ISSA Proceedings 2010 – Parrying Ad-Hominem Arguments In Parliamentary Debates

1. Introduction

One of the fallacies Members of Parliament may be confronted with in a parliamentary debate is the ad hominem fallacy (See Plug 2007 and 2010a). This fallacious move may, just as other fallacious moves, vary from deliberate and disruptive to quite harmless and humorous. Although the seriousness may vary, a fallacious move can be seen as detrimental to the development of the discussion on the main standpoint an MP is trying to defend. From responses to fallacies as recorded in parliamentary proceedings, it becomes clear that MPs are very much aware of the disruptive effect a fallacious move may have on the progress of a parliamentary debate.

In a debate in Dutch parliament on metropolitan problems, an MP of the Green Party, Mrs van Gent, states that the Green Party refuses the proposal to ban socially less privileged persons from problematic neighbourhoods. She argues that it is too crude a measure and that 'we will have to invest time in these people' rather than 'mistrust these people or assume that these people will cause or add to problems once they move into a certain neighbourhood'. Mr Bruls, MP of the Christian Democrats, who introduced the proposal, replies by saying 'I will leave this for what it is: the Greens are dodging like they always do when the problems of the big cities are under discussion'. From this response it becomes clear that Mr Bruls refuses to continue the discussion and does not want to discuss the argumentation that was brought forward by Mrs van Gent. By using the word 'dodging', he accuses Mrs van Gent and all the other members of the Green Party of avoiding responsibilities not only towards the actual problem that is under debate, but towards all problems that relate to big cities. In her reply to Mr Bruls, Mrs van Gent brings forward the following:

Mrs van Gent (the Green Party): It is alright for you to use words such as dodging and by doing so launch an aggressive attack on my person, but it will only deepen my conviction that in this debate fundamental issues are at stake. One could disagree over such matters but it is no use denouncing one another in such a

debate because that will not bring us any closer to a solution to these problems.**[i]**
(Second Chamber, 7 September 2005, TK 103 metropolitan problems)

Mrs van Gent responds to the accusation of avoiding responsibility by explicitly characterizing the accusation as a personal attack and then pointing out what consequences personal attacks may have on the resolution of the difference of opinion that is subject to the discussion. In the pragma-dialectical argumentation theory (van Eemeren and Grootendorst, 2004), this personal attack may be seen as an abusive ad hominem argument; a fallacious move by which the opponent is discredited as a serious discussant and denied freedom to express opinions.

Besides the response by Mrs van Gent to the abusive ad hominem, many other responses to the fallacious move are conceivable. In a situation in which an MP is confronted with a fallacious move by an opponent the question arises how in practice fallacies could best be addressed. Several argumentation theorists proposed to counter fallacies. A possibility to continue the discussion in a constructive way after being confronted with a fallacy is proposed by van Eemeren and Houtlosser (2007, 2009) and van Eemeren (2010). The responses to fallacies that argumentation theorists propose, are, in principle, not geared toward a specific fallacious move, nor are they focused on a specific institutional context. In this contribution I will discuss if and how institutional constraints that are inherent in a parliamentary debate, may influence an adequate response to a fallacy, in particular to an abusive ad hominem argument.

2. Proposals for dealing with fallacies
In the pragma-dialectical argumentation theory as it is extended by van Eemeren and Houtlosser (1999) and van Eemeren (2010) fallacies are seen as derailments of strategic manoeuvring. The concept of strategic manoeuvring refers to the effort arguers make to keep the balance between reasonableness and effectiveness. In case the manoeuvring derails and the strategic manoeuvring is fallacious, the process of resolving a difference of opinion on the merits gets distorted. The response to the derailment by the arguer who is confronted with it may be decisive for whether or not the distortion will be fatal for the resolution of the dispute.

Van Eemeren (2010) discusses several responses to fallacies that are proposed by various authors and then presents a response that is preferred from a pragma-

dialectical perspective. The following overview follows van Eemeren's findings.

Under (1) we find the situation in which an arguer (A2) is confronted with a fallacy (or an alledged fallacy) that should not be taken seriously because it is a joke or a mistake. Since such a move may not be of any importance to a serious evaluation of the argumentation, arguer (A2) could just as well ignore the fallacy. This might even be the best thing to do from a dialectical as well as from a rhetorical perspective, since ignoring the fallacy and continuing the discussion contributes to the resolution of the dispute.

(1) A1: derailment (fallacy)
A2: ignores the (assumed) fallacy

If the fallacy is indeed meant to be taken seriously, the dialectical adequacy of a response to this fallacy depends, according to van Eemeren (2010, p. 253), on the impact the fallacy has on the argumentative situation the arguers are in. If an arguer (A2) is confronted with a fallacy that signals a fundamental rejection of the principle of reasonableness, he has, in principle, the right to bring the discussion to an immediate end. If, however, the fallacy does hinder the discussion but does not block it, arguer (A2) should respond to the fallacy and try to continue the discussion.

(2) A1: derailment (fallacy)
A2: stops the discussion

The question van Eemeren (2010) addresses, is how to respond in a constructive way to a fallacy in the other party's strategic manoeuvring. He starts this quest for an adequate answer to this question from proposals made by Jacobs (2000) and Krabbe (2003).

According to van Eemeren, the pragma-rhetorical approach by Jacobs, as presented under (3), has the advantage that it is, or at least seems to be, realistic. What arguer (A2) should do when he is offended, is strike back and thereby restore the balance between the offender (A1) and himself.[ii] Jacobs does not explain, however, what kind of balance is being restored: whether it is the power balance, a psychological balance, or any other balance. Moreover, why exactly does this balance need to be maintained? What has also been left out of in this approach is the damage that may be caused in the process. In some cases making the move that may have the appearance of a counter-fallacy could indeed have the

effect of setting the issue of the discussion straight, but in other cases the effect might be that the relation between the parties is damaged to such an extent that the continuation of the discussion is in danger.

(3) A1: derailment (fallacy)
A2: derailment (counter fallacy)

The proposal under (4) is Krabbe's (2003), and boils down to the following. An arguer (A2) who perceives a move made by the other arguer (A1) as a fallacy, makes it explicitly clear to A1 that, in his view, a fallacy was committed and that the discussion cannot be continued unless the fallacious move has been retracted. One of the advantages of this approach is that it is eventually up to both parties to determine whether the alleged fallacy was indeed a fallacy. Another advantage of the formal dialectical approach is that it provides the parties with the tool of conducting a regulated "meta-dialogue" to argue this dispute out in a civilized, i.e. reasonable, manner.**[iii]** What van Eemeren regards as a disadvantage of the formal dialectical approach, however, is that it presupposes a permanent willingness on the part of the arguers to engage in meta-discussions about the things they are doing in the (ground-level) discussion. As Krabbe acknowledges, this approach allows the participants to delay the discussion indefinitely by seizing any opportunity to initiate a meta-dialogue about a supposedly fallacious ground-level move. Krabbe's suggestion to attach a penalty to such obstructive behaviour should, according to van Eemeren, perhaps not be seen as merely a joke. If it is a joke, then the problem is not solved; if it is not a joke, the problem is solved, but not in a theoretically motivated way.

(4) A1: derailment (fallacy)
A2: 'A1 should *retract* fallacy X'

Van Eemeren (2010) is of the opinion that in responding to fallacies the best option is to adopt a middle course and regard every response to a supposedly fallacious move as part of strategic manoeuvring in a sub-discussion. In this sub-discussion the responding party assumes that the other party still aims to resolve the difference between them by means of a critical test of the standpoints at issue, and at the same time tries to make it clear to the other party that this party's strategic manoeuvring as regards *this issue*, in response to *this opponent*, and *presented in this way* has *in this case* derailed and does not bring the parties any closer to a resolution of the difference of opinion. Rather than stating right

away that the denounced move must be withdrawn altogether, he may suggest to the other party that there is a need to *readjust* this move and re-rail the manoeuvre. What arguer (A2) could do to make arguer (A1) 're-rail' the derailed move is to make clear that he should readjust one or more aspects of his manoeuvring, for example the verbal presentation of the move. In comparison with Krabbe's solution, van Eemeren does not consider his own solution 'as a 180-degree turn'. He does, however, consider it as being more subtle and realistic.

(5) A1: derailment (fallacy)
A2: 'A1 should *revise* 'fallacy' X'

This theoretically motivated proposal for the way in which fallacies should be addressed be seen been seen as the one that in principle will lead to the most adequate response to a fallacy.

The question I will be dealing with in the next chapter is if and how institutional preconditions for Dutch parliamentary debates allow for the different responses that are proposed and in particular if these preconditions in any way hinder the pragma-dialectically preferred response to an abusive ad hominem.

3. Dealing with the abusive ad hominem in parliamentary debates
In the pragma-dialectical argumentation theory a parliamentary debate is considered to be one of the communicative activity types within the domain of political discourse. A personal attack that is brought forward within this communicative activity type is not necessarily an (abusive) ad hominem argument. In Plug (2007) it is argued that institutional rules that are pertinent to Dutch parliamentary debates may allow for a personal attack on the credibility of a politician without this being a violation of the pragma-dialectical freedom rule.**[iv]** However, if in a parliamentary debate a personal attack could be determined as an abusive ad hominem, there are several institutional preconditions that may affect the possibilities to attend to this fallacy. These preconditions may, as was demonstrated in Plug (2010a, 2010b), vary with every different instantiations of the communicative activity type.

If, for example, we take a look at the codified institutional preconditions for plenary debates in the European parliament, it becomes clear that the Rules of Procedure hinder a Member of this Parliament to act in accordance with the pragma-dialectically preferred response to an abusive ad hominem. As is

prescribed in article 145 of the Rules of procedure, MP are only allowed to respond to a fallacious personal attack at the very end of the debate. This makes it impossible for the 'offended' Member of Parliament to make the other party 're-rail' the derailed move immediately after the offense.

Article145 of the Rules of Procedure (European parliament)
1. A Member who asks to make a personal statement shall be heard *at the end of the discussion* of the item of the agenda being dealt with or when the minutes of the sitting to which the request for leave to speak refers are considered for approval.

The Member concerned may not speak on substantive matters but shall confine his observations to rebutting any remarks that have been made about his person in the course of the debate or opinions that have been attributed to him, or to correcting observations that he himself has made.

In Dutch parliament, however, a Member of Parliament is in principle allowed to respond immediately to a fallacious move. One of the preconditions that may influence the way in which an MP responds is the rule that prescribes the presence of a President. From a pragma-dialectical point of view, an MP who advances a standpoint has no difference of opinion with the President. An MP does address the President when presenting his or her standpoint, but the President is officially not a party in the discussion. However, based on for example article 6, 47, 56 of the Rules of procedure of the Dutch parliament, the President has the ability, or rather the duty to intervene if MPs are obstructing the debate in any way at all. These interventions may influence the argumentative moves of the Members of Parliament.

These preconditions, together with article 58 in the Rules of procedure that may provide a justification to disqualify a personal attack and the limited right of Members of Parliament to respond to their opponent immediately, may be of influence on the opportunities for addressing an abusive ad hominem.

Article 58. Warning; withdrawal of words (Rules of Procedure Dutch Parliament)
1. If a person who has the floor strays from the subject of debate, the President shall call on him to return to the subject in hand.
2. If a member or a Minister uses offensive language, causes a disturbance, violates his duty of secrecy or signifies his approval of or incites the commission

of unlawful acts, he shall be reprimanded by the President and given the opportunity to withdraw the words that have given rise to the warning.

Considering these specified conditions pertinent to the institutional context of Dutch parliamentary debate, the following responses to an abusive ad hominem are conceivable.

If an MP is confronted with an abusive ad hominem, he or she may decide to ignore the fallacy explicitly. The MP, similar to an ordinary arguer in an unspecified context, may choose for this option in case a personal attack should not be taken seriously, but should merely be seen as a joke or a mistake. However, the MP may also choose to explicitly ignore the personal attack, even when it is unlikely that the attack should be interpreted as a joke or a mistake, but rather as a fallacy. In, for example, a parliamentary debate in 2004, one of the MPs says: 'I think the personal attack by Mr Timmermans is below the mark, I won't even go into that.' By choosing for this option, the MP demonstrates his opponent and the audience that he did notice and even disapproved of the fallacy, but that he does not want to start a sub-discussion on the unreasonableness of the argumentative move of his opponent. In both cases, the MP makes clear that he prefers to continue the main discussion. The codified institutional preconditions do not preclude this option.

(1) MP1: abusive ad hominem
MP2: explicitly ignores the (assumed) fallacy

The most rigorous option open to an MP when his opponent brings forward a serious abusive ad hominem, is, as presented under (2), to stop the discussion entirely. Although the Rules of procedure do not preclude this possibility, it is not a very plausible option for an MP to choose for. After all, the 'offended' MP himself may decide to withdraw from the discussion, but he cannot prevent the other politicians that are present in Parliament from continuing the discussion on the topic that is under debate. The consequence may be not only that the MP cannot contribute to this discussion any longer, but also that, starting from the idea that Parliament should be seen as the arena for debate, his 'audience' and fellow MPs may not approve of his withdrawal or interpret it as a sign of weakness or of being unprofessional.

(2) MP1: abusive ad hominem

MP2: stops the discussion

The next options that I will discuss are those that are suggested by Jacobs, Krabbe and van Eemeren. If we look at the third option, the one that is suggested by Jacobs, we find that, in practice, an MP who is confronted with an abusive ad hominem, may respond by bringing forward a counter-fallacy.**[v]** However, apart from the disadvantages mentioned in the previous chapter, there are institutional preconditions that may interfere with this option. The MP runs a serious risk of his response being criticised or condemned by the President, in particular if the response consists of an abusive ad hominem.

(3) MP1: abusive ad hominem
MP2: presents counter-fallacy

Regarding option four, as suggested by Krabbe, in which the offended arguer asks the other arguer to retract the fallacy, institutional preconditions of parliamentary debate allow for different possibilities. Not only the MP who is confronted with a personal attack may demand the attacker to retract the personal attack, the situation we find under (4), the President too, may demand the personal attack to be retracted (option 4a).

(4) MP1: abusive ad hominem
MP2: 'MP1 should *retract* fallacy X'

An example of a request to retract an abusive ad hominem can be found in a debate in Dutch Parliament that took place in May 2010. After the Secretary of State, Mrs Bijleveld-Schouten was confronted by MP Mr van Raak of being a liar, she responded: 'Madam President. This is where I draw the line. I expect Mr van Raak to retract his statement accusing me of being a liar.'

(4a) MP1: abusive ad hominem
President: 'MP1 should *retract* fallacy X'

Although the President has the authority, based on article 58 of the Rules of Procedure, to ask an MP to retract an abusive ad hominem, he may decide not to make use of this prerogative and decide not to interfere in the debate. In that case, MP2 who is attacked personally, may disagree with this (implicit) decision by the President and, as presented in (4b), call upon the President to demand MP1 to retract the fallacious move.**[vi]**

(4b) MP1: abusive ad hominem
MP2: 'The President should ask MP1 to *retract* fallacy X'

In the option that has been proposed by van Eemeren (2010) the offending party is not suggested to retract the fallacy, but to revise it. With regard to this option, the institutional preconditions of parliamentary debate provide us with possibilities for responses to an abusive ad hominem that resemble those under 4 and 4a. In the first place, the MP himself may ask his opponent to revise the abusive ad hominem, option (5). An example of a request to revise the fallacious move can be found in a debate that took place in May 2004 in which Mr Woldring (Christian Democrats) responds to an abusive ad hominem by stating 'Pointing a finger at me is infamous: he [Mr van der Lans] should not do that. He ought to correct himself or say: I did not mean to say this.' In the second place, a revision may be demanded by the President, as is represented under (5a). With respect to an abusive ad hominem it is most likely that the revision concerns the presentational design of the denounced move. However, a revision of the topical choice or of the adaptation to audience that was made, is possible as well.

(5) MP1: abusive ad hominem
MP2: 'MP1 should *revise* 'fallacy' X'

(5a) MP1: abusive ad hominem
President: 'MP1 should revise fallacy X'

If the President does not take the initiative to demand MP1 to revise the abusive ad hominem, again MP2 could make an attempt to persuade the President to ask MP 1 to revise the fallacy.

(5b) MP1: abusive ad hominem
MP2: 'The President should ask MP1 to *revise* fallacy X'

4. Concluding remarks
In this contribution I set out to apply the insights in constructive responses to fallacies as discussed by van Eemeren (2010) in relation to the communicative activity type of parliamentary debate. The response that may be seen as potentially preferred is the one that aims at making the arguer who committed a fallacy revise the fallacious move in order to be able to continue the principal discussion. In the context of a parliamentary debate there are no formal institutional obstacles preventing this option. The institutional context of Dutch

parliamentary debate even leaves room for variants of this option, each making the MP who brought forward an abusive ad hominem revise the fallacy. The institutional rules that prescribe the presence and the powers of a President enable an MP to try to bring about a revision of the abusive ad hominem he is confronted with either in a direct, or in an indirect way, via the President. The response aiming at making the arguer who committed a fallacy retract the fallacious move, could be seen as another option to attempt to continue the argumentative exchange constructively. There are no institutional constraints that stand in the way of this option and it could also be brought forward via the Present in the same way as a response that concerns the revision of an abusive ad hominem. The fear that this option could result in arguers starting a meta-discussion time and again, thus delaying the discussion indefinitely is, in the context of parliamentary debates, unjustified. The institutional rules with respect to the allotted speaking time and the powers of the President to interrupt the debate will prevent MPs reverting to such obstructive behaviour.

NOTES

[i] All examples in this contribution are taken from Dutch parliamentary debates and are translated by the author. The original Dutch texts, the so called Handelingen (Parliamentary Proceedings), can be found on (https//:zoek.officielebekend-makingen.nl).

[ii] See also Walton (1985, p. 50) who states that 'given that an ad hominem is such an aggressive attack that virtually forces its victim to reply to it and thus change the subject, or risk sacrificing credibility entirely, it is a moot point just what sorts of responses to it are legitimate and fair.' In one of the examples an arguer responds to a fallacy by bringing forward a counter fallacy. According to Walton, this response 'seems not unfair, and can certainly be effective in nicely turning the tables on the attacker.'

