

ISSA Proceedings 2002 - The Effects Of Different Socio-Economic Factors, Language Environments And Attitudes Of First Year Natural Resources Students On Their Performance In A Critical Thinking Appraisal



1. Introduction

The United Nations Educational, Scientific and Cultural Organization (UNESCO), after consulting a wide variety of sources including results of many national and regional conferences and many experts in different fields of study, published a document titled: *Educating for a Sustainable Future: A Transdisciplinary Vision for Concerted Action* in 1997. In this document under curriculum reform, the following recommendation was made: 'Students need to learn how to reflect critically on their place in the world and to consider what sustainability means to them and their communities. They need to practise envisioning alternative ways of development and living, evaluating alternative visions, learning how to negotiate and justify choices between visions, and making plans for achieving desired ones, and participating in community life to bring such visions into effect. These are the skills and abilities which underlie good citizenship, and make education for sustainability part of a process of building an informed, concerned and active populace. In this way, education for sustainability contributes to education for democracy and peace.'

It was clear from this document that critical thinking or, how to reflect critically should, in the future become an integral part of education and training in all fields of study. Against this background the aim was to establish if the first year students in the discipline of Natural Resources did have the skills, knowledge and attitudes for critical thinking, and if not, a possible explanation for the situation.

The initial intention of the investigation was to research the issue of critical thinking ability within the Namibian context. The latter may differ from other countries, as seen against previous research done on this issue. Namibia is regarded as a developing country, while most of the research has been done in developed countries. Political ideologies and policies which have an influence on all aspects of the life of the citizens of a country are not the same for all countries but in some cases differ radically from each other.

In certain rural areas in Namibia, communities still actively practise their traditions and cultures as they have done for the last centuries. In most communal areas socio-economic conditions are characterized by subsistence livelihood and a high rate of unemployment. As a result many adults moved to urban areas to seek employment and in many cases women became the main source of income for a household. Children in these cases are usually taken care of by other family members, namely the extended family.

This research can best be described as illuminative, to provide data that may shed light on or go some way towards explaining a situation, and retrospective, in that it is concerned with events which have already occurred (Parnell 1993).

In this paper the investigation regarding the socio-economic factors will be discussed in detail while investigation regarding language environments and attitudes will be briefly reviewed.

2. Methods

The aim of the study was to determine which factors have a significant influence on the performance in a critical thinking appraisal of a sample group. Two issues had to be considered. First, of all possible factors, which factors should be investigated? The second was the sample group. First year Nature Conservation and Agricultural students were chosen as the sample group due to the involvement of the faculty member with these students. These two programmes are grouped together within the Polytechnic of Namibia under Natural Resources. The investigation was directed toward previous experiences of the first year students and the development of their critical thinking abilities before entering an institution of higher education, which in this case was the Polytechnic of Namibia. The sample group, therefore, consisted of first year students only, excluding those students who had repeated their first year.

2.1 Socio-economic factors

The socio-economic background of the sample group was investigated specifically

in terms of the educational background of the family support group and their financial status in terms of occupation and access to modern facilities. It was assumed that the historical and political background of the sample group might have influenced their critical thinking abilities, especially due to the fact that some of them came from a background where few of the family support group had advanced to the final school year which determined not only their level of education, but also their job opportunities and standard of living. This assumption was also made on the grounds of previous research done in this field.

Frequencies were first determined for each item to establish the compilation of the sample group, which in this case was predetermined as all Natural Resources first year students. The purpose was to establish if the group could be divided into separate populations in terms of their socio-economic background. A second step followed where participants were divided into 2 groups (populations) in cases where the question had many subdivisions (ranks), for example, one of the questions of the questionnaire determined through six subdivisions (ranks) the academic qualifications of the participant's female guardian in the years 7 - 14. This was pooled into two groups, namely, uneducated females (7 years and less schooling) and educated females (8 years and more schooling). These two populations for each question were then crosstabulated through the *chi-square* test to show if the tested factor (e.g. education of female guardian during years 7 - 14) showed an association/relationship or not with the critical thinking abilities of the participants.

The second stage of the investigation was to determine if the sample group could be divided into separate populations in terms of their critical thinking abilities. If such differences exist, the question is what different treatments from their socio-economic environment can be associated, or related to such differences.

The Watson-Glaser Critical Thinking Appraisal (Watson & Glaser 1980) was used to determine the critical thinking ability of the participants. The test consisted of five subtests, namely:

Test 1: Inference

Test 2: Recognition of Assumptions

Test 3: Deduction

Test 4: Interpretation

Test 5: Evaluation of Arguments

The five abilities tested in the subtests are regarded as critical thinking abilities.

In scoring the test, the correctly marked spaces had to be counted to determine a raw score out of 80, the maximum raw score. The examinees were ranked in order of performance, which were:

below average (less than 50%),

moderate (50 - 59%),

good (60 - 69%) and

excellent (70% and above).

2.2 Language environments

A questionnaire was compiled with the intention to determine the sample group's language environment in the home and throughout their school-going years. This was done because of the unique situation in Namibia where English is the official language while only a small percentage of the population have English as their mother tongue. In the sample group no students had English as their mother tongue.

2.3 Attitude

A questionnaire was compiled through a literature review. Experts in the field of critical thinking described certain dispositions/attitudes associated with a critical thinker. These were used as questions in a questionnaire under the title: Self-evaluation.

In both surveys mentioned in 2.2 and 2.3 the final part of the investigation in terms of frequencies and critical thinking abilities were compiled in a similar manner to what was described in number 2.1.

3. Results

The *chi-square* measure of association was used to determine relationship/association between characteristics established through the questionnaires (survey) and different ranks of performance in the test of the sample group.

For the questionnaires, the 0.05 level of significance for a two-tailed test was used (except in the case of 'attitudes' in which case the 0.1 level of significance was used). Significance for a two-tailed test was used because the research question/hypothesis was nondirectional.

The data from the questionnaires and critical thinking test were processed. The SPSS (Statistical Package for Social Sciences) programme/software was used for this purpose. Data were presented as follows:

1. Frequencies in terms of the different ranks/categories for the different

questions in the questionnaires and performance in the critical thinking test were calculated. These data gave a good picture of the general profile of the sample group.

2. Crosstabulations were done between the results of the different questions in the questionnaires and performance in the critical thinking appraisal. In each case a *chi-square* test was carried out on the data obtained to determine if it was significant and to conclude if there was a difference between the two sets of scores. For the purpose of the investigation and after the results of the frequencies for the different items became known, it became clear that certain questions of the questionnaires could be left out in the further analysis and in other instances data could be pooled into fewer categories. This step was also necessary because one of the rules for *chi-square* tests states that the number of items appearing in the 'expected' category obtained during the stages of computation must at least be five. Despite the pooling of data, it was not always possible to have at least five items per category, without jeopardizing the results. However, according to Clegg (1993) some statisticians are of the opinion 'that it doesn't matter all that much'.

4. Discussion

In general, the results of the frequencies for the different items on the questionnaires showed that the sample group indeed represented, to some extent, the broader population of Namibia, if compared to results obtained by censuses done by various governmental organisations (Ministry of Higher Education, Vocational Training, Science and Technology Document on Important and Relevant Socio-Economic Data for Science and Technology Planning in Namibia, 1999).

According to this document, the majority of Namibia's population live in rural areas. Also, according to the document almost 9 out of 10 persons between 15 - 24 years are literate, but the literacy rates start to decline at the age of about 25 years. Questionnaire results also showed that most of the parents/guardians of the sample group either had less than seven years of schooling, or the years of formal education were not known by the respondents. The document figures, as with the questionnaire, showed that 'subsistence farming' is the most common main source of income for female-headed households. Also significant was that in both surveys, the radio was identified as the most popular communication medium compared to newspapers and television.

A *chi-square* test carried out on the data obtained in a crosstabulation of

'performance in a critical thinking appraisal' with the 'years of schooling of female adults with whom the sample group spent most of their time' (age group 7 - 14 years), was significant at the 0.05 level ($X^2 = 8.42956, df = 3$). It was concluded that there is a relationship between the different numbers of years of schooling of female parent/guardian and ranks of performance in a critical thinking appraisal. Similarly, Ennis *et al.* (1985) found a low positive correlation of .15 between achievements in a Cornell Critical Thinking Test and socio-economic status.

Exactly the same results were obtained in the case of male parent/guardian. Both results showed a relationship/association between an educated adult who can be a parent or other family member, in the development of the child from 7 to 14 years and critical thinking ability. This may imply that to educate the children only is not enough in situations where the parents (guardians) are uneducated or had only a few years of schooling. Both the children and the adults should be educated simultaneously, although the methods may, or should differ for adult education. Subsistence farming is the most common main source of income for female-headed households in Namibia and also 72% of Namibia's population live in rural areas. Development programmes for developing countries must cover all aspects of life and lifestyle, e.g. economic growth, social planning, human resource development, community organisation, meeting basic human needs, self-reliance, liberation, participation and transformation. In the last four instances, practising critical thinking skills may enable people to become self-reliant, liberated, participatory and transformed. The National Broadcasting Corporation of Namibia can also play a valuable role in this regard in the light of the majority of the people having access to a radio.

Development programmes should be directed towards helping people to deal with a fast changing world. One model with one ultimate goal cannot be the answer to life-long development. It should include economic betterment, greater human dignity, security, justice and equity. Communities have no problem in identifying problems experienced by them but in most cases they are not successful in identifying opportunities. For a development programme to be successful one should analyse the forces that influence people and assist them in making decisions that will improve their lives. Rural communities should be taught how to solve their own problems by teaching them critical thinking skills. If parents start practising critical thinking skills, children may grow up in an environment which will enable them to become critical thinkers themselves. In communities where

the average number of years schooling of adults is below 7 years, development agencies from the public and private sector have the task (through informal/non-formal education) to empower the people by teaching them critical thinking skills so as to enable them to become problem solvers and to enable them to teach these skills to their children as well.

Bransford and Stein (1987) emphasize five components of thinking which would be present in the ideal problem solver. These include:

the ability to *identify* problems;

the ability to *define* problems and communicate them with precision;

the ability to *explore* possible strategies;

the ability to *act on* these strategies;

the ability to *look at* the effects.

A *chi-square* test carried out on the data obtained in a crosstabulation of 'performance in a critical thinking appraisal' with 'grades obtained in English in the final school year', was significant at the 0.05 level ($X^2 = 12.71557$, $df = 6$), and so it is concluded that there is a relationship between grades obtained in English and ranks of performance in a critical thinking appraisal.

A *chi-square* test carried out on the data obtained in a crosstabulation of 'performance in a critical thinking appraisal' with 'performance in a self-evaluation test' in terms of attitude was significant at the 0.1 level.

($X^2 = 16.25223$, $df = 9$), and so it is concluded that there is a relationship between different ranks of performance in an attitude test and ranks of performance in a critical thinking appraisal. The attitude test consisted of questions directed at required attitudes for critical thinking. Many of these questions are also linked to self-confidence and self-esteem.

5. Conclusion

Education is recognized as a driving force for changing values and mindsets, which can in turn lead to behavioral change. Education is an integral element in debates on such key issues as poverty, population, health, employment, environmental management, consumption, production and technology transfer, all of which are essential ingredients of sustainable development (Fifth Annual World Bank Conference on Environmentally and Socially Sustainable Development, 1997). In the introduction the importance of developing critical thinking abilities (knowledge, skills and attitudes) was also stressed for educating for a sustainable future.

Formal education should, therefore, be more than just the transfer of knowledge. In the modern world, science and technology are developing at such a pace that knowledge soon becomes outdated, if not irrelevant, with new knowledge constantly being created. Learners should be taught how to reflect critically on their place in the world, to practise envisioning alternative ways of development and living, evaluating alternative visions, learning how to negotiate and justify choices between visions, and participating in community life to bring such visions into effect. The investigation has pointed out possible barriers in the development of critical thinking in learners, namely, parents/guardians who are uneducated/undereducated in terms of schooling, a low standard of English proficiency (official language), and a lack of attitudes/dispositions which will enable learners to practise critical thinking. Formal education should find ways to address the language issue, but the importance of adult education (non-formal or formal) should also be stressed. Adult education should also include more than just skills training, which is normally the case. Critical thinking skills should be incorporated in all training courses/programmes. Empowerment through which adults become self-reliant, liberated, participatory and transformed must be the goal of all courses/programmes. A change of attitudes is therefore necessary.

A learning network should be created with the purpose to build an informed, concerned and active populace. Education (formal and informal) for children and adults should result in true democracy and peace. And the tool for accomplishing such a goal should be the teaching and practising of critical thinking.

REFERENCES

- Bransford, J.D., Stein, B.S. (1987). The ideal problem solver. In: Ennis, R.H.: A taxonomy of critical thinking dispositions and abilities. In: Baron, J.B. and Sternberg, R.J. (Ed.): *Teaching Thinking Skills: Theory and practice*. New York: W.H. Freeman and Company.
- Clegg, F. (1982). *Simple statistics: A course book for the social sciences*. Cambridge: Cambridge University Press.
- Ennis, R.H., Millman, J., Tomko, T.N. (1985). *Cornell critical thinking tests level x and level z. Third Edition*. Pacific Grove: Midwest Publication.
- Ennis, R.H. (1987). A taxonomy of critical thinking dispositions and abilities. In J.B. Baron and R.J. Sternberg (Ed.): *Teaching Thinking Skills: Theory and Practice*. New York: W.H. Freeman and Company.

Ministry Of Higher Education Vocational Training, Science And Technology. (1999). *Important and relevant socio-economic data for science & technology planning in Namibia. Document prepared for World Conference on Science in Budapest.*

Parnell, J. (1993). *Approaches to research in education.* Study Guide. University of Surrey: Department of Educational Studies.

United Nations Educational Scientific And Cultural Organisation (Unesco). (1997). *Educating for a sustainable future: A transdisciplinary vision for concerted action.* Thessaloniki: International Conference.

Watson, G., Glaser, E.M. (1980). *Watson-Glaser critical thinking appraisal.* Psychological Corporation, Harcourt Brace Jovanovich, inc.

ISSA Proceedings 2002 - E Contrario Reasoning And It's Legal Consequences



1. Introduction[i]

E contrario reasoning is the argument that says that a certain legal rule must not be applied analogically, that is to say: that the legal rule must not be applied to certain facts that are not mentioned in this legal rule. A very nice example is mentioned by Harm Kloosterhuis in his recent dissertation. The example deals with the question whether or not the legal rule that holds persons liable for damage caused by tort committed in a group may be applied to a group of dogs that have caused damage. The Court judged this analogy unsound (NJ 1996, 172; Kloosterhuis 2002, 197).

The argument is famous for it's logical validity problem. The problem is that at the surface *e contrario* reasoning seems to produce the fallacy of denying the antecedent. When, in *modus ponens*, the first premise states the legal rule 'if p, then q' - the antecedent 'p' meaning the legal facts and the consequent 'q' meaning the legal consequence - and the second premise states the concrete case

which does not match the legal facts - symbolised by 'not p' - the conclusion 'not q' - meaning that the legal consequence is not entailed - is a logically invalid inference.

About a decade ago, the *International Journal for the Semiotics of Law* published a discussion between two jurisprudential scholars about the solution for the logical problem of *e contrario* reasoning. In this discussion they both tried to analyse *e contrario* reasoning as a logically valid argument. I agree with them that it is reasonable to suppose that *e contrario* reasoning is logically valid indeed, because there may be good reasons not to apply a legal rule analogically in specific circumstances and in law it happens all the time without any problem. However, in this paper I want to argue that both scholars, Maarten Henket from Utrecht University and Hendrik Kaptein from the University of Amsterdam, are solving a non-existent problem. The reason for this is that two different types of *e contrario* reasoning have to be distinguished, that have to be analysed very differently. Kaptein and Henket have confused these two types by combining features of both types in one type of argument.

My strategy is as follows. First, I will elaborate on the validity problem and show how Kaptein and Henket have tried to solve the problem. Then I will show which argument types can be distinguished as instances of *e contrario* reasoning. Finally, I will try to find an explanation for why it is often overlooked that two concepts of *e contrario* reasoning exist.

2. The supposed logical problem of e contrario reasoning

In the literature the logical problem of the *e contrario* argument has usually been solved in the following way: suppose that the legal rule on which the argument is based contains a necessary condition for the applicability of the legal consequence. The legal rule is then considered to mean 'only if p, then q'. When the legal rule is interpreted this way, a position in which the legal consequence is negated might be drawn in a logically valid way.

So it seems that the logical problem could easily be solved. However, the interpretation of the antecedent of a legal rule as being a necessary condition for the applicability of the legal consequence does not reflect reality in a lot of cases. Sometimes different legal rules pose the same legal consequence, e.g. rules that regulate paying damages or rules in criminal law that regulate a certain sentence (Kaptein 1993, 318-319; Henket 1992, 160-161)[ii]. In these rules the description of the legal facts is to be considered to pose a sufficient condition for the appearance of the legal consequence, not a necessary one[iii]. So, a logical

solution for the supposed problem of *e contrario* reasoning should also include reasoning based on legal rules of which the legal facts only pose a sufficient condition for the legal consequence to follow.

