ISSA Proceedings 2014 – Cognitive Biases And Logical Fallacies

Abstract: Cognitive biases indentified in psychology are indications of imperfect reasonableness of human minds. A person affected by a cognitive bias will reason wrongly without realizing it. Argumentation theory should take the findings of cognitive psychology into consideration for two main reasons. First, the biases registered by psychologists will help create a more comprehensive inventory of fallacious reasoning patterns. Second, some cognitive biases may help explain why a person is reasoning fallaciously.

1. *Introduction*

We know that a speaker may use some of the reasoning patterns called fallacies in order to manipulate her opponent, or to mislead the audience present at the discussion. For instance, an illegitimate appeal to the expert's status or a straw man can be used as purely sophistical devices that presumably may help the speaker win the debate. We also know that a person can reason fallaciously without realizing that she's actually doing so. For instance, she may be affirming the consequent or using an undistributed middle term in a syllogism while not realizing that she is, in fact, committing a logical fallacy. In such cases we usually put it down to poor logic in the reasoner. However, with the help of a few examples I'll show that some reasoning errors are committed not because the arguer's mind lacks in logic, but because it is abundant in psycho-logic. As the human mind is a multifaceted structure, our choice of argumentation patterns can be determined not only by logic – or lack of it – but also by our psychology. In other words, I want to argue that if a speaker is reasoning wrongly it may be not because of bad intent, and not because his logical machine breaks down, but because his psychological machine is in gear.

Cognitive psychology identifies several dozen cognitive biases, which are "replicable pattern(s) in perceptual distortion, inaccurate judgment, illogical interpretation, or what is broadly called irrationality**[i]**". (This and other quotations that describe cognitive biases below are taken from the Wikipedia list

of cognitive biases; see Footnote 2.) I think argumentation scholars should incorporate these findings of cognitive psychology into their research for several reasons. First, some cognitive biases resonate well with the logical fallacies argumentation theorists know of, and to no surprise: both are, in fact, improper reasoning patterns that occur systematically. Moreover, references to such reasoning patterns as wishful thinking, gambler's fallacy, Texas sharpshooter fallacy, bandwagon effect, and some others can be found both in the lists of cognitive biases and in the lists of fallacies**[ii]**. However, logic and psychology look at bad reasoning from different angles, and even though many cognitive biases are somehow related to the fallacies we are familiar with, the descriptions of the former can sometimes give a wider perspective on, and/or a deeper insight into the reasoning patterns argumentation scholars are accustomed to being aware of.

A second reason why more should be learnt about cognitive biases is that one must realize that a person may well be expressing a biased view without ever wanting it to be biased, without even knowing that it is biased. Walton, Reed and Macagno describe an argumentation scheme called 'argument from bias' (Walton et. al., 2008, pp. 154-169), but when talking about this scheme the authors seem to use the word 'bias' – which is admittedly an ambiguous word – to mean a conscious, intentional bias, as in the phrase 'institutional bias', for example. However, if an arguer is affected by a cognitive bias, she will commit a fallacy unconsciously and unintentionally. I think it is important to distinguish between appeals to conscious and unconscious bias because a) such appeals will have different rhetorical functions and b) dialectical evaluation and methods of criticism of arguments from conscious and unconscious bias will also be different.

Apart from this, learning more about cognitive biases will have some pedagogical implications. If one goes deep into the subject, she will probably see that it is not enough to teach her students logic, rhetoric, and dialectic if she wants to make good reasoners of them. She may want to teach them some cognitive psychology as well. In my opinion, argumentation theory must join forces with psychology in discovering how judgments are formed in the human mind.

2. *Examples of cognitive biases consonant with logical fallacies*
In this section I will provide several examples of cognitive biases that are consonant with logical fallacies. Logicians register the Fallacy fallacy when the conclusion of an argument is claimed to be false on the grounds that the

argument in its support is fallacious. Psychologists, in their turn, register the Belief bias – "an effect where someone's evaluation of the logical strength of an argument is biased by the believability of the conclusion" (see, for example, Stupple et. al., 2011). These two reasoning patterns are opposites of each other. In other words, they appear to be mirror reflections of one another. However, psychologists don't know about the Fallacy fallacy while logicians are unaware of the Belief bias. At the same time, it can't be denied that we often encounter this fallacious reasoning pattern in everyday communication: 'This one is a good argument because it supports the conclusion I endorse'. Thus, a piece of knowledge generated in the field of cognitive psychology can evidently be of use to an argumentation theorist compiling a list of logical fallacies.

Logicians also know of the cherry-picking (or suppressed evidence) fallacy while psychologists point out to the Confirmation bias – "the tendency to search for or interpret information … in a way that confirms one's preconceptions" (see, for example, Lewicka, 1998). When an argument critic accuses someone of cherry-picking he means that his opponent (or collocutor) intentionally selects the evidence that supports her conclusion while intentionally ignoring (suppressing) the evidence that contradicts it. (Cherry-picking is a common argumentative tactic among linguists, for example. They put forward a general claim about some aspect of the language and then give examples of language use that support this claim. In so doing, they often suppress counterexamples that would undermine the claim. This argumentative strategy is rightly regarded as a way of cheating.) However, with the help of some experiments psychologists show that a person can indeed be selective in providing evidence for a claim without ever knowing she is being selective. In other words, this person can be 'honestly in error'. The imperfection of our cognitive apparatus may be causing the errors in our reasoning – not bad intentions.

A few more examples of consonance between cognitive biases and logical fallacies – in even less detail. There's a bias called 'Anchoring effect' – "a common human tendency to rely too heavily, or "anchor," on one trait or piece of information when making decisions" (see, for example, Strack & Mussweiler, 1997). There's also a 'Halo effect' – "a cognitive bias whereby the perception of one trait (i.e. a characteristic of a person or object) is influenced by the perception of another trait (or several traits) of that person or object" (see, for example, Nisbett & Wilson, 1977). Both of these biases are related to the part/whole fallacies but they

take these patterns of reasoning at a different angle: rather than explaining their fallaciousness by absence of logic they explain it by natural presence of psycho-logic in the human mind. Besides, the Anchoring effect can help account for the persuasiveness of the 'Outstanding example' fallacy. Thus, knowledge in cognitive psychology may sometimes allow the argumentation theorist to understand why certain fallacies can be effective persuasive devices.

The Hindsight bias, sometimes called the 'I-knew-it-all-along' effect, – the tendency to see past events as being predictable at the time those events happened (see, for example, Mazzoni & Vannucci, 2007) – is consonant with the Historian's fallacy in the sense that the reasoner relies on the knowledge she has in the present when judging about events that took place in the past. Stereotyping – "expecting a member of a group to have certain characteristics without having actual information about that individual" (see, for example, Judd & Park, 1993) – has a lot in common with inductive fallacies such as hasty generalization. The Projection bias – "the tendency to unconsciously assume that others share one's emotional states, thoughts and values" (see, for example, Sheppard), and the False consensus effect – "the tendency for people to overestimate the degree to which others agree with them" (see, for example, Gilovich, 1990), are both consonant with, though a bit different from, the Psychologist's fallacy. There are other examples of this kind too, and if argumentation theorists read more about cognitive biases they will be able to enlarge the existing lists of fallacious reasoning patterns and have a better understanding of why logically bad reasoning can at times be persuasive.

3. *Conscious vs. Unconscious bias*
In this section I will discuss the differences in rhetorical functions and dialectical roles of appeals to conscious and unconscious bias that the speaker's opponent in a critical discussion may appear to have. In their monograph *Argumentation Schemes* Walton, Reed, and Macagno describe a 'bias *ad hominem*' scheme that is formalized as follows:

Premise 1: Person a, the proponent of argument ∂ is biased.
Premise 2: Person $a's$ bias is a failure to honestly take part in a type of dialog D, that ∂ is a part of.
Premise 3: Therefore, a is a morally bad person.
Conclusion: Therefore, ∂ should not be given as much credibility as is would have without the bias (Walton et. al., 2008, p. 338).

When discussing arguments from bias (ibid., pp. 154-169) the authors seem to have in mind appeals to conscious bias only. It is true that a person may have this kind of bias – her institutional position, social status, or association with a certain group can be making her reason in a prejudiced way. The following anecdote will serve as an illustration of a communicative situation where an appeal to conscious bias would be justified, in my opinion.

Once I was accompanying a Swedish ecologist, Lars, to a meeting with the Irkutsk aluminium plant administration. They spread on the table for us the wind rose (wind direction map) for the area, and it quite expectedly showed that the major winds blew away from the city and, therefore, brought no pollution from the plant to it. When Lars and I discussed the meeting afterwards, we both were very skeptical about the trustworthiness of the wind rose we'd seen: we knew the plant administrators couldn't have shown us anything different. We doubted the honesty of our interlocutors. We knew they could have fabricated the data to deceive us.

Now let us imagine that meeting was held in public. Suppose Lars would say to the plant bosses: 'Of course your wind rose shows what it shows: as company administrators you could never publicly admit that the plant is polluting the air in the city'. For the audience present this utterance would probably constitute a cause to doubt the administrator's sincerity. For the administrators themselves it would probably constitute a cause for some irritation: they would be angry with the Swede because he's shaken the audience's trust to them. Such an appeal to bias is of course an ad hominem argument and without doubt it contains an attack on the opponent's moral qualities. I must note here that Douglas Walton insists that any ad hominem argument must contain a premise (or a sub-conclusion) 'arguer a is a morally bad person', because in any of its disguises this argument is some kind of attack on the opponent's personality. I disagree with this proposition for the reasons given below.

Let us consider a different situation. Imagine that I put forward a hypothesis and cite some data that confirm it. Suppose now that my collocutor brings forward some evidence that clearly contradicts my hypothesis. What should my reaction be? Should I feel angry with him? Not at all! I will realize that because I liked my hypothesis so much, because I so much wished it to be true, I got blinded by the confirmation bias. So instead of being angry I'll be grateful to my collocutor because he's rescued me from a potentially erroneous conclusion. And how would

the audience react should they be present at this exchange? If in the course of a public discussion one of the participants manages to show that her opponent is unknowingly biased, this should not evoke suspicions about his moral qualities. Instead, the audience would probably pity the poor lad, and thus even develop some sympathy to him. Haven't you ever felt pity for a colleague who is wrong but he just can't see it?

I'd like to stress that the basic logical structure of arguments from bias will always be the same, no matter if it is an appeal to conscious or unconscious bias. Such arguments will always remain ad hominem arguments showing that the opponent's view (or his argumentation) is one-sided. However, appeals to conscious and unconscious bias are different in at least three other respects. First, an appeal to conscious bias is a hostile move in the sense that it is often used to raise suspicions about the opponent's sincerity or honesty. Therefore, formalization of this argument must have 'arguer a is a morally bad person' as one of the premises. On the other hand, an appeal to unconscious bias is a friendly move as it doesn't attack the opponent's personality. Instead it is an act of charity because it can save the opponent from an erroneous conclusion by showing that his psychology is playing a trick on him and making him reason wrongly. Even though such argument will still be an ad hominem, its formalization should not have 'arguer a is a morally bad person' among the premises. The second difference is that the addressee of an appeal to conscious bias will most probably be annoyed with this argument, while the addressee of an appeal to unconscious bias should be grateful to his interlocutor. The reaction of the addressee is important to consider because the discussion may take two drastically different routes: it will probably become antagonistic in the first case and cooperative in the second. Finally, in a public discussion, appeals to conscious and unconscious bias will evoke different feelings in the hearts of the audience: it may grow distrustful to the argument addressee in the first case and sympathetic in the second. It goes without saying that one has to bear in mind the differences in the rhetorical functions of different arguments. An appeal to a conscious bias may be instrumental in winning the discussion while an appeal to a cognitive bias can be helpful in arriving at the right conclusion as the result of the discussion.

4. *Conclusion*
I think the most important lesson an argumentation scholar can learn by studying

cognitive biases is that the human mind is only imperfectly reasonable. We can be logical, yes. But at times we can also be psychological. If my reasoning is poor, it may be not because I lack certain skills or abilities but because my thinking process is distorted by some inherent, natural features of my mental organization. By pointing out numerous instances of unreasonable human behavior, cognitive psychology does us all great service: we now can get rid of our illusions about the maximum achievable amount of reasonableness in humans.

Reading about cognitive biases will have some pedagogical implications, too. To make good reasoners of our students it is apparently not enough to teach them logic, rhetoric, and dialectic. When we talk to them about fallacies, we do it for a clear purpose: we hope that they will try to avoid bad reasoning patterns when making up their own arguments, and that they will be able to spot such patterns in the reasoning of others. I believe we must talk to students about cognitive biases for exactly the same purpose. If a person is aware that her mental apparatus is liable to malfunctions of certain types, she will be better armed against falling into traps of her own psychology. Of course, self-reflection is not an easy task and neither is psychological analysis of others. And of course, cognitive biases are not tangible or measurable things, not even clear-cut notions. But replicable experiments show that some such biases do exist and knowing about them will certainly help account for the causes of poor reasoning in some instances. Moreover, it may help eliminate these causes thus improving the overall quality of reasoning.

In conclusion I'd like to reemphasize why I believe argumentation scholars should take into consideration the relevant research in cognitive psychology. First of all, we must remember the fact that the human mind is not only logical but psychological too. Some of the unreasonable actions people carry out result not from their poor logic but from their rich psychology. To be frank, I've always felt that some reasoning patterns described as informal fallacies are rooted in the human psychology. Take wishful thinking, for example. In my opinion, it is wrong to say that the utterance 'I want it to be true, therefore, it is true' lacks logic. It is so transparently anti-logical that the apparatus of logic is simply inadequate for its interpretation. Instead, a reference to the psychological 'side' of the human mind can explain how a reasoning pattern so appallingly illogical may exist at all: it comforts me to think it's true, therefore, I will think it's true. Or take the Bandwagon fallacy: 'Everybody believes it (or does it), therefore, I must believe it

(or do it) too'. That's psychology at work, or herd instinct maybe, but it's not a logical breakdown. If argumentation theorists know more about cognitive biases they will be better equipped to say why a person is reasoning – and behaving – wrongly.

Besides, learning about the biases will help compile a more comprehensive inventory of fallacious reasoning patterns. Some cognitive biases are formalizable in the same fashion Douglas Walton and some other authors formalize argument schemes. For instance, the reasoning pattern affected by the Belief bias can be formalized as follows: "I share proposition p that argument A supports; therefore, A is a good argument". The Anchoring effect can have the following form: Object O has property $P; P$ has positive (negative) value; therefore, O has positive (negative) value.

Other reasoning schemes affected by cognitive biases are apparently more difficult to formalize (the Confirmation or the Hindsight bias, for example), but I'm sure theorists can find ways to deal with such instances too. In any case, if they study cognitive biases and compare them to the fallacies they know, they will have a better chance to understand how the healthy brain may malfunction.

Of course one shouldn't forget that psychology is a purely argumentative science in the sense that all the conclusions psychologists make are liable to refutation. Indeed, when reading about cognitive biases I failed to be convinced by some arguments that I found. Well, after all, psychologists are liable to the Psychologist's fallacy by definition. Besides, there are controversies among cognitive psychologists about the existence and classification of many biases just the way there are controversies among argumentation theorists about the fallacies. So caution must be taken when analyzing what psychology has to say. At the same time, no-one is in a better position to evaluate the quality of arguments than scholars of argumentation.

NOTES

i. Although I'd prefer the word "unreasonableness" as I like to preserve the word "rationality" to talk about mathematical, abstract thinking which I'm not talking about here.

ii. For example, compare these two lists from Wikipedia: http://en.wikipedia.org/wiki/List_of_cognitive_biases and http://en.wikipedia.org/wiki/List_of_fallacies

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ISSA Proceedings 2014 – Reasons Why Arguments And Explanations Are Different

Abstract: Trudy Govier defends the distinction (elsewhere taken for granted) between arguments and explanations. I will discuss what making the distinction really amounts to and try to show that the kind of distinction she wants to make

between products (rather than between speech-acts whose distinctness from each other is uncontroversial) is under-motivated. In particular, I will show that her discussion of Hempel's covering law model is a terminological muddle.

1. *Four ambiguities in setting the problem*
In this section I want to narrow down what the distinction between arguments and explanations would amount to.

One might wonder whether defence is at all necessary, since 'argument' and 'explanation' are not synonyms and nobody takes them to be such. The issue, rather, is what the distinction is a distinction between and what notice we need to take of it. Kasachkoff (1988, p.25) instructively puts it this way:

What we are faced with, then, is a dispute not about whether there is a distinction between explanations and justifications: a distinction between them is maintained not only by those who . . . hold that we should analyze explanations and justifications differently, but also by those who claim that – at least for purposes of critical examination and evaluation – explanations are NO different from justifications. What, then, is the point of contention? It is whether the (admitted) distinction between explanations and justifications provides a reason for treating them differently. . . . . It is beside the point to argue against holders of this latter position that there is a difference between explanations and arguments, for their position does not deny this point. It is only the difference these differences make which it calls into question.

Kasachkoff, like Govier and like most who write on this subject, thinks that the matter is to be settled by showing that there are different normative constraints on the two things being evaluated; all that is then required to establish the distinction is an example of something that is successful as an explanation but unsuccessful as a justification, or *vice versa*.

Let us break this down a little more. At one extreme, explanations and justifications have precisely the same criteria of evaluation, that is to say that the same normative constraints are operative, and so it is not necessary to decide "for purposes of critical examination and evaluation" whether a piece of reasoning represents explanation or justification. Slightly weaker, but still adequate for

denying any purpose to making the distinction, would be the case where explanations and justifications have different criteria of evaluation, but these criteria were such that they were co-extensive, that is to say that they gave the same verdict of goodness or badness irrespective of whether a piece of reasoning is taken to represent explanation or justification. To put it in terms of reasons, if the reasons given are always equally successful in providing an explanation and an argument, then there is no purpose for making the distinction, even if we supposed that the reasons functioned in different ways in the reasoning.

At the other extreme, explanations and justifications have different criteria of evaluation, so it is always necessary to make the distinction prior to proper evaluation of the reasoning. Not only is there no reason to suppose that a piece of reasoning will be good when evaluated as an explanation because it is good when evaluated as a justification or *vice versa,* but in fact this is never true; the criteria are incompatible. This, as indicated, is an extreme view and not one that I think anybody holds – it is not the view of Govier or Kasachkoff. They hold to a weaker version where the criteria are not incompatible and thus it is possible in principle for the same reasons to satisfy both sets of criteria. Not only is it possible in principle but it actually occurs in practice**[i]** – there are some questions for which the same reasons will perform both roles. Nevertheless, if there is some question for which this is not so, then this is a reason for the claim that explanations and arguments are different. I will call this the Identity Question. However, I am not convinced that this is adequate, and I would like to point out four ambiguities.

Firstly, there is an act-object or process-product ambiguity in the terms 'explanation' and 'justification.' The acts of explaining and justifying are speech-acts, and it seems quite possible to follow the lead of McKeon (2013) in taking the distinction to be between the acts rather than the objects, and then difference in success is explained by the speech-act of explaining having conditions that the speech-act of justifying does not. Then, the only thing that counts for evaluation of the *object* is how well the reasons support the claim; furthermore, if all reasons-claim relations are deductive or can at least be represented in some logical system or other, then it is the object as a logical structure that concerns us normatively and that we need to evaluate. On the other hand, defenders of the distinction may still claim that there is a distinction between the objects or products themselves – even if these objects have the same logical structure this does not prevent them from being *conceptually* distinct, and for this reason from

having different norms. One way of putting this is to say that defenders of the distinction may accept the act-object distinction yet still defend a distinction between objects as a type-token distinction.**[ii]** It is no small task to determine whether the norms in question are norms for the successful performance of a speech-act or the goodness of the object.

