

# ISSA Proceedings 2010 - Polemical Discourse On The Net: “Flames” In Argumentation



Studies in CMC have investigated the phenomenon of “flame” and “flaming”, understood as aggressive and hostile interactions via email and online discussions. While borrowed from popular discourse, the notion has been the object of various inquiries in communication studies and social psychology, raising questions such as its exact definition, its exclusive or non-exclusive belonging to online communication, its socio-psychological sources and its functions in virtual interactions. In this paper, unlike most of the scientific literature rooted in the social sciences, I will adopt a broad argumentative approach to flaming, analyzing it as a discursive and argumentative phenomenon pertaining to polemical discourse. I will borrow my case study from a specific online genre: talkbacks and, more specifically, ordinary citizens’ debates concerning public affairs in electronic newspapers.

I will first devote a short section to the notion of flaming in the social sciences in order to see how it can be translated into the field of argumentation. I will then try to integrate it into a coherent theory of polemical discourse in general, and of online controversy in particular.

## *1. The contribution of the social sciences*

Flaming has generally been viewed as an uninhibited and deregulated verbal behavior including swearing, insults and profanity, which would tend to appear more often electronically than in FTF (face-to-face) interactions. Studies on CMC have been mostly preoccupied by the damage caused to human relations by interactions on the Net. The causes of flaming have been attributed either to lack of social cues supposed to favor disregard of accepted norms of behavior; or to a specific computing subculture allowing for unconventional and irreverent verbal behavior. The persistent assumption that flames are specific to online communication has been severely challenged by later research. Lea et al. (1992, pp. 108-9), among others, argue on an experimental basis that “the putative association between flaming, uninhibited behavior and CMC is unproven”. O’Sullivan & Flanagin (2003, p. 71) “situate flaming within the context of

problematic interactions online and offline”, rather than seeing it as a characteristic of virtual space. Thus research in the social sciences does not confirm that inflammatory remarks in verbal interaction are either exclusive to, or even more frequent on, the Net. The phenomenon in virtual interactions does however have features to be explored in their specificity.

Let us start with a question of definition. It has frequently been remarked upon that flaming is a rather vague notion that needs further specification. While “uninhibited behavior” remains a general phrase, it does, however, point to lack of restraint and to the transgression of social norms of interaction. But in order to better circumscribe the notion, it seems necessary to relate this lack of restraint to hostility. In Kayany’s view (1998, pp. 1137-8), “flame can be defined as an uninhibited expression of hostility, such as swearing, calling names, ridiculing, and hurling insults towards another person, his/her character, religion, race, intelligence, and physical or mental ability”.

Does it mean that any outburst of verbal violence online constitutes in itself a flame? It is important, in this domain, to distinguish between mere use of profanity, and hostile reactions stemming out of a conflict and contributing to its escalation. Indeed, uninhibited behavior, namely, breaking ordinary norms of verbal conduct, can result in uncontrolled and purposeless verbal violence; it can thus be viewed as a mere transgression of norms pointing to a problematic interaction (O’Sullivan & Flanagan 2003, p. 85). However, a phrasing such as “the tendency to react more critically and with greater hostility over this medium leading to an escalation of conflict” (Rice & Steinfeld 1990) has the advantage of emphasizing hostility as expressed in an agonistic discussion where dissent prevails. It allows for distinguishing between gratuitous use of profanity, or verbal violence per se, and the frequent use of flaming in a situation of agonistic exchange.

The intrinsic polemical nature of flaming is supported by the results of an experimental research conducted by Thompsen & Foulger (1996), where the nature of flame has been determined through a five-stage model consisting of (1) Divergence of opinions (2) Disagreement (direct reference to opposing positions and discussion) (3) Tension (attacks and counter-arguments) (4) Antagonism (attacks upon the opposing participant and ad hominem to undermine his credibility) (5) Profane antagonism (engaging in overtly hostile, belligerent behavior “while often ignoring the original issue of divergence” (pp. 228-9). In an experiment led along these lines on the perception of flaming, it turned out that

the latter occurs only at stage 4, in messages showing antagonism, with a small but substantial effect of profanity (stage 5). "Based on these results", the authors conclude, "we suggest that a message is perceived as a flame when it expresses antagonism toward another participant" (p. 238).

Now, in a debate on a public issue, venting emotions and expressing aggressiveness are part of conflict management. In other words, flaming participates in the violent confrontations of antagonistic views that build up political controversy. In opposition to the theories that exclusively attribute flaming to the nature of the medium, Kayany (1998, p. 1137) attributes flaming in Newsgroups, defined as a "meeting place for people who share similar cultures and geographic origins, but are scattered in different parts of the world", to a political, cultural and religious context. It entails that flaming appears as the expression of social and political conflicts exterior to the Net, and is not a direct result of the medium. The cultural, socio-economical, and political tensions that characterize a given society account for the passionate expressions of dissent to be found in the virtual space. In this perspective, online debates have much to tell about the divisions and antagonisms that make up our democratic societies. At the same time, these conflicts are dealt with in a particular way in the semi-public space of the talkbacks, and it is important to analyze the modalities of their management in the framework of virtual communities in order to better understand the specificity of the latter and the function of online interactions.

This leads us to the question of normative behavior in the psycho-sociological perspective. According to Thompsen, "a 'true flame' is a message in which the creator/sender intentionally violates interactional norms and is perceived as violating those norms by the receiver as well as by a third-party observer" (Thompsen 1993, p. 85). The speaker has to intentionally and consciously break the rules; the receiver (and the observer) has to interpret her verbal behavior as a deliberate violation. The main point here is that aggressiveness, attacks on the addressee, and verbal violence are perceived as behaviors breaking the rules of civility. The idea that flaming is a non-normative and harmful behavior is rejected by other scholars such as Lea et al.; they propose "an alternative explanation that views instances of flaming as normative behavior that takes place within a social context that is pre-defined or communicated via the medium" (Lea et al. 1992, p. 109). In other words, flaming occurs when "a social group becomes salient that includes uninhibited behavior among its norms" (p. 107). Even if the explanation in terms of wishful belonging to a group favoring uninhibited behavior may look

somewhat unsatisfactory, it sheds light on the possibility that flames could result from a use of verbal violence fulfilling social functions. In this perspective, they are not mere transgressions but part of interactional routines (be it unconventional and irreverent routines) in given groups.

## *2. Flaming in a discursive and argumentative perspective*

How can we make sense of the insights developed by the social sciences in argumentation theory? One possible move would be to examine flaming in terms of fallacies. It is obvious that outbursts of feelings like anger or indignation, and contemptuous dismissal of the other's point of view, cannot but distort rational arguments leading from premises to a conclusion, and break the pragma-dialectical rules for critical discussion[i]. The analyst would thus be committed to condemning the phenomenon or to finding ways of avoiding it. We rather suggest to analyze the occurrences of flaming in talkbacks and to investigate how it actually works in online political discussions. Suspension of judgment, and effort at accurate description of the data in terms of discourse, will precede any critical consideration.

As a starting point, and drawing on the elements provided by our short review of the literature in the social sciences, we will link flaming in electronic discussions on public affairs to controversy, and view it in an argumentative perspective. Instead of seeing it as an uninhibited behavior, thus emphasizing socio-psychological and behavioral aspects, we will define flaming in socio-discursive terms by relating it to polemical discourse. As an integral part of polemics, it is understood as a discourse - in this case, an online interaction - consisting in a strong confrontation of antagonistic stances, where each speaker aims at discrediting her opponent in the eyes of a third party and often uses various forms of verbal violence in her attacks (Kerbrat-Orecchioni 1980). It refers to a peculiar way of conflict management in the framework of online controversies, where it appears as discrete verbal outbursts in the unfolding of an otherwise non-violent discussion. Thus redefined in the framework of polemical discourse, flames will be spotted and analyzed in two French newspapers' talkbacks, the electronic version of the leftist *Libération*, on the one hand, and of *Le Figaro*, a right-wing paper, on the other hand. They present many heated debates on the government bill concerning the reform of the legal retirement age and the huge demonstrations organized by the unions on June 24, 2010.

