporal dimension: Argument Continuity is “the continuous violation” of the evidential priority at the stage of argument production and then, over time, at the stage of argument evaluation. Once the directional motivation activates the disconfirmation bias at evaluating inconsistent evidence, the fallacious response pattern’s reproduction sets into motion with increasing returns in motivated criticism. The increasing returns look like this: once a motivated critic has taken a position on an issue, s/he makes efforts to marshal evidence favoring this position, ignoring inconsistent evidence, and over time, becomes increasingly persuaded of the correctness of the arguments initially articulated (Nickerson, 1998, p. 210). More informed prior become the subject of more fierce defending, and any reasoning context, even the most perfect one in terms of the well-structured reasoning exchanges securing the diversity of evidence sources, disagreement, and the diversity of opponents, will be inevitably spoiled by the self-serving dynamics to justify whatever persuaders antecedently believe (Godfrey-Smith and Yegnashankaran, 2011, p. 80).

The bolstering effect is most likely observed in arguers who are most knowledgeable, as knowledge is a resource that makes it easier for these arguers to find more counterarguments, leading to more biased evaluations (Braman, 2009). Exhibiting agility in finding evidence sources to justify priors at the stage of argument production, more powerful arguers get more incentives to avoid learning at argument evaluation, where they are least likely to be challenged by less powerful opponents (for this reason, they are less interested in improving epistemic status by reflecting upon inconsistent evidence). When facing opposing arguments, more powerful arguers are more likely to rebut them with Argument Continuities without making efforts to engage in considering the evidential strengths and weaknesses of opponents.

Argument Continuity traces the effects of institutional power in distorted reasoning exchanges by connecting arguments, counterarguments, and reasoning practices by the more powerful arguers to the resources/incentives given by the authority rules of reasoning exchanges that set up the mechanism of increasing returns – self-reinforcing behavioral dynamics generated by power differentials to reinforce the institutional power of those who already dominate a reasoning context having an endowment of greater resources and incentives from the start of reasoning interactivity. The institutional account of a distorted

context plays its deterministic role in defining the reasoning capacity of motivated critics to evaluate arguments in a systematically biased way.

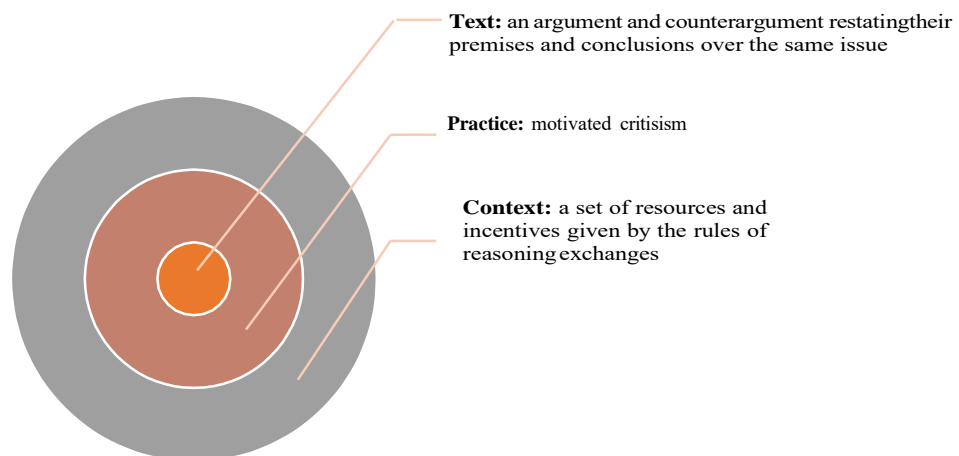
5. CASE STUDY: THE RECONSTRUCTION OF MOTIVATED CRITICISM IN THE DISTORTED CONTEXT OF THE TRANS MOUNTAIN CONSULTATIONS

This paper advances the critical discourse analysis of the Trans-Mountain Indigenous consultations with the help of Argument Continuity. Following Fairclough's (1992) theory of three levels of critical discourse analysis, Argument Continuity advances the critical discourse analysis of motivated criticism of the institutionally dominant arguers (depicted in figure 1) by tracing the resources and incentives given by their authority rules back to real instances of doing (practices) and real instances of saying (fallacies) by the institutionally dominant officials of NEB at three analytical levels:

- (1) microlevel: Argument Continuity detects the fallacious response pattern and traces this pattern reoccurrence (recurring event) through a reasoning process by reconstructing the argument and counterargument produced by the same dominant arguer in the standard argumentative scheme (illustrated by figure 2);
- (2) mesolevel: Argument Continuity reveals the hidden reasoning practice of motivated criticism (contingent event) lying behind the recurring event by sequencing the fallacious response pattern and its contingent event (illustrated by figure 3);
- (3) macrolevel: Argument Continuity explains why institutionally dominant motivated critics persist in producing the fallacious response pattern by connecting the reasoning practice of motivated criticism (contingent event) back to the resources and incentives of the reasoning context (illustrated by the contextual case study analysis).

Figure 1. Dominant discourse of motivated criticism: text, practice, and context

Source: Pimenova 2023



5.1 Microlevel analysis: circular fallacy detection

In 2018, the Federal Court of Appeal acknowledged that the consultations for the Trans Mountain Pipeline Expansion Project (TM) had failed to address Indigenous concerns adequately. It recommended that the Crown redo them. NEB was directed to initiate a new hearing stage for the TM consultations and reassess its previous findings. Consequently, NEB conducted the reconsideration round of Indigenous hearings (MH-052-2018) and issued the Reconsideration Report in 2019. This report compiled all the Indigenous concerns expressed throughout the regulatory and hearing stages, emphasizing how NEB addressed those concerns during two rounds of hearings. Both reports are utilized to reconstruct NEB's arguments and counterarguments regarding the outstanding Indigenous concerns within the standard argumentative scheme (figure 2).

Figure 2. The schemes of the argument and counterargument produced by NEB on the issue of the sensory disturbance to marine fish from TM-related underwater noise

Source: Pimenova 2023

Argument by NEB at the regulatory stage (NEB Report 2019, 340)

Premise 1: Some form of adverse, short-term effect (e.g., small behavioral changes) is likely to occur from underwater noise produced by Project-related marine vessels.

Premise 2: There is a lack of Canadian standards and limitations in data to assess the effects of Project-related underwater noise on marine fish species.

Premise 3: A detailed assessment of underwater noise produced by Project-related marine vessels on marine fish is not practicable.

Conclusion: NEB was not convinced that the short-term effects would translate into larger, more substantial impacts

Counterargument by NEB at the hearing stage (NEB report 2019, 436)

Premise 1: Some adverse, short-term effect is likely from underwater noise produced by TM-related marine vessels.

Premise 2: Potential effects on marine fish and fish habitat from Project-related marine shipping are likely to be low risk.

Premise 3: No direct evidence of mortality or unrecoverable injury to fish from underwater shipping noise.

Conclusion: NEB was still not convinced that short-term effects from Project-related marine shipping on marine fish species would translate into larger, more substantial impacts.

During the regulatory stage of the TM assessments, the industry proponent, Kinder Morgan, asserted that it did not conduct a detailed effects assessment on the potential impact of underwater noise produced by Project-related marine vessels on marine fish. This was attributed to the absence of standard criteria or thresholds to evaluate these effects. In the initial hearings of 2014, NEB concurred with the TM proponent, acknowledging a lack

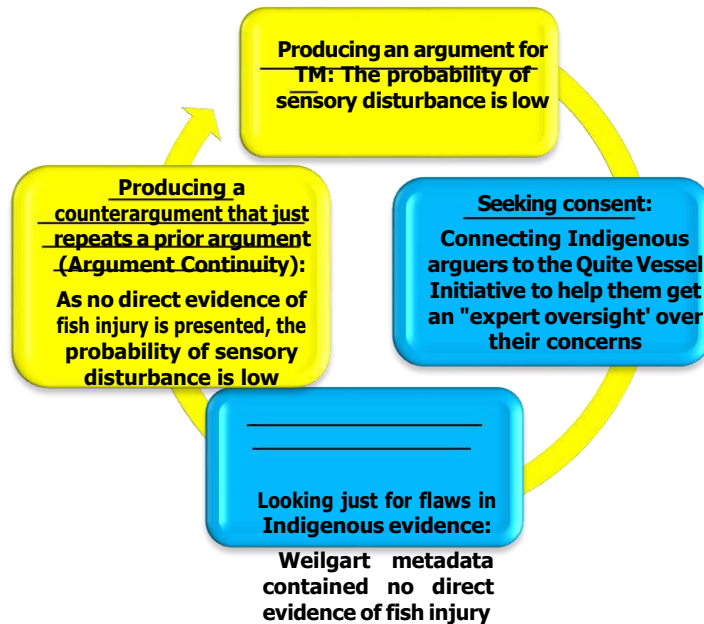
of data and standards regarding the effects of underwater noise on marine fish. In the subsequent hearings of 2018, Indigenous communities, including *Cheam First Nation*, *Chawathil First Nation*, *Kwantlen First Nation*, *Seabird Island Band*, and *Stó:lō Tribal Council*, referenced a 2018 review by Weilgart. The review highlighted studies revealing new evidence indicating that fish use sound for various purposes, such as perceiving the environment for mating, communication, and predator avoidance, and that noise can lead to adverse behavioral, physiological, anatomical, and developmental effects. Despite acknowledging the existence of new studies showing the serious effects of underwater noise on fish, NEB maintained the same view expressed in its OH-001-2014 Report. It asserted that it is unlikely for short-term effects from Project-related marine shipping on marine fish species to translate into more substantial impacts. Notably, NEB did not critically evaluate the merits of Indigenous studies on noise impacts, even when the TM proponent failed to provide evidence of fish injury from shipping noise.

5.2 Mesolevel analysis: biased reasoning practice reconstruction

I applied the theory of premises acceptability (Blair and Johnson, 1987) to evaluate the relations between premises and conclusions of the NEB argument and counterargument reconstructed in figure 2. An argumentatively valid argument should have premises relevant to its conclusion, as those premises are reasons for believing or accepting the conclusion. Moreover, premises should contain enough evidence to ‘squeeze’ the conclusion which would be relevant to them; otherwise, ‘the arguer’s task [deal with all known objections] has not been completed’ (Blair and Johnson, 1987, p. 54), and arguments/counterarguments will be counted for fallacious. As figure 2 demonstrates, the argument is fallacious because premises are irrelevant to the conclusion – they bring no independent reasons to believe in the conclusion. The same lack of relevance is observed in the structure of the counterargument. The NEB argument of 2014 employs premises and conclusions roughly equivalent in meaning to what the NEB’s counterargument of 2018 asserts in its premises and conclusions. Revealing a persistent lack of relevance of premises to conclusions, the argument and counterargument by NEB constitute a fallacious response pattern to outstanding Indigenous concerns through regulatory and hearing stages of the reasoning exchanges over the issue of TM-related underwater noise. This fallacious response pattern governs the NEB’s persistence in avoiding reflecting on the merits of Weilgart’s study. Argument Continuity connects this fallacious response pattern (a recurrent event) to motivated criticism (a contingent event) by sequencing biased reasoning practices and outcomes in a self-reinforcing direction (figure 3).

Figure 3. Dominant discourse mining pipeline: Argument Continuity on the issue of TM-related underwater noise

Source: Pimenova 2023



5.3 Macrolevel analysis: the institutional context of motivated criticism in the TM consultations

Drawing from the NEB report (2019), I identified numerous instances of Argument Continuities that reconstruct a fallacious discourse of motivated criticism regarding the unresolved Indigenous concerns on the TM-related underwater noise, diluted bitumen spills, oil spills, disruption of traditional marine resource use, and impacts on commercial, recreational, and tourism activities, as well as archaeological and cultural heritage sites. I argue that the absolute agency model adopted in the TM consultations made NEB officials susceptible to motivated criticism, as it diminished the reasoning capacity of Indigenous communities to resist TM through (1) categorizing them as intervenors, (2) imposing increasing costs for applying and participating in Indigenous hearings, and (3) institutionalizing testimonial inequality between the TM proponent and Indigenous intervenors in evaluating TM.

In the Canadian legal context, intervenors are not considered parties, lacking independent reasoning capacity (Muldoon, 1989, p. 3). In the Supreme Court of Canada's proceedings, intervenors function as experts authorized to provide insights on existing issues but are restricted from introducing independent claims (Rules of the Supreme Court of Canada, S.O.R./2002-156, r. 59(3)). In the TM hearings, Indigenous communities were accorded the status of intervenors through the application and registration process with NEB, a tribunal possessing administrative discretion in defining all aspects of Indigenous engagement, as reflected in table 2.

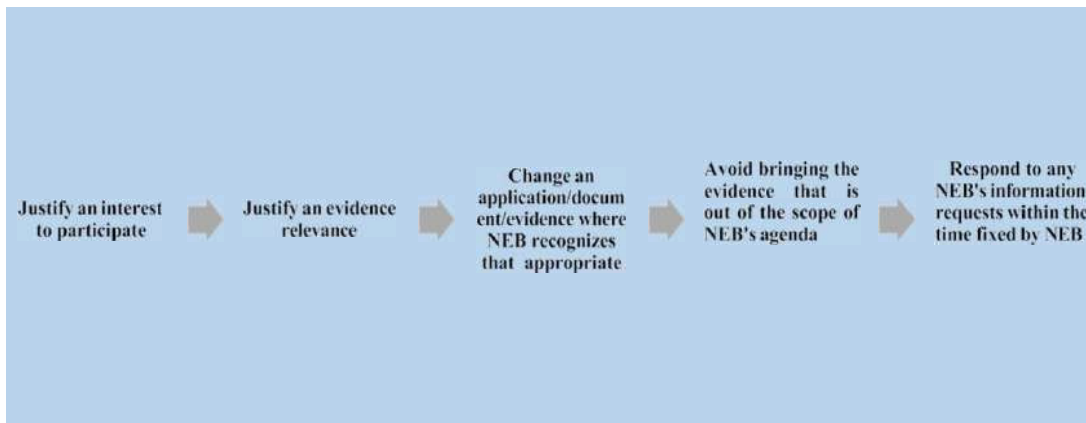
Table 2. Reasoning capacity of Indigenous communities over Trans Mountain project

Elements of reasoning capacity	NEB's discretion
Free access to a reasoning process	No – NEB granted the status of intervenors
Formation of a reasoning agenda	No – NEB determined the List of Issues to guide the scope of reasoning
Bring evidence of any content	No – nobody was allowed to bring evidence not relevant to the List of Issues
Bring evidence in any form	No – just in the prescribed form, mainly in the written form and/or verified by affidavit
Exchange evidence in any forms	No – the evidence exchanges were conducted by sending Information Requests and responding to these requests as directed by NEB
Test evidence with any procedures	No – in 2014 hearings, Indigenous communities were not allowed to cross-examine evidence orally
Observe preclusive timelines and deadlines	Yes – the passing of time led to passing the right to submit objections/documents

The costs of applying and participating in NEB's proceedings were high, as reflected in figure 4.

Figure 4. Increasing costs of an intervenor to apply and participate in NEB's proceedings.

Source: Pimenova 2023



The TM hearings resembled legal proceedings, featuring an adversarial format with interactions between the applicant (TM project proponent) and intervenors. These hearings occurred subsequent to the regulatory review of TM, and Indigenous intervenors were allowed to present their evidence only after NEB established environmental assessment parameters through its dyadic exchanges with the TM proponent, guided by NEB's Filing Requirements. These requirements served as a primary document for NEB in conducting assessments, and the proponent had to adhere to them for application acceptance.

Indigenous intervenors participating in the hearings after the completion of regulatory assessments were institutionally predisposed to have their evidence tested against the TM assessments submitted by the proponent in its application⁵. The submission order influenced the evaluation of evidence, potentially undermining the equilibrium between evidence supporting and opposing a particular option. Query theory suggests that a default option is established by providing it an advantage, such as letting arguers articulate the option first and present their justifications: “Characteristics of the choice environment often determine what option is considered first, such as the existence of decision defaults” (Weber and Johnson, 2011, p. 91). Presenting evidence for TM as the first-order evidence effectively made the perceived necessity of TM a default option around which all reasoning exchanges were organized.

In these interactions, NEB treated the assessments by the TM proponent as the “baseline” assessments for a default option. Indigenous communities’ ability to challenge these assessments was constrained by setting requirements for the acceptability of new evidence. For instance, in the 2018 Indigenous hearings, NEB limited its consideration to evidence relevant to the List of Issues outlined in the MH-052-2018 Hearing Order. By restricting the scope of the reasoning agenda, NEB constrained the evidence available to support outstanding Indigenous concerns that were not listed. New findings on the fate and behavior of diluted bitumen spills, presented by Indigenous communities in the 2018 hearings, were dismissed by NEB as not being “substantively different” from those in the records of the previous 2014 hearings (NEB Reconsideration Report, 2019, p. 191). In the 2018 hearings, NEB resisted retesting any evidence submitted in the 2014 hearings, maintaining stability in reasoning exchanges for a default option. Consequently, the ability of opponents to construct convincing cases for their beliefs was diminished (table 2).

6. CONCLUSION

The dominant culture of consumption and exploitation shapes a prevailing argumentative discourse for resource development, where the parameters of reasoning capacity, interactivity, the arguer, argument, and evidence standards are set by institutionally dominant actors who often advocate for project necessity and establish authority rules to which others must adhere to engage in reasoning exchanges. These authority rules validate the dominant discourse by attaching unequal incentives (costs/benefits) to exchanges between arguers with power asymmetries. For instance, a dominant arguer with access to more resources (evidence sources) has greater incentives to reaffirm dominant beliefs and counter opposing arguments. Conversely, less powerful opponents face constraints on using specific evidence sources (e.g., traditional oral evidence), making it easier to undermine the plausibility of their beliefs by deeming their arguments “unconvincing” and rebutting them with Argument Continuities. By limiting the reasoning capacity of Indigenous communities to critique the TM project, NEB’s rules facilitated the production of Argument Continuities in response to Indigenous arguments against the TM.

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⁵ For example, alternative locations for building TM, proposed by Tsleil-Waututh Nation at the 2018 hearings, were rejected by NEB as 'not supported by the Board's filing requirements' (NEB report, 2019, p. 386).

Arguments from Translated Chinese Classics

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ABSTRACT: This paper presents a selection of commented argumentative passages from classical Chinese texts. The first section is devoted to the elements that characterize the argumentative situation: the contradiction between two points of view, the necessity of controversy, the choice of partner and the rules of dialogue. The second section focuses on argumentation schemes, analogy, a fortiori, opposites, pragmatic argumentation. This collection is the draft of an open album of commented Chinese passages, intended as a companion to the *Dictionary of Argumentation* (Plantin 2018).

KEYWORDS: a fortiori, ad hominem, analogy, argumentation in classical China, contradiction, controversy, empirical universals, opposites, pragmatic argument, rules for dialogues

1. ATTEMPT TO WORK WITH TRANSLATED CHINESE DATA

Some scholars of argumentation who are not specialists in Greek and Latin languages routinely access Greek and Latin literature through translated texts: why should, we not do the same with Chinese texts? The analogy may be risky: the Western concept of argumentation has been shaped by Latin and Greek cultures, which are foundational parts of Western culture, not by Chinese classics. Nonetheless, it's relatively easy to find passages from translated Chinese texts that correspond to what the Western tradition considers to be distinct argumentative facts, including the basic argumentation schemes. For example, *contradiction* and *dialogue* are defining features of the prototypical argumentative situations, and *a fortiori* is a recognizable form of argumentation.

Accordingly, this article is divided into two main parts. After some considerations on the question of an argumentative practice that is not based on a logical theory of argumentation, the first section is devoted to some elements that characterize the argumentative situation: the contradiction between two points of view, the necessity of controversy, the selection of a partner and the rules of dialogue. The second section focuses on argumentation schemes, analogy, a fortiori, opposites, pragmatic argument. These selected examples are the draft of an open album of Chinese data, intended as a companion to the *Dictionary of Argumentation* (Plantin 2022).

1.2 The question of translation

Some translations are epochal, such as William of Moerbeke's Latin translations of Aristotle:

These versions are so faithful to Aristotle's text that they are authorities on the corrections of the Greek manuscripts, and they enabled Thomas Aquinas to become a supreme interpreter of Aristotle without knowing Greek.

Allan Bloom, "Preface" to his translation of Plato's *Republic*, 1968, p. xi.

Without systematically aspiring to such heights, the interested reader can easily obtain reliable translations of many classical Chinese texts. The price to be paid is that, strictly speaking, this illiterate reader cannot study "argument in Chinese (classical texts)", "such and such an argument in the *Analects* of Confucius", but only "such and such an argument in such and such a translation in the *Analects* of Confucius". If necessary, the reference to "Eno's translation of the *Analects* of Confucius" can be abbreviated as: "*Analects*_{Eno}" with the translator's name in subscript.

In the case of major titles, several translations of the same text are available, which makes it possible to identify their differences and similarities, if necessary. In this case, one should consider that the different translations of the same passage express different readings, different ways of reasoning.

Sometimes, the translation(s) of the passages remain unclear or incompatible. In this case, comments can be left for a better future or for better readers. After all, this is also the case for texts in the analyst's own language and culture.

1.3 Empirical universals

This leads to the hypothesis of universals in argumentation theory. The degree of universality of an argumentative phenomenon is not determined by a priori considerations, but is an empirical fact that can be inferred by collecting data that 1) come from a variety of languages and cultures 2) can be clearly assigned to the same concept. For example, since occurrences of the a fortiori argument pattern can be found in Jewish culture, Arab-Muslim culture, Western culture, and Chinese culture (see *infra*), it can be inferred that a fortiori has a high degree of universality.

2. ARGUMENTATIVE SITUATION

2.1 Argumentation practice without argumentation theory

This section is based on A. C. Graham's views on the Chinese way of argumentation, as presented in his *Disputers of the Tao. Philosophical Argument in Ancient China* (1989). Speaking of the Moists, Graham writes (1989, p. 168):

Although well aware of the difficulties of relating names to objects in the art of discourse, [the Moist] seems to see the lucid and self-evident relations between names as raising no theoretical problems. Chinese civilization never abstracted the forms in which we observe it reasoning in practice, as in this curiously familiar-sounding syllogism of Wang Ch'ung: Man is a thing: though honored as king or noble, by nature he is no different from other things. No thing does not die, how can man be immortal?¹

¹ Wang Chu'ng = Wang Chong, *Lun Heng — Philosophical Essays*, ch.24; trad. Forke V,I, 335f. (Note Graham). Wang Chong, 27 – c. 97 AD, "developed a rational, secular, naturalistic and mechanistic view of the world and man, and gave a materialistic explanation of the origin of the universe" (Wikipedia).

Wang Ch'ung uses a valid syllogism, that combines true propositions to arrive at a sound conclusion, "Humans are beings, no being is immortal, no human is immortal." In the unfriendly language of traditional logic, this reasoning is described as a syllogism of the fourth figure, said Galenic, and in the Camenes mode: "all H is B; no B is I; therefore no H is I."

Wang Ch'ung presents this incontrovertible conclusion as a so-called "rhetorical" question, which is a challenge to any opponent (Toulmin, 1958, p. 97); this introduces a dialectical movement within syllogistic reasoning.

Graham attributes to Mozi's disciples², "a sense of rigorous proof [combined with] a disregard for logical forms". (1989, p. 169). An analogy can be drawn from language and grammar. According to specialists, the ancient Chinese had no grammar³; *and* they certainly spoke excellent Chinese. By the same token, they did not develop a logic (an art of reasoning), *and* they argued very well. In other words, it is not necessary to have a clear view of what is a valid and sound argument, in order to master an effective practice of such arguments.

Let us admit that this conclusion can (a fortiori?) be generalized to non-syllogistic forms of argumentation: A theory of argumentation is not a prerequisite for an effective practice of argumentation. One can develop a clear idea and an effective critical argumentative practice without formalization, that is, without developing a logical meta-language about the process of argumentation, and the correlative critical operations.

It follows that the teaching of argumentation can do without argumentation theory. Western-style theories of argumentation are not essential to the coherent articulation of ideas. Argumentation can be taught by showing and discussing paradigmatic examples of argument. Such examples can be paraphrased, denied, contradicted, generalized; their presuppositions and implications can be explored without ever leaving the level of natural discourse.

3.2 *Contradiction*

The principle of non-contradiction is at the root of reasoning. Everyday argumentation could be defined as a style of conversation in which the principle of coherence applies: If you hold incompatible things in different contexts, you owe the other participants an explanation; if you hold incompatible things in the same context, you make conversation impossible, we have to stop it

The following case appeals to the self-coherence of feelings (Leslie 1964):

12.10 Zizhang asked about [...] discerning confusion. The Master said [...] When one cherishes a person, one wishes him to live; when one hates a person, one wishes him to die – on the one hand cherishing and wishing him life, while on the other hating and wishing him death: that is confusion.

²Mozi (c. 479 - c.392 B.C.), eponymous author of the work *Mozi*.

³"In ancient China, a few centuries before the Christian era, linguistic reflection had already begun to produce excellent results: we find important reflections on the nature of language, very elaborate dictionaries, systems of phonological description and dialectology. However, [...] the analysis of grammatical structures is practically absent. Apart from an enormous production of studies on individual words or groups of words, there is almost nothing on the organic description of language" (Casacchia, 1989, p. 431).

Truly, it is not a matter of riches, Indeed, it is simply about discernment. (Analects_{Eno}, 12)

Like self-contradiction, interpersonal contradiction demands clarification. Disagreement stimulates intellectual activity. Confucius says that he prefers disagreement:

The Master said, Hui is of no help to me. There is nothing in my words that fails to please him. (Analects_{Eno}, 11, 4)

But it is unpleasant for a teacher to be critically confronted with its own teaching:

Zilu appointed Zigao to be the steward of Bi.
The Master said "You are stealing another man's son!"
Zilu said, "There are people there; there are altars of state there – why must one first read texts and only then be considered learned?"
The Master said, "This is why I detest glib talkers!" (Analects_{Eno}, 11, 25)

Note Eno: Zilu seems to be invoking lessons Confucius himself taught, much like the ideas in 1.6-7, to confound Confucius himself, which is the basis of Confucius's response.

Analects_{Eno}, 1.7, Zixia said: If a person treats worthy people as worthy and so alters his expression, exerts all his effort when serving his parents, exhausts himself when serving his lord, and is trustworthy in keeping his word when in the company of friends, though others may say he is not yet learned, I would call him learned.

In this last passage (1,7), Confucius characterizes a learned person by his correct behavior toward worthy people, his parents, his lord, his friends, and seems to attach only secondary importance to reading texts. In 11, 25 Zilu - a very bold disciple of Confucius - reminds him of his former position.

2.3 Necessity of controversy

Disputation is central to the period of the *Hundred Schools of Thought*, which flourished during the periods known as the "Spring and Autumn" and the "Warring States," from the 779 to 221 BC.

The philosopher Mencius (Mengzi, 372-289 BC), a disciple of Confucius, justifies his practice of disputation as a necessity if one wants to preserve the truth in times of proliferation of systems of thought, which, according to Mengzi, endanger the true,

Gongduzi said, Master, outsiders all say you are fond of disputation. What do you say to that?
Mencius said, How could it be that I am fond of disputation? I simply have no choice. The world has existed for a long time, now in order, now in chaos. In the time of Yao, the waters ran awry and flooded the central states; eels and dragons dwelt there and the people had no security. [...]

But after the deaths of Yao and Shun the Dao of the sages declined and tyrants arose one after another. They leveled homes in order to create their pleasure ponds and the people had no place to rest. They took fields out of cultivation to create their pleasure parks and the people had no way to eat. And then there arose errant teachings and patterns of violent conduct. [...]

But no sage king has arisen [after Confucius]. The lords of the states act with abandon and gentlemen in retirement proclaim deviant doctrines. The words of Yang Zhu and Mo Di fill the world such that those who do not preach the doctrines of Yang Zhu preach those of Mozi. The maxim of the Yangists is ‘*Each for himself*,’ a world of men without rulers; the maxim of the Mohists is ‘*universal love*,’ a world of men without fathers. To know no father and no ruler – this is to be nothing but a beast! [...] If the *daos* of Yang and Mo don’t cease and the Dao of Confucius is not clear to all, then deviant doctrines will deceive the people and humanity and righteousness will be blocked. To block out humanity and righteousness is to lead the beasts and devour the people, and the people will be led to eat one another. This is why I am alarmed, and why I defend the Dao of the past sages and confront Yangists and Mohists, driving out depraved speech so that errant doctrines will no longer flourish. (*Mencius*_{Eno} 3B.9)

In this passage, "disputation" is not used as a tool to find a common superior truth, but to eradicate the "bad doctrines" of the opponents.

2.4 Rules for selecting the dialogue partner

In the first chapter of his complete text, "*An exhortation to learning*", the philosopher Xunzi (3rd century BC) proposes the following rules of "discussion" (our numbering and presentation),

- Do not answer one who asks about something improper. (1)
- Do not ask questions of one who speaks on something improper. (2)
- Do not listen to one who tries to persuade you of something improper. (3) Do not debate with a person of combative demeanor. (4); cf (7)
- Only if people approach you in the proper way should you receive them. If they do not approach you in the proper way, then avoid them. (5)
- And so, only if they follow ritual and are reverent should you discuss the methods of the Way with them. (6)
- Only if their speech is calm should you discuss the pattern of the Way with them. (7); cf. (4)
- Only if their countenance is agreeable should you discuss the culmination of the Way with them. (8)

- To discuss these things with those unfit to discuss them is called being presumptuous. (10) Not to discuss these things with those fit to discuss them is called being secretive. (11)
- To discuss these things without first observing the person's manner and countenance is called being blind. (12)
- The gentleman is neither presumptuous nor secretive nor blind; he carefully acts according to the other person's character. The *Odes* says: *The gentlemen are not indolent or haughty / Rewarded by the Son of Heaven shall they be.* (*Xunzi*_{Hutton}, p. 6-7)

These recommendations are addressed to the *junzi*, the wise man who is already well along the Way of learning, and who is solicited by a prospective student to admit him among his disciples. The candidate must pass an entrance interview. Principles (1)-(4) eliminate candidates on the basis of what they say (1-3); how they behave (4), (7);

especially, how they make contact (5); and, to top it all, a *je-ne-sais-quoi* in their "countenance", (8).

In classical Western culture, is *proper* what is said or done according to the fuzzy rules of decorum, basically, what is "controlled, calm and polite" (Cambridge, *decorum*), but not only formally: propriety involves prudence and decency. In classical Chinese culture, *propriety* in speech and behavior is defined by the rules of the ritual, *li*. Every human action is governed by *li*, that is, are becomes what we call a ceremony, including drinking alcohol, drinking tea, or meeting a Master.

Common Western systems of rules for argumentative dialogue do not mention such restrictions on discussants (Plantin 2022, *Rules*), with the exception of Perelman & Olbrechts-Tyteca (1958), who also do not allow just any argument partner:

There are beings with whom all contact may seem superfluous or undesirable; there are beings with whom we do not wish to speak; there are also some with whom we do not wish to argue, but are content to order. (1958, p. 20)

3. ARGUMENTATION SCHEMES

3.1 *Argument schemes and means of persuasion*

Toulmin, Rieke, Janik distinguish nine forms of argumentation, «most frequently to be met with in practical situations» (1984, p. 147-155),

Analogy	Dilemma	Generalization
Classification	Sign	Opposites
Cause	Degree ⁴	Authority

Levi (1992) considers that the essential rhetorical *means of persuasion* used in Chinese are metaphor — analogy — example — quoting an authority.

Quoting an authority comes with the argument from authority. Metaphor comes with the argument from analogy, which is common to both lists. Examples can be associated with a number of argumentative operations. Examples are associated with any law, according to the *type / occurrence* principle. *Generalizations* are based on one or more cases or examples. A *paradigmatic example* has the value of a general law. *Precedents* are memorable examples that function as rules. In addition, examples function as crucial cases that disprove a proposed law or *generalization* (*The N are blue - Yes, but that one is red*). As *anecdotes*, examples can have the most persuasive power in everyday argumentation; when they involve the speaker's credibility, they are conversationally untouchable, armored against rebuttal: any tentative refutation becomes a personal attack and ruins the conversation.

In what follows, we will suggest some passages from classical Chinese texts as instances of some of these argument schemes.

⁴ In the argument from degree, "The different properties of a given thing are presumed to vary in step with one another" (*id.*, p. 155).

3.2 From category to name, to definition, to classification to syllogism

Objects are categorized, named and defined on the basis of their *common properties* (what brings them together?) and their *specific properties* (what distinguishes them from beings of other kinds?). A classification is a set of categories organized according to their degree of generality, increasing (down-top) or decreasing (top-down). The use of syllogism assumes that different objects have first been categorized and named, and then, grouped together in a systematic classification. Until the development of mathematics with its application to the experimental sciences and the emergence of formal logic, the theory of definition and classification served as an introduction to logical reasoning, i.e, scientific reasoning.

Categorization and the organization of categories into classifications characterize what Lévi-Strauss calls "the science of the concrete," a fundamental science shared by all human beings (1962], ch. 1), and the basis of ordinary argumentation.

The correct naming of things is the basis of Confucian teaching. Human beings have a tendency to misuse names, resulting in a misapprehension of the world and the destruction of all social organization. It follows that the first duty of a ruler is "to rectify names". A father who *does not act* as a father *is not* a father, and *should not be called* "father".

Zilu said, «If the ruler of Wei were to entrust you with governance of his state, what would be your first priority?»
The Master said, «Most certainly, it would be to rectify names.» [*Analects_{Evo}*, 13.3)

Duke Jing of Qi asked Confucius about governance. Confucius replied, «Let the ruler be ruler, ministers ministers, fathers fathers, sons sons.» (*id.*, 12.11)

6.25 The Master said, A gourd that is not a gourd – is it a gourd? Is it a gourd? (*id.*, 6.25)

3.3 Analogy

The following passage may be taken as a paradigmatic case of analogy,

The wise man who has charge of governing the empire should know the cause of disorder before he can put it in order. 2. Unless he knows its cause, he cannot regulate it.

3. It is similar to the problem of a physician who is attending a patient.

4. He has to know the cause of the ailment before he can cure it. 5. Unless he knows its cause, he cannot cure it.

6. How is the situation different for him who is to regulate disorder? 7. He too has to know the cause of the disorder before he can regulate it. 8. Unless he knows its cause, he cannot regulate it.

9. The wise man who has charge of governing the empire must, then, investigate the cause of disorder.

Mozi_{MEI}, Universal Love 4, I.

The passage is translated as one sole paragraph; our numbering and disposition.

The demonstration takes place in two stages, the first justifying the thesis and the second confirming that no one dares to answer it. No rebuttal is mentioned.

Positive argumentation

— *Claim*: (1) and (2) state the thesis

- (1) To put the government in order = **O**
To know the cause of the disorder = **C**

Proposition (1) expresses a necessary condition (NC):

For **O** (to put the government in order), **C** (to know the cause of the disorder) is necessary

Which is noted: **O** ⇒ **C** (**O** requires, implies **C**).

(2) reformulates the thesis:

- (1) **C** is a NC of **O** = (2) non-**C** implies non-**O**.

— *Warrant*: Elucidation of the argumentation scheme, (3) announces that the thesis will be proved by an argument by analogy. *Warrant*: "is similar to"; implicit *backing*: the traditional assimilation of the "human body" to the "social body".

— *Argument*

Sourcedomain: Medicine. (4) presents a fact (as) known and admitted by all.

The structure of the argument strictly follows the structure of the thesis by substituting *the doctor* (*who repairs the human body*) for *the wise man* (*who seeks how to repair human society*).

The modes of sentence construction are identical. The presentation of the analogy as a parallel case pushes the similarity to identity.

The search for a refutation

A test of the validity of the analogy follows in the form of a rhetorical question, (5), interpreted as a challenge to a possible opponent, who is given the floor to show that the analogy is invalid. Question (5) remaining unanswered, this maneuver concludes with an argument from ignorance.

The argumentation repeats (reinforces, confirms) the essential element of the argument, the claim: (6) and (7) repeat word for word (1) and (2). This introduces into the reasoning an element of rhetorical persuasion (*epikeirema*) into the argumentation.

(8) repeats the thesis by replacing the expression "must know" (1) with "must investigate", the first step on the way to knowledge. *To investigate* and *to know* must not be understood in their contemporary sense. .

The same idea of argumentation scheme can be understood in two equivalent ways.

- *In intension*, as an abstract, logico-semantic form expressing the essence of reasoning. The scheme of the opposites and the a fortiori scheme are examples of such forms.

- *In extension*, as the potentially very large set of passages assembled on the basis of their argumentative similarity; the set of arguments that can be paraphrased by the same formula; the set of arguments that derive from the same phrasal pattern. A functional knowledge of arguments can be based on paradigmatic examples.

Refuting analogy

*Mencius*_{Lau} VI A 1:

Kao Tzu said, 'Human nature is like the *ch'i* willow. Dutifulness is like cups and bowls. To make morality out of human nature is like making cups and bowls out of the willow'. 'Can you', said Mencius, 'make cups and bowls by following the nature of the willow? Or must you mutilate the willow before you can make it into cups and bowls? If you have to

mutilate the willow to make it into cups and bowls, must you then also mutilate a man to make him moral? Surely it will be these words of yours, men in the world will follow in bringing disaster upon morality.'

Kao Tzu focuses on the "final cause," the product, and stages the education process as the transformation of a raw material into an everyday object, or even a work of art. Mencius casts a different light on the process, by focusing on its "material cause," the willow wood. The same situation is linguistically framed in two different ways, i.e., the refutation is based on a semantic operation, an analogy seen as an equivalence (tree - human body), plus a syntactic permutation changing the focus:

1- 2- 3 → 3 - 2 - 1

The thesis focused on the product, while the refutation focuses on the substance or origin:

Subject = Product [CUPS AND BOWLS] 1	predicate of transformation are made from 2	Substance, or Origin [<i>the willow tree</i>] 3
3 [<i>The willow tree</i>]	2 <u>is mutilated into</u>	1 [CUPS AND BOWLS]

3.4 A fortiori

Confucius, *The Analects* *Eno.* Bk 11, §12.

Ji Lu asked about serving the spirits. The Master said, 'While you are yet not able to serve men, how could you be able to serve the spirits?'

'May I ask about death?'

'When you do not yet understand life, how could you understand death?'

The Master's answer assumes that "serving spirits" is a higher task, more difficult than "serving men". He observes that Ji Lu is not able to serve men, and concludes a fortiori, that Ji Lu is certainly not able to serve the spirits. The negative conclusions are phrased as rhetorical questions denying Ji Lu's request.

Han Fei Tzi (c. 280 – 233 BC)⁵ uses the same line of reasoning,

Lady Li and the actor Shih "forced Shen-sheng to commit suicide in 656 BC", and "Hsi-ch'i (...) succeeded to the throne in 651 BC" (Burton Watson's note):

Thus, the actor Shih aided Lady Li to bring about the death of Shen-sheng and to set Hsi-ch'i on the throne.¹ Now, if someone as close to the ruler as his own consort, [...] still cannot be trusted, then obviously no one else is to be trusted either.

Han Fei Tzi, "Precautions within the palace". Trans. B. Watson

Jewish tradition formulates the a fortiori rule as a rule of interpretation. In the Muslim tradition, examples of expressions requiring an a fortiori interpretation can be found in the

⁵ Han Fei Zi (c. 280 – 233 BC), "is often considered to be the greatest representative of 'Chinese Legalism'" (Wikipedia).

Qur'an. Taken together with the Chinese and the Western traditions, these observations provide a strong empirical basis for considering a fortiori as an argumentative universal. The a fortiori argumentation scheme is no different from the semantic rule corresponding to the gradation construction. Since the gradation system is a linguistic universal, the universality of the corresponding argumentation scheme can be safely assumed.

3.5 *Opposites*

There are four things which, according to public opinion, must be avoided by all means. The first is to build an annex to a building on the west side, for such an annex is held to be inauspicious, and being so, is followed by a case of death. Owing to this apprehension, nobody in the world would dare to build facing the west. This prohibition dates from days of yore.

In case an annex in the west be unpropitious, would a demolition there be a good augury? Or, if an annex in the west be inauspicious, would it be a lucky omen in the east? For if there be something inauspicious, there must also be something auspicious, as bad luck has good luck as its correlate.

Wang Ch'ung ^{Forke} ⁶, *Lun heng*. Bk 23 chap. 3; p. 793; p. 794.

The topos of the opposites can be used to prove or disprove a proposition. You want to test the truth of "A is B":

if "not A is not B" is true, then A is B is true
if "not A is not B" is false, then A is B is false.

(1) Root proposition, to be tested by the dialectical method: "*To build an annex to a building on the west side [must be avoided], for such an annex is held to be inauspicious.*" This statement has the following grammatical form,

Subject (*to build a wing to the west*) + Predicate (*is held to be inauspicious*).

The subject is an infinitive clause, combining two characteristics of the the construction (What? - a building; Where? - to the west)

C₁ action (*to build a wing*) + C₂ place of action (*to the west*).

Wang Chong uses two types of opposites,

- (Opposite of action C₁) - Since *demolish* is the opposite of *build*, and *unpropitious* is the opposite of *good augury*, the topos of opposites infers that "demolish (an annex in the west) is good augury".

But this is not the case: no one believes this opposite proposition; therefore, no one should believe that the proposition to be tested is true.

- (Opposite of place C₂) - Similarly, since *east* is the opposite of *west*, the topos of opposites applied to the pair "east / west" infers that "(building an annex) in the east is good luck".

But this is not the case; this opposite proposition is not believed to be true; therefore, no one should believe that the proposition to be tested is true.

⁶ Wang Ch'ung (27 – c. 97 AD) developed a rational, secular, naturalistic and mechanistic account of the world and of human being and gave a materialistic explanation of the origin of the universe. (Wikipedia)

The fact that negation and words oppositions are linguistic universals suggests that the corresponding reasoning scheme is a universal.

3.6 Pragmatic argument

The pragmatic argument corresponds to the topos #13 of Aristotle's *Rhetoric*.

Since in most human affairs the same thing is accompanied by some bad or good result, another topic consists in employing the consequence to exhort or dissuade, accuse or defend, praise or blame. (II, 23, Trans. J. H. Freese, pp 311).

The pragmatic argument, in its positive version, assumes that the action being defended is, if not entirely, at least quite positive, that it will make the world a better place, even if it has some minor negative side effects.

The following text is taken from the *Disputation on Salt and Iron*⁷. It is a debate between the Emperor's Grand Secretary and a group of Confucian philosophers. The debate takes place in the presence of the emperor. In the following passage, the Grand Secretary, carried away by his lyricism, affirms that it is possible to do good in the world without doing harm,

The Lord Grand Secretary: [...] The profits derived from the salt and iron monopolies serve to relieve the needs of the people in emergencies and to provide sufficient funds for the upkeep of military forces. These measures emphasize conservation and storing up in order to provide for times of scarcity and want. The beneficiaries are many; the State profits thereby and no harm is caused to the masses. Where are those hardships of the common people which cause you so much worry?

The Literati —Profit, moreover, does not fall from Heaven, nor does it spring forth from the Earth; it is derived entirely from the people. To call it hundredfold is a mistake in judgment similar to that of the simpleton who wore his furcoat inside out while carrying wood, hoping to save the fur and not realizing that the hide was being ruined.

Now, an abundant crop of prunes will cause a decline for the year immediately following; the new grain ripens at the expense of the old. For Heaven and Earth do not become full at the same time: so much more is this the case with human activities! Profit in one place involves diminution elsewhere just as *yin* and *yang*⁸ do not radiate at the same time and day and night alternate in length. (Huan K'uan ^{Gale}, *Yan Tie Lun. Discourse on Salt and Iron*, Chap. 7)

The Grand Secretary represents a modern spirit, that believes that good politics can improve the world. The literati are radically opposed to this view. They believe that it is impossible to bring good, benefit, to some without bringing evil, misery, to others in equal measure. The balance of positive and negative is zero sum. The gain of some is inseparable from the loss of others. According to this worldview, there is no global progress. The human world, like the natural world, operates on the principle of permanent equilibrium; good that occurs here is correlated with evil that occurs elsewhere.

Four arguments support this conclusion (our numbering); the summary (5) is supported by a theoretical principle (6) and by an empirical observation (7):

⁷ The *Yan Tie Lun (Discourses on Salt and Iron)*, compiled by Huan K'uan, reports a debate held at the imperial court in 81 BCE, on state policy during the Han dynasty (Wikipedia).

- (1) The Grand Secretary is ridiculed by an analogy with a simpleton: *To call [profit] hundredfold is a mistake in judgment similar to that of the simpleton who wore his furcoat inside out while carrying wood, hoping to save the fur and not realizing that the hide was being ruined.*
- (2) The principle of equilibrium is illustrated or proved by two typical cases, taken from undisputable common knowledge connected with agriculture:
An abundant crop of prunes will cause a decline for the year immediately following.
- (3) *The new grain ripens at the expense of the old.*
- (4) These cases are not used as the basis of an induction (generalization). They are the local expression of a cosmic fact, the equilibrium principle: *For Heaven and Earth do not become full at the same time: so much more is this the case with human activities!*
- (5) Profit is just one more manifestation of this principle: *Profit in one place involves diminution elsewhere.*
- (6) just as *yin* and *yang* do not radiate at the same time,
- (7) and day and night alternate in length.

This conclusion destroys the very idea of pragmatic argumentation as flawed in its very conception.

The pragmatic argument uses the concept of *consequence*, which, in Western culture, is associated with causality; *cause* is used in (2) to characterize the relationship between the two legs of the cosmic equilibrium⁸.

Unlike the a fortiori argument and the opposite argument, the pragmatic argument does not obey any linguistic principle. It is certainly a universal scheme of argumentation scheme, based not on linguistic mechanisms, but on anthropological reality.

4. CONCLUSION: A WELL-ESTABLISHED CLASSICAL ARGUMENTATIVE TRADITION

In the foregoing, we have confined ourselves to the simplest examples, and avoided introducing complex cases, where the translations may not be equivalent, such as Mengzi's refutation of the thesis that "it is life that is meant by nature", or the discussion of the paradoxes such as "white horses are not horses" (*Mengzi*, 6A 3; 6A 4).

The Chinese tradition of argument is comparable to the Western one in its social and intellectual positioning. One finds questions, heated debates, claims, arguments, refutations, inductions, analogies, examples, categorizations, syllogisms, evocations of positive or negative consequences, thought experiments, and more.

This does not mean that the argumentative tendency represents the totality of this tradition. In the Taoist philosopher Zhuangzi (4th century BCE), for example, we find a questioning of the very concepts that underlie argumentation, beginning with the principles of non-contradiction and inference. The argumentative tradition, as a basic intellectual tool, is neither exclusively Western, nor unique in the world.

⁸ A broader discussion would be needed here, to check whether the concept of *cause* is appropriate to describe this cosmic equilibrium, or whether we should look for a more culturally open concept.

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Argumentative Painting

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ABSTRACT: I contend that certain non-verbal paintings such as Picasso's *Guernica* make (simple) arguments. The modern study of visual argument has mostly focused on partially verbal media such as ads, posters, and cartoons, rather than non-verbal, classic art forms like painting. If a painting's argument is reasonably good, it would be a source of cognitive value. My analogical approach is to show how pertinent features of viable *literary* cognitivism can be applied to non-verbal painting.

KEYWORDS: argumentative literary fiction, literary cognitivism, painting, visual argument

1. INTRODUCTION

My thesis is that certain non-verbal paintings such as Picasso's *Guernica* make (simple) arguments. If this is correct and the arguments are reasonably good, it would indicate one way that non-literary art can be cognitively valuable, since argument can provide the justification needed for knowledge or understanding. For topic manageability, the focus will be on painting, but findings should be applicable to comparable visual art forms, notably, sculpture (e.g., Wall Street's erstwhile '*Fearless Girl* facing down *Charging Bull*'). The approach will be to identify pertinent features of viable literary cognitivism—something that is relatively easier to characterize—and then to show how they or close analogues can be applied to non-verbal painting. After that, potential objections will be considered.

Although such issues as the role of diagrams in mathematical proof have a long history of study (Dove, 2002; Larvor, 2013), the modern general study of visual argument began in earnest only in the mid-1990s. Most attention since then has been devoted to partially verbal media on the order of ads, posters, and cartoons, rather than nonverbal, classic art forms like painting (Kjeldsen, 2015; Groarke, et al., 2016). Here I attempt to address this lacuna.

2. TWO REQUIREMENTS OF LITERARY COGNITIVISM

It is generally held that *literary* fiction is more nuanced than non-literary fiction; it has a greater richness and complexity of such things as character development, plot, or fine description, and also somehow shows insight into human affairs. How it might show or facilitate such insight is the central question of literary cognitivism. Literary cognitivism

is usually¹ defined as the view that literary works can be a source of knowledge or understanding—a definition that is itself pretty vacuous since of course there is science in science fiction, history in historical novels, etc. Literary cognitivists and anti-cognitivists are all concerned with *fictional* literature because, tautologically, nonfictional literary works (e.g., in history or biography) may yield knowledge. So a critical requirement of literary cognitivism should be that the relevant knowledge is provided significantly *in virtue of* the distinctive essential feature of literary fictions, that is, their fictionality. Let us call this *the fictionality requirement*.²

A second requirement is that the knowledge stems primarily from the content of the work, not from the auditor or what the auditor brings to the work. This is because, as Gibson suggests (2008, p. 575), something can be learned from anything if we auditors are clever enough, e.g., what we have learned about climate change from variations in glaciation, which hardly constitutes a reason to believe in ‘glacial cognitivism’. “Cognitivism is, again, about what goes on in artworks and not in the mind of the consumer about art (except in a secondary, derivative sense)” (pp. 584-585). Following Gibson (2009, sec. II), let us call this second requirement of literary cognitivism *the textual constraint*.

A *non-argumentative* way in which fictional literature may satisfy both requirements is the notion that fiction provides a necessary ‘safe zone’ in which to deal with striking or upsetting ideas, such as the effects of senseless murder in Dostoevsky’s *Crime and Punishment* (cf. Hakemulder, 2000, pp. 11, 150). Or, to take a favorite example, consider our different reactions to Tony Soprano’s misdeeds and their fallout versus those of a comparable actual criminal. As one might say, *you can’t learn if you’re scared; rather, you flee the theater*. Analogously, consider contemplating *Guernica*, which you might want to view many times, versus a purely mimetic (undoctored, un-Photoshopped) photograph of a similar scene of horror, which you might not want to view at all. Generally in contrast to reality, art allows the auditor choice in how to assimilate it, as in the case of viewing *Guernica* or choosing to read a novel lightly or deeply.

¹ See, e.g., Gibson, 2006, p. 439; Mikkonen, 2013, pp. 3 & 11; Davies, 2016, p. 377; Harold, 2016, ch. 33; Kajtár, 2016, p. 330.

² I give an extended argument for this requirement in Plumer, 2021; cf. Green, e.g., 2010, p. 352 and 2016, p. 286ff.; Maioli, 2014, p. 625; Alcaraz León, 2016. It seems to me that a necessary condition for a work to be a piece of fictional literature is that at least some of what is depicted is not supposed to be true, and indeed, some is not true. This condition is not sufficient because it is satisfied, e.g., by lies. False but sincere legal testimony is not a counterexample because although it is ‘fiction’, it is not literary fiction. As Friend argues (2017), it will not do simply to say that literary fiction does not refer to the real world or is an ‘invitation to imagine’, because something like “the *Reality Assumption*: the assumption that everything that is (really) true is also fictionally the case, unless excluded by the work” (p. 29) is indisputable, and practically all discourse invites one to imagine (p. 31). Thus, the approach I take in understanding fictionality is a fairly ‘objective’ one, in contrast, for instance, to a relativistic account whereby fiction and nonfiction are uber-genres determined by cultural context, as argued by Friend elsewhere (2012). It would take another paper to explore what has gone wrong here: “I hesitate to say that it is *inconceivable* that a work of fiction could be entirely true” (Friend, 2012, p. 190; cf. Currie, 1990, p. 9).

3. HOW LITERARY FICTION CAN BE ARGUMENTATIVE

The point of this section is to indicate *argumentative* ways that literary fiction can satisfy both requirements of viable literary cognitivism, and in general, how literary fiction can be globally argumentative. It is not to suggest that an argumentative painting would necessarily exhibit one of these argument patterns.

Normally, the notion that certain literary fictions, taken as wholes, are argumentative appears as the claim that they are ‘thought experiments’ (e.g., Carroll, 2002; Elgin, 2007; Swirski, 2007; Green, 2010; Mikkonen, 2013). But there are inappropriate connotations of this concept that are perhaps best revealed by considering the inverse relationship between parameters of assessment. Factors that make a thought experiment good (e.g., straightforwardness and precision, convincingness) tend to make a story bad (lack of nuance and subtlety, didacticism), and vice versa (cf. Egan, 2016, p. 147). We can, and possibly should, consider suppositional reasoning in connection with fictional literature without dressing it up as thought experiment. In a literary fiction, suppositional reasoning (or any kind of reasoning) generally can be exhibited only *indirectly*, that is, within the context of critical interpretation,³ for otherwise, the work would be overtly didactic or polemical, which undermines its status as literary fiction and makes it akin to philosophy or science. With this understood, one may take a literary fiction as—supposing P, Q—where P is the work’s fictional ‘premise’, and Q is the set of consequences inferred in the work, which at least constitute conditional (on P) knowledge if the reasoning is good, thereby evidently satisfying both requirements of (viable) literary cognitivism above. For instance, Greene’s *The Third Man* can be taken as constructing a supposed counterexample to the generalization that “when loyalty to a friend conflicts with loyalty to a cause, one ought to choose in favor of the friend” (Carroll, 2002, p. 10).

In Plumer, 2017a, I detail another way that literary fictions, taken as wholes, can be argumentative. In encountering an extended literary fiction, we already have a basic intuitive grasp of human nature and the principles that govern it. The work may evoke these principles or generalizations concerning human nature in its storytelling (thereby satisfying the textual constraint), which makes the work believable if it is otherwise coherent. Through the reflective or critical interpretive task of progressing through the believable fiction and perceiving what survives or dominates in the various situations and conflicts, fundamental assumptions held by the reader about human nature can become *internally justified* true beliefs. Hence, there is a transcendental argument indirectly expressed or embodied by the work, since for any extended literary fiction that is believable, we can ask—what principles or generalizations would have to be true of human nature in order for the work to be believable?⁴ And believability with respect to fiction is quite a different

³ My use of the term ‘critical interpretation’ more or less conforms to Gibson’s (2006, p. 444): “Rather than directed at the recovery of linguistic meaning, critical interpretation marks a process of articulating patterns of salience, value, and significance in the worlds literary works bring to view. That is, critical interpretation marks the moment of our engagement with the world of the work, and it has as its goal the attempt to bring to light what we find of consequence in this world.”

⁴ Sometimes you see a vague, undeveloped recognition of this transcendental structure, for instance, Nussbaum on Henry James’ *The Golden Bowl*. I take her here to be summarizing the argument she discerns in her reflective experience of believability: “The claim that our loves and commitments are so related that infidelity and failure of response are more or less inevitable features even of the best examples of loving is a claim for which a philosophical text would have a hard time mounting direct argument. It is only when, as

thing than it is with respect to nonfiction. If a work of nonfiction is *believable*, it is *worthy of belief*, but the term cannot mean this with respect to fiction. So the fictionality requirement is satisfied.

Both of these ways that literary fiction can be argumentative involve a substantial interpretive load. Another way of taking a literary fiction as globally argumentative, viz., as an argument from analogy (e.g., Hunt, 2009), appears to involve a much greater interpretive load insofar as, for indirectness, the auditor must fill in the second (target) case of the analogy. For example, which of far too many actual totalitarian states do you fill in for Orwell's *Animal Farm*? Thus, construed as an argument from analogy, it is dubious that the novel could satisfy the textual constraint of literary cognitivism. (See Plumer, 2017b for analysis.)

4. TWO PROPOSED EXAMPLES OF ARGUMENTATIVE PAINTING

Let us start with the painting by Picasso that he named *Guernica* (Figure 1), the name of the town in northern Spain that was bombed by the Nazis in 1937. Aside from its title, which gives interpretive orientation, *Guernica* is entirely non-verbal. Its reasonably obvious message or conclusion lies along the lines that indiscriminate bombing (many of the figures face skyward) is evil, and the evidence presented is the consequent destruction, suffering, and death hauntingly depicted. If this evidence and what it evokes



Figure 1: Picasso's *Guernica*

are sufficient, knowledge of the conclusion and of the consequences of indiscriminate bombing are derivable from the work (cf. the textual constraint), and since it is a Cubist-Surrealist departure from puremimesis(cf. the fictionality requirement), whichallowsthe

here, we study the loves and attentions of a finely responsive mind such as Maggie's, through all the contingent complexities of a tangled human life, that...we have something like a persuasive argument that these features hold of human life in general" (1990, pp. 139-140).

argument to be constructed, it seems that analogues of both requirements of literary cognitivism are satisfied. Pure mimesis, as in an unmanipulated photograph, would restrict the creativity that is needed to construct an argument and express a point of view. There is a huge theoretical obstacle standing in the way of regarding a nonfictional narration (history, biography, etc.), or a realistic painting, as argumentative: The point of nonfictional narration and realistic painting involves *veracity*—sticking to the facts, telling what happened or how things are—so there is no theoretical room for the creativity that is needed to construct an (indirect) argument by significantly inventing what happens (as in the case of fictional narration) or massaging reality (as in the case of nonrealistic painting).

If this is right, *Guernica* exhibits the pattern of what is called an ‘argument from negative consequences’ (Walton, Reed, & Macagno, 2008, pp. 101, 332) against a practice, with the form: practice *p* has undesirable consequences c_1-c_n ; thus, *p* is bad. This is a normative, defeasible, and simplified style of *modus-tollens* reasoning. An indication that *Guernica*’s argument is real is that it is *contestable*: presumably (e.g.) the authors of the Allied bombing campaign against Germany would dispute its conclusion, as well as the sufficiency of the evidence—including its proscriptive nature.

An issue in the study of visual argument has been whether such an argument can be entirely non-verbal (e.g., Kjeldsen, 2015, p. 124; Groarke, et al., 2016, pp. 218-219). Dove claims that “none of the proponents [of visual argument] seem to take images as sufficient for arguments. Instead, images are components of arguments” (2011, p. 381). But I think Dove’s sort of view involves a kind of capitulation and makes the topic less significant. Is there any doubt that images are frequently “components of arguments,” at least in their *evidentiary* use in ordinary life (‘seeing is believing’), law, and science? Consider, e.g., medical imaging and visual abductive reasoning in archaeology and geology. Moreover, a case might be made that sometimes an image can directly express a *conclusion*. Given that the image of Pinocchio and his nose has basically the “fixed meaning” of *liar*, the Michael Ramirez political cartoon with verbal premises (e.g., “the private sector is doing fine”) connected to a long nose on Obama accused him of being a liar (see Groarke, et al., pp. 221-222).

So if it is thought that the Picasso example is somehow cheating because it has a revealing name, look at Figure 2, a case of untitled⁵ street art by NemOs painted on the

⁵ Although one website indicates it was named (by whom?) *Before and After* [<https://artpeople.net/2017/02/street-art-illustrations-by-nemos/>], and another site says *Edifici* (Italian for ‘buildings’) [<https://www.secondamanoitalia.it/vivere/lartista-dellinquietudine/#>]. At any rate, these names offer little or no interpretive information that is not already obvious in the image itself.



Figure 2: street art by NemOs

side of a building. One can again see an argument from negative consequences against a practice. At the risk of belaboring the obvious, the message or conclusion of this surreal scene is that endlessly turning trees into building structures is bad—the structures are defecated by an unattractive and stylized, humanoid tree-eater—and the evidence presented is the nondescript, jumbled, and ever-rising nature of the pile of buildings depicted. Granted, Figure 2 is not as (the painting analogue for) ‘literary’ as the Picasso—it is not ‘high art’— yet the same kinds of considerations indicating that analogues of both requirements of literary cognitivism are satisfied by *Guernica* also apply to Figure 2.

Contrast Goya’s *The Third of May 1808* (Figure 3). As compared to our other two paintings, this is realistic art; there is little or no surrealism here. As relatively realistic, the scope for the creativity that is needed to construct an argument is restricted. Correspondingly, it would be difficult to make the case that any analogue of the fictionality requirement of literary cognitivism is satisfied. Thus, I think Blair (1996)



Figure 3: Goya's *The Third of May 1808*

is basically right about the Goya that it “portrays human cruelty, fear, terror, hopelessness and courage; but it gives no reasons for favoring the loyalists or opposing Napoleon,” yet wrongly lumps it together with the Picasso: “What conclusion are we to draw? That this was a terrible, cruel, destructive act? But that is what Picasso’s painting expresses; there is no argument” (pp. 27-28).

5. OBJECTIONS AND REPLIES

5.1 *Composition*

Perhaps the biggest issue revolves around the widely accepted idea that arguments are sequences of propositions, and since paintings are not such sequences, how could a painting be an argument? But, just as for a literary fiction, I am not claiming that a painting could *be* an argument, only that it could make, express, or embody an argument indirectly, i.e., through critical interpretation. It seems that a sentence or series of sentences cannot *be* an argument either; rather, their meaning or associated propositional content is the argument. Accordingly, I think the issue reduces to determining how loosely propositional content is associated with a painting such as *Guernica*. Sentences would appear to have a huge advantage in that they are tightly governed by semantical rules, have propositional syntax and argument- indicator

terms, etc. However, it seems that resemblance relationships between aspects of (non-verbal) images and their objects, as well as the conventions governing the cognitive processing of images, can be clear or tight enough (witness Pinocchio's nose, not to mention traditional pictograph writing systems, icons, emojis, etc.) that it is not an interpretive free-for-all, allowing the cognitive import to lie primarily in the content of the image or painting, not in what the auditor brings to it. Certainly, it is unclear that the interpretive load involved in discerning an argument in such paintings as the Picasso or the NemOs is *greater* than that involved in discerning a global argument in a literary fiction, if you put the works on par in terms of their cognitive complexity. On the other hand, the more abstract a painting is, the greater the interpretive load. In the case of Suprematism, for example, such as Malevich's *Black Square*, the load is extreme, and correspondingly, it is dubious that any analogue of the textual constraint of literary cognitivism could be satisfied. Similarly, it is dubious for at least some 'experimental literature' that the textual constraint could be satisfied.

5.2 *Internal structure*

A concern is that such images as Figures 1 and 2 lack "the requisite internal differentiation" that would "reliably" permit distinguishing premises from conclusion; this distinction, which "is at the heart of argument...is thus collapsed" (Fleming, 1996, p. 13). Blair says that "this is the main difficulty in interpreting" *Guernica* "as an argument" (1996, p. 28). Champagne & Pietarinen (2020, p. 232) see the problem as involving a dilemma:

If the conclusion is present in the image, then the visual argument risks begging the question [because it cannot be distinguished from the premises]; but if the conclusion is absent from the image, then the visual argument risks supporting any conclusion.

An example they give of the dilemma's second horn is a Nazi propaganda postcard from the early 1930s that shows the Sun on the horizon emblazoned with a swastika, and a harvested wheat field in the foreground. Groarke (2015, p. 148) says that the image suggests "that a Nazi future will bring food and abundance," leading to an implicit conclusion that "You should vote Nazi." Yet Champagne & Pietarinen object that "there is no evidential basis in the image itself to infer that the sun-like Nazi emblem is rising as opposed to setting" (p. 215).

These are reasonable concerns, but they seem overblown or overgeneralized. Take the NemOs. It is just not that hard to "reliably" identify the premise material and distinguish it from the equally identifiable conclusion material. How could the conclusion not be along the lines that endlessly processing tress into buildings is bad, since in the image the buildings are defecated by a repulsive creature? Certainly, not just "any conclusion" is expressed, even though this is a simple normative conclusion. The premise material or evidence presented is, as I mentioned, the nondescript, jumbled, and ever-rising nature of the pile of buildings depicted.

Nevertheless, one might wonder what in the NemOs corresponds to an argument-indicator or illative term ('since', 'therefore', etc.), as in an argument verbally expressed. One kind of response is that of course the NemOs is in some respects enthymematic, as are most purely verbal arguments. For the NemOs, the illative relation is enthymematic, as is, to some degree, the notion that the situation indicated by the evidence is bad. No doubt one

can often appeal to various dimensions of context to help fill in such enthymematic blanks, as (e.g.) Groarke, et al. argue (2016, pp. 220-221). A plausible addition is proposed by Champagne & Pietarinen. Since “argumentation is a *sequential* activity” (2020, p. 229n40), their main idea, inspired by Peirce, is that “illation—the distinctive transition from premise(s) to conclusion...involves a growth of signs” (p. 230). They discuss Alfred Wegener’s landmark 1929 map, which he used as evidence in abductively concluding that Africa and South America were once part of a supercontinent but subsequently were subject to ‘continental drift’. In the map, the South Atlantic Ocean has been vastly narrowed, and one can see simply by looking at the map that the coastlines easily fit together. According to Champagne & Pietarinen, what is key is that “the components of the map [the coastlines] need to be *moved* in order to establish the relevant conclusion,” moved, that is, backwards in time from their current positions (p. 227).

A similar analysis can be applied to the Picasso and the NemOs, although each expresses an argument from negative consequences against an actual practice, not abduction (and not a suppositional, transcendental, or analogical argument as we saw above for literary fiction). The NemOs depicts the process of endlessly turning trees into buildings, and going from premise material or evidence (the nondescript, jumbled, and ever-rising nature of the pile of buildings depicted) to the conclusion (that this process is bad) involves going back in time through the process. *Guernica* is more enthymematic or relies on its name, but here too, going from premise material (the destruction, suffering, and death depicted) to the conclusion (indiscriminate bombing is evil) involves moving back in time through the events. The purely static and (hence) non-argumentative character of such a work as Malevich’s *Black Square* stands in sharp contrast and confirms the Peirce-Champagne-Pietarinen theory.

Besides, and by now you probably anticipate this point, there are many who interpret certain literary fictions, taken as wholes, as argumentative, usually as thought experiments. It does not seem any *easier* to identify and distinguish premises, conclusions, and illative relations in literary fictions than it is in paintings. After all, literary fiction cannot *be* suppositional reasoning, or any kind of reasoning, in a straightforward way; if it were, it would be overtly didactic or polemical. It generally can be argumentative only indirectly or implicitly.

5.3 *Too simple?*

Are the arguments made by the Picasso and the NemOs too simple to be of interest? The propositional content associated with these paintings does appear to be simple, but that is not the whole story. If there is anything that everyone agrees on about our topic, it is that images generally are ‘thick’ representations with greater meaning and force than ‘thin’ representations such as sentences (although no doubt the force of sentences can add up). As Kjeldsen contends, a thick representation “in an instant, can provide a full sense of an actual situation and an embedded narrative connected to certain lines of reasoning” (2016, pp. 279, 267). Trying to grasp *Guernica*’s meaning by only considering its associated propositional content is something like trying to appreciate a musical piece by only considering its written score, with no sounds imagined. Compare Larvor (2013, p. 247) on the role of diagrams in mathematical proof, e.g., in classical geometry: we could render such a “proof into prose and deliver it as speech, but it would be pretty well impossible to

follow. Anyone who could follow it would do so by creating and manipulating mental images, that is, by re-creating and acting on the diagram in imagination.”

Perhaps surprisingly, Stolnitz’s (in)famous paper “On the Cognitive Triviality of Art” (1992) says some similar things about Austen’s novel *Pride and Prejudice*: “Once we divest ourselves of the diverse, singular forces at work in its psychological field, as we must, in getting from the fiction to the truth, the latter must seem, and is, distressingly impoverished,” namely, “Stubborn pride and ignorant prejudice keep attractive people apart” (pp. 193-194). The points of similarity are, first, that the propositional content associated with a painting such as *Guernica* is simple, perhaps “distressingly” so. Second, the power of *Guernica* lies in its surrealistic expressiveness, like the power of Austen’s novel lies in “the diverse, singular forces at work in its psychological field,” which belong to its *fictionality*. Of course with this power, there is risk—of being bamboozled—as by the Nazi postcard. The situation is the same with fictional literature; see, e.g., Green’s (2016) “Learning To Be Good (or Bad) in (or Through) Literature.”

6. FINAL THOUGHT

Even given that the Picasso and the NemOs make arguments, it could be that most paintings do not. Many paintings are too abstract or too realistic for a case taking the approach I have taken (using literary cognitivism as a guide) to get off the ground. If the painting is too abstract, an analogue of the textual constraint is not satisfied. If the painting is too realistic, an analogue of the fictionality requirement is not satisfied. This is not at all to imply that non-argumentative paintings lack cognitive value. Non-argumentative ways that a painting can have cognitive value include knowledge by acquaintance of peculiar colors and shapes, as well as phenomenal knowledge of what objects, states of affairs, and even emotions look like—allowing one to imagine what an experience or emotion feels like, thereby enabling empathy. The Goya above nicely illustrates this.

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Sophocles' *Antigone* and Its Argumentative Value *A Legal-Philosophical Reading*

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ABSTRACT: The aim of this paper is to propose an analysis of one of the fundamental texts of legal and philosophical thought, namely Sophocles' *Antigone*. In particular, I will examine the dilemmatic structure of the tragedy and who, between Antigone and Creon, is wrong and who is right, trying to overcome the interpretation that still reads the classical tragedy in terms of a certain kind of legal hierarchical order of laws – something that did not exist at that time. To understand this point is to understand their reasons for acting and the role of *hybris* in relation to *phronesis*. In this way, it will be possible to understand Sophocles' intentions and why he did not offer a positive solution to the dilemma.

KEYWORDS: Antigone, dilemma, *hybris*, justice, *phronesis*, Sophocles, tragedy

1. INTRODUCTION

Sophocles' *Antigone* is certainly one of the most famous and well-known classical tragedies, a true point of reference for every lawyer, philosopher and scholar since 442 B.C., the year in which it was first performed. It will not be necessary, therefore, to recapitulate the plot of the play, since everyone knows that Antigone was the only one to defy the decree of Creon, king of Thebes, who had ordered that the body of Antigone's brother, the traitor Polyneices, be left unburied outside the city walls on pain of death.

To this end, the paper will be structured as follows: 1) first, I will briefly recall some fundamental characteristics of myth, in relation with *logos*, and tragedy; 2) then, I will examine *Antigone* in order to discuss its dilemmatic value; 3) this will allow me to uncover the respective wrongs and motives of Antigone and Creon, 4) highlighting the political- legal value of Sophocles' work and the questions it leaves open; 5) lastly, I will present some conclusions.

2. ON MYTH, *LOGOS* AND TRAGEDY

When it comes to classical tragedy, we must first of all remember that we are dealing, from a certain point of view, with the scenic representation of myths, although myth and tragedy are different, since, as it has been said, "myth was both in tragedy and at the same time rejected by it" (Vernant & Vidal-Naquet, 1990, pp. 14-15).

It is therefore necessary to immediately clear the field of the idea that the myth was a kind of fable or imaginary story, completely devoid of cognitive value because it was not backed up by historiographical evidence: "the ancient Greeks themselves did not simply

relegate myth, in the name of the *logos*, to the shadows of unreasons and the untruths of fiction” (Vernant, 1990, p. 220). Likewise, the theatrical representation was not (as it may be today) a moment of entertainment or, at best, cultural growth. Theatre had a political value. For the public, it was a veritable institution of social memory, an instrument for preserving and transmitting knowledge (*logos*), whose role was decisive. Indeed, it should be emphasised how

extremely composite are the relations between mythological elaboration and philosophical practice. The weaving of myth was already intended to provide answers to a variety of awe-inspiring aspects [...]. The myth appears to be much more than a childish prelude to the *lógos* [...]. In it we already find the expression of a peculiar rationality (Stolfi, 2020, p. 49. My translation).

Myth, tragedy and *logos* thus live in continuity with each other, without any form of opposition: it is Aristotle himself, already in the era of the mature classical Athenian philosophy (thus at a rather later stage with regard to the context we are considering here), which recognises this. According to tradition, “philosophy begins with wonder” (Aristotle, 1908, 982b I 2): but “even the lover of myth is in a sense a lover of wisdom, for myth is composed of wonders” (Aristotle, 1908, 982b I 2). Myth is, therefore, a true form of knowledge (Vernant, 1990) that has a precise pedagogical, social and political value in the life of the Greek *poleis*.

It was a dynamic, living, authentic rationality that questions the *polis* on its very reasons for being, constantly recalling its archaic roots. Myth, like tragedy, lives in the *polis*, and the *polis* recognises itself in myth. This is also due to the fact that already in the transmission of myths, but then also in their tragic representation, ‘variations on myth’ were implemented, which made it possible to interweave the events enshrined in common memory with those of the present. For example, the traditional reasons given by Antigone to justify her gesture before Creon were resolved, before the Sophoclean version, in the fact that Polyneices was her brother and she could have no other. Indeed, she would not have acted in the same way if it had been her husband or her son (Sophocles, 2001, v. 909- 912). It was then Sophocles who introduced, alongside and before these motives, the more famous reasons of a legal justification: from then on, and for reasons we shall see, Antigone will invoke the unwritten laws in her defence against Creon (Sophocles, 2001, v. 450-470).

The myth, then, was not only not imaginary, it was not even a static story: it had a living and dynamic nature, it was in dialogue with its listeners, it was completely topical for them, and this topicality had another characteristic that distinguishes tragedy from drama and comedy.

Tragedy always presents a dilemma.

A dilemma is such because neither of the possible choices (typically two) appears immediately as the preferable one. In fact, both possible choices have their own legitimacy, each presenting valid reasons for preferring it to the other, so that they are mutually exclusive. The spectator (i.e. the whole *polis*) is confronted with and experiences the suffering of a situation that presents a difficult problem to solve, identifying himself with the characters he sees on the stage.

From this point of view, one of the characteristics of what we will later call ‘the classics’ is immediately apparent. The citizens of Athens knew this very well, and we should remember it ourselves: these tragedies did not speak simply *to* the Athenians, nor do they speak simply *to* us today. They spoke *about* the Athenians, and they continue to speak

about us: myth and tragedy remind us of archetypes whose relevance never diminishes because we continue to embody them, with the variations due to the passage of time and changing contexts. Look at Sophocles' *Antigone*: Creon's decree is perfectly valid, the *polis* (represented by the chorus) recognises it as such. On the one hand, Creon plays the role of a good ruler, acting for the good of the *polis* (and on the other hand, in Greece at that time, sometimes traitors were left unburied outside the walls of the *polis*). But equally valid are those unwritten laws (the ancient founding traditions of the *polis* itself) that Antigone invokes, along with her love for her brother, to justify her choice.

This is the dilemma of Sophocles' tragedy: there are two sets of laws, Creon's written laws and Antigone's unwritten laws. Which prevails and why? And this question reverberates even further, to the roots of law: should a law be obeyed if it seems unjust, and on what basis can its unjustness be established?

3. ANTIGONE'S DILEMMA

The dilemma posed by Sophocles is usually answered as follows: between Creon and Antigone, Antigone's position prevails. This could be called the 'modern interpretation', in which a criterion of a hierarchical, theoretical-legal nature assumes particular importance.

This can be seen, for example, in the reinterpretations of Anouilh's or Brecht's theatrical versions in the second half of the 20th century. For them, Antigone is the heroine who stands up to the tyrant Creon (in modern terms: Hitler) and thus represents the courageous gesture of someone who, at the cost of her own life, stands up to evil in the name of higher values and principles or, it could be said, some kind of natural law.

Well, this interpretation corresponds, in the context of legal theory, to the image of a pyramid in which there are norms of a lower rank and others of a higher rank: the norm of a higher rank justifies, in this case, the existence and the binding nature of the norm of a lower rank, because if the norm of a lower rank violated the norm of a higher rank, it would be unjust and would therefore have to be disobeyed.

So, the situation would look something like the pyramid in fig. 1:

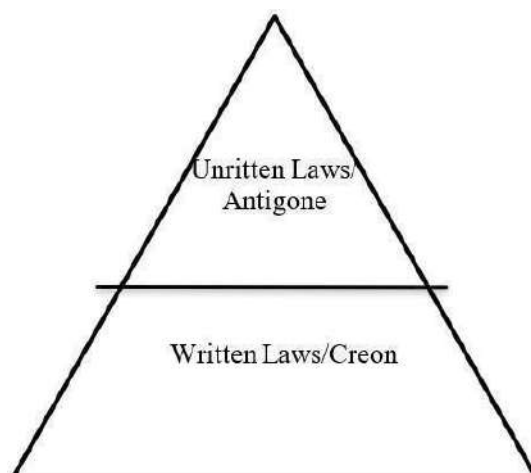


Fig. 1

Hierarchy is precisely the image that informs the mind of modern jurists, which finds consecration in Kelsen's theory (Delmas-Marty, 1998). Admittedly, for Kelsen (1967) it is the formal and not the substantive aspects of the logical links between the norms that make up the staircase that count, whereas in the interpretation of *Antigone* the emphasis is more on the justice of the written norm, without, however, missing the reference (to put it in modern terms) to the non-delegation of power to Creon (Sophocles, 2001, v. 454-457). What is disturbing, however, is the fact that, for whatever reason, the superiority of Antigone's position is affirmed over that of Creon.