[iii] Any discussion rising over a rule is a meta-discussion (Van Eemeren and Grootendorst (1984, p. 163). Sub discussions arise when a statement by the protagonist in the principal discussion is called into question by the antagonist in the principal discussion, when insufficient justificatory or refutatory potential is ascribed to the protagonist's argumentation or when all or part of the argumentation is 'bombarded' with contra-argumentation. (ibid, 1984, pp. 89-90).

[iv] See also Garssen (2009).

[v] An example can be found in a parliamentary debate that took place on 17 September 2006. After an MP, Mr Dittrich (Liberal Democrats), committed an ad

hominem argument, his opponent Mrs Halsema (Green Party) replies by committing an ad hominem herself: '*You have a tendency* for bringing forward personal attacks, but I never find that the strongest way of defending'.

[vi] Since in Dutch parliament, an MP is assumed to speak via the President, it may in practice be difficult to distinguish this option from the option that is presented under (4).

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ISSA Proceedings 2010 – Novels As Arguments

I tell you he [Abraham Lincoln] got more arguments out of stories than he did out of law books, and the queer part was you couldn't answer 'em – they just made you see it and you couldn't get around it. (Tarbell 1907, p. 9)

The common view (at least among nonrehetoricians) is that no novel *is* an argument, though it might be *reconstructed* as one. This is curious, for we almost always feel the need to reconstruct arguments even when they are uncontroversially given as arguments, as in a philosophical text. What are we doing then? We are making the points as explicit, orderly, and (often) brief as possible, which is what we do in reconstructing a novel's argument. Moreover, the reverse is also true. Given a text that is uncontroversially an explicit, orderly, and brief argument, in order to enhance plausibility, our first instinct is to flesh it out with illustrations and relationships to everyday life. In other words, we expand the premises. If this process is fictive (as with "thought experiments") and orderly, it is story-telling. So there is intuitive reason to think that a novel can be an argument, whether the argument is taken as writ large or writ small – full or condensed.

Is this intuition true? This matters because if novels can be arguments, then perhaps the fundamental value and defense of the novel is that reading novels

may be critical to *one's learning how to think*. If novels can be arguments, then that fact should shape literary studies, and it should shape logic or argumentation studies. Ayers draws a useful distinction between two senses that the term 'narrative argument' might have: (a) a story that offers an argument, or (b) a distinctive argument form or structure (2010, pp. 2, 11-12, 36-37). After drawing further preliminary distinctions in section 1 below, in section 2 we will consider whether there is a principled way of determining or extracting a novel's argument in sense (a). The views of such authors as Nussbaum and Fisher will be evaluated. The possibility indicated by (b) will be taken up in section 3. This possibility is particularly interesting for argumentation studies insofar as it seems that the *source* of an argument need not imply anything about the argument's structure. It is only rarely claimed that fictional narratives themselves, as wholes, can exhibit a distinctive argument structure (form, scheme). We will consider Hunt's view that many fables and much fabulist literature inherently have the structure of a kind of analogical argument. I will then propose what seems to be a better account, which takes some novels to inherently exhibit the structure of a kind of transcendental argument.

1. Further Preliminary Distinctions

I mean 'argument' in the logical sense of a timeless, Platonic object, as opposed to a rhetorical or historical creation that is dependent in an essential way upon the circumstances or intentions of the audience or author (which is perhaps a common conception; cf., e.g., "the coherence or significance of a text is, so to say, a variable property, dependent upon the contextual knowledge, interests and viewpoint of a particular reader" – Jones 1975, p. 8). The logical or philosophical notion of arguments taken to be abstract sequences of propositions seems to be the ordinary notion, at least when we are thinking clearly. The contrasting relativistic notion of an argument seems to be a product of confusing the means by which we *access* arguments with arguments themselves. This distinction is particularly pertinent here because of the 'messiness' of novels, which might be thought to mean that the argument would have to be a rhetorical or historical creation. As Doody writes (2009, pp. 154–155, 158):

Philosophy [is]. . .proudly divorced from the mess of living. . .The Novel, however, lives in the kitchen, the bedroom, the street and the marketplace. . .[It] is full of characters chattering, giving themselves away as we say, making an exhibition of themselves. . . It is never transcendent. The novel never flies. Its strength is in what it is accused of – that it is a bundle of lies. Morally transgressive from that

simple fact, it cannot commit the bad faith of offering pure solutions or a timeless world.

My point is that however messy the vehicle by which a novel's argument may be expressed, and however relative to contingencies its identification may be, the argument itself would have to be as timeless or abstract as any.

This is not to say that the *subject matter* or topic of a novel's argument could be as timeless or abstract as any. Given the messiness of novels – the fact that they are one and all primarily about (human) psychology, action, and society – the argument of a novel could not be on a wholly unrelated topic. For example, the argument of a novel could not be a mathematical proof or even make the physical case for the existence of a postulated entity (although a science fiction novel might push the envelope about what is physically possible). The primary elements and connective of a novel are events and causality, not propositions and logical consequence.

This indicates a fact about technique that should be disentangled: the argument of a novel, if indeed a novel can be an argument, would have to be indirectly or implicitly conveyed. A novel cannot be an overt argument any more than there could be logical relations between events. In contrast, philosophy, for example, generally wears its cognitive content on its sleeve. I will return to this point in section 3.

In rhetorical studies, discourse or communication is traditionally divided into "four parts" or types: exposition, description, narration, and argument (e.g., McKeon 1982, p. 25; Rodden 2008, pp. 161–162). Plainly, I am embarked on collapsing two of these types of discourse to some degree. But my focus will be limited to discerning argument in narration, rather than narration in argument. Discerning argument in narration on the face of it is the more interesting question insofar as there is no question that narration can occur in argument – arguments can be expanded or embellished with story-telling. On occasion this latter kind of view is taken to an extreme and narration is seen in almost all discourse, not just sometimes in argument. Perhaps the best-known such view is Fisher's "narrative paradigm": "The logic that I am proposing, narrative rationality, presupposes a narrative world. . .a world constituted by the nature of human beings as *homo narrans* and the stories they tell in all sorts of discourse" (1994, p. 23; cf. 1987). This view has been sharply and effectively criticized for being too broad, among

other things (Rowland 1987). There is no doubt value in the traditional four-part division of discourse, so we must be careful. I think that the concept of argument is clear and strong enough that it will hardly become seriously blurred if we allow that some novels may be taken to be arguments. Nothing I say is meant to deny that by their formal features, effect, etc. those novels are still *primarily* narratives.

Why is my focus on novels rather than other forms of fictional narration? Again, this seems to be the more interesting and challenging question. The novel is generally regarded as the pinnacle of fictional narrative art. Other forms of fictional narration such as short stories, plays, and films might be easier to manage or analyze because they have shorter or simpler structures. I do not see anything *essential* in focusing on novels in the attempt to discern argument in fictional narration; indeed, in section 3 we will see what can be learned from considering the question in connection with fables. However, it does seem essential or necessary that the narration be fictional – that it not be, for example, history. This is not because history, biography, etc. need be any less *vivid* than fictional narration (the chain of thought is not: 'vivid, therefore persuasive, therefore an argument'). Rather, it is because, by definition, the point of nonfictional narration involves veracity – sticking to the facts, telling what happened – so there is no theoretical room for the creativity that is needed to construct an argument by inventing what happens. (That is to say, more precisely, there is no theoretical room for the creativity that is needed to construct the means of accessing or identifying an argument by inventing what happens.) Perhaps Aristotle meant something like this when he famously said in the *Poetics* that "poetry is a more serious and philosophical business than history; for poetry speaks more of universals, history of particulars" (1451b 5 – 9).

2. Extracting a Novel's Argument
An approach to literary studies that might *appear* to offer help in determining a novel's argument is called "ethical criticism" or the "edifying tradition." This approach holds, first, that immersion in literature can make us ethically better people, second, that the quality of a literary work is in part a function of the moral correctness of the views it may be taken to express, and third, that the author's personal moral qualities may legitimately affect the evaluation of the work. The opposing approach is "aestheticism," which holds the contradictory of each of the three claims (these definitions are derived from Posner 2009, esp. p. 458). Plato

originated a version of ethical criticism, and a prominent recent proponent is Nussbaum (e.g., 1995; cf. Booth 1988 and 1998). Aestheticism has it roots at least as far back as Kant, with his view that (proper) judgments of beauty are disinterested, and are made apart from any consideration of the usefulness of the object. Posner is an example of a recent aesthetic.

The third tenet of ethical criticism (that the author's personal moral qualities may legitimately affect the evaluation of a literary work) is not relevant to our topic. The other two tenets are. How might immersion in literature make us ethically better people, and how might a novel be taken to express a (moral) view? Our concern is what role or roles argument is supposed to have here. Nussbaum's answer revolves around the point that immersion in literature helps to develop the sympathetic imagination, which works toward a good end or has good social effects, at least in the case of some novels. She says, for example (1995, pp. 5, 34):

. . .literary works typically invite readers to put themselves in the place of people of many different kinds and to take on their experiences. . .The reader's emotions and imagination are highly active as a result. . .reading a novel like this one [Charles Dickens' *Hard Times*] makes us acknowledge the equal humanity of members of social classes other than our own, makes us acknowledge workers as deliberating subjects with complex loves and aspirations and a rich inner world.

For Nussbaum, novels stimulate the sympathetic imagination; that is what they contribute that is special in *making* us recognize such things as the equal humanity of others and *making* us have respect for them as persons. It is not supposed to be argument. Nussbaum says, for instance, "an ethics of impartial respect for human dignity will fail to engage real human beings unless they are made capable of entering imaginatively into the lives of distant others" (1995, p. xvi). Nussbaum writes as if stimulation of the sympathetic imagination is needed simply as a complement to more formal ethical approaches. Other ethical critics, however, are radically anti-argument. For example, Crocker (2002) discusses the "moral transformation" of Huck in coming to *see*, in a kind of *Gestalt* shift, the escaped slave Jim as human in Mark Twain's *The Adventures of Huckleberry Finn*. Crocker says about this transformation that some might hold that "to be legitimate, it must be possible to reconstruct the transformation according to rational considerations. The ability to 'get behind' the transformation in some justificatory way is what I am denying here (as is Wittgenstein)" (p. 58). The same

applies for any reader who experiences a "moral transformation" like Huck's, something that was presumably more common in Twain's day.

So what Nussbaum is postulating here with the stimulated sympathetic imagination, and Crocker with coming to see the world in a certain way (e.g., p. 72), is a nonargumentative vehicle, yet one that is nonetheless a vehicle of persuasion or "moral conversion" (Crocker, p. 70). I think that if this sort of thing is *all* there is to the persuasive force of novels, then that force is cheapened compared to what it would be if it *also* included an argumentative component. Noncognitive avenues of persuasion tend to be fickle (lacking the reliability of 'the caustic of reason') and even dangerous. It seems to be a psychological fact that "the effort to picture the inner lives of others most exerts itself when the others are strange, not when they are pitiable" or when their "poverty is drab, depressing, and common" (Pappas 1997, p. 286). Even defenses of the value of noncognitive vehicles of persuasion such as iconic photographs, against the view that they are "threats to practical reasoning," allow (for example) that they may "create a strong but open-ended emotional response" (Hariman & Lucaites 2007, pp. 14, 21). Certainly, it seems pretty obvious that reading novels produces much or most of its effect on us through affective means such as vivid description and situation or character identification. What I would like to urge, however, is that the effect that reading novels has on us is in fact much greater than it would be if Nussbaum and Crocker were right. Correspondingly for the novelist, if Nussbaum and Crocker were right, there would be far less point in writing a novel.

One might wonder, moreover, how did developing the sympathetic imagination or compassion get to be the *sine qua non* of becoming ethically a better person or experiencing a "moral conversion"? As far as I can tell, this is a result of a kind of bias and censorship. Certainly, this view about compassion is antithetical, for example, to the views Nietzsche develops in various works, including the "novel," *Thus Spoke Zarathustra*. For Nietzsche, compassion is ultimately a dangerously life-denying sentiment. Recall that the second tenet of ethical criticism is that the quality of a literary work is in part a function of the moral correctness of the views it may be taken to express. There are of course two claims here (as applied to novels): that a novel may be taken to express an ethical viewpoint, and that this viewpoint may be judged as correct or incorrect. We see these two claims and the call for a kind of censorship where Nussbaum says (1995, p. 10), for example, ethical assessment of the novels themselves. . .is therefore necessary. . .We are

seeking, overall, the best fit between our considered moral and political judgments and the insights offered by our reading. Reading can cause us to alter some of our standing judgments, but it is also the case that these judgments can cause us to reject some experiences of reading as deforming or pernicious.

Now our question is, exactly how do ethical critics discern the ethical viewpoint of a novel?

We have already seen that it is not supposed to be by discerning the novel's argument. As far as I can tell, at least Nussbaum and Crocker do not propose and defend any method of discerning the ethical viewpoint of a novel. Rather, what are generally regarded as didactic or polemical novels are chosen, and the ethical viewpoint expressed is simply identified, more or less, with what the polemic is generally regarded as for or against.

In contrast, Fisher and Filloy (1982) do suggest a method. Indeed, they believe that "some dramatic and literary works do, in fact, argue" (p. 343), and they indicate a procedure for determining the argument: First the reader or "auditor is induced to a felt belief, a sense of the message advanced by the work." This sense of the message is "aesthetic" in that it is an "immediate, emotional, intuitive response to the work," based on simply experiencing the work and its characters involved in various situations and conflicts whereby "different value orientations" are exhibited. Then "the auditor returns to the work and recounts the elements" that led to the initial sense of the message. This becomes "the reasoned account of the message" through a process of discerning "patterns" in the work of consistent descriptions as well as character actions that "dominate and survive" in the various situations and conflicts. Such patterns support conclusions, and this puts the work "within the realm of argument" (p. 347).

Since they hold that only "some dramatic and literary works. . . argue," presumably Fisher and Filloy would say that a work argues if (and only if) this process can be applied naturally – without being forced – to the work. In their paper, they apply it in detail to Arthur Miller's play *Death of a Salesman* and F. Scott Fitzgerald's novel *The Great Gatsby*. As summarized above, their account seems reasonable as an outline of how one would extract a literary work's argument. However, they do make additional points that make the account uncomfortably relativistic. One point is that the argument so-derived is an "aesthetic proof" since it has its "origin in an aesthetic response to the work's elements" on the part of the auditor or reader (p. 347; cf. p. 346). The argument

seems to depend in an essential way on the response of the audience. This is confirmed where Fisher and Filloy indicate that in arriving at the "reasoned account of the message" one is supposed to test "the validity of characters" against one's own sense of reality or plausibility *and make adjustments to the account accordingly*, so that "different auditors may arrive at different interpretations" (pp. 347–348).

Fisher and Filloy also make some interesting but vague remarks indicating that they think that "aesthetic proofs" are not narrative arguments simply in the sense of (a) a story that offers an argument, but also constitute (b) a distinctive argument form or structure. They say (p. 247) that "aesthetic proofs"

are outside the traditional realm of argumentative proof in that they are neither general principles that form the basis of deduction nor are they real examples that can be the basis of induction. Such proofs offer a special representation of reality somewhere between analogy and example: what they represent is not exactly our own world but it must bear a relationship to it more essential than that of analogy.

This is, I think, all they say in attempting to spell out a distinctive structure for fictional narrative arguments. So let us turn to this topic directly, beginning with a view that appears to deny part of what Fisher and Filloy claim.

3. Two Proposed Structures of Narrative Arguments

I take Hunt (2009) to propose that many fables and much fabulist literature inherently has the structure of a kind of analogical argument (esp. p. 380). What is often cited as the form of an argument from analogy – X and Y have certain properties in common, X has some further property, so Y has the further property as well – Hunt sees as wanting, for the usual reason that having the first properties in common might not have anything to do with having the further property in common (p. 372). Instead, he proposes that at least literary arguments from analogy have a 'first case/principle/second case' structure, where the principle is in Peircean fashion 'abduced' from the first case – the principle "is supported to the extent that it is a good explanation of the first case." The second case, however, is deduced from the principle (p. 373; cf., e.g., Beardsley 1975, pp. 113-114). For illustration, consider this short fable, "The Boy and the Filberts" (www.aesopfables.com):

A BOY put his hand into a pitcher full of filberts. He grasped as many as he could possibly hold, but when he tried to pull out his hand, he was prevented from doing

so by the neck of the pitcher. Unwilling to lose his filberts, and yet unable to withdraw his hand, he burst into tears and bitterly lamented his disappointment. A bystander said to him, "Be satisfied with half the quantity, and you will readily draw out your hand." Do not attempt too much at once.

The first case is the boy's experience with the filberts that is described. The principle is stated prescriptively or as a moral here, but stated as an explanation, the problem is that the boy attempted too much. (Of course there are other possible explanations or variations of this explanation, notably, that the boy was greedy.) The deduction of the second case is where readers apply the principle "to guide their own moral conduct or persuade others" (Hunt 2009, p. 379).

Hunt indicates that, typically, the written analogical argument, as in the Filberts case, is incomplete or enthymematic. It must be completed by the reader. Often not only the second case, but the principle as well, must be filled in by the reader for fables and fabulist literature. One thing Hunt says about this is that "readers have only gotten the point of the narrative when they have, in one way or another, completed the analogy" (p. 380). Does all fictional literature have a point? No. Consider, for example, the recent U.S. television series *Lost* and perhaps James Joyce's *Ulysses.* But it does seem, essentially by definition, that fabulist literature has to have a point. Such literature is in that way argumentative even if Hunt's particular analysis is wrong. That some novels do not have a point indicates that not all novels are arguments, a qualification to which we shall return. Another idea to consider in this connection, which Hunt seems to suggest (pp. 379–381), is that how *literary* a fable is, is in part determined by the extent to which its (analogical) argumentative structure is incomplete. The more overtly moralistic the piece is, or the more the author supplies details of the second case, the less literary the piece tends to appear. An example Hunt mentions is Arthur Miller's 1953 play, *The Crucible*, about witch-hunting in old Salem, Massachusetts, with parallels to anti-Communist 'witch-hunts' to be supplied by contemporary audiences. But any number of polemical or didactic novels would serve just as well, for example, the novels of Ayn Rand. Perhaps because the novelist's focus becomes diverted from character and plot development, the preachier the approach, the greater the risk of alienating the reader with a less-than-rich fictional world populated by wooden characters.

