ISSA Proceedings 1998 – Final But Not Infallible. Two Dimensions Of Judicial Decisions

1. Introduction

One of the forms of rule skepticism, found both in legal practice and in legal theory, learns that the law is what the courts say it is and nothing more. In his study *The Concept of Law* (1961) Hart criticizes this form of rule skepticism. Decisions of a court he says, are statements with a certain authority making them final but not also infallible. To clarify this, Hart uses the example of an umpire in a game. In a game the judgements of an umpire – for instance about the scoring – have a certain authority. His judgements are given, by the *secondary rules* of the game, a status which renders them unchallengeable. In this sense it is true, says Hart, that for the purposes of the game 'the score is what the scorer says it is'. But it is important to see that there is a scoring *rule* and it is the scorer's duty to apply this rule as best he can.**[i]** It is this scoring rule which makes decisions of the umpire, though final, not infallible, for this scoring rule offers reasons for criticizing the decision.

According to Hart the same is true in the law. Like the umpire's decision in a game, the decisions of a judge like 'X is guilty' or 'X has a right' are – up to a certain point – final. But, like the umpire in a game, the judge has an obligation to apply the rules correctly according to the *secondary rules* in a legal system.**[ii]** As a result judicial decisions are fallible.

Austin (1962) made similar observations about the nature of judicial decisions. He argues that if it is established that a performative utterance is performed happily and in all sincerity, that still does not suffice it beyond the reach of all criticism. It may always be criticized in a different dimension, a dimension comparable with the true/false criterium used to evaluate constative utterances: 'Allowing that, in declaring the accused guilty, you have reached your verdict properly and in good faith, it still remains to ask whether the verdict was just, or fair' (1962:21)

Since the publications of Austin en Hart, the observations about the character of judicial decisions give rise to the question what type of speech act is involved. Both in legal theory and in argumentation theory it is posed as a problem whether

these speech acts are, or are to be reconstructed, as *declarative*, or as *assertive* speech acts. For on the one hand, the judge declares that somebody is guilty, but on the other the judge justifies that this decision is right according to the law. And this justification is a reason to reconstruct the decision as an assertive or, to be more precise, as a standpoint in a context of a discussion.

In this paper, I want to discuss the problem of the speech act character of a judicial decision within the framework of the pragma-dialectical argumentation theory. My basic starting point is that it is a misunderstanding to treat speech acts in judicial decisions as *either* assertive *or* declarative speech acts. I think that, for an adequate analysis of the speech act, one has to make a distinction between at least two discussions in a legal process and related to this distinction different functions of the speech act in a final judicial decision.

I will proceed as follows. First, I will discuss the merits and demerits of reconstructing a final judicial decision as the mixed speech act called assertive-declaration. Then, I will differentiate between two discussions and two types of speech acts in a legal process. Finally, I will discuss how these two different types of speech acts can be reconstructed as a standpoint.

2. Final judicial decisions as an assertive-declarative speech act

For those who are familiar with Speech Act Theory, it will be clear that it is possible to analyse a judicial decision as 'X is guilty' as the combination of an assertive and a declarative speech act. Searle (1979) contends that at least some members of declarative speech acts overlap with members of the class of assertive speech acts. These assertive-declarative speech acts have two illocutionary points. First, they have the assertive illocutionary point, according to which a speaker succeeds in achieving on a proposition P (X is guilty), if and only if he represents the state of affairs that P as actual. Second, they have the declarative illocutionary point, according to which a speaker succeeds in achieving on a proposition P if and only if he brings about the state of affairs that P.

Searle illustrates this double character of the assertive-declarative speech act with the example of the umpire who decides: 'You are out'. In certain institutional situations, he explains, we not only ascertain facts but also need an authority to lay down a decision as to what the facts are:

Some institutions require assertive claims to be issued with the force of declarations in order that the argument over the truth of the claim can come to an end somewhere and the next institutional steps which wait on the settling of the

factual issue can proceed (Searle 1979).

So, in Searle's perspective an assertive declaration can be simultaneously conceived as a *representation* of a state of affairs (which is in keeping with the assertive point) and as the *constitution* of a state of affairs (which is in keeping with the declarative point). In Searle's interpretation of the relationship between the two illocutionary points, the rule for assertive declarations would be as follows:

A speaker succeeds in achieving with respect to a proposition P the assertive illocutionary point if and only if he represents the state of affairs that P as actual, and, in addition, he succeeds in achieving with respect to P the declarative illocutionary point if and only if he brings about the state of affairs that P (Ruiter 1993: 61).

According to Ruiter (1993) this rule has paradoxal implications. Imagine, he says, that a judge decides 'X is guilty', with regard to a situation in which he is *not* guilty according to the law. On Searle's account it must be accepted that the judge's false decision is not only unchallengeable but actually true. For under the second part of the above rule, 'X is guilty' becomes a state of affairs owing to the judge's decision, in consequence of which the assertion that 'X is guilty' is true under the first part.

Ruiter tries to solve this problem by making a distinction between the institutional world and the surrounding world of utterance. In the institutional world the judge's decision 'X is guilty' constitutes the institutional fact that 'X is guilty'. When this decision fails on the assertive point in the surrounding world of utterance, the fact still counts as an institutional fact.

3. Two discussions in a judicial decision
The main problem with Ruiters solution is that the difference between the 'institutional world' and the 'surrounding world of utterance' is rather general and not very clear. Another way to analyse the speech act (or speech acts) in a judicial decision – as I said in my introduction – is to make a distinction between different discussions in a legal process and related to these discussions different functions of a speech act like 'X is guilty'.

Let me start with the analysis Feteris (1989) proposed. Following the pragma-dialectical model of a discussion, she gives a reconstruction of judicial decisions. In this model four stages are distinguished. At the *confrontation* stage, it is established that there is a dispute. A standpoint is advanced and questioned. At

the *opening* stage, the decision is taken to attempt to resolve the dispute by means of a regulated argumentative discussion between a protagonist and an antagonist. At the *argumentation* stage, the protagonist defends his standpoint and the antagonist asks for more argumentation from him if he has further doubts. Finally at the *concluding* stage, it is established whether the dispute has been resolved because the standpoint or the doubt concerning the standpoint is being retracted.

Feteris locates the judicial decision in the *concluding stage* of the discussion between two parties in a process. If the facts stated can be considered as established facts and the judge has decided that there is a legal rule which connects the claim to these facts, the judge will grant the claim. But the secondary rules of a legal system do not only oblige a judge to give a decision in the dispute, but also to give a *justification* for this decision. The parties have a right to know which considerations underlie the decision. When a party does not agree with the decision, he can appeal the decision on the basis of the argumentation given in the justification.

On the basis of this analysis, Feteris concludes that a final decision of a judge can be seen as an assertive-declarative speech act. She proposes to reconstruct this speech act as an assertive speech act because the judge is bound to the acceptability of the propositional content of the speech act.

Relating the question of speech act character of a final decision to a stage in a legal discussion is an important step forward in solving the problem, but it leaves a few questions unanswered. The first question is: how can we conceive the final decision both as a standpoint of the judge – an assertive – and as a part of the concluding stage of the discussion between the parties? For in the concluding stage it is established whether the dispute has been resolved. Why should a standpoint and argumentation be part of a concluding stage? For an answer to this question, I think, we must make a distinction between at least two discussions in legal decision making. When we make this distinction there is another way to solve the paradoxes concerned to the assertive-declarations as observed by Ruiter.

The *first* discussion is the one between the parties. In this discussion the two parties defend and criticize a standpoint and the judge is a third party to the dispute. In this discussion the decision of the judge is part of the *concluding* stage where the discussion is brought to an end. The judge has the extra linguistic position to *declare* that somebody is guilty. This utterance of the judge must be

reconstructed as a declarative speech act, for the fact that the judge says that 'X is guilty' brings about the state of affairs that 'X is guilty'.

This reconstruction is in line with the pragma-dialectical theory about a critical discussion and the difference that is made between resolving a difference of opinion on the one hand and settling a dispute on the other. The declaration of the judge, seen from the perspective of the discussion between parties, is not a part of a critical discussion but a form of dispute settlement. So, the declarative is legal according to the rules.

As Feteris (1989) points out, a judge does not only declare that somebody is guilty, the judge also justifies why he is guilty according to established facts and legal rules. In other words, the judge defends the standpoint that the decision is acceptable. This standpoint is not a part of the discussion between the parties, but a part of the discussion between the judge and the parties, or between the judge and other explicit or implicit antagonists. In this discussion the standpoint of the judge is part of the confrontation stage. And, since the argumentation the judge gives is meant to convince the parties that his standpoint is right according to the law, his standpoint and argumentation are part of a critical discussion aimed at resolving a difference of opinion. When a party does not agree with the decision, he can appeal the decision on the basis of the argumentation given in the justification. And then, there is an explicit discussion between a party and the judge.

So, when we reconstruct the final decision of the judge both as a part of a concluding stage in the discussion between the parties and as a part of a confrontation stage in the discussion between the judge and one or more parties, the decision can be reconstructed both as a declarative and an assertive.

Does this resolve the paradox that Ruiter observes? I think it does. For the judge's decision that somebody is guilty constitutes the institutional fact of his being guilty in the concluding stage of the discussion between parties. The decision has of course success of fit on the assertive illocutionary point only if he really is guilty according to the law. But if X is not guilty, he will nevertheless institutionally be guilty as long as the judge's decision is not redressed. Though the falsity of assertion 'X is guilty' may offer a *reason* for invalidating it, it remains valid unless it is invalidated. In this way a false representation of a state of affairs counts legally as a state of affairs notwithstanding its lack of correspondence with reality.

In answering the question whether the decision is a declarative or an assertive, I

have said that it is a declarative from one point of view and a standpoint from another point of view. Untill now it was understood that the speech act advancing a standpoint is an assertive speech act. But the next question is: what type of assertive is involved? I will now discuss some implications of the pragma-dialectical characterization of the assertive speech act 'advancing a standpoint' as given by Houtlosser (1994 and 1995), for the standpoint character of legal decisions. Houtlosser characterizes the speech act advancing a standpoint as a complex assertive that is at a higher textual level than the sentence connected to an expressed opinion that is confronted (or assumed to be confronted) with doubt or contradiction on the part of a critical listener. According to the *essential* condition, advancing a standpoint counts as taking the responsibility for a positive or negative position in respect of an expressed opinion, i.e. as assuming an obligation to defend this position in respect of the expressed opinion if called upon to do so. In principle, Houtlosser explains, the assertive speech act advancing a standpoint is related to *assertive* speech acts, but it can also be related to *non-assertive* speech acts. In the latter case, the expressed opinion consists of an assumption concerning the acceptability of a speech act that has become the object of contention in a debate or a text.

What are the consequences of this characterization of a standpoint for the discussion between the judge and a party in a legal discussion? Let us look at the example where the judge finds X guilty of murder and one of the arguments is that X had the intention to murder his wife. According to Houtlosser we can analyse this example as follows. The judge *asserts t*hat X is guilty of murder. This assertive presupposes its own acceptability. In his argument 'X had the intention to murder his wife' the judge reacts to or anticipates on the criticism of the accused ('it was self-defense') by supporting the disputed presupposition that his assertive is acceptable. In doing so, he makes it function as a standpoint. He supports his standpoint with an argument supporting the propositional content of the assertive. According to Houtlosser we can reconstruct the standpoint as follows: 'It is my standpoint that the *assertion* that X is guilty of murder is acceptable'

This example shows how we can reconstruct the assertive of the judge as a standpoint in the discussion between the judge and one of the parties in a process. What about a declarative of the judge in the concluding stage of the discussion between parties? Is it possible that this speech act – so to say – develops into a standpoint? I that is possible. As I have said, Houtlosser explains that the assertive speech act advancing a standpoint can be related to non-

assertive speech acts. In these cases, the acceptability of the non-assertive speech act has become the object of discussion. Let us look at the example where the judge finds X guilty of murder and one of the arguments is that X murdered his wife *in London.* How can we reconstruct this argumentation? Let us start by analyzing the utterance 'X is guilty of murder' as a *declaration* in the concluding stage of the discussion between the parties. As we have seen, it is a necessary condition for a succesfull performance of this speech act that the judge has the extra linguistic position to declare something. Let us assume that it was this aspect of the speech act, that was (or was expected to be) criticized by the accused in saying that the judge has no jurisdiction in this case. By criticizing the acceptability of the judge's (expected) declarative, the accused turns the presupposition that the declarative could be succesfully performed into an issue for discussion.**[iii]** The judge reacts to or anticipates on this criticism supporting the disputed presupposition that he *could* perform the declarative because he had jurisdiction. He supports his standpoint with an argument relating to the conditions for performing a declarative. The standpoint of the judge can be reconstructed as 'It is my standpoint that the declaration that X is guilty of murder is acceptable'.

4. Conclusion

In this paper I have discussed some problems of the speech act character of a judicial decision. I have tried to show that it is a misunderstanding to treat speech acts in judicial decisions as *either* an assertive or a declarative. Instead we have differentiate between at least two discussions in a legal process. A discussion between parties and a discussion between the judge and his real or anticipated opponents. In these two discussions the judicial decision plays a different role. In the first he declares something, in the second he asserts something. Finally I have tried to show that the declaration of the judge can be questioned and then be the object of the assertive advancing a standpoint.

NOTES

i. Cf. Hart (1961:142): '"The score is what the scorer says it is" would be false if it meant that there was no rule for scoring save what the scorer in his discretion chose to apply. There might indeed be a game with such a rule, and some amusement might be found in playing it if the scorer's discretion were exercised with some regularity; but it would be a different game. We may call such a game the game of 'scorer's discretion'.'

ii. Hart (1961:94) differentiates between primary rules and secondary rules in a legal system. Primary rules are concerned with the actions that individuals must or must not do. Secondary rules are all about primary rules: they specify the ways in which the primary rules may conclusively ascertained, introduced, eliminated, varied and the fact of their violation conclusively determined.

iii. Cf. Austin (1974:14) '[...] Our performative, like any other ritual or ceremony, may be, as the lawyers say, 'nul and void'. If for example, the speaker is not in a position to perform an act of that kind, or if the object with respect to which he purports to perform is not suitable for the purpose, then he doesn't manage simply by issuing his utterance, to carry out the purported act.'

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ISSA Proceedings 1998 – The Perceived And Actual Persuasiveness Of Different Types Of Inductive Arguments

1. Introduction

Policy decisions can give rise to lively public debates. Should we build a new airport, expand the old one, or try to cut down on travelling by airplanes? Should we build more motorways or make the public transport cheaper in order to solve the traffic congestion problem? When a debate arises, each option will have its own proponents. They will try to persuade others that their option is indeed in everyone's best interests. To achieve that goal, they put forward pragmatic argumentation. That is, they claim that their option will probably or certainly result in desirable consequences. The strength of their argument depends on two aspects: The consequence's desirability and the consequence's probability. A strong argument in favor of the option would be that the option will certainly result in desirable consequences.

Previous research has shown that people have more trouble evaluating arguments supporting a probablity claim than evaluating arguments supporting a desirability claim (Areni & Lutz 1988). In other words: The argument quality of a desirability argument is more transparent than that of a probability argument. O'Keefe (1995) suggested that argumentation theory provides a framework to study the concept of argument quality. However, he also warned that what should be convincing from the point of view of an argumentation theorist, is not always convincing from a layperson's point of view.

In this paper, I will first discuss the different types of argument that can be used to support a probability claim. Next, I will review empirical research in which the actual persuasiveness of these types of argument is studied. However, in none of the studies, the persuasiveness of the different argument types has been compared directly. Section 4 contains the description of an experiment in which the same claim is supported by different types of argument. The actual persuasiveness of these argument types is measured, as well as the extent to

which the participants think that they are convincing.

2. Types of argument

In policy debates, probability claims typically refer to future events, for instance: building a new airport will boost the economy. To support such claims, one can use inductive reasoning. Usually, three types of argument are distinguished in inductive reasoning (see, e.g., Govier 1992). Following the terminology employed by Rieke and Sillars (1984), these three types are the argument by analogy, the argument by generalization, and the argument by cause.

Rieke and Sillars (1984: 76-77) define an argument by analogy as follows: "(…) you compare two situations which you believe to have the same essential characteristics, and reason that a specific characteric which exists in one situation can be reasoned to exist in the analogous situation". For instance, to support a claim about the beneficial economic effect of building a second airport, proponents may give the example of another country in which the building of a second airport had a strong beneficial effect on that country's economy. Essential for the quality of this argument, is the extent to which the two countries are similar. The more similar the countries, the more valid the argument by analogy.

