

# ISSA Proceedings 2014 - Conflict And Tension: The Discursive Dissonance At The UN

*Abstract:* We aim at examining the governmental political marketing and its rhetorical strategies of maintenance, which also has the task of projecting an innovative image, so that the government survive and perpetuate. Among these strategies, it is included the dialogue with others governments in the international community and the engagement with common causes to the globalized world. This scenario requires an interdisciplinary field, mediated by the theories of argumentation, which constitute the core of all efforts of political nature. Speeches taken from the UN Assembly on September 23rd 2013, pronounced in a moment of great tension, not softened by diplomatic diligences, will be examined. The study of *actio*, the performance of political actors, is included.

*Keywords:* *Actio*, conflict, image, interdisciplinarity, negotiation, political speeches, *stasis*, strategies, tension, United Nation.

## 1. *Introduction*

The confrontation of speeches or *stasis* is frequent in contemporary political speeches, in a world that grows more complex and where it is increasingly more difficult to understand the various focuses of the questions. When one thinks of the deliberative discourse as it was conceived in the Greek-Latin world, it is possible to notice that the clash of discourses then was also heated, with the raise of discordant voices against what was being proposed. However, the transition from the Greek *polis* to the modern concept of State has introduced significant changes. In the latter, the political discourse is a conflictive setting in which the many manifestations are exacerbated, modulated, and softened by the norms of courtesy and diplomatic mediation necessary for modern life to work. New genres and formats arise, aiming at diverse audiences and media outlets. Although the concept of politics remains the same as in its origin - that which preserves the Common Good and what is useful and necessary to the collectivity (deliberative), what is fair (judiciary), and the cohesion of society (epideictic) - the process of institutionalization that was gradually taking place gave it new configurations. Conversely, the media, in its role as an agent that presents different angles of a

story or fact, exaggerates some aspects more than one can imagine. It is up for the citizen to disentangle the questions and form an opinion about the different situations.

In the political life, the official voice also has an important role when taking a stand on controversial situations or when communicating serious pieces of news which affect the lives of citizens. This is, many times, carried out by immediate advisors or spokespersons, in order to protect the figure of the Chief of State.

The UN is a privileged environment to observe the aforementioned confrontations, given the circumstances that gather people of distinct origins and cultures, who meet in assemblies, either as members of the permanent Council or as observers.

Created in 1945, following the two World Wars, one of its main roles is to mitigate the world tensions and help the conflicting nations establish dialogue. Lately, however, there have been talks of its weakened performance in this role.

## *2. A analyzing two presidential speeches*

In this study we look into two presidential speeches delivered on the 24th of September 2013, during the 68th edition of the General Assembly, when the President of Brazil, Dilma Rousseff, was the opening speaker. By tradition, Brazil is the first country to speak at the opening for having been the first country to join this organization. It is the third time, since 2011, that she participates in this event.

Immediately afterwards, it was the turn of the President of the United States, Barack Obama. The situation was considerably tense once there had been indiscriminate collection, by the United States, of government data and even personal information of Brazilian citizens, including espionage targeted on the Brazilian president's private mail and government entities, such as Petrobrás. It is worth mentioning that two months prior to this Assembly, the episode related to the revelations of Edward Snowden, former CIA member, was very much alive in the collective memory.

The speech from the Brazilian leader proved to be harsh in rejecting this kind of attitude, characterizing it as espionage, taking the opportunity to outline the principles that underpin her government and what is expected from the UN: multilateral mechanisms that ensure freedom of expression, privacy of the

individual and respect for human rights, without prejudice of political, commercial, religious or of any other nature; democratic governance, carried out with transparency; universality that ensures human development and the construction of inclusive and non-discriminatory societies; respect to cultural diversity, without the imposition of beliefs, customs, and values.

There was no immediate reaction on the part of the American president to the remarks about the interventions mentioned by the Brazilian president. As usual, he presented an overview of the U.S. politics, with emphasis on its weak points in the world panorama: integration of the world economy in a time of crisis, limitation of the use of drones, the work to close the Guantánamo Bay prison; the pacification of regions in turmoil, such as Kenya, Pakistan, the north of Africa and the Middle East, especially Syria, with the elimination of chemical weapons, and the Arab-Israeli conflict.

It is, evidently, what the pragma-dialectics characterizes as a critical discussion, based on certain norms that govern the rules and codes of conduct and by which concrete practices of argumentation are evaluated to attain a critical evaluation of the maneuvers in play.

In Chapter 3 of *A Systematic Theory of Argumentation*, this situation is well described when the authors, Eemeren and Grootendorst affirm:

*Argumentation is not just the expression of an individual assessment, but a contribution to a communication process between persons or groups who exchange ideas with one another in order to resolve a difference of opinion.*

*(...) In pragma-dialectics, argumentative discourse and texts are conceived as basically social activities and the way in which the argumentation is analyzed depends on the kind of verbal interaction that takes place between the participants in this communication process (Eemeren & Grootendorst, 2004, p. 55).*

In this presentation, the theoretical presupposition we adopt is one of an interactional view of argumentation, which encompasses the conjunction of a descriptive view and a normative perspective, considering the presence of a counter-discourse, even if implicit. In case of a debate, it is necessary to focus on the collision points and reflect on the influence each of these projects on its interlocutor or the audience. It is necessary, thus, to know exactly what type of

manifestation is in question.

Just as there is not a single and exclusive view on argumentation comprising these various approaches, likewise the concepts which argumentation deals with are not homogeneous, depending on the adopted points of view and the choices made when constructing its analyses. This is what happens with the concept of rationality and fallacy, among others. In the first case, it is preferred to work with reasonableness, with several nuances, but when fallacies are concerned, they are either seen as reasoning flaws or interaction mechanisms, making part of social convenience depending on the interpersonal relationships, such as white lies, affected modesty, and other forms of interaction in which the affective element is present.

The samples under our consideration are excerpts from the address from the Brazilian president, which is 25 minutes long (equivalent to 08 pages) and the address from the President of the United States, which is 44 minutes long (equivalent to 11 pages). Following the argumentation phases proposed by Eemeren and Grootendorst, we will cover the moment of confrontation, the opening, the argumentation and the conclusion, and we will analyze them according to the chosen argumentative techniques, as well as the figures present within, according to the classification of Perelman and Tyteca, in *The new rhetoric: A treatise on argumentation*. We will pay special attention to the concluding phase, the peroration, based on Chapter 8 of *Argumentative Indicators in Discourse* (Van Eemeren, Houtlosser and Henkemans, 2007, pp.223-230).

The confrontation happens from the problems that motivate the speech, opening to the description that constitutes the grounds for argumentation itself, leading to the conclusion, when appeals to the UN and the international community are made.

In Dilma Rousseff's speech there is, initially, the exordium, with its habitual salutations, followed by the opening for considerations about recent problems of international repercussion, that is, the terrorist attack in Nairobi:

*Allow me initially to express my satisfaction in having a renowned representative of Antigua and Barbuda - a country that is part of the Caribbean, which is so cherished in Brazil and in our region - to conduct the work of this session of the*

*General Assembly. You can count, Excellency, on the permanent support of my Government.*

*Allow me also, at the beginning of my intervention, to express the repudiation of the Brazilian Government and people to the terrorist attack that took place in Nairobi. I express our condolences and our solidarity to the families of the victims, the people and the Government of Kenya.*

*Terrorism, wherever it may occur and regardless of its origin, will always deserve our unequivocal condemnation and our firm resolve to fight against it. We will never give way to barbarity.*

President Obama, in a concise way, salutes the President of the Assembly as well as his General Secretary, the delegates, and remaining attendees and, in three sentences, makes considerations about the institution, the UN, briefly outlining the history of its foundation, which constitutes an act of *captatio benevolentiae*.

*Each year we come together to reaffirm the founding vision of this institution. For most of recorded history, individual aspirations were subject to whims of tyrants and empires. Divisions of race and religion and tribe were settled through the sword and the clash of armies. The idea that nations and peoples could come together in Peace to solve their disputes and advance a common prosperity seemed unimaginable.*

*It took the awful carnage of two world wars to shift our thinking.*

*For decades, the United Nations has in fact made a difference - from helping to eradicate disease, to educating children, to brokering Peace.*

These movements are made by means of figures of presence, which bring back to memory past facts, contrasting them with the present situation and presenting them as a stimulus for further progress.

Next, reports of his actions in the presidency follow, describing them as a result from collective attitudes, by means of figures of communion, which involve the audience, constituted by the representatives of the countries attending the meeting. When talking about the economic crisis, which he highlights first, he thanks the efforts of all and points to what is still left to be done:

*Now, five years after the global economy collapsed, and thanks to coordinated efforts by the countries here today, Jobs are being created, global financial systems have stabilized, and people are once again being lift out of poverty. But*

*progress is fragile and unequal, and we still have work to do together to assure that our citizens can access the opportunities that they need to thrive in 21st century.*

The central part of the argumentation of the President of Brazil is developed in three movements:

a. *The global network of electronic espionage*

In reference to it, she expresses indignation and repudiation on the part of large sectors of public opinion around the world. She dislocates and projects beyond her the evoked sentiments, which softens the possibility of an *ad hominem* that would make the continuation of her speech impossible. Next, she anticipates possible arguments from a counter-discourse, by means of a prolepsis figure, in order to refute them:

*The arguments that the illegal interception of information and data aims at protecting nations against terrorism cannot be sustained.*

When addressing the president, she refers to the president of the Assembly and, at that moment, establishes a tripolar argumentation, in which there is a proponent, an opponent and the question itself, the *ad rem*, before an audience which is also part of the proposal, once she refers to the International Human Rights, the *ad humanitatem*.

*Friendly governments and societies that seek to build a true strategic partnership, as in our case, cannot allow recurring illegal actions to take place as if they were normal. They are unacceptable.*

b. *Post 2015 Development Agenda*

After enumerating the feats from her government and showing the changes that happened in the country in the social and educational scenario, - after the Rio-20 meeting on poverty and environment, - she sums up her thought in an attempt to make the spirit that governs the 2015 agenda clear:

*The meaning of the Post-2015 Agenda is the development of a world in which it is possible to grow, include and protect. Citizens with new hopes, new desires and new demands.*

The figure of *repetition*, with which greater stress is associated, besides being

deliberate, thus rhetorical, adds the presence effect to what she has proposed and considers feasible within the presented conditions.

### *c. The June 2013 demonstrations*

The theme of change is the keynote and, with it, the maintenance of democracy, presenting what she calls pacts, another technique of the figure of communion, once the pact presupposes an agreement, consent:

*We were educated day to day by the great struggles of Brazil. The street is our ground, our base.*

*We cannot just listen, we must act. We must transform this extraordinary energy into achievements for everyone.*

Pay attention to the *metaphor*, the street as the foundation, which appeared in posters carried in last June's demonstrations and the language used by the media, metonymically personified in the "voice from the streets," "listen to the streets" and other expressions that overran the news and other genres.

If in the first part the tone of the speech was that of irritation, present in the body language of the orator, projecting her body forward, her facial expression, the eyes fixed on the audience, with a defiant air, the second part is the tone of firm determination that she categorically assumes. All of this constitutes what the architectural system of rhetoric calls *actio*, composing the scenario of the enunciation, which includes all the items involved in the circumstances in which the pronunciation of the question is given: rhythm of speech, pauses, intonation, movement in the scene, body language and gestures and other elements that constitute the act of communication itself. Socially, it is a rite, once it happens in well determined circumstances, following pre-codified parameters with the possibility of predicting the sense effects it will produce. That can be clearly observed in the repercussions broadcasted by the international media on the same day of the event or even on the following day. It is possible to observe the thermometer of these reactions in news outlets such as *The Guardian*, *New York Times*, *BBC for World Latin America*; in Brazil, the newspaper *O Estado de São Paulo* and the magazines *Veja* and *Carta Capital*. Let's see some of them in important media outlets:

#### *The Guardian*

Brazil's president, Dilma Rousseff, has launched a blistering attack on US

espionage at the UN general assembly, accusing the NSA of violating international law by its indiscriminate collection of personal information of Brazilian citizens and economic espionage targeted on the country's strategic industries.

(...) the most serious diplomatic fallout over revelation of US spying.

(...) in a global rallying cry against what she portrayed as the overwhelming power of the US security apparatus.

(...) Brazil's new foreign minister, Luiz Alberto Figueiredo, will remain at the UN throughout the week and will meet his opposite number, John Kerry, Brazilian officials said, in an attempt to start mending the rift between the two countries.

### *O Estado de São Paulo*

In its electronic page, it published a summary of what had circulated in the international press:

For *The Guardian*, the Brazilian president has made a "harsh attack" against the US espionage and accused the American government of violating the international law when it performed an "indiscriminate collection" of information from Brazilians. It has deemed the tone of Dilma's discourse as "furious" and a "direct challenge to Obama," who was waiting to deliver his address immediately afterwards.

The Internet page of the BBC published the headline "Brazil's president Rousseff attacks the US over spy claims" and draws attention to what the address classifies as "untenable," the argument given by Washington that the espionage in Brazil had the object of protecting nations from terrorists.

*El País*, the most important Spanish newspaper, brings the following headline: "Rousseff denounces espionage practices before the United Nations."

*El Clarín*, from Argentina, stressed the fact that the US espionage was an affront to Brazil and a lack of respect that cannot be justified by combat to terrorism. *La Nación* called attention to the accusation that the US breached the international right, violated the human rights and civil liberty.

It can be noticed that these do not constitute insult (*ad hominem*), because the argument is amply based on the fact (*ad rem*), confirmed by the media, even if in the speech of President Obama they appear to be diluted, a technique employed by him in order to minimize the question, presenting a highly impacting picture,



with considerations that *a fortiori* overshadow those of the opponent.

In his speech, President Obama shows confidence, with an apparently calm countenance, at moments looking to one side of the audience and then to the other side, with his habitual pauses, which confer certain weight to his affirmations, leaving long-lasting resonances with the intention of leading the audience to reflection. In order to attain that, the figure of communion is present at all times, such as when he affirms “all of us have a work to do”, “the interest of all”, “the international community”.

In this scenario, it is possible to visualize the hierarchy of offices, with the tribune of the leaders from the UN above, and the presidential representatives below. The cameras focus on the room and its amplexity, closing in some personalities such as Obama’s Secretary of State, John Kerry, and also the represented parties which are cited in speeches, such as Mali or Libya.

### 3. *Peroratio: both speeches*

When closing their speeches, the orators must present the results of their argumentation. That is what both do, presenting a follow-up of their programs and executions. We have highlighted the words and expressions that indicate the profiles and decisions, as well as the indicator of the phase of conclusion. Actually, there are two discussions and they do not reach a consensus once the question remains.

In Dilma’s speech, three expressions can be found:

*‘to reiterate’* (The general debate offers the opportunity to reiterate the fundamental principles which guide my country’s foreign policy and our position with regards to pressing international issues);

*‘I repeat’* (those arms. Their use, I repeat, is heinous and inadmissible under any circumstances).

*‘I renew’* (I renew thus, an appeal in favor of a wide and vigorous convergence of political wills to sustain and reinvigorate the multilateral system, which has in United Nations its main pillar).

In Obama’s speech, the conclusion is well characterized and marked by the expressions: *‘Finally’*, *‘To summarize’*, *‘final point’*, *‘Ultimately’*. He finished with a figure of example, citing Martin Luther King and Mandela.