The written law, which therefore does not respect the unwritten laws (today we would probably say: constitutional principles or human rights), would therefore be unjust and should not be obeyed. Antigone therefore acted justly, even if the price was her own death, whereas Creon would have acted unjustly.

But is this reading correct? From one point of view, it seems so. It was Sophocles himself who introduced the reference to unwritten laws as a justification for Antigone's choice. It is also true that the tragedy presents two possible legal and political models: Creon ends up representing the tyrant, that absolute power which will find its best representation long afterwards in Hobbes. There are many passages in Sophocles' text that suggest this, such as the following, for example when Antigone tells Creon: "A tyrant says and does / what he pleases. That's his great joy" (Sophocles, 2001, v. 506-507). Or when Creon tells his son Haemon: "What the city takes a leader, you must obey, / Whether his commands are trivial, or right, or wrong" (Sophocles, 2001, v. 666-667). In fact, in Creon's view his judgment but his own should guide his hands – "you think the people should tell me what orders to give?" (Sophocles, 2001, v. 734) –, because the *polis* is under his will: "I should rule this country for someone other myself?" (Sophocles, 2001, v. 736). For Creon, "a city belongs to his master" (Sophocles, 2001, v. 738).

Faced with such a tyrant, Antigone and Haemon remind Creon, and all of us, of another possible paradigm, as evidenced by these poignant words from the son to the father. This is what Haemon tells his father:

And now, don't always cling the same anger, / Don't keep saying that this, and nothing else, is right.
/ If a man believes that he alone has a sound of mind, / And no one else can speak or think as he does,
/ Then, when people study him, they'll find an empty book. / But a wise man can learn a lot and never
be ashamed; / He know he does not have to be rigid and close-hauled (Sophocles, 2001, v. 705-711).

In fact, if someone thinks as Creon does, he should be the "ruler of a desert, all alone" (Sophocles, 2001, v. 739), and it is into this account that Antigone's immortal and famous statements about her uncle's decree are inserted:

I never heard it was Zeus / Who made the announcement. / And it wasn't justice, either. The gods below
/ Didn't lay down this law for human use. / And I never thought your announcements / Could give you –
a mere human being – / Power to trample the god's unfailing / Unwritten laws. These laws weren't
made now / Or yesterday. They live for all time, / And no one knows when they came into the light
(Sophocles, 2001, v. 450-455)

But this is only a part of the tragedy. The characters live in it, and as they live they change; they are not icons, though in time they have become so. The positions of Creon and Antigone are not static: at the beginning of the tragedy everyone cheers for Creon.

Thebes shares his decision. Creon's law seems just. Creon is not a tyrant at first. He becomes one when he begins to close himself off in his position, refusing dialogue with Antigone and then with Haemon, when Creon thinks that the polis is an object of his possession, subject to his power. Here Creon commits the sin of *hybris*. But then, as we know, he changes his mind: after listening to Tiresias, he runs to Antigone to save her, only to find her dead and suicidal.

And then disaster strikes Thebes: Haemon and Eurydice, Creon's wife, also kill themselves.

Now look at Antigone. She refers to the unwritten laws, which are not the equivalent of our human principles or laws: they are the laws that have a customary origin, they are what expresses the ancient identity of the *polis*. It is as if she were reminding Creon that he cannot consider himself the sole source of law: his decision, Antigone tells him, cannot disregard what precedes him and expresses the ancient identity of the polis he rules. Creon errs because he is incapable of considering anything other than himself, because he is closed in on himself. But this will be exactly the same behaviour as Antigone's: she too is closed in on herself, she affirms that she is no longer part of the *polis*, the realm of the living, she is part of the realm of the dead. Antigone, too, sins with *hybris*. She too refuses to confront anyone other than herself, first with Ismene, then with Creon, then with anyone: she takes her own life, thus eliminating the minimal condition for any kind of dialogue and recognition of possible alternative positions to her own.

4. SOPHOCLES' MESSAGE

Antigone and Creon are therefore ultimately equal. Neither is right because both are wrong. Tragedy, then, is truly a dilemma: "As the Greek defined it, tragedy is not the triumph of evil over good, but the triumph of one good over another good that causes suffering" (Kaplan, 2023, p. XIV).

On the other hand, if the answer we seek were the one offered by the modern interpretation, we would not be faced with a dilemma, and thus with tragedy. It would therefore be too easy to say that Antigone is right: with all due respect, if this were Sophocles' message, I do not think we would have recognised its immortal value for over two thousand years. If neither Antigone nor Creon are right, then logically there is only one alternative: they are both wrong. To understand this, it is necessary to consider that

Antigone and Creon are both incapable of reconciling the laws of their own country with the justice of the gods [...]. Each of them, by becoming rigid in his position, becomes an *apolis* – that is, without city and without country – because of his exaggerated audacity, his arrogance [...]. Both Creon and Antigone are *auto-nomos*, people who have made the law their own. Both lack *phronesis* and therefore fall into *hybris* (Ciaramelli, 2017, p. 59. My translation).

This adjective 'auto-nomos' is particularly important for understanding what is being said. It can be explained in different ways:

The most common is 'of one's own accord', 'of one's own will'. But in order to emphasise the central theme of *nomos*, and to understand the term as a possessive compound, it can be more effectively translated as 'making the law of oneself', 'according to one's own law', which means that Antigone constitutes herself by herself, with an irrepressible and idiosyncratic movement, as a city, as a political community (D. Susanetti, 2012, p. 318. My translation).

But can a political community be constituted by a single person? Obviously, it cannot. By definition, a community is one in which there is more than one subject in relation to one another: and it is in this community that man, according to the prevailing classical conception, lives by nature – as Aristotle would explain, theorising the anthropological model of the *zoon politikon*.

This event, of course, also explains Creon's mistake: the fact that he comes to believe that he can rule the *polis* alone makes the *polis* the object of his power. But this presupposes that he can isolate and free himself from it, and this is impossible: he should live in a desert.

In conclusion, then, *Antigone's* dilemma is not the one experienced by the Sophoclean heroine, but the one that emerges from the tragedy as a whole. Sophocles' message is not the construction of a hierarchy of norms: the reason he introduces the reference to unwritten laws is: a) political-legal, and b) the value of his message is entirely argumentative.

- a) He is addressing Athens, which at the time was in a difficult situation in the complicated relationship between the *demos* and the *aristoi*: and these are the parties represented in the play. The *demos*, the emerging political part, is represented by Creon; the *aristoi*, the old political part, the repository of the ancient and traditional values of Athens, including the customs represented by the unwritten laws, is represented by Antigone. The clash between the two political sides was in danger of tearing Athens apart, and Sophocles' political involvement alongside Pericles was precisely aimed at avoiding this disaster.
- b) And this is the direction in which *Antigone* moves: Sophocles shows the citizens of Athens what will happen if the parties do not talk to each other; he puts the polis in front of the ruin that awaits it if each remains locked in its own position, without listening to the reasons of the other. The hint that then comes to imagine a possible solution (without knowing what it might have been) is thus clear, and it has a deep argumentative value, since what can save from *hybris* is *phronesis*. *Phronesis* is the practical wisdom which is characterized, beyond any possible interpretation or explanation of it (see for example Berti, 2005; Hacker-Writgh, 2021; Schmidt, 1995), by the capacity for discernment which requires, above all, the ability to listen to the other person, to accept his or her reasons, in order to be able to evaluate *together* the problem to be solved. The attitude that seems so necessary, above all to avoid *hybris*, is that of entering into dialogue with others (Gadamer, 1989):

Antigone's isolation ultimately determines the content of her *hybris* because, by leading her to an illusory self-sufficiency, it distances her from social exchange, but above all it prevents her from acquiring and cultivating what Kant, in the *Critique of Judgment*, called 'extended mentality', which consists in the ability to take into account the point of view of one's interlocutors (Ciaramelli, 2017, p. 118. My translation).

Sophocles shows each of us the result of our political-legal action without *phronesis*. Here is the myth which, as already said, through the representation of archetypes, not only speaks to us, it speaks *about* us. *We are* Creon and Antigone today, as in the 5th century B.C., or we risk being so, when, although in a certain sense we are right (Creon has his good reasons, Antigone even more so), we close in on ourselves.

We do not know what would have happened if Antigone and Creon had spoken, but we do know what will happen if they do not. Sophocles' message is all negative, offering no answers, but posing a question that indelibly marks the history of legal philosophy.

5. CONCLUSION

This paper has first highlighted the value of myth and its proximity to *logos*, and the importance of this form of knowledge in constituting the basic categories of what would later become philosophical and philosophical-legal knowledge in the Western tradition.

Tragedy, in particular, inherits its dilemmatic value from myth. In Sophocles' *Antigone*, this characteristic is emphasised in the alternative represented by Creon's decree forbidding the burial of Polyneices, on the one hand, and by the unwritten laws invoked by Antigone, the only citizen of Thebes who violates this decree in order to bury her brother, on the other. The dilemma exists because there is no hierarchy of norms: the unwritten laws invoked by Antigone are not superior to the written law enacted by Creon. They are two different and conflicting systems of law, each with its own legitimate claim to justice.

The dilemma posed by Sophocles cannot therefore be resolved by establishing that Antigone is right and Creon is wrong: indeed, it has been shown how the two characters change their behaviour in the course of the tragedy. They both end up committing the sin of *hybris*, an action that in many ways has the same result.

Sophocles does not explain how the dilemma could have been resolved, but he offers a solution in the negative: he shows what happens when, by persisting in the sin of *hybris*, one is incapable of acting according to *phronesis*, which will later become the main virtue of the rhetorician and thus of the lawyer (Amaya, 2012; Puppo, 2023). It is not, therefore, a question of establishing an abstract hierarchy of values, but of being able to judge, from time to time, which solution is the best, the fairest, by listening to the arguments of the various parties involved in the conflict. This is exactly what Athena, the goddess of reason, does in Aeschylus' *Eumenides*: but that is another story, to be told another time.

Here, with Sophocles, we must remember the Chorus: "Many wonders, many terrors, / But none more wonderful than the human race / Or more dangerous" (Sophocles, 2001, v. 332-334): and that surely it is precisely the claim to be right alone, without being open to confrontation with the other, that in history, but also in the life of each one of us, can cause pain and suffering to ourselves and to others.

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Relevance in Arguments

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ABSTRACT: In this paper, I discuss the notion of relevance in arguments. Arguments, being of different types, have different types of warrants. Since relevance is somehow connected to the warrant, there can be different types of relevance. Consequently, there can be no generic concept of relevance that applies to every type of argument. Instead, I suggest that relevance could be viewed under the concept of family resemblance.

KEYWORDS: family resemblances, Freeman, Govier, Hitchcock, Johnson, Næss, relevance, tenability, Toulmin, Wittgenstein

1. INTRODUCTION

Relevance in argumentation may be seen through different lenses. One may either accept or deny that a proposition is relevant to the overall subject one is arguing about. A more specific type of relevance is connected to the relation between a premise and the conclusion in a concrete argument. In this paper I investigate relevance in the context of the relation between a premise and a conclusion.¹

I argue that there is no generic notion of relevance. I do this partly by discussing some proposals of relevance and partly by relating relevance to the warrant of arguments. When connected to the warrant of arguments, relevance varies with the type of argument that one deals with.

Johnson and Blair (1994, p. 49) claim that one first should identify and interpret the arguments of a text. Next, one should evaluate the arguments. Relevance is part of this evaluation process. Thus, it is not part of the argumentative structure.

Let me schematise the basic structure of a simple argument consisting of one premise, *p*, for the conclusion *c*, as in Figure 1.

$p \longrightarrow c$

Figure 1: A simple argument, consisting of one premise and a conclusion.

In the tradition of Næss (1966), one could claim that for an argument to be good, the premise should both have tenability and be relevant to the conclusion. Tenability is an evaluation of how good a premise is, that is, whether the premise is true, probable, or plausible. Tenability is, in principle, independent of the premise staying in support of the conclusion.

Both tenability and relevance are necessary for determining how good a premise is for supporting the truth, probability, or plausibility of the conclusion. The combination of tenability and relevance determines the value of the conclusion and how

¹ Walton (2004) discusses different notions of relevance in argumentation and characterizes among these the mentioned one.

strong it is. If one of them fails, the argument is not a good one, and a rational agent cannot be convinced by the conclusion. This evaluation may be extended to any pair of sentences in an argument structure where one of them stands in an argumentative support relationship to the other.

Johnson and Blair (1994, p. 55) propose three notions in the evaluation of a good argument, that is, in their theory for an argument to be cogent: The premises must be acceptable; the premises must be relevant to the conclusion; and the premises must provide sufficient support for the conclusion. Others, like Govier (2014), have followed much the same line.

As mentioned earlier, relevance is generally considered a core condition for an argument to be cogent. Thus, in Figure 1, if *p* does not have any relevance to *c*, this implies that *p* does not give any support to *c*, regardless of *p*'s tenability or acceptability. In short, the relevance between *p* and *c* indicates how well the premise supports the conclusion. Govier (2014) prescribes the following conditions for the relevance of premises:

that the premises state evidence, offer reasons that support the conclusion, or can be arranged into a demonstration from which the conclusion can be derived
(p. 87).

In our view, this statement is not particularly precise regarding whether relevance concerns the structure of sentences or the evaluation of the relationship between the premises and the conclusion. This paper is aimed at clarifying precisely what relevance in arguments relates to.

Textbooks in the tradition of Næss do not include any theory of fallacies—an argument that does not satisfy both the conditions of tenability and relevance is simply not a good one and should be abandoned altogether. Johnson and Blair view arguments that do not satisfy one of their three conditions as succumbing to a certain type of fallacy. In their framework, an argument can contain a fallacy of relevance when the condition of relevance is not fulfilled.

Walton (2004) uses fallacies of relevance and protests against arguments being relevant as a strategy for defining relevance. I do not follow this line here, as I think that this strategy is not direct in the project of characterizing relevance. In my view, the notion of irrelevance simply presupposes the notion of relevance.

I will begin with describing some formal conditions that characterize relevance. Next, I discuss some attempts to characterize relevance in more detail and I relate relevance to the warrant of arguments. Then I characterize different types of arguments before I discuss relevance connected to those types of arguments. From this it follows that relevance cannot be characterized as a generic concept, but rather a concept of family resemblance.

2. FORMAL CONDITIONS OF RELEVANCE

In this section, I will comment on some works that try to characterize relevance. These works, in different ways, characterize some sides of the relevance between a premise and a conclusion.

Hitchcock (2017, p. 350) proposes that relevance comprises a ternary relation among a premise, a conclusion, and a context. Relevance is thus a relation, $R(p,c,s)$, where *p* is the premise or a set of premises, *c* is the conclusion, and *s* is the situation or the context of the argument. This view makes explicit that relevance cannot be

independent of any argumentative situation. The sentences of an argument belong to a concrete argumentative situation—there are no eternal statements independent of any argumentative situation. However, perhaps in certain areas of mathematics, one can come close to argumentation without a concrete context (Quine, 1960). Nevertheless, daily arguments, or arguments in science, cannot be evaluated as eternal entities independent of the concrete argumentative situation. The notion of relevance needs to reflect this. The third term of the relevance relation refers to the concrete argumentative setting. While remembering this, I ignore the context in what follows and focus on the premises and the conclusion. When needed, one can always specify the context.

With the relation between the premise and the conclusion being one of support, the relation of relevance is directed from the first to the second, that is, the relation is both asymmetric and irreflexive.² Asymmetry refers to the fact that a premise being relevant to the conclusion does not mean that the opposite holds—that the conclusion is relevant to the premise. Irreflexive further means that a premise is not relevant to itself—a relation of relevance occurs between two different sentences. These two conditions express that the direction of relevance is from the premise to the conclusion, not the opposite.

Further, one could claim that there is a backing, *b*, of a premise, the backing being relevant to *p*, and *p* being relevant to *c*, so *b* is relevant to conclusion. Thus, relevance is transitive.³ Hitchcock (2017, p. 357) discusses all these conditions. I think that these conditions characterize relevance in general.

Govier (2014, p. 148) defines three notions that are related: positive relevance, negative relevance, and irrelevance. Positive relevance is the relevance of a premise to the conclusion; that is, the truth of a premise counts in favour of the truth of the conclusion. This is her fundamental definition, and it is generic. However, the phrase “count in favour of” is rather unclear. It may cover all the following:

- The truth of *p* implies the truth of *c*.
- The truth of *p* makes *c* probably true.
- The truth of *p* makes *c* plausible.

It is reasonable that relevance applies to all of these and not only formal logic, the first one.

Suppose *p* is relevant to *c*₁ and *c*₁ \square *c*. The fact that *c*₁ \square *c* implies that *c*₁ is relevant to *c*. In virtue of *p* being relevant to *c*₁ and *c*₁ being relevant to *c*, it follows from the condition of transitivity of relevance that *p* is relevant to *c*. However, suppose *p* is relevant to *c*₂ and *c* \square *c*₂. From this implication, it does not follow that *p* is relevant to *c*.

What will be the impact when *p* makes *c*₁ probable or plausible, that is, *p* is relevant to *c*₁, and *c*₁ \square *c*? Of course, also now *p* will be relevant to *c*. But what if *c*₁ makes *c* probable or plausible? In this case, *c*₁ may be relevant to *c*. Since I accept that transitivity extends to these weaker cases, the fact that *p* is relevant to *c*₁, and *c*₁ is relevant to *c*, *p* will be relevant to *c*.

This discussion indicates that “count in favour of” may be wider than what *prima facie* seems to be the case.

Govier defines negative relevance thus: “the truth of \square the premise \square counts against the truth of \square the conclusion \square ” (p. 149). This is again not very precise. It is reasonable to interpret this statement to mean that the following are covered:

- The truth of *p* implies that *c* is false.

² Asymmetry, $\square x \square y (R(x,y) \rightarrow \neg R(y,x))$ and irreflexive, $\square x \neg R(x,x)$.

³ Transitive means: $\square x \square y \square z ((R(x,y) \& R(y,z)) \rightarrow R(x,z))$.

- The truth of p makes it probable that c is false.
- The truth of p makes c non-plausible.

The first case above may rise from either of two possibilities: p implies a proposition that is the negation of the conclusion, $\neg c$, or p implies a proposition that is contrary to c . However, there may be an infinite number of propositions that are contrary to c . Thus, negative relevance does not seem to be very manageable.

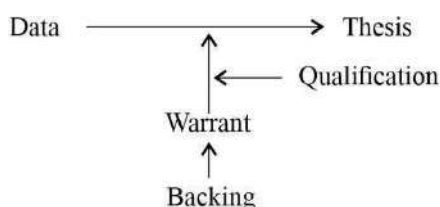
Let me now turn to the last two cases. From Govier's examples in the text, it is reasonable to take negative relevance to be when the premise has some plausibility to a contrary proposition. Thus, everything that I have said about negative relevance with respect to implying that c is false may also be said about c being probably false or not being plausible. Assigning negative relevance turns out to be a rather complicated issue, as it involves ascribing relevance to some proposition other than c .

Govier claims that a premise is irrelevant to a conclusion when it is neither positively nor negatively relevant to the conclusion. This means there is no directness from p to c , nor to the negation of c , nor to a contrary to c . Even though p is irrelevant to c , there may, of course, be many other propositions than c which p is relevant to.

Suppose there is a set of linked premises, p_1, \dots, p_n for a conclusion, c . Linked premises mean that all the premises are necessary to support the conclusion; they are not independent of each other in providing support for the conclusion. Hitchcock (2017, p. 360-1) makes the following analysis of relevance for this combined set of premises: If one of these premises, for example, p_1 , is eliminated from the set of premises and the conclusion is still supported by the set, then p_1 is not relevant for c . If one tests for all premises in the set and every premise passes this test, then all the premises in the set are relevant to the conclusion. However, this test presupposes that one knows what relevance is and that one has already characterized the notion of relevance.

3. THE GROUNDS FOR RELEVANCE

I will in this section present some grounds for analysing relevance. I start with referring to Toulmin's structure of arguments: Arguments for a thesis (claim) have basically one of two roles: data or warrant. The data refer to certain descriptions of facts that support the thesis. The warrant is a legitimation that the data do support the thesis. The warrant may be a general rule that licences that the data support the thesis (Toulmin, 1958, p. 44-45). It may be of the form "if D then T ", without referring to any formal logical inference rule. Warrants are not self-validating (p. 58); they are field-dependent. Normally, there will be a backing of the warrant within the field.⁴ This feature of the warrant makes arguments field-dependent. In some cases, there may be qualification of the warrant, that is, the warrant may not be a categorical rule, but may be modified by an "unless" or "in most cases". Toulmin's structure of these different roles in arguments for a thesis is illustrated in Figure 2.



⁴ It may be reasonable to question this with respect to logical truths, like the law of identity, which can be inserted at any line in a formal proof, without any backing. Logical truths are then not field -dependent.

Figure2: Toulmin's structure of arguments

This structure should be enriched with the possibility of *con* arguments at any level in the argument structure. This must also be reflected in the notion of relevance.

Toulmin proposes that the warrant be field-dependent. One could elaborate on this using Kuhn's theory of paradigms, according to which the backing of the warrant forms part of the paradigm that bounds a field. However, it is problematic to characterize what a certain field is and how one should identify a field. Some fields may *prima facie* be thought to be clear, such as physics, biology, technology, and historical science, but characterizing others such as astrology, common sense, ethics, and daily argumentation may be more problematic (see Johnson 1996, p. 134). However, when arguing across different fields, for example, utilizing data from astronomy to make astrological claims, there is no common field. Such problems may require what Johnson calls a "super-field". Overall, the notion of field is problematic, but this does not imply that the notion of warrant should be abandoned altogether.

Freeman (2006) argues for an epistemological foundation of warrants. Owing to *immediate apprehending* of general connections between data and thesis in inference connections, one accepts a warrant according to this apprehension. There are, according to Freeman (p. 92–93), four modes of immediate apprehensions: necessary apprehension, empirical apprehension, institutional apprehension, and evaluative apprehension. These may be subdivided further, and each subdivision gives rise to acceptance of a warrant. These warrants in turn result in different types of relevance. Relevance is then ultimately grounded in the apprehension.

I think that Freeman's suggestion is too tentative to help one determine how to analyse concrete cases and how to treat warrants of *con* arguments. It also raises questions about the place of logic. Nevertheless, Freeman's suggestion rejects a universal notion of relevance.

4. WARRANT AND RELEVANCE

Suppose that the evaluation of an argument is a function of two notions: the tenability of the data and the relevance of the data to the thesis. The strength of the thesis will then be the result of considering both notions together. In a simple case, as in Figure 1, where the data (D) support the thesis (T), D has a certain tenability, and the support relation between D and T has a certain relevance.

If there is a specified warrant, the case becomes more complicated. In this case, one also needs to consider whether the warrant has tenability and is relevant to the case. The combination of the warrant's tenability and relevance then determines the relevance of the data to the thesis (resulting in the structure depicted in Figure 3). If the warrant is false, that is, if it has no tenability, it is of no use. Further, if the warrant is not relevant to the case at hand, it is again of no use. This means that for the warrant to work, it must be both tenable and relevant. If one of these conditions fails, the warrant fails, and hence the movement from D to T is not supported.

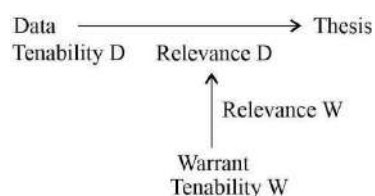


Figure 3: Evaluation of a warrant

To illustrate why one needs to differentiate between the warrant's tenability and its relevance for the case, consider a case of empirical research where some evidence has been collected for statistical analysis. The statistical method one uses needs to be sound in general, that is, it must have tenability, but it also needs to be relevant to the case at hand. If the method cannot be properly applied to the case, it is simply not relevant, regardless of whether the method is sound or not. Thus, a warrant's tenability and its relevance need to be differentiated.

Let me now return to Figure 2. This structure has the two special features of backing (b) and qualification (q). The backing, to be valid, must have both some tenability and possibly some relevance to the warrant. The qualification is a sort of modification of the warrant, and it must have some tenability and relevance to the warrant, too. These two aspects combine to give the warrant a modification, that is, a reduction in support of the movement from the data to the thesis.

5. CHARACTERIZATION OF DIFFERENT TYPES OF ARGUMENTS

There is not one common general type of argument, that is, there is not one super-type of argument having one type of warrant that all arguments instantiate. In this section, I characterise a few different types of arguments with respect to different types of warrants, and in the next section, I characterise relevance for each type of argument.

Let me start with formal, logical, and valid arguments. Here, one infers sentences by virtue of some inference rules. An inferred sentence follows validly by virtue of the specific system's inference rules. For example, starting from the assumption that Albert is a philosopher and that if he is a philosopher, then he knows *modus ponens*, one can conclude that Albert knows *modus ponens*. This inference follows in virtue of the logical inference rule of the *modus ponens* of sentence logic. The inference rules one needs in the reasoning can be viewed as the warrant of the inference. I schematize the *modus ponens* in Figure 4. The backing of the warrant will be the proof theory for sentence logic, where the concrete deduction belongs. Inferences in other logical systems follow similarly from the inference rules in those systems as warrants.

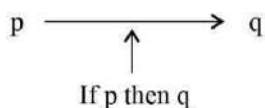


Figure 4: A formal logical argument

Some arguments in natural language can be viewed as instantiation of an argument in a certain formal logical system. One can reconstruct such arguments with the help of an appropriate formal logical structure.

Let me proceed to numerical induction. Suppose someone conducts empirical research in a specific area. The researcher takes a sample and registers a certain property in the sample. Subsequently, the researcher forms a hypothesis and test it against the data. In doing this, the researcher uses a certain statistical method. Using this statistical method, the researcher forms a concrete thesis as a hypothesis. See figure 5. The statistical method is warranted, and the backing of the warrant provides the mathematical proof of the method's soundness.

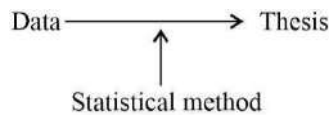


Figure 5: Numerical inductive argument

Inductive arguments can also be found in daily argumentation, where one makes casual observations and argues from experiences. The warrants in such cases are simply more casual than in numerical induction.

Consider an analogy or argument based on likeness. As a matter of fact, arguments based on likeness conform not to one type of argumentation, but rather to several related types. One often finds analogies in science, for example, that of Schrödinger's cat. As psychologists have documented, analogies often have a role to play in scientific discoveries. In science, one sometimes makes a physical scale model that displays a certain likeness to nature. One studies the scale model in the laboratory instead of directly studying nature.⁵ In virtue of the likeness between the model and nature, one infers that nature displays the same properties as the model. One uses arguments of likeness in political debates, in the court, in casuistic ethics, in aesthetics, in science, and in daily argumentation.

The data may describe one case, while the conclusion may describe another. The warrant in the argument is a description of the likeness between the cases. See Figure 6. In both the data and the warrant, there may be descriptive, normative, or aesthetic elements. Thus, analogies form a very variable group of arguments. Since the areas differ a lot, it is natural that the likeness is diverse and that the warrant also differs. Given the diverse nature of the areas, it is difficult to provide a common specification of their warrant.

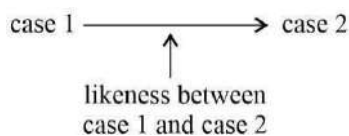


Figure 6: Analogical argument

The backing of the warrant in analogical arguments is in general problematic to specify, partly because the areas differ much and partly because the likeness being related to properties of case 1 and also being related to properties of case 2 is rather problematic to specify. In specifying the likeness, one may refer to theories, perspectives, and the like.

6. RELEVANCE AS A CLUSTER OF CONCEPTS

Let me now turn to the concept of relevance in more detail. Relevance is not part of the argumentative structure; it is not intrinsic to the statements of an argument but is an evaluation of the argumentative structure.

One needs some principles to start with. Suppose D is a ground for the thesis T, and suppose D has tenability. Relevance relates to a relationship of goodness in the evaluation of the support between D and T. The support relationship is basically provided by the warrant.

⁵ See, for example, Hackman's (1995) discussion about exploiting models in research on aurora borealis.

One needs to investigate the type of argument one is dealing with—whether it is formal–logical, inductive, analogical or some other type—and one then needs to characterize the warrant of the argument. As noted earlier, there is no super-argument, and thus there is no super-warrant that the warrant of a concrete argument instantiates. Therefore, one needs to characterize the concrete warrant of an argument.

First, in evaluating the warrant, one should evaluate its tenability and then its relevance to the concrete support relationship. Based on these two aspects, the relevance of the warrant to the D-to-T relationship can be determined. These principles would then be the guiding principles for how to establish the relevance of the warrants. The relevance would accordingly change with the type of argument and its warrant.

Let me now comment on the individual types of arguments characterized above, starting with formal logical arguments. Figure 4 illustrates an example of *modus ponens*. If the warrant is applied to p , and p is true, then the warrant legitimates q as true, that is, the warrant is truth-preserving from p to q . The truth preserving is the relevance for p to q . But what about the warrant's truth and relevance? The *modus ponens* belong to the proof theory of sentence logic, a specific formal–logical system. Given that this system is sound, the warrant is deemed tenable and relevant with respect to p 's relation to q . However, one cannot isolate the warrant's tenability from its relevance—the warrant's tenability is simply hypothetical.

The case is similar for other formal–logical systems that are sound, like first-order predicate logic, that is, preserving soundness in inferences. For an argument in natural language that instantiates a structure of a formal logical system, the relevance is given by the formal logical system.

Next, let me consider numerical inductive arguments. These start with descriptions of properties in a sample taken from a population, from which a general hypothesis about the population is generated. See Figure 5. The warrant is a probabilistic method. The relevance of the warrant depends on the warrant being both sound and relevant to the data. With these two conditions satisfied, the relevance of the data to the thesis is deemed good.

The soundness of the statistical method is a question of mathematics relating to the backing of the warrant. However, the method must also be relevant, that is, the method must be legitimately selected based on the type of sample at hand. Perhaps, the character of the data is such that a specific statistical method cannot be used legitimately on these data. In this case, the method is not relevant for the inference of the hypothesis. In everyday inductive arguments, one starts from some casual and inaccurate observations and uses these to ground a general proposition or another singular proposition. The warrant in this type of inductive argument tends to be rather inaccurate, making the determination of relevance in such inductive arguments rather problematic.

Next, let me look at analogical arguments. See Figure 6. As stated above, analogical arguments can be used within descriptive, aesthetics, and ethical areas. Since there are fundamental differences among these areas, one should expect the warrant in analogical arguments to be fundamentally different too; consequently, the relevance will also be different. However, all types of analogical arguments have in common that one compares two phenomena or two types of things and transfers a property or structure in virtue of likeness between the mentioned phenomena or things.

The relevance in analogical arguments depends on the likeness between case 1 and case 2 being true and that the warrant also can be applied to the case 1. The likeness may be closely related to the property one transfers or not so closely related. In the first case, the relevance between case 1 and case 2 is strong.

However, analogical arguments are a problematic type. While such arguments may seem good because of being creative or funny, determining their relevance is nevertheless problematic.

7. RELEVANCE AS FAMILY RESEMBLANCE

Scientists and philosophers strive for generality, for concepts and theories that cover all cases. The argumentation theory is no exception. Since ancient times, one has tended to believe that terms are grounded in essences. An essence is the core of a thing or a concept. An essence can be captured by a definition that stipulates the necessary and sufficient conditions for a concept. Relevance between a premise and a conclusion is usually thought to be a generic concept that is common to all arguments.

Many of daily human concepts, like those of game, table, chair, art and so on, are difficult to define by specifying necessary and sufficient conditions that make explicit the common essence of these types of things. For example, at the outset one might think that it would be trivial to give a generic definition of the concept associated with the term “chair” which expresses the common essence one finds in all chairs. However, chairs are very diverse. A chair may be made with four or five legs made of plastic, metal, or wood; it may be an office chair, an armchair, or a beanbag chair—but all these falls under the same term: “chair”. But there is no common essence that is shared by all these chairs. And thus, it is not possible to give a definition by necessary and sufficient conditions that cover all chairs.

Wittgenstein (1953, 1.66-1.67) coined the notion of *family resemblance* to explain how entities may belong to the same group, without there being any common essence binding the group. Suppose there are three items, A, B and C. Suppose A and B have resemblances, and B and C have resemblances, but A and C do not have any resemblance. According to Wittgenstein, one can talk about family resemblances across A, B, and C. However, one need not assume that there is any shared essence common to all A, B, and C, as in the case of chairs. Wittgenstein's phrase “family resemblance” is a metaphor on the likeness in a family. The different members of a family display variations in properties like tallness, fairness of hair, cleverness at school and so on, but they still have some likeness to each other. The Wittgensteinian view is anti-essentialist in that it rejects that there are common underlying essences in human conceptualizations of things—one need not presuppose essences in one's mastering of language. Supposition of essences is simply not necessary to know about or conceptualize things. Likewise, one needs not presuppose an underlying common essence of relevance to evaluate arguments.

In our view, relevance is not a generic concept. As the warrant varies across arguments, so does relevance vary. One may consequently talk about different concepts of relevance, which all fall under the umbrella term of family resemblance.

This view of relevance is pluralistic, but not sceptical. For arguments to be good or cogent, the premises should be relevant to the conclusions. However, one cannot provide a definition of relevance that covers all cases. One must specify the relevance of a concrete argument with respect to its warrant.

8. CONCLUSION ARGUMENTS

In this paper I have presented some formal conditions of relevance that can be accepted for every type of argument. However, the formal conditions do not prescribe the meaning or grounding of relevance. Arguments are of different types and are thus characterized by their warrants. Using a few types of arguments, I have shown how relevance is connected to the warrant of an argument. Relevance is an evaluation of how good a warrant is, and it is thus of different types, depending on the warrant. Overall, using Wittgenstein's concept of family resemblance, I have shown that relevance, instead of being a generic concept, involves a cluster of related concepts.

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The 10.000-Argument Rule *Adequacy in Theories of Argument Structure*

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ABSTRACT: Whilst different areas of argumentation theory might focus upon different phenomena, or offer competing accounts, there is unspoken consensus that foundational features such as linked-ness, convergence and even support or attack should be reliably distinguishable in the wild. After detailed analysis of more than ten thousand arguments in the QT30 corpus (Hautli-Janisz et al. 2022a, b), it seems as though this consensus view is false, challenging fundamental notions of descriptive adequacy from across argumentation theory.

KEYWORDS: annotator disagreement, argument analysis, theoretical foundations

1. INTRODUCTION

With the recent development of large argumentation corpora, it has started to become possible to explore at scale some of the assumptions that underpin argumentation theory. The basis of our investigation is the largest corpus of analysed dialogical argumentation ever created, QT30 (Hautli-Janisz et al., 2022a, b), (19,842 utterances, 280,000 words, >10,000 arguments) and also the largest corpus of analysed broadcast political debate to date, using 30 episodes of BBC's 'Question Time' from 2020 and 2021. Question Time is the leading UK broadcast political debate show and features questions from the public on current political issues, which are responded to by a weekly panel of five figures from UK politics and society. QT30 is highly argumentative and combines language of well-versed political rhetoric with direct, often combative, justification-seeking of the general public. The data is analysed with Inference Anchoring Theory (IAT) Budzynska et al. (2014; 2016), a framework that provides a theoretical scaffolding to handle dialogue and argument structures, and the relations between them, drawing primarily on Freeman (1991) and Walton (1996), but consistent with approaches from pragma dialectics (Visser et al., 2011) to nonmonotonic logic (Bex et al., 2013). It has been applied to over 2.5 million words in fifteen languages (available online at corpora.aifdb.org). We build on the findings of Hautli-Janisz et al. (2022a), which exposes the reasons for disagreement in argument annotation, i.e., the cases in which two annotators analysing the same piece of text disagree in their annotation judgements. The paper shows that 207 out of 1402 argument structures

are ambiguous, i.e., that the different argument structures provided were all valid and originated purely from the fact that the linguistic surface is ambiguous. This raises serious questions about the way in which argument structure and its analysis is understood, and challenges some deep rooted assumptions that underpin argumentation theory.

2. PRELIMINARIES: ARGUMENT ANNOTATION IN IAT

Inference Anchoring Theory (IAT) models arguments and the ways in which they interact in dialogical environments, i.e., how arguments are supported and attacked, and how they unfold in discourse. The framework uncovers, in its two-strand analysis, both the propositional structure and the dialogue structure of the discourse, with the latter anchoring the former.

Example (1) illustrates a short dialogue with a single argument being made (QT30, argument map 23493): Fiona Bruce interprets or continues from an earlier statement (indicated with the “So”), and states that ‘it’ is not a magic money tree. The ‘it’ refers to information about funding. The second interlocutor, Willie Rennie, agrees with this statement as Fiona Bruce continues to then query where the money will come from. Fiona Bruce’s question is supported by her earlier statement.

- (1) Fiona Bruce: So it’s not a magic money tree...
Willie Rennie: It’s not.
Fiona Bruce: ...but where is it going to come from?

Figure 1 provides the IAT analysis for Example (1). For IAT diagramming we use OVA+, an online tool developed for the online analysis of arguments (Gorska et al. 2022). The right-hand side captures the dialogue structure in the form of locutions, namely the unedited, but already segmented, utterances of interlocutors. Each locution is taken to be a minimal argumentative discourse unit, non-overlapping segments of text that can be compared to elementary discourse units generally assumed in discourse processing. The left-hand side holds the propositional structure, which are fully reconstructed to resolve anaphoric references and elliptical expressions. Propositions (and propositional relations) are anchored through the illocutionary forces (in yellow) in the dialogue structure on the right (hence, ‘Inference Anchoring Theory’). Conjunctions such as ‘so’ and ‘but’ are excluded, their meaning is encoded via relations between propositions (on the left-hand side). We employ a set of illocutionary connections such as ‘Asserting’ and ‘Pure Questioning’, however focus of the present paper is on the left-hand side and its encoding of argumentative structure (for more information see Hautli-Janisz et al. (2022b)). The IAT annotation guidelines are available at <http://www.arg.tech/f/IATannotationguidelines.pdf>. Example (1), where Fiona Bruce questions Willie Rennie, contains a single argument where the basis for the question is the fact that the funding is not from “a magic money tree”, i.e., coming from nowhere for nothing. Rennie agrees with Bruce’s initial statement. The dialogue structure on the right follows the natural dialogue and between it and the reconstructed propositions (where “it” becomes “the funding”) are the illocutionary forces of Asserting, Agreeing, Arguing, and Pure Questioning. The illocutionary forces show in what way dialogue is being used – if an interlocutor asks a question with the intention of receiving an answer, this is represented through Pure Questioning, as seen in Figure 1 with Fiona Bruce. Similarly, Fiona Bruce’s

utterance is captured with the illocutionary force of ‘Asserting’. The two other illocutionary forces seen in Figure 1 are anchored in the purple Default Transition. Transitions capture the functional relevance of one locution to another: encoding the following of rules of dialogical interaction. In some cases, the illocutionary force connects – or *anchors* – a proposition to the locution in which it is uttered. In other cases, propositions and relations between them are anchored in transitions – that is, those propositions and the relations between them are created or invoked by virtue of following the rules of the dialogue. The rule of dialogue that requires challenged claims to be substantiated, for example, can anchor an act of arguing. Finally, propositions and their anaphoric expressions are reconstructed; a proposition that is anchored with Pure Questioning is reconstructed to a natural language instantiation of the choice space set up by the question, as proposed in Hautli-Janisz et al. (2022c).

Figure 1 illustrates the usage of one argumentative structure in IAT, namely Default Inference. There are two more, namely Default Conflict and Default Rephrase. These cornerstones of IAT are presented in some more detail in the following. As seen in Example (1) with Fiona Bruce, Default Inference captures a relation of support between two propositions. The relation goes from the premise (“the funding is not from a magic money tree”) to the conclusion (“xxx is where is the funding is going to come from”). The inference is anchored in the dialogue structure via the illocutionary force of ‘Arguing’, i.e., it is only with the mentioning of Fiona Bruce’s second locution that the argument is created.

IAT also caters for more complex inferential structures because they are often encountered in natural dialogue: serial, linked, and convergent arguments (in the Pragma-Dialectic framework, these are named subordinative, coordinative, and multiple arguments, respectively).

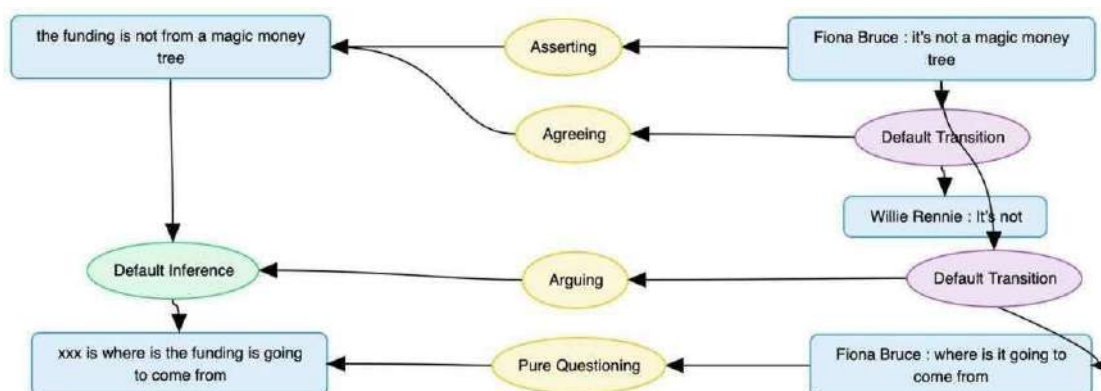


Figure 1: IAT analysis for Example (1)

2.1 Serial arguments

When an interlocutor makes an argument where each statement builds upon the last – a premise backs a conclusion which is itself a premise to another conclusion – it is a serial

argument. In Example (2), the proposition that “millions of people could be infected” by COVID19, is supported by the proposition that this is due to only “40 percent of our population” has had two doses, which is because of the last proposition, “NHS is not efficient enough”, which in turn supports the above. In the IAT analysis in Figure 2, this is laid out with the inference between each proposition that supports the other, with directionality shown through the links between propositions. Each Default Inference is anchored by an Arguing from the Default Transition, and between each locution and proposition is an Asserting.

- (2) Anthony Costello: There are millions and millions of people who could be infected by this virus because only 40 percent of our population has had two doses. Unknown Speaker: The NHS is not efficient enough in distributing vaccines.

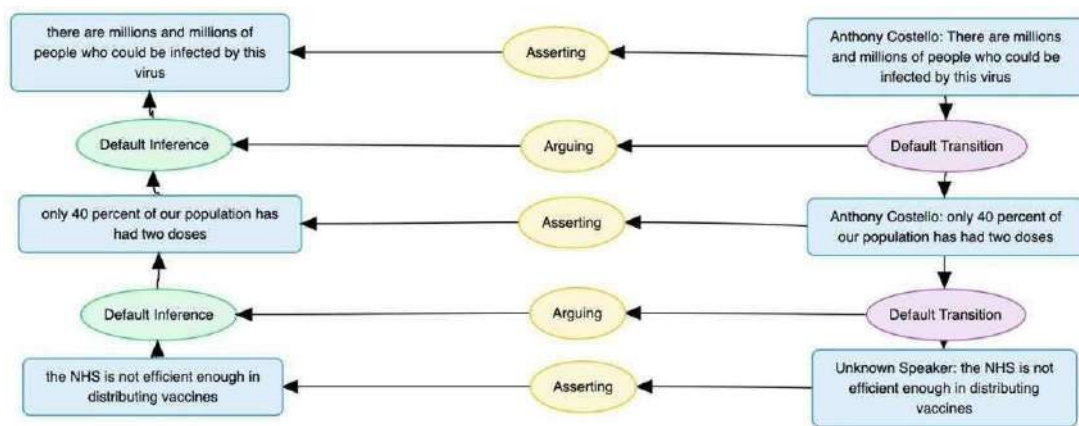


Figure 2: IAT analysis for the serial argument in Example (2)

2.2 Linked arguments

A linked argument is an argument with (at least) two premises, where only together they support the conclusion. The conclusion cannot be supported by only one premise. “Tim Stanley is a terrible journalist” in Example (3) cannot be an argument without both the premise of his invitation to a dinner and the premise of his inability to find a dog sitter. This is illustrated in the IAT analysis in Figure 3: Together, shown through a single inference linking both premises, they support the conclusion. In this case, it is only with the mentioning of the last premise in the argument that the inference is anchored in the dialogue: This captures the nature of linked arguments in that only when the set of premises is complete, the conclusion holds. In the Figure 3, the linked argument is represented with a single Default Inference that has two incoming arrows from the two premises, representing how both premises combine to argue a single point in concert.

- (3) Tim Stanley: I was invited but I couldn’t get a dog sitter. This is why I’m a terrible journalist.

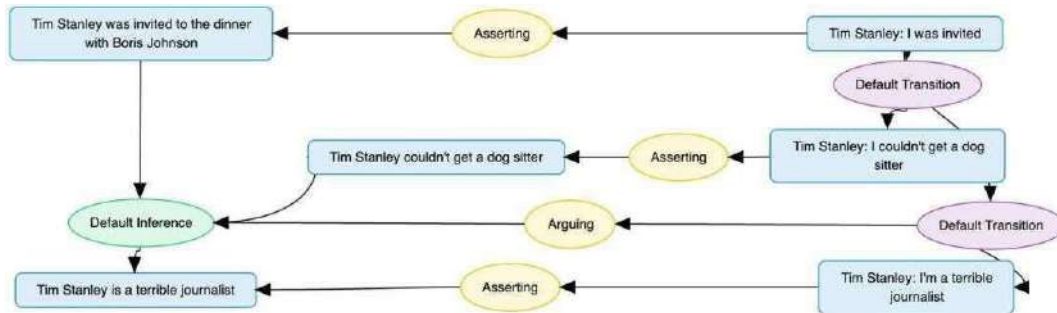


Figure 3: IAT analysis for the linked argument in Example (3)

2.3 Convergent arguments

In a convergent argument, the conclusion is supported separately by two or more premises. The clear indicator of “for two reasons” in Example (4) shows, in this case, that these two premises are independently of one another supporting the conclusion. Unlike the linked argument, the convergent argument contains premises that function without one another to support the conclusion. Therefore, in the IAT analysis in Figure 4, there are two Default Inferences, one for each premise-conclusion pair. The Default Transitions mirror the lefthand side, with a ‘long distance’ Default Transition as the transition follows logically from that turn: this later locution is a response to something which happened some time earlier in the dialogue.

(4) Unknown Speaker: I don’t think they are on the right track for two reasons. One is that it is absolutely clear that taking 5,000 refugees over the next 12 months is not nearly enough. The second reason is that there is absolutely no plan to deliver even what is being promised.

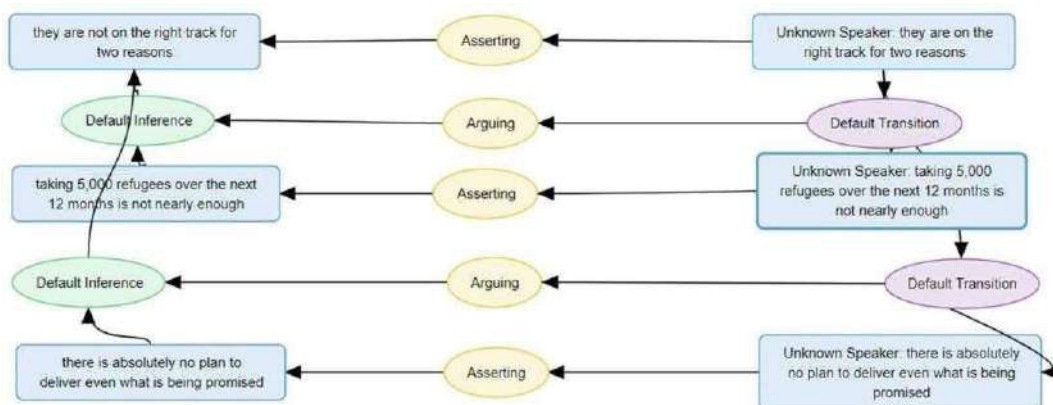


Figure 4: IAT analysis for the convergent argument in Example (4)

As we will show in Section 4, some of the disagreement space in argument analysis is due to ambiguity that yields different inferential structures, i.e., analysts identify inferences between segments of text, but assign a different internal structure. This

observation is backed up by Henkemans (1997) who for the Pragma-Dialectic notions of multiple and coordinative argumentation notes that they are not clear enough.

2.4 Default conflict

In IAT, conflict holds between two propositions when one proposition is intended by the speaker to be used in order to provide an incompatible alternative to another proposition. Whilst the definition of conflict includes logical contradiction, in IAT is treated as a broader concept and can include attacks on propositions that claim something different, e.g., “This tree is brown” can be attacked by “This tree is green”. In Example (5), Fiona Bruce puts forward certain figures, which are then refuted by Keith Brown who purports that the figures mentioned as in dispute.

(5) Fiona Bruce: Well, it's 2.1 per cent versus 3.4 per cent.
 Keith Brown: Well, I think those figures are disputed.

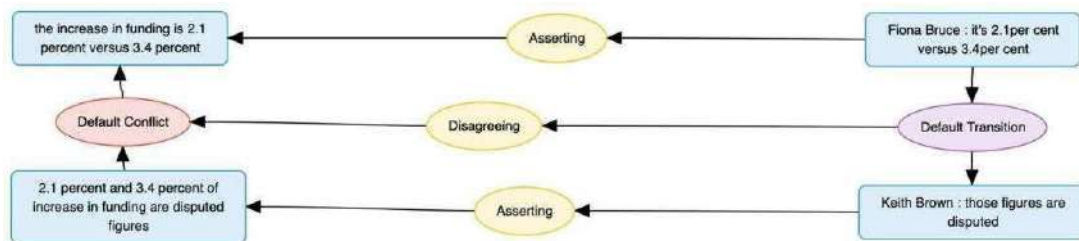


Figure 5: IAT analysis for conflict in Example (5)

Both propositions are reconstructed according to context - “it’s” to “the increase in funding”. The Default Conflict relation attacks Fiona Bruce’s assertion of the percentages. There are three patterns of conflicts: rebutting, undermining, and undercutting. Rebutting is when the conclusion is attacked; undermining is when the premise is attacked; and undercutting attacks an inference in an argument to attack the making of the argument itself. In the case of Figure 5, Keith Brown attacks Fiona Bruce’s assertion; such a conflict constitutes a simple rebutting attack.

2.5 Default rephrase

Rephrase is increasingly being recognised as a critically important propositional relation in argumentation and, in theoretical approaches that allow for it, is extremely common (for instance, see the statistics across different IAT corpora, namely Hautli-Janisz et al. (2022b), Visser et al. (2020), and Janier (2017)). It captures relation between propositions that illustrate the user’s intent to generalise, specify, and instantiate. It is not used to capture repetition, but rather the cases in which an interlocutor builds upon their initial utterance in a way that does not build an argument but furthers their point.

(6) Fiona Bruce [1:04:46] Surely we knew, John – sorry to interrupt – we could see from the examples in other countries how brutal Coronavirus was to the older generation. That evidence was already there.

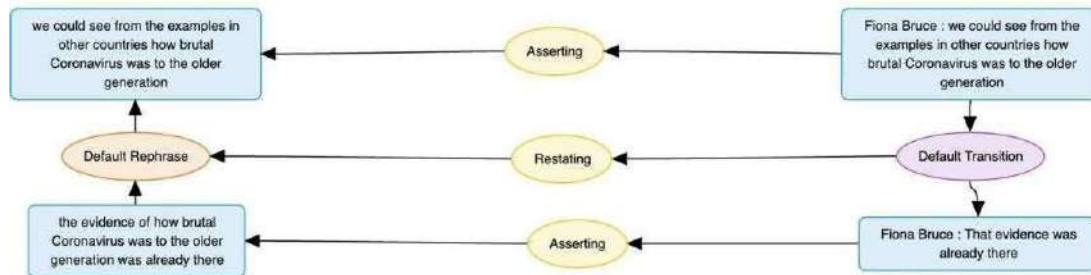


Figure 6: IAT analysis for rephrase in Example (6)

In the above Example (6), Fiona Bruce interrupts a previous speaker to say that COVID19 particularly hit the older generations and that there were examples and evidence of this. Both Default Rephrase and Default Conflict usually connect up to what has been previously said as a statement can only rephrase or conflict after the second locution has been made. The context is crucial in this example to understand the rephrase being made, as the interlocutors are discussing the impact of COVID19 on older members of society and, from Fiona Bruce’s side, reiterating that this was already known.

3. ARGUMENTATION PRECEPTS

Analysis, conceptualisation, and evaluation of arguments from an academic perspective – no matter which academic perspective one might adopt – relies upon a number of assumptions that are more or less common right across argumentation theory. These assumptions are largely not only unquestioned, but even, unasserted – because they are so obvious that one needn’t even lay them out explicitly. They are rarely addressed at all in the academic literature and given barely a mention in textbooks. There are four of these that we want to focus upon; they are so simple and so basic that we refer to them as theoretical *precepts*.

3.1 Precept I: unitariness is fundamental

Most approaches to argumentation talk very little about the individual building blocks from which arguments are composed. Those building blocks are often mentioned through metaphors from chemistry – the atoms, molecules or elements of argument (that might, for example, be arranged in a periodic table). The idea conveyed by such metaphors is one of indivisibility and immutability of those smallest units – what we could call the *unitariness* of the minimal units of argument. The notion of unitariness is not presented or defended as far as we can tell. It stands in the wings when SEP says, “An argument can be defined as a complex symbolic structure where some parts, known as the premises, offer support to another part, the conclusion,”¹ or, “As Hitchcock 2007 puts it, an argument is “a claim- reason complex” consisting of (1) premises, (2) a conclusion, and (3) an inference from the

¹ <https://plato.stanford.edu/entries/argument/>

premises to the conclusion”². Textbooks such as Copi (1978) open by pinning things down further: “Inference is a process by which one proposition is arrived at and affirmed on the basis of one or more other propositions” (p6).

So Fundamental Unitariness is the idea that there are specific indivisible propositions expressed in text, that their boundaries are fixed, and that they form the raw material from which arguments are assembled.

3.2 Precept II: inference requires semantic distance

The second precept is even more obvious and trivial than the first. After surveying the introductory sections in numerous textbooks, we could find no mention, only ubiquitous presupposition, of the fact that premises (or argumentation, or evidence, or grounds, etc.) are semantically distinct from their associated conclusions (or standpoints, or claims, etc.). The notable exception, always handled separately, is the case of the *petitio* or circular reasoning, a fallacy precisely *because* the semantic distance because premise and conclusion is too small.

So Inference Requires Semantic Distance is the idea that argumentation involves some kind of progression in meaning along an inference – *from* premise *to* conclusion, and the contrapositive that if there is not sufficient distance being travelled then, ipso facto, there is no inference (instead, perhaps, some kind of rephrase or reformulation).

3.3 Precept III: conflict requires semantic contraposition to inference

The third precept is in effect a corollary to the second. Conflict is a broad notion – for formal logicians, there is little more than negation available in the toolbox; for some AI systems this might be extended to relationships pro and con, or attack and support (such as in bipolar argumentation frameworks (Cayrol & Lagasque-Shiex, 2005), for example). Toulmin’s (1958) familiar framework has the Claim C *since* W, *unless* R; rebuttal and warrant playing semantically opposite roles of course.

So Conflict Requires Semantic Contraposition to Inference is the idea that no matter how we might construe inference, conflict is its polar opposite, functionally and semantically.

3.4 Precept IV: seriality is obvious

There is a great deal written about the challenge of distinguishing linked and convergent argumentation – e.g. (Hitchcock, 2015) and the sibling challenge of distinguishing datum from warrant e.g. (Freeman, 1991). What is uniformly agreed, however, is that serial argumentation in which there are multiple steps from starting point to conclusion through some intermediate positions – such multistep arguments are obviously different from linked and convergent structures.

So Seriality Is Obvious is simply the idea that serial arguments – staged inferences – that (explicitly) pass through intermediate claims are straightforwardly recognisable.

² <https://plato.stanford.edu/entries/logic-informal/>

4. CHALLENGING THE PRECEPTS

In this section we show how instances of natural argumentation lead to challenges of the precepts presented above. The investigation is based on an empirically driven characterisation of the disagreement space in argument analysis (Hautli-Janisz et al., 2022a) and we perform a careful manual analysis of 207 instances where analysts differed in their argument annotation. Those differences were not due to a misinterpretation of the IAT guidelines or annotation errors but were solely driven by the underlying language being ambiguous, vague, or fuzzy. In the following, we first provide some more context on the data (§4.1) and then discuss the patterns we find challenge the individual precepts, and thereafter show with example how these patterns interact with the precepts (§4.3 to 4.6).

4.1 Data

QT30 is the largest dataset of analysed dialogical argumentation ever created (19,842 utterances, 280,000 words). It covers the transcribed conversations of 30 episodes of the British political show ‘Question Time’, one of the most viewed political talk shows in the UK, between 2020 and 2021. The dataset contains a total of 10,818 propositional relations with a breakdown of 5,205 inferences (48%), 4,637 rephrases (42.6%) and 976 conflicts (9.4%). The data was analysed by a highly skilled group of 38 students all across Europe (UK, Germany, and Poland) with a variety of backgrounds (linguistics, philosophy, psychology, literature, and computer science). The data is available open source on <http://corpora.aifdb.org/qt30>.

A core step in corpus linguistic development is to measure the reliability of the analysts in assigning the same structure to the same pieces of text. For the development of QT30, we perform a double-tier quality control: First, analysts will review the analysis of a fellow colleague and have their own reviewed in turn, implementing required changes afterwards. Only then their analysis is included in the dataset. Secondly, 8-10% of the total corpus is re-annotated (and reviewed), the original and re-annotated analysis are then automatically compared and an inter-annotator agreement score calculated: in our case, the CASS score that measures argument annotation similarity (Duthie et al.,) is 0.56, signalling moderate agreement, which is comparable to the state of the art in argument analysis.

The initial characterisation of the disagreement space in argument analysis (Hautli-Janisz et al., 2022a) is based on this section of the corpus, for which we have two independent analyses. The dataset is available at <http://corpora.aifdb.org/qt30nonaggr>. For the present paper, we only use those cases of disagreement that are driven by an ambiguous, fuzzy, or vague linguistic structure and perform a careful manual analysis of the consequences this has for argumentation theory in general. In the following we go through the individual precepts and illustrate how the data in (Hautli-Janisz et al., 2022a) goes against those assumptions in argumentation theory.

4.2 Ambiguities in analysis

4.2.1 Ambiguous segmentation

Segmentation, i.e., the splitting of running text into smaller units of discourse with argumentative function, is a crucial step in the process of any discourse annotation task. In IAT we assume that these argumentative discourse units (ADUs) cannot go beyond the sentence boundary and should not include punctuation, delimitation, or discourse connectors (the latter are represented by propositional relations). However, due to the ambiguity of the linguistic surface, one string of text might yield several different segmentation results. An example of this, which will be discussed later in detail is in 4.3, (7).

4.2.2 Ambiguous or vague anaphoric expressions

Anaphoric expressions such as ‘this’, ‘that’, and ‘it’ are part of the linguistic surface that in their interpretation depend on pieces of text in their context, the antecedent. Given that we assume in IAT that each proposition is interpretable without context, annotators have to resolve them during annotation. This might lead to different segmentation and argument structures, in particular for ambiguous or vague anaphora. An example of this is discussed later in 4.3, (8).

4.2.3 Ambiguous argument structure

Heavily dependent on context and intention, the relations between argument components can also be annotated in multiple ways. For instance, there may be an argument where both an RA and an MA is correct, but one is chosen over the other as it presents a stronger case. An example of this is shown in 4.4, (9).

4.3 Challenging Precept I: unitariness is not fundamental

The first precept is that one piece of text yields exactly one argumentative structure with one single discrete propositional characterisation. However, across the argument analysis process, we identify multiple steps that can lead to a violation of this principle. In the following we illustrate the linguistic patterns that make it difficult to adhere to this precept, in particular when conducting segmentation, anaphora resolution, and argument relation identification.

In Example (7), Zephaniah, a musician, elaborates on how he feels about the end of lockdowns and the possible repercussions. In the first analysis in Figure 7, the annotator segments “we passed that, we’ve had various mutations” into two segments, whereas a different annotator assumes only segment (Figure 16). Both are correct as the discrete argumentative function of the text is difficult to determine. The typical tells of an argumentative discourse unit such as conjunctions, reported speech, or conditionals are not present, allowing for ambiguity in interpretation and segmentation. In addition, the second segmentation lends itself to a possible conflict, as seen in Figure 16: While the conflict is actually between the implicated proposition triggered by the first statement (“the situation should now be good again”) and the second statement, we explicitly do not reconstruct implicit material and therefore approximate the structures by connecting the two explicit statements.

(7) Benjamin Zephaniah [0:20:24] We passed that, we've had various mutations, but I'm worried about what is going to happen in the future. When I hear you about coming back in September, I think, yeah, what do we know?

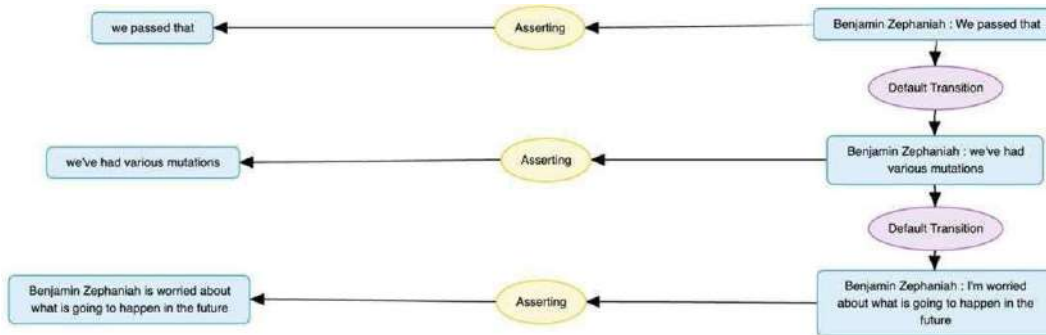


Figure 7: First analysis of Example (7)

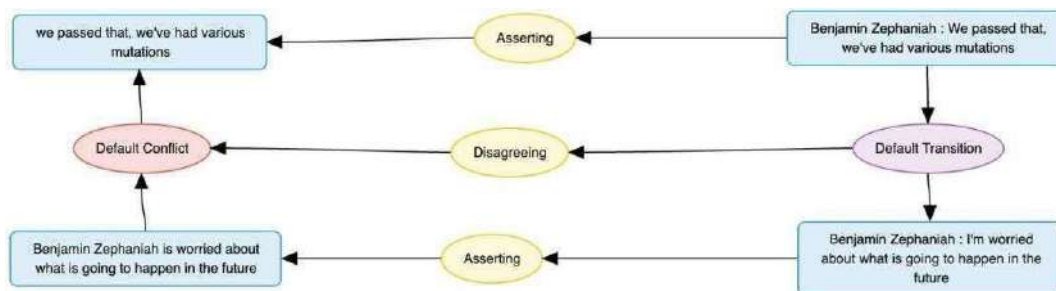


Figure 8: Second analysis of Example (7)

In Example (8), the ambiguous anaphoric reference of “they” allows for different interpretations of the text. In Figure 9, “they” is reconstructed into “workers”. This allows for an interpretation of “they are working behind computer screens” as rephrasing “they’re not working with tools anymore” (‘Default Rephrase’) due to significant overlap in semantics. However, in a different analysis, the first instance of “they” is reconstructed to “people” and the second instance to “factory workers”, yielding a larger semantic distance and therefore a ‘Default Inference’.

(8) Benjamin Zephaniah [0:47:40] It is the idea that the workers are going to put down the tools in the factory. They're not working with tools in factories anymore, they are working behind computer screens.

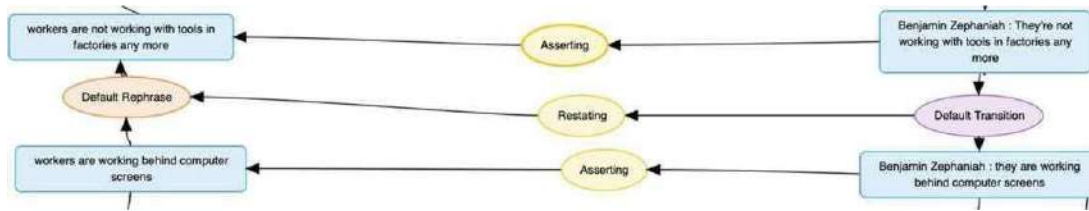


Figure 9: First analysis of Example (8)

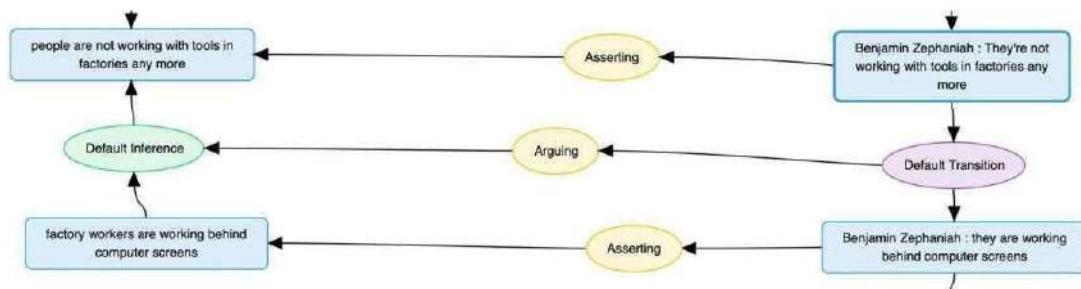


Figure 10: Second analysis of Example (8)

4.4 Challenging Precept II: inference does not require semantic distance

In Example (9), both ‘Default Rephrase’ and ‘Default Inference’ can be used, depending on interpretation. Figure 11 shows the analysis assuming an instance of rephrasing or specification where Robert Buckland adds his stance (“Robert Buckland does not pretend dealing with COVID is easy”). However, Figure 12 shows how a difference in segmentation (including “I accept” in the first segment) yields a ‘Default Inference’. The inclusion of the epistemic marker is a borderline case as they guidelines state they should be removed from the segmentation, but one can argue that Buckland’s acceptance here is part of the propositional content.

(9) Robert Buckland [0:09:42] I accept these are very difficult moments for all of us. I don’t pretend this is easy [...].

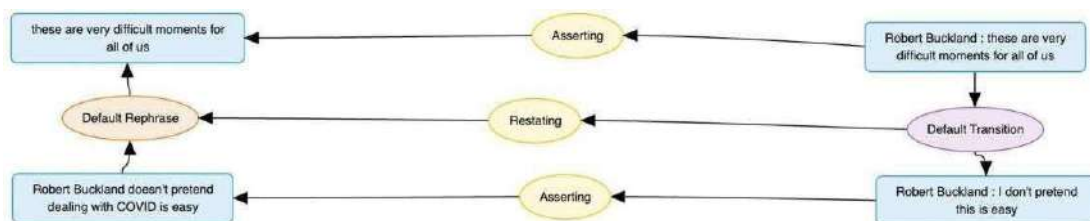


Figure 11: First analysis of Example (9)

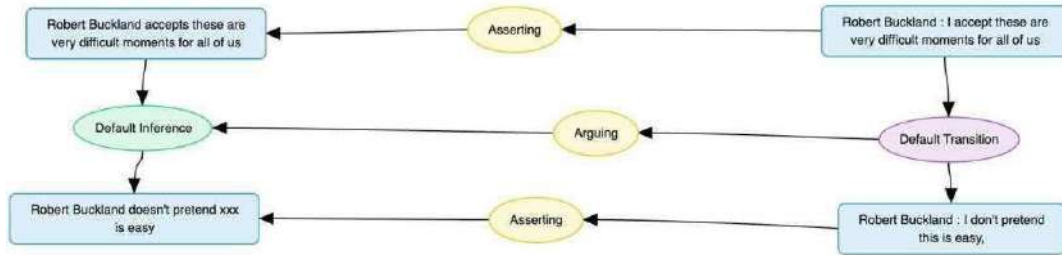


Figure 12: Second analysis of Example (9)

In Example (10) below, the ambiguity yields a different set of possibilities, either that Claire Fox intends no relation between “we have to build a future” and “we have to have some hope” where (analysis in Figure 13), or as shown in Figure 14 that she intends to make an argument.

(10) Claire Fox [00:13:41] So I just think that, you know, even this idea that it’s irresponsible for people to advertise holidays, I mean, we have to build a future and we have to have some hope [...].

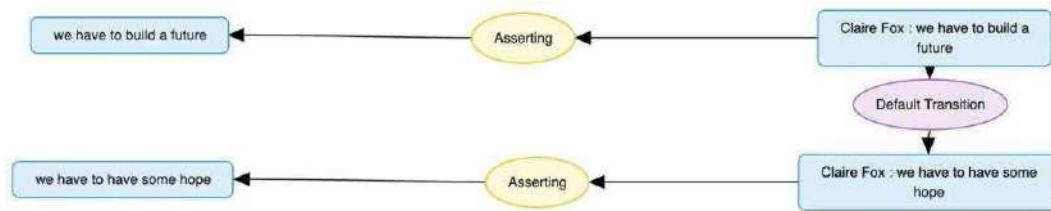


Figure 13: First analysis of Example (10)

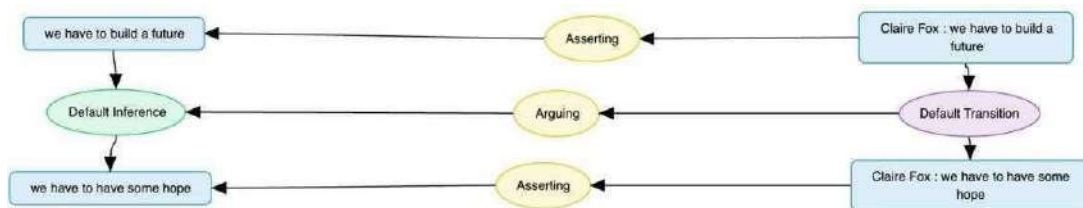


Figure 14: Second analysis of Example (10)

4.5 Challenging Precept III: conflict does not require semantic contraposition to inference

In Example (11), Zephaniah talks about how he feels about the end of lockdowns and the possible repercussions. He notes that he’s worried about the future. In Figure 15, the annotator segments “we passed that, we’ve had various mutations” into two locutions. Figure 16, however, keeps this in one locution. Both are correct as the discreet argumentative function of the text is difficult to determine; the typical tells of an argumentative discourse unit (ADU) such as conjunctions, reported speech, or conditionals are not present in this case allowing for ambiguity in its interpretation and segmentation. Furthermore, this segmentation then lends itself to a possible conflict, as seen in Figure 16, where Zephaniah contrasts his last statement with reference to the future and its possible

problems. Figure 15 shows how the text has been annotated as statements without argument relations.

(11) Benjamin Zephaniah [0:20:24] I'm pretty nervous and I have a gig on 19 July. Then I have my band booked for concerts in the summer, and I'm very nervous about it. In fact, when it started I remember they were talking about black men of a certain age who were very vulnerable. That was me. And I'm doing shows with young teenagers and they are spitting their poetry over me. This is very dangerous. We passed that, we've had various mutations, but I'm worried about what is going to happen in the future. When I hear you about coming back in September, I think, yeah, what do we know?

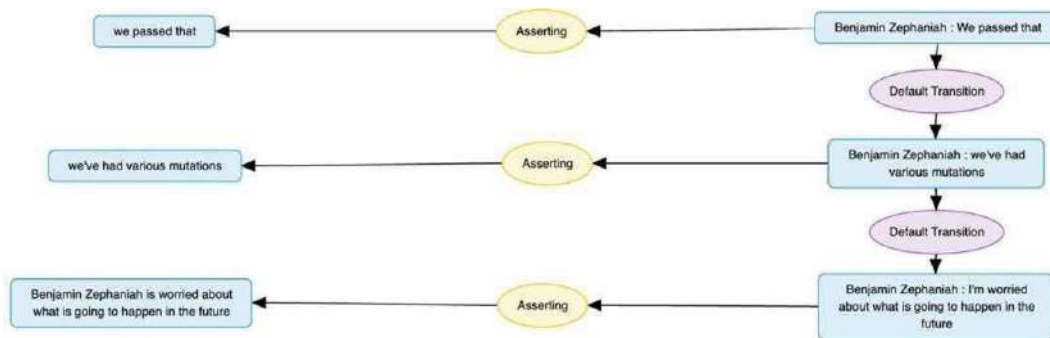


Figure 15: Example of segmentation

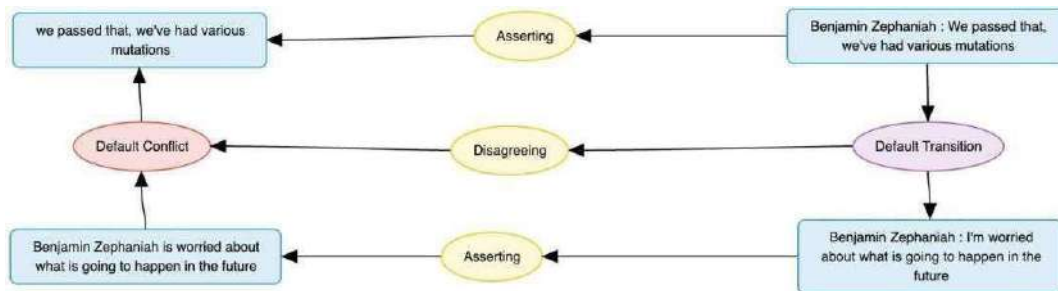


Figure 16: Second example of segmentation

4.6 Challenging Precept IV: seriality is not obvious

The precept that serial arguments can be easily differentiated from linked or convergent arguments does not necessarily uphold, illustrated in Example (12) below. Christopher Unknown puts forward a question pertaining to vaccine nationalism which Andrew Davies responds to by discussing the concerning numbers of COVID19 in Europe. Figure 17 shows a linked argument for this structure: “the numbers coming out of Europe are really concerning” (the conclusion and target of ‘Default inference’) with “in France 65,000 COVID cases were reported” and “this is back to where the UK was two months ago” being the two premises (sources of the ‘Default Inference’). The analysis in Figure 18 encodes a different kind of argument structure: a ‘regular’ inference between X and Y and a rephrase between Y and Z. Both analyses are correct.

(12) Andrew RT Davies [00:15:31] Well, I think the numbers that are coming out of Europe are really concerning. I mean, in France today, it was reported that 65,000 cases were reported of COVID. That's back to where we were, well, two months ago in this country.

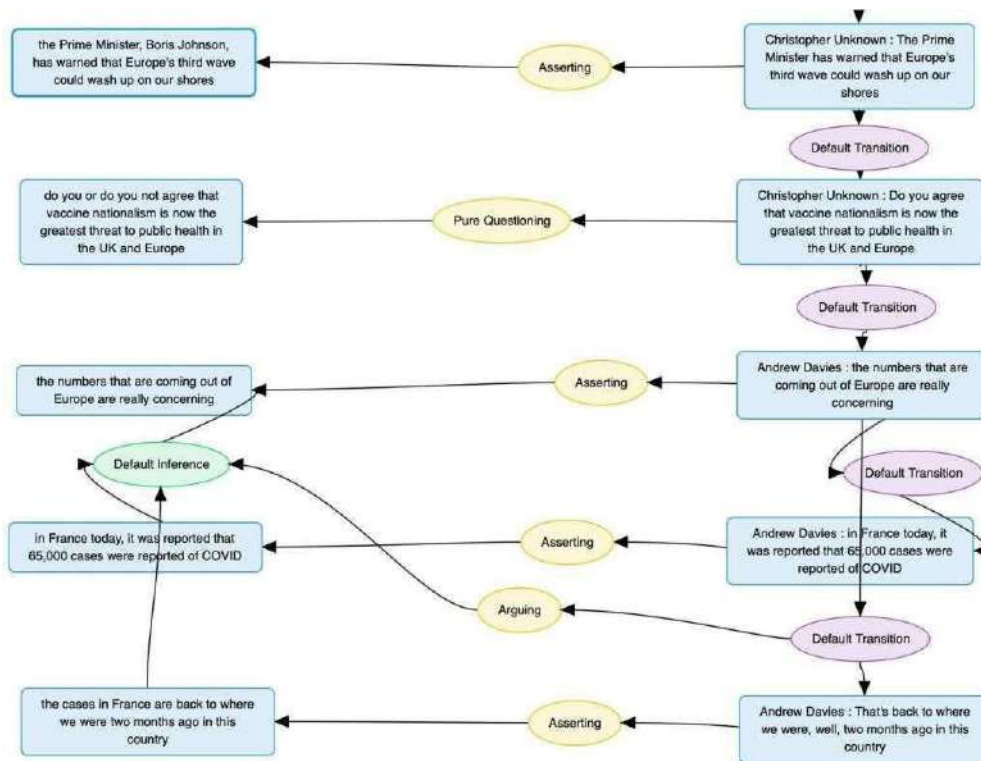


Figure 17: First analysis of Example (12)

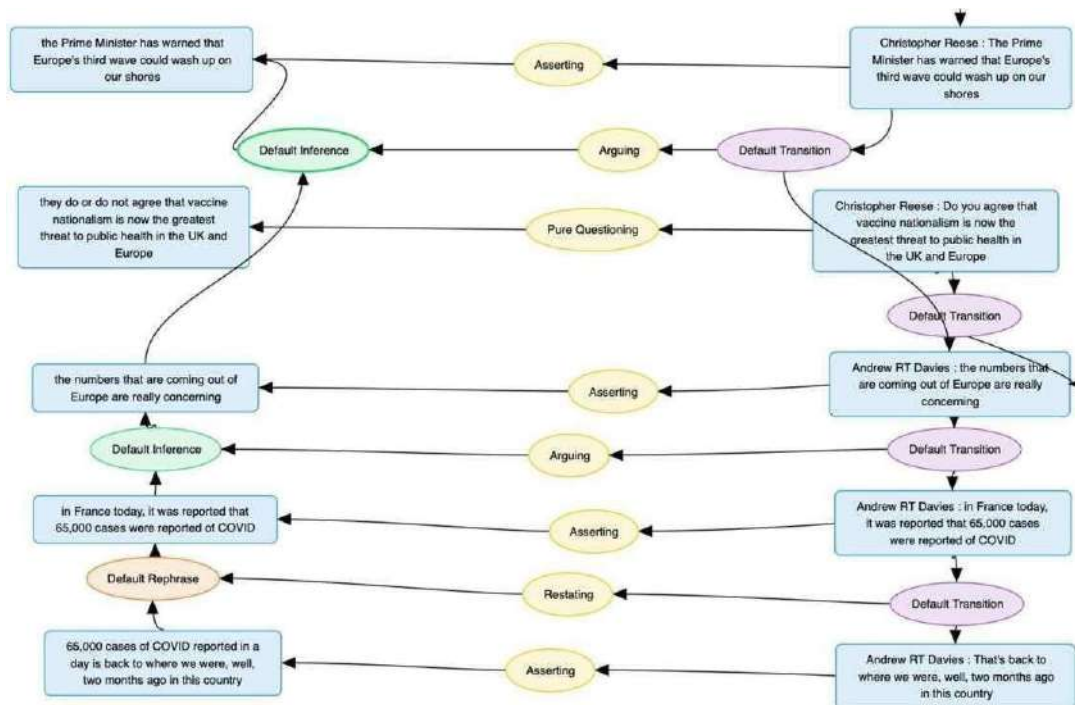


Figure 18: Second analysis of Example (12)

5. CONCLUSION

We know that annotators differ, even when well-trained and supported by mature guidelines – unless tasks are trivial. Handling pragmatic relations in naturally occurring discourse is rarely trivial, and then understanding nuance, obfuscation, shortcuts, and disingenuousness of real argumentation is never so. Previous work has tried to explore that linguistic annotation, in general, leads to data that is at times inconsistent, and, most importantly, that there is very real value in that inconsistency (Aroyo & Welty, 2015). The challenge is how to design our theories and our methodologies to be robust in the face of that inconsistency, and then to exploit the value latent in it.