Secondly, there is an ambiguity in the word 'argument' that motivated my shift to speaking of justification above. In the logical sense of the word, 'argument' is just an abstract object, propositions arranged in a particular structure that exhibits logical inter-relationships between them, by evaluating which according to well-known canons of logic we are able to judge whether the argument is good. A piece of reasoning is good if and only if the reason supports the claim. The goodness of the reasoning can be evaluated by reconstructing it as an argument and evaluating the argument (by showing that it is valid, if the argument is deductive). It is another sense of the word 'argument' that seems to be being distinguished from explanation in this literature. "In arguments, premises are stated in an attempt to prove, or justify, a conclusion," says Govier (1987, p.159). 'Justification' and 'proof' are then considered to be synonyms for 'argument' in the sense at issue. The claim that explanations are distinct from arguments is then the claim that explanations are distinct from justifications.**[iii]** As we have already seen, this leaves open the question whether it is a distinction between products.

Thirdly, I wish to note an ambiguity in the title itself. Govier takes herself to be giving reasons why arguments and explanations are different, but what kind of "why"-question does she take herself to be responding to? A request for a justification that arguments and explanations are different or a request for an explanation of why they are different? Nobody denies that these are different questions, but do they need different answers? Do the reasons Govier gives serve to answer both questions? If they do, and are *equally good for both purposes*, then the topic question of this paper is at least one instance where, whatever the conceptual distinctions between justifying something and explaining something, the object we use to argue and explain, that is to say, the reasons we give are the same. Govier (1987, p.171) allows that after a justification has shown that you should believe something, sometimes the very same reasons will help you understand why it is true. Presumably she feels that the chapter under discussion falls into that category.

Fourthly (though not strictly an ambiguity), there is also another question that our topic question might be confused with, and that is "Can an informal logician make the distinction between an argument and an explanation in a given piece of discourse?" Sometimes they obviously can, for instance, when the speaker begins with "Let me explain: . . .", or is the response to the question "Explain why . . ." But most of the time it will not be so simple, for it is only rarely that we explicitly use in discourse the illocutionary verbs that identify the speech-act that we are performing, and rarely that we explicitly request an explanation rather than just asking a "why"-question that is interpretable as a request for an explanation or for an argument. So let us suppose that the context of the discourse does not solve this. Also, it is not to be solved by appeal to specialized knowledge in the domain of which the discourse is a part, for what we have then is not informal logic but applied epistemology of the particular discipline.**[iv]** If an *informal logician* can make the distinction between an argument and an explanation for a given piece of discourse then they must do so by appeal to linguistic indicators that they find in the discourse itself and perhaps common knowledge that is not domain or discipline-specific. The question "Can a distinction be made in practice?" I will call the Analysis Question. If it cannot be done – if the distinction cannot actually be made – then the tenability of the distinction becomes a rather academic exercise. It is important, therefore, that we should be able to answer "yes" to this question.

Before going on to Govier's defence of the distinction, it is worth pointing out that there is one fairly trivial sense in which all justifications are explanations. When I give my reasons for thinking that something is true then I am also explaining firstly why I think that it is true and secondly (often) the normative fact that everybody (or at least everybody who accepts my premises) *should* think that it is true. What I am not necessarily doing is explaining why it is true. Note that in each case the conclusion or explanandum is slightly different, i.e., *p,* I believe that *p*, everybody should believe that *p*. The reasons are different too. If I am asked why I believe that *q* I might answer that I believe that *p* and I believe that *p→q*, and that I believe that *q* must be true if *p* and *p→q* are true; the logical principle modus ponens here becomes a principle of rationality telling me what I should believe given other things I believe. If I am asked why *q* is true, though, beliefs don't come into it and I will say only that *p* and *p→q* are true, and that q must be true if *p* and *p→q* are true.

2. *Govier's reasons: a defence of the distinction*

Govier (1987, p.159) starts by pointing out that linguistic indicators like "thus," "therefore," "since," and "because" occur equally in arguments and explanations, and that some sets of statements are interpretable either way. How does this affect our questions?

It seems we have reason to answer, provisionally at least, negatively to the Analysis Question; linguistic indicators do not on their own favour interpretation as an explanation or an argument. If informal logicians are to make the distinction after all (or at least to make the distinction prior to the evaluation**[v]**) then this is only on the provision that common knowledge has the resources for doing so.

We have reason also to answer negatively to the Identity Question, for whether it is an explanation or an argument that is requested, any answer that we can give in discourse will be reasons that are linked together by these kind of indicator words, and unless there is a semantic difference between these words as they occur in arguments and explanations – i.e., these indicator words are ambiguous – then the object that we get out of the discourse by analysis will be the same both logically and semantically, irrespective of whether it is analysed as an explanation or as an argument. I can find nowhere that Govier claims that these words are ambiguous.**[vi]** This seems to imply a token-identity between explanations and justifications, at least in so far as informal logicians are able to determine the token through analysis of the linguistic indicators. It also implies that it is the product that is in question, for this is what we can get from analysis of a text. So, the defence of the distinction depends, as I suggested above that it must, on establishing the necessity of a type-distinction, which is to say, on establishing different normative standards for the products.

Govier next discusses the claim of the deductive-nomological model that all explanations are arguments, or at least, that it is a particular type of argument in which one premise is a covering law. There are actually two claims here that Govier might be referring to but which she fails to distinguish; in fact, the discussion of this issue in the informal logic literature is something of a terminological muddle. The first is that explanation in the object sense is an argument in the purely logical sense of the word 'argument,' though with certain additional logical features that distinguishes them from other arguments; not every argument, or even every valid argument, can be used as an explanation. The second is that explanation in the object sense is structurally identical to

prediction.

These are quite different claims as the following excerpt from Hempel and Oppenheim (1948, p.137) shows:

If a proposed explanation is to be sound, its constituents have to satisfy certain conditions of adequacy, which may be divided into logical and empirical conditions. . . .

I. *Logical conditions of adequacy.*
(Rl) *The explanandum must be a logical consequence of the explanans; in other words, the explanandum must be logically deducible from the information contained in the explanans . . .*
(R2) *The explanans must contain general laws, and these must actually be required for the derivation of the explanandum. . . .*
(R3) *The explanans must have empirical content; i.e., it must be capable, at least in principle, of test by experiment or observation. . . .*

II. *Empirical condition of adequacy.*
(R4) *The sentences constituting the explanans must be true. . . .*

The appeal to logical deducibility in (R1) has the result that a good deductive-nomological explanation must be a valid deductive argument, and (R4) has the result that this argument is also sound. So, a good deductive-nomological explanation just is a sound deductive argument that also satisfies (R2) and (R3). Hempel would understand "All explanations are arguments" as saying only that all explanations are arguments in the logical sense (whether deductive for deductive-nomological explanation or statistical for inductive-statistical explanation) that comply with certain additional yet still *logical criteria*, principally the subsumption of the conclusion under a covering (universal or statistical) law. This has nothing yet to do with justifications. Continuing (Hempel and Oppenheim, 1948, p.138):

. . . Let us note here that the same formal analysis, including the four necessary conditions, applies to scientific prediction as well as to explanation. The difference between the two is of a pragmatic character. If E is given, i.e., if we know that the phenomenon described by E has occurred, and a suitable set of statements Cl, C2, . . . , Ck, L1, L2, . . . , Lr, is provided afterwards, we speak of an explanation of the phenomenon in question. If the latter statements are given

and E is derived prior to the occurrence of the phenomenon it describes, we speak of a prediction. It may be said, therefore, that an explanation is not fully adequate unless its explanans, if taken account of in time, could have served as a basis for predicting the phenomenon under consideration. Consequently, whatever will be said in this article concerning the logical characteristics of explanation or prediction will be applicable to either, even if only one of them should be mentioned.

This is the second claim referred to above. If we take a prediction that something will occur as a proof that it will occur (if the explanation is sound), then this seems to be what Govier wishes to distinguish from an explanation. It is important to note that Hempel does not deny a pragmatic difference between explanation and prediction; the identity he proposes is *structural* – it is the same object that is used to explain as to predict, and the features that make it a sound explanation when used to explain also make it a sound prediction when used to predict. Also note that Hempel is explicitly referring here to scientific prediction. Because the *scientific* explanation is adequate if and only if the scientific prediction is adequate – or perhaps we might say would have been adequate or successful if the premises were given and taken account of before the explanandum event – we do not need to make the distinction in order to evaluate them.

An interesting point is that the structural identity thesis can be defended even if we deny that the structure involved is a logical argument or inference. What underpins the identity of explanation and prediction is the claim that reasons do not explain unless the conditional probability of the explanandum being true given the truth of those reasons is greater than 0.5, i.e., it is more likely to be true than false, and the closer this probability gets to unity the better the explanation and the more reliably we can predict that the explanandum event will occur. If it is less than 0.5, then it is not more likely to occur than not and we would not predict that it would occur. Obviously, deductive entailment is a limiting case where given the premises the conclusion must be true. Deductive and statistical arguments represent the relevant modal facts, but it is these facts themselves that underpin the identity thesis. Mellor (2006), denying that explanations are inferences, nevertheless endorses the identity thesis on the basis of this probability. However, against Mellor I would say that what we are attempting is not a conceptual analysis of explanation but merely a theoretical explication of its normativity; once it is agreed that deductive and statistical arguments actually

can represent the relevant modal facts, that is all we need to determine whether the explanation and/or prediction is good or not, simply by evaluating the argument.

It should be obvious that the big question is whether reasons can explain – whether an explanation can be good – without making its explanandum more likely than not. This is an issue that will come up later. Instead, Govier pursues a course that is actually orthogonal to the structural identity thesis as Hempel proposes it. There is a difference, Govier says, in the 'pragmatic direction' of an argument (proof/justification/prediction) and in the direction of the 'certainty shift.'**[vii]** She cites Nozick approvingly:

A proof transmits conviction from its premises down to its conclusion, so it must start with premises (q) for which there is already conviction; otherwise, there will be nothing to transmit. An explanation, on the other hand, may introduce explanatory hypotheses (q) which are not already believed, from which to deduce p in explanatory fashion. Success in this explanatory deduction may lend support and induce belief, previously absent, in the hypothesis. [Nozick (1981, p.14) cited in Govier (1987, p.162)]

This is odd in a number of ways. For one thing, Nozick is not here denying the structural identity of a proof and an explanation. Slightly before the excerpted segment, Nozick (1981, p.13) writes in perfect harmony with Hempel: "Even if (deductive) proof and (deductive) explanation have the same abstract structure . . . the pragmatics of the two activities differ." For Nozick as for Hempel, there are pragmatic differences, but these are differences between the two *activities* and not between the objects, which have the same structure.

For another thing, Nozick does not say that the conclusion of an explanatory argument shifts its certainty to the premises of the argument, as Govier seems to think; what shifts the certainty is the *additional* fact that the "explanatory deduction" is *successful.* It has the form:

1. F
2. E is the (best) explanation for F.
Therefore, probably
3. E

It is premise (2) that does the work here, and this premise is a comment on the

explanatory argument "E, therefore F" and not the argument itself or an element thereof. This, Govier (1987, pp.169-70) says, is an argument, not an explanation. So we do not here have a case where the explanandum 'shifts certainty' to the explanans.

There is, of course, a sense in which we might say that the truth of a derived consequence shifts certainty onto the premises it was derived from. Thus, we say that when a prediction has been confirmed (e.g., by observation) that this also *confirms* the explanans or whatever it was derived from. That is to say,

1. F
Therefore, probably
2. E

might itself be considered an argument in Govier's sense and it is certainly true that we might give F as a reason for believing E. Clearly this is not an explanation since it is not F that explains E but the other way round, but nor is it a scientific prediction. Hempel advocates both the structural identity thesis and confirmation, and is clearly not inconsistent to do so. All that this shows is that Govier's sense of the term 'argument' is wider than Hempel's sense of the term 'scientific prediction.'

All Govier's talk about pragmatic direction and certainty shifts has actually nothing at all to do with the structural identity thesis and is orthogonal to the Identity Question; we could concede these and still claim that the products are identical. What she needs to show is that the differences that everybody admits to are not simply differences between activities (Nozick) or speech-acts (McKeon) but actually differences in the products. I suggested above that she could concede that these products are token-identical, but argue that we must make a type-distinction between them. Recall that the Identity Question asked not only whether there was a question for which the same reasons could be given as an answer, but whether those reasons were equally good for both purposes. Govier's task, then, is to show that they are not, in general, equally good.

This is getting ahead of ourselves, though. Govier's next attack is on Stephen Thomas' four reasons for abandoning the distinction between arguments and explanations for pedagogical purposes. Thomas does not deny that there is a distinction, or that informal logicians can make it, but seems to be saying only

that comparatively unskilled informal logicians cannot make it (hence it should be abandoned for "pedagogical purposes"). This is a version of the Analysis Question. More important is his deflationary claim that there is actually no point in making it, for what we are really evaluating in either case is the reasoning involved, i.e., how well the reasons support the conclusion. If this is so then it amounts to answering negatively to the Identity Question. Thomas uses the term 'argument' to cover both justifications and explanations simply because they both contain reasoning (Thomas, 1981, pp.11-14) and it is the reasoning that we seek to evaluate.

Thomas's first reason is that sometimes our discourse is explanatory and justificatory at the same time and on the same interpretation: "An argument *that* x is true may also constitute an explanation *why* X is true" (Govier, 1987, p.163). According to Govier, Thomas argues that making a distinction between argument and explanation amounts to saying that explanation falls outside the scope of what can be evaluated by logic, and correctly points out that we can claim that explanations are logically evaluable without assimilating them to justifications. The existence of some discourses that are explanatory and justificatory at the same time and on the same interpretation is not sufficient to deny the viability of making a conceptual distinction.

If this is Thomas's argument then Govier's response seems valid. But as far as I can tell Thomas makes no comment on the "scope of logic" beyond the fact that it is concerned with reasons and reasoning, and as already noted above he does not deny the viability of making a conceptual distinction between explanations and justifications. He only means that we do not need two separate evaluations, since the justificatory discourse is good if and only if the explanatory discourse is good; there is simply no point in making the distinction, as far as the informal logician is concerned. We do not have to treat them differently, to use Kasachkoff's phrase:

. . . [I]n relation to real-life discourses, the distinction between justifications and explanations is neither sharp nor exclusive. Some discourses cannot be clearly categorized as one or the other, and many discourses seem to be both an explanation and a justification at the same time. However, this need not worry the reader of this book, because in either case the word 'because' and its synonyms are classified as inference-indicator words, and the discourse in which they appear in either case is counted as an argument. (Thomas, 1991, p.14)

Perhaps also the explanatory discourse need be good only in the trivial sense of explaining why I think or believe something [mentioned in the first section and in Wright (2002, p.37)]. If so, Govier is arguing past Thomas. Her point that the distinction is not shown not to be viable simply by the fact that some discourses are good in both ways is valid, but not one I think Thomas should be taken as denying. The example of discourses that are good in both ways is meant to respond to the Analysis Question more than the Identity Question. It is the difficulty of making the distinction that makes Thomas's claim that we do not need to make it in order to evaluate the reasoning so welcome, and if it were not so difficult this deflationary claim would serve little purpose. So, all I think that Thomas is trying to establish here is this difficulty, and Govier's criticisms miss their mark.

Thomas's second point is that making the distinction relies on extra-logical factors: function, social purpose, psychological factors. Again, Thomas (according to Govier) is assuming that arguments are within the scope of logic and that explanations are not. If the extension of the term 'argument' is relative to these kinds of factors, then either the scope of logic is also relative to the same factors (Govier, 1987, p.163) or, perhaps, the same product is sometimes evaluable and sometimes not.

Govier's (1987, p.164) response, once more, is to challenge Thomas's assumption and allow explanations within the scope of logic: "To say that pragmatic factors are required to apply the distinction between arguments and explanations is quite consistent with the sort of account Nozick offers, where beliefs of authors and their audiences are relevant to the issue of whether the intent is to justify or to explain." Once more, Govier's invocation of Nozick is inopportune, for we have already seen that for Nozick the distinction is not between the products but between the activities. The point is whether the intent to explain imports anything distinctive into its product, or to be a bit more precise, whether it imports anything that would affect its goodness or is relevant to its evaluation, into its product.**[viii]**

Again, I see no evidence that Thomas really does make the assumption Govier accuses him of making. His main objective, here just as in his first argument, is to raise problems for answering affirmatively the Analysis Question. But let us suppose that we are in fact able to make the distinction. The next point is that *goodness* should not be relative to these kinds of factors – if an argument is good,

it cannot become bad just because it is used for a different social purpose (explaining why its conclusion is true might qualify as such a purpose) or because the arguer loses faith in its premises. We only ever need to evaluate the product as an argument, any distinctions being a distinction between functions and purposes and not between products.

We see again that the issue actually turns on what we are evaluating when we evaluate arguments and explanations, whether it is the product itself or an act, and, if it is the product, whether this a distinction we can make on the basis of common knowledge. This difficulty for the Analysis Question is emphasized in Thomas's fourth argument where he says that pragmatic factors are often not revealed by the text. Again, this is related to the Analysis Question. Granted there is a distinction of some kind between argument and explanation (which nobody denies), there is no point trying to make it if it cannot be made (because of the vagueness of the linguistic indicators) and would make no difference to its evaluation or goodness even if it could be made.

Thomas's third argument is that explanations are regarded as arguments in the hypothetico-deductive model. Thomas says that this means they can be evaluated by the same logical criteria because they contain the same reasoning. Govier (1987, p.164) responds: "The idea that logic should encompass the appraisal of the reasoning used in explanation can be accepted without renouncing the distinction between explanation and argument." Again, the real issue is what kind of thing this is a distinction between. As said earlier, if there are different normative criteria for evaluating the products are involved, then there must be a type-distinction between the products. What Govier needs to show is that there are some good arguments that are bad explanations and some bad arguments that are good explanations, and she gives several examples meant to show precisely this. Her first example is this (Govier, 1987, p.164):

1. Jones is a liberal.
2. Jones is fat.
3. Jones is a bachelor.
Therefore,
4. Jones is a fat, liberal bachelor.
Therefore,
5. There are fat, liberal bachelors.

This is a valid argument that nobody, Govier says, would claim to be a good explanation – it does not answer the question of why there are fat, liberal bachelors (although it does explain why the one offering the argument thinks that there are).**[ix]** Hempel would agree since it does not meet the requirement (R2) that requires one premise to be a law, and Govier (1987, p.165) herself says that subsumption under law would provide what is lacking. Still, it does show what Govier intends to show, namely that not all arguments are explanations of the same conclusion, and that explanation has criteria that arguments as such do not. This claim, Govier acknowledges, is trivial and uncontroversial. Govier (1987, p.165) takes her next example from Salmon:

1. Doctor Smith has predicted that Susan will catch the measles.
2. Doctors are almost always correct when they predict that children will catch the measles.
Therefore,
3. Susan will catch the measles.