It is worth noticing his propositional attitude with *I believe*, which he repeats several times. It is known that this phrase refers not to the knowledge or ideas, but to the belief in something, so he is, with it, expressing his optimistic stance:

*I Believe such disengagement would be a mistake. I believe America must remain engaged for our own security.*

*But I believe we can embrace a different future.*

In his last argument, with anaphoric value, he reaffirms everything he has said before in his start point and reinforces the idea of community with a figure of communion:

*And that's why we remain convinced that this community of nations can deliver a more peaceful, prosperous and just world to the next generation.*

Bringing them both together now, for a final consideration:

*Dilma:*

- a. She maintains her initial point of view, as antagonist in the question of privacy violation. The antagonist's criticism.
- b. She was successful, based on the reaction from the press.

*Obama:*

- a. As a protagonist, he did not retract. He did not withdraw his position.
- b. He did not have anything to say, to refute, he could not appeal to the argument *ad ignorantiam*.

The pragmatic consequences could be noticed immediately, since the official visit of President Rousseff, that should have taken place the following month (October), was cancelled due to the fact that President Obama did not retract, uttering generic words aimed at the international community.

#### *4. Conclusion*

Finally, some reflections can be made taking three points into consideration:

- a. Interests are always at play: it is possible to understand each other without being in agreement.
- b. Diplomatic efforts require negotiations that not always produce effective results in the short run. Democracy demands effort.
- c. The art of coexisting is part of the civilizatory movement that societies go

through.

In fact, there is an incessant movement of construction of identities in which the individual and collective *ethos* are being molded and project themselves into the circulating images, either in the maintenance and reinforcement work of what already exists, or by proposing new ways of behaving and living in the world. That is why we consider the argumentation as a dynamic and interactive fact.

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# ISSA Proceedings 2014 - Should We Teach Epideictic?

*Abstract:* In this paper, I consider the possibility of recreating a rhetorical teaching of epideictic inspired by the ancient practice. First, I remind of the usefulness of epideictic. Then, I try to reconstruct the technical knowledge that an ancient student acquired through epideictic training. Finally, I make some suggestions based on the ancient pedagogical material about the way we could teach epideictic to contemporary audiences.

*Keywords:* ancient rhetoric, blame, epideictic, praise, exercises, teaching, speech genres, technique

## 1. *Introduction: teaching ancient rhetoric today*

It is well known that since the beginning of its history, rhetoric has been taught. This teaching, as our sources still allow us to know it, seemed to closely associate theory and practice through rhetorical exercises. After the first sophists and their *dissoi logoi* (Danblon, 2013, pp. 127-148; Ferry, 2013; Pearce, 1994) rhetoric teaching evolved progressively and new kinds of exercises appeared. Around the beginning of the Roman Empire, there was a relatively homogeneous set of exercises called *progymnasmata*, which were organized in a progression from basic writing exercises to complete speeches and argumentations (Cribiore, 2001; Pernot, 2000, pp. 194-200; Webb, 2001). These exercises were supposed to prepare the students for full speeches and declamations (Patillon, 2002, p. xviii), considered as the closest to reality, and beyond them, for every circumstance or field of their future public life (local politics, advocacy, imperial service, literary contests, teaching; see Heath, 2004, pp. 276-331). In addition to the famous treatises of Aristotle, Cicero or Quintilian, we still have a lot of works whose practical dimension is more marked, like manuals of exercises and declamation collections, which inspired teachers of rhetoric for centuries. We also have some papyrological evidence, which show us the every day practice in rhetorical schools. But when rhetoric was excluded from teaching and schools' programs, all these pedagogical tools were almost forgotten. My research team and I have

recently started a research project that aims to reintroduce some rhetorical training at Brussels' University but also in high schools, by reconnecting the ancient exercises with actual practice. In doing so, we undertake a kind of experimental archaeology. We test the ancient teaching techniques and exercises in classrooms to observe the effects they produce on contemporary audiences, to see whether they still meet the objectives they were supposed to and whether we can create other exercises that could help to stimulate and to train useful capacities and technical skills. In conducting these exercises, the usefulness and the goal of each of them became clearer: the *ekphrasis* consisted in making a vivid depiction of an object or a scene, the *ethopoia* in imitating the *ethos* and the *pathos* of a person or character in a given context; the declamation called *suasoria* imitated the deliberative genre and the *controversia* imitated the forensic genre; both of them corresponded to actual institutions that, *mutatis mutandis*, we still have today. But the ancient students were also trained in a third genre, according to Aristotle's theory: the epideictic, i.e. speeches of praise or blame (Pernot, 1993, pp. 25-42; 117-127; Pratt, 2012). In this lecture, preparing our future work with our pupils and students, I would like to propose a preliminary inquiry, through ancient pedagogical material and modern works, about what we can hope to achieve if we practice the epideictic genre and how we could do it.

## 2. *The function of epideictic*

To begin, we should ask ourselves what the epideictic speeches are good for and why the Ancients used them. The epideictic genre has often been understood as a ceremonial kind of speech, a pleasant and aesthetic spectacle without a link with persuasion, where the audience admires the orator's technique and talent. As the word *epideixis* (demonstration) shows, this technical aspect has always been present in the epideictic genre. But, as Chaim Perelman and Lucie Olbrechts-Tyteca (1950; 1958 [2008], pp. 62-68) pointed out, it would be a mistake to reduce the genre to this only function, forgetting the deep, social, rhetorical and political role it could play. Unlike the forensic and deliberative speeches, where adversaries are struggling over disputed facts, the epideictic speech tries to gather the community around undisputed views. The epideictic orator is the spokesman of the community: he invokes ancestors and gods, quotes poets and leaders, rediscovers the past to remind the audience of the ideas they chose to believe in, and why, to form a community in the present and to counter future objections. The very function of the epideictic is then to reinforce the support to

the values that ground the community and its decisions. The speech meets this effect by temporarily suspending criticism, but it only makes sense if criticism is allowed on other occasions. If the end is already known, the attention is drawn to the way the orator reaches it, on his art of creating a communion of thought (*homonoia*) and of arousing emotions. But it is a consequence and not a goal. Such kind of rhetoric, focusing on gathering rather than dividing, could still be useful in our modern multicultural societies, where we still have occasions to express it. In addition to its function, epideictic speeches required specific techniques that may contribute to the intellectual development of the learners and could be used as rhetorical devices in many circumstances.

### 3. *Epideictic in the basic rhetorical training*

The next question is to know what kind of techniques the ancient students did learn through epideictic and how. For this, we need to reconsider the epideictic training. The starting point will be the papyrus Mil. Vogl. III 123 (Pack2 2525; LDAB 7011). This papyrus, dated from the IIIth century B. C. by the editor Cazzaniga (1957; 1965), is one of the few documents that we still have for the Hellenistic period. It presents some *encomia* or *epanoi* of heroes, among which we can recognize Minos, Rhadamanthus and Tydaeus. In the treatment of each subject, we can also recognize some typical epideictic topoi (*eugeneia*, *paideia*), defined by Aristotle and in the rhetorical manuals of the first centuries A.D. The editor considers that this is a collection of *encomia* of an earlier period, but Pernot (1993, pp. 43-44) and, more recently, Delgado (2012), convincingly argued that it is rather the teaching notes of a rhetor. This would be a unique piece that could help us to make a link between the early developments of rhetorical teaching in the Classical Period and the many sources of the Second Sophistic in the first years of the Roman Empire. But it is also worth stressing the technical aspects of this document that, I think, point to later evolutions of the genre. First, there is something strange about those three names: Minos and Rhadamanthus are often quoted with a third hero, Aeacus (Men. Rhet. II, 379, 13-18; 380, 21-22). Those three have a perfect *heroic resume* and after their life on earth became the judges of the Greek underworld; they are *endoxoi*, famous and positive subjects to start rhetorical training and good comparative examples in actual speeches. So we may suppose that the rhetor broke the trilogy to surprise his students and increase the difficulty of the exercise. Tydaeus has some embarrassing holes or misbehaviours in his *resume* (Grimal, 1951[2007], p. 465): he was the son a second relationship (maybe out of a wedlock or incestuous), he was raised by pig

keepers, he had to leave his homeland because he committed murder and then became a hero in the war of the Seven against Thebes; but at the end of it, when he was about to die, he lost the support of the goddess Athena, and immortality, because he ate his enemy's brain out of his skull. This subject, combining positive and negative aspects, would be called *amphidoxon* in the later treatises. Another interesting detail is the way the teacher tackled the lack of a good education. Even if the document is very damaged, the editor proposes to read two times "*ou pepaideumenos*" which means "even if he has not received a (good) education"; we may suppose that the following lines would have been something like "he became a hero" or "he built up his own glory thanks to his natural qualities". From a technical point of view, it means that instead of avoiding the difficulty, the teacher thought it would be a better choice to confront the problem and to turn it into a source of praise; and that he wanted to train his students to this particular possibility.

This technical reflection brings us to the later period of the Second Sophistic, where rhetorical teaching was widely spread in the Roman Empire, where the sources are many and we can hope to learn more about the way technique was taught. The *encomium or epainos* (Pernot, 1993, pp. 117-127) had been integrated as an exercise in the *progymnasmata* program as we can see in the manuals of Aelius Theon, Pseudo-Hermogenes, Aphthonius and Nicolaus (Patillon, 2002; 2008; Kennedy, 2003; Pernot, 1993, pp. 56-60). During this part of their training, the students learned a method that combined *inventio* and *dispositio*. To praise a person, after a brief introduction, you had first to find his origins and to praise his family, city and nation; then, you might speak about the childhood, the education, activities and early career; you might also add the external goods and gifts of nature (wealth, beauty, physical strength, talent); the main part of the speech was devoted to the presentation of the virtues, illustrated by some famous deeds or reciprocally. If there was something remarkable or glorious about it, you might also tell the audience about the death. The speech ended with a comparison (always in favour of the one you were praising) and a brief conclusion. The orator could freely fill the different parts of the speech, but the global frame was very strict. Another exercise, called the "common-place" (*koinos topos*), was supposed to train amplification from determined kinds of facts or persons, like the murderer or the seducer; such rhetorical developments could easily be inserted in forensic or deliberative speeches. It reminds us that praise itself could be used as a rhetorical strategy in other kinds of speeches (*Rhet. Her.* III, 15; Quint. III, 7, 1-3;

28; Pernot, 1993, pp. 25-26). The students also practised blame, but the manuals do not tell a lot about it: the blame was confined to school and could not be expressed in public life, but as a part of other speeches (Pernot, 1993, pp. 481-490). Inspired by the first sophists, the Second Sophistic loved the paradox and we may also suppose that the paradoxical *encomium* (Pernot, 1993, pp. 532-543; Dandrey, 1997, pp. 9-35) was practised as well, but it was not a part of the basic training: such as Gorgias commented his *encomium* of Helen, it was a pleasant game (*paignion*), an exercise of virtuosity for high level rhetors who wanted to show their talent and be admired thanks to an impressive demonstration (*epideixis*) of the rhetorical technique and its power. But many technical skills were already required for standard epideictic speeches (Pernot, 1993, pp. 129-178; 254-265; 674-710). To achieve a proper encomium, a student had to learn and master specific techniques of amplification and argumentation: he had to show why the person could be praised, why his deeds illustrated some virtues; sometimes, when the subject was not fully *endoxon*, he had to defend the reputation of the one he praised. To find arguments, the students used rhetorical *topoi* and their cultural background. They had to know the world they lived in, what could be a reason for praise or blame in their society, what the audience, or even, everyone, could praise or admire. So, the students progressively built up a rich and flexible amount of values, sometimes contradictory (see for instance: *Arist., Rhet. I, 9 = 1367b 12-20*), to face every situation or case. The *encomia* had of course to be written and delivered with an appropriate style (Pernot, 1993, pp. 333-421). Through the Hellenistic and Roman period, we observe an evolution of the subjects: they praised heroes, past leaders and writers, gods, animals, objects or abstract notions, but also contemporary and actual subjects like family members, friends, cities, officials and emperors (Pernot, 1993, pp. 178-249).

#### 4. *Advanced training: speech genres and detour strategy*

After the basic courses, some students received an advanced or extensional training in the epideictic genre (Heath, 2004, pp. 218-254; Pernot, 1993, pp. 60-66) for the many speech contests organized in the Empire next to other competitions, but also for the many circumstances of the private and public life where an epideictic speech could take place. Some ancient treatises were only devoted to the epideictic genre, like the two treatises attributed to Menander Rhetor and the one of Pseudo-Dionysius, dating from the IIIth century A.D (Russell & Wilson, 1981 [2004]). The first treatise of Menander is organized following the subjects of encomium; the second one and the treatise of Pseudo-



Dionysius are organized following the different types of epideictic speeches according to specific circumstances: the *gamêlios logos* is the wedding speech, the *klêtikos* is the speech of invitation, the *epibatêrios* is the speech of arrival, the *syntaktikos* is the leavetaking speech (Pernot, 1993, pp. 67-111). Every coming and going, every private or public event (birthday, funeral, crowning, opening) was an occasion for speech: this was a way to draw attention and get renown, to begin a public career and get closer to those who had power. In a world where the most important political and forensic issues were controlled by the emperor or those who represented him, some of the rhetorical and political activity moved to the epideictic genre through a “detour” strategy of advice and encouragement (Pernot, 1993, pp. 710-723; Danblon, 1999; 2001). For instance, the speech of an embassy of a city which suffered a disaster and asked for the help of the emperor, started by an encomium of the emperor and his past generosity, followed by a lamentation about the city and its past splendour: the emperor could feel forced to be generous again for a city that deserved his help. The welcoming address to a new governor praised him and the city he was coming to: the governor learned what the city was famous for, what the citizens cared about and implicitly, what a good governor should do to be appreciated.

These circumstantial speeches are particularly interesting because they had to deal with the past, present and future reality. Several problems and tensions arose from this (Pernot, 1993, pp. 254-265). First, the orator had to find information and interesting arguments to fill the different parts of speech; secondly, he has to be specific and not only general: he had to explain what makes the praised person or object different and better than the others; thirdly, he could not say all the good things he found but had to make a selection of the most appropriate arguments. But the main problem was that reality rarely corresponded to the model. It is then not surprising that Menander Rhetor (I, 346, 9-19; 353, 25-26) proposed another classification of the epideictic subjects, maybe more realistic and probably inspired by the forensic genre: next to the endoxon and the paradoxon, he speaks about the amphidoxon and the adoxon: this later word, which already appeared earlier, referred to something that was obviously negative or, more interestingly, something that simply didn't fit with the standard endoxon scheme but on a lesser degree than the paradoxon: something “obscure” or “of no reputation”, “insignificant” (Pearce, 1926; Pernot, 1993, pp. 536-539). Sometimes or maybe more often, the new governor you had to welcome with an appropriate speech, had no famous family, was born in an obscure town or had

not made brilliant military campaigns; sometimes, you also barely knew him. But still, you had to say something. With a kind of jurisprudential thought and clearly pedagogical intention, Menander, and other rhetors, tried to consider every possible situation and to find practical solutions, and I will now detail some of them.