In their explanation of the logical validity of *e contrario* reasoning both Kaptein and Henket appeal to the adjudicational context in which the legal rule is applied. According to Kaptein (1993, 319, 321) this context carries that in the specific case at hand none of the other legal rules is applicable that eventually could have the same legal consequence aimed for as the disputed legal rule. This view is expressed in the analysis by an extra premise to the reasoning form in which it is stated that no other ground than *p* is applicable in the concrete case to obtain the legal consequence *q*. This premise may be 'if *q*, then *p*' - meaning no other legal rule with the same consequence is applicable - or it may be the two premises 'if *q*, then [*p* v *r* v *s*]' and 'not *p*, not *r*, not *s*' - specifying the other legal rules with the same legal consequence that are not applicable. The reasoning now states that no ground for the conclusion '*q*' exists, so '*q*' will not occur.

Henket's appeal to the adjudicational context implies a different method. On the one hand he states that a lot of legal rules might be interpreted as containing a necessary condition of themselves; on the other hand he recognises that some rules cannot be interpreted this way. When such rules must be applied, it must be supposed - according to Henket - that the logical status of a legal rule changes as a result of the facts of the case (1992, 160-161). That means that in the case of reasoning *e contrario* the legal facts of the rule function as a necessary condition for the following of the legal consequence, whereas in the case of analogy the legal facts of the rule function as a sufficient condition.

In my view, these analyses do not reflect *e contrario* reasoning in a correct way. Two types of *e contrario* reasoning have to be distinguished, one of which does not pose a logical problem and one of which the logical problem could easily be solved in the traditional way. The reason that Henket and Kaptein must resort to their analyses is that their concept of *e contrario* reasoning is a mixture of these two different types.

3. Modern and classic e contrario reasoning

Let's have a closer look at the example of *e contrario* reasoning that I mentioned earlier. The court argued that the legal rule that states that damages can be recovered on the basis of tort committed in a group is not applicable to dogs. The argument for this is that dogs do not meet the criteria stated in the rule: they're

not able to act unlawfully, they're not able to withdraw each other from actions, and it is not likely that dogs can be taught a sense of values, which is necessary for the applicability of this legal rule.

Let us contrast this example with another example of *e contrario* reasoning. In order not to complicate things I have chosen an example from daily life instead of a juridical example. Suppose that the organizers of this conference would have decreed that smoking is not allowed in the rooms where lunch is served. This decree can be reformulated as the rule: 'If X finds himself in a room where lunch is served, then X may not smoke'. Then, the question could come up whether or not someone smoking in another room than the lunchroom, e.g. in the hallway, is allowed. A smoker could argue that the rule only regulates smoking in the lunchroom and that, if it would have been otherwise, the rule would have been formulated more broadly. He then applies the rule *e contrario* by concluding that smoking *is* allowed in all other rooms. This can be reformulated as the rule: 'If X does not find himself in a room where lunch is served, then X may smoke'. This reasoning is based on the inversion of the legal rule, assuming that this rule also stipulates the opposed legal consequences to the opposed legal facts.

Both types of reasoning are instances of *e contrario* reasoning. In the literature, people often consider these as similar types of reasoning, just like Kaptein and Henket do. However, in my view these types differ in important respects.

The first example concerns argumentation that leads to the decision not to apply a legal rule analogically in a specific case. The phrase '*e contrario* reasoning' points to a certain result in a certain context: the result not to apply the legal rule in the context that the disputed legal rule does not mention the facts at hand. The decision is a decision for the concrete facts at hand and does not say anything about the (in)applicability of the legal rule to other non settled facts that might ever occur. So, the same rule may be applied analogically the one time and *e contrario* the other. I will call this type of argument modern *e contrario* reasoning, because it is the type of *e contrario* argument described in modern jurisprudential literature.

The second example also shows a concrete case that is not settled by the disputed rule. However, the conclusion that is reached by the smoker does not only apply the facts at hand, but applies all the facts that are unmentioned in the rule. That's because this kind of reasoning is not concerned with the *inapplicability* of rules. On the contrary, the rule is considered to be applicable indeed, but in a reversed

way. The rule is a ground for a conclusion about the treatment of the opposed facts. I will call this type of *e contrario* reasoning classic *e contrario* reasoning, because in Dutch literature it is only described in older texts[iv].

Classic *e contrario* reasoning is reasoning from contrasts. What is at stake here is the question whether or not the legislator – in this case the organisers of this conference – wrote this rule for a very exceptional case, and therefore may be supposed to have intended to indirectly regulate the unmentioned facts. Could this question be confirmed, then an implicit second legal rule is presumed to be hidden in the explicit legal rule. The explicit and the implicit legal rule are mutually exclusive rules and therefore contrast each other. The implicit legal rule might regulate the facts at hand.

4. The logical analysis of modern and classic e contrario reasoning

So far, I hope that I've shown that modern and classic *e contrario* reasoning are different types of argument. Although they resemble each other in the sense that both can be used in the situation of no legal rule settling the facts at hand and both are an alternative to the possibility to apply the legal rule analogically, their implications are very different. The main and essential implication of the differences between modern and classic *e contrario* reasoning is that classic *e contrario* reasoning *does*, and modern *e contrario* reasoning *does not* lead to a stance in which the legal consequence of the rule at hand is negated *on the ground that the facts at hand do not match the facts stated in the legal rule*. That has implications for the way in which both types of reasoning have to be analysed.

Which logical analysis suits the classic *e contrario* argument? The answer depends on how the opposite legal rule might be deduced from the explicit legal rule. If we presume that the adjudicator who reversed the legal rule did that with the intention to argue in a logically valid way, the antecedent of the legal rule is supposed to contain both a sufficient and a necessary condition for the applicability of the legal consequence. The logical condition of the legal rule is then said to be that of material equivalence; an adequate representation of a legal rule that is supposed to settle an exceptional case(v). The logical condition of material equivalence and the classic *e contrario* type go hand in hand, because the legal rule being an equivalence implies necessarily that it contains two legal rules at the same time, the explicit and the implicit one. So, the logical problem of classic *e contrario* reasoning necessarily has to be solved in the traditional way[vi].

In contrast to classic *e contrario* reasoning, modern *e contrario* reasoning does not *itself* lead to a position in which the consequence of the legal rule is negated. The negation of the legal consequence cannot be concluded on the basis of the non applicability of the legal rule. The claim fails because a legal ground lacks. Whether or not a legal consequence will follow and which consequence that will be, depends on the applicability of other legal rules and on the procedural context in which other rules or may not be applied. The effort of Henket, making the conditionality of a legal rule change according to the result of the reasoning is not only circular, but also superfluous[vii]. The same applies to Kaptein. He offers an elegant explanation for the factual non following of the legal consequent on the basis of the lacking of any other relevant legal rule, but he does not solve a problem, because the legal rule is no basis of any conclusion at all[viii]. Anyway, more important is that this analysis cannot represent the classic type of *e contrario* reasoning. Classic *e contrario* reasoning is not concerned with the inapplicability of legal rules to concrete facts, because the implicit, deduced rule is supposed to regulate the opposed facts. So, by classic *e contrario* reasoning the legal consequence follows directly from the fact that the explicit legal rule does not mention the facts at hand[ix].

5. Why a mixed up concept of e contrario reasoning?

I hope that I've made clear that the two types of reasoning that are both called *e contrario* reasoning have to be analysed in a very different way and that no really difficult logical problem exists for both types of reasoning.

The analyses made above show that for modern *e contrario* reasoning no logical problem exists and that the logical problem for the classic *e contrario* argument is easily solved. The problem signalled by Kaptein and Henket is the result of mixing up the two types of argument, namely the broad definition of the modern type - a rule being applicable analogically in the one case and *e contrario* in the other - combined with the belief that from this kind of reasoning a stance should follow in which the legal consequence is negated.

The observation of two types leaves the question open how it might be explained that in jurisprudential literature both types of *e contrario* reasoning have been mixed up so often. Part of the answer lies in the general description of *e contrario* reasoning as the reasoning by which a legal rule is not applied analogically. This description suits both types. Once someone ever uncarefully has described the classic type in the general way, it is not strange that the ignorant reader reads something different than what was originally meant. In this regard I believe that

the classic concept of *e contrario* reasoning has been widened as a result of vague descriptions, examples that suit at first sight both argument types, and a logical analysis, in which 'not p' can be interpreted in two ways, namely in the way that it represents the non matching of one of all possible facts which might occur with respect to the legal rule, and in the way 'not p' being the class of facts opposite to 'p'.

Explaining modern *e contrario* reasoning as the widening of the classic *e contrario* argument would explain why the expression 'e contrario' does not seem to have any meaning for the modern *e contrario* argument. After all, 'e contrario' does not refer to a specific kind of reasoning that would be based on contrasts, like for example the appeal to authority refers to the argument in which an authority is quoted to confirm the conclusion. In contrast, the classic *e contrario* reasoning type might very well be represented by the phrasing 'reasoning from contradictions'. My suggestion therefore is that the classic *e contrario* argument is the original *e contrario* argument, from which the modern type has arised.

NOTES

[i] Many thanks to Taco Groenewegen, who not only has been very helpful in writing this paper, but also has been very good company in reflecting on the subject of this article since a very long time.

[ii] Of course it is not the case that legal rules which contain a unique legal consequence always can be analysed as the antecedent posing a necessary condition for the consequent. So, other, intrinsic reasons exist for deciding whether or not a legal rule has this logical condition.

[iii] According to Kaptein (1993, 318), material implication is the standard interpretation of legal rules; whereas according to Henket (1992, 154, 164) a lot of rules might be interpreted as rules of which the antecedent is a necessary condition for the legal consequent.

[iv] Only a few authors make a distinction between classic *e contrario* reasoning, that they just call *e contrario* reasoning, and the modern argument, that they call the non appliance of a legal rule or *argumentum e silentio* or the like. See Van Bemmelen (1891, 17), Bydlinski (1991, 477), Canaris (1983, 52), Klug (1982, 144), Schneider (1965, 180).

[v] A logical analysis enables one to judge the argument, because is has to be decided whether or not the legal rule does in fact state an exceptional case. This evaluative part must be decided on juridical grounds; this is not a matter of logic. Anyway, not many rules of law might be considered as rules regulating

exceptional cases (Canaris 1983, 49-50); that's why classic e contrario reasoning seldom is considered to be a sound argument.

[vi] Henket would actually agree on this part, for in his example of a legal rule that must be considered to contain a necessary condition of itself, he describes – without recognising – classic e contrario reasoning. Kaptein however, who reacts to this example, seems to believe that all e contrario reasoning relies on the inapplicability of other legal rules.

[vii] It is circular in the sense that a logical analysis is supposed to show the premises on which the argument is based, in order to evaluate the argument. In the case of e contrario reasoning this would mean whether or not the premise is interpreted correctly. However, if premises adjust themselves to the result of the reasoning, there's nothing to evaluate.

[viii] Moreover, Kaptein's analysis does not specifically represent the form of reasoning in which analogical appliance is negated, for it represents every reasoning form in which it is argued that the claim fails. These reasoning forms have never been considered to pose a problem no legal consequence occurring.

[ix] Cf. Canaris (1983, 51), Klug (1982, 139) and Schneider (1965, 198).

REFERENCES

Bemmelen, P. van (1891). *Rechtsgeleerde Opstellen I*. Leiden: Brill.

Bydlinski, F. (1991). *Juristische Methodenlehre und Rechtsbegriff*. Wien/New York: Springer.

Canaris, C.W. (1983). *Die Feststellung von Lücken im Gesetz. Eine methodologische Studie über Voraussetzungen und Grenzen der richterlichen Rechtsfortbildung praeter legem*. [2nd revised ed.] Berlin: Duncker & Humblot.

Diephuis, G. (1869). *Het Nederlandsch Burgerlijk Regt, 1e deel*. Groningen: Wolters.

Henket, M. (1992). "On the logical analysis of judicial decisions". *International Journal for the Semiotics of Law* 5, 14, 154-164.

Kaptein, H. (1993). "E contrario arguments in law: From interpretation to implicit premisses". *International Journal for the Semiotics of Law* 6, 18, 315-324.

Klug, U. (1982). *Juristische Logik*. Berlin: Springer-Verlag.

Schneider, E. (1965). *Logik für Juristen. Die Grundlagen der Denklehre und der Rechtsanwendung*. Berlin/Frankfurt am Mein: Franz Verlag Vahlen.

ISSA Proceedings 2002 - The Dialectical Tier Revisited



1. Introduction

Since I originally proposed that arguments require a dialectical tier, many commentators have weighed in with objections and challenges. Originally Govier (1997/98;1999), then Leff (1999/2000), Hitchcock (2000/2002, Tindale (2002/2002), Groarke (2000/2002, Hansen (2000/2002), van Rees (2001) and Wyatt (2001) - to mention just those who have gone on record with objections to that proposal **[i]**.

Now, here, in this auspicious setting, it does seem propitious, even incumbent upon me, to say something about how I now view that proposal, perhaps taking this opportunity to repent of my sins. For Govier has said that the requirement of the dialectical tier, as I have stated it, leads to an infinite regress - "a staircase that mounts forever" (233) which would not be a "Stairway to Heaven" but rather a descent into Hell.

I intend to take this occasion to respond to some of these objections and criticisms, as well as to share some thoughts they have set in motion. I will begin by revisiting the proposal, briefly, particularly with respect to its purpose. Since the division of labour in argumentation theory into logical, dialectical and rhetorical dimensions seems to have gained a certain level of acceptance among argumentation theorists with **[ii]**, I have decided to use that division to structure most of my response. Accordingly, I will first look at an objection that is *logical* in character (that of Govier), then to one that is *rhetorical* (that of Leff); and finally to one that is *dialectical* (that of van Rees). After indicating how I propose to respond to these three objections, I want to look at what difference the proposal makes and the broader issues it raises for argumentation theory.

2. The rationale for the proposal

The rationale for the proposal had its origins in our efforts (more than 30 years ago) to teach to logic to undergraduates in a university setting. [By "our" here I mean Johnson and Blair and other informal logicians.] We began with the

tradition in which we had been raised which I have baptized FDL[**iii**]. According to that account, a good argument is a sound argument: an argument that is valid and all of whose premises are true. In this tradition, we find argument typically defined as: “a sequence of propositions one of which follows from the others.” We were not alone in experiencing difficulties teaching this sort of approach to logic to our students in the late 60s who demanded relevance and who wanted logic to help them appraise the arguments they came across in their attempts to deal with the issues of the day[**iv**].

It seemed to us that extant logical theory did not provide the sort of theory that would underwrite such efforts. We were struck by a number of *gaps* between that theory and argumentative practice. In real life arguments have various purposes; but no mention of purpose in FDL. In real life arguments, we often have to go with premises that are not known to be true (Hamblin); no provision for that in FDL. In real life, good arguments often fall short of validity; no provision for that in FDL. In real life, there are good arguments for and good arguments against a particular proposition or proposal (Hamblin); no provision for that in FDL. In real life, good arguments typically confront objections and other dialectical material; but no mention of that in FDL.

In making such observations, we were simply noticing the sorts of problems that had been discussed in the work of Toulmin (1958), Perelman (1958/1969) and Hamblin (1970). We found allies in our attempt to achieve reforms in logical theory and practice in the work of Kahane (1971) and Scriven (1976), and throughout the 80s in various papers (see Johnson and Blair, 1983) such we attempted to develop a better theory which we termed informal logic. We were assisted in that effort by two developments. In the early 80s we made a connection between our project and the critical thinking movement in North America - an attempt to install the critical thinking skills to a more prominent place in higher education.

In the middle 80s and directly because of the connection that Tony forged with Frans and Rob, we became ever more aware of the many different initiatives outside of logic, among them the pragma-dialectical approach to argumentation, and the broad international and multidisciplinary community working on argumentation theory.

How this latter awareness affected us may perhaps be seen in our 1987 paper “Argumentation as Dialectical” (Johnson 1996: 87-102) where the seeds of the proposal regarding the dialectical tier may be found (100-101) (I don’t propose

here to discuss the genesis of the idea[v]). However, even with the attempts at reform we were making, it seemed to me that the very idea of argument found in our theory one which we had downloaded from FDL) remained, to my way of thinking, too mathematicized, too enervated, and that notion set me on the path of fortification which I announced in my 1990 ISSA paper and which I then attempted to provide in *Manifest Rationality*. I explained there that one important motivation for my attempt at reconceptualization was my belief that argument as a vehicle for rational persuasion has much to recommend itself to a world in which there are such deep divisions about vital issues, but in which force and violence are seen as increasingly unattractive as options. I expressed my fear that the human community would not be much moved to turn to this important resource as long as logical theorizing remained fettered to a an approach to argument in which the ideal remained that of sound argument - a view not attractive in a world of uncertainty and competing allegiances, where proof and refutation are not to be thought of except perhaps among dogmatists. In such a world, we need a theory of argument that gives proper credit to arguments which, if not sound, are yet good, or good enough, and to arguments in which the arguer acknowledges and comes to terms with what I call dialectical obligations.

Part of that rethinking[vi] took the form proposing that dealing with one's dialectical obligations is an essential component of the very idea of argument, robustly considered. Arguments in the paradigmatic sense require a dialectical tier in which the arguer discharges his or her dialectical obligations: i.e., anticipate objections, deals with alternative positions, etc[vii]. That proposal had the following two presuppositions. First, the focusing is on the use of argument to achieve rational persuasion. Argument has many others uses, as Blair, Goodwin, Walton, and Wenzel and many others have reminded me. Second, the focus in the first instance is on argument as it expresses itself in texts (such as found in newspaper editorials, journal articles, books etc), as distinguished from an oral argument between two participants, which is what Dialogue Logics (such as Barthe & Krabbe, 1882, and Walton & Krabbe, 1995)) and the pragma-dialectical approach take as their focal point (This is roughly the distinction between product-driven and process-driven theories).