The argument by generalization proposes that "you look at a series of instances and from them claim a general principle" (Rieke & Sillars 1984: 72). For instance, instead of giving just one example of a country profiting from building a second airport, one provides a number of such examples. As the number of examples grows larger, the argument by generalization may result in a argument using statistical evidence. Instead of discussing several examples, one presents a percentage or some other descriptive statistic representing the proportion of countries profiting from building a second airport. The quality of this type of argument depends on the number of observations and the representativeness of the observations. For instance, an argument by generalization based on one hundred examples is normatively better than an argument based on two examples.

However, when (most of) the hundred instances are very dissimilar from the issue at hand, the argument should not be convincing. For instance, the effects of building a second airport in developing countries may not be comparable to building a second airport in The Netherlands.

The argument by cause provides an explanation why a certain effect may arise (Rieke & Sillars 1984: 74). In the case of a second airport, one might argue that

building it will improve a country's economic position because (1) building and running such an airport will provide employment for thousands of people, and (2) it will improve the country's position as a major distribution point in the world's economy thereby attracting foreign companies to settle there. The quality of this argument depends on the presence or absence of other factors that might cause the second airport to become a failure or a success.

From a normative point of view, an argument by generalization that is based on a sufficiently large sample of representative instances, should be more convincing than an argument by analogy, especially if the latter uses an example that differs strongly from the issue at hand. Whether an argument by cause should be more convincing than an argument by generalization depends on the extent to which the argument by cause identifies the most important possible causes. The question that will be addressed in the next section is the extent to which what should be convincing, is convincing in actuality.

3. Empirical studies on the persuasiveness of different types of argument
A number of experiments have been conducted to assess whether some types of arguments are more convincing than others. Especially the distinction between the argument by analogy and the argument by generalization has received much attention by researchers. In several reviews, it is concluded that the argument by analogy is more persuasive than the argument by generalizability (see, e.g., O'Keefe 1990: 168-169; Taylor & Thompson 1982: 163-164). Baesler and Burgoon (1994) found 19 experiments in which the persuasiveness of the argument by analogy was directly compared to that of the argument by generalizability. In 13 experiments, the argument by analogy proved to be more convincing than the argument by generalizability; in only 2 experiments, the opposite effect was obtained (No differences between types of argument were found in the remaining 4 experiments).

Based upon such reviews, O'Keefe (1995: 15) noted that there is a distinction between what constitutes a strong argument from normative point of view (i.e., the argument by generalization), and from a descriptive point of view (i.e., the argument by analogy). However, Baesler and Burgoon (1994) claim that the manipulation of the two types of argument is (often) confounded with a second factor: the argument's vividness. That is, an argument by analogy usually presents an anecdote to support the claim; in an argument by generalizability, the claim is usually supported by statistics. In general, an anecdote is easier to imagine than statistics. Nisbett and Ross (1980) dub this the vividness effect. A

vivid argument would be more convincing than a more pallid one. Following this line of reasoning, an argument by analogy would be more convincing than an argument by generalizability, not because it is based on a single instance, but because of its higher imagineability.

To test this explanation, Baesler and Burgoon (1994) manipulated not only the type of argument (argument by analogy or argument by generalizability), but the vividness of these arguments as well. That is, they provided vivid statistical and anecdotial evidence as well as pallid statistical and anecdotial evidence. Controlling the evidence's vividness led to a pattern of results different from the usually reported one: The argument by generalizibility (employing statistical evidence) proved to be more convincing than the argument by analogy (employing anecdotial evidence). Hoeken and Van Wijk (1997) obtained a similar pattern of results using a different message on a different topic. The vividness of the argument by analogy may therefore be the reason for the often reported finding that the normatively stronger, but less vivid argument is less convincing than the normatively weaker, but more vivid argument.

Compared to the argument by analogy and the argument by generalizability, the argument by cause has received far less attention by researchers. Slusher and Anderson (1996) compared the convincingness of an argument by cause to that of an argument by generalizability. They used a message stating that AIDS is not transmitted by casual contact (including nonsexual household contact or contact through mosquitos). Evidence substantiating this claim was either causal or statistical. The argument by cause, for instance, ran that "The Aids virus is not concentrated in saliva, is not present in sweat, and has to be present in high concentration to infect another person. The argument by generalizability stated that in "a study of more than 100 people in families where there was a person with AIDS without the knowledge of the family and in which normal family interactions (…) took place revealed not a single case of AIDS transmission."

The results showed that the argument by cause was more successful at changing faulty beliefs about the ways in which AIDS can be transmitted than the argument by generalization. Because it is much more difficult to change an existing belief than to form a new belief, these results suggest that the argument by cause is a powerful argument. The superior effect of the argument by cause may have two reasons. Slusher and Anderson (1996) state that using arguments by cause result in the availability of explanations why AIDS cannot be transmitted by casual

contact. As the availability of explanations increases, people are more inclined to accept the claim. In contrast, the argument by generalization does not lead to an increase of available explanations. A second explanation for the superior effect of the argument by cause may be that it enables people to build a model of why and how an effect may or may not occur. The argument by generalizability does not enable one to construe such a model. Having such a model, regardless of how tentative it may be, strengthens the belief that a certain effect will occur (Tversky & Kahneman 1982).

The empirical studies on the convincingness of different types of argument enable the following, tentative conclusions. Although most studies show that the argument by analogy is more convincing than the argument by generalizability, this effect may be the result of an artefact. In an argument by analogy, usually more vivid, anecdotial evidence is employed, whereas the statistical evidence typically employed in an argument by generalizability is more pallid. When the vividness of evidence is controlled, however, the argument by generalizability is more convincing than the argument by analogy. In the only experiment in which the convincingness of an argument by cause is directly compared to an argument by generalizability, the former proved to be more convincing than the latter. A tentative ordering of the different types of argument would be that the argument by cause is more convincing than the argument by generalizability, which in turn is more convincing than the argument by analogy.

4. The experiment

An experiment was conducted to address two topics. First, I tried to replicate earlier findings that an argument by analogy is less persuasive than an argument by generalizability, which in turn is less persuasive than an argument by cause. Replicating such effects employing arguments on different topics is an important precondition before general conclusions about message and argumentation effects can be drawn (cf. O'Keefe 1990: 121-129). Apart from replication, the experiment extends previous empirical studies. For the first time, the three different types of argument were compared directly. That is, the same claim was supported either by an argument by analogy, an argument by generalizability, or an argument by cause.

The second topic concerns the relation between the perception of the argument's quality and its actual persuasiveness. In the experiments discussed above, the extent to which participants accepted the claim was measured. They were not

asked whether they regarded the argument as strong. In this experiment, participants not only rated the extent to which they accepted the claim, they also indicated their opinion about the argument's strength. One would expect these scores to correlate. That is, the type of argument being rated as strongest, should be the most convincing one as well. In an experiment by Collins, Taylor, Wood and Thompson (1988), however, participants rated one message as more persuasive than another, whereas in actuality they were equally persuasive. To assess whether the perception of argument strength corresponds with the actual persuasiveness, both variables were measured.

The discussion above leads to the following two research questions:
1. Do different types of argument lead to differences in actual persuasiveness?
2. Do differences in persuasiveness correspond to differences in perceived argument quality?

To answer these questions, an experiment was conducted in which a claim about the future financial success of a cultural centre was backed up by either an argument by analogy, an argument by generalizability, or an argument by cause. The argument by analogy was deliberately weakened through choosing an example that differed on essential characteristics from the issue under consideration.

4.1 Method
Material
The material consisted of three versions of a (fictitious) newspaper article on a council meeting in the Dutch town of Doetinchem. The meeting was about the mayor's proposal to build a multi-functional cultural centre. It was reported that some of the council members doubted that such a centre would be profitable. They feared that the citizens would have to pay for the losses. The mayor argued that the centre would attract sufficient visitors and make a profit within four years. The argument to support this claim could be either an argument by analogy, an argument by generalization, or an argument by cause. All arguments consisted of 6 sentences and 75 words.
The argument by analogy stated that a similar centre in the city of Groningen had been very successful. It had made a profit within four years. Groningen differed from Doetinchem on several important dimensions. Unlike Doetinchem, Groningen has a university and is much larger than Doetinchem. Furthermore, it is situated in a different part of The Netherlands. In a previous experiment, size of

population, type of city, and location in the country, were identified as the most defining characteristics of a town (Hoeken & Van Wijk 1997).

The argument by generalization referred to a study by the Dutch Organization of Municipalities. In the study, the profitability of 27 cultural centres in different towns of varying size, dispersed over The Netherlands had been assessed. On average, the centres had made a profit within four years. Finally, the argument by cause provided three reasons why the cultural centre would be profitable. First, many citizens from nearby towns went to a faraway cultural centre to see movies and plays. Second, a popular movie theatre in a nearby town had burnt down. It was believed that the visitors would find their way to cultural centre in Doetinchem. Finally, Doetinchem's demographics showed that the number of well-educated people who are well-off increased. Such people like to visit cultural centres.

Participants

A total of 324 participants took part in the experiment. There were slightly more men (51.2%) than women (48.8%). Their age ranged from 17 to 72 with an average of 29 years. Education ranged from primary education to a master's degree. The majority (67.7%) had completed at least grammar school.

Questionnaire

The questionnaire contained questions on a number of variables such as the participants' cognitive responses, their evaluation of the article, their own behavior with respect to cultural activities, and some general questions about their level of education, sexe, and age. In addition, to test whether the argument by analogy was perceived as more vivid than the other types of argument, the text's vividness was measured. The most relevant variables with respect to the research questions were those operationalizing the argument's actual and its perceived persuasiveness. The argument's actual persuasiveness was operationalized as the extent to which participants accepted the claim that the centre would make a profit within four years. The argument's perceived persuasiveness was operationalized by having participants rate the argument's strength and its relevance.

The acceptance of the claim

The acceptance of the claim that the centre is capable of generating money was measured by the clause "The probability that the cultural centre will make a profit within four years, seems to me" followed by four seven-point semantic

differentials. Two of the four semantic differentials had the positive antonym at the left pole of the scale (large, present), the other two had the positive antonym at the right pole (probable, realistic). The reliability of the scale was good (Cronbach's alpha = .89).

Perception of argument quality
The perceived argument quality was measured using four seven-point semantic differentials and one seven-point Likert scale. The semantic differentials were preceded by the clause "I regard the argumentation supporting the claim that the centre will attract sufficient visitors as". Two of the four semantic differentials had the positive antonym at the left pole of the scale (sound, relevant), the other two had the positive antonym at the right pole (strong, convincing). For the Likert-item, the argument was repeated. For instance, in the case of the analogy-argument: The mayor referred during the council meeting to the profit made by a cultural centre in Groningen. How relevant do you rate this example with respect to the decision to build a cultural centre in Doetinchem? The participants indicated their response on a seven-point Likert scale ranging from "very irrelevant" to "very relevant". The five items formed a reliable scale (Cronbach's alpha = .83).

Design
A factorial design was used, that is, each subject read only one of the text versions. This resulted in three experimental groups. After reading the text, they responded to the various items of the questionnaire.

Procedure
Each participant was run individually. Participants were told that the Linguistics department of Tilburg University was interested in the way in which people made up their mind in case of a referendum. After this introduction, the participant received the experimental booklet. After completing the experimental booklet, participants were informed about the true purpose of the experiment and thanked for their cooperation. An experimental session lasted about 14 minutes.

4.2 Results
First, it was tested whether the different types of argument were rated as equally vivid. In previous experiments, the argument by analogy was often more vivid than the argument by generalizability thereby influencing the argument's persuasiveness. An analysis of variance revealed no differences between the three

types of argument with respect to perceived vividness (F 1).

The first research question was: Do different types of argument lead to differences in actual persuasiveness? Table 1 contains the mean ratings of the acceptance of the claim that the cultural centre will make a profit within four years and the mean ratings of the perceived argument quality.

Table 1 The mean ratings and standard deviations of acceptance of the claim and perceived argument quality as a function of argument-type (1 = very negative, 7 = very positive)

	Analogy	Argument by Generalization	Cause
Acceptance of claim	3.67 (1.34)	4.17 (1.40)	3.62 (1.38)
Perceived argument quality	3.00 (1.30)	3.95 (1.27)	3.91 (1.23)

TABLE 1 – The mean ratings and standard deviations of acceptance of the claim and perceived argument quality as a function of argument-type (1 = very negative, 7 = very positive)

An analysis of variance revealed a main effect of Argument type on the acceptance of the claim that the centre would be profitable ($F_{(2, 321)} = 5.31$, p .01; eta2 = .03). Post hoc comparisons using the Tukey's HSD test showed that the argument by generalization led to higher scores than the argument by analogy and the argument by cause. The latter two did not differ from each other. The second research question was: Do differences in persuasiveness correspond to differences in perceived argument quality?
Analyses of variance revealed main effects of Argument type for the perceived argument quality ($F_{(2, 320)} = 19.61$, p .001; eta2 = .11). Post hoc comparisons using the Tukey's HSD test showed that the argument by analogy was perceived as weaker than the argument by generalization and the argument by cause. The latter two did not differ from each other on perceived strength.

There appears to be a discrepancy between the argument by cause's perceived persuasiveness and its actual persuasiveness: Whereas the argument by cause is perceived to be stronger than the argument by analogy, it led to similar scores

with respect to the acceptance of the claim. This discrepancy is corroborated by the correlations between the perceived argument quality and the acceptance of the claim. The correlations and the percentage of explained variance are displayed in Table 2.

Table 2   The correlations and percentages explained variance between the acceptance of the claim and the perceived argument quality as a function of argument type

	Analogy	Argument by Generalization	Cause
Correlation	.66	.58	.38
Explained variance	44%	34%	14%

TABLE 2 – The correlations and percentages explained variance between the acceptance of the claim and the perceived argument quality as a function of argument type

Whereas the correlations between perceived quality and claim acceptance are high for the argument by analogy and for the argument by generalization, they are much lower for the argument by cause.

4.3 Conclusion

The first research question was: Do different types of argument lead to differences in actual persuasiveness? The answer is affirmative: The types of argument had a different effect on the acceptance of the claim. However, the differences do only partly replicate the pattern of results obtained in other studies. In this study, the argument by generalizability proved to be stronger than the argument by analogy. As such, it replicates the results of Baesler and Burgoon (1994) and Hoeken and Van Wijk (1997). The expected superior effect of the argument by cause did not arise. On the contrary, the argument by cause proved to be equally convincing as the argument by analogy and less convincing than the argument by generalizability. This result deviates from the results reported by Slusher and Anderson (1996), who found the argument by cause to be more convincing than the argument by generalizability.

The second question was: Do differences in persuasiveness correspond to differences in perceived argument quality? Again, the answer is partly affirmative. In correspondence with the actual persuasiveness, the argument by

generalizability is rated as stronger than the argument by analogy. Ratings of the argument's strength are in both cases strongly related to the actual persuasiveness. In contrast, the argument by cause received higher ratings compared to its actual persuasiveness. It was rated as stronger than the argument by analogy despite the fact that both types of argument yielded similar claim acceptance ratings. The correlation between the perceived argument strength and its actual persuasiveness is much lower for the argument by cause compared to the correlations for the other two types of argument. In the next section, an interpretation for these results will be put forward and the implications discussed.

5. General discussion

The first research question related to the persuasiveness of different types of arguments. In reviews of empirical research, it is often concluded that the argument by analogy is more persuasive than the argument by generalizability. However, as shown by Baesler and Burgoon (1994), this pattern may be the result of confounding argument type with vividness of evidence. When the vividness of the anecdotial evidence employed in the argument by analogy is equally vivid as the statistical evidence employed in the argument by generalizability, the latter is more convincing than the former. In the experiment reported above, there was no difference in perceived vividness, and the argument by generalizability was more persuasive than the argument by analogy. Therefore, the results replicate the finding that the argument by generalizability is more convincing than the argument by analogy if the vividness of the arguments is controlled.

The results on the acceptance of the claim did not replicate previous results obtained for the argument by cause. Instead of being more convincing, the argument by cause proved to be less convincing than the argument by generalizability. A possible explanation for this difference may be the confounding of an argument by cause with an argument by authority. Slusher and Anderson (1996) attacked the claim that AIDS can be transmitted through casual contact or mosquitos. They stated that the AIDS virus has to be present in a high concentration. Neither saliva nor sweat contains a sufficiently high concentration to contaminate another person. This explanation was suggested to be the result of scientific research. Scientists are commonly regarded as competent and reliable sources, thereby lending the argument extra credibility.