This confirms a point I made earlier – that if indeed a novel can be an argument, it would have to be indirectly or implicitly conveyed. For otherwise, the piece's

literary status (in the sense applied to fiction), and hence its status as a novel, would be called into question. Moreover, it seems that, by extension, Hunt's view about fables furnishes the outline of a way of understanding some novels as exhibiting a distinctive argument structure: they are a kind of enthymematic argument from analogy. Notions similar to this have been advocated by others; for example, Rodden in a vaguer way discusses how the "enthymematic" analogy between our world and the world of George Orwell's *1984* may "move" or persuade us (2008, e.g., pp. 165–167).

Nevertheless, this derived account of (some) novels as arguments has several shortcomings. First, let's face it, as it stands the account is not very deep. Second, it seems basic to the concept of analogy that two different kinds of things are compared; "to say that two pigs are both fat is not to analogize" (Beardsley 1975, p. 111). Given this, it is at least questionable for many novels that would certainly appear to be arguments if there are any, whether they are actually arguments. Consider *The Adventures of Huckleberry Finn*. Are the events and the kind of racism described in the novel (first case) different enough from the kind of racism the reader would be aware of (second case) to count as an analogy? Which readers – those of Twain's time or our own? This brings us to a final criticism, which I think is fatal, viz., the account is inherently relativistic. Insofar as the reader fills in the second case, the account has the absurd consequence, for example, that a dead author might never have had access to his or her own argument.

I think a better model is that some novels are *transcendental* arguments. The distinctive power and majesty of the novel is its unrivaled potentiality for intricate plot and associated character development. For any given plot/character development complex, we can ask – what principles or generalizations would have to be true about the real world (of human psychology, action, and society) for the fictional complex to be believable? So it seems that this is the basic structure of the argument of a novel:
(1) This story (complex) is believable.
[(2) This story is believable only if such and such principles operate in the real world.]
(3) Therefore, such and such principles operate in the real world.

The believability claim, (1), is self-referential and normally implicit (although, e.g., in parts of Henry Fielding's *Tom Jones* the claim seems explicit). (2) expresses the

basic idea that allows a novel to be an argument, according to the present theory. This idea is that the believability of a novel requires that certain principles or generalizations be true about the actual world. (2) is in brackets because it is not a premise that any novelist need intend or even be aware of; rather, it is the specific inference license that the present theory is proposing. (3) is the conclusion. It indicates which principles operate in the real world and is normally largely enthymematic, though the preachier the novel, the less enthymematic this will be. As Rodden says, "in more didactic novels such as George Orwell's *1984*, we are often aware of a presence arranging and evaluating ideas and characters in building a convincing argument" (2008, p. 155).

Notice that because the "real world" in (3) refers primarily to *human nature*, the transcendental argument of a novel is not seriously susceptible to Stroud's famous objection (1968) to many philosophical transcendental arguments. These arguments reason that since certain aspects of our experience or inner world are undeniable, the external world must have certain features, on the grounds that the latter's being the case is a necessary condition of the former's being the case. Stroud argues that the only condition that is in fact necessary is that we *think* or *conceive* of the external world as having certain features. My point is that the leap from the inner to outer worlds is quite limited in the case of the argument of a novel. This is not only due to the fact that the worlds are largely the same, but is also due to whatever 'privileged access' or psychological attunement we have to (our own) human nature. Moreover, where there is any leap, it does not appear that damage is done by understanding (3) to be about how we must conceive of the real or actual world.

Believability is the central element of the transcendental argument and is, incidentally, at least a necessary condition for a novel to be a good novel (which I take to be obvious). Is the novel successful 'make-believe'? Curiously, when we ask about this, we know we are asking about how believable a work of fiction or "bundle of lies" is. So clearly, we are not asking how much we can presume that the events the novel relates actually occurred. Rather, we are asking about how well the novel succeeds in getting us to suspend disbelief or believe that the event complex could have been true. The novel aims at verisimilitude, while nonfictional narration (history, biography, etc.) aims at veracity. A novel's believability seems to be determined mostly by what can be called the 'internal' and 'external' coherence of the event complex. I take Schultz (1979, p. 233) to be nicely

explicating internal coherence where he says: "the events must be *motivated* in terms of one another. . . either one event is a causal (or otherwise probable) consequence of another; or some events [sic] happening provides a character with a reason or motive for making another event happen" (cf. Cebik 1971, p. 16). A novel is not believable if in it things keep happening for no apparent reason or in a way that is inadequately connected with the other events in the novel. Again, perhaps James Joyce's *Ulysses* or William Burroughs' *Naked Lunch* fall into this category. But even if the events of a novel are fully connected, the novel may still not be believable because those connections do not cohere well with our widely shared basic assumptions about how human psychology and society not only actually, but necessarily work. This is the main component of external coherence. The believability of a novel requires that its plot and characters be developed in ways that conform to our fundamental shared assumptions about human nature.**[i]**

The events of a novel, as mere possibilities, can be as far-fetched or remote as you like, as in an allegorical, fantasy, or science fiction novel. Extremism of this sort seems to have little effect on believability so long as the events related are reasonably well-connected, and our fundamental shared assumptions about human nature, and about physical nature of course, are respected. Consider the novels of Franz Kafka. Here, what is believable may not be so much the depicted events themselves as the event complex's implied commentary on the real world. On the other hand, a science fiction novelist may push the envelope regarding physical nature, to the point where neither we, nor the characters, nor the author really understand what is going on (consider, e.g., H. P. Lovecraft's novella *The Call of Cthulhu*). Here, believability breaks down.

Incoherent novels either do not make the believability claim, (1), or the claim is false. In either case the argument does not get off the ground because no conclusion, (3), can be reached on the basis of the inadequate plot and character development that is provided. So some novels are not arguments. Contrast novels that are typically bad arguments – pulp fiction, 'bodice-rippers', and the like. These typically have formulaic plot and character development. Here the problem essentially is that they tell us little that we do not already know; their derivable conclusions about which principles or generalizations operate in the real world of human psychology, action, and society contain little insight. Still, they might be entertaining.

Though we, as researchers, can analyze and give an account of believability as in the preceding, there is no necessity at all in the reader's having such thoughts. It would appear that generally, believability is experienced by the reader as a simple datum or measure of the novel, continuously updated as the reader progresses through the novel. And, like Aristotle said about judging the happiness of a person, you do not know for sure about believability until you reach the novel's end. Believability might prompt the reader to reflect on what truths about human nature are implicated. But again, there is no necessity in this. The novel's argument is there, whether or not anybody notices.

How does the novel move from the premise, (1), to the conclusion, (3)? The most interesting cases, and the height of the art form, are big, good, minimally didactic novels. I take the *whole* novel to be the argument. By inventing, in seemingly infinite detail, who the characters are and what happens to them, the novelist constructs a rich fictional world. Such a world (and hence, argument) can be an awe-inspiring *tour de force*. The novelist probes, and shows us different ways we might be or live, shows us different ways we might interact, and shows us the consequences that might result from adopting these ways. Given that the novel is good, all this is believable, and so it unfolds largely according to recognizable principles and generalizations. But it is where these implicated principles are tweaked, highlighted, rearranged, and pushed to limits in unexpected fashions that gives the good novel a uniqueness of vision. Consider, for example, D. H. Lawrence's *The Rainbow*. Here is a passage about the novel's most reflective character (1915, pp. 447–448):
"The stupid lights," Ursula said to herself, in her dark sensual arrogance. "The stupid, artificial, exaggerated town, fuming its lights. It does not exist really. It rests upon the unlimited darkness, like a gleam of coloured oil on dark water, but what is it? – nothing, just nothing."
In the tram, in the train, she felt the same. The lights, the civic uniform was a trick played, the people as they moved or sat were only dummies exposed. She could see, beneath their pale, wooden pretense of composure and civic purposefulness, the dark stream that contained them all.

In a line, Lawrence's view is that you should develop your passionate self to an equal or greater extent than your civic self; otherwise, your happiness will suffer.

Certainly, a novel's argument can be summarized or abbreviated. But no such abbreviation is *identical* to the novel's argument. It is a very common view that

being able to "accommodate incompatible moral responses" or interpretations is "typical of great literature" (Posner 2009, p. 471; cf., e.g., Cebik 1971, p. 22). I think this is confusion. Space constraints will permit me only to suggest here that the view derives from our own limitations of finding it difficult or impossible to take in, all at once as it were, the textured nuance of the argument of a work of great literature. So we focus on what we can handle ("any number of arguments become compatible with *significant portions* of the narrative" –

Cebik, p. 22, my emphasis). A novel's argument is the one that 'best fits', even if no reader has succeeded in adequately spelling it out, which does not mean that the reader will not be affected by the argument. A great novel's argument operates on the mind like millions of years of evolution may operate on a creature, possibly radically transforming it. In the evolution case, it seems we find it essentially impossible to imagine the sequence of all the relevant events that could have transpired in such a large amount of time. Similarly, reconstructing how a novel's argument may affect us is no task for a simpleton.

If correct, my account means that the phenomenon of *coming to see the world in a certain way* as a result of reading a novel is misdiagnosed by the ethical critics we considered. The vehicle of persuasion is argument after all; it is just that it may be very difficult to flesh out. The ability to get behind what ethical critics call "moral conversions" in some justificatory way is what I am *affirming* here.**[ii]**

NOTES

[i] My notions of internal and external coherence bear some resemblance to Fisher's notions of "narrative probability and fidelity" in the "narrative paradigm" that he proposes for almost all discourse, which was briefly discussed above in section 2. Fisher (1987) says "rationality is determined by the nature of persons as narrative beings – their inherent awareness of *narrative probability*, what constitutes a coherent story ["coherence in life and literature requires that characters behave characteristically" – p. 47], and their constant habit of testing *narrative fidelity*, whether or not the stories they experience ring true with the stories they know to be true in their lives. . and thereby constitute good reasons for belief and action" (pp. 5, 105). For the believability of a novel, I see external coherence operating on a more fundamental level than Fisher's notion of narrative fidelity: with respect to human psychology and society, in order to be believable a novel need only cohere with our widely shared *basic* assumptions. Later I will illustrate the point that it is where these implicated principles are

tweaked, highlighted, rearranged, and pushed to limits in unexpected fashions that gives the good novel a uniqueness of vision.

Moreover, Fisher's view is nothing less than a proposal to revamp logic as a whole, whereas mine concerns the believability of novels. While Fisher's view is still discussed and applied (e.g., Roberts 2004), as a viable new logic I think it has been refuted: "a story may ring true and be coherent, but still false. . . a story may not ring true, but in fact be correct. . . If narrative fidelity and probability are to be useful tests of public argument, they must test not merely the story, but the story in relation to the world. And as soon as the tests are extended in this manner, they become essentially equivalent to the tests of evidence and reasoning that are traditionally applied to public argument" (Rowland 1987, pp. 269-270).

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ISSA Proceedings 2010 – Solving Potential Disputes In Health

Brochures With Pragmatic Argumentation
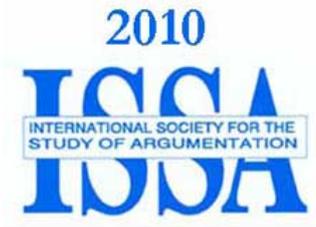
1. Introduction

Governmental institutions and non-profit organizations regularly publish health brochures and leaflets in which they offer health advice. The readers are, for instance, encouraged to improve their diet or are discouraged to consume alcohol. An obvious way to promote certain behavior is to point at the positive consequences of that behavior. To discourage certain behavior one can mention the negative consequences of that behavior.

By going into the desirable or undesirable effects, brochure writers try to remove possible doubt or opposition towards the given advice, so that the reader is more likely to accept it. In other words, an attempt is made to convince the reader of the standpoint that the given advice is acceptable. Pointing at the advantages or disadvantages of a promoted or discouraged course of action can thus be interpreted as argumentation that is given in support of a standpoint. This type of argumentation is called pragmatic argumentation. In example (1) we see a manifestation of this type of argumentation in a health brochure:

(1) Place your baby on the back to sleep from the very beginning. This will reduce the risk of cot death. ('Reduce the risk of cot death', UK Department of Health, 2007)

In the example, pragmatic argumentation is used to justify why it is desirable to place a baby on the back to sleep: this way of putting the baby to sleep namely has the desirable effect of reducing the risk of cot death.

Besides the standard positive form of pragmatic argumentation exemplified in (1), brochure writers have three more variants of this type of argumentation at their disposal. In this paper, I will examine what dialectical and rhetorical considerations steer the choices for one or the other variant in argumentative discourse in this specific context. To explain this, I will depart from the extended pragma-dialectical theory, developed by Van Eemeren and Grootendorst (1984, 1992, 2004) and Van Eemeren and Houtlosser (2002, 2006).

In pragma-dialectics it is assumed that arguers engage in an argumentative discussion with a dialectical objective, which means that they want to solve their

difference of opinion on reasonable grounds. To reach this goal, they ideally go through four discussion stages: the confrontation stage (in which the dispute is externalized), the opening stage (in which the roles, rules and starting points are established), the argumentation stage (in which the standpoints are critically tested), and the concluding stage (in which the outcome of the discussion is established) (Van Eemeren & Grootendorst 1992). From this perspective, pragmatic argumentation should be seen as a move in the argumentation stage that should contribute to the resolution of the dispute over the acceptability of an advice.

According to Van Eemeren and Houtlosser (2002, 2006) discussants have, besides their dialectical objective, also a rhetorical goal: they want to win the discussion. That is why Van Eemeren and Houtlosser introduced the concept of strategic maneuvering to refer to the efforts of arguers to find a balance between their wish to get their standpoint accepted by the audience and their wish to get there in a reasonable way. In every discussion stage and in every move three aspects of strategic maneuvering can be analytically distinguished: discussants make a selection from the topical potential, they use certain stylistic devices and they adapt their move to the preferences of the audience.

In this paper, I try to explain the choices for particular manifestations of pragmatic argumentation by reconstructing the argumentation as a complex move in a critical discussion. To do this, I will, in section 2, first discuss the dialectical options available to the writer in the argumentation stage. In section 3 I will give a more elaborate account of the pragma-dialectical approach to pragmatic argumentation and present the four distinguishable variants of the pragmatic argumentation scheme. In section 4 I will discuss the choice for pragmatic argumentation and for each specific variant of the scheme in terms of strategic maneuvering. By using speech act theory I will explain why pragmatic argumentation plays such a prominent role in health brochures. Finally, I will discuss how specific choices from the available options may be instrumental for brochure writers to balance their dialectical and rhetorical goals.

2. Dialectical options in the argumentation stage
The dialectical goal of the argumentation stage is to test the tenability of the standpoint at hand. The tasks of the discussion parties depend on their role in the discussion and the type of dispute that gave rise to the discussion. Discussion parties can either adopt the role of protagonist or proponent of a standpoint, or

antagonist or opponent of a standpoint. The dispute can be either mixed or non-mixed.**[i]**

In a non-mixed discussion one language user advances a point of view in respect to an expressed opinion while another language user casts doubt on the expressed opinion. In this case, the first speaker adopts the role of protagonist and he is the only party with a burden of proof, while the other party adopts the role of antagonist and only responds to the moves of the protagonist. In a discussion like this the protagonist's task in the argumentation stage is to defend his or her standpoint by putting forward argumentation and to respond to the antagonist's doubt and criticism expressed towards the argumentation

In a mixed discussion, more than one language user advances a point of view. This means that there are (at least) two parties who assume the role of protagonist of their own standpoint and antagonist of the other party's standpoint. In the argumentation stage, both parties have a burden of proof and have the task of putting forward pro-argumentation for their standpoint, but since they also have to deal with an opposing standpoint, they will have to address the argumentation of the other party as well (Van Eemeren & Grootendorst 1984, pp. 78-83).

In a health brochure, and in other written texts, a difference of opinion cannot explicitly come to the fore: since only one of the parties expresses his or her view, the discussion always remains implicit. Nevertheless, the writers undertake an attempt to convince the readers of their opinion and hence the brochure can be reconstructed as (one side of) a critical discussion in which the writers act as protagonist and the (absent) readers as antagonist.

Ideally, the parties exchange moves and countermoves but in an implicit discussion the writers can only anticipate possible views and responses of the absent audience. They thus have the choice to interpret the possible difference of opinion as either non-mixed or mixed. They can choose to deal with potential doubt, criticism and opposing standpoints or not, whereas, in an explicit mixed discussion the writers would have to address all criticism towards their case to fully comply with their dialectical obligations.

The two main options for brochure writers as they adopt the role of protagonist are to defend their own standpoint and to attack the argumentation in support of

the opponent's standpoint. In principle they could also choose not to give any arguments, but it is unlikely this serves their dialectical or rhetorical aspirations. When they decide to defend their standpoint, they can choose from different types of argumentation, each of which is based on a different argument scheme. In the pragma-dialectical theory, the three main categories of argument types that are distinguished are symptomatic, causal and analogy argumentation. Pragmatic argumentation is categorized as a subtype of causal argumentation. The writers have the possibility to combine (different types of) arguments and to give supporting subordinative argumentation.

If the writers expect the audience to not only doubt the standpoint, but even to disagree, they may ascribe an opposing standpoint (a negative standpoint) and even possible arguments for that standpoint to the audience. In that case, they have the option to respond to the arguments that the audience might give in support of their own views.

From all the options available, pragmatic argumentation is the type of argumentation that is predominantly used in health brochures to justify the claim (See, for example, Schellens & De Jong 2004). Before I discuss why there is a preference for pragmatic argumentation, I will first give an account of the pragma-dialectical approach to pragmatic argumentation.

