ISSA Proceedings 2002 – Reconfiguring Practical Wisdom

At the 1999 Conference on Argumentation in Alta, Utah, I presented a preview of my move to develop the other side of the narrative paradigm, the ethics side (Fisher, 2000, 1-15)**[i]**. Since then, I have written several chapters, one of which is composed as a conversation among philosophers, theologians, and scholars – from Plato to Levinas – who address the question: what does being ethical require of one? From their responses, I derived four different answers, four different requirements. I shall use these ideas to analyze a decision a young Frenchman had to make during WWII: to stay with his dependent mother or to leave and join the Free French Forces in England. The story of Pierre's plight comes from Jean-Paul Sartre's essay on "Existentialism" (Sartre, 1998, 9-51).

Forms of Life and Practices

Before getting to the Pierre's dilemma, I think it is prudent to review key concepts that underlie my attempt to reconfigure practical wisdom. The foundation for the approach I am taking is an adaptation of Wittgenstein's concept of "forms of life" (Wittgenstein, 1977, 8e, 11e, 88e) and Alasdair MacIntyre's definition of a "practice. By form of life, I shall mean an enduring, historically, culturally developed interpersonal relationship, such as a family or friendship. MacIntyre defines a practice as "any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended" (MacIntrye, 1984, 187). Examples of practices include government, medicine, business, science, scholarship, and sports. Forms of life concern "private" virtues; practices are the home of "public" virtues. As will be noted later, private and public virtues are not always separate; they inform one another.

Forms of life and practices are alike in how they are constituted and how their constitutions inform and regulate judgment and action within them. They differ in

their sites: interpersonal versus public and professional. The argument is that different forms of life and different practices are constituted by sets of values which prescribe norms of character, role performance, interaction, and ideal aspiration. Put another way: the values, norms, and ideals that constitute interpersonal and institutional relationships provide the vocabulary that informs discussion, dialogue, and debate about ethical matters. They also provide the grounds for justifying and evaluating ethical judgments and conduct. They are empowered to serve these functions because they are, though they evolve and may be conflicted, the abiding themes of the narratives we live by.

The norms of interpersonal and institutional relationships are intersubjectively created and maintained through symbolic transactions over time. They are neither irrational nor rational; they are the historically and culturally inherited "goods" we acquire through socialization, the stuff of the stories we tell, hear, read, and enact everyday. They become integral to rationality when they are explicitly referred to in interactions or when they become part of conversations about any topic or behavior that threatens the integrity or viability of any particular form of life or practice in which we engage. Problems arise in ethical judgment and conduct because forms of life and practices conflict and are embedded in one another; and because the values that constitute different forms of life and practices are not constant – they evolve and often vary from one culture to another. However, I shall argue that there is a form of life that is life itself. And this is where one may consider universal values, permanence as well as change, respect for transcendence as well as particularities.

The concept of the form of life that is life itself cannot be fully developed here. However, I can offer this preliminary sketch. The form of life that is life itself is the realm of the universal. It is the container of ordinary forms of life and all sorts of practices. Its constitutive values are the core tenets of Judaism, Islam, and Christianity: mercy, compassion, justice, humility, and love (Armstrong, 1993, 377-399). Its character is also caught in Plato's view of divine goods: wisdom, sobriety, righteousness, and valor (Plato, 1973, I, 631d). And these values and goods have their counterpart in affirmations of "rights," whether human, animal, or environmental. Rights in this context are expressions of what is thought to be ethical in relationships, especially those threatened by dishonor or destruction. Thus, we have the United Nation's "Universal Declaration of Rights," which specifies the values of respect for all humans, brotherhood, equality, and freedom. It is well to note that the existence of universal values, goods, and rights does not

entail a necessity that they be upheld universally or absolutely or constantly. That they may be used in self-serving or destructive ways is clear. That they can and are used to serve positive ends is also clear. When these religious, philosophical, or political values inform everyday decisions that concern the integrity of various forms of life or public practices, the decisions have the prospect of being not only practically wise, but genuinely so.

Practical Wisdom: The Basic Conceptualization

Practical wisdom, according to Aristotle, has to do with a capacity "to deliberate well about what is good and expedient…, about what sorts of things conduce to the good life in general" (Aristotle, 1973, VI, 1140a, 25). I concur in this basic conception. However, as indicated by the foregoing discussion of forms of life and practices, I consider particular and universal goods to be intrinsic to specific relationships. At the heart of practical wisdom is a kind of reflective intelligence based on knowledge or awareness of what is rightful or righteous in a situation requiring ethical response. That intelligence works in this way, I think: the values that constitute forms or life and practices make up what we call conscience and serve as guides, if not goads, to our thinking. They are, in fact, the mainstays of our ethical knowledge, the basis of being practically wise and they provide the premises of arguments we would use to justify our choices and action. One exhibits practical wisdom when one makes decisions and argues in terms of the values that constitute the form of life or practice one is a participant in; when one takes full measure of whatever conflicts in values there may be because of the evolving nature of that form or life or practice and the embeddedness of that form of life or practice in other forms of life or practices; when one applies the tests of narrative rationality in assessing facts, arguments, values, and emotions in the case – both during deliberation and arguing that case; and, when one recognizes that one's judgment is simply that – a judgment, not an absolute truth**[ii]**. One of the characteristic virtues of the practically wise person is humility.

Pierre's Dilemma

The story of Pierre, as noted earlier, was one told by Sartre and its setting was Nazi occupied France during WWII. Sartre used the story to illustrate his concept of "forlornness," by which he meant that "God does not exist and we have to face the consequences" (Sartre, 21). Here is the story:

(Pierre's) father was on bad terms with his mother, and, moreover, was inclined to be a collaborationist; his older brother had been killed in the German offensive

of 1940, and the young man, with somewhat immature but generous feelings, wanted to avenge him. His mother lived alone with him, very much upset by the half-treason of her husband and the death of her older son; the boy was her only consolation.

The boy was faced with the choice of leaving for England and joining the Free French Forces – that is, leaving his mother behind – or remaining with his mother and helping her to carry on. He was fully aware that the woman lived only for him and that his going off – and perhaps his death – would plunge her into despair. He was also aware that every act that he did for his mother's sake was a sure thing, in the sense that it was helping her to carry on, whereas every effort he made toward going off and fighting was an uncertain move which might run aground and prove completely useless…. As a result, he was faced with two very different kinds of action: one, concrete, immediate, but concerning only one individual; the other concerned an incomparably vaster group, a national collectivity, but for that very reason was dubious, and might be interrupted en route. And, at the same time, he was wavering between two kinds of ethics. On the one hand, an ethics of sympathy, of personal devotion; on the other, a broader ethics, but one whose efficacy was more dubious. He had to choose between the two (Sartre, 24-25).

The question at this point is: how should Pierre have been advised? Sartre told him "You're free, choose, that is invent" (Sartre, 28). Moral choice, Sartre held, "is to be compared to the making of a work of art" (Sartre, 42). Pierre, for his part, decides that "In the end, feeling is what counts" (Sartre, 26). Neither of these responses constitute what I consider practical wisdom. And neither does Sartre's further advice to Pierre that he can not expect help from consulting religion, a priest, or philosophy, Kant in particular.

The Analysis

The analysis of Pierre's dilemma from the four perspectives mentioned earlier. In brief, these perspectives are: ethics as a way of being, a way of systematic thinking, a way of relating responsibly, and a way of enacting practical wisdom, a way that incorporates the other three perspectives. Each of the perspectives will be assessed in terms of the strengths and limitations of the advice it would offer Pierre in making his choice to stay with his mother or leave and join the French Free Forces in England.

1. Ethics as a Way of Being

Thinkers such as Plato and St. Thomas Aquinas, Emmanuel Levinas and Knud Logstrum hold that to be ethical one must be of a certain character: one must possess knowledge of the true good or have faith in God's teaching and act accordingly; one must recognize one's profound responsibility in the "face" of an other or acknowledge the ethical demand of one's presence in the life of others. Such knowledge, faith, or awareness leads to the ideals of love and compassion, truth and godliness, conscience and justice. These ideals mark a path of life that is more consonant with the form of life that is life itself than the forms of life and practices of everyday experience, of genuine rather than practical wisdom. They do not necessarily impinge on or provide immediate solutions to imminent critical ethical choices, especially in cases where there is a conflict of goods such as that faced by Pierre – to honor his mother or to honor his devotion to his country.

2. Ethics as a Way of Systematic Thinking

Jeremy Bentham, John Stuart Mill, and John Dewey are the leading exponents of the idea that being ethical requires systematic thinking. They insist on a rational calculation of all relevant facts, contingencies, values, and feelings in a case. Pleasure and pain must be weighed and courses of action chosen to advance the "greatest good for the greatest number" or the most beneficial pragmatic results possible. Following the procedures outlined by these thinkers, Pierre would arrive at a reasoned judgment as to what he should do, and a reasoned judgment is the most that one can achieve in making difficult ethical decisions. However, thinking systematically in and of itself does not attend to the goods conceived by those who view ethics as a way of being.

The same can be said of Kant who also belongs in this category. He takes an analytic rather than an atomistic approach to ethical problems; that is, he recommends a close examination of the circumstances of an ethical case, not to weigh them, but to discern in them a rule of obligation. Duty, not utility or consequences, would be the guide to ethical conduct. The difficulty that arises with this approach is trying to determine one's duty when duties conflict. In the situation faced by Pierre, what would be the "categorical imperative" that he should follow: familial obligation or duty to country? Whichever way he goes, he will, according to Kant, create a rule of conduct for everyone to follow. Making such a choice can, as with any other complex ethical decision, lead to grief, guilt, remorse, even tragedy.

3. Ethics as a Way of Relating Responsibly

As best as I have been able to determine, postmodernists consider ethical conduct as a way of relating to others in a responsible way, a disposition to do the right thing in each case; that is, be authentic, have integrity, be fair and judicious. Following the lead of Nietzsche, or at least apparently so, writers such as Lyotard, Foucault, and Derrida believe that God is "dead," received notions of truth and the good are human constructions that serve private and public interests or desires, and traditional conceptions of reason, especially of calculative reason, lead to domination and "terror." Certain feminists, including Genevieve Lloyd, Annette Bair, Carole Gilligan, and Jane Flax, concur in the idea that traditional conceptions of reason are fundamentally flawed. They see them as ignoring significant features of human being and life, such as care and compassion, love and trust. All in all, the postmodern position tends to support Pierre's decision to act on the basis of feelings, to act without firm foundations.

4. Ethics as the Enactment of Practical Wisdom

The principal source of my thinking about practical wisdom is, of course, Aristotle's *Nicomachean Ethics*. I am also indebted to several works by Alasdair MacIntyre (1984, 1988, 1990), Martha Nussbaum (1986, 1990, 1994, 1995, 2001), and Jurgen Habermas (1981, 1987, 1990, 1996). As noted earlier, I conceive of practical wisdom as a kind of reflective intelligence based on knowledge of what is right or righteous in a situation requiring ethical response. As such, it incorporates consideration of ideal, norms, and values; involves thinking systematically; and entails virtues and the disposition to do the right thing. How all this comes together is shown in this schematic *(Figure 1)*:

Figure 1. Narrative Ethical Judgment
Model: The Case of Pierre

Before proceeding to the contents of the model, I am sure that some explanation

of it is in order. Its original source was Stephen Toulmin's construction, based on a jurisprudential frame of reference, which was designed to display the anatomy of an argument or specific line of reasoning (Toulmin, 1958). In 1978, I modified it to account for more complex arguments, including consideration of particular and transcendental values inherent in a case (Fisher, 1978). By adding assessment of values, I had, without realizing it at the time, transformed the construction into a near model of ethical judgment. It was only after I had published the initial essay proposing the narrative paradigm in 1984 (Fisher, 1984) and then my book, *Human Communication as Narration* in 1987 that I came to the conviction that any model for the assessment of reasoning – or ethical judgment – had to begin with the narrative context in which it occurred and the emotions it aroused.

I had long believed that certain emotions have cognitive import in reasoning and argument, a view supported by Aristotle's *Rhetoric* and *Ethics*. I have been further convinced of this view by the writings of Martha Nussbaum. I agree with her when she maintains that "emotions are appraisals or value judgments, which ascribe to things and persons outside the person's control great importance for that person's own flourishing" (Nussbaum, 2001, 4). I also concur in her observation that practical reasoning unaccompanied by emotion is not sufficient for practical wisdom; that emotions are not only not more unreliable than intellectual calculations, but frequently are more reliable, and less deceptively seductive" (Nussbaum, 1990, 40). The result of all this is my current project and the Narrative Ethical Judgment Model.

In this schematic, data, or relevant facts, are considered components of a Scene, that is, the circumstances that give rise to the conflict at hand that requires ethical resolution. Warrant is reconstrued as Premise, that is, the principle, rule, or standard by which one would move to resolution, at least at the outset of reflection. Backing for the Premise and Counter Premise, the term given to what has been called reservation, remain the same: evidence and values. However, emotions have been added to matters to be considered. What in the past has been called claim is now, Resolution. It should be noted that resolution of an ethical dilemma need not be a simple choice between this or that; it can be a choice to do some of this or that or something else not immediately apparent.

Even a cursory examination of the elements displayed in the Narrative Ethical Judgment Model will reveal sources of good reasons for Pierre to stay with his mother or to join the Free French Forces in England. He could argue that he was staying with his mother because of what the Bible admonishes him to do, that he

is obligated by familial and secular customs of his country, that his decision is based on love and caring for his mother, and that his feelings of self-worth depends on his staying. In defense of the decision to leave to join the French Free Forces, he could argue that it is his duty, along with that of all citizens, to fight for his country, that family honor is at stake, that the Bible advises an "eye for an eye," and that his integrity and self-respect can only be restored by avenging his brother's death and his father's probable collaboration.

As compelling as any of these arguments might be for others, they must first and finally be convincing to Pierre himself. Whatever line of argument he might choose, it must be chosen because it is the most reasonable and sincere one he can make; it must be mindful, heartfelt, one that he, and perhaps others, can live by because it is intrinsically good. What ultimately matters is the quality of the reflection and deliberation that goes into the decision.

What Pierre is faced with, in essence, is choosing between conflicting narratives: between the religious and secular stories of familial responsibility and the national and cultural stories of citizenship and familial and personal honor. To choose one or the other of these stories is to choose to be of a certain character, a person who characteristically acts in regard to a particular set of values. His choice calls for much more than a cursory examination of the elements that make-up the Narrative Ethical Judgment Model; it demands thorough reflection and deliberation. The tests of narrative coherence and fidelity, which comprise the mainstays of what I call narrative rationality, are relevant and useful here.

While both of the stories Pierre must choose between have coherence, are consistent structurally and are materially confirmed by other stories, they conflict because one – the familial responsibility story – is embedded in the other – the national, cultural, familial honor story. The conflict is most apparent in their rival values and emotional foundations. The choice of staying with his mother substantiates familial love, obligation, sympathy, care, compassion, and so on. The choice of joining the resistance reinforces Pierre's patriotism, allows him to vent his anger, and possibly restore the family honor. So, what should Pierre choose? Before pursuing a "final" answer to this question, the consideration of narrative fidelity needs to be addressed.