In the experiment described above, the explanation of why the cultural centre

would be a success was given by the mayor. The mayor himself proposed to build such a centre. Therefore, people may question his impartiality in this matter. Furthermore, a mayor is usually not an expert on the factors that contribute to a cultural centre's success. Therefore, participants in this experiment may have regarded the source of the explanation as less credible than the (scientific) source in the Slusher and Anderson experiment. This difference in source credibility may have been responsible for the different pattern of results. In order to test this explanation, the causal argument why the cultural centre will become a succes should be ascribed to an independent expert. In that case, the causal argument should be more convincing than the argument by generalizability.

The second research question addressed the relation between perceived argument quality and actual persuasiveness. For the argument by analogy and the argument by generalizability, this relation was straightforward. The higher the perceived argument quality, the more convinced people were, and vice versa. For the argument by cause, the relation proved to be more problematic. Although the argument was perceived as strong, it was not very convincing. The correlation between the perceived argument quality and the actual persuasiveness was markedly lower than the correlations for the other two types of argument.

In the experiment, the participants first indicated to what extent they agreed to the claim that the centre would make a profit. After that, they rated the argument's quality. The results suggest that only when asked to reflect upon the argument's quality, the participants who had read the argument by cause realized that the argument was pretty sound. Apparently, the argument by cause needed closer inspection in order to be convincing. This should not lead to the conclusion that only when asked to reflect upon the arguments, people distinguish between strong and weak arguments. If that were the case, no effects of argument type would have been obtained. However, the argument by generalizability lead to a stronger acceptance of the argument's claim than the argument by analogy. That effect was obtained before participants were asked to reflect upon the argument's quality. Therefore, even when not instructed to reflect upon argument quality, people are sensitive to differences in argument type.

The discrepancy between the perception of argument quality and the actual persuasiveness only arises for the argument by cause. It is possible that people believe that an argument by cause is convincing whereas in actuality they are not persuaded by it. Collins et al. (1988) report a similar pattern of results on the effect of colourful language. They showed that a message containing colourful

language was rated as more persuasive without yielding any significant attitude change. Collins et al. conclude that there is a widespread belief that colourful language facilitates persuasion, thereby influencing people's ratings of a message's persuasiveness. In actuality, people would not be sensitive to this message variable.

Something similar may be the case for the argument by cause. Our understanding of the world is largely based on laws of cause and effect. An argument based on such a relation may therefore give the impression of being very convincing without having this effect. The results of the experiment underscore two points. First, the results once again stress the importance of replicating the effects of message and argument variables. Seemingly small differences in argument manipulation can lead to large differences in persuasiveness. Second, it is important to distinguish between what is perceived as convincing and what actually is convincing. Opinions about what constitutes a stronger argument do not necessarily guarantee a stronger persuasive effect. Finally, the results do clarify the need of further study of the conditions under which the argument by cause is persuasive.

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ISSA Proceedings 1998 – The Role Of Arguer Credibility In Argument Evaluation

The history of applied logic in the English-speaking countries in the twentieth century can be discerned in the curriculum students have been exposed to in logic courses. That curriculum is manifested most explicitly in the text books that have been used, primarily in logic courses offered by philosophy departments. One of the more interesting aspects of the evolution of the applied logic curriculum is the gradual expansion of interest of logicians in creating techniques for more and more kinds of arguments.

The first half of the century reflected an interest in techniques that could establish whether or not an argument was deductively valid as a consequence of its logical form. Until the thirties, syllogistic dominated as the technique of choice, as it had for centuries before. But the creation of the propositional and

predicate calculi around the turn of the century, followed by Gentzen's development of "natural deduction" versions of these, led to these systems superceding the syllogistic as the preferred tools for inference evaluation. This is reflected in the introductory logic texts that appeared in the late forties and early fifties. Among them was Irving Copi's Introduction To Logic, which appeared in 1951 and ultimately became the template for many such texts.

An examination of even the latest edition of Copi's text will show the deductivist orientation of these texts. By their tests, only a small subset of everyday arguments could qualify as having logically good inferences. This fact should have bothered logic teachers, since it was recognized even then that people, including themselves, were often persuaded to believe the conclusions of arguments whose inferences were not formally valid. But the formal techniques continued to hold sway, partly because of a lingering Cartesianism. It was difficult to let go of formal validity as a logical paradigm of good inference. Some of this reluctance has been due to the dubious conviction that logicians ought to have better logical standards than anyone else.

Some people did shake off the spell of formalism, however. I am thinking here of Max Black and Monroe Beardsley, who produced texts around 1950 that look surprisingly contemporary in terms of curriculum. But it was not until around 1970 that texts of this kind began to become popular. Names such as Howard Kahane, Stephen Thomas, and Michael Scriven come to mind. These texts have come to be considered texts in Informal Logic, a "movement" that became visible as a result of the conference organized by Anthony Blair and Ralph Johnson in 1978 at the University of Windsor.

In its narrower version, Informal Logic has focused on the evaluation of inferences made in everyday argumentation, using whatever criteria seem to be appropriate. These could be deductive or inductive tests. Expressed one way, the goal could be seen as that of arriving at a probability value for a conclusion, given the truth of the premisses (Of course, this judgment was not expressed numerically. The preference has been to use evaluative terms found in language).

In a broader version, one that not all logicians are comfortable with, Informal Logic is about argument evaluation. This involves arriving at an evaluative judgment of how likely the conclusion is, given the argument per se, rather given than the truth of the premisses. This broader concept takes account of the logical fact that the probability of a conclusion depends on the probability of premisses

as well as inference quality.

Traditionally, logicians have seen their field of interest to be only inference quality. This is partly explained by the historical preoccupation with formal logic. If applied logic is applied formal logic, then obviously premiss evaluation is an empirical matter, to be relegated to the appropriate discipline or subject. However, once we assign logic a broader scope that includes inductive argument, the issue of premiss truth value can be included in the subject, since the issue of premiss truth value is whether or not we can infer the premiss from the information we have.

With the foregoing stage setting, I come to the purpose of this paper, which is to propose a further increase in the scope of Informal Logic. The motive for this proposed extension arises from the recognition that people who have arguments directed to them are interested in more than just arriving at a judgment of conclusion probability given the argument (i.e., argument evaluation).

Typically, people direct arguments to others when they think the "arguee" does not, prior to the presentation of the argument, regard the argument's conclusion as true. This is why we say that arguments are artifacts for persuasion. The most important question for the arguee, then, is: should I now accept the conclusion as true, after hearing the argument?

Clearly, this question is broader in scope than the earlier question about how likely the argument itself makes the conclusion.

One reason why is that the arguee normally already has information relevant to judging the truth value of the conclusion in question. In some cases, the reason(s) given by the arguer might tip the balance in the direction of belief. In others it won't, because of some weakness in the argument.

But there is another kind of evidence that can, and should, be taken into account before we decide how likely the conclusion is after hearing the argument. This is arguer credibility. Quite often we are recipients of arguments from people and sources that we recognize as dependable sources for claims of this epistemic kind. Thus, the fact that this source affirms the truth of the claim is itself evidence for the claim. So obviously, this evidence must be factored into our evaluation of the claim.

How these two extra sources of evidence (our prior evidence for and against the conclusion, and arguer credibility) are to be fitted into the theory of claim evaluation is the subject of the remainder of this paper. The basis for the analysis

will be a simple model of an argument as a propositional complex.

When an arguer (S) presents an arguee (H) with an argument of the form 'P, so C.', he/she is relying on two claims to get H to believe C: (1) P is true, and (2) P, if true, guarantees the truth of C. This latter claim I shall call the "inference claim". It can be written more familiarly in the form 'If P then C.'. The sophisticated arguee, in deciding whether or not to accept C as true after hearing the argument, can be thought of as concerned to establish two probability values: p(P) and p(If P then C). The latter can be written more concisely in the form p(C/P).

Let's deal with getting p(P) first. The evidence we can have consists of (1) any information we may have that would lead us to assign a probability to P prior to taking account of S's credibility in affirming it. We can call this "p(P)i". The issue then is how to factor in S's credibility. One way of conceiving the situation is to regard the proposition 'S affirms that P.' as a premiss for the conclusion P. In judging the probability of P given this little argument we need to use this formula:

p(P) = p(S affirms that P) x p(P/S affirms that P)

We can assume that we know that S has affirmed P, so: p(S affirms that P) = 1. We now have:
p(P) = p(P/S affirms that P)

Using Bayes' theorem we can write:
p(P) = p(P/S affirms that P) = [p(S affirms that P/P) x p(P)i]
/ [[p(S affirms that P) x p(P)i] +

[(1 – p(S affirms that P / P) x (1 – p(P)i)]]

This is simpler than it looks, once we notice that 'p(S affirms that P/P)' represents S's reliability in judging P. That is, it represents the number of times S would judge P to be the case, when P actually is the case. Let's label this "RP". We can now rewrite the complex equation as:

p(P) = p(P/S affirms that P) = [RP x p(P)i] / [[RP x p(P)i] +

[(1 – RP) x (1 -p(P)*i*]]

This still looks pretty complex, not something we can use without pencil and

paper or a calculator. However, for practical purposes we do not need an exact result. A result accurate to one decimal place would be sufficient. In what follows I offer a simplified way of applying the Bayes formula.

By "cut-and-try", I have found that this formula gives fairly accurate results: $p(P) = r / (1 + r)$. Here "r" is what I call the "Bayes ratio":
$p(P)i / EP$. Here "EP" is simply $1 - RP$. That is, instead of working with arguer reliability, we use arguer's error rate.

How close to the Bayes Theorem results are the results using the simplified formula? If we calculate $p(P)$ for any pair of values for $p(P)i$ and EP using the two formulas and round off to one decimal place (0.9, 0.8, etc.), the simple formula will yield a value accurate within one decimal place almost always. (That is, the error is +/-0.1.) For everyday purposes this is pretty accurate.

We could use the simple formula to get an approximate value for $p(P)$, but we can simplify even further if we regard our "bottom line" task as one in which we must decide whether to accept P as true or not. This requires a decision as to what value of $p(P)$ is high enough to warrant regarding P as true. No precise answer can be defended, partly because it depends on what would be at stake in accepting P as true, and partly because some of us are more cautious than others. For purposes of discussion I shall adopt a probability of 80% as a threshold for acceptance. That is, when a claim is seen as at least 80% probable, I will regard this as an adequate basis for taking it to be true.

Looking at our formula, what value does "r" have to have for us to accept P as true? Looking at the formula we can see that when r is 4, $p(P) = 4/(1 + 4)$, or 4/5, or 0.8. So we can adopt the policy of deciding that P is true when r is 4 or greater. That is, when we judge S's error rate to be less than 1/4 of the initial probability of P. Now let's see how Bayes applies to the inference claim 'If P then C', which I shall abbreviate as "I" when necessary. Recall that an arguer wants to persuade us to believe his conclusion (C) by getting us to accept two other claims: (1) P is true, and (2) 'If P then C' is true. We can use the same analysis for the latter as for the former. We can make a judgment of $p(C/P)$ ("p(I)") prior to taking into account the fact that the arguer is affirming it. Then we can use Bayes to arrive at the following simplified formula:

$p(I) = p(I/S$ affirms that $I) = rI / (rI + 1)$ (Where $rI = p(I)I / EI$)

We are now in a position to determine how probable C is for us, given what we knew prior to hearing the argument for it, the argument itself, and the epistemic credibility of the arguer. This is simply $p(P) \times p(I)$. But the fact that this is a product relationship raises a problem if we want to decide whether or not to accept C as true now.

We noted above that, using an 80% threshold, we would accept P as true if EP was less than 1/4 of $p(P)i$. We could use the same threshold for I, but if we do, we will be accepting C as true in cases when $p(C)$ is only 0.64. This is when $p(P) = 0.8$ and $p(I) = 0.8$. This looks a bit inconsistent, since we would require $p(C)$ to be at least 0.8 if it were asserted without grounds. It is desirable, then, when judging the epistemic impact of an argument, that we use 90% as thresholds for $p(P)$ and $p(I)$. This gives a value for $p(C)$ of 0.81, consistent with the general standard of 0.8.

Now we must revise our threshold values for rP and rI. Remember that, in each case, they occur in the form '$r/(r + 1)$', we can see that their value is minimally 9 to get a formula value of 0.9. It might be convenient in practice to adjust the value of r to 10. This yields a minimal product value of 0.8264. The standard for accepting C as true now is: accept C as true when both S's error rate in judging the premiss is less than 10% of the prior probability of the premiss, plus S's error rate in judging the inference claim is less than 10% of our prior assigned probability value.

These criteria need to be incorporated into a strategy. One of the characteristics or ideals of logicality is that a person ought to be logically autonomous. In dealing with other people's attempts at persuading us to believe things, we should rely in the first instance on what we already take to be true. Thus, if our information itself leads us to assign values above 0.9 to both P and I, then we can accept the conclusion without relying on S's reliability. This is preserving our logical autonomy. On the other hand, being logical about an argument also requires us to take account of S's credibility, so that when either $p(P)i$ or $p(I)i$ is less than 0.9, we need to see if rP or rI is high enough to warrant accepting the claim as true.

Thus, in this scenario, we rely first on our own information, then if accepting the conclusion as true is not warranted by this, we bring S's reliability into the picture. Being logical involves thinking for oneself, but it is illogical to fail to take all the evidence into account, and this includes arguer credibility.

Taking arguer credibility into account, however, is not easy to do accurately. Cognitive psychologists have found that people do badly173 when required to factor claimer reliability into their claim probability estimates. By training and experience we are able to make judgments about claim probability, but arguer reliability is quite different. The evidence for it is, of course, the person's background and behavior, but our evaluations can be distorted in a variety of ways. In most cultures we are taught who the knowledgeable people are on the more important subjects, but we do not learn any habits or strategies of reliability evaluation. These difficulties in using the procedure I leave for another time, but their existence does not invalidate the procedure itself. It just means that we need to expand our efforts in teaching critical thinking into this area.

ISSA Proceedings 1998 – Fantasy Themes And Rhetorical Visions In The 'BRENT SPAR' Crisis: An Analysis Of Articles Appearing In German And French Newspapers

1. Nature and Consequences of the 'Brent Spar' Crisis
In June 1995, the giant oil corporation Shell attempted to sink its obsolete oil platform, 'Brent Spar', in the North Sea, 190 kilometers north-east of the Shetland Islands. Their plans were approved by the British government and by the signatories of the Oslo Convention for the protection of the marine environment (*Shell 'Brent Spar' calendar of events: 1*). Shortly before the scheduled deepwater disposal, the environmental organization Greenpeace began a "high-profile campaign" (Thompson 7.3.96) in opposition to Shell's plan. The 'Brent Spar' crisis started on the 30th of April when Greenpeace activists occupied the platform and held it for three months.

The 'Brent Spar' crisis was extremely complex because what Shell had considered to be a British domestic issue actually turned out to be an international "fracas" involving the countries surrounding the North Sea (Seaman 1996: 4). Greenpeace's and Shell's actions caused a three month long conflict over the seas, disagreement among the European governments, public demonstrations and boycotts, fifty fire-bombed fifty Shell service stations, and a war of words in the European media. On the 20th of July 1995, Shell aborted its operation and towed the oil platform to the Norwegian Erfjord, where it was and is still moored and decaying. Up to the present, no clear answer has emerged as to whether an offshore or onshore solution is best. That the platform's fate is still uncertain reveals the complexity of the issue and further, proves little about who (Shell or Greenpeace) is right or wrong.

The 'Brent Spar' crisis has long lasting consequences for the financial situation and the reputation of both parties. Greenpeace has spent a total of $1.4 million on their campaign in opposition to sinking the oil platform. Although Greenpeace was forced to apologize to Shell in September 1995 and admitted that "their sampling on board of the 'Brent Spar' was flawed" (*Shell press release* 9.5.95), Greenpeace's enhanced reputation, a result of the 'Brent Spar' crisis, remains unchanged. Shell's position on 'Brent Spar' has led to long-term financial consequences as well as damage to their public reputation. Shell gas stations have experienced losses due to a 'Brent Spar' boycott (*European Energy Report* 3.29.95). Further, Shell pays $54,000.00 a month to 'park' its obsolete platform in the Norwegian fjord (Thompson 8.14.96). Shell has also spent enormous amounts of money in responding to the crisis, and public trust building, not to mention the new form of disposal.