In these talkbacks, flames seem quite normative: they are frequent, predictable

(they follow tacit rules) and do not disrupt the flow of the online exchange. It is important to emphasize the conditions of these electronic interactions: the participants freely elect a particular website, choose the topic and the specific article they want to react to, and can withdraw at any moment. It follows that recurrent engagement in passionate and violent controversy is not only the effect of a free choice; it also looks like one of the benefits offered by talkbacks on public issues. No doubt, flaming is, by definition, a transgression of politeness rules - there is no flaming if the post is not intended and received as an aggressive attack on an adversary, thus violating the norms of polite interaction and the ethics of discussion, or the rules of rational debate. However, it appears that this practice does not make it deviant and unbearable in CMC, nor does it seem to undermine the willingness of the participants to engage in online debate. It rather appears as a routine partaking in the talkback's agonistic exchange of views.

Let us first emphasize that the discursive elements of this routine are related to argumentation in two different ways.

- They use arguments[**ii**]
- They rely upon arguments circulating in the global social discourse (or interdiscourse) without reformulating them

At the same time, they make use of insults or profanity and punctuate exchanges of antagonistic views with verbal violence.

### *2.1. The use of arguments*

#### (a) the rule of justice

The attack upon the demonstrators, often turning into an attack upon civil servants (the "fonctionnaires"), is based on the rule of justice (Perelman and Olbrechts-Tyteca 1969): the same privileges should be granted to all French citizens, who are equal by definition - namely, to the public and the private sector:

please explain to me why state employees, secretaries, office clerks, administrative directors, demonstrate against retirement at age 62, whereas a worker in the assembly line, a metalworker, a worker building houses or roads, all suffering from atmospheric conditions, or the awful heat caused by combustion of materials, furnaces, exposure to chemical substances, cannot retire at 55? Militaries and policemen are entitled to retire after 15 years of activity!!!! Where is justice? Some retire as fresh as a daisy, while others have no time to take any advantage of it [...]

Le 24/06/2010 à 23:10 (Figaro)

(b) the ethotic argument

Concerning the much criticized approval of the government bill on the legal retirement age by Rocard, the elderly former PS Prime Minister, we find ironic refutations of his incompetence based on his prior ethos and reputation:

msoke (21)

Inscrit Libé + Suivre cet internaute | Profil

Freedom of expression on the left wing is great

Yes, you are absolutely right, having been deputy, Minister of Economy gives him no legitimacy whatsoever to talk about public finances

Thursday June 24, 12h42[...]

[...]

Jeudi 24 juin à 12h42

Signaler au modérateurRépondre

globule007 (244)

BA in the Humanities, Political Sciences, ENA, inspector of Finances, deputy, Minister, Prime Minister ...

Indeed, he is a beginner but he learns fast doesn't he?

(c) Use of dichotomies

mailmailo (2121) (reacting to Prime Minister Fillon's discourse on June 25, on the government's determination to pursue the reform made indispensable by demographic problems)

Démographi-cons!

I can't believe my ears! [...]

Who are they laughing at?

When we know that the financing of retirement is a matter of political choice!

Actually, it is quite simple.

Who is paying?????

Kapital and/or work!!!

Friday, June 25, 16h40

## *2.2. Flames based on argumentation circulating in the interdiscourse*

As a rule, the protest relies upon shared arguments that are widely circulated in the current social discourse. Repeated again and again in the public sphere, a

given reasoning becomes self-evident: it underlies the discourse even when erased from the actual utterance. Sometimes, it is formulated by some of the internet users in the debate, while the same arguments remain implicit in other posts. This is the case in these two examples of criticism on Rocard's position, relying on the idea that postponing the legal retirement age severely affects the workers' rights and welfare while sparing the riches, thus contradicting the Socialist Party's ideology and mission:

tothony (65)

Inscrit Libé +Suivre cet internaute | Profil

ATTENTION

I think that even the socialists who are in favor of postponing the legal retirement age cannot support the government's bill. Because the reform is based only on that, without any other resources... People on wages are the only ones to suffer. To put taxes on bonuses, stock options, banks, is no utopia. It is practical. In this case, to put finance at the service of our pensions. But the government does not demand anything of the rich anymore... Thus it is the government that mistakes its enemy. This postponing of the legal age cannot be supported today by a leftist, since everything relies on that.

Thursday, June 24 juin, 11h47

marsouin55 (512)

Inscrit Libé +Suivre cet internaute | Profil

Two-faced bastard

Rocard what a hazard

What's it got to do with him this sir let him go back to his kitchen garden and leave ideas to those still able to think... not like him who is seriously going astray by supporting a right wing politics: everything for the rich, nothing for the poor!

The argument developed by participants such as Tothony provides Marsouin with a basis on which his vehement protest is built. He hints at it without caring to repeat it. Since the argumentative schemes that justify the outcry widely circulate, the indignation and the outrage expressed by posts that do not develop arguments appear to be grounded in a tacit rather than absent rationale.

### *2.3. Forms of electronic flames in the argument-based posts*

Whether built on explicit arguments or grounded in an implicit, underlying reasoning formulated elsewhere, the posts that emphasize common emotions give way to flames. They consist of blunt attacks expressed by various means:

arguments ad hominem, insults, irony and sarcasm, use of profanity, etc. In certain contexts, some of them are quite predictable. Thus, Thomine (1087) notices about Rocard on Libé:

Without reading the comments

From the honorable libé internet users, I can bet we will find the following qualifiers:

Sold out, senile, traitor, how much did you get,

In short, nothing but vehement commentaries

Indeed, internet users make sarcastic remarks about Rocard's being senile and thus demonstrating by his own example the necessity of early retirement. Arguments ad hominem describe him as a "raving" old man (il "déraille," meaning both that he has left the right track, namely, the way of the left, and lost his reason). Rocard is also presented as a disguised right-wing politician:

(6) gasgas (275)

Inscrit Libé +Suivre cet internaute | Profil

Well done Rocard !!!

The very day of the big demonstration against the bill on retirement, Rocard gets out of the woods saying that the Socialist party makes a mistake on this file. In other words: Sakozy and his Minister Woerth are right. We are waiting for Rocard to join the present government. It would be logical

[...] Thursday June 24, 11h53

In their attacks ad hominem, the posts are insulting in tone:

roger34 (2210)

Inscrit Libé +Suivre cet internaute | Profil

Rocard

A guy that never had any use whatsoever! To the scrap yard, fatty!!