(1)

First, you could avoid the problem by simply skipping the embarrassing part of the speech (Pernot, 1993, pp. 522-523). But as everyone knew the *topoi* and the organization of the speech, it created expectations that you had to satisfy; the treatises generally recommended to hide the fault by some technique and to draw attention on better elements: for instance (Men. Rhet., II, 370, 15-20; 21-28), you could speak only about the famous ancestors or say that the one you were praising gained enough glory by himself. In a wedding speech, if you had nothing interesting to say about the bride and the groom's family, you could say a few words about their moderation and honesty, and quickly move to the praise of the bride and the groom (II, 403, 21-25).

(2)

Secondly, when the problem was too obvious and couldn't be simply eluded, you could try to turn it into a source of praise (Pernot, 1993, pp. 523-524), like we saw in the case of Tydaeus. Menander (I, 347, 23-30) writes that if a city has no grounds of *encomium* from the point of view of its position, if it is situated in very cold region or surrounded by a desert, you could say that it makes the inhabitants more philosophical and enduring. The treatises are based on the principle that every element could be source of praise and offered a double treatment for each *topos* (Pernot, 1993, p. 520); the students were trained to look for any source of praise in their collection of *topoi* and values. Here are a few more examples:

*"If he [a young man] is of illustrious descent, he has been their peer or their or superior; if of humble descent, he has his support, not in the virtues of his ancestors, but in his own"* (Rhet. Ad Her., III, 13 ; transl. H. Caplan, LCL, 1954)

*"Surely growing things (can be praised) in a similar way. (...). If they should need much care, you will marvel at that; if little at that too."* (Ps-Hermog., Prog., 18, 1-4; transl. G. Kennedy, 2003)

*"If the god is adored by the Greeks, and not by the Barbarians, you could say that*

*the god avoided this (...); if the is also found by the barbarians, you could say that even the Barbarians didn't ignore him.*" (Alex. Noum. 338, 19-26; Spengel III, p. 5)

*"We usually take praise from the neighbouring cities as well: if our city is more powerful, because we protect the others; if we are less powerful, because their brilliance shines upon us."* (Excerpta rhetorica, Halm, p. 587, 28-30)

(3)

A step further was blaming the predecessors or speaking about the hopes for the future (Pernot, 1993, pp. 715-716), about the positive things that the one you praised maybe did not have yet but would certainly get, and about the mistakes he certainly wouldn't do. For instance, according to Menander (II, 379, 13-18; 380, 21-22), concerning justice, you could say to the new governor that "he will rival Minos, imitate Rhadamanthus, compete with Aeacus"; or more generally: "For if a man understands everything that is right, and examines everything with care, how can he not be seen and confessed by all men to be one who will rule for the benefit of those under him" (Men. Rhet. II 380, 3-6).

(4)

Finally, you could simply invent qualities and facts (Pernot, 1993, pp. 524-525). In Aristotle's *Rhetoric*, (Rhet. I, 9, 1367a 32- b 7; transl. J. H. Freese, LCL, 1926) we already read that "we must also assume, for the purpose of praise or blame, that qualities which closely resemble the real qualities are identical with them"; and in the *Rhetoric to Alexander* (III, 1 =1425b 36-38; transl. D. C. Mirhady, LCL, 2011): "In short, the species of praise is an amplification of reputable choices, acts, and words, and an appropriation of those that are not present". The epideictic genre is not about historical factuality but about moral and social values, about seeing and making reality better than it really is, and for good reasons. Again, it is not a problem if criticism can be expressed elsewhere. Besides, rhetorical treatises have to examine every possible mean: their topic is the technique and not the ethics, but that doesn't mean that they do not care about ethics. Some of them suggested inventing things (Ps-Dionysius, 273, 18-22; 274, 10-11; Men. Rhet. II, 371, 11-14; 378, 12-14 (28); 390, 5.10-13), but according to likelihood and mostly when there were no consequences to fear. This solution was the last resort and the other techniques helped to avoid it. When it comes to actual speeches, rhetors hesitated to recommend complete lie for philosophical or ethical reasons, but also for practical ones. In front of the one you were praising and of an audience that

already knew him, lying could make the speech unconvincing or awkward and could draw suspicion on your talent and morality (Men. Rhet. II, 397, 30-398, 5). The actual encomium was always flattering, but had to be close to the original, plausible and relevant, and that's what made it challenging.

##### 5. *Conclusion: teaching epideictic*

These techniques are to be added to the preceding ones. To resume, besides its own function, practicing the epideictic speeches trains specific argumentation techniques and useful skills, like amplification, indirect praise, detour strategy, flexibility and creativity. But the ancient treatises also give us some clues about the way we could learn or teach epideictic. The main principle of this progressive teaching is quite simple, but probably efficient: first, the students learned and imitated a specific pattern and were then confronted to other subjects and problematic cases in the eyes of the pattern itself and the rule of saying something good; facing these difficulties, they had to adapt the model, to find creative solutions and exercise their sense of judgement by choosing the right technique. Furthermore, this learning was probably a relevant and consistent way to prepare them for actual speeches. Contrary to the understanding of the epideictic as an entertaining spectacle, the ancient sources suggest us that we can increase difficulty and learn technique through actual practice of exercises and real issues. We should not forget that in Antiquity, gods, heroes, poets or leaders, were a part of a living culture and of the contemporary reality. A modern and experimental teaching of encomium could start with some familiar endoxa (like praising your favourite character, your own city) and next move to adoxa (praising a common thing) or amphidoxa (praising a controversial celebrity), rather than paradoxa. Blaming the same objects could be used as a way to practice mental flexibility and to feel the advantages, as well as the limits, of this strategy (Dominicy, 2001, pp. 49-50; Ferry, 2014). We could also place the learners in plausible situations where an epideictic speech could still take place, on the model of the ethopoiia, like someone who has to make a speech for a commemoration, an anniversary or the opening of an exhibition. We could make it more challenging by adding potentially problematic circumstances, like making a speech for the Nobel Peace Prize when your country is still engaged in military conflicts. This way, students would feel the difficulty of creating homonoia around shared values and the tensions between good ideas and reality; it could be a practical initiation to ethics. This way, the learners would also feel that such a speech requires specific techniques. Then, when they become more conscious of

the technique and manage to master it, we could go further with something more fanciful or paradoxical, for the challenge, for the performance and the pleasure of technique itself.

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# **ISSA Proceedings 2014 - Euphoria And Panic Bubbles In Presidential**

# Debate Evaluations

*Abstract:* This project examines the first presidential debate of 2012 as a disturbance of the existing “horse-race” trajectory, creating partisan bubbles of euphoria and panic through mimetic argument evaluations. Prior to the debate the expectations set by the campaigns and the media commentary about the performance and political effect became a reflexive part of the argument itself setting evaluative thresholds. This created a mimesis leading to radically different expectations and evaluative criteria for the next debates.

*Keywords:* bubbles, media, mimesis, politics, presidential debate

## 1. Introduction

Presidential debates have been a perennial object of inquiry in fields of argumentation, political communication, political science, and rhetorical criticism both to answer empirical questions of media effects and as opportunities for critique and normative considerations of public argument (e.g. Berquist & Golden, 1981; Erikson & Wleizen, 2012; Goodnight, Majdik & Kephart, 2009; Lang & Lang, 1978; Majdik, Kephart III & Goodnight, 2008).

Despite this cross-disciplinary focus on presidential debates, the literature does not reflect an unambiguous hope of its social value. Following the seminal works of Anthony Downs (1957) and Campbell, Converse, Miller & Stokes (1960) in political science much doubt arose whether political campaigns, let alone the presidential debates claimed to influence them, really mattered to voters who appeared to vote based on party identity and with no real incentive to follow debates. Contemporary researchers like Erikson & Wleizer (2012) follow this research tradition and claim that polling on candidates occasionally changes around debates, but then revert to the mean and that the candidate leading the polls before the first debate is a better predictor of who wins the election than the candidate crowned “winner” of the debates. Even amongst those who do consider presidential debates politically important, the content of the debate themselves are often dismissed as “glorified press conferences,” (Kraus, 1987, p. 215) “counterfeit debates,” (Auer, 1962) and “not debate by standards of rhetorical and argument analysis” (Meadow, 1987, p. 208).

Goodnight et al. characterize these verdicts collective as an assessment of

presidential debates as “pseudo-argumentation.” Debate generally has always had a troubled relationship to the field of argumentation. Doug Walton (1989) characterized debate as occupying a half-way house between a quarrel and a dialogue, and presidential debates have been primarily treated in the field of communication studies and not in argumentation. However, the critical approach of public argumentation combines “positivistic with critical studies in analysing the political communication of an election” (Goodnight et al., p. 274). Such an approach in my view combines the realistic appraisal of candidates’ motivations and incentives from the traditional formalist rhetorical approach, and the more holistic contextual outlook on debates from the sociocultural tradition exemplified by Jamieson and Birdsell’s (1988) description of debates being “not so much discrete events as they are acts of argument whose meaning depends upon and resists contexts constructed from national campaigns and ‘spin’” (p. 13). Indeed, presidential debates are like snowflakes, no two are alike or take place in the same or even comparable rhetorically situated campaign environments and collectively they are fragments fitting into larger pictures finding meaning only through their relationships with the campaigns and are difficult to compare across election cycles. Finally, from the critical theory approach we get the essential question of how the public read and participate in the debates rather than merely focus on the reasons behind electoral success or immediate persuasion. In the words of Goodnight et al.: “Debates are enactment of public argument.” (p. 273) and are thus deserving of study within the field of argumentation, even - or maybe especially - if the argumentation itself leaves a lot to be desired, which is a charge I will wholeheartedly endorse.

Furthermore, I follow Arnie Madsen’s (1991) view of presidential debates, seeing the argumentation process as extending beyond the 90 minutes and instead consisting of three phases, pre-debate expectation setting, the debate itself and the post-debate spin.

I contend that the media convention of seeing campaigns and debates through the prism of the horse-race metaphor also makes it the sole evaluative criterion for presidential debates, and thus in effect also how the candidates and campaigns approach the debates. The mechanism through which the horse-race frame achieves this effect is through exploiting the tendency for media induced bubbles of euphoria and panic fuelled by mimetic argument evaluations. The question is thus not who won or why, but how what constitutes winning is determined in the



interplay between campaigns, media outlets and society at large.

The horse-race frame is the tendency to see any event - natural disasters, terrorist attacks, etc. - only through the lens of how it affects a candidate's chance of winning an election[i]. The implication of column space is zero sum in political reporting means that foregrounding who is winning the election necessitates casting issue positions, candidate qualifications or policy proposals as secondary (Nisbet, 2008). To make my case I will use the first debate between Gov. Romney and President Obama as a case study, treating each stage of the debate.

## *2. Before the debate*

As predictable and tiresome as it may seem the practice of each campaign attempting to lower expectations for their own candidate's performance while raising them for their opponent persists. According to former Liberty University Director of Debate and adviser to Mitt Romney's 2012 campaign Brett O'Donnell: "The expectations game is enormous ... You want to try to raise the bar for your opponent" (Cottle, 2012). This is why this is the only time during a campaign when candidates have nothing but respect and admiration for their opponent.

President Obama's campaign manager Jim Messina emphasized Gov. Romney's advantage in preparation: "we saw a revamped Mitt Romney who has emerged fresh from weeks of intense debate preparations ... He's quick, polished, and ready" (Burns, 2012). Governor Romney also attempted to downplay expectations of himself while shifting the pressure onto the president stating: "Now, he's a very eloquent speaker and so I'm sure in the debates ... he'll be very eloquent in describing his vision." However, some of Gov. Romney's surrogates were unwilling to play along in the expectations management game. Senator McCain said that "I think you could argue that Mitt has had a lot more recent experience, obviously." (Killough, 2012). Not to be outdone New Jersey Gov. Chris Christie set the bar shockingly high by telling Bob Schieffer on national tv "This whole race is going to turn upside down come Thursday morning" (Caldwell, 2012).

Collectively, these efforts are mimetic arguments deployed by campaigns to create bubbles of euphoria and panic for their opponents and supporters respectively. Bubbles, usually theorized in connection to financial events, are characterized by the public perception of a probability substantially moving away from its fundamental underlying value. In the context of an election, the

fundamental value is how probable either a debate or electoral victory really was. For present purposes I define mimetic argumentation as an elementary social act achieved through copying and repetition that can, if socially contagious, cause bubbles. Essential to the process of copying is imitation; just as investors imitate each other's behaviour and standards, so political reporters and campaign advisers imitate conventional wisdom and boilerplate statements to fit within the mainstream of respectability. For a more complete treatment of the history of mimesis going from Plato, Isocrates, through Gabriel Tarde extended by Elihu Katz to Walter Benjamin, Jacques Derrida and Jean Baudrillard see Tom Goodnight and Sandy Green (2010).

Regardless of how effectively each campaign played the expectation game, a Washington Post-ABC poll found that 55% of likely voters thought the president would win the debate compared to 31% who thought Gov. Romney would win thus setting the bar each would have to clear in order to be determined winner (Henderson, 2012).

### *3. The debate and its immediate assessment*

The debate itself included some rather significant substantive changes to Gov. Romney's platform, exemplified by his outrage that the president would allege his tax policy would provide tax relief for the richest 1% of Americans, despite also taking umbrage to Rick Santorum's claims in an earlier primary debate that Gov. Romney's tax policy did not provide tax relief for the richest 1%. However, the policy positions of the candidates and their argumentative consistency was not central, or even present, in the post-debate analysis and evaluations.

In the immediate aftermath of the debate, all instant polls confirmed that Gov. Romney was perceived as the winner by the public, an impression reinforced by pundits of all political stripes. No doubt, this is in part because all the pundits and spokespersons approached the analysis the same way - taking the instant polls at face value and then rationalizing the results. Though the verdict of pundits and spokespeople was consistent with the initial verdict of the public, it has become political wisdom that the post-debate spin is crucial and that what is said after the debate has more political impact than what is said during it, exemplified by the public's muted reaction to Gerald Ford's gaffe against Jimmy Carter until the press seized on it (Lang & Lang, 1979; Madsen, 1990). It is the norm that "campaign spokespersons never admit that their candidate was anything less than brilliant and insightful or that the opposing candidate succeeded in accomplishing

anything” (Hollihan, 2008, p. 235). This also means that campaigns each try to burst their previously induced bubbles of panic and euphoria before the debate and now reverse them so that one’s own side is pleased and buoyant and likely to turn out to vote, while depressing opposition turnout by making their candidate seem a lost cause.

However, it seems there are exceptions in lopsided debates, which is supported by Arnie Madsen’s (1990) case study of the debate between Governor Dukakis and President Bush. After the first presidential debate in 1988 “the Bush campaign in essence admitted their candidate was the weaker debater in the first joint appearance, but that Bush still won because he ‘smoked Dukakis’ liberal tendencies out.” (Madsen, p. 107).

In striking contrast to the normal partisan divide in cable news over almost every issue of fact and value, the post-debate evaluations of Democrats like James Carville and Van Jones were in complete agreement with Republicans such as Alex Castellanos, Carly Fiorina and Michael Steele. Not only was the end verdict identical, so were the evaluative criteria which did not include the logic of the arguments, the argumentative consistency or the facts supporting the positions of the two candidates. Rather, references to President Obama as listless, passive, and not wanting to be there prevailed, while Romney was described as confident, comfortable and driving the debate.