In summary, then, the proposal regarding the dialectical tier originated in reflection on the limitations of the logical approach to argument, and at the same time a desire to bring the conception of argument in line with best practices and

fortify it.

The justification for the proposal emerges from reflection on the requirements of rational persuasion. If in order to persuade you must provide evidence and reasons, and if such persuasion takes place in the context of controversy, then it seems clear that to do the job you must also deal with dialectical matters. The same justification that requires the illative core also requires the dialectical tier; the demands that generate the illative core also generate the dialectical tier.

If you ask me for examples of arguments that satisfy this proposal, that have a dialectical tier, I would mention Aquinas's arguments for the existence of God in the *Summa Theologiae*, Mill's defense of freedom in expression in *On Liberty* (1864/1967), Martin Luther King's *Letter from a Birmingham Jail* (1964), and Stanley Fish's defense of affirmative action in *The Trouble with Principle* (1999). Many other examples which could be cited from both popular and academic fora [viii] (Of course, not all that we call argument takes this form, which is one of the many problems that attend the proposal).

In summary, then, the proposal regarding the dialectical tier originated in our attempt to move beyond the traditional logical perspective on argument and bring the conception more into line with best practices. The dialectical tier was never the end, just the means to an end. What end? To the end of calling to consciousness an aspect of the practice of argument that in my judgement had been overlooked in theorizing (though not in the practice nor even the teaching), viz., that the arguer has some obligation to deal with objections etc. The proposal might also be seen as a counterpoise to the tendency to broaden the range of argument. Groarke (1996) has argued forcefully that paintings and images can be included in the spectrum of argument, and Gilbert (1997) has argued that emotional and visceral modes of communication should also be included. If we are going to adjust our theories and approaches to include such specimens (which my proposal makes provision for), then it seems to me imperative - as a matter of balance - that we should also adjust in the other direction by featuring more developed forms - arguments with a dialectical tier.

3. *Some objections and my response*

I want now to turn to some of the objections that have been raised [ix].

A. *Response to Govier's objection*

Govier argues that the requirement that every argument have a dialectical tier leads to an infinite regress. She put the matter this way (1999: 232-33):

The regress problem seems to arise for Johnson's account because of his claim that *every argument is incomplete without a dialectical tier*. In my terminology, this means that every arguer has a dialectical obligation to buttress his or her main argument with supplementary arguments responding to alternative positions and objections. Supplementary arguments are also arguments. Thus they too would appear to require supplementary arguments addressing alternatives and objections. Those supplementary-to-the-supplementary arguments, being again arguments, will require the same. And this line of reasoning can clearly be continued. Thus Johnson's view seems to imply an infinite regress.

This regress would appear to be intolerable. Surely it is not plausible to say that an arguer has an obligation to put forward an *infinite number* of arguments in order to build a good case for a single conclusion! On this interpretation, the dialectical tier would not be a tier; it would be a staircase that mounts forever. A theory demanding such an explosion is not a realistic or coherent one.

The regress objection can I think be met by a three-stage strategy. First, by pointing out that Govier overlooks is a qualification; that at least in MR, the proposal was not that every argument requires a dialectical tier but rather that the *paradigm case* of argument should display this structure (I admit that I am to blame for this confusion because the text is, if not inconsistent, at least confusing on this point[x]). My proposal allows that not all arguments will require a dialectical tier; but wants to call to the attention of logical theory the sort that we want our theory to cover[xi]. Second, by pointing out the parallel between the illative core and the dialectical tier. That is, the same line of reasoning that prevents an infinite regress in the illative core can also be deployed to prevent the exfoliation of the *dialectical tier*. Third, the regress can be avoided by specifying the contents of the dialectical tier more carefully, and this takes us into the broader issue of dialectical adequacy. The intuition here is that an argument is dialectically adequate just in case the argument contains an adequate treatment of the arguer's dialectical obligations [That means allowing that there may be arguments where the arguer does not have dialectical obligations].

This question breaks down into two relevant sub-questions:

Q1: *How are those dialectical obligations to be identified and specified[xii]?*

What sorts of dialectical material are there[xiii]? Typically, one thinks of objections and criticisms as the same, but might there not be a point in

distinguishing them. Govier argues, rightly I think, that an objection is different than an alternative position (1999: 227-232.) But that presupposes an answer to the question: What exactly is an objection? Strange to say, this obviously important question has not received much attention in the theory of argument[xiv]! Such questions are in need of further exploration, whether or not one subscribes to the dialectical tier.

Q2: *What is required for an argument to discharge these obligations?*

In other words, what are the criteria that the argument must satisfy in responding to objections and other forms of dialectical material?

The objections raised by Leff and van Rees provide an opportunity to engage with these crucial questions and thereby respond further to Govier's objection.

B. Response to Leff's objection

In his keynote address to OSSA in 1999, Leff sought to carve out a place for what he calls dialectic, which he positions between logic (and its abstractness) and rhetoric (and its concrete ways). I cannot here follow the interesting path that Leff takes in his argument to revive dialectic. Rather I shall limit myself to his response to my proposal of a dialectical tier (1999: 5-9).

Leff says that the "concept is elegant" but notes that there are problems with it[xv]. Leff's complains that the idea "lacks situational ballast" (7). He says: "Johnson wants to construct an autonomous dialectical system that can encompass all instances of argument, and to achieve this end he must know the criteria for dialectical adequacy in advance of any particular case of dialectical argument" (7). Leff then floats the attractive thesis that the reason I have problems answering the question "Which objections?" is that this cannot be done in advance. One has to look at the situation, the details, which provide the ballast. Now there is something obviously right-minded about this reminder. How one deals with obligations will differ according as to the audience one is dealing with, the setting of the response, etc. But it seems equally clear to me that there is more to the story, as I shall shortly indicate.

Leff is certainly correct in pointing out that I seek to develop criteria for dialectical adequacy in advance of any argument, just as I (and others) have sought to develop criteria for adequacy of the illative core in advance of any particular argument[xvi].

The broader issue Leff is raising here is *that of how standards or criteria for the evaluation of arguments are to be developed*. That's a complicated and important

issue, and yet another example of an issue that has not, it seems to me, thus far attracted sufficient attention from argumentation theorists[xvii]. Now I do not believe that such criteria must be dictated a priori from an Olympian or heavenly standpoint, as Moses received the ten commandments from Yahweh. I find myself inclined to adopt the sort of approach that Dewey outlines whereby normative standards are extracted from the practice by judicious reflection and then dip back into the practice[xviii].

There is, I suspect, another aspect to Leff's complaint about lack of ballast; i.e., the proposal has not been anchored sufficient detail. Here it seems to me that Leff and I agree that our theorizing must be informed by and responsive not just to practice, but *best practices* - a theme he will develop in his keynote tomorrow. And therein lies the rub. For this right-minded suggestion raises the question of *how we will identify those best practices*, which, we may expect, will involve identifying specific exemplars of good arguments. But that in turn means that we must bring to bear some implicit or intuitive notion of what counts as a good argument, to that degree the empirical turn to context presupposes some degree of conceptual elaboration! Prior cognition (and theory) guide us, *faute de mieux*, in what we see and what we take into account, as Peirce (1878/1990) well knew. Thus it is not the case that *it all depends* on context and situation, for it somewhat depends on prior theorizing.

In the search for ballast, while acknowledging the need for a variety of cases drawn from different disciplines and settings, I would argue for a special place for philosophical arguments. Philosophy has had long experience with the practice of argumentation; and though its sins are many (i.e., its overcommitment to deductivist and essentialist views, its abstractness, its tendency to eschew detail and context), yet its virtues are many also, particularly if one looks at philosophical arguments through the lens of informal rather than formal logic. Look at Mill's argument for freedom of expression in *On Liberty*. You will find Mill engaged in anticipating and responding to objections, and it seems to me that worthwhile leads about the issue of dialectical adequacy can be found here[xix].

To conclude, I am grateful to Leff for this criticism and the problems it has brought to the fore.

C. Response to van Rees's objections

I turn now to some of the challenges raised by van Rees in her wide-ranging review of my book. In this paper, I can only deal with her "reservations" about the

dialectical tier and only with some of those. Van Rees also builds on Govier's regress criticism, as well as Leff's criticism of abstraction. She writes: "In a truly pragmatic conception of dialectic, what the arguer needs are nothing more (but nothing less) than the actual or anticipated objections of the opponent that he tries to convince" (2001: 234). Precisely; those actual and anticipated objections form part of the content of the dialectical tier (the remainder being the response to them). What works very well for the setting of a critical discussion (what I call process-driven theories) is not so helpful when one is constructing an argument for what Govier calls "a Noninteractive audience" (1999:183-201). Such an audience poses its own special problems that cannot be solved by models, like pragma-dialectics, developed for two or more participants who are face-to-face with one another. Both Blair (1998) and Govier (1999) have argued, and I think effectively, that such a model cannot be transported to other settings. Govier says: "Dialogue is wonderful thing, and greatly to be recommended, but dialogue requires real as opposed to hypothetical interaction. I want to say, in the manner of Wittgenstein, 'picture held up captive.' When no one else is there, we are not interacting with another person" (198). In my terms, this means that the process-driven approach will not provide all the answers for an argument as product-driven approach. And vice-versa. Both types of theory are necessary, and their respective contributions have yet to be fully vetted.

Van Rees also takes me to task for not providing criteria for dialectical adequacy. "What," she asks, "are the criteria for dialectical adequacy?" (van Rees 2001: 233) I acknowledged that there were no such criteria in MR and indeed expressed some wonderment at how this could be so - 2000 years into the theory of argument. Here we have yet another striking indication of the gap between theory and practice.

Time for some ballast. Let us turn to Mill's *On Liberty*, Chapter II: "Of the Liberty of Thought and Discussion." Without attempting to recap his entire argument, Mill is here defending the view that the government should not impose any constraint on the expression of opinion. The argument has two branches and is, from my standpoint, dialectical all the way down. Branch One proceeds on the supposition that we can never be sure that the opinion we are endeavouring to suppress is false. His argument against this invokes the premise that all silencing of discussion is an assumption of infallibility. Having presented his defense of this claim (in what I could call the illative core of the argument), Mill now steps back

in order to anticipate an objection (1859/1974: 19) “The objection likely to be made to this argument would probably take some such form as the following. There is no greater assumption of infallibility in forbidding the propagation of error than in any other thing that is done by public authority on its own judgement and responsibility.” The objection here is an objection to one of the premises of Branch One[xx]. Mill develops this objection at length and having done that, makes his response: “I answer that it is assuming very much more.” He is not (obviously) responding to any particular person, it seems to me; rather he is responding to what he can imagine someone might put by way of a challenge. In thus anticipating and responding, Mill has gone some distance toward satisfying his dialectical responsibilities.

An important but hitherto unasked question is: Does Mill’s argument achieve dialectical adequacy? To get a handle on this, I suggest we ask: How might Mill have gone wrong here in this part of his argument? There are at least three ways that he might go wrong. He might have failed to give a faithful articulation of the objection; he may have overstated it or understated it. Or he might have not given a good response to it. There is a third way he might fail to achieve dialectical adequacy: he might have failed to deal with an objection that he should have dealt with.

In line with these conjectures, I now offer the following proposal regarding dialectical adequacy. The arguer achieves dialectical adequacy in her argument provided that:

a. the arguer deals fairly, *accurately* with each objection;

The typical complaint that points to a dialectical failure of this sort is: “You have misrepresented the position you are criticizing.” (straw person)

b. the arguer’s response to the objection is *adequate*;

The typical complaint that points to a failure of this sort is: “But you did not say how you would deal with the strongest objection; that objection still stands.”

c. the arguer deals with the *appropriate* objections.

The typical complaint that points to a dialectical failure of this sort is: “But you have not dealt with the most pressing (important/significant) objection.”

I propose then that the criteria for the dialectical tier are appropriateness, accuracy and adequacy. *Accuracy* here means that the arguer engages with the real position and not some distortion of it; i.e., the arguer must avoid the fallacy of straw person. It seems likely that *adequacy* can be handled by the criteria for

the illative core; that is, the arguer's response to the objection will be adequate just in case the argument given (if one is given) satisfies the criteria of relevance, sufficiency and acceptability. But when it comes to the issue of which are the *appropriate* objections, it seems to me we are in uncharted territory. I think Govier is headed in the right direction in invoking *salience* (1999, 201) but that concept itself needs unpacking.

I have framed this new proposal (as I did its predecessor) in deontic language: "the arguer must deal with his or her *dialectical obligations or responsibilities*[xxi]." But to return to our theological analogy, all this talk of obligations sounds so very Calvinist (or Roman Catholic). Perhaps I need to adjust my theorizing to take advantage of New Age theologies which would urge us to think: "The cup is not half empty; it is half full." Such a voice would say here: "What you call obligations can equally well be viewed as opportunities and challenges." Viewed this way, the question changes: no longer is it a matter of which objections one must respond to but rather which challenges one choose to respond to, which objects capture one's interest. Now the whole matter of *interest* and choice (van Rees, 2001, 232) emerges as central. Instead of thinking of the arguer as *obliged* to respond, it may be preferable to look at dialectical material as presenting a range of possible points for further development, understanding that which of these the arguer chooses will depend legitimately not only one's obligations but also one's interests.

Indeed, it seems evident to me that my respondents have to a non-negligible degree been led by their own interests. Thus Govier look at the proposal from the prospective of a logician; Leff looks at those aspects which would perhaps be of interest to a rhetorician; van Rees scrutinizes those aspects of my position which, as it were, leap out from the viewpoint of pragma-dialectics. And it seems both natural and inevitable that in responding to someone's argument/position, we will be led by our own interests. If the critic/objector can legitimately use interest to structure his or her response, it seems that the same principle would apply to the arguer in deciding what objections to respond to[xxii].

In the final analysis, a doctrine of dialectical adequacy will require attention to both obligation and interest. But how to reconcile these competing tendencies, I do not know.

4. The Implications of the Proposal

At this point I can anticipate an objection in the form of a question: What

difference does it make whether we build the dialectical tier into our conceptualization of argument? The one who asks probably has in mind William James's statement which roughly paraphrased is this: "A difference which makes no difference is no difference."

Let me briefly indicate the differences my proposal makes in three areas: theory, practice, and pedagogy.

My proposal has few implications for *the practice* of argumentation than it does for the theory or for the pedagogy. The reason for this strange situation is that the dialectical tier has always been strongly represented in the practice of argumentation. The problem is that it has not been included in the theory; and because textbooks tend to follow theory (Massey, 1981)(**xxiii**), it has not been made much of an appearance in logic pedagogy[**xxiv**].

There is perhaps no better illustration of this than Solomon's 1989 *Introduction to Philosophy* text. When he is providing directions to the student about how to construct an argument, he makes a special point of telling them that they should anticipate objections. But later when he is giving the standard FDL story about what counts as a good argument, his theory makes no provision for how well the arguer does in this assigned task of anticipating objections.

So the implications for *pedagogy* are these: that when we give examples of argument to our students, we should present as examples arguments in which the arguer at least recognizes the dialectical situation, and we should be teaching them as well what they must do to carry this part off well. If this means that we retire or move to the background the infamous Socrates example, I, for one, would not object.

At the level of *theory* I have indicated numbers of tasks that remain to be accomplished. What is dialectical adequacy? What are the arguer's dialectical obligations (if any)? What is an objection, and how does it differ from other forms of dialectical material? What is required to deal with an objection properly? What other forms of dialectical material are there? How are the criteria for the dialectical tier to be developed? What is the role of best practices, and how shall we identify them? What is the role of interest in dialectical issues? How did logical theory manage to overlook the dialectical tier? What are the respective strengths and weaknesses of product driven vs product driven theories?

That this series of questions has emerged in this review may perhaps be taken as some indication of the fertility of the proposal.

5. Conclusion

The proposal regarding a dialectical tier comes out of the tradition of informal logic and brings, I hope, something new and important to the table. Even if one does not accept the proposal yet the issue it raises, the questions that surround it may be enough to redeem it. For, as I said earlier, the proposal was not itself the end but rather a means of calling attention to overlooked issues and questions. I hope I may have succeeded in persuading that the proposal is not without merit. And if not, then possibly I have illustrated that the issues that it raises are very much worth continued attention. Perhaps, then, the proper theological destination for my proposal will turn out to be neither Heaven nor Hell, but rather Limbo, where according to Roman Catholic theology the as-yet unredeemed souls await their eternal destiny.

At this point in the service, one expects a blessing; but though I am literally in a position to do so, I shall not. I do however, wish to acknowledge the many blessings afforded me, like the opportunity to address this gathering this morning, which would not have been possible with the privilege of a long and fruitful association with my colleague, Tony Blair.

As we go forth this morning to begin three days of intense discussion about argumentation, we might well remember what Carnap said in *Empiricism, Semantics, and Ontology*:

Let us grant to those who work in any special field of investigation the freedom to use any form of expression which seems useful to them; the work in the field will sooner or later lead them to the elimination of those forms which have no useful function. Let us be cautious in making assertions and critical in examining them, but tolerant in permitting linguistic forms.