This is a good inductive argument but in no way explains why Susan catches the measles.

However, although I agree that this is a good inductive argument in the logical sense of the word 'argument,' there is a disanalogy between the relationship between the premises of this argument and its prediction that Susan will catch the measles and the relationship between the premises of an argument and its prediction as it occurs in deductive-nomological, or even inductive-statistical, explanation. In the latter case the premises are used to make the prediction, and could be said to be that which makes the prediction. This is not so in the example above – it is not (1) and (2) that makes the prediction that (3). It is Doctor Smith that makes the prediction that (3) – as stated by (1) – and (2) then says something *about* that prediction bearing on its likelihood of being true (doctors' track-record for measles prediction). Thus, it is quite different from the similar looking:

1. The measles virus causes measles to occur more often than not in those exposed to it who have not had measles before or been vaccinated against measles.
2. Susan has been exposed to the measles virus and has not had measles before or been vaccinated against measles.
Therefore,

3. Susan will catch the measles.

Only the latter argument is a good scientific prediction; the former is not a prediction at all but a justification of a prediction. Note that both arguments are statistical, but only in the second is the statistical premise a covering law.

Consider this argument:

1. Susan is presenting what looks like Koplik spots.
2. When children present what looks like Koplik spots they almost always have the measles.
Therefore,
3. Susan has the measles.

(2) is a so-called law of co-existence – Koplik spots are reliable indicators of measles. But should we treat this as a covering law, as something that satisfies (R2), or is it more like the track-record premise in Salmon's example? Is it possible to say that Koplik spots make the prediction in a similar way in which we said this of Doctor Smith in Salmon's argument? Hempel treats causal laws and laws of co-existence on a par, but this infamously leads to asymmetries where the height of a flagpost is explained by the length of its shadow and a storm is explained by the fall of barometric pressure in a barometer. It would take me too far afield to discuss these matters. I only offer the possibility of saying that laws of co-existence do not explain or predict, but only justify predictions.**[x]**

In her next example she notes that in retrodictive inductive arguments facts that are true now can be used to argue that something occurred in the past but cannot explain it; for instance, the use of fossilized remains to substantiate claims about our prehistoric past and the use of archaeological remains to substantiate claims about ancient civilizations (Govier, 1987, pp.165-66). Govier (1987, p.166) then generalizes this result, claiming that there are many cases where we have good evidence and reasons for thinking that something is the case that do not explain why it is the case.

I find this curious. Certainly, when a prediction, or retrodiction for that matter, is established (because the prediction is validated by observation or because a retrodiction is corroborated by other independent evidence, for example) then that fact is evidence for the truth of the premises, but we would not expect it to either explain or predict the premises. As I have already said, confirmations are

not predictions, and this has nothing to do with the structural identity thesis. We would here be arguing from the conclusion to the premises, whereas both explanation and prediction argue from the premises to the conclusion.**[xi]** Perhaps Govier would say that her only point is that we would call this a good argument but not a good explanation. On these modest terms she succeeds. I would say only that the type of inductive argument that confirmation theory studies is not one we would expect to be a good explanation, but is in fact the converse of the explanatory and predictive relation.

Govier seems aware that she has not actually touched the structural identity thesis, for she concedes that the Hempelian can accept all these things and would say that it is only explanations that comply with (R1) to (R3) that are structurally identical to predictions. In other words, none of these counter-examples really count because they do not include a law among their premises. If this is so, then all arguments that are good explanations should be good predictions. However, Govier (1987, pp.166-67) gives an example to show even this much to be false:

1. Smith is a Communist sympathizer.
2. Cuba is a Communist state.
Therefore,
3. Smith's account of conditions in Cuba is flawed and biased.

As an argument this is fallacious *ad hominem*, as Thomas concedes, so he should not, if he thinks that the criteria of evaluation are the same, think that the explanation is good. Yet, if we consider (3) as an explanandum that is already known, then (1) and (2) provide a very plausible explanation of that fact. We can see (1), (2) therefore (3) as an inductive-statistical explanation that explains (3) by making it probable.

It is not clear to me that this is a bad argument. For one thing, we normally speak of *ad hominem* argumentation when accusations of bias are made regarding the premises and not, as here, when it is in the conclusion. That Smith is biased is a claim that is either likely given the premises or it is not; it depends on an unstated statistical premise concerning the veracity of accounts of Communist states by Communist sympathizers. But the same unstated premise seems to be tacitly appealed to in the claim that (1), (2) therefore (3) is a good inductive-statistical explanation (which, in the absence of a statistical premise is not a statistical argument at all) that explains (3) by making it probable, but by making it

probable it seems that this succeeds to the same extent in proving that Smith is biased. Even if we do count it as an ad hominem it is not obvious that it is fallacious, since all that it is really saying is that Smith is likely to say sympathetic things about Cuba whether they were true or not. The explanation is as good or bad as the argument.

Smith seems to be a counterpart to Jones. In the Jones example, the argument was good but the explanation bad. In the Smith example, the argument is (allegedly) bad but the explanation good. I want to note one thing with regards to the Analysis Question regarding both of these examples. It is not that Govier makes the distinction between explanation and argument prior to evaluating the example; no linguistic indicators, no common knowledge, no empirical data at all seems to favour one interpretation over the other or is appealed to in making the distinction. In the end it is the Principle of Charity that makes the distinction. Rather than making a distinction prior to evaluation, Govier essentially evaluates the example under both interpretations and then makes the distinction on the basis of the evaluation, charitably attributing that interpretation under which the example turns out good. I mention this only as an observation, for I do not think adversely affects Govier's argument unduly, for we can probably relax the requirement that says that the distinction must be made prior to the evaluation.

Sometimes we explain something even without making it probable. This means that explanation can get by with a weaker statistical premise than prediction. To this end she cites Scriven's well-known paresis example where we explain why somebody got paresis by pointing to the facts that they had syphilis and that only syphilitics get paresis, even though it is only a very small percentage of syphilitics that contract paresis and so we do not make getting paresis probable. Salmon gives a similar argument. These (unlike Govier's earlier examples) are serious challenges to the structural identity thesis; the statistical facts involved seem to be very weak evidential reasons to think that something will happen but good explanatory reasons for why it happened, given that it did.

Hempel's response is that this is not a good explanation. Realizing that there will be cases where what appear to be good explanations will not be such as to have allowed the prediction of their explanandum event, Hempel and Oppenheim (1948, p.139) say:

Many explanations which are customarily offered, especially in pre-scientific

discourse, lack this predictive character, however. Thus, it may be explained that a car turned over on the road "because" one of its tires blew out while the car was travelling at high speed. Clearly, on the basis of just this information, the accident could not have been predicted, for the explanans provides no explicit general laws by means of which the prediction might be effected, nor does it state adequately the antecedent conditions which would be needed for the prediction. . . .

In some cases, incomplete explanatory arguments of the kind here illustrated suppress parts of the explanans simply as "obvious"; in other cases, they seem to involve the assumption that while the missing parts are not obvious, the incomplete explanans could at least, with appropriate effort, be so supplemented as to make a strict derivation of the explanandum possible. This assumption may be justifiable in some cases, as when we say that a lump of sugar disappeared "because" it was put into hot tea, but it is surely not satisfied in many other cases. Thus, when certain peculiarities in the work of an artist are explained as outgrowths of a specific type of neurosis, this observation may contain significant clues, but in general it does not afford a sufficient basis for a potential prediction of those peculiarities. In cases of this kind, an incomplete explanation may at best be considered as indicating some positive correlation between the antecedent conditions adduced and the type of phenomenon to be explained, and as pointing out a direction in which further research might be carried on in order to complete the explanatory account.

Hempel here seems to be suggesting that such explanations are not really explanations, or at least not scientific explanation, but are at best incomplete explanations which when completed would allow the prediction of the explanandum event; being syphilitic does not explain why someone contracted paresis, and will not until it is explained why some syphilitics get paresis and others do not. This is a research question that, by considering the given explanation to be already good, might have been deemed unnecessary. The appearance of a good explanation is because of the pragmatic reason that it names a relevant difference that someone who did not already know that it is only syphilitics who get paresis might find informative – indeed, it is essentially Mill's Method of Differences. Also, we see Hempel say that symptoms and indicators do not suffice for a prediction.

In a similar vein, Mellor (2006, pp.232-33) argues that "explanation" is ambiguous. Something is an explanatory reason and can be given in response to a

request for explanation as long as it raises the probability of the explanandum event's occurring; but only if, when conjoined with background knowledge, the probability of the explanandum event's occurring is close to unity can we claim to have a good explanation. Like Hempel, Mellor seems to be saying that when we cite an explanatory reason this is really elliptical for a much longer statement that we may or may not know how to complete, but that we are justified in giving it as a reason and as providing explanation as long as it is positively statistically correlated with the explanandum.**[xii]**

Still, maybe Hempel and Mellor are too casual with our linguistic intuitions here, and later Hempel relaxed the conditions on inductive-statistical explanations in response to these kinds of objections. However, I wonder whether this really helps Govier, for once it is raised that the goodness or apparent goodness of an explanation or explanatory reason depends on pragmatic and contextual factors, the issue of whether these factors are part of the evaluation of the product is also raised. Pragmatics governs a kind of activity, and not the product, and the pragmatic goodness of one is not necessarily the rational goodness of the other, although a good and complete explanation should be good whatever the pragmatic and contextual factors. Do our linguistic intuitions track the appropriateness of giving a reason as a speech-act, or the goodness of the resulting product?

Kasachkoff (1988, p.26) cites an example from Thomas: "Everybody has needs. You don't fill mine. So I'm splitting." Thomas says that it is unnecessary to decide whether this is a justification or an explanation because all we need to evaluate is how well the reasons support the conclusion. Kasachkoff (1988, pp.26-27) disagrees:

If you know that the author of the above discourse is not leaving, an explanation of why she is leaving would not make any sense; if you know that she is leaving, a proof that she is leaving is beside the point.
Now, saying that an argument is either beside the point . . . or else that the argument fails to make sense, is to make an evaluation of its success.

The kind of success that Kasachkoff seems to be referring to here is perlocutionary success, but this is not a kind of success that can make a proof less good. Suppose that I prove Pythagoras's Theorem to you, and then you tell me that you already knew this. In a sense my proof was a waste of time, but this does

not make it any worse as a proof; it is as good as it ever was, and cannot become bad because of psychological facts about you. As I said earlier when discussing Thomas, what should not be relative to pragmatic and contextual factors is the goodness of arguments and explanations; it is no problem that where and when the distinction between arguments and explanations is to be drawn is relative to these factors. Kasachkoff's analysis of this example only seems to reinforce the thought that the distinction is between speech-acts.

Govier does not seem to realize this issue or provide us means to decide between these options. This seems to be only exacerbated in the next section where Govier (1987, p.168) explains why explanation and argument are different: justifying evidence appropriate for showing that something is the case is not in general appropriate for explaining why it is the case. Their appropriateness is tied to the different function of the social processes for which they are typically used. Arguments are used for rational persuasion, and even when not used this way because the conclusion is not in doubt, this does not alter the basic asymmetry between arguments and explanations. But this asymmetry seems to be between the social processes, not the products.

Given all this, Govier concludes that arguments and explanations are not, in general, the same. She asks then whether there are particular arguments and particular explanations that are the same, considers some of Thomas's examples, and by examining the pragmatic direction of each determines whether they are arguments, explanations, or both. For example, she decides that one of the examples**[xiii]** is an argument because it does not seem plausible to suppose that the audience knows its conclusion in advance of being given the argument. She then notes that, once this conclusion has been established, the very same argument does explain why the conclusion is true:

The very same claims show both that the conclusion is true and why it is true. The same passage constitutes both argument (justification) and explanation, as Thomas maintained. This can happen because the justifying premises are also statements that are appropriate to explain the fact that is in the conclusion. The audience would, however, have to be convinced of the truth of the conclusion before an explanation as to why it was true would seem necessary. (Govier, 1987, p.171)

Here she concedes, as we noted in section 1, that there are occasions where

argument and explanation are at least token-identical and which are equally good as arguments and as explanations. This is, of course, quite consistent with their criteria of evaluation being different; it is simply that the same reasons can satisfy both sets of criteria. In consequence, it is also consistent with there being a conceptual distinction between arguments and explanations, which depends on there being different criteria.

Another of Thomas's examples gives convergent reasons for the conclusion. Here too, she allows that these reasons can also be good explanatory reasons, albeit the explanation is not a deductive-nomological one. These concessions, she notes quite correctly, only shows that these passages are good by the criteria of both explanation and argument and not that these criteria are the same. In fact, they cannot be the same, for then this would follow for all passages and it would be impossible for there to be good arguments that are bad explanations and *vice versa* (Govier, 1987, pp.172-73). We see that Govier does not propose the kind of extreme view that denies that any good arguments can also be good explanations, or *vice versa.*

In her final section, Govier notes that we do make this distinction in real life. Sometimes when we ask why or somebody asks us why, we consider a justification to be the appropriate response, and sometimes we consider a justification to be beside the point or to involve a misunderstanding of the question and it is an explanation that is called for. What we consider the response to be will affect how we consider it, and this includes the addition of missing premises. She gives the example of someone saying that he believes in God because he learnt religion at his mother's knee. Is this "because" explanatory or justificatory? We can add in a missing premise on either interpretation:

(REASON) I learned religion at my mother's knee.
(MISSING EXPLANATION) People usually persist in believing those things that they learn at their mother's knee. That is (the cause) why I believe God exists.
(MISSING ARGUMENT) Most of what people learn at their mother's knee is true. Therefore, (probably) God exists.
Govier (1987, 174) suggests that this works better as an explanation and that in most contexts it makes little sense to ask for a justification.

Note that this is not an explanation of why something is true but of why the speaker believes it, which we have already said is a trivial sense of explanation

and certainly not the one pertinent to Hempel. Note also that construed as an argument it is not a prediction but a justification of a prediction. So, this is not a counter-example to the structural identity thesis, firstly because it is neither a real explanation nor a real argument in the senses discussed, and also because, anyway, the structures are different, since there are different conclusions, and consequently (it should come as no surprise) different missing premises that we need to add to complete these enthymemes. What is slightly more surprising is that even after completed in the most charitable way possible the explanation of why the speaker believes something still seems that much more plausible than the justification.

This is an illusion, however. Supposing that the statistical claim made in MISSING ARGUMENT is true the justification does *confer* a high probability on God's existence (relative to the given grounds) and is, for this reason, a good argument; the reason it appears not to be is because of information that we know (about the unreliability of certain classes of truth-claims) but that is not including among the premises. This is just the non-monotonicity of statistical arguments and what Hempel calls the structural ambiguity of inductive-statistical explanations; what is highly probable relative to one set of premises may be highly improbable relative to another set of premises, even when this second set of premises has been produced simply by adding a further premise to those already present. As in the Communist sympathizer example, the appearance of being a bad argument is deceiving. Govier (1987, p.174) concludes:

Noting how the inserted material differs in these cases and how the conclusion of the argument differs from the statement of the explanandum, we can see that the argument/explanation distinction retains considerable epistemic and practical significance. The force of 'why' questions and 'because' answers varies, depending on whether we deal with a request for an explanation or a justification. Different claims are differently relevant, and different standards of success apply. To be sure, reasoning is used both in explanations and in arguments. Without the full context, some responses could be taken as either one or the other. Nevertheless, the distinction retains its pragmatic significance, and the pragmatics of the matter are related to our logical and epistemic appraisal of the result.

But here the inserted material is different simply because the conclusions are different. It is true that we can respond to some requests for justifications with

confirmations and justifications of predictions, and these are not identical to explanations. But the only genuine explanations that may not, perhaps, be genuine justifications, are those whose statistical premises do not confer high likelihood on their conclusions. This is an old point that Govier has nothing original to add to; everything else she says fails to make the distinction as a distinction between objects.

3. *Conclusion*

What do we mean when we say that explanations and arguments are different? As Kasachkoff says, nobody denies this. Nobody denies that the intention to explain and the intention to justify are different intentions. Since communicative intentions are related to the illocutionary force, the distinctness of the speech-acts of explaining and justifying are also different, as all must agree. All can agree also that they have different perlocutionary effects: understanding in the case of explanation, justified belief in the case of justifying. All can also agree that understanding has different conditions to justified belief; to understand why something is so is not only to have a justified belief that it is so but also, plausibly, to grasp the modal fact that it must be so, given other conditions. If any normative difference between the speech-acts comes down to a difference in conditions of perlocutionary success, then it seems as if all good explanations should provide good reasons for believing that the explanandum is true and that it must be true. Consequently, all good explanations would be good arguments, although not all good arguments would be good explanations.

Furthermore, there would be no need to make the distinction between explanations and arguments, for whatever claims (including the modal claims) are made, the reasons would either support those claims or not, and this is a matter of logically evaluating the product. As Thomas says, for the purposes of evaluating the reasoning we would need only to establish whether the reasons support the claim or not, and would not need to make the distinction between the products of explanation and justification, but only if at all between the acts when, using charity (often post-evaluation, as we have seen), we attribute communicative intentions to the arguers.

When we say that there is a distinction between explanations and arguments, and that it is a (type-) distinction between the objects rather than the acts, this can only be because there are good explanations that are not good arguments. All of the talk about "pragmatic directions" and "certainty shifts" is quite compatible

with the distinction being between acts and is thereby irrelevant for evaluating the goodness of the reasoning involved; both Nozick and Hempel concede that there is this difference without conceding that it is a difference between the products. Another red herring is the fact that we often cite evidence as our reasons for believing something but this evidence does not explain why something is so. This is obviously true, but shows only that observing that something is so is not to observe that it must be so.

However, if we conjoin our evidence with a law (even a law of co-existence) to argue for another particular statement, then this would justify belief in the modal claim involved. In this case, arguments that satisfy Hempel's (R1) to (R3) would be explanations, and would be good explanations to the extent that they justified the modal claim, i.e., to the extent that the law confers a high conditional probability. It is because of this high probability that there is an identity of explanation and prediction, and not because explanation has a particular logical form; we can claim a structural identity even without committing to any particular type of structure.

If Hitchcock (2011) is right, then this is so for all arguments after all, since according to him the semantics of "therefore" wherever it appears contains implicit reference to a generalization that backs counterfactuals, which seems near enough to a law as to make no difference. However, I am not sure that Hitchcock is right about this, and this is not the place to argue the issue. I say only that if you want to explain not only why you do believe something but the normative fact that you should, you need some kind of law to support the modality involved. I would not like to say, and nor would Hempel, that all arguments obey (R1) to (R3). It is no problem in making a distinction between explanations and arguments that do not obey (R1) to (R3), since we can make a distinction between arguments that do and arguments that do not obey (R1) to (R3). I think we can agree with Govier that there is this distinction, and several of her examples illustrate it, but this distinction is not a pragmatic distinction at all but a logical distinction, (R1) to (R3) being logical conditions. The interesting and controversial question is whether it is worthwhile, in Kasachkoff's sense of meaning that we have to treat them differently, distinguishing between explanations and arguments that do obey (R1) to (R3).