The attractiveness of using non-verbal communication as the decisive evaluative criterion for pundits is clear. It has an air of objectivity about evidenced by the bipartisan consensus in analysing the two candidates’ physical appearance, tone and nonverbal argumentation. James Fallows (2012) at the Atlantic goes so far as to recommend watching the debate with the sound turned off, in order to determine the true winner. Furthermore, evaluations based on non-verbal communication are difficult to falsify and they liberate pundits and journalists from having to grapple with issues of fact like what Gov. Romney’s tax policy really was or what if any logical inconsistencies candidates tried to get away with. Moreover, it is easy to communicate to lay audiences. In a particular jarring moment on MSNBC’s coverage, former Chairman of the RNC Michael Steele (2012) conceded that on the substance Gov. Romney might have said some untrue things: “So the substance of it ... I think you`re absolutely right. We can have that debate on the substance.” However, in the next sentence Steele directly stated that the truthfulness of Gov. Romney’s arguments were irrelevant: “But how the

American people fed off the debate tonight, looking at the Twitter feeds, they saw a Mitt Romney they hadn't seen before and they liked him." Time Magazine journalist Mark Halperin (2012) concurred stating: "there's a bunch of things he said on taxes, Medicare, on Romneycare, that fact checkers will go to town on ... But in the end you look at the polls." At the ABC Sunday talk show roundtable, New York Times columnist and Professor of Economics Paul Krugman tried to gently suggest a different way of evaluating the debate: "Isn't our job, at least partially - never mind the quality of the theatrical performance - but to ask about, were there untruths spoken?"(Kirell, 2012). The other panellists quickly rules this out as Peggy Noonan and James Carville stated that this was the president's job, not theirs.

On his *New York Times* blog, Krugman (2012) later asked: "The question now is whether the revelation that Romney was making stuff up matters." The answer, on the basis of the evidence, is that Romney suffered no adverse consequences. Collectively, and across political fault lines, the pundits agreed not just on awarding Gov. Romney with the victory, but that the horse-race frame should be the way to not just analyze, but also report the debate. This bipartisan agreement formed a consensus which took hold in the media and gained strength and momentum through mimetic repetition across media outlets, in particular by late night comedians and cable news anchors as the public gauged the debate through the affective reactions by various media figures with known partisan leanings. Enabled by a consensus verdict, these mimetic repetitions formed what I argue to be bubbles of panic and euphoria amongst liberals and conservatives.

If prominent journalists and those paid to inform and educate the public over the airwaves are to blame, so are the candidates themselves. The formal traditional rhetoricians are right that the content of the presidential debate does not lend itself to great analysis or sophisticated argument evaluations. And this is not a bug, it is a feature. President Obama's debate training included memo cards that said "advocate (don't explain)" trying to reign in the president's heartfelt desire to rise above the gamification of the event and participate in a meaningful way (Heileman & Halperin, 2013). The president told his inner circle: "It's easy for me to slip back into what I know, which is basically to dissect arguments" (Ibid.). A deeply concerned David Axelrod replied comfortingly - and without the slightest irony - that he could help the president with his problem: "you have to find a way to get over the hump and stop fighting this game - to play this game, wrap your

arms around this game.” (Ibid.). During debate drills the debate coach Ron Klain shouted “fast and hammy” “fast and hammy” at the president when he tried to veer away from the slogan based strategy (Ibid.). In terms of liberal panic, perhaps no image stands out more clearly than Chris Matthews of MSNBC shouting on air, while referring to Obama: “What was he doing, where was he?” visibly worried the president may have lost the election claiming he did not watch enough MSNBC to learn how the issues ought to be debated (Kirell, 2012b). Left leaning comedian Bill Maher, who had publicly announced donating \$1 million to the pro-Obama Super PAC Priorities USA, expressed dismay at the president’s performance joining Michael Moore, Ed Schultz and others in not just criticizing Obama’s performance, but worrying the debate cost him the election.

Conservatives on the other hand were not just elated with Gov. Romney’s performance but convinced that Gov. Christie’s prediction was prophetic - that Mitt Romney had gone from being a big underdog to prohibitive favorite, now that the debate had shown America what the “real” Mitt Romney was like. In the 48 hours after the debate Gov. Romney generated \$12 million in online contributions, as well as a surge in volunteers and bigger crowds at his events, not to mention an additional 300,000 facebook friends (O’Connor & Nelson, 2012).

Faux conservative Stephen Colbert started his late night comedy show by dancing down the stairs to the tune of “Ain’t No Stopping us Now” stating “we’ve got a whole new horse-race” in between yelps of celebration and the occasional external oxygen supply to contain his euphoric celebration of the debate and its implication for the race. But perhaps nobody was as sincerely euphoric about the impact of the debate as *Wall Street Journal* columnist Peggy Noonan (2012): “There is no denying the Republicans have the passion now, the enthusiasm. In Florida a few weeks ago I saw Romney signs, not Obama ones.”

#### 4. *The bubbles and the aftermath*

The case of Romney’s bubble of euphoria is perhaps exceptional because of the rare bipartisan consensus on the verdict of the debate, but it may also in part be attributed to the nature of the way in which people experience debates now: often across many platforms like Twitter, TV and live blogging simultaneously. Many viewers will now know the collective verdict of the debate before it is over as some TV outlets show live graphical representations of focus group sentiments. Moreover, the increased speed of the news cycle, the number of polls taken -

often reported daily – and the ubiquitous media coverage accelerates the building of the bubbles, which are also aided by the emergence of social media platforms and the ability of the public to generate and remix debate evaluations through their own memes. As these accumulate, the consensus deepens and gets more attention in a spiral effect.

Some may claim that Romney euphoria after the first was not a bubble. After all, it was supported by many polls, so how can we know what happened was media induced mass hysteria rather than justified Republican optimism? There are three arguments in response. First, irrational exuberance in the moment after the debate is the job description of any communication director of a campaign. The Romney campaign later announced with great fanfare that they were moving out of North Carolina and into new states, essentially going on offense because they were so confident of winning North Carolina. It turns out they moved one staffer. This led Jonathan Chait (2012) to categorize these efforts as an attempt at a “momentum narrative” by “carefully attempting to project an atmosphere of momentum, in the hopes of winning positive media coverage and, thus, creating a self-fulfilling prophecy.” Second, an undeniable effect of the euphoria was a change in expectations, and thus evaluative thresholds, for the second debate, in which Gov. Romney did not impress. Third, a quarter of all ballots cast in the election were early ballots, and early voting started in many states up to a month before the debate even occurred. Moreover, the Obama campaign was a lot less nervous because their massive polling and analytics operations knew that Gov. Romney essentially only won back disaffected registered Republicans as opposed to independents or Democrats. Matt Yglesias (2013) contrasted the internal polling of OFA (Organizing For America, President Obama’s Election Organization) which was steady and stagnant with the wildly oscillating Gallup poll, ultimately concluding that public polls are made to drive media interest and build brands which they do by proclaiming important and frequent disturbances, not by accurately stating that not much has changed and claims that Republican euphoria after the first debate is a bubble. In other words, polling companies make profit by building and bursting bubbles throughout political campaigns.

## 5. *Conclusion*

The debate evaluations of the first presidential debate suggests that though partisan affect is perhaps more relevant than ever, partisan debate evaluations may very well move in the same direction, and if they do, they can enable mimetic

argument evaluations that flourish on social media with contagious amplification of what were perhaps overreactions in the first place. These ubiquitous verdicts can drown out concerns about the costs to the public sphere of the established campaign function of the debates.

The case study of the first presidential debate of 2012 shows that bubbles of euphoria and panic surrounding presidential elections is an empirical reality and that these bubbles are a consequence of a flawed public argument practice driven by media conventions and campaign strategies enabled by an insistence on interpreting the debates through the horse-race frame. While presidential debates can be productive interventions changing national debates and conversations, the risk remains that they merely operate as government sponsored fund raising events.

To mitigate against these risks future research in public argumentation may profitably address how presidential debates can and should be read, how society rewards good debate and penalize deceptive, obfuscatory or otherwise socially harmful debate practices. One intriguing suggestion, made by a journalist after the first 1988 debate between Gov. Dukakis and President H. W. Bush, was to challenge the candidates live, on the air, on things they said which were false and let them answer the charge. Today's immense crowdgathering and crowdsourcing capacity of social media and digital archives makes this a no less tempting idea. Maybe argumentation could become a more integral part of education from an earlier age in teaching social studies. In terms of format, David Zarefsky has previously advocated a return to the Lincoln-Douglas format, a view he shares with Newt Gingrich, and when two such otherwise entirely different historical scholars reach agreement it is worth pursuing further. Finally, why not ask of analysts and pundits to have formed a judge philosophy in advance of the debate, sketching out how they will evaluate arguments rather resorting to ad-hoc or post-hoc rationales. The prospects for these and other suggestions for presidential debates are certainly contestable, but given the social and political significance of the debates theories for improvement ought to be a continued priority for the field of argumentation.

It takes collective social responsibility to make debates work - media, coaches, and citizens alike must ask why answers to questions are or are not satisfactory, and the significance of this. We must insist on what Tom Goodnight terms a shared ethos, and I believe this can be done by more closely aligning the social

function of presidential debate with the campaign function for the candidates. As Charlotte Jørgensen (1998) puts it “one may either take the more cynical path and accept the restrictions imposed by TV on public deliberation - or ... try to make the media adapt to the needs of informed political debate.” (p. 441).

## NOTE

i. A case in point is the announcement that Hillary Clinton is set to become a grandmother, only for this prompts questions of how it will affect her chances of winning the 2016 election (see e.g. Feldman, 2014). The absurdity of this example is not unusual, the horse-race frame has come to completely dominate political coverage.

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# **ISSA Proceedings 2014 - Argumentation As A Rational Choice**

*Abstract:* The paper focuses on the thesis that argumentation essentially involves a choice. I wish to show how argumentation theory might reflect this essential feature. In the 2013 OSSA conference, I argued that practices of argumentation reflect choices made on moral and political grounds. My purpose in this paper is to develop this thesis, such that it deals with the problem of rationality in argumentation in a like manner.

*Keywords:* Argumentation, theory, choice, epistemology, philosophy, rationality, pragmatic, Wittgenstein, Grice.

1.  
My main thesis is that argumentation is a practice and essentially involves a choice. The practice of argumentation is historically and culturally situated. In my paper for the last 2013 OSSA conference I focused on two propositions (Schwed, 2013): The first one is that the historical and philosophical roots of argumentation

are in ethics and politics and not in any formal ideal, be it mathematical, scientific or other. Furthermore, argumentation is a human invention and practice, deeply tied up with the emergence of democracy in ancient Greece. The second proposition is that argumentation presupposes and advances Humanistic values, especially the autonomy of the individual to think, decide and choose in a free and uncoerced manner, and the choice to prefer the way of reason. I named it *the humanistic stance*, which provides for philosophical skepticism, whence argumentation is one choice among other ethical and political choices to resolve differences of opinions. My purpose in this paper is to further develop this thesis, such that it deals with the problem of rationality in argumentation in a like manner. The general idea is that the demand for rationality is a basic choice, derived from the moral and political ones, which are essential to it.

The preoccupation with the concept of rationality in the modern time starts with the philosophy of the Enlightenment:

*Enlightenment was a desire for human affairs to be guided by rationality rather than by faith, superstition, or revelation; a belief in the power of human reason to change society and liberate the individual from the restraints of custom or arbitrary authority; all backed up by a world view increasingly validated by science rather than by religion or tradition.* (Outram, 1995, p. 3)

However, despite the fact that this modernist paradigm was challenged beginning with the 19th century, it has survived. The inheritance of the Enlightenment survived not only within philosophy, but more importantly in and through science. One of the ideas that survived is the idea that rationality is a choice made for dealing with controversies and other problematic situations in John Dewey terms (Dewey, 1981-1990). The claim made in this paper is that this idea of rationality as a choice should be used also to characterize rationality in argumentation.

The first step in this direction is to propose to redefine the debate regarding the place rationality has in argumentation and its nature in terms of two basic approaches: the approach of *Externalism* in epistemology (Brueckner, 2012; Lau & Deutsch, 2014) versus the approach of *Cultural-Pragmatic* akin to the late Wittgensteinian philosophy. The first approach of *Externalism* in epistemology argues that rationality is inherent in the practices of argumentation and that arguments manifest rational adequacy as a necessary part of their essence. I terms the first approach as 'externalist' since rationality is given as an epistemic

norm or value, external to the argumentation practices. It is external, since arguments are evaluated according to how good they fulfil their epistemic function. This approach is held by many in argumentation to some degree or other (Biro J. I., 1977; Biro J. I., 1984; Blair, 2004; Johnson, 2000; Siegel, 1989; Biro & Siegel, 2006). The second approach argues that rationality should be understood pragmatically and is nothing more than a norm or value that arguers choose to employ. I term the second approach the *Cultural-Pragmatic* approach since this approach finds its foundation in Paul Grice (1989) and Ludwig Wittgenstein (1958) and their cultural-pragmatist philosophy.

The *externalist* approach assumes that the capacity to hold beliefs, make judgments, give reasons for actions, and hold something for true and false is due to a given epistemological norms of rationality. Argumentation, under this view, is a manifestation of rationality through language as an instrument of communication. Hence, without rationality there is no reasonable communication and hence no argumentation. What is crucial for this approach is that rationality will transcend those actual usages of argumentation and function as a regulative ideal that will enable criticism of activities and institutions. This approach, therefore, tends to favor the allegedly non cultural essence of rationality (Habermas, 1994, p. 139; Putnam, 1982, p. 8). Obviously, adherents of the externalist approach recognize the immanence of rationality and its being always relative to context and institution. This approach do not fail in the philosophical fantasy of rationality being abstract beyond history, culture and the complexity of social life but acknowledge its being situated in actual history and the complexities of social practices. The externalist approach, however, strives to maintain a balance between the context-dependency or immanence of rationality and its transcendence as a regulative ideal at the same time.

The *cultural-pragmatic* approach, on the other hand, rejects the urge to maintain this balance by rejecting the universal side and argues for the resulting adoption of cultural relativism. Wittgenstein is known for his criticism of the idealistic concepts of reason and rationality. He argues that the primacy of the universal over the particular is the dominant view in Western intellectual tradition and the continental European philosophical tradition. However, he describes this dominant view as “the craving for the generality” and “the contemptuous attitude towards the particular case (Wittgenstein, 1969, p. 18).

Obviously, this Wittgensteinian approach fully integrates contextual, historical

and cultural considerations as part of the complexities of social life. However, what is more crucial to the point made here is that this approach takes rationality as a manifestation of a choice rather than of a good argument. This choice is a part of a historical and cultural context that contains ideas which give rise to certain way of dealing with controversies and other problematic situations. The choice in rationality as part of argumentation practices is part of a given culture, influenced and dominated by rational ideas (Habermas, 1984). Rationality, according to this approach, is not universal or objective or even just a regulative ideal. Thus, communication in general and persuasion in particular do not have any intrinsic ties with rationality. For rationality to be a constitutive element of persuasion, a choice has to be made for adopting rationality as the constitutive element of arguments.