NOTES

[i] I want to especially acknowledge the help I have received from WGRAIL - the Windsor Research Group on Argumentation and Informal Logic (Tony Blair, Bob Pinto, Hans V. Hansen and Kate Parr) for their comments and criticisms of various drafts. As well, I wish to acknowledge the comments and papers of the students of the Argumentation Seminar in Winter 2002 for their comments: Jan Sobocan, Roger Daniher and particularly the fine paper by Jay Latkoczky which helped to steer me back on the course I take here.

[ii] Wenzel, 1990. But see my caveats about this division in (2002).

[iii] Woods (2001) and others have reminded that the objection here is not to FDL but rather to various textbook authors' adaptations of that theory.

[iv] Some (Groarke (2000/2002), Hansen (private correspondence) will argue that FDL can, when taught properly, overcome this difficulty. We did not actively pursue that possibility, however, choosing to follow a different path.

[v] A sketch of how the idea took shape would go as follows. In my paper for the First International Conference on Argumentation (1984), I put forth the idea that the arguer has an obligation “to address himself to opposing points of view and show why his is superior. To fail to do this is to fail to discharge a fundamental obligation of the arguer in the dialectical situation” (1996, 81). In our 1987 paper, Blair and I take the view that the arguer has “dialectical obligations” (1996, 100) which include meeting objections that one might anticipate from one’s audience. (The phrase “dialectical tier” does not appear in this paper.) This was in the context of our discussion of the sufficiency requirement for arguments. We then itemized the type of objections that might be raised. We claimed that an argument was incomplete if it did not meet its dialectical obligations, and we proposed that the concept of the community of model interlocutors could deal with the crucial questions. In “Informal Logic and Politics” (1992), I argued that in addition to the first tier, arguments needed to have a second tier, which I called the dialectical tier. There I also attempted to develop a set of criteria to appraise the dialectical tier, a set of criteria for dialectical adequacy. In 1994, I again discuss the idea of a dialectical tier but here it is defended by reference to a feature of the argumentative process which had not hitherto appeared – the requirement of manifest rationality. In “Arguments and Dialectical Obligations” (1996) presented to the Ontario Philosophical Society, I again presented the idea that arguer’s have dialectical obligations that must be discharged and examined four possible answers to the question. Similar ideas are to be found in Barth (1985, 1987) where she discusses the notion of a dialectical field, and Toulmin (1958) who introduced the notion of a rebuttal into his approach to understanding the structure of argument.

[vi] There are other important aspects such as the idea that arguments are characterized by the trait I call manifest rationality.

[vii] Others have made similar suggestions. See Goldman (1999, 139-44). How close we are, apart from terminological differences, is perhaps indicated in the following text: “In science, scholarship, law and other polemical realms, extended argumentative discourses are the norm. Scholars are expected to report existing findings and literature that form the basis of predictable objections. This should be done as part of one’s initial defense of one’s conclusion, not simply in subsequent responses to criticisms” (emphasis mine).

[viii] Even “ordinary” arguers understand the need to anticipate and deal with objections, alternative etc.

I could produce many examples drawn from debates about various social and political issues but here shall mention a column in my local paper: Gord Henderson, “Time to send a message,” *The Windsor Star*, A3, May 11, 2002, in which he anticipates and responds to objections and criticisms of the position he develops.

[ix] Objections to the proposal seem to have taken one of three forms: the proposal is unworkable; the proposal is underdeveloped; or, the proposal is not logical in character but rhetorical.

[x] For example, one reads on page 172: “In my approach an argument without a dialectical tier is not an argument.” But two pages earlier, one reads: “what my position comes down to is that the central case of argument is the entire structure consisting of the illative core and the dialectical tier. I propose that it will be understood as the paradigm case of argument” (170). I apologize for this confusion. Here I am making it clear that texts like that on page 170 are most reflective of my position. See my (2002) for a fuller accounting.

[xi] Even when thus limited, the proposal encounters a problem, as Hansen pointed out: Take just those cases where the dialectical tier is required, how is an infinite regress be avoided there? Blair has raised a different and equally destabilizing objection against the idea that the proposal can be regarded as referring to the paradigm case. For he has a counterexample. I shall not here attempt to deal with these objections.

[xii] This is what I called The Specification Problem (2000: 327-37).

[xiii] I attempted to answer this question in my paper for OSSA4: Johnson (2001).

[xiv] Govier raises this question (1999: 229-232).

[xv] Leff supposes that these are the reasons for my doubts about dialectic. He may be referring here to what I say on page 362. But there is more to the story, as has just been said. He says that for me “the argumentative task is incomplete until and unless the dialectical tier is engaged; that this obligation is not ethical or pragmatic or rhetorical but rather stems from the requirement of manifest rationality.” This point is exceedingly important and I thank Michael for attending to it because it has not perhaps been appreciated. Leff thinks a stern requirement because the arguer must respond to objections even if the audience is unaware of [them] and or it raises doubts about the arguer’s position; and even if the arguer believes the objection is misguided

[xvi] Or just as ;pragma-dialecticians seeks to develop rules for a critical discussion in advance of any particular discussion; or rhetoricians develop the various rhetorical stages in advance of any particular speech; the various tropes used in all discourse.

[xvii] I attempted to deal with this in MR, 189-90.

[xviii] At least as interpreted by Bernstein (1971).

[xix] I know full well the problems attached to this suggestion in light of the sins of the philosophical past. Philosophers have, in particular, lusted after the certainty of deductive reasoning (Plato, Descartes); but there have been constant reminders by other philosophers (Aristotle, Wittgenstein, Wisdom) of the limits and problems with such views.

[xx] That is one type of objection: what others are there? If one reflects on this question and makes use of theory of argument, some typology will be forthcoming. (See also Govier, 1999, above.)

[xxi] My colleague, Bob Pinto, was the first to call my attention to this problem.

[xxii] This would seem to accord with what I called the principle of parity in MR (pp. 236-37).

[xxiii] Though (pace Massey, 1981) it can also work the other way.

[xxiv] The situation is slightly healthier if one looks at textbooks in other areas, such as the literature on debate. But even here one finds the influences of FDL; i.e., in talk of refutations.

REFERENCES

Barth, E. M. (1985). Empirical logic, a new field: Bioprograms, logemes and logics as institutions. *Synthese* 63, 375-388.

Barth, E. M. (1987). Logic to some purpose: theses against the deductive-nomological paradigm in the science of logic. In: F. H. van Eemeren, R. Grootendorst, J. A. Blair & C. A. Willard (Eds.), *Argumentation: Across the Lines of Disciplines* (pp. 33-45). Dordrecht: Foris.

Barth, E.M. & E.C.W. Krabbe (Eds.) (1982). *From Axiom to Dialogue: A Philosophical Study of Logics and Argumentation*. Berlin: Walter de Gruyter.

Bernstein, R. (1971). *Praxis and Action*. Philadelphia: University of Pennsylvania Press.

Blair, J.A & R.H. Johnson. (1987). Argumentation as dialectical. *Argumentation* 1, 41-56

In: Johnson (1996), pp. 87-102.

Carnap, R. 1947. Empiricism, semantics and ontology. In: *Meaning and*

- Necessity*, 205-222, Chicago: University of Chicago Press.
- Eemeren, F. H. van & R. Grootendorst. (1992). *Argumentation, Communication and Fallacies*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Fish, S. 1999. *The Trouble with Principle*. Cambridge: Harvard University Press.
- Goldman, A. (1999). *Knowledge in a Social World*. Oxford: Clarendon Press; New York: Oxford University Press.
- Govier, T. (1997,1998/1999.) *The Philosophy of Argument*. Newport News, VA: The Vale Press.
- Gilbert, M. (1997). *Coalescent Argumentation*. Mahwah, NJ: Lawrence Erlbaum Associates
- Groarke, L. (1996). Logic, art and argument. *Informal Logic* 18 (2&3), 105-129.
- Groarke, L. (2000/2002). Johnson on the metaphysics of argument. *Argumentation*, forthcoming.
- Hamblin, C.L. (1970). *Fallacies*. London: Methuen.
- Hansen, H.V. (2000/2002). An exploration of Johnson's sense of 'argument.' *Argumentation*, forthcoming.
- Hitchcock, D. (2000/2002). The practice of argumentative discussion. *Argumentation* , forthcoming.
- Johnson, R. (1987). "Logic Naturalized: Recovering a Tradition," In F. van Eemeren, R. Grootendorst, J. A. Blair, and C. A. Willard (Eds.), *Argumentation: Across the Lines of Discipline*, (pp. 47-56). Dordrecht: Foris Publications.
- Johnson, R.H. (1993a). Dialectical fields and manifest rationality. In: E.C.W. Krabbe, R.J. Dalitz & P.A. Smit (Eds.), *Empirical Logic and Public Debate: Essays in Honour of Else M. Barth* (pp. 201-210), Amsterdam/Atlanta: Rodopi.
- Johnson, R.H. (1993b.) The impact of the continuum hypothesis on theories of argument. In: F.H. van Eemerean, R. Grootendorst, C. Willard & J.A. Blair, *Argumentation Illuminated* (pp. 148-59), Amsterdam: Sicsat.
- Johnson, R.H. (1995). Informal logic and pragma-dialectics: Some differences," In: F. van Eemeren, R. Grootendorst, J. A. Blair and C. A. Willard, (Eds.), *Perspectives and Approaches: Proceedings of the Third ISSA Conference on Argumentation* (pp. 237-245), Volume I, Amsterdam: SicSat.
- Johnson, R.H. (1996). *The Rise of Informal Logic*. Newport News, VA: Vale Press.
- Johnson, R.H. (1999). Arguers and their dialectical obligations. In: H.V. Hansen and Christopher Tindale, (Eds.), *Proceedings of the 3rd Conference of the Ontario Society for the Study of Argumentation*, St. Catharine's, ON (CD-Rom).
- Johnson, R.H. (2000.) *Manifest Rationality: A Pragmatic Study of Argument*.

Mahwah, NJ: Lawrence Erlbaum Associates.

Johnson, R.H. (2001). More on arguers and their dialectical obligations. In: H. V. Hansen and B. Bekic (Eds.), *Proceedings of the 4th Conference of the Ontario Society for the Study of Argumentation*, Windsor, ON (CD-Rom).

Johnson, R.H. (2000/2002). Manifest Rationality reconsidered: Reply to my fellow symposiasts, *Argumentation*, forthcoming.

Johnson, R.H. & J.A. Blair. (1985). "Informal Logic: The Past Five Years, 1978-83," *American Philosophical Quarterly*, 22. 3 (July), 181-96.

Johnson, R.H. & J.A. Blair. (1993.) *Logical Self-Defense* (3rd edition). Toronto: McGraw-Hill Ryerson.

Kahane, H. (1971). *Logic and Contemporary Rhetoric: The Use of Reasoning in Everyday Life*. Belmont: Wadsworth.

King Jr, M.L. (1964/1986). Letter from Birmingham Jail. In: James M. Washington (Ed.), *I Have a Dream: Writings and Speeches that Changed the World*, (pp. 83-100), San Francisco: Harper.

Leff, M. (2000). Rhetoric and dialectic in the twenty-first century. In: H. V. Hansen and C. Tindale (Eds.), *Proceedings of the 3rd Conference of the Ontario Society for the Study of Argumentation*, St. Catharine's, ON: (CD-Rom),

Massey, G. (1981). The fallacy behind fallacies. *Midwest Journal of Philosophy*, 6: 489-500.

Mill, J.S. (1859/1974). *On Liberty*. *Norton Critical Edition*, David Spitz (Ed.). New York: W.W. Norton.

Peirce, C. S. (1905/1982). What pragmatism is. In: H. Thayer (Ed.), *Pragmatism: The Classic Writings*, (pp. 101-120), Indianapolis: Hackett.

Perelman, C. & Tyteca, L-O. (1958/1969). *The new rhetoric: A treatise on argumentation*. (J. Wilkinson & P. Weaver, Trans.) Notre Dame, IN: University of Notre Dame Press.

Scriven, M. (1976). *Reasoning*. New York: McGraw-Hill.

Solomon, R. (1989.) *An Introduction to Philosophy* (5th edition). New York: Harcourt Brace Jovanovich.

Tindale, C. (1999). *Acts of Arguing: A Rhetorical Model of Argument*. Albany: State University of New York Press.

Tindale C. (2000/2002). A Concept Divided: Ralph Johnson's Definition of Argument. *Argumentation*, 16 (forthcoming).

Toulmin, S.E. (1958.) *The Uses of Argument*. Cambridge: Cambridge University Press.

van Rees, M.A. (2001). Review of Manifest Rationality. *Argumentation* 15,

231-37.

Walton, D. N., & E.C.W. Krabbe (1995). *Commitment in dialogue*. Albany: State University of New York Press.

Wenzel, J. (1990.) Three perspectives on argument. In: R. Trapp & J. Scheutz (Eds). *Perspectives on argumentation. Essays in honor of Wayne Brockreide* (pp. 9-16). Prospect Heights, IL: Waveland Press.

Woods, J. (2000). How philosophical is informal logic. *Informal Logic* 20:2 (139-167).

Wyatt, N. (2001). Review of Manifest Rationality. *Philosophy in Review* 21:3 (185-87).

ISSA Proceedings 2002 - Gravity Too Is Relative: On The Logic Of Deliberative Debate



In current argumentation theory, the focus is not often on deliberative argumentation as such. Most modern theorists tend to see argumentation as a homogeneous phenomenon. But in recent years, there has been a tendency to differentiate more, especially in the works of Douglas Walton, who has defined different types of argumentative dialogue. However, we also need to differentiate in another way, namely on the basis of argumentative *issues*.

Aristotle did this when he defined the three main genres of rhetoric. And if we take a closer look at the nature of the issues in deliberative argumentation, several interesting implications will ensue. Deliberative argumentation will turn out to be at odds with assumptions widely accepted in current theories, such as pragma-dialectics and the model of “presumptive” reasoning advocated by Walton.

An essential fact about deliberative argumentation is that it is not about truth, but

action. This fact has been cursorily acknowledged by some theorists, but not explored. Even Toulmin (1958), who made a strong case for distinguishing between argumentative fields, only considers arguments for claims like “Harry is a British citizen” and other constative propositions. Perelman and Olbrechts-Tyteca too fail to make a clear distinction. On the one hand, they emphasize that deliberative argumentation is “oriented toward the future” and “sets out to bring about some action or to prepare for it by acting, by discursive methods, on the minds of the hearers” (1969, 47); on the other hand, they consistently speak of “theses” presented for the audience’s assent. Characteristically, to find acknowledgement that the issues in deliberative argumentation are not propositions or theses, we must go to the textbook literature, including the work that Toulmin co-authored (1979). Educators remember what theorists like to forget: Deliberative argumentation is not about what is true, but about what to do.

A typical deliberative issue is (for the United States, at the time of writing), “starting a war on Iraq”, or “abolishing capital punishment”. It would be a categorial mistake to predicate truth, or falsehood, of these proposals. They are not propositions (assertions, constative statements); they do not predicate that anything is the case. Walton comes close to saying just that in his distinction between “practical” and “discursive” reasoning, when he states: “In the action type of critical discussion, the proposition is a practical ought-proposition that contains an imperative” (1996, 177). However, he blurs the distinction again by describing the deliberative issue as a proposition about what is prudential. The issue in deliberative argumentation is not a proposition; it is a proposal. It does not predicate a state of affairs, nor what ought to be the case; it proposes an action. It is like proposing a toast, or proposing marriage to someone. Proposals cannot be true or false.

All this is not to deny that deliberative argumentation usually involves a great deal of constative propositions, e.g., “Capital punishment reduces crime”. Such a claim may indeed be used as an argument in favour of capital punishment; but the ultimate issue at the top of the argumentative hierarchy is the decision on whether to have or not to have capital punishment. Similarly, the issues of recent referendums in Europe have not been propositions, but proposals to adopt the common currency, or to accept the treaty of Nice. Such issues cannot be formulated as constative statements, and they cannot have truth values. What we vote about is not the truth of a proposition, but the acceptance of a proposal.

It may seem formalistic to insist on this distinction. But it has important implications. One of them is that, strictly, there cannot be any logic of deliberative argumentation. This is because “logic” is about propositions, whereas deliberative argumentation is about proposals. And this accounts for another essential peculiarity of deliberative argumentation, namely what we may call its *multi-dimensionality*.

This term means that arguments for or against a proposal often belong to separate dimensions. If I propose marriage to someone, she might find me a prudential choice; but she might not love me. And even if she did love me, there would still be the fact that to marry her, I would have to break up my current family, which would be ethically questionable. So in deliberating upon my proposal of marriage, the chosen woman would have to do some mental juggling of arguments belonging to three dimensions: prudence, inclination, and ethics – and perhaps even more.

As we know from experience as well as from countless fictional narratives in literature, drama, or film, no logical rules can tell us how to put such heterogeneous arguments on a common denominator and calculate the net result. They lack commensurability. On capital punishment too there are many arguments on both sides, representing many dimensions. Some believe it reduces crime; others, that it does not. Both these arguments belong to the dimension of the socially advantageous, or, in Walton’s term, the “prudential”. But other arguments in the same debate belong to an ethical or religious dimension. Some argue that it is not fit for man to take another man’s life; others argue that God has ordained criminals to pay a life for a life. Again, the dimensions that the various arguments belong to lack commensurability.

By contrast, in a discussion of whether a certain proposition is true – that is, whether a certain predicate can be truthfully predicated of a certain subject – we only have to consider one dimension, namely the one represented by that predicate.