Saying that there are good explanations that are not good arguments turns out to be tantamount to saying that there are reasons that are good explanations but do

not confer a high probability on the outcome. It should be noted that this applies to statistical-inductive explanation only and consequently does not affect the claim that all good deductive-nomological explanations are good predictions, and it should be noted also that it is deductive-nomological explanations that Nozick (1981, p.13) refers to in the excerpt previously mentioned. This is a very old point made by Scriven in his famous paresis example and which is appealed to by Govier.**[xiv]** It is typically conceded that there is a pre-theoretical intuition that we explain paresis in a patient by giving as a reason that he had untreated syphilis. The problem is what exactly to do with this intuition. In his early responses to Scriven, Hempel explained away this intuition on pragmatic grounds, while Mellor does the same on semantic grounds. Scriven and Govier take the intuition at face-value as a counter-example to the covering law model. But by doing this they seem to concede that the goodness of an explanation depends on the kind of pragmatic and psychological factors that Thomas says should not enter into the evaluation, and perhaps cannot be gotten by analysis of the discourse given the resources the informal logician has at his disposal. My feeling is that it makes sense to talk of the goodness (i.e., felicity) of a speech-act as depending on such factors, but less plausible to talk of the goodness of the product as depending on such factors; Govier's appeal to Nozick for help only hinders her in showing the distinction to be a type-token distinction rather than (or as well as) an act-object distinction.

What is the result of all this? For all that Govier says, the distinction between explanation and argument is a distinction between the speech-acts and does not need to be made if the argument is as Hempel describes it. Nobody denies that these acts are different. Therefore, I think the burden of proof is on the defenders of the distinction to show that the distinction is to be made in the place and in the way that they make it. I do not think they have met this burden of proof. Equally, I do not pretend to have proved that the only distinction is between the acts or that it is impossible to make a type-token distinction in the products. As I pointed out at the outset, it is extremely difficult to know how to decide between them. Hempel does not deny these pragmatic factors, but mentions them himself – they reflect different ways we may use an argument.

Has Govier succeeded in giving reasons why explanation and argument are different? I don't think so. She does not succeed in persuading me to believe that there is the kind of difference that she wants to endorse, for everything that she

says is compatible with and can be explained by a distinction between the acts that everybody already accepts. For the same reason, she does not succeed in explaining why they are different, for all the differences she names could be differences between the acts. And if the differences between the objects are simply differences between different kinds of arguments – between those that do and those that do not satisfy (R2) and (R3) – then it is not very interesting, for we are still evaluating the explanation as the kind of argument that it is. It is not a distinction that means that we have to treat them differently. At most, she succeeds in telling us what some of the differences are, not what they are differences between, or, in the interesting cases, what differences the differences make.

NOTES

i. Wright (2002) describes classes of "why"-questions where the distinction seems to fade or even vanish completely.

ii. Since he thinks that any distinction must be a structural one, McKeon (2013) fails to appreciate this kind of defence and much of his discussion is lacking for this reason. Johnson (2000, pp.98-99) rejects a structural definition of argument for the very reason that it lacks the resources to make the distinction between argument and explanation that he rather takes for granted it must. So, saying that there is the same structure is not in itself sufficient for the conclusion that the structures should be evaluated in the same way. Nevertheless, his proposal that the distinction is one between acts is certainly live.

iii. This greatly complicates Govier's discussion of Hempel, for Hempel uses 'argument' in the logical sense, but talks also of 'prediction' in a way that suggests that all predictions are proofs, but does not claim that all proofs are predictions. Discussion of this point will appear later.

iv. Writers like Weinstein and McPeck reject informal logic for this kind of reason, in favour of discipline-specific epistemology. For discussion see Johnson (2000, pp.260-68 & pp.298-309)

v. I make this qualification because we will see later Govier evaluate an analysed text as both an argument and as an explanation, and then using the Principle of Charity to give the text the interpretation under which it comes out best. For instance, if it comes out as a bad argument when evaluated as an argument but as a good explanation when evaluated as an explanation, Govier seems prepared to say that it is an explanation rather than an argument.

vi. It seems to me that you might make a case for the "therefore" of an

explanation requiring backing by a generalization, whereas the "therefore" of a justification does not. This would be a qualified acceptance of Hitchcock's thesis that all uses of "therefore" have this kind of backing as part of their semantics (Hitchcock, 2011) and that "therefore" is ambiguous after all. Govier does not take this view here.

vii. It is not just Govier; distinguishing arguments and explanations on pragmatic grounds is the orthodoxy in informal logic, e.g., Groarke and Tindale (2004, pp.20-24).

viii. Govier writes here almost as if what she means is the acts after all, but this is not open to her since, going back to the Analysis Question for a moment, whatever it is that we evaluate must be extracted from the discourse by linguistic indicators and common knowledge, which is to say that it must be a product.

ix. One might wonder whether this actually is a good argument, since it simply repeats in its conclusions what was in the premises and it is precisely these kinds of arguments that Govier is wont to claim are not 'real' arguments. However, since the premises do seem to be given "in an attempt to prove, or justify, a conclusion" in line with Govier's definition, I will not press this issue.

x. This is a distinction that is made in Hanson (1959) but applied there, in my view, wrongly, for Hanson considers all predictions that are made by covering law explanations to be justifications of predictions. The following might help to identify precisely what is meant when we speak of an argument making a prediction: One should, strictly speaking, always speak of explanatory and predictive arguments, or explanatory and predictive uses of the argument-schema, if only to avoid at the outset the objection that some predictions are not the results of inference and hence have nothing connected with them that could function as explanations (e.g. the predictions of oracles, clairvoyants, and so on). Whilst in a generic sense a prediction is simply an assertion about the future, we are here concerned with scientific prediction, and this is essentially bound up with the idea of an inferential basis, in the sense that a prediction qua assertion must be connected with some other statements which provide a rational basis for asserting the prediction. (There will obviously be room for dispute about what constitutes such a rational basis, but this is an overarching problem.) Providing the point is kept in mind, no harm is done by speaking indifferently of the symmetry of explanatory and predictive arguments or of uses of an argument-schema or simply of explanation and prediction. (Suchting, 1967, pp.42-43 fn. 5)

xi. Perhaps Govier is still under the confusion over the 'certainty shift' earlier alluded to. McKeon (2013) too seems to see the whole debate as pivoting on the

difference between evidential reasons (confirmations) and explanatory reasons.

xii. Salmon claims that explanatory reasons can also be negatively correlated with the explanandum; the condition is instead statistical relevance. Govier does not discuss this, so nor will I.

xiii. This is example B (Govier, 1987, p.170).

xiv. Another example put to me when I presented this paper is the following: we can explain why Usain Bolt is the best sprinter on the grounds that he has the best genetic endowment, the best training, etc. But we have not justified the claim that he is the best sprinter, for which we need to appeal to the races he has won, etc. Without this, it might be thought, we can say that he is a good sprinter, but not that he is the best; it is a different set of facts that we need to appeal to in order to warrant use of the evaluative term "best." Do we explain why Usain Bolt is the best sprinter on the grounds of having the best genetic endowment etc.? Only, I think, by appeal to the statistical premise that those who have the best genetic endowment etc. will be the best sprinter. This is disguised in the current case because "best" in "best genetic endowment" simply means "genetic endowment most conducive to being the best sprinter." With the addition of this statistical premise, the same reasons do also justify the claim that he is the best sprinter. It is true that we can give reasons for him being the best sprinter that do not appeal to such things but only to, e.g., the races he has run, and these reasons will not explain why he is the best. But such reasons amount to inductive confirmations that he is the best sprinter, and I have said that confirmations are distinct from explanations and justifications. All these distinctions are logical distinctions.

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ISSA Proceedings 2014 – Meeting The Demands Of A Changing Electorate: The political Rhetoric Of Julian Castro And Marco Rubio

Abstract: Rapid demographic changes in the United States have made American Hispanics an increasingly powerful force in American politics. This paper examines the argumentative strategies of two rising Hispanic stars of American politics: Democrat Julian Castro of Texas and Republican Marco Rubio of Florida. This paper analyzes the argumentative strategies that Castro and Rubio use in their 2012 party convention speeches to build political coalitions with Hispanic and non-Hispanic voters.

Keywords: American Dream, American Hispanic politicians, identification, Julian Castro, Marco Rubio, narrative, political argumentation, political rhetoric.

1. *Introduction*
Rapid demographic changes within the United States mean that the country will soon have a majority-minority population. One group that has gained prominence

during this demographic shift is American Hispanics, who are becoming a critical political population and are challenging the demographic hegemony held by white Americans. This demographic change has also created more opportunity than ever before for Hispanic politicians on the national stage. While many scholars of political rhetoric have studied the argumentative strategies used by non-Hispanic political rhetors to gain support from Hispanic voters, this paper examines how Hispanic politicians reach out to Hispanic and non-Hispanic audiences in their political arguments.

This paper examines the argumentative strategies of two rising Hispanic stars of American politics: Democrat Julian Castro of Texas and Republican Marco Rubio of Florida. Castro represents a state that is already majority-minority and Rubio represents a state that soon will be. Both politicians made strong national debuts as prominent speakers for their respective parties during the 2012 presidential campaign. Both Castro and Rubio have parlayed this success into national political recognition. Julian Castro, as the youngest mayor of a major American city, is frequently mentioned as a possible Democratic vice presidential or presidential candidate. Meanwhile Marco Rubio has become an important conservative Republican voice in the U.S. Senate and is viewed as a potential Republican vice presidential or presidential candidate. This paper analyzes the argumentative strategy of identification that Castro and Rubio use in their public arguments in order to build political coalitions.

In this paper we first provide a snapshot of the rise of the Hispanic voter in the United States. Second we discuss how narrative provides opportunities for identification in political rhetoric. Then we analyze the 2012 convention speeches of Marco Rubio and Julian Castro, in each case examining their narratives recounting their personal stories, their relationship to the Spanish language and Hispanic culture, and their respective tellings of the American Dream narrative. Finally, we consider some implications of Rubio and Castro's identification strategies.

2. *The rise of the hispanic voter*
Hispanic politicians, like all politicians, must adapt to heterogeneous audiences in order to garner enough support to win elections and serve broad constituencies in large and diverse settings. Stuckey (2000) described "political leadership in a campaign context" as the process of "crafting a political coalition large enough [and] diverse enough" (p. 453) to win office and govern. Major demographic

changes mean that political rhetors must adapt to a rapidly changing political landscape. The dramatic increase of Hispanic voters gives Hispanic politicians a ready constituency; it also means that non-Hispanic politicians must now seriously consider strategies for garnering Hispanic support. Bowler and Segura (2012) pointed out that "Latinos are undermobilized by the parties," which suggests that "the sky is the limit" in terms of the political power they could potentially wield (p. 136).

As of now, the Democratic Party has made more inroads in attracting Latino voters than has the Republican Party. The Democratic Party has long relied on a coalition of minority voters, which includes Latinos. In fact, minority voters have been fundamental to Democratic electoral success. As Bowler and Segura (2012) observed, "Republicans usually win a majority of the white vote . . . suggesting that minority votes are essential to Democratic competitiveness" (p. 3). While Democrats thus need to continue to attract minority voters in order to remain electorally competitive, Republicans face the challenge of trying to expand their base beyond white voters. Bowler and Segura (2012) also noted that the Republican Party's "whites-only strategy will become electorally unviable over time as demography takes its toll" (p. 67). In this context the continuing growth of the Hispanic population is potentially good news for the Democratic Party. Both political parties, however, are highly motivated to obtain support from Hispanic voters.

3. *Narrative and identification*
Scholars of political science and political communication have been studying the increasing Hispanic demographic within the U.S. and the ways in which political rhetoric has changed in order to reach Hispanic voters. Much of this literature analyzes the arguments non-Hispanic (primarily Anglo) political rhetors have made in order to gain support from Hispanic voters (Connaughton, 2004; Connaughton and Jarvis, 2004; Cisneros, 2009). Many of these analyses describe the strategy of identification. Rhetors using identification try to build explicit or implicit connections between themselves and their audience members (Connaughton, 2004; Connaughton and Jarvis, 2004). Political speakers may try to foster an audience's sense of identification with experiences, values, or self-image. Rhetors may try to articulate these connections overtly in their arguments or may try to invoke this sense of connection through forms of address, use of pronouns, or choices of examples. Political communication theorists "have long

viewed identification as central to understanding the dynamics of American politics" (Connaughton, 2004, p. 132).

One of the ways of achieving identification is through narrative. MacIntyre (1981) famously argued that humans are "essentially story-telling" animals (p. 201) and claimed, "we all live our narratives in our lives and we understand our own lives in terms of narratives" (p. 197). Fisher (1984) challenged communication scholars to consider the power of narrative not only as a discursive strategy but as a mode of reasoning that shifted focus away from the formal argumentation, emphasis on rationality, and claims of technical expertise that Fisher said characterized the "rational world paradigm." In the "narrative paradigm" that he outlined, people could make and judge arguments according to "good reasons" and according to inherently understood standards of narrative probability and narrative fidelity (Fisher, 1984). Fisher (1987) argued that narrative relied on Burke's idea of identification. Fisher (1987) wrote, "the principle of narrative rationality is identification rather than deliberation" (p. 18). Burke (1969) described identification as the basis of persuasion. He wrote, "You persuade a person only insofar as you can talk his language by speech, gesture, tonality, order, image, attitude, idea, *identifying* your ways with his" (Burke, 1969, p. 55). Thus, people judge narratives based on the degree to which they can identify with the narratives, or feel that the narratives have expressed some aspect of their essential truth. McClure (2009) contended that identification is even more important in the function and assessment of narratives than Fisher had explicated. McClure (2009) argued that the process of identification can account for "the rhetorical viability of the narratives of identity, subjectivity, and ideology" (p. 202).

At key points of the American electoral process, such as the political parties' conventions, the strategy of identification is especially salient. Stuckey (2005) described how political rhetors seek to create personal points of connection with voters and why that is significant. She noted, "When we choose a particular sort of person to represent us collectively, we are declaring more than that we trust this person to walk our dogs or attend our backyard barbecues. We are also saying that we see ourselves reflected in him or her" (Stuckey, 2005, p. 654). Through the use of narrative and identification, Rubio and Castro positioned themselves as reflecting American society rather than the Cuban-American or Mexican-American communities. One narrative that American political rhetors

commonly use is the American Dream. Presumably, Americans of all ethnicities and political affiliations can identify with aspects of the American Dream, which stresses political freedoms, an egalitarian economic and political system based on meritocracy, and the expectation that immigrants can improve their lot for themselves and their descendants. Rowland and Jones (2011) discussed the unique properties of American Dream narratives, arguing that the focus of the American Dream is "not on perfection found in the past, but on gradually achieving a more perfect future" (p. 131-132). Moreover, they noted, "the heroes present in such stories are not larger than life but thoroughly ordinary men and women who do extraordinary things in the society" (Rowland & Jones, 2011, p. 132). In their convention addresses, Rubio and Castro sought to create identification through their respective American Dream narratives. Furthermore, in order to foster identification, both elevated their humble forebears to the status of hero.

4. *Marcio Rubio*

Marco Rubio was born on May 28, 1971, in Miami, Florida, to Cuban immigrant parents who later naturalized as American citizens. He graduated from South Miami Senior High School in 1989 and attended Tarkio College for one year on a football scholarship. He attended Santa Fe Community College before finishing his B.S. in political science from the University of Florida in 1993. He earned a law degree from the University of Miami School of Law in 1996. At the age of 28 Rubio, a Republican, was elected in a special election to the Florida House of Representatives. He served in the Florida House from 2000 to 2009 and as Speaker of the Florida House from 2007 to 2009. Rubio ran successfully for the U.S. Senate in 2010 and began serving his term in January 2011.

Late in 2011, *The Washington Post* and the *St. Petersburg Times* reported that Rubio had been telling audiences an inaccurate version of his parents' emigration to the United States. While Rubio had maintained that his parents were forced to leave Cuba in 1959, after Fidel Castro had come to power, in actuality they had left Cuba in 1956. Rubio (2011) responded, "the Post story misses the point completely. The real essence of my family's story is not about the date my parents first entered the United States. . . . Or even the date they left Fidel Castro's Cuba forever and permanently settled here." Instead, he claimed, "The essence of my family story is why they came to America in the first place; and why they had to stay" (Rubio, 2011). Rubio's response signalled that the American Dream

narrative has vital functions apart from relating accurate information.

Rubio addressed the Republican National Convention on Thursday, August 30, 2012. While his speech was not billed as a keynote speech – there was not an official keynote speech for the convention – Rubio spoke immediately before Republican presidential nominee Mitt Romney, which was a coveted slot. The media coverage of Rubio's speech treated it as a keynote speech and many compared it explicitly to Castro's Democratic keynote speech.

In his speech, Rubio used personal narratives featuring his grandfather and his parents. He introduced his speech by saying, "In 1980, I watched my first Republican convention with my grandfather" (Rubio, 2012). Rubio (2012) said his grandfather "was born to a farming family in rural Cuba. Childhood polio left him permanently disabled. Because he couldn't work the farm, his family sent him to school, and he became the only one in the family who could read." Rubio (2012) continued the narrative of his family's rise from poverty by describing his parents' immigration to the United States: "They emigrated to America with little more than the hope of a better life." Rubio (2012) added, "They never made it big. . . . And yet they were successful. Because just a few decades removed from hopelessness, they made possible for us all the things that had been impossible for them." These descriptions of his grandfather and parents reinforced the American Dream's emphasis on ordinary people doing extraordinary things.

One of Rubio's personal narratives concerned the family of Republican presidential nominee Mitt Romney. Rubio (2012) said the American Dream was represented by "the story of a man who was born into an uncertain future in a foreign country. His family came to America to escape revolution. They struggled through poverty and the great depression." Rubio (2012) explained that this man, George Romney, nevertheless "rose to be an admired businessman and public servant. And in November, his son, Mitt Romney, will be elected President of the United States." This narrative showed Mitt Romney in a more personal light by describing the struggles of his father. The story also made it possible for Americans of all backgrounds to identify with the affluent Romney because of the Romney family's humble beginnings.

We hypothesized that Rubio and Castro would take time in their speeches to articulate their understandings of their Hispanic identities and how they fit into the larger American society. It is notable that in these speeches they did not.

Instead they invoked a distinctly Hispanic identity by occasionally speaking in Spanish or quoting Spanish remarks made by family members. This is an efficient way to self-identify as Hispanic and invite identification with other Hispanic citizens while not excluding non-Hispanic voters. Rubio (2012) recalled, "My Dad used to tell us: 'En este pais, ustedes van a poder lograr todas las cosas que nosotros no pudimos.' 'In this country, you will be able to accomplish all the things we never could.'" This Spanish phrase and its English translation invited both Spanish-speaking and English-speaking audience members to identify with Rubio. In this anecdote Rubio also connected his use of Spanish to his personal narrative and to the narrative of the American Dream.