3. Pragma-dialectical approach to pragmatic argumentation
Pragmatic argumentation always involves a standpoint in which a claim is made about the desirability of a course of action, plan or policy.[ii] In its most explicit form, pragmatic argumentation consists of two statements: an empirical statement about the consequences of the action mentioned in the standpoint and a normative statement about the desirability of those consequences. In the so-called negative variant of pragmatic argumentation one points at the negative consequences of the action that is discouraged in the standpoint (Feteris 2002, p. 354). The desirability or undesirability usually remains implicit, as was the case in example (1): it is obvious that the mentioned consequence (reducing the risk of cot death) is a desirable result. The basic form of pragmatic argumentation is based on the following scheme:

1 Action X is desirable

1.1a because: Action X leads to consequence Y

1.1b and: Consequence Y is desirable

1.1a-1.1b' (If X leads to desirable consequence Y, then X is desirable)

On the basis of this scheme, three more variants can be distinguished. These are the negative variant (Variant II), and two variants in which the causal connection between the action in the conclusion and an undesirable (Variant III) or a desirable (Variant IV) consequence is denied (see also Feteris 2002):

Variant II:
Action X is undesirable
Because: Action X leads to consequence Y
And: Consequence Y is undesirable
(If X leads to undesirable consequence Y, then X is undesirable)

Variant III:
Action X is not undesirable
Because: Action X does not lead to consequence Y
And: Consequence Y is undesirable
(If X does not lead to undesirable consequence Y, then X is not undesirable)

Variant IV:
Action X is not desirable
Because: Action X does not lead to consequence Y
And: Consequence Y is desirable
(if X does not lead to desirable consequence Y, then X is not desirable)

The pragma-dialectical approach offers the following critical questions for the evaluation of pragmatic argumentation:
Is the mentioned effect (Y) really so (un)desirable?
Will that which is presented as the cause (Z) indeed lead to that which is presented as the (un)desirable effect (Y)?
Are there any other factors that need to be present together with that which is presented as the cause (Z) to achieve the mentioned (un)desirable effect (Y)?
Does the mentioned cause (Z) not have any serious undesirable side effects?
Could the mentioned effect (Y) be achieved more easily by way of another measure? (Garssen 1997, p. 22)

These questions not only serve as a tool for the analyst to assess whether the argument scheme is correctly applied, but they also function as a point of departure for discussants to determine what type of criticism they can expect when using pragmatic argumentation. In the next section on the strategic

function of the variants of pragmatic argumentation I will come back to these questions.

4. Maneuvering strategically with pragmatic argumentation
4.1. The function of pragmatic argumentation in health brochures
In order to explain the choice for a specific variant of pragmatic argumentation it is important to consider why pragmatic argumentation plays such a prominent role in health promotion in the first place. Insights from speech act theory, adopted in the pragma-dialectical theory of argumentation, help to shed light on the connection between pragmatic argumentation and the specific context discussed here.

The preference for pragmatic argumentation stems from the fact that the central speech act in health brochures is the speech act of advising. According to Van Eemeren and Grootendorst (1991, p. 163) every language user will assume that the speech act he performs is, in principle, correct and acceptable from his own perspective and from that of the listener or reader. Therefore, one can ascribe the presupposition to the writer that 'the performed speech act is acceptable'. When doubt about the acceptability of the speech act is expressed or expected, the presupposition that the speech act is acceptable is no longer justified and is open to debate.**[iii]**

Since the audience might oppose advice in health brochures, writers will attempt to remove potential doubt or criticism. On the basis of Austin (1962) and Searle's (1969) speech act theory Van Eemeren and Grootendorst's (1984) additions, correctness conditions can be formulated that indicate when an advice is acceptable. Readers will only accept an advice when certain conditions have, in their eyes, been fulfilled.

A distinction can be made between positive advice, in which behavior is advocated, and negative advice, in which behavior is discouraged. An important preparatory condition for accepting positive advice is that the writer believes that the advocated behavior is in principle desirable for the reader (see Searle 1969, p.67). For accepting negative advice the discouraged behavior should be considered undesirable for the reader's health.**[iv]**

In written texts writers can, in anticipation of criticism, try to justify their claim that the given advice is acceptable by stating that certain correctness conditions

are fulfilled. Pragmatic argumentation can fulfill the function of showing that an action is desirable by indicating that it has desirable effects, or that an action is undesirable because it has undesirable effects for the health of the addressee. In this way, putting forward pragmatic argumentation may contribute to solving a potential difference of opinion about the acceptability of the given health advice.

On the basis of this speech act perspective, the main standpoint in health brochures can best be reconstructed as 'The advice to do X is acceptable'.**[v]** Since the desirability of the advocated or discouraged action is a crucial condition for the acceptability of the advice, the main argument can be reconstructed as 'Action X is (un)desirable'. It is this (sub)standpoint that is supported with pragmatic argumentation.

Figure 1 represents a general pragma-dialectical reconstruction of the main argumentation in health brochures.**[vi]**

(1. Standpoint: The advice (not) to do X is acceptable)

1.1 Action X is (un)desirable

1.1.1a Because: Action X leads to consequence Y

1.1.1b And: Consequence Y is (un)desirable

(1.1.1a-1.1.1b' If X leads to (un)desirable consequence Y, then action X (un)desirable)

Figure 1: Reconstruction of pragmatic argumentation in a health brochure

The reconstruction shows that the normative (sub)standpoint 1.1 is supported with argument 1.1.1a that the advocated or discouraged action leads to consequence Y and argument 1.1.1b that consequence Y is desirable or undesirable for the addressee.

1.1.1a-1.1.1b' is the unexpressed or linking premise which connects the coordinative arguments 1.1.1a and 1.1.1b to substandpoint 1.1.

In practice, the underlying structure of the argumentation in health brochures will not always coincide with the structure represented in figure 1. First, figure 1 represents only one line of defense, while a brochure may contain many more

arguments and types of argument, which may refer to other correctness conditions pertaining to the speech act of advising. I will not go into those arguments in this paper.

Second, figure 1 departs from the basic form of a difference of opinion in which a discussant puts forward a positive standpoint while expecting only doubt. Differences of opinion can be much more complicated than that, for example when other parties express opposing standpoints or counterarguments. These more complicated situations will be discussed in section 4.3 after I deal with the strategic function of choosing pragmatic argumentation to defend a standpoint.

4.2. Defending a standpoint with pragmatic argumentation

In the argumentation stage, discussants have, besides the dialectical objective to test the tenability of the standpoint, the rhetorical aim to give the most effective defense and most effective attack. The choice for pragmatic argumentation instead of another type of argumentation should thus be considered as a strategic move in the pursuit of reconciling both goals.

Pragmatic argumentation can be seen as an opportune choice from the topical potential in the argumentation stage, because it refers to the crucial condition that must be fulfilled in order to get an advice accepted. In principle, writers have the burden of proof for the fulfillment of all correctness conditions. Writers may, however, strategically choose to give presence to those aspects of the advice that serve their case best. The desirability of the advocated or discouraged action will in many cases be easiest to justify. The basic positive and negative forms of pragmatic argumentation (Variant I and II) are therefore suitable to give presence to a desirable or undesirable outcome, respectively.

To illustrate this, I will discuss the Dutch 2009 brochure entitled 'Prik en bescherm. Voorkom baarmoederhalskanker' ('Vaccinate and protect. Prevent cervical cancer') published by the RIVM, the National Institute for Public Health and Environment. The brochure was part of a campaign to encourage young girls to get vaccinated against the human papillomavirus (HPV) to prevent cervical cancer. The rapid introduction of this vaccine in the country's vaccination program in 2008 caused great consternation in the media and the political arena, partly because of the marketing strategies pharmaceutical companies employed to influence the public and politicians. Moreover, the RIVM was criticized on its method and on the message it had distributed.

The slogan of the 2009 vaccination campaign was, translated into English, 'Vaccinate and protect. Prevent cervical cancer'. These encouragements in imperative form state that the reader should get the vaccination because that is the way to prevent getting cervical cancer. From this directive speech act, the standpoint can be reconstructed as 'The advice to vaccinate against HPV is acceptable'.

The main reason that is given to follow up on the advice is that 'if you vaccinate against HPV, then you reduce the chance of getting cervical cancer'. This pragmatic argument is meant to indicate the desirability of doing what was recommended. The desirability of the effect is not made explicit, but in the first part of the brochure it was already presupposed that cervical cancer is 'a serious disease' which causes 200 deaths a year. For a lot of girls, the idea of being able to undertake action themselves to prevent a possibly fatal disease will sound attractive. In this brochure, the writer chose to use the basic positive form of pragmatic argumentation (Variant I) to give presence to the desirable consequence that vaccination would prevent cervical cancer. In case of negative advice, Variant II of pragmatic argumentation would have been the opportune choice.

The writer also has the option of choosing multiple or coordinative argumentation to show that other conditions have been fulfilled as well, for example that the writer assumes that the reader in principle is capable of performing the advocated behavior or stopping the discouraged behavior. When the writer suspects that the ability to live up to the advice may be problematic, this could be an opportune move. In the mentioned campaign, this possible hindrance was anticipated by pointing to the fact that girls could get the vaccination without permission of their parents.

4.3 Addressing possible counterarguments with pragmatic argumentation
Besides the aforementioned option to defend their own standpoint, writers have the possibility to anticipate possible countermoves by readers who potentially disagree. Health brochures obviously only represent one side of the discussion, but writers may still try to address counterclaims and arguments in order to strengthen their own position. When writers anticipate a mixed dispute, they presume that another party is of the opinion that the writers' advice is unacceptable or that another advice is (more) acceptable than that of the writers. The brochure writers can choose to anticipate the arguments the other party

would have put forward in an explicit discussion by using variant III and IV of pragmatic argumentation.

The critical questions belonging to the argument scheme of pragmatic argumentation (see section 3) represent the kind of criticism one might expect when defending a claim with this type of argumentation. Two of these questions can be dealt with by using variant III and IV of pragmatic argumentation and are thus especially relevant here. These are question 4 ('Does the mentioned cause (Z) not have any serious undesirable side effects?') and question 5 ('Could the mentioned effect (Y) be achieved more easily by way of another measure?').

By means of Variant III of pragmatic argumentation it is possible to address the presence or absence of certain undesirable side-effect to which question 4 refers. To show this, I use material from the HPV-campaign that was launched in 2010. The HPV-campaign in the Netherlands was renewed in 2010 to be able to deal better with the audience's criticism. In the new HPV-brochure in 2010, pragmatic argumentation was chosen to anticipate the criticism that the HPV-vaccination may lead to infertility. The counterargument was attacked by denying that vaccination leads to the undesirable consequence of infertility:
(2) "Can the vaccination cause infertility?"

No. The injection affects your immune system, your natural protection against infections. The injection has no effect whatsoever on your hormones and you reproductive organs and so it can never cause infertility. (My trans. from 'Prik en bescherm. Laat je inenten tegen baarmoederhalskanker.' RIVM, March 2010)

The writers could also try to tackle possible opposing standpoints of the readers. In the case of the HPV-vaccination campaign, for instance, the Vaccination Institute decided to address the standpoint of the Dutch organization 'Vaccinate critically', which discouraged people from letting themselves or their daughters get vaccinated. In this situation, the writers chose to attack another party's standpoint, in other words, the writers tried to show that the advice of the organization was unacceptable.

The burden of proof for such a standpoint is smaller than for a standpoint with the proposition that the advice to do X is acceptable. When attacking, one only has to show that one of the correctness conditions is not fulfilled, while when defending, one has the burden of proof for the fulfillment of all conditions.

In this situation, writers have the option to point out by means of pragmatic argumentation that vaccination is not undesirable (as is presupposed by the advice not to vaccinate). In the new campaign, the writers refer to one of the arguments that the organization Vaccinate critically gave in defense of its negative advice. The organization argued that vaccination is undesirable, because is may lead to paralysis. In the campaign brochure, it was denied that this negative effect could occur, so that the negative advice was no longer acceptable. This move is in fact a way to deal with critical question 4 about possible side-effects of the promoted behavior:

(3) "I heard you can get paralyzed because of the injection, is that true?"

No, in America, a girl got paralyzed, just after she got a HPV- vaccination. The paralysis was not caused by the injection, but had other causes. So she would have been paralyzed without the vaccination as well. Unfortunately, this has been picked up by the media in the wrong way and was then spread. (My trans. from 'Prik en bescherm. Laat je inenten tegen baarmoederhalskanker.' RIVM, March 2010)

The pragmatic argumentation in both example (2) and (3) can be reconstructed as 'X (vaccination is not undesirable', because 'X (vaccination) does not lead to undesirable consequence Y (infertility/paralysis)'. In both examples the argumentation is based on variant III of the pragmatic argumentation scheme.

Another option is to address possible alternative actions that another party might propose instead of the brochure writer's advice, which is an aspect that is dealt with by critical question 5. Variant IV of pragmatic argumentation is a strategic way to deal with this possibility. In a brochure about fruit and vegetables, for example, the writers anticipate the alternative to take vitamin pills instead of eating fruit and vegetables:

(4) Is a vitamin pill a good alternative to vegetables and fruit?

Vitamin pills or other supplements cannot replace vegetables and fruit. Vegetables and fruit contain, apart from vitamins and minerals, many other useful substances. It is still unknown which of those exactly protect against illnesses. Research shows that it is important to get these substances in all together. A vitamin pill does not have the same effect. (My trans. from 'Groente- en fruitwijzer', Voedingscentrum)

The fragment stems from a brochure that contains the advice to eat a lot of fruit and vegetables. The desirability of this behavior is supported with pragmatic argumentation in which it is pointed out that eating fruit and vegetables has the desirable effect that it offers nutrients that reduce the risk of cancer. In the brochure, the writers anticipate a possible objection to the advice that there is an alternative, and easier, way of obtaining these nutrients, namely by taking vitamin pills or other supplements. In example (4), the writers attack this objection by saying that the alternative does not have such positive effects as eating fruit and vegetables does. The argumentation can be reconstructed as 'X (taking vitamin pills) is not desirable', because 'X (taking vitamin pills) does not lead to Y (the same positive effect as eating fruit and vegetables)' and has variant IV as the underlying scheme.

By considering the dialectical options arguers have in the argumentation stage it can serve both their dialectical and rhetorical goal to choose for one of the variants of pragmatic argumentation. In defense of their standpoint they can focus on the desirable outcome that can be reached by following up positive advice (with variant I), or they can focus on the undesirable outcome that can be prevented by following up negative advice (with variant II). When they expect opposition, they can use pragmatic argumentation to strategically erase criticism with respect to possible side-effects of the proposed action (with variant III), or they can attack a possible alternative to the proposed action (with variant IV).

5. Conclusion
By using the extended pragma-dialectical theory of argumentation I have tried to make clear that an advisory health brochure can be reconstructed as an implicit discussion between writers and readers in which a difference of opinion about the acceptability of advice is presupposed. I have argued that there is a systematic relation between the performance of a particular move with pragmatic argumentation and the speech act of advising, that is central to the health brochure.

On the basis of the type of advice writers try to justify and the type of criticism they anticipate, writers have four variants of pragmatic argumentation to choose from. The choice for a particular option can be explained by the fact that each choice contributes to the resolution of the presupposed difference of opinion in a specific way by justifying that the preparatory condition concerning the desirability of the action recommended by the writers or another party is fulfilled

or not. So the choice for one variant of pragmatic argumentation or another is not a matter of style, but should be considered as a dialectically and rhetorically relevant move.

So far, the argumentative aspects of health promotion have mainly been the subject of persuasion research. In this type of research the focus is usually limited to the relative persuasiveness of evidence types which can be put forward in support of pragmatic argumentation (see Hoeken 2001; Hornikx 2005). The strategic use of variations in the presentation of pragmatic arguments has been studied in research on the effects of message framing (Tversky & Kahneman 1981; Block & Keller 1995; Rothman & Salovey 1997), but these studies usually lack a theoretical foundation on the basis of which (variants of) argument schemes can be distinguished and they do not address dialectical criteria. In contributions that up to now have been written on pragmatic argumentation from an argumentation-theoretical perspective (see Schellens 1985; Kienpointner 1992; Garssen 1997; Feteris 2002) no specific attention is paid to the context of health promotion in which this type of argumentation plays such an important role.

The proposed pragma-dialectical analysis shows that there is a systematic connection between the advice and potential criticism towards it, and a specific variant of pragmatic argumentation, and enables a theoretically founded evaluation of such forms within the context of health promotion.

NOTES
[i] In a pragma-dialectical analysis another distinction that is made is between single and multiple disputes: single disputes have to do with only one proposition while multiple disputes concern more than one proposition (Van Eemeren & Grootendorst 1984, pp. 78-83). In the context of this paper, this distinction is irrelevant.
[ii] In principal one could also point at desirable or undesirable consequences to support a factual claim, for example when a discussant defends the standpoint 'men are not better drivers than women' by arguing that it would have very negative consequences for women if this were true. From a pragma-dialectical perspective, this way of substantiating the claim is usually considered as an argumentum ad consequentiam fallacy. Since health brochures normally do not contain factual main standpoints, I will leave this issue out of consideration for now.

[iii] Van Eemeren, Grootendorst, Jackson and Jacobs (1993, p. 95) argue that in fact all presuppositions and commitments associated with the performance of a particular speech act could turn into an expressed opinion. They call these commitments 'virtual standpoints' because they are not really put forward as such in the discussion, but the speaker implicitly accepts them by performing the speech act that is under discussion. Together these commitments that can be called in question form the so-called 'disagreement space' of the speech act.

[iv] Other preparatory conditions are for instance that the speaker believes that the addressee in principal is able and prepared to perform the advised action.

[v] The main standpoint could also be reconstructed as 'You should (not) do X'. However, when also other arguments that are put forward in the brochure are also taken into account in the analysis, it is useful to reconstruct the main standpoint as 'The advice (not) to do X is acceptable'. Such an analysis does better justice to the function of statements in health brochures that refer to other correctness conditions of the advice (such as the preparatory condition that the speaker believes that the addressee in principle is able to follow up on the advice). These statements can then be reconstructed as (coordinative) arguments supporting the claim about the acceptability of the advice. In this paper I leave these arguments out of consideration so a simpler analysis suffices.

[vi] The reconstruction proposed here is comparable to Schellens (1985) who represents the scheme as follows: 'Action A leads to B, B is desirable. So: A is desirable'. Kienpointner (1992) surprisingly mentions the unexpressed or linking premise (1.1a-1.1b' in figure 1) in his pragmatic argumentation scheme, but leaves out the premise in which a claim about the causal connection between X and Y is made: 'Wenn die Folgen einer Handlung eine Bewertung X rechtfertigen, ist auch die Handlung selbst mit X tu bewerten/(nicht) zu vollziehen. Die Folgen der Handlung sind mit X zu bewerten. Also: Die handlung ist mit X zu bewerten/ (nicht) zu vollziehen' (p. 341).