Thursday, June 24, 16h02

The following exchange shows not only the use of profanity, but also its acceptance as a rule of the game:

dupognon (224)

Inscrit Libé +Suivre cet internaute | Profil

rocard connard (Rocard idiot)



Really he makes me sick this agonizing disgustingly servile guy already with the carbone tax then he says amen to all that Sarkozy wants. Is true than when you are gaga the soup is easier to swallow. He is the traitor

Thursday June 24, 20h30

Signaler au modérateurRépondre

sherazad (2950)

Inscrit Libé +Suivre cet internaute | Profil

dupognon

Nice rhymes, it's true what you say

Thursday June 24, 20h27

Inflammatory remarks are also directed against groups, such as civil servants (in Le Figaro's posts):

dany HL Le Figaro Thursday June 24, 11h57

The civil servants' unions are ready to block the whole economy of France by going on strike, thus sacrificing the livelihood of millions of their fellow citizens to force them into further supporting their pensions. They want, by their egoism and lack of civic responsibility, to go on benefiting from the privileges they have obtained during decades. They have in the same way blocked the whole country by national strikes at the end of 1995 in October 2007. And none of the governments had the guts to set up the rest of the Frenchmen, namely the majority of the population, against these egoistic civil servants belonging to the trade unions and their ideology of depending on the State and exploiting it, those civil servants who live at our expenses for decades.

25/06/2010, 01h49

### *3. The roles of flaming in the making of a virtual community*

It thus appears that flames are not only attacks upon the addressee: on the Net, they are often aimed at a third person or a group that becomes a privileged target. Such a practice of acerb and aggressive criticism greatly contributes to consolidate the virtual community by uniting it against a common enemy. It reinforces the internet users in their convictions and integrates them in a group where they join forces to attack a common target, but also to share hopes and instigate collective action. The discredited opponent (the Sarkozy government, state employees, Rocard, etc.) is completely evicted from the dialogue, so that no negotiation with him is possible. In the talkbacks examined in online papers such as Libération and Le Figaro, we find a strong tendency on the part of the internet

users to create and support a community of protest.

A second form of flaming consists in interactions between internet users. I have shown elsewhere (Amossy 2010b) that the framework of the medium and the genre (talkbacks) encourages a blend of political debate pertaining to the public sphere, and of personal quarrel resulting from the Net's "conversationalisation" (Fairclough's notion [1992] pointing to the tendency of dealing with public affairs like in a private conversation). Some interactions sound like uninhibited exchanges between people familiar with each other (which is also made possible by the fact that the internet users have an interactional history on the Net):

sterne (5831)

Inscrit Libé +Suivre cet internaute | Profil

rocard

Hey look a socialist who is less an a...hole than the others... to be noticed ... it's getting more and more rare...

Thursday June 24, 12h03

vaderetro (479)

Inscrit Libé +Suivre cet internaute | Profil

Sterne

Hey, look, the house reactionary is still there... ?

Good luck for the future, because it will get harder and harder for people like you

Thursday June 24, 12h09

darkside92 (121)

Inscrit Libé +Suivre cet internaute | Profil

Is this all you've got to answer? To call people reactionary? You don't have anything better? It shows the depth of your analysis as well as the tolerance you exhibit!!!

Thursday June 24, 12h13

vaderetro (479)

Inscrit Libé +Suivre cet internaute | Profil

darkside...

Aie aie

Be careful you are going to cause an explosion!

Between us to say that those who call all the socialists idiots are assholes does not seem excessive...

Have a good day!

Thursday June 24, 12h24

The metadiscourse points to the nature and relevance of flames. Whereas Darkside blames the lack of argumentation inherent to the use of insults (a refusal to bring a valid refutation) and the lack of openness to dialogue (a refusal to take into account the opinion of others), vaderetro justifies the violence of the expression both because it is a reaction to a shameful insult directed at a respectable political party, and because it addresses an internet user who is herself recurring to flaming. But the main point here is that when participants direct flames at each other, they create an atmosphere of mutual hostility where everyone is invited to fight the addressee and (verbally) knock her out. Instead of a reinforcement of friendly relationships, we find a deepening of tensions and an escalation of conflicts rooted in the previous socio-political positions of the internet users. It thus appears that rude and unpleasant confrontation is part of the talkback routine and paradoxically contributes to the making of the virtual community.

In this respect, two elements have to be here emphasized. The first is that the exacerbation of agonistic confrontation between internet users plays a role in the construction of a united group whose members can find comfort in their common fight and encourage each other. This is what happens in the following posts of internet users who attack an attempt at justifying Rocard, and unite in a common fight:

urion (255)

Inscrit Libé +Suivre cet internaute | Profil

AT LAST a true socialist!!

Rocard shows once more the road to what should be a modern Socialist party. Thanks Mister Rocard and bravo. The simpletons who are of course going to throw their stupid posts will scream but as they are uneducated idiots it does not matter. Other PS personalities who do not dare yet talk like Mr Rocard will do it and it is a chance for our country. Once again bravo and thanks Mr. Rocard

Thursday June 24, 11h50

zythum (6657)

Inscrit Libé +Suivre cet internaute | Profil

urion

Well at last a true socialist ... of the right wing

Greetings from the simpletons ☐

Thursday June 24, 11h50

vaderetro (479)

Inscrit Libé +Suivre cet internaute | Profil  
urion

At last a true socialist who defends the rights of 10% of the French who are in possession of 50% of the financial patrimony... (Thursday, June 24, 11h59)

chat\_roux (260)

Inscrit Libé +Suivre cet internaute | Profil

Don't agree!

A modern Socialist Party should demand for a retirement at age 95, a cancellation of paid holidays, 95 hours a week paid as 25, death penalty for the unemployed and the return of slavery. All the rest is but an old-fashioned stand

Thursday June 24, 12h19

This brings us to the second point. It appears that the virtual community is by no means homogenous (even though the internet users are readers of papers known as "left wing" and "right wing"). It is composed of citizens who share the same national space but sometimes deeply disagree on fundamental issues. Talkbacks in the electronic press give them the possibility to "meet" opponents with whom they might not have the opportunity to freely discuss in real life. In the virtual space, they can confront people who represent other stances and defend other interests. It provides them with an imaginary agora - though of a very special kind. Stripped of their social authority by the use of pseudonyms, the participants are like masks voicing free and discordant opinions in a carnivalesque forum, in Bakhtin's sense: in a space devoid of consecrated truth, ideas are endlessly tested and contested in an irreverent form. In this public place where the virtual forum both duplicates and modifies the real ones, arguments pro and contra are voiced, conflicts are expressed through both rational and highly emotional channels, divisions between social and political groups are made conspicuous to all the parties involved. Talkbacks thus allow for the constitution of virtual communities that are dominated by the tensions and conflicts tearing apart society as a whole. The choice to belong to such a virtual community, and the desire to remain part of it despite its brutal verbal confrontations, demonstrate the importance of a space where polemical exchanges can thrive. Although, but perhaps also because, they

circulate well-known arguments and repetitive oppositions, the posts participate in the dynamics of the democratic sphere where political issues are part of the citizen's life. As an engaged citizen, the internet user needs to find a locus for discussion, confirmation, examination of other points of views, but also confrontation with those who do not think like her and which whom she has, however, to co-exist. She can, with them, react on the spot to current affairs, listening to the others' claims, discussing with them and fighting them without having to care for hierarchies or politeness rules. This could be one of the functions of flaming in particular, and of polemical discourse in general - meaning we have to understand polemics as one of argumentation's poles (Amossy 2010a) in a broad definition of argumentation as a continuum going from co-construction of common answers to the violent confrontation of antagonistic theses.

## NOTES

**[i]** For an essay of Internet Political discussion from a pragma-dialectical point of view, see Lewinski 2010.

**[ii]** On the use of arguments in talkbacks, see Chaput 2006. On political talkbacks in French newspapers, see Marcoccia 2003.