The insight that deliberative rhetoric is multidimensional is as old as rhetoric itself. We find it in Sophistic rhetoric, as in the “*Rhetorica ad Alexandrum*” (1937), the oldest extant book on rhetoric, once thought to be by Aristotle. This work, which predates Aristotle’s text with a few years, has the following checklist of dimensions in deliberative argument: “he who persuades must show that those things to which he exhorts are just, lawful, expedient, honourable, pleasant, and easy of accomplishment” (1421b). This type of rhetoric strikes some

commentators as cynical or opportunistic in the way it suggests a battery of alternative ways to argue[i]; it has an air of “anything goes”. But this seeming opportunism represents the fundamental insight that we cannot decide hard issues by appealing to one general premise.

Aristotle, Plato’s student, who saw his task as that of turning textbook lore into a *tekhne*, tried to make deliberative debate neatly one-dimensional by declaring that “[t]he end of the deliberative speaker is the expedient or harmful [to sympheron kai blaberon] ... all other considerations, such as justice and injustice, honour and disgrace, are included as accessory to this [symparalambanei]” (I, iii, 5; 1358b).

In Sophistic rhetoric, however, there are a diversity of equal, incommensurable dimensions, with no attempt to make one of them the master dimension or common denominator of all. I contend that the sophists are right: in actual deliberation, we find arguments belonging to all the dimensions, with no binding or intersubjective way to reduce them all to coefficients of the same denomination.

The insight that arguments may belong to several dimensions and hence not allow deductive inference to any conclusion or “truth” is central to sophistic thinking. It appears again in the great systematizer of Hellenistic rhetoric, Hermogenes (c. 150 A.D.), who states: “The practical issue is divided: legality; justice; advantage; feasibility; honour; consequence” (1995, 52). Conley rightly says of the Hermogenean system: “This is clearly a long way from the syllogism-based notion of rhetoric familiar from, say, Aristotle’s *Rhetoric*” (1990, 56). The diversity of the list, and the absence of “truth” from it, were no doubt some of the aspects of sophistic rhetoric that made Plato and others see rhetoric as opportunistic flattery and a method for turning black into white. We may compare this sophistic insight with the disillusioning discovery by the Pythagorean mathematicians of irrational numbers; for example, the relation between the diagonal and the sides of a square is irrational. This amounts to saying that there can be no common denominator, no commensurability, between them, i.e., the relation cannot be expressed by any fraction consisting of integers.

By contrast, economic cost and benefit are an example of commensurable entities, since both have the same denomination, namely money; they may therefore be reduced to one coefficient. Not so with the various arguments that are advanced about deliberative proposals such as adopting the Euro, abortion or capital

punishment. There is no algorithm for tallying up the pros and cons.

This is why the distinction between propositions and proposals is important. With propositions, we may, in principle, have deductive validity. A proposition is one-dimensional in that it asserts one predicate, and that is why the truth of that predication may follow from the truth of the premises. A proposal does not assert anything, but several propositions representing separate dimensions may be asserted as premises for or against the acceptance of the proposal.

This implies that in deliberative issues there is no deductive inference from premises to acceptance. This point is central to Perelman's entire thinking about argumentation; indeed, he sees the defining feature of "argumentation", as opposed to "demonstration", in the fact that argumentation is "noncompulsive", i.e., deductive inference is not possible. By contrast, it may be possible to make a deductive inference to a constative proposition about a proposal, for example, that it will be economically beneficial; and this proposition may then be used in deliberative argumentation as an argument for adopting that policy. But there it will not have deductive force. There will always be other arguments in the matter, pertaining to other dimensions, and there is no deductive way to reduce the multiple, multidimensional arguments to one common denominator and deduce a net result.

Perelman and Olbrechts-Tyteca anticipated this characteristic of deliberative argumentation. They point out that "the possibility of arguing in such a way as to reach opposite conclusions" will always exist "when the argumentation aims at bringing about an action which is the result of a deliberate choice among several possibilities" (46).

But much current theory has failed to follow this lead. In pragma-dialectics, some form of deductivism is central, i.e., a belief in a normative rule demanding that the conclusion should follow in a valid manner from the premises. One of the ten basic rules of pragma-dialectics states: "A party may use only arguments in its argumentation that are logically valid or capable of being validated by making explicit one or more unexpressed premises" (Rule 8 in van Eemeren et al., 1996, 284). But as we have just seen, because deliberative argumentation is about proposals and hence multidimensional, it does not allow for logical validity.

Pragma-dialecticians are aware of a difficulty and tend to point out that "valid" should be taken in a different sense. A footnote to the passage just quoted states that *valid* is used in "a broader sense", so that there is no "dogmatic commitment"

to deductivism. However, it never becomes quite clear in what broader sense “valid” is to be taken. There are sporadic comments, but they all deal with the kind of reservations about validity that are internal to the purely formal definition, e.g., concerns about how to deny valid status to a conclusion that tautologically repeats a premise. What we generally do not find in pragma-dialectics is a clear recognition that arguments in, e.g., ethical or political debate may be perfectly good and legitimate, and yet not be valid in any sense resembling deductive validity.

The qualification that arguments, if not logically valid, should be “capable of being validated by making explicit one or more unexpressed premises” does not fix this hole in the theory. The unexpressed premises thus imputed to people so that their arguments may be “validated” are, in many cases, premises that these people themselves would reject. For example, a British opponent of the Euro may believe in the argument that Sterling, as a symbol of national identity, should be preserved. But that person is not thereby committed to the premise that any symbol of national identity should be preserved. And only such a general premise would serve to “validate” his argument against the Euro. So the notion of “validating” arguments by reconstructing their unexpressed premises does not do justice to the way many people actually use arguments on deliberative issues.

Another example of a premise where this kind of validation would misrepresent the arguer’s own standpoint may be cited from a deliberative debate discussed in Jørgensen, Kock & Rørbech (1998). The issue was whether to ban surrogate motherhood arrangements. The opponent was Ms. Pia Kjærsgaard (later to become leader of the anti-immigrant Danish People’s Party, which recently has generated international attention). Her main argument was that a ban on surrogate motherhood arrangements would be a curtailment of personal freedom. Interestingly, this charismatic and powerful political leader lost the debate. But what concerns us more now is the fact she would never accept a general premise rejecting *any* curtailment of personal freedom. After all, any law curtails personal freedom. For example, her party has recently helped introducing new laws curtailing citizens’ rights to bring foreign spouses to the country.

Several theorists who sympathize with pragma-dialectics have sensed that its deductivist position is in need of qualification or defence. One such theorist is Leo Groarke (1999), who states, with praiseworthy explicitness, “natural language arguments should be understood as attempts to formulate deductive arguments”

(1999, 2). He points out that validity in the relation between premises and conclusion only means that the conclusion *preserves* any certainty inherent in the premises, not that a certain conclusion can be drawn from uncertain premises. But even with this – perhaps rather obvious – qualification, deductivism is still at odds with the kind of arguments found in deliberative debate. And the way Groarke speaks of “inductivism” as the only alternative to deductivism indicates that in fact he only has argumentation about constative propositions in mind. The fact is that in deliberative debates we often hear arguments that are quite certain and legitimate, for example that if we adopt the Euro, we will not need to change our money when travelling to another member country; but in spite of such unassailable arguments, the conclusion, namely the adoption of the Euro, does not follow deductively (as was demonstrated when a majority of Danish voters rejected the Euro in September 2000).

Another attempt to preserve some version of the normative validity requirement is based on the idea of arguments being presumptive or defeasible. Douglas Walton is the foremost exponent of this approach. However, the notion of presumptiveness is quite slippery. It is clear that presumptive reasoning is non-monotonic, in the sense that new arguments may come up so that debaters are no longer committed to the presumed conclusion. But what is the nature of this commitment to the presumed conclusion – as long as it lasts? It seems that there are two versions of this commitment, one weaker and one stronger. In the weak version, when an arguer offers an argument in support of a conclusion, then a burden of proof is shifted onto the respondent, who then has to question or attack the argument. By doing that, he can shift the burden back onto the other side. In the strong version of what presumption means, the respondent is committed to accepting the conclusion, in a presumptive way, unless he can find fault with the argument.

This latter meaning of presumption seems to be understood in the following statement by Walton, summarizing the views of van Eemeren and Grootendorst (1992): “If the hearer accepts the premises of the speaker’s argument, and the argument is an instance of a genuine and appropriate argumentation scheme (for the type of dialogue they are engaged in), then the hearer must or should (in some binding way) accept the conclusion” (1996, 10). Walton goes on to say that this “does not appear to be “validity” in the same sense in which the word is familiarly used in deductive (or even inductive) logic”. But still we find here the same general tendency as in the deductive model of argumentation: if an

argument is “valid”, then it means that the hearer is in some way “bound” to accept the conclusion. Validity, even if it does not mean deductive or monotonic validity, somehow means “bindingness” - although the precise nature of the binding commitment or burden is often hard to pin down.

I suggest that argumentation theory, at least as far as deliberative argumentation is concerned, needs to abandon the notion that the validity of an argument has to do with the conclusion being in some way binding. Plain deductivism, reconstructionism, and presumptionism are all versions of the same deductivist way of thinking about argumentation. But for deliberative argumentation at least, this way of thinking is false. A look at any deliberative debate will show that the arguments used there may be perfectly good and legitimate, indeed that they may fully deserve the term “valid” - and yet the conclusion they support does not follow in any binding way. In most cases, not even the debater who uses a given argument in deliberation believes that the hearer should be bound by the conclusion. Moreover, respondents in deliberative argumentation often do not feel obliged to raising critical questions about their opponents’ arguments, either. This is not because they abandon their standpoint or shirk their duties as debaters. Just as often, it is because they recognize that the opponent has a legitimate argument; but, on the other hand, they believe they have arguments for their own standpoint that have greater weight.

The reason that deliberative debaters may think so is precisely that deliberative argumentation is multidimensional. This explains why arguments may be perfectly good and yet not binding.

In a recent paper by van Eemeren himself, with Peter Houtlosser (2000), we find an excellent example of deliberative argumentation that captures many of its central features. They quote a heated British debate on fox-hunting, which can be seen as illustration of how each side, precisely because of the multidimensionality of such debates, has legitimate arguments which carry some weight, but which cannot in themselves entail a conclusion.

The anti-hunters argue that fox-hunting is cruel, and they draw an analogy to cock-fighting and bear-baiting - both of which were banned long ago. The pro-hunters argue that a ban would unsettle popular rural traditions and have a divisive effect, “setting town against country”. Both these arguments are legitimate and carry some weight, yet neither of them is in itself sufficient to entail a conclusion. Even many of those who would use one of these arguments in

a debate over this issue are probably not ready to accept a “reconstructed” general premise that would make their argument deductively valid; even die-hard fox-hunters hardly believe that *any* socially divisive policy should necessarily be rejected. The abolitionist campaign in the United States 150 years ago was socially divisive and did set town against country; and even for an abolitionist like Lincoln himself, this argument no doubt was legitimate and had a certain weight. However, in the particular situation it was outweighed, for him and for many other Americans, by other considerations. Similarly, the cruelty argument is legitimate and yet not deductively valid. There are many cruel practices in our society, some of them traditional and some modern, but recognizing that they are cruel does not entail a commitment to having them all banned. Neither does the analogy to other cruel practices that have been banned entail such a commitment. One debater in van Eemeren and Houtlosser’s article offers further analogies such as horse races and “the far larger cruelty of factory farming”. However, many people who feel that there is indeed an amount of cruelty in horse racing and factory farming probably do not believe that they should *eo ipso* be banned. Thus, when theorists impute such an unexpressed belief to them in order to “validate” their argument, the theorists are at odds with how people actually think.

The example questions not only the deductivist account of argumentation, but also the presumptionist theory. That theory would hold that if a debater points out the cruelty in fox hunting and argues that it should therefore be banned, then that presumption stands, and the opponent should then carry the burden of proof and refute the argument. But none of the pro-fox-hunters in the debate seem to have tried to refute the cruelty argument, in fact they may tacitly have recognized its legitimacy; instead, they meet it with an argument belonging to another dimension, i.e., the social good of hallowed traditions and the avoidance of divisive laws. Thus an ethical argument is countered, not cancelled, with social arguments. One may see all these arguments as acceptable and having at least some weight - and many people probably do. This is tantamount to saying that none of them is logically valid or “binding”, not even in the “presumptive” way. A final, paradigmatic example may be in order. In an article titled “The Right to Live vs. the Right to Die: No Single Yardstick”, columnist Ellen Goodman (1986) describes two cases of people who have wished to be allowed to die by starvation. One is an 85-year-old man in Syracuse, N.Y., who has recently had a stroke, and who has deliberately stopped eating. The administrators of the nursing home

where he lives want to force-feed him, and they take the case to court, but Justice Miller of the State Supreme Court rules against them, writing in his ruling, "I will not, against his wishes, order this man to be operated upon and/or to be force-fed". Goodman comments that she approves of this ruling. The fact that the man wishes to die of starvation is a legitimate reason in favour of letting him die - but not a reason that deductively entails the decision taken.

Here Groarke's point about deductive validity being only certainly-*preserving*, not certainty-establishing, is irrelevant: the man certainly wishes to die, and this is certainly a legitimate argument, yet the decision does *not* follow deductively. It would obviously be false to "reconstruct" a general unexpressed premise underlying the Justice's decision (and Goodman's approval of it) to the effect that "all persons who wish to die of starvation should be allowed to do so". The premise we may reconstruct is rather that a person's wish to die of starvation is a *reason in favour* of letting that person do so. No more, no less.

That this is so is brought out explicitly by Goodman's second example: a 26-year old woman in California, severely handicapped by cerebral palsy, wants to be allowed to starve herself to death. Yet here the judge denies her request. And Goodman agrees with this decision too. But there is no inconsistency. It is much more reasonable to say that in both cases, she (and the judges handling the cases) hold the premise, stated before, that a person's wish to die of starvation is a *reason in favour* of letting that person do so. No more, no less. It is a premise with some weight in both cases, but in neither case does this premise, which is undoubtedly true and certain, deductively entail the conclusion. In one case, this reason is on the "winning" side of the argument; in the other case, on the losing side. But in both cases, it is legitimate and has a certain weight.

In defence of the deductivist account, one might rightly point out that the patient's own wish is not the only premise in either of the two cases. The deductivist might then say that when this premise is added to the other pertinent premises in each of the cases, *then* the conclusion in each of the two cases follows deductively. In other words, for the old man one would say something like this: his own wish, his advanced age and the nature of his illness *together* entail the conclusion that he should be allowed to die. For the young woman, her youth would be one of the premises that, in spite of her own wish, deductively entail the opposite conclusion.

It is easy to see how artificial such an account would be. How does one add up the

premises favouring a certain conclusion, and how does one subtract the ones favouring the opposite conclusion? How old does one have to be to be allowed to starve oneself to death? How ill? We would need an algorithm assigning a specific weight to each premise, using the same common denominator for all the premises, and we would need a rule defining just *how* much weight on one side would be needed to constitute a deductively valid inference. The two cases in question were both brought to court and decided there, but obviously no such formula exists in the laws of the two states. Even if it did, it is obvious that a rule stating just how much weight is needed to make a conclusion deductively “valid” would be quite arbitrary; a different threshold value might just as well have been chosen.

For Goodman too, a whole set of considerations explains why she thinks differently of the two cases. But that is precisely the nature of making decisions, whether in court, in politics, in ethics or in everyday life. In a situation where several considerations or premises simultaneously play legitimate parts, the demand that conclusions must be as certain as their premises is doomed to failure, or forced to resort to artificial *ad hoc* constructions. The only natural way to account for argumentation in such situations is to say that a number of arguments or premises are all legitimate and relevant, but that there is no deductively valid link from the relevant premises to any conclusion.

Indeed, we might argue that the use of the term “valid” in logic is a misnomer, and that the term might be much better employed for precisely those arguments that are legitimate without being deductively valid or cogent. Instead, “valid” arguments would be those that speak with some weight for the conclusion.

If one follows Walton’s account, one might object that these cases still allow of a semi-deductivist or “presumptionist” interpretation. A patient’s own wish to die of starvation, we might say, creates a presumption that the patient be allowed to do so – unless there are other factors that negate this presumption. Thus we have a valid inference of the “presumptive” or “defeasible” kind.

The answer to this account is that there are *always* other factors. They do not arrive out of the blue; they are always there already. But in neither of the two cases do these other factors that may plead for the opposite decision negate the legitimacy of the patient’s own wish. That wish remains a legitimate argument of some weight, even if we decide that there are other arguments of greater weight that plead for the opposite decision. The idea that we either have to negate and demolish an argument, or else accept the conclusion for which it pleads, is false.

The two cases described by Goodman are telling examples of how the making of decisions in politics, ethics or law is better described by the term “casuistry”, as defined by Jonsen and Toulmin (1988), than by a model based on the deductive application of general principles.

And since we now have broadened our scope from deliberation to ethics and law, we might point to the theory of legal reasoning proposed by Robert Alexy (1978) – a theory based on the insight that judicial decisions, at least in the “interesting” cases, cannot be deductive.

It seems that we need an alternative metaphor for thinking not only about deliberative argumentation, but more broadly about how we discuss decisions – instead of the old metaphors that have to do with “chains” of reasoning or lines of argument that “bind” the opponent.