The goal of this paper has been to take just an initial step in uncovering the ways in which there is value in the disagreement amongst annotators of arguments. It is only as a result of gathering large-scale datasets that we start to be able to systematically track the disagreements between annotators and correlate them with features of the discourse. In much the same way that expertise supposedly arises after 10,000 hours of practice, we see that analysing data on the order of 10,000 argument instances starts to yield insights not previously accessible. The preliminary result is that annotator disagreement not just holds value for argumentation theory, but value that is fundamentally challenging to our current conceptions of the field inasmuch as they suggest that a number of the theoretical precepts that are more or less ubiquitous across scholarly work in the area may in fact turn out to be false.

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The Adventure of Argument: Hypothesis-Making in Fictionalised Crime

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ABSTRACT: Argumentation plays a critical role in the consumption of crime narratives. The public's unquenchable thirst for crime hasn't been slaked since the rise in the genre's popularity, providing a rich dataset through which to investigate the different kinds of reasoning that play a role in the narratives of crime. This paper will explore the different ways people form hypotheses and the evolution between different hypotheses written within one narrative.

KEYWORDS: Agatha Christie, fiction, hypotheses, whodunnit

1. INTRODUCTION

What does a good hypothesis look like? This question sets up the notion that some hypotheses are better than others and these features are potentially distinguishable. Investigating this process and attempting with this initial pass to extract possible good hypothesis features requires a carefully chosen platform. Fiction, whilst having downsides in its removal from reality, offers several benefits; its closed box environment allows a firm conclusion, a timeline that is measured in pages rather than months or years, and where all necessary evidence can be included in the space. Real investigations often have no concrete conclusion and have missing evidence and thus crime fiction offers a stable platform for an initial look into this process. By using a stable, if somewhat artificial environment where there are definitive answers, it can be easier to obtain clearer analyses of hypotheses. The author, therefore, had to be chosen with care. An author whose novels were solvable, numerous, and use *fair play*: where the reader can solve the mystery with what is included in the text. The artificiality of fiction acts as a proxy to real investigative work; it borrows its legitimacy and copies its content to create a serious, if pretend, environment.

Hypothesising is the act of reasoning on the given facts, but is something that cannot, yet, be proved and is thus hypothetical. In the landscape of narrative fiction, this act of hypothesising is within a finite set of facts: that which the author has given. The ideal form of argument is one in which the conflict can be resolved and the matter concluded. In real investigative work, this may not be a given. There is some inherent tension in the need for the hypothesis to be resolved and how important the hypothesis itself is. Disagreeing about where to have lunch has significantly lowered stakes and fewer consequences to prosecuting a suspect of premeditated murder. Hypothesis-making may not always have high stakes but often it's a type of reasoning that comes with higher stakes and more serious topics. The apparent trivial nature of the murder mystery novel does instead allow an initial

stable platform upon which hypotheses can be investigated and is something that can be pushed into real use-cases in a later iteration. Approaching literature from an argumentation perspective isn't new: there has been research into using narrative as arguments (Olmos, 2013), how arguments and narratives fit together (Tindale, 2017), and how novels themselves can be arguments (Plumer, 2015).

Hypotheses themselves appear to exist in a somewhat liminal realm where it is a reasoning unit that has not yet been verified and, depending on the use-case (such as investigative work or intelligence), may never be. Research in hypothesis-making in intelligence includes ACH (analysis of competing hypotheses); a structured analytical technique used in intelligence analysis, it attempts to eliminate confirmation bias by forcing the analyst to examine alternative hypotheses and to mark evidence as consistent or inconsistent (Heuer, 2005). It does, however, have its detractors. One such detractor is ACH's vagueness in what constitutes inconsistent evidence (Dhami, Belton, Mandel, 2019). Hypotheses are also used in investigative work with police, such as to determine their ability in their field (Fahsing & Ask, 2018). Within this work, a small exploratory study was conducted to gain insight into the ways in which people hypothesise and the differences between them. Participants were asked to stop at certain points in the narratives and, with the evidence so far available to them, make a hypothesis about who was the most likely culprit. This study was done in order to gain an understanding of the potential value within this investigation. Whilst generalisations and patterns cannot be deduced at this stage, the study's purpose was entirely for the initial and preparatory stages of this work. Sections 2 will delve into more depth about the methodology, Section 3 will discuss the pilot study, and Section 4 will discuss the findings of the exploratory study.

2. EXPERIMENTAL METHODOLOGY

Using a fictional environment lends a lot of benefits: it creates a platform to investigate the formation of hypotheses in a stable environment. In real-world data, crucial evidence is often missing or incomplete, which contrasts with a well-written and fair-play detective novel, where everything necessary to solve the mystery is given to the readers piecemeal. The critical reader has a chance of reaching the correct conclusion with what is given to them.

2.1 Study

The study involved three participants reading four texts. Two novels and two short stories by Agatha Christie were chosen to ensure their use of fair play and that the participants could indeed reason their way through the plots. The novels were: *Evil Under the Sun*, 1941, and *Peril at End House*, 1932; and the short stories were: *The Case of the Perfect Maid*, 1985, and *The Case of the Spanish Chest*, 1960. Participants all had varying levels of familiarity with the genre: one had extensive familiarity and had read some Agatha Christie before, one was used to the genre but hadn't read the author, and the last was totally new to the genre and author. They were given four weeks to read the stories and to hand in their hypotheses. Throughout each story there were two to four different points at which the participants were asked to stop and reflect on what they had read so far in order

to make a hypothesis as to *whodunnit* and why. The instructions given to them were deliberately underspecified: they could choose the length of their hypotheses, the style, and what they could include. This was done purposefully to gather as much information as possible and to create as naturalistic an environment as possible. It was important to first feel out the area and understand how untrained people understood and wrote hypotheses. Whilst a more detailed and restricted brief could have been given, it would have stymied the attempt to gather these naturalistic styles of hypothesising. The last thing that this study intended to do was to close off avenues that participants may wander down and give insight into. Although the only real strong direction was noting down who they suspected and their reasons for that, this purposefully vague briefing allowed for some participants to not fully commit to who they thought was the culprit: something to be considered for the future.

Each short story was given two hypothesis points: points in the text where the participant would stop reading and make a hypothesis with what they had read so far. One novel was given three, and the other four, hypothesis-points. Having read through the first section, participants would then pause and write down who they thought was the culprit and why. The only firm instruction they were given was to write down who the participants thought did it with their reasons for that. After doing so, they would continue to read until the next hypothesis-point, and then write their hypothesis down, repeating this task until the end. After they completed a text, they could then move onto another and repeat the same procedure. Ethics approval for this study was granted by the School of Science and Engineering of the University of Dundee¹. The corpus will be made publicly available in the future.

3. PILOT: PARTICIPANT 1

Allowing participants the freedom to write interesting hypotheses whilst remaining on task prompted the use of a pilot participant. Participant 1 was guided through the process with each story. They would read and make hypotheses, waiting for the study lead to give feedback before moving to the next story. For instance, their first hypothesis included bullet points of events and facts from the case; their second was closer to what would later be asked for in the brief but by accident missed doing the initial hypothesis; the third attempted a suspect list with their possible motives and opportunities attached; and the fourth was then the blueprint for what was asked of Participants 2, 3, and 4. Out of these four stories, their third attempt identified one of the murderers. Participant 1's use of strong language, rather than hedges, stood out: for instance, "there are only 6 possible suspects". There was a clear fixation in one of the stories, *The Mystery of the Spanish Chest*, which led to confirmation bias. The narrative compared the situation to one in Shakespeare's *Othello*. Participant 1 took this and ran with the allusion, but to the wrong conclusion. Each narrative Participant 1 worked through used a different technique to solve it. For example, in *Evil Under the Sun*, Participant 1 states, "the best place to start to solve this mystery is motive not alibis". Within the same text, Participant 1 develops one of their ideas and carries it into a later hypothesis which helps to catch the murderer. There was also discourse that involved the medium itself: "Agatha Christie doesn't usually have hired murderers in her stories". This occurs in the study as well and can be compared with real-life investigations,

¹ Case number: UOD-SSREC-RPG-Comp-2022-001.

where statistics (“82% of women murdered are by men they know”²) bias, highlight, or lean more weight on one hypothesis over another.

4. FINDINGS FROM STUDY

Warning: spoilers ahead! This section will break down the participant’s hypotheses within the different narratives to discuss some of the ways participants hypothesised. While it is interesting to see what the participants got right about the stories, equally interesting is what they missed, dismissed, or carried over into their next hypotheses. There are some gaps in the data with some of the hypotheses given in by participants.

4.1 *The Mystery of The Spanish Chest*

The Mystery of the Spanish Chest is a Poirot short story: a woman whose husband has been murdered comes to Poirot for help – the man she is in love with has been arrested for it. The murdered man, Clayton, is found within a chest, stabbed with a stiletto. The five apparent suspects include the wife Margarita Clayton, Rich (the man she loves), McLaren (who’s always loved her), and the Spences (a couple who are new friends to the group). The group has a party the night before at Rich’s flat. The second hypothesis point includes the new information that Poirot makes a reference to *Othello*, the chest has some holes drilled in it, and Jeremy Spence dances with Mrs Clayton at the party. In conclusion, McLaren, who loves Mrs Clayton, murders Clayton and frames Rich. Two out of three participants were correct with this text.

4.1.1 *Participant 2*

The participant, in their initial hypothesis, correctly identified the murderer. They connect Poirot’s comments about Mrs Clayton, how she could be the kind of woman who “though innocent themselves, [are] the causes of crimes” with McLaren’s remark, “whatever Margarita [Clayton] wants – I’ve always done what she wanted”. The participant also caught that Clayton may have been at the party and that the telegram was made up, since Clayton was killed in the evening and the party started earlier. They inferred from Clayton being very jealous and Margarita mentioning how unhappy she was in her marriage, that McLaren may have been spurred to murder Clayton for Margarita’s sake. Within the second hypothesis, however, this hypothesis was dropped, and the suspect pool was widened as the participant suspected Linda Spence, in collusion with everyone but Margarita and Rich. This was in large part due to the reference to *Othello* that both this participant and Participant 1 misinterpreted. Thus, they ignored their previous hypothesis, other than to note that McLaren may have been involved and kept quiet due to his interest in Margarita.

² <https://www.weforum.org/agenda/2020/11/violence-against-women-femicide-census/>

4.1.2 Participant 3

The participant dispelled the butler and Rich as suspects due to the location of the body; they had opportunity to dispose of the body, although Participant 3 noted that the butler may have done it to frame Rich but “we have no indication that he has motive to do so”. Mrs Clayton was also cleared since it was unlikely to call in a world-famous detective who could figure out it was her. This initial elimination left Participant 3 the other guests to investigate. Participant 3 noted the possibility that since the telegram was not seen, it may have been faked or made up. At the end of their first hypothesis, Participant 3 stated that their suspicions rested more strongly on the Spences working together as a team, or else McLaren. This did change in the second hypothesis, where they changed their opinion to McLaren. Participant 3 was the only participant to use the allusion to *Othello* in a way that helped them to solve the mystery: “Iago is trusted by Othello and betrays him: McLaren is Clayton’s best friend”.

4.1.3 Participant 4

Within the first hypothesis, Participant 4 noted “This potentially suggests McLaren and wife together” and then, “Spanner in the works. My nice neat plan of Mrs Clayton and McLaren working together has sadly fallen apart”. It suggested that the participant wrote down part of the hypothesis before reaching the hypothesis point and then was forced to refute part of this when they reached that point. This rejection of the previous hypothesis wasn’t common in general amongst participants. The initial piece of evidence that called suspicion to McLaren was how he lived the closest to Rich’s flat, and therefore could return after the party quickly. The women were ruled out, because although killing with a stiletto knife wouldn’t be difficult, manhandling Clayton’s body into the chest would be. Participant 4 noted that Jeremy Spence was the one dancing with Margharita and McLaren was the one controlling the music. If Clayton climbed into the chest voluntarily, which the holes in the chest strongly suggested, he may have had a friend who convinced him of an affair. This friend wouldn’t be the one to dance with Clayton’s wife, but instead be the one to control the room, i.e., McLaren. There was no discussion of the allusion to *Othello* within this set of hypotheses.

4.2 *The Mystery of The Perfect Maid*

The Mystery of the Perfect Maid is a Miss Marple short story. Miss Marple becomes involved in some village drama: a housemaid is fired for stealing, for which she proclaims innocence. The stolen item, a brooch, is replaced before the police visited. The maid is still fired, and a cheaper, better maid was hired. The two sisters, Lavinia and Emily whose household this is, have a strange dynamic as one of the sisters always requires help and it is implied that she’s a hypochondriac. They are new to the village. This is where the first hypothesis point is, just before the actual action takes place. The next hypothesis point includes the new information that the new maid has disappeared with a lot of stolen goods from the surrounding houses. The sisters give up their house and move to London. The conclusion is that this is work from serial thieves, the two sisters. Emily pretended to be ill

and thus was rarely seen, therefore able to pretend to be the new, perfect maid. All participants were either partially or fully correct.

4.2.1 Participant 2

Participant 2 was hesitant to fully commit to their hypotheses. Their language was full of uncertainty: “I’m still not too sure”, “I don’t know how yet”, “is this relevant to the story?”. Between their two hypotheses, the suspicion about the sisters was continued, although without making the connection between the maid and Emily. In the initial hypothesis, they become suspicious of the sisters due to how much “attention is paid to her and her ‘illness’”, as well as the fact they wanted to believe in the village maid’s innocence. In the later hypothesis, they noted how weird it was for the sisters to move to London after this incident, and therefore thought, again with language couched in uncertainty, the perfect maid and the sisters were working together.

4.2.2 Participant 3

Participant 3’s first hypothesis noted that the younger sister, Emily, was partly responsible. The participant covered opportunity and means, although they weren’t sure of the motive or what tied the perfect maid and Emily together. This connection, that the two are the same, was also missed within the second hypothesis although the suspicion continued that Emily and the perfect maid were responsible. This suspicion was extended to the other sister within this second hypothesis. This hypothesis focused mainly on figuring out motive and means. So, whilst the connection between the perfect maid and Emily was not made, enough of the evidence created suspicion against the sisters to cause Participant 3 to suspect the two sisters.

4.2.3 Participant 4

The structure of the hypotheses from the participant was similar to how the pilot participant laid out their working: both sets of hypotheses had an initial paragraph capturing some of the facts of the case. Participant 4 included some judgement, such as Emily “seems to be a hypochondriac”. Participant 4 immediately focused on motive and who benefited from the village maid being fired. This question of benefit was applied to both the new maid and the two sisters, which concluded with suspecting Lavinia, as an attempt to relieve the “strain of her duties” to her sister. The second hypothesis caught the subterfuge of Emily pretending to be the maid due to the show put on for Miss Marple: “Emily speaks, then Higgins leaves the room... We don’t see the two in the same room”. Another piece of evidence that caused more suspicion is that the two sisters are new to the village and have only stayed for two months. The physical differences between the new maid and Emily were stark enough that it caused more suspicion. The hypothesis was finished with the sisters as the guilty suspects.

4.3 *Peril at End House*

Peril at End House is a Poirot novel. He becomes involved in a mystery where a young woman, Nick, with a grand house but not a lot of money has had three mysterious attempts made on her life. There are three given hypothesis points within this novel, with the last point just before the denouement. Nick's cousin is murdered, her fiancé is killed in a crash, and another attempt is made on her life that puts Nick in the hospital. The denouement reveals that Nick faked the attempts on her life and killed her cousin to pretend that the secret fiancé of her cousin was hers; since he had a lot of money willed to him, she could save her house and secure her future. One participant came to the correct conclusion, although another came close in their initial hypothesis.

4.3.1 *Participant 2*

At the end of Participant 2's first hypothesis they asked, "Are we taking Nick as innocent?" but because they don't know what motive she could have, they dismissed this and did not consider it in their later hypotheses. The second hypothesis widened the pool of suspects by positing that Nick's friends are behind the first attempts due to benefitting from her will, but that the servants, Ellen and her husband, enacted the later murder attempts. Participant 2 noted that since only three chocolates were poisoned, the murderer "must be someone who knows what kind of chocolate Nick likes", and therefore be close or friendly with Nick. The participant observed that Freddie, Nick's friend, was being framed due to the use of cocaine that Freddie was known to use. There was also continued use of discourse about their reasoning. In the initial hypothesis, Participant 2 noted that a character had the clearest motive but devalued their statement with their awareness of the genre: "I doubt it since the one that seems the most likely is never the one to have committed the crime in crime novels".

4.3.2 *Participant 3*

Across all three hypotheses Participant 3 remained steadfast in their hypothesis that the servants were colluding with the Crofts to murder Nick. Initially, this suspicion was stimulated by Ellen's behaviour after a shooting, where she was clearly surprised that it wasn't Nick who was murdered. The motive remains relatively unclear, but Participant 3 did note there may be a grudge as Nick "pays Ellen and her husband very badly because she 'lets' them have their child with them". The case that Participant 3 built against the Crofts was similar in focus: how their actions were suspicious. Other characters were discussed: Vyse, Nick's cousin, and Challenger, a potential love interest, were both discussed in their possible motives and alibis. Hypothesis two continued to focus on the two identified parties, the servants and the Crofts, and Australian couple. Further evidence was identified as being more suspicious about the Crofts and Ellen. Challenger was also questioned, although Participant 3 didn't resolve any questions they had. In hypothesis three, due to a forged will, Participant 3 concluded "there is no point in forging a will unless they expect the person in question to die". The main point of discussion within this hypothesis was a new character being introduced as a suspect; Participant 3 weighed up whether this new character being a murderer made sense.

4.3.3 Participant 4

A gap in this data fortunately doesn't take away from the participant's hypotheses, as their second and third hypothesis appeared to be combined. Their first hypothesis started by looking for motive and concluded the house must be part of it. Nick's grandfather had a lot of money, and therefore it wouldn't be unreasonable to think he may have left gold bullion in the house. Participant 4 remarked on Nick's potential to have made this up herself; all these murder attempts cannot be corroborated apart from the cut brakes in her car, but she "hit a hedge 'luckily'". The first hypothesis ended with Participant 4 thinking Nick's cousin Vyse was the most likely suspect as he would inherit the house from Nick's will, although Nick's friends and Nick herself were noted as suspicious. Within the final hypothesis the motive of owning the house was continued with discussion about who would benefit from Nick's will going missing. The main reason Participant 4 continued to suspect Nick was the discrepancy between Nick's words in her love letters to Seton and her words to Poirot. When her brakes were cut, she was blasé and didn't care to know any of the technical details; within her love letters, "she was interested in the technical plane details". This apparent discrepancy in character led to the final paragraph where Participant 4 can be seen to have a lightbulb moment. The question remained of why Maggie, her cousin, was killed. Then, the connection slotted into place that Maggie and Nick share the same family name, Magdala: Nick pretended that Maggie's fiancé was hers since his will was left out simply to Magdala. Nick's motive of preserving the house and her future was just a matter of murdering Maggie and making herself appear the victim.

4.4 *Evil Under the Sun*

Evil Under the Sun is another Poirot novel, and centres around a woman, Arlena, who is being unfaithful to her husband and on the verge of ruining another marriage, before being strangled. This novel was given four hypothesis points. The end reveals how the man Arlena was having an affair with is the murderer, along with his wife. The murderers, Patrick and Christine Redfern, plant several suggestions and red herrings along the way to draw suspicion away from them, even going so far as to attempt to murder a teenager. One participant identified one of the murderers. This was the same story where the pilot participant also identified one of the murderers.

4.4.1 Participant 2

Participant 2 initially suspected Ken Marshall, Arlena's husband, murdered her because he was in love with Rosamond. Participant 2 reasons that Marshall's alibi could be faked; his motive was he would inherit from Arlena. This suspect pool broadened to include Rosamond as an accomplice in the next hypothesis. The murderer would need an accomplice since it appears impossible for a single person to do it. The suspect could have been lying about their alibis and yet their alibis were backed up by someone else; thus, an accomplice was the most likely answer. This suspicion was continued in later hypotheses; Participant 2 kept Marshall and Rosemond as the murderers, although noted there are incongruous pieces of information that didn't fit this theory, and the participant was therefore uncertain in their hypothesis.

4.4.2 Participant 3

Participant 3 did not commit to who may have murdered Arlena, but instead created a narrative of what happened: “Arlena went to meet her blackmailer, or believed she was [...], and was killed at the meetup point by another person”. This was continued in both the second and third hypothesis point: she was killed by a “third party” and later “killed by JN [a mysterious unknown figure] in a rage”. The initial hypothesis focused mainly on going through the different characters and ascertaining their possible motives and the strength of their alibis. Hypothesis two and three repeated this process but with a smaller cast of characters. Hypothesis four was where there was concrete mention of who the murderer could be within the given characters. Within each hypothesis there was a different suspect, which contrasted strongly with Participant 3’s efforts in the previous novel.

4.4.3 Participant 4

Gaps in the data meant that the first and third hypothesis had been missed. Participant 4 did, however, correctly guess one of the killers. The first hypothesis pointed towards Marshall, in part because he has a solid alibi for after his swim, but he could have murdered Arlena during his swim. Due to this doubt over what time Arlena was killed, Patrick Redfern could have been the murderer since Emily Brewster left after the two discovered the body. The blackmail that Christine mentions is placed both under suspicion, “[it] could be a story she makes up to point suspicion elsewhere” and investigated, “why would a blackmailer kill [Arlena]?”. Unlike in the other attempts made by Participant 4, this final hypothesis ends with uncertainty. They mention that Patrick is the killer plus an accomplice, due to the mounting evidence that this may be the work of serial killers. Participant 4 notes it could be Christine, or Brewster. There is also mention of the Gardeners, another couple, being potentially the murderers: “there is little to point towards them, which is certainly suspicious in and of itself”.

5. CONCLUSION

Conducting this exploratory study revealed some aspects of interest within the hypotheses of the participants. Some consistently reasoned their way to the truth, whilst others did not; for instance, some evidence and previous hypotheses were developed or dismissed in later hypotheses. More data is needed to bring this work into more focus and be able to generalise with the ways in which people hypothesise. A later iteration may include a single story but with many more participants to narrow the focus and find all the ways in which people hypothesise. This could reveal a standard, or lack thereof, in how laymen hypothesise. This exploratory study shows that there is potential in further researching hypothesis-making and people’s processes to doing so. This speculation is but a hypothesis in itself; in the end, this direction must be researched further to determine its worth.

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How Do Empirical Biomedical Research Articles Argue? *Examining the Layers of Rhetorical, Domain-Specific, and Citation-Based Argumentation*

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ABSTRACT: Argumentation in research articles has been analyzed from a variety of perspectives, yet there is no integrative description of how these various accounts of scholarly argumentation interrelate. Since a full analysis of scholarly argumentation must take into account domain-specific elements, this work focuses on biomedical research articles, to examine how scholarly argumentation is layered by combining argument structures relating to research methods, citations, and rhetorical aspects of argumentation.

KEYWORDS: biomedical research articles, field-specific argumentation, medical argumentation, scholarly argumentation

1. INTRODUCTION

Argumentation in research articles has been analyzed from a variety of perspectives, including sociology of science (Latour, 1987), rhetoric of science (Prelli, 1989), applied linguistics (Davis, 2015; DuBois, 1997; Livnat, 2012), computational linguistics (Al Khatib et al., 2021; Liakata et al., 2012), and knowledge representation (Kircz, 1991). Yet there is no integrative description of how these various accounts of scholarly argumentation interrelate. Further, a full analysis of scholarly argumentation must take into account domain-specific elements such as the selection and defense of particular research methods. This work focuses on biomedical research articles, to examine how scholarly argumentation is layered by combining argument structures, relating to research methods, citations, and rhetorical aspects of argumentation.

I argue that the argument in an empirical biomedical article has at least three key aspects: rhetorical moves, domain-specific elements (methods, or research designs), and citations. In particular, I argue that each of these aspects is fundamental; they are found in different places; and they are different.

2. RHETORICAL MOVES

Rhetorical moves study how the goal of a paper is realized. They answer the question: What “goals” do sentences achieve, in a paper’s narrative? Rhetorical moves have been widely studied by applied linguists, often to support language learning, in a field called

English for Academic Purposes” (a part of the larger endeavor referred to as “English for Specific Purposes”). An example is John Swales’ model of research paper introductions, *Creating a Research Space* (Swales, 2011; Swales, 1990).

Computational linguists have also contributed to this area: Simone Teufel, who wrote about rhetorical moves for argumentative zoning model for her 1999 dissertation (Teufel, 1999) and subsequently described the High Level Goals that must be satisfied to get a paper accepted (Teufel, 2014).

3. DOMAIN-SPECIFIC ELEMENTS IN EMPIRICAL BIOMEDICAL RESEARCH ARTICLES

Empirical research in biomedicine is constrained by use of specific methods, more commonly termed “research designs”. These describe how was the work done. Importantly, the methods of a paper constrain what the paper can tell us: What claims this paper, based on these methods, can authorize. The logical structure of an empirical paper is determined by the methods, in the sense that they determine what premises we must accept in order to rely on the outcome of the paper.

Research designs are widely studied inside the biomedical enterprise. Methods such as case reports and case series, case-control studies, cohort studies, and randomized controlled trials are widely agreed upon, described in epidemiology textbooks and frequently appear in paper titles. Specific training is offered to learn specific techniques such as clinical trial through the Clinical and Translational Science Centers funded by the

U.S. National Institutes of Health. Methods for reporting clinical medical research are the subject of numerous reporting guidelines in the EQUATOR network (Altman & Simera, 2016; *EQUATOR Network*, n.d.) such as STROBE (Vandenbroucke et al., 2007) for observational studies and CONSORT (Begg et al., 1996) for randomized controlled trials. To aid in information retrieval, methods have specific terminology indexing in the biomedical literature. Numerous designs have a Medical Subject Heading (MeSH) which can be used for retrieval. Information retrieval groups make and evaluate search filters; for instance McKibbin et al. (2009) compared 38 filters for retrieving randomized controlled trial. Recent work in my group evaluated machine learning tools for dozens of types of methods, which were created with training data from MEDLINE/PubMed (Cohen et al., 2021). In some topics more specific evidence curation has been undertaken, such as the drug-drug interaction evidence types in DIDEO, that I’ve been involved with (Brochhausen et al., 2014), which have the potential for more specific automated retrieval (Hoang et al., 2020).

There is a standard evidence pyramid in biomedicine (Ho et al., 2008) which continues to have influence even as methodologists seek to incorporate new types of evidence (Brown et al., 2022; Greenhalgh et al., 2022). New methods can be introduced but must be “argued into” a field (Jackson & Schneider, 2018). They get revised over time (Jackson & Schneider, 2023). Sally Jackson and I have studied as empirical examples Cochrane Review (Jackson & Schneider, 2018), Randomized Clinical Trial (Schneider & Jackson, 2018) and recent innovations building on the Randomized Clinical Trial (Schneider & Jackson, 2020).

4. CITATIONS AS ARGUMENTATIVE ELEMENTS

Citations can be used to increase the acceptability of a proposition, to indicate the expected audience/background, and for other purposes such as to support higher-level goals (a sort of rhetorical move). Citations can answer: What factual info is relevant? What work inspires this one? How can I tell that the problem is important/novel/significant? Science studies and scientometrics communities analyze citations for various purposes.

My work has studied when citations are a fundamental part of the argument. Yuanxi Fu and I introduced the term “keystone citation” for a citation whose unreliability threatens the argument of a paper; the term is inspired by masonry, where damage to the keystone can threaten the arch it supports (Fu & Schneider, 2020). Under our framework:

- 1) A scientific research paper puts forward at least one **main finding**, along with a **logical argument**, giving reasons and evidence to support the main finding.
- 2) The main finding is accepted (or not) on the basis of the logical argument.
- 3) Evidence from earlier literature may be incorporated into the argument by citing a paper and presenting it as support, using a **citation context**.

This draws on work from the knowledge representation community in formally mapping the arguments underlying papers (Clark, 2015) in standard data formats suitable for information system processing (Clark et al., 2014), which my group has been experimenting with for several years (Schneider & Sandhu, 2018)

Our framework (Fu & Schneider, 2020) is particularly suitable for testing whether there is an epistemic impact to citing work that is outdated or retracted. High school students used this approach to audit the citations to an infamous retracted paper (Addepalli et al., 2022), and my group is currently evaluating which of the ~300 citations to a computational chemistry protocol were impacted by a code glitch (Zheng et al., 2023).

5. WEAVING THE THREE TYPES OF ARGUMENT STRUCTURES

I argue that each element is fundamental, in any biomedical paper. Rhetorical moves seem to me required for a convincing narrative.¹ It is not possible to have an empirical paper without methods or research designs—though a paper may certainly introduce and argue for a method that is not in an existing catalog. New reporting guidelines are frequently created, in fact. Citations are necessary in any mature research field.

The elements are found in different places. Rhetorical moves are found in the whole text and are most noticeable in introduction and discussion sections that contextualize and argue for the importance and place of the work. Likewise citations are found throughout the text, especially in the background section, and often supporting the statements in the introduction and discussion. Citations that appear elsewhere in the text

¹ Phil Bourne (Bourne, 2005) has argued that biomedical papers should be overtaken by biomedical databases. In this case, no rhetorical moves are necessary because the community has already agreed upon the structure of a meaningful contribution to the field, hence, no narrative (and no paper) are required. There is very interesting work in this area, particularly implementing nanopublications (Bucur et al., 2023). So, while narratives are rarely convincing without rhetorical moves—CONTRIBUTIONS may be.

deserve further study. In empirical biomedical research articles, citations in the methods and results sections have particular importance often in justifying specific materials, novel methods, or inferential reasoning to a conclusion (Fu et al., 2021; Fu & Schneider, 2020). Domain-specific elements may appear throughout the text; in empirical biomedical research articles, a section, often called “Methods” is devoted to describing the research design.

The elements are different. At the conceptual layer, rhetorical moves sit “above” the text: The same structural move can be realized in different textual embeddings, that all realize the same concept. In a structural layer, methods or research designs are a scaffolding underlying the “meaty” contribution of the paper. Methods are often standardized within a research community (that can “argue” new methods into being and refine them; see Jackson & Schneider 2018). Citations are a special purpose format for encapsulating information; they appear to support both conceptual and scaffolding functions.

Each of these aspects is fundamental; they are found in different places; and they are different. Thus an empirical biomedical article has at least three key aspects: rhetorical moves, domain-specific elements (methods, or research designs), and citations.

6. CONCLUSION

This paper has argued that an empirical biomedical article has at least three key aspects: rhetorical moves, domain-specific elements (methods, or research designs), and citations. Argumentation theory has an opportunity to lead in unifying work from all the research communities studying arguments in science. Numerous questions of interest to other scholars may also bear on the argumentative aspects of scholarly research papers, such as: Which rhetorical moves are associated with citations? With methods? What is the relationship between rhetorical moves and citation purposes? Under what conditions is a database sufficient for conveying empirical research results? How do “discourse communities” figure into the arguments that are persuasive?

Argumentation theory itself stands to benefit from this endeavor: Scholarly research papers are accessible and well-documented locales for studying argumentation. Especially, understanding the innovation and invention in scholarly argumentation may also help us form questions for argumentation theory more generally (Jackson & Schneider, 2023). Comparison of different types of scholarly communication could be particularly helpful in deepening argumentation theory related to field-specific reasoning.

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On the Question of Epistemic Norms in Argumentation

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ABSTRACT: This paper introduces a Wittgensteinian framework for epistemic norms in argumentation, challenging the notion of their objectivity and universality. It accommodates rational practices across socio-cultural contexts without succumbing to scepticism. Contrasting with Harvey Siegel's model presented at ECA Rome 2022, the paper concludes that Wittgensteinian epistemological contextualism provides a more nuanced and culturally inclusive understanding of epistemic norms in argumentation.

KEYWORDS: contextualism, culture, epistemology, Harvey Siegel, relativism, scepticism, Wittgenstein

In his keynote address at ECA Rome 2022, Harvey Siegel elaborated on his well-known objective epistemic approach to argumentation theory, emphasizing the objectivity and universality of epistemic norms. Siegel's approach can be considered the most developed and coherent version of this perspective in the context of argumentation and critical thinking. This paper has two main objectives:

First, it highlights the socio-cultural biases underlying Siegel's reasoning. Specifically, it critiques his assumption of a universal and objective notion of epistemic rationality, which overlooks the diversity and complexity of human reasoning practices across different cultures and contexts. Additionally, it critically assesses Siegel's concept of epistemic reasons, contending that no evaluative criteria are immune to the challenges of relativism, as opposed to skepticism, with a particular focus on cultural factors. Second, acknowledging the cultural embeddedness of epistemic norms, this paper proposes adopting a Wittgensteinian relativistic framework based on his work "On Certainty" (1966). This perspective offers a more comprehensive approach to understanding and justifying the role of epistemic standards in argumentation. It fully recognizes the inherent socio-cultural dimensions of argumentation while maintaining the essential functions of epistemic norms and justifications in the pursuit of knowledge and rational discourse.

1. SIEGEL'S OBJECTIVE EPISTEMIC THEORY AND ITS CRITIQUE

Two principles constitute Harvey Siegel's epistemic approach to argumentation. First, Siegel posits that the quality of an argument is determined by its ability to render belief rational. Second, he argues that the quality of an argument is not about its persuasive effect on an audience but rather its ability to produce knowledge or reasonable belief supported by good reasons. He emphasizes that epistemic rationality is a necessary condition for critical thinking. This theory has evolved through a series of studies, including works by

Biro & Siegel (1992), (2006a), (2006b) and (2015), Siegel & Biro (1997), (2006), (2008), and (2021), and Siegel (2000), (2011) and (2023).

One criticism of this approach originates from arguing-based accounts of argumentation, which address contextual limitations. Siegel acknowledges the role of context in argumentation but criticizes arguing-based accounts that assess an argument's quality based on its ability to advance the arguer's position. He contends that such accounts neglect to consider normative facts about arguments. The basis for this critique lies in the distinction between objective and intersubjective accounts of argumentation. Siegel's theory focuses on the objective 'Type' rather than the human 'Token,' emphasizing the norm of Truth-Aimingness as the essential property of arguments. He argues against relativist or contextualist criteria, which rely on the characteristics of the arguers. The controversy between objective and intersubjective perspectives involves evaluating the epistemic status of an argument's premises, rather than considering the sociocultural aspects or the psychosocial states of the arguers (Bandura, 1986; Payne & Barbera, 2013).

In other words, the issue is whether the cultural and social dimensions of epistemology should have a more prominent place. From both philosophical and anthropological standpoints, epistemological theories are deeply embedded in personal and cultural contexts (Khine, 2008). Studies like that of Kwok Chan and Robert Elliott (2004) highlight the necessity of incorporating cultural dimensions into any analysis of epistemological beliefs. Traditional Western epistemology has long neglected the socio-cultural dimensions affecting rationality, and the current debate is whether this state should be maintained (Khine, 2008). For example, Kwok Chan and Robert Elliott's study (2004) provides a comprehensive review of studies that explore the structure of epistemological beliefs across diverse cultural settings. Their analysis highlights several methodological shortcomings in the existing literature, including but not limited to, a lack of theoretical underpinning, inconsistent factor structures, and an inadequate consideration of cultural variances. Furthermore, they underscore the necessity of incorporating cultural dimensions into any analysis of epistemological beliefs. It is thus required that future discussions should assimilate socio-cultural factors to achieve a comprehensive understanding of epistemology in argumentation theory.

These considerations receive clear expression in the specific discussion regarding epistemic norms in argumentation. It is important here to state the obvious, as fundamental empirical evidence concerning norms, specifically that norms are culturally embedded, is occasionally overlooked. Norms are shaped by various factors, including historical, economic, political, and religious influences, leaving them far from objectivity or universality. They are the cornerstone of sociology and anthropology: for instance, Émile Durkheim's 'The Division of Labor in Society' (1893), Max Weber's 'The Theory of Social and Economic Organization' (1947), Talcott Parsons' 'The Social System' (1951), Clifford Geertz's 'The Interpretation of Cultures' (1973), and Bronisław Malinowski's 'Argonauts of the Western Pacific' (2014).

Yet, norms guide what we ought to do and thus play a critical role in argumentation (Corner & Hahn, 2013). Ralph Johnson's (2000) pragmatic theory of argument, or Benjamin Eva and Stephan Hartmann's (2018) Bayesian approach, try to provide the normative principles for rationality in argumentation theory, to mention just a few. Siegel's epistemic norms focus on the processes of acquiring, maintaining, and changing beliefs and knowledge. However, his epistemic norms are not subject to the same principles that

govern other norms; they are fundamentally different due to their specific focus on knowledge and belief.

Many, like Siegel, argue that epistemic norms are universal, either because they are based on mathematical or logical principles (Goldman, 2003) or because they are driven by the universal human goal of truth-seeking (Karaslaan, Hohenberger, Demir, Hall, & Oaksford, 2018). However, these claims are challenged by views that question the universality and objectivity of mathematical truths, logic, and the goal of truth-seeking (Krausz, 2011; Miller & Ahluwalia, 2021; Russell, 2021; Tinland, 2017). These counterarguments highlight the complexity of the human goal of truth-seeking and the ongoing debates surrounding it, which mark the point where a more relativistic approach will be needed.

2. THE CULTURAL BIAS OF SCIENTIFIC NORMS

The prevailing notion that epistemic norms in argumentation and scientific norms in general are universal and objective has been increasingly scrutinized. This paper assumes that epistemic norms, as part of the scientific method, are culturally and historically situated, particularly within Western contexts. But this assumption is certainly not obvious. Even the historical development of the scientific method is not undisputable. The scientific method, as it is understood today, has its roots in Western intellectual history. Originating in ancient Greece and Rome, it was further developed during the European Enlightenment. Yet, while other cultures, such as the Islamic Golden Age, have contributed to the scientific method and discoveries, it can be argued that these contributions were facilitated only because of the presence of certain key Western cultural values (Grant, 1996; Huff, 2017).

The scientific method is not a neutral tool but reflects Western cultural values. These include individualism, which emphasizes individual rights over collective ones; naturalism, which insists that these components be natural rather than supernatural; and objectivity, which posits an objective reality knowable through empirical observation, to name only some of the more political ones. Along with the cultural bias inherent in the scientific method, there are also the epistemological considerations. Western science prioritizes empirical evidence and rational thought as the primary means of gaining knowledge. This contrasts with other cultural epistemologies, such as Indigenous systems, which may value ancestral knowledge. The Western focus on empirical evidence often dismisses or devalues these alternative forms of knowledge. An important part of these epistemological considerations, there is the democratic-liberal influence. Western scientific thought also incorporates a deep scepticism towards authority, whether it be charismatic individuals or institutions. This scepticism is aligned with democratic-liberal principles that emphasize procedural fairness and the limitation of governmental power.

This cultural bias inherent in the scientific method has provoked various criticisms, and in the present context the postcolonial ones are of importance. Postcolonial scholars have criticized the supposed neutrality and universality of the scientific method (Prakash, 1995). They argue that it is a product of Western colonialism and imperialism, used to dominate and exploit non-Western cultures. This critique highlights the limitations of the scientific method when it comes to incorporating non-Western forms of knowledge. However, while the epistemic norms of Western science are neither neutral nor universal,

they are not necessarily invalid. They have their own strengths and limitations, and recognizing this is crucial for a more inclusive and nuanced understanding of knowledge.

3. THE RELATIVITY OF EPISTEMIC NORMS: KNOWLEDGE, LANGUAGE, AND CULTURE

The objectivity, neutrality, and universality of epistemic norms are compromised by the intricate interplay of knowledge, language, and culture. How these factors contribute to a nuanced understanding of epistemic norms, particularly in the context of argumentation?

Michel Foucault's concept of the "episteme" serves as a foundational idea, challenging the notion of universal epistemic norms. According to Foucault, knowledge is not static but evolves over time, implying that no universal norms can apply across all cultures and historical periods (Foucault, 2002). This should point at why cultural relativism significantly influences the evaluation of arguments and evidence. Different cultures have unique epistemic norms, leading to varied criteria for assessing arguments. For example, while Western culture prioritizes empirical evidence, other cultures may have different norms that are contextually appropriate (Laudan, 1990).

One of the most controversial theorems in anthropology provides the context for the problematic presented here. The Sapir-Whorf hypothesis posits that language shapes thought and, by derivation, also the norms used in argumentation. Non-Latin languages like Hebrew may favour associative reasoning over linear logic, challenging traditional epistemological models that separate the knowing subject from the object of knowledge (Lakoff, 2008). This constitutive role of language renders the idea of an autonomous subject that knows itself problematic when considering that the subject is constituted through discursive practices, language, and socio-cultural circumstances. This challenges traditional epistemological models that assume a clear distinction between the knowing subject and the object of knowledge. Power dynamics further complicate the relationship between knowledge and epistemic norms. The influence of power challenges the notion that knowledge is neutral and objective. Norms may be skewed to favour those in power, necessitating a critical examination of existing norms and the development of more equitable alternatives (Said, 1979).

These considerations receive a more inclusive expression in Thomas Kuhn's concept of paradigms, which supports the main argument that epistemic norms are shaped by historical, cultural, and power dynamics. Paradigms, as systems of thought specific to a time and place, determine discourses and what is considered true or false. Kuhn's concept of paradigm explains a more general problem, the problematics of de-contextualization. Context is indispensable since it provides the necessary framework for understanding an argument. Without it, the argument's meaning can be lost or misinterpreted.

Language is inherently contextualized as by its very nature, is contextual. This makes a de-contextualized evaluation of arguments extremely challenging. Furthermore, the norms of individual cultures and societies heavily influence our understanding and interpretation of arguments. These norms are not universal and can vary greatly across different societies. Thus, the elusiveness of objectivity. Even scientific research, which aims for objectivity, is influenced by the paradigms under which it operates, as well as by researchers' own biases and preconceptions.

An alternative approach will be to adopt contextualism in epistemology. According to this idea, every knowledge claim depends on the context in which it is made (Greco, 2008; DeRose, 2017). This has implications for what counts as knowledge in different contexts and communities. One of the strengths of this approach is that at the price of adopting relativism, significant philosophical tools are provided to deal with skepticism. One of the main motivations is not only to provide a solution to the problem of skepticism, but to reconcile it with the practicalities of ordinary life (Hume, 1748, 1777, pp. 161-2).

In summary, epistemic norms are far from being objective, neutral, or universal. They are shaped by a complex interplay of factors including knowledge, language, culture, and power dynamics. Recognizing and understanding this complexity is crucial for a more inclusive and nuanced understanding of argumentation and knowledge.

4. A WITTGENSTEINIAN PERSPECTIVE ON EPISTEMIC NORMS AND ARGUMENTATION

The Wittgensteinian perspective offers a nuanced lens through which to examine the complexities of epistemic norms in argumentation. This perspective is grounded in two key ideas: the *linguistic turn* and Wittgenstein's own version of contextualism as outlined in his work "On Certainty" (1966). First, Wittgenstein's concepts of language games and forms of life posit that understanding language transcends mere word definitions and semantics. It encompasses the practices, customs, and ways of life of the language users. This perspective aligns with a form of contextualism, suggesting that meaning is context-dependent and relative to specific language games and forms of life (Williams, 2007). Second, in "On Certainty," Wittgenstein introduces a form of contextualism that focuses on "hinge propositions," which are fundamental beliefs that serve as the basis for our knowledge. These hinge propositions are context-specific and are not universally applicable, thus challenging the notion of epistemological scepticism (Dame, 2010; Hanfling, 1975; McDougall, 2021).

This Wittgensteinian perspective resonates with the broader contextualism in epistemology, emphasizing that what qualifies as knowledge is contingent upon the specific context or language game. This perspective enriches our understanding of how knowledge and understanding are intricately linked with forms of life and language games (Mantere, 2015). One criticism is that Wittgenstein's perspective might lead to scepticism. However, this criticism often stems from an absolutist view of knowledge, which Wittgenstein challenges at the outset. Another criticism is that Wittgenstein's perspective leads to radical relativism. This is a misunderstanding, as Wittgenstein argues that the validity of beliefs depends on their use within specific language games and forms of life. Yet another criticism is that Wittgenstein reduces knowledge to mere social or cultural conventions. However, Wittgenstein shows that our conventions are not arbitrary but are shaped by our ongoing engagement with the world.

Thus, adopting a Wittgensteinian Perspective has some advantages not only to epistemology in general, but to argumentation theory in particular. First, Wittgenstein emphasizes that language and arguments are deeply embedded within socio-cultural contexts, offering a departure from traditional, abstract views of argumentation. Second, this perspective allows for a deeper understanding of how knowledge is socially and

culturally constructed, evaluated based on both logical and socio-cultural criteria. Finally, Wittgenstein does not dismiss the importance of epistemic norms but contextualizes them within specific socio-cultural settings.

To summarize: the Wittgensteinian perspective offers a balanced approach to understanding epistemic norms in argumentation. It allows for a form of contextualism that navigates the tension between the need for epistemic standards and the recognition of socio-cultural diversity. This perspective is particularly useful for comprehending the socio-cultural dimensions of argumentation while maintaining the roles of epistemic norms and justifications in various forms of life and language games. By adopting a Wittgensteinian lens, we can better understand the complexities of argumentation and epistemic norms, offering a more exhaustive approach to comprehending and justifying the significance of epistemic standards in argumentation. This perspective equips us with the tools to address the inherent socio-cultural dimensions of argumentation, while acknowledging the indispensable roles of epistemic norms and justifications in the quest for knowledge and rational discourse.

DISCLOSURE: GPT-4 was utilized solely for language editing and background research in the preparation of this paper. The intellectual and ethical responsibilities for the content and arguments presented in this paper rest exclusively with the author.

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Sidetracking: Is It Really a Cultural Norm?

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ABSTRACT: “Japanese are not good at debating.” That is a stereotype that the Japanese themselves often hold even now. “Japanese are not good at making a relevant rebuttal.” This sounds the same, however many educators namely Ryoko Nakatsu who taught debate and discussion for decades testified so. They suggest that Japanese students may tend to be good at constructing arguments but not rebutting. According to them, one of the biggest struggles many of their students faced was to present a clear opposite standpoint that directly relates to the standpoint advanced by the protagonist. This research tested this myth. Subjects took a test to see how often their rebuttal point was sidetracked before and after they experienced a ten-week training to respond with an opposite standpoint. The training first briefed the students on syllogism, Toulmin’s model and the third commandment of pragma-dialectics, and then let them practice choosing a counterargument.

KEYWORDS: coded rebuttal, counterclaim, debate class, dog-whistling, explicitness, fallacy, female, Japanese culture, rebuttal, sidetracking

1. INTRODUCTION

Debate classes do not need too much complication. Students who start learning the basics of argumentation such as syllogism and Toulmin’s model at the beginning of a semester aim to become able to participate in a simple debate by the end of the semester. It seems a leap, but students are capable enough. They usually do not have any problems learning what they need to do in the three phases of debating: construction, rebuttal, and summary. However, knowing what to do and being able to practice what to do are different. Students seem to struggle in the rebuttal phase especially and miss clear counterclaims. They often start sidetracking in the rebuttal phase. This is a problem because genuine rebuttal is essential for the integrity they feel in the debate, and without feeling integrity, it is difficult to enjoy the meaning of debating in society.

When the debate course persistently demands them to directly rebut what their opponent said, some students feel desperate and start blaming the culture they belong. For instance, being Japanese is one of their favourite excuses.

Debate tradition in Japan is often undervalued. In fact, Japan has a strong and long history of debating. Even when we narrow the scope of debating to modern American and British forms, it flourished in the Meiji and Taisho era when modern democracy urged people to rush to speech and debate halls. In 1873, Fukuzawa Yukichi started debate workshops at Keio (Fukuzawa, 1997). Soon, speech and debate became very popular nationwide. According to Haga Yoshiki, even people who had not been interested in politics came to debate events, actively listened to argumentative speeches, and enjoyed heckling in such an era. Because the heckling became so intense, the host of a public

speaking event in Sakaya Village, Nakakanbara County, Niigata had to explicitly request the audience not to heckle in October 1889 (Haga, 1999). In 1911, in his speech on the civilization of modern Japan, Soseki appreciated the audience in Wakayama for gathering the next day of another public speaking event (Natsume, 1988). In 1920, Togo Masatake, an American literature scholar, enthusiastically preached how the power of rhetoric could change the world, and how representing one's idea in public decided who one could be (Togo & Kikuchi, 1920).

Despite of the ardour for debating the country experienced, Japan is often described as one with a non-debating culture inside and outside Japan. Mysteriously, when Morita Akio and Ishihara Shintaro published "*The Japan That Can Say 'No'*" in 1989, it seemed that Japan as a weak debate culture was already a round consensus domestically and internationally. Torikai Kumiko analyses that silence as a virtue is a deep culture of Japan and "hasn't changed," borrowing Edward Hall's ideas of "high context" language and Okabe Roichi's of "beauty of silence" (Torikai, 2004, p.234). Some even track back to seventh-century literature and argue that the usage of terms like *kotoage* is proof of Japan being a country with the beauty of avoiding argumentation (Kawase, 2013).

Not only the above general discourse which often sounds like cultural stereotypes but also debate coaches on the ground echo the Japanese culture not to disagree saying that their students struggled in debating especially in directly rebutting opponents. Nakatsu Ryoko who trained thousands of children and adults for debating in both Japanese and English language explains the Japanese culture of the mid-twentieth century and says that Japanese were culturally trained to speak extremely euphemistically, and questioning and inquiry were seen as cheeky, irreverent, and arrogant (Nakatsu, 2005, p.146). Utsugi Aiko who has taught debate courses at Keio University for long states that in Japanese society, it seems people subconsciously believe that one can avoid the unpleasant experience of being rebutted if they do not speak much. She emphasizes the significance of rebuttal and continues that generally in Japanese society, opposing or unique ideas are not welcomed much. If one argued against anyone, that person would be seen as 'strange'. The tradition of seeing assenting without saying anything as a virtue has not yet disappeared in Japanese society (Utsugi, 2016, pp.142-144).

If the culture to avoid debating indeed exists, then, it must be more so for women. The first woman who voted in modern Japan was Kususe Taki who started arguing against local and central government that women who pay tax deserve voting rights in 1878, made numerous speeches at public speaking events, and eventually voted in 1880. She was one of the first few women who could vote in the world. However, only four years later, the law was amended, and women once again were excluded from the political process. They had to wait until 1945 to regain the suffrage. The end of the war did not dramatically change the situation where women were severely discouraged from raising their voices. Nakatsu Ryoko recalls that her father did not allow her to disagree with anybody male (Nakatsu, 2005). Even today, parents rarely support their daughters' involvement in debate activities, and national school debate tournaments namely *Debate Koshien* are competed mostly by male-only or male-dominant teams with male-dominant judging pools. After graduating from school, the pressure to silence women only becomes larger. In 2001, then-head of the Tokyo Olympics Organizing Committee and a former Prime Minister, Mori Yoshiro said in his speech that women tended to speak for too long at board meetings, and his female trustees were wise enough to refrain from speaking at meetings too much (Nikkan Sports,

2021). In September 2023, Prime Minister Kishida reshuffled the cabinet, and among the 26 senior vice ministers of the second Kishida administration, the number of women was zero. Among the 28 parliamentary vice ministers, again, the number of women is zero. If Japan had a culture to avoid the main street of debating, women would be so marginalized to remote areas that there would be no street nearby. It is interesting that Nakatsu and Utsugi who urge Japanese students to publicly debate, openly disagree, and directly rebut are both female.

Obviously, scepticism about Sophists seems common everywhere and nothing unique to Japan. Orators have tried to present themselves as non-orators so that their public audience would not alienate them. Socrates described himself as a person with no elegant words, and in *“The Tragedy of Julius Caesar”*, Shakespeare made Mark Antony do the same. Is students’ mindset that they cannot become good at rebuttal as they are Japanese something beyond the general fear of sophistry? Is their sidetracking habit deeply cultural and thus, hard to change? If so, are female students less good at rebuttal? How much does culture affect our debate skills? These are the questions this paper aims to answer.

2. SIDETRACKING

Sidetracking this research anticipates starts with the lack of explicit counterclaim. Students in the debate courses who participated in this research are instructed to follow five steps to make each rebuttal point as shown in Figure 1. In the second step of the five, they were told to choose either warrant (major premise) or data (minor premise) to rebut as shown in Figure 2.

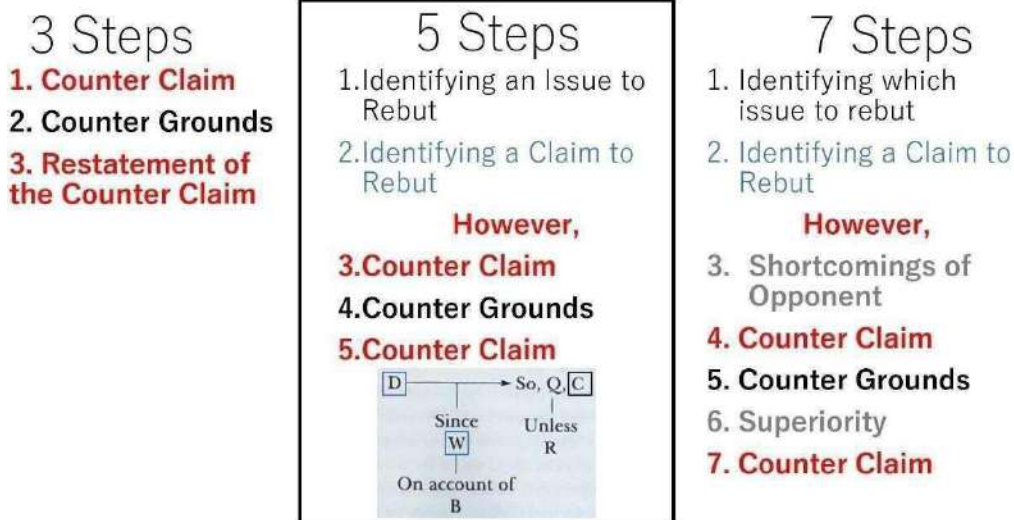


Figure 1: How to Deliver a Rebuttal Point

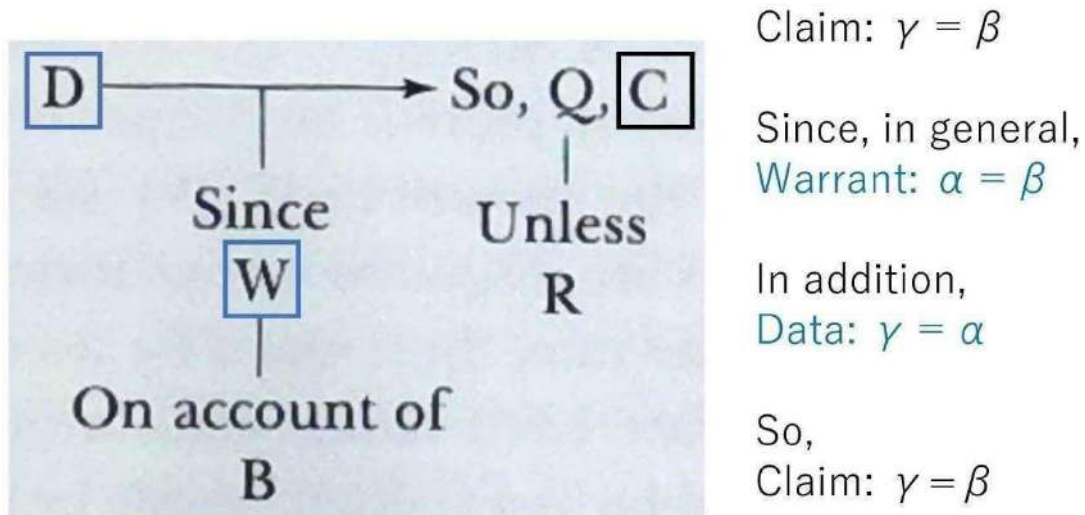


Figure 2: Toulmin's Model & Syllogism - Identifying a Claim to Rebut

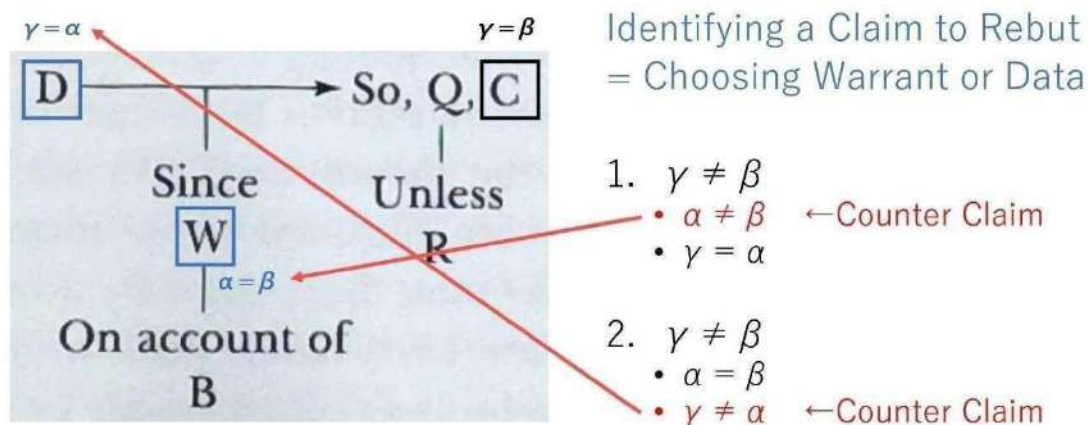


Figure 3: Toulmin's Model & Rebuttal - Direct and Explicit Counterclaim

When students were requested to present a counterclaim, it means that they were expected to either directly deny or make an opposite statement to the warrant or the data presented by the opponent (See Figure 3).

Students in debate courses learned above for ten weeks. They often started their rebuttal points by providing details of grounds, not counterclaims. Counterclaims they eventually revealed at the end of each rebuttal point were often indirectly related to the statement given by their opponent. Occasionally, they didn't have any counterclaims at all.

3. SURVEY WITH FOUR SECTIONS

This research conducted a survey with four sections in June 2023. The subjects were 317 students from five colleges. 192 of them expressed that they were male, 123 identified

themselves as female, and two decided not to express their gender. The survey was done in the Japanese language.

The first section had five questions and was to test if students identify two types of counterclaims; denial and flip. Concession can be a way, but it wasn't presented to the subjects as an option in this survey. Among the five questions, two requested students to choose answers which can sound rude to the instructor so that the survey can see how students react to the pressure. In the case of Question 1-1 below, students are expected to choose b and c.

Question 1-1: Many railway companies in rural areas with red figures, and if they are not allowed to set the fare themselves, they will go out of business.

- a. The government decides the fare so that the railway companies can make some profit, and the burden on users can be minimal at the same time.
- b. If railway companies with red figures are not allowed to set the fare themselves, they do not go out of business.
- c. Even if railway companies are not allowed to set the fare themselves, they will not go out of business.
- d. The railway companies are allowed to set the fare themselves.
- e. Railway companies with red figures are not only in rural areas.

The second section was primarily to test if students could come up with a counterclaim themselves. Statements they needed to rebut were shorter and simpler compared to the ones in the first section. This section also tested if social pressure makes presenting a counterclaim more difficult for students as shown in Question 2-2 and Question 2-3.

Question 2-1: Mail posts in Japan are red.
Expected Answer: Mail posts in Japan aren't red.

Question 2-2: Ms. Suzuki is beautiful. Expected Answer 1: Ms. Suzuki isn't beautiful. Expected Answer 2: Ms. Suzuki is rather ugly.

Question 2-3: This course is interesting.

- a. This course is not interesting.
- b. This course is rather boring.

In its third section, this survey tested if students could identify the key premises of given arguments. In Question 3-1, they were expected to choose the major and minor premise as grounds for the given statement. In Question 3-2, as the statement is about the benefit, they were supposed to divide the minor premise into two: before/without and after/with gentrification.

Question 3-1: Not granting residency to the victims of human trafficking is wrong.

- a. Punishing victims is wrong.
- b. Without granting residency, victims of human trafficking are punished.

Question 3-2: Slowing down gentrification is beneficial.

- a. Without slowing down, local communities stop functioning.
- b. If slowed down, local communities keep functioning.
- c. Keeping local communities functional is beneficial.

Rebuttals with no clear counterclaim may be fallacious but very common and often unintentional. As long as the audience can infer right, the debate should go back on track. The last section of the survey had three questions and tested if students could comprehend implicit and coded rebuttals. In this section, students watched 5 min. video of “*Gojinimuchu*,” a TV program where one of two commentators repeatedly made coded rebuttals with implicit counterclaims. The program was aired on April 29, 2011, a month and a half after the East Japan Earthquake. The anchor, protagonist, and interviewee claimed that questioning the safety of food from Fukushima was a “harmful rumour,” and everyone should eat agricultural products from Fukushima. The program made commentators eat the produce of Fukushima live. The antagonist, Uesugi gave hints to suggest that the government lies, food from Fukushima can be contaminated, and scepticism around the safety of Fukushima produce is not a “harmful rumour”. Students answered three questions twice; before reading/watching what the codes mean.

Question 4-1: Which is the closest to what Uesugi meant?

- a. People who guarantee food safety are liars.
- b. Puruto-kun is cute, and what cute things say is true.
- c. Truth is hidden just like his T-shirt under the jacket.
- d. You need not brain but passion to find out the truth.

Question 4-2: Which is the closest to what Uesugi meant?

- a. Making politicians/celebrities eat on TV to promote eating certain foods is good.
- b. Making politicians/celebrities eat on TV to promote eating certain foods is wrong.

Question 4-3: Which is the closest to what Uesugi meant?

- a. This asperges is dangerous.
- b. This asperges is safe.
- c. We don't know if this asperges is safe.

4. RESULTS

The result of the first section is shown in Figure 1. The score is based on the number of correct answers and wrong answers. When students could choose the two correct answers, they scored two points. They scored minus one if they chose two wrong answers and one correct answer. The proportion of students with two points was generally low. However, there was a statistical difference between students in the debate course and others, and debating students scored higher.

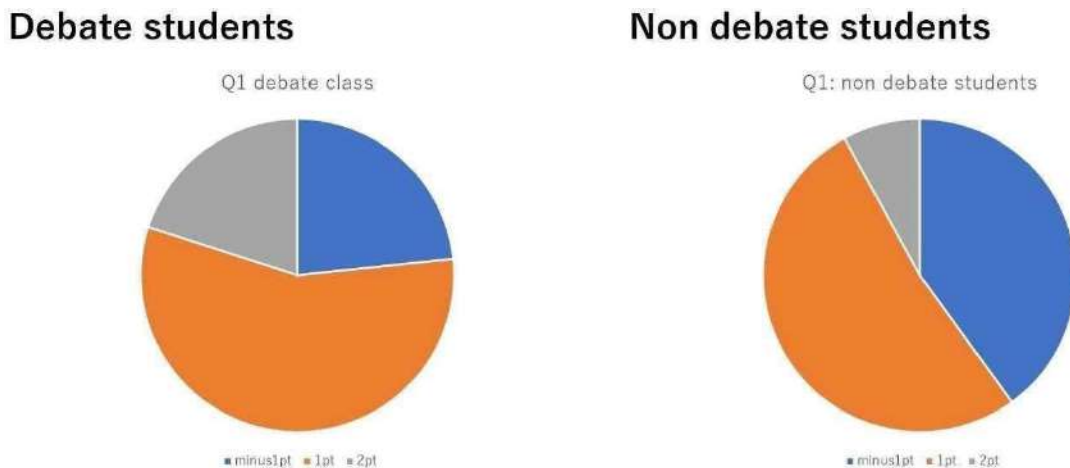


Figure 1. Choosing Two Counterclaims

As for the second section, many of the students answered right. They could respond with a denial type of counterclaim while flip was rare. The most frequently seen response was “It’s up to each individual.” This suggests that many students can come up with at least a denial type of counterclaim if the given statement to rebut is short and simple. Students did not show hesitation in responding to the questions with pressure.

In the third section, students struggled. Both students in the debate course and those in other courses could not identify the sentences to form syllogism, but students of non-debating courses suffered more. This suggests that the reason for sidetracking is this lack of skill to identify key premises of their opponent’s argument. They make unclear rebuttal points because they don’t pinpoint the statement to rebut.

Throughout the fourth section, only minority students saw the clash of arguments. Interpretation of the implicit rebuttal varied. The majority of the audience didn’t decode the coded rebuttal; inexplicit counterclaim, dog-whistling, or sarcasm, and having the knowledge to decode the rebuttal did not make the comprehension dramatically easier. Just as in Uesugi’s case, antagonists sometimes choose implicit rebuttal as a strategy, and some even try dog-whistling. However, it might not be strategic if the message does not come across for most of the targeted audience. Most of all, it leads to the sidetracking of the counterpart and becomes an obstacle to integrated debate. This result confirmed that explicitness in the rebuttal phase had significance.

5. CONCLUSION

Sidetracking seems unlikely to be cultural. If it was deep culture, a ten-week course of debating probably didn’t change the students’ rebuttal skills. If it was, female students had to perform poorer than male ones. The statistical superiority of students of debate courses shows that rebuttal skills are something we can easily learn and improve. Superior performance, but not to a statistically meaningful extent, of female students suggests that the pressure not to debate does not ruin our debate skills although if we feel safe to practice

the skills outside the classroom, might be a different matter. In the society off campus, their debating skills might be hidden just as the yolk of over-easy eggs is hidden under the thin layer of white.

At the same time, students' struggle in rebuttal was found real. It might not be due to cultural suppression but due to the lack of training. Japanese students might struggle just as much as those in other parts of the world. However, this lack of rebuttal skills, more specifically how to explicitly present a directly countering claim, causes a significant problem because this study also confirmed that implicit rebuttal is often misunderstood or neglected. It makes genuine and fruitful debate nearly impossible. Thus, to improve students' rebuttal skills, instructors need to look at their comprehension skills more carefully. Their students might need extra opportunities to learn how to identify key elements of arguments presented by their opponents. Knowing how to pinpoint the statement that they argue against, they will be able to avoid sidetracking and make their counterclaim explicit.

Looking at the bright side, after the summer break, the vast majority of students who participated in this research came back to debate for another semester. Perhaps they had a tough time practising the rebuttal in the previous semester, but much more than that, it seems that they enjoyed debating. Even if people feel pressured not to debate in the real world, learning the overwhelming joy of integrating debates might let them involuntarily start debating outside the classroom. It must be hard to keep hiding the skills that they worked hard to acquire especially when they know the fruitful intellectual groove that exercising the skills brings to them. And according to the results of this study, debating with integrity or integrating rebuttal seems not too hard to learn. Hence providing more opportunities for more people to learn how to rebut explicitly and genuinely can be a shortcut to society with open debate. This must be a very bright prospect for anybody who teaches debating. This paper hopes to conclude with the sunny side up.

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Republicacy: a New Compass in the Age of Trans-Science

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ABSTRACT: We provide adjustments to the way rhetoric and argumentation are approached in contemporary society as teachable and learnable arts. Considering republicacy as “an art of civic engagement”, we provide specific ideas about how to combine, edit, and alter extant theories of rhetorical and argumentation pedagogy to help citizens not only use their rights but effectively promote the development of the concept of “public engagement” for themselves and future generations.

KEYWORDS: argumentation pedagogy, civic engagement, debate, public engagement, republicacy, trans-science

1. INTRODUCTION

Whereas ‘privacy’ means the state of individuals being free from public attention¹, we argue that ‘republicacy’ is meant to be “the state of individuals being able to get

¹ Here, we are presenting one generic definition of privacy. Although we admit that there has been a lot of different definitions to ‘privacy’, we believe that we need to secure and develop the concept of ‘republicacy’, in addition to privacy, in the contemporary society. For different approaches to privacy, see, for example, ‘Privacy’ (2018) in *Stanford Encyclopedia of Philosophy*: “Philosophical debates concerning definitions of privacy became prominent in the second half of the twentieth century, and are deeply affected by the development of privacy protection in the law. Some

involved with public affairs." We believe that each individual should be entitled to be a member of contemporary society who has rights and responsibilities for public engagement. The very concept of republicacy questions our identity when it comes to the issue of democratic political engagement in three ways: First, as a taxpayer, are we competent enough to judge how our taxed money is used effectively? If we think so, with what criteria should we evaluate how our taxed money is used effectively? Next, as an eligible voter, are we competent enough to evaluate how candidates are performing in campaigns? If we think so, with what basis should we evaluate how likely we are to achieve our policy expectations? Finally, as a world citizen, are we competent enough to judge our governmental policy goals, especially if they can meet sustainable development goals? If we think so, with what standards should we employ the long-term global goals? In the age of unexpected and unprecedented threats such as climate change, terrorism, and the Covid-19 pandemic, merely being malcontents or wishy-washy cynical people make ourselves at the mercy of the powers that be. Things never look gloomier when experts and politicians are forced to make judgments about the future based on evidence which does not exist at present. Why do we have to re-think about the above three questions? The reason is that we now live in the age of trans-science.

Already half a century ago, Alvin Weinberg (1972, p. 209) argues:

Much has been written about the responsibility of the scientist in resolving conflicts which arise from the interaction between science and society. Ordinarily the assumption is made that a particular issue on which scientific knowledge is drawn into the resolution of a political conflict... The politician, or some other representatives of society, is then expected to proceed

defend privacy as focusing on control over information about oneself (Parent, 1983), while others defend it as a broader concept required for human dignity (Bloustein, 1964), or crucial for intimacy (Gerstein, 1978; Inness, 1992). Other commentators defend privacy as necessary for the development of varied and meaningful interpersonal relationships (Fried, 1970, Rachels, 1975), or as the value that accords us the ability to control the access others have to us (Gavison, 1980; Allen, 1988; Moore, 2003), or as a set of norms necessary not only to control access but also to enhance personal expression and choice (Schoeman, 1992), or some combination of these (DeCew, 1997). Discussion of the concept is complicated by the fact that privacy appears to be something we value to provide a sphere within which we can be free from interference by others, and yet it also appears to function negatively, as the cloak under which one can hide domination, degradation, or physical harm to women and others."

in one direction or another. The scientist and science provide the means; the politician and politics decide the ends. This view of the role of the scientist, and indeed of science itself, is, of course, oversimplified, in particular because even where there are clear scientific answers to the scientific questions involved in a public issue, ends and means are hardly separable.

Weinberg (1972, p. 209, *emphasis original*) hence defines “questions which can be asked of science and yet *which cannot be answered by science*” as “*trans-science* for these questions since, though are, epistemologically speaking, questions of fact and can be stated in the language of science, they are unanswerable by science; they transcend science”. Under such circumstances, we cannot leave critical decisions to neither scientists nor politicians. We should not only ask them to debate and discuss in the public sphere but also make ourselves listen and, hopefully, participate in such public debate and discussion.

More recently, in April of 2017, scientists around the world organized for a “March for Science” with the express purpose of calling attention to the importance of having scientific evidence inform public policy. Then President Donald Trump had proposed cutting funding to climate change research in the EPA and publicly questioned the reality of climate change. In response, scientists organized political demonstrations around the world to call attention to the importance of science. Around 150,000 people showed up for the march in Washington D.C. on April 22, with other events occurring in cities around the world.

This event was an exigence that called for explanation. Normally, scientists are not perceived as political, offering evidence and reasons through their research that inform the national debate on scientific issues. John Holdren (2017), a science adviser to President Obama, told *The Guardian* that, “Scientists are understanding that they have to become activists, that they have to speak up, that they have to be heard.” Christian Samper, President of the Wildlife Conservation society, explained science as, “behind the good news and bad news of wildlife conservation. It has nothing to do with the fake news. Science is the antithesis of fake news.”

Accounting for the demonstration leaned heavily on the dual points of needing to “find a voice” while still remaining “factual” and “real.” Bill Nye (2017), who was the honorary chair of the March for Science, argued that “Science has always been

political but we don't want to be partisan. Nye articulates the old topoi that science informs politics, but does not create politics.

In a similar way, democracy is thought of to have to meet the same burden. Publics are told in countless ways to educate themselves and be informed on issues and to make sure to vote in all opportunities to do so. At the same time, they are asked to make judgements on issues that defy their perceived capacity for judgement. The March for Science protesters can judge between good and bad scientific information and research, but are uncertain how to communicate the importance of what they do in the political realm. People are eager to share opinions, but are often without guidance when it comes to finding out about the heart of issues that appear on the ballot.

We believe that the gulf perceived between fake news and scientific fact does not actually exist. Instead, we like to think of it as a place for productive and creative engagement. The traditions of rhetoric and argumentation stem from, and allow for, safe passage across this gulf through their practice as creative arts of engagement. We seek to use those traditions of praxis to inform our concept of political engagement we term 'republicacy' – capacity building along the lines of creating comfortable relationships between information and deliberative judgment about normative decision making. We believe that democracy is possible and can be successful if more practice in argument and rhetorical play are introduced into public discussions.

The March for Science is not novel nor is it a disruption. Since at least the 1970s scientists have been arguing that scientific information should take more of a central position in public policy decision making. When scientists turn to advocacy, they mimic the protest march as that's what they think advocacy "looks like". Likewise, when citizens base their decisions or votes on factual information, they choose things that "look like the truth." We believe both actions are understandable and normal. We seek to intervene by saying that a third conception, the conception of being involved in a democratic system of republican governance can open up options for deliberation and decision making that allow for much more complex responses to the incredibly contingent world of environmental, social, and economic problems we face.

Given that, there are three roles of republicacy: nurturing individuals as arguers, developing the taking-up-mechanism of their opinions, promoting interaction between people, politicians, and media. In order to develop republicacy, for instance, debate education can be an invaluable tool in the following areas: in media, we should teach

people critical assessment of both sides, evidence-based decision-making, and saving information minorities; in education, we should guarantee the right to higher education, and active learning curriculum; and in public deliberation, we should explore how to cope with class divisions when we are faced with (inter-)national crisis.

2. HISTORICAL BACKDROP OF THE PROBLEM

We want to start a discussion with why people need to acquire republicacy. There are two justifications for republicacy. One is philosophical, and the other is psychological. The first justification comes from the area of political philosophy. This work argues that there is a distinction between a good and a bad governance, and we should work toward identifying and selecting the better government form. David Miller (2003, p. 2) defines political philosophy as “an investigation into the nature, causes, and effects of good and bad government”. Based upon Ambrogio Lorenzatti’s mural in which a demonic ruler surrounded by vices like Avarice, Cruelty, and Pride, Miller (2003, pp. 2-3) proposed reasons why making such distinctions are essential: “The first is that good and bad government profoundly affect the quality of human lives. [...], it really makes a difference to our lives whether we are governed well or badly. We cannot turn our back on politics, retreat into private life, and imagine that the way we are governed will not have profound effects on our personal happiness”. Under the world of fake news and echo chambers, the legacy media are losing the power to provide a public forum for people to engage in critical policy-making and keep such a forum to function. Hence, we need media to promote republicacy both to educate people and to make politicians responsible for deliberative democracy. Amy Gutman and Dennis Thompson (1996, p. 12), for example, argue: “The conception of deliberative democracy that we defend here seeks to diminish that deficit in theory and politics. The conception consists of three principles—reciprocity, publicity, and accountability—that regulate the process of politics, and three others—basic liberty, basic opportunity, and fair opportunity—that governs the content of policies”.