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# **ISSA Proceedings 2010 - The Reasonableness Of Retracting A Standpoint In A Political Interview**



## *1. Responding to an accusation of inconsistency in a political interview*

Accusing a politician of being inconsistent is common practice for interviewers in a political interview. In a political interview, interviewers are interested in gaining information from their interlocutors but, more often than not, their questions require the politician to clarify and justify his views. Questions by means of which an inconsistency is pointed out are an excellent means of urging the politician to justify his views before the listening, reading or

television-watching audience, that is, in fact, the primary addressee in a political interview. **[i]** The audience presumably values political consistency and expects a politician who is inconsistent to account for this lack of consistency.

A charge of inconsistency may affect the politician's image in the eyes of the public negatively. The politician, being well aware of the possible damage, more often than not tries to answer in a way that makes him no longer look inconsistent. Possible responses, among many others, are avoiding discussing the criticism of inconsistency, giving the inconsistency a positive connotation and retracting the earlier standpoint so that the politician is no longer committed to two inconsistent standpoints.

In this paper, I will concentrate on the cases in which the politician retracts a standpoint in response to an accusation of inconsistency. I will be concerned with the evaluation of such responses from a pragma-dialectical perspective. **[ii]** The argumentative move at hand will be seen as an instance of strategic manoeuvring reconstructed as part of the confrontation stage of a critical discussion **[iii]** by means of which a politician is taken to be dialectically interested in defining clearly the difference of opinion and rhetorically in doing so in his own favor. The evaluation of the politician's move of retracting a standpoint will be carried out by applying a set of soundness conditions. These conditions will constitute the criteria for identifying the move as reasonable or unreasonable.

## *2. Reasonable confrontational strategic manoeuvring*

In the confrontation stage of a critical discussion, the arguers' concern is to define the difference of opinion without hindering the critical testing procedure. Viewed from a dialectical perspective, the arguers are interested in clearly defining the issues that are at the heart of the difference of opinion and making explicit the positions they assume regarding these issues. From a rhetorical perspective, they are concerned with steering the confrontation towards a favorable definition of the difference of opinion and assuming a position that increases the chances of making their standpoint acceptable (van Eemeren and Houtlosser 2002). Confrontational strategic manoeuvring is considered reasonable as long as the combined pursuit of defining the difference of opinion and doing so favorably does not violate one of the discussion rules in accordance with which the critical testing procedure is applied. **[iv]**

Van Eemeren and Houtlosser (2007, p. 380) have formulated three general

soundness conditions for strategic manoeuvring. These conditions make clear what the general requirements are for a move not to violate the rules for critical discussion. In accordance with these general conditions, it can be judged whether the norms specified in the rules for critical discussion are violated. According to them, every instance of strategic manoeuvring, whether it is carried out in the confrontation stage, the opening stage, the argumentation stage or the concluding stage of a critical discussion, should in principle (a) *enable* an analytically relevant continuation of the dialectical route that is taken and should *lead to one of the outcomes* of the discussion stage concerned (van Eemeren and Houtlosser 2009, p. 14); (b) *respond to the preceding move* in the dialectical route that is taken (van Eemeren and Houtlosser 2009, p. 14), and (c) be *formulated* in such a way that it can be *interpreted* as enabling a relevant continuation and being responsive to the preceding move (van Eemeren and Houtlosser 2009, p. 14).

Each discussion stage, however, has its specific strategic maneuvers which need to be evaluated differently depending on the outcome pursued at the stage concerned. Therefore, it is necessary to establish the soundness conditions in accordance with which *confrontational* strategic manoeuvring to which the politician's manoeuvring concerned belongs can be evaluated.

Taking the first general soundness condition into account, confrontational strategic manoeuvring should further the achievement of any of the possible outcomes of the confrontation stage: creating a non-mixed difference of opinion, creating a mixed difference of opinion or ending the discussion. [v] Although these outcomes are not all favorable to an arguer, a participant who maneuvers strategically should allow for any of them to be reached and should not prevent the other participant from taking a dialectical route that may lead to a different outcome than the favored one. For example, the outcome favored by an antagonist who advances an accusation of inconsistency in the confrontation stage is to bring the process of defining the difference of opinion to an end. This outcome can be achieved by making the protagonist retract his standpoint in response to the accusation. In order for an accusation of inconsistency to be a sound move, however, it should leave open the protagonist's option to maintain his standpoint. Maintaining a standpoint could lead to a non-mixed or a mixed difference of opinion, outcomes which are both unfavorable for an antagonist who is making an accusation of inconsistency (Mohammed 2009).



The second condition that needs to be fulfilled for confrontational strategic manoeuvring not to hinder the critical testing procedure is that the move should be a relevant response to the preceding move. This condition requires that an arguer should ensure that his move is relevant to the move of the other party in the discussion. For instance, in the confrontation stage, a request for clarification should be responded to by means of a usage declarative that provides the expected clarification (van Eemeren and Grootendorst 1984).

Taking the third general soundness condition into account, confrontational strategic manoeuvring should be performed so clearly that the other party understands that the move is relevant to the previous move as well as that it aims to obtain a particular interactional effect. This condition is meant to eliminate any hindrance to achieving one of the possible outcomes of the discussion caused by the use of unclear language. For example, an accusation of inconsistency needs to be performed so clearly that the accused understands that the accuser attributes to him two inconsistent commitments and demands him to retract one of them (Mohammed 2009).

Each argumentative move that is an instantiation of confrontational strategic manoeuvring should meet the soundness conditions just outlined. Although each move should meet these conditions, specific soundness conditions need to be developed. Such conditions will provide the specific criteria for deciding when a rule for critical discussion is violated in each particular case. For example, every form of criticism in the confrontation stage needs to meet the three general soundness conditions in order not to hinder the critical testing procedure. However, an accusation of inconsistency (as a form of criticism) needs to be evaluated by taking into account the following: (a) whether the accuser is justified in attributing the two inconsistent commitments (the second soundness condition), (b) whether the move is clear enough for the accused to understand what he should do in response to such a charge (the third soundness condition), and (c) whether the move precludes the accused from accepting or not accepting the accusation (the first soundness condition) (Mohammed 2009).

My analysis of cases in which an interviewer accuses various British politicians of being inconsistent revealed that the politicians who respond by retracting a standpoint acknowledge that there is an inconsistency but try to turn the discussion in their favor by reformulating the original standpoint (Andone 2010). In the political domain, the politician's role obliges him to avoid simply conceding

that he was wrong. Reformulating the original standpoint is an effective way to live up to the institutional expectations while accepting that there is an inconsistency which cannot be maintained.

By reformulating his standpoint, a politician attempts to define the difference of opinion in such a way that the interviewer retracts his doubt concerning the standpoint and ideally he will not make another accusation of inconsistency. After all, a politician who constantly gives room to doubts about the consistency of his words or actions is perceived at least as unclear, indecisive and lacking well-founded principles. The politician's rhetorical attempt to define the difference of opinion in his favor has to be balanced by the dialectical attempt to remain within the boundaries of reasonableness. In order to judge whether the pursued balance is indeed realized I will formulate soundness conditions for the strategic manoeuvring concerned. In order to decide when a rule for critical discussion has been violated, criteria are necessary for judging whether the norms stipulated in the rules for critical discussion have been violated. It is precisely these criteria which my set of soundness conditions will provide for assessing the reasonableness of a politician's strategic manoeuvring.

### *3. Conditions for reasonably retracting a standpoint*

The first soundness condition for confrontational strategic manoeuvring stipulates that favorable as well as unfavorable outcomes resulting from defining the difference of opinion may both be reached after the move has been made. For the manoeuvring that involves retracting a standpoint and reformulating it, this implies that the protagonist should not hinder the antagonist in taking dialectical routes that lead to one of the three possible outcomes of the confrontation stage. In my characterization of the strategic manoeuvring concerned (Andone 2010), I have shown that the favorable outcomes at the juncture at which an accusation of inconsistency is made are as follows: leading the antagonist to retract his doubt (in a non-mixed discussion), and leading the antagonist to retract the opposite standpoint (in a mixed discussion). An unfavorable outcome of the strategic manoeuvring concerned is reached when the antagonist maintains his criticism expressed by means of mere doubt or by advancing and/or upholding the opposite standpoint.