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ISSA Proceedings 2010 – Argumentation Without Arguments

1 . Introduction

A well-known ambiguity in the term *'argument'* is that of argument as an inferential structure and argument as a kind of dialogue. In the first sense, an argument is a structure with a conclusion supported by one or more grounds, which may or may not be supported by further grounds. Rules for the construction and criteria for the quality of arguments in this sense are a matter of logic. In the second sense, arguments have been studied as a form of dialogical interaction, in which human or artificial agents aim to resolve a conflict of opinion by verbal means. Rules for conducting such dialogues and criteria for their quality are part of dialogue theory.

Both logic and dialogue theory can be developed by formal as well as informal means. This paper takes the formal stance, studying the relation between formal-logical and formal-dialogical accounts of argument. While formal logic has a long tradition, the first formal dialogue systems for argumentation where proposed in the 1970s, notably by the argumentation theorists Hamblin (1970,1971), Woods & Walton (1978) and Mackenzie (1979). In the 1990s AI researchers also became interested in dialogue systems for argumentation. In AI & Law they are studied as

a way to model legal procedure (e.g. Gordon, 1995; Lodder, 1999; Prakken, 2008), while in the field of multi-agent systems they have been proposed as protocols for agent interaction (e.g. Parsons et al., 2003). All this work implicitly or explicitly assumes an underlying logic. In early work in argumentation theory the logic assumed was monotonic: the dialogue participants were assumed to build a single argument (in the inferential sense) for their claims, which could only be criticised by asking for further justification of an argument's premise or by demanding resolution of inconsistent premises. AI has added to this the possibility of attacking arguments with counterarguments; the logic assumed by AI models of argumentative dialogues is thus nonmonotonic. Nevertheless, it is still argument-based, since counterarguments conform to the same inferential structure as the arguments that they attack.

However, I shall argue that formal systems for argumentation dialogues are possible without presupposing arguments and counterarguments as inferential structures. The motivation for such systems is that there are forms of inference that are not most naturally cast in the form of arguments (e.g. abduction, statistical reasoning or coherence-based reasoning) but that can still be the subject of argumentative dialogue, that is, of a dialogue that aims to resolve a conflict of opinion. This motivates the notion of a theory-building dialogue, in which the participants jointly build some inferential structure during a dialogue, which structure need not be argument-based. Argumentation without arguments is then possible since, even if the theory built during a dialogue is not argument-based, the dialogue still aims to resolve a conflict of opinion.

This paper is organized as follows. In Section 2 the basics are described of logics and dialogue systems for argumentation, and their relation is briefly discussed. Then in Section 3 the general idea of theory-building dialogues is introduced and in Section 4 some general principles for regulating such dialogues are presented. In Section 5 two example dialogue systems of this kind are presented in some more detail.

2. Logical and dialogical systems for argumentation
In this section I briefly describe the basics of formal argumentation logics and formal dialogue systems for argumentation, and I explain how the former can be used as a component of the latter. A recent collection of introductory articles on argumentation logics and their use in formal dialogue systems for argumentation can be found in Rahwan & Simari (2009). An informal discussion of the same

topics can be found in Prakken (2010).

2.1. Argumentation logics

Logical argumentation systems formalise defeasible, or presumptive reasoning as the construction and comparison of arguments for and against certain conclusions. The defeasibility of arguments arises from the fact that new information may give rise to new counterarguments that defeat the original argument. That an argument *A defeats* an argument *B* informally means that *A* is in conflict with, or *attacks B* and is not weaker than *B*. The relative strength between arguments is determined with any standard that is appropriate to the problem at hand and may itself be the subject of argumentation. In general, three kinds of attack are distinguished: arguing for a contradictory conclusion (rebutting attack), arguing that an inference rule has an exception (undercutting attack), or denying a premise (premise-attack). Note that if two arguments attack each other and are equally strong, then they defeat each other.

Inference in argumentation logics is defined relative to what Dung (1995) calls an *argumentation framework*, that is, a given set of arguments ordered by a defeat relation. It can be defined in various ways. For argumentation theorists perhaps the most attractive form is that of an argument game. In such a game a proponent and opponent of a claim exchange arguments and counterarguments to defend, respectively attack the claim. An example of such a game is the following (which is the game for Dung's 1995 so-called grounded semantics; cf. Prakken & Sartor, 1997; Modgil & Caminada, 2009). The proponent starts with the argument to be tested and then the players take turns: at each turn the players must defeat the other player's last argument: moreover, the proponent must do so with a stronger argument, i.e., his argument may not in turn be defeated by its target. Finally, the proponent is not allowed to repeat his arguments. A player wins the game if the other player has no legal reply to his last argument.

What counts in an argument game is not whether the proponent in fact wins a game but whether he has a winning strategy, that is, whether he can win whatever arguments the opponent chooses to play. In the game for grounded semantics this means that the proponent has a winning strategy if he can always make the opponent run out of replies. If the proponent has such a winning strategy for an argument, then the argument is called *justified*. Moreover, an argument is *overruled* if it is not justified and defeated by a justified argument, and it is *defensible* if it is not justified but none of its defeaters is justified. So, for

example, if two arguments defeat each other and no other argument defeats them, they are both defensible. The status of arguments carries over to statements as follows: a statement is justified if it is the conclusion of a justified argument, it is defensible if it is not justified and the conclusion of a defensible argument, and it is overruled if all arguments for it are overruled. (Recall that these statuses are relative to a given argumentation framework.)

Argument games should not be confused with dialogue systems for argumentation: an argument game just computes the status of arguments and statements with respect to a nonmonotonic inference relation and its proponent and opponent are just metaphors for the dialectical form of such computations. By contrast, dialogue systems for argumentation are meant to resolve conflicts of opinion between genuine agents (whether human or artificial).

2.2. Dialogue systems for argumentation
The formal study of dialogue systems for argumentation was initiated by Charles Hamblin (1971) and developed by e.g. Woods & Walton (1978), Mackenzie (1979) and Walton & Krabbe (1995). From the early 1990s researchers in artificial intelligence (AI) also became interested in the dialogical side of argumentation (see Prakken 2006 for an overview of research in both areas). Of particular interest for present purposes are so-called persuasion dialogues, where two parties try to resolve a conflict of opinion. Dialogue systems for persuasive argumentation aim to promote fair and effective resolution of such conflicts. They have a *communication language*, which defines the well-formed utterances or speech acts, and which is wrapped around a *topic language* in which the topics of dispute can be described (Walton & Krabbe 1995 call the combination of these two languages the 'locution rules'). The topic language is governed by a *logic*, which can be standard, deductive logic or a nonmonotonic logic. The communication language usually at least contains speech acts for claiming, challenging, conceding and retracting propositions and for moving arguments and (if the logic of the topic language is nonmonotonic) counterarguments. It is governed by a *protocol*, i.e., a set of rules for when a speech act may be uttered and by whom (by Walton & Krabbe 1995 called the 'structural rules'). It also has a set of *effect rules*, which define the effect of an utterance on the state of a dialogue (usually on the dialogue participants' commitments, which is why Walton & Krabbe 1995 call them 'commitment rules'). Finally, a dialogue system defines *termination* and *outcome* of a dispute. In argumentation theory the usual

definition is that a dialogue terminates with a win for the proponent of the initial claim if the opponent concedes that claim, while it terminates with a win for opponent if proponent retracts his initial claim (see e.g. Walton & Krabbe 1995). However, other definitions are possible.

2.3. The relation between logical and dialogical systems for argumentation
A stated in the introduction, formal dialogue systems for persuasive argumentation assume an underlying logic. In argumentation theory it is usually left implicit but in AI it is almost always an explicit component of dialogue systems. Also, in early work in argumentation theory the logic assumed was monotonic: the dialogue participants were assumed to build a single argument (in the inferential sense) for their claims, which could only be criticised by asking for further justification of an argument's premise (a premise challenge) or by demanding resolution of inconsistent premises. (In some systems, such as Walton & Krabbe's (1995) PPD, the participants can build arguments for contradictory initial assertions, but they still cannot attack arguments with counterarguments.) If a premise challenge is answered with further grounds for the premise, the argument is in effect 'backwards' extended into a step-by step-constructed inference tree.

Consider by way of example the following dialogue, which can occur in Walton & Krabbe's (1995) PPD system and similar systems. (Here and below P stands for proponent and O stands for opponent.)
P1: I *claim* that we should lower taxes
O2: *Why* should we lower taxes?
P3: *Since* lowering taxes increase productivity, which is good
O4: I *concede* that increasing productivity is good,
O5: but *why* do lower taxes increase productivity?
P6: *Since* professor P, who is an expert in macro-economics, says so.

The argument built during this dialogue is the one on the left in Figure 1.

AI has added to this the possibility of counterargument: an argument can in AI models also be criticised by arguments that contradict a premise or conclusion of an argument or that claim an exception to its inference. The logic assumed by AI models of argumentative dialogues is thus nonmonotonic, since new information can give rise to new counterarguments that defeat previously justified arguments. Nevertheless, in most AI models it is still argument-based, since

counterarguments conform to the same inferential structure of the arguments that they attack.

In our example, counterarguments could be stated as follows:
O7: But professor P is biased, *so* his statement does not support that lower taxes increase productivity
P8: *Why* is professor P biased?
O9: *Since* he has political ambitions, and people with political ambitions cannot be trusted when they speak about taxes.
O10: Moreover, we should not lower taxes *since* doing so increases inequality in society, which is bad.

The argument built in O7 and O8 argues that there is an exception to the argument scheme from expert testimony applied in P6, applying the critical question whether the expert is biased (this paper's account of argument schemes is essentially based on Walton 1996). A second counterargument is stated at once in O10, attacking the conclusion of the initial argument. Both arguments are also displayed in Figure 1.

Figure 1: an argumentation framework

Figure 1 – an argumentation framework

3. Theory building dialogues

Now it can be explained why the inferential structures presupposed by a dialogue system for persuasion need not be argument-based but can also conform to some other kind of inference. Sometimes the most natural way to model an inferential problem is not as argumentation (in the inferential sense) but in some other way, for example, as abduction, statistical reasoning or coherence-based reasoning.

However, inferential problems modelled in this way can still be the subject of persuasion dialogue, that is, of a dialogue that is meant to resolve a conflict of opinion. In short: the 'logic' presupposed by a system for persuasion dialogue can but need not be an argument-based logic, and it can but need not be a logic in the usual sense.

This is captured by the idea of theory-building dialogues. This is the idea that during a dialogue the participants jointly construct a theory of some kind, which is the dialogue's information state at each dialogue stage and which is governed by some notion of inference. This notion of inference can be based an argumentation logic, on some other kind of nonmonotonic logic, on a logical model of abduction, but also on grounds that are not logical in the usual sense, such as probability theory, connectionism, and so on. The dialogue moves operate on the theory (adding or deleting elements, or expressing attitudes towards them), and legality of utterances as well as termination and outcome of a dialogue are defined in terms of the theory.

4. Some design principles for systems for theory-building persuasion dialogues
I now sketch how a dialogue system for theory-building persuasion dialogues can be defined. My aim is not to give a precise definition but to outline some principles that can be applied in defining such systems, with special attention to how they promote relevance and coherence in dialogues. A full formal implementation of these principles will require non-trivial work (in Section 5 two systems which implement these principles will be briefly discussed).

Throughout this section I shall use Bayesian probabilistic networks (BNs) as a running example. Very briefly, BNs are acyclic directed graphs where the nodes stand for probabilistic variables which can have one of a set of values (for example, true or false if the variable is Boolean, like in 'The suspect killed the victim') and the links capture probabilistic dependencies, quantified as numerical conditional probabilities. In addition, prior probabilities are assigned to the node values (assigning probability 1 to the node values that represent the available evidence). The posterior probability concerning certain nodes of interest given a body of evidence can then be calculated according to the laws of probability theory, including Bayes' theorem. Below I assume that the dialogue is about whether a given node (the dialogue topic) in the BN has a posterior probability above a given proof standard. For example, for the statement that the suspect killed the victim it could be a very high probability, capturing 'beyond reasonable

doubt'.

The first principle then is that the communication language and protocol are defined such that each move operates on the theory underlying the dialogue. A move can operate on a theory in two ways: either it extends the theory with new elements (in a BN this can be a variable, a link, a prior probability or a conditional probability) or it expresses a propositional attitude towards an element of the theory (in a BN this can consist of challenging, conceding or retracting a link, a prior probability or a conditional probability). This is the first way in which a system for theory-building dialogues can promote relevance, since each utterance must somehow pertain to the theory built during the dialogue.

The second principle is that at each stage of a dialogue the theory constructed thus far gives rise to some *current outcome*, where the possible outcome values are at least partially ordered (this is always the case if the values are numeric). For example, in a BN the current outcome can be the posterior probability of the dialogue topic at a given dialogue stage. Or if the constructed theory is an argumentation framework in the sense of Dung (1995), then the outcome could be that the initial claim of the proponent is justified, defensible or overruled (where justified is better than defensible, which is better than overruled). Once the notion of a current outcome is defined, it can be used to define the *current winner* of the dialogue. For example, in a BN proponent can be defined the current winner if the posterior probability of the dialogue topic exceeds its proof standard while the opponent is the current winner otherwise. Or in an argumentation logic the proponent can be defined the current winner if his main claim is justified on the basis of the current theory, while the opponent is the winner otherwise. These notions can be implemented in more or less refined ways. One refinement is that the current outcome and winner are defined relative to only the 'defended' part of the current theory. An element of a theory is undefended if it is challenged and no further support for the element is given (however the notion of support is defined). In Prakken (2005) this idea was applied to theories in the form of argumentation frameworks: arguments with challenged premises for which no further support is given are not part of the 'current' argumentation framework. Likewise in a BN with, for example, a link between two nodes that is challenged.

The notions of a current outcome and current winner can be exploited in a dialogue system in two ways. Firstly, the ordering on the possible values of the outcome can be used to characterize the quality of each participant's current

position, and then the protocol can require that each move (or each attacking move) must improve the speaker's position. For dialogues over BNs this means that each (attacking) utterance of the proponent must increase the posterior probability of the dialogue topic while each (attacking) utterance of the opponent must decrease it. This is the second way in which a protocol for theory-building dialogues can promote relevance. The notions of current outcome and winner can also be used in a turntaking rule: this rule could be defined such that the turn shifts to the other side as soon as the speaker has succeeded in becoming the current winner. In our BN example this means that the turn shifts to the opponent (proponent) as soon as the posterior probability of the dialogue topic is above (below) its proof standard. This rule was initially proposed by Loui (1998) for dialogues over argumentation frameworks, in combination with the protocol rule that each utterance must improve the speaker's position. His rationale for the turntaking rule was that thus effectiveness is promoted since no resources are wasted while fairness is promoted since as soon as a participant is losing, she is given the opportunity to improve her position. The same rule is used in Prakken (2005). This is the third way in which a dialogue system for theory-building dialogues can promote relevance.

5. Two example systems

In this section I summarise two recent systems of the theory-building kind that I developed in collaboration with others: Joseph & Prakken's (2009) system for discussing norm proposals in terms of a coherence network, more fully described in Joseph (2010), and Bex & Prakken's (2008) system for discussing crime scenarios formed by causal-abductive inference, more fully described in Bex (2009).

5.1. Discussing norm proposals in terms of coherence

Paul Thagard (e.g. 2002) has proposed a coherence approach to modelling cognitive activities. The basic structure is a 'coherence graph', where the nodes are propositions and the edges are undirected positive or negative links ('constraints') between propositions. For example, propositions that imply each other positively cohere while propositions that contradict each other negatively cohere. And a proposal for an action that achieves a goal positively coheres with that goal while alternative action proposals that achieve the same goal negatively cohere with each other. Both nodes and edges can have numerical values. The basic reasoning task is to partition the nodes of a coherence graph into an

accepted and a rejected set. Such partitions can be more or less coherent, depending on the extent to which they respect the constraints. In a constraint satisfaction approach a partition's coherence can be optimized by maximising the number of positive constraints satisfied and minimising the number of constraints violated. This can be refined by using values of constraints and nodes as weights.

Building on this, Joseph (2010) proposes to model intelligent agents as coherence-maximising entities, combining a coherence approach with a Belief-Desire-Intention architecture of agents. Among other things, Joseph models how agents can reason about the norms that should hold in the society of which they are part, given the social goals that they want to promote. She then defines a dialogue system for discussions on how to regulate a society (extending the preliminary version of Joseph & Prakken 2009). The system is for theory-building dialogues in which the theory built is a coherence graph. The agents can propose goals or norms and discuss related matters of belief. The notions of current outcome and winner are defined in terms of the agents' preferred partitions of the coherence graph, which for each agent are the partitions with an accepted set that best satisfies that agent's norm proposals and best promotes its social goals: the more norms satisfied and the more goals promoted, the better the partition is.

5.2 Discussing crime scenarios in terms of causal-abductive inference
Building on a preliminary system of Bex & Prakken (2008), Bex (2009) proposes a dialogue system for dialogues in which crime analysts aim to determine the best explanation for a body of evidence gathered in a crime investigation. Despite this cooperative attitude of the dialogue participants, the dialogue setting is still adversarial, to prevent the well-known problem of 'tunnel vision' or confirmation bias, by forcing the participants to look at all sides of a case.

The participants jointly construct a theory consisting of a set of observations plus one or more explanations of these observations in terms of causal scenarios or stories. This joint theory is evaluated in terms of a logical model of causal-abductive inference (see e.g. Console et al. 1991). In causal-abductive inference the reasoning task is to explain a set of observations O with a hypothesis H and a causal scenario C such that H combined with C logically implies O and is consistent. Clearly, in general more than one explanation for a given set of observations is possible. For example, a death can be caused by murder, suicide, accident or natural causes. If alternative explanations can be given, then if further investigation is still possible, they can be tested by predicting further

observations, that is, observable states of affairs *F* that are not in *O* and that are logically implied by *H* + *C*. For example, if the death was caused by murder, then there must be a murder weapon. If in further investigation such a prediction is observed to be true, this supports the explanation, while if it is observed to be false, this contradicts the explanation. Whether further investigation is possible or not, alternative explanations can be compared on their quality in terms of two criteria: the degree to which they conform to the observations (evidence) and the plausibility of their causal scenarios.

Let me illustrate this with the following dialogue, loosely based on a case study of Bex (2009), on what caused the death of Lou, a supposed victim of a murder crime.

P1: Lou's death can be explained by his fractured skull and his brain damage, which were both observed. Moreover, Lou's brain damage can be explained by the hypothesis that he fell.