This debate concerning the place rationality has in argumentation theory naturally presupposes different conceptions of philosophical approaches for confronting epistemological questions. This paper is a criticism of externalist approaches in epistemology on the one hand, and on the other an attempt to reconceive the epistemological approach of Wittgenstein's later philosophy (Wittgenstein, 1958). The question regarding the proper philosophical approach to rationality in argumentation pertains to the forms of account given in analyzing argumentative practices. Any philosophical approach often implicitly shapes the specific claims concerning the nature of rationality in argumentation theory. In the following sections, I discuss the philosophical approach of the *Externalism* in epistemology and argue that this approach is prone to end up in aporia by attempting to authorize a conception of rationality in general. Furthermore, I argue that another, pragmatic, conception of rationality deserve consideration as a better approach to argumentation theory.

2.

The externalist approach to rationality suggests that this notion precedes that of argumentation. I propose to invert the anteriority of rationality. The shift in emphasis is an attempt to move away from the question concerning the proper conception of rationality that has occupied philosophy in general and argumentation theory in particular since its inception. Instead, the focus should be on the practices of rationality that stand behind accounts, which claim to capture the proper meaning of this notion. This shift in focus is relevant to many debates about both argumentation theory and rationality. These debates center

on two related sets of questions that have occupied the philosophy of argumentation and which can be summarized as follows:

1. The problem of Demarcation: What is the proper ontological or epistemological demarcation between argumentation and other related fields such as rhetoric? Consequently, what is the proper methodological attitude for studying argumentation in light of the character of its possible objects? For instance, does some visual objects can be considered as proper arguments?
2. The problem of Rationality: What are the correct criteria of rationality for evaluating arguments? Are these criteria fixed, variable or set by the context of research, as supposedly the criteria of scientific rationality? Are they emergent in the specific context of the community that uses them? Consequently, does rationality is the key concept for answering the previous problem of Demarcation between rhetoric and argumentation?

The first question concerning demarcation had been premised on the affirmation or denial of the thesis that rationality is the key to the problem of demarcation between argumentation and rhetoric (Eemeren & Houtlosser, 2002; Johnson, 2000). The question is also whether it is a strict demarcation or continuity between argumentation and rhetoric. The second question begins with the failure of the conception of rationality as an abstract, objective, universal and unitary concept. One of the reasons for this failure is the apparent social dependency of rationality itself. Although these reasons are still much debated, they should lead to a less abstract and unitary conception of rationality. More specifically, the idea of a unitary concept of rationality applied to any argument in general has to be generally given up: different arguments assume different modes or concepts of rationality and, thus, leads the way for a more relaxed naturalism and epistemological pluralism.

The externalist approach to the above questions of demarcation and rationality may be committed to a wrong philosophy of meaning. The traditional approaches to these debates, objectivist and hermeneutic alike, base the rationality of their approaches on a conception of meaning as a *sui generis* concept which was rejected by many. This concept is more than questionable given the skepticism of Quine's (1951), Kripke's (1982) and Davidson's (1974) among others. Quine and others undermine the conception of meaning as based on the notion of language as independent of their uses and practices. Consequently, it weakens the possibility of theories of meaning that will be able to ground rationality or

argument as categorically different from the actual practices in which they are involved. In other words, it weakens the possibility of non-naturalized theories of meaning in this context and, thus, a non-naturalized conception of rationality.

Indeed, the focus should not be on *whether* but *how* the concepts of meaning, normativity, and rationality as hallmark concepts of argumentation practices are to be naturalized. The important question in the philosophy of argumentation is how meaning, normativity, rationality, and the like can be placed in a naturalistic framework.

3.  
The suggestion of how the naturalization of the concept of rationality in argumentation should be done is a paraphrase to one of Wittgenstein's known remarks regarding 'meaning as use' (*PI*, 43): For a large class of cases of the employment of the word 'rationality' it can be defined thus: the rationality of an argument is its use in the language. What it means is that the use of rationality in arguments is part of a language activity of a language game, such as describing an object, giving or obeying an order, telling a joke, or convincing in a rational way. The suggestion of 'rationality as use' illustrates a more general aspect of use and Wittgenstein sometimes speaks of it *as kinds of use* (*PI*, 23). It is the use of rationality in argumentation that matters: "Every sign *by itself* seems dead. What gives it life? - In use it is alive. Is life breathed into it there? - Or is the *use* its life?" (*PI*, 432).

One way to fully understand the importance of the overemphasis of 'use' is to begin with the simple complaint that rational behavior is not as prevalent in communication as the tradition of philosophy makes it seem. This complaint expresses at least two different approaches: either rationality is universal and objective, although in practice there are more instances that do not conform to it than admitted. Or rationality is not universal and objective to begin with. The two approaches disagree on whether to see rationality as a backdrop, which has important consequences for the understanding of argumentation.

One such important consequence to the *cultural-pragmatic* approach is the importance of socialized motives in communication in general and in argumentation in particular. Its view of rationality posits that rationality is just one among a number of possible socialized motives. This approach is the answer to the criticism that accuses the externalist approach of being oblivious to the fact

of socio-cultural variation. For instance, the linguistics and pragmatics Jacob Mey argues that:

*[This criticism of universal rationality] can be extended to other domains of human behavior; in particular, I want to apply it to the rationality of language and its use. Negatively ... [a] rationality of language use, if such a concept indeed has validity, must relate itself to the structure of the particular society which is the carrier of that language. Positively, it entails that we must carry out a close investigation of the society we're dealing with... before making any statement about language and its use in that society... My only claim is that language functions in a particular society. Its use as a tool of societal activity depends on the way society itself functions. (Mey, 1985, p. 178)*

It does not make much sense to postulate a theory of argumentation which only consider abstract norms of efficiency and reasonableness as constitutive properties of argumentative practices. According to the *cultural-pragmatic* approach, many other socio-cultural factors must be taken into consideration in theorizing about argumentation, such as the role of stereotyping, prejudice, preconceptions, affections, and so on. The conception of rationality is reconstructed as a set of norms, which constitutes one possible practice in persuasion, along with many other different practices. Thus, rationality becomes a non-universal, inter-subjective and socialized concept and hence opens up for socio-cultural variation and factors (Sarangi & Slembrouck, 1992).

This characterization brings to mind Habermas known concept of *communicative rationality* (Habermas, 1984, p. 10). Being rational in Habermas' terms means striving for consensus by argumentative speech, and the process is embedded in language, culture and social practices. It emphasis motivation by inter-subjective common interest in achieving consensus from a rational perspective (Habermas, 1984, p. 19). Habermas' approach emphasizes the normative essence of that consensus seeking motivation: a rational community encourages rational behavior in terms of consensus seeking by valuing it as morally good and by valuing communication as the best means to that end.

This norm or value of rational communication is just another example of socialized norm, which will be manifested in societies where rationality is a dominate norm. However, no society is so rational that its norms are never violated, rationality and consensus seeking among others (Briggs, 1997). The fact



of constant disappointment in such norms and ideals is one of Habermas' concerns in his *theory of communicative action*. However, one of the weakness in Habermas' approach is that he does not fully apprehend how crucial the elements of choice in this normative characterization of rationality are. One of the reasons for this was mentioned above. Habermas as well as Putnam strive to keep some allegedly non cultural essence of rationality, which in their view is necessary for its function as a communicative norm. However, if rationality is conceived as a choice which is not necessarily taken nor obeyed, then there is plenty of room to study the complexity of communication and argumentation giving this social fact. Acknowledging this social and cultural fact is one important step towards the naturalization of the concept of rationality.

Such a naturalization in a Wittgensteinian way must begin with Grice. He was one of the first philosophers to emphasize the cultural, social and intersubjective aspects of language in his principles and maxims of conversation. In the *Retrospective Epilogue* to his *Studies in the way of words* (1989), he re-emphasizes these aspects regarding the place rationality has in conversation maxims, and re-labelling his maxims *principles of conversational rationality*:

*Perhaps some refinement in our apparatus is called for. First, it is only certain aspects of our conversational practice which are candidates for evaluation, namely those which are crucial to its rationality rather than to whatever other merits or demerits it may possess; so, nothing which I say should be regarded as bearing upon the suitability or unsuitability of particular issues for conversational exploration; it is the rationality or irrationality of conversational conduct which I have been concerned to track down rather than any more general characterization of conversational adequacy. So we may expect principles of conversational rationality to abstract from the special character of conversational interests. Second, I have taken it as a working assumption that whether a particular enterprise aims at a specifically conversational result or outcome and so perhaps is a specifically conversational enterprise, or whether its central character is more generously conceived as having no special connection with communication, the same principles will determine the rationality of its conduct. It is irrational to bite off more than you can chew whether the object of your pursuit is hamburgers or the Truth. (Grice, 1989, p. 369)*

Grice's philosophical spirit lies in the cultural, social and pragmatic nature of rationality and its inherent ties to conversation (Kasher, 1976). Grice's

Cooperation Principle is part of a theory of meaning built around the notion of rationality within Grice's social pragmatics framework. Rationality signifies the adoption of the common aim of negotiating for some solution such as a consensus. However, even if communication is viewed as driven by a *common* interest, rationality will still be just *one* choice among several other possible choices. Rationality, according to this approach, does not account for the traditional epistemological requirements, but will conform to how rationality is used in argumentation practices.

4.  
The importance of understanding 'rationality as use' is the outcome of bonding the concept of rationality with Wittgenstein's later philosophy. That means understanding rationality in terms of "language games" as a social practice, "form of life", and cultural institutions. However, Wittgenstein's conception in this paper is extended to forms of not only language usages and actions, but also any form of cultural choice, which is surely hinted in his concept of "form of life". Wittgenstein's approach of the pragmatic and social practice of language games and life forms may also be used philosophically on different level to grasp and to constitute a cultural choice. A choice in a language game plays a pragmatic role in Wittgenstein's approach. However, not only socially based speech forms and actions as well as "life forms" are dependent on active pragmatic choice, but also a choice as a cultural action and even institutionalized one. Not only do language games rely on choice but, philosophically speaking, they are special case of a wider meaning of 'choice'. Thus, constituting a parallelism between "language games" and life forms in the Wittgensteinian sense and political and cultural choice in the cultural relativism sense, similar to that of Franz Boas.

Cultural relativism is the refusal of Western philosophical claims to universality on epistemological grounds (Marcus & Fischer, 1986, p. 1), much in Wittgenstein's sense of philosophizing (PI, 124, 217, and 654). This is most obvious in the case of language, which is not only a means of communication but also a means of categorizing experiences and different world views. In this sense, judgments and preferences are obviously based on experience, but these experiences are interpreted by each individual or community in terms of their language games, form of life and eventually by their enculturation. It is not just a philosophical and anthropological stance, but a critical stance in response to Western ethnocentrism. The general idea is that rationality according to the

approach of *externalism in epistemology* is just one example to this Western ethnocentrism.

Furthermore, cultural relativism is based on specific epistemological approach that was also transformed into methodological pragmatics and qualitative research methods. This epistemological approach has its origin in skepticism regarding the possibility of direct and unmediated knowledge of reality. It is the skeptical argument regarding the epistemological impossibility to distinguish reality from illusion. Thus, experiences of reality according to this approach are mediated through language and culture and not just dependent on the cognitive structure of the human mind. In other words, human experience is mediated not only by the cognitive structure, but by particular language game, form of life and particular cultural structure as well. This is somewhat a more radical reading of Davidson's "conceptual scheme" but still well positioned in the boundaries of this concept (Davidson, *On the very idea of a conceptual scheme*, 1974). The notions of rationality and reasonable belief are very flexible (Davidson, 2005, p. 121) as he indicated in the following:

*The issue is not whether we all agree on exactly what the norms of rationality are; the point is rather that we all have such norms and we cannot recognize as thought phenomena that are too far out of line. Better say: what is too far out of line is not thought. It is only when we can see a creature (or 'object') as largely rational by our own lights that we can intelligibly ascribe thoughts to it at all, or explain its behavior by reference to its ends and convictions. (Davidson, 2004, pp. 97-8)*

The most obvious implication is the case of language as a means for reconstructing experiences. In anthropology this hypothesis is known as the Sapir-Whorf hypothesis. Different cultural communities, using different languages, will have different conceptual schemes that might be non-compatible or non-commensurable to some degree, and nor more or less in accord with reality or the external world (Gumperz & Levinson, 1996; Leavitt, 2011). These ideas are known in philosophy through the works of Wittgenstein, Quine and Searle. They all argue that conceptualization and categorization are learned and that they are basically arbitrary. Thus, reality can be conceived in multiple ways, giving rise to different ways of understanding and theorizing of the same phenomena. In this respect, Wittgensteinian philosophical attitude is of fundamental methodological importance, because it calls attention to the

importance of the understanding the rules of a language game in understanding the meaning of particular form of life and social and cultural practice. This understanding of the rules can be acquired only by learning the language game from within and by partially enculturated into that form of life.

But this cultural relativism should not be confused with moral relativism or even ethnocentrism. More specifically, it does not follow that if there are many forms of life and cultures, than they are all equally accepted and however different they are, they are all equally valid. Rather, the acceptability of any form of life must be evaluated with regard to the fact that there is a choice at the bottom of each form of life. And although one's choices, be it moral, political or other, are rooted in one's culture or form of life, the fact is that people *could* have choose otherwise. The ability to choose might be considered as a universal moral standard. Or whether this ability to choose makes sense only in terms of specific form of life or culture? What if the emphasize of choice expresses a value that far from being universally human, is really Western?

One sensible solution to this problem would be the following formulation of cultural relativism: "there are or can be no value judgments that are true, that is, objectively justifiable, independent of specific cultures" (Schmidt, 2009, p. 170). The methodological function of this formulation is that it requires anyone trying to understand a language game to reflect on how their own enculturation has shaped their point of view and realize also that the emphasis of choice might be a form of cultural imperialism. Making a choice for some moral or epistemological value or norm is neither self-evident universal, nor entirely personal and thus idiosyncratic, but rather an act in relation to one's own culture or form of life. Within this relativistic approach, the thesis is that people do have moral and epistemological choices and these choices have consequences. One of these moral and epistemological choices is to choose to be rational in the argumentative sense. Here is where the element of choice becomes crucial. One's experiences is not limited by one's culture and one's culture is not the center of everything (Antweiler, 2012, pp. 130-138).

5.  
So how rationality becomes a choice in argumentation? A pragmatic answer to this question was already given by Grice. When he discusses speaker-meaning and speaker-intention, he makes a decisive connection between rationality and choice via the notion of value:

*... my own position, which I am not going to state or defend in any detail at the moment, is that the notion of value is absolutely crucial to the idea of rationality, or of a rational being... I have strong suspicions that the most fruitful idea is the idea that a rational creature is a creature which evaluates... Value is in there from the beginning, and one cannot get it out. (Grice, 1982, p. 238)*

Value is connected then to the idea of 'what is preferable to do' and 'what one should choose' (Grice, 1982, p. 239). This idea is rooted in the Cooperation Principle as the concept of rationality is used by Grice in characterizing this principle: "... one of my avowed aims is to see talking as a special case of variety of purposive, indeed rational behavior" (Grice, 1975, p. 47). It is hard to figure out precisely what is Grice's notion of rationality since he never addressed the subject separately, but always as a mean to explain other concepts. In some places, Grice understands the idea of rationality in terms of purposiveness, assuming that this understanding is self-explanatory. Thus, Grice sees cooperation as the necessary outcome from the application of reason to the process of conversation and as the realization of rationality (Grice, Reply to Richards, 1986, pp. 65, 87). Yet, in other places, Grice makes clear that to be rational in context of conversation is a choice that should be made:

*A dull but, no doubt at a certain level, adequate answer is that it is just a well-recognized empirical fact the people do behave in these ways ... I am, however, enough of a rationalist to want to find a basis that underlies these facts, undeniable though they may be; I would like to be able to think of the standard type of conversational practice not merely as something that all or most do in fact follow but as something that it is reasonable for us to follow, that we should not abandon. (Grice, 1975, p. 48)*

This ambiguity in the writings of Grice made others to try and solve it. Kasher (1976), for instance, seeks to replace the Cooperation Principle by some form of Rationality Principle, where participants seek to minimize effort. However, this line of reasoning leads Kasher to characterize rationality in means-end terms, where the minimization of effort is the consequent of rationality. Thus, redefining rationality in utilitarian terms of efficiency. The question whether this is the right interpretation to Grice's approach, given his rejection of utilitarianism, will not be addressed here. Rather, it should be pointed out that the deficiency in Kasher's approach is that it ignores the place value and choice have in Grice's notion of being rational.