The first concern in regard to fidelity is the truthfulness of the stories that Pierre must choose between. There is no basis for disputing several facts – that Pierre's brother was killed by the Nazis and that his mother needs him and he is her only consolation. However, it may or may not be true that his father collaborated with

the enemy. And there is much more that is not known for sure. For instance, how dependent is Pierre's mother? Is there no one else who might tend to her – family, friends, or professionals? These questions are raised to illustrate that even if facts are available, one who has to make an important ethical decision will have to interpret them and will not necessarily have every fact that may be relevant in the case. What is most crucial about the facts is the values and emotions that they raise and must be dealt with.

With the Narrative Ethical Judgment Model, the explicit and implicit values have been identified. The pertinent questions then to be raised are these: First, how relevant is each of them to Pierre's decision? Pierre's concern for his mother is obviously relevant. Are his anger and hate relevant to anything but his desire for revenge and the restoration of the family name? The answers to these questions will determine Pierre's response to the second concern here: the effects of adhering to the entailed values and emotions in regard to his self-concept, his subsequent actions, to his relationships with others, and society. Whatever decision he makes, he will be able to find confirmation for his action in the experience of some others and in the views of others he admires and respects – such as Sartre, which is the third consideration. Pierre's decision now comes to a final consideration: which story will be chosen for his own and does it substantiate an ideal basis for human conduct generally?

If Pierre reflects and deliberates about his choice as delineated here, he will have enacted the intellectual aspect of practical wisdom. In choosing a course of action in recognition of the facts, principles, reservations, values, and emotions involved in the case, especially the norms of life – familial — and the practice — of government, he will display practical wisdom at its best. If his choice also accords with the values that constitute the form of life that is life itself, the ideal basis for human conduct, he will exhibit genuine wisdom. However he chooses, he will have to live with the inevitable strains of conscience that naturally attend difficult ethical judgments.

The "final" answer to the question of what Pierre should do, the most practically wise thing to do, is suggested by Aristotle's concept of virtue. "Virtue," he writes, "is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being a rational principle by which the man of practical wisdom would determine it" (Aristotle, 1973, VI, 1107a 1-5). The exercise of virtue involves finding a mean between extremes: for instance, courage and cowardice, temperance and indulgence, pride and humility, shame and shamelessness. In

Pierre's case, the choice is not clearly between extremes. It is more the case that it is between two kinds of courage, moral and military. One way in which the two might be reconciled is by Pierre choosing to stay with his mother and join the resistance within his own country. Most, if not all, of the elements in the Narrative Ethical Judgment model would be accommodated by this decision.

Conclusion

In closing, I should note that there are perspectives on ethics other than the ones I have mentioned so far. I have left them out because they are of no use for anyone confronted with a difficult ethical decision. I am referring to the views of such writers as A. J. Ayer, Bertrand Russell, I. A. Richards and C. K. Ogden. They consider ethical statements to be "non-sense," outside the realm of truth and falsehood, or purely emotional expressions. I am also referring to the position taken recently by E. O. Wilson who claims that what is needed to establish a clear and coherent ethic is a "biology of moral sentiments" (Wilson, 1998, 255). With these views, practical wisdom has no substance now and may never have one in the future. I hope that the foregoing analysis of Pierre's dilemma establishes that practical wisdom made good sense in the past, and that its reconfiguration has relevance and utility for today and tomorrow.

NOTES

[i] For those unfamiliar with the narrative paradigm, the following definitions and explanation should be helpful. By narration, I mean a conceptual framework that would account for all forms of discourse that lay claim to our reason, including scientific, philosophical, political, historical, religious, aesthetic, and so on. Such forms are considered as "stories," that is, interpretations of some aspect of the world occurring in time and shaped by history, culture, and character. By good reasons, I refer to those elements that provide warrants for accepting or adhering to the advice fostered by any form of communication that can be considered rhetorical. By warrant, I mean that which authorizes, sanctions, or justifies belief, attitude, value, or action. In brief, the tenets of the narrative paradigm are (1) Humans are essentially storytellers; (2) The paradigmatic mode of human decision making and communication is good reasons which vary in form among situations, genres, and media of communication; (3) The production and practice of good reasons are ruled by matters of history, biography, culture, and character; (4) Rationality is determined by the nature of persons as narrative beings—their awareness of narrative coherence and narrative fidelity, whether or

not the stories they experience ring true with the stories they know to be true in their lives; (5) The world as we know it is a set of stories that must be chosen among in order for us to live life in a process of continual re-creation.

[ii] Narrative rationality has two components: coherence, which is measured in regard to argumentative or structural consistency, material confirmation or disconfirmation by other related stories, and the reliability of the storyteller; fidelity, which involves critically assessing lines of reasoning and weighing values in regard to facts, relevance, consequences, consistency with stories told by those whom one admires; and whether or not the story accords with the highest ideals possible. The tests of coherence and fidelity will be used in the analysis of Pierre's dilemma.

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ISSA Proceedings 2002 – Beyond Amnesia And Critical Thinking: Forensics And Argument Pedagogy

David Zarefsky rightly observed in his 1994 Presidential address to the Speech Communication Association that the disciplines within the fields of rhetoric, speech, and communication bearing most "directly on public affairs, the study of argumentation and debate" are treated as an "intellectual backwater" by the larger fields**[i]**. Zarefsky also observed that scholars in argumentation and debate have defined their field with such "insularity" that they fail to provide much insight into public controversy.

Zarefsky's ultimate purpose in his address was to encourage a focus on public deliberation, an objective we believe scholars of argumentation should make a priority. In this paper, we follow Michael Bartanen in considering the diachronic movement of American intercollegiate forensics and argumentation pedagogy to consider why Zarefesky's observation has come to pass**[ii]**. In so doing, we set forth two reasons why argumentation and debate are treated as backwater disciplines and why scholars of argumentation and forensics, in turn, have failed to bridge their theories and instruction to philosophical and pedagogical movements that would place greater value on the need for instruction in argument.

First, we consider the neglect of argumentation and forensics in the standard history of the American discipline. The development of American argument pedagogy and the origins of the speech and rhetoric discipline can be traced to the emergence of intercollegiate forensics**[iii]**. This history is forgotten in the larger disciplines. We believe this history needs rectification if forensics and argumentation pedagogy are to receive the respect they deserve. Second, forensic educators have aligned their concerns with "critical thinking" and scientific reasoning at the expense of a much larger vision of reason and purpose. We believe that the work of Chaim Perelman and Olbrechts-Tyteca in their 1958 article "Concerning Temporality as a Characteristic of Argumentation" establishes a blueprint for both forensics and argumentation pedagogy that would move both fields beyond their insularity**[iv]**.

1. Historical Amnesia and Identity

Zarefsky's observation that scholars and teachers of argumentation and forensics have been consigned to a backwater rings true and invites a sense of historical context. Any discipline, particularly one as broad and varied as those dealing with matters of rhetoric, speech, and communication, will have a number of historical tributaries contributing to its modern sense of identity. Unfortunately, many

scholars in the larger fields either do not know or choose not to remember the origins of the National Communication Association and their heritage. This is a theme the first author has developed in a previous article**[v]**.

To explain the reasons for larger fields historical amnesia and to set the stage for the second section of this paper, a brief rehearsal of the argument in that article is necessary. Herman Cohen's *Emergence of the Speech Communication* is the accepted history of the larger field**[vi]**. His work makes few references to argumentation and forensics, neglecting the rich history demonstrating the role played by scholars of argumentation and debate in the rise of the speech communication movement in American.Indeed, it was precisely the concern for public deliberation that sparked students and their teachers to seek opportunities to argue in public. At several major universities, student demand for public debate gave rise to the formation of intramural and intercollegiate debate leagues. The University of Oregon is a case study.When the University was formed in 1876, students had few opportunities for political or social exchange.In response, students formed two debate leagues, one for women and one for men – they constituted the first student organizations at the University. In turn, students and instructors challenged other universities to debate contests.The first intercollegiate debate in the Pacific Northwest took place in 1897 between Willamette University and the University of Oregon.

In response to student demand, faculty members at the University of Oregon and other universities made curricular and pedagogical commitments to teaching argumentation in the traditional classroom and in the setting of the forensic tournament. Many of those involved in the "divorce" between instructors of speech and English that Cohen discusses had roots in debate and forensics. Without question, a major impetus behind the student movement and the emergence of the speech discipline was a concern for public affairs as it was carried out in the public sphere before general audiences. Implicit in this movement was the assumption that it was possible to reason in conditions of uncertainty, that there were often good, if not absolute or irrefutable reasons, for making judgments, and that general audiences were capable of listening to and then acting upon the arguments they witnessed. While Cohen does acknowledge the importance of public affairs in the early speech movement, he fails to acknowledge the central role played by student interest in public argumentation and faculty members who joined their students in advocating for courses in argumentation, debate, and forensics.

This amnesia is not unique to Cohen and scholars in the larger disciplines, for those of us in the fields of argumentation and forensics have neglected what our predecessors sought and contributed. A survey of our conference proceedings reveal a clash of two different orientations, which the first author has labeled "critical thinking" and the "rhetorical tradition**[vii]**." The former school pays little credence to what preceded it; the latter may pay too much. Regardless, both schools have not paid sufficient attention to the objective that Zarefsky set forth, that is a concern with public policy and deliberation. The critical thinking movement in argumentation and forensics ties itself to models of reason that an advocate must meet before arguments are deemed rational. The rhetorical tradition movement in forensics and argumentation too often ties its function to eloquence and civility rather than than rigorous testing of public policy issues through research and the scrutiny of the logic inherent in the positions advocated. We agree with Zarefsky that instruction in argument should be tied to public deliberation. Before we can do so we must have a shared sense of what constitutes our purpose in teaching public deliberation and argument and how what we do is different from instruction in formal logic and critical thinking. Toward this end, the second part of the paper draws from an important article written by Chaim Perelman and Lucie Olbrechts-Tyteca on the difference between argumentation and formal logic. In this article, they establish a definition of argument we believe establishes a pedagogical foundation for instruction in argument.

2. Time, Reason, and Argumentation

Logical positivism eclipsed all other forms of reason until the middle of the twentieth century, and until the publication of Perelman and Olbrechts-Tyteca's New Rhetoric project, reason was restricted to formal logic and experimental science. Reason did not enter ethical and political conflicts**[viii]**. In their article "Concerning Temporality as a Characteristic of Argumentation," which appeared in Archivio di Filosofia in 1958, Lucie Olbrechts-Tyteca and Chaim Perelman offer a blueprint for both forensics and the pedagogy of argumentation that captures the gist of their system of philosophical argument. Olbrechts-Tyteca and Perelman describe argumentation as situated in time, and consequently emphasize its contextualization in social and historical realms**[ix]**.

They contrast argumentation with formal logic, and in particular, demonstration and the quasi-logical argumentation of such Greek philosophers as Aristotle and Plato. According to Perelman and Olbrechts-Tyteca, these types of formal logic,

which arise from contemplation, aim to ensure the timelessness of their premises by artificially isolating knowledge from its context.
Unlike formal knowledge, argumentation's defining characteristic, for Perelman and Olbrechts-Tyteca, is its temporality. Time causes argumentation to be tied to action, to history, to a social context, and thus to real individuals and an ever-changing and unpredictable universe. Perelman and Olbrechts-Tyteca stress the transformative quality of time on argumentation: time affects even the events that argumentation aims to influence. Time thus transforms reasoning itself, compelling it to adapt to new situations.
Unlike formal logic, which takes place in empty time, and whose conclusions are restrictive, closed, eternal, and intuitive, argumentation is never definitive or closed because of its temporal nature. Whereas demonstration is the same for all, and for all time, argumentation varies with individuals and their place in history. The force of argumentation depends upon its context: in contrast to formal logic, argumentation cannot distinguish between judgments of reality and value, because both depend on the context and the audience.

Perelman and Olbrechts-Tyteca suggest that time causes an "interval", an indeterminacy, to intervene between subsequent statements in an argument. Order in argumentation is thus neither a progression nor a system, but tied to time and utility. Argumentation, Perelman and Olbrechts-Tyteca, is the process of constructing reasoning, albeit in an unpredictable fashion: what is said first serves to support what follows, which will itself be modified either by the argument itself or by changes in its context, and thus received in a different fashion by the audience. Contradictions exist in formal logic because the subject matter is fixed within this closed system. By contrast, only incompatibilities, which result from decisions, exist in argumentation.
In order to erase the incompatibilities, one can make use of time by compelling the elements to be successive in time.
Time influences not only the reasoning and manner in which an argumentation is presented, but also the way in which it is received. Perelman and Olbrechts-Tyteca emphasize that arguments are acts of communication. Whereas formal logic carefully distinguishes the various levels of language (for example, language from meta-language), Perelman and Olbrechts-Tyteca describe argumentation as polysemous. Because argumentation is concerned with a communication that is emporally-bound, its language is living, historical, and of course ambiguous.
Perelman and Olbrechts-Tyteca caution, however, against seeing choice in

argumentation as uncertain or arbitrary: if time modifies argumentation, this change must be recognized in order for new changes to take place.
The act of argumentation is rhetorical aggression: one person (the orator) attempts to transform the listener, to change him or the context so as to trigger another action, and yet the knowledge and instruments of knowledge of this audience are themselves subject to modification by time. Unlike Classical argumentation, which deals primarily with the past, the argumentation of Perelman and Olbrechts-Tyteca seeks to change the present and influence the future. In argumentation, every position taken is precarious, and every context is changeable. The orator must take time into account: he must limit his scope, choose the most pertinent or may never be sufficient for definitive agreement, the orator will need to use such techniques as insistence and repetition.

If argumentation is an aggression for the orator, it nevertheless is very open relative to the listener. Argumentation allows hesitation and doubt, and thus permits the listener the liberty of choosing to agree or not. The listener will consider the discourse itself as the object of thought. Moreover, Perelman and Olbrechts-Tyteca highlight the relative aspect of the listener's relationship to the discourse: he will intervene with his creative liberty, with the unforeseen turns of his behavior, with the precariousness of his adherence. Even if the listener is not convinced, he must make up own mind, since time obliges a decision in argumentation. However, argumentation for Perelman and Olbrechts-Tyteca must allow certain debates to be taken up again, especially when new "facts" are brought in.
Perhaps the most interesting aspect of Perelman and Olbrechts-Tyteca's conception of argumentation is their creation of what they call the universal audience. Although argumentation varies with individuals, it nonetheless seeks to convince the broadest audience possible, the universal audience. The universal audience will be complex and yet normative, but normative only because it is made up of individuals who are situated in history. In conferring a temporal aspect to reason, Perelman and Olbrechts-Tyteca thus allow for an element of rationality in argumentation: reason is normative for them because they give a historical context to concrete individuals.
In the article itself, Perelman and Olbrechts-Tyteca demonstrate the openness of argumentation by using other disciplines other than philosophy for their examples. Because of its temporality, argumentation such disciplines as anthropology and psychology, even calling it the "sociology of knowledge." The

discipline most frequently cited is judicial law; they refer to the processes of interpretation and the creation of precedents in law as models for argumentation. Perelman and Olbrechts-Tyteca define argumentation as an open practice, applicable to and drawing inspiration from many different fields and disciplines. The concept of argumentation as ever-evolving, polysemous, and non-restrictive, developed by Perelman and Olbrechts-Tyteca in this 1958 article thus offers a model for contemporary forensics and argument pedagogy:

* Argument deals with the lived reality and reason tempered by experience.
* Argument responds to situations of uncertainty and seeks most plausible and reasonable solutions.
* Argument assumes the existence of touchstones of communal agreement and premises that can be used to build argument. These premises may be contested if there is good reason.
* Argument moves beyond critical thinking, seeking to provide guidance in the realm of action.