The ancient forensic image of the scales in which opposing arguments are weighed is a good starting point, emphasizing as it does that *deliberation* is related to *libra*, the Latin word for scales. However, while this image is illustrative of some features of deliberative debate, it is misleading about others.

Some interesting aspects well illustrated by the “scales” image are:

1. In deliberative debate there is no deductive or “valid” demonstration of the claim, in the sense of “valid” defined by logic. Indeed, deliberative debaters often do not proceed from “premises” to “conclusion”, as logicians do, but the other way around, i.e., they begin with a standpoint for which they then try to find arguments. To apply the scales image, people generally have a preconceived wish to tip the scales one way or the other, and they look for weights to throw into one of the two pans.
2. Arguments used by deliberative debaters defy evaluation by binary standards such as valid/invalid, or sound/unsound; in deliberative debate there will generally be *some* arguments on both sides that have some weight.
3. Deliberative debaters generally do not intend or pretend that their arguments make their proposal logically valid or “binding”. This calls into question the way argumentation theorists “reconstruct” deliberative arguments by introducing “validating” premises.
4. Deliberative debate is usually not linear, i.e., it is usually not limited to the establishment or refutation of one “clinching” argument. This is because there are no clinching arguments in deliberative debate, which again is why there are often several arguments on each side. Staking all on one line of argument in the belief that if the opponent accepts that, he must also accept the conclusion, is illusory.

The renaissance thinker Lorenzo Valla, a harsh critic of the medieval mode of thinking that aimed at logical proof in human or theological matters, made this point eloquently when he wrote, in a commentary on the medieval philosopher Boethius: “What is more inept than arguing the way the philosophers do, where, if one word is wrong, the whole case falls? The orator, on the other hand, uses many reasons of various kinds, he brings in opposites, he cites examples, he compares similar phenomena and forces even the hidden truth to appear. How miserable and inept is the general who lets the entire outcome of the war depend on the life of one single soldier! The fight should be conducted across the whole front, and if one soldier falls, or if one squadron is destroyed, others and still others are at hand. This is what Boethius should have done, but like so many others he was too deep in love with dialectics” (Valla, 1970, 113)[ii].

All this is well illustrated by the “scales” image. However, even more interesting are some features of deliberative argumentation that this image misrepresents:

5. The total weight of the arguments on any side cannot be calculated by adding and subtracting the weights of all arguments on both sides. Arguments in deliberative debate lack commensurability, i.e., they cannot be put on a common denominator in any binding way. Attempts to tally up the relative merits of alternative proposals in an objective fashion, e.g., in terms of economic cost and benefit, are thus illusory.

6. This is because the weight of each argument is a subjective or “phenomenological” property relative to each member of the audience. As we saw, one may acknowledge that fox-hunting has some social value, and at the same time feel that the suffering inflicted on the foxes argues against fox-hunting with greater weight. But for the person sitting next to you it might be the other way around.

7. However, even if there is no binding or formal way to define a “common denominator” for the pros and cons on a given deliberative issue, people nevertheless may have to decide between the two sides. And somehow they manage. Sometimes they even change sides after listening to argumentation. Apparently they do find a way to put the arguments on the same scales and assess which side has more weight. But this cannot be done formally; which way the scale tips is, for each person, a “phenomenological” property, resulting from the total impact of all the rhetorical stimuli which that person has received. In deliberative argumentation gravity, too, is relative. Weight in deliberative argumentation is a matter of degrees: deliberative arguments are not either valid or invalid, but have more or less weight. But that weight is relative to the person

who judges it, and that person's judgment is influenced by the rhetoric that is used to either enhance or reduce that weight. Enhancing the weight of an argument is what Aristotle called "auxesis" and Latin rhetoricians "amplificatio"; reduction is "meiosis". The insight that the weight of an argument may be enhanced or reduced by degrees, and for each member of the audience individually, is one of the defining features of rhetoric; the insight that arguments belong to many dimensions is the other.

The very fact of multidimensionality in deliberation, which makes deduction in any form impossible, also makes rhetoric necessary. Deliberative argumentation is full of arguments on both sides that all have a certain weight - except that their weight is anything but certain or definite, but changeable and relative.

An important implication of all this for the normative evaluation of actual political debate is the following.

The idea that the other side may have legitimate arguments of some weight is abhorrent to many politicians. They tend to ignore, misrepresent or offhandedly dismiss any argument that can be made against their own policies or in favour of their opponents'. However, many voters probably tend to think that on most contested issues, there is in fact something to be said on both sides. Such voters will want to know what it is and to get a chance to evaluate the relative merits of all reasonable arguments. Politicians who flatly deny that the opposition may have a point, and who maintain that their own policies are unassailable, are not credible in such people's eyes.

Argumentation theory should teach deliberative arguers to acknowledge legitimate arguments on the opposite side. It should also point out that the acceptance of some of the opponent's arguments does *not* entail a commitment to the opponent's proposals or policies. It should keep a vigilant eye on debaters who tend to suppress or misrepresent arguments made by the opponent; this is something that pragma-dialectics has always emphasized, and rightly so. And they should show that the necessary function of rhetoric is to find the available means of persuasion on both sides and to help audiences form their subjective assessments of their relative weight. This would in turn help democracies sustain the credibility of political processes currently threatened by polarization, non-participation and cynicism.

NOTES

[i] Manfred Fuhrmann, who edited the only modern text of this work, has also written an introduction to classical rhetoric in which he indignantly dismisses it: "Seine Lehre ist radikal relativistisch - nicht aus der Fülle des eigenen Schöpfertums, wie die des Gorgias, sondern aus dem baren Opportunismus. Seine aalglatte Routine kennt nichts als eine Vielfalt von Situationen, die ein Redner zu meistern hat, und sie sucht für eine jede von ihnen möglichst viele und hilfreiche Argumente an die Hand zu geben, gute und schlechte, wie es sich trifft; eine Bewertung und Auslese nach irgendwelchen Prinzipien findet nicht statt" (Fuhrmann, 1984, 29).

[ii] Quid enim ineptius philosophorum more ut si uno verbo sit erratum tota causa periclitemur? At orator multis et variis rationibus utitur, affert contraria, exempla repetit, similitudines comparat et cogit etiam latitantem prodire veritatem. Quam miser ac pauper imperator est qui omnem fortunam belli in anima in unius militis ponit! Universitate pugnandum est et si quis miles concidit aut si qua turma pofligata est, alia subinde atque alia sufficienda. Hoc modo agendum Boethio erat, qui ut plurimi alii nimio amore dialectice deceptus est.

REFERENCES

- Alexy, Robert (1978). *Theorie der juristischen Argumentation*. Frankfurt a.M.: Suhrkamp.
- Conley, T.M. (1990). *Rhetoric in the European tradition*. Chigaco: The University of Chigaco Press.
- Aristotle (1926). *Volume xxii. The art of rhetoric*. Translated by J.H. Freese. (Loeb Classical Library, 193.) Cambridge, Mass.: Harvard University Press.
- Aristotle (1937). *Volume xvi. Problems, books 22-38. Rhetorica ad Alexandrum*. Translated by W. S. Hett, H. Rackham. (Loeb Classical Library, 317.) Cambridge, Mass.: Harvard University Press.
- Eemeren, F.H. van, & Grootendorst, R. (1992). *Argumentation, communicatio, and fallacies*. Mahwah, New Jersey: Lawrence Erlbaum Associates.
- Eemeren, F.H. van, Grootendorst, R., & Snoeck Henkemans, F. (1996). *Fundamentals of argumentation theory: a handbook of historical backgrounds and historical developments*. Mahwah, New Jersey: Lawrence Erlbaum Associates.
- Eemeren, F.H. van, & Houtlosser, Peter (2000). *Argumentation, interpretation, rhetoric*. http://www.argumentation.spb.ru/2000_1/papers/1_2000p1.htm.
- Fuhrmann, M. (1984). *Die antike Rhetorik: eine Einführung*. München: Artemis-Verlag.
- Goodman, E. (1986). The right to live vs. the right to die: no single yardstick. In

W.F. Smith & R.D. Liedlich (Eds.), *From thought to theme. A rhetoric and reader for college English*. Eighth Edition (pp. 386-388). San Diego: Harcourt Brace Jovanovich.

Groarke, L. (1999). Deductivism within pragma-dialectics. *Argumentation*, 13, 1-16.

Heath, M. (1995). *Hermogenes on issues: strategies of arguments in later Greek rhetoric*. Oxford: Oxford university Press.

Jonsen, A., & Toulmin, S.E. (1988). *The abuse of casuistry: a history of moral reasoning*. Los Angeles: University of California Press.

Jørgensen, C., Kock, C., & Rørbech, L. (1998). Rhetoric that shifts voers: an exploratory study of persuasion in issue-oriented public debates. *Political Communication*, 15, 283-299.

Perelman, C., & Olbrechts-Tyteca, L. (1969). *The new rhetoric: a treatise on argumentation*. Translated by John Wilkinson and Purcell Weaver. Notre Dame: University of Notre Dame Press. (Original: *Traité de l'argumentation: la nouvelle rhétorique* (1958). Paris: Presses universitaires de France.)

Toulmin, S.E. (1958). *The uses of argument*. Cambridge: Cambridge University Press.

Toulmin, S.E., Rieke, R., & Janik, A. (1979). *An introduction to reasoning*. New York: Macmillan.

Valla, L. (1970): *De vero falsoque bono*. Critical edition by Maristella de Panizza Lorch. Bari: Adriatica Editrice.

Walton, D. N. (1996). *Argumentation schemes for presumptive reasoning*. Mahwah, N.J.: Lawrence Erlbaum Associates.

ISSA Proceedings 2002 - The Mytilene Debate: A Paradigm For Deliberative Rhetoric



Readings of the speeches inserted in Thucydides' *History of the Peloponnesian War* usually make reservations concerning their authenticity. To the historian the fictitiousness involved - openly acknowledged by Thucydides himself in his comments about the use of sources (book 1, chapter 1) - obviously poses a problem.

For instance, Johansen[i] comments that the modern reader can only regret that it is usually impossible to distinguish report from reconstruction in Thucydides' account (Johansen, 1984, 275). Depending on the scope of the analysis, the rhetorician, of course, may also regard the fictitiousness of the speeches as a drawback. However, in my approach to the Mytilene debate, this is not an issue. On the contrary, it is precisely the element of fiction that makes it possible to approach the text as I do. I join Michael C. Leff when he says that the most important feature of Thucydides' representation of the debate is "the reflexive turn it takes" (1996, 89). Not only does the account illustrate how political debaters in a paradigmatic rhetorical situation argue "by the book", an illustration with striking similarities to contemporary debates on the issue of capital and severe punishment. It is also a story, in Leff's words, "about the proper conduct of public discourse." What furthermore makes the text intriguing is that, on the one hand, it invites its reader to speculate on the norms for legitimate political persuasion, and, on the other, it is very open to interpretation. You might say about Thucydides what Wayne Booth pointed out about the *implied author*: "Everything he *shows* will serve to *tell*" (Booth, 1961, 20). Only he does it in a subtle way, sprinkling the text with ambiguities leaving the reader speculating as to his true intention.

What, then, does the account of the Mytilene debate tell us about legitimate deliberation? In my answering that, I am primarily going to address Michael C. Leff's analysis of the text[ii].

The situation at the Athenian Assembly 427 B.C. is this: There has been a revolt against Athens in Mytilene on Lesbos, a privileged ally in the Athenian league. The oligarchic leaders responsible for the defection have appealed to Sparta for help, but the Athenian fleet has arrived first, and under the siege the democrats at the island have forced the new government to surrender to the Athenians. The captured leaders have been sent to Athens, where the citizens at the Assembly the day before "in their angry mood" have decided to put all male Mytilenians to death and to make slaves of the women and children. The next day, however, the

Athenians wake up with a moral hangover, and it is decided to reopen the debate on the punishment of the Mytilenians. The two main debaters are Kleon, an influential politician at the time, and Diodotos, an otherwise unknown citizen. Kleon argues against revoking the punishment, while Diodotos proposes that only the captured prisoners be executed, and that the others be spared. At the close of the debate the vote is almost a tie, but Diodotos' motion is passed. A second ship is sent to Mytilene in pursuit of that dispatched the previous day. Since the first is slow because of "its distasteful mission", the second ship arrives just in time to prevent the massacre.

It is generally agreed that Thucydides sides with Diodotos against Kleon. Kleon is Thucydides' villain, the political antithesis to the exemplary statesman Pericles (Romilly, 1963, 156-158, 163ff. Kitto, 1964, 138, 144-145. Hjørtsø, 1975, 83, 97ff.). Thus, on the question of how to punish the Mytilenians it is Diodotos' proposal that Thucydides regards as the right decision. Moreover, the narrative setting suggests a tale of good versus evil with a happy ending where the responsible decision narrowly prevails. But that Kleon is in the wrong and Diodotos in the right does not necessarily mean that the rhetoric they enact is to be evaluated accordingly. The appraisal of Kleon, however, is fairly clear and unanimous. Basically, he represents rhetoric at its worst. We are told of "the violence of his character" in Thucydides' opening remarks, a violence that permeates Kleon's whole speech. He is exposed as a thoroughly cynical and depraved politician. His speech is full of extremist views, absurdities and inconsistencies. As pointed out by Leff, the inconsistencies are so blatant that they "suggest a fractured and self-deceptive consciousness" rather than a cunning manipulator's plan to deceive the audience.

Intentionally deceptive or not, Kleon's speech is justly condemned, I agree, by Leff as "toxic rhetoric": "Kleon's speech is an exercise in special pleading, and it works to subvert the possibility of an effective democratic rhetoric as Thucydides conceives that possibility. Kleon's rhetoric corrodes civic deliberation not only because it promotes narrowly partisan ends but, more importantly, because it casts suspicion on any appeal to common interests." (Leff, 1996, 91)

What, then, about Kleon's opponent, Diodotos? Is he the positive rhetorical model, according to the deliberative ideal? Leff's answer is no, for although Diodotos' cause is worthier and he is a more sympathetic figure, Leff concludes that his speech is just as deceptive as Kleon's. This is the pivotal point in Leff's

interpretation. He sees the Mytilene debate as the first step in rhetoric's decline in a war-ridden, disaster-bound society. The tenor of this interpretation is that Diodotos is the victim of a general corruption of the deliberative process. In other words, Diodotos is forced by external circumstances and by the poisonous atmosphere of the situation into a position where he has no other alternative than to use the same kind of deceptive appeal as his adversary. Thus, what Thucydides' account teaches us is, according to Leff, the tragic lesson of the "limits of rhetorical agency", the lesson that the "force of events seems to lead [...] to the destruction of the community's power to direct its own fate" (ibid., 96).

I find this interpretation astute but I disagree with Leff's appraisal of Diodotos' argumentation. As I read Thucydides' account, the two speeches serve as contrasts, illustrating the difference between bad and good rhetoric. I shall explicate this view by applying certain aspects of Perelman's concept the universal audience to the speeches. As witnessed by the amount of literature on the subject, it is unclear what Perelman and Olbrechts-Tyteca (1969) actually meant by the universal audience and, more specifically, how the concept should be applied as a normative tool in the assessment of arguments. Although some of the misapprehensions were resolved especially in Perelman (1984), many confusing points remain [iii]. Leaving this far-reaching discussion aside, I venture to use *the universal audience* as I understand the concept, much in line with Crosswhite (1989, 1995) and Tindale (1999).

My main point is that Kleon's speech is a clear-cut example of argumentation addressed to a *particular audience* of an unreasonable disposition - "an exercise in special pleading" as Leff had it in the above quotation; by contrast, Diodotos seeks the adherence of the audience by argumentative means that, at least in important respects, are acceptable to his *universal audience*, the constructed incarnation of an audience who appreciates and demands *reasonable* argument. The crucial point in Diodotos' speech that makes Leff censure his rhetoric as deceptive is Diodotos' argumentation as to whether expedience should influence the decision on how to punish the Mytilenians. Since the evaluation of the speech hinges on this, I shall begin the discussion at this point.

Diodotos applies the central *topos* constituting the genre of political speech from Aristotle on (Aristotle, 1.3.5.) thus: "...this is not a law-court, where we have to consider what is fit and just; it is a political assembly, and the question is how Mytilene can be most useful to Athens." (187) It is Diodotos' repeated emphasis on this point that commentators are uncomfortable with. Johansen remarks that

Diodotos puts forward this highly provocative claim in polemic opposition to Kleon, and leaves it at that (Johansen, 1984, 285).