The requirement that favorable and unfavorable outcomes should not be precluded means that the protagonist's manoeuvring should leave open two options for the antagonist: (a) accepting the protagonist's strategic manoeuvring

by retracting his criticism and no longer advancing new criticism, and (b) not accepting the protagonist's strategic manoeuvring by upholding the current criticism and/or advancing new criticism. In order for the protagonist's confrontational manoeuvring to leave open these two options, the following *condition of openness* needs to be fulfilled:

Confrontational strategic manoeuvring that involves retracting a standpoint and reformulating it in response to an accusation of inconsistency should leave open all the other party's available options to continue the current discussion, including the option of advancing a new accusation of inconsistency.

The condition of openness provides a criterion for judging whether the norm for critical discussion specified in the Freedom Rule has been violated. The Freedom Rule stipulates that "discussants may not prevent each other from advancing standpoints or from calling standpoints into discussion" (van Eemeren and Grootendorst 2004, p. 190). The condition of openness is not fulfilled in the case in which the antagonist's freedom to advance moves that realize illocutionary acts consisting of the illocutionary negation of the commissive *accepting* is obstructed. Just as the protagonist has the right to replace his original standpoint by advancing a modified standpoint, the antagonist should also enjoy the right to advance new criticism against the same protagonist. The freedom of advancing new criticism includes advancing another accusation of inconsistency.

The violation of the condition of openness by a protagonist who maneuvers strategically by retracting a standpoint in response to an accusation of inconsistency and advancing a modified standpoint blocks the revision and flux of opinions, because the antagonist is prevented from exercising his rights in the discussion. This blocking may obstruct the process of resolving a difference of opinion in several ways. Two prominent cases of possible violations of the condition of openness are putting pressure on the antagonist by threatening him with sanctions and by attacking him personally. A protagonist who resorts to threats violates the antagonist's freedom by means of an *argumentum ad baculum* aimed at eliminating the antagonist from the discussion. A protagonist launching a personal attack becomes guilty of an *ad hominem* fallacy aimed at silencing the opponent.

In the activity type of a political interview, it seems sensible to assume that politicians will often find subtle ways of violating the condition of openness. This assumption stems from the institutional characteristic that politicians try to give

an account of their words or actions while striving at the same time to create a positive image of themselves for the audience at home. The politicians' aspirations to appear as political representatives whose words and actions are up to standard motivate them to design their strategic manoeuvring in such a way that the interviewer is prevented from advancing and maintaining impending criticism. Since obviously, by virtue of his role, the interviewer has to criticize the politicians so that they answer for their words and actions, the politicians can as a rule only hope to soften the harshness with which they are questioned.

The politician's attempt at minimizing the critique with which he is confronted in a political interview can sometimes go as far as trying to preclude the interviewer from continuing to pursue a critical line of inquiry. Using very subtle means of attacking the interviewer, the politician tries to prevent his interlocutor from putting forward criticism, especially such fierce criticism as an accusation of inconsistency. Such is the case in an argumentative exchange from the BBC *Politics Show* in which Jon Sopel interviewed Alan Duncan on December 9, 2007. At the time, Duncan was Shadow Secretary of State for Business, Enterprise and Regulatory Reform in Great Britain. Asked by Sopel to express a view on the issue of nuclear energy, Duncan advances a standpoint according to which he favors the use of nuclear energy. This standpoint is met with criticism, because, according to Sopel, it is inconsistent with a previously expressed standpoint. Sopel quotes Duncan's earlier words which are an indication of an unfavorable attitude towards the use of nuclear energy. Because denying the inconsistency is almost impossible, Duncan's remaining option is to distance himself from the current standpoint, which he does in the following way:

(1)

Alan Duncan:

*I think what's important with nuclear is to explain the policy. I think it's unhelpful to get hooked on two words and I think the policy as it has always been is exactly as I've just explained.* **[vi]**

In his reply, Duncan introduces a dissociation. Without doing so explicitly, he assumes a distinction between the nuclear waste *policy* (of which he now approves) and nuclear waste *practice* (which he claims to have opposed earlier). **[vii]** The introduction of the dissociation enables Duncan to give a particular interpretation of his standpoint - presented as the less important one (concerning the practice) - in which he gives up this standpoint, while

maintaining another interpretation of the standpoint (concerning the policy) presented as the most important one.

The tactic employed by Duncan is potentially rhetorically advantageous, because it connects well with the preference of the watching audience for a consistent politician. Duncan does away with the inconsistency by claiming that his standpoint now concerns the policy, while in the past it concerned the practice. But the attempt to be rhetorically strong transgresses the bounds of reasonableness. The way in which his strategic manoeuvring is formulated is an attempt at precluding Soper from maintaining his criticism. Duncan's remark that *it's unhelpful to get hooked on two words* is an indirect attack on Soper conveying two things: (a) that it is of no use to discuss the issue of being inconsistent (*it's unhelpful*), and (b) that Soper is obsessed with minor aspects (*it's unhelpful to get hooked on two words* contains the presupposition that Soper "got hooked on two words").

By means of this double attack, Duncan tries to put an end to the discussion about the Conservatives' view on the use of nuclear energy. In the first place, his attempt could prevent Soper from maintaining his criticism because it highlights that his constant questioning on the matter is simply unhelpful: according to Duncan, the Conservatives' position at the moment is obviously related to the policy, which is a different matter than the previous position which had to do with the practice of using nuclear energy. Further discussion on this, Duncan seems to suggest, is not useful because things are clear now. Presenting Soper's questioning as unhelpful can prevent him from going on with his line of inquiry. Because the interview is directed at an audience, which judges the performance of the politician as well as that of the interviewer, if Soper were to continue in the same way, it would look as if he was nitpicking. This is obviously an image which Soper would rather avoid in a political interview. Had the same remark been used in a conversation between friends, the other party would have had more freedom to continue the discussion by maintaining criticism. There would be no concern for an audience that could prevent him from persisting in criticizing his interlocutor. In this context, this possibility is precluded.

The second part of Duncan's attack is equally harsh as the first part in which he highlights the uselessness of the discussion. He points out that Soper is obsessed with Duncan's words about nuclear energy, which after all, are just "two words." Apart from the strong negative qualification that Soper is hooked, the reference to

“two words” is an endeavor to present the disagreement at issue as just a matter of verbal disagreement. Duncan wants to suggest that Soper is overprecise about his use of words with regard to the use of nuclear energy. In reality, Soper remarks that Duncan’s statements in another interview indicate a change of position with regard to the use of nuclear energy, which needs to be clarified and justified. Soper’s criticism, fully pertinent in a political interview, is presented by Duncan as concentrating on a matter that is irrelevant. He seems to leave the impression that instead of discussing matters of interest and importance for the public, Soper concentrates in the exchange on a minor issue of language use.

The second general condition of reasonableness for confrontational strategic manoeuvring requires that a move be responsive to the move that precedes it. This means that the politician’s strategic manoeuvring should be a relevant reaction to the expression of criticism advanced by the interviewer in his accusation of inconsistency.