The second idea proposed by Miller (2003, p. 3, *emphasis original*) is that “the form our government takes is not predetermined: we have a choice to make. The [Lorenzatti] portrayal of evil government was not just an academic exercise: it was a reminder of what might happen if the rulers of the city failed in their duty to the people,

or if the rulers of the city failed in their duty to the people, or if the people failed in *their* duty to keep a watchful eye on their representatives”. Under the system of representative democracy, we are merely forced to choose hopefuls to be elected so that they may achieve what we expect them to achieve. We have little means to check how responsible they are against their promises once they are elected until the next election comes. Thus, we need republicacy both as attitude and action by the people for making the democratic mechanism function well.

The third and final idea presented by Miller (2003, p. 3) is that “we can know what distinguishes good government from bad: we can trace the effects of different forms of government. In other words, there is such a thing as political knowledge”. Our answer to Miller’s claim is yes and no. Our answer is yes in the sense that we can trace the effects of different forms of government if it is fully examined, explained by politicians and media and, at the same time, ascertained by their electorate. But our answer is no in the sense that even if such effects of different policies are analyzed by the government, the complexity of contemporary society makes it extremely difficult to explain the effects of public policies, especially when they are involved with international issues on a long-term basis. Therefore, it is essential for global leaders and citizens to engage these questions productively. We believe that republicacy is a missing set of practices here.

The second justification for republicacy is psychological. As Aristotle defines rhetoric as “the ability, in each particular case, to see the available means of persuasion,” we can assume that humans have a capacity or potential to be persuaded. Similarly, we can assume that human beings have both chances to be good and risks to be evil. Scott Peck (1983, p. 215) states:

any research into the nature of evil is likely to prove embarrassing, not only to those who are the designated subjects of the [1972 MyLai incident of the Vietnam War] research but also to the researchers themselves. If we are to study the nature of human evil, it is doubtful how clearly we will be able to separate *them* from *us*; it most likely be our own natures we are examining. Undoubtedly, this potential for embarrassment is one the reasons we have thus far failed to develop a psychology of evil.

As argued already, the environment in which contemporary people are living is filled with fake news and angry or even evil messages. Hence, we should train ourselves so that we may become essential members of a democratic society with critical insights who can weigh proposed alternatives by politicians, for instance.

The second psychological justification for acquiring republicacy is that human beings are more likely to be evil in times of stress than in times of comfort. Peck (1983, p. 222) explains again:

it is appropriate to comment on the relationship between goodness and stress. He who behaves nobly in easy times—a fair-weather friend, so to speak—may not be so noble when the chips are down. Stress is the test for goodness. The truly good are those who in the time of stress do not desert their integrity, their maturity, their sensitivity. Nobility might be defined as the capacity not to regress in response to degradation, not to become blunted in the face of pain, to tolerate the agonizing and retain intact. As I have said elsewhere, “one measure—and perhaps the best measure—of a person’s greatness is the capacity for suffering.”

Therefore, Peck (1983) asks: “If we grow out of evil and narcissism, and since we normally regress in the face of stress, can we not say that human beings are more likely to be evil in times of stress than in times of comforts?” To say nothing of growing economic gaps between the poor and the rich in any and every industrialized country, we are under the stress of feeling that things are unfair and even cruel. The solution is not to complain or count on irresponsible leaders with extreme promises, but to engage in public policy-making so that we may make a society which may meet our expectations. That is one of the reasons why we need republicacy to be promoted in times of stress. Peck (1983, p. 223) argues: “most people would be followers. More than anything else, it is probably a matter of laziness. It is simply easy to follow, and much easier to be a follower than a leader. There is no need to apologize over complex decisions, plan ahead, exercise initiative, risk unpopularity, or exert much courage”. Here we do not ask everyone to be a leader, but we do ask people to try to judge if someone is a right or wrong leader before following them. We believe republicacy to be the essential practice of the follower and the leader in symbiosis. Republicacy requires the leader and follower to exist not as separate entities but entities in conversation, questioning the entire decision making process.

The final psychological justification for republicacy is that in a highly sophisticated society, we tend to form specialized groups where evil may easily be rather fragmented into different sections. Peck (1983, p. 226) argues, hence, “specialized individuals are in a position to pass the moral buck to some other specialized cog in the machine or onto the machine itself”. He goes on to argue: “The follower is not a whole person. He whose accepted role it is neither to think nor lead has defaulted his capacity to think and lead. And because thinking and leading are no longer his specialty or duty, he usually defaults his conscience in the bargain” (Peck, 1983, pp. 226-227). Such specialization is seldom either accidental or random, but it is usually highly selective. Any specialty group is a particular breed as a result of both self-selection and group selection. Hence, Peck (1983, p. 228) draws three general principles regarding specialized group:

First, the specialized group inevitably develops a group character that is self-reinforcing. Second, specialized groups are therefore particularly prone to narcissism—that is, to experiencing themselves as uniquely right and superior in relation to other homogeneous groups. Finally, the society at large—partly through the self-selection process described—employs specific types of people to perform its specialized roles—as, for instance, it employs aggressive, conventional men to perform its police functions.

In essence, the reason why we should explore the idea of Republicacy is that each field expert is often interested in analyzing causes of the problem solely from his/her own field, but what really matters is how to cope with such a problem from multiple perspectives. In the past, there have been a lot of studies about how people should be better informed or how messages should be better structured, but the very concept of Republicacy asked the question about how media, education, and ourselves should be better prepared in this contemporary age to cope with group evil. Republicacy brings all aspects of democratic, civil society together in conversation as a potential solution to the challenges that democratic orders face.

3. PRACTICAL NECESSITIES FOR REPUBLICACY IN CONTEMPORARY SOCIETY

There are three pressing needs to develop such a concept if we want to make ourselves get involved with the democratic process as a member of a publicly open society. Initially, our democratic society is threatened by what we call “chaotic leadership.” Lolly Daskas (2021) argues: “The most effective leaders work to create an environment that will stimulate, motivate and develop people—who in turn will bring their best to work. But many otherwise qualified bosses and leaders share a need to create chaotic cultures that keep everyone in a heightened state of anxiety.” As globalization develops, each state government’s capacity to control industrial, economic, environmental, defense and trade policies are increasingly declining. Under such circumstances, more and more people are dissatisfied with the status quo which is leaning toward a more perfect international order and collaboration. Although the increased international order and collaboration can benefit the establishment, the powerless often find it difficult to enjoy such benefits. How those angry and dissatisfied people are likely to support the domestically-driven politicians is illustrative in the Trump phenomena 2016-2020 (see Torres & Sable, 2018; Hart, 2020).

Specifically, chaotic leaders first intentionally create social chaos in order to place themselves as the possible leader who can address it. Chaotic leaders prefer confusion over order, division over unity, and hatred over mutual help. By creating a number of social destabilization and unpredictability, they try to appear the one by whom the people should depend. In the past, leaders were supposed to provide a course of action for a better future. The birth of the Trump administration in 2016 was a prime example of chaotic leadership (Johnson, 2018). Some general public follow chaotic leaders not because they believe in what chaotic leaders promise, but because they want to believe in what they fight for. Appeal to fear and hate, for example, worked to strengthen his own support bases for a short run, but only contributed to the keeping and expanding social and racial divisions for a long run.

The second and related practical need for republicacy is that how we can maximize the opportunity to achieve *the* good is increasingly uncertain at best and hopeless at worst. The power of labor unions is declining (Hogler, 2015), school tuition is skyrocketing (Goodnight, Hingstman, & Green, 2014), and salaries are not rising

(Miller, 2020). Although the Baby Boomers could enjoy a better standard of living than the Silent Majority, and the Generation X enjoy a better standard of living than the Baby Boomers, that is not the case of the Millennials. Their standard of living would be worse than the Generation X. Hence, the Millennial can no longer entirely depend on representative democracy, and they need a stronger public engagement in political decision-making in terms of education, social welfare, industrial development, and environmental policies. What is needed is how to reflect the young people's hopes to create a better society and future by maximizing their opportunities to achieve what they wish and want.

The final practical and pressing need for republicacy is that we are faced with the fragile nature of contemporary risk society. Namely, the more sophisticated our society becomes, the more vulnerable we become to complex risks, such as market crash, natural disaster, nuclear accidents, terrorism and pandemic. Specifically, Anthony Giddens (1990) outlines risk profiles of modernity:

1. *Globalization of risk* in the sense of *intensity*: for example, nuclear war can threaten the survival of humanity.
 2. *Globalization of risk* in the sense of the *expanding number of contingent events* which affect everyone or at least large numbers of people on the planet: for example, changes in the global division of labor.
 3. Risk stemming from the *created environment*, or *social nature*: the infusion of human knowledge into the material environment.
 4. The development of *institutionalized risk environments* affecting the life-chances of millions: for example, investment markets.
 5. *Awareness of risk as risk*: the "knowledge gaps" in risks cannot be converted into "certainties" by religious or magical knowledge.
 6. The *well-distributed awareness of risk*: many of the dangers we face collectively are known to wide publics.
 7. *Awareness of the limitations of expertise*: no expert system can be wholly expert in terms of the consequences of the adoption of expert principles.
- (pp. 124-125)

What is missing here in the list proposed by Giddens is an increasing tendency of people's motivation and ability for public engagement in political decision-making. As communication is generally defined as the process by which shared meaning is created, we cannot emphasize too much the role by which people play in changing and improving the political infrastructure of a contemporary society. That is, all of the above concerns can be constituted in varying ways thorough mutual engagement by the stakeholders.

True, we need to protect ourselves from increasingly growing social and political risks. However, we need to not only think about possible solutions but also understand the core and hurdles for such solutions. As the COVID-19 pandemic exposed, the people are sometimes happy to sacrifice their privacy at the cost of security. If convinced, they are even willing to provide personal information, to be traced their meeting travel records, etc., to secure themselves from imminent risks. However, under such circumstances, the so-called Big Data can be manipulated for the advantages of powerful people, industries, and institutions. Some even predict that Artificial Intelligence (AI) can and will deprive human beings of their job and the power to make decisions. What is needed is exactly the opposite. Namely, we need to foster our intellectual ability for assessment, innovation, and critical decision-making. Of course, the question is how. Given that, we need to develop and secure the concept of republicacy, or the state of being able to get involved with public affairs for general people. Republicacy is not a mere theory or concept to educate the general public to get involved with public issues and their decision-making process, but it is a philosophical commitment to the program to develop and secure a broad and well-balanced forum for public debate and discussion.

4. CONCLUSION

Republicacy calls for the "next step" in debate pedagogy. It is clearly not enough to act under the familiar banner of, "we teach critical thinking." Further action is required given the nature of the trans-science, complex risk, chaotic leadership global situation. Debate, under republicacy, becomes more of a creative art than an assessment and judgement tool. The aim of which is to help students think about the question, "what is civic virtue?"

We start with our pedagogical approach by agreeing with Robert Asen (2018, p. 299) when he argues that publics need to be “built” and require “tending”. We believe debate pedagogy can accomplish this in micro by shifting from the stance that one has to carefully analyze the proposition by researching traditional evidence but articulating that evidence in ways that consider the public “tended to” instead of just refuted or informed. By imagining participants in debate as the direct policy makers, a pedagogical lacune is missed here by excluding relationships with others. Thinking of approaching debate as the pedagogy of “building and tending” the public would change how debate is taught, performed, and evaluated.

Bringing the concept of publics into the pedagogy of debate is radically new. Instead of the imagined public in the form of the judge who represents the “reasonable voter” in forms of debate such as British Parliamentary, or the specialized critic of argument as imagined in policy debate, this shift in the rubric requires students to have a look at what’s around them in their rhetorical and political environment and consider how networks of people might hear and understand their position. The previous models of judging are biased completely toward critical thinking – the most carefully supported an analyzed argument should win the day. Republicacy’s pedagogical model requires the addition of creativity – is that analysis offered in a way that will tend to or help build the publics that exist around us?

Most students imagine themselves in the role of the policy-maker when debating. They imagine themselves as directly addressing the problems facing societies and the world as an empowered decision-maker. This reinforces a pedagogy where the winning argument is the one that addresses the best solution to the problem given what the evaluators think are the best conceptions of argument and evidence. The Republicacy debate standard would have us move away from the totalizing view of only critical thinking – right argument, correct evidence – and imagine the impact of these statements on publics, and whether the publics would consider those arguments and take them up in order to help them reach decision makers.

Asen’s view of imagination is vital here: “Collective imagining takes shape through discursive engagement among interlocutors in contexts of varying structure, scope, and formality. Discourse functions in this process not as a vehicle for transmitting information and beliefs but as a constitutive force” (2002, p. 349). The power of imagination in public discourse cannot be ignored. We believe debate

pedagogy should strike a careful balance between two kinds of imagined discourses: One is the discourse of the “convincing argument,” which is the established mode of teaching debate. The other is our introduction of imagining the “publics” involved in such debates and how to address them to call attention to the imaginary connection we have to problems and solutions. It is not enough to recognize the difficulty of a problem or the incapability of elected officials to address it. Debate is a key place where one can learn and practice constituting what counts as good argument and good evidence, but only if attentive to the rhetorical dimensions of such judgements.

Critics and teachers should aim the pedagogy of debate as convincing the public not solving the problem. Instead of addressing like-minded technocrats or bureaucrats, debate should have an element of how and what is used to address the public and their conceptions of the social good. A winning position is one that provides publics what they need and require while also maintaining awareness that an evidence standard is a result of discourse, not prior to it, and such an imagined standard can be exclusive and harmful of the vary relationships we need to face the challenges of our societies.

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Justice for Ageing: Rhetoric as a Tool for Legal Guidelines

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ABSTRACT: This article deals with the issue of social justice, starting from a case study of the Italian Constitutional Court, which denounces the regulatory gap and the need for concerted public action to promote intergenerational integration and active ageing in an era characterised by a rapidly ageing population. The article proposes a study of the issue through a rhetorical argumentative approach and finally proposes some strategies to challenge the stereotype of ageing and promote intergenerational integration.

KEYWORDS: ageing justice, legal argumentation, legal ethics, legal language, rhetoric, stereotypes

1. INTRODUCTION

The research topic of this paper addresses the problem of social inclusion of the elderly as a legal challenge and the promotion of active ageing policies, the strengthening of legal institutions for the elderly and the development of new effective legal solutions of intergenerational justice.

The case study is based on the argumentation of the Italian Constitutional Court in its recent decision no. 202/2022. The ruling concerns a case of domestic accident: the Court, in declaring that the accident, which occurred outside the family home, was not compensable, states that it cannot intervene in the protection of 'domestic accidents' because it operates in the insurance system and not in the state welfare system. This prompted the Court to point out the urgent need for reform, in particular to protect all "caregivers" in order to strengthen the social network.

While confirming the correctness of previous court rulings, the judgment concludes with a clear warning to the legislator: reform is urgently needed.

The first section of this paper will focus on the analysis of the argumentation of the Italian Constitutional Court, which will allow us to understand the reason underlying the call for legislative intervention, that is, the principle of ageing justice as intergenerational justice. In the absence of legislation guaranteeing forms of active justice in the context of an ageing population, what is the justification for an equal right to justice in old age? Since the final recipient of legislative intervention is the citizen, we will focus the study on the legal communication aspects by proposing a rhetorical analysis of legal discourses on ageing justice as a type of intergenerational justice.

2. CASE STUDY

The constitutional issue arose from a complaint by a husband, the widower of a housewife registered with Inail, a public body that administers compulsory insurance against accidents at work and occupational diseases.

The housewife had been the victim of a serious domestic accident at her parents' home, where she was caring for her elderly parents. The widower asked the court to order Inail to pay him, as his heir, the accident pension and funeral allowance due after his wife's death. Inail had refused on the grounds that the accident had occurred in a different room from the insured housewife's home. The Court dismissed the appeal on the grounds that the accident had occurred in the house of the housewife's parents and not in the marital home, i.e. the place of habitual residence, which is a fundamental condition of Inail's insurance. The question of legitimacy was raised and various grounds were put forward for questioning the constitutionality of the protection rules: the inappropriate differentiation between situations which are essentially the same; the violation of the duties of solidarity on which the relationship between parents and children within the family is based; the violation of the protection reserved by the Constitution to work in all its forms and applications and the right of workers to enjoy social security and insurance instruments appropriate to their needs in life.

The Constitutional Court ruled that the question of legitimacy raised was inadmissible, stating that it was not possible to include in insurance cover events occurring outside the family home, in the homes of "close family members who do not live together, insofar as they require domestic help". This is not possible because the level at which the protection operates is that of an insurance instrument and not that of a public welfare policy aimed at protecting the well-being of the population.

The Court's reasoning, in the concluding state, expressly refers to the need for legislative intervention on grounds of social justice in order to promote "solidarity between generations" in response to "the challenges of an ageing society", highlighting in this context the role of women who, at some point in their lives, have to take care of grandchildren and/or elderly parents.

The arguments developed by the Court to support this legal principle are twofold, as reproduced and translated verbatim below¹:

Arg. A)

With the progressive ageing of the population within the European States and the increased need for long-term care, the model of the 'carer' has become established, supplemented by family members and friends who provide free and continuous care to an elderly person who is not self-sufficient and/or disabled.

Arg. B)

Reference is also made to the European Parliament Resolution of 13 September 2016, in relation to paragraphs 34 and 37, in which "Member States were called upon to recognise the value of the work of carers (not only cohabiting family members) "for society as a

¹ The full text of the decision is available at:
<https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2022&numero=202>

whole" and of "people who devote their time and skills to caring for elderly and dependent persons, without any limitation to caring only for cohabiting family members".

Both arguments recall the key aspects and issues of equity in ageing: the declining birth rate is reflected in the increasing ageing of the population. The fact that people are living longer is in itself a positive element, but it is clear that a rapidly ageing population requires concerted public action to promote intergenerational integration and active ageing in order to counteract potentially negative consequences for living standards, welfare, employment, the social security system and public finances.

Talking about the justice of ageing means addressing intergenerational equity issues such as: welfare sustainability, financial sustainability, the right to fair access to social and health services, the fair distribution of social and health resources, health risk management, the definition and updating of essential levels of care, labour market policies.

The Court points out that, in the current legal framework, Italian legislation does not provide a general definition of an elderly person/population or even of active ageing or mature workers, leaving it to the national or regional legislator to define the relevant age thresholds sector by sector, if necessary in compliance with EU regulations.

In Italy, therefore, there is a lack of legislation enshrining a right to active ageing, a right to equal opportunities for healthy ageing and defining specific obligations and guarantees for carers in a social network vision.

What is justice in old age? In the absence of an organic national law on non-self-sufficiency and active ageing, the legal answers to this question require a reflection on intergenerational justice and the way in which it is communicated.

3. NARRATIVES FOR INTERGENERATIONAL JUSTICE

Let us try to reflect on the narrative pattern of intergenerational justice and the present- future transition. Hypothetically, several elaborations of the transition from the present to the future are theoretically possible:

- a) Future as an imaginary narration, produced by the present subject, of a time remote and other than the living one;
- b) Future as an imaginary narration, produced by the present subject, of a not distant time that reaps the fruits of decisions elaborated in the present;
- c) Future as a narration of the present, produced by the present subject, which grasps "the otherness that bursts and rushes already into the present, contaminating it in its most intimate texture".

Of these possible narratives, according to the interpretation of the Italian legal philosopher Menga, to which we refer when reconstructing, only the last narrative option would allow us to "create justice", as the only one capable of grasping a vision of community, which rediscovers itself in the present challenged by transgenerational needs. The other narrative forms (sub a and b), which are typically represented by contractualist and utilitarian theories, would have the defect of pushing the critical features of this relationship between temporalities, or rather, between men of different times, to excess. In fact, as Menga observes: (the situation in which a genuinely questioned subject encounters is that of finding himself invariably invested by a request that comes to him from another time with respect to his present (diachrony), from another place with respect to his place

(atopy) and from an inevitable solicitation, prior to any possibility of prediction, avoidance or even propitiation (asymmetry)" (Menga, 2021, p. 28). This reconstruction of the narrative reveals that intergenerational justice has a paradoxical form: it concerns cases that come from a time other than the present (diachronic), from a place other than the present proper (atopic), and from subjects that do not exist (asymmetrical).

In particular, narrative sub a) exasperates the asymmetry of the relationship by opposing two forms of temporality, the present and the future, as uncommunicating entities, to the point that the only possible elaboration on the future is an imaginary representation of it. This line of argument is typical of contractualism (Rawls, 1971) which, marked by the primacy of the present, excludes future generations in the regulatory contract for the future because they do not exist and, as such, are unable to participate in the negotiation of rights and responsibilities. In this view, care for future generations, since it cannot be derived from a contract, would only be possible as a moral intuition.

Narrative sub b) attenuates the configuration of temporal otherness by reconstructing the future as a form of projection of the present or as a present that stretches into the future: this perspective, from an argumentative point of view, is also vitiated by the primacy of the present. Given, in fact, that the future is not determined, what it is or what may be useful/harmful for the future could only be determined in the present and from the present. Moreover, this type of narrative accommodates a concept of posterity limited to the next generation, restricting its extension to a narrower composition, to that which can be known from and in the present.

Narrative sub c) generates a reconfiguration of the intergenerational relation as interpersonal: the subject, who lives here and now, and who is engaged in facing the challenges of ageing population, is not called upon to transcend his era and orient himself in the future, but to concretely live his present by grasping the call that comes from the future.

In order to root an authentically intergenerational relationship and overcome divisive logics, the narration towards a social network and intergenerational justice in an ageing society should not, therefore, be centred on the us/them dialectic, since this would inevitably lead to emphasising the hiatus between temporalities and amplify the difference between generations, attributing to the present generation the task of making hyperbolic leaps towards the generations of the future. In a way, the result may seem a truism: whatever we say about future generations is for us.

4. RHETORICAL ANALYSIS OF FORMS OF INTERGENERATIONAL JUSTICE

The reasoning on intergenerational ethics, which we have reconstructed by mainly referring to the work of Menga, has led us to elaborate the legal relationship between present-future generations in its simplest form: a relationship between us, which obliges us today, here and now, to address issues that concern us, for the future.

This issue of inter-generational justice, is, in our opinion, clearer when reviewed in the light of the rhetorical triangle.

The reference is to the scheme taken from the well-known passage in the third chapter of the first book of Aristotle's *Rhetoric* (*Rhet.* 1358a 37-b1): the speaker, the thing spoken of and the one spoken to, are all elements of the discourse, insofar as each of them

contributes to the constitution of the discourse. The metaphor of the triangle expresses the necessity of this relationship which, without the competition of all three elements, would have no real existence. From the rhetorical point of view, in the reinterpretation proposed by Lo Piparo (2014) and Piazza (2017), which is here taken as the foundation of the rhetorical perspective as philosophy, the process of discourse is not linear and does not consider the speaker as a point of departure, and the listener as a point of arrival. The listener is not a passive recipient but, on the contrary, the real protagonist actor: rhetoric makes clear that speaking is always (and not only, therefore, in courtrooms or assemblies) speaking to someone, even when this someone coincides with the speaker (Piazza, 2017, p. 7).

Thinking rhetorically leads to emphasising the audience as that which is at the beginning of every process of signification.

Therefore, rhetorically resuming the reasoning developed in the previous paragraph, the constituent elements of the intergenerational narrative can be reconstructed as follows:

- Speaker: it is us, in our present, here and now;
- Listener-interlocutor: it is always us, here and now; whatever we say about future generations, it is we who say it, and we do not say it to others and to ourselves, here and now. We will also say it to others - to the generations following ours, for example, who will have to face the same problem - if, and to the extent that, we have said it to ourselves in our present (Greco, 2018, p. 261).
- Object: a future "which is not added to the present, as something that follows the now, but which is implemented together with the now and in the now"; an anterior future, as Menga defines it, since it reaches us in the present as a "form of injunction" (Menga, 2016, p. 107).

Rhetorical analysis allows us to emphasise that the question of intergenerational justice is topical and concerns ourselves, today, as men of the present. Therefore, in order for the legal narrative not to degenerate into hyperbolic/irrealistic or even divisive discourses between generations, it should focus on the 'we'-recipients, recovering the relationship 'between us'.

5. RHETORICAL STRATEGIES FOR LEGAL AND REGULATORY GUIDELINES

The rhetorical scheme of intergenerational justice allows us to find possible solutions to the research question: why recognize the right to active ageing if it is not imposed by law? How can an equal right to healthy ageing be justified?

A rhetorical response to the question can be developed on the three levels of the rhetoric of the *pistis*: *logos*, *ethos*, *pathos* (Piazza, 2017). At the level of ethical proof, when we make an appeal to active ageing, we are making an appeal to responsibility for the future, and thus we are addressing ourselves first and foremost, it is an appeal addressed to us. This is to say, the rhetorical analysis of the appeal to the justice of active ageing makes explicit an implicit implication for us: we must reject the argument for the present.

At the level of pathetic proof, assuming the addressee of the discourse as we-community of today, the strictly generative argument could be discriminatory: the effective

argument cannot focus on generation alone, but on the more general fact that we are in relation to the other.

On the level of logic, the argument should not focus on rights or duties as alternatives. The risk of focusing, for example, on the right of the elderly to grow old well leads to an exaggeration of the duty of the young as an alternative to the right. Focusing the narrative on one generation's right creates the divisive risk inherent in dialectics: if right and duty are understood in an alternative sense, the result of legal communication will be to consolidate two communities, us/them. What is needed is a rhetoric of 'between us' that emphasises the inextricable link between rights and duties. Instead, we need to see our present duties as something we owe to others, and which we must therefore fulfil, not just because our present political-legal order imposes them on us, but because there is a relationship that obliges us and that arises from the call that comes from the future (Greco, 2021). A narrative based on the right-duty paradigm is fundamental to avoid in-group and out-group communication logics (Bianchi, 2014, Capone, 2013, Conely, 2010): the rhetoric of law would start from the common "we".

The use of the rhetoric of 'we' in legal terms brings about a transformation: a transition from the logic of 'I have no right' because 'they have the right' to the logic of 'our right to have rights' as accompanied by 'our duty to have duties'. This different way of thinking, and the use of the first person plural instead of the first person singular (Moss, 2001), makes it clear that duties do not exist simply because our current political legal system imposes them on us, but because there is first of all an interpersonal relationship that obliges us.

6. LAW FOR RHETORIC AND RHETORIC FOR LAW

The way forward that emerges from the rhetorical study of the intergenerational issue is to impose certain duties on the members of the present generations, as our duties that go hand in hand with our rights, in order to preserve certain goods and values that will only be passed on to future generations if they are discussed in the present.

In this rhetorical perspective, words are not just means of communication, but complex linguistic practices that have a concrete impact on the world around us and on relationships between people (Dascal & Gross, 1999). When we speak, we actually create or shape reality through words (Austin, 1962).

Words can produce forms of discursive injustice, participating in a complex communicative phenomenon whereby individuals or groups of individuals are placed on an unjust social scale and their behaviour is stigmatised or even dehumanised. In her recent study on the dark side of words, the Italian linguist Bianchi identifies two typical forms of discursive injustice, which are such because they affect the ability of subjects to act on the world with words: illocutionary distortion and silencing (Bianchi, 2021). The former refers to cases in which members of one group are attributed things other than what they intended, or in which the credibility of the other group is enhanced; silencing, on the other hand, occurs strategically when the words of the other group are not distorted or weakened, but rather annulled. These discursive strategies have the effect of drawing or reinforcing the boundary between in-group and out-group, between those inside and those outside the

group, of constructing an 'us' and a 'them', and of marking the gap between 'us' and 'the other us'.

The Aristotelian strand of rhetoric is, as mentioned above, profoundly pragmatic (Piazza, 2013), shifting the focus to the essentiality of discourse itself, to the relationship between self and other.

From this perspective, the argumentative line of Aristotelian rhetoric, as implemented by Perelman in the *Treatise on Argumentation* (1958), already assumes that argumentation, as opposed to demonstration, is personal and that it always moves a prior agreement between listener and audience, without which no confrontation would be possible, but there would only be room for conflict or silence. For neo-rhetoric, in fact, a sharing of opinions and values between the speaker and the interlocutor is necessary to guide the possibility of arguing and listening: this part of the Belgian logician's argumentative work focuses on the I-you relationship.

The rhetorical model and its practice (Tindale, 2004) should therefore be a valuable tool for this challenge posed by the transitions we are currently experiencing, including the demands of justice for an ageing population: in order to build an authentic intergenerational narrative, in the idea that narratives can be a means of crisis control, rhetoric serves to renew the focus on language to describe the bonds between groups.

6. CONCLUSION

Society, including the legal profession, is confronted with new demands arising from the changing transitions that are taking place. For the citizen, and even more so for the lawyer who regulates, there is an urgent need to exercise a rhetorical reasoning aimed at understanding the ethical time of transition, that is to say, in concrete terms, to define the limits of the relationship between the present and the future, to humanize it.

This demand of humanization, which concerns society and law as a human science, can be explained in various ways which, without claiming to be exhaustive, but in order to summarize the arguments put forward, we list them below.

i. Questioning the polarisation between the present and the future, enhancing the intersubjective dimension of temporality and the relations between present and future generations, starting from the observation, as obvious as it may seem, that any discourse on the transformations of society and the challenges they pose is rhetorically made for us, here and now.

ii. Overcoming divisive 'us/them' discursive logics that feed radicalizing oppositional arguments and affect reality by generating in-group/out-group dynamics: attention to language leads us to monitor argumentative strategies, especially with regard to phenomena of discursive injustice and forms of hatred triggered by distortions or silences (regarding legal linguistics, we refer to Gozdz Roszkowski, Pontrandolfo 2021, Visconti, 2009, Visconti 2018).

iii. Valuing the relational dimension of "we", with actions based on trust that allow the construction of alliances. "Trust as a plural noun" is the title of the recent publication by Sorgi and Bertè (2022), who, questioning trust in the future, observe that communications about the future envisaged in the age of transitions are often peppered with formulas such as "let's save the planet", in fact rejecting the future as an "extra we", a

"stranger, a stranger asking for favours" (p. 131). According to the political scientist and sociologist, the key to reconnecting with the future is to give substance to an otherwise intangible future, by focusing on rebuilding trust in the future (Uslaner, 2001), in one's own ability to face it, and with trustworthy people.

iv. In the field of law, too, there are many contributions from scholars and jurists who advocate the need to "réhumaniser le droit" (Coudrais, 2023), to restore trust in the foundations of law (Greco, 2021, 2023), to re-organize personal, political and legal relationships in terms of "care" (Menga, 2023). According to Puppo (2023), rhetoric is also inescapable for law because it is able to hold together its different dimensions: anthropological, social and normative. In the Aristotelian doctrine of man living and speaking in the polis, it is clear that the original existential condition is that of concrete speaking, which is always at the same time speaking to others and with others, and therefore at the same time listening. For Puppo, rhetoric is at the foundation of legal relations because it takes care of the relationship that instantiates their existence (2023, p. xvii). The fundamental requirement of law, already expressed in the Homeric poems or in the judgement of the Eumenides, is that we speak and listen to each other; this typically rhetorical activity is indispensable for the formation of law, be it judicial decision or political deliberation.

We believe that, as a result of these reflections, the theme of the jurist's rhetorical commitment has been more precisely defined: as well as argumentative logic (Feteris, 1999), we have shown how, in the relationship with otherness (in the various forms of a person, a culture, the future), rhetoric actually comes to act on mistrust and to introduce the care of words for the other as a protective device against uncertainties.

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How Do Bulgarians Understand the Experience of Interpersonal Arguing?

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ABSTRACT: The paper reports the results from a study of how Bulgarians understand the experience of interpersonal arguing. The study was conducted among 287 Bulgarians (39% male, 61% female), having an average age of 37 years. We assessed their motivations, understandings and emotional reactions related to interpersonal arguing, as well as their tolerance of status inequalities in society, and their willingness to argue at work. Poland and Ukraine were natural comparisons because of their shared political histories in the last several generations. We also did a comparison with the U.S., as a general standard of comparison because our theories and measures originated in the U.S. We found that: 1) there were very few sex differences between the male and female Bulgarian respondents; and 2) on the whole, Bulgarians were less concerned with any relational consequences from interpersonal arguing. These results were interpreted in relation to certain specifics of Bulgarian culture such as the high gender inequality index and the low level of interpersonal trust.

KEYWORDS: argument frames, Bulgaria, emotional reactions, interpersonal arguing, interpersonal trust, motivations

1. INTRODUCTION

In the present text, we report results from the first systematic investigation of predispositions and understandings of interpersonal arguing conducted in Bulgaria. The study is part of a larger project aimed at describing how people from different cultures and nations understand and react to interpersonal arguing (see Hample, 2018, for a summary of early work). The process of offering, testing, and perhaps agreeing on reasons is a fundamental social experience. People argue in order to decide what to cook, what route to drive, and whether to buy a house. This can go well or badly, the latter leading to the possibility that people might experience a punishing interaction. An extensive history of punishment can become a self-fulfilling prophecy, resulting in defensive or welcoming starts to future disagreements. This should affect people's motivations, comprehensions, and feelings about arguing.

More particularly, we were interested in investigating the following research questions.

RQ1: What are the motivations, understandings and emotional reactions of Bulgarians as regards interpersonal arguing?

RQ2: Are these motivations, understandings and emotional reactions associated with respondents' sex or age?¹

RQ3: How are the measures of motivations, understandings, and emotional reactions associated with power distance?

The text is divided into five sections. In the second section, we present some relevant specifics of Bulgarian culture; the third section is concerned with methodology – we describe the instrumentation we used, as well as the way this instrumentation was employed in order to gather empirical data from Bulgaria; in the fourth section, we report the results from our study; and in the fifth section, we provide discussion of these results.

2. SOCIO-CULTURAL BACKGROUND

2.1 *General introduction*

Bulgaria is a country in Southeast Europe with a population of around 7 million people. Its modern history began in 1878 when it gained independence from the Ottoman empire. From 1878 to 1944 the country was a monarchy, but it had a constitution that was quite liberal for its time. There were many different political parties in parliament and they engaged in public debates on a variety of topics. After 1944, the country became a part of the Soviet-led Eastern bloc, which curtailed the expression of many political views, especially any critical of the Bulgarian Communist Party. These restrictions were largely removed after the revolutions of 1989, when the country transitioned to liberal democracy and market-based economy. Currently, Bulgaria is a member of both NATO and the EU. Public debates are broadcasted daily on national television and freely discussed in other media. As in other modern cultures, face-to-face arguing is a normal fact of life.

2.2 *Lack of interpersonal trust*

An important characteristic of interpersonal communication in Bulgaria is the low level of interpersonal trust (also called “social trust”), reflected in psychological research, folk tales and sayings.² This evidence can be divided into direct and indirect. The country's level of interpersonal trust has been measured directly as a part of the European Social Survey (ESS). The following item has served as a measurement tool: “Generally speaking, would you say that most people can be trusted, or that you can't be too careful in dealing with people?” Different waves of the ESS have consistently shown Bulgaria to be the country

¹ Sex differences are among the most inconsistent results we have uncovered world-wide (see Hample, 2018, for a summary of about a dozen countries).

² Simple stories and proverbs are resources for socializing children into their cultures (Goodwin & Wenzel, 1979).

with lowest level of interpersonal trust in Europe (See Clench-Aas & Holte 2021; Tilkidjiev 2011). Furthermore, a lack of interpersonal trust is expressed directly by some Bulgarian sayings, including for example: “I don’t trust my father, let alone you” (“Аз баща си не вярвам, че тебе ли?”); “God, protect me from my friends, I will protect myself from my enemies” (“Да ме опази Господ от приятелите ми, а от враговете си сам ще се пазя”); “An eye must see, a hand must touch” (“Око да види, ръка да пипне”; meaning: “I don’t believe until I see and touch”). Indirect evidence includes findings that the use of deception is widespread in Bulgarian culture. The more people deceive, the less they do and should trust each other.

Other indirect evidence may be found in a study conducted by Jonason et al. (2020) comparing the Dark Triad traits (narcissism, psychopathy and Machiavellianism) in 49 countries, including Bulgaria. Bulgarian levels of Narcissism and Psychopathy were below average for the set, but Machiavellianism was the second highest. Machiavellianism is a personality trait marked by a calculating attitude toward human relationships and a belief that ends justify means, however ruthless. Thus, a Machiavellian is one who views other people more or less as objects to be manipulated in pursuit of his or her goals and this manipulation can include deception. The original scale for measuring Machiavellianism (the Mach IV scale; Christie and Geis 1970) includes of 20 items, including a measure of interpersonal deceit. Furthermore, research on the Bulgarian political scene (see Nedelcheva 2018), as well as the low Corruption Perception Index (CPI) of the country³ can be interpreted as suggesting that Machiavellianism is widespread among Bulgarian politicians in particular. Machiavellianism and lack of interpersonal trust are associated (see Blötner and Bergold 2021).

Other indirect evidence concerns trickery, which is featured in many Bulgarian folk tales. Two of the most well-known folk characters are associated with trickery – the fox and Tricky Peter. The fox is portrayed as a tricky and cunning animal modeling such a person, whereas Tricky Peter often engages in intellectual duels known as “надхитряване” ([nadhitrjavane]) or “надлъгване” ([nadlagvane]). Both words can be translated as “outwitting”, the later being etymologically related to the verb “лъжа”, which means “to lie” (i.e., “to tell a lie”). Finally, many sayings describe dishonest people. They can be divided into two groups – sayings that describe people who are lying and those that describe people who have put on some kind of a mask. The former include for example: “Lying to you in your eyes” (“Лъже те в очите”); “Lying like an old gypsy” (“Лъже като дърт циганин”); “We are lying that we are working, they are lying that they’re paying us” (“Ние ги лъжем, че работим, те ни лъжат, че ни плащат”; a saying that appeared during the time of socialism.). The latter include “Having neither heard nor seen” (“Ни чул, ни видял”); “Having neither eaten nor smelled onion” (“Ни лук ял, ни лук мирисал”); “The thief says: catch the thief!” (“Крадецът вика: дръжте крадеца!”).

³ The CPI of the country is only 43, which is close to the average for the set of 180 countries that the CPI ranks, but seems low considering the fact that special measures have been implemented in an attempt to reduce the corruption in the country as a part of its integration into the EU. Since its EU accession in 2007, Bulgaria has remained the EU member state with lowest CPI.

2.3 Sex differences

Sex differences are interesting in the global project, in part because they are inconsistent from one nation to another. Jonason et al. (2020) found a negative correlation between the level of Machiavellianism in a country and its level of gender inequality. Bulgaria, however, seems to be an outlier in this respect. Despite the high level of Machiavellianism, Bulgaria's Gender Equality Index is 0.206, among the highest levels of gender inequality in Europe. The ESS data also indicate that the Bulgarian people ascribe rather low importance to the value of equality – both relative to the importance they ascribe to other values and relative to the importance other European peoples assign.⁴ These findings are also reflected in the 2018 public debate about the ratification of the Council of Europe Convention' on preventing and combating violence against women and domestic violence (better known as “the Istanbul convention”). The debate displayed friction between the values of equality and respect for tradition (Valchev 2022). One possible reason why the convention was not ratified in Bulgaria is because Bulgarians valued respect for tradition more than equality (Valchev 2022, 198).

3. METHOD

3.1 Instrumentation

The global project uses an inventory of self-report instruments that allow people to tell us directly what they think about face-to-face arguing.⁵ The instruments are in three broad categories – motivations, argument frames, and personalization of conflict. We also use a measure of power-distance (Hofstede, Hofstede, & Minkov, 2010), which is not argument-specific. This measures the degree to which people expect and respect status differentials in society. Those who do have high levels of such expectation have high scores on power distance. They are less likely to have egalitarian views about elders, supervisors, pastors, political leaders, and so forth. This cultural view has obvious implications for who is entitled to disagree with whom, and whether reason exchanges are supposed to be more important than status differentials when arguments occur. Power distance has been strongly associated with many of our argument-specific measures (e.g., Debowska-Kozłowska & Hample, 2022; Hample, Leal, & Suro, 2021; Khomenko, Hample, & Santibáñez, 2022; Mambert & Hample, 2022).

The category “motivations” contains two traditional and two newly developed instruments. The two traditional instruments measure argumentativeness (people's eagerness to argue on the merits of an issue, examining reasons, evidence, and the quality of conclusions; see Infante & Rancer, 1982) and verbal aggressiveness (the inclination to engage in ad hominem attacks: rather than contesting the other person's case, the individual

⁴ ESS measures the importance ascribed to the value of equality by asking respondents about the extent to which they are like the person from the following description: “He thinks it is important that every person in the world should be treated equally. He believes everyone should have equal opportunities in life.”

⁵ All of the measurements in use have substantial international literatures, providing leads for further investigation of interesting results (Hample, 2005, 2018; Hample & Cionea, 2010; Hofstede, Hofstede, & Minkov, 2010; Rancer & Avtgis, 2014).

instead attacks the other's character, history, family, and so forth; Infante & Wigley, 1986), whereas the two newly developed instruments measure one's willingness to argue with one's supervisor and one's willingness to argue with a co-worker (Khomenko, Hample, & Santibáñez, 2022; Mamberti & Hample, 2022). Furthermore, the items from each of the two traditional instruments are divided into two subclasses. Argumentativeness includes argumentativeness-approach and argumentativeness-avoid, whereas verbal aggressiveness is measures prosocial and antisocial impulses.

The category "argument frames" contains eight instruments that can be divided into three groups (see Hample 2005, 2018). The instruments from the first group are self-oriented.⁶ They measure utility (getting or preserving some valued thing), dominance (arguing to display that one is more important than the other person), identity display (giving reasons that the arguer deserves to be regarded in some desirable way, e.g., as a generous sister), and play (arguing for the entertainment of it) respectively. The instruments from the second group are other-oriented. They measure blurting (people who self-report that they blurt a lot are not genuinely connecting to or respecting the other person), cooperation (whether one argues competitively or cooperatively) and civility (whether the respondent believes that arguments are pleasant, mutually helpful interactions or the reverse) respectively. The third group contains only one instrument, professional contrast (here, people indicate whether they agree with argument scholars about the nature of argument, or take common but less sophisticated views; for instance, they say whether arguing causes violence or is an alternative to it, whether arguing is relationship-damaging or can be relationally constructive, and so forth).

The category "personalization of conflict" contains six instruments. Four items are self-reports of emotions one has experienced in situation of interpersonal conflict. They measure direct personalization (clearly reporting that they take conflicts personally), persecution feelings (saying that they believe that other people start conflicts just to pick on the respondent), stress reactions (reporting both physical and psychological symptoms of stress), and positive conflict valence (saying whether they enjoy or dislike being in an argument) respectively. The other two scales are cognitive in nature, although emotional connections are obvious. They measure positive and negative relational projections respectively (people can say that conflicts are destructive to relationships, helpful, both or neither).

All instruments described above contain multiple item self-report scales. Many are in the Appendix of Hample (2018). The others are in Infante and Rancer (1982; argumentativeness), Infante and Wigley (1986; verbal aggression), Yoo et al. (2011; power distance), and Hample (2022; arguing with boss and coworker). Internal consistency is in Table 1. Only stress reactions (Cronbach's alpha = .69) fell below the standard minimum of .70.

⁶ These scales ask people to self-report impulses that lead themselves and others to argue (previous work indicates that respondents do not clearly distinguish between why they argue and why others do, at least on these instruments; e.g., Hample, Han, & Payne, 2010).

Table 1: Means, Standard Deviations, Reliabilities, Male and Female Means for Bulgaria

	N	Alpha	Mean	SD	Male	Female	t	d
Power Dist	261	.79	3.24	1.87	3.49	3.08	1.68	
Argue Boss	259	.90	6.61	2.12	6.77	6.51	0.95	
Argue Cowrk	258	.87	6.91	1.90	7.15	6.76	1.64	
Arg Avoid	255	.84	5.55	1.82	5.57	5.54	0.12	
Arg Approach	260	.82	6.02	1.60	6.11	5.95	0.76	
VA Antisocial	250	.83	4.57	1.71	4.70	4.51	0.89	
VA Prosocial	257	.80	6.32	1.55	6.23	6.34	-0.52	
Utility	258	.85	5.37	1.90	5.72	5.20	2.19*	.28
Identity	264	.75	5.85	1.54	5.96	5.78	0.91	
Dominance	261	.82	4.46	2.06	4.98	4.21	2.93**	.38
Play	267	.79	4.37	2.22	4.75	4.11	2.30**	.29
Blurting	258	.84	5.30	1.76	5.54	5.17	1.68	
Cooperation	258	.76	7.10	1.61	7.05	7.11	-0.30	
Civility	257	.71	6.05	1.33	5.84	6.19	-2.01*	-.26
Prof Contrast	263	.89	6.75	2.19	6.48	6.93	-1.58	
Direct Personl	250	.77	5.52	1.71	5.68	5.42	1.19	
Stress	250	.69	5.56	1.89	5.46	5.63	-0.71	
Persecution	254	.75	4.92	1.79	5.17	4.77	1.79	
Pos Relatnl	252	.83	5.40	1.78	5.46	5.35	0.48	
Neg Relatnl	252	.73	6.64	1.65	6.65	6.64	0.02	
Pos Valence	253	.83	4.20	1.95	4.44	4.02	1.65	

Notes. Means are on a scale of 1 - 10. The final item from the Cooperation scale was dropped to improve reliability. Typical sex subsamples were 95 males and 150 females. Welch's t tests were used. Alpha refers to Cronbach's alpha, and d is Cohen's d.

* $p < .05$ ** $p < .01$

3.2 The Bulgarian Study

All instruments were translated and back-translated into Bulgarian (translations are available from the authors). Since most of the ideas and measures were developed in the U.S., we aimed to evaluate whether the U.S. ideas and vocabulary have clear parallels in Bulgaria. The noun "argumentation" exists in the Bulgarian language as a loan word (from Latin) and practically has the same meaning as in English, the verb for arguing belongs to the same morphological family ("аргументирам (се)" [argumentiram (se)]) and has a meaning more precise than the English verb "to argue". It means to put forward reasons in support of a thesis and is not directly related to interpersonal conflicts. The noun "argument" is also not directly related to interpersonal conflicts. It only refers to a set of premises and a conclusion that these premises entail. The English words "to argue" and "argument" were eventually translated as "споря" [sporja] and "спор" [spor] respectively. The survey was conducted online. It was completed by 287 Bulgarians, a convenience sample recruited in several ways by the first author. A commercial agency was used for 100 respondents, half male and half female. Other respondents were recruited

in a Bulgarian high school, and some of their parents also completed the survey. Finally, the first author's personal contacts were used to supply the remaining responses. Overall, 38% of respondents were male, and 61% were female. Their average age was 36.7 years ($SD = 15.5$). Since we report some age analyses, we have included a histogram of the age distribution in Figure 1. That figure shows a concentration of college-aged respondents, and then another between the ages of 40 and 60.

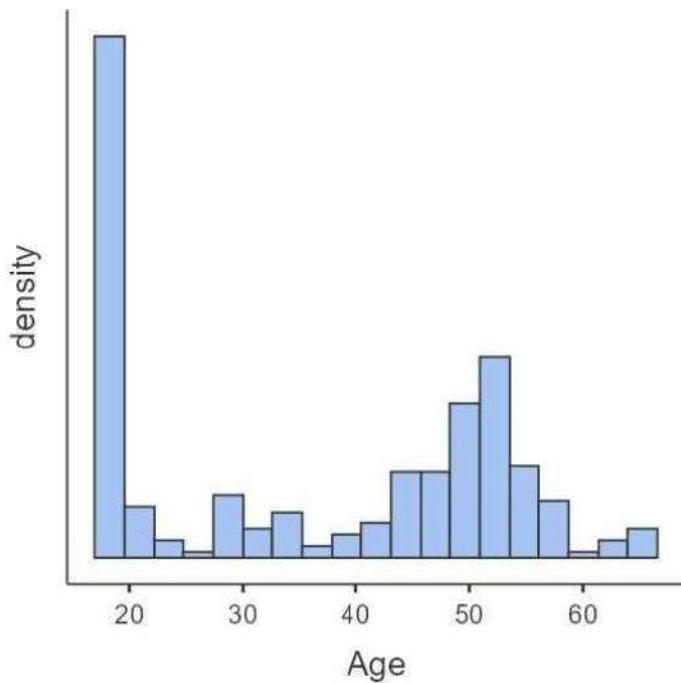


Figure 1: Distribution of Ages in Bulgarian Sample

4. RESULTS

4.1 Bulgarian mean scores

In order to answer our first research question, we looked into the Bulgarian mean scores. For comparison we have also reported scores from other nations, and these are reported in Table 2. In the case of the Ukrainian data, we prefer to report our first study (Khomenko & Hample, 2019) rather than the later Ukraine study, which collected data from a nation more immediately facing war. Polish data are from Debowska-Kozłowska and Hample (2022) and the U.S. data are from Hample and Irions (2015).

Table 2: Comparison of Bulgarian, Polish, Ukrainian, and US Mean Scores

	Bulgaria	Poland	Ukraine	US	F	post hoc
Power Dist	3.24	1.95	–	–	84.80***	B>P
Arg Avoid	5.55	5.96	5.35	5.77	8.31***	U<P,S
Arg Approach	6.02	6.04	6.09	5.76	4.28**	U>S
VA Antisocial	4.57	3.74	4.37	4.58	17.34***	B>P; P<U,S
VA Prosocial	6.32	6.71	6.74	6.36	7.72***	B<P; S<P,U
Utility	5.37	5.14	5.17	5.32	1.48	
Identity	5.85	7.62	6.26	6.57	72.61***	B<P,U,S; P>U,S
Dominance	4.46	4.48	4.68	4.44	1.20	
Play	4.37	4.03	4.73	4.44	5.06**	P<U
Blurting	5.30	5.16	5.17	5.11	0.75	
Cooperation	7.10	7.38	7.28	6.83	9.64***	S<P,U
Civility	6.05	6.61	3.83	6.26	197.14***	B<P;B>U; U<PS
Prof Contrast	6.75	6.48	5.56	6.29	17.24***	B>U; U<P,S
Direct Personl	5.52	6.67	5.86	5.82	16.47***	B<P; P>S,U
Stress	5.56	6.43	5.26	5.70	16.33***	B<P; P>S,U
Persecution	4.92	5.32	4.76	4.59	9.36***	P>S,U
Pos Relatnl	5.40	5.92	5.13	6.02	23.80***	B<P,S; U<P,S
Neg Relatnl	6.64	7.03	6.75	6.06	26.69***	B<P,S; P>S; U>S
Pos Valence	4.20	3.43	3.91	4.12	8.35***	B>P; S>P

Notes. Means are on a scale of 1 - 10. Typical *df* for the Welch's *F* test were (3, 620). For Games-Howell post hoc tests, the U.S. data are identified by S, with first letters for the other nations; only significant post tests are noted. Bulgarian (B) differences are reported first.

* $p < .05$ ** $p < .01$ *** $p < .001$

As the post hoc tests in Table 2 indicate, Bulgaria often produced significantly different scores than the other nations, especially Poland. Bulgarian respondents were more comfortable with status inequalities than Polish respondents, they were more antisocial, less interested in identity displays or civility, less worried about negative emotional reactions to conflict, and less concerned about relational consequences of either sort following on disagreements. Naturally, these remarks bear as much on Polish results as on Bulgarian ones, but we see evidence that residents of those nations do not experience interpersonal argument in quite the same ways. In contrast, Bulgaria and Ukraine generated similar responses.

U.S. data are sometimes used as a baseline in this program of studies. Bulgaria and the U.S. contrasted in only a few instances. Bulgarians were less concerned about identity demonstration than U.S. respondents, were less optimistic that disagreements could improve personal relationships, were also less likely to worry about negative relational effects, and generally enjoyed interpersonal disagreement more. The main theme of these differences seems to be that Bulgarians see arguing as a less consequential sort of interaction than U.S. respondents.

Bulgarians have less orientation (awareness? interest?) toward the possibility of using one’s arguments to forward or defend desired elements on one’s own public identity. But they have fairly similar scores on other measures that reflect social awareness (e.g., prosociality, cooperation, civility, and professional contrast), so this identity result may be specific to how Bulgarians present self in interaction (Goffman, 1959).

4.2 Sex and age

Our second research question concerned sex and age. The results for self-reported sex are in Table 1. A first approach to this question is simply the percentage of sex differences. Omitting power distance, which is not specifically an argumentation variable, Bulgarians showed significant differences in 20% of the comparisons (4 of 20). Internationally, this figure is fairly low in our investigations, which have returned results from 0% to about 80%.

The significant sex differences were these. Bulgarian males had higher scores for utility, dominance, and play, and a lower score for civility, compared to women. Where we have found sex differences in other nations, the pattern has generally been that men were more aggressive and women more worried and socially careful. The Bulgarian differences fit this description where there were contrasts. However, the more salient result is that Bulgarian men and women seemed to have essentially the same orientations and understandings of interpersonal arguing in most respects.

We evaluate age differences as correlations with the other variables. Those results are shown in Tables 3, 4, and 5. These tables show correlations among each main group of measures – motivations, frames, and emotional reactions.

Table 3 shows how age correlates with the motivation instruments. With the exception of a positive relationship between age and the motivation to be prosocial in interaction, age had little to do with motivations. The one significant result, however, was consistent with our findings other nations that arguing aggressiveness seems to decline with age.

Table 3: Correlations among Age, Power Distance, and Motivation Measures

	Age	PowDis
Power Distance	-.08	
ArguBoss	.14	-.21***
ArguCoworker	.10	-.12
Argument Avoid	.13	.19**
Argument Approach	.00	.03
VA-Antisocial	-.07	.25***
VA-Prosocial	.24***	-.01

Note. Sample sizes were between 232 and 255.

* $p < .05$ ** $p < .01$ *** $p < .001$

In Table 4 we see the relationships between age and the frames variables. Older respondents were more focused on utility as a reason for arguing and were less likely to

see argumentation as entertainment. They were less likely to blurt, and had a more cooperative orientation to interpersonal disagreement.

Table 4: Correlations among Age, Power Distance, and Argument Frames

	Age	PowDis
Power Distance	-.08	
Utility	.14*	.24***
Identity	.06	.52***
Dominance	.00	.40***
Play	-.22***	.18**
Blurting	-.13*	.22***
Cooperation	.33***	-.09
Civility	.10	-.14*
Prof Contrast	.07	-.19**

Note. Sample sizes ranged from 247 to 260.

* $p < .05$ ** $p < .01$ *** $p < .001$

Finally, Table 5 shows whether or not age was associated with feelings and emotion-connected cognitions about disagreement. These were clearly connected. Older people took conflicts more personally, were more stressed by them, saw fewer chances of improving a relationship by means of conflict, worried more about harming relationships via disagreement, and were generally more negative about the opportunity to engage in arguing. These emotional registrations are, of course, quite consistent with older people being less eager to argue.

Table 5: Correlations among Age, Power Distance, and Personalization of Conflict

	Age	PowDis
Power Distance	-.08	
Direct Personal	.29***	.22***
Stress Reactions	.24***	.09
Persecution	.05	.36***
Pos Relatnl Effects	-.16*	.09
Neg Relatnl Effects	.30***	.01
Positive Valence	-.37***	.12

Note. Sample sizes ranged from 242 to 254.

* $p < .05$ ** $p < .01$ *** $p < .001$

We can summarize our findings about the connections between sex and age and Bulgarian orientations to arguing in a few words. Men were slightly more aggressive about arguing than women were, but not to a marked degree. While age was not clearly associated

with our motivation measures, in other respects we found a consistently negative attitude toward arguing throughout many measures that operationalized understandings and feelings about interpersonal arguing.

4.3 Correlations Among Power Distance, Motivations, Frames, and Personalization

Our final research question inquired about the associations between each general category of measures and power distance, the willingness to accept status inequalities in society. These results are also in Tables 3-5. These tables show substantial patterns of connection between power distance and orientations to interpersonal arguing.

Table 3 shows that power distance had significant correlations with arguing with one's supervisor, general argument avoidance, and making ad hominem arguments. Bulgarians who were most likely to endorse and respect status inequality were disinclined to argue with superiors at work. Perhaps because of the inevitable presence of higher status people in life, these same respondents reported that they had a noticeable tendency to avoid arguing at all. However, when they did engage, they report that they behaved in an aggressive person-centered way. This coarseness, which we have noticed before, may result from less practice in arguing or might just reflect an unobvious understanding of how social interactions should operate.

Table 4 shows that power distance consistently predicted people's understandings of interpersonal arguing. Those with higher power distance scores were more sensitive to arguing's relevance to self-oriented goals: utilitarian aims, identity displays, dominance moves, and arguing for fun. These same people were more willing to blurt, and were less civil and less sophisticated in their overall understanding of social disagreement. This is a pattern of aggression by people especially tolerant of social inequality.

Finally, Table 5 indicates that people who were more acquiescent to social disparity took conflict more personally and were more likely to feel persecuted when others disagreed with them. Altogether, these results (and the others just mentioned) suggest that high tolerance for power distance is associated with an aggressive unhappiness with interpersonal arguing. These people may be expecting disagreements to be settled by status assertion rather than by reasoning.

Thus, investigation of our final research question has again shown power distance to be a key consideration in understanding how different nations and cultures orient to interpersonal arguing.

5. DISCUSSION

Our investigation, which we believe to be the first of its kind to focus on Bulgaria, had several general results. We found that Bulgarians had general orientations to interpersonal arguing that were comparable to those we have found in Ukraine and the U.S., but differed noticeably from Polish respondents in many respects. Our results indicated that Bulgarian orientations were not very sex-typed, with only a few apparent differences between male and female respondents. Older Bulgarian respondents showed less aggressive impulses regarding conflict, and were more sensitive to its emotional possibilities. Power distance

was again predictive of many of our variables, showing a mix of aggression once the argument is joined, but a reluctance to argue freely in many contexts.

As we reviewed earlier in the paper, a low level of interpersonal trust is a typical characteristic of Bulgarian culture. This reserve might explain why Bulgarian respondents were less concerned than Polish and U.S. respondents with any positive or negative relational consequences from interpersonal disagreement, or with identity display. Presumably, if one does not trust others, one is less likely to rely on them and if one does not rely on others, one is not concerned with any positive or negative relational consequences or with identity display. As far as a low level of interpersonal trust can lead to increased aggression (see Tzafirir et al. 2018), the supposed lack of interpersonal trust in Bulgarian culture can also be interpreted as a possible explanation of the fact that Bulgarian respondents were more antisocial and less civil than Polish respondents.

We propose two possible explanations of our finding of few sex differences among our respondents.

On the one hand, we thought that it may be related to Bulgaria's economic underdevelopment, compared to its psychologically accessible partners in the EU. In earlier work, we have found some evidence for a pattern like that (Hample, 2018). In nations where women are aggressively trying to break "glass ceilings" and participate in the economy as freely as men, women and men take on similar values, and in such countries, we found little sex typing on our argumentation measures. When women have come closer to achieving equality, however, they sometimes relax into what are thought to be more feminine attitudes and interests (Charles, 2017; Charles & Bradley, 2009). This might explain the pattern we have found in Bulgaria, which was essentially that men and women regarded interpersonal arguing similarly. However, as we indicated in section two, Bulgaria has a high level of gender inequality, and values surveys suggest that Bulgarians are comfortable with this circumstance. These findings complicate the Charles-Bradley hypothesis considerably, insofar as Bulgaria is concerned. These issues need to be explored, both in Bulgaria and elsewhere, possibly in qualitative investigations headed by women.

An alternative explanation of the rarity of sex differences might be to a cohort effect, due to older respondents having had more direct experience with pre-1989 control of public discourse. Dividing our sample at the median age (40), we did two-factor ANOVAs, but still found few sex differences. The differences in Table 1 still appeared, as well as new significant results for sex on the variables verbal aggressiveness-prosocial (partial $\eta^2 = .04$ for sex, partial $\eta^2 = .02$ for the sex by median age interaction, with older women having higher scores than younger men), and for positive valence (partial $\eta^2 = .03$, with men having higher scores). These two additional findings do not suggest to us that an important cohort effect was occurring, and we still consider that sex differences were minor in our data set.

6. CONCLUSION

We reported the results from a study assessing Bulgarians' motivations, understandings and emotional reactions related to interpersonal arguing, as well as their tolerance of status inequalities in society, and their willingness to argue at work. On the whole, Bulgaria has

been an interesting site for exploration of interpersonal arguing. The assertiveness of its general interpersonal climate, particularly featuring its reluctance to extend automatic trust to others, seems to have had (or perhaps reflected) some interesting patterns in attitudes toward arguing. In other respects, however, the dynamics of our measures for interpersonal argumentation have appeared recognizably.

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Speaking to a Divided Audience

The ambiguous strategic design of figured discourse

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ABSTRACT: Classical rhetoricians theorized on ways to communicate a double message to a divided audience. This they called ‘figured discourse’. This paper examines the argumentative construction of such a double-layered discourse by connecting this classical concept to the recent pragma-dialectical notion of strategic design. Figured discourse is ambiguously designed and, therefore, enables two different argumentative interpretations, as is illustrated with an example of a figured discourse in a Dutch sermon delivered during the Second World War.

KEYWORDS: classical rhetoric, divided audience, figured discourse, oratio figurata, strategic considerations, strategic design, suggestive ambiguity.

1. INTRODUCTION

How can you persuade an audience of something that is not allowed to speak openly about because it is against the prevailing opinion of a ruler, a regime, or even that of a majority in front of you? This question – and its answers – loomed at the dawn of rhetoric in classical times. Prompted by the curtailment of free speech during aristocratic and imperial governments, classical rhetoricians sought ways to convey possibly controversial messages in a veiled and ambiguous manner (Breij, 2015a, p. 261). It resulted in a theory known as ‘figured discourse’ (*oratio figurata* in Latin and *logos eschēmatismenos* in Greek) on producing a speech with a double message. This old theory, although relatively unknown in modern times, resonates with several modern insights in pragmatics and argumentation theory and may even bring new insights, as this paper intends to show.

The question above and the occurrence of figured discourse is not tied to classical antiquity but is of all times and places. The challenge of speaking the impermissible was faced, for instance and as a case study in this paper, on the pulpit of Leiden’s Pieterskerk (St. Peter’s church) on October 3 in 1941. This date is a city holiday in memory of Leiden’s liberation from the Spaniards’ siege (1574) at the start of the Dutch Revolt. Whereas October 3 was – and still is – a feast day for Leiden’s citizens, the Nazi regime forbade all festivities during the Second World War; only the traditional memorial service in the Pieterskerk was allowed to go on. In the second year of the war, the memorial sermon was delivered by Hendrik Cornelis Touw, a reverend who was also active in the resistance of the protestant church. The commemoration of Leiden’s regained liberty could have been a good occasion to show his strong opinions about the current occupiers. However, in the audience that day were Nazi sympathizers,

among whom Leiden's newly-installed mayor De Ruijter van Steveninck, who was also one of the founders of the Dutch National Socialist Party (NSB). This mayor had let the reverend know beforehand that he did not want to hear any negative remarks about the Nazis or the NSB, or else, he would leave the church and – worse – the consequences for the reverend would be dire (Touw, 1946, pp. 483-484). This threat presented the reverend with a dilemma: would he preach and plead for freedom for the occupied country, or would he yield to the Nazi command?

Touw managed to accomplish both. His speech was 'figured' according to the classical rhetorical theory, and contained a double message: he spoke about the siege of centuries earlier but made it resonate with the present situation of the Nazi occupation. One of the attendees wrote that day in his diary that he "felt reinvigorated for the future after attending the ceremony, which deeply moved everybody" (Kasten, *Diary* October 3, 1941). Conversely, the Nazi-inspired audience took no great offense to this veiled message of hope and strength for another liberation in the near future: no consequences followed for the reverend, and the Nazi mayor sat through the whole ceremony.

This paper examines the construction of a double-layered speech, and the example of Touw's sermon in particular, by connecting the old rhetorical concept of *oratio figurata* to the recent pragma-dialectical notion of strategic design. This analytical notion explain how a speaker's strategic considerations to aim for effectiveness while remaining reasonable are coherently and consistently actualized in an argumentative discourse (Van Eemeren et al., 2022). In the next section, I first introduce the theories on the *oratio figurata* and show that these contain several pragmatic insights *avant la lettre*. In the third section, I propose that connecting these classical insights with the recent pragma-dialectical notion of strategic design is fruitful for a better understanding of how figured discourse is constructed in argumentative practice. While this analytical framework helps us to deepen the analysis of the *oratio figurata*, the theory of figured speech also opens up some challenges for the pragma-dialectical concept itself. This is illustrated by an analysis of the case study, reverend Touw's memorial sermon in 1941 in the fourth section. There, I conclude that figured discourse is characterized by an ambiguous strategic design that enables two alternative argumentative reconstructions.

2. ORATIO FIGURATA AND THE ART OF SAFE CRITICISM

Perspicuity in communication has been valued highly from antiquity to the present day. For the classical rhetoricians, it was the principal stylistic virtue (Aristotle, *Rhetoric* 1404b.1-2; Quintilian, *Institutio Oratoria* 8.2.22). Whereas obscurity was dismissed by them as a hindrance for persuasive communication, ambiguity was not. When discussing a good style, Aristotle mentions an intriguing exception to the precept of plain language: "avoid ambiguities – unless, however, the opposite [of clarity] is deliberately sought, as speakers do when they can speak by no means, but pretend (προσποιῶνται) to convey something; such speakers express these things in a poetic way (ἐν ποιήσει)" (1407a.31-32).¹ Aristotle did not elaborate further on the use of deliberate ambiguity in argumentation, but his tentative remark can be seen as a

¹ All translations of Greek and Latin citations are by my hand.

precursor of a later, rather extensive rhetorical theory that would become influential in the Roman imperial era and after: the *oratio figurata* in Latin or the *logos eschēmatismenos* in Greek, that can be translated literally as ‘figured discourse’ (for overviews: Penndorf, 1902; Ahl, 1984; Hillgruber, 2000; Chiron, 2003; Ascani, 2006; Breij, 2011; 2015b). In a general sense, this theory is concerned with the construction of a speech that literally conveys one message but intends to convey a hidden message as well. The classical concept can be seen as an ancient predecessor of more recent concepts such as ‘strategic ambiguity’ (Eisenberg, 1984; Knape & Winkler, 2015; Zarefsky, 2019) and ‘rhetorical polysemy’ (Ceccarelli, 1998).

Almost a dozen rhetoricians theorized upon the technique of figured discourse in antiquity (for an overview, Breij, 2015b). In this paper, I limit myself to three – in my view, most important – sources: pseudo-Demetrius, Quintilian, and pseudo-Dionysius. All the theories on figured discourse are rooted in a technical definition of the rhetorical term ‘figure’ (*figura* or *schēma*) that was given by Zoilus (Quintilian, 9.1.14), a rhetorical critic in the time of Aristotle: “figure is [defined as] to *artificially do* (προσποιεῖσθαι) one thing but *mean* (λέγειν) another thing” (fr. 1 Walz). This definition resonates with Aristotle’s remark on the deliberate use of ambiguity above; there is a difference between what speakers mean to convey and what they artificially convey as a pretense (marked by the verb *προσποιέω*, literally ‘to do in addition’).

Zoilus’ definition of ‘figure’ has thus little to do with figures of speech (Quintilian, 9.1.13) – another technical-specific use of the term ‘figure’ – but rather with a discrepancy between the outer shape and the intended content of a linguistic unit. In this definition, however vague, we observe an ancient root of pragmatism and indirectness (Ascani, 2006, pp. 23-36; Breij, 2015a, pp. 266-270) for a distinction is made between sentence meaning and speaker meaning. In the case of the *oratio figurata*, it is not just one utterance that is ‘figured’ but an entire discourse, a whole oration (Chiron, 2003, p. 166). Why would one, however, simulate an entire discourse?

Pseudo-Demetrius, in his work *On Style*, explains that while “present-day orators employ figured speech in a ridiculous way and with a lowly and some sort of obtrusive hint, genuine figured speech is used for the following two reasons: dignity and caution” (§288) – Quintilian later adds a third reason “for the sake of elegance only” (Quintilian, 9.2.66). While one may use figured speech in a pretty conspicuous way (for example, of (sexual) innuendo, Bell, 1997) or to delude (for example, Lutz’s 1989 famous ‘doublespeak’), classical sources emphasize the noble ends of figured discourse. It was used whenever it was impossible to speak openly, either because of safety reasons or decency. For example (in a case of decency), Demetrius says, one can praise an ill-tempered man for his mildness yesterday and argue that others should follow this behavior (§295). Is this genuine praise? Or is it criticism? Demetrius calls it somewhere in-between (§294): on the surface, it may seem praise (to the primary addressee), but the speaker intended it to be a critique on bad temper as well, which the (secondary) audience *can* infer based on their knowledge of the context. According to Demetrius, figured speech is more forceful than direct speech because “it is the matter itself and not the speaker that manifests the force” (§288). When the audience thus infers the implied criticism, the inferred conclusion seems their own and not one imposed directly by the speaker (Ahl, 1984, p. 179).

Quintilian points out another rhetorical benefit of the indirectness of figured discourse: “You can speak successfully against [...] tyrants as openly as you want, provided that it can be understood also in a different way, because it is the risk and not the offence itself that should be avoided. If this can be eluded by an ambiguous

meaning, no one would not be in favor of this trick” (9.2.67). The implicit meaning of figured discourse is not only forceful (in Demetrius’ terms) but also has a shielding potential as long as a different interpretation is plausible (cf. the remarks on the rhetorical effect of implicit meaning by De Oliveira Fernandes & Oswald, 2023, p. 14). The ambiguity in figured discourse is not lexical or structural ambiguity (cf. Quintilian, 9.2.69-70) but what Douglas Walton has called “suggestive ambiguity, which has to do with implicature” (Walton, 1996, p. 226). The ambiguity in the case of figured discourse lies in the interpretation of text and context; it is “something hidden and in a way for the listener to invent” (Quintilian, 9.2.65). The veiled criticism in Demetrius’ example of the eulogy on the one-time good mood of the ill-tempered is a conversational implicature in Grice’s terms that is calculable and cancelable. The plausible deniability of figured discourse makes it a safe way to express a controversial message. That the implicature is calculable is, however, is the rhetorical delicacy of figured discourse: it is up to the audience to calculate *or not calculate* the implied meaning. As Quintilian noticed, the audience “is to believe that which one considers to be invented by oneself” (9.2.72). The ill-tempered target who thinks highly of himself will, therefore, believe the superficial praise, which aligns with his biased self (cf. De Oliveira Fernandes & Oswald 2023, p. 8, on cognitive bias in the rhetorical effects of implicitness). For these reasons, Frederick Ahl (1984) genuinely has called the *oratio figurata* “the art of safe criticism”.

3. FIGURED DISCOURSE AS A TYPE OF STRATEGIC DESIGN

Figured discourse is not just a single sentence but an entire discourse that opens up two possible interpretations. The rhetorical critic pseudo-Dionysius of Halicarnassus was the first to write a comprehensive theory and analysis of the construction of such speeches. In his work *On Figured Discourses*, he introduced three types of figured discourse that differ in their relationship between what is said and what is meant (Breij, 2015b): “The first construction says what it wants, but it requires tact, either because of the dignity of the face to whom the speech is delivered or because of caution towards the audience [...]. The second construction concerns saying something indirectly but bringing about something else in the line of reasoning. The third construction brings about the opposite of what it says to do” (8.2). In the first type, what is said and what is meant are closely related, but polite and euphemistic phrasings and a careful order of arguments are used to avoid offending the addressee. The third type concerns irony on the discourse level, where what is said is the opposite of what is meant. A modern example of this third type is the Reynolds Tobacco advertisement with the header “don’t smoke” as analyzed by Van Eemeren et al. (1997, pp. 219-226). In the second type, both the superficial and the implicit meanings are relevant. Different from the other two types, speakers here convey a double message: “They put forward some main arguments for their listeners; but that of which they really want to persuade them, they mix into their propositions simultaneously. In a way, they conduct a double discussion” (8.3). In the remainder of this paper I focus on the construction of figured discourse of this second type.

The central part of pseudo-Dionysius’ work consists of analyses of examples of each of his types of figured discourse. One of the examples he gives of the second type is the famous *Funeral Oration* by the Athenian statesman Pericles (as documented in Thucydides’ *History* 2.35-46). Pericles honored the first to have fallen in the

Peloponnesian War in his epitaph while speaking in front of the mourning families *and* the young men who still had to go to war. His audience is divided, and therefore, as Pseudo-Dionysius remarks, the speech contains a double message: “Thucydides interweaves two issues [‘standpoints’ we would say] in his written *Funeral Oration*: it contains aspects of an encomium, and the deliberative aspect is intertwined with it. In fact, he no more honors the deceased than he calls the survivors to war” (8.9). Pseudo-Dionysius then analyzes how the arguments support both the demonstrative and deliberative goals. Praising the heroic lineage of the fallen, for example, magnifies their greatness and also encourages others to follow suit. The rhetorical critic concludes that Pericles “blends two standpoints [...] and mingles the supporting arguments, and brings them in harmony by the mixing” (8.9). pseudo-Dionysius’ analysis is intriguing but lacks the rigor an analyst would prefer nowadays. For a more precise understanding of the construction of this type of *oratio figurata*, we could connect these classical insights to a modern analytical framework.

Whereas pseudo-Demetrius and Quintilian considered figured discourse to be a matter of style mainly, pseudo-Dionysius’ analyses show that it is also a matter of argumentative content (Breij, 2015a, pp. 263-264). The classical notion of figured discourse is about *argumentative style* so to say. One of the most recent achievements of the pragma-dialectical theory of argumentation is the development of a set of analytical tools to analyze argumentative style, which cumulatively consists of an analysis of the relevant argumentative moves, the dialectical routes chosen, and the strategic considerations that are consistently implemented in the discourse (Van Eemeren, 2019; 2021; Van Eemeren et al., 2022). Central to the concept of argumentative style is the notion of the strategic design, which is defined as “consist[ing] of the amalgam of strategic considerations that constitute the general rationale of the way in which the choice of argumentative moves and dialectical routes to resolve a difference of opinion in an argumentative style is shaped” (Van Eemeren, 2021, p. 17). The analytical tool for laying bare the strategic considerations is the concept of strategic maneuvering – the process and product of the speaker’s delicate balance between effectiveness and reasonableness – with its three interrelated aspects: topical selection, presentational devices, and adaptation to audience demands (Van Eemeren, 2010). By analyzing the coherence and consistency of all the strategic maneuvers in the argumentative moves which are relevant in the dialectical routes taken, one can explain how an argumentative discourse is attuned in the pursuit of persuasion through reasonableness – i.e., the strategic design (Van Eemeren et al., 2022, pp. 17-20).

From a pragma-dialectical perspective, we can understand the *oratio figurata* as a type of strategic design. From a top-down approach, we could say that figured discourse is consistently shaped by the speaker’s intention to send a double message, each of which is addressed to a specific part of the audience. That is motivated by the general strategic consideration underlying the need for figured discourse: to get a controversial message across while being limited to addressing it openly. The pragma-dialectical adage of strategic maneuvering is constrained in the case of speaking to a tyrant or within an oppressed society: it is not (only) the norm of critical reasonableness but a subjective norm of “reasonableness” set by the ruler that a speaker has to meet. The balance between effectiveness and what is considered reasonableness is thus even more delicate, for a derailment will not only result in a fallacious move but in personal peril. From a bottom-up approach, the analytical tools of pragma-dialectics offer a

systematic way to analyze the construction of a specific figured discourse.² The concept of the *oratio figurata* also challenges the pragma-dialectical framework: how is a reconstruction possible of such a Janus-faced discourse? The audience of a figured discourse consists of at least two groups that – according to the theory – should interpret the argumentative text in different ways. Is a single reconstruction possible? As pseudo-Dionysius noticed, figured discourse conducts “a double discussion” in one, and therefore, I propose that we can only understand a figured discourse properly if we try to reconstruct both the superficial and the implicit argumentation structure underlying the discourse. I illustrate this in the next section with a brief analysis of the strategic design of reverend Touw’s memorial sermon.