With the vision outlined in this article, we hope both to more deeply impress argumentation pedagogy with its educational power and responsibility. One of the promises of reason has been that human conflict about significant matters need not produce violence but can be resolved reasonably, not through the use of formal models of logic but through reasoned and reasonable discourse. Forensic educators and those who teach argument are teaching students how to use reason. The reason at the center of their instruction is different than the expression of reason taught in formal logic and math. Ultimately, we hope that scholars and teachers of argument will ground their instruction in the vision of reason set forth by Perelman and Olbrechts-Tyteca.

Conclusion

We offer this paper as an exploration of Zarefsky's observation that argumentation and forensics remain in a backwater because scholars in the larger community do not fully value what argument has to offer and because scholars and teachers of argument and forensics have defined their concerns narrowly.The fields of argumentation and forensics can move out of the backwater if we first get our history right and then develop a pedagogical grounding that emphasizes argument's role in public argumentation about public policy. We offer this paper as an effort to think through some of the issues facing our community.

NOTES

[i] David Zarefsky, "The Postmodern Public," Vital Speeches 1 March 1994, 308-315.

[ii] Michael D. Bartanen, Teaching and Directing Forensics (Scottsdale, Ariz.: Gorsuch Scarisbrick, 1994). See as well his paper presented at this conference, which outlines a much larger project involving the history of forensics. "The History of Intercollegiate Forensics in the United States: An Uneasy Fusion of Democracy and Competition."Paper presented to the International Society for the Study of Argumentation, Amsterdam, June 16, 2002

[iii] "A New Forensics for a New Millennium" The Forensic 83 (1997): 4-16.

[iv] Chaim Perelman and Lucie Olbrechts-Tyteca. "De la temporalité comme caractère de l'argumentation." Tempo, Archivio di filosofia II (1958): 115-33.

[v] Frank, "A New Forensics for a New Millennium"

[vi] Herman Cohen, The History of Speech communication: The Emergence of a Discipline, 1914-1945 (Annandale, VA: Speech Communication Association, 1994).

[vii] David A. Frank, "Debate as Rhetorical Scholarship" in CEDA 1991: 20th Anniversary Conference Proceedings (Dubuque: Kendall/Hunt. 1993), pp. 75-95; see as well .See for example: James H. McBath, Forensics as Communication: The Argumentative Perspective (Skokie, Ill.: National Textbook Co., 1975), Donn W. Parson and Speech Communication Association., American Forensics in Perspective: Papers from the Second National Conference on Forensics, September 1984, Northwestern University (Annandale, VA: Speech Communication Association, 1984).

[viii] Chaim Perelman and Lucie Olbrechts-Tyteca. "De la temporalité comme caractère de l'argumentation." Tempo, Archivio di filosofia II (1958): 115-33. See Chaim Perelman and Lucie Olbrechts-Tyteca, The New Rhetoric: A Treatise on Argumentation (Notre Dame, Ind.: University of Notre Dame Press, 1969) for the full display of the New Rhetoric project.

[ix] Chaim Perelman, "The Theoretical Relations of Thought and Action." 1 Inquiry (1958): 130-36.

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ISSA Proceedings 2002 – The Pragmatic Dimension Of Premise Acceptability

We hold that one factor determining whether or not a premise is acceptable is its cost, more precisely the cost of taking that statement as a premise.This thesis requires some clarification.When critically evaluating an argument purportedly giving us good reason to accept its conclusion, we are taking the role of a challenger in a simple dialectical exchange. The person who put forward the argument is the proponent. His role is to advance an initial claim together with reasons discharging the burden of proof making that claim itself incurs together with any burdens raised the by subsequent premises he puts forward or questions of their adequacy to support the conclusion he alleges they support. Our role as challengers is to raise those questions, to point out that there are specific burdens to be discharged or questions to be answered. We may do this overtly, if we are in a critical conversation with the proponent, or implicitly, should we be considering the proponent's argumentation in the form of an argument as product. Here we note what burdens have been raised and whether they have been discharged. This dialectical exchange is an example of what Walton calls an asymmetrical persuasion dialogue. See (1989, pp. 11-12).
The question for us as challengers then is whether from our perspective a claim

which the proponent has advanced raises a burden of proof or whether there is a presumption for it. We judge this from our perspective, since *our* awareness of the dialectical situation on the whole gives us information relevant to determining this issue. For example, we may be aware that a proponent's claim is a matter of personal testimony or expert opinion in an area where the proponent has expertise. We may not be aware of any reason to hold that the proponent's competence is questionable in this case – that he may be deceived by a perceptual illusion or that his recent scientific work has been criticized for sloppiness – or that his integrity is compromised, such as his speaking from vested interest. Depending on the statement the proponent is putting forward, such information may be germane to recognizing rightly whether we should recognize a presumption for the proponent's claim or whether we may rightly ask him to provide evidence for it.

Beyond these epistemic conditions concerning the presumptive reliability of the source of a premise, the issue of cost is a factor in determining premise acceptability. The concept is easily illustrated. Keep in mind that the source of a premise need not be an interlocutor other than oneself. My own belief-generating mechanisms may propose a claim for acceptance. The clock in my bedroom makes a loud tick at the time when the alarm would have gone off, were the alarm turned on. I need nothing more to tell me that it is time to get up. One morning I hear what I take to be that tick and get up. Should I be asked to justify my action, the statement that the clock has just ticked would be a basic premise of my argument. Yet I glance at the clock and see that it is an hour earlier than I expected. I had not heard the clock but my radiator expanding because the furnace is now sending up steam. But what are the consequences of my accepting my mistaken belief? They are pretty minimal. My rest has been disturbed for only a few minutes. The incident quickly disappears into the mists of memory. On the other hand, I may be a juror who has just heard personal testimony from one, but only one, witness that he had seen the accused stab the victim, who later died from these wounds. No evidence has been presented that the witness is perceptually compromised in this case or that he may be speaking insincerely. Should I accept the witness's statement that the accused stabbed the victim as a premise on which to convict of capital murder? If my fellow jurors concur, that could result in terminating a human life – not so trifling a consequence as unnecessarily getting up for a minute an hour early. Here is a statement whose acceptance involves a very significant cost. Although there is a presumption for

the general mechanism of coming to hold a belief on personal testimony, given this cost should I accept that statement on the personal testimony of just this one witness?

How may we understand the concept of cost that we have been intuitively employing in this discussion? Following Clarke in (1989), we define first the concept of the cost of an action or state of affairs in general as a binary relation between an action, activity, or state of affairs and a person:
A has a cost for X if and only if X has an aversion to *A*.
(Compare Clarke, 1989, p. 79). Clarke presents also a ternary comparative relation:
A is more costly than *A¢* for X if and only if X has a greater aversion to *A* than to *A¢*. (Compare Clarke, 1989, p. 79).

This makes the cost of an action or state of affairs relative to a given person. X might have an aversion to *A* while Y has no aversion to *A*. So *A* will have a cost for X but no cost for Y. If cost is understood in this relational way and cost of acceptance should be a factor in premise acceptability, then acceptability becomes relativized not just to the epistemic position of the challenger but to the challenger's desires and aversions. But is this consequence acceptable? Suppose X and Y are aware of the same evidence pertaining to a statement *p*. Should *p* be an acceptable premise for X but not for Y simply because X has no aversion to taking *p* as a premise or to the consequences which accepting p may bring about while Y has some such aversion? Should a premise be acceptable for one and not for the other on the basis of their differing attitudes toward accepting p or the consequences of that acceptance?

We need not however define cost in this relativizing way. Why should X have some aversion to *A*? Presumably, either X finds that *A* itself has intrinsic disvalue or leads to a state of affairs *B* which has intrinsic disvalue. But intuitionists such as Ross (1930) have shown that in virtue of possessing certain properties or features, states of affairs are objectively prima facie intrinsically good or bad. For Ross, involving pleasure, knowledge, virtue are prima facie intrinsically good making features of a state of affairs. Their opposites make a state of affairs *prima facie* intrinsically bad. (See 1930, pp. 134-39.) These states of affairs may be constituents of complex facts or wholes, which may affect their actual intrinsic value. Pleasure may be prima facie intrinsically good, but taking pleasure in the pain of others is not actually intrinsically good. When viewed in the light of the

morally relevant wholes to which such states of affairs belong, we may speak of them as being objectively intrinsically good or bad *simpliciter*. Surely if a state of affairs *A* were intrinsically bad and X were cognizant of the badness, or of the factors on which that badness supervened, X should have an aversion to *A*. Hence, we may define cost objectively in terms of intrinsic disvalue.

Now an action or state of affairs can either involve intrinsic disvalue in itself or lead to some further state of affairs *B* which has intrinsic disvalue. This motivates the following definition:
Where *A* is an action, activity, or state of affairs, by the *cost of A*, we mean the amount of intrinsic disvalue of *A* itself together with the intrinsic disvalue of any consequences *B¢* of *A.*

We may analogously define the *benefit of A* objectively**[i]**:
Where *A* is an action, activity, or state of affairs, by the *benefit of A* we mean the amount of intrinsic value of *A* itself together with the intrinsic value of any consequences *B¢* of *A*.
The intrinsic disvalue of *A* includes the intrinsic disvalue of the effort required to perform *A* together with the loss of intrinsic value of any benefits we forego in performing *A*. (Clarke refers to the latter as the *opportunity costs*. See 1989, p. 79)

In the preceding definition, *A* ranges over actions or states of affairs in general. But we are interested in the cost of one type of action or activity, that of accepting a statement as a premise. Now it is easy to appreciate that the intrinsic disvalue of accepting a statement *p* may differ, depending on whether *p* is true or false. If it is true that Jones stabbed Smith, and should all the jurors accept that he did, a consequence could be their all voting to convict Jones of Smith's murder and Jones' facing a capital sentence. This obviously involves the intrinsic disvalue of significant pain (at least psychological) to Jones and the intrinsic disvalue of the termination of human life. But if Jones is guilty, one could argue that the punishment is deserved, that pain or unhappiness here is being meted out in proportion to vice or the viciousness of his action. But it is intrinsically good that happiness be proportioned to virtue and thus that punishment be proportioned to vice. But now suppose that Jones did not stab Smith, even though the one witness testifies that he did. Suppose all the jurors again accept that Jones stabbed Smith on the basis of this testimony and vote to convict. Their acceptance now has the further intrinsic disvalue that Jones is about to be unfairly, unjustly punished, that

unhappiness will not be proportioned to vice in this case. For just this reason, the intrinsic disvalue of accepting that Jones stabbed Smith differs in these two cases.

Since our concern is with premise acceptability, unless the evidence for a premise is something to which we have direct or internal access (a self-evident truth of reason or of introspection), the question arises of whether we should risk accepting the premise on the evidence before us even if it is false, or should seek further evidence bearing on the premise. Hence, we have two actions here whose costs can be weighed against each other – the cost of the action of accepting a premise when that premise is false or mistaken versus the cost of the action of seeking further evidence. Does the cost of obtaining testimony from a further witness or of obtaining other pertinent evidence outweigh the cost of accepting that Jones stabbed Smith should that statement be false?

This motivates what Clarke calls the pragmatic condition for premise acceptability. As a first approximation, we can say that if the cost of mistakenly accepting *p* outweighs the cost of obtaining further evidence, then *p* is not acceptable on the basis of the evidence e proffered at this point. Clarke formulates this preliminary version of the pragmatic criterion this way:

For X to be justified in accepting a proposition *p* relative to evidence *e* as true the cost of acquiring additional relevant evidence *e¢* must be higher than the cost of acting on the basis of *p* that would be incurred if *p* were to later prove mistaken. (Clarke, 1989, pp. 80-81).

Why should this condition be called "pragmatic"? Why should we say that the issue of the cost of accepting or conceding a statement raises the issue of a *pragmatic* dimension of premise acceptability? For Clarke, pragmatism is "a theory that claims that the standards used in justifying acceptance of a proposition as rational must include reference to individual or community purposes." (Clarke, 1989, p. ix). Hence pragmatism insists that "a necessary condition for the acceptance of *p*" involves "the fulfillment of interests and purposes to which this acceptance is related." (Clarke, 1989, p. 73). We have already indicated how speaking of the aversions (and thus implicitly of the purposes) of a given individual introduces an unacceptable element of subjectivity into the analysis. But we have also indicated how we can avoid this element of subjectivity by defining cost not with respect to the aversions of a given individual but with respect to the intrinsic disvalue to which a given action or state of affairs leads. The intrinsic goodness of a state of affairs is a reason for acting to realize

that state of affairs. Likewise, the intrinsic badness or disvalue of a state of affairs is a reason for aversion**[ii]**. Hence, by connecting acceptability with cost defined in terms of intrinsic disvalue, we are connecting acceptability with a reason for action and thus maintaining a connection with purpose.

The pragmatic criterion, as formulated, seems well motivated. It certainly captures our intuitions in the contrasting cases we have been considering. Now when thinking that I had heard the clock tick, and before getting up, I could have checked my watch on the table beside my bed to add its testimony to what I have perceived. But why should I seek such corroboration before accepting my belief that the clock had just ticked as a premise for my action of getting up? What value would be jeopardized by my getting up which needs to be safeguarded by ensuring this corroboration? Might my insisting upon having such corroboration before acting betray epistemic scrupulosity, an irrational fear of being in error, of making a mistake? If I were to insist upon this as a general policy, might it not be more trouble – checking my watch does involve some inconvenience – than what it is worth – avoiding mistakenly getting up on occasion? The situation is completely different where I am serving as a juror in the trial for capital murder. The prosecutor's finding a second eyewitness and the court's receiving that testimony would involve expending some time and effort, thus involving cost. But surely it would seem that the cost of obtaining testimony from another witness is less than the cost of mistakenly accepting that Jones stabbed Smith.

Our criterion also handles the intuitions behind Blair's illustration of the pragmatic requirement in (1995, 197):
If one's child's life depends on a claim's being true, and time and resources allow, then one wants to know that the undefended premisses supporting that claim are true. If all that is at issue is finding one's way to the sea from Amsterdam on a lazy afternoon, then an undefended premise in an argument supporting the recommendation of one particular route need be no more than plausible for it to be adequate.