Finally, Rubio in his speech shared several variations of the American Dream narrative. Often these narratives reinforced the importance of his personal narratives about his family. As he remembered his grandfather, Rubio (2012) said, "I don't remember everything we talked about, but the one thing I remember, is the one thing he wanted me never to forget . . . there was no limit to how far I could go, because I was an American." He also used the story of his father to express the American Dream. Rubio (2012) recalled, "A few years ago during a speech, I noticed a bartender behind a portable bar at the back of the ballroom. I remembered my father who had worked for many years as a banquet bartender." Rubio (2012) reflected that his father "stood behind a bar in the back of the room all those years, so one day I could stand behind a podium in the front of the room." He continued, "That journey, from behind the bar to behind this podium, goes to the essence of the American miracle—that we're exceptional . . . because dreams that are impossible anywhere else, come true here" (Rubio, 2012). It is also critical that the American Dream be accessible to everyone. Rubio (2012) stressed this accessibility, arguing, "That's not just my story. That's your story. That's our story." Toward the end of his speech he said, "America is the story of everyday people who did extraordinary things. . . . Their stories may never be famous, but in the lives they lived, you find the living essence of America's greatness" (Rubio, 2012). Rubio emphasized the ordinary nature of the characters of the American Dream narrative and thus explicitly sought to establish identification with every member of the audience.

5. *Julian Castro*
Julian Castro was born on September 16, 1974, along with his twin brother Joaquin, in San Antonio, Texas. His family was Mexican-American. His mother,

Maria Castro, was a political activist in San Antonio who helped found the political party La Raza Unida. Her politics instilled in Julian a sense of social responsibility to his community. Castro's father, Jesse Guzman, was also a political activist and a retired math teacher. After completing high school at Thomas Jefferson High School in San Antonio, Castro and his brother attended Stanford University where he majored in communications and political science and graduated with honors and distinction. After graduating the brothers attended Harvard Law School. Castro ran for City Council after returning to San Antonio from law school and served on the council from 2001 to 2005. He ran for mayor in 2005 but was defeated, and then ran again and won in 2009. He was re-elected in 2011 with 82 per cent of the vote.

On September 4, 2012, San Antonio Mayor Julian Castro delivered the keynote address at the Democratic National Convention in Charlotte, North Carolina. At 37 years old, Castro was the youngest and the first Hispanic speaker to deliver a keynote address to the Democratic National Convention. Political observers and journalists noted the significance of his speech. The *Guardian* reported that Castro was "breaking one more glass ceiling for this rapidly rising demographic force in American politics" (Pilkington, 2012).

Like Rubio, Castro shared personal narratives that invited the audience to identify with the speaker. Castro's first narrative detailed his "unlikely journey" to the convention floor and the influence of his grandmother (Castro, 2012). He told the story of how his grandmother moved from Mexico to the United States as an orphan to live with relatives in San Antonio. Her formative years were difficult and she only went to school through the fourth grade because, as Castro (2012) explained, "She had to drop out and start working to help her family" and that she "spent her whole life working as a maid, a cook and a babysitter, barely scraping by." Castro told how she managed to teach herself to read and write in English and Spanish. He reminisced, "And I can still remember her, every morning as Joaquin and I walked out the door to school, making the sign of the cross behind us, saying, *'Que dios los bendiga.'* "May God bless you'" (Castro, 2012). Later Castro explained that he used that phrase to send his daughter off to school. Castro's second personal narrative detailed what he had accomplished as mayor. He described programs that were implemented to help four-year-olds have access to pre-K school programs and he explained his concept of Café College, "where students get help with everything from test prep to financial aid paperwork"

(Castro, 2012). He continued, "We're investing in our young minds today to be competitive in the global economy tomorrow" (Castro, 2012). In this way Castro indicated that he shared and supported Americans' quest for betterment through education.

Castro used a personal narrative about Republican presidential nominee Mitt Romney to underscore how the American Dream works. Castro told the Democratic delegates that Romney advised a group of college students to start their own businesses by borrowing money from their parents. Castro chided Romney for assuming that all Americans could pursue the American Dream by relying financially on their parents. Castro remarked, "I don't think Governor Romney meant any harm. I think he's a good guy. He just has no idea how good he's had it" (Castro, 2012). This narrative highlighted the Democratic criticism that Republicans underestimate the work required to attain the dream.

Castro also addressed his relationship to the Spanish language and Hispanic culture. As mentioned previously, we expected both speakers to use more Spanish in their speeches. Castro used only one Spanish phrase three times in the speech. The phrase *"Que dios te bendiga"* or "God bless you" is used once in the beginning of the speech and twice at the end of the speech. It is interesting to note that Castro, who is second generation American, did not speak Spanish growing up. His mother spoke English to them in the home and he took Japanese and Latin in high school. In fact, he had to have a tutor to teach him Spanish (Gates, 2012). There is an expectation that politicians who identify as Hispanic automatically speak Spanish. This assumption is incorrect.

Castro also used narratives to convey that the American Dream is obtainable. The dream narratives functioned argumentatively in the speech by illustrating how ordinary individuals achieve the dream. The narratives also created identification with Democratic supporters by associating the dream with the Democrats and Obama. In his first example, Castro's explanation of his grandmother's plight reaching the United States provided one illustration of the dream:

My grandmother spent her whole life working as a maid, a cook and a babysitter, barely scraping by, but still working hard to give my mother, her only child, a chance in life, so that my mother could give my brother and me an even better one (Castro, 2012).

Castro (2012) concluded:

My grandmother didn't live to see us begin our public service. But she probably would have thought it extraordinary that just two generations after she arrived San Antonio, one grandson would be the mayor and the other would be on his way – the good people of San Antonio willing – to the United States Congress.

This personal illustration evolved into a generalized version of the American Dream. Castro (2012) noted that his family's story was not unique or "special" but that America made the "story possible." America facilitated Castro's grandmother's achievement of the dream. Castro (2012) said that his grandmother "believed that opportunity created today would lead to prosperity tomorrow" and would provide "the chance for your children to do better than you did." Additionally, he believed that the attainment of the dream was not immediate but took time and perseverance. He argued, "In the end, the American dream is not a sprint, or even a marathon, but a relay" where "each generation passes on to the next the fruits of their labor" (Castro, 2012). Castro (2012) also indicated that the American Dream was not just an American dream, but a "human dream." He argued, "The dream is universal, but America makes it possible" (Castro, 2012). Indeed, that opportunity provided a bridge for Castro to achieve his own dream. Finally, the dream required responsibility and dedication to the nation. It needed the American spirit to move from the reality of the narrative to an emotionally charged dream.

6. *Conclusion*

Both Rubio and Castro are rising young Hispanics who must attract non-Hispanic as well as Hispanic voters to further their political careers. Although they represent different political parties and would likely argue that their political philosophies are incompatible with each other's, there are many similarities in the strategies of narrative and identification that both speakers used in their political convention speeches. Both relied on personal narratives that invited Hispanic and non-Hispanic audience members to identify with them. Rubio and Castro also used Spanish in their speeches to signal their Hispanic identity, but made the Spanish understandable to non-Spanish-speaking audience members by using only short Spanish phrases and by translating them into English. And both speakers also shared narratives that personified the American dream. This dream resonates with the Hispanic and non-Hispanic population.

We note some additional similarities between Rubio and Castro's strategies in their speeches. First, while the reasons for their families' immigration and their families' countries of origins were different, Rubio and Castro describe their respective grandparents as having the same reasons for coming to America. According to their speeches, Rubio's Cuban grandfather and Castro's Mexican grandmother wanted future generations of their families to experience the availability of opportunity. Both forebears believed that their descendants would be able to improve their lot through hard work and thereby participate in the American Dream.

Another similarity between the speeches was that Rubio and Castro argued that the American experience was unique. Rubio (2012) noted, "For those of us who were born and raised in this country, it's easy to forget how special America is. But my grandfather understood how different America is from the rest of the world." Castro (2012) claimed, "My family's story isn't special. What's special is the America that makes our story possible." In both cases, the speakers expressed the belief that their personal success was possible only in America. To audience members whose families have recently emigrated to the United States, including many Hispanic Americans, this message could be especially persuasive.

A third common theme was that the success promised by the American Dream would take more than one generation. According to Rubio, his family's experience started with his disabled and uneducated grandfather's vision of opportunity, which led to his parents working in low status retail and food service jobs. But it was the dreams and hard work of those generations that made it possible for Rubio to achieve his success. Castro's multi-generational narrative was comparable. His grandmother also had no formal education and worked as a domestic labourer. While she "didn't live to see us begin our lives in public service," said Castro (2012), his grandmother "probably would have thought it extraordinary that just two generations after she arrived in San Antonio, one grandson would be the mayor and the other would be on his way . . . to the United States Congress." Castro (2012) characterized this multi-generational phenomenon by saying, "In the end, the American Dream is not a sprint, or even a marathon, but a relay."

Both Rubio and Castro also described the American Dream in terms that were consistent with Rowland and Jones's (2011) observation that American Dream narratives feature ordinary people who work toward a more perfect future. Rubio

recounted how the Rubio family moved symbolically from the back of the ballroom (his father serving as bartender) to the podium in the front of the room (Rubio himself speaking to an audience). And Castro (2012) recounted that his mother "fought hard for civil rights so that instead of a mop, I could hold this microphone." In these invocations of the American Dream, all people who work hard and believe in the dream are participating in the dream, no matter how humble their circumstances are. Audience members can see themselves as participating in the American Dream regardless of their own status. This creates more opportunities for people to identify with the speakers' narratives.

Finally, in their narratives, both Rubio and Castro presented themselves as the embodiment of the American story. Stuckey (2005) argued that political rhetors want to connect with voters on a personal level and that voters want to see themselves "reflected" in their politicians (654). Rubio and Castro shared their personal narratives and linked those narratives to the universal American experience. In the way they shared these personal narratives, Rubio and Castro conveyed that they are representative of all Americans, regardless of ethnicity, country of origin, or generation. Potentially all Americans can identify with them. These political rhetors thus positioned themselves not as "Hispanic" politicians, but as "American" politicians. From this rhetorical standpoint, they can make the broadest appeal to American voters.

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ISSA Proceedings 2014 – Justification And Effectiveness: Critical Thinking And Strategic Maneuvering

Abstract: Advocates of dialectical perspectives and critical thinking theorists require all the objections to a standpoint to be considered in order to justify it. Rhetorical attitudes on persuasion seem to contradict this position. Pragma-dialecticians relieve the tension between justification and effectiveness by strategic maneuvering. We find it necessary to link the nature of the issue and the degree of uncertainty to the rhetorical context to adapt the argumentative dialectical procedures.

1. *Introduction*
There are different senses of using, and subsequent ways of defining what is meant by "argument". An argument can be defined as a set of statements, one of which, called the conclusion (thesis, claim, standpoint etc.) is affirmed on the basis of the others. An argument can also be defined as an act of persuasion intended to cause an interlocutor to believe that something is the case. Arguing can be seen also as a mutual pursuit of truth or shared understanding.

By arguing one may try to sustain a well-grounded theory or a settled factual claim related to some state of affairs unknown to the addressee, but arguing can be also just a way of thinking about a claim that at the moment is uncertain for both parties in the discussion. Sometimes it is possible to analytically confirm the adequacy of the claim by means of sound arguments but in many cases, the justification of a claim may not fulfill strong epistemic requirements. Nevertheless, in many such cases, a change in the cognitive environment of the interlocutors can be induced because the acceptance of the claim can be

strengthened as a consequence of the dialectical interchange.

As a consequence of the different approaches to the concept of argument, there are also different proposals for a theory of argument(ation), with evident tension between strong epistemic proposals and more holistic approaches that include elements related to the social component of argumentative practices.

For us, the relationship between justification of the claim, dialectic obligations and rhetorical strategies, in other words, the relationship between justification and persuasion, is context dependent. The role of rhetorical inputs may be minimal in simple argumentative examples but it grows with the complexity of the argumentation and varies depending on the audiences and the different issues and contexts.

Certainly, the goal of the argumentation, at least in its explicit agenda, should be related to epistemic notions such as truth and soundness. However, real argumentations constitute, in most cases, complex processes in which the issues and the rules to follow are not so clear. The dichotomy between truth and falsity does not always apply. Moreover and above all, it does not apply in the cases in which arguing fulfills its most important function, as in courts of law, in early stages of scientific inquiries, in public decision-making, in negotiations, conflict resolution and resolution of differences of opinion, in many everyday discussions or in fields or situations in which the theoretical standards of science cannot be fulfilled.

2. *Justification and effectiveness*
For epistemic approaches, justification is a feature that is constitutive of arguments (Bermejo-Luque, 2010) and the only truly important requirement to evaluate them. From this point of view, the use of persuasion as a criterion cannot avoid the threat of relativism and renders epistemic criteria irrelevant.

In our opinion, the relationship between epistemic and persuasive constituents is complex and the combination of the ideas of "epistemic vigilance" and of the "argumentative theory of reasoning" proposed by Sperber et al. (2010), may help us to understand it. Sperber et al. maintain that reasoning should be considered as a tool to persuade others and is a result of the evolution of humans as social beings. Their theory predicts the preponderance of confirmation bias in the production of arguments but also the epistemic vigilance of the argumentations of

the interlocutors (the search for incoherencies, false affirmations, errors in the inferences or fallacies).

Even before the ideas of Sperber et al. were made public, empirical researches on argumentative practice could be used to confirm some of those hypotheses. Deana Kuhn (1991), for instance, in her survey about argumentative justification of the cause of an event, finds that only 19-22% of the participants do not regard the evidence they offer as sufficient to prove the correctness of their theory. The remaining subjects, roughly 80% of the sample, regard their evidence as proof of the correctness of their causal theories, irrespective of the actual quality of this evidence.

Sperber et al. think that the use or rhetoric strategies to persuade others in a mixed argumentative practice may work well to obtain sound epistemic results in many cases, mainly when the aim of the parties is to reach a proper conclusion:

When people with different viewpoints share a genuine interest in reaching the right conclusion, the confirmation bias makes it possible to arrive at an efficient division of cognitive labour. Each individual looks only for reasons to support their own position, while exercising vigilance towards the arguments proposed by others and evaluating them carefully. This requires much less work than having to search exhaustively for the pros and cons of every position present in the group (p. 378).

However, many theorists think that if persuasion is the main goal of argumentation, reasonableness and cogency may be at risk. The critical thinking movement tries to protect against this risk and many textbooks stress the need to adopt a critical attitude avoiding biases. Thus, they recommend moving further away from a simple epistemologically "make sense" attitude guided by a strong confirmation bias that may not change without a deliberate educational intervention (Perkins, Faraday & Bushey, 1991). This critical attitude is characterized by Bailin & Battersby (2010) as *open-mindedness:* acceptance of the possibility of being wrong and thereby "the willingness to consider evidence and views that are contrary to our own" (p. 15) and *fair-mindedness* that "requires us to be as unbiased and impartial as we can when making a judgment"(p. 15). While open-mindedness can be seen as "the genuine interest in reaching the right conclusion" referred to by Sperber et al. in the above-cited passage, fair-mindedness presupposes a very strong epistemic requirement that

can be contrary to the use of many persuasive strategies.

Critical thinking education may have an important role in the development of a more conscious and refined epistemic vigilance and in strengthening the argumentative skills necessary to make better established justifications. Critical thinking courses help the students understanding meta-cognitive aspects of the argumentation and train them in the task of "arriving at reasoned arguments on complex issues" (Battersby & Bailin, 2011, p. 244). Nevertheless, we think that argumentative instruction should be extended also to develop capacities to deploy persuasive strategies.

The theoretical notion of "strategic maneuvering" integrated in the pragma-dialectical framework (van Eemeren & Houtlosser, 2009) manifests itself in the choice of presentational devices, the framing of the issue and the adaptation to the intended audience in an argumentative situation. This choice facilitates understanding of the arguments and their reception in a favorable view. Strategic-maneuvering is considered by pragma-dialecticians as compatible with the rules governing a critical discussion and it includes part of what we consider rhetorical practice. However, as we will try to show in the next sections, in the practice or arguing the use of persuasive strategies is not always fully compatible with the ideal dialectical rules, but it may be the best or the only way to achieve a rational outcome in a particular situation.

When people engage in arguing to resolve a difference of opinion they implicitly accept some general principles or rules under which the verbal interaction occurs. In many cases, participants in a debate or discussion intercalate ground-level arguments related to the issue under discussion with meta-arguments about the epistemic status of the premises, the soundness of the inferences, their relevance, the attribution of the burden of the proof, etc. Moreover, when, for example in the CEDA (Cross Examination Debate Association) debates in the nineties, meta-argumentative critiques were discouraged "in favor of specific and temporally-bound "scenario"-based interpretations", some researchers thought that these limitations constituted an obstacle to creativity and argumentative self-regulation (Broda-Bahm, 1993, p. 2)

As in the case of the particular rules of the CEDA debates in the nineties, in sections 4, 5 and 6 we will present more examples to show that consensual standards of what is argumentatively appropriate may change through time and

different argumentative scenarios, and that apart from very general standards, this adaptation to the particular context is necessary if we want to be fair in assessing argumentative exchanges.

3. *Argumentation in context*
Through the short history of modern argumentation theory, many proposals have stated that there are different types of argumentative discourse that follow specific norms to adapt to the particular context in which the discursive activities arise. That is, many authors think that different contexts of argumentation ask the arguer to use different cognitive skills and strategies to modulate the requirements of the task.

The antecedents of this debate on context dependency go back to the works of Stephen Toulmin (1953; 1958). Toulmin maintained that the kinds of data and warrants to justify a point and the criteria of evaluation of arguments are not universal but field-dependent and that they should be adapted to the particular field in which the argument is situated. His definition of "argument field", however, was not sufficiently clear. Toulmin, himself, used this term differently throughout his work. In his first proposal in 1958 he considered that "two arguments belong to the same field when the data and the conclusion in each of the two arguments are, respectively, of the same logical type" (p. 14). Further on in the same book, he added to this definition that fields differ because they address different kinds of problems and, in (Toulmin, 1972) he considered fields as "rational enterprises" that could be identified with intellectual disciplines (Zarefsky, 1982; 2014). These diffuse and different definitions resulted in lively discussions in the 70s and 80s that opened the way toward finding a possible definition or different uses of the notion of field which, as a consequence, contributed to conceptual confusion about this term. Conflicting definitions and overall confusion led, in the end, to its virtual disappearance from debates, conferences and literature.

Following Perelman & Olbrechts-Tyteca (1958) rhetorical perspective which stated that arguments are determined by the audience, McKerrow's proposal of "argument communities" (McKerrow, 1980) and Goodnight's view of "spheres of discourse" (Goodnight, 1982) tried to look for a way out of the plurality of perspectives in field theory.

Goodnight proposed to leave aside the term "field" due to the difficulties

encountered in fixing its meaning, and to use the more general idea of "spheres" of discourse. Without aiming to be exhaustive, he distinguished three main "spheres" of argument, the private, the public and the technical. The first one would encompass roughly all the informal argumentative interpersonal exchanges; the second one, the discourses related to public or political deliberation; and the third one, all the argumentation related to the academic disciplines. It is now clear that this new idea and classification of spheres is not free of problems. Although it is a more general concept than that of "field" it is precisely its generality that makes its use difficult if the purpose is to advance toward a better understanding of particular argumentative practices.