O2: But both Lou's brain damage and his fractured skull can also be explained by the hypothesis that he was hit on the head by an angular object.

P3: If that is true, then an angular object with Lou's DNA on it must have been found, but it was not found.

In P1 a first explanation is constructed for how Lou died, and in O2 an alternative explanation is given. The latter is clearly better since it explains all observations, while the first fails to explain Lou's fractured skull. Then P3 attacks the latter explanation by saying that one if its predictions is contradicted by other evidence. The resulting causal-abductive theory is displayed in Figure 2, in which boxes with a dot inside are the observations to be explained, solid boxes without dots are elements of hypotheses, the dotted box is a predicted observation, solid arrows between the boxes are causal relations and the dotted link expresses contradiction. This theory contains two alternative explanations for Lou's death, namely, the hypotheses that Lou fell and that he was hit with an angular object, both combined with the causal relations needed to derive the observations (strictly speaking the combination of the two explanations also is an explanation but usually only minimal explanations are considered).
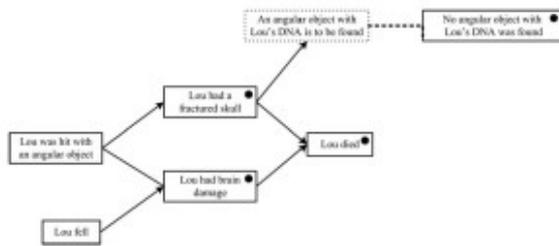
Figure 2 – a causal-abductive theory

But this is not all. In Section 4 I said that, by way of refinement, parts of a theory built during a dialogue may be challenged and must then be supported, otherwise they should be ignored when calculating the current outcome and current winner. In fact, Bex here allows that support for elements of a causal-abductive theory is given by arguments in the sense of an argumentation logic. Moreover, he defines how such arguments can be constructed by applying argument schemes, such as those for witness or expert testimony, and how they can be attacked on the basis of critical questions of such schemes. So in fact, the theory built during a dialogue is not just a causal-abductive theory but a combination of such a theory with a logical argumentation framework in the sense of Dung (1995).

Consider by way of illustration the following continuation of the above dialogue. (Here I slightly go beyond the system as defined in Bex (2009), which does not allow for challenging elements of a causal-abductive theory with a 'why' move but only for directly moving arguments that support or contradict such elements.)

O4: But how do you know that no angular object with Lou's DNA on it was found?
P5: This is stated in the police rapport by police officer A.
P6: By the way, how do we know that Lou had brain damage?
O7: This is stated in the pathologist's report and he is an expert on brain damage.
P8: How can being hit with an angular object cause brain damage?
O9: The pathologist says that it can cause brain damage, and he is an expert on brain damage.
O10: By the way, how can a fall cause brain damage?

First O4 asks for the ground of P's statement that no angular object with Lou's DNA on it was found, which P5 answers by an application of the witness testimony scheme. Then P6 asks where the observation that Lou had brain damage comes from, which O7 answers with an argument from expert testimony. Then P8 challenges a causal relation in O's explanation, which O9 then supports

with another argument from expert testimony. In his turn O10 challenges a causal relation in P's explanation, which P fails to support. The resulting combination of a causal-abductive theory with an 'evidential' argumentation framework is displayed in Figure 3 (here shaded boxes indicate that the proposition is a premise of an argument, and links without arrows are inferences, in this case applications of argument schemes).
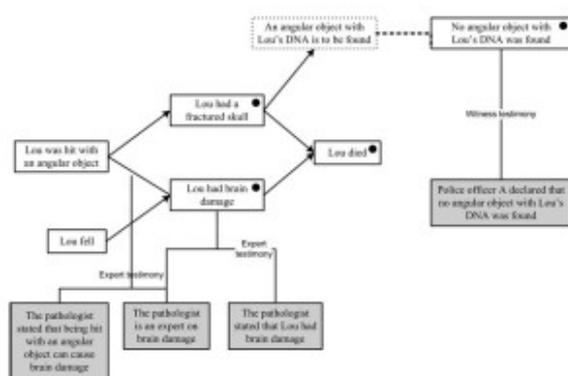

Figure 3: a caual-abductive theory combined with an argumentation framework

To implement the notions of a current outcome and current winner, Bex (2009) first defines the quality of causal explanations in terms of two measures: the extent to which they explain, are supported or are contradicted by the evidence, and the extent to which the causal relations used in the explanation are plausible. Roughly, the plausibility of a causal relation is reduced by giving an argument against it, and it is increased by either defeating this argument with a counterargument or directly supporting the causal relation with an argument. (Bex also defines how the plausibility of an explanation increases if it fits a so-called story scheme, but this will be ignored here for simplicity.) Then the current outcome and winner are defined in terms of the relative quality of the explanations constructed by the two participants. It is thus clear, for instance, that P3 improves P's position since it makes O's explanation being contradicted by a new observation. Likewise, O4 improves O's position since it challenges this new observation, which is therefore removed from the currently defended part of the causal-abductive theory and so does not count in determining the current quality of O's explanation, which therefore increases. In the same way, P8 improves P's position by challenging a causal relation in O's explanation, after

which O9 improves O's position by supporting the challenged causal relation with an argument (note that in this example the criterion for determining the current winner, that is, the proof standard, is left implicit).

A final important point is that the arguments added in Figure 3 could be counterattacked, for instance, on the basis of the critical questions of the argument schemes from witness and expert testimony. The resulting counterarguments could be added to Figure 3 in the same way as in Figure 1. If justified, their effect would be that the statements supported by the attacked arguments are removed from the set O of observations or from the set C of causal relations. In other words, these would not be in the defended part of the causal-abductive theory and would thus not count for determining the current outcome and winner. For example, if O succeeds in discrediting police officer A as a reliable source of evidence, then the quality of O's position is improved since its explanation is no longer contradicted by the available evidence.

6. Conclusion

This paper has addressed the relation between formal-logical and formal-dialogical accounts of argumentation. I have argued how persuasive argumentation as a kind of dialogue is possible without assuming arguments (and counterarguments) as inferential structures. The motivation for this paper was that the object of a conflict of opinion (which persuasion dialogues are meant to resolve) cannot always be most naturally cast in the form of arguments but sometimes conforms to another kind of inference, such as abduction, statistical reasoning or coherence-based reasoning. I have accordingly proposed the notion of a theory-building argumentation dialogue, in which the participants jointly build a theory that is governed by some notion of inference, whether argument-based or otherwise, and which can be used to characterize the object of their conflict of opinion. I then proposed some principles for designing systems that regulate such dialogues, with special attention for how these principles promote relevance and coherence of dialogues. Finally, I discussed two recent dialogue systems in which these ideas have been applied, one for dialogues over connectionist coherence graphs and one for dialogues over theories of causal-abductive inference. The discussion of the latter system gave rise to the observation that sometimes theories that are not argument-based must still be combined with logical argumentation frameworks, in order to model disagreements about the input elements of the theories.

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ISSA Proceedings 2010 – Vagueness Of Language And Judicial Rhetoric

1. Introduction

The purpose of this paper is to reflect on the relationships between the vagueness of language and judicial rhetoric. To this end, the discussion will be organized as follows.

1) I shall briefly analyse the vagueness of language, seeking to show its nature and characteristics. It will obviously not be possible to analyse all the various theories of vagueness. Hence the discussion will be restricted to a number of fundamental issues.

2) I shall then concentrate on legal controversy and on the logical method that regulates its conduct: that is, the rhetorical method. I shall expound the theory developed in Italy by Francesco Cavalla, according to which the rhetorical method is a rigorous logical procedure, structured in different and successive phases, and in which the rhetorician/lawyer must gradually persuade the audience to agree with his argument.

3) I shall thus analyse the various phases of the rhetorical method – which is a combination of topic, dialectic and rhetoric – to clarify how the rhetorician persuades the audience to agree with him and overcomes the objections of the adverse party. I shall pay particular attention to the relationship between rhetoric and truth.

2. The vagueness of language

The first thing that strikes one when studying vagueness is that it is not susceptible to a single definition. Various theories have sought to explain the nature of vagueness and each of them has furnished its own definition of vagueness. It is not possible here to examine these various theories (on which see Williamson 1994). However, there is a broad definition of vagueness which is presumably acceptable.

"Very roughly, vagueness is deficiency of meaning […]; there is general agreement that predicates which possess borderline cases are vague predicates" (Sorensen 1985, pp. 134-5). This can be understood very well if one considers the classic example of vagueness: that of the sorites paradox. What is it the exact number of grains of wheat necessary to form a heap? We do not know. In fact, if I pile up grains of wheat, a heap will be gradually formed. But I cannot know or say which grain of wheat is the one that changes the non-heap into a heap.

There is consequently an indefinite series of "borderline cases" that pertain both to the heap and the non-heap. The distinction is not clear; it is, as said, vague. We are therefore in the presence of vagueness when we cannot *exactly* state the objects to which the predicate applies and those to which it does not apply. "The vagueness of a predicate 'Fz' consists in there being no sharp distinction between the objects which satisfy it and those which do not" (Heck Jr. 1993, p. 201). Hence the vagueness of language entails a lack of precision.

The vagueness of language is therefore a problem for those who wish to construct certain and precise logical systems. It was so, for instance, for Frege

and Russell, the "fathers" of formal logic, who adhered to the principle that "logic only applies to non-vague predicates" (Sorensen 1985, p. 136). Formal logic, they maintained, must be precise and certain, and vagueness must be eliminated in order to formulate a non-vague language. Yet this is not possible; and today the idea that an absolutely non-vague language can be formulated has faded away. Let us see why.

The principle that "logic only applies to non-vague predicates" is untenable. In fact, it would "work" only if it were possible to distinguish sharply between vague terms (the terms to which logic may not be applied) and non-vague terms (those to which it may be applied). But distinguishing between vague and non-vague terms is impossible. It is so for the following reason.

The term "vague" means "not precise or exact in meaning". Not only, therefore, does it denote what is vague, but it is itself vague. But also the term "non-vague" is in its turn vague. In fact, according to the principle of compositionality, if a statement contains a vague term, the statement as a whole is vague. Hence, precisely because the lemma "non-vague" contains the term "vague", it is itself vague.

Frege and Russell's principle ("logic only applies to non-vague predicates") comprises the term "non-vague", which, as just said, is vague. On the basis of the rule stated by Frege and Russell, therefore, one must deduce that logic cannot be applied to their principle because it is vague. Which, however, is a problem; for this deduction would be possible if and only if logic could be applied to the principle itself.

But this is a vicious circle. The result is that "if logic applies to the statement, the statement is incorrect. If logic does not apply to the statement, then the 'restriction' is without force; for it has no implication as to what is ruled in or ruled out. Since a restriction must rule something out, the 'restriction' would not be a genuine restriction" (Sorensen 1985, p. 137).

Hence, because it is not possible to distinguish between vague and non-vague terms, it is also not possible to state that "logic only applies to non-vague predicates". One consequently understands why it is impossible to conceive of a non-vague language. Moreover, as shown, not only is vagueness impossible to eliminate but it is omnipresent in language. "Any type of expression capable of meaning, is also capable of being vague; names, name-operators, predicates, quantifiers, and even sentence-operators" (Fine 1975, p. 266).

My thesis in this paper, however, is that contrary to what the founders of modern formal logic believed, vagueness is not necessarily a negative characteristic of language. It is not necessary to eliminate vagueness to obtain a form of controllable and certain discourse. I maintain, in fact, that it is possible to "live with" the vagueness of language and to "work" with it. From this point of view, vagueness and precision are not mutually exclusive. One can instead attain a satisfactory exactness of language, and therefore of communication, without eliminating vagueness. This is made possible by dialogue.

2.1. Vagueness of language and controversy

As said, there is a very close connection between vagueness and dialogue – or, better, controversy. In effect, the impossibility of eliminating the vagueness of language always entails that something can be discussed and disputed. The fact that the terms which we use are semantically vague is one of reasons why disagreements arise. This may seem to be a negative factor. On the other hand, however, it is precisely because our language is vague that it is possible for people to discuss matters, seeking to achieve sufficient clarity for mutual understanding. And this is a positive factor. Hence vagueness at once causes and enables controversy and dialogue.

It might be thought that this does not apply in axiomatic-formal contexts, given that the distinctive feature of such contexts is the extreme precision and non-vagueness of the language used, and of the rules of inference applied. Nevertheless, apart from the fact that (as seen) it is never possible to eliminate vagueness entirely, some important considerations should be borne in mind. Symbolic-formal languages are indeed very precise. But they are so because they have been established by convention. But to establish a convention there must first be dialogue: the process by which the symbolic-formal convention to adopt is agreed and stipulated.

Hence, the logical-formal certainty of axiomatic systems does not eliminate dialogue; rather, it presupposes dialogue. Put otherwise: in axiomatic-deductive systems dialogue is suspended until it is decided renegotiate the agreed-upon stipulation – for instance to falsify a particular theoretical model.

From this point of view, therefore, the connection is confirmed between the ineliminability of vagueness and the ineliminability of the dialogue which precedes and follows the stipulatory moment. The implications for the relationship between rhetoric and the exact sciences are evident: even in

formalized and axiomatized contexts there is space for dialogue, and therefore for rhetoric. Perhaps, therefore, the "two cultures" are not as distant as modernity thought.

3. Vagueness of language and law: legal logic and rhetoric
We have seen what constitutes vagueness, why it cannot be eliminated, and the connection between vagueness and controversy. If, as just said, this connection is also decisive with regard to formalized contexts, one well understands the importance of vagueness in contexts where not a formal language, but a natural one is used.
The "weight" of vagueness is very apparent also in the legal domain, where a "technical" or "administered" language is used.
Of course, when discussing law and vagueness, it is first necessary to clarify the standpoint from which the law is considered. Here there is insufficient space to give thorough account of the diverse philosophical-legal theories that have dealt with the topic of vagueness (for details see Endicott 2000 and Luzzati 1990). Suffice it to point out, however, that the issue has been addressed differently by those who adopt a legal-positivism perspective, espousing an anti-realist epistemic conception of vagueness; those who adopt a natural-law perspective, espousing a realist epistemic conception of the vagueness; and those who adopt a legal-informatics perspective, espousing at times a semantic conception of vagueness.

For my part – although I cannot set out my reasons here (see Moro 2001) – I do not agree with any of these approaches to the law, all of which essentially share the idea that the law – regardless of its source – corresponds to a set of legal norms. My position, does not identify the law with its norms; and it is therefore at odds with those mentioned above. Known in Italy as the "trial-based perspective on law", this is a tradition of thought developed by Giuseppe Capograssi, Sergio Cotta and Enrico Opocher, and whose principal representatives today are Francesco Cavalla and his pupils working at the Universities of Padua, Verona and Trento under the aegis of the CERMEG-*Research Center on Legal Methodology*.
According to this legal-philosophical perspective, the *proprium* of the law is not the norm but the trial. Norms, however, are not excluded from juridical reflection. Rather, they are framed with the trial, which is a regulated form of controversy settlement (see Cavalla 1991 and Moro 2004).

The method which regulates and controls the discourses that develop during a trial (the discourses of the judge and those of the parties) is the "rhetorical method". Here, therefore, "rhetoric" is "legal logic": the logic that studies the criteria with which to regulate and to control legal discourse and legal reasoning (see Cavalla 2006).

It is necessary to distinguish this conception from those (however authoritative) which in the twentieth century sought to reinstate rhetoric as legal logic. There are important differences between the theories of, for instance, Perelman and Viehweg, on the one hand, and the theory of Francesco Cavalla on the other. For Cavalla (and for myself):

1 rhetoric is always a tripartite logical procedure consisting of topic, dialectic, and rhetoric in the strict sense

2 rhetoric is the distinctive form assumed by legal logic;

3 rhetoric – in accordance with the teachings of classical antiquity**[i]** – is the best means with which to ascertain the truth.

For Perelman and Viehweg persuasion is solely a psychological process, and argumentation has nothing to do with the truth. They maintain that "truth" is synonymous with logical certainty and concerns only the formal sciences.

But I believe that persuasion also has a logical validity and is consequently verifiable, *mutatis mutandis*, like a mathematical proof. It therefore only makes sense to talk of argumentation in relation to the truth. But what is meant by truth?

Here, by "truth" is meant "the non-contradictable conclusion of the dialectic between the parties to a trial conducted before a third and impartial subject" (Cavalla 2007, p. 23). From this point of view – given the indissoluble structure of topic, rhetoric and dialectic – the trial debate is, "more than a procedure, the essential principle of the legal order" (Manzin 2008, p.13), the crucial means to ascertain the truth.

Truth is therefore being talked about here; but in no way is the vagueness of language eliminated, because truth and the vagueness of language are not mutually exclusive. Vagueness does not rule out the possibility of producing a clear and univocal discourse that can be verified by legal logic and therefore said to be "true". Now let us explain how it is possible.

4. The characteristics of rhetoric: Francesco Cavalla' s theory

Firstly, drawing on a recent study by Francesco Cavalla – whose arguments are

set out in what follows**[ii]** – it will be useful to provide further definition of the nature of rhetoric and its purpose.

Rhetoric is a way to organize ordinary language (which is vague) using a method intended to substantiate particular conclusions. It concerns itself with persuasion. Persuasion is a fact: the fact that the listener agrees with the arguments of the orator. As said, agreement by the listener with the orator's arguments does not have solely psychological validity. Persuasion is not coerced agreement; it is not the result of an emotional choice. In this regard, Plato and Aristotle distinguished between sophistry and rhetoric, maintaining that true persuasion is the persuasion of rhetoric.

The persuasion of rhetoric ensues from a rigorous process of rational selection which uses the tools of topic and dialectic. In fact, the rhetorician topically selects the arguments that constitute his discourse. The listener then dialectically assesses the arguments of the rhetorician, considering their merits, discarding contradictory arguments and saving the logically valid ones. Such dialectical control is very stringent because it is founded on the principle of non-contradiction, which Aristotle called "the most certain principle" (Arist., *Metaph*, IV, 3 1005 b, 23)

Rhetoric is a procedure that moves through logically sequential and consequential phases. The rhetor must progressively obtain agreement on his arguments, overcome the audience's objections, and dispel every doubt concerning the definition of a certain occurrence.