Suppose when all is said and done that we did not take the most efficient route to the sea from Amsterdam on that lazy afternoon, even though the recommendation was from a presumptively reliable witness. What value was lost? Was that loss obviously greater than the loss we would have incurred had we sought testimony from some further witness? On the other hand, if a premise were false and our accepting it thus mistakenly would lead to the loss of our child's life, that loss

would certainly be greater than any inconvenience we might encounter in attempting to secure evidence for that premise or independent corroboration for it. Seeking corroborating testimony for the best route from Amsterdam to the sea seems scrupulous, but not seeking evidence for a premise whose mistaken acceptance could cost the life of one's child.

Gaining further evidence need not involve just seeking corroborating testimony, as our discussion so far might suggest. Does a certain object belong to you? Is it *yours***[iii]**? That question might be settled by a cursory perceptual glance or by a more reflective perceptual gaze. In either case, perception is the belief-generating mechanism and there may be a presumption of warrant for that source. But does it matter for acceptability whether the belief has been generated through a perceptual glance or gaze? That depends upon the cost of mistakenly accepting that the object belongs to you versus the cost of examining the object more closely. If I incorrectly identify a simple pencil as mine, what will be the cost? Why should I scrupulously examine a simple wooden lead pencil to determine whether it is mine? What cost of mistakenly identifying it as mine could outweigh the inconvenience of this anxious checking? But if I incorrectly identify a Stradivarius violin as mine, one found in someone else's possession who is accused of stealing it, the cost of mistakenly accepting that statement could be significant – the person could be convicted of a serious crime and deprived of liberty for a significant amount of time. That the pencil is mine is acceptable on the basis of a perceptual glance, but that the Stradivarius is mine is acceptable only on the basis of a careful perceptual inspection. Indeed, more than a perceptual gaze may be necessary. One may need to check that various criteria have been satisfied, coming to believe *these* propositions through perception, and *infer* from them that the Stradivarius violin is mine. Nonetheless the cost of carefully examining a Stradivarius to determine whether it is mine is less than the cost of wrongfully convicting someone of stealing it.

Returning to our previous examples, we anticipate an objection to our discussion thus far. Checking my watch to see if it is time to get up does not seem to involve expending much effort, apparently less than what my getting up itself involved. Did my accepting that the clock had ticked really conform to the pragmatic criterion? On the other hand, suppose a second witness had independently testified that she had seen Jones stab Smith. Suppose a third witness could be identified. Should I insist that this third witness also be deposed before accepting that Jones stabbed Smith? Is the cost of receiving testimony from this third

witness less than mistakenly accepting that Jones stabbed Smith? But would we not ordinarily consider corroborating testimony from two independent witnesses sufficient? Again, suppose I had sufficient evidence supporting the claim upon which my child's life depended, but not a deductively valid argument from incorrigible premises. Suppose further evidence was available. Would I be wrong in accepting that claim before taking account of this further evidence? In each case, the answer depends on probabilities. How often when I take what I hear to be a loud tick from my clock early in the morning am I mistaken? When two witnesses independently give corroborating testimony, how likely is that corroborated testimony false? If I have inductively strong evidence for a claim, how likely is it that the claim is nonetheless untrue? We must incorporate these probabilities into the formulation of the pragmatic criterion.

This brings us to what Clarke identifies as the *expected cost* of an action or state of affairs. As the calculation of expected utility or expected value involves the product of the return of a given possible outcome with its probability, so expected cost is a function of the probability of the consequences of an action or state of affairs together with their intrinsic disvalue. (Compare Clarke, 1989, p. 81). We do not compare the simple cost of gathering additional evidence with the simple cost of mistakenly accepting a proposition, but the expected cost of gathering additional evidence with the expected cost of mistaken acceptance. This motivates the refined formulation of the pragmatic condition:
X is justified in accepting a proposition *p* relative to evidence *e* as true only if the expected cost of acquiring additional relevant evidence *e¢* is higher than the expected cost of acting on the basis of *p* which would be incurred if p were to later prove mistaken (Clarke, 1989, p. 82).

As Clarke points out, we shall ordinarily be quite certain that acquiring additional evidence will incur certain costs. Hence in practice the cost of gathering further evidence does not differ much from the expected cost. The probability that a mistake could occur could vary distinctly from case to case. If my auditory sense perception is presumptively reliable, then the probability should be low that if I hear what I take to be my clock's loud tick, I am mistaken in believing that the clock has ticked. Given this low probability, the expected cost of my mistakenly accepting that the clock had ticked might very well be lower than the expected cost of checking my watch. On the other hand, there is some non-negligible probability that one witness could be mistaken in the testimony he gives or that

he might be testifying disingenuously. Given this probability and the significant disvalue of wrongly convicting Smith, the expected cost of mistakenly accepting that Jones stabbed Smith might be far greater than the expected cost of obtaining testimony from a further witness. But should two witnesses independently give corroborating testimony, the probability that both were unreliable would seem to be much lower than for either singly. Is the expected cost of mistakenly accepting their mutually corroborating testimony greater than the expected cost of obtaining testimony from a third witness? If my evidence constitutes the premises of an inductively strong argument for a certain claim, it would seem that the probability of that claim's being false would again be low. The expected cost of mistakenly accepting a claim as a conclusion of a strong inductive argument might very well be less than the expected cost of supplementing the premises of that argument.

Several objections still remain. How do we determine or come to know the probability that a possible consequence of a certain action or state of affairs will come about? Likewise, if we cannot assign some numerical value to the cost of a consequence of some action or state of affairs, how can we determine the product of that cost with the probability of the consequence coming about? If we cannot readily determine these values, then it seems we cannot determine the expected cost and thus the pragmatic criterion would be inapplicable generally. We reply by invoking Aristotle's wisdom in the *Nicomachean Ethics*,

Our discussion will be adequate if it achieves clarity within the limits of the subject matter. For precision cannot be expected in the treatment of all subjects alike, any more than it can be expected in all manufactured articles (Aristotle, 1962, 5).

In ordinary life, we estimate costs and probabilities intuitively. As Clarke puts it, "We rely on rough, intuitive judgments of our degrees of want or aversion towards consequences of our actions and rough estimates of the probabilities of these consequences coming about" (Clarke, 1989, p. 80). In ordinary life, we do not need to determine numerical values for probability and cost to grasp estimated costs sufficiently to apply the pragmatic criterion.

That we have defined the cost of an action A not with respect to the subjective aversion of the agent towards A but with respect to the objective intrinsic disvalue of A together with its consequences does not affect the point we need to make here, that we may rely on rough, intuitive judgments of degree of cost. For

the sake of argument, let us agree with Ross that there are three basic types of intrinsic goods – pleasure, knowledge, and virtue, with loss of pleasure or pain, lack of knowledge or mistaken belief or acceptance, and loss of virtue or vice as the opposites. If, in a given case, cost involved just one of these types of intrinsic value, could we make a rough, intuitive judgment of its degree? Can we make such judgments of degree of intrinsic value based on the intensity and duration of pleasure or pain? Can we make such judgments based on the extent of knowledge gained and the depth of its explanatory power, or the extent to which a body of propositions contains mistaken statements of fact or erroneous principles of explanation?

Virtue, for Ross, is intimately connected to motivation, where the desire to do one's duty *qua* duty is the highest desire. Actions proceeding from virtuous desires are themselves virtuous. The desire to obtain pleasure for oneself is morally indifferent but an action motivated by such a desire which excludes the doing of one's duty or some other virtuous action is selfish and morally bad. Is it not clear that the greater the extent of virtuous motivation and the less the extent of selfish motivation the greater the extent or amount of positive intrinsic value, an extent which might again be estimated in a rough and ready way? Might we not also estimate the extent of intrinsic disvalue for balances of selfish motivation over virtuous motivation? It seems straightforward that in all three cases, we can make rough, intuitive judgments of degree of intrinsic value. Suppose now in a particular instance that cost involves a combination of these basic values. This we expect is typical of acting on the basis of p where p is mistaken, especially where p is a hypothesis. Not only will accepting a mistaken general hypothesis have intrinsic disvalue in itself, as Clarke points out it may lead to the loss of various sorts of intrinsic value. We know that discovering and accepting certain hypotheses have led to the devising of beneficial applications. If some mistaken hypothesis had been accepted instead, these benefits might not have come to light. That would be part of the opportunity cost of mistakenly accepting that hypothesis. Further costs may be involved. If a hypothesis is accepted, it may be used in the testing of further hypotheses. But if the hypothesis is mistaken, these tests may be fatally flawed and the effort expended in carrying them out wasted. Opportunities for increasing knowledge would be missed. Thus if we are to speak of estimating amount or degree of intrinsic disvalue, we must be able to consider the basic types of intrinsic value and disvalue together to arrive at an overall judgment.

In comparing different types of intrinsic value, our intuitions may indicate that virtue transcends other types of value or their combinations, and likewise vice, loss of virtue transcends all others in disvalue. Comparing virtue with pleasure in general, Ross holds his intuitions indicate that "*no* amount of pleasure is equal to any amount of virtue, that in fact virtue belongs to a higher order of value" (1930, 150). Should one strive for virtue or pleasure? "It seems clear that, viewed in this way, pleasure reveals itself as a cheap and ignoble object in comparison with virtue." (Ross, 1930, 151). Clearly, a cruel disposition is a vice, but suppose one takes pleasure in one's cruelty. Could that pleasure ever be intense and enduring enough so that its goodness would outweigh the badness of the disposition and the state of affairs be intrinsically good on the whole? (Compare Ross, 1930, 151). As virtue always ranks above pleasure, so it always ranks above knowledge. "When I ask myself whether any increase of knowledge, however great, is worth having at the cost of a wilful failure to do my duty or of a deterioration of character, I can only answer in the negative." (Ross, 1930, 152).

We expect, however, that in most cases of estimating intrinsic cost, we shall be dealing with a combination of mistaken acceptance, loss of opportunities for knowledge, loss of pleasure, and encountering certain forms of inconvenience and thus of pain. But our intuitive examples at the beginning of this paper illustrate that comparisons and intuitive overall estimates of these values can be made. Hence, we may meaningfully speak of making rough intuitive judgements of degrees of intrinsic value, where this may involve a combination of types of intrinsic value.

There is a further objection we must address. By supposing that our challenger were a member of the jury, we invested her accepting the witness's testimony with special consequences. Her accepting that Jones stabbed Smith can be a premise for her action to vote to convict, which will have such grave consequences for Jones if the other jurors concur. But what if our challenger were not a juror and could in no wise affect the outcome of this legal proceeding? How then could she act on her accepting that Jones stabbed Smith? Would this mean that the cost of her acceptance even if mistaken is nil and thus that she need not seek further evidence? Does this mean that in matters over which we have no control, the amount of evidence upon which to accept a premise is a matter of indifference, that we never need seek further evidence? This would seem distinctly counterintuitive.

We reply first that the phrasing of this objection suggests that the pragmatic criterion, which is a necessary condition for acceptability, has been confused with a sufficient condition. We have not said that *if* the expected cost of acquiring additional evidence for *p* is higher than the expected cost of acting on the basis of *p* were p mistaken, *p* is acceptable for X, but rather *only if* this condition holds is *p* acceptable. Additional specifically epistemic factors are required for a sufficient condition for acceptability. Should X be asked to accept *p* on the basis of some argument, that argument must be cogent. Should *p* be a basic premise, that the source generating the belief that *p* vouches for *p* – whether that source be an interlocutor or one of X's belief-generating mechanisms – must satisfy certain epistemic conditions including being presumptively reliable. That X's accepting *p* would have little expected cost does not mean that X is justified in accepting *p*. At best it means that if the epistemic conditions are satisfied, X need not seek further evidence.

Suppose however that those conditions are satisfied. Does this mean that X need not seek further evidence if the expected cost of *X's* own particular acting on *p* should *p* be mistaken be less than the expected cost of *X's* own particular seeking further evidence? I believe that intuitions may differ on this question. Clearly, whether or not a statement is acceptable for a given individual depends on the pertinent evidence of which that individual is aware. The same statement *p* may be acceptable for X but not for Y, given their different bodies of evidence. Likewise, one might want to say, should the expected cost of X's accepting that *p* be significant but the expected cost of Y's accepting that *p* be minimal, then X has a greater responsibility to seek further evidence. Acceptability then is relevant not only to one's evidence but also to the expected costs for which one is personally responsible.

A consequence of this view is that X and Y may possess the same or comparably strong bodies of evidence for *p*, but *p* may be acceptable only for X and not Y. Juror X's accepting that Jones stabbed Smith on the basis of only one eyewitness report is not justified, while Y's acceptance is, where Y is simply attending the court proceedings. But should not the gravity of the expected cost of X's accepting that *p* signify the seriousness of this issue for anyone, including Y? That X's accepting *p* has significant expected cost means that everyone should accept *p* on the basis of evidence *e* available to him or her only if the expected cost of gaining additional evidence outweighs that expected cost of X's acceptance. Expected cost is not relativized to an individual. That the consequences of X's mistakenly accepting that *p* has a certain expect cost is a factor in the expected

cost in general or for everyone, not just for X. This position is already reflected in the wording of the pragmatic criterion. Notice that it does not read that X is justified in accepting a proposition *p* on evidence *e* only if X's expected costs of acquiring additional information are greater than X's expected costs of mistakenly acting on *p*. Rather, it is *the* expected cost of acquiring additional information versus *the* expected cost of mistakenly acting on *p*. We are talking here about general expected costs, the expected costs of people in general either seeking further evidence or accepting that *p*. X's being justified in accepting that *p* indicates general acceptability. Should the general population include jury members whose vote could convict Jones of a capital crime, the expected cost of their mistakenly voting to convict Jones is part of the expected cost of mistakenly proceeding on accepting that Jones stabbed Smith. In assessing the cost of accepting *p* on *e*, one could ask what would happen if everyone else did the same. We submit, then, that the pragmatic criterion frames a necessary condition for premise acceptability. For a sufficient condition, there must also be what we call a presumption of warrant for a statement p from the challenger's perspective. What this epistemic conditions entails, however, is the topic of another presentation. (See Freeman, 1995).

NOTES

[i] This contrasts with Clarke's subjective definition. See (1989, p. 79).

[ii] Audi points out this connection between intrinsic value and reason for action in (1997). See. p. 248. We develop this point in Chapter Nine of our essay, Warrant, Presumption, Acceptability: An Epistemic Approach to Basic Premise Adequacy (under review).

[iii] This adapts Clarke's discussion in (1989, p. 75).