4. TOUW’S FIGURED SERMON AND AMBIGUOUS STRATEGIC DESIGN

When reverend Touw ascended the pulpit of the Pieterskerk on October 3, 1941, he made the commemoration of the Spanish siege of the sixteenth century resonate with the Nazi occupation his audience was subjected to. To connect both may seem obvious, but Touw was the only one of the five reverends who delivered the memorial service during the war that made this connection. Speaking in front of Leiden’s Nazi mayor, who had threatened him, Touw took a risk to point to the then-current significance of Leiden’s past struggle for freedom. Touw had to remain ambiguous concerning his intention to give the audience hope for a similar relief from the present occupation as from the past siege. That can be seen in his presentation of the standpoint of the sermon. Touw centered his sermon around the biblical verse 2 Corinthians 1:10, in which the apostle Paul describes that he relied on God during his past suffering because:

He has rescued us from such a great death, and he rescues us still. On him we have set our hope that he will continue to rescue us. (Touw 1941, p. 2)

To choose this as the essence of his sermon may seem risky, but Touw did not elaborate on the third aspect of this verse. He divided his sermon into two parts, the first reflecting upon God’s past rescue of Leiden and the second on how this rescue continued till the present situation. That there will be a future rescue is thus not (directly) supported by the sermon’s argumentation, but its suggestion echoes through the discourse, as is shown below. The two parts are reconstructed as the two sub-standpoints that support the main evaluative standpoint that God is to be thanked for his deeds, as Touw mentions at the end of the sermon in the prayer:

1. We thank God for his great deeds
- 1.1 God has rescued us from so great death
- 1.2 God rescues us still

This main structure fits the activity type of a Christian sermon, in which God’s deeds are appreciated and glorified, and of the memorial service, which is about the past and

² I will not focus on the evaluation of figured discourse in this paper. That is another challenge for the pragma-dialectical framework since the ambiguity of figured discourse will be seen as a violation of the language-use rule. Figured discourse, therefore, would be by definition fallacious according to pragma-dialectics, which does not do justice to the concept of figured discourse as a (reasonable attempt) to resolve a difference of opinion (cf. Zarefsky, 2019, p. 113).

its meaning for the present. Because of the limited scope of this paper, I focus on the first half of the sermon (the argumentation supporting 1.1) and I can only present the key aspects and takeaways of the analysis.

After a general introduction and the interpretation of 2 Cor. 1:10, Touw proceeds with the first part of his argumentative discourse to demonstrate that God has rescued Leiden “from such a great death”. To do this, he starts with a description of the city’s suffering during the Spanish siege. In every topical and presentational choice he makes, Touw hints that his sermon is not only about the past. These three examples illustrate this:

- (1) There comes May in the land, with all its splendor and joy, but which for Leiden will become the beginning of all suffering. (Touw, 1941 p. 4)
- (2) There were the “glippers” [pejorative name for the Catholics who sneaked out of the city], a very small group of the population that moved around remarkably noisily; a handful of cowardly traitors, who, on the border of two worlds, did not know where to stand, and allowed themselves to be used as willing instruments of the enemy. (Touw, 1941 p. 4)
- (3) All the more surprising that the resistance has been so stubborn, so persistent, so till the end. How can it be explained that all this hunger and disease, all this distress and death, has been endured by an entire city? [...] Because it was not about inessentials, but about the main essence, about the highest thing a people can have: freedom, to live in accordance with God's Word. (Touw, 1941 p. 5)

The Spanish (second) siege started in May and lasted till October 3. Nazi-Germany invaded the Netherlands in May 1940, so the phrasing of (1) above without mention of the year made it possible for the audience to think of a much more recent past. When Touw subsequently describes how Leiden withstood the historical siege, he mentions the “glippers” in (2), a name used negatively for the catholic citizens who sneaked out of protestant Leiden to heal with the Spaniards. However, his choice to mention this particular aspect of siege and the description of “a handful of cowardly traitors” probably implicitly directs the audience’s attention to the collaborators during the Second World War. The blending of past and present goes on when the reverend speaks of the resistance in (3). During the Spanish siege, Leiden resisted the capture, but the phrasing of “the resistance” is much more common in relation to the then-current Second World War. When Touw explains at the end that all the distress has been endured because it was “about the highest thing a people can have: freedom”, one might think he calls for a new struggle for freedom – but then he adds “freedom, to live in accordance with God’s Word”.

The hinted message of the sermon is shielded by one of the constraints that the activity type of a (memorial) sermon imposes: it is a eulogy on God – and not a call for political action. The last words of example (3) emphasize this but also the argument Touw ends the first part of his sermon with: at the very end, he remarks that “there is no one who can deliver from so great a tyranny than the Lord God alone” (Touw 1941, p. 7). With a coordinate argument (1.1.1b below), Touw makes clear that the endurance was not due to humans, as one might have interpreted hearing the ambiguous statements such as (2) and (3), but to God and God alone. The argumentation can be summarized in the following argumentation structure and the dialectical route:

- | | |
|-----|--|
| 1 | We thank God for his great deeds |
| 1.1 | God has rescued us from so great death [during the Spanish occupation] |

- 1.1.1 a The siege brought great suffering to the city (“Leiden became a necropolis”)
 - 1.1.1 a.(1) (The siege went on for months)
 - 1.1.1a.(1).1 The citizens of Leiden did not give up
 - 1.1.1 a.(1).1.1a Leiden resisted the enemies inside and outside the city
 - 1.1.1a.(1).1.1b Leiden’s resistance was persistent
 - 1.1.1 a.(1).1.1b.1 It was about the highest good: freedom, to live in accordance with God’s Word
 - 1.1.1 a.(1).1.1b.2 Leiden was supported by the Prince of Orange (from afar)
 - 1.1.1 b God alone liberated the city from the tyrannical rule
 - 1.1.1 b.1 He turned the wind in an advantageous direction, allowing the Water Beggars to reach the city
- 1[eval](<1.1[symp](<1.1.1a[symp](<1.1.1a.1[caus](<1.1.1a.1.1[caus](<1.1.1a.1.1.1a[symp] & 1.1.1a.1.1.1b[caus] (<1.1.1a.1.1b.1[caus]);1.1.1a.1.1b.2[caus]))) &1.1.1b[symp](<1.1.1b.1[caus]))))

Although Touw stresses that the liberation was due to God only, the topical choices of reverend, the way he presents his arguments so that the current situation is present in the audience’s mind, and even the order of the arguments suggest till the very end that it is within the power of the people to resist the present tyrannical rule. For these reasons, the part of the audience that is hoping for a new rescue in the near future may reconstruct the argumentation differently. Not the evaluation that God is to be thanked (which is only explicitly stated at the end of the sermon) is taken as the standpoint, but a proposition that the audience heard at the very start and that did not fit the more literal reconstruction: the hope that God will continue to rescue. Sub-standpoint 1.1 can support this other main standpoint as well. The dialectical route that is followed then differs, for the sub-standpoint functions now as an argument based on analogy to support a (hopeful) descriptive prediction:

- 1 God (and God alone) will rescue us (from the current tyrannical regime)
 - 1.1 God (and God alone) has rescued us in the past from a great death
 - (1.1’) (The past situation is similar to the present situation)
 - (1.1’).1a There was and is great suffering
 - (1.1’).1b The people didn’t and won’t give up
 - (1.1’).1c There was and is/will be resistance to the enemies inside and outside
 - (1.1’).1d The resistance was and is/will be persistent
 - (1.1’).1d.1a It was and is about the highest good: freedom, to live in accordance with God’s Word
 - (1.1’).1d.1b Our citizens were and are supported by the royals of Orange
- 1[desc](<1.1[ana]^1.1’[bridging](<1.1’.1a[symp] &1.1’.1b[symp] &1.1’.1c[symp] &1.1’.1d[symp] (<1.1’.1d.1a[caus] &1.1’.1d.1b[caus]))))³

In this reconstruction, the propositions, except for the standpoint, are similar to those in the first reconstruction. Touw makes the past siege analogous to the present occupation and hoped-for relief. The propositions (1.1’.1a-d) can now be understood as a support of the bridging premise, i.e., the justification of the analogical relation (1.1’).

³ Normally, the bridging premise is not included in the dialectical route, since it the dialectical choice is already represented in the argument itself. However, since I here reconstruct the other propositions as a support for the bridging premise, I add this in the dialectical route to be comprehensive.

The argumentative content and the stylistic presentation thus enable different argumentative interpretations. Two simultaneous reconstructions may appear strange and may seem a hermeneutical problem, but it is inherent to figured discourse: beneath the more literal interpretation lurks another indirect interpretation, and both interpretations are not rivaling but simultaneously relevant to the audience. To all members of the audience it is a traditional memorial sermon to thank God, but for some the sermon argues for more: another relief. The strategic design of this particular figured discourse is strategically ambiguous: the argumentative moves are consistently shaped so that they could fit into two different dialectical routes and, thus, two different argumentative reconstructions.

In the second reconstruction that I assume to be Touw's intended main message of the sermon, the arguments 1.1'.1a-d are, in a way, a self-fulfilling prophecy. In order to fulfill the hope for another rescue by God, the present situation has to resemble the past to receive God's grace again. Touw, therefore, very indirectly encourages his hopeful audience to a similar behavior: if their situation is similar to the past, God might rescue them again (i.e., the implicit bridging premise 1.1'). Would the other part of the divided audience, the Nazi sympathizers, not have seen through this implicit message? We cannot know for sure, but the ambiguity is perhaps less apparent to them. Was, for them, May 1940 the month the suffering started? Not at all. Would the NSB-mayor identified himself with a "glipper", a collaborator? Probably not. Would they hear a call for resistance to the Nazi rule? Perhaps, but this is directly backed by Touw's emphasis that the rescue is by God and God alone. Of course, the national-socialist members of the audience could calculate the implicit message as well, but this interpretation could always be denied. Judging by the lack of bad consequences for the reverend, we may conclude that Touw mastered the art of safe criticism well enough.

5. CONCLUSION

The ancient theories on the *oratio figurata* show a surprisingly "modern" and pragmatic understanding of how communication works. The classical rhetoricians not only made a distinction between what is said and what is meant, but also commented upon how it is possible that members of the audience interpret figured speech differently: the indirectness of the discourse enables a biased and bipartite interpretation. Figured discourse is not something only belonging to the past, as I intended to show with the case study of reverend Touw's memorial sermon. In his sermon, Touw brings about a fusion of horizons, for past and present become blended. A part of the audience certainly heard the veiled message, for the text of this sermon was distributed amongst the Dutch resistance and was even brought over to Radio Oranje, the Dutch radio broadcast from London the Dutch government in exile had set up. Touw experienced no dire consequences, so it can be assumed that his discourse was 'figured' enough to be interpreted as just a sermon aimed at thanking God.

The ancient insight that argumentation can be a mixture of different rhetorical goals at the same time challenges the monofunctional dialectical approach. In the case of figured discourse, the argumentative moves made in the discourse can have more than one function supporting different standpoints. The strategic design of figured discourse is, therefore, ambiguous. To analyze how exactly this is realized, both possible argumentative conducts can be reconstructed. With this, it can be analyzed how both reconstructions of the argumentative discourse are interrelated. The two

different reconstructions of a single text may seem counterintuitive, but perhaps this is because the deliberate ambiguity of figured discourse brings us into the domain of poetics, as Aristotle already had noted, which cannot be captured to its fullest by the rigor of dialects.

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A Dialogue-Theoretical Approach to Multimodal Arguments

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ABSTRACT: According to a dialogue-theoretical (“hyper-dialectical”) approach to argumentation, a single argument is seen as conveying a dialogical “Why? Because!” sequence. Can we see multimodal arguments as such dialogical sequences? This paper focuses on multimodal arguments with a predominantly visual character and shows that dialogues are helpful for identifying and reconstructing arguments in multimodal communication.

KEYWORDS: challenge, dialogue game, hyper-dialectical concept of argument, multimodal argument, visual explication

1. INTRODUCTION

Multimodal argumentation practices have been studied from a variety of approaches. Dialogue-theoretical, also known as dialectical, approaches are represented by those who use the analytical and evaluative tools of the pragma-dialectical theory of argumentation (Groarke, 2002; Tseronis, 2018). In this theory, argumentation is seen as a speech act complex that involves reasons that aim at justifying a standpoint towards a critical antagonist (van Eemeren, 2010, pp. 27-29). In this paper, I want to explore the consequences of adopting such a, what Finocchiaro calls, “hyper-dialectical” conception of argument (2006), where even a single argument is seen as providing a response to a form of criticism. Specifically, I will think of a single argument as interpersonal reasoning produced in a dialogical “Why? Because!” sequence, as is common in studies of formal dialectics (Hamblin, 1970, pp. 265-267; cf. Krabbe & Walton, 2011). How can these why- because sequences help us to identify, analyse and evaluate multimodal argumentation? In this paper, I focus on multimodal arguments with a predominantly visual character, and limit myself to identifying and reconstructing a few sample arguments. Questions of evaluation will be left for another occasion. First, in section 2, I outline the dialectical idea of argument as dialogue. Second, in section 3, I discuss the modifications necessary to make this concept of argument applicable to multimodal communication. Third, in section 4, I use my findings for responding to the challenging claim by Champagne and Pietarinen (2020) that images cannot be arguments, unless the images are moving. Section 5 concludes the paper.

2. ARGUMENT AS DIALOGUE

Consider John's argument: "You should do this, Mary, because it will help you to realize that goal of yours!", where John and Mary are assumed to know what action and goal are at issue. Any such argument of the form <R, therefore T> can be regarded as reasoning expressed with the presumed aim of convincing an addressee of the acceptability of conclusion <T> by offering them reason <R> (cf. van Eemeren, 2010; cf. Walton, 1990; Krabbe & van Laar, 2007). We can specify this definition with reference to a basic dialogue sequence, that I call a "why-because sequence", so that each instance of expressed reasoning with this presumed goal is understood as a way of presenting such a sequence. Figure 1 gives the general structure, where "i" (et cetera) stands for the ith move in the dialogue, where "Proponent" (et cetera) stands for an agent (often a person) with a particular role in the dialogue, where "R" (et cetera) stands for a proposition (i.e. a content that can be evaluated as acceptable, correct or true, or not), where "Thesis" (et cetera) stands for a particular illocutionary force, and where "<...>" stands for a particular communicative mode for expressing a proposition with an illocutionary force.

- i. Proponent: <Thesis T>
- i+1. Opponent: <Why T? How about S?>
- i+2. Proponent: <Because R>

Fig. 1 The why-because sequence

In any single argument, thus conceived, reasoning is communicated by the proponent to respond to, and to defuse, the opponent's critical challenge to the reasoning's conclusion. Complex argumentation can be understood as conveying more extended dialogue sequences. For example, when at i+3 the opponent challenges <R> and the proponent supports it at i+4 with <Q>, the proponent's global argument at that point has become a two- step subordinate argument <Q, therefore R. R, therefore T> (see Snoeck Henkemans, 2003, for a dialogical analysis of other such argumentative relations).

In an argument, the logical relation between R and T has a specific function, namely to make the addressed opponent understand and accept that R, possibly after having been supplemented with additional reasons, provides sufficient ground for abandoning their initial stance of critical doubt and conceding T.

Following a tradition in formal dialectics, the sequence can be understood as part of a conversational game played by the proponent and the opponent, who reason together towards a resolution of an underlying disagreement about T's acceptability (Krabbe & Walton, 2011). The proponent's goal is to convince the opponent of T by providing reasons that should persuade the opponent, and each argument is presented as instrumental to this end. The opponent's aim is to critically examine T and the reasons given in support of it. The proponent "wins" if the opponent concedes T, while the opponent "wins" if the proponent withdraws their attempts to persuade the opponent rationally. It is through a limited and norm-governed competition that the participants cooperate and manifest all relevant considerations in order to approximate a solution based on the merits of the case (cf. van Eemeren, 2010). As a result, every single argument has the internal tripartite dialogue structure.

Each of the three moves has three components in turn: an illocutionary force, a propositional content and a form of expression. Note that the speech act of raising critical doubt (Why ...?) may or may not be accompanied by a consideration underlying (that is: motivating or justifying) the challenge (What about ...?). Any move involves a form of expression, using one or a mixture of semiotic meaning-making resources, such as writing, gestures, facial movements, speech, sound and more (see: Bateman, 2018).

Such argumentative mini-games can be played in two ways. In an “exchange,” each person adopts a role and they take turns consisting of a single move, as in Example 1.

John: “You should do this.”

Mary: “Why should I? What’s in it for me?”

John: “Because, it helps you to realize that goal of yours!”

Example 1a

Instead, it can be played in an “address” (such as a speech or an argumentative text) where one person takes primary responsibility for the role of the proponent and anticipates moves from the opponent, as in Example 1b.

John: “Mary, you should do this, because it helps you to realize that goal of yours!”

Example 1

A verbal address with a flavour of verbal exchange is where the author gives voice to opponent, as in Example 1c.

John: “You should do this. Why? Well, because it helps you to realize that goal of yours!”

Example 1c

Any argumentative monologue forms, as it were, a hypertext, in which a competent addressee can activate its elements and access the underlying move in the dialogue sequence.

Since an argumentative exchange revolves around the exchange of propositions, one might wonder whether the dialogue game can be seen as independent of any mode. Popa points to the distinction between a communicative act and a visual device that records or reproduces that communicative act, and contends that it is the communicative act that really matters (Popa, 2016). Similarly, we could specify that the illocutionary force and the propositional content constitute the relevant dialogue move, but that any way of expressing that move, for example by using verbal or visual resources, is not part of the move itself. An argumentative discussion, Popa contends, is “mode-neutral,” and to think otherwise is making the category mistake of confusing content and means of expression.

But according to the current hyper-dialectical framework, argument is conceptualised as the expression of reasoning with a particular function. There is no communicative act of advancing a thesis or a reason if the content and the illocution are not made manifest to the addressee in one way or another. Dialogical moves are not “mode-neutral”, though they can and must be seen as *mode-fluid*.

Seeing argumentative dialogue as mode-fluid rather than as mode-free has the advantage of including asking for, and giving clarifications, as part and parcel of

argumentative dialogue, rather than as necessarily prompting a meta-dialogue. Mary may find John's argument vague, ambiguous, general or otherwise insufficiently clear, and ask for clarification. It is quite natural for her to say: "Please clarify your argument. What do you mean with "my aim"?" rather than saying something more artificial like: "Please clarify the way you have expressed your argument." Including the mode of expression as part of an argument is in agreement with how the concept of argument is understood in ordinary language.¹

The argumentative game is about mutual evaluation. At each stage, the opponent evaluates whether there are sufficient grounds for withdrawing their critical doubt and conceding the proponent's thesis, whereas the proponent keeps evaluating whether the opponent's doubt has been shown to be inconsistent or otherwise untenable given her position and propositional commitments. As a result, any argument by the proponent conveys the message that the argument's premises provide serious and persuasive grounds for the opponent to give way to the proponent's thesis, if not here and now, then after hearing the responses to any further critical challenges. This claim of reasonableness (cf. on the presumption of reasonableness: van Eemeren, 2010, p. 199) can be seen as having two parts: the claim that the premises help to convince the opponent, and the claim that the attempt at persuasion is reasonable by following the rules of the argumentative game. The latter part includes, for example, the claim that the means of persuasion do not trick or pressure the opponent into accepting the thesis, but that they invite the opponent to reflect and decide on the issue themselves.

The (hyper) dialectical account of argument provides an understanding of the role of the relation of illation that is different from the one adopted in the article on visual arguments by Champagne and Pietarinen (2020). According to their viewpoint, the premises in an argument "generate" the conclusion (p. 208) and are meant to preserve the truth of the premises while "moving" to the conclusion (p. 209). The conclusion is, then, said to "follow from" the premises. Whereas their approach seems spirited by the idea that an argument is a form of movement, the hyper-dialectical approach is animated by the idea that an argument is a form of conversation. In section 2 and 3, it will become clear that this leads the authors to impose an unnecessary restriction on visual arguments.

In short, any real communicative act, or the product of such an act, counts as an argument only if: (1) the author communicates it as containing a response to a challenge, either an existing one or one expected of the addressees; (2) the author claims, typically implicitly, that the argument conforms to the normative constraints of the argumentative conversational game, where a dialectical division of labour serves epistemic collaboration.

2. MULTIMODAL ARGUMENT AS DIALOGUE GAME

Let's consider a non-verbal exchange between John and Mary. John points disapprovingly at a restaurant as they pass it. Mary looks back with questioning eyes. John shows his disgust with a facial expression and Mary now returns the look with a puzzled expression.

¹ Such clarification dialogues at the object level (rather than meta level) of dialogue, can be seen as extending a why-because sequence, also when the target of a request for clarification is not (exclusively) verbal, or when the provided clarification is not expressed (exclusively) verbally: i+2. Proponent: <Because R>; i+3. Opponent: <Clarify <R>>; i+4. Proponent: <Because R*>, with <R*> being an attempt at clarifying <R>.

John then mimics a stomach ache. This exchange could well be seen as a why-because sequence, extended by a clarification exchange:

John: <You should not go to that restaurant>.

Mary: <Why shouldn't I? What's wrong with it?>

John: <It's disgusting>.

Mary: <What exactly do you mean by <it's disgusting>? Is it the quality of the food, or something else?>

John: <It's disgusting in the sense that the food is so bad that you risk getting an upset stomach>.

Example 2. Disgusting

The logical relationship is made manifest by the sequence of the moves and by the need to arrive at an interpretation that is charitable by accounting for their coherence (cf. Asher & Lascarides 2003). In example 2, it is a critical doubt expressed in a non-verbal way, that points to the proponent's communication as advancing a premise and a conclusion used in an argumentative way.

Some cases of reasoning resemble the examples, but without producing what I would call an argument. For example, if John wants to persuade Mary of the good quality of the wine by letting Mary taste it, then the activity of tasting or the taste itself does not constitute an argument. The reason is that tasting, or taste, is not an ostensive, communicative act. However, John's pointing to Ismar, who is visibly enjoying a sip of his wine, is a communicative act, and if the quality of the wine is at issue, pointing to Ismar's enjoyment of the wine can function as part of John's argument. If Mary were to taste the wine herself and puts on a face of enjoyment, she can be seen as admitting that the wine tastes good, which commitment can then be used in John's argument: "I said so!" (pace. Groarke, 2015, pp. 136-7).

In addition to multimodal exchanges, there are also multimodal addresses. Suppose someone leaves a message on their boss's answering machine: "I can't help you today because I have a really bad cold." And then they make an auditory argument with the ostensible blowing of their nose. The nose blowing then expresses a proposition such as "I am showing signs of having a cold", which can indeed be plausibly evaluated as acceptable and supportive of having a cold. In this example, no one has made a challenge, but the proponent anticipates the challenge that is salient in the context, if only the boss can be expected to be suspicious (cf. Kišiček, 2020).

I now turn to arguments that are primarily expressed through images. In many cases, the challenge is only apparent in context. When elections are coming up, people want to know why they should vote for this party rather than for that one. This makes it more plausible to reconstruct, for example, election posters as expressing an argument and responding to such critical challenges.

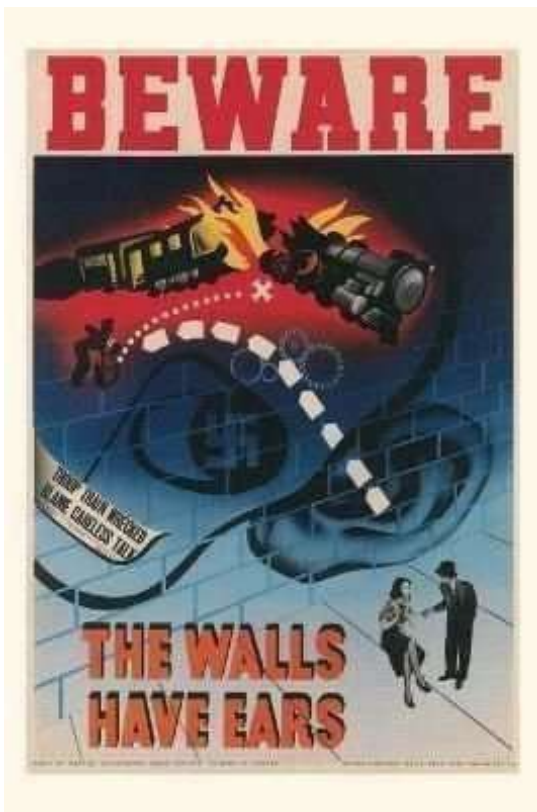
There are also examples where the critical challenge from the opponent is visually depicted. The example in Figure 3 was discussed in an oral presentation by Tseronis and Bateman.



Example 3. "Don't Drive Drunk" (adsoftheworld no date)

From my perspective, it can be seen as expressing three considerations, which are separated thematically and partly also by the use of different semiotic means. First, in the lower right-hand corner is the text "don't drive drunk foundation". Secondly, there is an image of a car that appears to be a bullet leaving the person's head. These two elements work together to highlight the dark side of drinking. The third element, however, is a person visibly enjoying a glass of champagne, highlighting the light side of drinking. What is this contrasting element doing here? If argument is a why-because sequence, and if we take into account that a public campaign by a foundation of this kind can be expected to be persuasive, then our preference for finding a coherent interpretation of the whole communicative act triggers a reading in which the pleasure of drinking functions as a critical challenge to the thesis that one should not drink and drive: "Why not? Drinking is such a pleasure!" The bullet car part provides the reasoned answer to this challenge: "Because it is far too dangerous". Thus, the poster is quite plausibly an example of a multimodal address in which the opponent's challenge has been depicted in a quite explicit way.

Figure 4 shows a similar example. The poster warns against passing on information that could be used by the enemy. Again, one wonders what this elegant woman and gentleman are doing in this picture. Clearly, they are sharing information that could prove sensitive. But why is their conversation depicted in such an attractive way? Because, we might say, it presents a challenge: "Why shouldn't we share information? It is so pleasant to chat with this charming person!" The answer provides the reason, and is something like: "Because it might help the enemy to crash our troop trains".



Example 4. "The walls have ears" (Zeman, 1978, p. 56)

So far I have taken for granted that images can express propositional content in a fairly explicit way, and that the concept of arguments as a why-because sequence is sufficient to reconstruct the argument from the images under consideration. The fact that an image has such "visual explicatures" (Forceville, 2020, pp. 89-90) means that only minimal inferential work needs to be done by a competent interpreter in order to arrive at the communicated content, but also that it is comparatively implausible for the author of the message to withdraw their commitment to the acceptability of the propositions in question. Unlike linguistically packaged messages, the directness and relative conclusiveness of these visual explicatures cannot be accounted for by reference to grammatical and lexical code. Forceville (2020, p. 78) suggests that we should acknowledge the importance of the kinds of codes provided by cultural and social conventions: we use these to identify the message manifested in an image in a relatively direct and unambiguous way. Can this suggestion be reconciled with the common observation that visually expressed messages are typically less clear in meaning than those expressed verbally?

Indeed, the interpretation of multimodal arguments presents additional challenges. The absence of linguistic codes often seems to be only partially compensated by the presence of non-linguistic, possibly less stable codes. This shakiness is also present in our examples, such as Example 3. Exactly what reason is expressed in the drink-and-drive argument? There are several possibilities. In my reconstruction, I point to the reason that drinking and driving is far too dangerous. But there are other options, such as that drinking and driving is as deadly as guns, or that drinking and driving is tantamount to suicide. However, the "depth of intended meaning" (Naess, 1966, p. 38) may not have been very

deep, and it may be that the author is simply trying to express some general idea that is best covered by a disjunction of these and similar such options, leaving it up to the viewer how to elaborate on this message. The statement at such a low level of precision may be sufficient for the argument to give the addressee a good reason, especially if there is not much critical scrutiny to be expected from the addressee as regards the various ways to specify the reason.

The distinction between multimodal explicatures and implicatures will be difficult to make, and in many cases it will be useful to regard it as a matter of degree, depending on the ease and plausibility with which the author can cancel, dismiss or deny a message attributed to him by the addressee (cf. de Oliveira Fernandes & Oswald, 2022). Some examples of visual implicatures are likely to be unproblematic from an argumentative point of view. In example 4, it is taken for granted, and thus implicitly conveyed, that the enemy will be able to sabotage trains if they obtain the appropriate information. This proposition is likely to be uncontroversial in the context of use, and thus argumentatively unproblematic.

In addition to innocuous visual implicatures, there are risky or deceptive ones, because the proposition at hand may be controversial and by leaving it implicit, the addressee can be manipulated and deceived (see: Forceville, 2020, Chapter 10). Medina (2018, p. 56) examines the grim case of racist propaganda through photographs of lynchings in the early twentieth century. Starting from the idea that "communicative mechanisms (...) operate in both linguistic and visual communication in analogous but distinctive ways", Medina (2018, pp. 61-63) applies the linguistic distinction between at-issue and not-at-issue content to the photographs. For example, by showing smiling white families in white clothes in the background of a photograph of a man who has been lynched, the message is presupposed that lynching black people is a respectable practice. Medina also discusses how this visual propaganda has been resisted, thereby suggesting ways to deal with this kind of propaganda within argumentative dialogue. In a similar vein, we can consider how we can profit from existing insights into the language-dependent fallacies, as developed in the history of logic and argumentation, when dealing with the deceptive and fallacious exploitation of implicit meaning in multimodal argumentation.

3. CHAMPAGNE AND PIETARINEN ON VISUAL ARGUMENT

Champagne and Pietarinen have claimed that images cannot be arguments, unless the images are moving ones. I will discuss their position and justification, and use the approach developed in the previous section to make a critical comment. This is how I reconstruct and reformulate their position:

1. When an image is an argument, the conclusion of the argument is either depicted or implied.
2. If the conclusion is depicted, it must be separated from the visual premises in a principled way. Otherwise, it's question-begging.
3. If the conclusion is implied, it must follow from the visual premises in a demonstrable and predictable way. Otherwise, our argumentative reading is a mere interpretation.

4. These requirements of (my terms:) *Separation* and *Following* can only be met by moving images.
5. Therefore, only moving images can be arguments.

I have called the requirement that the conclusion of a visual argument must be separable from the premises "Separation", and the requirement that the conclusion must follow in a demonstrable and predictable way "Following". Also when the conclusion is depicted, the logical relation must be manifest, and so it would only be natural if Following also applies in that case. Similarly, when the conclusion is implied, there must be a separation between premises and conclusion.

It is not so easy to understand what they mean by "moving image". My reading of the term is that it refers to a spatial sequence of images or parts of an image that indicate one or more steps in a line of reasoning. As they understand reasoning in terms of moving through space, it is plausible to qualify such images as moving ones. They give two kinds of examples of such moving images. The first is an example of Peircean diagrammatic reasoning, which can be thought of as a visual proof: from visually expressed premises one derives a conclusion by step-by-step application of a predetermined set of rules for manipulating the images. A visual assertion and what is derived from it are *separated* by a blank line. Because the derivation takes place within a system defined by the rules for image manipulation, the logical relationship between premises and conclusion is manifest to the critical eye *following* the steps. The example shows that moving images in this sense satisfy Separation and Following. Also from a hyper-dialectical approach, the example can be seen as an argument, although it requires a setting in which someone uses the visually expressed premises and the rules of derivation to step-wise show an initially critical addressee that their acceptance of these premises is not consistent with their critical attitude towards the visually expressed conclusion.

The other examples are of a different kind. Take the example of Wegener's map, which shows how neatly two continental plates fit together. Wegener used this map to support his theory of continental drift. This image can indeed be seen as a depiction of movement. But it is not the kind of logical movement when going from the premises to the conclusion of an argument, but a movement in geological time between continental plates. If you look at the map, you can, as it were, see the continental plates drifting apart, which corresponds to Wegener's conclusion. Wegener's reason for this is not the movement of the continents in time (that would be a circular argument), but the fact that the continents fit together so neatly, and the assumption that this can only be explained by the theory that they were once one. In my dialectical reading, the image satisfies Separation because of the thematic difference between moving plates and the fit between coastlines and geological features. It plausibly also satisfies Following, because at the end of the 1920's, Wegener's theory was highly controversial,² so that the challenge to his theory was salient in context.

But that moving images can be arguments does not show that *only* moving images can be arguments. As we have seen in Sections 2 and 3, the dialectical tradition locates argumentative reasoning in a dialogical context, and this allows us to identify multimodal

²It was also controversial amongst his colleagues, also due to Wegener's false idea that the continents could drift by being composed of less-dense granitic rock, drifting on a 'sea' of more-dense basaltic rock.

arguments, not on the basis of a form of movement, but on the basis of the representation of conversational moves.

4. CONCLUSION

In this paper I have shown how a dialogue-theoretical account of argument can be helpful in delineating the concept of multimodal argumentation and in identifying and analysing multimodal arguments. To do justice to these ambitions, dialogue theory needs to shed its language-oriented terminology and become more explicitly mode-fluid.

Similar to the approach proposed by Champagne and Pietarinen, a hyper-dialectical approach places the concept of reasoning at the centre. The requirement of Separation, which requires a justified distinction between the premises and the conclusion in any multimodal argument, is thereby important and can be adopted without further ado. The requirement of Following points to the function that reasoning should fulfil in order for multimodal communication to qualify as expressing an argument. A hyper-dialectical account can accept this requirement in a modified form, requiring instead that the premises respond to a critical challenge or objection to the conclusion. We can therefore call this the requirement of *Responsiveness*.

A next step will be to examine whether and how the norms of argumentative dialogue are helpful in evaluating multimodal arguments, especially when it comes to distinguishing between licit and fallacious ways of implicitly conveying argumentative content.

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Conductivism

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ABSTRACT: I propose, as an alternative to deductivism, ‘conductivism’: the view in argumentation studies that privileges the conductive model. To this end, I first recall very briefly some versions of the deductivist thesis, and after a short review of the evolution of the notion, I give my own definition of a conductive argument. Finally, I will make two philosophical points concerning the nature of argumentative practices and I provide a conductive argument in favor of conductivism.

KEYWORDS: argumentation, conductive arguments, deductivism, practical reason, pros and cons

1. INTRODUCTION

Deductivism is the position that privileges deduction over any other type of inference in the study of argumentation. As the reader is well aware, deductivism has been the dominant paradigm for most of the history of philosophy and argumentation studies, more or less since Aristotle's *First and Second Analytics* were constituted as a model of logical investigation (marginalizing or silencing his dialectical and rhetorical writings).

Under the model of deductive argument, there are hidden a series of notions historically associated with it: necessary, a priori, analytic, formal, syntactic-semantic, universal. They are not at all analytically equivalent notions. Precisely, an important point in Toulmin's critique of deductivism is precisely the unfoundedness and confusion of these associations. In any case, it should not be forgotten that in the most standard approaches, as well as in the philosophical tradition, or, if one prefers, in the "spirit" of deductivism, these features usually come together.

It is also possible to distinguish between types of deductivism according to the role played by the deductive model in the theory. In Vilanova (2020), I have distinguished:

Plain deductivism: all arguments are deductive.

Interpretative deductivism: we must interpret all arguments as deductive. *Evaluative*

deductivism: arguments must be evaluated in the deductive model. *Reconstructive*

deductivism: arguments must be reconstructed in the deductive model.

Ideal deductivism: “ideal” arguments are deductive.

Mathematical deductivism: abstract arguments are deductive.

Normative deductivism: deductive arguments are models that we should try to imitate in our argumentative practice

Residual deductivism: a tendency to consider the deductive model as better or preferable to other models¹.

¹ What I call "interpretative deductivism" and "evaluative deductivism" correspond respectively to the notions of "interpretative deductivism" and "evaluative deductivism" introduced by Godden, 2005, inspired by the

To a large extent, the movement initiated separately by Perelman and Toulmin in 1958, which in a few decades will end up constituting the field that today we tend to call Argumentation Theory and in which converge Informal Logic, Pragmadilectics, Critical Thinking, New Rhetoric, etc., can be seen as a revolt against the prevailing deductivism, and has certainly opened the space for other ways of seeing, analyzing and evaluating arguments that have proved extraordinarily fruitful. However, this theoretical and methodological pluralism, to which I subscribe and which I value very highly, has not managed, in my opinion, to free itself sufficiently from the weight of tradition. The shadow of deductivism is still recognizable today as an idea to which scholars in the field seem to return as if bewitched. This is true, to begin with, for many who continue to work in the old paradigm, and who still consider classical formal logic as a model of good argumentation. But also many of the acolytes of the "new wave" defend new-fangled deductivisms (Groarke, 1992, Shecaira, 2018), and their predicament remains central and very recognizable in at least one of the main contemporary schools, that of Dutch Pragmadilectics².

It is in the spirit of conjuring up this "residual deductivism", as I shall call it, that I propose "conductivism". Quickly stated, this thesis enunciates that every good argument is, in essence, a conductive argument. My defense of constructivism will have a rather dialectical purpose, that of putting the deductivist on the spot. But I do not intend to remain on the purely pugilistic plane of the "disputatio", for my aim is not so much to pose problems, puzzles and counter-arguments to the deductivist thesis as to convince the reader of the theoretical and practical advantages of taking the conductive pattern as the model under which we understand and evaluate any other type of argumentation.

2. CONDUCTIVE ARGUMENTS

In order to make my proposal understandable, in this section I will make a quick review of the notion of conductive argument, and some clarifications on how I understand the notion. As the reader is probably aware, the term "conduction" was introduced by Carl Wellman (1971, p. 52) who defines it as a sort of reasoning which:

- 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."

In addition, Wellman also introduced three types of conductive arguments (making it clear that the last one was the paradigmatic one):

now classic two tasks for the logician proposed by Johnson, 2000. For the sake of completeness, I have chosen to cut the can and reconstructive theses from Godden's, to add the normative thesis to gather what Shecaira, 2018 calls "methodological deductivism", as well as the platonic thesis and the residual thesis which is very close to what Johnson 2011 calls "latent deductivism". Groarke, 1999, p. 1 identifies deductivism with what I call reconstructive deductivism.

² The relationship between Deductivism and Pragmadilectics is extensively and thoroughly explored in Groarke, 1999.

- withonly one premise in favor,
- withseveralpremissesin favor,
- withpremissesfor and against.

The notion was not entirely original. The type of reasoning that David Ross applies to moral dilemmas, in which the urgency to make a decision forces one to compare the factors that support conflicting obligations, is often cited as an illustrious precedent (Ross, 1930). In addition, there is a family of close and overlapping notions: "appeal to considerations", "cumulation of considerations", "balance of considerations", "pros and cons", "good reasons"...

In any case, the notion and the term have ended up imposing themselves through the multiple works that, since his review of Wellman's book (Govier, 1979), Trudy Govier has dedicated to expand and outline the notion. Several modifications and additions to Wellman's original notion have been introduced by Govier over the years. I will point out those that I consider most important:

1) she clarifies that the notion applies primarily to a type of arguments -and to the type of underlying inference, as in the case of the notion of deduction-, and not merely to mental processes or discursive maneuvers, as the term "reasoning" used by Wellman might lead one to think,

2) the elimination of the restriction that the conclusion must be about individual cases, allowing any type of statement to be concluded,

3) the generalization of the domain of the notion, which Wellman had limited to the realm of moral judgment, now including examples of aesthetic, classificatory, interpretive, evaluative, philosophical, political, deliberative, causal and scientific judgments (especially those in which we choose between alternative theories)³,

4) the inclusion of a *ceteris paribus* or "other things being equal" clause (which does not need to be made explicit) to mark the fact that the reasons given in the premises are not sufficient in every situation to accept the conclusions, and that new considerations may block the inference,

5) she clarifies that the premises describing the reasons in favor must be understood as convergent (that is, that only by adding the supports of the premises in favor is the conclusion reached the requirement), and adds the requirement that there be more than one reason in favor, thus rejecting Wellman's single premise cases.

In general terms I agree with Govier's characterization, although I introduce my own (minor and somewhat ad hoc) considerations:

1) although I consider as the paradigmatic case the argument in which there are pros and cons, I also admit the case in which there are only pros as well as the case in which there is only one pro. For me what is characteristic of the conductive inference is the fact that all the available reasons for and against have been made explicit as far as possible; hence, the cases in which no reasons against have been found, or only one reason in favor

³ It is interesting to note how Govier justifies this last example by appealing to a fact well know to philosophers of science: *To argue that a proposed explanatory hypothesis is better than its alternatives one needs to argue that it is more plausible, simpler, and has greater explanatory power. What makes conductive arguments necessary in this context is the fact that these are distinct aspects relevant to the merits of a scientific hypothesis, and they have to be considered together to determine its merits.* (Govier, 2010, p. 354). See Hitchcock, 2013 for an extensive list of Govier's examples.

has been found, can be seen as borderline or, if preferred, "degenerate" cases of conductive arguments,

2) I want to rescue a feature very salient in Ross' seminal approach and associated to the semantics of the term "conduction" (directed to conduct, or to behavior): a conductive argument involves a decision (not necessarily a practical decision, it can be a decision about the judgment we are going to issue on a matter of fact⁴). On the one hand, this implies that the fact that the relative weight of the pros are a reason to accept the conclusion does not derive only from ontic questions regarding the states of affairs in which premises and conclusions are fulfilled, but from the need to take a position on the matter (thus making sense of the non-monotonic trait). On the other hand, this opens the door to the fact that features specific to the purpose may introduce pragmatic factors regarding the consequences of the resolution, the interests of the participants, etc.⁵

3) I also want to qualify Govier's insistence that the proponent must make explicit that the reasons in favor expressed in the corresponding premises are not "sufficient" to reach the conclusion. While I understand the feature that Govier wants to highlight in imposing his condition (basically, the fact that the argument always leaves open the option of retracting the conclusion upon the appearance of new considerations), I consider (like Hitchcock, 2013, p. 199) that it imposes too strong a requirement here on the arguers, who would now be under the obligation to provide evidence that the conclusion does not necessarily follow (something that, in fairness, should fall to the one who disagrees with him). But in addition, the "sufficient" here could be confusing: it could lead one to think that conductive arguments do not serve to settle disagreements, or to decide objectively and decisively who is right, but only to provide hints or clues in this regard. Of course, I want to include within the conductive arguments also those that generate only a partial commitment to the conclusion, those in which the premises only serve to make the conclusion plausible, probable or even only "slightly more satisfactory than the alternative", but once the illusion of "absolute necessity" of the deductivist approach has been dispelled, I see no harm in also including other arguments that force total commitment to the conclusion, i.e., that prove that, at least in the situation in which the argument takes place, the conclusion is necessary (not "absolutely", but "relatively" to the subject or the situation).

I want now to add two more important and critical considerations with respect to the project of this work, and on which I will dwell a little more. The first one is related to "what" the term conductive is applied to. As we have seen, Wellman so called a type of reasoning, and Govier (whom I have followed on this point) primarily a type of argument. Well, I argue that it applies to "everything", to everything to which the term "deductive" has been applied and which we identify as belonging to the argumentative phenomenon: inference, relation of consequence, implication, reasoning, argumentation, argument, argumentation. I insist on this point, first, because one of the most undermined tactics of latent and manifest deductivism is to displace the conductive pattern to a domain other than

⁴ We must not forget that research is first and foremost a practice and therefore includes decision making. In this respect, Bailin and Batterby, 2018's application of the conductive model to the reconstruction of epistemic processes with considerable success is very suggestive.

⁵ To give a simple but very illustrative example, what may be sufficient reasons (as opposed to reasons against) to find the defendant guilty when the penalty is a small financial fine may not be so when the penalty is to be life imprisonment.

that of implication where deduction is found, in such a way that it neither disturbs nor overlaps with it. The same could be said of many treatments that treat conduction as a type of meta-argumentation.⁶

But I also insist on this point because it is very revealing of that "platonizing" tendency of residual deductivism, which begins by distinguishing two planes or dimensions, for example "logical" and "dialectical-rhetorical", or "syntactic-semantic" and "pragmatic", then begins to speak of two types of entities, such as "product" and "process", or "implications" and "arguments", afterwards proceeds to hypostatize or reify the former, and ends up postulating a realm of abstract entities in which the virtuous and blissful deductions dwell, and a sublunar world full of noise and maledictions in which we flesh- and-blood humans are forced to feed on the moldy bread of conductive (and inductive, abductive).

I will try to clarify this point. I am not saying that it is not sometimes useful, for example, to make a distinction between a "logical" point of view, more focused on the intrinsic properties of the argument, and a dialectical point of view, more focused on making one see how the argument fits within the overall situation in which the exchange of reasons takes place. As I also believe that the scholar of argumentation, like the linguist or the philosopher of language, has every legitimacy to propose general statements which, precisely because they are presented as generalizations or expressions of regularities of argumentative practice, can and should be called "syntactic" or "semantic". But just as the linguist would do very badly if he identified language with the system of ideal rules that he proposes, and which does not correspond to the actions of any concrete speaker, the scholar of argumentation would do very badly if he took his theoretical notions as something more than tools of analysis and evaluation of the real phenomenon. Hence it is no good putting "deduction" in one place and "conduction" in the other; whether or not one and the other are good theoretical notions will be whether they are useful in describing and explaining the only real phenomenon, that which, imitating what John Austin famously said about the speech act, we can describe as "the total act of argumentation within the total argumentative situation".

The second critical consideration has to do with the role of counter-reasons (counter-considerations, in Govier's jargon). I believe that the literature has not fully grasped the fundamental role played by counter-reasons, and in fact they tend to "annoy" in the theoretical analysis. Often for purely technical reasons, since the inclusion of premises contrary to the conclusion does not quite fit in with the inherited conception of argument as an explicit statement of the grounds for adopting or forcing commitment to a main statement (one of the motivations of the theories that treat conductive arguments as meta-arguments). In general, as is very clear in Govier's case, the presence of reasons against is understood as a natural result and therefore a symptom that the argumentation is being conducted rigorously and honestly (in the real world it is at the very least "suspicious" that not even the slightest objection arises), and the conductive "moment" tends to be seen as the one in which when weighing in the balance of reasons the pros and cons we discover that the former outweigh the latter. This is also part of my own way of looking at the matter, but I would like to add a further point whose presence, to date, I have not been able to detect in the debate.

⁶ For example, adding as Hansen, 2013 as an implicit premise the "On Balance" (OB) clause that states that the pros outweigh the cons.

To explain this quickly, I will recall the criticism I raised against the Carnapian (or Bayesian) reconstruction of inductive arguments in Vilanova 2020. I claimed that it is absurd to require rational agents to gauge the probability of the conclusion given the premises because the agent cannot know a priori the initial probability distributions. This implies, among other things, that it is not possible to judge the weight (the support they provide for the conclusion) of the evidence from the evidence itself. In everyday situations we always judge from some background information about how things happen in our environment. But this is not enough. After all, that background information also counts as evidence (it would be part of the "implicit" premises in the reconstruction of the argument), so the same argument applies to it as to the premises of the argument (we cannot gauge their weight from them themselves, and therefore also not the weight they confer to the conclusion given the premises). What we need is something else, we need some element of contrast in reference to which we can calibrate (I do not say give a numerical measure, but at least weigh) the value of the evidence provided by the premises of the argument. And this is precisely what counter- considerations are for. It is only by placing the reasons on the other side of the scale that we can determine the weight of the reasons in favor (remember that a scale is worthless without counterweights).

It is true (I do not want to cheat here) that the same story can be applied here as to the deductive reconstruction of inductive arguments: we do not know the weight of the evidence against, so we do not obtain an "absolute" measure of the evidence in favor by comparison either (that is why on the other side of the real scales counterweights with marked values are placed). But precisely this (that there is no absolute but only relative measure) is one of the points I want to emphasize with the conductivist thesis, that the constitutive and original fact of what we call "arguing" is the contrast of reasons for and against, and not the execution of a set of formal rules (which, in any case, come later).

I will explain this better. We learn from a very early age to compare reasons for and against, we are taught from a very early age to look for reasons to defend our points of view that are stronger than the reasons that are adduced against us, and we exercise throughout our lives in the search for objections to the proposals of others that overcome the strength of their own supports, and during all the processes of learning and exercise of diverse argumentative practices we acquire and improve our skill to weigh pros and cons. Precisely because we do not possess a calculation procedure that gives us the absolute weight of each pro and each con, because what we need is not to understand or assimilate a doctrine but to acquire the skills that make us capable of satisfactorily performing all the tasks in which we defend and attack points of view, because in the end arguing is a knowing how and not a knowing what, it is *through our own experience* and not through a theory that we learn to weigh reasons⁷.

⁷ As stated by Wellman, even the balance may be a misleading metaphor, as it is not a "human skill" as weighing pros and cons is:

Nor should one think of the weighing as being done on a balance scale in which one pan is filled with the pros and the other with cons. This suggests too mechanical a process as well as the possibility of everyone reading off the result in the same way. Rather one should think of the weighing in terms of the model of determining the weight of objects by hefting them in one's hands (Wellman, 1971, p. 58).

3. RESOLUTE CONDUCTIVISM VERSUS THE CONCEPTUAL ILLUSION OF THE PLATONIC

We are now ready to formulate the conductivist position. Summarizing, I will call a conductive argument such that:

- c1) makes explicit reasons for and against a given thesis (including borderline cases in which there are no reasons against and/or only one in favor),
- c2) forces to weigh between several alternatives (in the most common case, between the alternatives of rejecting and accepting the thesis),
- and c3) the conclusion is retractable (it is inferred "by default" or "not monotonically").

Later I will introduce an important nuance, but I want to start by launching the most radical thesis:

Resolute conductivism: every argument is, in essence, a conductive argument.

What evidence do we have in favor of this thesis? Well, to begin with, one relevant fact is that when we count the type of arguments we encounter in actual discursive practices a surprisingly high proportion have explicit markers or very definite features of the conductive pattern. In the study reported in Hitchcock, 2002, which sampled the holdings of a university library, the figure was 29%, while in an exploration reported in Hitchcock 2009 of a larger sample ranging from telephone calls to radio programs the figure rose to 49%⁸.

A second argument in favor of the thesis is that, like the deductivist, we can reconstruct every argument as conductive. In several places Govier (e.g., Govier 2010, p. 263) has described the conductive sub-argument that lies behind every abductive argument, and in which the merits and demerits of the explanation that is concluded are weighed against its alternatives. It is obvious that abductive arguments, in addition, fulfill traits c2 and c3. The same is true of presumptive arguments, which in turn admit without too many problems the introduction of reasons to the contrary (either by making explicit some of the "caveats" that would block the conclusion or, better still, indications that some of them may be present in the current situation). And likewise inductive arguments, where it is obvious that each premise that describes a particular observation counts as a "support" to the general statement that is concluded and that is added to the rest of the observations. And it is not rare that there are counter-observations (including those that are later discarded as errors, perceptual illusions, memory failures, etc.), and that should be made explicit as counter-reasons (although, remember, the definition of a conductive argument does not require them to be present)⁹.

We are left, then, with a narrow area: the arguments of mathematicians or those of formal logicians themselves, the arguments by which Euclid proves his propositions from his postulates, or the arguments by which Russell and Whitehead obtain their logical theorems from their axioms. I will try to dispel the conceptual illusion of mathematical deductivism (for it is, in short, only a conceptual mirage: a concept that seems to be there but is pure appearance) by recalling Wittgenstein's considerations in the *Philosophical Investigations*

⁸ It must be said that Hitchcock works with a much narrower notion of conductive argument than ours (among other things, he only accepted, as in Wellman's original notion, particular conclusions), so it is to be expected that the figures will be higher.

⁹ See Pinto, 2011 for a reconsideration of inductive arguments as conductive.

on rule-following¹⁰. There Wittgenstein reminds us that rules (including, of course, rules of inference) do not execute themselves, it takes an agent to instantiate them, and in order to follow the rule the agent has first to understand the rule. But, here is the problem, Wittgenstein realizes that there are always "different" ways of understanding how the rule applies to the current case, various interpretations of the rule or, if you prefer, different metaregulations (different procedures for applying the rule). And all of them, from the logical point of view (a priori, formal, analytical) are equally admissible, all are possible and none are necessary. As Kripke made clear, the platonic way out is of no use here, for in the "realm of abstract entities" reside also those other interpretations of the rules, those other meta- rules, those other geometries, arithmetical and logical.

Am I not justified when I say that 100 plus 2 is 102, given that there is an alternative arithmetic in which the rule of addition says to put 104 (or, if you prefer, because there is an interpretation of the rule of addition in which the result is 104)? Wittgenstein's response takes the form of a conductive argument: of course you are justified, you can conclude with the highest degree of necessity that it is 104 (though not, of course, in that nonexistent sense of "absolute necessity" or "no matter what"), because when you compare the reasons for and against one and the other interpretation (all those you find in the myriad of practices in which arithmetic plays a role, from bridge-building and trade exchanges to weather predictions or playing bingo) the weight of the former is overwhelming. So, hidden under every application of the rule (including the deductive norms) is a conductive argument.

A review of the history of Formal Logic or a cold look at current practice suffices to see that exactly the same story applies to it. On the one hand, inference has to be carried out from outside the logical system, so to determine whether a formula is a theorem we must make use of a meta-rule (the one provided by Metalogic where the proofs of first- order formulas are worked out), which in turn admits different interpretations of how it is to be executed (which brings us to the meta-meta-rule and the beginning of an infinite chain)¹¹. Nor, as Gödel demonstrated in his famous incompleteness metatheorems, is it worthwhile to include the meta-rule in the logical system itself (making it a metalanguage of itself), since reflexivity not only causes the appearance of undecidable formulas, but also the impossibility of determining whether the system itself is consistent. And on the other hand, logicians have always discussed and continue to discuss a multitude of questions about the correct interpretation of the rules, about the correct ways of applying the rules or, what comes to the same thing, about which are the correct rules. For example, whether such and such quantifiers have existential import, whether the use of individual constants does, whether the inference is to be relevant or not, whether we admit infinite domains or not, whether we admit proofs by absurdity of negative statements, whether we admit second-order predicates or not, and in this case whether we adopt a standard semantics or

¹⁰ I warn that it is not my intention to enter now into a debate on the meaning, scope and correctness of these (something very controversial and which would imply a radical change of subject), nor do I even ask the reader to consider them correct: if I choose to use an approach known and familiar to all, it is to explain my point more quickly.

¹¹ As Lewis Carroll already made clear with his reworked parable of Achilles and the Tortoise, it is of no use to introduce as a premise the description of the rule (since a statement cannot do what the rule does). The finding of automatic decision methods or test algorithms seems to ameliorate the problem, but does not solve it, firstly because as soon as we arrive at first order logic with polyadic predicates, undecidability results appear, and secondly (let us not forget this point) because the inputs and outputs of the decision procedure must be interpreted.

Markov semantics, whether we make the logical consequence relation relative to a universe of discourse or admit variations in the universe. And in the end, logicians do what all scientists do: they argue among themselves, giving reasons in favor (exhaustiveness, economy, explanatory power, intuitiveness, elegance), and against (paradoxes, antinomies, counterexamples, limitations), and always being very attentive to the applications of the theory. The logician, like the mathematician, does more than inferring theorems from axioms using the rules of deductive inference: the logician argues, which is the same as saying that the logician weighs reasons for and against.

In short: the "necessarily" that applies to the conclusion in a deductive argument is never "absolutely" but "relative to a theory", and the reasons for adopting the theory never support it deductively but conductively.

4. CONCLUSION: A CONDUCTIVE ARGUMENT FOR CONDUCTIVISM

I will confess that I have launched the thesis of resolute conductivism with a rather rhetorical and even, if you will, eristic intention. A sort of "tu quoque" (or rather, excuse the neologism, a "me quoque") aimed at the deductivist: "if you can see all arguments as arguments of the type you privilege, I can see them as arguments of the type I privilege". But it is not my wish to impose the conductive as the only model with which to describe, analyze and evaluate arguments. As a methodological pluralist I think that the more the tools the better, and nothing is "intrinsically wrong" with the deductive tool.

My point, rather, is that if we take to the extreme the reconstruction of the "authentic argument" behind the one that appears to us as a phenomenon along the lines of the formalist (adding, then, all the considerations that are operating in the background), we will never arrive at an argument that proves with absolute necessity but always at one that judges that taking into account all available evidence and prior knowledge the sensible thing to do is to opt for the conclusion. That is why I will qualify my position in the following thesis: *Prudential constructivism*: we must take the conductive pattern as the best model for our argumentative practices. Therefore, I acknowledged that normative deductivism had its advantages, and that some of the reasons that have been adduced in its favor were, in my view, good reasons. I will enumerate the benefits that have been pointed out in this regard, and which I take to be reasons against prudential conductivism:

C1: it promotes the demand for formal rigor and certainty in our argumentative practices (the "classic" one),

C2: it is a resource to force to make explicit as premises implicit assumptions that may be relevant to the discussion, (Groarke, 1999, p. 9),

C3: it is a resource to force to make explicit the "guarantee" or the "argumentative scheme" used and consequently to clarify the argument (Shecaira, 2018, p. 478),

C4: it can serve to locate persuasive arguments that really have no probative force (Shecaira, 2018, p. 476),

Let us now consider the main advantages that have been postulated for the adoption of the conductive model, and which I adopt as pros:

P1: materializes an essential feature of rationality, such as openness to criticism and revision (Johnson 2011, p. 24),

P2: it impels to search and obliges to take into account all the considerations that are relevant to the conclusion, which at the same time fosters a self-critical spirit and endows the argumentative activity with greater rigor and richness (Govier 2010, p. 357),

P3: by valuing as legitimate and forcing to contemplate the other's reasons as reasons, it encourages tolerance of the opinion of others and constructive dialogue, constituting a remedy against the dogmatism to which the deductive model seems to push (Govier, 2010, p. 373).

P4: by constituting a standard of argumentative quality achievable in practice, it avoids the drift to skepticism to which the unattainable ideal of deductivism leads (Fogelin, 2005, p. 4),

P5: the inclusion of cons is an antidote to "tunnel vision" (the tendency to focus on one factor while forgetting the rest"), as well as "confirmation bias" (the tendency to exaggerate the value of evidence that confirms our thesis) (Govier, 1973, p. 363, p. 373).

P6: allows us to introduce gradualness in the inferential process, helping to recognize differences between the relative strength of different reasons (Govier, 1992),

P7: by unloading the weight of inference on the ability to compare reasons, it stimulates practice and argumentative training as an indispensable means to become a good arguer. Well, I will leave it to the reader to produce the conductive argument with which I will end this paper. We have two alternatives, deductivism and conductivism, and reasons for and against adopting one or the other, which are more powerful?

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Argumentation in the Intelligence Domain

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ABSTRACT: Aiming to explain past events or predict future events, intelligence analysts reason about collections of often unreliable, ambiguous and incomplete evidence to support or reject alternative hypotheses. Argumentation plays an important role in both the collaborative reasoning process within teams of analysts, and the final documents in which the outcomes of the analysis are reported. We explore the commonalities between standpoints and arguments on the one hand and hypotheses and evidence on the other.

KEYWORDS: analysis of competing hypotheses, argument diagramming, argument interchange format

1. INTRODUCTION

Aiming to explain past events or predict future events, intelligence analysts reason about collections of often unreliable, ambiguous and incomplete evidence to support or reject alternative hypotheses. Argumentation plays an important role in both the collaborative reasoning process within teams of analysts, and the final documents in which the outcomes of the analysis are reported. In this contribution, we explore the commonalities between standpoints and arguments on the one hand and hypotheses and evidence on the other. Our primary focus in this paper is on Analysis of Competing Hypotheses (ACH) (Heuer et al., 2005), a tradecraft standard meant to structure the analytical work of intelligence personnel. ACH aims to identify a complete set of alternative hypotheses, systematically evaluates evidence as consistent or inconsistent with each alternative hypothesis, and proceeds by rejecting hypotheses, rather than trying to confirm what appears to be the *prima facie* most likely one.

What constitutes a hypothesis within the Intelligence Community (IC) tends to not be strictly defined. Hypotheses can be interpreted as a feasible explanations of past events or scenarios underpinning future events – respectively, for sense-making about the past and for forecasting about the future. When applying the ACH technique, the analyst would be prompted to systematically assess each item of evidence against each of the alternative hypotheses to reach the best explanation. Evidence may, for instance, consist of a witness report describing a trail of smoke moving in an easterly direction, and aerial surveillance imagery showing what could be tracks in an east-to-west direction. Alternative hypothesis explaining this scenario could include H1 several damaged enemy tanks moving east, H2 a short forest fire moving with the wind to the east, H3 a herd of animals migrating to the west. By employing the ACH technique, the analyst is prompted to consider each piece of

evidence and assess whether it is consistent or inconsistent with each of these alternative hypotheses.

We will describe the relation between analysis in the intelligence domain and argumentation. More concretely, we will explore the mapping between concepts in the ACH technique and argumentative modelling using the ontology of the Argument Interchange Format (Chesñevar et al., 2006). We also outline the role of Argument Schemes in this mapping and how they can contribute to the analysis. In Section 2, we will provide some further explanation about ACH. In Section 3, we will give a high-level overview of the AIF. In Section 4, we describe the mapping between ACH and AIF. In Section 5, we conclude the paper.

2. ANALYSIS OF COMPETING HYPOTHESES (ACH)

Analysis of Competing Hypotheses, ACH (Pherson & Heuer Jr, 2020; Heuer, 2005), is a structured analytic technique for the Intelligence Community (IC). The main idea behind ACH is to help intelligence analysts choose the best among multiple alternative hypotheses about a critical issue. A *hypothesis* in the context of ACH is a potential explanation or conclusion that is to be tested (Heuer, 1999).

Pherson and Heuer (2020) outline the ACH method in terms of nine consecutive steps. 1) Identification of all possible hypotheses under consideration. 2) Listing of relevant information. 3) Creation of a matrix and analysis of the diagnosticity of information. 4) Review any divergent assessments. 5) Refinement of the matrix by reconsidering the hypotheses. 6) Drawing of tentative conclusions about the relative likelihood of each hypothesis. 7) Analysis of the sensitivity of the tentative conclusions. 8) Report of conclusions. 9) Identification of indicators or milestones for future observation.

In an ACH analysis, evidence and alternative hypotheses are arranged in a *diagnosticity matrix*, with column headers indicating the hypotheses being investigated, and row headers indicating the available pieces of evidence that form a case. The cells of this matrix capture the relation between evidence and hypotheses, in terms of whether a piece of evidence is consistent or inconsistent with each hypothesis. Table 1 gives an example of an ACH matrix.

Table 1. Example ACH matrix

	<i>h1</i>	<i>h2</i>	<i>h3</i>	<i>h4</i>
e1	+	n/a	-	n/a
e2	-	-	+	n/a
e3	+	-	n/a	+
e4	-	+	n/a	-

In this example, we use the values '+' and '-' to indicate that the evidence is, respectively, consistent or inconsistent with the hypothesis. Value *n/a* means that the involved evidence is not relevant for this hypothesis. Here, *e1* is used to support hypothesis *h1*, it is against *h3* and is irrelevant to *h2* and *h4*; evidence *e2* supports *h3*, it is against *h1* and *h2* and so

on. Roughly, the idea about the evaluation of this matrix is that the most acceptable hypothesis is the one least inconsistent with the available evidence (includes the smallest number of ‘-’ symbols in its column). Another evaluative property related to ACH matrices is *evidence diagnosticity*, that is, the identification of the points which are most influential in judging the relative likelihood of the hypotheses. For example, in table 1, the prevailing hypotheses are *h3* and *h4*. However, in this work we don’t deal with evaluation issues. Our main focus is on the semantics and the conceptual limitations of the method, which we will discuss in more details in section 4.

3. ARGUMENT INTERCHANGE FORMAT

Arguments come in various guises, and exactly what counts as an argument depends on the particular perspective, approach, theory, or model chosen. We could think of instances of Modus Ponens as a basic type of argument: from *p* and if *p* then *q*, we infer that *q* must also hold. Similarly, Aristotelean syllogisms are arguments: All men are mortal, Socrates is a man, so Socrates is mortal. Less explicitly complete arguments can count too: “*bring an umbrella, because it may rain*” is perfectly intelligible. The Argument Interchange Format (AIF) (Chesñevar et al., 2006; Rahwan et al., 2007) is designed to provide the theory-neutral means for representing all such different understandings of ‘argument’ in a formal ontology, thus providing an interlingua that can be used to translate between different theoretical perspectives and models.

The AIF can be seen as a representation scheme constructed in three layers. At the most abstract layer, the AIF provides a hierarchy of concepts which can be used to describe arguments: constellations of propositions that function as premises and conclusions in a reasoning structure to justify or refute a claim or standpoint. The AIF hierarchy describes an argument by conceiving of it as a network of connected nodes that are of two types: information nodes that capture data (such as datum and claim nodes in a Toulmin (2003) analysis, or premises and conclusions in a box-and-arrow analysis in the style of Freeman (1991), for example), and scheme nodes that describe passage between information nodes (similar to the application of warrants or rules of inference). Scheme nodes in turn come in several different guises, including scheme nodes that correspond to support or inference (or ‘rule application nodes’), scheme nodes that correspond to conflict or refutation (or ‘conflict application nodes’), scheme nodes that correspond to rephrase and scheme nodes that correspond to value judgements or preference orderings (or ‘preference application nodes’).

At this topmost layer, there are various constraints on how components interact: information nodes, for example, can only be connected to other information nodes via scheme nodes of one sort or another. Scheme nodes, on the other hand, can be connected to other scheme nodes directly (in cases of, for instance, arguments that have inferential components as conclusions, e.g. in patterns such as Kienpointner’s (1992) ‘warrant- establishing arguments’). Inference captured by multiple incoming scheme nodes thus naturally corresponds to convergent argumentation, while a structure in which multiple premises support a single incoming scheme node corresponds to linked argumentation (Walton, 2006).

Figure 1 visualises the taxonomy of AIF. The Upper ontology abstracts the basic building blocks of AIF argument graphs, types of nodes and edges, whereas the Forms ontology constitutes a reification of the abstract concepts in the Upper ontology by allowing for the conceptual definition of the elements of AIF graphs.

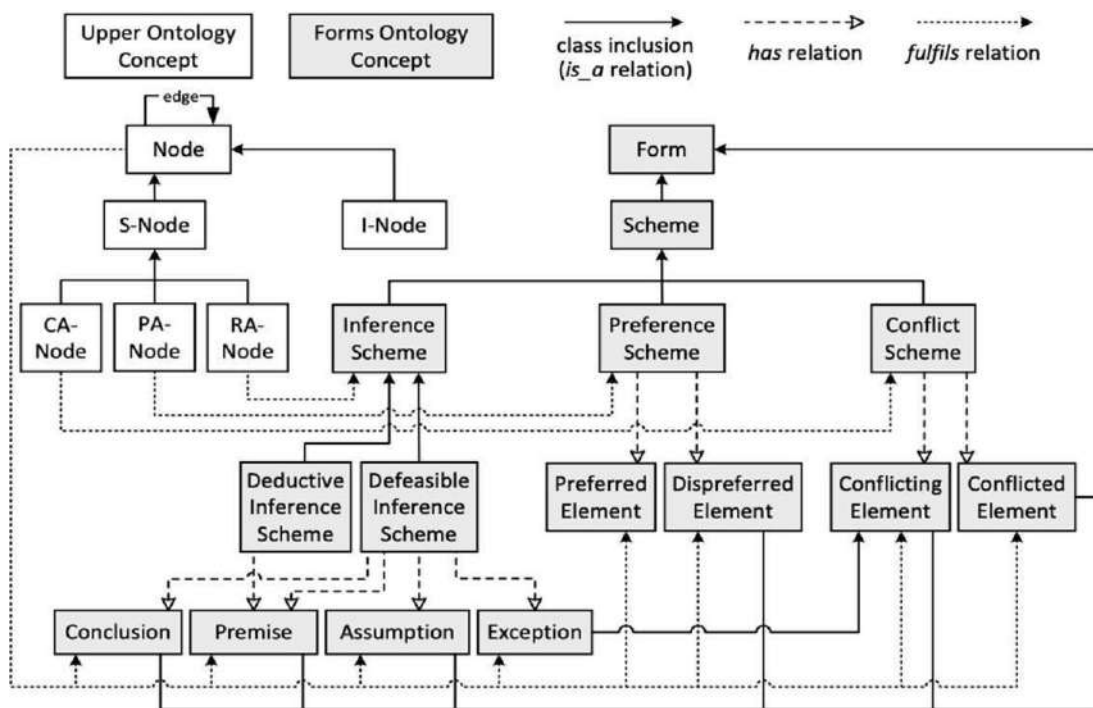


Figure 1. A schematic diagram of the abstract layer of the AIF.

A second, intermediate layer provides a set of specific argumentation schemes (Walton et al., 2008) (and value hierarchies, and conflict patterns). Thus, the uppermost layer in the AIF ontology lays out that presumptive argumentation schemes are types of rule application nodes, but it is the intermediate layer that cashes those presumptive argumentation schemes out into Argument from Consequences, Argument from Cause to Effect and so on. Intermediate layer is essentially defined by the Forms ontology. At this layer, the form of specific argumentation schemes is defined: each has a conclusion description (such as ‘A may plausibly be taken to be true’) and one or more premise descriptions (such as ‘E is an expert in domain D’). Walton’s set of argumentation schemes (Walton, 1996; Walton et al., 2008) in particular has been developed in full for the AIF (Rahwan et al., 2007).

Finally, the third and most concrete level supports the integration of actual fragments of arguments, with individual argument components (such as strings of text) instantiating elements of the layer above. At this third layer, an instance of a given scheme is represented as a rule application node with the terminology of rule application (RA), used to represent inferences and arguments, conflict scheme application (CA), used to represent conflicts between elements of AIF, rephrase (MA), used to represent semantic

proximity between propositional content (restatement, paraphrase, etc), and preference application (PA), used to represent the preference of one I- or S-node over another.

The rule application nodes, in particular the RA-nodes, are said to fulfil one of the presumptive argumentation scheme descriptors at the level above.¹ As a result of this fulfilment relation, premises of the rule application node fulfil the premise descriptors, the conclusion fulfils the conclusion descriptor, presumptions can fulfil presumption descriptors, and conflicts can be instantiated via instances of conflict schemes that fulfil the conflict scheme descriptors at the level above. Rephrase plays a slightly different role, that of connecting information nodes of similar propositional content. Any constraints from the intermediate layer are inherited, while the instantiated argument structure at this concrete level constitutes a subset of the possibilities in principle offered by the higher levels.

4. MAPPING BETWEEN ACH AND AIF

In order to develop an ACH-driven navigation tool for graphs of structured arguments, we first need to understand the argumentative principles underpinning ACH. This means, to interpret the different ACH concepts with the language of argumentation and identify the underlying structural patterns related to the technique. This section outlines the mapping between ACH and argumentation using the terminology of AIF (Chesñevar et al., 2006) for describing it.

Despite the research interest that ACH has attracted over the past years (Murukannaiah, Kalia, Telangy, & Singh, 2015; Jones, 2018; Chang, Berdini, Mandel, & Tetlock, 2018; Wheaton & Chido, 2006; Valtorta, Dang, Goradia, Huang, & Huhns, 2005), the method has also received criticism (van Gelder, 2008; Dhimi, Belton, & Mandel, 2019). Among the shortcomings of ACH, is, for example, its methodological vagueness about the way of selecting hypotheses, under what criteria the consistency or inconsistency of evidence is decided, and how evidence diagnosticity is to be established. Judging further how transparent and well explained the results are presented in the matrix, points at several further deficiencies. First, ACH does not reveal the more complex reasoning structures relating evidence and hypotheses, encapsulating this under the concise symbols of '+' and '-'. It also does not provide a systematic way to challenge how valid or fallacious the final or intermediate conclusions are. Finally, it cannot be inferred how evidence and hypotheses are related to each other. For example, what do *competing* or *alternative hypotheses* mean? Are hypotheses mutually exclusive if they just give different explanations for the evidence without necessarily being directly conflicting, is it both, or are they structurally unrelated? Argumentation provides all those mechanisms to reconstruct and surface the reasoning behind the creation of the matrix, to explicitly define relations among elements in the matrix, as well as to challenge the inferred conclusions, helping ACH overcome those limitations.

¹ The notion of descriptor is defined in the intermediate layer, to show how the abstract notions of the topmost layer are reified. As a result, presumptive argumentation scheme descriptor, premise descriptor, conclusion descriptor etc. are the specific components that define an argument scheme in the intermediate layer which are then instantiated via *fulfilment* relations in the concrete layer.

We start by unfolding what it means for a piece of evidence to be consistent with a hypothesis. Although the term *consistency* hasn't been given an explicit definition, the default is to say that evidence is consistent with a hypothesis, if the first can be used to prove or support the second logically. In other words, that there is an inferential chain that starts with the evidence and ends at the hypothesis following a number of logic steps. Thus, each '+' symbol in the matrix is mapped to a serial argument of sequential inference applications, as shown in Figure 2.



Figure 2. Consistent evidence in AIF

Figure 2 shows the consistency between $e1$ and $h1$ of Table 1. The middle node with the dots in its text represents the intermediate steps in the reasoning chain. The diagram has been created with the OVA tool² which uses the AIF representation for creating argument graphs. As a result, the grey nodes correspond to I-nodes (propositional nodes, as described in section 2.2) and the green nodes are instances of RA-nodes (default inference). Note that, in order to reconstruct the intermediate stages that lead to a hypothesis, it is presupposed that this information is available or can be reconstructed. If this is not the case, evidential consistency is translated to a direct RA-node starting from the evidence and directly leading to the hypothesis.

Inconsistency appears in ACH when evidence disproves a hypothesis. In argumentation terms, this means that a piece of evidence attacks the hypothesis either directly or indirectly, by attacking some of the intermediate premises or inference relations leading to this hypothesis. Figure 3 shows the AIF structures to which inconsistencies of evidence $e2$ and $e4$ with $e1$ are mapped. The diagram depicts what was mentioned above and in particular, that $e2$ is a direct evidence against $h1$, whereas $e4$ an indirect attacker. Again, an attack to some of the intermediate inference steps presupposes that this information is available and can be reconstructed. In case it is not available, the mapping of inconsistency will always result in a direct attack from evidence to the hypothesis.

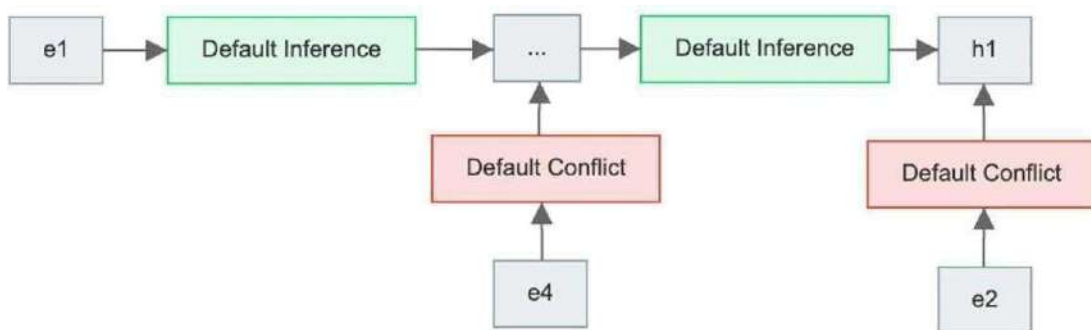


Figure 3. Inconsistent evidence in AIF

² <http://ova.arg.tech/>

Normally, ACH analyses real-world cases and, consequently, the mapping creates arguments in the same context. By classifying them into Waltonian argument schemes (Walton et al., 2008), the mechanism of critical questions is directly incorporated in the analysis, providing a way to systematically challenge inferred conclusions at any level in the reasoning chain. This way of thinking is very important in Intelligence Analysis. It can help analysts scrutinise conclusions before putting them on the table and enhance the iterative cycle of considering alternative explanations and searching for new evidence to support or refute them, thus improving the analytical rigour of the analysis. As will be shown later, argument schemes and critical questions can also add a valuable extension in the argument navigation tool.

We now investigate how hypotheses are being related to each other and what kind of structures exist among them. In (Pherson & Heuer Jr, 2020) it is mentioned that hypotheses are *mutually exclusive*. In ACH terms, this means that it is only one that can be proven as true. In argumentation terms, this could be conceived as being mutually contradicted, or in other words, that they attack each other. However, in ACH, mutual exclusivity doesn't necessarily mean contradiction. Imagine for example two cases of a murder investigation. In the first case the competing hypotheses are $h1 = \text{"Relative } X \text{ committed the murder"}$ and $h2 = \text{"Relative } X \text{ did not commit the murder"}$. In the second case, competing hypotheses are: $h1 = \text{"Relative } X \text{ committed the murder"}$ and $h2 = \text{"Relative } Y \text{ committed the murder"}$. In case 2, assume that we have the following bit of evidence $e : \text{"The murder was committed by some relative of the victim"}$. In both cases $h1$ and $h2$ are mutually exclusive, as they can't both be true at the same time (in the first case we can't have that X both did and did not commit the crime, and in the second, it is either X or Y who is the murderer). However, if we look at their propositional content, in case 1, the two hypotheses are conflicting (directly attacking each other), while in case 2, these two propositions are not intrinsically contradictory. Their conflict is contextual as they just give two alternative explanations of the same evidence. For the navigation purposes, we use these two relations to define the notion of *alternative hypotheses*.

The structural relation between alternative hypotheses in AIF terms is depicted in Figure 4. In Figure 4(b), direct inferences from e to $h1$ and $h2$ are used for saving space, but these can equally be chains of inferences as illustrated before. Again, for simplifying the navigation, the relation between alternative hypothesis is not defined in a transitive way. For example, in case 2, if there is a third hypothesis $h3$ which is an alternative for $h2$ (there is a different common evidence supporting them), it does not mean that $h3$ is also an alternative hypothesis for $h1$.