2. Purpose of the Study

One question that arises when reflecting on the 'Brent Spar' crisis is how the newspapers' communication created symbolic realities that motivated masses of people in different European countries to take sides for or against Greenpeace and a giant like the Shell oil corporation. My study provides an answer to this question by analyzing all press articles that appeared from April 30 to July 20, 1995 in two major German newspapers, 'Die Frankfurter Allgemeine Zeitung' (FAZ) and 'Die Süddeutsche Zeitung' (SZ), and in three major French newspaper, 'Le Figaro' (LF), 'Le Monde' (LM), and 'La Libération' (LB). Germany and France, which represent the core power group of the European Union, border the Northsea. Furthermore, the two nations are the subjects of my study because they

reflect different national reactions to the crisis. Ultimately, the text analysis explains the persuasive appeal of the press and provides an understanding of the development of the crisis.

3. Bormann's Fantasy Theme Analysis

The text analysis of the press texts is based on Bormann's fantasy theme analysis which he developed on the grounds of Bales' (1970) small group communication research his own 'Symbolic Convergence Communication Theory'. Bormann (1972) states: "The explanatory power of the fantasy chain analysis lies in its ability to account for the development, evolution and decay of dramas that catch up groups and change their behavior" (399). I use Bormann's notions of fantasy themes and rhetorical visions to look for themes in the press texts in order analyze how argumentative discourse operated in the crisis and to demonstrate how attention was drawn towards Shell's actions in Europe. A fantasy theme is a "dramatizing message or part of a message and includes characters (personae) in action within a given scene" (Bormann 1977: 130). The symbolic reality that can be constructed from an accumulation of fantasy themes over time forms composite dramas and chains out among a mass public. This reality is what constitutes a rhetorical vision (130). In the following analysis, I examine recurrent rhetorical patterns that led to the creation of fantasy themes and visions that were created during the 'Brent Spar' crisis in Germany and France.

4. "David against Goliath": Fantasy Themes in Germany

Recurrent communicative patterns in the German press included the choice of words in the press coverage, the use of quotations, and the structure of the texts. They helped to establish narratives in which 'dramatis personae' were created and situated in a dramatic war-like scenario. Fantasy themes were created in the German press that depicted Shell as the villain, as the insensitive, capitalist giant whose only interest was profit. Greenpeace was characterized as the hero, the small non-profit organization that was concerned with the well-being of the environment and thus also with the well-being of humanity. The German press formed a rhetorical vision of a 'green war' referred to as the 'Brent Spar'.

David against Goliath was an apt metaphor for the rhetorical vision surrounding the confrontation between Greenpeace and Shell. The German press used words with a positive connotation and expressions to describe Greenpeace. The organization was referred to as "environmental protectors", (e.g. SZ 5.23.95: 12; FAZ 6.9.95: 6), an "environmental protectionist organization" (e.g. SZ 6.16.95: 7;

FAZ 6.9.95: 1) or "activists" (e.g. SZ 5.24./25.95, 6.8.95: 12; FAZ 6.12.95: 27). These positive names characterized Greenpeace as an organization that pursues altruistic goals, such as the protection of nature. The fact that the organization was represented by its members, "the protectors" and "the activists", aroused sympathy and allegiance by making the organization more human and tangible, easy for the readers to identify with. Greenpeace was depicted as the hero.

In contrast, Shell was depicted as a villain. Shell's image suffered because the corporation was depicted as a group of greedy capitalists. The 'Frankfurter Allgemeine Zeitung' labeled Shell a "cool calculating corporation" (6.19.95: 20) and the 'Süddeutsche Zeitung' reported that "Shell is saving money..." (6.19.95: 3). Another article criticized Shell and the British government for placing cost over environmental concerns and noted that "the ecological consequences of the disposal did not play a role in the decision" (FAZ 6.21.95: N1). The article also reproached Shell with "a form of economizing which buys short term savings of expenses with long term risks that are not calculable and expensive to pay for".

An author of an article of the 'Frankfurter Allgemeine Zeitung' remarked: A lot of people mistrust this global corporation merely because of its size. They associate the corporation with political and economic power, and further with behavior that does not regard the so called little man, the average person (6.20.95: 16).

The German press portrayed the oil corporation as only interested in containing costs. Shell was characterized as a greedy, capitalist-mongering entity, and a selfish villain. The press aroused fear that Shell would harm nature, and, because Germans link their well-being as humans to the well-being of nature, the fear touched their very own existence.

Apart from the more obvious choice of words, the press also employed text structure and quotations as the subtle rhetorical devices which supported the construction of the hero and the villain, thus generating a dramatic scenario. The articles extensively affirmed Greenpeace's dramatic description of the battle on the water and mostly quoted Greenpeace members at the beginning of the text; Shell's point of view was only briefly cited near the end. In general, the structure of press articles is based on a hierarchy of relevance (Van Dijk 1988: 41): The title mirrors the most important information of the text, followed by the subtitle, the lead, the beginning of an article, etc. The further the article proceeds, the more specific the information becomes and thus less important to the everyday reader. Newspaper readers usually pay the most attention to the beginning of articles and often do not continue reading to the end (Van Dijk 1988: 142).

Almost every single article in the German newspapers placed dramatic messages

from Greenpeace in top positions. Titles of articles fostered a good impression of Greenpeace, and portrayed an evil Shell. These are some of the titles: "Greenpeace activists rammed on the Northsea" (SZ 6.12.95: 6), "Despite international criticism: 'Brent Spar' on its way to the sinking spot" (SZ 6.13.95: 6), "Christian Democratic Party furious at Shell because of oil platform" (SZ 6.13.95: 5), "Garbage, Shell, and the sea" (FAZ 6.14.95: 17), "Protest wave due to the sinking of the oil platform" (SZ 6.14./15.95: 1), "The Shell boycott shows effects" (FAZ 6.16.95: 1), "Contradictory statements from Shell" (SZ 6.17./18.: 6), "The garbage cannot be sunk in the sea: A study of British scientists/Poisoned mud inside the platform" (FAZ 6.21.95: 3). Such powerful assertions, placed on the top of the articles, aroused strong emotional reactions for the environmental organization and against the oil corporation. Clusters of meanings unified in the media's war scenario and created a rhetorical community with a rhetorical vision of a green war named 'Brent Spar'.

The platform 'Brent Spar' became a symbol of the Shell corporation and the danger that was connected with it. The name 'Brent Spar' was made the keyword of the crisis. Anger over and fear of Shell's actions were aggravated by the press reports which made the oil platform a symbol of the threat posed by Shell. The newspapers' emphasis on the platform's hazardous contents, its immense size, and its heavy weight all contributed to its symbolic status. In almost every article, the content of the rig was mentioned. For instance: "According to Greenpeace, there are at least 100 tons of poisoned mud, such as arson, cadmium, lead and slightly radioactive waste" (FAZ 5.15.97: 3); or "...'Brent Spar' with 130 tons of poisoned waste on board" (SZ 6.17/18.95: 6). The mention of toxic waste aboard the oil rig scared the hyper-sensitized public.

There were constant allusions in the newspaper coverage to the rig's size and weight: "About hundred tons of poison would thus sink into the sea with the platform," (FAZ 6.14.95: 17); or "the whole station is 140 meters high, 32 meters are above the sea level; it was kept in position by chains and heavy anchor blocks," (SZ 6.17/18.95: 4). The rig was described as a gigantic monster that could break free of its chains and destroy the Northsea and thus threaten human existence. In contrast to the rig's dangerous waste and its massive size and weight, it was frightening for readers to discover that the "outer jacket of the 'Brent Spar' is only two centimeters thick" (FAZ 6.21.95: 3). The German media's representation of the oil platform signaled danger and inflexibility, characteristics that the press also attached to the oil corporation. For Germans, the oil platform took on the symbolic meaning of a monster, the 'Brent Spar', which also

represented Shell, a destroyer of nature.

According to the press, the invasion of the Northsea had to be repelled and the sea had to be saved. Calls for action, such as "the sea must not be misused as the garbage can of an oil corporation," by the president of the Churches' Week were accompanied by applause from 80,000 participants (FAZ 6.19.95: 2). These statements sounded like war chants which promoted the battle on the sea. "The sea must not be misused as a garbage can" was stated by politicians and civilians as a war slogan and was frequently repeated by the press (FAZ 6.14.95: 17; 6.16.95: 6; 6.17.95: 1). As masses of people, both civilians and politicians, embraced the war fantasies, the drama escalated.

War analogies repeatedly appeared in the newspaper coverage: "The battle against the sinking of the British oil platform 'Brent Spar' near the Scottish coast becomes more and more bitter," (SZ 6.12.95: 6). Dramatic messages were reminiscent of war-time reports, for example:

Despite constant bombardment with water cannons, Greenpeace managed by helicopter to supply its two members, who landed on the platform on Friday, with food, clothes, and blankets (FAZ 6.19.95: 2).

Unequal battle: According to Greenpeace, an accompanying ship of the 65,000 ton oil platform 'Brent Spar' deliberately tried to spray one of the two occupants of the platform with a water cannon. The man did not fall overboard only because he got stuck in a barbed wire fence (FAZ 6.20.95: 3).

This sample of the press coverage illustrates how Greenpeace was symbolically "humanized" because it was represented by the five demonstrators whereas Shell was "dehumanized" because it was represented by a ship and the violence of a water cannon.

During the course of events, the German press labeled British members of the 'Northsea Protection Conference' "outsiders," (FAZ 6.9.95: 1) "brake pads," and "the black sheep of the European Northsea Protection Conference" (6). Another articles stated that "the British government, which deflected the massive protest with stoic composure, is also on the losing side" (SZ 6.22.95: 4). The derogatory remarks in the press clearly mirrored Germany's disapproval of the British government's support of the oil corporation.

The British public was referred to in a similarly derogatory manner by the German press: "The fact that the British tolerate the pollution of the sea with great composure is not explicable by the difference in mentality," (SZ 6.22.95: 4) and "In particular the British, who, as inhabitants of an island, consider the sea as

a way of transport and as a dustheap, receive minus points in their environmental performance" (FAZ 6.20.95: 3). According to the new meaning inhabiting the German newspapers' rhetoric, the British government and the public became accomplices of the oil corporation.

Now Greenpeace and Germany were fighting together against the evil Shell and its British accomplices. Another brick was laid in the building of the scenario. Antipathy and anxiety towards Shell and its allies were aroused. The 'Brent Spar' vision became a symbolic reality and constructed a meaning for the 'Brent Spar' issue that neither Shell, nor any of the European governments had anticipated. The war-like scenario became so intense that individuals felt compelled to unify and take action. The early war chant "the sea must not be misused as a garbage can," became the aggressive slogan "Shell to Hell" (FAZ 6.17.95: 2; SZ 6.17/18.95: 6).

The rhetorical vision of the green war committed people à la Robin Hood, so that even illegal means were justified in the battle for the good of environmental protection. Behavior such as occupying the platform, flying helicopters in illegal areas, exaggerating the amount of poison on board the rig, doing financial harm to Shell's franchisers by boycotting their gas stations, attacking the owners of Shell gas stations all became justifiable, as did shooting at Shell gas stations. These were all illegal or unethical acts justified under the banner of ecological protection. The 'green war' reality produced a crooked logic. The evil, the violence and other illegal actions, were tolerated and even supported so that the preservation of the environment, would triumph. This demonstrated how the rhetorical vision of the 'Brent Spar' war created a new reality in which ethics and legality were reversed.

5. "The Green Guerrilla against Shell": FantasyThemes in France"

Contrary to the German newspapers, recurrent rhetorical devices in the French coverage of the 'Brent Spar' crisis, such as metaphors and similes, certain types of quotations, and the structure of the articles, helped to create fantasies about Shell as the victim of the villains, the green terrorists led by Greenpeace and backed by Germany.

According to the press coverage, France did not have an active role in the 'Brent Spar' drama but instead played a neutral part. Fantasy themes conveyed through the French caused anxiety that green issues could take over French policy-making and gain control over decisions in industry.

The title in 'Le Figaro' "The green Guerrilla against Shell" (6.21.95: 12) reflects

the fantasy theme that was created by the French press with respect to the battle between Greenpeace and Shell. Greenpeace was characterized as the leader of a "green Guerrilla" troop that used physical force, radical means, and illegal action in order to interfere in Shell's plans. In contrast, Shell was characterized as a corporation that simply tried to do its business, namely the sinking of their oil platform according to their best knowledge, but became the victim of Greenpeace's zealous campaign. Greenpeace was depicted as an egotistic and radical villain that interfered in domestic British business and policy. The positively connoted term Greenpeace was rarely used in the French press coverage but instead was replaced with metaphors and similes. These metaphors and similes subtly portrayed Greenpeace as irrational, dangerous, radical, and terrorist, evoking antagonistic feelings.

According to Johnson (1987), new metaphors "can give new meaning ... to what we know and believe" (139). Lakoff and Johnson (1980) point out that a metaphor "has an explanatory power of the only sort that makes sense to most people" (34). Metaphors have an illustrative and an affective function. Johnson (1987) further remarks that a "metaphor can acquire the status of truth" (142) and illustrates "the power of metaphor to create a reality" (144). Metaphors are very powerful rhetorical devices that contribute significantly to the creation of fantasy themes and rhetorical visions.

The following example of the French coverage of the 'Brent Spar' crisis is loaded with metaphorical expressions. The press declared that the environmental organization changed from "crusades for baby seals" to one that took advantage of "the unexpected opportunity to gild their escutcheon," at a point in time when Greenpeace was "confronted with difficult structural and financial problems" (LF 6.21.95: 2). Herewith, the French press suggested that Greenpeace, a non-profit organization, became capitalist and economically competitive. The assertions in the newspapers implied that Greenpeace used the 'Brent Spar' issue not for the purpose of fighting for environmental protection but rather to brush up its reputation and to motivate monetary donations. The French press presented an organization that, in protest against the sinking of the 'Brent Spar', did not pursue the altruistic goal to save nature like it used to, but instead was selfishly interested in its own success.

The metaphoric label "muscular ecology" (LF 6.21.95: 2) was a title in reference to Greenpeace to ridicule the organization. The metaphor depicted Greenpeace as foolish and irrational because it used physical strength to present a show and attract attention. However, the metaphorical term also produced anxiety because

it implied that Greenpeace actually was strong, powerful, and misguided.

Further, the French press observed that the ecologists had changed and their control had become stronger: "They gazed at each other as their hair was growing longer in the same time the wool of the lambs from Larzac [a remote French village] was growing. Forget this, they cut their hair short, sometimes under the force of order" (LF 6.21.95: 2). This was a reference to cutting your hair as being "gung-ho military." Although the comparison of the ecologists' hair to the "wool of the lambs" drew an odd picture, the statement clearly illustrated that the ecologists had become more active and strictly organized, almost like a military unit. The French press implied that the ecologists had to be taken more seriously than before, that they had gained control, and that they might be dangerous in the future.

This impression was fortified when the press accused Greenpeace of "triggering the revolt" (LB 6.19.95: 26) and members of Greenpeace were called "militant ecologists," (LB 6.15.95: 20; 6.18.95: 18) "militants," (LB 6.21.95: 5; LF 6.21.95: 12), and "two militants, 'green berets' of a new kind..." (LF 6.21.95: 5). These terms for Greenpeace, emphasized the organization's new radicalization. As mentioned above, the environmental organization was also equated with a "green Guerrilla," (LF 6.21.95: 12) which alluded to both unconventional warfare, such as engaging the enemy behind its own lines and to highly motivated revolutionaries who are willing to die for their cause. The picture of a "green Guerrilla" encouraged to fantasize about a violent Greenpeace which would strive for victory by any means.293 Furthermore, one editorial mentioned that "it is, without any doubt, too excessive to talk about ecological terrorism, when wilder activists act in countries like Algeria" (LF 6.21.95: 5). Although the metaphorical term "ecological terrorism" was considered an inappropriately extreme label for this situation, it was nevertheless still used, which meant that the allusion to terrorism was embedded into the mainstream consciousness.

In comparison to the slanderous representation of Greenpeace as the villain, Shell was depicted in a neutral way, as "the oil group Shell," (LM 6.10.95: 2) "oil people," (LF 6.21.95: 1) "Shell," (LB 6.18.95: 18; 6.21.95: 6; 6.22.95: 21) "the oil corporation Shell," (LM 6.16.95: 1; LB 6.21.95: 1) and "the firm" (LM 6.21.95: 25). The French press gave a picture of Shell that detached the oil corporation from the whole scenario on the Northsea. The non-accusatory description of Shell fit well with the media's depiction of Shell as the victim.