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ISSA Proceedings 2002 – Intractable Quarrels

1. Introduction

Logical tradition defines the term 'argument' quite narrowly. Copi's definition is well known: "An argument, in the logician's sense, is any group of propositions of which one is claimed to follow from the others, which are regarded as providing support or grounds for the truth of that one" (Copi, 1994, 5). Immediately following this definition he says, "Of course, the word "argument" is often used in other senses, but in logic it has the sense just explained" (Copi, 1994, 5). In whatever other senses the word 'argument' can be used, for the *layperson*, an argument, typically, "is a conflictual experience charged with emotion where opposing beliefs, desires and/or attitudes are involved" (Gilbert, 1997, 32). It is this sense of argument, what Gilbert calls the "Ordinary View", that many Informal Logicians have chosen to exclude in their definition of argument. Indeed, some Informal Logicians try to make it clear what they mean by their definition of argument by explicitly contrasting it with what they call a 'quarrel', 'fight', or 'dispute'. For example, (Govier, 2001, 4); (Diestler, 2001, 3-4); (Levi, 1991, 25-27); (Fogelin, 1987, vii); (Thomas, 1986, 10); (Missimer, 1986, 6); (Cederblom & Paulsen, 1982, 1); (Fearnside, 1980, 4); and (Shurter & Pierce, 1966, xii).

In contrast to this "Dialectical view" of argument held by Informal Logicians, the "Rhetorical view" as conceived by Gilbert (1997, 34) includes the quarrel as a

type of argument. The inclusion of the quarrel into the realm of argument for Argumentation Theory has been made easier by the work of Communication Theorists, in particular, by Daniel J. O'Keefe's (1977) distinction between argument1 and argument2. Arguments1 are products which people *make*, while arguments2 are social interactions which people *have*. With the recognition of arguments2, quarrels became almost, but not quite, a legitimate subject of study for Argumentation Theory. There was still the troublesome question of emotion. At the end of O'Keefe's paper he raises (but does not try to answer) some important questions about arguments1 and arguments2. One question is whether or not quarrels are "genuine" arguments2. The issue here is that we well might hold that "an argument2 necessarily involves the exchange of arguments1 and counterarguments1" (O'Keefe, 1977, 127). If there are no arguments1 exchanged in an argument2, then all that is occurring is the (typically) heated expression of emotion. And it was not obvious that in such a situation an argument, in any sense, was taking place. In Wayne Brockriede's (1977, 129) response to O'Keefe's question, he states "Although persons can make arguments without engaging in the process of arguing, I do not see how they can argue without making arguments."

The important innovation which allows Gilbert, following Willard (1989), to include quarrels in his definition of argument is his focus on the fact of disagreement and its cause (Gilbert, 1997, 29). If there is disagreement, then we can inquire about its cause or causes. The sources of disagreement fall into the following modes: logical, emotional, visceral or kisceral. Gilbert's definition of argument is broad enough to capture these modes. "An argument is any disagreement – from the most polite discussion to the loudest brawl" (Gilbert, 1997, 30). It is this definition of argument that is assumed in this paper.

From such a definition and the inclusiveness of the Rhetorical view of argument, it is not hard to see why psychotherapy is relevant to quarrels from the perspective of Argumentation Theory. It is agreed by all that quarrels involve emotion; typically, they involve much heated emotion. And in at least a basic way, psychotherapy purports to help people deal with their emotional problems. But the similarity is not restricted to the subject matter of emotion; there is also a similarity of purpose. Since at least van Eemeren and Grootendorst (1984), there has been a desire to link argument studies with conflict resolution. Also see Crosswhite (1996, 45) on the social needs which argumentation meets. I believe

that the time is right for seeing what insights psychoanalysis can give Argumentation Theorists in the analysis of quarrels.

Psychoanalysis has made its appearance in Argumentation Theory relatively recently. For example, Cissna and Anderson (1990) claim that the work of Carl Rogers is important for developing a "philosophical praxis of dialogue"; and Foss and Griffin (1995) suggest that Rogerian "unconditional positive regard" is part of their new invitational rhetoric. However, these theorists don't apply psychotherapy to analyze quarrels, which is not surprising given their interest in Rogers' empathic therapy. Rogerian therapeutic practice depends upon therapists' – or by extension, interlocutors' – willingness to take up an empathic attitude. And in quarrels, this willingness is usually absent.

Of course this doesn't mean that psychotherapy is an inappropriate framework for the analysis of quarrels, merely that Rogerian psychotherapy is. What is needed for reducing conflict in quarrels is a psychotherapy that doesn't rely on the disputants adopting an empathic attitude. But one may object here and ask why assume that interlocutors can't or won't adopt an empathic attitude in a quarrel? The answer is that my claim only applies to a certain type of quarrel, not to quarrels in general. It is an open question whether or not the interlocutors in a particular quarrel could plausibly be empathic enough to resolve their conflict. The only claim I am making is that in the type of quarrel that we call 'hopeless' or 'intractable', expecting the disputants to adopt an empathic attitude toward each other is not going to be effective. Intractable quarrels are characterized by hostility and a marked resistance to perspective taking or empathy. Hence one of the necessary conditions of a psychotherapy for intractable quarrels is a mediator or third party who will lead the disputants in therapy.

Now it might well be asked why we should want to intervene in a quarrel that cannot be resolved. Why not echo Walton's (1992) attitude that the participants are just too *dogmatic* for any progress to be made? The simple answer is that too much is at stake to ignore intractable quarrels. Much social damage occurs to the children and family when a married couple is locked in an intractable quarrel, not to mention damage to themselves. And obviously the potential damage from heavily armed groups and nations mired in intractable quarrels is much greater. So, if there is to be an alternative to hostility and the threat of violence, then it is the responsibility of the intellectual community to create a way in which participants in an intractable dispute can lessen the hostility.

To my knowledge the term *intractable quarrel* is not found in the Argumentation

literature. The terms *quarrel, serious* quarrel, *natural* quarrel, and *group* quarrel are found in Walton (1992, 267, 273), (1998, 179, 186, 196); the phrase "…intractable conflict between nations and groups" is found in Govier (2000, 1); and in Crosswhite (1996, 44) we find the phrase "intractable conflicts and disagreements". In the next section I will ground my claim that the issue of the intractable quarrel is relevant to Argumentation Theory by examining Walton (1992), (1998), and Gilbert's (1995), (1997), and (2001) treatment of quarrels.

2. Walton

Both Walton's description of quarrels and his recommendation of what should be done about them are commonsensical. By that I mean there is no obvious theory driving the analysis. I believe that what Walton says about quarrels is correct, so far as it goes. But I also believe that it doesn't go far enough; so his account needs to be supplemented.

Two persistent themes in Walton's analysis of quarrels are their *intentional* aspect and *cathartic potential* (Walton 1992, 215, 257, 273, 278), (1998, 179, 184, 185). Walton believes that in a quarrel both parties intend to remain adversaries. This is important because it shows that there is no openness on the part of the opponents (Walton, 1992, 215). If there is no openness, then there is no hope of resolution; therefore, with openness comes the possibility of resolution. This is right, openness is a necessary condition for resolution. And though Walton doesn't say so, I think we can be confident that he would say that openness is not a sufficient condition. Openness between the parties doesn't guarantee resolution.

So, if two parties intend to remain adversaries, they will, end of story. But there is more to the story, and to see that we have to move to another perspective which is different from the commonsense one. The most basic alternatives to a common sense notion of quarrels are derivatives of systems theory. One such derivative, the family systems theory of Watzlawick et al., (1967), disputes the universal applicability of linear causality. In linear causality it makes sense to claim that event A comes before and causes event B. However, in a circle, linear causality is not appropriate. Watzlawick et al., (1967) claim that there are circular communication systems and hence

Thinking in terms of such systems forces one to abandon the notion that, say, event a comes first and event *b* is determined by *a's* occurrence, for by the same faulty logic it could be claimed that event *b* precedes *a*, depending on where one arbitrarily chooses to break the continuity of the circle (Watzlawick et al., 1967,

46).

The issue of where to break the circle in a series of messages or communications is called “the punctuation of the sequences of events” after Whorf (1956) and Bateson and Jackson (1964) (Watzlawick et al., 1967, 54). Punctuation is important because if we take too narrow a focus, we will naturally understand the series of messages in a linear way. For example, if we limit our analysis to one interchange – one message from person *A* and one from person *B* – then we are almost forced to see person *A’s* message as a stimulus and person *B’s* message as a response to it.

Walton’s analysis of quarrels suggests that he takes a fairly narrow scope with respect to punctuation; this is why he believes the *intention* to remain adversaries in a quarrel is significant (Walton, 1992, 215). Walton’s view is just commonsense and it is like that of the husband and wife in the following example from Watzlawick et al., (1967, 56).

Disagreement about how to punctuate the sequence of events is at the root of countless relationship struggles. Suppose a couple have a marital problem to which he contributes passive withdrawal, while her 50 per cent is nagging criticism. In explaining their frustrations, the husband will state that withdrawal is his only *defense against* her nagging, while she will label this explanation a gross and willful distortion of what “really” happens in their marriage: namely, that she is critical of him *because of* his passivity. Stripped of all ephemeral and fortuitous elements their fights consist in a monotonous exchange of the messages “I withdraw because you nag” and “I nag because you withdraw” (Original emphasis).

Here both husband and wife punctuate narrowly yet at different points in the cycle. The husband focuses on a previous instance of his wife nagging him while the wife focuses on the husband’s currant instance of passivity. The husband and wife cite the intentions of the other as a major cause of their conflict. The husband says that his withdrawal is his “only defense against her nagging” – the word ‘nagging’ suggests intent. The wife is even more explicit: she sees her husband’s explanation as a “gross and willful distortion”. A ‘willful’ distortion is obviously an intentional one. So Walton is correct, for the *parties in the dispute*, the intention to remain adversaries is what keeps the conflict going.

Given this understanding of the situation, it is not surprising that Walton doesn’t really have any recommendation for dealing with these quarrels. The only positive

advice he gives is “You can argue with a dogmatic or prejudiced individual, but it will be tough going. But there is no point in trying to argue with a fanatic…” (Walton, 1992, 277). This is true enough, but more needs to be said.

First, the theory of Watzlawick et al., can deepen the analysis. The example of the husband and wife reveals that while the intention to remain adversaries is crucial *to them*, the intention is not necessary for their quarrel to continue; thus showing that the locus of the problem lies elsewhere. It is not necessary because whether or not the intention to remain adversaries is present, the parties will perceive it in each other. This perception is part of how the couple understand the situation, and this understanding is the result of their punctuating narrowly. Second, According to Watlawick et al., this analysis suggests a way to help the couple. If we take a sufficiently longer focus and punctuate broadly, we see that every message in the series is both stimulus and response (Watzlawick et al., 1967, 55). So the recommendation would be to try to get the couple to stop punctuating narrowly.

Now as with intention, Walton’s understanding of catharsis is conventional. People can quarrel and the result may be a feeling of relief after they air their grievances (Walton, 1992, 257). More importantly, in a quarrel “to some extent one’s deeper feelings of what is significant may be expressed” (Walton, 1992, 257). Walton doesn’t expand on this but I think the implication is clear. If a quarrel causes people to express how they really feel about important issues then in that sense progress has been made.

Again, with a quarrel where the disputants are caught in this kind of cycle, catharsis is the wrong concept to apply. People who punctuate narrowly will understand any particular quarrel to be about the latest malicious act of their partner. They will not be able to see that the dispute is really about the way they understand the situation. Another way of illustrating this is to draw a distinction between the content and relationship levels of a dispute (Watzlawick et al., 1967, 80). The content level represents what the quarrel is ostensibly about while the relationship level represents what the dispute is really about.

While to the therapist the monotonous redundancy of pseudodisagreements between husbands and wives becomes evident fairly quickly, the protagonists usually see every one of them in isolation and as totally new, simply because the practical, objective issues involved may be drawn from a wide range of activities, from TV programs to corn flakes to sex (Watzlawick et al., 1967, 81).

In these disputes no amount of expressing how one really feels on the content

level is going to make any difference at the relationship level.
Walton says that an example of a group quarrel is "… a border dispute between two countries" (Walton 1992, 273). While I do not doubt that *some* border disputes can be characterized as "intentional" (Walton 1992, 274), I think it at least as likely that some are the products of dysfunctional patterns of understanding and communicating. Walton recognizes that group quarrels can often become "…systematized and institutionalized…" (Walton 1992, 273) yet he does not follow up on this point. He describes the interaction of group quarrels accurately but is either unaware or unwilling to attribute the cause of such "ritualized" (Walton 1992, 273) conflict to the way the parties relate to each other. This leaves us with no recommendation about what to do when there is a boarder dispute between two countries. The commonsense view results in defeatism, where the only options seem to be war, or the kind of isolation that comes from building a permanent barrier between the countries.

3. Gilbert
We saw that Gilbert's definition of argument placed the quarrel in the realm of argument. The quarrel is a type of argument2 on the same level as the critical discussion, the debate, brainstorming sessions, etc. Since Gilbert's four modes – logical, emotional, visceral, and kisceral – are kinds of argument1, what distinguishes the quarrel from these other types of argument2, is that the predominant mode of communication is the emotional mode (Gilbert, 1997, 79). So quarrels contain more emotional arguments than other kinds of arguments from the other modes. But this doesn't mean that all emotional arguments are quarrels, or even that most are (Gilbert, 1995, 7). Typically, quarrels contain arguments1 that are *highly* emotional and *highly* chaotic (Gilbert, 1995, 7).
Because emotional arguments are at the heart of quarrels, we should look to Gilbert's examples of emotional arguments. Standard examples of emotional arguments include "…the tantrums of children, the despair of rejected suitors, or the plaints of frustrated spouses" (Gilbert 1997, 83). In any of these categories of examples the issue of punctuation could be relevant.
From Gilbert (1995), (1997), and (2001) there are seven examples of arguments that could be on the content or the relationship level. From Gilbert (1995) the examples are *Paul & Mary* and *Lisa & Paul*; from Gilbert (1997): John & Mary, Affirmative Action, and Holidays – The Beginning; and from Gilbert (2001) the examples are Apology, and The Next Morning. In all these examples except one, Affirmative Action, there is emotion indicated in the text. However, even in the

case of Affirmative Action, the context indicates that the "untenured male scholar" has "intense conviction" about his position (Gilbert 1997, 107). In all but Affirmative Action the parties are sexual intimates.

Significant emotion and a significant relationship are necessary conditions for an intractable quarrel. The other condition is that the dispute be on the relationship level. How do we know whether or not a dispute is on the content or relationship level? We can determine this by having enough of the argumentative context. This not only includes the entire series of interchanges in any particular argument. So from Gilbert (1995, 5) we would need the whole argument, not just this excerpt:

Paul: You never listen to a word I say.

Mary: Right, and you hang on my every syllable.

As well as the whole argument, we need *additional* arguments that the parties have had in the past. Through a history of their arguments we can get a sense of whether or not any particular argument in their history was likely about the content or the relationship. We can do this because there are basically two types of patterns of interaction: symmetrical and complementary (Watzlawick et al., 1967, 70). Symmetrical interaction occurs when the parties tend to mirror each other's behaviour (Watzlawick et al., 1967, 68). In a complementary pattern one party's behaviour complements the other; so if party A's behaviour is aggressive, party B will be passive, or vice versa (Watzlawick et al., 1967, 68). Such patterns have no normative implications, neither is to be inherently avoided or sought after.