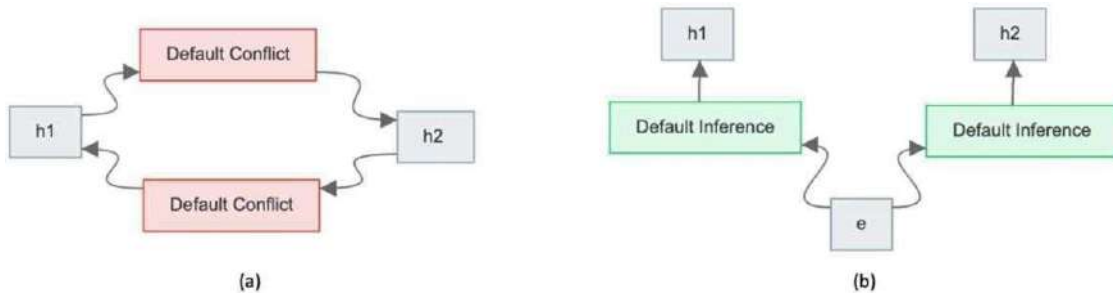


Figure 4. Alternative hypotheses in ACH-Nav diagrammed in AIF. In (a) hypotheses are directly attacking each other. In (b) hypotheses explain differently the same evidence

Finally, given that hypotheses play a central role in the ACH-Nav tool as will be shown later, and the whole navigation is built around this notion, we need to distinguish them from the remaining propositions in the argument graph and annotate them separately. To do this in AIF, we leverage the mechanism of YA-nodes from AIF+ (Reed et al., 2008) and use the type *Hypothesising* for the illocutionary force that has the particular proposition as its target content. From a linguistic perspective, the same proposition can be a hypothesis in one context and evidence in another: there is nothing intrinsic about the information itself that makes it one or the other. Therefore, labelling a proposition as a hypothesis should be decoupled from its actual content and this is exactly the role of YA-nodes: to capture the *intention* behind the utterance of a locution in a dialogical setting (Budzynska & Reed, 2011). An example of a hypothesis annotation is shown in Figure 5. The yellow middle node represents an instance of YA, the blue node on the right is the locution (L- node) and the grey node on the left represents the propositional content (I-node) of the hypothesis.

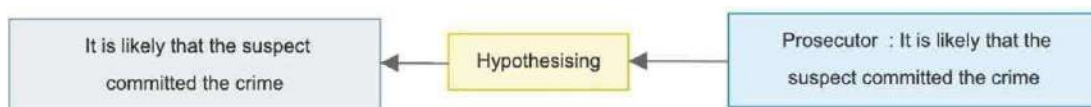


Figure 5. Hypothesis annotation in AIF as a YA scheme of type *Hypothesising*

5. CONCLUSION

As a contribution to the study of argumentation in the intelligence domain, we have described the relation between the central concepts and reasoning in the structured analytical technique of Analysis of Competing Hypotheses (ACH) and the Argument Interchange Format (AIF). One significant opportunity supported by this exploration is the prospect of developing a bidirectional formal mapping between ACH and AIF. This in turn would support the addition of edit-interaction with ACH as a means of rapid creation of high-level AIF structures in a software tool such as ACH-Nav (Zografistou *et al.*, 2022). This increase in flexibility not only brings structured argument construction into the Intelligence Community directly, but also delivers *theory neutrality* (Reed & Rowe, 2005)

into this application domain. This is a particularly important step for a community which relies upon a wide variety of tools and techniques and approaches but requires an underlying consistency and coherence in knowledge representation.

ACKNOWLEDGEMENTS: The work described in this paper was supported in part by Dstl under the Serapis framework (SUBCT/FNC-UOD/SERAPIS/58011/EA).

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Election Denialism as Extremism in Argumentation

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ABSTRACT: No other words better capture the polarized essence of contemporary American partisan politics than “election denialism.” Election denialism aims for a change of the status quo by overthrowing the American election systems. The paper suggests that election denialism could be the major force dividing the US political landscape; election deniers unanimously appeal to pathos in the election propaganda and argument from narrow identity could be among the most popular argumentation schemes in election denialism.

KEYWORDS: argument from narrow identity, cognitive environment, election denialism, extremist argumentation

1. INTRODUCTION

No other words better serve to capture the polarized or extremist essence of contemporary American political divisiveness than “election denialism,” which is the most symptomatic catchphrase of extremism in American political argumentation. Because this phrase means the overthrow of the American election systems on which American democracy is founded, as Sergio Peçanha comments in his Washington Post op-ed published on Jan 18, 2023: “Americans know the feeling: It’s hard to believe the sight of a capital vandalized by a mob of people who won’t accept the result of an election because their side didn’t win. It’s our country — our democracy, *ourselves* — under attack.” Thus, election deniers, election denialism, election propaganda are a trio of terms which exemplify extremism in political argumentation.

Approaching the issue from the perspective of extremism in argumentation, we propose to investigate how these election deniers as pseudo-arguers in the sense that they argue for a pseudo-political reality of “election denialism,” have managed to modify the cognitive environments of the target audience through argumentative moves. In doing so, we include the following argumentative moves in the perspectival analysis: the construction (on the arguer’s part) and reception (on the audience’s part) of a collective ethos or identity, etc. Specifically, we will look at the ways in which the audience receives the identity messages presented for their assent. As one of the political gurus for the

Republican Party, Frank Luntz offers one of his most incisive observations here in his New York Times Bestseller Book *Words That Work*:

You can have the best message in the world, but the person on the receiving end will always understand it through the prism of his or her own emotions, preconceptions, prejudices, and preexisting beliefs. It's not enough to be correct or reasonable or even brilliant. The key to successful communication is to take the imaginative leap of stuffing yourself right into your listener's shoes to know what they are thinking and feeling in the deepest recesses of their mind and heart. How that person perceives what you say is even more *real*, at least in a practical sense, than how you perceive yourself (Luntz, 2007, p. xi; emphasis original)

Luntz's point here is that what really matters in political argumentation is not "what you say," but "what people hear." The ways people hear bear some resemblance to what we call the "cognitive environment" that applies to a specific audience. Here in his approach, the focus has shifted from the arguer's intention to say something to the audience's reception of the messages. Here in his art and science of words that work, the critical task is to examine "the strategic and tactical use of language in politics, business, and everyday life, it shows how you can achieve better results by narrowing the gap between what you intend to convey and what your audiences actually interpret" (Luntz, 2007, p. xiv), or to put in his own words, "to go beyond your understanding and to look at the world from your listener's point of view." This approach could be defined as "listener-centered" because here the listeners' "perceptions trump whatever 'objective' reality a given word or phrase you use might be presumed to have" (Luntz, 2007, p. xiv).

For example, as will be shown, we could find some of the most compelling exemplifications in the Kari Lake case. Three perspectives are suggested here in this chapter to look into the rhetorical strategies employed in the right-wing extremist argumentation i.e., Kari Lake's Persona as one of the most vocal supporters for Trumpism, political ads as means of modification of the audience's cognitive environment, and political slogans as memes of modification in appealing to the audience's emotional state (Tindale, 2017). Three observations are made. First, election denialism as extremism in political argumentation could be the major force dividing the US political landscape. Second, election deniers unanimously appeal to pathos or emotion in the election propaganda. Third, argument from narrow identity (or identity politics) could be one of the most popular argumentation schemes in election denialism. First, let's look at Kari Lake's remarks at the CPAC 2022 for the construction of a collective ethos, or a collective identity of Trumpism, that simultaneously authorizes her persona.

2. DEFINING ELECTION DENIALISM

In the years or decades to come, if historians look back and think about an umbrella term for describing the political climate of the U.S. for the first three decades of the 21st century, which culminates unfortunately in the Jan 6, 2021 Insurrection on the U.S. Capitol Hill,¹ a

¹ The Insurrection, being a violent uprising in nature aiming for a rejection of the result of a democratic election and rarely seen in the history of American democracy, is beyond the scope of our discussion here, since we define extremism as a position of a radical nature which bears little resemblance to terrorism, fundamentalism, or radicalism. See Ch.1 for our definition of extremism.

newly invented term like “deep partisanship” could possibly have turned out to be a better alternative for “deep disagreement” in a traditional sense from among their historiographical toolbars in the describing efforts.² People could be surprised to find that in “the-then” political climate, emotion rather than reason reigns in the time; some people but not all on the political spectrum have consciously chosen to live in the pseudo-reality of “election denialism”; by drawing upon the distinction between “publics” and “counterpublics” made by Palczewski et al. (2022, pp. 283-312), American people are hierarchically classified roughly into publics and counterpublics of a divisive nature (republicans vs. democrats, conservatives vs. liberals, etc.) according to their political identities, with both groups of publics being pitted over against each other on many political debates in civic engagement; the postmodern discursive principle of “believing is seeing” has been provided as a substitute for the once-holy one of “seeing is believing” that many people still hold dear, so on and so forth. All in all, “Polarization has become the new normal in American society.”³

It is against the backdrop of this new political reality in the U.S. that I would argue here, probably no other words serve better to capture the polarized or extremist essence of contemporary American partisan politics than “election denialism,” which is the most symptomatic catchphrase of extremism in American political argumentation. Because this phrase means the overthrow of the American election systems on which American democracy is founded, as Tim Ryan, Democratic nominee for Senate from Ohio said in his concession speech, “We can’t have a system where if you win, it’s a legitimate election, and if you lose, someone stole it.” Thus, election deniers, election denialism, election propaganda are a trio of terms which exemplifies extremism in political argumentation. In this respect, as I argue, no better example provides a more compelling explanation than the one exemplified in the Kari Lake case. Election deniers are identified as those political candidates who “directly questioned Biden’s victory, opposed the counting of Biden’s electoral college votes, expressed support for a partisan post-election ballot review, signed onto a lawsuit seeking to overturn the 2020 result or attended or expressed support for the rally on the day of the Jan. 6 attack on the U.S. Capitol.”

3. APPEALING TO A COLLECTIVE ETHOS: CONSTRUCTING AN “I” OUT OF A “WE”

Ethos could be understood a conceptual “common ground” between an arguer and the target audience. In this sense, the essential concern is the relationship between the arguer and his or her audience. In order to secure the audience’s assent to his or her thesis, an ethtoic argument could be the most authoritative form of persuasion in the Aristotelian sense. However, as is rightly pointed out by Maurice Charland (1987), Aristotle stops short

² A recent poll entitled “Daily Survey: Unity in the U.S.” conducted by YouGov tells us how divisive or polarized the American society is today. According to this poll, 76 percent of American citizens aged 18 and over consider the country “divided.” Only 23 percent say Mr. Biden has made the nation “more united,” while 44 percent say he has made it “more divided,” and 24 percent say he has made “little difference.” (tabs_unity_in_the_us_updated2.pdf (documentcloud.org))

³ Peter Baker, “For Biden, a Chance for a Fresh Start in a New Era of Divided Government,” *The New York Times*, Feb 5, 2023.

(<https://www.nytimes.com/2023/02/05/us/politics/biden-state-of-the-union-republicans.html>)

of conceptualizing a rhetorical ethos from the audience's perspective. In other words, the version of ethos or the audience's anchorage of the arguer or speaker's image seems to be lacking in Aristotle's conception of rhetorical ethos. In addressing this issue, Kenneth Burke has advanced the Aristotelian concept of ethos with his proposal for identification through means of consubstantiality:

A is not identical with his colleague, B. But insofar as their interests are joined, A is identified with B. Or he may identify himself with B even when their interests are not joined, if he assumes that they are, or is persuaded to believe so (Burke, 1969, p. 20).

Burke proposes here that a rhetor or arguer could be identified with his or her audience through means of identification. The means here could include shared interests between two parties, or if shared interests are not available, but potential or seeable, they could still feel like being identified with each other. Burke (1969, p. 21) also warns against the fear of being "consubstantial" in the process of being identified. The result of this identification is meant more in the sense of a shared or collective identity or ethos rather than a physical identity combining the two individuals:

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. Thus, he is both joined and separate, at once a distinct substance and consubstantial with another.

Clearly, being identified with another person is meant more in a conceptual sense rather than a physical sense. By being identified with another person, one does not necessarily lose his idiosyncratic characteristics. In the words of Kenneth Burke, "two persons may be identified in terms of some principles they share in common, an 'identification' that does not deny its distinctness" (p. 21). Therefore, "to identify A with B is not to make A 'consubstantial' with B" (p. 21).

In 2016, I declared I am your voice. Today, I add I am your warrior, I am your justice. And for those who have been wronged and betrayed, I am your retribution. I am your retribution (Trump CPAC 2023 Speech).

Also, in conceptualizing rhetorical ethos, we need to take into consideration both the spatial and temporal senses. For example, in the Burkean dramatism, one of the pentadic terms is "scene," along with "act," "agent," "agency," and "purpose." In rendering many of the ratios that constitute the complex relationships between the five terms, Kenneth Burke calls our attention to the "scene-act," "scene-agent" ratios, "whereby the quality of the context in which a subject is placed will affect the quality of the subject placed in that context" (Burke, 1969, pp. 77-78; Tindale, 2020). Burke's (1969, p. 78) idea here is that "we get a different definition" or meaning by "locating the human agent and his act in terms of a scene" that could be as broad as "the concept of a supernatural Creator," and as narrow as the "minutely particularized situation of back-stairs gossip". Therefore, the construction of a collective ethos necessarily involves the dimensions of "place" and "time" (Tindale, 2020; Wang, 2020), i.e., there are the spatial and temporal dimensions in constructing a collective image.

In this line of rhetorical thought, an individual's ethos is not one-dimensional, but multidimensional. In this sense, Maurice Charland (2001) proposes his theory of

Constitutive Rhetoric, with its focus on “constructing and providing its addressed audience with an identity,” especially a collective identity, for instance, a national identity. Being “fundamental to collectivization and the emergence of nations,” “constitutive rhetoric” could be understood as both a “genre of discourse” and a “theory for understanding rhetorical processes.” Constitutive rhetoric defines the following means of identification as its theoretical agenda: (1) to “provide a collective identity for an addressed audience”; (2) to “construct the audience as a subject in history”; (3) to “demand that subjects act in accordance with their collective identity as enacted in history” (Charland, 2001).

For example, in the Kari Lake case,⁴ for the construction of such a collective ethos, i.e., a “We” defined by Trumpism and her version of American patriotism, Lake begins her CPAC remarks by declaring “Thank you, so much. Well, *we* won.” Of course, here “we” indicates all the voters who supported her in the Arizona 2022 primaries. There and then, she greets the audience present on the CPAC 2022 occasion in Dallas, Texas by addressing them as “patriotic Americans.” She also indicates the occasion as the only “place” in the world that “she would rather be there to share a space with the greatest president” they’ve known. Of course, in announcing the presence of President Donald J. Trump, an “amazing man” she saw at the backstage by appealing to a peculiar “shared space” here, she also makes *presence* before the audience there her status as a Trump-endorsed nominee for the Arizona governor. She keeps on calling the audience’s attention to this symbiotic relationship between her and President Donald J. Trump by calling the audience’s attention to his inspiring God-like role model in emotional words: “How many of you are inspired by President Trump at some point in your life? [Applause] He inspired me. I would not be here without that man.” Also, she takes the advantage of the opportunity to project her prior ethos as an “honest journalist” who has served Arizonans in that role for 27 years (Amossy, 2001), for the purpose of constructing a new persona of devout and selfless Christian, who listens to and follows God’s words:

And how many of you were inspired by President Trump at some point in your life? [Applause] He inspired me. I would not be here without that man. I would not be on this stage. When I walked away from my career as an honest journalist of 27 years covering Arizona, honestly, I had no idea that I would ever end up right here. I did not know what was in store for me. I did not. I promised you this. I never imagined this. It is not what I thought I would be doing. I walked away and I truly handed my life over to God 100%. [Applause] 100%.

By resorting to the God talk here, Lake’s argument is apparently that it is out of God’s will that she walks away from her job as an “honest journalist” and runs for the governorship. In conjuring up God’s image here, she is urging her audience to listen to God’s order and be what she calls “the good people of Arizona.” By mentioning “what was in store for me,” she also hints that God has actually prepared or put something in her “store” for the role she will be performing in the future. In other words, she is doing all this in the Will of God. It is God who let her “walk away” from her current job, lead her into the current place that she has “never imagined.” She unconsciously listens to God’s order without knowing exactly where she will be heading, what she will be doing and whatever situation she will end up being thrown into. All in all, that’s why she “hands over” herself to God. So, here, an individual ethos is manifested in a tri-fold way in the person of Kari Lake: an honest

⁴ For Kari Lake’s CPAC remarks, please click the link here at: <https://www.c-span.org/video/?522155-5/conservative-political-action-conference-kari-lake-remarks>.

journalist, a former TV anchor as a public servant for the people of Arizona, a devout Christian who follows God's will 100%. Now, in the name of God's will or order, she sets herself as an example for the audience to follow in what she calls the holy cause of "tak[ing] back the country," in the fight against the enemies to "save America." Out of the blue, for this common cause to be realized, the collective ethos in the form of a political party of "We the People" is now coming into its being.

4. THE RECEPTION OF A COLLECTIVE IDENTITY: A RECEPTIVE AUDIENCE

One of the argumentative strategies election deniers adopt is appealing to a collective identity, i.e., an identity consisting of American patriots or an identity of "We the People." "We the People" as a political term has its own long history. They are the very debut words that announces the Declaration of Independence and the U.S. Constitution. Abraham Lincoln, in his famous Gettysburg Address, proposes the three political principles for the American democratic system, i.e., the governing principles *of the people, by the people, and for the people*. On March 18, 2008, in addressing the racial issue, Barack Obama began his "A More Perfect Union" speech with the sentence: "We the people, in order to form a more perfect union." On January 21, 2017, Donald Trump begins his inauguration speech with the "We, the...people" sentence structure: "We, the [citizens of America, are now joined in a great national effort to rebuild our country and to restore its promise for all of our] people," and echoes somewhere in the speech Abraham Lincoln's notion of "the people": "What truly matters is not which party controls our government, but whether our government is controlled by the people."

Similarly, in Kari Lake's CPAC remarks, the party of "We the People" is composed of the following groups of "people": Trump supporters in the Republican Party, those who support her in her bid for the Arizona governorship manifested in the sentence "we won," "the conservatives, but not just the conservatives who got our welcome in the independence," and last but not least, new comers who may be "any patriot who loves this country" and "any democrat disillusioned with the dead-end ideas of the Democratic Party." And "we the people" here are exactly the chosen people of God, as is manifested in the sentence here. Noteworthy is the fact that "We the People" are the very first three words coming out of the opening statement of the U.S. Constitution:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

By analogical reasoning, here in Lake's remarks patriotic Republicans as members of the Party of "We the People" are now likened to "We the People of the United States." Also, by alluding to "We the People" as "the public" authorized by the U.S. Constitution, what she calls patriotic Republicans or Trump-supporters now automatically translate into the very "public" constituting American citizens. By the same token, she depicts a counterpublic in these lines:

The lies, the nastiness, the endless attacks on myself and my family, my children, they follow us, they follow my children, take pictures of them, they parked outside of our house. These people are evil bastards. Just look at what they put President Trump and his family through for several years. He has got the globalist against him; he's got the fake news against him; he's got the left against him, and he even has got people in our own party against him, we call them the RINOs.⁵

Here what she calls the “evil bastards,” the globalists, fake newsmen and newswomen, leftists, all the “RINO-Republicans” are classified as the “counterpublics.” More importantly, between the lines here, whoever supports her is following the God’s will, while those who do not support her is disobeying God’s will and will be punished in certain ways. That also justifies her claim that these people are what she calls “evil bastards.” In terms of argumentation schemes here, she is appealing to argument from sacred authority (God) and also argument from secular authority (President Trump, a person of God-like presence in the Republican Party). For her, President Trump certainly enjoys God-like authority in the Republican Party, at least among the far-rightist Republicans. The ethos of a God-like Trump is established in the following words:

Just look at what they put President Trump and his family through for several years. He has got the globalist against him; he's got the fake news against him; he's got the left against him, and he's even got people in our own party against him, we call them the RINOs.

Here, Lake not only appeals to ad hominem arguments, but also argument from comparison, and the implicit argument from threat. Because those republicans who are not Trump-supporters are called “RINOs,” while those supporters belong to “we the people.” The exclusivity of the term “we the people” is just between the lines, easily available to the receptivity of the audience. Then after the utterance of these words, she likens her own persona to that of President Trump: “Now, listen, I feel for him because I actually got a taste of it myself. I actually kind of understand what it feels like to be President Trump. It is not fun, not fun at all.” In this way, her own persona is now connected to that of President Donald Trump. By appealing to the holy authority and stoking fear for losing one’s identity as belonging to “We the People,” the audience’s cognitive environments could be modified. Apparently, throughout the CPAC remarks, one of the most frequent argumentation schemes Kari Lake employs is the arguments from comparison and contrast. To further differentiate the “we” from the “them,” and to consolidate the collective identity of patriotic Americans as “We the People,” Lake intends to modify the audiences’ cognitive environments by making comparison and contrast between different individual and collective identities such as an honest journalist v. fake newsmen and newswomen, the rightists v. the leftists, the globalists v. localists, republicans v. democrats, republicans as Trump-supporters v. those who are republicans “RINOs,” the good people of Arizona v. the “evil bastards,” “those who want to save America” v. “those who want to destroy her,” those who are unscathed v. those who have the scars, nonpolitical people v. politicians, etc. Lake also intends to induce some modifications in the audience’s cognitive environments, because metaphoric languages are vivid, more intelligible, and more familiar, such as the RINOs, the McCain machine, an epic battle in Arizona, a battle between those who want to save America and those want to destroy her, etc. By the projection of many personasto

⁵ Here, “RINO” is an acronym for “Republicans in Names Only,” which is obviously meant in a negative sense in the referenced context.

appeal to different audiences, she also puts on a brave face: “You know what I say to them. Bring it on. [Applause] Bring it on. I welcome this strife, I welcome the attack, I welcome every bit of it with ultimate gladness.” She projects herself as a political novice in order to cover up her purpose in running for the governorship. To this end, she uses narratives to project a persona of selflessness, a devout Christian, a political novice. Seen from the above discussions, Kari Lake proves herself to be a politician par excellence in the sense of politician as is generally understood.

5. CONCLUSION

Does reason or emotion reign in our time? Why do people choose to live in the pseudo- reality of “election denialism”? Why does the power of “seeing is believing” not apply here? How should we understand strategies or schemes of arguing from narrow or broad identity in today’s political discourse? Three perspectives are suggested here in this paper to look into the rhetorical strategies employed in the right-wing extremist argumentation i.e., Kari Lake’s Persona as one of the most vocal supporters for Trumpism, political ads as means of modification of the audience’s cognitive environment, and political slogans as memes of modification in appealing to the audience’s emotional state. Three observations are made. First, election denialism as extremism in political argumentation could be the major force dividing the US political landscape. Second, election deniers unanimously appeal to pathos or emotion in the election propaganda. Third, argument from narrow identity (or identity politics) could be one of the most popular argumentation schemes in election denialism. First, let’s look at Kari Lake’s remarks at the CPAC 2022 for the construction of a collective ethos, or a collective identity of Trumpism, that simultaneously authorizes her persona.

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Confucius and Virtue Argumentation Theory

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ABSTRACT: This paper aims to show that Confucius can be regarded as a virtue argumentation pioneer in ancient China. It demonstrates that Confucius has very similar views to Virtue Argumentation Theory (VAT) regarding the close connection between a speaker's virtue and her words, his notion of Junzi is akin to ideal arguer, and his teaching practice reveals a special attention to the audience's characters. Moreover, a Confucian argumentative virtue list is constructed and compared with Aberdein's argumentative virtue list.

KEYWORDS: Argumentative virtue, Confucius, Ideal arguer, Virtue argumentation theory

1. INTRODUCTION

Inspired by the works of contemporary virtue ethics and virtue epistemology, there has been a returning-to-virtue trend happened in argumentation studies, resulting in the recent development of Virtue Argumentation Theory (VAT). Virtue argumentation theorists highlight the importance of arguer in the analysis and evaluation of arguments, and stress that an argument's goodness or badness could be explained in terms of the arguer's characters. For example, according to one of its leading figures, Daniel Cohen, "an argument that is so good that in the end the arguers agree on how good the argument was, is that it must have some extraordinary arguers" (Cohen, 2013, p.478). In particular, virtue argumentation theorists have drawn heavily on resources in the field of virtue ethics, virtue epistemology and critical thinking, in order to specify the desirable characters of arguer that are relevant to explain the argument quality (see, for example, Aberdein 2010; Cohen 2005).

However, till now virtue argumentation theorists have focused only on digging in the Western virtue theories, without any attention paid to the non-Western philosophical traditions. In fact, the exploration of virtue is also an important concern

in Chinese philosophies, and there has been a long tradition of virtue studies in ancient China. For example, Confucianism, the most influential Chinese philosophy, contains a wealth of ideas on virtue. Recently, the Confucian virtue theory has already attracted considerable attention from contemporary scholars, and it is reported that the Confucian virtue ethics is indeed comparable to the virtue theory developed by Aristotle (Yu, 2013; Huang, 2018). Against this background, we believe that the discussions on argumentative virtues would also be enriched if we can turn to this Chinese tradition and those Confucian ideas on virtue. And this paper aims to make a start in this direction. The rest of the paper is structured as follows. In section 2 we offer an overview of VAT scholars' main works on exploring argumentative virtues. In section 3 we argue that Confucius actually holds a similar position with VAT regarding the close connection between the speaker's virtues and words, and that Confucius has also strongly emphasized the importance of character in his teaching practices. In section 4, we further construct a Confucian argumentative virtue list, and then compare it with Aberdein's list. At last, section 5 is our conclusion.

2. THE ARGUER'S VIRTUES

VAT flourished at the beginning of this century, its leading pioneers are Daniel Cohen and Andrew Aberdein (Cohen 2005, 2007; Aberdein 2007, 2010). Virtue argumentation theorists hope to establish a link between the goodness of the argument and the virtues of the arguer, and to propose a new normativity for argumentation evaluation. As Cohen has made it clear, a logically good argument is not always a "fully satisfying argument" (2013, p.479); rather, "a good argument is one that has been conducted virtuously" (Cohen, 2007, p.8). In brief, a good argument is one in which the arguer argues virtuously; and an arguer is able to argue virtuously because of her excellent virtues.

In attempting to specify the virtues of the arguer, virtue argumentation theorists have drawn extensively on theoretical resources in the relevant fields like the virtue ethics, virtue epistemology and critical thinking. By reflecting on the "villainous" argumentative character of the "tragic heroes" in argumentation, Cohen (2005) proposes a concept of "ideal arguer" who is characterized by four basic argumentative virtues: *willingness to engage in argumentation, willingness to listen to others, willingness to modify one's own position, and willingness to question the obvious.*

Based on Cohen's work, Aberdein (2010) further adopts Aristotle's the Doctrine of the Mean to understand the arguer's virtue, unpacking it structurally as a moderation character that is always located between pairs of opposite vices. Moreover, by further borrowing the ideas from the rhetorical manual of Roman orator Quintilian and the critical thinking dispositions, Aberdein has also proposed a preliminary list of argumentative virtues (see in Table 1).

Table 1 A tentative typology of argumentational virtue
Willingness to engage in argumentation Being communicative Faith in reason Intellectual courage Sense of duty
Willingness to listen to others Intellectual empathy Insight into persons Insight into problems Insight into theories Fairmindedness Justice Fairness in evaluating the arguments of others Open-mindedness in collecting and appraising evidence Recognition of reliable authority Recognition of salient facts Sensitivity to detail
Willingness to modify one's own position Common sense Intellectual candour Intellectual humility Intellectual integrity Honour Responsibility Sincerity
Willingness to question the obvious Appropriate respect for public opinion Autonomy Intellectual perseverance Diligence Care Thoroughness

As Aberdein (2010) points out, both Cohen's basic argumentative virtues and his own argumentative virtue list are mainly a mixture of virtues that are identified in the ethical sense and in the epistemic sense. In a slightly different manner, Gascón (2018) chooses to understand argumentative virtue only in terms of the epistemic virtues. In line with the distinction between responsibilist and reliabilist virtue epistemology, he argues that argumentative virtues can also be divided into those two types: the responsibilistic argumentative virtues that are associated with informal logical skills for argumentation, and the reliabilistic argumentative virtues that are character-

based qualities in need of being developed and demonstrated by the arguer.

In contrast, Stevens (2016) proposes to understand argumentative virtue by drawing on the virtue interpretation in universal ethics. In her view, a virtuous arguer needs to have both confrontational and cooperative virtues and plays the four roles of knight, attacker, teacher, and student respectively.

It is clear that the discussions on argumentative virtue so far are to some extent quite fruitful. Basically, different understandings and interpretations are proposed by making use of various resources in the virtue theory and by converting the relevant virtue item into an argumentative one. In view of this, we believe that a similar work could also be done by turning to the Confucian philosophy, and the result may contribute to our current understanding of argumentative virtues by bringing in some different perspective from a non-Western virtue tradition.

3. CONFUCIUS AS A VAT THEORIST

Confucius is a preeminent figure in ancient Chinese philosophy living in the pivotal Spring and Autumn and Warring States periods. These epochs were marked by the impending collapse of the Zhou dynasty's ceremonial system, known as the Zhou Rites. In response to the profound social and political turmoil, Confucius elevated "virtue" to be the central and defining concept in his philosophical framework and developed a systematic moral theory. Confucius' philosophy is often regarded as remarkably akin to Aristotle's virtue theory, and their comparison has also been seen as a rich source of inspiration for the understanding and discussions of virtue in contemporary ethics (Yu, 2013). In this connection, if Aristotle can be easily taken as an early proponent of VAT (Aberdein, 2021), it may also be possible to find some important resources of VAT in Confucius' philosophical insights. In the subsequent sections, we will try to show that Confucius indeed holds some views that are fundamentally similar to VAT, so he can be regarded as a virtue argumentation theorist.

3.1 *"A virtuous man must have said something of note; but someone who has said something of note is not necessarily a man of virtue"*

In *Analects* 14.4, Confucius addresses the relationship between an individual's virtue and the cogency of their discourse and speech, and there we can find that his position closely aligns with VAT. According to Confucius, virtuous individuals are likely to deliver convincing discourses and articulate their thoughts convincingly. However, Confucius also stresses, it's important to note that those who excel in persuasive discourses may not necessarily embody virtuous qualities. In VAT, it is also contended that a virtuous arguer will be expected to consistently present sound arguments, whereas an arguer lacking in virtue can only occasionally present a compelling argument (Gascón, 2015). Evidently, Confucius' above view closely mirrors VAT's fundamental point, for they have both emphasized a significant impact of an arguer's virtues on the quality of their arguments.

Within Confucius' philosophy, "virtue" specifically pertains to an individual's comprehension and embodiment of the divine "Way of Heaven". In its original essence, the virtue represents a form of acquisition. Through the transformative process of acquisition, the external principles of the Way of Heaven become internalized within the individual, manifesting as their virtues and embodying into their virtuous actions. Hence, within Confucius' framework, the very concept of "virtue" inherently demands congruence between an individual's inner virtuous character and their outward expressions through words and deeds. It is in this way that "words" serve as a direct manifestation of one's inner virtues, an inseparable connection is then established between a person's virtue and his/her words. Consequently, a virtuous person will consciously align their speech and actions with the principles of virtue, and their "good words" are a genuine reflection of their virtuous character. And this is why Confucius claims that "a virtuous man must have said something of note", indicating clearly his belief in a crucial and intrinsic alignment between virtue and words. For Confucius, this alignment could be taken as a fundamental clue to truly know a person, as he asserts, "without knowing the words of a man, it is impossible to know that man" (*Analects*, 20.3).

However, Confucius has also noticed, and become much concerned with, the perils associated with words divorcing from the constraints of virtue. Given that "words" are fundamentally constructions of the agent, there does exist a possibility that a morally compromised individual may have some "virtuous words" that are constructed by some specific motives or tactics, rather than by their good characters. In Confucius' own words, "*someone who has said something of note is not necessarily a man of virtue*". Nevertheless, unlike contemporary VAT scholars who prefer to explain this possibility as a mere "contingency", Confucius obviously worries about it more seriously, thus he provides a more profound analysis and gives it a negative judgment. In Confucius' view, words that show some power of language and persuasive abilities while devoid of virtuous intents are "fancy words" or "vain words". Confucius explicitly opposes the use of any such fancy or specious words, deeming them as a major threat to individual virtues and societal harmony. As he explains, "the fancy words with an insinuating appearance are seldom associated with true virtue" (*Analects*, 1.3), and "the specious words even confound virtue" (*Analects*, 15.27). Therefore, Confucius contends that we should feel a deep sense of shame in using those fancy or vain words, "the fancy words with an insinuating appearance [...] I am ashamed of them" (*Analects*, 5.25).

It seems clear that Confucius has emphasized a dynamic interplay between a person's virtue and his/her words. In his view, individual virtues, as being derived from the Way of Heaven, will not only be demonstrated in virtuous words and actions, but also need to be effectively transmitted among people through those virtuous words and actions, it is a course of "the establishment of virtue". In this connection, Confucius contends that "the *Junzi* (*the Confucian superior man or gentleman*) guides people by his words" (*Book of Rituals* 33), for he believes that the words possess the power of influencing and reshaping the other's virtuous character. And this is also why he is particularly vigilant about virtuous words crafted deliberately by individuals lacking in

virtue. He worries about the danger of their undermining the establishment of virtue, so he rejects them so strongly.

3.2 *The notion of Junzi as an ideal arguer*

Confucius develops the notion of *Junzi* to refer to those who have all the virtues and can always demonstrate them in their own words and actions. In other words, *Junzi* is indeed an ideal virtuous man who will also behave virtuously, including of course in his acts of speaking and arguing. So it can be seen that the Confucius' understanding of *Junzi* bears some resemblance to VAT's notion of the "ideal arguer". Moreover, Confucius also explains why there is a guarantee that *Junzi* can always have virtuous words and actions. First and foremost, the role of *Junzi* in Confucius' mind is closely resembled that of sage emperors like "Yao" "Shun" and "Yu", who are chosen with the "divine right of kings" and thus shoulder the responsibility of preaching the divine "Way of Heaven" to people. Therefore, *Junzi* must have all the virtues since they are the embodiment of the divine "Way of Heaven", and *Junzi* will also need to establish and convey all these virtues in society to all the other people through his own virtuous words and conducts.

Second, *Junzi* is a brilliant man of wide learning, thus his erudition can ensure that his conducts are consistently virtuous. According to Confucius, *Junzi* grows out of systematic learning, he needs to study diligently in many important domains and become knowledgeable especially in "literature, conduct, loyalty, and faith". As is stressed in the *Analects* (6.18), "when accomplishments and solid qualities are equally blended, we then have a man of virtue (*Junzi*)". In other words, a *Junzi* is always "willing to learn", in order to achieve a profound level of erudition and virtuous cultivation.

Third, *Junzi* will be very prudent in his speaking thus his words could always demonstrate his virtues. This entails a dual commitment. On the one hand, *Junzi* takes his own words very seriously, assuming the full responsibility for their content and credibility. As is recorded in the *Analects*, "*Junzi* is earnest in what he is doing, and careful in his speaking" (1.14), so "*Junzi* requires that in his own words there may be nothing incorrect" (13.3). Moreover, he will also refrain himself from making baseless and indiscriminate statements, "in regard to what he does not know, *Junzi* shows a cautious reserve" (*Analects*, 13.3). On the other hand, *Junzi* will try to know his audience and to choose carefully his way of expression. He knows well his own role in communication, ensuring that his speeches are compliant with relevant norms. For instance, *Junzi* refrains himself from speaking what is contrary to propriety (*Analects*, 12.1). He understands that "when a man may be spoken with, not to speak to him is to err in reference to the man; when a man may not be spoken with, to speak to him is to err in reference to our words", so *Junzi* will be a wise man who err neither in his judgment of individuals nor in his choice of words (*Analects*, 15.8).

3.3 *Teaching in accordance with the student's aptitude: attention to the audience's virtue*

Confucius is revered as the pioneer of the teaching profession in the Chinese cultural tradition. Notably, he provides an insightful perspective on the significance of tailoring his pedagogical approach to the character and abilities of his students, as exemplified by his method of teaching students in accordance with their aptitude. In *Analects* 11, there are two dialogues between Confucius and his students, which can serve as the first example of Confucius' pedagogical approach of teaching in accordance with the student's aptitude. In these dialogues, students Tsze-lu and Zan Yu posed the same question to Confucius for instructions, yet received different responses. Tsze-lu, characterized by his impulsive and impatient nature, displayed a propensity for hasty actions without thorough contemplation. Conversely, Zan Yu exhibited humility alongside indecisiveness. Both students inquired of Confucius, "Should one immediately act upon hearing a righteous idea?" Confucius' counsel to Tsze-lu was, "Refrain from immediate action, and ask advice from your elders", while to Zan Yu, Confucius advised him to "Act immediately". The different responses are explained by Confucius' keen awareness of the distinct character traits exhibited by these two students, that is, he tailored his guidance to their individual personalities. Confucius recognizes very well the diverse character among his students and, consequently, provides different instructions for them. He aims to rectify their respective shortcomings and nurture their unique strengths, so he encourages Tsze-lu, being inclined towards impulsivity, to reflect before taking action, and he guides Zan Yu, who demonstrated greater reserve, to act decisively.

Another typical example of Confucius' pedagogical approach is his teaching of "benevolence" (*Ren*). When different students inquire about the understanding of "benevolence", Confucius deliberately customizes his responses based on their unique character traits. For example, when Sze-ma Niu, known for his impatience and verbosity, asks about how to become a benevolent man, Confucius replies that "the benevolent speaks and acts prudently" (*Analects*, 3.12). However, when faced with another student, Yen Yuan, who already possessed a high level of virtue, Confucius established a more rigorous standard, advising him to "to subdue one's self and return to propriety, is perfect virtue" (*Analects*, 3.12). Subsequently, when Tsze-chang, deeply engaged in political affairs and aspiring to a government career, sought Confucius' guidance on benevolence, Confucius elaborated on it as "gravity, generosity of soul, sincerity, earnestness, and kindness", and explained to him that "the ability to practice these five principles universally throughout the world constitutes perfect virtue" (*Analects*, 17.6).

In a sense, Confucius' teaching methodology is also an agent-based approach, with a specific emphasis on the audience's character traits. In his teaching dialogues, Confucius primarily targeted a student audience, yet it's evident that they exhibited variations in cognitive levels, learning capabilities, and virtue qualities. Therefore, Confucius advocated an approach that tailored his own discourses and his ways of interaction to suit each student's distinctive traits. For example, when addressing students like Tsze-lu and Zan Yu, he recognized the significance of providing personalized responses. Issuing the same directive to both, such as "Act immediately",

would not have been conducive to addressing Tsze-lu's impulsive nature. On the contrary, it might have exacerbated his inclination towards hastiness, potentially leading to unpredictable and adverse consequences.

Cohen has stressed that "the process of explicating the notion of fully satisfying arguments requires expanding the concept of arguers to include all of an argument's participants" (Cohen, 2013, p. 471). However, in current studies of VAT, there has been much less attention paid to the audience than to the arguer. The audience is frequently depicted as only a reference for interpreting the disposition of the arguer. For instance, among the pivotal argumentative virtues, "willingness to listen to others" demands simply that the arguer be attentive and receptive to the viewpoints and perspectives of the audience, while "caring" requires that the arguer to care and to help the audience (Aberdein, 2010). Nevertheless, in Confucius' pedagogical practice, there exists a more explicit concern regarding how the characters of the audience can significantly influence the arguer, and can determine what constitutes effective discourse and argumentation.

4. A CONFUCIAN ARGUMENTATIVE VIRTUE LIST

In this section, we intend to formulate a Confucian virtue list for argumentation, drawing upon some specific virtues that are emphasized by Confucius. Although Confucius proposed the notion of "Junzi" to refer to those who can embody all the virtues in one person, he also places distinct emphasis on discussing various facets and different items of Junzi's virtues. These diverse items have been termed "particular virtues" by later scholars (Yu, 2013). Confucius' discussions on these particular virtues are scattered in many chapters in the *Analects*. Through a careful examination of these chapters, Yu (2013) has meticulously compiled a systematic list of Confucius' particular virtues (p. 252), as below:

1. benevolence (ren), wisdom, courage (*Analects*, 9.29, 14.28)
2. loyalty, trustworthiness in word (*Analects*, 1:4, 9:25, 12.10, 15.6)
3. respectfulness, reverence, generosity, appropriateness (*Analects*, 5.18)
4. cordiality, goodness, respectfulness, frugality, deferentiality (*Analects*, 1.10)
5. respectfulness, care, courage, uprightness (*Analects*, 8:2)
6. respectfulness, tolerance, trustworthiness in word, quickness, generosity (*Analects*, 17.6)
7. benevolence, wisdom, trustworthiness in word, forthrightness, courage, unbending strength (*Analects*, 17.8)

It is easy to see that certain virtues are recurrent across various chapters. Eliminating these repetitions, we derive the following table listing Confucius' specific virtues (Table 2). Additionally, we have included the Chinese terms and provided a succinct explanation of the fundamental meaning for each virtue.

Table 2 A List of Confucius' Particular Virtues			
	Special virtues	Chinese terms	Basic meanings
1	Benevolence (ren)	仁, ren	Caring, compassionate
2	Wisdom	知, zhi	Having good ideas and sound logic about things
3	Courage	勇, yong	Courage, daring, responsibility
4	Loyalty	忠, zhong	Sincerely, spare no effort to defend justice
5	Trustworthiness in word	信, xin	Honest, truthful, reliable
6	Respectfulness	恭, Gong	Modest and courteous, with respect or reverence
7	Reverence	敬, jing	Respect and esteem
8	Appropriateness	义, yi	Adapting appropriately, sticking to what is true
9	Cordiality	温, wen	Gentle character, not roughness
10	Goodness	良, liang	Good at heart, pure and warm, without evil intent
11	Care	慎, shen	Careful, prudent
12	Uprightness	直, zhi	Frank, straightforward, without beating around the bush
13	Tolerance	宽, kuan	Tolerant and generous, loyal and kind, broad and generous
14	Quickness	敏, min	Diligent and resourceful
15	Unbending strength	刚, gang	Strong-willed, unafraid of hardship and unyielding to the forces of evil
16	Generosity	惠, hui	Benefits to others
17	Frugality	俭, jian	Respectful, polite and self-respecting
18	Deferentiality	让, rang	Modest, polite, humble

However, in order to have a list of Confucian argumentative virtues, we will still need to find out whether Confucius has also assigned them a role in argumentative contexts, that is, whether they are pertinent to the arguer and the act of arguing. Luckily, we see that Confucius has grounded his understanding of virtues in ethical reasoning (Huang & Ren, 2021), establishing a practical foundation for his approach. A distinctive feature of this approach is the contextual relevance of each virtue. In different contexts, the same virtue could assume different connotations. As evidenced in the *Analects*, Confucius responded to inquiries about “benevolence” on thirteen occasions, and each time he deliberately situates benevolence in diverse contexts. For instance, he framed

it as “to subdue oneself and return to propriety” in a political context and as “do not do unto others what you would not have them do to you” in the context of interpersonal relationships. Thus, we regard a particular Confucian virtue to be argumentative when it can have a corresponding plausible explanation in a context that is pertinent to argumentation. Take, for instance, the virtue of “generosity” which generally means “bestowing benefits upon others”, when situated in an argumentative framework, can also encompass a willingness to aid other participants in attaining cognitive or intellectual advancement (or, in short, benefiting other argument participants). In this connection, the virtue of “generosity” can undoubtedly fosters mutual support and collaboration among arguers in constructing a robust argument, thus it makes sense to take it as a Confucian argumentative virtue. Using this methodology, we get the following Confucian argumentative virtue list (Table 3), in which it can be seen that eventually all the particular virtues can be located in an argumentative context, and can be reinterpreted into a relevant argumentative meaning. Moreover, in the fourth column of the table, we also try to connect it to the relevant items as specified in Aberdein’s list, in order to draw some comparison:

	Special virtues	Chinese terms	Connotative account	Aberdein’s consistent virtue items
1	Benevolence	仁, ren	Caring, compassionate	Intellectual empathy, Care
2	Wisdom	知, zhi	Pursuing truth, believing in reason	Faith in reason · Common sense · Open-mindedness in collecting and appraising evidence
3	Courage	勇, yong	Courageous and responsible	Intellectual courage · Responsibility
4	Loyalty	忠, zhong	Sincerity, in defence of justice	Sincerity · Justice
5	Trustworthiness in word	信, xin	Honest, trustworthy and reliable	Intellectual candour · Sincerity
6	Respectfulness	恭, gong	Respect for others, humility	Intellectual humility · Honour
7	Reverence	敬, jing	Respect the opinions of others and follow the rules of interaction	Sincerity · Honour
8	Appropriateness	义 · yi	Adapt appropriately and stay on the right side of the fence	Autonomy, Intellectual perseverance, Fairness in evaluating the arguments of others · Appropriate respect for public opinion
9	Cordiality	温, wen	Not rude or bigoted	Intellectual courage · Willingness to listen to others · Common sense

10	Goodness	良, liang	Kind, without evil intent	Care, Fairness in evaluating the arguments of others
11	Care	慎, shen	Careful, prudent	Sensitivity to detail, Recognition of reliable authority, Recognition of salient facts, Insight into persons, Insight into problems, Intellectual integrity, Thoroughness
12	Uprightness	直, zhi	Sincere, frank and clearly expressed	Willingness to engage in argumentation, Being communicative, Intellectual integrity, Sincerity
13	Tolerance	宽, kuan	Tolerant, generous	Intellectual empathy, Care
14	Quickness	敏, min	Sensitive, resourceful	Insight into persons, Insight into problems, Insight into theories, Recognition of reliable authority, Recognition of salient facts
15	Unbending strength	刚, gang	Strong-willed, unafraid to stand up for the truth	Intellectual courage, Justice, Autonomy, Intellectual perseverance, Diligence
16	Generosity	惠, hui	Benefiting other argument participants	Care
17	Frugality	俭, jian	Respect others' opinions as well as own	
18	Deferentiality	让, rang	Modest, polite, humble	Willingness to modify one's own position, Intellectual humility

Clearly, the above list portrays the image of an ideal arguer in Confucius' virtue theory. This ideal arguer possesses the goodness to genuinely care for others, the courage to seek the truth, the sincerity to be trustworthy and dependable, the swiftness to acquire the necessary discernment between right and wrong, the kindness to assist fellow arguers, the diligence to pursue learning, and the adaptability to respond adeptly to various situations. Remarkably, almost all the Confucius' argumentative virtues (except *frugality*) can also have some corresponding elements in Aberdein's list, which indicates that the two lists may have a very similar understanding of the ideal arguer. However, it is also noticeable that none of the items in these two lists has a one-to-one correspondence, normally one item in a list will have two or three counterpart items in the other list. For example, the *intellectual courage* in the Aberdein's list can correlate with the Confucian items of *courage* (courageous and responsible), *appropriateness*

(stay on the right side of the fence) and *unbending strength* (strong-willed, unafraid to stand up for the truth). Such a special correlation may just indicate for us a crucial difference in these two argumentative virtue lists, that is, from the Confucius' perspective of virtue, *intellectual courage* is not a basic argumentative virtue, but a combination of three other virtues.

5. CONCLUSION

This paper aims to show that Confucius can be seen as a VAT theorist in ancient China. Confucius has a very similar position to VAT regarding the close connection between a virtuous speaker and a good argument. In particular, Confucius has developed a notion of Junzi as an ideal arguer, and emphasized a dynamic interplay between a speaker's virtue and his/her words. Meanwhile, Confucius is also a practitioner of VAT, for his teaching is genuinely in accordance with the student's aptitude, with a special attention paid to the audience's virtue characters. Moreover, based on Confucius' virtue theory, we have also constructed a Confucian argumentative virtue list, in which eighteen particular virtues are collected, interpreted and then compared with the items in Aberdein's argumentative virtue list. It is revealed that the two lists indeed share a similar image of ideal arguer, but they understand the basic argumentative virtues in different ways.

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Towards a New Paradigm for Argumentation Theory

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ABSTRACT: Recent argumentation theory has three main perspectives each of which shares an empiricist preference for actual argumentation. We suggest is that such an empirical perspective, although useful in setting the parameters for understanding argument requires a deeper theoretic foundation to be found in cognitive psychology and semiotics, moving the analysis and evaluation of arguments beyond explicit statements to the underlying structures that support the overt content of an argument.

KEYWORDS: argumentation theory, bias, cognitive science, memetics, persuasion, politics, pragmatics, semiotics

1. INTRODUCTION

It is arguable that recent argumentation theory has among its theoretic foundations three main perspectives: rhetoric, speech act theory and informal logic. Each of these has a clear epistemological focus, an empiricist preference for actual argumentation. The history of rhetoric begins with Aristotle who, notably, frames his discussion with the specifics of actual oratory (Reeve, 2018; Rapp, 2022). The history of recent argument theory begins, tellingly, with van Eemeren and Grootendorst, whose influential *Speech Acts in Argumentative Discussions* (1984), sees argument within the context of speech acts, exemplifying the empiricism that characterized much of the work that followed. Countless informal logic textbooks relied heavily on fragments of actual arguments, beginning with the influential text by Johnson and Blair (1983) reflecting the concerns with actual argument, the basis of Toulmin (1969). A telling effort is the work of James Freeman, whose initial exploration of overt argument structure in *Dialectics and the Macro Structure of Argument* (1991) was later grounded in the unapologetic common-sense empiricism of his *Acceptable Premises* (2005).

The thorough-going empiricism of argument theory served the purpose of moving away from the abstract, and possible irrelevance of the mathematical approach to argument characterized by formal logicians. Although useful in setting the parameters for understanding argument, such empiricism has out-lived its usefulness and a deeper theoretic foundation is needed. This is apparent to me if we construe argument as rational persuasion, and move from the specifics of normative structure to a more pragmatic stance,

implicit in a main focus of argumentation theory, aptly titled, pragma-dialectics (Eemeren, 2002). For it is the pragmatic failure of normatively constructed arguments to persuade, especially argument in the public sphere that prompt the need to reconsider how we understand how arguments function, and why they so often fail to result in the changes of perspective that rational persuasion sought to accomplish.

Arguments about social and political issues are notorious for being unpersuasive. Entrenchment of social and political postures is increasingly obvious as divisions on such issues are the basis for the new tribalism and other deep divisions within democratic societies, where political and social argumentation is both common and freely exercised (see Edsall, 2022a for a comprehensive analysis). The unwillingness of people to alter their views on issues of social and political concern in the face of counter argument and contrary evidence has been generally construed as bias within the psychological literature. Early research was focused on the persistence of racial bias, and its resistance to evidence in support of prior beliefs (Ehrlich, 1973). More recent work has focused on social issues and economic issues (Lewandowsky et. al. 2012) offering possible insights into what Nobel Prize winning economist Paul Krugman called “zombie ideas- ideas” that “should have been killed by evidence but keep on lurching along.” (Krugman, 2020).

Such a profound alteration of the paradigm for argumentation requires a complex argument, for argument theorists are no less than others committed to the perspectives that they instantiate. What we will first do is argue for the relevance of cognitive science. Then we will rehearse the background in the attempt by psychologist to understand bias and belief preservation in the face of counter-evidence. Then we move to the heart of the presentation a sketch of some recent speculation about the brain and its structure, and finally the connection with semiotics, the relation of significant signs to behavior and the brain.

The foundation, for this paradigm shift, we will argue, can be found in cognitive science, particularly the developing science of how human brains support cognition, and semiotics, construed as the meaning of utterances, the symbolic underpinning in the intention and understanding of language users. Such a shift in theoretic foundation reflects two major paradigms in scientific thought. The first, and perhaps most compelling to me is the movement from empirical chemistry to deep theoretic underpinnings prompted by the periodic tale of elements (Weinstein, 2018). The history of this discipline points to the essential role of deep theory in human understanding. More obviously salient is the move in psychology itself from behaviorism to cognitive science. Although behaviorism set the parameters for modern psychology, the deepening of psychological theory through speculation as to the underlying process is arguably the most important advance in the history of psychology, pointing to both more adequate functional analysis and to deep understanding in terms of neuro-physiology (Gardner, 1987). These, however, are metaphors no matter how provocative, when applied to argument theory. The adequacy of the proposal for a new paradigm must rely on the details of the new theoretic perspective.

This paper will sketch out those details by identifying two source perspectives from recent speculations in brain science and semiotics. The first will be the speculations of cognitive neuro-scientists, in particular Thagard and Aubie (2008) and Antonio Damasio (2012). The second is the revolutionary concept of Richard Dawkins (1976) and his introduction of the meme as a parallel in human cultural evolution with the gene in biological evolution. The meme, as we shall argue, is the key to the semiotic basis for

conceptual change that parallels the force of an argument when it moves an interlocutor from his or her prior position, to consideration of the position of the proponent. It is how the newly considered meme restructures the conceptual basis for commitment that, internalized in the brain structure of the interlocutor, accounts for the ability of an argument to persuade.

The consequences for the analysis and evaluation of arguments moves argument theory from the explicit statements to the underlying structures that support the overt content of an argument. Central to this are the warrants stated or assumed. These need to be excavated and evaluated for their role in supporting the selection of reasons put forward, and especially in terms of the resistance to counter-evidence. It is the perspective of the new paradigm that the depth of commitment to warrants and their pervasive role in the commitment structures of proponents and interlocutors is essential to understand the arguments put forward and sustained. This is a central concern in socially significant arguments of all sorts, and moves argument theory to an arena that highlights the importance of arguments to essential aspects of human life. An interesting consequence of this approach is the shift from an oft-cited stance in understanding the unstated background of overt argumentation, the so called ‘principle of charity’ needs to be replaced by a principle of suspicion (for a detailed recent discussion of the purposes and issues in the principle of charity see, Stevens, 2020).

2. WHY COGNITIVE SCIENCE?

Cognitive scientists, rather than looking at behavior alone, build functional models that account for the behavior using theoretic constructs (Gardner, 1987). I see this to have a clear analogy with early physical chemistry. In the history of physical chemistry, the increasing degree of articulation in the details that chemical theories explained, what I call ‘consilience’, was combined with breadth, that is, with the scope of a theory, all predicated on a concern with deep theory, such depth is arguably the source of its enormous epistemic power (Weinstein, 2011). A parallel analysis of cognitive science can be seen as plausible evidence that cognitive science is in a position to sustain indefinite empirical growth and increasing theoretic strength (Weinstein (2015). The promise of increasingly sophisticated computer simulations of mind offers 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 employ 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. This enables the analysis of the range of cognitive behaviors.

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. That is, cognitive science shows potential for consilience. Like early physical chemistry, we don’t know which theories in cognitive science will be sustained, but if a theory continues to yield important explanations, the

potential for a growing and all-encompassing theoretic structure of psychology becomes plausible.

Cognitive science is, if nothing else, exceptionally broad in the scope of its concerns. The *Cambridge Handbook of Cognitive Science* (Frankish & Ramsey, 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-explanations 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 neuroscience. 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 offers deep structural warrants supported by reliable evidence and accepted theories. Moreover, their materialist assumptions permit a deep reduction to physiology, neurobiology, biochemistry and electrochemistry. A materialist foundation that any adequate theory of brain function must ultimately depend on. The question for us is what cognitive science has to offer to argumentation theorists, whose concern is understanding the role of evidence and underlying belief commitments in explaining the strength of arguments and especially their resistance to, what seems to be the heart of rationality, change in the face of counter-evidence.

3. BIAS AND PERSUASION

Research over decades indicates that our past associations affect our ability to alter our 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 (Blair, Ma, & Lenton, 2001). Unacknowledged, such attitudes may remain disconnected from a person’s avowed beliefs (Greenwald & Krieger 2006). Such implicit biases create emotional disturbance when in the face of social pressure such views are put into question (Dovidio and Gaertner, 2005).

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). 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 (Iacoboni, et. al. 2005; Amodio & Devine, 2006). There is evidence that biasing emotions reach deep into our biographies and are expressed in implicit biases (Rudman, 2004). 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 interfere, on a neural level, with the ability to experience others (Lebrecht, et. al., 2009). Mirror-neuron systems, the basis for empathetic understanding are less responsive to outgroup members than to ingroup members (Gutsell & Inzlicht, 2010).

Such results have been generalized in a theory of the “automaticity” of higher mental functions, which 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: System 1 (unconscious/automatic/low effort) and System 2 (conscious/explicit/high effort). Kahneman (2011) distinguishes between entrenched and rapid cognitive responses and more careful deliberative thought. The work continues with the development of neural models that indicate the integration of cognition and emotion through abstract structures based on the known physiology of the brain.

4. MODELS OF THE KNOWING BRAIN

Speculations as to the neural mechanisms have systemic power much greater than their evidentiary weights. Although speculative and very likely inadequate, they 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, offers deep structural warrants supported by reliable evidence and accepted theories. As indicated, materialist assumptions point to the deep reduction to physiology, neurobiology, biochemistry and electrochemistry that an adequate theory of brain function would depend on. As the models, indicated below, show, the brain coordinates functions across an array of inputs permitting an integrated response that enables perception, memory and purposes to bring together information necessary for coordinated action in the world. I see this as a clear parallel with consilience, the increasing systematic effectiveness across areas on concern as the sciences develop and new problems are confronted. Second the brain integrates the broad array of disparate information, proprioceptive, hormonal, electrical, and chemical, integrating new input with stored impute and modifying content in relation to newly acquired stimuli of many kinds. This seems to me parallel to breadth, the range of concern typified by physical chemistry (Weinstein, 2016). Most importantly, all of these functions are accounted for on increasingly defined more abstract levels, moving from gross physiological function to the operation at the cellular level, and if we accept materialism, to the molecular level, as we understand the functions of the neurological array on the deepest physiological levels. This has a clear parallel with the depth characteristic of physical chemistry, the reinterpretation

of a theory in terms of a higher order, more abstract and more deeply ontological sense of the ultimate realities behind the phenomena. This is exemplified by the ambitious attempts of Thagard and Aubie, (2008) and Damasio (2012) 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 increasing adequacy, even if the latter is no more than 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 (fig. 11, p. 827; see pp. 831 ff. for the mathematical details). The upshot is to show “how interactions between cognition and emotion can be understood in terms of parallel constraint satisfaction, if mental representations are assumed to have an emotional value, called a valence, as well as a degree of acceptability” (p. 827). The construction of EMOCON 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.

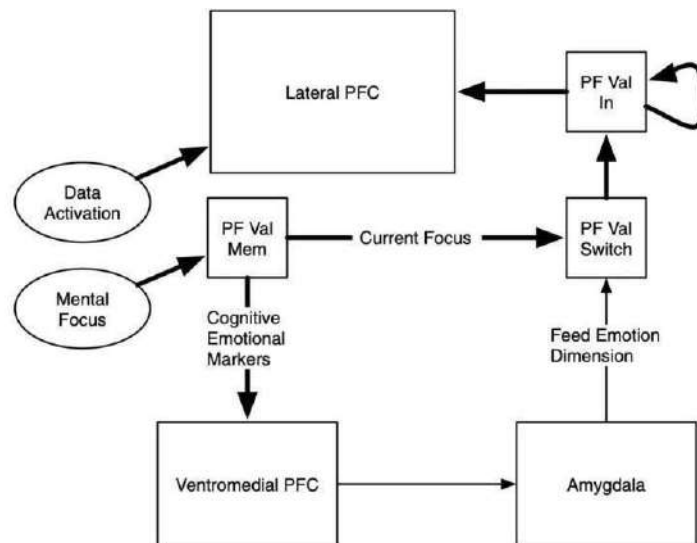


Fig. 11. NECO model of emotional coherence. Lateral PFC is lateral prefrontal cortex. Ventromedial PFC is ventromedial prefrontal cortex. Mental focus is an external signal corresponding to working memory.

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 (exteroceptive). 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 (p. 139ff.). 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.).

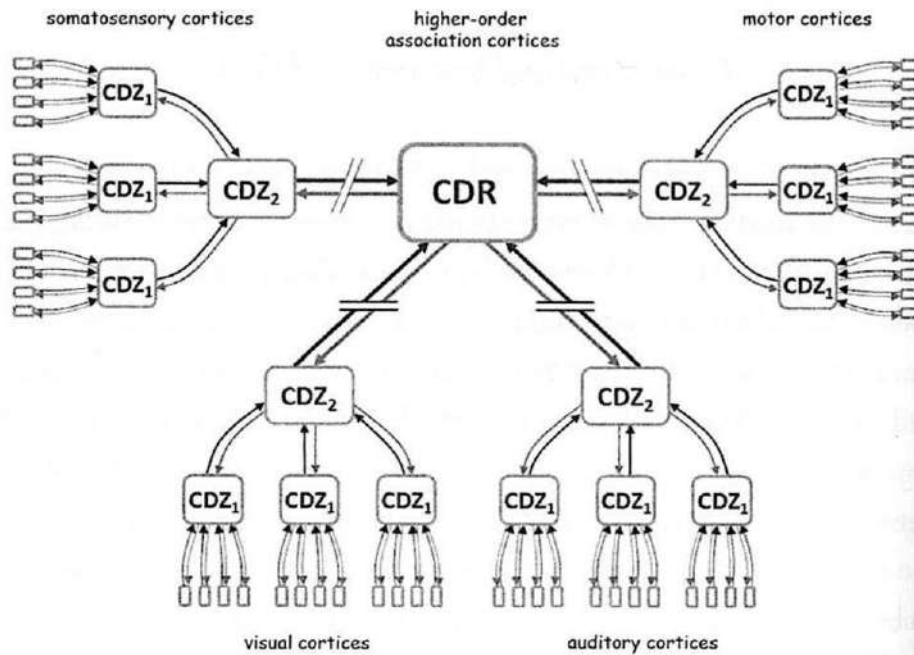


Figure 6.1: Schematics of the convergence-divergence architecture. Four hierarchical levels are depicted. The primary cortical level is shown in small rectangular boxes, and three levels of convergence-divergence (larger boxes) are marked CDZ_1 , CDZ_2 , and CDR . Between CDZ levels and CDR levels (interrupted arrows), numerous intermediate CDZ s are possible. Note that, throughout the network, every forward projection is reciprocated by a return projection (arrows).

Damasio (2012, p. 152)

Damasio, like Thagard and Aubie, offers 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, for they are presumptively warrants with increasing consilience and breadth, and most importantly warrants that have great ontological depth. And thus, they are warrants that swamp the alternative approaches that rely on, for example, psychological generalizations alone.

5. NEURAL MEMETICS

As originally proposed by Richard Dawkins (1976), the meme is defined as a self-replicating unit of cultural transmission, paradigmatic examples of which are blue jeans, the introductory musical phrase of Beethoven's 5th symphony and memorable commercial brands and their slogans. These memes have a crucial semiotic function. It is not their physical or even communicative properties that give them their importance but rather than symbolic role, their semiotic function as signs that organize concepts and behaviors. So, for example, blue jeans, a functional piece of clothing became in the 1960's the emblem of first the counter culture in the US and thereafter as a symbol of everything that the US offered to countries throughout the world, especially in the USSR where blue jeans became a symbol of resistance to communism and a physical emblem of the search for freedom. The opening notes and rhythms of Beethoven's 5th symphony, and their symmetry with the Morse code sign for the letter 'V,' conjoined with Churchill's ebullient hand signal become an organizing conceptual structure in the fight against Nazi Germany, as did the *Ode to Joy* of his 9th symphony, an emblem of the hope and the possibility of universal brotherhood.

Conceived as the analog of the biotic genetic replicator, Dawkins' analysis offers the meme as a means of explaining cultural evolution through the lens of Darwinian competition. Subject to the same selective forces of biotic evolution, Dawkins proposes that extant cultural diversity and complexity are a result of both the replicative capabilities of memes and their differential fitness, where successful memes are those whose replicative power results in their pervasive presence in an environment comprised of entities capable of hosting their encoded information. Indeed, the entire description of a memosphere is founded upon a strict analogy with biotic evolution.

It is perhaps not surprising then that over the past several decades, memetics has been leveraged in the field of cognitive theory and philosophy of mind. In *Consciousness Explained* (Dennett, 1991), Daniel Dennett posits a core role for the meme in a computational theory of mind that seeks to account for the development of cognitive capacity that has transpired over the last 10,000 years with little change to underlying brain structure. To this end, Dennett postulates that memes serve not only as inert semantic tokens manipulated by the parallel architecture of a brain - the operands of a functionally defined operator - but as agents cognitive change. Given the computer metaphor at the heart of Dennett's model, memes can be said to reprogram the software responsible for information processing.

More recently, Willard Miranker (Miranker, 2010) has proposed a viable and empirically reasonable physicalist reduction of Dennett's intentionally described memes. While we are not committed to the details of Miranker's account, we offer it as an exemplar of the viability of memetic theories of cognition given our current understanding of neuronal architecture. Adhering to the genotype/phenotype distinction at the heart of biotic evolution, Miranker's model details the structure and function of the meme's phenotypic neuronal manifestation as it relates to the specifics of cognitive development. Starting from Gerald Edelman's theory of neuronal parsing (Edelman, 2003), where brain development involves the programmed cell death of unused neuronal arrays, Miranker identifies the brain as the site of evolutionary selection, where neuronal arrays that fire often enough survive, while those that do not, die. This process of pruning itself defines the mechanics

of cognitive development, which, over time, yields an increasingly complex grammar of the mind that underwrites our understanding of the world.

Neuronal firing is itself informed by the activity of the afferent synapses of the neuronal array, which Miranker, in keeping with the biotic/memetic analogy, tags as the information-bearing genotypic component of the meme. At the scale of the neuronal array, it is the set of afferent synapses that constitutes the encoded memetic information, in much the same way that chromosomal material encodes genetic information. Given that the efficacy of the afferent synapse set to induce neuronal firing determines the likelihood of survival of the array, we can speak of meme success in a manner like that of the gene. That is, afferent synapse sets that result in the survival of the array long enough for the host to broadcast copies of the encoded memetic information through the speech acts, writing, or other semantically pregnant forms that become neuronally instantiated in other hosts are successful in the same manner as their biotic counterparts – relative to other memetic genotypes, they are effective at propagating their encoded information.

6. CONCLUSION

It seems obvious that constructing and responding to arguments is affected by preconceptions of all sorts. This seems particularly true in respect current argumentation about political and cultural disputes whether in government fora, in the media or in the voting patterns of citizens. This offers a challenge to traditional models of argument which sees people's attitudes responsive to reason and open to persuasion. It is the thesis of this presentation that an explanation of the phenomena is increasingly available in cognitive neuro-science, which can retrospectively account for similar periods of recalcitrance, whether as evidenced by religious wars or secular revolutions. On the model we describe, commitments are wired into the brain, self-reinforcing and difficult to change. And if combined with the evolutionary struggle between competing points of view, it is not surprising that the classic models of logical persuasion fall short in accounting for the persistence of entrenched political and cultural perspectives. That is not to deny that change occurs, but it indicates that change occurs when a new vision, a compelling idea, or equally likely an image or even a song captures the imagination of people and triggers a readjustment of the cognitive architecture.

If my analysis is at all correct, the consequences for argument theory are significant. For, if as I maintain, arguments both in successful areas of inquiry like physical chemistry and cognitive science have analogous structural architecture to those found on a neural level, then argument theorists should consider expanding their analysis of argument structure in significant ways, responding to the pervasive interlocking structure of cognitive functioning arrays. As a start, the model of argument as a structure whose form offers an indication of its adequacy must be expanded. Argument must move from description of the surface structure to the underlying functions the structures exemplify. In particular, argument theorists should consider strategies to identify the substructure of warrants that reflect the relative strength of underlying networks of commitments. These deep structural warrants, identified by their role in organizing diverse claims, afford additional support by virtue of the variety of the claims they support and by their increasing effectiveness in directing and sustaining argument. Generally, more abstract than the variety of claims they

support, and I think here of, for example, broadly political or even moral commitments, such underlying warrants explain the tenacity of positions in social argument that are resistant to counter-argument, and even contrary evidence. This is describable in terms of a model of warrant strength based upon the structure of scientific discourse in such theoretically advanced inquiry such as physical chemistry. I have developed such a model based on the structure of physical chemistry (Weinstein, 2013) developed in response to the history of the periodic table (Scerri, 2007), grafting my analysis of warrant strength onto a formal model of adaptive logic developed by Strasser & Seselja (2011). Although, perhaps not the last word in understanding how a theory of warrant strength may be articulated and combined with an account of evolving argumentation, it is at least a step in the direction that argument theorists might find worth considering.

A position such as mine requires a refocusing of recent efforts in argumentation theory. For example, moving critical questions as pioneered by Walton (1996) from a framework of fallacies to a concern with belief structures and underlying commitments. It requires more than a complication of argument diagramming (Freeman, 2011) and moves argument analysis to models of belief stores that reflect dimensions of commitment (Paglieri & Castelfranchi, 2005). Such a perspective challenges the idea of a topic neutral theory of argument, requiring an exploration of movement into the epistemic and even emotive details of support networks that underlie claims, and the justification tacit or explicit that warrant their support. The most critical question of all is: How does the level of commitment to warrants and the networks of beliefs that they represent alter the evaluation of evidence, both evidence sought and evidence already available? (Weinstein, 2006).

As important, the hard and fast distinction between fact and value needs to be overcome, especially in areas of social significance, for values affect the way we look at facts. The gloss of value as emotions, is not the main concern, it is rather the affect-laden nature of our commitments that must be taken into account, for the force of value-laden commitments in making determinations of facts used as evidence are all too often more powerful than the force of facts alone (See Edsall, 2022b for an interesting account of voting preferences; Edsall 2023b for the deep emotive roots of political decision making). How does the value of individual freedom as compared to the value of lives possibly at risk, determine the gun debate? How does the religious perspectives on the meaning of life affect views of a women's right to control her reproductive choices? How does a commitment to a political party affect our willingness to believe hyperbolic claims and promises? On and on! It is the network of commitments of all sorts that determine the force of arguments and if argument theorists want to get serious about understanding the force of arguments, it is these underlying networks that must be addressed. Such views require students of argument to go into the 'weeds' of an argument, to look at the range of the supporting warrants and beyond (Edsall, 2023a offers a well-documented analysis of the deep structures supporting political choices in the USA). Argument theorists must engage with the more difficult terrain of backing, in my gloss on Toulmin (Weinstein, 2006), the deep theoretic reinterpretation of warrants in terms of deeper and more theoretically laden perspectives: worldviews and standpoints.

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Classification of Information-Seeking Dialogue

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ABSTRACT: Walton (2013) classifies dialogues into seven different types. As normally used to transfer information from one party to the other, the information-seeking dialogue can usually be embedded in other dialogue types (Walton, 2003). But it is worth noting that the information-seeking dialogue has not been paid much attention in the argumentation theory. In the paper, we classify information-seeking dialogue and demonstrate how a detailed classification can facilitate research on argumentation.

KEYWORDS: classification criteria, dialectical, dialogue types, information-seeking dialogue

1. INTRODUCTION

Walton argued that, for everyday natural language arguments, every argument is made within a particular dialogic framework or context. The criteria and the number of dialogue types Walton used to classify them have undergone two shifts (see Tables 1, 2 and 3). He initially proposed eight dialogue types based on the elements: initial situation, method, and goal (Walton, 1989, p. 10). He later replaced the last two elements with the participant's goal and goal of dialogue, provided a new reconstruction of some of the dialogue types identified in the theory's first version, and adjusted the number of dialogue types to six (Walton, 2003, p. 137). Yet later, in the theory's third version, Walton added a seventh dialogue called *discovery* (Walton, 2013, p. 199).

Dialogue	Initial situation	Method	Goal
Quarrel	Emotional disquiet	Personal attack	"Hit" out at other
Debate	Forensic contest	Verbal victory	Impress audience
Persuasion	Difference of opinion	Internalandexternal proof	Persuade other
Inquiry	Lack of proof	Knowledge-based	Establish proof
Negotiation	Difference of interests	Bargaining	Personal gain
Information-seeking	Lacking information	Questioning	Find information
Action-seeking	Need for action	Issue imperatives	Produce action
Educational	Ignorance	Teaching	Imparting knowledge

Table 1: Walton's Eight Dialogue Types

Dialogue	Initial situation	Participant's Goal	Goal of Dialogue
Persuasion	Conflict of opinions	Proveyourthesis is true	Resolve or clarify issue
Inquiry	Need to haveproof	Findandverify evidence	Prove(disprove) hypothesis
Negotiation	Conflict of interests	Get what you most want	Reasonable settlement that both can live with
Information-seeking	Need information	Acquireorgive information	Exchange information
Deliberation	Dilemma or practical choice	Co-ordinategoals and actions	Decidebestavailable course of action
Eristic	Personal conflict	Verballyhitout at opponent	Reveal deeper basis of conflict

Table 2: Walton's Six Dialogue Types

Dialogue	Initial situation	Participant's Goal	Goal of Dialogue
Persuasion	Conflict of opinions	Persuade other party	Resolve or clarify issue
Inquiry	Need to have proof	Verify evidence	Prove(disprove) hypothesis
Negotiation	Conflict of interests	Get what you most want	Settle issue
Information-seeking	Need information	Acquireorgive information	Exchange information
Deliberation	Practical choice	Fit goals and actions	Decide what to do
Eristic	Personal conflict	Hit out at opponent	Reveal deep conflict
Discovery	Need an explanation	Find a hypothesis	Support hypothesis

Table 3: Walton's Seven Dialogue Types

By analyzing the two shifts in Walton's classification criteria and the number of dialogue types, we can find that information-seeking dialogue is always present throughout these two shifts and is considered as an important dialogue type in the three versions of dialogue types in three different periods of time, which is enough to show the status and role of information-seeking dialogues in everyday argumentation. In the following, we will specifically analyze the main characteristics of information-seeking dialogue and try to classify information-seeking dialogue according to the characteristics they possess.

2. THE MAIN CHARACTERISTICS OF INFORMATION-SEEKING DIALOGUE

An information-seeking dialogue consists of two participants, one seeking information and the other trying to provide it. Usually, the questioner is not looking for any random information, but is seeking information from the respondent on some specific topic or wants to accomplish some task or purpose through the information-seeking dialogue. Walton (Walton, 1998, p. 126) summarizes the characteristics of information-seeking dialogue as: "The role of the respondent is to transmit this information by giving answers or replies that are as clear and as helpful as possible. Hence, this type of dialogue is asymmetrical in nature, yet highly collaborative and non-adversarial." We can summarize Walton's description of the characteristics of information-seeking dialogue as "asymmetry", "collaborative" and "non-adversarial".

But are all information-seeking dialogues “asymmetrical” and “non-adversarial”? We can take a common everyday conversational context as an example (in Case 1) to analyze the characteristics embedded in the structure and content of information-seeking dialogue.

Case 1: In a negotiation dialogue between a vendor and a buyer about the price of an item, an information-seeking dialogue may be inserted:

SELLER: My product is of excellent quality, so \$50 is a very fair price.

BUYER: I think there are many similar items on the market and \$40 would be more appropriate. What is the market price of this product?

SELLER: This product is a handicraft and the market price is not a measure of its value.

In this dialogue, the buyer’s question, “What is the market price of this product?” can serve as a kind of information seeking to the seller. At this point, the two parties, as participants in the overall framework of the negotiation dialogue, have adversarial identities: the seller wants to sell the product for \$50, and the buyer wants to buy the product for \$40. In this adversarial identity, the buyer asks a question that is relevant to both parties’ interests, that is, “What is the market price of this product?” In this case, we can make the following classification assumptions. Firstly, in the first level of the classification, there are two possibilities for the seller as a provider of information: (a) the seller has the information to solve the question; (b) the seller does not have the information to solve the question. If (a) is analyzed, there are also three categories: (i) the confirmation of the market price of the product is favorable to the seller in the negotiation; (ii) the confirmation of the market price of the product is unfavorable to the seller in the negotiation; and (iii) the confirmation of the market price of the product does not have a significant impact on the seller in the negotiation. If we continue to analyze (a)(i), i.e., the seller knows the market price of the product and it favors his position in the negotiation, then we can assume that at this point the seller would directly answer the buyer’s questions and provide the relevant information. Accordingly, if (a)(ii) is analyzed, i.e., the seller knows the market price of the product and realizes that the answer to the question is not favorable to his position in the negotiation, then the seller may withhold the information or use an evasive strategy to give a partial answer to the question. If (a)(iii) is analyzed, i.e., the seller knows the market price of the product but this information does not affect his position in the negotiation dialogue, the seller may choose to give a direct answer. However, in view of the general framework of the adversarial negotiation dialogue that he is in with the buyer, he may also withhold this information or provide only partial information, because in an adversarial position the seller may adopt a cautious attitude to avoid revealing too much information and thus weakening his position. If we analyze (b), the seller has only one choice at this point: (i) not to answer the question because he does not possess the information. The classification structure of the reply of the seller as an information provider in the information-seeking dialogue in Case 1 is shown in Figure 1:

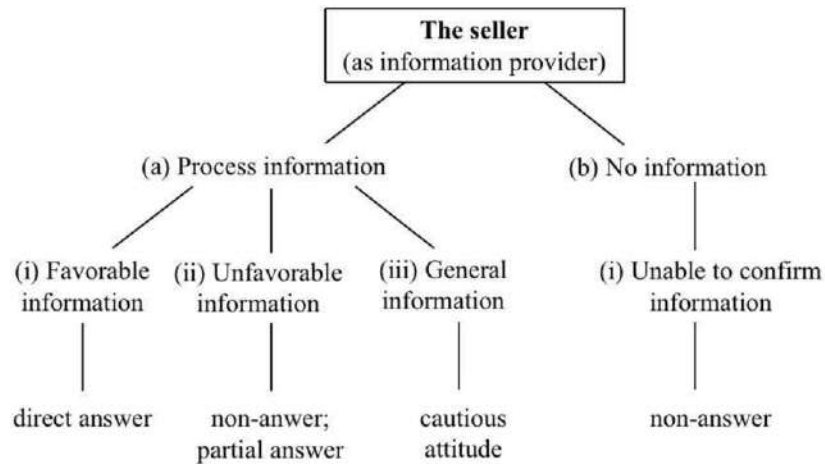


Figure 1: The classification structure of the responses in Case 1

After classifying and discussing (a) and (b) as well as the various scenarios, we can analyze the seller's reply in Case 1, "This product is a handicraft and the market price is not a measure of its value." In this case, the seller did not give a direct answer to the buyer's question, which may involve two situations: the first is that if (a) the seller has the information to solve the question, and the analysis shows that the provision of this information is either in favor of the seller or against the seller, and there is no situation in which the seller is not affected significantly in the negotiation. Therefore, the seller's reply that "this product is a handicraft and the market price is not a measure of its value" can be analyzed to show that the information should be unfavorable to the seller's position in the negotiation dialogue, which is the case in (a)(ii). In this case, if the seller knows the market price of the product and realizes that the answer to the question is not favorable to his position in the negotiation, the trader may withhold the information or use an evasive strategic, which is what the seller said, "the market price is not a measure of its value". In the second case, if (b) the seller does not have the information to solve the problem, and such information has a clear tendency to support the position of one of the parties in the negotiation dialogue, the seller will not answer, i.e., the case of (b)(i). However, from a common sense perspective, the seller has been selling and pricing such product for a long time, so (b) the seller does not know the market price of the product is less likely, and the probability is that it falls into case (a)(ii).