Whether a move can be considered relevant depends on the goals with which it is put forward. Since every move constitutes an illocutionary act, it is by definition put forward with a communicative and an interactional goal. The communicative goal concerns obtaining understanding of the illocutionary act, and the interactional goal concerns obtaining acceptance of the illocutionary act (van Eemeren and Grootendorst 1984). As a reaction to an accusation of inconsistency, the manoeuvring at hand is considered relevant when it shows understanding of the accusation of inconsistency and it indicates acceptance of the accusation of inconsistency. Acceptance implies, among other things, that the speaker understood the accusation and takes the accusation to be correctly performed. Taking the accusation to be correctly performed means assuming that the speaker has the intentions and preferences specified in the correctness conditions for an accusation of inconsistency. In order to ‘fully’ accept the antagonist’s accusation of inconsistency, the protagonist should not only recognize that the antagonist has certain intentions and preferences – as specified in the correctness conditions for an accusation – but he must also share these intentions and preferences or be ready to share them (van Eemeren and Grootendorst 1984).

The politician who in his response accepts the accusation of inconsistency implicitly agrees that the inconsistency should be resolved so that the discussion is no longer obstructed. His strategic manoeuvring should at least convey that a commitment to the current standpoint cannot be held simultaneously with a

commitment to another standpoint on the same issue. Unless the manoeuvring resolves the inconsistency, it cannot be a relevant response to the accusation to which it reacts. In pragma-dialectical terms, the politician's strategic manoeuvring by means of retracting a standpoint and reformulating it is relevant to the accusation of inconsistency when an interactional relation is envisaged between the two elements (the politician's manoeuvring and the accusation of inconsistency). This relation is functional in light of the goal of defining the difference of opinion clearly (van Eemeren and Grootendorst 1992). Pragma-dialectically, defining the difference of opinion that is free of inconsistencies is part of this contribution (van Eemeren and Grootendorst 1992, p. 95)

That the politician's response should resolve the inconsistency of which he is accused does not make it possible to judge fully the relevance of the manoeuvring. It is specific of the move of retraction that it involves the illocutionary negation of an earlier illocutionary act. That is to say, a protagonist who retracts a standpoint makes it understood that he is no longer committed to the propositional content of the earlier standpoint. For the manoeuvring that involves retracting a standpoint and reformulating it to be relevant, it needs to count both as a relevant reaction of acceptance of the accusation of inconsistency and as a relevant reaction of non-acceptance of a previous standpoint (i.e. the retraction should concern the standpoint advanced earlier which is no longer found acceptable). In order for the strategic manoeuvring to be evaluatively relevant in these two senses, the following *condition of relevance* needs to be fulfilled:

In confrontational strategic manoeuvring that involves retracting a standpoint and reformulating it in response to an accusation of inconsistency, the protagonist should give up one of the inconsistent standpoints altogether, thus resolving the inconsistency.

The manoeuvring that involves retracting a standpoint and reformulating it is a violation of the soundness condition of relevance when the protagonist gives the impression that the original standpoint has been retracted, but in fact maintains some interpretation that is exploited afterwards to defend a standpoint that is easier to justify. This way of manoeuvring is fallacious because it prevents the original standpoint from being criticized by conveying the false impression that the original standpoint is given up. The antagonist will no longer challenge the protagonist for the original standpoint because he is led to believe that the

protagonist is not committed to it any longer. This view is supported by Kauffeld's observation that commitments are undertaken by speakers in order to generate presumptions which provide addressees with reason to act in ways desired by the speaker (2003). A speaker who retracts a standpoint undertakes a commitment generating the presumption that he can no longer be held committed to the acceptability of an earlier standpoint. That means that an antagonist can no longer challenge the protagonist with respect to the standpoint he gives up.

This immunization strategy may constitute the violation of two pragma-dialectical rules. The derailed manoeuvring is a violation of the *Freedom Rule*, because the antagonist is prevented from calling the original standpoint into question. The fallacious manoeuvring can also be a violation of the *Obligation-to-defend Rule*, because the protagonist may abusively exploit that he is (supposedly) no longer committed to the original standpoint by refusing to defend the original standpoint if challenged to do so. The *Obligation-to-defend Rule* stipulates that "discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so" (van Eemeren and Grootendorst 2004, p.191).

a fallacious way of manoeuvring strategically is at issue in the following fragment from a discussion between Jon Sopel and William Hague on November 12, 2006. At the time, Hague, former Conservative Party leader, was the British Shadow Foreign Secretary. The interview from which the exchange has been taken concerns the Conservatives' support to the British government concerning the issue of combating terrorism. One aspect related to this issue concerns the introduction of biometric identity cards. Drawing on the institutional convention of discussing political matters for which the politician can be held to account, Sopel makes an issue of one of the Conservatives' political stances indicating lack of support for the government's proposal to introduce biometric identity cards. The Conservatives' non-supportive attitude is met with criticism from Sopel because, according to him, it is inconsistent with an earlier supportive attitude towards the introduction of biometric identity cards. In response to the charge of inconsistency, Hague acknowledges that attributing an inconsistency to him is correct. But he argues subsequently that the original standpoint (indicating a supportive attitude) concerned the principle of introducing biometric identity cards, whereas the current standpoint (indicating a non-supportive attitude) concerns the practice of introducing biometric identity cards. By responding like this, Hague justifies his words, as he is institutionally obliged to do, and can give



the impression that the inconsistency has been repaired:

(2)

William Hague:

*We supported, I and Michael Howard supported the principle of those. Subject to how the details were worked out. The details are not impressive and the grasp of detail and the ability to control the costs of the current government is so terrible, that it's not a scheme that we can support.*

In this fragment, the aiming for rhetorical advantages seems to override the concern for reasonableness. Despite accepting that a commitment to the current standpoint cannot be held simultaneously with a commitment to an earlier standpoint on the same issue because the standpoints are inconsistent, Hague retracts only 'part' of the original proposition of the standpoint he advanced earlier (concerning the principle of introducing biometric identity cards). In itself, there is nothing wrong with this manoeuvring. After all, making a dissociation, which involves retracting an interpretation while maintaining another, is not by definition fallacious. On the contrary, as van Rees (2009) shows, it can be an excellent way of making a clarification.

What derails in Hague's manoeuvring is that he makes it seem as if Sopel can no longer call the original standpoint into question. Duncan claims that the original standpoint concerned the principle of introducing biometric identity cards. However, the original standpoint, as can be inferred from the accusation of inconsistency, concerned the unitary concept of support for the introduction of biometric identity cards. Otherwise, there would not have been an accusation of inconsistency, or the inconsistency could have been easily denied because it is unjustified. This manoeuvring of maintaining a certain interpretation of the standpoint and retracting only one interpretation of the original standpoint is a way of immunizing against further criticism the original standpoint that the Conservatives support the introduction of biometric identity cards. In a political interview, claiming that the original standpoint had a different interpretation is easy to get away with. The record of the original interview is not immediately available, which makes it very hard for Sopel to refute Duncan's claim. Because Sopel cannot easily find evidence that would reject Hague's claim (especially since the earlier interview took place around two years before), he cannot uphold a demand for justification.

The third soundness condition for confrontational strategic manoeuvring requires

that a move be formulated in such a way that the antagonist can interpret it as a relevant response to the previous move and that all possible continuations of the discussion (leading to the creation of a non-mixed discussion, the creation of a mixed discussion, or the end of the discussion) are allowed. The first two soundness conditions for strategic manoeuvring by means of retracting a standpoint and advancing a reformulated standpoint stipulate that (a) the antagonist should not be prevented from maintaining his criticism or advancing new criticism, and (b) the inconsistency should be resolved. If the antagonist does not accept the politician's manoeuvring, he should be allowed to maintain his criticism or advance new criticism if he finds this necessary. He may express his non-acceptance of the protagonist's manoeuvring by denying that it answers the charge of inconsistency, as required by the essential condition of an accusation of inconsistency.