Before examining what these logically sequential phases are, I must first clarify some characteristics of rhetorical discourse. This will aid understanding of the relationship between rhetoric and truth.

4.1. Rhetoric and topic: "possible discourse"

The rhetorician speaks in a dialogic-controversial setting where it is impossible to stipulate hypotheses and axioms. The starting points of rhetorical discourses are not axioms, therefore, but *topoi* or *loci argomentorum*. These are defined by Aristotle as opinions worthy of note because they are professed by the more authoritative actors in a certain setting. As such, *topoi* are "commonplaces" in that they are encountered and recognized by the people who act in that particular setting. The *topoi* constitute the historical, cultural or linguistic factors which condition the setting and therefore every argumentation within it. In law, for example, this role is performed by precedents, in particular those established by

the high courts, or by the most authoritative scholarly studies, or again by the law itself.

The discourse which starts from *topoi* – that is, the rhetorical discourse – has the initial status of a "possible discourse" (Cavalla 2007, pp. 21-44). It is in fact only "possible" that it will be accepted by the audience; it is not necessary that it will be so. Moreover, it is only "possible" because, although the *topos* signifies something, it does not rule out alternatives: normally, in fact, one rhetorical discourse is contraposed by another rhetorical discourse. An argument can always be opposed by another one, so that they contradict each other. This is controversy. Consequently, the finding of shared *topoi* is not enough for persuasion to come about. It is necessary to argue on the validity of the *topoi*, countering the criticisms of the other party, and then criticising the other party's arguments in their turn.
A "possible" discourse is therefore neither a "necessary" discourse nor an "impossible" one.

"Necessary discourse" is the type of discourse to be found, for example, in the conclusions of a mathematical proof, which, with its abstract determinateness, does not admit to alternatives. It is tautological and hence necessary: once the hypotheses have been selected and stipulated, the conclusion cannot but be the one that they implicate. In the case of a "possible discourse", by contrast, in is impossible to stipulate any initial hypothesis, and the conclusion may be different from that implicated by the *topoi* that have been chosen. The adverse party may therefore win the argument.

But "possible discourse" is not "impossible discourse" either. "Impossible discourse" is contradictory discourse unable to refer to anything determinate, and therefore unable to stand as an alternative to any type of statement. In effect, to recall the principle of non-contradiction, we may state that someone who at the same time, in the same regard, on the same subject, affirms and denies the same predicate, may be uttering words but he is saying precisely nothing. "Possible discourse", instead, refers to something determinate but which, by itself, in the topical phase, is still not a preferable alternative to the contrary discourses, which are just as "possible".

In judicial controversy, therefore, a clash arises between the "possible discourses" of the parties. The purpose of each party's discourse of to overcome

the objections of the adversary and to attack the discourse. The aim is therefore to have one's own "possible discourse" become the only one that is acceptable.

As long as a possible discourse admits to alternatives (the other "possible discourses"), it cannot lay any claim to truth. However, during the rhetorical procedure, it can be shown that the alternatives proposed by the counterpart are inconsistent. When this happens, the possible discourse ceases to be merely possible and becomes true.

This possible discourse will no longer encounter – in that moment, for that audience, for that time – any alternative. For the rhetorician will have shown that the alternative discourses are untenable. Hence, only one remains of all the initial possible discourses. And it must be accepted. The initial "possible discourse" will therefore no longer be just one discourse among others; it will be the only rationally valid discourse. Being recognized as such, it must be accepted by the parties.

4.2. Overcoming objections

Having clarified these matters, we may return to analysis of the rhetorical procedure. The rhetorician defeats his adversary through a sequence of steps in which he acquires increasing agreement with his arguments. These aspects of the discourse are its existence, its capacity to furnish a solution to the case, and its preferability to any other thesis.

As said, the first stage of the rhetorical procedure is topic: the first thing that the rhetorician must do, in fact, is determine the *topoi*. The *topos* is therefore the premise of the rhetorical discourse; and it is from the *topos* that the rhetorician must start in gaining agreement with his discourse.

When the rhetorician begins his argumentation, therefore, he must find the most efficacious *topoi*: those are most widely accepted. These are very useful because they make the discourse more easily recognizable by the listener, and therefore more acceptable. However, contrary to the opinion of some contemporary scholars, topic is not enough in itself. Finding the most efficacious commonplace, in fact, does not suffice for the purposes of rhetorical argumentation, because every discourse must subsequently undergo the scrutiny of the dialectic and the opposition raised by the adversary. Consequently, as every lawyer knows, having identified the favourable case law is not enough to win a trial.

There are numerous *topoi*, and they are of diverse types. It is just as well that

they are so, because the rhetorical discourse must be defended against the various kinds of attack that Francesco Cavalla calls "objections". According to the type of objection that the rhetorician encounters during his argumentation, he will have to choose the commonplace best suited to overcoming it.

The objections that the rhetorician may encounter can be broadly classified among the following four types:
objection by indifference
objection by ignorance
objection by generic doubt
objection by specific doubt.

As the rhetorician overcomes each of these objections, he obtains increasing agreement with his argument. These types of objections are now discussed.

4.2.1. Objection by indifference: aesthetic rhetoric

Objection by indifference is the most common type. It concerns the listener and consists in his lack of interest. It arises when the adverse party has not yet raised a specific challenge against the rhetorician's thesis but has instead simply ignored it.

Used to overcome objection by indifference and to gain the listener's attention is the variant of rhetoric which goes by the name of "aesthetic rhetoric". This consists in a series of actions intended to attract the listener's attention: a joke, a witticism, a studied gesture, a refined tone of voice, and so on. This is what is conventionally regarded as rhetoric *tout court* and gives it a pejorative connotation. Indeed, where rhetoric to stop here, it would be no more than sophistry; for it would be mere emotional captation, and therefore used with ill-concealed psychological violence.

4.2.2. Objection by ignorance: didascalic rhetoric

Instead, once the rhetorician has gained the listener's attention, he may be faced by the second type of objection – that by ignorance
Objection by ignorance arises when the listener to the discourse does not yet know whether its content is possible. In fact, at a first level, the rhetorical discourse may be contested either because the listener does not have the resources to understand the meaning of the conclusion or because he does not have the cultural wherewithal to substantiate it.

In this case, the rhetorician overcomes the objection and makes himself understood by means of "didascalic rhetoric". This consists in the use of all the devices – such as examples or figures of speech (primarily metaphors) – able to convey the sense of the rhetorician's discourse and to explain obscure or particularly complex arguments.

During a trial, this type of rhetoric is used in the presence of a jury with insufficient legal knowledge to understand complex points of law. Or it is used when highly technical scientific evidence requires the judge to apply specialist knowledge which he does not possess. In both cases, the counsel must explain the sense of his discourse and the meaning of expressions which the audience does not understand because of its ignorance. The counsel must therefore furnish the listener(s) with the specific knowledge that they lack so that they can understand the sense and reference of the argument: obviously, if they cannot understand what is being said, they cannot agree with the counsel's argument. Making them understand is therefore crucial (Quint., *Inst.*, VIII, 2 24).

4.2.3. Objection by generic doubt: the "peroration"

However, once the rhetorician has gained attention, and once the listener has understood the sense of the discourse, objection by generic doubt may be raised.
The listener is attentive; he has identified the argument to evaluate; and he recognizes its feasibility because he is now knowledgeable about its content. Nevertheless, he still does not have sufficient reasons to approve this argument rather than a different one. The doubt is "generic" because the listener does not have a specific alternative to oppose against the argument; yet nor does he have grounds to deem it preferable to its negation. The rhetorician overcomes this type of objection with what since Cicero has been known as "peroration", and which consists in further justification for one's discourse. In this phase, in fact, it is necessary further to specify the reasons why the premise proposed can resolve the case under discussion and is therefore preferable to others.

This phase is of central importance in regard to the theme of the vagueness of language with which I began. As said, it is by virtue of its vagueness that language can be clarified so that a discourse is made comprehensible. This happens at every stage of the rhetorical procedure, but it does so especially in the peroration.
The peroration stage is characterized by what has been called a "procedure by accumulation" (Cavalla 2007, p. 58), the purpose of which is exactly that of

reducing the vagueness of the discourse so that a univocal meaning can be constructed.

When the rhetorician perorates his cause, he fashions an "argumentative-semantic web" – so to speak – able to "capture" the meaning best suited to framing the case in question. The tighter the mesh of this web, the more it is efficacious, and the closer its nodes, the less room for manoeuvre will be available by the adverse party, who in his turn will seek to "free" the listener from the other's web and bring him into his own.

Metaphor aside, in this phase the orator must seek to connect the vague terms of his discourse so as to construct an association of concepts which "by intersecting with each other produce an overall message that comprises only one particular portion of the reality – i.e. the object of the communication – while everything that is extraneous is left at the margins" (Cavalla 2007, p. 37). This point is now explained in more detail.

4.2.3.1. "Generalization"

As we saw earlier, the extension of a vague term is uncertain, and vagueness can never be eliminated. Nevertheless, the vagueness of a term can be reduced by the concurrent contribution of another term, and then another one, and so on. The speaker must proceed until he has achieved the degree of clarity required to create a set of meanings worthy of approval because it unequivocally defines the specific case. This meaning construct is called "generalization" (Cavalla 2007, pp. 59-61).

A generalization is acceptable if it omits none of the properties that have been attributed to the particular case during the discussion, maintaining a relationship of inclusion with it – that is, presenting it as a sample of the series defined (Arist., *Soph. el.*, VI, 168a 22).

By way of example, consider the discussion during a criminal trial of legitimate self-defence. Like all legal notions, this derives from the criminal code, case law, and jurisprudence. Yet the notion is not precise, but vague: for were it not vague, there would be no discussion. Nevertheless, what constitutes legitimate self-defence is frequently discussed in criminal trials for the purpose of determining whether or not the defendant's behaviour was justified.

Hence, in pleading his case, the defence lawyer will seek to define what is meant by mitigating circumstance, by legitimate self-defence, by threat, by proportionality between threat and defence, and so on. These too are vague

concepts, so that the lawyer must take care to construct generalizations able to "comprise" the legitimate self-defence under discussion.

Yet anyone who frequents courtrooms knows perfectly well that whenever the defence counsel pleads self-defence, a new generalization must be constructed. There does not exist, in fact, either at general or particular level, *the* definition of legitimate self-defence which can be cited. There exist, in fact, different definitions of legitimate self-defence, and in abstract all of them are worthy of consideration: initially, all of them are "possible", but none of them is "necessary". What is meant by "possible discourse" thus becomes clearer: whoever believes that a definition which states all the characteristics of the object in question is the only one possible is mistaken. There are numerous alternatives: and since there are so many of them, the rhetorical procedure must demonstrate that only one of them is worthy of consideration because it is better than the others: it applies to the case under examination. One case is different from the next, so that it cannot be claimed *a priori* that there is a definition of legitimate self-defence which holds in all cases as an indisputable generalization.

If this were the case, we would be in the domain of necessary discourse – that of science. In effect, there is also generalization in necessary discourses. But the generalization of analytical-deductive discourses has universal value. It is characterized by the fact that what can be stated of a set of objects is all and only the properties of the class in question. When this happens, the presence of a defined series entails that the objects belonging to it have always, without exception, all and only properties of the series. Hence, in Euclidean geometry, for example, a "triangle" can be defined as a "polygon with three sides, the sum of whose internal angles is 180°". Yet any figure with these, and only these, properties is inevitably a triangle. Hence, whenever I encounter a polygon with three sides and with internal angles summing to 180°, I am certain without a shadow of doubt that it is a triangle. The matter is beyond dispute. Only to be discussed is whether it is intended to build another system: that is, another definition in which, for example, the sum of the internal angles is more or less than 180°. But in this case, I will have constructed another generalization – that of a non-Euclidean geometry – which will have universal value within that system of reference.

In rhetorical generalization, however, the rhetorician can never state all the properties of the series, because the generalization constructed, being typical of a

possible discourse, comprises some properties but inevitably omits others. This, therefore, is not a universal generalization (which "holds for all cases") but a particular generalization (which "holds only in this case"). In rhetoric, in fact, vagueness cannot be reduced by any sort of initial stipulation.

Hence the rhetorician must demonstrate that the particular case being debated has *at least* the properties listed in the generalization, and not others which at the time are not relevant or not in discussion. Thus, a particular event will belong to the series if it possesses at least those properties with which the series has been defined, developed, and made knowable.

To return to our example: *if* by legitimate self-defence is meant an otherwise criminal act committed because the perpetrator has been forced to defend himself or others against the threat of injury with due proportionality; and *if* the case in question exhibits at least these characteristics of necessary defence, proportionality between defence and offence, and the actuality of the danger – each of them clarified by a particular generalization –; *then* the case in question must be regarded as belonging within the series "legitimate defence", with the result that the accused must be acquitted.

This bears out what has already been said: the vagueness of language is not the negation of clarity (as the formal logicians thought). Precisely because language is vague, the different terms of the language can collaborate with each other to construct a sufficiently clear and unambiguous meaning. That is to say, construct a sufficiently exhaustive generalization.

However, as said, there are at least two parties to a legal controversy. There is never just one rhetorical discourse, never just one generalization in a trial. There are always at least two of them: the generalization constructed by one counsel clashes with that of the other.

4.2.4. Objection by specific doubt: dialectic and confutatory rhetoric

We thus come the fourth type of opposition – opposition by specific doubt. This arise when a discourse, however well-founded, is opposed by a contrary thesis which has another premise, equally sound and apparently well-founded, which at least at first sight can also reasonably claim to efficaciously frame the case in point.

It is in this last stage of the rhetorical procedure that we find the use of what was classically known as "dialectic", and which uses "confutatory rhetoric" to demonstrate, on the basis of common knowledge, that the contrary thesis is

untenable (Arist., *Soph. el.*, V, 167a 20-25).

To this end, the rhetorician may show that the adversary's discourse is based on a commonplace too vague for the case in question; or he may show that the adverse commonplace is clear but not relevant to the adversary's thesis; or again, he may demonstrate more specific fallacies or contradictions in the adversary's argument.

To return again to our example, if the defence counsel claims legitimate self-defence by the defendant, he invokes an institute whose existence requires the concurrence of several circumstances. Simultaneously present must be the necessity of self-defence, proportionality between defence and offence, and the actuality of the danger. Rhetorically, the defence counsel must construct a generalization able to show that the defendant's behaviour fulfilled all these criteria, which in their turn must be defined. But if the defence counsel forgets one of these elements (or is unable to demonstrate it), the prosecution will not find it difficult to prove the non-existence of legitimate self-defence and obtain a conviction.

In short, confutation consists in an assault on the other party's argument in order to demolish it. The rhetorician makes elenctic use of the principle of non-contradiction to demonstrate the unsustainability of the adversary's argument so that, between the two contending discourses, only his own remains. Thus the possible discourse eliminates its alternative. Hence, the alternative having been removed, the possible discourse attains the status of true discourse. If then, as may happen, the judge nevertheless does not recognize the truth of the rhetorician's discourse, the condition is in place for the sentence to be impugned, and therefore for the sustainability of the rhetorician's argument to be asserted elsewhere.

It is evident that meeting this fourth type of objection is indispensable. Overcoming the other three types of objections leads only to the dialectical phase. Dealing with the first three objections is necessary, but not sufficient. Moreover, the rhetorician may not necessarily encounter all four of the objections described. It may happen that he is heeded immediately or that it is not necessary to explain the terms of his discourse. What is certain, however, is that the need for confutation will always arise: it will never be the case that confutation is not necessary.

During a trial, therefore, every discourse, however well constructed and

appealing, will fail in its argumentative purpose if it does not overcome the dialectical opposition raised by the adversary. Just as rhetoric cannot do without the topic in order to state the premises of the discourse, so it cannot do without the dialectic to demonstrate the validity of the discourse.

In all cases, therefore – as suggested by the etymons of the Greek term *elenchos* and the Latin term *confutatio* – the rhetorician must raise obstacles against the adversary's claims while demolishing his defences. In this sense, even a mere procedural objection is authentically a rhetorical discourse: it demonstrates that the adverse party's argument is so weak that it does not even warrant discussion during a trial.

5. Rhetoric and truth

I conclude with a note on the term *"truth"*. When Francesco Cavalla discusses truth, he defines it as "instantaneous" (Cavalla 2007, pp. 80-84). As soon as a discourse is pronounced and recognized as true, it is liable to re-discussion and possible disproval.

Truth in this sense is not something that never changes, that is immovable and distant from experience. Rather, like experience, truth is always and constantly *"in motion"*.

From another point of view, we can also say that truth is a matter of quality and not quantity: there is no "partial truth" or "trial truth" that is inferior to a purported "material truth" or "factual truth". There exists only "truth": what may differ are the methods used to establish it. And the trial method cannot but be the rhetorical method, which is not inferior to that of the exact sciences.

NOTES
[i] The term "classic" or "classical" is used here not in the chronological sense but rather in a category-specific one. Hence "classical" denotes a thought able to maintain its assumptions and conclusions valid despite the march of time. This does not imply that a classical thought is indisputable: instead, when we debate a thought, we recognize it as classical because we again confirm its validity.
[ii] I summarize Francesco Cavalla's theory and expound his conception of rhetoric: all definitions used are taken from Cavalla (2007).

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ISSA Proceedings 2010 – A Semantic Structure For Points Of View: About Linguistic Constraints On Argumentation

With almost no exception, all the approaches of argumentation acknowledge that utterances and discourses of natural languages play a role in argumentation; this role, which can be called *"argumentative power"*, is often considered to comprise *argumentative orientation* and *argumentative force* (see, for instance, Ducrot 1973). Pieces of evidence that the structure of natural languages constrain the possible argumentative power of utterances and discourses have been discussed since the mid '70s, in connection with so called *'grammatical words'*, like connectives or operators, mainly (but not only) within the framework called *"Argumentation Within Language"* (AWL) initiated by Oswald Ducrot (see, for instance, Anscombre and Ducrot (1976), Bruxelles *et al.* (1979), Ducrot (1980), Kay (1990)).