From the analysis of the structure and all possible scenarios of the information-seeking dialogue embedded in the negotiation dialogue of Case 1, it can be seen that this adversarial identity carries over to both parties in the information-seeking dialogue, under the premise that the overall framework of the dialogue is adversarial. Walton characterizes information-seeking dialogue as "asymmetrical," "collaborative," and "non-adversarial," which presupposes that information-seeking dialogue must exist independently as a cooperative conversation. Yet a large number of everyday instances of natural language communication show that information-seeking dialogue is often embedded in other dialogues as a way of seeking information in a dialectical shift and functional embedding. This is such that questioners and respondents in information-seeking dialogue will naturally have identities and relationships inherited from the overall dialogic framework in

which they are engaged, and such identities and relationships will have a direct impact on the performance of both the questioner and the respondent (especially respondents) in information-seeking dialogue. This also means that the respondent, in an adversarial identity, does not only provide collaborative answers to the questioner's questions, but may also hide relevant information that he or she has or give partial answers in an evasive manner. In other words, the structure of the information-seeking dialogue in this case can also be "symmetrical", with the questioner and the respondent arguing in an information-seeking context. Similarly, in Case 1, the relationship between the questioner and the respondent in terms of their respective goals is not purely "collaborative" and "non-adversarial". For the information-seeking dialogue embedded in the overall framework of adversarial dialogues, it is clear that the goals of the respondent and the questioner are also "adversarial": the questioner wants to achieve his own negotiation goals through the question, while the respondent, even if he has the relevant information to answer the question, may withhold the information because the provision of the information is detrimental to his negotiation position. Thus, when characterizing information-seeking dialogue, it can be either "symmetrical" or "asymmetrical" depending on the type of response of the respondent, and "collaborative" or "adversarial" depending on what the questioner and the respondent are trying to achieve. Therefore, when characterizing information-seeking dialogue, it can be either "symmetrical" or "asymmetrical", depending on the type of answer given by the respondent, or "collaborative" or "adversarial", depending on the identities and relationships of the questioner and the respondent within the overall framework of the dialogue.

3. CLASSIFICATION OF INFORMATION-SEEKING DIALOGUE

In the previous section, we characterized information-seeking dialogue as either "symmetrical" or "asymmetrical", "collaborative" or "adversarial". Combined with the redefined characteristics, we can categorize information-seeking dialogue through two classification levels.

3.1 The first classification level

We define "reply" as any answer provided by the respondent to the questioner, based on David Harrah's (David Harrah, 2002, p. 1) definition. The first level of classification refers to the type of reply given by the respondent to the questioner's question, namely non-answer type and answer type, which can be divided into partial answer and direct answer. The structure of the first classification level is shown in Figure 2:

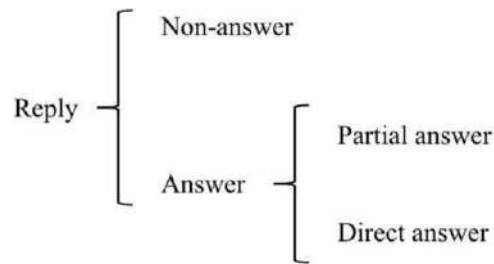


Figure 2: Structure of the first classification level

3.1.1 Respondent's reply type: non-answer type

A non-answer type can be any step that is permitted by the rules of the information-seeking dialogue in a particular situation. For example, reasonable non-answer reply by a respondent include, but are not limited to, "I don't know," "Your question is not very clear, can you tell me what you mean to say?" or any verbal response that is relevant to the question without solving it.

Case 1 is a good example of a non-answer type of reply, in which the respondent replies to the questioner's question "What is the market price of this product" with "This product is a handicraft and the market price is not a measure of its value". This answer does not directly or partially give the market price of the product, but it does give information that is relevant to the question, that is, the market price does not measure its value. In this case, the respondent gives a verbal response that is relevant to the question but does not solve the question. The non-answer reply allows the structure of the information-seeking dialogue to be not only "asymmetrical" but also "symmetrical". Because (a) for the questioner, the question can contain "arguments". (b) For the respondent, the respondent can either clarify his position (i.e., the respondent's statement that "the market price is not a measure of the value of my product") or challenge the questioner's question.

3.1.2 Respondent's reply type: answer type

An answer type should consist of partial answer and direct answer. A partial answer from the respondent gives part of the answer needed for the question, while a direct answer from the respondent gives all of the answer needed for the question.

An example of a common sub-type of information-seeking dialogue is searching for information in electronic environments, in which the questioner is the user of the computer system and the respondent is the computer system itself, a software package that handles the user's query task and provides relevant information. Their question-and-answer procedure is that the questioner (the computer user) asks a question (to retrieve) and the respondent (the computer system itself) answers the question (to retrieve information corresponding to keywords). In collaborative information-seeking, which exists in this independent context, the computer system searches for information in a relevant range around the user's question, giving all or part of the answer required by the question as far as possible. It is worth noting that in case (a)(ii) cited in Case 1, it is also possible for the trader as a respondent to give a partial answer to the question under the adversarial identity,

which is considered as an evasive answering strategy under the adversarial identity.

3.2 *The second classification level*

The second classification level allows for the description of the relationship between participants as “collaborative” and “adversarial”, depending on the respective identities of the questioner and the respondent within the overall dialogic framework. The structure of the second classification level is shown in Figure 3:

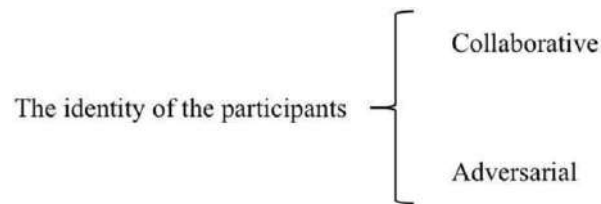


Figure 3: Structure of the second classification level

3.2.1 *Identity of questioner and respondent: collaborative*

The identities of the questioner and the respondent inherited from the overall collaborative dialogic framework are also collaborative, as in the case of deliberation, inquiry, and discovery. In these dialogues, we assume that the questioner of the embedded information-seeking dialogue intends to find information about what is needed to solve a problem or accomplish a task, and that the role of the respondent is to convey the relevant information that he has to the questioner. In this case, the questioner’s goal is to obtain relevant information from the respondent, and the respondent’s goal is to provide as much of that information as possible, the respondent presents a positive attitude toward the questioner’s question, and so the two are in a collaborative relationship.

3.2.2 *Identity of questioner and respondent: adversarial*

The identities of questioner and respondent inherited from the overall adversarial dialogic framework are adversarial, as in the case of persuasion, negotiation, and eristic. In these dialogues, since the questioner and the respondent have inherited an adversarial identity from the overall dialogic framework before starting the information-seeking dialogue, this identity carries over into the embedded information-seeking dialogue as well. This also means that the questions posed by the questioner will be somewhat tendentious, and the answers given by the respondent will not be entirely direct, but will most likely be a non-answer to conceal what they know to be unfavorable or a partial-answer to avoid some of the unfavorable information, the respondent presents a negative or cautious attitude towards the questioner’s question, so the two are in an adversarial relationship.

3.3 *Classification list of information-seeking dialogue*

In the above two subsections, we classify the first classification level according to the

different reply type of the respondent, in which the respondent's reply type can be non-answer, partial-answer, and direct-answer; and we classify the second classification level according to the different identities of the questioner and the respondent under the overall dialogic framework, in which the questioner and the respondent will continue to have collaborative identities under the collaborative overall dialogic framework, and will continue to have adversarial identities under the adversarial overall dialogic framework. By analyzing the first classification level and the second classification level, we can come up with a classification list of information-seeking dialogue, as shown in Figure 4.

Second level First level	Non-answer	Partial answer	Direct answer
Collaborative	Collaborative non-answer type	Collaborative partialanswer type	Collaborative direct answer type
Adversarial	Adversarial non-answer type	Adversarial partialanswer type	

Figure 4: Classification list of information-seeking dialogue

We combine the three types at the first classification level and the two types at the second classification level to come up with the following five types: collaborative non-answer type, collaborative partial answer type, collaborative direct answer type, adversarial non-answer type, and adversarial partial answer type. In particular, the adversarial direct answer type does not exist in our classification list because it is reasonable to expect that a respondent in an adversarial identity would be negative or cautious and thus avoid giving any direct answer.

After distinguishing the five types of information-seeking dialogue, we can define each type to clarify its boundaries and meaning. First, the initial question that distinguishes the five types is "Is the overall framework of the dialogue in which the parties are engaged collaborative?" There are two possible "yes" or "no" answers to this question. If the answer is "yes", that is, the overall framework of the dialogue in which the parties are engaged is collaborative, in this case there is a second level of question "Does the respondent's reply contribute to the solution of the problem?" There are still two "yes" or "no" answers to this question. If the answer is "yes", the respondent's response contributes to the solution of the problem, then we can continue to ask the third level question, "Does the respondent's reply address all problem in the question?" For this question, if the answer is "yes", that is, under the framework of collaborative overall dialogue, the respondent's reply not only contributes to the solution of the problem, but also solves all the problems in the problem, so it belongs to the "collaborative direct answer type". If the answer is no, that is, under the framework of collaborative overall dialogue, the respondent's reply only partially solves the problem although it contributes to the solution of the problem, so it belongs to the "collaborative partial answer type". Returning to the second level of the question "Does the respondent's reply contribute to the solution of the problem?" If the answer is "no", the

respondent's reply does not contribute to the solution of the problem and therefore belongs to the "collaborative non-answer type". These are all relevant cases in which the answer to the initial question is "yes", and then we will analyze the case in which the answer to the initial question is "no". When the answer to the initial question is "no", that is, the overall framework of the dialogue in which the two parties are involved is not collaborative, the second question is still "Does the respondent's reply contribute to the solution of the problem?" The answer can be "yes" or "no"; If the answer is "yes", that is, in the overall framework of the adversarial dialogue, the respondent still provides information contribute to the solution of the problem, and therefore belongs to the "collaborative partial answer type". If the answer is "no", that is, the respondent did not contribute to the solution of the problem within the overall framework of the adversarial dialogue, he is considered to have provided some relevant but unhelpful information and thus belongs to the "adversarial non- answer type".

3.4 Five types of classification discussion with case support

In the previous subsection, we distinguished five different types of information-seeking dialogue according to two different classification levels. Below we will discuss specifically the situations in which each type exists, as well as some case support.

3.4.1 Collaborative non-answer type

A collaborative non-answer type is one in which the respondent does not provide any answer that would solve the problem within the overall framework of a collaborative dialogue. When dealing with collaborative non-answer type of information-seeking dialogue, it is necessary to distinguish between two completely different situations: the first situation is when the respondent is completely ignorant of the problem, a common example of this is when the respondent is incapable of giving an answer that can solve the problem; the second situation is when the respondent gives some relevant information that does not help to solve the problem, a common example of this is when the respondent misunderstands the real meaning of the questioner due to the ambiguous question asked by him.

3.4.2 Collaborative partial answer type

A collaborative partial answer type is one in which the respondent provides some, but not all, of the information needed to address the question within the overall framework of a collaborative dialogue. This may mean that the respondent does not have the ability to answer the question in its entirety, such as in response to the question, "Do you know who crashed my car?" A possible partial answer might be "I'm not sure who crashed into your car, but the CCTV here should have recorded the whole thing".

3.4.3 Collaborative direct answer type

The collaborative direct answer type is one in which the respondent provides all the information needed to address the question within the overall framework of a collaborative

dialogue. This type is the one that best fits Walton's description of the characteristics of information-seeking dialogues as "asymmetrical," "collaborative," and "non-adversarial," and it is also one of the most common types of information-seeking. Specific examples include "from position to know" and "searching for information in electronic environment".

3.4.4 Adversarial non-answer type

The adversarial non-answer type is one in which the respondent does not provide any answer that would solve the problem within the overall framework of an adversarial dialogue. This type, like the collaborative non-answer type, can be distinguished into two different situations: the first one is when the respondent is completely ignorant of the question, in which case the respondent is unable to give an answer; the second one is when the respondent provides some relevant information related to the question, but does not solve the problem, such as in Case 1, where the trader gives an answer "The market price of this product is not a measure of its value" in response to the buyer's question "What is the market price of this product?" The trader does mention information about the market price, but this information does not solve the buyer's problem. This attitude and answer is due to the adversarial overall dialogic framework in which both parties are situated, which is what this paper is trying to distinguish from Walton's characteristic definition of information-seeking dialogue.

3.4.5 Adversarial partial answer type

An adversarial partial answer type is one in which the respondent provides partial information that solves a problem within the overall framework of an adversarial dialogue. And this behavior of choosing to provide partial information despite the confrontational identity is an evasive response strategy, for example, in a technical staffing interview, the interviewer as the questioner asked the candidate, "What was your last job?" The candidate replied, "I worked at Company XX before." According to Kaiser's (Kaiser, 1979, p. 48) description of this type of job interview conversation, the interviewer and the candidate (i.e., the questioner and the respondent) have different purposes, and there is an inherent competitiveness between them. The respondent gives partial information about the question, i.e. the address of his last job: company XX, but does not provide his specific position and the specific work matters he was responsible for. Under the influence of the adversarial identity, the respondent will handle his answer carefully to avoid revealing his vulnerability and thus putting himself at a disadvantage. Another case occurred in a loan counseling session that took place at a bank, the lender, as the questioner, asks the bank manager about the length of the loan, "Are more people choosing to take out a five-year loan or a ten-year loan?" The bank manager replied, "More and more people are opting for a ten-year loan now." But the truth here is that the total number of people opting for five-year loans is much larger than those opting for ten-year loans. The background information here is that banks have different interest rates regarding five-year loans and ten-year loans; the interest rate on a five-year loan is lower than the interest rate on a ten-year loan, so the bank manager would expect the lender to choose a ten-year loan. The bank manager at this point chooses to answer only part of the information in the question and gives a very ambiguous answer. The bank manager may lead the questioner to misunderstand that more

people choose ten-year loans than five-year loans. Under the influence of an adversarial identity, the respondent will handle his answer with caution, and partial answers are a common form of communication.

In fact, information-seeking of the adversarial non-answer type and the adversarial partial answer type is very common in everyday life and argumentation because the collaborative identities and relationships of the parties involved in information seeking dialogues are not a given. The fact that information-seeking dialogue, as a type of dialogue for obtaining information, often involve dialectical shifts and functional embedding of different dialogue types also means that the relationships and identities of the two parties to an information-seeking dialogue are affected by the overall dialogue into which that information-seeking dialogue is embedded, and that this identity carries over into the information-seeking dialogue, prompting the respondent to adopt a conservative attitude in response to the questioner. Another example occurs in parliamentary debates in Euro- American politics: the questions asked in parliamentary debates usually contain assumptions and presuppositions that have evidential force, and therefore also function as arguments. Such arguments are not only very complex, but are clearly intended to be disruptive attacks, suggesting that both the respondent and his entire party are guilty of some kind of dishonorable behavior (Walton, 1998, p. 142). As a respondent, it is very dangerous in an adversarial capacity to directly answer a question with disruptive presuppositions of the questioner, and it is much better to respond with a partial answer or a non-answer type of reply: e.g., to question the presuppositions of the question or to give information in the question that is not harmful to oneself.

4. CONCLUSION

In response to Walton's description of the characteristics of information-seeking dialogue: "asymmetrical", "collaborative" and "non-adversarial", we distinguish two levels of classification from the perspective of the common context in everyday argumentation, that is, information-seeking dialogue as a sub-dialogue embedded into other types of dialogue. In the first classification level, the dialogue structure can be "asymmetrical" or "symmetrical" by identifying the type of reply to the question. In the second classification level, through the analysis of the identity and relationship inherited by the questioner and the respondent under the overall dialogue framework, the relationship between the two parties can be either "collaborative" or "adversarial".

By reconstructing the external structural characteristics and internal relational characteristics of information-seeking dialogue, we can recognize how information-seeking dialogue (1) participate in dialectical shifts as well as being embedded in other types of dialogues; (2) serve as an argumentative structure that helps the dialogue participants to achieve their argumentative goals; and (3) likewise contribute to a deeper understanding of the other types of dialogues.

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Argumentation in Waltz’s “Emerging Structure of International Politics”

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ABSTRACT: We present an annotation scheme for argumentative and domain-specific aspects of scholarly articles on the theory of International Relations. At argumentation level we identify Claims and Support/Attack relations. At domain level, we model discourse content in terms of Theory and Data-related statements. We annotate Waltz’s 1993 text on structural realism and show that our scheme can be reliably applied by domain experts enables insights on two research questions on justifications of claims.

KEYWORDS: annotation, argumentation, political discourse

1. INTRODUCTION

Over the past years there has been a growing interest in the analysis of the language and discourse of politics. Numerous studies have focused on the analysis of various aspects of political discourse, including modelling political debates (Vilares and He, 2017; Haddadan et al, 2019; Padó et al, 2019; Goffredo et al, 2022; Mancini et al, 2022), creation of corpora such as the DCEP (Hajlaou et al, 2014) or JRC-Acquis (Steinberger et al, 2006) and tagged corpora of parliamentary debates (see, for instance, Abercrombie and Batista-Navarro, 2018; Abercrombie and Batista-Navarro, 2020), analysis of specific political speeches (Beelen et al, 2017; Labbé and Savoy, 2021; Card et al, 2022), or analysis of higher-level pragmatic aspects such as bias (Fischer-Hwang et al, 2022; Davis et al, 2022), manipulation, and politeness (Abuelwafa, 2021; Moghadam and Jafarpour, 2022; Kádár and Zhang, 2019; Trifiro et al, 2021).

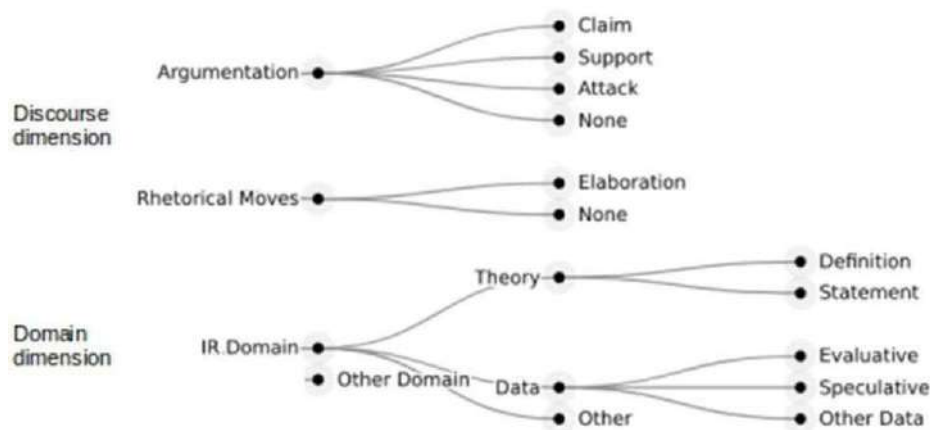
While most prior research into the universe of political discourses is based in the genres of debate and speeches, studies of academic political discourse have been sparse. One of the goals of the project SKILL, from which this paper stems, is to fill this gap. SKILL – A social science lab for research-based learning – is dedicated to building and applying AI technologies to facilitate analysis of argumentation in scholarly articles in political science, especially in the context of teaching International Relations (IR). The

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ultimate goal of SKILL is to provide students with AI tools which would facilitate comprehension of original articles used as part of teaching syllabi and which would coach them in producing expert argumentation in the field.

In order to gain insight into the structure and properties of argumentation in the domain of political science theory, we developed an annotation scheme which enables analysis of scholarly IR discourse with respect to the interaction between argumentation and the types of domain content contributing to the arguments. The annotation scheme we propose comprises two orthogonal dimensions: discourse and content domain. At the discourse dimension, we model argumentation (using a basic model of premise-conclusion structures) and basic rhetorical structure (identifying elaborative discourse segments). At the domain dimension we focus on contributions relevant from the point of view of the domain of International Relations and distinguish between theoretical statements, definitions, and two types of empirical statements, while allowing for other types, not

Figure 1. Overview of the annotation scheme; “None” are technical categories indicating no annotation at the given level.



explicitly named at the time of scheme development. We apply the scheme to Waltz’s 1993 text and address two research questions relevant from the point of view of teaching IR based on this source:

RQ1: To what extent is evidence for claims explicitly provided in Waltz’s text?

RQ2: Is Waltz’s argumentation mainly grounded in theory or in empirics?

The paper is structured as follows: We start by presenting our model of theoretical discourse in IR in Section 2. In Section 3 we outline our data, the scheme development process, and the annotation procedure. In Section 4 we present an analysis of premise-conclusion structures addressing our research questions and summarize our contributions in Section 5.

2. MODELLING ARGUMENTATION IN SCHOLARLY DISCOURSE ON INTERNATIONAL RELATIONS

In order to investigate argumentation in scholarly discourse in political science, we developed an annotation scheme which models, on the one hand, basic discourse

structure, and, on the other hand, the types of argumentative content relevant in our domain of discourse. Our annotation scheme comprises two dimensions, Discourse and Domain. The Discourse dimension describes argumentation and the rhetorical structure and can be applied to any argumentative text. The domain dimension describes the discourse contributions in terms of the type of content they present, that is, types of discourse moves specific to the domain of discourse; in our case, the theory of International Relations. The overview of the annotation scheme is shown in Figure 1. Annotation categories within the two dimensions are defined below.

2.1 Discourse dimension

The Discourse dimension models argumentation and rhetorical aspects of text. At the level of *Argumentation* we model discourse structures which build up an argument, that is, we identify those discourse moves that contribute to bringing argumentation forward as well as relations between those moves. Our argumentation-related categories are a simplified set of argumentative moves proposed by Toulmin (1958). The original Toulmin model of argumentation has been widely used in studies of argumentative discourse, however, it has been shown to present difficulties for annotation of real life argumentation (see, for instance, (Simosi, 2003)). Argumentation has been also shown to be difficult to annotate in general, yielding low interannotator agreement (see, for instance, (Torsi and Morante, 2018)). We therefore opt to model argumentation at the lowest level of complexity, namely, by only identifying basic premise-conclusion structures in terms of Claims and two relations that may hold between them, Support and Attack, defined as follows:²

Claim is a statement that presents a basic building block of an argument. It is the assertion that a party puts forth and would like to convince the audience of, that is, prove. A claim can be also thought of as the conclusion that a party in discourse is attempting to draw.

Support in an argument is a statement that provides evidence justifying a claim. This may be a statement that directly brings up facts, data, or other pieces of evidence showing why a claim holds. The purpose of a supporting statement is to increase the credibility of a claim, i.e. the readers' belief that the claim holds.

Attack is a counter-argument to a previously proposed claim. The purpose of an attacking statement is to decrease the credibility of a claim, i.e. the readers' belief that the claim holds.

Note that unlike other argumentation annotation schemes (e.g. (Stab & Gurevych, 2014)) we do not distinguish between so-called main/major and minor claims at this point. Since our data comprises research articles, i.e., longer discourses of high linguistic complexity, we again opt for refraining from adding to the complexity of annotation. However, we approximate the distinction between major and minor claims by modeling local elaboration structures at the rhetorical level explicitly (see below). Discourse units which are not argumentative in the sense of the three categories defined above remain unlabelled at the argumentative level.

2 We use capitalized “Claim” to refer to a markable of type Claim and lower-case “claim” when we talk about argumentative claims in general.

At the level of *Rhetorical Moves* we model the structural organization of text, i.e. the rhetorical roles of spans of text in a larger discourse which make the discourse coherent. Depending on a linguistic theory, rhetorical phenomena in discourse may encompass up to even 30 types of rhetorical coherence types (Taboada & Mann, 2006) including relations such as Background (facilitates understanding), Evaluation (evaluative comment), Purpose (intent behind a state or action), Means (method or instrument that facilitates realization of an action). Note that argumentation itself is also a rhetorical phenomenon which can be modelled at finer detail than the Claim-Support/Attack model presented above, using rhetorical relations such as Evidence, Explanation, and (volitional and non-volitional) Cause and Result. We model argumentation as a distinct level of annotation since it plays a central role in our model and we focus directly on basic argumentative premise-conclusion structures. At the rhetorical level we annotate a single relation, Elaboration, defined as follows:

Elaboration expands on a point by contextualizing it or provides more information about a previous statement. It may describe it in a different way (e.g. restate, paraphrase, or reformulate it) or at a different level of abstraction (e.g. make it more specific or general)

Elaboration as defined above combines presentational aspects (cf. Mann and Thompson's (1988) Reformulation/Restatement and Summary and Hobbs' (1979) Repetition) as well as content aspects (cf. Danlos' (1999) Particularization and Generalisation) of a discourse unit. The main purpose of Elaboration in our scheme is to facilitate setting apart main claims from minor (elaborated) claims in argumentation. Statements which are not elaborative remain unannotated at the Rhetorical Level.

2.2 Domain dimension

The types of content contributed to discourse depends on the discourse genre and, naturally, on the domain of discourse. For instance, in the medical domain there might be discourse contributions related to a patient's diagnosis, in the music domain to the structure of a musical piece, and in the domain of chemistry to the interactions between chemical elements. In our case of political science domain, the domain dimension models the type of content specific to presenting a political science theory, in particular, theory of International Relations. For statements within the **IR Domain**, that is those about International Relations or global politics, we distinguish between content related to *Theory* and *Data* with two subtypes each as defined below:

Theory statements present theoretical postulates. Empirical references or illustrations may be also made within theory statements, however, as soon as a theoretical assertion is presented as a generalization going beyond any specific empirical references or illustrations, it should be annotated within the Theory category. Two subcategories are explicitly defined:

Definition is a statement which explicitly specifies a meaning of a term used in the domain.

Theoretical Statement is a non-definitional theoretical statement, i.e. one which is about IR-relevant theoretical concepts or topics.

Data statements provide relevant empirical evidence, i.e. concrete reference to the real world, including classes of events (e.g. war), or social facts. Two subcategories are explicitly defined:

Speculative Empirical Reference makes a statement about a possible present or future scenario or an alternative past scenario; neither of those has actually happened.

Evaluative Statement contains a reference to real world events, data, or (social) facts which are evaluated or interpreted by the author from any theoretical standpoint or presents it as a fact through a theory's perspective.

Any other statements about real world annotated as *Other Data*.

In case a statement does present IR relevant content, but it cannot be classified as Theory or Data according to definitions above, we annotate it as *Other*, which makes the scheme open-ended at the domain dimension. If a statement explicitly refers to a domain other than political science, International Relations, or global politics, it is annotated as *Other Domain*. Figure 1 shows the category structure of the annotation scheme and Figure 2 illustrates the categories on an excerpt from (Waltz, 1993).

3. MATERIALS AND METHODS

3.1 Linguistic data

As a basis for annotation scheme development and validation we selected foundational texts introducing four major theories of International Relations: neorealism (Waltz's 1993 "The Emerging Structure of International Politics"), liberalism (Putnam's 1988 "Diplomacy and Domestic Politics: The Logic of Two-Level Games"), constructivism (Finnemore's and Sikkink's 1998 "International Norm Dynamics and Political Change"), and feminism (Carpenter's 2005 "Women, Children and Other Vulnerable Groups': Gender, Strategic Frames and the Protection of Civilians as a Transnational Issue"). Only the body of the articles – without footnotes and endnotes – was analyzed and annotated.

The articles were prepared for analysis by segmenting into sentences in a semi-automatic process. A sentence was defined, in a standard fashion, as a linguistic unit which expresses a complete thought and typically consists of a subject and predicate. Aside from the typical end-of-sentence punctuation (full-stop, question mark, and exclamation mark), sentence boundaries were also identified by semicolons, colons and (em) dashes, which are often used in scholarly articles to delimit parts of a sentence which could also be rendered as separate stand-alone sentences. Sentence segmentation was checked and corrected manually by one of the co-authors with linguistic background.

3.2 Scheme development

The annotation scheme presented in Section 2 was developed in a combined theory-driven and data-driven fashion as a collaboration between senior scholars in International Relations and Linguistics, all co-authors of this paper.

The Discourse dimension was derived from preexisting approaches to rhetorical structure and argumentation analysis. Key modifications to an existing argument modeling scheme involved simplification (see Section 2). While the initial set of rhetorical functions included also, for instance, (rhetorical) Questions and Quotations, we ultimately did not include them in the final scheme since these categories can be reliably identified computationally even using just heuristics.

The Domain dimension was created in several iterations by analyzing excerpts from the four theory-foundational articles mentioned in Section 3.1 and applying tentative variants of the scheme to different fragments of the articles than the ones used for scheme development. Tentative schemes at the Domain level included variants with more fine-grained categories and with alternative definition wording. For example, in one of the early variants of the scheme, we differentiated between three different types of Theory statements: Foundational statements, Assumptions, and Inferences. Foundational statements were meant as building blocks shared between (some) IR theories, Assumptions as statements laying out a specific theory's premises and being taken for granted, and Inferences as derivable from either Foundational statements or Assumptions. However, the distinction between Assumptions and Inferences proved difficult to pinpoint rigorously, which led to a large number of disagreements between annotators. Ultimately, we arrived at a scheme which is a compromise between reliability, cost, and descriptive power: our annotators reach satisfactory agreement on a model that targets research questions of our interest.

3.3 Annotation procedure

Annotation was conducted using dedicated annotation software developed specifically for the purpose of the project. Discourse annotation was done within a scope of a paragraph, that is, no cross-paragraph argumentative and rhetorical relations are identified.

Within each paragraph, annotators proceed as follows: First, they read the entire paragraph for comprehension, register its overall message and the flow of argumentation. Second, they proceed sentence by sentence and identify all claims within the paragraph by first identifying the sentence's predicate-argument structure and then answering the question whether its content is relevant from the point of view of political science, especially International Relations, or global politics, i.e. whether the sentence is about the IR Domain. If so, then if the sentence contributes argumentative content, i.e. it brings the thread of argumentation forward, it is marked as Claim and Rhetorical and Domain categories are assigned according to definitions. Once this is done, for each Claim its Supporting and Attacking claims (if any) within the given paragraph are identified.

3.4 Annotators and coding disagreements

For the purpose of the work presented here annotations were performed by two domain experts, co-authors of this article. Both domain experts are senior researchers in political science whose focus of research and academic teaching is on International Relations. One domain expert has had somewhat less experience coding with the final version of our annotation scheme, but trained in using it prior to starting annotating the Waltz's text. Annotation was first performed by each of the domain experts independently. Once the entire text was annotated, the annotators met, discussed discrepancies, and agreed on final annotations.

Table 2. Basic text descriptives on Waltz’s “The Emerging Structure of International Politics”; number of words shown excludes punctuation

Property	Value
Number of sentences	641
Number of words	13064
Number of distinct words	2768

The majority of disagreements at the Discourse dimension were at the Argumentation level and were due to unidentified argumentative relations by one of the annotators. There were 140 such cases where one of the experts has interpreted a relation between Claims, either Support or Attack, whereas the other did not see one. Most of those disagreements, however, can be attributed to unequal experience of the annotators in using the scheme since they were eventually settled in line with the interpretation of the annotator who had been working with the scheme for a longer time. There were also 7 cases of disagreements where one of the experts interpreted a Support relation and the other an Attack. We will investigate those inconsistent relation interpretations further as we work with other texts.

There were 159 disagreements at the Domain dimension (25% disagreement rate) of which 94 were between main categories within the Domain dimension, i.e. Theory vs. Data. The error in assigning Data over Theory was systematic and we attribute it to oversight since the instructions for coding the Theory category were modified several times in the course of the annotation scheme development. An example of such annotation artefact is the segment “In the nuclear era, countries with smaller economic bases can more easily achieve great-power status.” which one of the experts annotated as Data→Evaluative and the other as Theory→Statement. In the context of the preceding sentences, the segment can be considered a borderline case: As such, no specific real world events are mentioned here and the statement is a generic one, however, from prior context it is clear which smaller economies are meant. In the course of guidelines development, we adjusted emphasis on theoretical content, which was overlooked on cases like this one.

For each of the disagreement cases domain experts were able to reach consensus without resorting to adjudication by a third expert. The resulting consensus annotations, to which we refer to as “gold standard”, was used for the analysis.

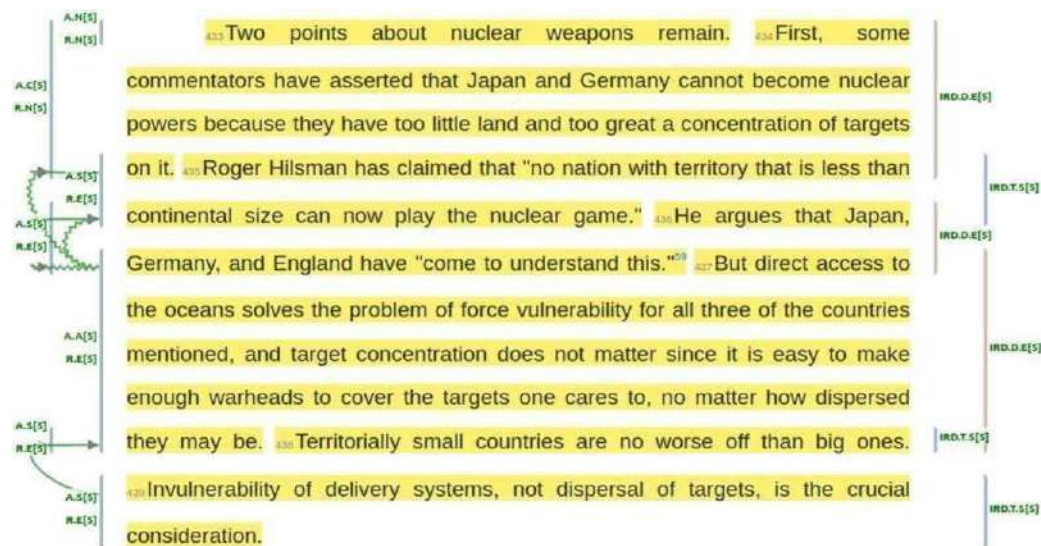
4. ARGUMENTATION AND DOMAIN DISCOURSE IN WALTZ’S “THE EMERGING STRUCTURE OF INTERNATIONAL POLITICS”

Basic descriptive information about Waltz’s text used this in study is shown in Table 2. Since annotation was performed at the sentence level, the number of sentences here, 641, corresponds also to the number of annotated segments. We start the analysis with general observations about Waltz’s argumentation and then characterize it in terms of the types of domain content Waltz uses in his arguments. For this overview we use the Gold Standard annotations, that is, the annotation agreed on by both domain experts upon discussion.

4.1 Premise-conclusion structures

Out of the 641 annotated segments in Waltz’s article, 603 are part of argumentation (i.e. they have been annotated as Claim, Support, or Attack). Examples of Claim-Support and Claim-Attack links

Figure 2. An excerpt of Waltz’s text in the annotation software with example annotations. Discourse dimension categories are shown in the left margin of the text; Domain dimension is shown on the right. Arrows on the left denote argumentative links: Claim-Support (solid lines) and Claim-Attack (wavy lines)



are shown in Figure 2 in an excerpt of Waltz’s text as displayed in the annotation software. Waltz’s text is thus for the most part argumentative with only about 5% of the sentences not having directly argumentative function. The segments which do not constitute part of argumentation are mainly rhetorical questions (such as “Why should the future be different from the past?”, “What are the possibilities?”), references to the text outline or structure (such as, “The next section asks what differences this will make in the behavior and interaction of states.”, “The preceding paragraph reflects international-political reality through all of the centuries we can contemplate.”), and other non-argumentative segments (e.g. “Two points about nuclear weapons remain.”, “The case of Western Europe remains.”).

The majority of Waltz’s Claims, 440, are part of elaborated structures and only 163 – 27% of all the Claims and 25% of all the segments – are what can be considered “main” or “major” claims, i.e. they possibly initiate an elaborated segment and can be thought of as Waltz’s core train of reasoning. Indeed, among those we find statements such as “The conflation of peace and stability is all too common.”, “Structural change begins in a system’s unit, and then unit-level and structural causes interact.”, “The political and economic reconstruction attempted by the Soviet Union followed in part from external causes.”, or “But great powers do not gain and retain their rank by excelling in one way or another.”

In order to answer our first research question as to overt justification for claims (see RQ1 in Section 1), we looked into the proportion of supported and unsupported claims. Only 156 out of the 603 Claims (26%) in Waltz’s text are provided with supporting evidence within text, that is, they form Claim-Support chains and can be

considered arguments in the sense of Premise-Conclusion structures. The majority of those, 116, are provided with a single evidence statement, whereas a small proportion, 6, have three, four, and even 6 supporting statements. The remaining 447 claims are presented without evidence in the text, i.e. there is no other claim which stands in a Support relation to those claims. It can be assumed then that the author considers justification for these claims to be part of the so-called *common ground* or shared understanding/common knowledge, i.e. “general knowledge shared by the speaker, hearer, and audience” (Walton 1996; see also Clark and Schaefer, 1989; van Eemeren & Grootendorst, 2004). In itself, the fact that many claims are provided without support is not surprising. However, it has implications on teaching the neorealist theory of International Relations and on its understanding by the students based on this article, in that the background knowledge assumed by Waltz needs to be addressed by the instructor.

4.2 Types of domain contributions in premise-conclusion structures

In order to address the second research question of whether Waltz’s argumentation is mainly grounded in theory or in empirics (see RQ2 in Section 1), we analyze the distribution of Theory and Data categories within Claims and Supports in Waltz’s text. Out of the 603 Claims a was majority, 406, is in the Data category. There are 194 Theory claims, one claim from a non-IR domain (unannotated at the Domain level) and three claims with domain categories which we did not anticipate (annotators marked those as “Domain: Other”). In general thus, Waltz’s argumentation is mainly empirically driven.

Most “major” claims – i.e. those which are not part of elaboration structures – are also Data-oriented. There are 90 Data-oriented major claims in total: 68 Evaluative major claims about actual events in the world and 21 Speculative claims about future or past scenarios. 61 major Claims are Theory Statements. Analogous distribution can be found within supporting evidence: out of the 235 Support claims, 170 (72%) are grounded in Data and only 64 (27%) in Theory.

The overall picture that emerges is that Waltz’s theory-oriented paper is for the most part driven by and grounded in empirics. From an educational perspective this means that the key prerequisites for comprehending Waltz’s argumentation are strong background in history and an ability to recognize the impact of world events on international relations, of which instructors who use Waltz’s text as part of undergraduate syllabi should be made aware.

5. CONCLUSION

We presented an annotation scheme developed for the purpose of studying argumentation and domain discourse as well as their interaction in scholarly articles in political science. We have shown that our scheme can be reliably applied to annotate Waltz’s “The Emerging Structure of International Politics”, one of the foundational texts on the neorealist theory of International Relations used in academic Political Science programmes. Based on the annotated text we have also shown that Waltz’s argumentation is grounded mainly in empirics and that most of his claims are not explicitly justified within the text. In the context of using Waltz’s article in undergraduate curricula this poses strong assumptions and requirements on students’ understanding of the historical background, both in terms of knowledge of historic events themselves as well as their political impact. Our further work will concentrate

on building a larger annotated corpus of research articles on International Relations and further, larger scale corpus-driven analysis of the relation between argumentation and domain discourse based on this data.

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Argumentative Strategies Adopted by Parents and Children in Shopping Discussions

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ABSTRACT: In this article, the authors focused on argumentation that occurs between parents and children during shopping. Our findings showed that during shopping discussion, children are proactive in advocating and defending their standpoints. Children's argumentative strategies vary depending on their cognitive ability. The arguments utilized by children can be classified into three categories: breaking the record of zero, fairness doctrine, and principle of beneficence. While the frequently used strategies by parents are: causal explanation, consequentialism explanation and utilitarian explanation.

KEYWORDS: argumentation, parent-child argumentation, pragma-dialectics, shopping, strategies

1. INTRODUCTION

This paper focuses on the ways in which parents and children advocate their respective positions in discussions relating to purchases while shopping. What strategies do parents and children adopt during the context of shopping? What is the role of children in the discussion in cases of disagreement between child and parent?

Generally, children are considered to have inferior cognitive and argumentative skills compared with adults. Thus, studies about children's argumentation capabilities have tended to concentrate extensively on education and psychology rather than on the field of argumentation itself. Hence, previously, a fundamental research question about children's argumentation was "When do children begin to use argumentative discourse"; that is, the question sought to answer at what age children begin to argue. The basic assumption is that children's ages correlate with their argumentative skills, but scholars disagree on the question of when children begin to argue. Most scholars believe that children begin to understand and use arguments at young ages (Clark & Delia, 1976; Mercier & Sperber, 2011; Mercer & Sams, 2006; Orsolini & Pontecorvo, 1992; Stein & Miller, 1993; Silvestri 2001). Stein & Miller (1993) showed that 7-year-old children can recognise, identify, and use the basic components of an argument to provide evidence for and make judgements about their favoured position. Recent studies (Bernard, Mercier & Clément, 2012) have shown that children from the age of 3 years are already sensitive to argumentation triggers.

Often, psychological research tends to neglect the role of the institutional context in which argumentation takes place. As van Eemeren et al. (2018, p. 3) stated, “Argumentation is a communicative and interactional act complex aimed at resolving a difference of opinion with the addressee by putting forward a constellation of propositions for which the arguer can be held accountable in order to make the standpoint at issue acceptable to a rational judge who judges reasonably.” Argumentation is a complex, multiple social interaction, and the institutional context plays a vital role in it.

Numerous studies show that parent-child argumentation plays an important role in children’s cognitive development and socialization (Blum-Kulka, 1997; Moshman, 1994; Baumrind, 1971; According to Muller Mirza, Perret-Clermont, Tartas, & Iannaccone (2009) emphasized that the argumentative attitudes acquired within the family are fundamental and serve as the foundation for all other types of argumentation. Among these, playtime and mealtime are the most studied institutional contexts. The institutional context influences participants’ motivation and performance. Mealtime is seen as a privileged moment (Arcidiacono & Bova, 2011; Bova & Arcidiacono, 2015; Fiese et al., 2006; Laurier & Wiggins, 2011), and it is considered uniquely suited for the investigation of spontaneous family discourse (Blum-Kulka, 1997). Scholars highlight that, on one hand, mealtime typically constitutes a tightly scheduled occasion during which a lot must occur in roughly twenty minutes “Food must be served and consumed, roles assigned, past events reviewed, and plans made” (Fiese et al., 2006, p. 77). On the other hand, mealtime is often characterized by much freedom, which facilitates argumentative discussions. Moreover, such discussions during mealtimes have a crucial educational function (Bova, 2020).

Playtime also serves as a good choice to study young children’s argumentation abilities (Migdalek, Rosemberg et al., 2014; Heller & Krah, 2015; Perret-Clermont, Arcidiacono & Bova, 2015; Schär & Greco, 2018). Children first learn argumentative strategies in family and school environments. Games provide young children a vital way to gain social experience (Leontiev, 1981; Tomasello, 2008). During games, children use language for creating and sustaining the rules of the game, and to construct rules with others (Seidman, Nelson & Gruendel, 1986; Nelson, 1996; Zadunaisky Ehrlich & Blum-Kulka, 2010).

Our interview of 52 parents of 3- to 6-year-old children revealed that parents and children tend to have different opinions when it comes to mealtime, shopping, bedtime, and playtime, with shopping being the most likely scene for disagreement between parents and children. Of these parents, 49 (94.23%) indicated that disputes occur while shopping. One study in the 1970s analysed the shopping setting but not as it relates to argumentation. Atkin (1978) conducted an observation of parent-child interaction in supermarket decision-making, which mainly focused on the influence of advertising on purchasing choices, while simultaneously investigating the occurrence of unpleasant consequences such as arguments or unhappiness.

Numerous studies of parent-child argumentation exist in the literature, focusing mainly on the areas of mealtime and playtime. We focused on discussions that occur between parents and children during shopping trips because this is a common time for disagreements: children attempt to obtain what they desire; however, parents may not always be able to satisfy these desires due to economic difficulties, too many similar toys, limited storage space, and so on. Therefore, the shopping scenario presents an excellent

opportunity to investigate how parents and children interact and argue when children want to buy something that parents disagree with.

The remainder of the paper is structured as follows: Section 2 introduces the theoretical framework of this research, while Section 3 focuses on the data analysis. Section 4 mainly about arguments categories utilized by children and parents respectively. The results of the analysis are discussed in Section 5, which summarizes the main findings and contribution of this study.

2. THEORETICAL FRAMEWORK FOR THE ANALYSIS

This study examined how argumentation develops during interactions between parents and children while shopping. We addressed two main objectives. First, we treated argumentation as a pragmatic discussion by both parent and child. From this perspective, context is of vital importance to the research. Second, we sought to discover what happens in the process of argumentation by better understanding the argumentative strategies and structure that occur during discussions.

In order to analyse the mergence of context and process of argumentation, we introduced tools for the analysis of an argumentative discussion as theoretical starting points. We used the pragma-dialectical model of a critical discussion (van Eemeren & Grootendorst 1984, 2004) for the general reconstruction of the argumentative discussion. According to van Eemeren & Grootendorst (2004, p. 95), “The aim of a pragma-dialectical analysis is to reconstruct the process of resolving a difference of opinion occurring in an argumentative discourse or text”. This means that the context should be analysed taking into account the reconstructed resolution.” The pragma-dialectical model has two features: “pragmatic character” and “dialectical character” (van Eemeren and Grootendorst, 2004, p. 95). The pragmatic character indicates that “the discourse or text is viewed as a coherent whole of speech acts”; the dialectical character lies in the premise that these speech acts are part of a systematic attempt to resolve a difference of opinion by means of a critical discussion (ibid.). The two characters fit neatly within the research object.

The pragma-dialectical model of a critical discussion consists of four stages: the confrontation stage, the opening stage, the argumentation stage, and the concluding stage. In the confrontation stage, a difference of opinion manifests itself in the opposition between a standpoint and non-acceptance of this standpoint. In the opening stage, the procedural and the content-related material commitments that are to be in force during the discussion are identified, including the division of the discussion roles of protagonist and antagonist between the participants. In the argumentation stage, the protagonist defends the standpoint at issue systematically utilizing argumentation against the doubts and other critical responses of the antagonist. In the concluding stage, whether the difference of opinion is resolved is determined in the concluding stage (van Eemeren, 2010, pp. 36-37).

In accordance with the pragma-dialectical model, we have analysed our data by means of an analytic overview of argumentation in terms of standpoints and arguments in support of the given standpoints. As van Eemeren and Grootendorst (2004, p. 118) stated, the analytic overview helps bring to light “which points are at dispute, which parties are involved in the difference of opinion, what their procedural and material premises are, which argumentation is put forward by each of the parties, how their discourses are

organized, and how each individual argument is connected with the standpoint that it is supposed to justify or refute”.

Based on its characteristics, the pragma-dialectical model was the best for the scope of this research. Moreover, in previous research using a family context, researchers adopted the theory of pragma-dialectical, which proved to be feasible to analyse argumentative discourse (Greco et al., 2018; Greco et al., 2017). Therefore, we opted for the pragma- dialectical theory as the theoretical tool for the analysis of parent-child argumentation.

3. CORPUS

We collected 45 separate video recordings of parents and children shopping together (constituting about 16 hours of video data), constructed from two different sets of data— data corpus 1 and data corpus 2, which are based on the number of children in a family. All participants were Chinese speaking, with some speaking local dialects. The length of the recordings varied from 10 to 30 minutes.

Data corpus 1 consisted of 10 video-recorded shopping events involving four families. The criteria adopted in the selection of the families were the following: the presence of at least one parent and two children, of whom the younger one was of preschool age, that is, from 3 to 6 years old. Most parents at the time of data collection were in their thirties ($M = 34.33$ years; $SD = 0.577$). Fathers were slightly older than mothers (fathers $M = 37.50$; $SD = 3.535$; mothers $M = 34.33$; $SD = 0.577$). All families in data corpus 1 had two children.

Data corpus 2 consisted of 35 video-recorded shopping events involving 10 families. The criteria adopted in the selection of the families were the following: the presence of at least one parent and one child of preschool age, that is, from 3 to 6 years old. Most parents at the time of data collection were in their thirties ($M = 33.80$; $SD = 2.529$). Fathers were slightly older than mothers (fathers $M = 36.50$; $SD = 3.109$; mothers $M = 33.80$; $SD = 2.529$). All families in data corpus 2 had only one child.

Detailed information about family constellation in data corpus 1 and data corpus 2 is presented in table 1:

Table 1. Length of recordings, participants, average age of participants

Family group with only one child with two children
Length of recording in minutes 15-28 16-32 Mean length of recordings in minutes 23.71 25.33
Participants Mother 10 3 Father 4 2 Adults, total 14 5 Son 6 5 Daughter 4 3 Children, total 10 8 Total participants 24 13

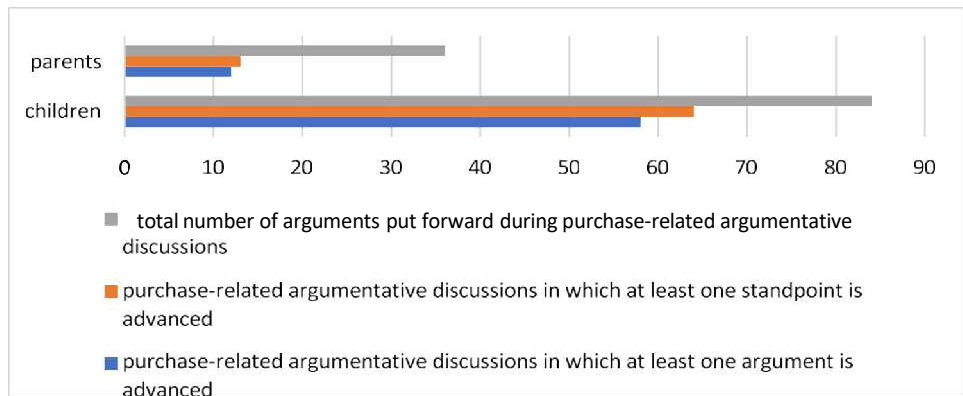
Average age of participants (years) Mother	33.80 (SD 2.529)	34.33 (SD 0.577)
Father	36.50 (SD 3.109)	37.50 (SD 3.535)
Son	4.66 (SD 0.816)	4.80 (SD 1.643)
Daughter	4.50 (SD 1.290)	4.66 (SD 2.081)

4. ARGUMENTATION IN SHOPPING CONTEXT

4.1 Analysis

Within the corpus of 76 analyzed argumentative discussions, parents advanced at least one standpoint in 13 instances, while children did so in 64 instances. In 10 of these instances, both parents and children expressed their standpoints simultaneously. Notably, in the context of shopping-related arguments, children predominantly took on the role of protagonists, with parents frequently adopting antagonistic positions. Among the 13 cases where parents presented their standpoint, they also provided at least one argument (in some instances, more than one argument) to support their position, totaling 36 arguments. In the 64 cases where children expressed their standpoint, they likewise presented at least one argument (and often more than one) to justify their viewpoint, resulting in a total of 84 arguments (see Figure 1).

Fig.1 Purchase-related argumentative discussions between parents and children



The data showed that in shopping discussions, children were mainly acting as protagonists, as well as the proposers of standpoints. Meanwhile, children put forward at least one argument in 90.6% of the standpoints. The phenomenon might resort to the roles they play in shopping argumentations. Children tried to persuade the parents to buy what they want for themselves, hence they were more proactive in advocating and defending their standpoints. During this process, the standpoints which put forward by parents were 1/5 of the standpoints which put forward by children. Both children and parents had standpoints in 10 shopping time discussions, which indicated that parents were more inclined to respond to standpoints raised by children, but less to put forward their own standpoints.

4.2 Children's frequently-used arguments

The examination of the frequent arguments utilized by children including those 58 contentious discussions grown out of a shopping issue for which they set ahead no less than one contention to back their standpoint, for a total number of 84 contentions. The findings indicated that the arguments utilized by children could be classified into three categories: *breaking the record of zero* (36.90%), *fairness doctrine* (28.57%), and *principle of beneficence* (26.19%), others (8.34%). Qualitative studies on the argumentative strategies of the participants were made, of which excerpts of each category are given as follows.

4.2.1 Breaking the record of zero

Causal argumentation is a type of argumentation in which an argument scheme is used that is based on the principle of something being causal to something else (van Eemeren 2018, p.46). Breaking the record of zero is a kind of argument scheme seeing "not having owned" as a good reason for buying something, which belongs to the causal argumentation, and breaking the record of zero is a kind of cause for a standpoint.

In the majority of cases, the arguments used by children with their parents in shopping argumentative dialogues related to trying something new (e.g., find something for the first time). (N=31; about 36.90%). In the corpus, the examples like:

(1) "*dan shi, zhe shi wo di yi ci jian dao zhe zhong suan nai, wo xiang chang chang kan!*"

"But I have not seen this before, I want to have a try of this."

4.2.2 Fairness doctrine

Fairness Doctrine is a subtype of comparison argumentation in which an argument scheme is used based on the principle of "All children have the right to own the same things". In this scheme, analogy is frequently used by the children.

In the corpus of shopping argumentative discussions, another type of argument applied by children with their parents referred to the comparison with other children (N=24; about 28.57%). It's worth noting that, there was a distinction between corpus 1 and corpus 2 about the employment of fairness doctrine, children from two-child families were more likely to utilize this doctrine than those from two-child families, namely 33.3% (N=8) in the corpus 1, while 66.7% (N=16) in the corpus 2. This category of argument can be described through the question as follows: "I know somebody has one, why can't I have one?"

In the corpus, other examples of arguments that referred to this train of thought put forward by children are listed in the following:

(2) "*ni gei didi mai le, wo ye yao!*"

"you have bought one for younger brother, I want one, too!"

(3) "*qian ji tian, kaixin de mama gei ta mai le yi ge, mama, ni ye gei wo mai yi ge ba.*"

"kaixin's mom bought one for kaixin several days ago, mom, could you please buy one for me?"

In the strategy of fairness doctrine, children defended the standpoint by showing that something referred to in the standpoint is similar to something that is cited in the argumentation, and that on the grounds of this resemblance the standpoint should be accepted. In the strategy of fairness doctrine, a scheme of analogy is frequently used by the children.

4.2.3 *Argument of principle of beneficence*

A third type of argument put forward by children in shopping time argumentative discussions with their parents is the so-called argument of principle of beneficence (N = 22; about 26.19%), which is a type of argumentation in which an argument scheme is used based on the principle of “Good for you”. The following excerpt of a dialogue between a daughter, Wang Xiaoxiao and her mother, offers an obvious illustration of this type of argument.

Excerpt 1.

From Corpus 2

Participants: mother (MOM, 34 years 3 months), Wang Xiaoxiao (WXX, 3 years 9 months, F)

1. *WXX: *mama, wo yao mai tang tang@f. (zhi zhe tang guo jia)*
Mom, I want to buy some candies. (she points to the candy shelf)
2. *MOM: *shenme? o, ni xiang mai tang? Bu ke yi.*
pardon? oh, you want to buy some candies? no.
3. *WXX: *wo yao, wo yao, ni gei wo mai.*
I want that, I want, you buy it for me.
4. *MOM: *bu xing, chi tang hui zhu ya.*
no, candies can decay your teeth.
5. *WXX: *bu shi de, wo xi huan tangtang@f, tangtang@f ye xi huan wo, tangtang@f hui rang wo kai xin, wo yi jian ta jiu kai xin.*
no, I like candies, candies like me, too. Candies make me happy, I feel happy the moment I see candies.
6. *MOM: *e, zhe shi yi ge li you?*
er, is that a reason?
7. *WXX: *ma ma mai yi ge.*
mom, buy one.
8. *MOM: *e, ni na yi ge ba. (mama zou le zou mei tou)*
er, take one. (mom frowns)

The argumentation started with the daughter telling her mother that she wanted to buy some candies on the shelf (line 1), while the mother disagreed with her daughter: she did not agree to buy candies (line 2). It is the confrontation stage, and a single mixed difference of opinion has formed between the daughter and her mother. In the argumentation stage, In fact, in this phase of the discussion the daughter’s standpoint (to buy some candies) had been met by the mother’s refusal. The child, in line 3, did not provide a counter argument to defend her position, replying instead by reasserting her original stance. In line 4, the mother put forward one argument to further her perspective:

“candies can decay your teeth.” In line 5, the daughter’s argumentation can be reconstructed as follows:

- 1 I want to buy some candies.
- 1.1 a I like candies.
 - 1.1a.1 Candies make me happy.
 - 1.1a.1.1 I feel happy the moment I see candies.
- 1.1b Candies like me.

The standpoint is “I want to buy some candies.” There are multiple argumentations combined to support the standpoint. 1.1a and 1.1b have been taken respectively in order to defend the standpoint. 1.1a.1 and 1.1a.a.a’ are subordinate argumentation to support 1.1 a “I like Candies.” This combined argument succeeded in convincing the mother to buy what she wanted, because the mother did not know how to refute it. Line 8 concludes the discussion.

The strategy adopted by children as an argument of principle of beneficence is followed by a causal relation. When the argumentation is based on a causal relation, the argument scheme for a causal relation is in the following van Eemeren et. al. (2002, p. 101):

Y is true of X,
Because: Z is true of X,
And: Z leads to Y.

Asto “Candies make me happy, I feel happy the moment I see candies”
Happiness is good for me
Because: Candies are good for me
And: Candies lead to happiness

To assess whether the argumentation is conclusive, the analysis must verify whether the reason always leads to the conclusion. As a result, we can use critical question to verify the soundness of reasoning, like: *Does Z always lead to Y?* Namely, do candies always lead to happiness? In the example just given, candies made the child happy is presented as the cause of the buying some candies. However, according to the critical question that reasons like “*Candies make me happy, I feel happy the moment I see candies*”, “*it makes me much smarter to play this*”, etc. are lacking validity, “Candies made him happy” does not lead to that he can eat candies. For example, too many candies may decay the teeth (the mother’s argument) or lead to flesh out.

In the corpus, other examples of arguments that refer to Argument of principle of beneficence put forward by children are listed as follows:

- (4) “*wo zai zhang shen ti, ta you li yu wo cheng zhang!*”
“I am in the time of physical growth. It will do good to me.”
- (5) “*wan zhe ge ke yi rang wo geng jia cong ming.*”
“It makes me much smarter to play this.”

4.3 Parents’ frequently-used arguments

The analysis of the generally used arguments applied by parents to the 12 argumentative discussions in shopping in which they put forward at least one argument to support their own standpoint, for a total number of 36 arguments. The findings showed that the arguments put forward by parents with their children in purchase-related argumentative

discussions could be ascribed to three main *strategies*: *causal explanation* (N = 12; about 33.33%), *consequentialism* explanation (N=10; about 27.78%), and *utilitarian explanation* (N=8; about 22.22%), others (N=6; about 16.67%) Since parents had a fewer standpoints in the corpus, parents' strategies were mainly to refute children's standpoints.

Arguments of causal explanation (N=12; about 33.33%) refers to the strategy protagonists applied to express his or her opinion usually lead by the conjunction word "*because...*" In the corpus, other examples of arguments that refer to the pattern of causal explanation put forward by parents are in the listed in the following:

- (6) "*wo gei ni mai zhe shi yin wei ta fu han wei liang yuan su.*"
"I buy this for you because it is rich in trace elements."
- (7) "*bu shi ma ma bu she de gei ni mai, ni zhi dao, er shi yin wei xiao hai zi bu neng wan zhe ge.*"
"because it is not suitable for children, I don't buy it for you, not because of money."
- (8) "*yin wei mama ai ni.*"
"because I love you."

The second strategy for the parents to use is the strategy of *consequentialism* explanation (N=10; about 27.78%), that is, the parents often focused on the "aim" when putting forward their arguments. It became much clearer when we resorted to the sentence "if you eat candies too much, you will have a toothache." Generally speaking, this strategy of argumentative explanation can be recognized by sentence structure like "if you ... you will..." or "it's..., it will/may..."

Other examples of arguments refer to the pattern of consequentialism explanation put forward by parents are in the following:

- (9) "*wo men jin tian bi xu mai er tong ya gao, ru guo ni zai bu yong ya gao de hua, ni de ya chi yao lan guang le.*"
"we have to buy toothpaste for children today, If you don't use toothpaste when you brush, all your teeth will be decayed."
- (10) "*zhe ge hen wei xian, ke neng hui gei ni zao cheng shang hai.*"
"this is dangerous, it may cause harm to you."
- (11) "*kan dao mei? La de, ni hui bei la ku de.*"
"see? It's spicy, it will burn you to cry."

Utilitarian explanation is a type of argumentation based on a philosophical view about how we should evaluate a wide range of things that involve choices that we face. In the context of this article, it means that the parents would maximize the total expected utility of the goods before buying it.

The third strategy for the parents to use is the pattern of utilitarian explanation (N=8; about 22.22%), that is, when putting forward their arguments, the parents often took the utility of the commodity into consideration. It will be much easier to understand when we refer to the following sentence "it will not be frequently used, we don't need it."

Of course, there are many examples of this pattern in our corpus. Some of them are listed as follows:

- (12) "*gen ben yong bu zhao, bu mai.*"
"I won't be used at all, I won't buy it."
- (13) "*zhe ge tai gui le, wo men yao mai wu mei jia lian de dong xi.*"

“it’s too expensive, it’s rational to buy those both good and cheap things.”

(14) “*zhe zi xing che gei ni qi tai da le, deng ni zhang da dian zai mai gei ni.*”

“this bicycle is too big for you, we won’t buy it until you grow taller.”

We observed that the argumentative strategies the parents accustomed to using mainly refer to the causal scheme, but the sentence structures vary.

5. CONCLUSION

This paper attempts to study parent-child argumentation in China by addressing the strategies adopted by parents and children during shopping and determining the role of children in the discussion in cases of disagreement between child and parent. The present study might contribute to the research by presenting a new situation—shopping—and finding the strategies parents and children adopt during it. Additionally, it may shed light on the role of the Chinese cultural background in parent-child mentation and the similarities and differences between Chinese approaches and those of other countries.

The research findings of this paper are as follows. Firstly, the data showed that in shopping discussions, children mainly act as protagonists as well as the proposers of standpoints. Children put forward at least one argument in 90.6% of the standpoints. This phenomenon may result from the roles they play in argumentation during shopping. During the argumentation, children try to persuade parents to buy what they want for them; thus, they are proactive in advocating and defending their standpoints. During this process, the parents put forward one-fifth fewer standpoints compared with the children. Both children and parents expressed standpoints in 10 shopping discussions, which indicates that parents are more inclined to respond to standpoints raised by children but are less likely to put forward their own standpoints.

Secondly, children’s argumentative strategies vary depending on their cognitive ability. Those aged 3 to 4 years are likely to put forward their point of view directly, while children 4 to 6 years old tend to state an opinion in an indirect way that may involve a process of “introductory strategy-wanting-persuasion”; for instance, in the corpus, instead of saying what she wants directly, WXT (4 years 4 months) used introductory remarks: “Mom, I know you will buy me what I like because you love me, right?”. Similarly, a boy use the introductory sentence is “Dad, I am now older, I can try a beverage, right?”. The expression “Dad, buy this for me” reflects the “wanting” of a child (4 years 1 months) telling his father what he wants; he is making efforts to persuade his father to buy what he wants. Furthermore, the finding also confirms previous research by some scholars that children can perform sophisticated argumentation when the issues are meaningful to them (Pontecorvo & Arcidiacono, 2010, Pontecorvo & Sterponi, 2006; Light & Perret-Clermont, 1989; Schwarz, Perret-Clermont, Trognon & Marro Clément, 2008). This illustrates the facilitating role the child played in adopting certain argumentative strategies.

Thirdly, there were differences between children who grew up in one-child and two-child families in China. The former was more concerned with themselves, while the latter tended to adopt the principle of beneficence less. In the study groups, children adopted the principle of beneficent argumentative strategies more often in corpus 1 than in corpus 2 (33.3% vs. 66.7%, respectively).

Fourthly, among the three strategies commonly used, the consequentialism explanation was used more frequently than the causal explanation, and parents frequently

resorted to negative consequences as their strategies. The utilitarian explanation was least used, which may be related to the age of the children, as 3- to 6-year-old children do not fully understand the connotation of “practical”; therefore, parents tended to adopt an expression that the children could understand relatively easily. That is to say, the presentational devices, audience demands, and the topical potential are integral. In argumentative practice, arguers are constantly pursuing effectiveness and reasonableness. Parent-child argumentation is a special part of argumentation research, yet relatively unstudied.

Children’s argumentation strategy is one of the key points in parent- child argumentation research. The study of the shopping setting in this paper broadens the research scope to some extent and lays a foundation for the study of prototypical argumentative patterns in parent-child argumentation. In this study, we delineated strategies for children and parents, among which, two were not researched previously. Additionally, we discovered that argumentation occurs differently in families with one and two children, a pattern that we will likely see repeated in the near future.

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The Conspiracy Theory of History as Argument
*Vladimir Putin's September 30, 2022, and February 21, 2023, addresses or
The Paranoid Style in (Putin's) Russian Politics (with apologies to Richard
Hofstadter)*

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ABSTRACT: We explore the confluence of conspiracy theory and Vladimir Putin's justifications for war against Ukraine. Elements of conspiracy arguments began to appear in Putin's rhetoric early in his second term, but they became a fundamental feature prior to the start of war in 2022. We analyze Putin's use of conspiracy arguments in the runup to the invasion and as justification for the war amid the growing popular acceptance of conspiracy theories, in general.

KEYWORDS: conspiracy rhetoric, conspiracy theory, Crimea speech, Euromaidan, Munich Security Conference, mythical Russia-of-a-Thousand-Years, narrativity, NATO, Vladimir Putin, war in Ukraine

1. INTRODUCTION

Conspiracy theories have existed for as long as humankind has contemplated its condition. Early Greeks and Romans blamed conspiracies among the Gods for everything from natural disasters to failed wars or marriages. Indeed, few, if any, civilizations have been immune to belief in conspiracies and the inherent blame-shifting they entail.

In the words of Karl Popper (1950, p. 306), conspiracy theory "is the view that an explanation of a social phenomenon consists in the discovery of the man or groups who are interested in the occurrence of this phenomenon...and who have conspired to bring it about".

Those who push conspiracy theories trade upon the discontents of the people, the inability of people to understand and adapt to change; this leads, in turn, to a sense of threat,

a feeling that institutions such as family, religion, even morality itself, are in dire peril. The notion of a conspiracy provides a concrete explanation for events and enables the discontented to ascribe their distress to certain persons who have brought this distress into the world through a conspiracy.

It is important to remember that this view of history is never completely false; it always contains elements of truth, which is what makes it so convincing (Young, 1974). In addition, of course, there are real conspiracies that are discovered from time to time; in the United States, for example, there was Watergate and the Iran-Contra Affair. And it is no secret that the Western Alliance and Russia have continued to spy on one another.

One feature of conspiracy argument that makes it attractive is its narrativity (Fisher, 1987). The conspiracy explanation is simply more attractive, more compelling, and seemingly more straightforward than an explanation based on facts, context, and nuance. Its persuasiveness rests on the human need for explanation, the search for “closure,” for the cause of tragedies and upheavals. In a way, its narrative power relies on the story-telling nature of humans, where there is always a narrative arc. Further, the conspiracy narrative is a closed system, one that is capable of subsuming uncomfortable questions and countervailing facts—what Zarefsky has termed the “self-sealing nature of conspiracy argument” (Zarefsky, 1984, p. 74). These features make the conspirator’s argument non-falsifiable and therefore non-refutable. As a result, conspiracy arguments are almost impossible to overcome because they cannot be dealt with in regular argument forms.

Indeed, the history of the United States is rife with conspiracy claims, beginning with the belief in a Catholic conspiracy, a financial conspiracy, the Jewish conspiracy, and so on. Such ideas reached their apex during the Cold War, especially in the 1940s and 50s, when the belief in a Communist conspiracy dominated American political life. Other than the Communist conspiracy, most such claims have historically been viewed as fringe movements. Now, however, conspiracy arguments seem to have moved into the mainstream and become more salient. The growth of the Internet has provided conspiracy theorists—whom we call conspirators—a platform for mass distribution of their ideas, regardless of the validity or truthfulness of those ideas or the credentials of their creator. Nevertheless, upon examination, the conspiracies that are promoted today are not materially different from those of times past; the biggest difference seems to be the immediacy of the Internet and the speed with which such ideas spread across social media platforms, which may be what gives them their greater currency.

Richard Hofstadter, in his essay “The paranoid style in American politics,” isolates five elements characteristic of belief that conspiracies are responsible for the ills of the nation/world (Hofstadter, 1965, pp. 29-32).

Conspiracy as the motive force in history
An uncompromising stance on social conflict
A clear delineation of the enemy
Control of some effective source of power, such as the press
Imitation of the enemy

George Thayer, in his study of conspiracy, provides us another element salient to our investigation (Thayer, 1967, pp. 175-176).¹

Tradition as dead or corrupt

2. CONSPIRACY THEORIES IN RUSSIA

In the remainder of this paper, we examine Putin's move toward conspiratorial interpretations of Russia's situation in the world, culminating in an examination of two of his most recent speeches.

In Russia, there was fertile ground for casting the West, and the United States in particular, as a malevolent enemy. The Cold War was and is a recent memory, where Russia was viewed as the dominant adversary of the West. The deterrence strategy of the two superpowers, whereby each could totally annihilate the other, cannot help but reinforce the contemporary idea that the West would happily destroy Russia, either by conventional or nuclear warfare. The misery of 1990s Russia can be made to provide a believable backdrop to more subversive, if less deadly, means of accomplishing the same end.

Modern-day Russia has proven to be especially susceptible to conspiracy arguments, which provide both a convenient enemy and a convenient scapegoat (Launer & Young, 2023; See also Yablokov, 2018, and Radnitz, 2021). As Putin began articulating his construction of a mythic Russia-of-a-Thousand-Years, he also demonstrated a drift towards belief in the conspiracy theory of recent Russian history.

It is against this background that Putin's move toward paranoia and conspiracy claims is framed. While there has been much commentary about Putin's rewriting of history, particularly history since WWII, the connection of this revision—especially his construction of Russia-of-a-Thousand-Years—to Putin's conspiracy rhetoric has not been fully explored. Yet, the two concepts develop along parallel tracks.

Regardless of Putin's personal beliefs regarding Russian history, he realized that the Russian people needed a unifying theme in order to form a coherent post-Communist identity, which he found in his narrative of the unbroken line of Russian greatness, unity, and perseverance since the days of ancient Rus'. In the early 1990s, Soviet identity—as well as its international standing and respect—were upended when the USSR dissolved and Russia emerged as an independent state. As Russia's leaders sought to find footing in a more democratic form of government, many liberal groups tried to articulate a new Russian idea, with little success, as they could not agree with one another on a way forward. This identity vacuum, exacerbated by the loss of prestige, persisted throughout Yeltsin's time in office, as the make-up of the State Duma consistently resisted many of the reforms necessary to becoming a functioning democracy (Ishiyama et al., 1997; Williams et al., 1997). Taking office in 2000, Putin quickly took advantage of this identity vacuum, melding it to the desire for respect.

Putin had made reference to the thousand-year history of Russia from time to time during his early terms in office (Walker, 2018). In this narrative, "mythic Russia" birthed a spiritually unified Slavic and Orthodox people, whose origins lie in present-day Ukraine.

¹ See also Bunzel, 1967, pp. 46-50.

In 2014, Putin declared “we (Ukrainians and Russians) are one people. Kiev is the mother of Russian cities. Ancient Rus’ is our common source, and we cannot live without each other” (Putin, 2014). Thus, ancient Rus’ is the birthplace of the spiritually unified mythic Russian people.

The idealization of pasts that never existed—accompanied by calls to “restore” that past—is nothing new in political discourse. Kenneth Burke calls such idealizations “Utopias-in-reverse” (Burke, 1974). We have argued for many years that Vladimir Putin creates an idealized, atemporal, transnational mythic Russia in his public discourse, particularly after returning in 2012 for his third term as president. Mythic Russia is not the Russian Federation, nor is it a renamed USSR. Mythic Russia transcends both time and geopolitical states.

Putin’s construction of this mythic Russia became a “Utopia-in-reverse” of the idealized, consubstantial oneness of the Russian people, a projection of perfect harmonious unity in shared national identity that extended over a millennium. The unity envisioned by Putin did not entail dissent—a unified people do not dissent; therefore, all dissent was, of necessity, caused by external forces and had to be suppressed. In fact, neither the term nor the idea of “dissent” is ever mentioned by Putin in any of his Presidential Addresses to the Federal Assembly.

In the wake of the Crimea invasion in 2014 his vision of “Mythic Russia” began to crystalize: “We are one people....” At the same time, Putin began to focus more on conspiracy theories. Simply put, if a unified people who had existed for a thousand years—overcoming challenges that were real and often existential—were now living in chaos, there had to be a reason and the reason had to be external to Russian society. Russia had accepted democracy; it had adopted a market economy. If prosperity did not follow, as people had been promised, there had to be a cause; clearly, there are forces that were intervening and preventing progress, thwarting the rebirth of Russia and the restoration of international influence.

This notion initially appeared in 2007, when, at the Munich Security Conference, Putin launched a verbal attack on the West, specifically the United States, for seeking to impose a “unipolar order” on the world, with the US as the only pole. Prior to this speech, Putin (2007) had mentioned unipolarity only briefly. Yet here he claims:

We are seeing a greater and greater disdain for the basic principles of international law. One state and, of course, first and foremost the United States, has overstepped its national borders in every way.

The speech quickly becomes a litany of grievances, as he refers to a legacy of “ideological stereotypes, double standards, and other typical aspects of Cold War bloc thinking.” Clearly, Putin is referring to what he perceives as prejudice against Russia left over from the Cold War. In his view, these stereotypes did not allow Russia to fully develop into a “mature” state, as they resulted in asymmetrical relationships that effectively kept Russia as a client state. Further, this retrograde thinking fostered a patronizing attitude towards Russia, in the form of frequent “schooling” of the country on democracy by nations that do not themselves always follow its tenets (Launer & Young, 2023).

Putin sees this movement toward greater hegemony (through “unipolarity”) in American efforts to strengthen military resources in Europe, particularly the placement of missile defense installations in Eastern Europe, in countries formerly controlled by the

Soviet Union. To this end, he argues that the expansion of NATO to include former Warsaw Pact nations is an aggressive move, openly encroaching on territory that was traditionally in Russia's "sphere of influence," thereby bringing Western military forces to the border of the Russian Federation.

Putin weaves a narrative critical of NATO's plan to install missile defense facilities in the Czech Republic and Romania, ignoring the fact that these countries are not actually contiguous with Russia—to say nothing about the fact that they sought protection from Russia by applying for NATO membership as soon as they were eligible. In so doing, Putin constructs a conspiracy explanation centering on Western thirst for hegemony, with Western-style democracy the only acceptable form of government and American military might (with strings attached) the only guarantor of peace. This narrative casts all NATO members as "vassal"—as opposed to "sovereign"—states; thus, he sees Russia squarely in the crosshairs of Western ambition (Jaroszynsky et al., 2023).

Clearly, Putin began to perceive Western Europe's embrace of countries formerly in the Warsaw Pact as a threat to the future of Russia itself. In this context, his concerns about NATO encroachment close to Russia's borders can be seen as a premise for his belief in and later claims regarding spheres of influence. For Putin, that sphere would include much, if not all, of Eastern Europe.

Thus, Putin's goal, we believe, was a new narrative casting Russia as victim and the United States as villain. At this point, we can begin to see a second goal for the new narrative, one aimed at the Russian public as well as those in his immediate audience. Abandoning the idea of an anti-terrorism partnership with the United States and full rapprochement with Europe, Putin turned to a familiar strategy: the common enemy. Reorienting the relationship in this way, in front of a Western audience, is far more powerful for those watching in Russia than giving a similar speech at home.