If we find a dysfunctional pattern of escalating symmetry or rigid complementarity, then we have reason to believe that any particular argument might have been at the relationship level; if we do not find a dysfunctional pattern then we have reason to think any argument was on the content level. The rationale here is that if enough of the disputants' argumentative history is known, i.e., if we know the disputants quarrel in the same way, then we might expect that the real issue is *between them* and not over television programs or corn flakes or sex.

The problem is that Gilbert's examples are not extended enough so there is no way of knowing whether or not this kind of dysfunction is present. Any or none of these examples of emotional arguments could be an episode in an endless intractable quarrel where the respective parties argue over the same or different content.

Now this distinction between content and relationship levels has not gone

unnoticed in Argumentation Theory. This distinction has many manifestations, including the basic one between topic and context with which Goffman was concerned.
A frame, in this sense, is only a particularly tangible metaphor for what other sociologists have tried to invoke by words like “background,” “setting,” “context,” or a phrase like “in terms of.” These all attempt to convey that what goes on in interaction is governed by usually unstated rules or principles more or less implicitly set by the character of some larger though perhaps invisible entity (for example, “the definition of the situation”) “within” which the interaction occurs (Goffman, 1974, xiii).

Willard explicitly recognizes the different levels of argument.

Our characterizations of argument and of the constructs relevant to it are likewise as diverse as our aims and interests. We sometimes focus on the unit of meaningful utterance (Wallace, 1963, 1970), the syllogism, the sentence, the word-object dyad, the text, the text milieu or corpus of a field, the encounter or relationship among arguers, the relations of individuals to groups, organizational structure, and at a high level of abstraction, the culture (Willard, 1989, 23).

This quote shows that Willard is aware of the difference between the content and relationship levels, for the content level can be any unit of analysis smaller than the relationship unit of analysis. Of course, the quote also shows a recognition of larger or higher levels above the relationship level.
And Gilbert is aware of the distinction too. The way Gilbert utilizes the distinction shows a mix of Goffman and Willard. In Gilbert’s multi-modal schema we can see that for any dispute on the logical level which requires a move into the emotional mode, we are going from the topic of the dispute (the claims) to the context (the feelings), in order to make progress in the dispute. In Willard’s terms, there is a movement from a smaller unit of analysis to a larger one.
If Gilbert is aware of the different levels on which arguments and disputes can arise, why are his examples ambiguous with respect to the level on which the disputes occur? The answer is that like Willard, his focus is different from Watzlawick et al.

Willard recognizes the phenomenon of an intractable dispute.

Seeing arguments as conversations does not preclude the claim that disputes

might be sustained over many encounters, that they are developmental aspects of relationships as well as circumstantial features of encounters. Spouses, for instance, may sustain disputes about child rearing, sex, or finances over years, their differences flaring up and simmering down across numberless encounters. They might well call it the "same old argument,"…
In interviews, I have obtained descriptions of this *pattern* (Willard, 1989, 83) (My emphasis).
However, Willard's analysis of the relationship level and of these patterns in particular, is not very thorough. This is because he is concerned with a more general point; to wit, the facts of relationships point up the problems of Speech Act Theory and a focus on Claim Reason Complexes (CRC's), i.e., they "undervalue speakers' interpretive procedures and exaggerate the conventional force of impersonal entities – the act, the situation, and the CRC" (Willard, 1989, 82).

Spouses, close friends, business associates, and siblings point to a recurring dispute, often a serious one, that is the "same old argument." This permits the inference that social relationships are built upon regulative assumptions that allow ongoing disputes to flare up occasionally and ensure that they will simmer down before permanent damage is done to the relationship. Whether these regulators are automatic, on a par with a thermostat, or emergent in particular encounters *need not concern us*. They are likely a little of both (Willard, 1989, 84) (My emphasis).

The "regulative assumptions" in a relationship which allow disputes to flare up are precisely what Watzlawick et al., are interested in. Watzlawick et al., would understand these regulative assumptions to be the particulars of the dysfunctional interaction patterns.
Gilbert's interest in a larger unit of analysis like the relationship level, is always subordinate to his interest in trying to resolve the dispute at hand. This is what his empathic procedure is designed to do. If for any argument the move to the relationship or other levels – the exploration of the emotional or other modes – does not yield any progress, then we might be in an intractable quarrel. The purpose of Gilbert's examples is to illustrate his method; so it is at least possible that *the participants* can resolve the disputes in the examples by moving to another mode, or going deeper into the same mode. The issue of dysfunctional interaction patterns only arise when two conditions are met:

1. the relationship level explains the conflict between the dispute partners, and,
2. this explanation does not help the participants to lessen the conflict *by themselves*. This is what makes the intractable quarrel distinctive.

Even when the dispute partners are capable of the insight that they are in an intractable quarrel, this insight does not lead them out of it (Watzlawick et al., 1967, 87). For this reason it is necessary to bring in a third party to help reduce the conflict. Thus it is not surprising that Gilbert is not primarily interested in intractable quarrels, and hence, does not treat the issues which arise from them like dysfunctional interaction patterns.

But while Gilbert's specific interests may lie elsewhere, the following quote about understanding an emotional argument paves the way for an analysis that targets these aspects of quarrels.

> In order to understand an emotional argument we must get into it. The greater the degree of emotion, the more important it is to examine what is being said in its actual context. Heightened emotion tends to occur more frequently when a] the arguers are familiar with each other, and b] *the issue is a serially recurring one*. When both these factors are taken into account it becomes even more clear that interpretations and transformations cannot be made in isolation of the feelings and personal history of the participants. In explaining the importance of perceptual analysis in dissecting argumentation, Nancy Legge (1992) explains that without in depth contextual analysis researchers may misunderstand many of the core dynamics basic to an argument. When people know each other it is impossible to be aware of what they are saying without breaking the codes of *past discussions, implicit taboos*, and *unconsciously agreed to rules and prescriptions* (Gilbert, 1995, 8-9) (My emphasis).

Note three things about this quote. First, Gilbert recognizes the kind of emotional argument where "the issue is a serially recurring one." This is like Willard's "same old argument" and it immediately raises the question of why the same issue keeps coming up. The answer may lead us to the relationship level of a dispute, which in turn may, if other conditions are satisfied, lead us to suspect an intractable quarrel is occurring. Second, Gilbert says that in order to understand an argument we may need to 'break the codes of past discussions and implicit taboos.' So he recognizes not only the need for the whole argument, but previous arguments too. And third, he says we also need to break the code of "unconsciously agreed to rules and prescriptions." Negative interaction patterns fall under this category since typically, parties are not conscious of them.

4. Conclusion

Gilbert has called for and worked out some of the implications of expanding the reach of argument from the linguistic to the non-linguistic, as well as from the logical to the emotional, visceral and kisceral modes. I believe that his suggestion that argument's reach should expand further to include, at least in theory, the whole history of dispute partners' arguments, must seriously be taken up in order to deal with intractable quarrels.

The point is not merely that another type of quarrel should be added to the Argumentation Theorist's list, but that Argumentation Theorists should be knowledgeable about the theoretical issues concerning an intractable quarrel if they are interested in lessening the hostility between the participants. The difference between intervening earlier rather than later may be significant for interested third parties, or even to the disputants themselves. Moreover, even if one is not interested in intervening in these kinds of disputes, it is still important to be aware of the potential signs of intractability, if only to classify certain quarrels as potentially intractable. This would create a division of labour where those theorists not interested in intervening in intractable quarrels would continue to analyze quarrels, but with the recognition that if the quarrel they are examining shows signs of intractability, then a more psychoanalytic approach is needed.

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ISSA Proceedings 2002 – The Genealogy Of Argumentation

Where did argumentation come from? That is, how and why is it that we can reason? There are at least two questions here, and I will have something to say about each. The first question is, how does it come to be that there are such things as valid arguments? In other words, what is the origin of logic itself? The second question is, how did human beings develop the ability to understand and use that logic? The first of these questions is itself a logical one; the second is largely empirical. My comments on the first, the origin of logic itself, will be essentially negative: I will argue that those thinkers who claim logic is supernaturally created must be mistaken. My arguments here follow closely the reasoning of Plato, who showed that morality cannot be dependent on divine command. On the second question, how human beings came to be able to reason, I will draw on the work of evolutionary psychologists of the past couple of decades, to show the outline of a naturalistic explanation of how this ability might have been acquired.

1.
Some might imagine that logical validity itself was divinely created. The idea that God created logic might seem reasonable to those who believe that God created the whole Universe. If one believes that he created everything, why not believe that he created logic as well? But this notion involves a logical confusion. Suppose that there is a supernatural creating agent – though I have argued elsewhere that this concept is also logically incoherent. (Fulmer, 1977). And suppose that this

agent undertakes to create logic – that is, to make it true that certain arguments are valid.

A valid argument, of course, is one such that if its premises are true then its conclusion must also be true. So our hypothetical supernatural creating agent would have to make it the case that if the premises of these arguments are true then their conclusions would be true. In the argument form known as *modus ponens*, it is argued that:

If *p*, then *q*; and *p*; therefore *q*.

This or some equivalent form of reasoning necessarily underlies any deliberate intentional action: "If I do this, then that will result." For example, "If I turn west on 12th Street, I will arrive at the grocery store." The crucial point is that such reasoning is required for any agent to form the intention to perform any action whatever. For only by such reasoning can the intended consequence be understood to follow from the act. But we were supposing that such reasoning *itself* was the result of an intentional action by a creating agent, who, we supposed, created validity. And now it should be clear that this notion is logically incoherent: it is not possible that any agent, natural or supernatural, could create the validity of arguments, for any intentional action – including creating anything – presupposes the validity of arguments! Without the validity of *modus ponens* no one could form any intention to *perform* any action, and therefore no one could perform any intentional action, including the action of making *modus ponens* valid.

To carry the reasoning a step further, suppose that some such creating being tried to create logical validity in a *different* way from that which we recognize. Suppose, for example, that he undertook to make the following form valid:

If *p*, then *q*, and *q*, therefore *p*.

This is the fallacy commonly known as affirming the consequent. It is an invalid form of reasoning, because the conclusion does not follow from the premises. In terms of the previous example, if I do in fact arrive at the grocery store, it does not follow that I turned on 12th Street – I might have driven around several blocks and approached the store from the rear, or parked the car and walked there. My arrival at the store does not prove that I turned on 12th Street, for I could have proceeded there by an indefinitely large number of other ways – perhaps taking a detour on the Space Shuttle. When I say that the conclusion does not follow from the premises, this is not an empirical claim about observed

or observable facts. The point is not about how I might have reached the store: it is conceivable that 12th street really is the only way of getting there. (Perhaps the store is at the end of a tunnel through solid rock.) The point is that my turning on that street *cannot be deduced* from my arrival at the store. Even if it is empirically true that no other approach is possible, that information is not included in the stated premises, and so the argument is not valid. The conclusion does not follow from the premises, and no dictate from any authority, natural or supernatural, could make it do so. Yet the notion that logic follows from divine authority would imply that *whatever* that authority commanded would be valid. Therefore, that notion must be false.
Note that this argument is itself a valid argument form, the one known as modus tollens:
If *p*, then *q*; and not-*q*, therefore not-*p*.

That is, in the present example, if logical validity followed from divine authority then the fallacy of affirming the consequent could be made valid. But it cannot; therefore, logical validity cannot follow from divine authority. In other words, it is logically impossible for anyone to create logical validity – including even a supernatural God, if there were or could be one. Any creative act such a being could perform with the intention of creating validity, would in itself presuppose valid reasoning. So whatever may be the basis of validity, it cannot be the command of a Creator.

2.
Now that we have established that the validity of logical arguments cannot come from divine (or any other) authority, how has it happened that the human mind has the ability to use them? In other words, how is it that we can reason? Some have denied that this human capability can be explained naturalistically, as a result of evolution by natural selection. They believe that the foraging way of life followed by our ancestors during the time our present physiology evolved would not have required the advanced intellectual capabilities that modern humans possess. Obviously, life on the African savannah in the period of two million to one-half million years ago did not involve the use of calculus; and so, some have reasoned, natural selection could not have produced the ability to master such subjects. Alfred Russel Wallace, with Charles Darwin the co-discoverer of the theory of evolution, held this view. He said, "… a superior intelligence has guided the development of man in a definite direction, and for a special purpose" (Pinker,

1997, 299-300). A contemporary philosopher with a similar view is Peter Van Inwagen, he argues that for evolution to produce the mental capacity for science and mathematics there would have to be what he calls a "special set" of characters, "… a set of characters that *both* conferred a reproductive advantage on some populations of our remote ancestors *and* underlies our ability to do science. I… am a skeptic about this" (Van Inwagen, 1999, 270). The conclusion drawn is that no naturalistic explanation is possible for the human capacity to do complex reasoning, such as science and mathematics. I believe this conclusion is unfounded.

Here the evidence is empirical as well as logical, involving especially discoveries of evolutionary psychology. Specifically, the concept of an evolved cognitive strategy explains a great deal about human thought that cannot, it seems to me, be properly understood without it. Anthropologist Stewart Guthrie explains that, in this sense, "… 'strategy' here is meant as Darwinian shorthand for a behavioral/neural practice that results from natural selection that operates almost entirely without our awareness." (Guthrie, 1993, 214, n.1)

A work in this area particularly useful for the nonspecialist in psychology is Steven Pinker's *How the Mind Works* (Pinker, 1997), which describes what he calls the "standard equipment" that our minds have evolved for its survival value. For example, the eye receives information about a three-dimensional world projected on the two-dimensional retina. The problem of interpreting this information correctly is, strictly, not solvable by deductive means. Any two-dimensional image could, as a logical possibility, represent an infinite number of three-dimensional fields. We automatically interpret the image of two zebras, one image much larger than the other, as indicating two animals of similar size, one closer, one farther away. But it *could* be that the zebras are the same distance away, and are of different sizes. And it *could* be that the zebras are of different sizes, and are different distances away other than the distances we assume if they are the same size.

How does the mind resolve the problem? By making *assumptions* about the world. It assumes that zebras which we believe are roughly equal in size must be different distances away. It assumes that straight lines like river banks which appear to converge are probably parallel or nearly so, and are receding into the distance. How are these assumptions justified? As a matter of conclusive proof, they are not justified at all: the other interpretations are all logically possible. In

fact, countless deliberately constructed illusions take advantage of this fact, for purposes of instruction or entertainment: so-called “crazy houses” are sometimes built, with sloping ceilings, in which a person appears to grow when walking along a wall from the side with the high ceiling to the low side. Our deep expectation is that the ceiling is level, and that as the person’s head gets closer to it, the person must be growing taller. These illusions are often so powerful that they appear real, even to those who know full well how they work, because evolution has planted such expectations in the standard equipment of our minds. These assumptions are evolved cognitive strategies which were advantageous for our ancestors.