In the French coverage of the 'Brent Spar' crisis, Shell was characterized as a rational and responsible corporation that became the victim of Greenpeace's

extreme reaction. The titles, "Shell whom no one likes" (LM 6.20.95: 16) and "It is Shell whom no one likes anymore" (LB 6.21.95: 1) implied pity for Shell. The press portrayed Shell as the whipping boy. In addition, the passive voice in the title "It is Shell whom…," implied that Shell was a victim.

In the media's drama, the protagonist was forced to defend itself from the antagonist's attacks. War metaphors and the reports of war-like situations, always with Greenpeace as the main antagonist, dramatized the scenario. For example: "its [Shell's] project… triggered an anti-Shell front," (LB 6.18.95: 18) "the platform was conquered by a helicopter of the Greenpeace organization that successfully brought two militants to the platform," (LM 6.18./19.95: 3) "ecologist extremist commandos," (LM 6.20.95: 16) "the iron arm that the ecologists aimed at Shell…," (LF 21.6.95: 1) "the muscled action is part of a deterrent arsenal of the tough wing of the 'Greens,'" (LF, 6.21.95, p. 2) "due to the impressive wall of shields, Shell gave up the sinking," (LF 6.21.95: 12) and "four more activists succeeded in taking over the platform by helicopter despite the efforts of Shell's protection ships" (LM 6.22.95: 2). The French press coverage focused on Greenpeace's occupation of the platform. The use of war terminology and imagery reinforced the fantasy of the green villain who initiated the conflict.

Slowly, the war fantasy chained out. By declaring that "Greenpeace is on its war foot," (6.21.95: 12) 'Le Figaro' conveyed the idea that it was Greenpeace that declared war. This statement implied that Greenpeace started the war. 'Le Figaro' continued: "On Monday, the association sent the Solo, its fleet's most powerful ship, and dared to oppose the sinking" (6.21.95: 12). This narrative sounded like a war report that vividly described Greenpeace's attack and aroused tension and anxiety. In contrast to the detailed description of Greenpeace's attack, once again, Shell's response was not mentioned. The war scenario aroused hostility towards the villain and parlayed pity for the victim.

During the war, the French press also constructed fantasy themes of Germans as being "fanatically ecologically correct" (LM 7.2./3.95: 1). The French attitude towards the Germans during the 'Brent Spar' crisis was further influenced by phrases in the press such as: " 'Stop this madness,' screamed the General Secretary of the Christian Socialist Union" (LM 6.16.95: 1). The idea of the stern General Secretary of the CSU "screaming" to stop the sinking was ridiculous. The reaction of Germany's politicians was presented by the French press as hysterical, emotion clearly ruling over rationality. This method of reporting led to French antipathy towards Germany.

The strong disapproval of Germany's reaction was further reflected in remarks

such as "It is a sign of these times that the oil corporation Royal Dutch Shell's project to sink the oil rig 'Brent Spar', that had come to the end of 30 years of good and loyal service in the North Atlantic, aroused a big fuss in Europe, and particularly in Germany" (LM 6.20.95: 16). The personification of the oil rig created the illusion that the 'Brent Spar' needed to be treated like a loyal employee that had done his/her service for the public and now deserved honorable retirement. The French press accused Germany of unnecessary intervention into the affair of Shell's oil rig.

The press continually articulated its belief that the disposal of the 'Brent Spar' was not Greenpeace's or Germany's business but rather a British domestic issue. The press wrote that Germany's mass protests were extraneous since "this collective phenomena is even more surprising as the German coasts are absolutely not menaced by a possible black sea" (LM 6.16.95: 1). This attitude that a country should only interfere in another country's decisions when that country is directly endangered was clearly espoused in the French press. The quoted statement also implied that France was wary of mass protests against French policy, for instance their nuclear testing.

One 'Figaro' article, typical of the French press coverage, quoted Shell's president who explained that Greenpeace's estimation of the amount of toxic waste on board the oil platform was "exaggerated, irresponsible, and alarming" (6.21.95: 12), thereby reinforced the fantasy theme of an extremist Germany that interfered with an innocent Shell's plans. The article further printed the president's detailed explanation of the exact content of the oil rig which included the following imagery: "The very weak rate of radioactivity, which is naturally formed in the inside of the platform, is not higher than the rate that emanates from a couple of houses built on Aberdeen's granite". With this vivid comparison, the president explained that the oil rig's amount of toxic waste was harmless. He further claimed that the sinking option "is what is best for the oil industry of today." The quotation from Shell's president was followed by a lengthy description of the emotional uproar and bombing attacks in Germany (LF 6.21.95: 12). Germany became a companion villain with Greenpeace in the 'Brent Spar' crisis.

The whole scenario was dramatized when the German environmental movement was placed in an aggressive, humorous light. The 'Libération' used ridicule exaggerations to the green movement, writing that "in Germany, a sport sailor who sails on the North Sea sees himself getting a ticket if he throws nothing more than a tissue over board" (6.15.95: 20). This imagery of polluters as law offenders

presented the Germans as uptight and rigid. The antipathy was aggravated when the press explained that "nothing provokes as much indignation in Germany as contempt of the environment. Polluters are considered criminals, and their carelessness is considered supreme contempt of your neighbor" (LM 6.16.95: 1). These two press statements exaggerated their claims by suggesting that polluters are treated like criminals or even murderers in Germany. This encouraged the idea of Germany that overreacts and French dislike of Germany.

Illustrations of Germany's attitude toward the sinking of the oil rig and in-depth description of the protests of various German groups furthered the dramatization. The press vividly described the situation in Germany: "Deserted gas stations, angry franchisers and a ruined image: the project of the British group Shell... ignited a very spectacular boycott movement in Germany. ...a gas station in the region of Frankfurt was shot at six times by a driver, without the incident hurting anyone." (LB 6.15.95: 20). The dramatic messages about the situation in Germany inspired the readers to fantasize about the radical, terrorist-like Germans fighting for the environment. The antipathy that was initially aroused turned into hostility as Germany became Greenpeace's accomplice and a danger to France.

Negative feelings in France were fortified by constant details of the events in Germany (e.g., LB 6.15.95: 20; 6.18.95: 18; 6.19.95: 26; 6.21.95: 6; LF 6.21.95: 12). A typical description that French readers were exposed to looked like this: The protests against Shell's plans have been particularly lively in Germany, where from the churches to the unions, from Chancellor Kohl to the east German ice skater Katarina Witt, from the social-democratic party to the popular tabloid Bild, everyone raised in opposition against the project of sinking the 'Brent Spar' (LB 6.21.95: 6).

The long description with its parallel form "from... to..." exemplified the German situation and dramatized it by emphasizing how strong and unified the protest was in Germany. The dramatic messages portrayed the Germans as fanatic in their protest caused by an emotional uproar. The fantasy theme of Germans who transformed into radicals aroused the anxiety that France, with its plans for nuclear tests in the Murorora Atoll, would become the next target.

The French coverage of Germany's reactions to the 'Brent Spar' crisis took on a general anti-German attitude in environmental matters. Many articles dealt with the protests in Germany rather than with the reactions in France or with the 'Brent Spar' issue itself. Articles were titled "Shell boycotted in Germany," (LB 6.15.95: 20) "Shell's anti-ecological move scandalizes Germany," (LM 6.16.95: 1) "In Germany, the boycott keeled Shell over," (LB 6.19.95: 26) and "In Germany,

Robin Hood effect" (LB 6.21.95: 6). Although the protests in the Netherlands were as passionate as those in Germany and Dutch bombed gas stations, the French press focused exclusively on Germany, conveying an anti-German attitude to the readers.**[i]** 94

Moreover, the Germans were reproached: "there is some hypocrisy on the part of the Germans to make themselves the moral censors of the behavior of a multinational oil corporation from which they consumed products with an indifferent greediness" (LM 6.20.95: 16). This form of criticism fed the new reality that depicted Germany as a second villain in the 'Brent Spar' war. Finally, the war came to an end. Metaphors depicting a downward direction were used to emphasize Shell's defeat. Lakoff and Johnson point out the existence of "orientational metaphors," (14) in which spatial orientations up and down correspond with happy/positive and sad/negative (15). They also explain that "Having control or force is up; being subject to control or force is down" (15).

The press in France reported that the war was over because "the ecologists made the oil people fold" (LF 6.21.95: 1). In French, to "fold" literally means to fold something in half, like a piece of paper. The oil corporation could no longer resist Greenpeace's and Germany's attack and consequently "put down their arms" (LF 6.21.95: 12). The war resulted in the "capitulation of one of the largest oil corporations to the ecologists," (LM 6.22.95: 2) and was a "triumph for Greenpeace" (LM 7.2./3.95: 1) and Germany.

To sum up, a rhetorical vision of 'ecological fanaticism' was built by the accumulation of fantasy themes that characterized Greenpeace as a "dreadful watchdog" and a militant policeman of the "good world market." The fantasy themes also portrayed Germans as fanatic green "moral censors" (LM 7.2./3.95: 1) with extreme ecological demands. The French press implied that Shell was the victim, and next time the victim could be France. The rhetorical vision aroused fear that in the future, France might be targeted and treated like a criminal by the "watchdogs" of the environment. Imaginary headlines reading "France accused of eco-negligence" and images of hysterical Germans floated into French minds. The rhetorical vision of ecological fanaticism evoked anxiety.

6. Conclusion and Future Implications

This study illustrated how the media's argumentative discourse created fantasy themes and rhetorical visions based on the symbolic potential of environmental issues in the 20th century. The analysis of German and French newspaper articles illustrated that the press used fantasy themes and rhetorical visions, which

impacted the development of the 'Brent Spar' crisis. In Germany, the fantasy themes involved simple images which depicted Greenpeace and Germany as the hero(ines) of nature and guardians of human existence while, in sharp contrast, Shell and Great Britain were depicted as the greedy, environmentally hostile villains. The German press interrelated the fantasy themes to form a rhetorical vision of a green war which was given the name of the obsolete oil rig 'Brent Spar'. The 'Brent Spar' issue was assigned a new meaning.

In comparison to the German press, the French national press constructed fantasy themes concerning the 'Brent Spar' crisis in direct opposition to Germany. For French readers, Greenpeace was depicted as a war-engaging, militant "guerrilla" organization, while Germany was characterized as a fanatic bully for green issues. Both villains were accused of meddling in another sovereign nation's domestic affairs. Furthermore, the French press propelled Frenchmen to consider Shell a victim. The fantasies gave rise to the rhetorical vision of ecological fanaticism of Greenpeace and Germany. The French press conveyed its disregard for the German response to the 'Brent Spar' crisis and an anti-Greenpeace and anti-German attitude was proliferated by the French press.

This study exposed the details in which the 'Brent Spar' issue took on a bizarre development whose outcome – the renouncing of the offshore disposal – is still in doubt. It is still uncertain whether the offshore or onshore solution will prove be more environmentally friendly and feasible. The Shell corporation and the British government obviously underestimated Greenpeace and the public's position on the oil platform's disposal. The creation of various fantasy themes (partly based on previously existing clichés), the internationalization of the 'Brent Spar' issue, and the public's drive for participatory democracy went far beyond the consequences that were anticipated by Shell and Great Britain. The strong opposition in Germany against the sinking of the oil rig caused an oppositional reaction in the French press' coverage that resulted in a common consciousness that violated the post-war friendship between Germany and France and the German-French axis of the European Union (EU).

Although the background information was abundant, the data rich and valuable, and the analysis in-depth, I do not claim that the study was exhaustive. Data from the Netherlands, Belgium, Denmark, Sweden, Iceland, and Norway, countries that also dealt with the crisis, were omitted due to the restrictions of a Master's Thesis. Further, television coverage, which also plays an integral role in the creation of fantasy themes, was not included in the analysis. Overall, this study has significant implications for future research.

It revealed the effectiveness of Bormann's method in improving our understanding of peoples' thoughts, emotions, and motivations. Further, the study showed that the concepts of fantasy themes and rhetorical visions are universal and that the method is applicable across cultural and language boundaries. Similar analyses of crises would bring about significant insight into the their nature and could help to improve crisis communication and management. Future studies of rhetorical discourse should be generated to explore phenomena such as racism and sexism and thus raise our awareness and knowledge of the power of rhetoric and the construction of symbolic realities. Moreover, Bormann's fantasy theme analysis, in combination with cultural studies should be applied to current written or oral accounts of other incidents: Researchers could study events such as the mass suicide of members of Marshall Applewhite's Heaven's Gate sect in California, separatist wars such as in the former Yugoslavia and Chechenya, the rebel war in former Zaire, or the violent historical development of relations between Palestinians and Israelis. These analyses would provide a better understanding of international crises and, in the best case, would lead to an improvement of peace processes.

NOTES
i. The newspaper's focus on German protests could be related to a historical antipathy between France and Germany that caused several wars and can still be observed today in the permanent political and economic competition.

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Le Figaro (6.21.95). La compagnie renonce à immerger une plate-forme pétrolière: Guérilla verte contre Shell: Les organisations écologistes, au premier rang desquelles Greenpeace, appelaient à un boycottage des stations de la marque a la coquille, qui a baissé les armes, 12.

Le Monde (6.10.95). Conflit sur les plates-formes pétrolières désaffectées, 2.

Le Monde (6.16.95). Le dérapage anti-écologique de Shell scandalise l'Allemagne, 1.

Le Monde (6.18./19.95). Europe: Brent Spar, 3.

Le Monde (6.20.95). Shell qu'on n'aime pas, 16.

Le Monde (6.21.95). Le projet de sabordage d'une plate-forme déclenche une tempête contre Shell: La societé pétrolière continue d'affronter les protestations de Greenpeace, 25.

Le Monde (6.22.95). Shell cède à la pression de l'opinion européenne: Soumise à une campagne de boycottage lancée par Greenpeace et relayée largement en Allemagne et dans les pays nordiques, la compagnie anglo-néerlandaise renonce à saborder sa plate-forme pétrolière Brent Spar dans l'Atlantique, 2.

Le Monde (7.2./3.95). Le triomphe de Greenpeace, 1.

Libération (6.15.95). Shell boycotté en Allemagne: Pour son projet de couler une plate-forme en mer du Nord, 20.

Libération (6.18.95). Shell insiste pour démonter sa plate-forme, 18.

Libération (6.19.95). En Allemagne, le boycott fait chavirer la Shell: Le projet d'immersion d'une plate-forme au large de l'Ecosse coûte cher à la compagnie, 26.

Libération (6.21.95). La compagnie pétrolière cède au boycott: Mer du Nord: C'est Shell qu'on n'aime plus, 1.

Libération (6.21.95). Le projet d'immersion de la plate-forme pétrolière a été abandonné, 5.

Libération (6.21.95). En Allemagne, l'effet Robin des Bois, 6.

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Süddeutsche Zeitung (6.12.95). Greenpeace-Aktivisten in der Nordsee gerammt, 6.
Süddeutsche Zeitung (6.13.95). CSU wegen Bohrinsel empört über Shell, 5.
Süddeutsche Zeitung (6.14/15.95). Protestwelle gegen Versenkung der Ölplattform, 1.
Süddeutsche Zeitung (6.16.95). Proteste gegen Shell weiten sich aus: Auch niederländische Politiker rufen zu Benzin-Boykott auf, 7.
Süddeutsche Zeitung (6.17/18.95). Shell am Pranger, 4.

ISSA Proceedings 1998 – A Few Remarks On The Individuation Of Arguments

1.

"An argument," Irving Copi tells us in a much-quoted passage, "is any group of propositions of which one is claimed to follow from the others, which are regarded as providing support or grounds for the truth of that one."**[i]** Copi's usual elegance may have temporarily deserted him in the remark quoted, and his definition may be less explanatory than might be desired, but the general idea is clear enough – or at least clear enough for the great majority of people in this room to reject it. Where the Amstel flows and all pragmas are dialectical, propositional definitions of argument, such as Copi's, have about as much purchasing power as the Indonesian rupiah. Not that that's necessarily a mark – or even a guilder – against them, and not that that means that propositional views in general, or Copi's in particular, aren't worth exploring. Indeed, I think that examining what this Snidely Whiplash of argumentation theory – for so he's many times considered – says almost always repays attention, and though my focus won't be his definition of an argument so much as the related issue of the individuation of arguments, I think his views help to clarify

both issues.

But let me introduce character number two in this little drama before getting back to Copi, character number one.