Kitto, on the other hand, admonishes the modern reader as follows:

Diodotus [...] argues his case solely on grounds of expediency - that is, of common sense. It would be a grave error to argue from this that Diodotus, and the Athenians in general, were cold-blooded addicts of statecraft [...] We have no right to assume that Diodotus felt no emotion. The occasion, in his view, called for reason, not for emotion; he will meet Cleon not by displaying finer feelings but by using finer arguments. In this respect this speech is like Greek poetry and Greek art: the intellectual control of feeling increases the total effect. (Kitto, 1964, 147)

Contrary to this, Leff finds Diodotos' various remarks devastating to his integrity, debasing the speech into "an elaborate work of deception":

If we assume that Diodotus' motive is simple decency, then the speech itself belies that motive. [...] The balance between reason and emotion, deeply embedded in Pericles' oratory, disappears from public view. Although Diodotus suppresses the topic of the honorable in order to promote an honorable cause, his rhetoric voices a narrowed, one-dimensional consciousness, its strict appeal to rationality disguising the motives that guide it and the sentiments that fuel its persuasive force. Diodotus may be a decent man, but he cannot appeal to decency. (Leff, 1996, 94)

I read Diodotos' line of argument differently and hence not in conflict with the norms of good deliberation. If you consider Diodotos' statements in isolation, they appear to be cynical, but in context they take on another meaning. The fact that Diodotos refutes Kleon's accusation and advocates that the audience *change* their former decision puts his arguments in a different light. What I am getting at is not that an illegitimate move serving a good cause may be excused because Diodotos is striking back at Kleon or forced into it in the heat of the moment. My point is that he does, indeed, try to de-emphasize the emotional factors, but that he is not categorically eliminating any consideration of honour and justice (cf. Leff, 1996, 93-94). When Diodotos for instance makes the request: "Do not be swayed too much by pity or by ordinary decent feelings. I, no more than Cleon, wish you to be influenced by such emotions" (189), what he is saying is not: Never mind justice or decency towards your fellow beings! His words are to be understood as refutation of Kleon's charge: Diodotos is denying that he wants the Athenians to change their decision solely out of pity for the Mytilenians. He emphasizes that

the decision is not just a question of feeling sorry for the innocent Mytilenians. In sparing the innocent and executing only the guilty Mytilenians, he concludes, the Athenians will follow the better course and act wisely. "For those who make wise decisions are more formidable to their enemies than those who rush madly into strong action." (190)

There is, I concede, one passage in the speech that threatens Diodotos' integrity, namely his declaration to the Athenians that even if the common people were guilty "you should pretend that they were not, in order to keep on your side the one element that is still not opposed to you." But he continues: "It is far more useful to us, I think, in preserving our empire, that we should voluntarily put up with injustice than that we should justly put to death the wrong people." (189) I see this as an example of Diodotos overdoing the sophistry of the argumentative game. But is this hypothetical argument obviously unethical? After all, it may only be meant to underscore the fact that sometimes it is wise to spare people although they have wronged you.

I now turn to Perelman and the contrast between Kleon and Diodotos as representatives of rhetoric addressed to the particular and to the universal audience.

This contrast is played out in the meta-debate in the first part of the two speeches. Thucydides here sketches Kleon's and Diodotos' views of the debate act they are performing, thereby dramatizing two traditionally contrasting views of rhetoric.

To Kleon, rhetoric means empty words, pandering to the audience, flattery and competition, in short everything that works against the ongoing debate at the Assembly and the possibility of reaching a right decision. This first part of his speech is one big mockery of the deliberative ideal: Democracy stinks! The citizens at the Assembly are chided as a bunch of slaves who are fooled by any novelty in argument; they do not really care about the matter itself and are incapable of understanding the consequences of their own decisions. The renewal of the debate is a sign of their stupidity since the delay blunts the edge of the anger that motivated the decision of the day before. Along the same line, Kleon later includes this absurd three-part list of considerations to be disregarded: "To feel pity, to be carried away by the pleasure of hearing a clever argument, to listen to the claims of decency..." (184).

By contrast, the first part of Diodotos' speech is a defence of rhetoric as the

means for political decision making. He welcomes the opportunity to reconsider the debate question on the following grounds: "Haste and anger are, to my mind, the two greatest obstacles to wise counsel - haste, that usually goes with folly, anger, that is the mark of primitive and narrow minds." He defends deliberative debate as a democratic principle, insisting that you cannot "deal with the uncertainties of the future by any other medium" than words (185). He criticizes the habit of frightening the opponent, of accusing him of turning debate into rhetorical competition and of having hidden agendas behind every political proposal, and he deplores the ensuing general distrust of politicians. Thus, Diodotos too chastises his audience, but, in contrast to Kleon, he turns his irony into a call for careful deliberation, and he takes his starting point in the belief in free and open debate: "The good citizen, instead of trying to terrify the opposition, ought to prove his case in fair argument" (186).

In other words, Kleon represents anti-rhetoric in several respects. He has a negative view of rhetoric, he speaks contemptuously of the persuasive means that he himself practises, and he is in favour of the sort of pathetic appeal where passion consumes the decision maker so that he is incapable of considering the various arguments. Diodotos, on the other hand, represents normative rhetoric in accordance with the deliberative ideal. He speaks in favour of debate directed at "wise decisions" as he says at the end of the speech, i.e., decisions arrived at through informed debate and the *weighing of arguments*.

In this connection, Romilly notes that Diodotos argues for *euboulia* ('good counsel' or 'soundness of judgment') and the greatest liberty of debate. She points out that words derived from this root (the same as in the Greek term for the political speech, *genos symbouleutikon*) are frequent in his speech and very rare in Kleon's. Diodotos likewise defends sound judgment using the Greek word *synesis* ('prudence' or 'comprehension') - "in Thucydides' view the finest of all qualities" (Romilly 1963, 158). Correspondingly and typically of the absurdities in his speech, Kleon uses the word in a derogatory way **(iv)**. It seems strange to me that Thucydides should have put these deliberative key words in Diodotos' mouth if he meant to portray Kleon and Diodotos as two of the same shady kind.

In sum, I maintain that Kleon's views of rhetoric, and of the persuasive act he is involved in at the Assembly, corresponds to the sort of totally irrational rhetoric that seeks only the adherence of the particular audience and tries to persuade by all means, never mind how unreasonable. By contrast, Diodotos holds a view that is compatible with the normative tradition of rhetoric and respects the principle

that it is not enough that a particular audience be persuaded. Good argumentation should also be convincing in the eyes of a critical audience who recognizes the force of the better argument.

But people often do not practise what they preach. So, let me go on with Diodotos' argumentation in order to point out how his argumentation meets significant criteria of reasonableness in addressing his universal audience.

An important point in understanding Perelman's notion of universal audience is that it is not an abstract construction of an audience embodying rationality independent of time and place as the term might suggest (Perelman & Olbrechts-Tyteca 1969, 33. Perelman, 1984, 192). In principle, there is a universal audience for each situation (Crosswhite, 1989, 167), and this audience must always be construed from the particular audience (Ibid., 163) - or particular audiences in cases where, for instance, the speaker addresses a complex audience consisting of different groups. It is this pragmatic dimension that makes Perelman's notion rhetorical and, from my point of view, constitutes its usefulness as a normative tool (see also Tindale, 1999, 117-120). To the Mytilene case this means that the debater who wants to get the approval of the universal audience as well as to obtain the adherence of the actual audience must somehow adapt his argumentation to the particular audience, i.e., the actual audience as he imagines it. He cannot ignore their emotions but must relate to them. In other words, if Diodotos is to achieve the outcome he believes in, through reasonable argumentation, he must adapt to the audience[v] and at the same time reach "reasonable man" in his audience. And this is where Diodotos, in my interpretation, succeeds, in contrast to Kleon, who appeals only to the irrational part of the audience.

The manner of Diodotos' adaptation to the audience is crucial to the evaluation. Does he sell out to the audience by denying the very motives he is guided by, or does he remain true to his own convictions?

In assessing this question, one should be careful not to transfer modern values to the universal audience. The notion of universal audience calls attention to the pragmatic principle that the legitimacy of the argumentation must be evaluated according to the norms and standards prevailing in the community in which the rhetorical discourse takes place. To the modern reader, Diodotos' attitude toward the Mytilenians is undemocratic. We may be appalled by the way Diodotos allows the fate of the Mytilenians to depend on the interests of the Athenians. It would,

however, be a foreign thought to rational man in Athens anno 427 B.C. that a direct appeal to expedience in itself should be considered improper. To Thucydides and the Greeks it is perfectly natural that you use power to act in your own interests, especially in a matter of foreign policy (Hjortsø, 1975, 94-95)[vi]. And, frankly, is it not how modern foreign policy works too, only we do not like to admit it? We may expect the political arguer speaking to the universal audience at the Assembly to have common interests at heart, but this only goes for those who participated in the Athenian democracy, i.e., members of the *polis* excluding women, slaves and foreigners. The distinction between citizens and non-citizens was fundamental to the Athenians, and their rights were civil rights - more like privileges, not human rights (Hansen, 1998, 91-92).

The fact that Diodotos does not bestow the same rights to the Mytilenians as to his peers does not mean that he denies them a decent treatment. As I have argued above, his whole point is that it is wise to act decently and punish justly, i.e., to execute only those Mytilenians responsible for the defection, but spare the rest, and that it is unwise to act in the heat of passion, whether anger or pity. Now, had Diodotos chosen to appeal directly to the compassion of the audience, as Leff implies he should have, he would have resorted to the same kind of irrational pathetic appeal as Kleon. Only, in that case Diodotos would have substituted the appeal to *anger* with the appeal to *pity*, and he would have addressed the emotions of the particular audience in the same unreasonable manner as Kleon. But Thucydides saves him from falling into this trap. In arguing as he does, Diodotos does not deny the feelings that prompt the renewal of the debate or disrupt the “balance between reason and emotion” as Leff claims. On the contrary, he meets the audience now that they have slept on it and their anger has subsided, so that they are able to deliberate and weigh the arguments. He does balance reason and emotion by conveying to the citizens that to change the punishment is not “going soft” but that, in listening to their conscience that makes them regret their former decision, they act in the common interest of Athens.

The difference between addressing the particular and the universal audience is not a choice of *pathos* (and *ethos*) or *logos*. It is *how* you use pathos (see especially Perelman, 1984, 194 on his enlarged conception of reason). You play unreasonably on the audience’s feelings when you, like Kleon, appeal to the passion in a way that inundates the audience with it, unable to consider any other

argument. In reasonable emotional appeal to the universal audience, on the other hand, you appeal to relevant feelings and values in a way that *invites the weighing of arguments*. This distinction, by the way, is close to Willard's definition of the rhetorical version of the *ad populum* fallacy as "the use of emotional appeals or aesthetic images that distract the persuadee from reflective thinking about the arguments being made." The fallacious instances, he says, consist in "that they distract attention from matters the analyst takes to be relevant, It isn't that they are logical errors but that they disrupt counterargument." (Willard, 1995, 148-149)

My last point concerns the question of *consistency*. Argumentation deserving the approval of the universal audience ought to be consistent in order to be reasonable. In this respect too, I find a significant contrast between Kleon's and Diodotos' speeches. Both of them try to combine the *topoi* of the *honorable* and the *expedient*. To my mind, Diodotos combines the two successfully, subsuming the first into the second (cf. Aristotle, 1.3.5.). They are joined coherently in the main claim he is advocating, namely that immoral and unjust decisions are not useful but, in fact, harmful to yourself. In comparison, Kleon's argumentation is completely irrational. He wants it both ways. Among his many selfcontradictions, he tells the Athenians that in destroying the entire Mytilenian population "you will be doing the right thing as far as Mytilene is concerned and at the same time will be acting in your own interests." (184) Having once more denied the Mytilenians any right to be treated decently in the previous sentence, this is truly an example of doublespeak that can only be swallowed by members of the audience who are so prejudiced and full of hatred that they are deaf to reasonable argument. The atrocity of collective punishment can never be made into a morally defensible act[vii].

I want to point out that my analysis neither confirms nor refutes Leff's overall interpretation of Thucydides's views on the fate of rhetoric during the war, which I am in no position to judge. Read in isolation, as I have done, the debate is a more optimistic tale than in Leff's analysis. I am a little skeptical as to whether people tend to learn from history; but in a situation of crisis like the Mytilene debate, one may hope that there will be persons who, like Diodotos, rise to the occasion and turn right what has gone wrong, despite the opponent's pigheadedness. This way the account may be taken as a rhetorical booster to enter debates, also when the opposing view seems below your dignity[viii].

Willard has a point, I think, when he reproaches critics who apply pristine rationality to public discourse: “Anyone can be rational in a hypothetical state of grace - with the luxury of reflection, freed from prejudice, social pressures, time limits, and information shortages. But we live our lives shackled to these frailties. People must be rational, not in their armchairs but *amid* the swirl of society, the clamor of competing advocates. They care about epistemic issues, not in the abstract but in situations, pressed by time, coerced by their emotions, biases, and interdependencies with others.” Is not this a pretty accurate description of the conditions at the Mytilene debate? And is it not a situation that the Assembly, in this case, manages fairly well? Willard furthermore proposes that “instead of demanding that one be free of prejudice and other human foibles, and free of organizational distortions and social influence, a theory of rationality should explain how one grapples with all of these things.” (Willard, 1995, 156) In my opinion, the concept of universal audience is an answer to such a theory of rationality.

In taking the Mytilene debate as a paradigm, I appreciate especially that it is not Great rhetoric as in famous political speeches from history of a more exalted kind. When, for instance, Leff quotes John Finley pointing out that the idealistic tones of the Periclean Funeral Oration are now missing, my response is: Yes of course, this is hard core political debate, not epideictic oratory! Even so, the Mytilene debate challenges the reader to ask how to discriminate between good and bad rhetoric. The answers may vary - as in Leff’s and my evaluations of Diodotos’ argumentative qualities. The important thing is to keep asking when the debater argues legitimately and when he steps outside the borderline of reasonable deliberation. I recommend the Mytilene debate, also for educational purposes, as a text that urges this question on the critic.

NOTES

[i] The translator of the debate into the Danish, used in Jørgensen (2001).

[ii] Whereas Leff quotes the Crawley translation, I use the Warner translation. This, of course, may influence differences in our views of the debate.

[iii] For instance, one may object that the notion seems to be especially relevant to philosophical discourse and that it remains obscure to what extent Perelman regarded it as applicable to political argument. Gross (2000, 332), for instance, maintains that while politicians address particular audiences, philosophers and scientists address a universal audience. Regretably, Perelman in retrospect says

less about how he himself understood the notion than about what others have understood correctly or misunderstood.

[iv] Hornblower (1991, 424) translates the adjective with 'intelligent' or 'prudent' and adds that it is "normally (though not always) a word of high praise in Th. and his speakers."

[v] I do not hereby imply that there is a universal audience to be reckoned with in all situations. It is quite clear that according to Perelman there are situations in which the speaker cannot be expected to address a universal audience, cf. Perelman & Olbrechts-Tyteca (1969, 111). In other situations, e.g., when it is hopeless to gain adherence, it can be appropriate to transcend the situation and address a universal audience beyond the present.

[vi] For a further discussion of Thucydides' and the debaters' views of imperialism, see Romilly (1963).

[vii] White (1984, 72-76) also compares Kleon's and Diodotos' uses of the *topoi* but his evaluation in this respect is the direct opposite of mine.

[viii] Others have reached less optimistic conclusions by reading the Greek in the passage about the outcome of the debate. The Greek word for "nevertheless" is placed oddly in the context, which Hornblower translates as follows: "these were the arguments on each side. They were almost equally strong, but there was nevertheless a struggle between the two opinions; the show of hands was very near, but the motion of Diodotos prevailed." Hornblower believes that it must mean that the decision is taken "irrespective of the reasoning which had been advanced." (Hornblower, 1991, 438) I feel inclined to take this as an example of critics turning more sophistic than the sophists they are critiquing.

REFERENCES

Aristotle (1991). *On rhetoric. A theory of civic discourse*. Translated by G. A. Kennedy. New York: Oxford University Press.

Booth, W. C. (1961). *The rhetoric of fiction*. Chicago: The University of Chicago Press.

Crosswhite, J. (1989). Universality in rhetoric: Perelman's universal audience. *Philosophy and rhetoric*, 22. 157-173.

Crosswhite, J. (1995). Is there an audience for this argument? Fallacies, theories, and relativisms. *Philosophy and rhetoric*, 28. 134-145.

Gross, A. (2000). Rhetoric as a technique and a mode of truth: Reflections on Chaïm Perelman. *Philosophy and rhetoric*, 33. 319-335.

Hansen, M. H. (1998). Polis and city-state: An ancient concept and its modern

- equivalent. *Acts of the Copenhagen Polis Centre vol 5*. Copenhagen: Munksgaard.
- Hjortsø, L. (1975). *Thukydid. De græske historikere. Klios førstefødte* (pp. 75-104). Copenhagen: Berlingske Forlag. .
- Hornblower, S. (1991). *A commentary on Thucydides. Vol. I*. Oxford: Clarendon Press.
- Johansen, H. F. (1984). *Fri mands tale. Græsk litteratur indtil Alexander den Stores tid*. Viby J.: Centrum.
- Jørgensen, C. (2001). Mytilene-debatten som paradigme for deliberativ retorik. In L. Heltoft & C. Henriksen (Eds.), *Den analytiske gejst* (pp. 113-124). Frederiksberg: Roskilde Universitetsforlag.
- Kitto, H. D. F. (1964) [1951]. *The Greeks*. Chicago: Aldine Publishing Company.
- Leff, M. C. (1996). Agency, performance, and interpretation in Thucydides' account of the Mytilene debate. In C. L. Johnstone (Ed.). *Theory, text, context: Issues in Greek rhetoric and oratory* (pp. 87-96). Albany: State University of New York Press.
- Perelman, C. (1984). The new rhetoric and the rhetoricians: Remembrances and comments. *Quarterly journal of speech*, 70, 188-196.
- Perelman, C. & Olbrechts-Tyteca, L. (1969). *The new rhetoric: A treatise on argumentation*. Translated by J. Wilkinson & P. Weaver. Notre Dame: University of Notre Dame Press.
- Romilly, J. de (1963). *Thucydides and Athenian imperialism*. Translated by P. Thody. Oxford: Blackwell.
- Tindale, C. W. (1999). *Acts of arguing: A rhetorical model of argument*. Albany: State University of New York Press.
- Thucydides (1954). *History of the Peloponnesian war*. Translated by R. Warner. Penquin Classics.
- White, J. B. (1984). *When words lose their meaning*. Chicago: The University of Chicago Press.
- Willard, C. A. (1995). Failures of relevance: A rhetorical view. In H. V. Hansen & R. C. Pinto (Eds.), *Fallacies: Classical and contemporary Readings* (pp.145-158). Pennsylvania: The Pennsylvania State University Press.
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ISSA Proceedings 2002 - The Conceptual Fabric Of Argumentation And Blended Mental Spaces



In my paper I will make a humble but unambiguous attempt at analyzing one specific aspect of the *creation of argumentative reality for critical, argumentative discourse*: namely, the nature of the linguistic texture and the corresponding conceptual fabric of arguments. I will invite my readers to look at the nature of everyday practices of argumentation in the light of an interactive mechanism that shapes argumentative reality. Two driving forces will be identified within this interactive mechanism:

- a. *conceptual flexibility reflected in language use*, seen as on-line dynamic construction of full social meanings and
- b. *argumentation structures* seen as the result of normative, though audience-oriented and presentation-bound reasoning behavior.