In order for the first two soundness conditions to be fulfilled, the strategic maneuvers should be adequately formulated. That means that the protagonist should be so clear that the antagonist understands what his options are for continuing the discussion and that the protagonist's response resolves the inconsistency as required by the accusation of inconsistency. Otherwise, the antagonist may not understand that the protagonist's manoeuvring is an attempt at eliminating the inconsistency. The strategic manoeuvring concerned should fulfill the following soundness *condition of clarity*:

The moves in confrontational strategic manoeuvring that involve retracting a standpoint and reformulating it in response to an accusation of inconsistency should be formulated as clearly as required for a proper understanding.

Failure to fulfill soundness condition (c) constitutes a violation of the *Language Use Rule* of a critical discussion. This rule requires that "discussants may not use formulations that are insufficiently clear or confusingly ambiguous" (van Eemeren and Grootendorst 2004, p.195).**[viii]** A formulation that is not clear enough for the purpose of the communicative exchange may amount to the fallacy of misuse of unclearness.**[ix]** An example of fallacious manoeuvring that violates the soundness condition of clarity is an obscure wording that gives the false impression of resolving the inconsistency.

In order to show how the soundness condition of clarity can be applied, I will evaluate Yvette Cooper's manoeuvring in the discussion with Sopel on July 15, 2007 on the issue of housing in Britain. At the time of the interview, Cooper was

the Housing Minister of Great Britain. As can be expected, Cooper is interviewed on an issue for which she is in the first place responsible: housing in Great Britain. Sopel criticizes Cooper with regard to the power of the local councils to take decisions on the issue of housing, because, as he puts it, she said in the beginning of the interview that local councils are free to take decisions about housing, whereas later in the same interview she said that local councils are not in fact free to do so. Cooper replies as follows:

(3)

Yvette Cooper:

*No, we're clear that the way that the regional planning process works and the way that local councils have to wait together, they will all have to accept their responsibility to deliver more homes. Where they have the flexibilities around where within their community the homes should be built, you know, what the best location is, whether they've got good brown fields available and what kinds of homes.*

By embedding a clarification in her answer, Cooper accepts that what she said in the beginning of the interview has been unclear. In her answer, addressing directly Sopel's accusation of inconsistency, she admits that her original (unclear) standpoint about the power of the local councils is tenable only if a more limited interpretation is given: local councils have the power to decide about the location, the brown fields and the kinds of homes. Cooper restricts the decisional power of the local councils originally advocated by retracting her standpoint and reformulating it in terms of responsibilities (*they will all have to accept their responsibility to deliver more homes*). In this way, she leaves the impression that there is no inconsistency and clarifies what might have been unclear. Cooper goes for a middle solution: she retracts what she said in the beginning, reformulates that in terms of responsibilities and clarifies how these responsibilities are divided. Cooper clears herself from an apparent inconsistency by retracting her standpoint advanced in the beginning of the interview that local councils have the freedom to decide what the best location is. Following this retraction, she emphasizes that whether to build or not is not a matter of decision for the local councils. Finally, she outlines what kinds of decisions local councils can take, namely decisions with regard to the location of houses and the kinds of houses that are to be built.

Cooper's strategic manoeuvring is a good example of how the soundness

condition of clarity is fulfilled. Her response is clear enough for the purpose of the exchange in which she and Soper are involved. In virtue of her role in a political interview, she clarifies her view with regard to the matter on which she is interviewed and subsequently justifies it to give the account expected of her. The clarification is sufficiently precise for Soper, the audience at home and the local councils to understand how responsibilities are divided and where the flexibilities lie. In this way, Soper is not in any way prevented from continuing the discussion asking for more clarification or justification if he wants to.

#### *4. Conclusion*

In this paper, a politician's strategic manoeuvring involving the retraction of a standpoint and reformulating it in response to an accusation of inconsistency has been evaluated by applying criteria that relate to the norms of critical discussion. I have derived these criteria from a set of three soundness conditions that I have established in order to assess the reasonableness of the manoeuvring at hand. The starting point for formulating the soundness conditions has been that an instance of fallacious strategic manoeuvring occurs when a move or a sequence of moves inhibit the realization of the dialectical goal of the stage concerned. In the particular cases evaluated in this paper, the dialectical goal of the confrontation stage of defining clearly the difference of opinion has been taken into account.

The first soundness condition (condition of openness) ensures that a protagonist whose standpoint is declared inconsistent with another standpoint he advanced previously and who responds by retracting a standpoint and reformulating it, leaves open all dialectically possible continuations of the discussion. That is to say that the antagonist should not be prevented from maintaining his criticism and/or advancing new criticism. The violation of this condition gives rise to fallacies in which the antagonist is attacked with the aim of excluding him from the discussion. The second soundness condition (condition of relevance) requires that the protagonist resolve the inconsistency with which he is charged by retracting one of the criticized standpoints altogether. This condition is not fulfilled when the protagonist maintains some interpretation of the original standpoint that is exploited afterwards to defend a standpoint that is easier to justify. Doing so conveys the false impression that the original standpoint is given up so that the antagonist no longer raises criticism about this standpoint. The condition of relevance is also violated when the protagonist abusively exploits that he is supposedly no longer committed to the original standpoint by refusing to defend it

if challenged to do so. The third soundness condition (condition of clarity) requires a formulation of the strategic manoeuvring concerned that is as clear as necessary for a proper understanding. The violation of this condition takes place when the lack of clarity is exploited in such a way that the other party does not understand what his options are for continuing the discussion and to cover for the inconsistency not being resolved.

## NOTES

**i** An interviewer's accusations may point out an inconsistency between a politician's words and actions (between what the politician claims and what he does) or between his words (for instance, between two standpoints on the same issue).

**ii** In the pragma-dialectical approach, argumentation is viewed as part of a critical discussion in which the participants try to resolve a difference of opinion on the merits. Van Eemeren and Grootendorst define argumentation as "a verbal, social and rational activity aimed at convincing a reasonable critic of the acceptability of a standpoint by putting forward a constellation of propositions justifying or refuting the proposition expressed in the standpoint" (2004, p. 1).

**iii** The accusation of inconsistency is seen as a way of expressing criticism (by casting doubt or advancing an opposite standpoint) concerning a standpoint.

**iv** In the ideal model of a critical discussion, the exchange of argumentative moves is regulated by a critical procedure specifying the rules in accordance with which the resolution of the difference of opinion could be achieved on the merits. The rules for critical discussion constitute for each stage the norms of reasonableness authorizing the performance of certain types of kinds of moves.

**v** The idea that strategic manoeuvring should allow for both favorable and unfavorable outcomes to come about is already prescribed in the definition of strategic manoeuvring. Van Eemeren and Houtlosser (2007) make clear that every move is by definition an attempt to steer the discussion towards a *favorable* outcome without overruling the commitment to having a reasonable exchange. Having a reasonable exchange of moves involves, among other things, that the parties should not prevent each other from expressing freely moves that might be unfavorable to the other party, such as criticisms.

**vi** All examples are presented as they are transcribed on the BBC website. For my purpose, a transcription that guarantees readability is sufficient, because prosodic and other conversational phenomena are irrelevant.