A more discourse-oriented definition of argument has been advanced by another arch-villain of argumentation theory, but one not nearly as often targeted for attack and refutation. According to Monroe Beardsley, "an argument is a discourse that not only makes assertions but also asserts that some of the assertions are reasons for others."**[ii]** From the pragma-dialectical perspective, Beardsley's definition may lack the shelter and clothing of the pragma and the dialectical, but at least it partakes of that staff of argumentative life, discourse. More striking than that single but pervasive difference between the two, however, that single but pervasive difference between Copi and Beardsley, are the similarities of their views. Substitute 'set of propositions' for 'discourse,' 'propositions' for 'assertions,' and 'claims' for 'asserts,' and Beardsley's definition coincides almost precisely with Copi's. If we bracket the discourse – or rhetorically- oriented elements of Beardsley's definition, in other words, there is little difference between their views.

2

Which only goes to show that two people can basically agree on one fundamental issue – what an argument is – but profoundly disagree on other fundamental issues, such as what the identity of an argument consists in, and how to individuate arguments. To be clear about what I'm referring to here: the identity of an argument I take to be its self-sameness, the fact, in a sense, that it is what it is – namely, an argument, and, moreover, that argument — and not another thing, not even another argument. I know that's not very enlightening, but it's hard to say much more, on a general level, about what the philosophical issue of identity is than that it's a metaphysical issue and concerns what constitutes, in the most important sense, the fact that a thing is what it is and not some other thing. Bishop Butler would no doubt be proud of me and give me his blessing for my remarks about identity, even if they'd win no awards for advancing the educated public's understanding of philosophy. Anyway, when discussing the identity of a thing, philosophers generally speak of identity conditions for that thing, and many times the kind of a thing whose identity is being specified is built right into the statement of those conditions. In the case at hand, a typical statement of identity conditions would go something like this: x is the (numerically) same argument as

y if and only if.....

Closely related is another metaphysical issue, that of individuation. When it come to arguments, the issue here isn't so much what constitutes singleness as what constitutes diversity, or many-ness. Less cryptically, the central question of the individuation of arguments is: What makes discrete, numerically distinct arguments discrete, numerically distinct arguments? Obviously the two questions are related: to know what makes a given argument the argument it is would tell us what makes discrete, numerically distinct arguments exactly that – discrete, numerically distinct arguments. To a lesser extent, the converse holds as well: to know what makes numerically distinct arguments such would lend at least a bit of a hand in telling us what makes an argument the argument it is.

Lastly among these preliminary remarks, I should also mention that the questions of identity and individuation frequently have their closely related, but numerically distinct, epistemological cousins stand in for them. The ersatz relatives in question are: How do we know that arguments x and y are one and the same? and How can we tell that we're dealing with one, two, three, or however many arguments? (And we also could, of course, ask epistemological questions about our general identity and individuation conditions: How do we know that they're correct?)

3

Back to our principals, Copi and Beardsley. A minute ago I said that Copi and Beardsley basically agree about what an argument is, on what makes something an argument. (This is another way of saying that their definitions are similar.) Their views on individuation, however – I won't be saying much more about identity from now on – are markedly different. The definition shared by Copi and Beardsley answers part of the question of the identity of argument – an argument, in contrast to a non-argument, has propositions that figure in it as premises, and so on – but it doesn't go the full distance, it doesn't tell us what the unique identity or singularity of particular arguments consists in. Nor does it answer the question of individuation: By what principle do we, or should we, count arguments? And, in fact, as already mentioned, Copi and Beardsley have very different views on that matter.

Before I go on to expose and criticize them, and also – surprise of surprises – defend and, in a sense, recover them, I have to make two other comments. The first is that Copi and Beardsley don't discuss individuation under that heading or,

indeed, under any heading whatsoever. Their brief remarks are embedded in the discursive prose of logic texts, texts which are intended to teach students basic concepts, techniques, and skills, and they have neither world enough nor time to linger over distinctly theoretical matters. Philosophical niceties, they perfectly well know, have to await occasions like this one, that is, the professional literature. I'll return to the point later, at the end of this paper, as it will make some difference to my final assessment of their views.

Second, and perhaps surprisingly, neither have argumentation theorists paid much attention to the matter. Shame, shame! Since the field is all about arguments, since the metaphysics of arguments is a bound to affect other issues, both within and without argumentation theory, and since, after all, individuation is a central theoretical concern – well, I expected a bit more. As it is, my admittedly cursory inspection of the literature has left me with a handful of nothing – except a hazy memory that Douglas Walton briefly discussed individuation in one of his books.**[iii]**

4

What, then, are Copi's and Beardsley's views on individuation? Copi straightforwardly declares that "argumentative passages often contain more than a single argument," which certainly seems correct. The simplest arguments, he says, contain a single premise which (purports to) support a conclusion:
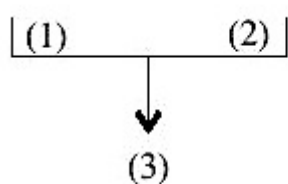
(1)
↓
(2)

[A]

Sometimes, however, an argument contains more than one premise in support of a conclusion. When the premises work together – and let's consider the simple case, an argument with only two premises – such an argument is diagrammed as

$$\begin{array}{c} \boxed{(1) \qquad (2)} \\ \downarrow \\ (3) \end{array}$$

[B]

[B] is also a single argument, Copi thinks. Suppose, though, that two premises operate independently of each other. Suppose, in other words, that we have an argument like

1.[The time for a national high-speed passenger railroad system has come.]
2. [Airlines cannot keep up, and in their frenzied attempt to do so have subjected passengers to poor service and, what is worse, life-threatening conditions.]
3. [The upkeep costs of the heavily travelled interstate highways, never intended or constructed to take such a pounding, are soaring.]**[iv]**

According to Copi, this argument should be diagrammed as:

(2)   (3)
   ↘   ↙
    (1)
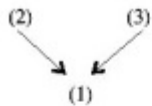
[C]

While some people, such as myself, may think it preferable to diagram it differently, namely, as

| (2)   (3) |
        ↓
       (1)
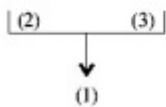
[D]

Let's just assume that Copi's diagram is fine as it stands, that the two premises do operate independently – after all, there surely are such arguments, and that's all that really needs concerns us here – and return to the question of individuation. The question is, How many arguments does the passage, diagram [C], contain? Clearly recognizing that the question is one of individuation, Copi says that a decision must be made at this point about the 'arithmetic' of such arguments. Should we count this as a single argument with two premisses and one conclusion, or should we say that here we have two different arguments with the same conclusion? Emerging practice is to say that it is one argument with two independent premisses. The principle seems to be that the number of conclusions determines the number of arguments. So by a 'single argument' is meant an argument to a single conclusion, regardless of how many premisses are adduced in its support.**[v]** Count your conclusions, and you've counted your arguments. Thus Copi diagrams the following argumentative passage

1. [Desert mountaintops make good sites for astronomy.]
2. [Being high, they sit above a portion of the atmosphere, enabling a star's light to reach a telescope without having to swim through the entire depth of the atmosphere.]
3. [Being dry, the desert is also relatively cloud-free.]
4. [The merest veil of haze or cloud can render a sky useless for many astronomical measures.]**[vi]**
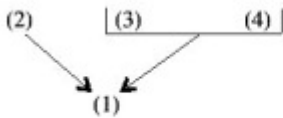
[E]

Given his principle of individuation, he's certainly right to refer to it simply as "an argument."**[vii]**
Here as before, with the earlier quoted passage, a case could be certainly made for an alternative diagram, namely


[F]

In fact, what Copi himself says points in precisely that direction.**[viii]** As mentioned earlier, though, the point shouldn't be pressed in this context. Considerations respecting argument analysis and diagramming are largely irrelevant when the issue at hand is individuation.

5
Beardsley does things rather differently. Without ever explicitly stating a principle of individuation, he considers the following passage Should it be legal for newspaper and television reporters to refuse to reveal their confidential sources? Indeed it should. For the reporter-informant relationship is, after all, similar to those of priest and penitent, lawyer and client, physician and patient – all of which have a degree of privacy under the law; moreover, if it were not protected, the souces of information needed by the public would dry up. It follows that Congress should pass appropriate legislation at once**[ix]** and refers to it as "a fairly simple argument"**[x]** – note the singular. The correct diagram of "the

argument,"**[xi]** according to Beardsley, is**[xii]**
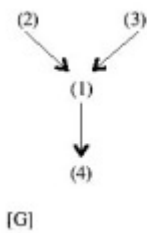
Diagrams, he adds, help us to understand the structure of an argument. This is especially true when an argument is as complex and "confused and confusing" as "the argument"**[xiii]** of the following passage:

1. [The present system of financing political campaigns is far too costly] because
2. [(under the present system it is) almost impossible for anyone who is not a millionaire or a friend (or employee) of millionaires to achieve high public office.] This is why
3. [the alternative system, under which elections are publicly financed, ought to be adopted;] but there is also the point that
4. [the public-financing system would help to democratize the process of choosing public officials by automatically involving every citizen in the process.]
5. [It would certainly be desirable to free legislators as far as possible from dependence on particular economic interests,] as well as
6. [(it would be desirable) to equalize the opportunities of candidates,] for
7. [their merits ought to count more than their money in elections.]**[xiv]**

Its diagram is**[xv]**
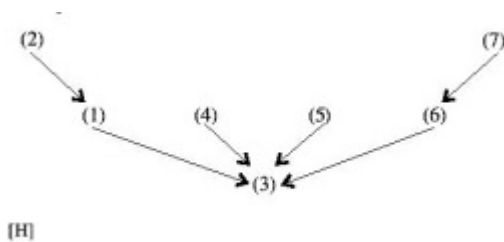
As Beardsley rightly notes, diagramming such a passage helps us to "recast [an] argument… in a more orderly way."**[xvi]** (Yet again, however, a maverick like myself might wonder whether Beardsley's diagram really is correct. Do (1), (4), (5), and (6) really function independently of each other in supporting (3)?)

Further evidence that Beardsley disgrees with Copi can be found in his earlier

and lesser-known but more comprehensive and detailed book – and probably better book – *Practical Logic*.**[xvii]** Practical Logic is a groundbreaking book in many ways: written in 1950, it's exhaustive and clear, and among the first books of its kind.**[xviii]** Among other things, it introduced diagramming into the world of informal logic. In any case, and more to the issue of individuation: in *Practical Logic* Beardsley explicitly states that "In a long argument, some of the reasons will also be conclusions, for they will be supported by more fundamental reasons,"**[xix]** and "those conclusions that are not themselves used to support further conclusions we shall call the *final conclusions* of the argument"**[xx]** – note the singular "the argument." Seemingly in agreement with Copi, he also says that "In a *convergent* argument" – note again the singular – "several independent reasons support the same conclusion."**[xxi]** Thus, along with Copi, he holds that
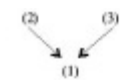
```
(2)     (3)
  \      /
   v    v
    (1)
[C]
```

is a single argument. But in disagreement with him, he thinks that "In a *divergent* argument" – yet again, note the singular – "the same reason supports several conclusions." Thus

```
    (1)
   /   \
  v     v
(2)     (3)
[D]
```
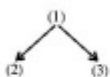
is a single argument for Beardsley, whereas for Copi it's two arguments, because it contains two conclusions. A final clue as to Beardsley's principle of individuation is provided by his remark that "an argument" – singular – "may be both convergent and divergent," or it may even be "a *serial* argument, [which] contains a statement that is both a conclusion and a reason."[xxii] The simplest serial argument would thus be diagrammed as
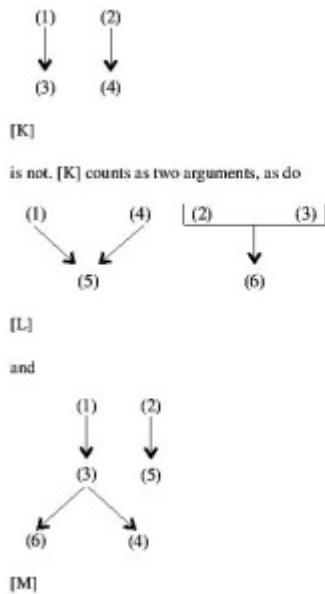
```
(1)
 |
 v
(2)
 |
 v
(3)
[J]
```

A serial argument needn't be so simple, though, Beardsley is quick to add, for not only could a further conclusion, (4), be drawn from (3), but a serial argument could also be convergent, divergent, or both in addition to being serial. All of this is certainly very much in keeping with what Beardsley says in *Thinking Straight*,**[xxiii]** but he's more explicit here – so much so that he actually comes close to stating a principle of individuation when he writes, in summarizing the chapter from which the preceding quotations have been taken:

An argument consists of

1. one or more conclusions…;

2. one or more reasons… for each conclusion;

3. one or more logical connectives… indicating that the conclusions are inferred from the reasons.**[xxiv]**

From these hints I infer – and I hope that this is an inference to the best explanation – that Beardsley's principle of individuation is that arguments are individuated by interconnected inferential structures. Count arguments, in other words, by counting interconnected inferential structures, regardless of how many conclusions or inferences there are in such a structure. Thus every diagram above, including even so complex a configuration as [H], is a single argument, according to Beardsley, but (K)

```
(1)      (2)
 |        |
 v        v
(3)      (4)

[K]
```

is not. [K] counts as two arguments, as do

```
(1)          (4)   (2)          (3)
   \        /          |
    v      v           v
     (5)              (6)

[L]
```

and

```
(1)      (2)
 |        |
 v        v
(3)      (5)
 |        |
 v        v
(6)      (4)

[M]
```

is not (K) counts as two arguments, as do (L)

and

(M)

In brief, summary form, then: Copi individuates arguments by their conclusions, while Beardsley individuates them by their inteconnected inferential patterns, regardless of the complexity or extent of that pattern. For Copi, there is one argument per conclusion; for Beardsley, there is one argument per interconnected inferential pattern.

6

These are both interesting views, and I'll have something to say in favor of each in a minute, but for now I want to say that, if individuation is taken strictly, neither is correct. Consider Copi's view that (N) – *see Figure N & text – Figure O*

These are both interesting views, and I'll have something to say in favor of each in a minute, but for now I want to say that, if individuation is taken strictly, neither is correct. Consider Copi's view that

(1)   (2)

(3)
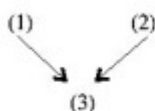
[N]

is a single argument. Suppose that an ardent theist is trying to show that proposition (3), God exists, is true, and offers (1) and (2), Anselm's proof and Aquinas's Third Way–each duly compressed into a single premise, if we like, or, altering Copi's scheme slightly, as

| (1A) (1B) (1C) (1D) | | (2A) (2B) (2C) (2D) |

(3)
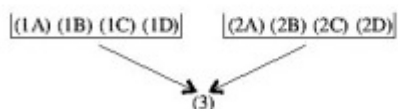
[O]
in support of theism.

Problem number one with Copi's view is that it has the highly counterintuitive implication that [N]/[O] is a single argument. Anslem's proof and Aquinas's Third Way are two different arguments if any arguments are two different arguments. That's true irrespective of the fact that they share the same conclusion, and someone might think both cogent and thus offer both in support of theism. In point of fact, Aquinas himself propounds Five Ways, five proofs of God's existence, and clearly thinks of them as five distinct arguments, even though they share the same conclusion, and even though all five are offered in the same context, *The Summa Theologica*, in the span of two short pages.

Reinforcing the point is a second objection, but one which focuses on argument assessment. Keeping the same example in mind, let's suppose that there are very serious problems with Anselm's proof but not with Aquinas's reasoning. The Third Way is a godly success – as opposed to an ungodly one. Is the argument – remember, this is a single argument, according to Copi – very good, very bad, or somewhere in the middle? None of these answers will do. To say that it is very good ignores the grievous problems with Anselm's proof; to say that it is very bad ignores the celestial success, the vast strengths, of Aquinas's Third Time at Bat; to say that it is somewhere in-between ignores the fact that we've been given sufficient reason for the conclusion. A verdict of "in-between" isn't a judgment made about a single argument but – as I would put it – a grade of "C" given to a passage in which two arguments appear, one excellent, the other not so good. All of this is reflected in our common belief that there can be two independent arguments for the same conclusion, two proofs or strong arguments that Walter L. Weber has rabies, that there are Russian arms in Afghanistan, that the integral of the function f(x) – x between zero and one is one-quarter, or that triangle ABC is congruent to triangle DEF.