In 1980, McKerrow defined a community as "a collective of people interacting in a space-time continuum" that share the same type of discourse and "a set of rules for verbal or non-verbal behavior which are authorized and guided by the uniting rationale for their common aspirations, and which are observed in the display of their communal interactions" (p. 28). In McKerrow's view, communities determined the appropriate argumentative norms and the evaluative standards that prevail in the community (Zarefsky, 2014, p. 78). Although the idea of community is interesting, it is also very vague and difficult to fix with more precision. It underlies, in our opinion, the idea of "culture", but of different cultures coexisting at the same time, because different communities intersect each other and members of a community can, at the same time, be part of another; van Eemeren & Houtlosser (2005) handle the question of adaptation to the audience to achieve argumentative success by means of strategic maneuvering. Strategic maneuvering asks for the observation of the various "argumentative activity types" defined as "conventionalized entities that can be distinguished by 'external' empirical observations of the communicative practices in the various domains". They equate those activity types to Goodnight spheres of discourse (p. 76). The observance of particular rules in different argumentative activities is important to improve our argumentative models but by looking at the examples they provide, we think that in some cases, it may be difficult to integrate particular rules with the observance of the rules of the ideal pragma-dialectical model. For example, the use of persuasive strategies in a negotiation might not be fully compatible with many of the ideal dialectical rules (closure, burden of proof, validity, etc.). However, a particular rhetorical move such as avoiding the more conflictive points, even if it does not help justify your position, may be good to achieve a rational outcome.

Recently, Rowland (2008) has maintained that the conflicting approaches to argument fields were not inconsistent but that they reflected different aspects of what he prefers to call "field practices". As he states:

It now seems obvious that one cannot adequately define the field in which a given argumentative controversy occurs without a focus on subject matter, audience characteristics, argument forms found in the area, propositional content, argument models serving as terministic devices to aid comprehension, disciplinary organizations, the evolution of argument practices, and a consideration of shared purpose. (Rowland, 2008, p. 242)

Underlying all the previous proposals is the notion that the participants in the argumentative discussion have to share the same "type" of discourse, that is, the way to handle the special terms and references they may use, has to be recognized as *endoxa* or shared knowledge to which the interlocutors in the exchange are committed. The same idea applies to special structural ways of presenting those thoughts in an argumentative dialog. Moreover, if argumentation is a kind of communicative discourse, argumentative exchanges are also subjected to communicative general principles. The idea of the "cognitive environment" of Sperber & Wilson (1986/1995) is, for us (and for some others, see for example, Tindale, 1999 and Kraus, 2011) an important notion that represents a minimum common basis for all the above-stated proposals.

Sperber and Wilson define the cognitive environment of an individual as the set of facts or true beliefs that are manifest to that individual at a given moment. To be "manifest" is either to be perceptible or inferable. In a dialog both interlocutors may share parts of their respective cognitive environments. This "shared cognitive environment" includes both participants in the exchange and the shared mutual knowledge that is manifest to both of them at the time of the utterance, which may include knowledge relative to the social or cultural group of which they are part.

According to Sperber and Wilson, in all communicative exchanges participants look for information that may alter or reorganize their respective cognitive environment. Argumentation is a specific form of communication whose goal is to alter the cognitive environment of the addressee by means of reason. If both interlocutors share a large part of their respective cognitive environment and are willing to discuss a point, the possibilities for argumentation to work are better

because each interlocutor can connect more easily with the system of beliefs of the other. Kraus (2011) considers this shared environment a particular kind of community which he calls "argument community". For him, cognitive communities are not fixed entities and "their boundaries are neither universal nor fixed" (p. 6) and may realign according to individual cases. This being true for ordinary cases of argumentation, it is also true that for argumentative exchanges that arise in institutionalized contexts, a large part of the shared institutionalized environment may remain fixed. In this way, by being part of the shared context, participants in a discussion have to adapt their discourses to the institutionalized form of arguing or, in the words of van Eemeren & Houtlosser (2005), to the institutionalized activity type.

In this respect, Rigotti (2006) emphasizes two relevant dimensions in an argumentative context, which he characterizes as the institutional and the interpersonal dimensions. The institutional context refers to the institutional field in which the interaction takes place and to the activity type in which the participants engage (for example, adjudication, negotiation, mediation, and public debate, as presented in van Eemeren & Houtlosser, 2005). The institutional context dictates the roles of the interlocutors, who have to adapt to the special requirements of it, make their own interpretations of the rules to follow, and play their roles in the way demanded by the institutional situation. The interpersonal context includes a rich network of relationships between the arguer and the audience. Those relationships are bounded and modulated by the participation of the interlocutors in a community and a culture. Across both dimensions there are other contextual sides to be stressed, related to the individual circumstances of the interaction. We can cite for example, the communication channels (face to face dialogue, written argumentation, public dissertations, Internet chat), time constraints, the motivation of the arguer and the presupposed motivation of the audience to accept the claim (that may change depending on the importance of the claim in their belief systems or on the impact of its acceptance on their lives), the arguer's knowledge about the topic and about the views of the audience, etc.

These contextual aspects may vary from one argumentative practice to another, giving rise to different degrees of uncertainty. Contextual considerations and specific requirements of an argumentative situation, cognitive aspects of the issue and the adaptation of the participants to the activity type may help us to make the analysis and assessment of an actual practice more flexible and to give an account

of the dynamic communicational process involved in every argumentative discussion.

To make our point clearer, in the next sections, we will consider briefly examples of two different scientific disciplines, some features of pro and contra conductive arguments, and some aspects of argumentative practice oriented to decision-making.

4. *Argumentation in scientific practices*

Many researchers in the field of argumentation and also in mathematics maintain that almost all of what is done in mathematics is informal in the sense that it is not done in a purely formal system (see Aberdein, 2009 for references, also Carrascal, 2013). The discovery part of a proof is possibly the most difficult phase of any mathematical work. Proofs arise in dialogical contexts (even when thinking up a proof to convince oneself) and uncertainty is usually present in the period of discovery of a proof or while looking for the solution to a problem. On the way to establishing a proof there are conjectures (that afterwards can be proven wrong), inferential gaps and appeals to intuition (by the use of diagrams, for example), and the steps are not formalized. In the process of proving, ordinary forms of argumentation, as in other communicational contexts, are always present. Pólya (1954) stated, that "we secure our mathematical knowledge by demonstrative reasoning, but we support our conjectures by plausible reasoning" (p. vi). As so, controversies occur and are in practice dealt with without fully formalizing them. For example, Pease & Martin (2012) analyze the Mini-Polymath projects as an example of collaborative work over the internet to solve demanding problems in mathematics. They show that 23% of the comments on the problem were made to propose definitions developed in a variety of ways: analogies, correction of misunderstandings, use of conjectures, etc.

For the final proof, standards of rigor are specific, and additional requirements of mathematical practice and proofs are always achieved and checked by the mathematical community. This does not mean that mathematical products are not communicative products but that the requirements needed to be considered as proof by the mathematical community are specific and stricter than those required for ordinary arguments. For example, notational requirements are a must in mathematical proofs and the deductive steps of the proof should be verified and presented in a way that can be checked by the mathematical community. Nevertheless, mathematical proofs are thought out and presented in

different communicative situations that may also demand specific forms of expression to convince a particular audience. Rhetorical elements to adapt to the situation are necessary but the special requirements of mathematics for considering a mathematical product a proof remains.

In the initial stages of any emerging scientific enquiry, not only in mathematics, uncertainty is also always present. Louise Cummings (2002; 2009) presents a study about new diseases, such as bovine spongiform encephalopathy, as a good example of the need to adapt argumentative procedures to contextual constraints. She argues that possible informal fallacies such as the argument from ignorance play an important heuristic role in the application of rational scientific methodology. Argument from ignorance, she defends, is non-fallacious in these kinds of contexts and helps settle the priorities of the research, directing projects to a more testable hypothesis. These kinds of presumptive, non-conclusive arguments are relevant in persuading researchers to take a definite line of inquiry. Marcello Pera, a well-known non-relativist philosopher, places rhetoric at the core of any scientific inquiry:

We have seen that methodological rules have an open texture that can be tightened only through decisions that have to be well-argued. But making decisions and arguing for them involves discussing rival views and convincing an audience. This is the fundamental reason why rhetoric enters into science. (Pera, 1994, p. 51).

Pera assigns to rhetoric the role of adapting methodological rules by means of arguing. That is, in a scientific enquiry the way to reach a decision should be by giving and asking for reasons, because methodological rules are open and subjected to interpretation.

5. *Conductive argumentation and rhetoric*
The pros and cons type of conductive argumentation that can be found in different contexts may illustrate the importance of considering the characteristics of the issue in the evaluation of an argumentative discourse.

A conceptual introduction to conductive argumentation was first proposed by Wellman (1971; 1975) and it referred mostly to ethical contexts. This conceptualization was further elaborated by Govier (1999) who advocates its importance in other contexts such as historical and scientific argumentation.

Although almost all components of the different definitions of conductive arguments are objects of controversy, the existence of counter-considerations as a part of the argumentative product is the more relevant and polemical characteristic of this type of argument.

Counter-considerations are different to objections (Govier, 2010). Objections or presumed objections of the interlocutors need to be accounted for in order to sustain a claim properly. Counter-considerations are considered part of the argumentation but they are not to be refuted as the objections and cannot be considered as premises. This fact makes it difficult to integrate counter-considerations in the structure of the argumentation.

This difficulty disappears, we think, if we consider the addition of counter-considerations as rhetorical moves that play a role in the integration of the audience in the argumentative discussion. Such rhetorical moves can be combined with other linguistic elements, such as the use of the first person plural or the use of rhetorical questions to make explicit the character polyphonic of argumentation.

Psychologists studying the development of argumentative skills (Golder & Coirier, 1996; Golder & Pouit, 2000; Andriessen, 2009), and researchers of the didactic of argumentation in the classroom (for example, Doltz & Pasquier, 1996; Doltz, 1996; Douek & Scali, 2000; Douek, 2005) consider arguing as a twofold task in which justification and adaptation to the addressee are analyzed in the different stages of the growing process, and are used as criteria to elaborate teaching strategies for the different ages and subjects. The use of counter-considerations in a dialogical situation may indicate that the arguers, children or students in classroom settings, are looking at the issue from different points of view in order to integrate others' insights. Rhetorical requirements, viewed from this perspective, can be considered to correlate with dialectical requirements. Introducing counter-considerations, the arguer shows that she considers her claim defeasible and that she is giving the audience space for extended discussion. From this perspective it can be seen that she respects the opinions of the audience but, at the same time, the arguer states her conviction that considering all the arguments in favor of the claim and the related counter-considerations, she may be entitled to maintain her opinion.

6. *Justification and persuasion in argumentation centered on choice of action*

Arguing to make a choice in civic decision settings or in more private settings, such as the individual choice between therapeutic alternatives or investments, has characteristics that are significantly different to argumentation in other settings, as may be the case in academic controversies. Practical argumentation in informal settings is also different from argumentation made in institutional contexts.

When we argue to make a decision, the issue is important because, first of all, the degree of uncertainty is not the same in all the cases in which a decision has to be taken. Decision-making implies predictions about the future and that depends on some factors that are partially unknown and out of the control of the people making the decision. For instance, in the choice of therapeutic alternatives, sometimes the choice can be made by pursuing protocols that strongly indicate one of two alternatives, but in other cases the alternative to choose may be uncertain. The evaluation of the results has to be made also under conditions of uncertainty, the success of a treatment does not mean that the other alternative would not have been better, and its failure does not mean that the alternative would not have been worse.

Second, very often the issue has many sides: the desirable outcomes that constitute the reasons in favor of one decision are often counterbalanced by possible undesirable consequences that may also be used to reject it or to justify an alternative decision.

Third, the subjective-objective dichotomy pointed out by Wohlrapp (2008) presents specific characteristics related to the domain of the discussion through which the decision has to be made. Personal interests and values often undermine the decision processes. Values, a relevant aspect of decision-making, are subjective. Certainly, many reasons for favoring a decision can be related to facts and theories about the world that can be tested and refined through argumentation. Nevertheless, very often, due to time and cognitive constraints, decision-making has to be grounded in limited knowledge and intuitions. Subjective assumptions and suppositions may play an important role due to material constraints. van Eemeren & Houtlosser (2009) state that as a consequence of subjective factors, in the resolution stage of a public debate, it is possible that some members of the audience may change their minds, while others will maintain their initial positions, because different conclusions may, to some degree, be reasonably justified.

In decision-making, the high degree of uncertainty, the convergence of multiples factors and the relevance of subjective values and preferences make the role of rhetoric much more decisive than in other kinds of context. Not only should presentational devices and audience adaptation be considered; the way of framing the issue may be also an object of debate, and the construction of the credibility and the status of the participants always play an important role. If there is room for the justification of different options, argumentation takes a more intense rhetorical orientation than in other settings.

7. *Conclusions*

Argumentation is a communicative interchange between an arguer and her audience. In order for the interchange to work, it is crucial that the participants in the interaction accept the possibility of a change in their system of beliefs.

The persuasion of the interlocutors should be reached by justifying the claim by means of a discursive game of giving and asking for reasons. Without justification there is no argumentation, but rhetorical strategies or rhetorical maneuvering are always present in real argumentative practices.

The evaluation of an argumentation should include factors such as the complexity and nature of the issue and the context, because these factors, among others, determine the different degrees of uncertainty of an argumentative discussion. If uncertainty cannot be avoided rhetorical adaptation to the case is unavoidable and more than the product it is the dynamic process which should be assessed.

The audience plays an important role since argumentative practice is an open-ended task that can be performed well in many ways but that can go wrong in just as many. Good or bad instances of an argument are audience-dependent because often the same argument will be optimal for one audience but inadequate for another.

Rhetorical argumentation has to be considered a rational enterprise (Tindale, 2004; 2009). On many occasions we argue because we hope that by giving and asking for reasons we can get a clearer and richer understanding of the issue, discard some bad options, refine errors, build a more accurate and not contradictory set of beliefs, and make more balanced decisions. As Wohlrapp (2008) states, it is important to dismiss the dichotomy between procedural and structural dimensions of argumentation to understand the virtues of arguing in

these cases in which an undisputable justification may be inaccessible. At least in the kind of argumentative contexts in which uncertainty cannot be avoided, we think, as Tindale (2009) does, that "reasonableness arises from the practices of actual reasoners, it is not an abstract code independent of them that they consult for corroboration" (p. 55).

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ISSA Proceedings 2014 – The Sliding Scales Of Repentance: Understanding Variation In Political Apologies For Infidelity

Abstract: This paper investigates the apologies of four US politicians whose marital infidelities were made public. The paper notes the variations in the use of religious language, representations of the transgressions, and metadiscourse. These variations can be calibrated to political ethos, the nature of the transgression, and the amount of repair work required. Thus, generic qualities of the personal political apology are best interpreted as existing on a sliding scale

relative to the situation.

1. *Introduction*

Apologies abound in everyday life as important speech acts that support saving face, maintaining relationships, improving *ethos*, and righting wrongs. Over the years discourse scholars have studied public apologies, identifying various shared characteristics. They have been particularly interested in how political apology works rhetorically to repair relations among different parties and repair the image of the one apologizing.

While the majority of studies have helped define the genre, a few have pointed out variations in public apologies due to cultural resources and speaker roles. In this paper, I also investigate variations, but do so by looking at apologies from similar rhetorical situations. I limit the variables of difference by investigating personal political apologies – those made for personal indiscretions – in these cases, marital infidelity by US elected politicians: Mark Sanford, Eliot Spitzer, Mark Souder, and Anthony Weiner. These speech events share the same cultural context, speaker roles, transgression, and mass media dissemination. By limiting the variables of these selected speeches, I sought a more detailed understanding of the linguistic and rhetorical choices made by the speakers and thus, a more nuanced understanding of apologetic practices. The analysis revealed variations in the use of religious language, representations of the transgressions, and the use of metadiscourse. These differences can be calibrated to the speaker's established political ethos, the nature of the transgression, and the amount of repair work required of the speaker. I will first provide an overview of apology, then discuss characteristics shared by the apologies investigated for this study, and finally, I will examine their variations.

2. *Apology*

For the ancient Greeks, *apologia* referred to an orator's speech of self-defense in a trial (Cooper, 1997). Today, apology is commonly understood as a speech act in which speakers try to repair the damage done to a relationship by acknowledging and expressing regret for some perceived offense or failure. An offense can cause doubt in the offender's ethos along various lines, such as moral integrity,

faithfulness to a commitment, or competency in a given task. According to Lazare, a genuine apology must "acknowledge [the] offense adequately … express genuine remorse, [and]…offer appropriate reparations including a commitment to make changes in the future (2004, p. 9). Such an apology necessarily places a speaker in a reflexive position in which she is enacting one version of herself (the one who is sorry) who is commenting on and repudiating another version of herself (the one who committed the offense), with the hope that the newer apologetic version is accepted as authentic.

Benoit identified five strategies public figures use for image restoration in apologies:

1. denial,
2. evasion of responsibility,
3. reducing offensiveness,
4. corrective action and
5. mortification, which entails admitting the wrongdoing and asking forgiveness (1997, p. 253).

His last two strategies, corrective action and mortification, are particularly relevant to public apologies in America with its roots in Protestant Christianity. When studying the public apologies of several US politicians, Jennifer Jackson argued that "the political apology performance … presupposes… a doxic acquaintance to the Christian doctrine of Original sin and the performed Protestant Christian personal testimonial" (2012, p. 48). Such testimonials frame "within the single narrative event multiple instantiations of the Self across time to distinguish between the past sinning Lost Self as Other and the redeemed present Found Self as that durable Self" (Jackson 2012 p. 52). A sinner tells a story of conversion by admitting wrong, asking for forgiveness, and committing to avoid future falls.

Similarly, Ellwanger discusses public apologies as "stag[ed] conversion narratives," a *metanoia,* the Greek term meaning a change of heart, that reconciles the offender with social ethical standards (2012, p. 309). This performance, he argues, is in itself a punishment and form of humiliation – a penance. Through enacting a *metanoia*, the offender reconstitutes her identity to repair her image and relationship with the audience. Further, the public spectacle of the apology can act as a deterrence to other potential offenders.

It is important to note that these qualities of apology discussed thus far are culturally bound. The majority of research on apology has focused on American and Western European practices. However, several studies have argued that apologetic practices differ across cultures. For example, Suzuki and van Eemeren (2004) illustrate that the Japanese have different expectations for apology than do Western Europeans. Japanese accept a simple statement of sorrow and stepping down from leaders while Westerners have a more defensive tradition that does not necessarily require resignation from a position. Also, in Japan a speaker's ascribed ethos, that which derives from seniority, sex, family background, can be more important in an apology than an achieved ethos, which is established in speech. Liebersohn et al. compared American and Jewish apologetic practices through studying apologies by President Clinton and Israeli Prime Minister Barak. They noted that the public nature of the Protestant confession, and hence US apologetic practices, does not exist in Judaism. Therefore, Barak instead relied on the Zionist historical narrative as a rhetorical resource (2004, p. 937).

Through this analysis, Liebersohn et al. explicitly argued against the "pretentions of universality underlying the study of apology" (2004, p. 941). In addition to the dominance of studying Western apologetic traditions, most studies are also focused on identifying the shared generic qualities of apology. Like Libersohn et al., I would like to highlight differences among apologies, rather than commonalities. The speech events I investigate here share many features that reflect what we already know about political apologies in the US, relying heavily on the Protestant confessional model. However, despite the similar rhetorical situations, variety still exists among these apologies that influence rhetorical choices made by the speakers.