Again, an important evolved strategy in our interpretation of the world is that we see many parts of it as animate, even when they are not. That is, we interpret objects as conscious, as possessing minds somewhat like our own. ” … we not infrequently are in doubt as to whether something is alive… the best strategy is to assume that it is.” (Guthrie, 1993, 41) It is the best strategy because it tends to be the safest strategy: living things tend to be the most important parts of our environment: they may be potential food for us, or we for them. As Guthrie says, “Consider guessing whether a large lump is a bear or a boulder. Facing uncertainty, most people bet on the bear… If they are wrong the mistake usually is cheap. Conversely, mistaking a bear for a boulder may be costly” (Guthrie, 1993, 51).

The justification of these assumptions, if it can be called that, is that they are correct often enough that organisms which make them survive more successfully than those which do not, and therefore have an evolutionary advantage. Thus the minds of our ancestors – long before the emergence of humans, in some cases no doubt before that of mammals – developed the strategies of employing them.
(Though inductive reasoning is not really the topic of this paper, it is noteworthy that the famous “problem of induction” can be understood, and essentially resolved, through an understanding of evolved cognitive strategies. As David Hume famously noted in the eighteenth century, no deductive argument can prove that the future will resemble the past, i.e., that inductive reasoning will lead to true conclusions. For example, we cannot deduce that the sun will rise tomorrow without relying on inductive premises. Hume noted that we cannot prove inductive reasoning; but we cannot live without it; and we cannot help using it. All three of these facts are explained when we understand our use of

induction as an evolved cognitive strategy.)

More to the present point, identifying material objects, counting and calculating are likewise evolved cognitive strategies. Any organism needs to know that what it swallows is the same thing it meant to ingest: the nut does not turn into a tree knot, the water does not turn into volcanic magma. An evolved strategy is to assume that objects generally remain constant, and do not change their fundamental natures without cause. This constancy makes counting possible. Early man needed to count the number of lions that went into a thicket to see that the same number came out, before venturing in himself. Those that could do this were more likely to survive and contribute to the gene pool than those that could not.

Pinker remarks, "Mathematics is part of our birthright. One-week-old babies perk up when a scene changes from two to three items… five-month-old infants even do simple arithmetic. They are shown Mickey Mouse, a screen covers him up, and a second Mickey is placed behind it. The babies expect to see two Mickeys when the screen falls and are surprised if it reveals only one." (Pinker, 1997, 338).

3.

Pinker offers a solution to "Wallace's Paradox"–the fact that the human mind, which evolved in a primitive environment, can master, e.g., calculus. He says:

The answer to the question, "Why is the human mind adapted to think about arbitrary abstract entities?" is that it really isn't… We have inherited a pad of forms that capture the key features of encounters among objects and forces, and the features of other consequential themes of the human condition such as fighting, food, and health. By erasing the contents and filling in the blanks with new symbols, we can adapt our inherited forms to more abstruse domains. *Some of these revisions may have taken place in our evolution, giving us basic mental categories like ownership, time, and will out of forms originally designed for intuitive physics. Other revisions take lace as we live our lives and grapple with new realms of knowledge*. (Pinker, 1997, 358-359; italics added).

In other words, our abilities to count, reason, calculate and do advanced science and mathematics are the result of combinations of evolved cognitive strategies. The advantage conferred on the early human ancestor who could count lions was the foundation stone for counting and calculating as we know them today. And the ability to reason, "If I sharpen this piece of flint, it will serve as a knife" evolved into the generalized comprehension of modus ponens. Modern human brains are

hard-wired with such abilities (though they often need a great deal of refinement by teachers), because our ancestors who had them survived more successfully than those who did not.

Here, then, is an explanation of the human ability to reason entirely in terms of naturalistic processes now known and understood. Like all good explanations, it integrates will with other known facts about the world and the human mind, and it requires no radical new assumptions or hypotheses. And, like all successful science, it requires no resort to divine or supernatural intervention in the natural world.

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ISSA Proceedings 2002 – Is There A Topical Dimension To The Rhetorical Example?

1. Introduction

Everybody who has an interest in (rhetorical) argumentation knows that *examples* play a decisive part in human persuasion. Few types of arguments are so common and versatile as the example, which is emphasized especially by the fact that we meet examples both in the context of genuine rational argumentation (*logos*) as well as in emotionally directed persuasion, where they can be used even in relation to both

the audience (*pathos*) and the speaker (*ethos*)(for ethos see Garver 1994: 152-162). Thus the example recurrently appears to be a crucial effect, which functions are difficult to ignore – whether the focus is narrow argumentatorical or broad rhetorical.

I will, however, in this paper narrow down the focus and solely discuss the various rational functions of the example, i.e. the genuine argumentative functions held by the example. At this point it should be noted that this focus does not imply that the emotive functions of the example are secondary compared to the rational, or that I, in any way, understand the rational functions of the example to be basic functions, to which the emotive functions of the example can be reduced. When I focus on the rational functions of the example it is due to the observation that a too narrow comprehension of the example seems to prevail; a comprehension which causes that a particular function of example, which I shall term the *topical* function, is often mixed up with other functions of the example or overlooked.

One explanation to this narrow comprehension of the example – however, not further discussed in this paper – appears to be found in the way the example is traditionally addressed. In the majority of approaches to the example, the example seems primarily to be uncovered and defined in respect to its *method* rather than its *function*; the focus is primarily set on *the way* in which examples do *what they do* and only secondarily on what they do. Examples of this approach can be found in the typical literary comprehension of the example, in which the example is primarily defined through a demarcation to other figures of speech based on comparison, such as analogy or metaphor. The primary focus is that there is a difference between an example's narrative form of comparison and an analogy's discursive form of comparison, or that the example diverges from the metaphor because it generally holds an explicit marker of comparison, which results in a decreased interest in the overall *function* of these comparative mechanisms. What do they do? A similar focus on method can be seen also in the traditional logical and rhetorical approaches to the example, though in a slightly different manner. In the majority of these approaches the focus is not on example qua example, but rather example qua induction, which directs the interest towards the *methodological* differences between genuine induction and generalization based on examples. In this approach too, *the way* in which examples do *what they do* and not what they do becomes the primary focus. It is clarified that the example yields generalization in a different manner, not if the

example holds other functions than generalization.

It is in relation to these methodological focus, that my examination of the function of example must be perceived. In this paper I will argue, that by separating the different functions of the example we will have to ad a topical comprehension of example. In order to support this statement, it seems necessary however, first to take a closer look at the (two) functions the example has traditionally been granted. Therefore I will firstly reconstruct the above mentioned logical and rhetorical approach to the example. Because this approach is concerned with in which way the example can constitute an inductive movement, I term this conceptualisation of the example the *logical example*. From this I will turn to another traditional function of the example in which the ability of the example is to *illustrate*, rather than to generalise. In this comprehension it is emphasized that the example, by showing abstract principles concretely, holds an interpretational function – which is the reason why I term this comprehension of the example the *hermeneutic example*. From this I leave the traditional comprehensions of the example and argue that the example, besides being able to generate and illustrate *general* principles, can also influence *concrete* conditions. An example can also be applicable in pointing a concrete problem in a certain direction, and thereby influence which of the numerous aspects of the problem should be made significant and which can be ignored. As these reflections basically belong to the domain of invention and furthermore, this domain is managed by the discipline named the Topics, I term this comprehension the *topical example*.

2. The Logical Example

The comprehension of the example as a logical effect can be traced back to Aristotle. In both *Organon* and the *Rhetoric* Aristotle continuously employs a parallelism between rhetorical reasoning and logical reasoning, which, for instance, can be seen in the following passage where he, after having determined that reasoning is either inductive or deductive, states as follows: "The means by which rhetorical arguments carry conviction are just the same; for they use either examples, which are a kind of induction, or enthymemes, which are a kind of syllogism," (Aristotle 1997: 71a; see also: 1994a: 1355a11, 1356b8, 1400b1). Thus Aristotle transfers to the rhetorical register the two movements of logic, the inductive *epagoge* and the deductive *syllogismos*, hence rhetorical reasoning basically becomes an inductive and a deductive movement respectively, which is

now simply termed *paradiegma*, when a generalization is constituted on a particular fact and *enthymema*, when a particular fact is deduced from a generalization.
This reading of the example, as Aristotle has it, appears to be found on the assumption that rhetoric is the *organon* of the practical field of knowledge. Whereas logic handles inferences within the scientific and theoretical sphere – in Aristotle's terminology: where things *cannot* be other than they are – rhetoric handles inferences within the problematic and practical sphere, where things *can* be other than they are (Aristotle 1994b: 1139a5; 1994a: 1357a12). When Aristotle uses two parallel registers of inferences, which each holds a deductive and an inductive movement, it is due to the more fundamental condition that he employs two different fields of knowledge: one theoretical, one practical; one handled by logic and one handled by rhetoric. Thus rhetorical reasoning supplements logical reasoning, because the former mentioned is adjusted to the practical sphere characterised by contingence and lack of regularity as opposed to latter. Aristotle states: "The necessary result then is that the enthymeme and the example are concerned with *things which may, generally speaking, be other than they are…*" (Aristotle 1994a: 1357a13, italic added).

In this comprehension the function of induction and example thus becomes the same. What varies is *the method*, namely the *way* in which the generalization is conducted. As the induction is employed within an area characterised by necessity and regularity the induction enables generalizations in accordance with the scientific demand for many, repeated observations. A biological generalization such as *all human beings are mortal*, can be supported by an infinite number of particular incidents, namely every single death of a human being**[i]**.
Otherwise with the example. The generalizations of the example have to be supported qualitatively rather than quantitatively, as the sphere in which the example is employed is not constant, but variable. For instance a generalization such as: *a person aiming at a tyranny asks for a bodyguard* is not supportable by an infinite number of particular conditions. At the most a generalization like this is supportable by a few representative occurrences, e.g. *After Pisistratus asked for a bodyguard he became a tyrant, not to mention Theagenes of Megara, where just the same was the case* (Aristotle 1994a: 1357b19). Thus the example is understood as a kind of *qualitative* induction in which the *fewer* number of particular references is compensated by the fact that they are plausible in connection with the circumstances and the audience. Whereas induction is

generalization based on *valid inference* the example is generalization based on *audience adherence*.

This logical conceptualisation is important because it explains how we actually use the example in various ways to establish generalizations. For instance we generalize in a 'Sokratic' way when we use comparisons to guarantee our generalizations (Aristotle 1994a: 1393b4), or when two to three actual manifestations of a relation (i.e. one takes medicine in order to get well; a sailor sails in order to earn money) force us to accept the relation as being a general rule (one acts generally to obtain a benefit which exists outside of the actual act) (Plato 1983: 467c ff.). Similarly, we generalise based on precedents in judicial relations, thus one past case becomes constituent to rule (Cicero 1993a: I 49; Perelman og Olbrechts-Tyteca 1971: 351). Not to mention that we generalise by means of testimony, which 'backs' the rule, so to speak, *after* it has been operational. Thus Aristotle notes that the example is often employed *after* the generalization. He writes: "if they stand last they resample evidence, and a witness is in every case likely to induce belief. Wherefore also it is necessary to quote a number of examples if they are put first, but one alone is sufficient if they are put last; for even a single trustworthy witness is of use." (Aristotle 1994a: 1394a9). Hence, the example not only distinguishes itself from the induction by the number of particular instances, but also by the process with which the generalization is conducted. In other words, the logical comprehension of example clarifies that the example is often employed inductively and that this inductive function is an important function of the example being a rational argument**[ii]**.

3. The Hermeneutic Example

The question is now which other functions the example holds apart from the generalizational? One answer is found by studying the work *Rherorica ad Herenium*, in which the outline of another well known conceptualisation of the example is found. In a lengthy excursus the author of this work initiates a discussion of the pros and cons, respectively, of historical examples versus constructed examples: should one, being Greek, use examples from former speakers and poets or should one rather construct new examples, as doing so would facilitate adjusting the examples to the actual circumstances. What is of interest in this discussion is to a smaller extent the actual dispute and to a further extent the various understandings of the example which are reflected in the author's account of pro et contra. According to the author of *Rhetorica ad*

Herenium, the Greeks reasons for preferring historic examples are rooted in the logical example comprehension, as shown above; more precisely in the comprehension of the example being evidence based on testimony. Especially when the example acts as testimony, it is important that the example originates from an established and authoritative source, which historic examples of course do better than constructed examples. Against this the author of *Rhetorica ad Herenium* objects: "First and foremost, examples are set forth, not to confirm or to bear witness, *but to clarify.*" ([Cicero] 1964: IV5, italic added). The problem of the Greeks reasons to use historic examples hence is not the statement that historic examples contain more authority than constructed examples, but the actual assumption that the function of the example is to *prove* something.

With the above objection the author of *Rhetorica ad Herenium* takes part in transcending the logical comprehension of the example. What he points out is that appealing to a particular instance is not always motivated by a wish to generalise, but that the purpose is *explanation*, if anything. For that reason the author of *Rhetorica ad Herenium* chooses to distinguish between testimony and example: "The difference between testimony and example is this: by example we clarify [demonstratur] the nature of our statement, while by testimony we establish its truth." (([Cicero] 1964: IV5-6). Thus, though example and testimony have been based on particular instances in common, they do not for that reason hold the same function: whereas the function of the testimony is to secure the operational rules of reasoning, the function of the example is *to point out* particular circumstances, which *show* the rules (cf. the etymology for "demonstrate").
A similar reasoning appears to be behind the ambiguous analysis of the example by Perelman and Olbrechts-Tyteca. In *The New Rhetoric* Perelman and Olbrechts-Tyteca distinguish between; on the one hand what they term *examples*, which – in accordance with the logical example comprehension – are particular instances employed to generalize. On the other hand what they term *illustration*, in which the function of the particular instance is not to guarantee the rule, but to make it present and comprehensible to the audience and the current context. They state: "Whereas an example is designed to establish a rule, the role of illustration is to strengthen adherence to a known and accepted rule, by providing particular instances which clarify the general statement…" (Perelman og Olbrechts-Tyteca 1971: 357, italic added). Also to Perelman and Olbrechts-Tyteca particular instances hence contain a double function, namely a function apart from the generalizational. Thus, what they stress by supplementing the example with the

illustration is that particular instances are also employed in circumstances in which the operational rule *is* non-controversial and accepted, and where the function of appealing to a particular instance cannot be the generalization in itself. In the case of the illustration the function of the particular instance is rather to be found in the ability to *concretise* a rule, by which the rule is made both comprehensible and present. In other words, when an illustration appeals to a particular instance the function is not to guarantee, but rather to *apply*; i.e. concretely showing the general.