The starting point of my investigation is the appreciation of the basic tenets of the workings of critical, argumentative discourse as proposed in the *problematological enterprise* based on the dialogical game of question and answer (cf. Meyer 1994) and the *pragma-dialectical engagement* in creating argumentative reality (cf. e.g. Eemeren & Grootendorst 1994). Both of these approaches take it for granted that discursive argumentative behavior is determined by general principles of reasoning practices and rational discursive behavior. The critical discussions themselves ought to be seen as stretches of discourse composed of different types of argumentative speech acts. In an earlier analysis of the conventional aspects of argumentative speech acts (see Komlósi 1997) I investigated how institutionalized contexts and situated language use exploit fixed illocutionary and perlocutionary procedures creating expectations regarding possible inferences and the structural organization of argumentative discourse. The pragma-dialectical model of a critical discussion establishes an idealized model of the speech acts performed at the various stages of critical

discussions by protagonists and antagonists who make attempts to resolve their differences of opinion in a reasonable way. The pragma-dialectical discussion procedure amounts to the constitution of a code of conduct for reasonable discussants, based on the critical ideal of reasonableness. I cannot go into the philosophical discussion about reasonableness and rationality here. However, I will claim and emphasize with my analysis that the question of reasonableness must be discussed and should be re-evaluated at the level of concept construction and conceptual integration for linguistic expressions and linguistic thought underlying the argument structures we use in argumentative discourse.

Recent developments of integrating rhetoric insights and rhetorical goals with the pragma-dialectical method of analyzing reasonableness in argumentative discourse have opened new vistas for further investigations: audience-orientedness and presentational-boundness have been identified as new sources for argumentative materials (see Eemeren, Ed. 2001).

Conceptual flexibility reflected in language use

Our everyday argumentative practices are greatly influenced by the linguistic texture and the conceptual fabric coded in linguistic behavior. I want to remark here that in the medium of language use much more power is actually assumed by *conceptual flexibility* than we are likely to acknowledge. What we can find when looking at the processes of language production is that endlessly variable meanings emerge from the combination of particular word choices in texts and narratives, from collocational variance, from context relevance, from figurative language use, from metaphorical and metonymical extensions and from different types of conceptual integration. The production and interpretation of these novel meanings are not random or arbitrary at all. There are uniform structural and dynamic principles at work in these meaning operations which take place under competing optimality constraints.

The analysis I envisage for a wide-ranging investigation of linguistic texture should discuss

- a. *semi-variable linguistic elements* (such as set constructions, clichés, slogans, idioms, collocations) and
- b. *fully-variable linguistic processes* (such as metaphorical and metonymical extension, conceptual projection, conceptual integration and mental space blending (cf. e.g. Sinclair 1991, Kay 1997, Turner and Fauconnier 1998, Coulson 2001)). For the specific purposes of the present analysis, however, I will constrain

my attention to the analysis of *conceptual integration and mental space blending operations* only.

Argumentation theory has obviously been influenced by the fundamental debates in linguistics and the philosophy of language concerning the nature of sentence meaning and utterance meaning, the role of contextual and background knowledge in inference making, meaning construction and reasoning behavior, the nature and application of mental models of discourse events and the role of linguistic expressions in evoking frames and mental images.

There is a growing consensus among the cognitively-oriented people in language science that “utterance meaning is *not* in the speech signal, but it is actively constructed by speakers in response to linguistic and nonlinguistic cues.”(Coulson 2001, xii.) These critical cues will activate background assumptions which are necessary for *interpreting acts and linguistic acts*, the two pillars in the construction of social reality. If acts and linguistic acts make sense to any audience, they can only do so by being embedded in contexts which are closely related to complex sets of background information residing in the form of frames, scenarios, scripts, schemata, idealized cognitive models, folk theories, etc. All these formations represent structured background knowledge and have important experiential character. *Frames*, used in the present analysis as a cover term for all the above listed formations, are motivated by individual human experience, social institutions and cultural practices. *Words* (and linguistic expressions in general) are defined with respect to frames and are used to evoke them. Different expressions highlight different aspects of a frame and evoke a frame along these aspects. Certain verbs (e.g. “buy-sell-pay” in the Commercial Event frame or “lend-borrow” in a general social transaction frame) may evoke the same frames, but accentuate or profile particular perspectives, positions, motives or intentions of particular participants.

Cognitive psychology has provided substantial evidence for the assumption that subjects, functioning as rational agents, utilize frames and cognitive schemata in a variety of cognitive tasks connected to perception, deliberation, planning, or to employing memory for events, making inferences in complex situations, making default assumption about unmentioned aspects of situations or making predictions about possible consequences of actions. If this is the way we solve cognitive tasks, we have good reason to assume that our meaning construction operations and reasoning practices are likely to be running along similar lines.

According to the constructivist approach, words do not retrieve lexical entries but they rather activate abstract structures and processes for integration with contextually available information. In other words, words are used to evoke an indefinite number of contextually motivated interpretations. Because of the potentially infinite number of nonce senses, the lexicon cannot be finite. The contribution of an appropriate word meaning depends upon the context in which it appears. In the absence of explicit context, however, speakers activate generic frames filled with default values. Words, thus, are understood as setting up frames which may apply to *actual, representational or hypothetical referents*.

Productive language behavior can be witnessed at its best when non-standard meanings are generated. Interestingly, non-standard meanings are absent from dictionaries. They prove to be non-computable by traditional parsers. Such non-standard meanings can occur, *inter alia*, in metaphoric and metonymic expressions, hyperboles, understatements, euphemisms, exaggerations, sarcastic quips, innuendos, subtle accusations, private meanings (cf. particularized conversational implicatures), tacit assumptions based on convention or consensus (cf. generalized conversational implicatures).

Frames and other conceptual domains are basic units and building blocks in the realm of thinking. For further analysis, I need to introduce briefly two mental operations that are crucial for understanding how we construct meaningful verbal utterances, texts of different types and stretches of discourse.

Frame-shifting is semantic reorganization that occurs when incoming information is inconsistent with an initial interpretation.

Conceptual blending is a set of cognitive operations for combining frames from different domains (cf. Coulson 2001: xii).

Let us consider the following example for frame-shifting (cf. Coulson 2001:58).

FS1:

Arguments between couples are healthy; sometimes they even prevent marriages.

The first clause creates an operational frame, FRAME1 which overrides the default assumption that arguments are bad. Further, there is an invited interpretation to FRAME1 evoked by the expression "couples": the assumed goal for couples is that they ought to get along well with each other while staying together, often as married couples. However, the idea of "preventing marriage" changes the assumed goal associated with FRAME1 and induces a frame-shift. We

get FRAME2 with the assumed goal that couples should avoid marriages. An obvious contradiction arises if one tries to maintain the assumptions of both FRAME1 and FRAME2. Inevitably, the original default expectation gets re-modulated, as now it is assumed that arguments can be bad after all as they may prevent marriages. However, the resolution of the contradiction is carried out by the creation of a new, emergent, pragmatic assumption introduced: couples who cannot cope with arguments should not stay together, i.e. their prospective (undesirable, unmatching) marriages should be prevented. But then again the original default assumption that arguments are bad need to be re-modulated: after all, arguments can be good and healthy in preventing undesirable marriages.

It is to be observed that we have here a prime case of a *blended mental space*. The blend itself selectively inherits some properties of the input spaces (FRAME1 and FRAME2), which separately had partitioned information, but the blend also has emergent properties, not included in any of the input spaces. In FRAME1 there is a claim about the healthy nature of arguments between couples. In FRAME2 this healthy phenomenon undermines the core meaning underlying the state of “being couples”. The emergent, pragmatic assumption of the blended mental space is this: couples who cannot resolve their differences of opinion and cannot develop mechanisms to cope with arising arguments should not stay together as married couples. The constitutive semantic content of the blend, i.e. of the emergent mental space is by no means explicit: it is a result of a dynamic inferencing mechanism, an inevitable prerequisite of language processing and meaning creation.

The constructed meaning emerging from the blended mental space has the full strength of an argument. If the intended meaning of the arguer is recovered (“Couples who cannot resolve their differences of opinion and cannot develop mechanisms to cope with arising arguments should not stay together as married couples”), it becomes publicly available and stands for defense. Moreover, it is not only the arguer’s intended meaning but also the inferential steps themselves that are transparently recovered. Thus, I want to claim that a person uttering FS1 commits themselves to acting as a reasonable discussant by creating an argumentative reality for critical, argumentative discourse such that the implicit and inferred argument of the utterance obtains a status of being publicly defensible.

Frame-shifting and conceptual blending (blending of mental spaces) highlight the *need for dynamic inferencing mechanisms in language processing and reasoning*.

The meaning construction process can well be further complicated by the presence of various sorts of lexical and conceptual ambiguities. Interpretation models must include procedures for deciding between possible interpretations.

I also want to claim that the mental operation of opening up alternative mental spaces is a highly feasible and viable means to bridge, at least temporarily, what we call after Nicholas Rescher “epistemic inconsistency” and apply, consequently, the “suspension of rational judgement”. This suspension can reside in a blended mental space with its emergent properties.

Let us consider some more examples for frame-shifting after Coulson (2001:35-36).

FS2:

- a. John put the pot inside the dishwasher
creates FRAME1 based on a “washing-up-a-cooking-pot” scenario. The utterance of
- b. because the police were coming
prompts a frame-shifting creating and activating FRAME2 based on a “hiding-pot” scenario.

Thus, the utterance of FS2 (b) requires a reanalysis of FRAME1 and triggers a complex set of inferences that will be constitutive for the new frame, FRAME2:

1. pot means marijuana which is an illegal substance
2. possession of illegal object counts as crime
3. for committing crime one gets arrested
4. John does not want to get arrested
5. John does not want the police to see his pot
6. John makes an attempt to hide the illegal object in his possession
7. etc.

Let us examine some more examples to enhance the taste of this mental operation (cf. Coulson 2001: 44, 49, 57, 67). Please note the presence of particular expressions prompting the inevitability of frame-shifting for arriving at viable (contextual) interpretations.

FS3

A thoughtful wife has pork chops ready when her husband comes home from fishing

SF4

By the time Mary had had her fourteenth child, she'd finally run out of names to call her husband

SF5

a. When I asked the bartender for something cold and full of rum, he recommended his wife

together with its gender variant:

b. When I asked the bartender for something cold and full of rum, she recommended her husband

SF6: My wife did natural childbirth: no makeup

Perhaps one more example from my own university lectures:

SF7

a. I'd like to die like my grandfather; peacefully, content in his dream;

b. unlike his passengers, screaming and scared to death

There is no time to give you further detailed analyses of why and how these frame-shifting phenomena come about. Let it suffice to underline the most important consequence of these mental operations though: in order to solve the problem of (logical or epistemic) inconsistency, the opening of new mental spaces, and consequently, the construction of an emergent, blended mental space will provide for a cognitively viable solution to integrate different types of information, which sometimes are or seem to be incompatible with each other. Such results certainly offer a link to better understand the ways our reasoning and argumentative practices come about and work.

At this point I ought to summarize briefly my analysis of the mental space operations. We are to conclude that dynamic meaning construction consists of mapping cognitive models (frames, domains, schemata, etc.) from space to space while keeping track of the links between spaces and between elements and their counterparts. In semantically underdetermined lexica and contexts, there is no way a parser could produce valid derivations of the logical representations of

sentence meanings.

Argumentation structures

In argumentation theory a crucial place is occupied by the study of unexpressed premises, unexpressed standpoints and arguer's commitments, together with the study of enthymems (i.e. types of presumptive argumentation in which listeners are to make or activate appropriate sets of assumptions and inferences). Argument reconstruction in these cases requires not only logical analyses based on formal validity criteria (especially valid argument forms), but also pragmatic analyses based on standards of reasoned discourse (defined especially on contextual information and background knowledge). According to a generally accepted view, the argumentation structure of a stretch of discourse is determined by the way the reasons advanced hang together and jointly support the defended standpoint, often captured by the term *argument schemes*. In the case of more complex types of argumentation, however, uncertainties of interpretation may arise since the literal presentation does not provide for sufficiently clear information of how the argumentation is structured (cf. Eemeren, Ed. 2001). Here we need to look at the nature of non-literal and indirect language uses, but we also have to take into consideration a lot of contextual specificities and background information (cf. especially Levinson 2000 for the discussion of presumptive meanings).

To conclude the present analysis, I want to propose a possible extension to the scope of the pragma-dialectical approach to argumentation structure by adopting the *speech act of profiling*, as discussed e.g. in (Langacker 1999). *Profiling can control the perlocutionary effect of utterances*, as the same situation or state of affairs can linguistically be conceptualized or framed from different perspectives or in terms of differently foregrounded features. *Profiling is a powerful tool in argumentation for inducing perspectivization and identification in audiences*. This much has been well known for a long time. What I hope to get across with the present analysis, however, is that the operation of profiling, a grammatical and a conceptual operation at the same time, shows close resemblance with the way mental spaces are utilized in a coherent working system of conceptual integration.

My final claim is this: natural language has a huge set of linguistic entities (words, expressions, collocations, set phrases, idioms, verbally expressed logical formulae, proverbs, sayings, linguistic emblems, innuendoes, etc.) that have

undetermined semantic content by themselves, however they have a high potential by design to prompt, evoke and activate contextually appropriated abstract mental models (frames, scenarios, schemes, etc.). These mental models function as constituting elements in space building. Mental spaces thus represent complex sets of beliefs, hypothetical or fictional scenarios, scripts and schemes, events and situations located in time and space, thematically structured domains (knowledge hierarchies such as encyclopaedic knowledge structures, world knowledge, abstract systems knowledge, logical laws), etc. As discourse unfolds, the discourse participants extend existing spaces by adding new elements and relations between elements to the cognitive models already evoked, or they actually build new mental spaces when utterance interpretations require background assumptions incompatible with or contradictory to the background assumptions of current mental spaces. This is what I exemplified with the frame-shifting and space blending examples above. In the coordinated system of spaces the *focus* is the space in which meaning is currently being constructed and the *viewpoint* is the space from which other spaces can be accessed. Such a space organization on the conceptual level corresponds to the speech act of profiling on the pragmatic level, as analyzed above.

Human inferential abilities are crucially important for language processing. This, however, cannot be the ultimate aim of a highly sophisticated cognitive organ, the human mind. Based on the remarkable efficiency of language processing supported by the information contents inherent in epistemic contexts specifically and in the cognitive environment generally, human reasoning and argumentative behavior, a major domain of human symbolic acts, gets thus constituted and reinforced. The manifestation of the human reasoning and argumentative behavior is argumentation, the research object in the focus of argumentation theorists.

REFERENCES

- Coulson, Seana (2001), *Semantic Leaps. Frame-Shifting and Conceptual Blending in Meaning Construction*. Cambridge: Cambridge University Press.
- Eemeren, Frans H. van (Ed. 2001), *Crucial Concepts in Argumentation Theory*. Amsterdam: Amsterdam University Press.
- Eemeren, Frans H. van & Rob Grootendorst (Eds. 1994), *Studies in Pragma-Dialectics*. Amsterdam: Sic Sat.
- Kay, Paul (1997), *Words and the Grammar of Context*. Stanford, Cal.: CSLI Publications.

Komlósi, László I. (1997), *Inferential Pragmatics and Cognitive Structures: Situated Language Use and Cognitive Linguistics*. Budapest: Nemzeti Tankönyvkiadó.

Levinson, Stephen C. (2000), *Presumptive Meaning: The Theory of Generalized Conversational Implicature*. Cambridge, MA: The MIT Press.

Langacker, Ronald (1999), *Grammar and Conceptualization*. (Cognitive Linguistics Research 14.), Berlin/New York: Mouton de Gruyter.

Lepore, Ernest (2000), *Meaning and Argument*. Malden, Mass.: Blackwell.

Meyer, Michel (1994), *Rhetoric, Language and Reason*. University Park, Pennsylvania: The Penn State University Press.

Sinclair, John (1991), *Corpus, Concordance, Collocation*. Oxford: Oxford University Press.

Turner, Mark and Gilles Fauconnier (1998), *Conceptual Integration Networks*. (www.wam.umd.edu/~mturn/WWW/blending.html)