3. *US political apologies for marital infidelity*
In 2008, Eliot Spitzer, then Democratic governor of New York and formerly Attorney General, was found to have frequently visited high-end prostitutes. The next year, Mark Sanford, then Republican governor of South Carolina, admitted to having an affair with a journalist from Argentina. Prior to his admission, he had been missing for several days and lied to his staff about his whereabouts. In 2010 Mark Souder, a Republican representative from Indiana, resigned after admitting to an affair with a staffer. Finally, in 2011, Anthony Weiner, a Democratic representative from New York, admitted to having sent sexually explicit texts and images of himself to women, what is popularly called "sexting." He initially denied

sending the images, saying his Twitter account had been hacked.

The analysis studied six texts: Spitzer's initial speech admitting to his "failings" (Chan, 2008) and his speech several days later stepping down from office ("Full Text of Spitzer Resignation"), Sanford's speech confessing to his affair and resigning as the Chairman of the Republican Governor's Association ("Transcript: Gov. Mark Sanford's Wed. afternoon press conference"), Souder's speech in which he confessed and resigned from his Senate seat ("Verbatim"), and two speeches from Weiner, the first in which he admitted to sending the explicit message ("Full Transcript Of Rep. Anthony Weiner's Resignation Speech") and then, like Spitzer, one a few days later in which he resigns his Senate seat ("Full Transcript Of Rep. Anthony Weiner's Resignation Speech").

These speeches all echo the Protestant testimonial with their central act of public mortification – each speaker admits wrongdoing and explicitly apologizes or asks for forgiveness. They also signal some corrective action by referencing their efforts to repair their relationships with their wives, families, and constituents or acknowledging the need to "heal" themselves. None of them deny wrongdoing or try to evade responsibility which would be contrary to a true confession. They also make some reference to religion or God.

In addition to mortification and corrective action, they employ some other image restoration strategies – most prominently bolstering, a sub-strategy to reduce the offensiveness of an act. Benoit quotes Linkugel in defining bolstering as "any rhetorical strategy which reinforces the existence of a fact, sentiment, object, or relationship …" (1997, p. 258). The speakers bolster their images by reaffirming their commitment to public service, indicating that despite their "private" or "personal" failings that their desire to serve was sincere and the work they accomplished significant. In his initial speech, Spitzer opens with

Over the past nine years, eight years as attorney general and one as governor, I've tried to uphold a vision of progressive politics that would rebuild New York and create opportunity for all. We sought to bring real change to New York and that will continue.

Only after this bolstering move does he admit his violation of "obligations to my family" and "any sense of right and wrong." In similar ways, all the speakers expressed their sincere commitment to serve their constituents, presenting

themselves as true public servants. Souder, for example states, "It has been a great honor to fight for the needs, the jobs, and the future of this region where my family has lived for over 160 years."

They even characterize their resignations as a way of caring for the office and their constituents. Sanford didn't resign from office, but as chairman of the Republican Governor's Association. He does this, he says, in order to have the time to repair his relationship with his family, friends, and constituents. Sanford, then, in not stepping down as governor, shows he is still committed to public service and that he feels his affair, though wrong, does not indicate that he is unfit as a governor. Spitzer, though he says resigning is part of taking responsibility for his actions, he also says he is doing so as to not "disrupt the people' work." Souder resigns to save his family from media scrutiny. And Weiner states that he is stepping down because he has become a "distraction."

By bolstering in these ways, the speakers re-present themselves almost as they were as candidates running for election: idealistic, passionate, hard working, and self-sacrificing. This public persona is juxtaposed with the fallen individual. The personal vs. public dichotomy is implied or explicitly referenced by each speaker. Their "sin" does not, or should not, diminish the good that they have done and still are capable of. And, they will each be able to "heal" from this fall. In looking at similar types of speeches, Jackson argues that through these redemption narratives speakers "each generalizes his individual acts as typical journey of anyone" that they are "representative of Everyman's fall from grace" (2012, p. 55), reminding the audience that politicians are only human and that all of us, at some time, fall and have to get up. Thus, the bolstering not only helps restore their image, but also supports the conversion narrative, the metanoia by juxtaposing the ideal self with the fallen self.

4. *Variation: religious presence*
Despite the similarities among these apologies for infidelity, significant differences also exist. The most obvious variation seems to be the amount of religious language used, which can be related to each speaker's political ethos. Although there are exceptions, in US politics, Republicans are considered the more conservatively Christian and the Democratic party more secular. Sanford's political ethos, as well as Souder's, was grounded in a Republican, conservative Christian tradition. Sanford, an Episcopalian, was a Southern Republican and member of the religiously conservative group The Family. Likewise, Souder, a

Republican from the Midwest, and evangelical, self-identified and ran as a religious conservative. To break one's marriage vows, then, is a blow to this religious grounding of their public images. Their efforts to restore their images, then, must address this fact. Their metanoia, must be an explicitly religious one.

In his rambling speech, Sanford reflects on "God's laws," which he says are "designed to protect people from themselves." Here he acknowledges he has broken God's laws and affirms their wisdom. He further apologizes to "people of faith across South Carolina" and claims "believe it or not, I've been a person of faith all my life." Souder is even more direct in his religious sentiment when he states, "I have sinned against God" and later, "My comfort is that God is a gracious and forgiving God to those who sincerely seek his forgiveness as I do." This use of religious references and language gives "presence" (Perelman & Olbrechts-Tyteca, 1969, p.115ff) to their faith and makes their repentance a religious one.

For Spitzer and Weiner, both Jewish Democrats, religious faith was less a part of their public ethos. Therefore, their apologies, though in a form with religious roots, gave little presence to religion. In his first speech, Spitzer makes no religious allusions. In his resignation speech, he states "From those to whom much is given, much is expected," a phrase from the New Testament, and in closing asks for prayers for his successor, David Patterson. Weiner likewise makes no religious references in his first speech. In his second, his only religious reference is in his closing thought when he states, "With God's help and with hard work we will all be successful." In comparison to Sanford and Souder, then, Spitzer and Weiner's apologies are not grounded in religious terms. They didn't need to be since religion was not part of their public ethos. In fact, if they had suddenly expressed strong religious sentiment in these apologies, their authenticity may have been questioned. Not surprisingly, then, the presence given to religious sentiment remains consistent with the political ethos of the speaker. This highlights the fact that image restoration strategies depend upon, in part, the prior image being restored.

5. *Variation: representations of transgressions*
A more significant difference exists in how the speakers represent their transgressions. In some cases the transgression was already known publically (Spitzer), in others there was suspicion and speculation (Weiner), and others little was known yet by the public (Souder and Sanford). But in all cases, the speakers,

as part of the apology, had to admit to wrongdoing and therefore, had to represent the transgression in some way. Fairclough states that when "representing a social event, one is incorporating it within the context of another social event, recontextualizing it" (2003, p. 139). This recontextualizing filters the elements of the social event: it decides what details to include or exclude or foreground or background, giving presence to some aspects of the situation rather than others. It also represents the event as more or less abstract, arranges them in a certain order, and may or may not make additions to the event, such as explanations or evaluations (Fairclough 2003, p.139).

In the apologies, the representations of transgressions vary in their levels of abstraction. These differences can be related to the legality of the transgression and with the forthrightness with which the speaker initially dealt with the media and the public in relation to the transgression. Despite these differences, the representations still all contribute to image restoration.

First, legality: although prosecution for patronizing a prostitute is rare, Spitzer still faced possible criminal charges in relation to his use of prostitutes. The Justice Department was investigating him for possibly breaking several laws: one law involved transporting someone across state lines for the purpose of prostitution, another involved how he paid for the prostitutes (he may have engaged in "structuring," which means the money was paid in such a way as to "conceal their purpose and source"), and finally, he was also being investigated for possibly using campaign funds for his prostitution activities. ("The Times Answers Spitzer Scandal Questions").

Not surprisingly, then, although he had to admit guilt, he had to do so in a very generalized way so as to not implicate himself with regards to any of these charges. In his speeches Spitzer represents his transgressions in two ways: "I have acted in a way that violates my obligations to my family and that violates my – or any – sense of right and wrong." And "… I have disappointed and failed to live up to the standard I expected of myself." Note that these representations are highly generalized – he never mentions prostitutes or even marital infidelity. He could be referring to many types of transgression – tax evasion, fraud, sexting, an affair. Thus, he admits to an unspecific wrongdoing, carefully avoiding possibly implicating himself.

Despite being very general, Spitzer's representations still assist him in restoring

him image. In the first representation when he says "I have acted in a way that violates my obligations..." he, while being in the agent position, is still able to slightly distance himself from the wrongdoing. Using "acted in a way" instead of simply saying "I have violated my obligations..." is reminiscent of an old adage "hate the sin, not the sinner" which implies that peoples' actions are not necessarily reflective of their persons. Also, in referencing his sense of right and wrong and the "standard" he expected of himself, he bolsters his image, reaffirming the values that he stood for as attorney general and governor. These phrases also allow him to acknowledge his own hypocrisy since in his previous role as attorney general he prosecuted prostitution rings (Eimicke & Shacknai, 2008).

The other three apologists did not have to worry about possible legal prosecution.[i] They were freer to be concrete in representing their transgressions. But, they differed in how forthright they were in the initial handling of their scandals. The less initially forthright, the more concrete the representations. Sanford and Weiner clearly complicated their situations with their lies. Souder's case, on the other hand, was fairly simple and direct: he resigned before the case became widely known by the general public. His representation is concrete, though not detailed:

I sinned against God, my wife and my family by having a mutual relationship with a part-time member of my staff.

He also calls it a "personal failing" and an "error." He makes additions to the representation by stating:

It has been all consuming for me to do this job well, especially in a district with costly, competitive elections every two years I do not have any sort of 'normal' life – for family, for friends, for church, for community.

Although he does not make an explicit connection, through this addition he implies that reason for his transgression, suggesting that the pressure and isolation led him to have an affair, thus minimizing the offensiveness of the event. He later says "For sixteen years, my family and I have given our all for this area. The toll has been high." He does not specify what he means by "toll," but this sentence puts him in a victim position, as suffering a toll with his family. It also implies that the affair itself could be the toll. This again helps minimize the

offensiveness of the event.

The lead-up to the apologies by Sanford and Weiner were less forthright. Sanford told his staff he was hiking the Appalachian Trail, but his cell phone was turned off and they were not able to reach him for several days. His wife also could not account for his whereabouts. This situation lead to speculation and concern by members of the state Senate and of course, put his staff in a difficult position ("Sanford back Wednesday"). He was, in fact, in Argentina visiting his mistress. Thus, he had secondary transgressions to address in his speech – his lying to his staff and being unreachable. He represents his affair in concrete terms:

I've been unfaithful to my wife. I have developed a relationship with a dear, dear friend from Argentina. It began innocently as I suspect many of these things do in just a casual email back and forth in advice on one's life there and advice here. But here recently over this last year it developed into something much more than that.

Note that although in the beginning of this representation he takes the agent position, accepting responsibility for the transgression, the narrative that follows provides a causal explanation that helps him minimize the affair. The "relationship," a nominalization, takes the subject position in the sentences, being the agent that "began innocently" but "developed into something much more." This narrative, by detailing the process, helps minimize the offense by making it understandable and relatable, even common. Here we see how he "generalizes his individual acts as a typical journey of anyone" (Jackson 2012, p. 55). This characterization of the event is supported by calling his mistress a "dear dear friend." Thus, the affair was not some thoughtless fling with a random woman, but rather a "relationship" that developed from friendship. But Sanford also had to address lying to his staff and causing confusion:

I would also apologize to my staff, because as much as I did talk about going to the Appalachian Trail, … that isn't where I ended up. And so I let them down by creating a fiction with regards to where I was going, which means that I then in turn, given as much as they relied on that information, let down people that I represent across the state.

Although this representation of lying is more abstract than that of his affair, it is still constructed in ways to diminish damage. By saying the Trail "isn't where I

ended up" he seems simply someone along for the ride, without agency. And he softens the offense by referring to it as "creating a fiction," rather than "lying" which has a strong negative connotation.

Finally, Weiner had the most sensational transgression and circumstances leading to his speeches. Not only was sexting relatively new and uncommon, he emphatically denied in media interviews that he was the source of the pictures. He and his office claimed that his social media accounts had been hacked. They kept up this ruse for 10 days until he finally admitted he sent the pictures. Thus, in addition to sexting, he had the added transgression of lying about it to the media and the public. Because of this, his apologies not only had to acknowledge his previous self that behaved inappropriately, but also his self who boldly lied about it. Of all the apologists investigated in this paper, he had the most repair work to do.

While Weiner is concrete in his representations of both his transgressions, he does little minimizing. In his first speech he gave a concrete explanation of his sexting by narrativizing his scandalous tweet and the how he came to cover it up:

Last Friday night, I tweeted a photograph of myself that I intended to send as a direct message as part of a joke to a woman in Seattle. Once I realized I had posted it to Twitter, I panicked, I took it down, and said that I had been hacked. I then continued with the story to stick to that story, which was a hugely regrettable mistake.

In this statement he slightly minimizes the sexting by referring to it as "joke," but, unlike Sanford and Souder, there are no other additions or explanations that help his audience understand why he was engaging in such behavior or how it came about. The explanation he does provide only addresses the cover-up and again slightly minimizes by referring to his panic. After this statement he continues, admitting that he engaged "in several inappropriate conversations conducted over Twitter, Facebook, email and occasionally on the phone with women I had met online." Notably, he also specifies what he did NOT do: "To be clear, I have never met any of these women or had physical relationships at any time." He also then refers to his other transgression – that of lying to the media and the public: "I haven't told the truth and I've done things I deeply regret." In his second speech he represents his transgression more generally as "personal mistakes...and the embarrassment I have caused...the distraction I have created"

and "the damage I have caused." Weiner, then, having the most repair work to do, is concrete, but does little minimization. This lack of minimization is perhaps due to the nature of the transgression. Unlike having an affair, extra-maritial sexting by politicians is still fairly uncommon and more difficult to make understandable or relatable.

Overall, investigating the representation of transgressions reveals ways in which their levels of concreteness or abstraction are related to the forthrightness with which they initially dealt with the situation. Also, the representations, whether abstract or concrete, are constructed in ways to support image restoration.

6. *Variation: metadiscourse*
The final variation among the speeches I will address is the use of metadiscourse. All the speakers use some metadiscourse, but its use increases with the amount of repair work needed, so that Sanford and Weiner employed the most metadiscourse. Metadiscourse is understood as discourse about discourse, or "the unique reflexive capacity of language, as used by human beings, to have itself as its subject matter" (Martinez Guillem 2009, p. 731).

Metadiscourse takes many forms, from explicit guidance to the reader such as "let me first point out" to more subtle modality markers. Vande Kopple identifies seven functions that metadiscourse serves, noting that any instance of metadiscourse could serve more than one function at a time:

1. text connectives (first, next, etc,),
2. code glosses, which help readers understand specific points,
3. illocutionary markers, which make explicit what speech act is being performed,
4. validity markers, which can be understood as modality markers,
5. narrators,
6. attitude markers, which express the speaker's feeling toward the text (e.g. "surprisingly"), and
7. commentary which directly dialogues with the reader (1985, p 83-85).

Others have pointed out how these metadiscourse functions contribute to ethos through positioning (Martinez Guillem 2009, p. 737), alignment, and evaluation (Crismore & Farnsworth, 1989). Sociolinguists refer to this phenomenon as stance-taking. DuBois defines stance as:

a public act by a social actor, achieved dialogically through overt communicative means, of simultaneously evaluating objects, positioning subjects (self and others), and aligning with other subjects, with respect to any salient dimension of the sociocultural field. (2007, p. 163)

Thus, when speakers express a judgment through evaluation, they position themselves as holding certain sociocultural values that either align, or don't, with their audiences.

While all the speeches had some metadiscourse that act as illocutionary markers, such as Souder's "It is with great regret I announce that I am resigning," Sanford and Weiner had more than twice the amount of metadiscourse than Spitzer or Souder. The additional metadiscourse in their apologies function as attitude and validity markers. The attitude markers are found in the expressions of desire such as "I want" and "I would" that Sanford and Weiner often use to preface their statements. Sanford is quite repetitive with the phrases "I would" and "I want": "I would secondly say to Jenny…"; "I would apologize to my staff…"'; "And so I want to apologize to my staff…I want to apologize to anybody…"; "I would ask their forgiveness."

In a similar way, Weiner states: "I want to thank my colleagues.…"; "I also want to express my gratitude to members of my staff…" These speakers could have said "I apologize" or "I thank," but they add a layer of attitude markers that imply an emotional stance – a desire. Not only is the speaker apologizing or thanking, but he *wants* to do so.

In addition to these attitude markers, they also employ validity markers. Sanford says he will "lay out the whole story" to provide "the bottom line"; he uses the phrase "bottom line" several times throughout his speech. Most notably, he precedes his admission of an affair with "The bottom line is this," implying that other lines or stories were out there, but his representation is the most accurate and relevant. Weiner uses the phrase "to be clear" several times, as in "To be clear, the picture was of me, and I sent it." These instances of metadiscourse are used to affirm the validity of what they are saying.

I attribute the higher frequency of metadiscourse, specifically attitude and validity markers, in Sanford and Weiner's apologies to the increased repair work required of them. They not only had to repair their images because of their

infidelity, but since they mislead people or directly denied the wrongdoing, they also had to repair their relationship with the public and reaffirm themselves as *now* telling the truth. Thus, they strengthen their emotional stance as repentant through attitude markers and use validity markers to portray their current representations as truthful.

7. *Conclusion*

The apologies of these four politicians are typical of public apologies in the US. They follow the features of the Protestant confessional testimonial through mortification and corrective action. These moves contribute to the speakers' image repair as does their bolstering. Despite these similarities, however, variations exist in their use of religious language, how they represent and minimize their transgressions, and their metadiscourse. These variations can be related to their political ethos, the nature of the transgression, and the amount of repair work required. It seems that the nature and severity of the transgression have the most impact on the variations in these speeches. Also, it appears that metadiscourse is an especially important resource for speakers whose images are severely damage. Thus, it is worthwhile not only to look at whether or not a speaker uses a specific strategy, but also the extent to which they do so, relative to features of the rhetorical situation they face.

NOTE

i. Souder might have been investigated by the US House of Representatives for ethics violations, but he avoided this by resigning.

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ISSA Proceedings 2014 – Missed Opportunities In Argument Evaluation

Abstract: Why do we hold arguers culpable for missing obvious objections against their arguments but not for missing obvious lines of reasoning for their positions? In both cases, their arguments are not as strong as they could be. Two factors cause this: adversarial models of argumentation and the permeable boundaries separating argumentation, meta-argumentation, and argument evaluation. Strategic considerations and dialectical obligations partially justify the asymmetry; virtue argumentation theory explains when and why it is not justified.

Keywords: argumentation evaluation, virtue argumentation.

1. *Introduction: an odd asymmetry*
There is a curious asymmetry in how we evaluate arguments. On the one hand, it is taken as fair game to point out obvious objections to a line of reasoning that have not been anticipated. Arguments that fail to do this are not as strong as they could be and should be. Elementary critical thinking textbooks and advanced argumentation theorists all agree that the failure to criticize an argument for failing to take relevant and available negative information into account would be critically culpable. Of course, arguments that fail to take relevant and available *positive* information into account are also not as strong as they could be and

should be, but those same voices are curiously silent on this omission. The failure to criticize arguments this way is so routine that it largely goes unnoticed, and when it is noticed, it is apparently regarded as acceptably strategic. Following Finocchiaro 2013 (p. 136), the question can be put very simply: Why are unanticipated objections culpable omissions but missed opportunities are not?