Oddly enough, according to their initiators, these discussions seemed to suggest that, *because* natural languages constrain argumentation, semantics should be *'pragmaticized'*. In this paper, I will show that that suggestion is a mistake, even from the point of view of AWL, and that there are strictly-semantic constraints on the argumentative power of discourses, imposed by those language units. In addition, I will give more evidence that language units constrain argumentation in a very precise way, and will show that not only *'grammatical words'*, but also all kinds of usual lexical items impose precise constraints on the argumentativity of the utterances in which they appear. To achieve this aim, I will introduce two technical concepts related to the usual blurry notions of *point of view*, and *ideology*, respectively; though the aim of the paper is not to give precise definitions of these concepts, the discussion will give elements for such definitions. In any case, the relationship between argumentation and those two concepts will be clarified, leading to a precise characterization of what *semantic constraints on argumentation* could look like. Several practical consequences of this approach will be discussed and, in particular, consequences on the notion of metaphor and its role in argumentative discourses.

1. Marks of argumentation in languages: an old story re-told

At the end of the seventies, Ducrot showed that some so-called grammatical words, such as the French *peu* (*little*), *un peu* (*a little*), *mais* (*but*), etc. had to be described in terms of constraints on the argumentative power of the utterances of the sentences of which they are a part (*cf.*, for instance, Ducrot 1980). Typically, the argument is based on facts such as the following ones:

Original facts and first consequences

The difference between an utterance of (1) and an utterance of (2) in the same situation

(1) Max ate a little

(2) Max ate little

is not a matter of quantity eaten by Max

Among the very many evidences for that, is the fact that a disagreement between two observers may end up with

(3) Ok, he ate little but he ate a little

as well as with

(4) Ok, he ate a little but he ate little

none of them being contradictory…

What differs between the interpretations of utterances of (1) and (2) in the same situation is whether the speaker considers the quantity eaten as sufficient or not, *whatever that quantity is.*

In fact, (1) (weakly) suggests that Max can wait before eating more, but cannot be used to suggest that Max should eat more now.

On the contrary, (2) suggests that Max should eat more now, but cannot be used to suggest that Max can wait before eating more

Thus, the difference between "little" and "a little" cannot be expressed in terms of truth conditions, nor of reference, but rather in terms of argumentative orientation, or *points of view.*

Similarly, the difference between

A but B and

B but A,

as illustrated in the contrast between (3) and (4), is a matter of preference of the speaker and not a matter of truth or reference.

Examples of this kind could be multiplied infinitely and there is, of course, no point in invoking or consulting corpora for that matter: what has to be observed is the contrast between two possible interpretations, treasure that cannot be found in a corpus, exactly in the same way as gravity cannot be found in a basket of apples, even if they came from Newton's orchard...

As a consequence of these observations and of many others, the semantic description of a rather large set of words of natural languages (namely connectives and operators) must integrate constraints on the argumentative orientation of the utterances that may use them.

In order to take these facts and their consequences into account, Ducrot and some others thought they had to introduce the notion of *integrated pragmatics*. As a motivation for that move, Ducrot (1980, p. 72) says:

« Non seulement la valeur argumentative d'un énoncé est, dans une large mesure, indépendante de son contenu informatif, mais elle est susceptible de déterminer partiellement ce contenu. Ce qui amène à refuser la séparation entre sémantique, qui serait consacrée aux notions de vérité et la valeur informative, et la pragmatique, qui concernent l'effet, notamment l'influence argumentative, que la parole prétend posséder ».

Almost ten years later, Anscombre (1989, p. 13, footnote 3) insists:

« Nous réservons ce terme [« sémantico-pragmatique »] à la partie de la sémantique qui fait jouer éventuellement des facteurs d'origine pragmatique, qu'ils apparaissent dès le niveau de la structure profonde (la pragmatique intégrée que nous défendons avec O. Ducrot) ou non ».

Their erroneous reasoning can be reconstructed in this way:
a) Argumentative description belongs to pragmatics
b) Semantics must integrate elements of argumentation
Therefore
c) Semantics must integrate pragmatics

This reasoning carries two important errors which lead to the same:

- Since Morris (1938), semantics is construed to be the discipline which studies the relation between the signs of a system and what they mean within that system while pragmatics is the discipline which studies the relation between the sign system and its users in the situations where the signs are used. It follows from that that *semantics* and *pragmatics* are not observable entities but *constructed concepts*; and that they are constructed to be complementary: by definition of the terms, what is semantic is not pragmatic, and vice versa. Now, suppose we construct A and B such that that AÇB=Æ, and suppose that, at some moment, we believe FÌB; if we discover that $x such that xÎF and xÎA, then, there is no way to avoid cancelling the belief that FÌB. Re-designing the construction of A and B differently, in order to get a new-A and a new-B which be no longer disjoint, would not help: new-A would no longer be A and new-B would no longer be B...
- Except if P is a catholic dogma, and the believer is the Pope, the *belief* that P does not guarantee the truth of "P": it is then clear that, since the belief that argumentation belongs to pragmatics is not a catholic dogma, even if all of us were the Pope, that belief would not guarantee the truth of "argumentation belongs to pragmatics"… Again, if something supports the falsity of some belief, then, the belief *must* be suspended, and not the definitions changed.

The correct reasoning should go this way:

- We have just seen evidence which supports the idea that at least some aspects of argumentation must be described within semantics

therefore

- Not all aspects of argumentation can be considered as belonging to pragmatics: on the contrary, some of them belong to semantics.

We will now see that that conclusion is reinforced by the fact that words of all sorts of other kinds also constrain the argumentation of the utterances of the sentences which contain them.

2. Other marks of argumentation in languages: points of view as lexical roots of argumentation

The argumentative orientation, which is constrained by the words of natural languages, characterizes not the real world entities about which the discourses talk, but rather the way those entities are approached through those discourses**[i]**. These points of view imposed by the discourses had been observed by Mikhaïl Bakhtin at the end of the 1920s and were one of the motivations of his notion of *inhabited words*. Commenting on Bakhtin's thought on word dialogism, Tsvetan Todorov drew the attention on the fact that

« Aucun membre de la communauté verbale ne trouve jamais des mots de la langue qui soient neutres, exempts des aspirations et des évaluations d'autrui, inhabités par la voix d'autrui. [...] il reçoit le mot par la voix d'autrui, et ce mot en reste rempli. Il intervient dans son propre contexte à partir d'un autre contexte, pénétré des intentions d'autrui. Sa propre intention trouve un mot déjà habité. » (Todorov 1981, p. 77).

In particular, as the discussion below illustrates it, some words have the strange property of being such that, when used in an utterance, they are able to modify the word meaning of other words used in the same utterance. What they really modify is the point of view through which the object of discourse is supposed to be seen. Thus, if we consider, for instance, the meaning of the English word *friend*, we do not see, in principle, anything negative with it; however, very few people would have positive feelings towards Max's friends after hearing an utterance of (5):

(5) Max is rich : he must have a lot of friends

It appears clearly that the presence of the word *rich* is responsible for that

negative feeling towards Max's friends: the point of view triggered by "rich" is that of a certain power, degrading (if the reader forgives the moral negative point of view introduced by my use of this lexical item…) the meaning of *friend* to refer to a relation of profit. This way of explaining the semantic effect of (5) is reinforced by the strange effect provoked by utterances of (6):

(6) This baby is rich

in spite of the fact that (7)

(7) This baby inherited a big fortune

does not sound strange and that it logically implies (6): what is strange with (6) is not the fact or situation it refers to, but the *way* of referring to it (see Raccah 1998 for a contrastive discussion of Spanish *Rico* vs. French *Riche*).

Since (7) logically implies (6) and utterances of (7) do not provoke any strange effect, while utterances of (6) do provoke a strange effect, in order to account for the contrast between (6) and (7), we clearly have to rule out, without possible discussion, the possibility of a correct truth-conditional description of the semantics of words such as *rich*, even for sentences and phrases without connectives or operators. As the reader can easily realize (for instance, opening an English dictionary), the case of *rich* is not a hapax. Altogether, the different linguistic data allow to generalize what was said about *rich* and strongly suggest both that (i) at least a part of the semantic description of words and phrases must directly evoke their role in the argumentative effect of their utterances, and (ii) that such a description, at least in the numerous cases observed, must be based on constraints on the points of view that the utterances may evoke.

If we see argumentation as suggesting or imposing points of view and relations on points of view, these two prescriptions yield to a semantic conception of argumentation**[ii]**, based on linguistic constraints on points of view: the *ViewPoint Semantics*. In such a framework, as we will see in more details, the so-called grammatical words impose constraints on the relationship between points of view, while other words impose the points of view through which the argumentation of the utterances will be built.

Before going into some technical aspects of the construction of utterance argumentation, it may be interesting to consider a few properties concerning points of view, culture and ideology.

3. Points of view, culture and ideology

a) The points of view carried by words, which combine to yield to the argumentation of utterances are *implicit*: they are not the object of the discourse, but are necessary to accept (perhaps very provisionally) in order to *understand* the utterance. For instance, a non English speaker who did not associate *power* with the English word "rich" would not understand properly utterances of example (5).

b) Some points of view are imposed by all occurrences of a word belonging to the lexicon of a given language. They are part of the common culture of the speakers of that language.

They are said to be *crystallized* in the word, or *lexicalized*. The point of view discussed in connection with example (5) belongs to that kind. However, some points of view are imposed only in some discourses containing a word, but not in all of them: the hearers of such discourses, especially the ones who do not share the points of view those discourses impose, understand them to belong to the speaker's *ideology*. Examples (8) and (9) below illustrate this point. Utterances of (8):

(8) John is a republican but he is honest

generally force the hearer to accept (at least provisionally) that, in general, republicans are not quite honest (this is why some utterances of (8) may provoke aggressive reactions among republicans...). However, this is not a property of the English word "republican", since utterances of (9):

(9) John is a republican but he is dishonest

which force the hearer to accept (at least provisionally) that, in general, republicans are rather honest, is also understandable. It follows that, contrarily to what happens with "rich" and the point of view according to which possession gives power, the English word "republican" does not impose the point of view according to which republicans are not quite honest (nor the opposite one, for that matter). Hearers of utterances of (8) or (9) understand that their speakers speak out of their ideological standpoint; the farther they are from that standpoint, the easier it is for them to understand that...

Since they are not situation-dependant, the points of view which are associated to all occurrences of a word must be described in the lexicon of the language; those which are associated with only some of them are related to specific ideologies and must all be excluded of the lexical description.

c) When a point of view really belongs to a word of some natural language, then,

discourses using that word, even if they express some opposite point of view, clearly acknowledge the lexicalized point of view. Example (10) illustrates that point:

(10) Me gusta el bochorno (*I like scorching heat*)

Understanding an utterance of (10) implies understanding that what the speaker says (s)he likes is a kind of heat which is normally disliked: though utterances of (10) express a positive point of view towards that kind of heat, the negative point of view lexicalized in the Spanish word "bochorno" is acknowledged by them.

4. From lexicalized points of view to argumentation

Reminding that the concept of *point of view* used in this paper is intended to grasp *the way entities about which the discourses talk are approached through those discourses*, I will now sum up the explicit and implicit properties which, according to what has been stated, a 'viewpoint calculus' must meet in order to fulfill the tasks assigned to it (*i.e.* account for the argumentative properties of a discourse, through a semantic calculus on the lexicalized points of view). We will then see two additional properties of points of view, which will be of great help for that 'calculus'.

1) The point of view of a word must be able to 'propagate' (within the linguistic unit of which it is part) in order to contribute to the argumentation of the utterances

2) However, the point of view of a word must not be necessarily that of its utterances

3) Though it must leave a trace in the argumentation of the utterance, even when they are distinct

4) Constraints on argumentation must be expressible in terms of relationship between points of view

5) Relations between discourse points of view must be able to express ideologies

6) Relations between word points of view must be able to express cultural items

7) Some words impose points of view on what they refer to

8) Other words (connectives, operators) impose constraints on the possible points of view expressed by the parts they connect, or on which they operate

The requirements summed up above seem hard to meet, especially the first three points. However, two interesting properties of points of view will help build an appropriated descriptive system.

The first property can be stated as follows:

P1: *Some points of view are mere positive or negative judgments about an entity*

These *elementary* points of view are completely determined by the pair <entity, *good*> or <entity, *bad*>. This is the case with the point of view imposed by the word "honest", which is completely determined by the pair <behavior, *good*> (while the point of view imposed by "dishonest" is completely determined by the pair <behavior, *bad*>)

The second property of points of view can be stated as follows:
P2: *A point of view on a certain entity can serve as a bias to view another entity*

We will shortly see why this property is important in order to meet the requirements: let us first see why this property is true of all points of view (actually, we will only *illustrate* here the property and *suggest* why it is true...). Suppose we accept that power is good, that is, suppose we see *power* as *good*. Now, if we accept that possession brings power, that is, if we see *possession* through the *power* it brings, we then see *possession* as *good* (and, obviously, the converse is true if we see *power* as *bad*).

The combination of these two properties allows building chains of embedded points of view, whose most embedded item is an elementary point of view. In such chains, the value (*good* or *bad*) contained in the most embedded point of view spreads up to each of the embedding sub-chain, and marks the chain itself (the recursive definition of these chains is unchanged with respect to the one proposed, in Raccah 1990, for an earlier version of the descriptive system). The point of view imposed by the word "rich" illustrates this phenomenon: according to whether one activates the elementary point of view

<power, *good*>

or the opposite elementary point of view

<power, *bad*>

one can build two different chains for the point of view imposed by "rich":

either <possession, <power, *good*>>

or <possession, <power, *bad*>>

It is interesting to note that these two chains characterize two different uses of the word "rich" which are actually attested. These uses are often considered to be pragmatic variations, but, since we now have a way to treat them systematically at the level of the lexicon, nothing prevents us to describe the word "rich" with two different meanings, related to the two different chains. Obviously, many other words would then happen to be ambiguous, for the same reason...

Whether there is a limit in the length of the chains which might be associated to the words of a given language, is an empirical question which has not been answered yet (the answer needs not be the same for all human languages). Among the five languages about which the author may claim to have semantic intuitions, no chain greater than 3 has been found.

5. Conclusion(s)
As a conclusion (or as a set of conclusions...) I will sketch several theoretical and practical consequences of this approach to semantics and to argumentation.
a) On the analysis of cultures and ideologies
From a strictly linguistic perspective, both ideology and culture express themselves, in discourse, through implicit points of view: in spite of the difference we may strongly feel between the two notions, they are linguistically undistinguishable. This is not as surprising as it seems: if they were linguistically distinguishable, there ought to be linguistic markers of ideology and/or linguistic markers of culture; these markers would certainly be very useful to anthropologists, ethnologists, knowledge engineers, sociologists, etc. but, unfortunately (?) they do not exist... The distinction relies on extra-linguistic knowledge or beliefs of the observer (anthropologist, linguist, knowledge engineer, or else...).

However, observers normally know when they are studying ideology or culture: what they need is a way to determine the content of that ideology or of that culture. If the semantic analysis of discourses and texts can exhibit the implicit points of view with which they are committed, then knowledge management, cultural studies and ideological studies receive a great empirical help. And this is precisely what the framework presented here does (see Chmelik 2007 for more on ideology within this framework).

b) On communication: getting rid of the conduit metaphor...
Most linguistics teachers still present an obsolete model of linguistic

communication, the 'conduit metaphor' (*cf*. Reddy 1979) as the base of any semantic work on human languages: according to that model, usually presented as Jakobson's model, linguistic communication would consist in encoding, transmitting an then decoding some message. All of the linguists I have talked with confess they know that that model is wrong (some of them even know that the aim of Jakobson was to try to better that model, which was not created for linguistic communication but for signal transmission…), but they keep teaching it because, as they say, there is no better alternative… Without commenting on such attitude, it may be interesting to inform them that the model of communication underlying the framework presented here *is* an alternative to the 'conduit metaphor' (see Raccah 2005 for a discussion on the subject).

The conception of linguistic communication underlying the ViewPoint Semantics does not suppose any encoding or decoding, nor transmission of anything (but sound…): it considers speech as a tool to have the hearer adopt the points of view that the speaker wants him/her to adopt. The most appropriated metaphor which would sketch this conception of communication would be that of *manipulation*… Contrarily to the 'conduit metaphor', the 'manipulation metaphor' does not suppose any 'message' which the speakers intend to 'convey' to the hearers' mind: discourses are seen as tools which are used by the speakers in order to have the hearers adopt the points of view the speakers intend them to adopt. The language units which are uttered by the speakers instruct the hearers to build and relate points of view: though the hearers can reject part or all of these constructions afterwards, their ability to understand the language in which the discourses are uttered forces them to consider those points of view and relations.

c) On metaphor: getting rid of the notion of metaphor in semantics
The notion of metaphor, which is rather useful in literature, begs the question in semantics: if, in a metaphor, the metaphorical word changes its meaning, then there is no longer any metaphor… Obviously, a careful discussion of that problem would need at least a long paper on that subject (see Schulz 2004 for an example of such a discussion); I will only say a few words here about how the problem can be avoided.

In the ViewPoint semantics framework, since words introduce points of view, the metaphorical effect of some combination of words can be explained by a gap between the points of view activated by those words (see Raccah, forthcoming, for a detailed description).

This reconstruction of the metaphorical effect has two additional advantages: (i) it explains why metaphors can die (the gap narrows when it is no longer surprising), and (ii) it predicts that, though not all utterances are argumentations, all metaphorical utterances *are* argumentations (they impose a specific point of view on what they speak about). This prediction is interesting because it is falsifiable (though it hasn't been falsified yet) and may, thus, be useful to test the framework.

NOTES

[i] If the reader finds a similarity with Frege's distinction between *Sinn* and *Bedeutung* (sometimes translated into English by *meaning* and *reference* respectively), I would have no objection, on the contrary: my interest for the semantics of argumentation is, actually, rooted on my study of Frege (and, in particular, of Frege 1892). Frege's nowadays classical example *Abendstern* vs. *Morgenstern* (*evening star vs. morning star*) illustrates the fact that identity of reference is not identity of meaning and that, in the latter, one has to consider the *way in which* the former is accessed (*Art des Gegebenseins des Bezeichneten)*. The way in which the referent of a discourse is accessed by the hearer is indeed influenced (or partially determined) by the point of view (s)he has. The example of the morning/evening star illustrates that very nicely...

[ii] From what has been said so far, it should be clear that what the expression *"semantic conception of argumentation"* refers to here does not suppose that *all* of argumentation is semantics: acknowledging that some aspects of the argumentative phenomena do belong to semantics, we use the quoted expression to refer to the study of these aspects.

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