7

Since Beardsley would also count [N] as a single argument – it's a single interconnected inferential structure – exactly the same two objections apply to him. Like Copi, he individuates arguments in a coarse-grained way, and counts

what should be two or more as one. And I say "or more" because Copi and Beardsley would also count as a single argument, when simply interating my counterarguments above – let's say that (3) incorporates considerations of design as an additional reason for God's existence – it can be readily seen that the structure contains three arguments, strictly speaking. Beardsley's problems run deeper than Copi's, though, for he's subject to all of the counterexamples that plague Copi, plus some that apply to him alone. Copi, for example, would say that

(7)

↓

(8)

↓

(9)

(1)   (2)   (3)

↓ ↓ ↓

(4)

[P]
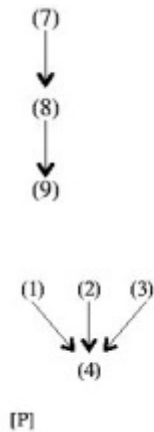
contains two arguments. (For Copi, the number of arguments in a passage has to be at least n-1, where n is the number of vertical levels or lines in the argument diagram of the passage.) I think that Copi's right about this, though not because [Q] contains two conclusions. Beardsley, however, would have to regard [Q] as a single argument. By doing so, he invites precisely the same sorts of objections that attend considering [N], [O], or [P] as a single argument. What, for instance, are we to say about this supposedly single argument if (7) does strongly support (8), but (8) lends virtually no support to (9)? As I've already indicated, the correct answer doesn't seem to be any of the three alternatives, 'very strong,' 'very weak,' 'somewhere in-between.' The correct answer is that [Q] isn't a single argument at all. [Q] contains two arguments, and one is very strong, the other very weak.

8

What, then, is the truth about argument individuation? My own view is probably evident from the above: individuate arguments by inferences. Count inferences, and you've counted arguments. In other words, every inference determines an argument, in the strict sense. Individuating arguments in this way would not only squelch the counterexamples that dog Copi and Beardsley, but also be more in keeping with what constitutes an argument. The essence of an argument, after all, is neither premises nor conclusion, for considered independently of an

inference, both are mere propositions (or sentences, or statements, or beliefs, depending on your theory of argument). It's an inference that makes a proposition a premise, that makes a proposition a conclusion, and thus that makes a batch of propositions an argument – and an argument as defined by both Copi and Beardsley: premises related to conclusion in a certain way. I'm thus lead to individuate arguments by inferences on the basis of three considerations (one not yet mentioned):

(a) the elimination of the counterexamples that plague Copi and Beardsley,

(b) reflection of the nature of argument, and, in truth,

(c) a dearth of plausible alternatives.

Strictly speaking, arguments should be individuated in a fine-grained way, by inferences.

9

But I've repeatedly used the phrase "strictly speaking" in the above, and since The Netherlands is hardly a land known for its strictness – even now we're not five minutes walking distance from the ladies in the window – some people may wonder what I have in mind with this qualifying phrase. Well, what I have in mind is that if Copi and Beardsley were doing philosophy and writing journal articles, they would deserve even more scorn than I, with my big hands, and my brethren here in the audience, with their even bigger hands, could heap upon them. They should have been more attentive, more careful, more thorough than they were – and, honesty requires me to say, at least as far as thoroughness is concerned, than I've been here.**[xxv]**

But, of course – and this is where the "strictly speaking" comes in – they weren't even attempting to do rigorous philosophy or write a journal article. They were each in the middle of the very first chapter of their excellent logic texts, and were trying to help students, at the very beginning of their study of good reasoning, to get a feel for the nature of argument without bogging them down from the start with confusing and unnecessary subtleties. Their job – and this is decidedly practical, even if not pragma – was to inculcate concepts, principles, rules, techniques, strategies, abilities, and attitudes, which is a daunting enough task without simultanelously trying to please a very different crowd, that of punctilious philosophers filled with grief, grievances, and grudges that passeth understanding, and ready to pounce on their fellow philosophers with the only true joy that they find in life. Pardon may not be the word for all, though there is

much to recommend in Shakespeare's remark to the contrary, but certainly something more than mercy is called for in the case of Copi and Beardsley. Justice, rather, demands that the charges be dismissed.

If that isn't clear on pragmatic grounds, on the grounds that their views on individuation are misconstrued if taken as pieces of theoretical philosophy, a further defense is available in the fact that there's an extended but very common sense of the term 'argument' in which we aren't so demanding, so nit-picking, so "strict sense"-oriented, a sense in which don't and aren't even tempted to individuate arguments by inferences. There is a sense of the term, for instance, and one frequently employed in everyday life, in which we do individuate arguments by conclusions – I'm speaking of Copi here, of course, but I'll get to Beardsley in a minute. In this sense – and it's one of several related senses – we say things like "the argument of the passage is that...," where we fill in the dots with a number of different independent reasons offered in support of a single conclusion: The argument of the passage is that John won't be able to make his mortgage payments this month, since his financial over-extension has caught up with him, and he's just suffered several major business set-backs as well. We may recognize all the while that the passage actually contains several independent arguments, in the strict sense of the term, that all share the same conclusion; we may recognize, in other words, that the situation is really like [C], [E], [N], [O], or [P] above. Still, that doesn't stop us, for we know that it's perfectly fine and pragmatically preferable to consider such structures single arguments. No harm is done by individuating arguments this way, by conclusion, and efficient communication and naturalness are gained. It may be loose talk to speak so, to consider [E] or [N] as a single argument, but much of our talk about arguments is loose talk, but innocuous enough for all that.

But if Copi can be vindicated, at least to some extent, by such considerations, so can the even more nefarious Beardsley. The same general points come to the rescue: we speak even more loosely, but not incorrectly, in saying such things as: The argument of the passage (or chapter, or book, or whatever) is that the population of third-world countries is increasing, and so is their demand for consumer goods; we can therefore expect ever-increasing pressures on the environment, and so should immediately take steps to ensure that pollution levels remain within reasonable limits. We may realize that a summarized passage or an argument diagram actually contains numerous, numerous arguments, in the strict sense of the term – the situation may be like [H], or even more complicated – but we also realize that no harm is done by, and there are advantages to, taking the

passage or diagram to contain a single argument, at least as long as there is one interconnected inferential structure that points to – to use Beardsley's terminology – "a final conclusion or final conclusions." If my point here isn't clear in the abstract, think, to cite just one example, of how pedantic and cumbersome it would be to consider a long proof in predicate logic as a series of arguments, say, twenty or thirty, all told. Much better would be to think of it as simply a proof, or a deductively valid argument, with a final conclusion.

And speaking of final conclusions: May you buy the argument – note for the last time the singular – of this paper.

NOTES

[i] Irving Copi and Carl Cohen, Introduction to Logic, 8th edition, Macmillan Publishing Company, New York, New York (1990),p. 6.

[ii] Monroe Beardsley, Thinking Straight, 4th Edition, Prentice-Hall Publishing Company, Engelwood Cliffs, NJ (1975), p. 12.

[iii] When pressed, though, I couldn't locate the passage in question or even remember which book of Walton's it was in. This problem has since been partly remedied, however. At my request, Walton kindly told me that Argument Structure: A Pragmatic Theory, University of Toronto Press, Toronto (1996), contains his latest and most complete discussion of individuation. Unfortunately, I didn't find this out until after this paper was completed. In addition, when this paper was presented at the University of Amsterdam, James Freeman pointed out to me that he has a chapter on argument individuation in "a book sufficiently obscure to ensure that no one knows that it exists." Although I still haven't read Freeman's paper, I'll certainly take it, Walton's work, and other discussions I might have missed into account in future work on individuation.

[iv] Copi, op. cit., p. 19. Copi is quoting Leo D. Marks, "Time to Start on High-Speed National Rail," The New York Times, October 15, 1988.

[v] Copi, op. cit., pp. 19-20.

[vi] Copi, op. cit., p. 21. Copi is quoting Blanchard Hiatt, University of Michigan Research News, vol. 30, nos. 8-9, August-September 1979, p. 5.

[vii] Copi, op. cit., p. 20.

[viii] Copi says that "the two statements (3) and (4) must work together to support the claim that desert locations are good sites for telescopes." By the same token, it could be said that the three statements, (2), (3), and (4), must ultimately work together to support the claim that desert mountaintops which is what the conclusion, statement (1), is about – are good sites for telescopes. Copi, op. cit., p.

21.

[ix] Beardsley, op. cit., p. 16.

[x] Beardsley, op, cit., p. 16.

[xi] Beardsley, op, cit., p. 16

[xii] Beardsley, op. cit., p. 17.

[xiii] Beardsley, op. cit., p. 18

[xiv] Beardsley, op. cit., p. 18.

[xv] Beardsley, op. cit., p. 18

[xvi] Beardsley, op. cit., p. 19.

[xvii] Monroe Beardsley, Practical Logic, Prentice-Hall, Inc., Englewood Cliffs, NJ (1950).

[xviii] I also think of Max Black, Critical Thinking, Prentice-Hall, Inc., Englewood Cliffs, NJ (1946), and Susan Stebbing, Thinking to Some Purpose, Pelican Books, Harmondsworth, Middlesex, England (1938), in this context. Neither of these books, however, is as comprehensive, clear, thorough, or practically-oriented as Beardsley's. Nor are any other pre-1950 books.

[xix] Beardsley, Practical Logic, op. cit., p. 12.

[xx] Beardsley, Practical Logic, op. cit., pp. 12-13.

[xxi] Beardsley, Practical Logic, op. cit., p. 19.

[xxii] Beardsley, Practical Logic, op. cit., p. 19.

[xxiii] A close look at Beardsley's definition of an argument, which is quoted above in section I, shows that he allows an argument to have two or more conclusions. An equally close look at Copi's definition, which is also quoted in section I, shows that he doesn't allow that.

[xxiv] Beardsley, Practical Logic, op. cit., p. 26.

[xxv] This paper just scratches the surface as far as argument identity and individuation are concerned. I address the matter at greater length in a companion piece, "Argument Identity," in preparation.

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Concept Of Resolving Differences Of Opinion And Its Practical Implications In Planning Theory

1. Introduction

There is an anecdote of the famous philosopher G.E. Moore, who was once preparing a paper for a seminar and, being unsatisfied for the closing of his argument, complained about it to his wife over the breakfast table. "Don't worry, darling, I'm sure they will like it," said his wife. To which he responded boldly: "If they like it, they are wrong."

This anecdote illustrates the once clear distinction between being right and succeeding in persuading your audience in thinking so. This attitude, self-evident at least in the analytic tradition in epistemology and philosophy of science, is perhaps in danger of fading away in the midst of rhetorical, discourse analytic, social constructionist, and even some argumentation theoretic studies. Should we miss it, or even defend it? Could be assume that a 'real' solution can be defined, not only in science, philosophy, or formal logic, but also in practical contexts like moral and political debate and planning of the physical environment? This is a question I shall be addressing in this paper, although, like Moore, I am not at all satisfied with the closing of my argument. I would like to say much more about what a solution is, but I shall be saying much more about what it is not. The concept of solution is not only at the heart of argumentation theory and, as might be added, one of its unresolved problems, but it is also the concept through which the applicability of argumentation theory in practical reasoning is measured. It is not uncommon that argumentation theory is in practical contexts dismissed as an idealized, absolutist theory that has very little to offer to practitioners working in an "unclean" environment of power relations, hidden motives and conflicting interests. In this paper I shall discuss this issue by first analysing some classical texts and their ways of dealing with the subject and, secondly, demonstrate how the interpretation of this concept will appear essential in the practical context of spatial or physical land-use planning.

In recent decades, both planning theorists and practicioners have started discussing the so-called communicative or argumentative turn in planning. This is

taken to mean a change in both the rationality conception of planning and in the actual planning practices: away from instrumental rationality and technical expertise that were earlier supposed to be able to define the way that common activities in space can be organized, and towards a communicative approach that will activate people as "stakeholders" to come together to define their priorities and common interests (Healey 1997, Forester 1989, Sager 1994, Fischer and Forester 1993). This entails that the communicative situation and process will get a more central role. If local participation in planning is supposed to provide not only local information and expressions of interests to be interpreted and evaluated by professionals and politicians, but really to provide a way of "making sense together", then the quality of argumentation in the planning process will become central.

Defined in this way, communicative planning theory is a normative-practical theory (Healey 1997, 68), and it would thus seem to fit into the tradition in argumentation theory that will try to combine empirical and normative elements in communication, such as the pragma-dialectical theory (van Eemeren and Grootendorst 1992). However, spatial or land-use planning is also a communicative practice that differs from the more paradigm cases referred to in argumentation theory, such as jurisprudence or science. It is an instance of political or policy discourse and, consequently, strongly dominated by rhetorical communication. But this is not by itself an obstacle. Supposing that the concept of *resolving* differences of opinion (instead of merely *settling* the disputes or negotiating between the parties with conflicting interests) is the dividing line between argumentation theory and rhetorics, then the communicative theory of planning as a normative theory should benefit from the theory of sound, non-fallacious argumentation. This would make it possible to evaluate and criticize argumentation in planning, and even to provide the practicing planner with a toolbox for making better arguments (Lapintie 1998).

However, since communicative planning theory is also a practical theory, this will not be sufficient. Suppose that, in spite of all efforts to avoid fallacies and to take care of relevance in communication, no common solution is found, in the sense that the parties are not ready to accept each other's arguments, or withdraw from their conflicting standpoints? This is usually resolved by lifting the problem from the public meeting to the official political level, or sometimes by letting the expert do his job alone. But this would mean the shipwreck of communicative planning. Another possibility is that a common solution is found, but it is not in every

respect a good solution, because the "best" argument has not won, or it has not even appeared in the discussion. I refer to situations when e.g. severe environmantal risks are created due to an insufficient understanding of the environmental impacts of development. Similarly, the least advantageous groups of the community (children and adolescents, the elderly, the unemployed, the meantally ill, etc.) may have difficulties in getting their voices heard, since they do not or cannot particiapate in the planning process. And even if they do, they have very different cultural capacities to produce sound arguments, and they are perhaps listenend but not taken seriously.

Traditionally, these difficulties have been dealt with through professionalism: the professional planner and policy maker are supposed to take into account also the interests of those who are not present or able to defend themselves. They are also supposed to carry out the relevant investigations in order to assess the environmental impacts, health hazards, etc. This is not always the case, but in any case it is the ideal of professionalism in planning, sometimes called rational or scientific planning. But how is this related to the idea of the communicative turn, according to which rationalist expertise is to be discredited, and local participation and consensus-formation should take over? Are we not facing the classical dilemma of Aristotelian rhetorics: "Even if we had the most accurate scientific investigation in use, it would be very difficult to get some of our audience convinced by arguing only on that basis." (Aristotle, Rhet. I 1, 1355a25) The communicative planning practice may thus be said to solve some problems of traditional planning (authoritarian governance, closed an insensitive expertise, the predominance of certain private interests, etc.) at the price of creating new ones, which had already been solved through professionalism.

The actual situation is much more compex, however. One of the reasons for the growing interest in direct participation in planning has to do with the general level of education, as well as the multiplicity of disciplines relevant to planning. The communicative process in planning is no longer (if it ever was) one between a few experts (the planner, the architect, the engineer) and a number of lay persons, the former explaining and the latter protesting. Instead, the planner is often dealing with a number of issues (such as ecology, ethics, economy, social life) of which he does not have any specific expertise. He may or may not be backed by some special experts, but his role is in any case rather one of combining and interpreting, and possibly negotiating and communicating, than providing some kind of universal super-expertise. On the other hand, the

'stakeholders' may today hold expertise in many fields far superior to that of the planner.

Thus we end up in a combination of different types of expertise, local knowledge and ignorance, and different levels of professionalism and ethical concerns. What is the role of argumentation in this context? In order to address this dilemma, we have to consider the possibilities of argumentation theory to grasp such an interdisciplinary and public-private field of argumentation.

2. Logic, Argumentation and Rhetoric in Perelman and Toulmin

There are important features combining the new rhetoric by Perelman and the argumentation theory by Stephen Toulmin, and it is evident that these features have also had a wide influence, not only in argumentation theory but also in the many applications of the argumentative or rhetorical turn in social sciences and social practices. Some of these features are positive, of course, but in what follows I shall discuss two of the features that have proved to be problematic from the philosophical and theoretical point of view, and consequently also in practical applications.