In the first part of this paper I propose an explanation for the presence of this odd asymmetry, including how it arises, why it can seem natural and comfortable from one perspective, why it can seem artificial and discordant from another perspective, and why the difference has not even registered on other perspectives. In the next sections, I offer a partial justification for this asymmetry by reference to arguers' dialectical roles and obligations which put significant roadblocks in the way of offering positive and constructive criticism. Strategies are then proposed for overcoming them, leading, first, to the conclusion that the virtues approach to argumentation evaluation is especially well suited to accommodating and explaining the phenomena in question. However, those same considerations also lead to the conclusion that the fundamental insight of virtue argumentation – that a good argument is one in which the arguers argue well – has to be qualified in two substantial ways. The crucial analytic element for understanding this largely invisible problem about evaluating arguments is recognizing that the critical evaluation of *arguments* cannot be independent of the critical evaluation of *arguers* – all the arguers, not just the proponents and opponents. And, in addition, the value of an argument is not simply the sum of the values contributed by its arguers, so virtuous arguers can be only a necessary but not sufficient condition for good arguments. Finally, the entire exercise forces us to rethink what we mean be a good argument.

2. *The curious incident of the missed gambit.*
Let me begin with a parable about a noble chess player.

It is the final match of a chess tournament between two intensely competitive grandmasters. One is an older, distinguished player who has devoted his whole life to the game of chess and the pursuit of the championship. He has risen to the highest ranks in the world, but he has fallen just shy of the top on several previous occasions. This may be his last chance. His opponent is much younger, but the defending champion. She is brilliant, even audacious, but sometimes erratic – a daredevil of a player who managed to control her bold style of play long enough in the previous tournament to take the crown. The series of games

leading up to this one has included some epic games that will be studied and analyzed for years to come. It has also included some stinkers, games marred by rash attacks, sloppy defenses, and failed gambits. Now, at a crucial juncture in play, the young champion is about to make a daring but in fact very flawed move. The older player sees, leans forward, and whispers, "Don't do it." He pauses, then whispers again, this time through tears in his eyes because he realizes what he is doing "Don't do it. You have a much stronger move over there. It will be a better game, a more interesting game, a worthy game."

I am afraid for how the story must end, but what are we to say of this chess master? That he was very, very good at chess, of course, but also that he knew chess intimately, and had an immense respect for the game, and perhaps, in the end, he may have loved chess too nobly. His love of chess got in the way of his skill at chess. A noble chess master, certainly, but a great chess *player*?

And now imagine the same scenario between two arguers, rather than two chess players: two eminent philosophers in debate, perhaps, or two heavyweight politicians arguing in a public forum. What are we to say of noble arguers who respect argumentation so much that they strengthen their opponents' hands? Would we really want to say that they are not good arguers *on that account?*

I will assume that we do *not* want to say that, so we are left with this question: why isn't the argumentative counterpart to "missing the good move" on any of the standard lists of fallacies? Part of the reason may be that it does not fit neatly into the standard conception of a fallacy: it is not an "error in reasoning" (both Kelley 2013 and Copi, Cohen, and McMahon 2011, the two best-selling introductory logic textbooks are among the many texts that use this exact phrase to define a fallacy). Neither is it a "procedural violation", a "mistake" in reasoning, nor a "form of argument that gains assent without justification" (van Eemeren and Grootendoorst 1984, Govier 2010). However, it arguably does qualify as a "discussion move which damages the quality of an argument" (van Eemeren, Grootendoorst, and Snoek-Henkemans 1996) and it certainly counts as "a common mistake... that people tend not to notice" (Govier 2010). I think we have something like the case of "Silver Blaze," the one that Sherlock Homes solved because of the curious incident of the dog in the night, namely that the dog didn't bark: it was an inside job. And just to be clear: we argumentation theorists are the dog that didn't bark here.

3. *Explaining the asymmetry: the "D.A.M. model".*
The most important and most easily identifiable factor at work in establishing and sustaining this asymmetry is the "Dominant Adversarial Model" – the DAM account – for arguments. When we conceptualize arguments as *essentially* agonistic, we cast our fellow interlocutors as opponents and enemies rather than as colleagues or partners in argumentation. Often they are in fact just that, of course, because some arguments really are zero-sum scenarios, so your gain is my loss, but since not all arguments are like that, the agonistic element is not in fact an essential element.

If an argument is conceptualized as essentially adversarial and elevated to something like verbal warfare, then two principles of action take hold. First, no holds are barred in all-out war. All is fair, so withholding suggestions for improving your opponent's argument is completely justified from a strategic point of view. Second, pointing out favorable but missed lines of thought would be giving aid and comfort to the enemy. It is not simply that withholding that information is advisable and permitted, but that providing that information is all but forbidden because it would be tantamount to treason! We may not have to think of arguments as wars but it can be very hard to escape the ways of thinking imposed by that DAM account.

I think that goes a long way to explaining why we do not expect arguers to offer that kind of helpful criticism of their fellow arguers' arguments, but it does not explain why the topic has been so consistently ignored by the textbooks and literature of critical thinking and argumentation theory. We also need to explain this curious incident of the theorists who have not barked at the failure to offer constructive criticism.

Part of an answer comes from the tension between trying to respect critical neutrality and offering constructive, i.e., *helpful*, criticism. Outside critics who suggest better lines of attack transgress in two ways: they become part of the argument rather than remaining safely on the level of meta-argumentation and in so doing, they violate the principle of critical impartiality. That lands us in a dilemma:

Q: *If neither the proponents nor the opponents in arguments, nor impartial critics observing it from outside, are in an appropriate position to give that kind of positive criticism, who is?*

The best way to analyze and understand this phenomenon is through the different roles in arguments and the different expectations that accompany those roles.

4. *The roles roles play*

Arguing is not a single, homogenous activity. There are many different ways to participate in an argument. Arguing for a standpoint is not the same as arguing against it, which is not the same as raising objections to its supporting line of reasoning. The different roles have different goals, they require different skill-sets, and they follow different rules which generate different expectations. The roles we assume in an argument are fluid, which makes separating them difficult. They often overlap in messy ways practically, functionally, and temporally. We may start out in the proponent's primary logical task of arguing for a position but then find ourselves in the subsidiary, dialectical task of *defending* it against objections or *revising* it in light of those objections, and then we might end up as an opponent arguing *against* a contrary position. Similarly, objecting to a pro-argument, another opposition role, presupposes argument evaluation, a critic's activity. As van Radziewsky 2013 notes, the transitions are continual, effortless, and seamless. Still, no matter how intertwined the roles may be in practice, they are conceptually distinguishable in theory, and making those distinctions has payoffs for analyzing arguments.

Judges, third parties arbiters, audiences, and kibitzers should also be counted as participants in an argument if only because biased judges, incompetent referees, meddlesome kibitzers, and bad audiences are all quite capable of ruining an argument. Since they do contribute to fully satisfying, optimally successful arguments (in the sense of Cohen 2008, 2013), they have some stake in the outcome of the argument. Consonant with the DAM account, these roles can be referred to collectively as the "non-combatants" in an argument, and there is some merit in that terminology: it highlights their subsidiary roles and secondary involvement, and insightfully imports from the cluster of concepts surrounding wars the idea that there could be "collateral damage" from arguments. For the present purposes, however, it will be better to think of them as more like a supporting cast: extras who have their own parts to play and their own contributions to make (following Cohen 2013).

One of the roles that arguers routinely fill is that of being a critic, an argument evaluator. As a first pass, we might say that arguers engage *in* the argument while argument evaluators make judgments *about* the argument, and thus are

actually operating at the level of meta-argumentation. This is not a distinction that will stand up to close critical scrutiny, but it serves as a start for the purposes at hand.

The transitions between argument roles include transitions into and out of each and every one these non-combatant or supporting roles. Arguers can and do assume the roles of interested audiences, disinterested judges and juries, and even uninterested spectators. Above all else, arguers inevitably and routinely become argument critics. What makes this so important is that argument evaluation is supposed to be a neutral activity, so stepping into that role involves assuming an air critical detachment attachment and impartiality, even for the most partisan participants. More often than not, of course, it is a hollow pretense, but the presumption is still there. The problem is that even the assumption of impartiality seems incompatible with aiding either side in a dispute while pointing out missed opportunities is constructive *criticism.* It helps its target. It appears to be at odds with the role of argument evaluator. *"I'm the judge. It's not my job to provide the arguers with their arguments."*

5. *Rules for roles*
That brings us to the duties and principles governing argument roles and the expectations that they generate.

Missed opportunities are failures on the part of proponents, the arguers constructing positive arguments for some conclusion. They are sins of omission, as it were, rather than sins of commission, and so they may be less noticeable, but since they are ways that arguments fall short, it is incumbent on argument evaluators to identify them. The failure to point them out is a critical failure, not a partisan arguer's failure. What emerges, then, is a more or less natural division of labor and division of expectations for the participants in arguments:

• *Proponents* are expected to find good reasons for their positions, so they can be criticized when they do not.
• *Opponents* are not expected to point those reasons out for them when they don't, so they cannot be criticized for remaining silent.

If neither the proponents nor the opponents in arguments can be expected to point out this argumentative failure, who can? This is a problem

• *Critics* are expected to note missed opportunities, so they should be open to

criticism for their silence on that score.

• *Judges*, *juries*, and *audiences* do have critical roles, so they can be expected to take note of missed opportunities, but they are not expected to point them out and, in many cases, expected to remain neutral, i.e., not to interfere and to refrain from pointing them out.

For most observers and non-principals in arguments, there are either no expectations for positive contributions or else positive expectations for no-contributions. They are like referees in a sporting event: the only time they get much attention is for unwanted contributions to the action.

Unfortunately, a workable schema of expectations for proponents, opponents, observers, and critics cannot be that simple. On the one hand, the expectations of those engaged in the critical assessment of arguments conflict with imperatives of impartiality and non-interference. Critics are supposed to be above the fray rather than active participants in the argument. On the other hand, the argument roles are fluid and everyone involved in arguments is constantly moving in and out of the critic's role.

We have reached an impasse. Were it not for the expectations of impartiality and non-interference, critics could be held responsible for failing to note missed opportunities, but there *are* those expectations of impartiality. Since critics are the *only* ones from whom we can positively expect that criticism, there is no place from which that kind of assessment can be made. And yet there are occasions when that kind of critical assessment really does need to be made. What we need to address, then, is the question of when the imperative for impartial but thorough critical assessment can outweigh the prohibitions against partisan non-interference.

One final complication further muddies the waters of the proposed schema of expectations: arguers are critics. The line between argumentation and meta-argumentation is so permeable as to virtually disappear: an argument for a position is simultaneously a meta-theoretic endorsement of that argument; the same is true for simply accepting that argument; on the other hand, not accepting an argument, whether by raising an objection or offering a counterargument, also implicates a meta-theoretic judgment, namely that the argument fails or that there is a stronger argument against it; conversely, most meta-argumentation evaluations can, and often ought, be included in the object-level argumentation

(The inter-changeability of dialectical, rhetorical, and meta-argumentative approaches to argumentation is the over-arching thesis developed in Finocchiaro 2013). No matter their primary roles, all parties involved in any way in an argument also have the standing to be argument evaluators. Whether or not all critics are participants in arguments – and for the record, I do think there are good reasons to count them as such – all arguers are critics. That is a role participants cannot avoid.

Thus, arguers are subject to the impossible imperatives imposed by the contradictory expectations that arise from the complication of having to fill different roles in arguments.

It will prove helpful to look at this problem through the lens provided by virtue argumentation theory.

6. *Overcoming obstacles*
The problem comes down to finding space from which to provide positive and constructive critical engagement. Positive and constructive critical engagement is a complex concept whose constituents do not fit together easily. On the one hand, constructive critical engagement is easy enough: pointing out fallacies, missteps, and other errors qualifies, but those common critical moves are not positive, in the relevant sense. They can be constructive insofar as they strengthen the critiqued argument by pointing out its weaknesses, but not by pointing out greater alternative strengths. On the other hand, positive and constructive critical evaluation is also conceptual unproblematic: it is the kind of criticism that can be safely offered from a distance without worrying about violating neutrality, rather than as a real-time, on-site engagement. The challenge is to combine them.

The main culprit is the DAM account of argumentation. It creates the asymmetry in allowable and expected criticism by making adversariality the essential, defining feature of argumentation and defining all of the roles within arguments accordingly, viz., by their role in the *conflict*. Even within that framework, however, arguers are constantly moving in and out of the different argumentative roles and occupying several roles at the same time. An arguer is a very "divided self." Because of that, proponents, opponents, and neutral third-parties all have possibilities for *positive and constructive critical engagement,* but they all have significant obstacles to overcome.

The obstacle for proponents is practical: critical self-evaluation is just plain hard. It is always more difficult to spot weaknesses in arguments with which one agrees, and apart from some special circumstances (e.g., lawyers representing clients, insincerity, and *reductio* argumentation), proponents tend to agree with their own arguments. The epistemic and cognitive blind-spots that prevented an arguer from seeing the missed opportunity in the first place may well still be in place, so, to use Wittgenstein's example, self-critique is often no better than checking a news-story about which one is skeptical by buying another copy of the same newspaper (Wittgenstein 1953, §265). Moreover, we can be undone by our own skills in argumentation here because the better we are at giving reasons for our beliefs – a skill that encompasses both prior deliberation and its often indistinguishable counterpart, *post facto* rationalization – the harder it will be to detect some flaws in our reasoning, especially the difference between reasoning and rationalization (Kornblith 1999, pp. 277, 278).

There are a couple of strategies for proponents to get around the obstacle to noting when they themselves miss an opportunity. Critical self-reflection may work to some extent. We exercise different skills-sets in constructing arguments than we do in evaluating arguments, so if we engage in the salutary but difficult task of turning a critical eye to our own arguments, the new perspective might help us notice things about our argument that were not as visible in constructing the argument. That is, we can take advantage of our ability to transition between argumentative roles. Of course, merely exchanging a proponent's hat for a critic's hat will do nothing to ameliorate any of the problems with personal bias, skewed data selection, cognitive blind spots, or rationalization that may have caused the omission in the first place. Critical self-reflection does not come with any guarantees of success.

Despite the limitations of this particular attempt at argumentative multi-tasking, the strategy to try a new perspective on one's reasoning is well grounded. So, if there are limits to what we as proponents can do with our own arguments, call for re-enforcements: fellow proponents – teammates in argument, as it were – to provide a more detached critical perspective on our reasoning. Professionally, we all know this: it is the reason why we might ask friends to read drafts of our manuscripts. There may be more to be gained from more hostile criticism, but missed opportunities are more likely to be noted by allies. Again, there are limits to how well this can work, as well as to its real-time availability in specific

arguments, but even the possibility does mean that the obstacle is not insuperable.

The apparent obstacle for critics to overcome is the principle of neutrality and non-interference, but there are actually two principles here: neutrality and non-interference are different critical values. They ground different imperatives and those imperatives apply to distinguishable roles in arguments. The principles are easily separated in the context of team sports. Spectators may be as partisan as they like but cannot interfere, During intra-squad scrimmages, coaches will interfere for training and pedagogical purposes but they will properly remain neutral. It is referees during actual games who must abide by both neutrality and non-interference. All those possibilities have counterparts in arguments.

The first category encompasses interested but not-directly-involved spectators. The second is a little trickier but the obstacles to neutral critical involvement are more real than imagined. Any constructive contribution that helps one side will be resented by the other side and taken as a violation of neutrality. The asymmetry comes into especially high relief here because pointing out stronger lines of reasoning that are not presented rather than fallacious or mistaken parts of the existing, presented argument is pro-active, giving the appearance of partisanship. The appearance is deceiving. The distinct imperatives of neutrality and non-interference are not contradictory. After all, pointing out missed opportunities is one of the great joys of kibitzing (see Cohen 2014). Kibitzers are the back-seat drivers of arguments, those observers who offer unsolicited, unwanted, and, in the common conception, *unhelpful* advice. *Good kibitzers*, however, will offer good advice. Kibitzers who do not point out missed opportunities are not doing their jobs. Kibitzers are quite capable of being completely impartial, at least insofar as they can be equally annoying to everyone. The obstacle for opponents is the hardest to overcome: the adversarial element in DAM argumentation. In zero-sum contests, opponents cannot reasonably be expected to help out their adversaries. Therefore, to do so is above and beyond the call of any of the imperatives deriving from one's role as an opponent – or any of the ancillary roles one assumes along the way in pursuing the opponent's primary goals. And yet, thinking back to the noble chess player, there is certainly something praiseworthy in helping out one's opponents. Johnson (2007) distinguishes "dialectical excellence" from the simple "dialectical adequacy" that comes with fulfilling one's duties; Finocchiaro (2013, p. 175) glosses this as a distinction between

"dialectical virtues" and "dialectical obligations." What they are getting at is the idea of an action that is very good to do but not something that we are expected or required to do. Actions that have value independent of any imperatives are, in word, *supererogatory*.

7. *Conclusion: virtues and values in argumentation*
The concept of supererogation poses severe theoretical challenges for argumentation theory, so despite its apparent attractiveness and applicability here, it should resisted. In ethics, the concept applies to actions that are valuable but not obligatory. It implies that there are actions that are "*good enough*" to satisfy the demands of morality even though there are better actions available. Thus, although the only actions we are under any obligation to perform are good actions, the converse fails: there are good actions we are not obligated to perform. We have to detach the ethical concepts of *good actions* from actions we *ought to do.* What we end up with is two axes for moral evaluation: one scale for those good things which *ought to be*, and another for those whose goodness does not have consequences for mandated action.

The same consequences appear in when it comes to evaluating arguments. In order to make sense of the value of such positive constructive criticism as volunteering better lines of reasoning, we would need to acknowledge two different measures. Some virtues of arguers make them better arguers, but other virtues contribute to the *quality* of the argument. And it would seem that there could be a tension between the two sets of virtues. The virtues of the noble chess player leading to his supererogatory actions may well result in better games of chess, but they do so *at the expense* of his chess prowess. Wouldn't the same situation be entirely possible in arguments?

The answer is, yes, of course, but only if one is stuck within the DAM account of argumentation that identifies good arguers with winning arguers and good arguments with winning arguments. But those are linear, impoverished concepts. Their focus is too narrowly on the product, "arguments-1" in the terminology of O'Keefe (1977). They miss the larger picture. The DAM account cannot make any sense of arguers who walk away from an argument having had their positions changed, either by winning or losing or listening and learning, and declaring it a good argument on that account.

In the case of the noble chess player, it is not easy to reconcile the qualities of

character – the *virtues* – behind his supererogatory acts and the skills that make him a good chess player because the measure of final appeal in evaluating skill at chess is success at chess, and the final measure of evaluating success at chess is winning chess games. The situation is not the same when it comes to argumentation. We can still say that the measure of final appeal in evaluating skill at argumentation is success in arguments, but we do not have to acquiesce to the DAM idea that the final measure of evaluating success at arguing is winning arguments. That is something worth an argument.

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