The participants in communication chose to be rational on the assumption that rationality is the backbone of cooperativity and thus that of argumentation as the mean for solving controversies. It is a choice since rationality is *not* intrinsic to human nature, but rather only one choice among a number of possible choices. This is visible more in Grice's later work (Grice, 1986; 1989) as he comes to favor the notions of 'value' and 'evaluating'. Principles and maxims of conversation has their technical meaning in Grice's work and in pragmatic in general. However, these have also a more general and philosophical meaning, which transcend linguistics into philosophy. Only then, the place of rationality in argumentation can be characterized as a choice. Argumentative practices that display rationality are bounded by certain rules, which are necessary only from within the language game point of view. But the rules were adopted in light of achieving the ends for which the language game is used. Thus understanding rationality or being rational in terms of a choice in specific language game and form of life.

To conclude this paper, I have presented what I see as an important shift in the discussion of the nature of rationality in argumentation. I have argued against the tendency to exclude the notion of rationality from its uses in argumentation practices. It is suggested that rationality is a constituent of specific language games, which are examples of human rational behavior and action, and thus to be accounted for through the study of argumentation. My aim was to stress the need for a cultural-pragmatic approach, which can account for the uses of rationality. This approach seek to study the manifestations of rational behavior and action while rejecting the traditional Western tendency to exclude rationality from its uses.

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# ISSA Proceedings 2014 - Argumentative Norms: How Contextualist Can They Be? A Cautionary Tale

*Abstract:* Are argumentative norms contextual? Yes: argument quality sometimes depends upon criteria that are context-relative. But this contextual dimension of argumentative norms depends upon a kind of context-independence: That a given argument is strong in its context is a claim that is not itself dependent upon any particular context. Consequently, there is an in-principle limit on the degree to which argumentative norms can be rightly regarded as contextual.

*Keywords:* argument, argumentation, argument norms, argument purposes, contextualism, epistemological relativism

## 1. *The case for and limits of contextualism*

*“Argumentation is always situated: it always occurs in context.”*

(Van Eemeren and Garssen 2012b, p. xiii)

It is true, as van Eemeren and Garssen say, that argumentation always occurs in context: to engage in argumentation, an arguer must be in some context or other. But are argument norms similarly contextual? That is, are the norms governing argument quality relative to or dependent upon the context in which the argument is either asserted or evaluated? Let *contextualism***[i]** be the view that *criteria of argument quality vary by context*: According to contextualists, whether an argument is good or not, and how good it is, depends upon the context in which it is either uttered or evaluated. Many authors have urged that contextualism, or something like it, is true.**[ii]**

There is an obvious *prima facie* case for contextualism which rests on the fact that the ‘good-making’ features of arguments seem to vary by context: What makes an argument good in a scientific context seems to differ in some respects from what makes an argument good in a court of law, a conversation among friends, or a marketing strategy discussion in the corporate boardroom. That is, it seems to be

the case that the quality of arguments sometimes depends upon criteria that are context-relative. For example, scientific arguments at least often have to meet criteria of explanatory adequacy; legal arguments often have to meet criteria of evidence admissibility; etc. So it seems that the norms of argument quality are relative to context: an argument can be good although it doesn't meet legal criteria of evidence admissibility if it is offered or evaluated in a scientific or corporate boardroom context; an argument can be good although it doesn't meet criteria of explanatory adequacy if it is offered or evaluated in the context of a court of law or a conversation around the dinner table.

However, it would be too quick to conclude on the basis of this *prima facie* case that argument norms are indeed contextual. For we should distinguish between differences in argumentative context entailing differences in criteria of argument quality, on the one hand, and differences in the *purposes* of argumentation entailing such differences, on the other. We should agree that people argue for different purposes, a point generally agreed among argumentation scholars and reflected in the range of approaches reflected in their scholarship. Three important such purposes are: the *persuading* of one's audience of a particular claim, thesis, or standpoint (reflected in *rhetorical* approaches to the study of argument); the achieving of *consensus* (reflected in *dialectical* approaches); and the enhancement of the epistemic status of claims or conclusions argued for (reflected in *epistemic* approaches). Argument norms do differ across these: an effective persuasive argument may be less successful at fostering consensus or supporting a conclusion, etc. But these are differences of *purpose*, not context.**[iii]**

More importantly, and the main point argued for here: *contextualism, if correct, depends upon an underlying non-contextualism*. Suppose there is a genuine contextual dimension of argumentative norms, such that (C):

(C): *What makes a good argument good in a particular context, say, a scientific one, differs at least in part from what makes an argument good in contexts such as corporate boardrooms, conversations among friends, or courts of law.*

From what context might (C) itself be established by argument? If (C) is worthy of belief, as asserted by contextualists, there must be a good argument that supports it; good reasons that render it so worthy. But that argument's quality can't itself be limited to some particular context, because if it is so limited, (C)'s epistemic

status will itself be relative to context. That is, the argument that establishes (C) will itself be good in some contexts but not in others. And this seems to undercut the argument for (C): if it supports (C), it will do so only in some contexts, and will fail to do so in others. And this sounds like the familiar problem with (epistemological) relativism. **[iv]**

## 2. *The problem with relativism*

What is relativism, and what is the problem with it? Let relativism be understood as:

ER: *For any knowledge-claim  $p$ ,  $p$  can be evaluated (assessed, established, etc.) only according to (with reference to) one or another set of background principles and standards of evaluation  $s_1, \dots, s_n$ ; and, given a different set (or sets) of background principles and standards  $s'_1, \dots, s'_n$ , there is no neutral (that is, neutral with respect to the two (or more) alternative sets of principles and standards) way of choosing between the two (or more) alternative sets in evaluating  $p$  with respect to truth or rational justification.  $p$ 's truth and rational justifiability are relative to the standards used in evaluating  $p$ . (Siegel 1987, p. 6)*

If this is relativism, what is the problem with it? The problem, familiar since Plato's *Theatetus*, is that it is *self-referentially incoherent or self-refuting*, in that defending the doctrine requires one to give it up. Why?

Insofar as she is taking issue with her non-relativist philosophical opponent, the relativist wants both (a) to offer a general, non-relative view of knowledge (and/or truth or justification), and assert that that general view - i.e., that knowledge is relative - is epistemically superior and preferable to its rivals; and also (b) to deny that such a general, non-relative view is possible or defensible. The relativist needs to embrace *both* (a), in order to see her position both as a rival to, and, further, as epistemically superior to, the position of her non-relativist opponent; and (b), in order to honor the fundamental requirements of relativism. But the mutual embrace of (a) and (b) is logically incoherent. For the embrace of (a) forces the rejection of (b): if relativism is the epistemically superior view of knowledge (i.e., (a)), then one general view of knowledge is both possible and defensible as epistemically superior to its rivals (contrary to (b)). Similarly, the embrace of (b) forces the rejection of (a): if no general, non-relative view of knowledge is possible or defensible (i.e., (b)), then it cannot be that relativism is itself epistemically superior to its rivals (contrary to (a)). This argument strongly

suggests that the assertion and defense of relativism is incoherent. [v]

### 3. *Relativism and contextualism*

Of course, contextualism is not the same as relativism. Can the contextualist escape this incoherence problem? The key question is: From what context might the contextuality of argument norms be established? The worry is this: It appears that any argument for contextuality will itself necessarily be made from some context or other. Consequently the contextualist appears to be committed to the claim that the norms governing its quality will be forceful only contextually. If its quality is context-dependent, its normative force is equally so, thus rendering it unable to stand against or compete effectively with parallel arguments for the contrary conclusion launched from alternative contexts. The problem for the contextualist can be illustrated by drawing explicitly the analogy between the self-referential argument against relativism just rehearsed and the analogous argument against contextualism with respect to argument norms:

*CAN: For any argument A purporting to establish (C), A can be evaluated (assessed, established, etc.) only according to (with reference to) one or another set of contextually bound argument norms  $n_1, \dots, n_n$ ; and, given a different set (or sets) of argument norms  $n'_1, \dots, n'_n$ , there is no neutral (that is, neutral with respect to the two (or more) alternative sets of principles and standards) way of choosing between the two (or more) alternative sets in evaluating A with respect to its ability to establish the truth or rational justification of (C). (C)'s truth and justificatory status are relative to the contextual norms used in evaluating A.*

The problem with CAN can now be spelled out on analogy with the problem with ER: Contextualism appears to be *self-referentially incoherent or self-refuting*, in that defending the doctrine requires one to give it up. Why?

Insofar as she is taking issue with her non-contextualist philosophical opponent, the contextualist wants both (a') to offer a general, non-contextual view of argument norms, and assert that that general view - i.e., that argument norms are contextual - is epistemically superior and preferable to its rivals; and also (b') to deny that such a general, non-contextual view is possible or defensible. The contextualist needs to embrace *both* (a'), in order to see her position both as a rival to, and, further, as epistemically superior to, the position of her non-contextualist opponent; and (b'), in order to honor the fundamental requirements of contextualism. But the mutual embrace of (a') and (b') is logically incoherent.

For the embrace of (a') forces the rejection of (b'): if contextualism is the epistemically superior view of argument norms (i.e., (a')), then one general, non-contextual account of argument norms is both possible and defensible as epistemically superior to its rivals (contrary to (b')). Similarly, the embrace of (b') forces the rejection of (a'): if no general, non-contextual account of argument norms is possible or defensible (i.e., (b')), then it cannot be that contextualism is itself non-contextually superior to its rivals (contrary to (a')). This argument strongly suggests that the assertion and defense of contextualism is incoherent.

#### 4. *The fate of contextualism*

Thus the contextualization of argument norms is capable of being established only from a 'universal,' 'a-contextual' [vi] context. How should we make sense of this situation?

The threat of incoherence establishes a strong, in-principle limit on the degree to which argument norms can be rightly regarded as contextual. As we saw earlier, arguments can be offered for different purposes. Can the norms governing their quality be relativized to context more generally, such that argument A can be good in (e.g.) a scientific journal but bad in a court of law or a casual conversation among friends? Yes, but only in so far as those contextualized norms - e.g., that scientific arguments can be good/bad in so far as they meet (or not) norms of explanatory adequacy - *are themselves established by arguments whose quality is not itself contextual or contextually bound*. The argument constitutes an incoherence proof [vii] of a thoroughgoing contextualism concerning argument norms - such a thoroughgoing contextualism is incoherent - and establishes the limits of a defensible contextualism. We can coherently be *pluralists* about argument norms [viii], allowing that there are multiple legitimate argument norms, and that some of them are operative only in particular contexts. We should be pluralists in this sense. But we cannot, on pain of incoherence, be so thoroughlygoing contextualist as to hold that the case for this view is itself sanctioned by norms whose force is itself limited to particular contexts.

#### 5. *Are prominent theorists problematically contextualist?*

Let us now briefly consider some prominent argumentation theorists who embrace one or another sort of contextualism to see whether their contextualisms violate the limits of a defensible contextualism just adduced.

##### 5.1. *Stephen Toulmin*

Toulmin famously held that “the merits of our arguments ... are *field-dependent*” (1958, p. 15, emphasis in original):

*[A]ll the canons for the criticism and assessment of arguments ...are in practice field-dependent, while all our terms of assessment are field-invariant in their force. We can ask, ‘How strong a case can be made out?’ [for arguments in three different fields] and the question we ask will be how strong each case is when tested against its own appropriate standard. We may even ask, if we please, how the three cases compare in strength, and produce an order of merit ... But in doing so we are not asking how far the cases for the three conclusions measure up to a common standard: only, how far each of them comes up to the standards appropriate to things of its kind. The form of the question, ‘How strong is the case?’, has the same force or implications each time: the standards we work with in the three cases are different. (1958, p. 38, emphases in original)*

It is unclear whether a Toulminian ‘field’ is the same sort of thing as that which other writers refer to as a ‘context’. If these are not the same, then Toulmin should not count as the sort of contextualist we are concerned with here. But assuming for the sake of argument that he should so count, it is clear that he does not face the incoherence worry laid out earlier. He does not argue or suggest that his case for the field-dependence of argument quality[**ix**] is itself launched from any particular field or context; he seems clearly enough to hold that the field-dependence of argument quality he advances is not itself dependent on any particular field or context. He does not suggest, for example, that judged from the context of argumentation theory argument quality is field-dependent, but judged from the context of physics, formal logic or history argument quality is field-independent. Rather, he urges that it is a field-independent truth that argument quality is field-dependent. So he does not embrace or endorse the problematic (b’) above. So he cannot fairly be charged with a problematic incoherence.

Toulmin makes an important point: some criteria of argument quality apply in some contexts but not others – e.g., a good inductive argument will not be good in most logico-mathematical contexts, in which deductive soundness is required[**x**] – and this is one example of the way in which argument norms are contextual. That said, I am not here endorsing Toulmin’s overall views concerning argument quality; those views are not my present concern. I am arguing only that, insofar as his view is rightly thought of as contextualist, it is not such as to run the risk of incoherence set out above.[**xi**]

## 5.2. Douglas Walton

Walton has long defended a version of contextualism. Consider, from among many such passages in his writings:

*[T]he validity or correctness of an argumentation scheme, as used in a given case, depends on the context of dialogue appropriate for that case. (1996, p. 13)*

*[A]ny claim that a fallacy has been committed must be evaluated in relation to the text of discourse available in a given case ... [A]n argument will always occur in a context of dialogue ... Much of the work of analysis and evaluation of the allegedly fallacious argument will involve placing that argument in a context of dialogue. (1996, p. 14).*

*[A]rguments are evaluated as correct or incorrect [on Walton's proposed pragmatic standard of argument evaluation] insofar as they are used either to contribute to or to impede the goals of dialogue. (1998, p. 3)*

*[A] presumptive argument based on an argumentation scheme should always be evaluated in a context of the dialogue of which it is a part. (2001, p. 159)*

*This pragmatic dimension [of justifying schematic arguments] requires that such arguments need to be examined within the context of an ongoing investigation in dialogue in which questions are being asked and answered. (2005, p.8)*

Like Toulmin's, Walton's contextualism is not guilty of the sort of incoherence illustrated above. He makes the important points that instances of argumentation take place in the context of particular dialogues, that particular argumentation schemes are suitable (or not) for such contexts, and that the evaluation of particular argumentative moves and exchanges depends upon the schemes appropriate for the context in question. He does not suggest that his own (pragmatic, dialogical) theory of argument evaluation is itself justified only contextually. That is, he does not assert (b') above. So there is no incoherence here. (Whether or not his pragmatic, dialogical approach is a good one I do not take up here.)