The first is their relation to formal logic: both writers take care to dissociate their idea of argumentation from formal, analytic reasoning, and they both see Descartes and the rationalist tradition as their main opponent. They do so in different ways, however: whereas Perelman offers a caricature description of what logic is, Toulmin suggests a "revolution" in logic, comprising a dethrowning of analytic reasoning in favour of a more tolerant applied, empirically based logic. Secondly, neither of the modern classics respects the classical distinction between dialectic and rhetoric, or the corresponding modern distinction between argumentation and rhetoric. In Perelman and Olbrecht-Tyteca (1971), the terms dialectic, rhetoric and argumentation are simply used as synonyms, or nearly equivalent. Toulmin does not mention the term rhetoric in *The Uses of Argument* (1995), nor does he consider the classical roots of his theory. What he clearly is after is, however, a theory of dialectic, but since he is unable to make explicit the distinction between his "practical logic" and rhetoric, the two tend to get mixed.

We can say, today, that the attempt to dethrown logic by Perelman and Toulmin was, although historically undestandable, essentially unnecessary. *The Cartesian legacy* – in spite of Descartes' original intentions, was never so strong as both Toulmin and Perelman led us to believe – at least no more in the 1950's, when they were both writing. What they almost totally ignored was the other side of

Descartes, his reflections on uncertainty and the methodological doubt, which have dominated modern epistemology ever since. As a result, it is the awareness of the fallibility of scientific knowledge – and the inability of pure logic and mathematics to provide information of the empirical world – which we can find in all modern theories of epistemology and the philosophy of science. On the other hand, the development of modern formal logic has made it an invaluable and inescapable tool in all argumentation – though by no means a sufficient one in the case of non-analytic reasoning. But who ever said in the 20th Century that it would be sufficient?

Secondly, we may contend that the classical distinction between dialectic and rhetoric, in spite of Perelman's attempt to dissolve them, is still important, and, if we want to produce a comprehensive theory of argumentation, inevitable. Consequently I would suggest that the term argumentation should be reserved only to the modern descendants of dialectics. This would be consistent with the implicit meaning given to the term in both mainstream philosophy and scientific reasoning, and also the modern developments in argumentation theory, for instance the pragma-dialectical approach by van Eemeren and Grootendorst.

Although both Perelman and Toulmin share a common distaste of analytic reasoning and Descartes, they handle it in different ways. Perelman and Olbrechts-Tyteca give a rather short and rough picture of the logician, who "is free to elaborate as he pleases the artificial language of the system he is building, free to fix the symbols and combinations of symbols that may be used. It is for him to decide which are the axioms, that is, the expressions considered without proof as valid in his system, and to say which are the rules of transformation he introduces which will make it possible to deduce, from the valid expressions, other expressions of equal validity in the system." (Perelman & Olbrects-Tyteca 1971:13)

In reality, of course, choosing axioms and rules of inference is by no means free, and the business of formal logic is not only to deduce theorems from any set of axioms, but to develop different logical systems in order to analyse the validity conditions of different types of logical inference. Formal logic is formal, of course, but the different systems of formal logic can be used, at least in philosophy, in analysing the logical structure of argumentation that is usually expressed in natural language.

But this crude vision of logic is given in *The New Rhetoric* in order to make the distinction between demonstration and argumentation. Argumentation, according to Perelman and Olbrechts-Tyteca, aims at gaining the adherence of minds, and it

is thus essentially dependent on the audience. While logical validity is totally dependent on ther form of the statements (the premisses and the conclusion), the success of rhetoric or argumentation is totally dependent on how the defender of the claim succeeds in persuading his interlocutors.

The writers don't claim that logical inference could not be used in argumentation. In fact, one of the schemes that they use in *The New Rhetoric* and *The Realm of Rhetoric* is the so-called quasi-logical argument, which looks like a logical inference, although it does not comprise a formally valid deduction. These arguments would need a conscious process of reduction in order to make them formally valid, but still they derive their persuasive strength from this likeness to well-established modes of reasoning (Perelman & Olbrechts-Tyteca 1971, 193).

Given these definitions, does this dichotomy make sense? Can there be formally valid logical argumets at all? Perelman and Olbrechts-Tyteca seems to think not, since "the very nature of deliberation and argumentation is opposed to necessity and self-evidence, since no one deliberates where the solution is necessary or argues against what is self-evident."(Ibid, 1) But this seems strange, since mathematical proofs are logically valid and necessary, and thus conceptually self-evident, but they are not easily seen as such, and mathematicians certainly deliberate about the validity of difficult theorems. Similarly, philosophers often argue against theses which they claim to be inconsistent, but which are not necessarily seen as such. The a-temporal nature of demonstration that Perelman often refers to is far from reality, considering the difficulty of logical and mathematical reasoning.

However, this is a minor difficulty in comparison with another implication of this demonstration/argumentation dichotomy. Perelman insists that argumentation is not only audience-dependent but also non-compulsive (Ibid., 1), so that the audience is in fact free to accept or reject any of the arguments presented to it. Effectiveness, thus, becomers the primary criterion of good argumentation. How, then, will it be possible to define rationality or reasonability within argumentation, which is the expressed objective of Perelman, namely to "break with a concept of reason and reasoning due to Descartes"?

Does this mean that truth and reasonability also become audience-dependent, in the sense that each audience has its own truth? In order to avoid this kind of extreme cognitive relativism, Perelman was forced to introduce his famous concept of "universal audience". The universal audience is "anybody who is able to understand us, who is able to follow our argument. (…) The universal audience implies, in short, a group of reasonable human beings who are capable of

responding to a logical discourse."(1982b:8) He seems to imply that the universal audience will become convinced only by true statements (1971:31-32, 1992a:32). However, the universal audience is not, for him, a universal idealization, but only a construct made by the arguer: "Each individual, each culture, has thus its own conception of the universal audience." (1971:33).

Not surprisingly, many sociologists find this notion too philosophical. For instance, Ricca Edmondson argues that "history gives no grounds for assuming that any all-embracing conglomerate of actual audiences would ever have personal and political preconceptions which balanced each other into a transcendent accuracy" (Edmondson 1984:158). This criticism is, however, somewhat beside the point, since nothing will prevent the arguer of constructing such a conglomerate in his or her mind. But Edmondson may be right in the sense that, given our knowledge of the diversity of opinion among quite rational men, such as scientists, it would be rather foolish for us to make such constructions.

But there are also purely logical problems with this concept. Using an already relativized concept like this is hardly a suitable way to escape relativism. The difference between a particular audience and a universal audience as constructions is that the former has a real counterpart, so that the image formed by the arguer may thus be more or less adequate. The real audience is either persuaded or not. If our only objective is to reach adherence, then this is the criterion of reasonable argumentation. But the universal audience does not exist except as a construction, and thus it cannot react to the arguments presented to it. What does it mean, then, that the criterion of convincing argumentation is the adherence of a universal audience? Perelman and Olbrechts-Tyteca write that "this refers of course, in this case, not to an experimentally proven fact, but to a universality and unanimity imagined by the speaker, to the agreement of an audience which should be universal, since, for legitimate reasons, we need not take into consideration those which are not part of it."(1971:31)

This means that a purely imagined unanimity is enough to make the argument convincing, if only the arguer has a *legitimate reason* to disregard those that he knows would disagree. "The agreement of a universal audience is thus a matter, not of fact, but of right."(NR 31) Thus if a scholar presents a theory that does not convince everybody in the scientific community, he can claim to have convinced the universal audience (and thus be right) only if he has a legitimate reason to disregard his critics? But what could this reason be? And where does this legitimacy come from?

Usually we do not, in scientific argumentation at least, try to disregard our critics

simply by virtue of their stupidity or whatever, but rather we try to see whether their comments are reasonable: Have they understood what we have said? Have they produced genuine counterexamples that would refute our theory? Have they produced empirical evidence that is inconsistent with what we have said, etc.? In order to do this, we shall have to have some idea of reasonable argumentation in science, as well as in practice. But if we already need to know the criteria of sound argumentation before we can decide about the legitimate disregard of our critics, where do we need the concept of universal audience in the first place?

Toulmin's strategy was equally based on an attempt to dethrown formal logic, and we can understand his preoccupation with the concept '*field of argument*' better in that context. As van Eemeren et. al. have pointed out, the concept was left somewhat vague in his writing, referring sometimes to problem fields (such as weather forecasting or mathematical problem solving), sometimes to sciences or disciplines (van Eemeren et. al. 1996, 155). Be that as it may, the essential meaning of this structure was to introduce the concepts of field-dependent and field-independent criteria of good argumentation: the mistake of traditional logic and epistemology was, according to Toulmin, that the criteria of one field – analytic reasoning or formal logic – have been applied in all fields. "There is no justification for applying analytic criteria in all fields of argument indiscriminately, and doing so consistently will lead one (as Hume found) into a state of philosophical delirium." (Toulmin 1995, 176)

Toulmin's objective was apparently to avoid Cartesian scepticism, but unfortunately his strategy will lead the argumentation theorist and practitioner into trouble. If the criteria of good argumentation are not generally field-independent, they will have to be determined in each field. And this is exactly what Toulmin says: "When we ask how far the authority of the Court of Reason extends, therefore, we must put on one side the question how far in any field it is possible for arguments to be analytic: we must focus our attention instead on the rather different question, to what extent there are already established warrants in science, in ethics or morality, in law, art-criticism, character-judging, or whatever it may be; and how far the procedures for deciding what principles are sound, and what warrants are acceptable, are generally understood and agreed." (*ibid.*)

Certainly there are such standards in most fields, but the problems that we face in practical situations of argumentation are not only conventional and intra-field but also interdisciplinary, and they also have to do with critizising existing and established criteria of acceptable warrants. For instance, the field of spatial planning has a long tradition and professional culture, and it has been part of this

culture to define the acceptable criteria of planning arguments. What will happen when these criteria are critizised by radical planners or plannig theorists, or ecologists, or sociologists, or the local people? Which criteria should prevail, or are there field-independent criteria that could be used in situations like this?

3. The concept of resolving differences of opinion and the pragma-dialectical approach

In contrast to these modern classical approaches, the pragma-dialectical theory of argumentation is deductivist, in the sense that the protagonist of a claim is supposed to be committed to a set of premises making the deduction of his thesis logically valid. I shall not discuss this controversial thesis in this context (for the discussion of deductivism, see e.g. Govier 1987; Berg 1992; Groarke 1992; Woods 1994; Gerritsen 1994; Lapintie 1998), but I shall rather concentrate on the concept of resolution in this theory. Since van Eemeren and Grootendorst do not see the need to depart from analytic reasoning (this being in essence the basis of all argumentation), they, conversely, wish to make a distinction between the normative merits of argumentation in making critical discussion possible, and the empirical or pragmatic merits of rhetorical persuasion. The purpose of argumentation or critical discussion is not the adherence of minds, as Perelman would have it, that is, *settling* the differences of opinion, but rather *resolving* them (van Eemeren & Grootendorst 1992, 34).

A dispute is resolved, according to pragma-dialectics, only if somebody retracts his doubts because he has been convinced by the other party's argumentation, or if he withdraws his standpoint because he has realised that his argumentation cannot stand up to the other party's critique. Van Eemeren and Grootendorst thus contrast the resolution with the usual ways of getting rid of such conflicts, such as calling on an unbiased third party (a jury, an ombudsman, a judge, or a referee), or negotiating a compromise solution (ibid.). The paradigm case of good argumentation they seem to have in mind is, obviously, scientific discourse, where referees certainly have to be used, but the actual resolution of scientific debates is supposed to be guaranteed only by free and open discussion, where fallacies should be avoided as much as possible. There are no judges or juries in science.

Since this is an empirical or factual criterion, the definition of good argumentation cannot be that it has succeeded in getting the antagonists to retract their doubts or withdraw their conflicting standpoints. This may of course happen for many reasons, for instance out of respect for a reknown scientific authority, or out of an unconscious fear of becoming unpopular, or for any other

"unscientific" – though perhaps strategically rational – reason. Resolution, defined in this way, is therefore not tantamount to truth or the best policy decision, if one wants to avoid the problematic consequencies of cognitive and moral relativism. But if so, then one may wonder whether there is such a great difference between settling and resolving differences of opinion, although van Eemeren and Grootendorst present it as a demarcation line.

If we consider the solution to a mathematical problem, the criterion cannot be the adherence of the minds of mathematicians, nor the willingness of critics to retract their doubt, but it must be a *real* solution. Correspondingly, the absence of unanimity is no criterion for the failure of the suggested solution, if the proof is valid, and no one can find any mistake in it. Is it really not possible that *something of this kind* is also meant by the practitioners trying to find solutions to social, political, ethical, or planning problems? Not simply unanimity, but the real, or at least a good enough solution?

In that case van Eemeren's and Grootendorst's definition of resolution is somewhat counter-intuitive. We might, of course, understand this as the empirical element of resolution (say solution1), and do the usual philosophical idealization trick to arrive at the 'real' solution (solution2). The differences of opinions would thus be 'really' resolved, if the parties would in their debate conform to all of the rules of critical discussion specified by the pragma-dialectical theory (ibid. 202-209). Thus the above mentioned examples about the uncritical scientific audience would not be examples of critical discussion, since fear and too great respect for authority should not affect the proceedings of critical discussion.

Could we go as far as assuming solution2 to be tantamount to truth, or the best solution to a political or social problem? This would be a much more promising idea than the cognitive relativism lurking behind the rhetorical or constructivist conceptions of solution? But this would not do, at least not without additional rules of critical discussion on top of the ten specified by van Eemeren and Grootendorst (ibid.). The problem is, namely, that these rules are meant to create the precondition of free presenting, defending and challenging of standpoints, *if the parties wish to do so*. There is no rule requiring the antagonist to challenge a standpoint that is not warranted, or the protagonist to present arguments if nobody has casted doubt on the standpoint. Thus we may imagine a communicative situation where, for social or cultural reasons, no one wishes to create a controversial situation. In a community like that, solution 2 will not

necessarily represent truth or the best policy option. It is perfectly possible for such a community to end up, for instance, in a development that will cause disastrous environmental consequen-ces. 'Real' solution would thus represent a third type, say solution3.

4. Solutions and the Communicative Theory of Planning
Although our original attempt to define the 'real' solution is still unanswered, this distinction between solution1, solution2 and solution 3, would perhaps help to clarify the somewhat vague conceptual scheme that planning theorists are putting forward. Consider the following description of the the so-called inclusionary approach to argumentation in planning:
"The challenge for an inclusionary approach to strategic spatial planning is to experiment with, and test out, strategic ideas in initially tentative ways, to 'open out' possibilities for both evaluation and invention of better alternatives, before allowing a 'preferred' discourse to emerge, and 'crowd out' the alternative. This suggests that a discursive process needs to be designed which explicitly explores different 'storylines' about possible actions and offers up different 'discursive keys' for critical attention, maintaining a critical attitude until there is broad support for a new strategic discourse. Having thus generated a knowledgeable consensus around a particular storyline, the task of consolidating the discourse and developing its implications can then proceed. The discourse community can be said by this time to have collaboratively chosen a strategy, over which they are then likely to have some sense of 'ownership'. A new 'cultural community' has been formed around the strategy." (Healey 1997, 278-279).

What kind of solution are we talking about here? Communicative planning, according to Healey, would seem to consist of the following steps:
1. opening up the discourse, in order to allow the different alternatives, meanings and visions to come forward,
2. closing it down again through a careful timing and consensus-formation and
3. forming a new "cultural community" around the chosen strategy.
The problem is, however, that the theory still does not address the two original questions that were mentioned earlier:
1. why would the participants finally give up their differences of opinion concerning, for instance, a planned motorway through a residential area,
2. even if they do, is this a guarantee for its being the right solution in any sense of the word? Since unanimity is not the basic social feature of a large community,

and, as we saw, it does not even produce truth or the best solutions to problems, then what kind of consensus-formation are we talkin about? A rhetorical success? Or is it at all possible to arrive at such a "cultural community" after a successful opening up of real alternatives?

In its essence, Healey is describing a solution1, since the participants are not forced to arrive at a specific desicion, nor do they use an unbiased third party for arbitration. But it is not only that, since the organizer of the process, the 'communicative planner', is supposed to take care that all the strategic ideas and possibilities are called for evaluation, and that a "critical attitude is maintained until there is broad support for a new strategic discourse." There are, thus, many elements of critical discussion present in this description, but they are mainly concentrated on the opening phase, by removing obstacles of free discussion. The "consolidation" or consensus-formation remains a black box.

In order to arrive at a solution2, the other resouces of argumentation should be taken to use, in the sense that participants would learn to challenge the relevant alternatives and defend their standpoints with relevant arguments, but also to develop readiness to alter and even to reject their standpoints, if they cannot be defended. The strategy of communicative planning could thus be described as a turn from expert-oriented planning and solution1 towards solution 2. Although this will not guarantee that the best solution (solution 3) is reached, it is still the best available option for the reflective practitioner.

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