Many things appear to indicate that apart from the logical function the example also holds, in a wider term called a *hermeneutical* function. Apart from being usable for establishing general principles they are also usable for *interpreting* general principles. Terming this function of the example hermeneutic is thus due to the fact that in this conceptualisation the example can be placed within the limits of the fundamental principle of hermeneutic, which points out that comprehension is an interplay between part and whole, i.e. concrete application of the general and vice versa. Furthermore, because the example represents an interaction of the general and the particular it can be perceived as a kind of explanatory mechanism which works in accordance with the principal: Show don't tell!
Like the logical conceptualisation of the example unveiled a fundamental function of the example, so does the hermeneutical conceptualisation of the example. Apart from the generalizational function, we recurrently appear to employ the example to show and explain the general by means of the particular. At this point the teaching situation can be mentioned, in which the example is often employed to make the subject easy to grasp; e.g. the contradiction principle can be explained by following: it is not possible to say both that "the earth is level" and "the earth is round". Likewise, we know the hermeneutical function of the example from dictionaries and other works of reference, in which the meaning af a word or a rule is often followed by an example of the word or rule in usage. In other words, the hermeneutical conceptualisation of the example clarifies that we use the example for other things than generalization, and that the hermeneutical conceptualisation of the example thus represents another important function of the example as a rational effect**[iii]**.

4. The Topical Example
The above conceptualizations of the example seems to describe the functions

traditionally ascribed to the example. Typically, the example is understood in relation to Aristotle's inductive frames of comprehension or as a hermeneutic function aiming at comprehension. Or as *Encyclopedia of Rhetoric* has it: "Aristotle's definition should be broadened, however, since *example* has long been used not only to *prove* but also to *clarify*…." (Lyons 2001:278). Now the issue is whether it might be necessary to broaden the comprehension of the example even further. In the following I will argue that besides the logical and the hermeneutic functions of the example, a topical function of the example also exists, and that in order to uncover this, the example must be comprehended in relation to the inventive sphere of argumentation, in which a case or problem is organized and shaped.

The area in which the traditional comprehensions of the example are too narrow, is in their one-sided focus on the level of rules and principles. The effect of the example is recurrently comprehended in relation to rules and principles, thus the level of an argument termed *the major* by the traditional syllogistic vocabulary, and the *warrant* in Stephen Toulmin's reformed vocabulary (Toulmin 1997: 98ff). That this is the case in the logical comprehension of the example appears obvious. As we noted above, the focus in this comprehension is the example's ability to move from part to *whole*, consequently being an argument, which is employed to constitute a general rule or principle, as e.g. the above mentioned rule: *A person aiming at tyranny, asks for a bodyguard*. The same appears to be the case with the hermeneutic comprehension of the example, as the example normally explains and illustrates rules or principles, as for instance the principle of contradiction. In this comprehension an example is an explanatory mechanism, which, by moving from *whole* to *part*, concretizes an abstract principle or unintelligible rule. In other words, the logical and the hermeneutic comprehensions of the example are both effects, which influence, in a phrase termed *relational statements*, thus statements of the type: all X are Y; after X, Y normally occurs; Y is an instance of X etc.

It is exactly in this focus the topical comprehension of the example differs from the logical and hermeneutic comprehensions of the example. It appears reductive to comprehend the functions of the example in relation to rules and principles exclusively, as the example likewise influences particular instances. Apart from the generalizational examples, which move from the *particular to the general*, and the illustrating example, which move from the *general to the particular*, there are also examples which move from *one particular instance to another particular*

instance, from “part to part”.
Terming this “part to part” comprehension of the example a breakaway from tradition is, however, a qualified truth. Consequently, it appears necessary to add yet another remark to the tradition. Even Aristotle mentions that, contrary to the induction, the example is not a movement from “part to whole”, but from “part to part” (Aristotle 1994a: 1357b19; 1996: 69a ff.). The exact meaning of Aristotle’s statement is a controversial issue, not least as Aristotle, in other passages, draws a parallel between example and induction, which, as a well-known fact, is not a movement from “part to part”, but from “part to whole”, as we encountered above. When this type of the example can yet be comprehended within the limits of the logical comprehension it is due to the fact that it is normally presented as a generalizational movement, which, however, does not stop at the generalization, but applies the generalization to a new particular instance, enabling the actual generalization to be implied (e.g. see: Perelman and Olbrechts-Tyteca Perelman 1971: 353-4; Grimaldi 1972: 89 (note 12), 104-105; Benoit 1980). Consequently, an example can act as an argument which moves from *part* to *whole* to *part*, but in which only the particular instances are explicit, which is the reason why this kind of example is termed a “part to part” example. As illustrated by Aristotle’s example above: a “part to part” example moves from the explicit statement: *After Pisistratus asked for a bodyguard he became a tyrant* – via the implicit generalization: *A person aiming at tyranny, asks for a bodyguard* – to the explicit conclusion: *When Dionysius ask for a bodyguard he is aiming at tyranny* (Aristotle 1994a: 1357b19). According to this reading a “part to part” example must be perceived as an unpronounced combination of an inductive and a deductive inference**[iv]**.

The reason I mention this Aristotelian “part to part” comprehension of the example, is because I wish to distinguish my topical comprehension from it. My claim, that the example is also applicable to influencing particular instances, must not be comprehended within the frame of this unpronounced and compressed, and ultimately logical, type of example. It is of interest that a case and context interpreting function can be ascribed to the example, when it moves from “part to part”. Furthermore, by comprehending “part to part” in this light we move away from the logical sphere in order to comprehend the example as an effect within the frame of the pre-logical domain of topic – which, as a well-known fact, also forms a fundamental part of rationality and argumentation, though overlooked at times**[v]**.

As all cases at starting point can make a majority of topoi functional, it is in an argumentative perspective vital which topoi are emphasized and which are disregarded. Is the case to be understood according to topos X, whereby all characteristics, associations, and connotations of X are made topical, or is the case rather to be comprehended according to topoi Y, Z, or Q etc., whereby their characteristics, associations, and connotations, respectively are made topical. Now the issue is that, apart from being able to generate and illustrate general rules and principles, the example is likewise able to influence these reflections specific to the case. Connecting a well-known case to the actual case thus influences the audience to comprehend the actual case in the same way as the well-known case (the example), whereby the actual case is drawn towards a specific interpretation rather than towards an equally obvious interpretation. Hence, emphasizing a similarity between the actual case and the case of the example enables a "part to part" example to act as a kind of reason for the actual case and situation to be comprehended in a certain way: As case A (the actual case) *resembles* case B (the chosen example), and case B is a matter of X, case A, likewise, becomes a matter of X. It is in this comprehension that the example holds a topical function, as the purpose of connecting the particular circumstances is to apply a frame of comprehension in which the desired topos is predominant. The function of the topical example is to establish the terms in which the actual case is to be approached and interpreted.

The function of the topical example becomes even clearer if related to the hermeneutic example. At first glance it appears that there is a conjunction between the hermeneutic and the topical example, as both hold an interpreting function. The conjunction only being apparent is, first and foremost, due to the fact that the purpose of the topical example is to interpret how a particular case is to be understood rather than to interpret a general rule or principle. Or put differently by once again turning to the syllogistic vocabulary: the purpose of the topical example is not to influence the major, but the minor, as the minor (at least in a practical reasoning) contains a *concrete statement*; i.e. a statement containing a proposition which, unlike a relational statement, specifically connects to an actual context. When the example is employed topically the function is, in other words, to show that one specific topos rather than other possible topoi should determine the complement of the minor (does: *human being* or maybe rather: *man, Athenian, philosopher*, or *midwife* constitute the most favourable complement in a given situation, to exemplify with a well-known

minor).
Add to this, that the topical example differs from the hermeneutic example by interpreting in an *intentional* way. The purpose of the topical example is not so much the actual comprehension that the example delivers, but the perspective through which the case is comprehended. Whereas the consequence of replacing one hermeneutic example with another possible hermeneutic example is that the underlying principle becomes more or less comprehendable, at the most, the consequence of replacing a topical example with another possible topical example is that the case is comprehended in a qualitatively different way. The choice of which topical example is used in a given case is not due to neutral choices, but to intentional choices; the purpose is not to make something comprehendable, but rather that something is comprehended in a particular way.

When I term this comprehension of the example topical it is inspired by Giambattista Vico and his emphasis on the fact that logic (as well as all of its practical variations) does not represent all of the argumentatoric and rational sphere. Vico points out that logic (critica) must be supplemented by topic (topica) and, furthermore, that topic (topica) always comes before logic (critica) because, in order to be able to employ the various reasoning of logic to a particular case, we must clarify the actual case, first of all. What is the totality of aspects of the case? And which of these are fundamental? (Vico 1997: 26ff. For a phylogenetic perspective see also: 1998: 246ff.) Terming the current function of the example topical is hence to emphasize that the example can also influence the "pre-logic" phase of a (practical) course of reasoning, in which the function is, not to argue *based on* a set of premises, but to argue for a set of premises**[vi]**. As especially Gramaldi has argued, understanding the topic as a static storage of argumentative "places" is too narrow, as topic rather represents the ability to think in a problem orientated manner (Grimaldi 1972: 115-135); a problem orientated manner, which the example is an instance of, when applied topical.
Like the logical and hermeneutic conceptualizations of the example uncovered important functions of the example, so too does the topical comprehension of the example. The example actually appears to functionas a topical effect in a number of incidents, which can be illustrated by the use of examples and comparisons applied by the Bush Administration in connection with September 11. Without taking a position on whether or not the response of the Bush Administration was justified, it appears safe to say that the Bush Administration was interested in interpreting the incidents as a genuine war, in which armed response was a

natural reaction. One way in which this war topos was supported was by exemplifying the current incidents with the 1941 incident on Pearl Harbor, namely the incident which in reality, and not least symbolically, made the USA enter the Second World War; comprehend September 11 as you comprehended December 7, 1941, thus as the day on which somebody declared war on the USA; comprehend September 11 as a day on which the USA was forced into using military power. The same appears to be the case in a number of less drastic cases, e.g. when opponents of abortion exemplify an abortion with the killing of a handicapped person, whereby abortion is made an issue of killing rather than, for instance, the preferred topos of the supporters of abortion; women's right to decide for themselves. The advertising trade often expound products by means of topical examples, e.g. a brand of ice cream which is identified by connecting it to a car; comprehend Underground ice cream, as we comprehend Volkswagen's new bubble, namely as more than just a car and as a product in a league of its own**[vii]**. In other words, the topical conceptualization of the example clarifies, that, apart from using the example generalizational and explanatory, we also employ the example to explain the "true" connection of a concrete case, and that the topical comprehension of the example thus points out yet another important function of the example**[viii]**.

5. Conclusion

The example is a fundamental and broad effect. If we, rather than focusing on the methodological characteristics of the example – i.e. in which way the example distinguishes from induction, analogy, or metaphor – examine the function of the example, it becomes evident that the traditional comprehensions are too narrow. The functions of the example cannot be explored adequately by the traditional bipartition of the example, in which is distinguished between whether the example generates or illustrates general rules and principles, as the example also influences concrete circumstances. Adding together the connections which exist between particular and general circumstances, we find that the example holds not two, but three possible connections: in addition to the ability of the example to move from *part to whole* and from *whole to part*, it is also capable of moving from *part to part*, from one case and situation to another case and situation. Consequently, the example is to be comprehended in connection with three different conceptualizations, which each emphasizes a genuine function: firstly, the example can be interpreted within the frame of the inductive movements of logic, in which the function is to generate rules and principles. Secondly, the

example can be interpreted within the frame of hermeneutic, in which the function is to illustrate rules and principles. Thirdly, the example can be interpreted within the frame of topic, in which the function is to dictate to which topos, and thereby frame of interpretation, a concrete case must be ascribed.

Even though these three functions of the example are not always clearly separable at the practical level, they represent three very different argumentative functions at the theoretical level. In an argumentative connection it is not enough to know the form and pattern of movement of a certain type of argument, as, all in all, it is more important to know *why* this type of argument is employed. In this paper I have argued that, in order to be able to clarify these questions in connection with the example, we have to separate and analyze the different functions of the example. Only if we do so, it becomes possible to determine why a given example is included in a practical context of argumentation: Is the function of the example to establish a generalization? Or maybe to show a generalization concretely? Or is the function to present the actual case parallel to the way in which the example is presented?

NOTES

[i] It is important to note at this point that it is not the validity of the induction which is being discussed. An (empirical) scepticism about arguing that "all human beings are mortal" – many are not dead yet – is irrelevant in the current connection; moreover it is an anachronism in relation to Aristotle (Lloyd 1977: 127).

[ii] Besides the above see also: Benoit 1980; Kennedy 1980: 69-70; Corbett 1990: 68-70, 131-2; Ong 1994: 141, and McAdon 2001: spec. 142 + appendix 1, who however, regards the consideration to the audience rather than the contingent field of knowledge as the reason behind the more simple form of the example.

[iii] Besides the above see also: McGuire 1982; Horner 1988: 87, 163-170; Nash 1989: 55ff.; Ramirez 1995: 256-262, and McCroskey 2001: 183-184. Add to this that Benoit (1980:190) sees tendencies of the hermeneutic example comprehension in Aristotle's work (Aristotle 1997: 157a).

[iv] It is important to mention that Gerard Hauser and Scott Consigny have argued for an alternative comprehension of the Aristotelian "part to part" example. According to Hauser it is not an unpronounced "part to whole to part" inference, but rather an: "… unmediated inference from part of a genus to another part of a genus." (Hauser 1974). This comprehension of the "part to part" example does not, however, cause a break away from the inductive frames of

comprehension to Hauser. Rather than breaking away from the induction, Hauser expands the comprehension of induction whereby it can comprise his comprehension of the "part to part" example also. Unlike Hauser's basis in induction, Consigny base his comprehension on the deliberative speech and its focus on the future. The example becomes useful especially when focus is set on the future, as it can explain a prospective situation from a past situation (Consigny 1976). The comprehension of the example which I term topical in this paper has certain similarities to Hauser's and especially Consigny's interpretation of the example. However, one difference is that Hauser and Consigny – exactly because they found their comprehension of the example in induction and the deliberative speech – do not recognize that an unmediated part to part movement is interpretational as a pre-logic and thus topical argument, which both anticipates the induction and transcends the different genres of speech.

[v] It is here worth to mention that Aristotle and Cicero assign topic – and the initial uncovering of case and situation which it enables – an equal position in the argumentatoric and rational sphere as logic. Cf. Aristotle's definition of logos (1994a: 1356a6) and Cicero's explanation as to why topic is a necessary discipline (Cicero 1993b: 6).

[vi] Note that this comprehension of topic is based on the specific topoi, which, unlike the more well-known general topoi representing inference mechanisms, represents "angles" through which the subject can be approached. See Aristotle 1994a: 1358a22 and Grimaldi 1972: 115-135.

[vii] The example has been taken from a Danish billboard in which the Danish high quality ice cream Underground Ice Cream visually is compared with various established products, e.g. Volkswagen's Bubble and the famous chair, the Egg, by the architect Arne Jacobsen. The idea of analyzing ads as examples is inspired by McGuire 1982.

[viii] As this topical function of the example constitutes a non-logical, but rational form of persuasion (logos) it is tempting to take it one step further and classify it as the genuine rhetorical function of the example. Without pursuing this statement any further I might add that topic (qua specific topoi) unlike quasi-logical arguments, appears not to be parasitic to other subjects and disciplines, which enables the arguments, that the topical dimension of arguments constitute the genuine rhetorical approach to the field of argumentation. See Gabrielsen (1999; 2000/2001 and 2001).

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