## 5.3. Geoff Goddu

Goddu argues compellingly that "the correct evaluation of an argument is context dependent." (2003b, p. 381) The most important reason he offers for thinking so is that "when evaluating an argument ... we must take into account not only the

actual support that the premises provide, but the degree of support the premises *need* to provide as well. We need to know if the actual degree of support is *enough* and what support is enough will change from context to context.” (2004, p. 30, emphases in original, note deleted; cf. also p. 33) He illustrates his claim with several suggestive examples. The most straightforward is that of the same argument, utilizing the same evidence, put forward by the prosecution in both civil and criminal trials: in the former the argument is adequate if it establishes the defendant’s guilt by a preponderance of the evidence; in the latter the evidence must establish guilt beyond a reasonable doubt. If the argument establishes that the probability of the defendant’s guilt is .6, it is adequate in the context of the civil trial but not that in of the criminal trial. **[xii]**

As with Toulmin and Walton, Goddu’s contextualism does not involve the sort of incoherence we are concerned with here. His correct point concerning the context dependence of argument adequacy is not itself true only in some contexts and not in others; he does not suggest either that his argument for context dependence is itself context dependent or that that argument is adequate in some contexts and not others. Rather, he establishes the context-independent conclusion that argument evaluation is contextual. Like Toulmin and Walton, he does not assert (b’) above. So there is no incoherence here.

#### 5.4. *Frans van Eemeren*

The final author to be considered is Frans van Eemeren. Van Eemeren (in collaboration with several of his co-authors) embraces a substantial but constrained version of contextualism. He acknowledges both general, context-independent and context-dependent criteria “for the fulfilment of norms of reasonableness”, which norms are “incorporated in the rules of critical discussion” at the heart of the Pragma-Dialectical approach:

*Because the application of the critical norms of reasonableness is partially dependent on the requirements that result from the exact circumstances in which the argumentation occurs, such that these norms can be implemented in slightly different ways, the content of these criteria can sometimes be context dependent. This means that the context in which the argumentative exchange takes place has to be, in principle, taken into account explicitly in determining the fallaciousness [of a given argumentative move/strategic maneuver].*

*Besides the general criteria which are context independent, specific criteria*



*which are context-dependent will also play a role in the evaluation of [such moves/maneuvers]... (Van Eemeren 2011b, p. 40)*

*When reflecting upon the criteria that can be brought to bear to distinguish between sound and fallacious strategic maneuvering, I make a distinction between general criteria for judging fallaciousness that are context-independent and more specific criteria that may be dependent on the macro-context in which the strategic maneuvering takes place. (Van Eemeren 2011a, p. 154)*

As these citations make clear, van Eemeren's contextualism is not so thoroughgoing as to run into the incoherence problem described above. It explicitly acknowledges context-independent criteria for the satisfaction of the pragma-dialectical norms of reasonableness. Moreover, those norms, incorporated in the pragma-dialectical rules governing critical discussions, are themselves context-independent: whatever the context, if one violates a rule one violates the associated norm. Most importantly for present purposes, van Eemeren's argument for contextualism is not itself contextually bound. Like our other authors, he does not assert (b') above. Once again, there is no incoherence here. **[xiii]**

#### *6. Conclusion: contextualism, but only within limits*

If the argument offered here is successful, argument norms can be established only by arguments/reasons that are non-contextual in character and epistemic force. This leaves room for a healthy pluralism concerning argument norms. There are important contextual dimensions of argument quality and important things concerning contextually specific aspects of argument quality for argumentation theorists to study and say. **[xiv]** There are multiple legitimate argument norms, and some of them are operative only in particular contexts. But that any particular argument norm is a legitimate norm in a particular argument context cannot itself be established contextually.

Is this really a problem worth worrying about? After all, as we've just seen, none of the theorists considered above go over the line; their contextualisms are all sufficiently bounded so as to not risk the incoherence worry I have been belaboring. That these theorists stay clear of the difficulty is of course a good thing. The lesson to be learned from this discussion, if there is one, is a cautionary one: in theorizing about the contextual character of argument norms, don't go over the line. Contextualism defended non-contextually is, or at least might be,

OK; contextualism that extends to the defense of that view itself, not so much. As with other such topics, self-referential incoherence is a worry to take seriously when theorizing about argument norms.

### *Acknowledgement*

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### **NOTES**

- i.** The questions pursued here do not concern the view called 'contextualism' in epistemology and philosophy of language. There 'contextualism' is understood as a response to skepticism, according to which in ordinary, 'low-stakes' contexts we know, e.g., that we have hands, but in 'high stakes' contexts we don't know this because we can't rule out the possibility that we're being deceived by an evil demon. For an overview of the literature and a defense of this sort of contextualism, cf. DeRose 2009.
- ii.** Among many others, in addition to those authors discussed below, cf. Fogelin 1985/2005 and Battersby and Bailin 2011. Battersby and Bailin helpfully distinguish dialectical, historical, intellectual, political, social and disciplinary contexts; I strongly recommend their discussion.
- iii.** Notice that I am not claiming that argument purpose differs systematically across context - this I would deny - but rather asking whether the criteria that arguments must meet in order to be good differ in this way. Here I am indebted to the good advice of John Biro and Jan Steutel. It is uncontroversial that arguments are advanced for a variety of purposes. For a typical acknowledgement of this, see Toulmin 1958, p. 12.
- iv.** I am speaking throughout only of epistemological relativism.
- v.** For a more precise and detailed analysis of relativism and its vicissitudes, cf. Siegel 1987, 2004, and 2011, from which the version of the argument just given in the text is adapted.
- vi.** There is of course no 'view from nowhere' or 'a-contextual context' - hence the

scare quotes. All our arguments are offered and evaluated in some context or other and from some conceptual scheme, perspective or point of view. The point on the table is just that the quality of arguments used to establish this very point is not itself dependent on the context in which the argument is offered or evaluated, and acknowledging it does not commit one to either relativism or contextualism. It is central to philosophical discussions of relativism; for systematic treatments of it in that context, cf. Siegel 1987, 1997, 2004, and 2011. Thanks to Derek Allen and Geoff Goddu for pressing me on this.

**vii.** Thanks to Christoph Lumer for this felicitous expression.

**viii.** A similar pluralism is endorsed by David Godden (2005).

**ix.** In his discussion Toulmin uses the words ‘canons’, ‘criteria’ and ‘standards’ to pick out those things in accordance with which argument quality is determined or assessed. These are not synonymous but I won’t tarry on this point here.

**x.** Although we must be careful here, for these criteria do not vary systematically by field. The variation is messier than one might expect. Cf. Siegel 1997, pp. 29-33.

**xi.** I think the same can be said of the prominent Toulminians Mark Weinstein and John Woods. Cf. Weinstein 2013 and, e.g., Woods 2005, p. 497.

**xii.** For this and other examples see Goddu 2003b, p. 380 and Goddu 2004, pp. 27-30; cf. Goddu 2001 for an early articulation of his view of argument evaluation and Goddu 2003a and 2005 for systematic discussions of the difficulties of specifying ‘the context of an argument’ and ‘context dependence’ respectively. A closely related point concerning the context-dependence of the evaluation of some scientific arguments is made in Rudner 1953.

**xiii.** Van Eemeren’s general approach, like Walton’s, is both pragmatic and dialectical. For a very helpful comparison of the two views, especially with respect to contextualism, cf. van Eemeren et. al. 2010. I should note once again (but not pursue here) a widespread ambiguity in the argumentation literature: dialogical/dialectical approaches, like those of Walton and van Eemeren, focus on norms governing particular argumentative moves in dialogue, while other approaches, and in particular Goddu’s and epistemic theorists such as Lumer and Biro and me, focus not on the norms governing such moves but rather on those governing the evaluations of particular arguments conceived as abstract objects. Cf. Goddu’s papers cited above, Lumer 2005, Biro and Siegel 2006 and Siegel and Biro 2010.

**xiv.** Some of which are said in such venues as van Eemeren and Garssen 2012 and the series in which this volume appears, as well as the work of Walton and

van Eemeren cited above.

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# **ISSA Proceedings 2014 - Reasonableness In Context: Taking Into Account Institutional Conventions In The Pragma- Dialectical Evaluation Of Argumentative Discourse**

*Abstract:* In this paper, we raise the question of how to take institutional conventions into account in a pragma-dialectical evaluation of argumentative discourse. First, we describe the main steps of the pragma-dialectical evaluation procedure and provide an explanation of the types of norms and rules involved. Then, we present an overview of various types of discrepancies between institutional conventions and pragma-dialectical norms and discuss their implications for the pragma-dialectical evaluation of argumentation in context.

*Keywords:* argumentation, deontic rules, evaluation, fallacy judgments, institutional conventions, non-deontic rules, pragma-dialectics.

## *1. Introduction*

Over the last couple of years, the pragma-dialectical research program has focused on the development of tools for the analysis and evaluation of argumentative discourse in specific institutional contexts, such as the domains of legal, political, medical, and academic communication. [i] An important reason for taking the institutional context into consideration is that the aims and conventions of a certain context of argumentative activity may influence the evaluation of the argumentation put forward in that context. Within the pragma-dialectical approach, fallacy judgments are considered to be context-dependent. At the same time, the norms to be applied by the evaluator are regarded as generally applicable to all contexts of argumentative activity:

Although we agree [...] that fallacy judgments are in the end always contextual judgments that depend on the specific circumstances of situated argumentative acting, we do not agree that the norms underlying these judgments are context-dependent. In our view, the norms expressed in the rules for critical discussion are general – who knows even universal – norms for sound argumentation that are not limited to one particular type of argumentative activity (Van Eemeren and Houtlosser, 2007, p. 64).

A consequence of the point of view that the norms expressed in the rules for critical discussion are generally applicable is that the influence of the institutional conventions on the evaluation of the argumentation cannot be situated at the level of these rules themselves. In some pragma-dialectical analyses of specific institutional contexts, however, cases do occur in which the aims and rules for the argumentative discourse in a particular context seem to differ in some respects from the rules of critical discussion. An example is to be found in Feteris's analysis of the legal setting, where a discrepancy can be noted between the legal procedures and one of the rules for critical discussion. According to Feteris, 'to safeguard legal rights, there are time limits within which an appeal must be taken. Otherwise the party who has won the trial can never be sure about his rights' (1990, p. 113). The existence of this time limit is not completely in accordance with the pragma-dialectical 'freedom rule,' according to which discussants have the *unconditional* right to put forward a standpoint or call into question the standpoint of the other party in the discussion (Van Eemeren & Grootendorst, 2004, pp. 136, 190-191).**[ii]**

In this paper, we address the question of how the possibility of such a discrepancy between institutional conventions and rules for a critical discussion can be reconciled with the abovementioned claim that the pragma-dialectical rules express general norms that are applicable to all contexts of argumentative activity. First, we describe the main steps of the pragma-dialectical evaluation procedure and provide an explanation of the types of norms and rules involved. Then, we present an overview of various types of discrepancies between institutional conventions and pragma-dialectical norms and discuss their implications for the pragma-dialectical evaluation of argumentation in context. Finally, we briefly recapitulate and discuss our findings.

## *2. Types of norms in the evaluation procedure*

Institutional conventions may influence the pragma-dialectical evaluation of

argumentative discourse in various ways. In this section we address the question which types of norms play a role in such an evaluation and how they may relate to the norms expressed in institutional conventions. We will start with a short explanation of the pragma-dialectical evaluation process.

A pragma-dialectical evaluation is preceded by an analysis of the discourse in terms of the so-called 'model of a critical discussion'. Such an analysis is aimed at providing a reconstruction of the discourse containing all the elements that are relevant to the evaluation (van Eemeren & Grootendorst, 2004, pp. 95-122).

In order to determine the reasonableness of the reconstructed discourse, the evaluator makes use of two different types of norms. First, the evaluator needs to determine which standards of reasonableness should be projected onto the reconstructed discourse. A proposal for such standards is expressed in the so-called 'code of conduct for reasonable discussants', a set of ten rules (or 'commandments') that is derived from a larger set of fifteen rules that constitute the 'procedure of a critical discussion', which is an integral part of the 'model of a critical discussion' (Van Eemeren & Grootendorst 2004, pp. 123-186).

Second, the evaluator needs to determine which criteria should be used in order to decide whether a specific discussion move constitutes a violation of the standards just mentioned. For in order to determine the reasonableness of such a move, it is not enough to know which rule of the code of conduct is at issue. According to Van Eemeren and Grootendorst (1992, p. 106), the norms that are at stake in these rules need to be supplemented with criteria for deciding whether or not a certain speech act satisfies the norm. As to these criteria, Van Eemeren distinguishes between general and specific criteria:

I make a distinction between general criteria for judging fallaciousness that are context-independent and more specific criteria that may be dependent on the macro-context in which the strategic maneuvering takes place, because this specific context requires a well-adapted implementation of the general criteria (Van Eemeren, 2010, p. 201).

This means that when justifying a particular fallacy judgment, the evaluator does not only refer to the rule that is violated, but also to the (general or specific) criterion that is used to establish that the rule is violated.

In principle, in the evaluator's justification of fallacy judgments, institutional



conventions may thus play a role on two different levels: the level of the rules and the level of the criteria. This raises the question as to how the evaluator may find out on which of the two levels a given institutional convention is operative. In order to answer this question, we will now analyze the difference between rules and criteria in more detail. As we already explained, the rules that constitute the 'code of conduct for reasonable discussants' are derived from a larger set of rules that constitute the 'procedure of a critical discussion'. Several differences exist between these two sets of rules. For our current purposes, it suffices to point at a difference concerning the nature of the rules involved. **[iii]**

The first set of rules, which constitutes the code of conduct for reasonable discussants, entirely consists of 'deontic' rules, i.e. rules that are prescriptive in nature because they specify the rights and obligations of the discussants. In abstract terms, such deontic rules are formulated as 'X should do Y' or negatively as 'X should refrain from doing Y'. An example is the so-called 'freedom rule', which is listed as Commandment 1 of the code of conduct: 'Discussants may not prevent each other from advancing standpoints or from calling standpoints into question' (van Eemeren & Grootendorst, 2004, p. 190). Some of the deontic rules of the code of conduct specify *conditional* obligations. In abstract terms, such conditional deontic rules are formulated as 'if Z is the case, X should do Y' or negatively as 'if Z is the case, X should refrain from doing Y'. An example is the so-called 'obligation-to-defend rule,' which is listed as Commandment 2 of the code of conduct: 'Discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so' (van Eemeren & Grootendorst, 2004, p. 191).