The Munich speech came at the end of Putin's second term in office, constitutionally his last, before running again in 2012. He stepped aside in 2008, swapping places with Dmitri Medvedev, the Prime Minister. During the four years of Medvedev's term as President, Putin apparently developed further his notion of the thousand-year history of Russia along with his growing sense of a Western conspiracy against Russian sovereignty.

Returning to the Presidency in 2012, Putin faced mass demonstrations opposing his election, as well as demonstrations against the rigged Duma elections of 2011 (protests he saw as instigated by US Secretary of State Hillary Clinton). In the immediate aftermath of his election, themes from the 2007 Munich address recurred in Putin's speeches as he continued to refine the conspiracy argument.

Those themes come together in 2014, when, while speaking about the takeover of Crimea, Putin (2014) returns to the conspiratorial argument. One can see conspiracy themes meld with his version of "Russia-of-a-Thousand-Years," and, importantly, with his ideas about Nazis in Ukraine.

...those...behind the latest events in Ukraine had a different agenda: they were preparing yet another government takeover. They resorted to terror, murder, and pogroms. Nationalists, neo-Nazis, Russophobes, and anti-Semites executed this coup.²

² The English language translation of this speech, which appeared on the Kremlin website, rendered the Russian as "riots" rather than "pogroms," thereby significantly changing its meaning.

At this point, the speech simply goes off the rails, as Putin (2014) warms to his subject:

Like a mirror, the situation in Ukraine reflects what is going on and what has been happening in the world over the past several decades. After the dissolution of bipolarity on the planet, we no longer have stability.... Our western partners, led by the United States of America, prefer not to be guided by international law in their practical policies, but by the rule of the gun. They have come to believe in their exclusivity and exceptionalism, that they can decide the destinies of the world, that only they can ever be right.

Putin (2014) even amplifies his complaints about the OSCE, first articulated in Munich in 2007:

In 2004, to push the necessary candidate through at the presidential elections, they thought up some sort of third round that was not stipulated by the law.... And now, they have thrown in an organised and well-equipped army of militants.

And then:

We understand what is happening; we understand that these actions were aimed against Ukraine and Russia and against Eurasian integration. And all this while Russia strived to engage in dialogue with our colleagues in the West.

...they have lied to us many times, made decisions behind our backs, placed before us as an accomplished fact.³ This happened with NATO's expansion to the East, as well as the deployment of military infrastructure at our borders.

It happened with the deployment of a missile defence system. It happened with the endless foot-dragging in the talks on visa issues, promises of fair competition and free access to global markets. (Putin, 2014)

Shifting the blame to the West for the lack of economic progress in Russia, Putin (2014) declares:

In short, we have every reason to assume that the infamous policy of containment, led in the 18th, 19th and 20th centuries, continues today. They are constantly trying to sweep us into a corner...

Putin concludes this section by drawing what must have been a frightening picture for his Russian audience—NATO ships in the Black Sea.

3. THE ACCESSION SPEECH AND THE 2023 PAFA

We now turn to the two recent speeches mentioned at the beginning of this paper: Putin's September 30, 2022, address on the Accession of Donetsk and Lugansk to the Russian Federation and his annual Presidential Address to the Federal Assembly (PAFA), delivered February 21, 2023. Our argument is that by this point, Putin has gone all-in on a Western conspiracy as the reason Russia is not the progressive, prosperous, "sovereign" nation he

³Mikhail Zygar dates Putin's turn against the West to the 2003 US invasion of Iraq (see Zygar, 2016, p. 37).

thinks it should be.⁴

As noted in the introduction to this paper, conspiracy theory is the belief that an explanation for the condition of society lies in “the discovery of those who are interested in the occurrence of [a] phenomenon and have...conspired to bring it about” (Popper, 1950, p. 306). Clearly, in Putin’s thinking, the mastermind behind Russia’s troubles is the West, particularly the United States, and the remnants of Cold War thinking and policy.

We see this belief manifested clearly in the two speeches under examination, the Accession speech in 2022 and the PAFA for 2023, as he excoriates the West for trying to destroy Russia. In Putin’s mind, there is little doubt that the difficulties facing Russia are the result of efforts by the United States to create the unipolar world he believes they desire. But more than simply desiring so much international hegemony, the conspiracy thesis assumes that the malevolent actors have the ability to destroy Russia, thereby bringing about the end they seek.

Putin believes the West is undermining Russia by denying it the natural spheres of influence and the prestige that grow out of the thousand-year history of Russia-Ukraine-Belarus. Thus, the argument is premised on the mythic, unified Russia-of-a-Thousand-Years, whose peoples always worked together for a common good. Conflating mythic Russia with the Russian state, in the Accession Speech he declares that the annexation of Donetsk, Lugansk, Zaporozhe, and Kherson—and before them, Crimea—was a “spiritual choice” of union with “their Motherland” which “for more than a thousand years of Russian statehood” had defined “our ancestors” (Putin, 2022).

Thus, Russians and Ukrainians are, he states, one people. Kiev is the “mother of Russian cities.” “Ancient Rus is our common source.” Prince Vladimir “predetermined the...basis of the culture, civilization and human values that unite the peoples of Russia, Ukraine and Belarus” (Putin, 2014).

However, many Ukrainians, Putin argues, especially prominent, wealthy, and politically empowered Ukrainians, have been corrupted by Western influences, contaminating Slavic/Orthodox unity. Putin identifies these forces in Ukraine as “Nazis” and “neo-Nazis,” and by eliminating this malign influence, this enemy, Russia can purify Ukraine and restore it to its rightful place in the “Russian World.”

Hofstadter identifies the belief that events and social conditions are the result of a conspiracy of powerful individuals as the central feature or element of the conspiratorial mindset, resulting in a shifting of blame away from the society and its leaders and on to those conspirators who have a malign interest in the outcome. Such a belief both explains and results in a loss of agency on the part of those most affected by the undesirable conditions. At the same time, the presence of an identified enemy provides not only a scapegoat, but also a unifying force that can itself be used to control society by justifying all manner of restrictions. Therein lies the attraction of this world view.

Clearly, by 2022 Putin has perfected the conspiratorial world view and the concomitant conspiracy argument that he deploys to justify everything from increasing repression to the invasion of Ukraine. Looking at the Accession speech of 2022 and the PAFA of 2023 through the lens of Hofstadter’s matrix, it is possible to identify the

⁴ We puzzled for some time over the meaning Putin gives to the term “sovereign,” as he uses it frequently, usually to declare Russia a “sovereign” nation. After considering context and usage, we have concluded that Putin is referring to “agency”—meaning Russia as a sovereign state has agency to determine its own course and its own national interest.

conspiratorial elements in Putin's arguments beyond the obvious shifting of blame to the West and the reliance on the "mythic Russia" argument. In essence, he projects Soviet behavior—particularly as it related to the language and culture of Ukraine and the Warsaw Pact countries—onto the West, using those charges as proof of the malign nature of Western interest in destroying Russia. In so doing, he exemplifies the non-falsifiable nature of the conspiracy argument.

For example, in the 2022 address, Putin identifies the "neo-Nazi coup d'état in Ukraine in 2014," and the "terrorist attacks carried out by the Kiev regime," praising those who "died for the right to speak their native language, to preserve their culture, traditions and religion..." (Putin, 2022). He calls out the "Kiev authorities and their true handlers in the West," and declares that Russia will defend its land (now including the Donbas) in a war he claims was started by Kiev in 2014.

Identifying the West as the true enemy, Putin (2022) declares:

When the Soviet Union collapsed, the West decided that the world and all of us would permanently accede to its dictates. ...the West...continues looking for another chance to strike a blow at us, to weaken and break up Russia, which they have always dreamed about, to divide our state and set our peoples against each other, and to condemn them to poverty and extinction. I want to underscore again that their insatiability and determination to preserve their unfettered dominance are the real causes of the hybrid war that the collective West is waging against Russia. They do not want us to be free; they want us to be a colony. They do not want equal cooperation; they want to loot. They do not want to see us a free society, but a mass of soulless slaves.

In reference to Thayer's element about tradition and morality, Putin (2022) has much to say in this regard as well, casting Russia as the protector of civilization:

They do not give a damn about the natural right of billions of people, the majority of humanity, to freedom and justice, the right to determine their own future. They have already moved on to the radical denial of moral, religious, and family values.

Let's answer some very simple questions for ourselves. Now I would like to return to what I said and want to address also all citizens of the country—not just the colleagues that are in the hall— but all citizens of Russia: do we want to have here, in our country, in Russia, "parent number one, parent number two and parent number three" (they have completely lost it!) instead of mother and father? Do we want our schools to impose on our children, from their earliest days in school, perversions that lead to degradation and extinction? Is that what we want for our country and our children? This is all unacceptable to us.

In these passages alone, one can see virtually all of the elements of Hofstadter's paradigm—the depiction of the enemy, social conflict, the source of power. The only thing missing is evidence. One apparent difference between earlier conspiracy theories and those in vogue today is the role of evidence. Hofstadter (1965) and Young (1974) both demonstrate that conspiracists—those who adhere to the conspiracy theory of history— attempt to amass "evidence" in support of their claims. That evidence is marked by fallacies and other flaws, but it is, nonetheless, seen as vital to the argument for the existence of a conspiracy. In the 21st century, in contrast, a series of claims are made and then the burden of proof is shifted from those who would make the claim to those who would oppose it. This was perhaps best demonstrated during the aftermath of the 2020 US presidential election: when asked for evidence of a stolen election, one advocate responded, "Where is

the proof that the election was NOT stolen?” thereby shifting presumption and demanding the opposition prove a negative.

In the case of Putin’s argument, no attempt is made to provide evidence; the argument structure depends instead on declaration and the narrative of the thousand-year history of Russia. And how will the country defend itself against the depredations of the West? Through unity (e.g., a lack of dissent) and reliance on the long history of the Russian people, aided by the strong centralized government they have created.

To emphasise, one of the reasons for the centuries-old Russophobia, the Western elites’ unconcealed animosity toward Russia is precisely the fact that we did not allow them to rob us during the period of colonial conquests and forced the Europeans to trade with us on mutually beneficial terms. This was achieved by creating a strong centralized state in Russia, which grew and got stronger based on the great moral values of Orthodox Christianity, Islam, Judaism and Buddhism, as well as Russian culture and the Russian word that were open to all.

Thus, the vision of mythic Russia developed by Putin over the course of his years in office substitutes for evidence in the historical argument he makes for the existence of a mighty Western conspiracy against the country. The conspiracy claim itself is embedded in presumed motive statements by Putin while the narrative he constructs carries the argumentative and evidentiary burden.

He continues this theme and his conspiracist argument on the one-year anniversary of the invasion of Ukraine in his constitutionally mandated Presidential Address to the Federal Assembly.

One year ago, to protect the people in our historical lands, to ensure the security of our country and to eliminate the threat coming from the neo-Nazi regime that had taken hold in Ukraine after the 2014 coup, the decision was taken to begin the special military operation. (Putin, 2023)

Not letting up on either his fantastical narrative about Russia-of-a-Thousand-Years or his insistence that Russia’s inability to prevail in Ukraine is due to the West (more likely true in this instance), Putin (2023) accused the Western allies of duplicity and provocation.

The United States and NATO quickly deployed their army bases and secret biological laboratories near Russian borders. They mastered the future theatre of war during war games, and they prepared the Kiev regime which they controlled and Ukraine which they had enslaved for a large-scale war.

In this speech, however, Putin, whom Anatoly Kurmanaev described as an “amateur revisionist historian,” (Kurmanaev 2023) pays some attention to the need for—or at least the expectation of—evidence as he details something like a timeline for the period leading up to the invasion. He notes that no one has more military bases abroad than the United States (true); “the planet is covered with them!” (probably true). He details alleged negotiations among Russia, Ukraine, the US, and NATO regarding the Donbas through December 2021.

In essence, all key, fundamental points were rejected. After that it finally became clear that the go-ahead for the implementation of aggressive plans had been given and they were not going to stop.

The threat was growing by the day. Judging by the information we received, there was no doubt that everything would be in place by February 2022 for launching yet another bloody punitive operation in Donbas. (Putin, 2023)

Of course, it was Russia that had amassed troops and military equipment along the borders of Ukraine with Russia and Belarus. Nevertheless, “Let me reiterate that they were the ones who started this war, while we used force and are using it to stop the war,”—an argument premised on his claim that the war began in 2014.

Most of this speech is a revisionist version of recent Russian history, particularly as it relates to the conflict in the breakaway regions of the Donbas. Indeed, the address continues in this vein for over 13,000 words. Like the September 30, 2022, speech, Putin’s Address to the Federal Assembly exhibits not only the characteristic elements of conspiracy argument, but also many of the stylistic devices and fallacies that are found in these arguments.

4. CONCLUSION

A common strategy in conspiracy arguments is to posit a claim and then proceed as if the claim were proven, using it as a premise in subsequent arguments.⁵ Similarly, Putin’s claims about mythic “Russia-of-a-Thousand-Years” stand in for multiple argumentative elements, but serve best as an assumed universal truth that encompasses the values of the historical society he envisions as well as the bolstering of spirit and a call to arms to fight the conspiracy. That (assumed) conspiracy of the United States and NATO provides a convenient nemesis, deflecting blame for economic hardship, rationalizing repression and further strengthening of the State, and, at the same time, justifying prosecution of the war in Ukraine. Success in Ukraine will bring purgation of the nation, cleansing it of contamination so that Russia and Ukraine can again become one people. This assumed unity, essential to mythic, trans-historic, transnational Russia—the “Russian World”—is the foundation for all of Putin’s arguments about the country and its people—their strength, their unity, and their perseverance—thereby obscuring reality.

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There is More to an *Argumentum Ad Ignorantiam* than Epistemic Considerations

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ABSTRACT: Instances of the *argumentum ad ignorantiam* are recognized as cogent if the *epistemic closure principle* holds: ‘if p were true, then p would be known to be true’. This explains why mainstream treatments pursue an epistemic approach. An epistemic approach, however, cannot explain the cogency of ignorance-based arguments where the epistemic closure principle need not hold. We review the epistemic approach and present instances of ignorance-based arguments the cogency of which challenges the epistemic approach.

KEYWORDS: absence of evidence reasoning, argument from ignorance, epistemic closure principle, negative practical reasoning scheme, presumption of innocence

1. INTRODUCTION

When John Locke coined the term ‘*argumentum ad ignorantiam*’ (aka ‘the argument from ignorance’), he introduced it as follows: “[a]nother way that Men ordinarily use to drive others, and force them to submit their Judgments, and receive the Opinion in debate, is to require the Adversary to admit what they alledge [sic] as a Proof, or to assign a better” (Locke, 1975 [1690], 4.17.20; 686).¹ For Locke, arguing *ad ignorantiam* was to pursue a *dialectical strategy* demanding that an opponent provide a new, improved justification for their standpoint or, when ignorant thereof, accept the proponent’s opposing standpoint. On the question of how to spend the weekend, for instance, one might argue: ‘We should go to the park on Saturday because for Sunday a massive temperature drop is forecasted. If you (the opponent) lack a better justification for *not* going to the park on Saturday, you should accept my standpoint’.

The *cogency*, respectively the *fallaciousness*, of this argument form is what Locke took to depend on its specific applications, a stance he_{th} adopted towards all *ad* arguments (Hamblin, 1970, p. 41). Yet, by the latter half of the 20th century, scholars shifted to a *new* argument form—namely ‘A proposition p is not known, or proved, to be true (false); so p is false (true)’ (Walton, 1999, p. 368). Given abundant counter-examples to this form, many scholars evaluated it as *inherently* fallacious (e.g., Copi, 1953; Carney & Scheer, 1974; Manicas & Kruger, 1976; Machina, 1982; Kelley, 1994). For instance, until Wiles (1995)

¹ ‘4.17.20;686’ refers to Locke’s (1690) *An Essay Concerning Human Understanding*, book 4, chapter 17, section 20, page 686. We cite Nidditch’s (1975) edition.

published the first widely accepted proof of Fermat's last theorem (formulated in 1637), a transition from the *true* premise 'the mathematical community is ignorant of the truth of Fermat's theorem' to the conclusion 'the theorem is false' made for an *invalid* argument.

Today, instead, most argumentation scholars would agree with Locke that *ad ignorantiam* instances require a contextually sensitive evaluation. For instance, imagine that Bill sits in a warehouse with a thin roof and no windows (Walton, 1996, p. 1). Under normal conditions (e.g., good hearing and sparse ambient noise), the transition from 'I do not hear any rain falling on the roof' to 'it is not raining' has positive inductive strength because, given Bill's evidence, the conclusion 'it is not raining' is more supported than its negation. Whereas if other things are equal, but the roof is very thick or even sound-proof, then Bill's evidence ceases to support the conclusion more than its negation.

This explains why the cogency of an *ad ignorantiam* is widely acknowledged to depend on the conditional premise 'if p were true, then p would be known to be true'. This premise relates to the 'negation as failure' rule in logic programming, stating that items that are non-derivable from a finite database may be negated because only (all) true items are derivable (Reiter, 1978). The content of this rule can alternatively be expressed as the *epistemic closure principle* (Walton, 1996, p. 147). This principle explains the cogency of reasoning: 'if ACME Airlines offers a scheduled flight between locations A and B tomorrow, then the flight list on ACME's website would indicate it today; but no such flight is indicated there; so, I know that there is no such flight'. The epistemic principle thus precludes that there is such a flight one is ignorant of. In other words, if there were such a flight, one would know it.

The cogency of such reasoning depends on having *thoroughly* examined a *reliable* knowledge base (here: a flight list). If these two conditions hold, then cogent instances of ignorance-based arguments are readily found—at times under the name 'absence of evidence reasoning'—in such contexts as medical or public policy decision-making (Cummings, 2020; Andone & Lomelí Hernández, 2022; see our Sect. 2.1), legal reasoning (Tuzet, 2015), or archeology (Stephens, 2011). What makes these instances particularly acceptable is a *categorical* epistemic closure principle because instances then instantiate the logically valid *modus tollens* rule. And even if the epistemic closure principle is *gradable*, a Bayesian approach offers models for *ad ignorantiam* arguments that are inductively strong (Oaksford & Hahn, 2004; Hahn et al., 2005; Stephens, 2011).

In both the categorical and the gradable case, if ignorance that p is taken to support the possession of knowledge that *not* p , then because the *ad ignorantiam* argument form is understood to "carry epistemic load" (Woods & Walton, 1978, p. 91), it qualifies as an *epistemic* argument type. Proponents of the currently dominant epistemic (or knowledge-based) approach to the *ad ignorantiam* accordingly forwarded an epistemic argument scheme that invariably leverages some variation on ' p is not known, or proved, to be true (false), therefore p is false (true)' while relying on the epistemic closure principle as an evaluative criterion to determine whether its instances are cogent (Hinton, 2018, p. 196; Walton, 1996, pp. 150f.).

Yet, if the term '*ad ignorantiam* argument' is interpreted literally—as an argument featuring an ignorance-expressing premise—then the corresponding argument can instantiate forms *other than* ' p is not known, or proved, to be true (false), therefore p is false (true)'. Given these forms yield cogent instances, too, the epistemic approach would fail to cover *all* cogent *ad ignorantiam* arguments.

An example of such a form is the following instance of the *deliberative* type of the *ad ignorantiam*, pivoting on ignorance of a gun being unloaded.

“[...] John is a member of a shooting club, and he is approaching a firing point where several pistols are laid out. When John picks up one of the pistols, he refrains from pointing it anywhere except down the range toward the targets, and he carefully opens the chamber to see whether the weapon is loaded or empty.”
(Walton, 1985, p. 266; 1996, p. 86)

Prima facie, the epistemic approach may suggest that ‘the gun is unloaded because John does not know it is loaded’. But this is absurd. Besides, instead of reasoning about the state of the gun, John would simply check its chamber. And for good reasons, too, because John can prudentially reason: ‘I am ignorant of whether the gun is loaded; so I should act as if it were loaded’.

No doubt, the type of argument falling within the scope of the term ‘*ad ignorantiam*’ depends on how analysts define the referent. Hinton’s (2018) treatment of the *ad ignorantiam*, for instance, excludes the deliberative type by fiat (see our Sect. 2.3). Our treatment, by contrast, is inclusive. It seeks to cover *any* argument featuring an ignorance-expressing premise signaling an absence or shortage of knowledge, regardless of whether the argument’s conclusion refers to an item of knowledge or a proposed action.

We begin by introducing the epistemic approach to the *ad ignorantiam* (Sect. 2), then discuss three examples of ignorance-based arguments that the epistemic approach does not cover (Sect. 3). Our conclusions are in Sect. 4.

2. THE EPISTEMIC APPROACH TO ARGUING FROM IGNORANCE

2.1 *Extant schemes for the argumentum ad ignorantiam*

As indicated, the cogency of the *ad ignorantiam* pivots on a *normally implicit* premise expressing the epistemic closure principle (e.g., Woods & Walton, 1978), captured by the major premise of the following argument scheme (Walton *et al.*, 2008, p. 327).

The scheme of the argument from ignorance (Walton et al., 2008, p. 327)

Major premise: If *A* were true, then *A* would be known to be true.

Minor premise: It is not the case that *A* is known to be true.

Conclusion: Therefore, *A* is not true.

The motivation for this scheme relates to how Walton characterizes the argument’s premises:

First, every argument from ignorance starts from a lack-of-knowledge (lack of proof, lack of evidence, failure to establish) premise that is inherently negative. It is inherently negative in the sense that the negation operator goes before (and governs) the knowledge claim. [...] [T]he second characteristic [...] is the presence of the conditional or search premise, of the form ‘If *A* were true (false), it would be known to be true (false)’. (Walton, 1996, pp. 245f.)

As Walton observes, scholars who regard the *ad ignorantiam* as an unconditional

fallacy rightly object “that once you have added in the conditional [or search] premise [as the major premise], it is no longer an argument from ignorance [but rather] a species of argument from (positive) knowledge” (Walton, 1996, p. 249). However, this objection fails to acknowledge that, for any given argument type, one may construct two versions of an argument scheme (Yu & Zenker, 2023b). In the case of the *ad ignorantiam* argument, the scheme’s *normative* version, which represents how this argument *should* be used, includes the search premise that expresses the epistemic closure principle. Whereas this premise is omitted from the scheme’s *descriptive* version, which (roughly) captures how the *ad ignorantiam* argument is conventionally used and would normally appear in reasoned discourse. So, although arguers may conventionally *avoid* the search premise, it nevertheless can (indeed should) feature in the argument scheme’s normative version.

To appreciate why including the search premise does not alter the argument type, it should suffice to cite the analytical distinction between argument *identification* (or argument *recognition*) and argument *evaluation* (Yu & Zenker, 2023a; 2023b). In line with this distinction, we can define the minimal union of argument scheme components that are individually necessary and jointly sufficient to identify the argument type as the *argument scheme core*. As is easy to verify, what suffices to *identify* the *ad ignorantiam* argument type are instances of ‘*p* is not known to be true (false); so *p* is false (true)’. Whereas instances of the epistemic closure principle are to this end non-necessary. So, the principle fails to be a component of the *ad ignorantiam*’s argument scheme core.

Although the identification of the *ad ignorantiam* argument type thus fails to require a reference to the epistemic closure principle, the principle’s (in-)validity is nevertheless precisely what analysts must establish to *evaluate* instances of the *epistemic* type of the *ad ignorantiam*. Whereas the epistemic closure principle is again non-necessary to evaluate instances of the *deliberative* type. (We return to this in Sect. 3).

In slightly revised form, Walton’s argument scheme for the *ad ignorantiam* has been adopted by Hinton (2018, p. 201), who explicitly expresses the *reliability* of available evidence. (The “negative” version of this scheme simply replaces ‘*p*’ with ‘not-*p*’, so that both versions are inter-derivable):

The scheme of the argument from ignorance (Hinton, 2018, p. 201)

1. There is no reliable evidence available to us of *p*.
 2. It is reasonable to expect that if *p* were true, there would be reliable evidence available to us of *p*.
- Therefore: *p* is not true.

Unlike Walton, who presented only the argument scheme, Hinton proposes two CQs, each associated with one of the premises:

CQ-1: Is such evidence, in fact, not available to us?

CQ-2: Is it reasonable to expect such evidence to be available to us?

Since answering CQ-1 does not only present an empirical problem but also calls for an analyst’s judgments concerning the reliability of evidence (Hinton, 2018, p. 201), CQ- 1 can be split into three sub-CQs: CQ-1.1 *Is there evidence?*; CQ-1.2 *Is this evidence reliable?*; and CQ-1.3 *Is this evidence available to us?* (ibid.).

Hinton’s scheme improves upon Walton *et al.*’s (2008) in two ways. First, insofar as proponents are typically reluctant to accept an opponent’s premises, replacing ‘it is not the

case that *A* is known to be true' with 'there is no reliable evidence available *to us* of *p*' means that "only evidence *available to both parties* is of relevance" and "[a]vailable, reliable evidence is clearly the key factor" (Hinton, 2018, p. 205; *italics added*). Hinton's (2018) second improvement is to add the *subject* of ignorance. For it is of relevance "by whom would [*p*] be known [to be true or false]?" (Hinton, 2018, p. 197).

2.2 *The limits of the epistemic closure principle*

Hinton (2018) likewise includes the epistemic closure principle in the argument scheme for the *ad ignorantiam*. But he submits that if "the arguer is *not* ignorant of any relevant information at all," then the argument expresses the logical *modus tollens* rule (ibid., p. 194; *italics added*). If so, then the following argument, which fails to express a form of ignorance because a lack of relevant information is not mentioned, would fail to be an *ad ignorantiam* argument.

(A1) FIFA argument (Hinton, 2018, p. 194; *italics added*)

I have here a list of *all* the FIFA World Cup winners since the competition began.

Poland is not on that list.

I conclude that Poland has never won the FIFA World Cup.

However, a case is to be made that A1 is an *ad ignorantiam* argument. A motivated way of showing that A1 expresses a form of ignorance after all is to make it more explicit, as A2.

(A2) A more explicit version of the FIFA argument

1. Poland has never won the FIFA World Cup.

1.1 I do not know whether Poland has ever won the FIFA World Cup.

1.1.1 Poland is not on the list of FIFA World Cup winners.

1.1' If Poland had won the FIFA World Cup, then I would know it.

1.1'.1 The list includes all winners of the FIFA World Cup since the competition began.

A2 not only clarifies that the ignorance-expressing premise is 1.1 rather than 1.1'.1 (both of which are premises in A1). A2 also helps to appreciate the risk of conflating the related, but analytically distinct tasks of argument *identification* and argument *evaluation* (see Sect. 2.1), potentially explaining why Hinton had *not* recognized A1 as an *ad ignorantiam* argument. The main explanatory reason would be that the *identification* of A1 as an *ad ignorantiam* argument leaves it irrelevant whether the list of FIFA World Cup winners is complete; whereas this information is relevant to *evaluate* the argument as a cogent *ad ignorantiam* instance.

To see this, consider the support relations in A2 as diagrammed in Fig. 1. The first premise in A1 ('Poland is not on that list') supports the ignorance-expressing premise 1.1 in A2 ('I do not know whether...'). And the premise stating the list's completeness in A2 (1.1'.1) supports the epistemic closure principle in A2 (1.1'). So, to identify the argument type, premise 1.1'.1 (stating the list's completeness) is non-necessary.



Fig. 1 The structure of argument A2

Minding the distinction between argument identification and argument evaluation also clarifies a secondary meaning that Walton associates with the use of ‘*ad ignorantiam*’, namely ignorance of *the validity of an inference rule*. For Walton, after all, “presumptive reasoning in general [is] [sic] a kind of reasoning from ignorance” (Blair, 1999, p. 339; see Hinton, 2018, p. 192). Presumptive reasoning mirrors *non-monotonic* inference, where the addition of new information alters an extant conclusion (Walton, 1996). And what normally fails to be known about non-monotonic inferences is their validity. A case in point is the inference rule expressed in premise 1.1’ (‘If Poland had won the FIFA World Cup, then I would know it’). For that rule’s validity stands or falls with *knowing* that the list of FIFA World Cup winners is (in-)complete.

2.3 *Ad ignorantiam* argument types

Although Walton and colleagues (Walton *et al.*, 2008) construe the *ad ignorantiam* scheme by narrowly relying on the epistemic approach, Walton had previously identified three sub- types of the *ad ignorantiam*: *dialectical*, *epistemic*, and *inductive* (Walton, 1996, pp. 143- 6, pp. 277- 9). The dialectical type mirrors how Locke understood a shift of the burden of proof in a dialogue (see Sect. 1). The epistemic type is what Walton associates with the use of an epistemic operator (e.g., ‘know’, ‘believe’, ‘guess’). And the inductive type he associates with the confirmation of a scientific hypothesis (e.g., hypothesis *H* counts as unconfirmed because evidence confirming or disconfirming *H* is lacking’; see Woods & Walton, 1978, p. 91).

Yet Walton’s (1996, p. 144) example of the inductive type—“there is no green marble in the box, because when taking out a large handful of marbles randomly from the box, no marble in the hand is green” —features neither ‘confirmed’ nor ‘unconfirmed’. Moreover, the distinction between the epistemic and inductive types is blurry because the same example can exemplify the epistemic type: ‘It is false that there is a green marble in the box because that is not known to be true’. Indeed, a clear classification criterion for the three sub-types is

what Walton does not offer (Hinton, 2018, p. 196). The gun case is what Walton *et al.* (2008, p. 327) treat not just as an *ad ignorantiam* argument but specifically as an instance of the negative practical reasoning scheme, the very scheme underlying *Pascal's wager* (Woods, 2004, p. 67). (Confusingly, Walton *et al.* (2008, p. 327) do at the same describe the negative practical reasoning as a type of *ad ignorantiam* argument.)

Negative practical reasoning scheme (Walton et al., 2008, p. 327) Premise 1: I do not know whether *A* is true or not.
Premise 2: I have to act on the presumption that *A* is true or not true.
Premise 3: If I act on the presumption that *A* is true, and *A* is not true, consequences *B* will follow.
Premise 4: If I act on the presumption that *A* is not true, and *A* is true, consequences *C* will follow.
Premise 5: Consequences *B* (*C*) are more serious than consequences *C* (*B*).
Conclusion: Therefore, I act on the presumption that *A* is not true (true).

However, treating the gun case as an instance of the negative practical reasoning scheme violates Walton's three types (dialectical, epistemic, and inductive). Given how the three types are described, the gun case cannot instantiate the dialectical or the inductive type in the first place. And unlike what is required to fit with the epistemic type, the conclusion of the negative practical reasoning scheme is an *act* (rather than a factual proposition). To Hinton (2018), this indicates that the negative practical reasoning scheme does *not* represent "an attempt at a persuasive argument, [but] merely a principle of precaution" (*ibid.*, p. 197)

A superficial difference between the negative practical reasoning scheme and the epistemic *ad ignorantiam* scheme is the use of 'I do not know *whether* *A* is true or not' as opposed to 'I do not know *that* *A* is true'—the latter formulation fitting better with the *ad ignorantiam* argument scheme. By contrast, it is a substantial difference that in the negative practical reasoning scheme "the *action* [itself] has become [the conclusion of] the inference' (Hinton, 2018, p. 191; *italics added*; see Woods, 2004, p. 86).

We now turn to three cases of ignorance-based arguments that raise doubt about the generality of the epistemic approach to the *ad ignorantiam* because while each of these arguments is cogent, none of them has a factual conclusion. Moreover, none of these arguments assign an obvious role to the epistemic closure principle.

3. THREE CASES FAILING TO FIT THE EPISTEMIC APPROACH

3.1 *The gun case*

As stated in Sect. 1, constructing an argument from ignorance in the gun case as 'the gun is unloaded, because I do not know that it is loaded' is implausible because, rather than reasoning about whether the gun is loaded, one would simply check the gun's chamber. It is nevertheless undeniable that what the gun case features is an *ignorance-expressing premise* and that its conclusion is *prescriptive* rather than factual. This suggests (to us) what literally is an argument *from* ignorance, namely: 'I should act as if the gun were loaded because I do not know that it is unloaded'.

This argument can be reconstructed as follows:

(A4) *The argument from ignorance, the gun case*

- 1.1 I should act as if the gun were loaded. I do not know that the gun is unloaded.
(1.1') (Acting as if the gun were unloaded may incur serious negative consequences
I cannot afford.)

The form of this argument from ignorance breaks with the epistemic approach. First, the conclusion (1) is prescriptive. Second, the inference rule (1.1') bears no similarity to the epistemic closure principle. So, the epistemic approach cannot apply to the gun case.

3.2 *The Presumption of Innocence*

The *presumption of innocence* principle states that a suspect must be presumed innocent unless proven guilty. The principle holds not only for a *legal* but also for a *pragmatic* reason (deriving from the legal reason) because a court violating this principle can be charged with misconduct or discrimination. While several scholars deny that an argument citing this principle instantiates an *ad ignorantiam* argument (e.g., Davis, 1986, pp. 59f.; Engel, 1982, p. 189; Fearnside, 1980, p. 20; Little, Wilson & Moore, 1955, p. 20; Runkle, 1978, pp. 291f.; see Walton, 1996, pp. 48-52), others see in it the *only* instance of a *non-fallacious* ignorance-based argument (e.g., Copi, 1953, p. 56).

The presumption of innocence principle has it that *S* being *ignorant* of a suspect's guilt (*p*) implies the suspect's innocence (not *p*). So, prima facie, 'since *S* cannot prove that *p* is true, *p* is false'. But the important distinction here is between 'actual innocence' (read: 'it is false that *p*') and 'legal innocence' (read: 'a proper legal process failed to show that *p*'). This distinction can be elucidated as follows:

It is presumptuous to say that a claim is false because unproved or that a claim is true because not disproved. Is this presumption ever justified? It is sometimes said that such presumption is properly made in courts of law: if a person's guilt cannot be proved, he is presumed innocent. This presumption, however, is made possible by a special legal principle and establishes the fiction that the defendant is innocent. *Failure to prove guilt does not mean that the person is innocent*; it only means that society is directed by law to treat him as if he were innocent. (Runkle, 1978, pp. 291f.; *italics added*)

The actual vs. legal innocence distinction entails that arguments citing the presumption of innocence principle cannot have a conclusion stating the factual proposition '*S* is (actually) innocent'. For this conclusion, Walton (1996, p. 50) proposes several reasonable alternative candidates: 'the defendant is *presumed* to be innocent', 'the defendant is innocent *is presumably justified*', or 'the defendant is legally innocent'.

The upshot of this specification of 'legal innocence' is that the argument scheme for an ignorance-based argument citing the presumption of innocence principle is not an epistemic scheme. Moreover, in the construction and evaluation of such arguments, the epistemic closure principle does not play any obvious role.

3.3 *The hungry man*

Our last case is loosely based on Victor Hugo's novel *Les Misérables*, set in late 19th- century France. Imagine that Jean—described in that novel as a very thin young man seeking to feed himself, his sister, and her seven children, who are all facing a hard winter—is *likely* to have stolen a loaf of bread. While there is no *direct* evidence (e.g.,

witness testimony identifying Jean), assume that the available *circumstantial* evidence makes the argument ‘although it is not known that Jean stole the loaf of bread, he did’ *epistemically more compelling* than the argument ‘because Jean is not known to have stolen the loaf of bread, he hasn’t’. Thus, one would be inclined to accept that it was Jean who stole the loaf of bread.

Morally, however, the second argument *becomes* more compelling than the first upon assuming that accepting the first argument entails that Jean will be punished. (In Hugo’s novel, Jean is sentenced to five years of hard labor.) This is equivalent to accepting the ignorance-based argument: ‘because Jean is not known to have stolen the loaf of bread, one should act as if ‘Jean stole the loaf of bread’ is false’. Once again, we face an ignorance- based argument the conclusion of which is not a factual proposition.

The hungry man case not only reminds us that moral considerations can trump epistemic ones. The case also makes it doubtful that explaining the cogency of this ignorance-based argument *requires* citing the epistemic closure principle. For, even if it were beyond *all possible* doubt that Jean stole the loaf of bread—wherefore, if he did, one would know it—it becomes no less moral to treat Jean as if he had *not* done so. (Legally, this is unproblematic: *nullo actore, nullus iudex*—“no prosecutor, no judge.”) To be sure, to disregard what is beyond all possible doubt cannot be morally impeccable either. But this does not affect the validity of the claim that explaining the cogency of an ignorance-based argument invoking moral considerations *fails* to require reference to the epistemic closure principle.

In sum, while the three cases present *cogent* ignorance-based arguments, none of them fits the epistemic *ad ignorantiam* argument scheme because their conclusions do not express a factual proposition, nor does explaining their cogency require reference to the epistemic closure principle on which the epistemic approach to the *ad ignorantiam* argument pivots. So, to model these cases we require a different argument scheme.

4. CONCLUSION

When interpreted narrowly, the term ‘*argumentum ad ignorantiam*’ denotes an argument referencing a state of ignorance to generate argumentative support for the *factual* proposition ‘*p* is true (false)’. This argument form is what scholars today recognize as the *ad ignorantiam* argument’s *epistemic* type. We have argued for a wider interpretation, thus extending the scope of ‘*argumentum ad ignorantiam*’, because a reference to a state of ignorance can also be used to generate argumentative support for the *normative* proposition ‘*S* should act as if *p* were true (false)’. According to this wider interpretation, ‘*argumentum ad ignorantiam*’ denotes any argument featuring an ignorance-expressing premise. Future research should develop a corresponding argument scheme and CQs.

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Neuro-Cognitive Argumentation and (the Problem of) Other Minds

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ABSTRACT: For the last fifteen years (or so), the field of argumentation is becoming more “flexible” and open for new approaches, for approaches that are not based merely on logic (of one form or another), not even just on language. What is not quite clear about these non-verbal approaches to argumentation is how people exchange arguments, how they understand them, and above all, how they negotiate what really is/was an argument?

KEYWORDS: argument, argumentation, conscious, gustatory, intentional, neuro-cognitive, non-verbal, olfactory, visual

1. INTRODUCING NON-VERBAL

In 1997, Michael Gilbert (Coalescent Argumentation) proposed four modes of argument(ation): logical, emotional, visceral (“physical”) and kisceral (“meta-physical”, “intuitive”). What is not at all clear if we take Gilbert’s classification seriously, is *how people exchange these non-verbal arguments, how they understand them, and above all, how they negotiate what really is an argument, or whether something really is an argument?* This problem not only remains, but is becoming more and more relevant as some argumentation theorists try to conquer gustatory, olfactory and haptic. If words can be polysemous, visuals basically and fundamentally *are* polysemous and polyphonic, i.e. (at least implicitly) referring to other (previous) situations, discourses and visuals, or quoting them. And we usually need words to actualize and “disambiguate” them.

But what if we widen the scope even more and try to include smells (olfactory), tastes (gustatory) and touches (haptic)? If words and visuals are shared by all the participants in the (argumentative) discussion, smells, tastes and touches are (shared) considerably less, or even not at all (smells and sounds could be common in a way, but not tastes and touches). We usually have to report about them verbally (somehow), which takes their distinctive features away; they become words and phrases of descriptive kind, and cease to be distinctive smells, tastes and touches, the entities we allegedly perceived, with the qualities that were supposed to persuade us (about something) as individuals. Can smells, touches and tastes (and may we should ad sounds as potential "auditory arguments" as well, sounds in their pure, basic forms, not as carriers of verbal messages) be arguments (play argumentative roles, assume argumentative functions)? How wide can the scope of what is an argument be, and what are the criteria of being an argument if we extend the scope over gustatory, olfactory, haptic and auditory as well? Should we not adapt, even (radically) change the criteria, making them much more soft and extremely flexible, even radically different? Even so different that they cannot accommodate more "traditional" arguments anymore?

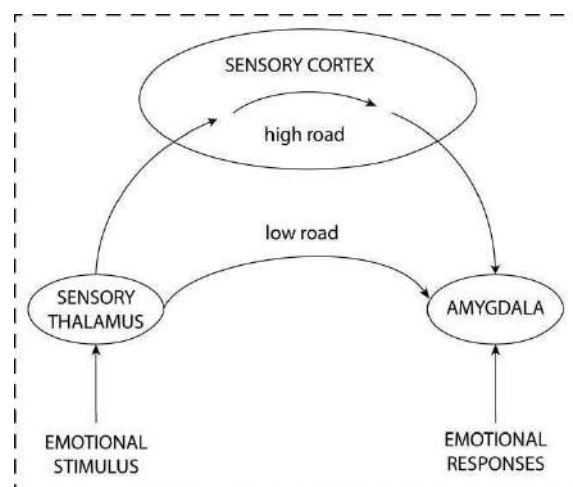
2. NEURO-COGNITIVE IN ARGUMENTATION

These are the questions I was concerned with in several of my recent papers and presentations, but in this one, I would like to take a step aside, and - challenged by the proposal of gustatory, olfactory and haptic - tentatively explore what are the neuro-cognitive bases of argumentation (reasoning and decision making), and consequently, what are the neuro-cognitive limitations of argumentation.

Namely, from a neuro-cognitive perspective, even simple verbal argumentation, the most traditional form of argumentation, does not seem so linear. As Damasio (1999), a neurologist, and Enfield (2017), an evolutionary linguist, persuasively show, human organisms' (or, if you want, human brain's) processing of the emotional aspects of a piece of communication is separate (and different) from the processing of the content of the words and sentences used in this same piece of communication. Even the simplest words, they argue, are uttered with a background emotional inflection, where inflection is understood as an instance of prosody, the musical, tonal accompaniment to the words. Verbal input (be it complex arguments or simple chitchat) is therefore processed separately, on two tracks (and that goes not only for the verbal input, but for the input from all the senses, maybe even more so): System 1 (Kahneman, 2011, Stanovich and West, 2000) - system we share with all other vertebrates - operating automatically, quickly, and without any voluntary control (conscious independently), first processes this tonal inflection, the tonal base of what is said, signaling to other relevant parts of the brain what could be expected and how to react. Only after that, with a short delay (counted in fractions of seconds), System 2 (meta-system, controller and filter of System 1) allocates attention to respective sections of the brain and mental functions that are needed to analyze, situate and interpret the content of the words carried by the tonal base.

As both Kahneman (2011) and LeDoux (1998), another neurologist, show, and Enfield (2017) confirms, a *human organism thus adopts an attitude towards what was heard (tasted, smelled, felt), even before the content of words (their meaning) was processed*, understood and brought to the conscious level (System 1 prevails over System 2).

Here is one of the explanations (there are different versions, but the bottom line is the same) why and how that happens (see the diagram below):



The thalamus is sending the information about the external stimuli via two routes:
1. via short route (low road), directly to the amygdala, which is responsible for our emotions and decision making; 2. via long route (high road), through the sensory cortex, which is responsible for making sense of things (i. e. stimuli), and then further to amygdala to potentially correct or balance the information sent via the short route. Because the high road takes more time than the low road (we are talking milliseconds here), we know before we know that we know, or more precisely, our organism knows (and acts accordingly) before we know that it knows.

But you may object, how do these (psychological and neuro-cognitive) findings concern, inform or even affect argumentation? Well, if wondering (thaumadzein) is really the origin and the basis of philosophical thinking, as Plato already postulated, and methodical doubt or methodical skepticism is the leading principle of any philosophical and scientific research as postulated by Descartes these findings should sow at least some seeds of rational and reasonable doubt: is argumentation really an independent, autonomous, conscious, intentional and free will activity, based on (more or less) rational reasoning (in mostly verbal form)? Does "intentional" really imply independent and autonomous? Independent and autonomous from what? From neuro-cognitive and physiological bases of how human organism function? And, is intentionality not supposed to be based on something we call free will, both being strictly conscious phenomena?

Arguing from a neuro-cognitive point of view, "visual arguments" demonstrate another, rather interesting problem. As Damasio (1999, p. 185) shows, "second-order nonverbal narrative of consciousness can be converted into language immediately". What does this mean? It means that human brain generates an automatic verbal version of the "story" it is occupied with at a certain moment (for example an alleged "visual argument", but it could be any non-verbal "argument"), and we have no way of stopping that verbal translation. "Whatever plays in the nonverbal tracks of our mind is rapidly translated in words and sentences. That is in the nature of the human, language creature." (ibid). This fascinating neuro-cognitive finding was in a way already anticipated by the "phonological loop", a concept proposed by psychologists Alan Baddeley and Graham Hitch in their 1974 model of working memory. Applied to argumentation, *these neuro-cognitive findings show that there really is no and cannot be no visual argumentation proper.*

3. OTHER MINDS, AUTOBIOGRAPHICAL SELF AND EXTENDED CONSCIOUSNESS

If we now turn to potential gustatory, olfactory and haptic extensions of argumentation, we have to take into consideration that we are really addressing the eminent problem of other minds (Austin, Putnam, Chalmers, ...) or in a bit simplified manner: *how can I know what you know, how can I (know that I) feel what you feel, or in the context of our imminent discussion about tastes and wine tasting: how can my feelings/experience of things (tastes, smells, touches ...) be an argument for what you (may) feel/experience* (see Groarke, 2015)?

Neuro-cognitive science is very clear about this: "Consciousness is an entirely private, first-person phenomena, which occurs as part of the private, first person process we call mind" (Damasio, 1999, p. 12). In other words, you and I can have the experience of the same wine (Groarke, 2015), but each of us will generate this experience according to our own individual perspective, our own "autobiographical self" that is

being constantly constructed and reconstructed (mostly in the hippocampus area of the brain). You, tasting the same wine (or something else) do have an experience of something that may be highly correlated with my experience, but as an (tasting, gustatory) experience it is something completely different, and it simply, ontologically, cannot be otherwise.

Neuro-cognitive sciences are basing these claims on two concepts: extended consciousness and autobiographical self (that we have already mentioned).

“If core consciousness allows you to know for a transient moment that it is you seeing a bird in flight or that it is you having a sensation of pain (or sensation of a pleasant taste of some liquid on your tongue - IŽŽ), extended consciousness places these same experiences in a broader canvas and over a longer period of time.” (Damasio, 1999, p. 196).

Extended consciousness therefore means that “you” are now connected to your lived past and anticipated future:

Extended consciousness occurs when working memory holds in place, simultaneously, both a particular object and the autobiographical self, in other words, when both a particular object and the object in one's autobiography simultaneously generate core consciousness." (Damasio, 1999, 222).

Or put a bit differently:

The secret of extended consciousness is revealed in this arrangement: autobiographical memories are objects, and the brain treats them as such (as it does treat particular objects affecting our senses - IŽŽ), allowing each of them to relate to the organism in the manner described for core consciousness, and thus allows each of them to generate a pulse of core consciousness, a sense of self knowing (ibid. pp. 196 - 197).

Anticipating the wine example again, the tasting of wine does not just trigger the stimuli, correlated to the liquid in your mouth, but lets you survey (quite automatically and unconsciously, it is the System 1 that is in charge here) the facts about possible previous wine tastings, persons, events and feelings associated with it, when was it (why and with whom), where (was the place pleasant and who else was there), with whom (and what are your emotions about that person or those persons), does this wine tastes like any other wines I have tasted, did I like these other wines, what do these wine notes remind me of, what and who do they remind me of, who else likes such wines, when do I usually drink wine, how and with whom ... The wine tasting would therefore act as a “ripple” (a metaphor very popular in cognitive sciences) that activates different associative chains, and the range of this dormant, implicit knowledge that Damasio calls "dispositions", awoken by particular ripples (the particular taste of particular wine in a particular moment) is called an autobiographical self (or more precisely, is part of the autobiographical self or situated in the autobiographical self). Or in Damasio's words:

Once our autobiographical memories are formed, they can be called up whenever any object is being processed. Each of those autobiographical memories is then treated by the brain as an object, each becoming an inducer of core consciousness, along with the particular non-self object that is being processed. (Damasio, 1999, p. 197).

In other words: my autobiographical memories connected to possible previous wine tastings and tastes of wine are being processed by the brain simultaneously with the actual wine tasting, and precisely because of this actual wine tasting. And the actual taste of wine together with emotions remembered and triggered with this actual wine

tasting thus modify my autobiographical memory by this actual tasting as well as influence the actual tasting and (the experience of) the actual taste by my autobiographical memory (i.e. dispositions of the previous tastings of wine or other tastes and tastings).

4. TASTES AS ARGUMENTS?

Let us finally have a look at this wine tasting example. But, mind you, this is not just an example among many provided, this is the example, the only example, and also a completely fictitious and made-up example on which the author builds the possibility of tastes as arguments (Groarke, 2015, p. 137):

Imagine that we are at a wine tasting for California wine. Someone tells you that Frog's Leap PS 2013 is magnificent. When you respond with a doubtful look, she tells you that the magazine Food & Wine ranked it the best Petite Syrah of the year, then pours a glass and says 'here's the proof.' This is a case in which our host is forwarding an argument, offering you reasons why you should accept her point of view. One of the reasons – perhaps the deciding one – is the tasting of the wine in question, which is supposed to provide evidence for her standpoint.

So, "one of the reasons – perhaps the deciding one – is the tasting of the wine in question, which is supposed to provide evidence for her standpoint".

But, can *my evaluation* of a certain wine (or any other drink or food for that matter), after tasting it, serve as an argument in support of *your evaluation* of the same wine? Tasting is a uniquely personal and subjective experience, probably the most unique and individual(ized) as far as human senses are concerned, its effects and results as well as feelings and emotions derived from them depending exclusively on the extended reality connecting the liquid in my mouth and my personal history of tastings and tastes in particular circumstances as recorded, elaborated and reconstructed in my autobiographical self.

Therefore, if your verbal evaluation of the wine X is "magnificent", and my verbal evaluation of the same wine X sounds, quite by accident, "magnificent" as well, can my evaluation serve as an argument in support for your claim? No, absolutely not! Or, let us consider a weaker version of this claim: if I think the wine is "magnificent" and you think it is "magnificent", does that not mean – at least – that it is (really) magnificent? No, not even that!

Yes, we are tasting the (same) liquid from the same bottle, but this does not mean that the experience of tastes developing in my mouth is the same as the experience in your mouth. Offering a glass of wine (or anything else) accompanied with a qualifier "It is magnificent" and "It was ranked by X as the best wine in category Y" can only qualify as an argument in support of my decision to proceed with tasting this allegedly fine wine, but it cannot in any case serve as an argument in support of the very quality of the wine as tasted by you (or somebody else). And now we will take a look why.

5. CONSCIOUSNESS, AN ENTIRELY PRIVATE PHENOMENON

To be able to do that, we will have to dive into some neuro-cognitive research over the last two decades, and for a start have a look at what consciousness may be and how it functions.

And we will start with the very same quote from Damasio, we used in the beginning of the paper (Damasio, 1999, pp. 12 - 13): “Consciousness is an entirely private, first-person phenomenon which occurs as part of the private, first-person process we call mind.”

And mind, for Damasio (ibid.),

encompasses both conscious and non-conscious operations. It refers to a process, not a thing. What we know of as minds, with the help of consciousness, is a continuous flow of mental patterns, many of which turn out to be logically interrelated.

When he says logically, Damasio does not mean or refer to philosophical, formal or symbolic logic, but more to the principles that cause and connect mental events as postulated by David Hume in his Enquiry Concerning Human Understanding (1748), namely: resemblance, contiguity (in time and place) and causality (which is, as we will see later, often projected into things and processes by System 1, the auto-pilot self (Kahneman), or the core self (Damasio) or the first intuitions (Mercier and Sperber, 2018). Namely, Damasio explains that this continuous flow of mental patterns “moves forward in time, speedily or slowly, orderly or jumpily, and on occasion it moves along not just one sequence but several.” (ibid., p. 176) And sometimes these sequences are concurrent, sometimes convergent and divergent, sometimes superposed, because they are not prompted by logic but primed (triggered) and evoked by a process called associative activation. And how does this associative activation work. Here is an explanation of another well know cognitive psychologist (Kahneman, 2011, p. 51):

Ideas that have been evoked trigger many other ideas, in a spreading cascade of activity in your brain. The essential feature of this complex set of mental events is coherence, each element is connected, and each supports and strengthens the others. The word evokes memories, which evoke emotions, which in turn evoke facial expressions and other reactions, such as a general tensing up and an avoidance tendency. The facial expressions and the avoidance motion intensify the feelings to which they are linked, and the feelings in turn reinforce compatible ideas. All this happens quickly and all at once, yielding a self-reinforcing pattern of cognitive, emotional, and physical responses that is both diverse and integrated – it has been called associatively coherent.

I should continue with explaining the concept of priming, and what the concept of ripples has to do with it, how the two of them are connected and how they affect associative coherence and associative chains, but allow me a short digression about “tensing up and an avoidance tendency” mentioned briefly in the quoted passage, but not really explained, that will eventually lead us to priming and ripples.

Tensing up and avoidance tendency in the quoted passage are nicely illustrated by a simple example, based on previous experiments, Kahneman used to explain some of the characteristics of the System 1 mentioned in the beginning of the paper. Here is a quick summary (ibid, p. 50):

Look at the following words:

Bananas

Vomit

A lot happened to you during the last second or two. You experienced some unpleasant images and memories. Your face twisted slightly in an expression of disgust, and you may have pushed this book imperceptibly farther away. Your heart rate increased, the hair on your arms rose a little, and your sweat glands were activated. In short, you responded to the disgusting word with an attenuated version of how you

would react to the actual event. All of this was completely automatic, beyond your control.

We'll come back to this in a moment, for now, please, keep in mind the last part of the quote: all of this was completely automatic, beyond your control. How does he explain this phenomenon?

6. ASSOCIATIVE COHERENCE, CAUSALITY AND INTENTION

Your mind automatically assumed a temporal sequence and a causal connection between the words bananas and vomiting, forming a sketchy scenario in which bananas caused the sickness (ibid., p. 51)

This is a case of associative (memory) coherence at work, exhibiting one of its (and System 1's) basic characteristics: projecting causality and intention into perceived phenomena where there are none. And he continues (ibid., p 52):

The state of your mind has changed in other ways: you are now unusually ready to recognize and respond to objects and concepts associated with "vomit", such as sick, stink, or nausea, and words associated with "bananas", such as yellow and fruit, and perhaps apple and berries.

This is a case of associative network, primed (triggered) by the ripple, caused by the juxtaposed words "banana" and "vomit". David Hume, mentioned earlier on, was persuaded that human mind goes through a sequence of conscious ideas, one at a time. Current neuro-cognitive research shows that associative memory works quite differently (ibid.):

An idea that has been activated (primed) does not merely evoke one other idea. It activates many ideas, which in turn activate others (ripples). Furthermore, only a few of the activated ideas will register in consciousness; most of the work of associative thinking is silent, hidden from our conscious selves."

But the fact that most of the work of associative thinking is silent does not mean that these ideas that did not manage to surface to the conscious level do not affect us, do not have any influence on our organism. They do, they are duly registered on the pre-conscious, sub-conscious, proto-self level by the System 1, transmitted to relevant respective parts of the organism that then act (out) accordingly. Completely automatic, beyond our conscious control.

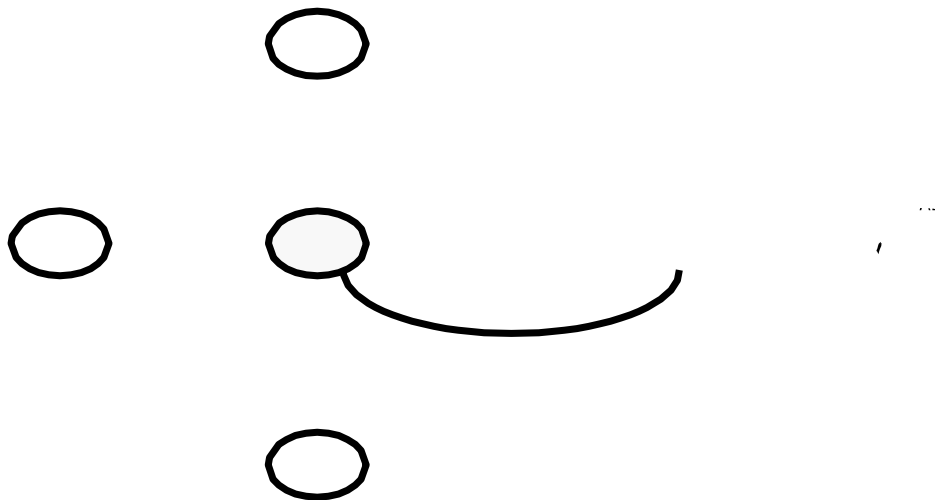
How is that and why is that?

7. TRIGGERING, PRIMING AND RIPPLES

Already in the 1980s psychologists discovered that exposure to a (single) word (priming) causes immediate and measurable change (an important detail, because this research is often frowned upon as irrelevant) in the ease with which many related words – related across different paradigms, different contexts and in different way, by different common denominators – can be evoked (ripples) from my autobiographical self. Here is a short summary of those experiments (ibid., p. 52): if you have recently seen or heard the word EAT, you are more likely to complete the word fragment SO_P as SOUP than as SOAP. And the opposite would happen if you had just seen (or experienced) WASH. This phenomenon came to be called a priming effect, a concept

of paramount importance in neuro-cognitive research, with (potentially) significant effects on human argumentation as well as on argumentation studies. The primed ideas have the ability to prime other ideas, and like ripples on a water spread through a (small) part of the vast network of associated ideas. The mechanism of priming is also behind the semantic frames, postulated in the 1970 by Charles Fillmore, elaborated by Richard Langacker and “popularized” by George Lakoff (Philosophy in the Flesh (Lakoff & Johnson,1999)) summarizes well the workings and effects of priming: most of the evoked ideas may not make it to the conscious level, but they will affect the working of the body; and this is where the notion of “embodied cognition” comes from).

Here is an illustration of an associative memory network for "Fear (of snakes)" (LeDoux, 1998, p. 213):



But, more importantly, psychological and neuro-cognitive research shows that *priming is not restricted only to concepts and words, but that it extends to actions and emotions as well*. And actions and emotions can be primed by events of which – once again – we are not aware. There is a famous experiment called the “Florida effect” that demonstrates this fact as having really dramatic and worrisome consequences as far as human free will and conscious agency is concerned (Kahneman, 2011, p. 53).

In 1996, the psychologist John Bargh asked students at the New York University, aged between 18 and 21, to assemble four-word sentences from a set of five words. For one group of students, the sets contained words associated with the elderly, like Florida, forgetful, bald, gray or wrinkle. When they had completed the task, the students were sent to do another experiment down the hall. And this short walk was actually what the experiment was really about. Namely, the researchers measured the time it took people to get from one end of the corridor to the other. As Bargh had predicted, the young people who had constructed a sentence from words with an elderly theme walked down the hallway significantly more slowly than the others.

This ideomotor effect as this priming phenomenon became known involves two stages of priming. First, the set of words primes thoughts of old age, though the word old is never mentioned. Second, these thoughts prime a behavior, i.e., walking slowly, which is associated with old age. And what seems to be the most important for our context (non-verbal arguments): all this happens without any awareness of the experimental subjects. When they were asked afterwards, as the design of such experiments require, none of the students reported noticing that the words had a common theme, and they all insisted that nothing they did after the first experiment

could have been influenced by the words they had encountered. In other words, the idea of old age had not come to their conscious awareness, but their actions changed, nevertheless. These were examples of unconscious thoughts affecting behavior and (body) (re)actions. But even common gestures can unconsciously influence our thoughts and emotions.

In a 1988 experiment (*ibid.*, p. 54), college students were asked to rate the humor of cartoons from Gary Larson's *The Far Side* while holding a pencil in their mouth. Now, you can hold a pencil in your mouth in two ways: 1) you can hold the pencil between your teeth so that one of its ends is pointing to the left and the other to the right, or 2) you can hold the pencil so the point is aimed straight in front of you, by pursing your lips around one of its ends. Most of people are probably unaware that the first action forces your face into a smile, and the other one into a frown. Those students that were "smiling" (without being aware of it) found the cartoons funnier than those who were "frowning".

8. OMNIPRESENCE AND INEVITABILITY OF THE UNCONSCIOUS

Here is the obvious conclusion from all these experiments (and there are many more like these): not only can our unconscious thoughts prime our actions and behavior, even common gestures can unconsciously influence our thoughts and feelings. In other words: our actions and behavior, thoughts and feelings are the result of causes that are unconscious and therefore not known to us. Not all, of course, but nevertheless many, most of them.

All these scientific findings have serious impact on rhetoric and argumentation, especially if we want to extend the field to gustatory, olfactory, haptic and auditory. Consider a research by Goris and Hutter (2011), which reveals that:

- some companies are using air-conditioning systems to release certain scents/fragrances into working halls in order to boost productivity (obviously with success);
- casinos in USA are using certain kinds of fragrances in order to encourage more risk in gambling (obviously with success);
- Sheraton hotels are said to deodorize their premises with the scent of apple pies, vanilla, and cinnamon in order to make the atmosphere more homely (so that the guests would stay longer).

Another interesting scientific research (Holland et al., 2005, pp. 689 - 693), which concerns the possibility of arguments as sensorial input/physical stimuli) has found that the hint of aroma coming out of a hidden bucket of citrus-scented cleaner was enough to persuade (that is the expression the author is using) students to clean up after themselves – even though the majority of them had not actually registered the smell.

And finally, Overman et al. (2011, 64 - 72) discovered that when men were subjected to a novel smell – either good or bad – during a gambling task used to test decision making skills, they performed significantly worse than normal. Authors conclude that not only the scent stimulated the brain areas connected with emotion, making their decisions emotional rather rational, smells also seem to direct our visual attention and may play a key role in consolidating memories too!

9. DISCUSSION AND CONCLUSION

All that brings us back to the example of wine tasting, expanding the framework. Could we really say that these respective smells (or the dimensions of taste in wine tasting, more precisely, the automatic processing of these smell dimensions by the brain), smells that were inhaled automatically, unconsciously and without any intention, are arguments in favour of (boosting) productivity, taking more risk (in gambling) and staying longer (in Sheraton hotels)? I have serious doubts about that, unless we want to call physical, sensory stimuli arguments. But if we do, and we take automatic, non- controlled, non- intentional and non-conscious signals, pulses generated by tastes, smells touches and sounds as arguments, then already each human body in itself (let alone the contexts created by inevitable intersubjective relations) is a large, complicated network of interconnected arguments and a vast, detailed map of argumentation that is constantly changing and evolving.

Which takes us far far away from what we traditionally call argumentation. Is that the future of argumentation?

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Surrogate Arguments in the Controversy Over the Annexation of Texas to the United States

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ABSTRACT: Surrogate arguments stand for other arguments that it is undesirable to make explicitly. They are selected through topical choice, a mode of strategic maneuvering. In the 1840s controversy over the annexation of Texas, the argument to avoid was that annexation would extend slavery. The need for strategic topical choice is illustrated by the failure of a prominent counter-example. Then three surrogate arguments are examined: nationwide economic benefits, thwarting a conspiracy, and respecting public opinion. Surrogate arguments also refuted reinstatements of the original argument.

KEYWORDS: abolitionism, annexation of Texas, British conspiracy diffusion theory, election of 1844, expansionism, joint resolution, sectionalism, slavery, surrogate arguments, topical choice

1. INTRODUCTION

Of the modes of strategic maneuvering (van Eemeren, 2010), topical choice is of special interest. Choosing one topic rather than another to support a given standpoint can alter perceptions of what an argument is “about.” The topos one would prefer to avoid is replaced by a topos one would prefer to use. In this way, one argument can become a surrogate for another. Multiple argumentation is the most clear-cut type permitting topical choice. Each of the supporting topics does the same dialectical work of justifying the standpoint. But their persuasiveness may be much different because selecting one rather than another will lead to different views of what the argument is really about. For example, climate change, economic efficiency, and conservation of raw materials may all be good reasons to accelerate the shift to electric-powered vehicles. But selecting one may produce an argument about the environment, another about personal finances, and another an argument about sustainability.

Coordinative argumentation is similar, except that topical choice will increase or decrease the perceived strength of the standpoint more than the perceived subject of the argument.

2. HISTORICAL BACKGROUND

In the Texas controversy, the objective of the advocates of annexation was to win enough support in Congress, especially from northern Democrats. Those pushing for annexation, having settled Texas on a slave-labor basis, took it for granted that it would come into the Union with slavery. Northern Democrats were relatively indifferent about slavery. They chose to live in free states, but if Southern states preferred slavery, that was their business. They were troubled, however, about enhancing the political power of slavery. So for the pro-annexationists to gain the northerners’ support, better to develop surrogate arguments and keep slavery out of the picture.

In the early 1820s, Mexico, having won its independence from Spain, invited Americans to settle in today's east Texas, provided that they would observe Mexican law. By 1830, a significant number of settlers had come to live in this part of Mexico. Although Mexico by then had abolished slavery, this prohibition was largely ignored in the faraway province of Texas. When Mexico began in the mid-1830s to enforce the law, the American settlers, who still thought of themselves as Americans, rose in revolt. In a surprise victory at the battle of San Jacinto in 1836, the Texians prevailed and forced Mexican recognition of the Republic of Texas. For the next eight years, the Republic and the United States went back and forth about whether independence or annexation was the Republic's goal. There was insincerity in the arguments on both sides. Pro-annexationists asserted that Mexico was about to resume the war and that annexation was necessary to forestall this plan—even though Mexico was too weak to make good on these threats. Anti-annexationists asserted that the Republic could defend itself adequately—even though it was virtually bankrupt and unable to afford its own defense. But military, financial, and political considerations tipped the scale by 1844, when U.S. President John Tyler appointed negotiators who produced a draft treaty that Tyler submitted to the Senate for ratification.

It was generally understood that ratification would help the South politically, relative to the North. It would yield one or more new states, adding to the South's representation in Congress. Some or all of the new states would be slave states, reflecting the economy and culture of the South. Southern power would be further augmented by counting in their census totals 3/5 of the slave population, though of course the slaves could not vote.

Slavery, then, was the “elephant in the room.” All understood that it would be the result of annexation, but few wanted to say so explicitly. Doing so would strengthen the deepening polarization between North and South, making it harder to obtain the necessary votes for the treaty in the Senate. Better to find other, also relevant, arguments for Texas annexation.

A fuller discussion of the historical background of this controversy may be found in Silbey (2005) and Haynes (2022).

3. VALUING STRATEGIC TOPICAL CHOICE: A COUNTER-EXAMPLE

The rhetorical value of topical choice is made clear through consideration of the most prominent counter-example, John C. Calhoun. Although a distinguished orator, Calhoun was interested in ideological purity, not rhetorical success. Calhoun would have been opposed to the very idea of strategic maneuvering. He wanted Texas annexation, but only if people understood that it was being undertaken in order to promote the spread of slavery and approved it for that reason. Calhoun was named Secretary of State in March 1844, following the death of Abel P. Upshur. Entering office, he found an unanswered letter from the British minister to the United States, Richard Pakenham. Pakenham had written in reply to an official American inquiry about British intentions regarding slavery in the New World. Pakenham had expressed hope that someday slavery might be eliminated all over the world, but beyond that, he made no statement of British intentions and specifically denied that Britain would intervene in any way in the affairs of the Republic of Texas.

Although Pakenham's letter probably was intended to be conciliatory, Calhoun took it as incendiary. It gave him a loose pretext to defend American annexation of Texas specifically in order to spread slavery. Calhoun not only sent his reply off to Pakenham; he included it in the packet of documents he sent to the Senate along with a draft of an annexation treaty he encouraged Senators to ratify. Why he wrote the letter, and why he circulated in this way, have been objects of speculation ever since.

Calhoun was not a rhetorical strategist. But if he had been, he, like others, would have realized that he blundered badly in the response to Pakenham. With this move, the cat was out of the bag. Efforts to argue on other grounds for annexation were exposed, to many different

audiences, as nothing but a veneer. The true cause for annexation was revealed to all as the desire to spread slavery. Moreover, as Secretary of State, Calhoun was presumed to speak for the administration. Together with northerners' unhappiness that their preferred candidate, Martin Van Buren, had lost the Democratic nomination for the presidency to James K. Polk (Haynes, 2022, p. 335), Calhoun's letter helped to coalesce northern Democrats against the treaty. It was defeated by a vote of 35 against and only 16 in favor, far short of the two-thirds vote required for ratification.

4. TOPICAL CHOICE IN CONGRESSIONAL DEBATE

Many thought the defeat of the treaty was the end of the matter, but not the intrepid President Tyler. He now maintained that annexation did not require the treaty anyway. He took advantage of an ambiguity in the U.S. Constitution. Ratifying a treaty with another nation required a 2/3 vote of the Senate but did not require the consent of the House of Representatives. The power to admit new states depended on majority vote, but a majority of both houses. Tyler's proposal did both; which took precedence?

Tyler proposed to admit Texas immediately as a state, without its needing to go through the normal territorial period first. This enabled him to maintain that, although the Republic of Texas was a foreign nation, no treaty was required since the task at hand was admitting a new state.

Accordingly, Tyler resubmitted the defeated treaty as a proposed joint resolution. Legislative debate took place in both houses. The Senate added a new issue – whether the House had any role to play in foreign affairs – but that question did not receive much attention. For the most part, the issues were similar to those of the Senate debate the previous spring. Supporters of annexation exercised topical choice in one or more of three ways.

4.1 *National benefits to annexation*

First, advocates sought to mitigate the claim that annexation was an unjustified benefit uniquely for the South by maintaining that *every* region would benefit. For example, Congressman George A. Caldwell, Democrat of Kentucky, spoke of the “almost incredible” quality of agricultural production, which would benefit the entire nation. He neglected to mention that maintaining this system of agriculture depended heavily on slave labor. He also noted that, if Texas were annexed, under existing revenue laws, “we would receive from her a full and adequate supply of sugar for the whole Union,” thereby saving “the millions that are annually sent abroad for sugar” (Caldwell, 1845). Citing specific examples, Democratic Congressman Moses Norris of New Jersey pointed out that both the North and the West would gain economically from the annexation of Texas, and added that the demand would increase because of anticipated population growth (Norris, 1845).

4.2 *Thwarting a British conspiracy*

A second topical choice was to focus on an alleged British conspiracy involving Texas – perhaps British annexation, perhaps use of Texas as a corridor for a renewed British attack on Texas (reopening the War of 1812), but usually an imagined special economic or commercial relationship between Britain and Texas, undercutting the United States. Some advocates of this view believed that Britain had paid a price for her abolition of slavery a decade earlier: the British West Indies no longer could sell cotton so cheaply to manufacturers abroad. In particular, Britain was undercut by the American slave states, where the cost of labor was negligible. This proved, proslavery Southerners believed, the superiority of slave labor over free labor. But it also created a British motive to induce others to abolish slavery in order to create a level playing field. Thus the imagined plot: commercial benefits for Texas in return for

Texas's abolition of slavery. Never mind that Britain responded to official inquiries by disclaiming any such intention; isn't that just what you would expect a wily conspirator to do?

To avert the plot of this imagined conspiracy, the United States must annex the Lone Star Republic. And it had better do so quickly, before the currently secret plot would have a chance to hatch. This topos transcended the issue of slavery and focused instead on the existential level of national survival. Congressman Norris, cited above, asserted that British subversion of the United States already had begun, claiming that the motive was "to foment the spirit of political abolitionism in the United States, to array the North against the South, and thus to weaken the ties that bind us together, and finally consummate her long cherished desires by a dissolution of the Union, and prostrate forever her great and rival antagonist in commerce, manufactures, and the arts" (Norris, 1845). This line of reasoning appealed to what Chaim Perelman (Perelman and Olbrechts-Tyteca, 1969) called the "locus of the irreparable": the situation was urgent; fail to act now and the opportunity might well be lost.

Not all who felt threatened by Britain necessarily imagined such ultimate consequences, but dismissal of such extreme positions probably helped more moderate positions, such as fear of a commercial treaty, appear more reasonable. One prominent figure profoundly affected by anti-British fears was former president Andrew Jackson. Now in his eighth year of retirement and in failing health, he nevertheless remained active and influential in the Democratic party. He took unsubstantiated rumors of conspiracy as literal truth. When he learned of them, he wrote to friends and allies emphatically urging immediate annexation in order to frustrate the British design. He jettisoned former president Martin Van Buren, the front-runner for the 1844 Democratic nomination, when Van Buren refused to go along.

Consequently, one variation on the anti-British argument was the entotic claim that Texas should be annexed as an act of homage to Andrew Jackson. In the Senate, Democrat Levi Woodbury of New Hampshire gave voice to this plea: "There dwells at this moment in the shadow of the Hermitage, an aged and hallowed veteran in his country's service, whose lamp of life is fast burning out, while we tarry. He looks anxiously to this great consummation of his patriotic hopes" (Woodbury, 1845). Three days later, Democratic Senator Walter T. Colquitt paid at least as effusive a tribute to Jackson (Colquitt, 1845). For men such as these, Jackson's passionate commitment to annexation was in itself good reason for patriotic Democrats to support it.

4.3 *Public opinion as warrant*

The final example of topical choice to be discussed here is the claim that annexation is warranted by public opinion, as measured by the results of the 1844 presidential election. This claim figured prominently in the Congressional debates of early 1845. The election had featured James K. Polk, a Democrat who favored immediate annexation, and Henry Clay, a Whig running for the third time, who temporized about when and under what circumstances annexation might be feasible, but who maintained that it would not be prudent at present, largely because it would reopen the war with Mexico.

Polk won the most popular and electoral votes. His victory was regarded by both Democrats and Whigs as a mandate for annexation. Democratic Congressman A.P. Stone of Ohio put it simply: "The two great political parties of the country, in the late campaign, went before the people upon this issue [of Texas annexation], if upon no other. The people have rendered up their verdict, and it is our duty, as faithful representatives, to carry it into execution" (Stone, 1845).

Topical choice had shifted the focus from slavery to majoritarianism. Whig Congressman A.H. Chappell of Georgia pronounced the matter closed: "That people had passed solemnly and deliberately on the question. It was no longer an open and undetermined question . . . the popular voice had been pronounced – the popular seal had been set in regard to it, in a manner not to be forgotten or erased, and certainly in a manner not to be misunderstood or lightly treated. . . , by the servants and representatives of the people" (Chappell, 1845).

5. RECALCITRANT OPPOSITION

Despite the seeming finality of these pronouncements, however, it was far from settled that election results constitute policy mandates. Congressman J.P. Kennedy, Whig of Maryland, put the matter succinctly: “From all I can gather on this point, one thing I am sure has been decided: that Mr. Polk has been elected President of the United States. Nothing else, as far as I can see, has been settled” (Kennedy, 1845).

Subsequent action by Congress was hardly automatic. The House favored annexation by a joint resolution; the Senate favored renegotiating the treaty. The deadlock was broken by a compromise allowing the president to choose the method of annexation, and even *that* barely passed the Senate, 27-25. It passed despite the insistence of Whigs such as Congressman Robert C. Winthrop of Massachusetts, who proclaimed, “I shall oppose the annexation of Texas, now and always, upon the ground that it involves an extension of domestic slavery. No considerations of national aggrandizement; no allurements of northern interest and advantage, were they even as real as in this case they are specious and delusive, will ever win my assent to an enlargement of the slaveholding territory of my country” (Winthrop, 1845). For those whose minds were set as firmly as Winthrop’s, there was no more opportunity to be persuaded. But positions similar to his provided one more option for topical choice, as a means of refutation. Several supporters of annexation developed what would be called the “diffusion theory.”

6. THE DIFFUSION THEORY

The premise of the theory was that whether or not Texas came into the Union, the total number of enslaved persons would remain the same. If more were taken to Texas, they would have to be taken from somewhere else, where the slave population would correspondingly decline. Hence the same number of slaves would be “diffused” over a wider geographic area. Not only that, but the states “losing” slave population eventually might find slavery itself to be an unworkable economic system and become free states. Hence Texas annexation could support the expansion and the limitation of slavery at the same time.

This theory might strike us as specious, as it made no allowance for increases in the slave population, whether through breeding or through smuggling from abroad. Except for one thing: it was a reasonably accurate historical account of how slavery was eliminated in the middle Atlantic states in the later years of the 18th century. Slavery became unprofitable in Pennsylvania, New York, and New England, but land far more fertile and suitable for slave-based agriculture was available further south, in Alabama and Mississippi. So what became the Southwest Territory was settled by “diffusing” the enslaved population over a wider area. Given the historical record, why could the diffusion theory not succeed again in Texas?

Elements of this theory were appealed to during the Congressional debate of 1845. Observing that the direction of diffusion was southward, Democratic Congressman Chesselden Ellis of New York predicted, “A single generation will not pass away if [annexation] be accomplished, before the States of Delaware, Maryland, Virginia, Kentucky, and Missouri join their sisters of the North in emancipation.” He explained, “The diffusion of slavery does not increase the number of slaves... Remove them from Virginia to Texas; you diminish their number in the one place as you increase it in the other...” (Ellis, 1845).

7. CONCLUSION

Not everyone was taken in by the diffusion theory, of course. It is noteworthy, however, that relatively few Members of Congress followed in the path laid by Congressman Winthrop. Nor

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is it likely that the diffusion theory changed many votes. But then it did not need to. Only a simple majority in each House was needed to adopt the joint resolution. It is likely that the various topical choices had a role to play in the evolution of this controversy. And a granular examination of texts revealing one form of strategic maneuvering helps to show how widespread it is throughout a historically significant controversy. In the case of topical choice, the analysis shows how strategic maneuvering reframes the conflict without changing the standpoint at issue or the dialectical responsibilities of the advocates.

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