The second set of rules, which constitutes the procedure of a critical discussion, differs from the first set because it does not only consist of prescriptive rules, but also of rules that are definitional or constitutive in nature. **[iv]** Such 'non-deontic' rules take the form 'X counts as Y' and they specify the conditions for the correct use of terms that occur in one or more of the other rules of the procedure. An example is the rule that defines what counts as a conclusive attack on a standpoint, which is listed as Rule 9b of the procedure: 'The antagonist has conclusively attacked the standpoint of the protagonist if he has successfully attacked either the propositional content or the force of justification of the complex speech act of argumentation' (van Eemeren & Grootendorst, 2004, p. 151). The need for specifying what is meant by the 'conclusiveness' of an attack

follows from the occurrence of the term in Rule 14a, which is a deontic rule that specifies when the protagonist should withdraw his standpoint: 'The protagonist is obliged to retract the initial standpoint if the antagonist has conclusively attacked it [...] in the argumentation stage [...]' (van Eemeren & Grootendorst, 2004, p. 154).**[v]**

In some cases, the evaluator is only able to decide whether a discussant complied with a deontic rule by making use of the definitions of terms provided in a non-deontic rule of the procedure of a critical discussion. For instance, in order to answer the question whether an antagonist rightly demands that the protagonist should withdraw his standpoint after it has been attacked by the antagonist, the evaluator needs to establish whether the attack can be seen as successful by applying the rule for what counts as a successful attack. In this sense, we think that it would be in accordance with the pragma-dialectical distinction between 'rules' and 'criteria' to identify all the non-deontic rules that are part of the procedure for a critical discussion as general criteria for determining the reasonableness of discussion moves.

Since the non-deontic part of the procedure for a critical discussion only provides part of the criteria that are needed in order to justify fallacy judgments, van Eemeren and Grootendorst's aforementioned call for the supplementation of the 'rules' with 'criteria' is still in place. At several places in the pragma-dialectical literature one may find descriptions of such criteria. As an example of a context-independent general soundness criterion for assessing whether the argumentation scheme rule has been violated in the case of an argument from authority, van Eemeren (2010, pp. 203-204) mentions the critical question whether the authoritative source is quoted correctly. Van Eemeren (2010, p. 197) also mentions several specific criteria for fallaciousness, which may vary depending on the macro-context. We observe that these general and specific criteria are all 'non-deontic' in nature: They do not concern rights or obligations but specify which conditions have to be fulfilled in order for a discussion move to count as a violation of a particular deontic rule. The general criteria are of the form 'X counts as Y' and the specific criteria are of the form 'X counts as Y in context Z'.

In order to prevent terminological confusion, we will reserve the term 'rules' for all the deontic rules and reserve the term 'criteria' for the non-deontic rules of the procedure of a critical discussion and other general and specific criteria. This

helps us to characterize the two levels of norms used in the pragma-dialectical evaluation process in a consistent way. On the one hand, there is the deontic level of the rules, and on the other hand, there is the non-deontic level of the criteria.

The terminological distinction between 'rules' and 'criteria' also helps us to answer the question as to how the evaluator may find out on which of the two levels a given institutional convention is operative. If the convention is deontic in nature, it operates on the level of the rules, and if the convention is non-deontic in nature, it operates on the level of the criteria. **[vi]**

### *3. Justifying a rule adaptation*

As we have established in Section 2, institutional conventions can be deontic or non-deontic in nature. If a non-deontic convention needs to be taken into account in the evaluation of the argumentative discourse in a certain activity type, this convention functions as a context-specific criterion for deciding whether a rule has been violated. Such a type of contextuality does indeed not imply that the rules for critical discussion themselves are context-dependent. Since the criterion is context-dependent, a particular move may be fallacious in the one context but not in the other. It is this type of contextual dependency of fallacy judgments that van Eemeren and Houtlosser are referring to:

The context-dependency of judgments of argumentative discourse lies in the way in which the conduct of argumentative discourse is conventionally disciplined in a certain activity type by specific criteria for determining whether or not a certain type of maneuvering agrees with the relevant norm, which criteria may vary to some extent per argumentative activity type— in a law case, for instance, different criteria apply to making a legitimate appeal to authority, e.g. by referring to a certain law code, than in a political debate. (van Eemeren and Houtlosser, 2007, p. 64)

An example of such a contextual criterion can be found in the activity type of Prime Minister's Question Time in the British House of Commons. As Mohammed points out, as representatives of a certain party, politicians may be held accountable not just for standpoints which they have put forward personally, but also for positions which are central to their political party:

In principle, it is necessary, in order to hold political parties to account, to consider that the commitments that can be attributed to a certain MP are not

restricted to those deriving from his own positions. It should be possible, to different degrees of justifiability, to attribute to MPs from a certain political party commitments deriving from positions that have been assumed by the leaders of their parties, election manifestos, or other public expressions of opinion made in the name of the Party. (Mohammed, 2009, p. 132)

In consequence of their political party obligations, politicians may be required to account for a position that they have not put forward themselves, but which is an official viewpoint of their political party. In such a case, an attack on the point of view ascribed to the politician does not necessarily constitute a violation of the so called 'standpoint rule', which forbids attacks on a standpoint 'that has not actually been put forward by the other party' (van Eemeren & Grootendorst, 2004, p. 191).**[vii]** In a different context, a discussant attacking a standpoint that the opponent had not put forward himself would be accused of committing a straw man fallacy. In the context of Question Time, however, such an accusation would not hold if the attack concerns a central party commitment of the opponent.

From the example it becomes clear that the deontic rule expressing the general obligation that discussants have to account for those standpoints that they can be held committed to remains in force. The institutional convention only gives rise to a specification of the non-deontic criterion for determining when exactly this deontic rule is violated in the specific context.

There are, however, also cases in which the institutional conventions are deontic in nature and express rights or obligations that differ from the ones expressed in the pragma-dialectical rules for a critical discussion. The rights or obligations of the discussion parties in the institutional context are then in some respects restricted or extended in comparison to the rights or obligations attributed to the parties in the rules for critical discussion. We will now address the question how this possibility can be reconciled with the claim that the pragma-dialectical rules express norms that are generally applicable to all contexts of argumentative activity.

In case of a discrepancy between an institutional convention and a pragma-dialectical rule, the consequences for the evaluation of a discussion move made within the context at hand depend on what the rationale for this discrepancy is. Sometimes, the difference between the convention and the rule can be

interpreted as a way of 'repairing' the non-fulfillment of one or more higher-order conditions. **[viii]** These are conditions that need to be fulfilled in order to enable the discussants to comply with the 'first-order' discussion rules. One such type of condition relates to the state of mind of the participants in the discussion, while the other type relates to the external circumstances in which the discussion takes place: **[ix]**

The 'internal' mental states that are a precondition to a reasonable discussion attitude can be regarded as 'second-order' conditions for a critical discussion, while the presupposed 'external' circumstances in which the argumentation takes place apply as 'third-order' conditions (Van Eemeren & Grootendorst, 2004, pp. 36-37).

If a specific convention can be interpreted as a way of 'repairing' the non-fulfillment of one or more higher-order conditions, moves that are in accordance with the institutional convention but not with the rule for critical discussion may still be judged as reasonable. The point of the adaptation of the institutional convention is then exactly to further the reasonable resolution of the dispute, by overcoming the restrictions posed by the non-fulfillment of particular higher-order conditions.

An example of an institutional context in which a deviating deontic convention applies is the medical consultation. As Goodnight (2006) and Snoeck Henkemans and Mohammed (2012) have pointed out, in doctor-patient consultations, the doctor has an institutional obligation with respect to the burden-of-proof. Ideally, a physician needs to present all the available treatment options and provide evidence in favor of and against each of these options (Snoeck Henkemans & Mohammed, 2012, p. 22). The main reason to impose this burden of proof upon the physician is that in medical consultations there usually is an 'asymmetric' relationship between the discussants: In most cases, the physician will be an expert and the patient a layman.

According to Van Eemeren, Grootendorst, Jackson and Jacobs, 'the ideal model assumes skill and competence in the subject matter under discussion and on the issues raised' (1993, p. 32). The specific burden of proof that is imposed on the doctor is thus motivated by the fact that a second-order condition pertaining to the abilities of arguers to engage in critical discussion cannot be taken to be automatically fulfilled. Since such higher-order conditions need to be fulfilled in

order for a discussion to lead to resolution, the extension of the obligations of one of the discussion parties in a medical consultation may be seen as a deviation from the pragma-dialectical 'burden-of-proof rule' that does not endanger the resolution of a dispute, but, on the contrary, promotes it.

There are, however, also cases in which the discrepancy between institutional conventions and the pragma-dialectical rules cannot be explained as a way of creating the conditions for reasonable discussion, but only as a means of achieving specific other institutional goals. An example of this third possibility of how institutional conventions may relate to pragma-dialectical norms is the restriction of the obligation expressed in the pragma-dialectical 'obligation-to-defend rule' in the context of the legal civil process. As van Eemeren and Grootendorst make clear, 'unlike a legal dispute, an argumentative dispute can in principle never be settled once and for all. The discussion can always be reopened' (2004, p. 138). In accordance with this starting-point, the 'obligation-to-defend rule' states that 'discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so' (2004, p. 191). But as we have seen, in the civil process, the right to reopen the discussion is limited in order to guarantee that specific legal aims can be achieved. The legal rules limit the obligations of the party who has won the trial to defend his point of view to a certain time span. **[x]** Imposing such time limits is a measure that is taken to achieve the legal aim of safeguarding parties' legal rights. Aiming for this type of security is, strictly speaking, not conducive to a maximal critical testing of the acceptability of a standpoint. From the perspective of a critical discussion, this type of limitation can therefore be seen as unreasonable, even though it is defensible from a legal perspective.

#### 4. *Conclusion*

A pragma-dialectical evaluation of argumentative discourse takes place on the basis of standards of reasonableness that are expressed in the rules for critical discussion. These rules are deontic in nature, because they specify the rights and obligations of the parties involved in the discussion. A fallacy is a violation of such a rule, and in order to establish whether a particular discussion move should be evaluated as fallacious, general and specific criteria may have to be applied. These criteria are non-deontic in nature, because they either specify the meaning (or scope) of the terms that occur in the rule or specify which context-specific conditions have to be fulfilled in order for a discussion move to count as a rule

violation.

The influence of institutional conventions on the pragma-dialectical evaluation of argumentation in context depends on several parameters. As a first step, the evaluator should establish whether a particular convention is deontic or non-deontic in nature and whether it deviates from the deontic rules of the code of conduct for reasonable discussants. If there is no conflict, the convention may still play a role in the evaluation. For in this case, the convention may be used to (further) specify the context-dependent criteria on the basis of which the evaluator can decide whether a particular rule has been violated or not. If the convention is deontic in nature and deviates from one or more of the rules of a critical discussion, the evaluator may have to adapt the rules on which his fallacy judgments are based. As we have argued, such a rule adaptation can only be justified by showing that the adaptation compensates for the non-fulfillment of certain higher-order conditions for resolving a difference of opinion. Only in this way can it be maintained that the norms that are used in the evaluation further the realization of an argumentative aim. If such a justification for the adaptation of the institutional convention cannot be given, the pragma-dialectical rule should be decisive for the evaluation.

In our view, a rule adaptation cannot be motivated only by referring to specific institutional aims that the activity type has to bring about. For in this case, the norms that are used in the evaluation are not necessarily conducive to a reasonable resolution of a dispute. This does of course not preclude them from being effective in bringing about other institutional aims, such as the need to provide legal certainty to one of the parties. And given the fact that such other aims need also to be realized, within the context at hand the adaptation can make it possible to approach the ideal of a critical discussion as much as possible, without sacrificing competing institutional aims. In such cases, one could say that there is not a *maximal* but, given the institutional constraints, only an *optimal* critical testing of the acceptability of the standpoint at issue.

On a more general level, our discussion of the influence of institutional conventions on the pragma-dialectical evaluation of argumentation in context relates to the much debated issue of the context-dependency of fallacy judgments. Some scholars in the field of argumentation theory take it as a starting point that in different contexts, different standards for the reasonableness of the discourse apply. According to Walton, for instance, an argument that is reasonable in one

context may be fallacious in a different context, because the norms to be applied by the evaluator depend on the goal of the type of dialogue at hand:

In order to evaluate whether an argument in a particular case is relevant or irrelevant, reasonable or fallacious, and so forth, it is necessary to determine whether the argument has been put forward in a deliberation, for example, as opposed to a negotiation or persuasion dialogue or other type of dialogue. For the goals and the rules for each type of dialogue are quite different. (Walton, 1998, p. 254)

In the pragma-dialectical approach, as emphasized below, the rules for critical discussion are context-independent standards of argumentative reasonableness:

The difference between Walton and Krabbe's approach and ours is that between 'a good argument is one that contributes to the specific goal of a type of dialogue' (Walton and Krabbe) versus 'a good argument is one that complies with the general rules of critical discussion' (Van Eemeren and Houtlosser). Using the rules for critical discussion as a context-independent standard, we take the peculiarities of the various argumentative activity types into account when we start evaluating whether these rules have been obeyed or violated (Van Eemeren & Houtlosser, 2007, p. 65, original italics)

As we have shown, the claim that the rules for critical discussion are generally applicable to all contexts of argumentative activity can be maintained even in cases where deontic institutional conventions deviate from these rules. Moreover, our discussion of the consequences for the evaluation of adaptations of the pragma-dialectical rules due to institutional aims competing with the aim of maximal critical testing has made it clear that we do not believe that the notion of reasonableness differs per institutional context. In our view, regarding the reasonableness of argumentative discourse as dependent on the aims of the institutionalized context in which the discourse is situated amounts to confusing argumentative reasonableness with institutional efficacy.

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### **NOTES**

**i.** For a short overview of this research program and its collaborators, see Van



Eemeren et al. (2014, pp. 517-519).

**ii.** Another example is the medical consultation, where, according to Snoeck Henkemans and Mohammed, an institutional burden of proof is imposed on doctors 'to justify treatment options without patients having to express any disagreement about these options' (2012, p. 30, note 3).

**iii.** We summarize here the account of the nature of the pragma-dialectical rules as provided in Wagemans (2009, pp. 36-37; 41-42).

**iv.** Like some of the rules of the code of conduct, some of the rules of the procedure specify conditional obligations. This is for example the case in Rules 3, 4, and 14.

**v.** Other examples of such non-deontic rules are Rules 7, 8, and 9a of the procedure, which define terms that play a crucial role in Rules 10, 11, and 14b of the procedure.

**vi.** Although it is theoretically possible to convert a non-deontic rule into a deontic one, such a conversion always results in the description of an obligation that the arguer is free to take upon himself or not. For instance, the abovementioned non-deontic rule 9b concerning the requirements for a conclusive attack may be rewritten as the following conditional deontic rule: 'If the antagonist wants his attack to count as a conclusive attack, he is obliged to successfully attack either the propositional content or the force of justification of the complex speech act of argumentation'. Conversely, rewriting a deontic rule as a non-deontic rule requires a formulation of the form 'X counts as obligation Y'. Such conversions therefore show that the distinction between 'rules' and 'criteria' still holds.

**vii.** In fact, the rule does not forbid attacks on a standpoint that has not actually been put forward by the other party, but rather on a standpoint that the other party cannot be held committed to.

**viii.** Feteris (1990, p. 111) mentions this as one of the reasons why some rules in the legal process deviate from the pragma-dialectical rules: 'The distinction between the rules for discussion and the conditions which have to be fulfilled in order to conduct a rational discussion, forms an analytical distinction which makes it possible to explain why legal proceedings differ on one level in certain respects from a critical discussion and why these differences are compensated on a higher level in order to make the procedure a rational one.'

**ix.** For a description of these conditions, see also van Eemeren and Grootendorst (2004, pp. 189-190) and van Eemeren, Grootendorst, Jackson and Jacobs (1993, pp. 30-34).

**x.** At the same time, this means that the rights of the party who has lost the trial

to challenge his opponent's standpoint (Rule 1, Freedom rule) are also limited to a certain period of time.

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