**vii** Van Rees (2009, pp. 31-44) provides various kinds of clues that can serve as

indicators for the existence of a dissociation. Two of these clues are present in Duncan's response: (a) it comes in an attempt to resolve an inconsistency pointed out by the other party ('But you were completely different, you were very skeptical there'), and (b) one of the dissociated terms is valued as being more important ('what's important with nuclear is to explain the policy').

**viii** The Language Use Rule does not impose an obligation on the protagonist to formulate his move explicitly, since it is often perfectly possible for the antagonist, using sentence meaning and contextual information, to recognize what is intended with the move even if it is implicit.

**ix** A closely related fallacy amounts to the misuse of ambiguity, as in the cases in which the speaker is lexically ambiguous.

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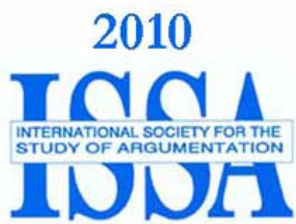
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# ISSA Proceedings 2010 - Should "Argument" Be Defined Without Reference To Use?



In his 2005 Ontario Society for the Study of Argumentation keynote address, *"Argument and Its Uses"* (Blair 2005), J. Anthony Blair contends that arguments need not involve any attempt at persuasion, and in fact, that "argument" should be defined without reference to any particular use at all. Roughly speaking, a set of propositions counts as an argument, on his view, "just when all but one of them constitute a reason for the remaining one," that is, support the remaining proposition to some degree.

I shall argue that Blair is correct in thinking that arguments need not be intended to persuade, but that his definition of "argument" is faulty. Contra Blair, I argue that "argument" cannot be defined independently of use - specifically, the intentional use of reasons to support a conclusion.

## 1. *Must All Arguments Be Intended to Persuade?*

It is widely agreed that arguments typically or paradigmatically are aimed at persuasion – that is, at convincing readers or listeners to accept a claim. Some theorists have gone further, claiming that all arguments, by definition or conceptual necessity, are intended to persuade. Blair believes this is a mistake and offers seven examples of what he takes to be non-persuasive argumentative discourse. These include:

1. Quasi-persuasion: offering reasons in order to strengthen or weaken adherence to a claim, or to show that a claim is possibly true, rather than to convince someone to adopt or abandon the claim.
2. Inquiry/investigation and deliberation: considering and weighing arguments, not to defend some pre-existing view, but to determine what to believe or what to do.
3. Justification: defending one's acceptance of a particular claim, without any intention or expectation of persuading others to accept that claim.
4. Collaboration: attempting, through dialogue, to find and build on common ground, rather than to convince one discussant to accept a claim defended by another.
5. Rationale-giving: explaining the basis for a particular decision or judgment (e.g., the awarding of a prize or a legal decision), with no intent to persuade.
6. Edification/instruction: weighing arguments pro and con, either for one's own edification or as a means of instructing others.
7. Evaluation: using arguments (as a teacher, for example) to provide practice and/or to assess performance in critical analysis.

It is not clear that all of these counterexamples work. Three of the examples – edification/instruction, inquiry/deliberation, and evaluation – appear to trade on an ambiguity in the notion of “using” an argument. To “use” an argument might mean (1) to utilize it for some secondary purpose (e.g., as an example in a logic class or as a means of impressing one's boss) or (2) to assert it for some argumentative purpose (e.g., defending a claim). Clearly, arguments may be utilized for all sorts of purposes (as a translation exercise, to illustrate an author's prose style, to browbeat an opponent, stall for time, etc.), including purposes wholly unrelated to the argumentative nature of the discourse. But when we are asking whether arguments are necessarily aimed at persuasion only the second sense of “use” is relevant. No one would deny that arguments can be utilized as translation exercises or for any number of other non-argumentative and non-persuasive purposes. Thus the pertinent question is not, “Can arguments be



utilized for purposes other than persuasion?” but “Can one offer or assert an argument with no intention to persuade?”

Another example offered by Blair depends on an equivocal use of “argument.” As many commentators have noted, in argumentation studies “argument” can mean (roughly) either (a) a claim defended with reasons (i.e., a set of propositions structured to provide evidence or support) or (b) an argumentative discussion aimed at resolving disagreements, creating justified belief, finding common ground, etc. One of Blair’s putative counterexamples – collaboration – seems to presuppose (b) while the others presuppose (a). Only (a), I suggest, is relevant to the issue of whether arguments are necessarily aimed at persuasion. It is widely agreed that multi-party argumentative dialogues can be aimed at outcomes such as decision-making, inquiry, or finding shared commitments, rather than persuasion (Walton 1989, pp. 3-9).

What Blair calls “quasi-persuasion” also fails as a counterexample. To attempt to strengthen S’s belief in p clearly is a form of persuasion. It is an attempt to persuade S to accept p with (say) 90% certainty rather than with 60% certainty. Likewise, to argue that p is possibly true (as opposed to actually true) will also normally be an act of persuasion, at least in cases where the arguer’s goal is to convince skeptical readers or listeners that p is indeed possibly true.

That leaves only two of Blair’s alleged counterexamples standing – justification and rationale-giving. These, however, are enough to do the job. It is certainly possible to defend a belief or offer reasons in support of a decision without any hope, expectation, or intention of persuading anyone to accept one’s conclusion(s). Here are three additional examples, none of which fall neatly into any of Blair’s categories:

Case 1: The Reluctant Advocate Lawyers often have a professional obligation to defend claims that, personally, they reject and may even find deeply repugnant. A defense attorney who vigorously defends an obviously guilty client knows perfectly well that he won’t persuade the jury. Very likely he hopes his arguments won’t persuade them. But clearly the attorney is giving an argument. He’s offering reasons in defense of a conclusion, and that’s sufficient to make it an argument.

Case 2: The Preacher to the Converted As Samuel Johnson usefully reminds us,

people need to be reminded more often than they need to be instructed. Consider a Christian homilist who exhorts his flock to “love one another,” backing up his admonition with Scriptural proof-texts or other reasons. Presumably the homilist isn’t trying to persuade; no one in his flock has the slightest doubt that Christians should love one another. His purpose in giving the argument is not to instruct by inducing or strengthening belief but to remind and thereby sway attitudes, motivate actions, solidify dispositions, refresh awareness of the grounds of belief, and so forth.

Case 3: The Unconvinced Debaters Forensic debaters (e.g., on college debating teams) advance many arguments, but their intention typically is not to persuade – at least not directly. Their goal isn’t to convince either their opponents or the judges to accept the conclusions they are defending. Often, the debaters don’t accept those conclusions themselves. Their goal, rather, is to win the debate by outpointing their opponents. The only “persuasion” they ordinarily hope to achieve is to convince the judges that they have argued more effectively than their opponents. Yet the debaters have not merely “utilized” arguments for the sake of some secondary purpose, such as winning the debate. They have offered (advanced, proposed) arguments and attempted to defend them as cogently as possible. This is analogous to lawyers defending views that they may or may not personally accept and is similarly an example of non-persuasive argumentation.

## *2. Blair’s Definition of “Argument”*

Blair is correct, then, in thinking that arguments need not be intended to persuade. But is he also right in claiming that “argument” can be defined without reference to any kind of use at all?

Blair offers what he calls a “slightly rethought” (Blair 2005, p. 138) definition of argument. The kernel of his definition is contained in the following passage:

I propose that we conceive a set of one [sic] or more propositions to be an argument (understanding “proposition” in the broadest sense) just when all but one of them constitute a reason for the remaining one. And a set of propositions are a reason for an [sic] belief, attitude, or decision, just when the former support the latter to some degree. . . . To take something to be an argument is to take a consideration to supply some amount of support for a proposition. So the identification of a set of propositions as an argument is a judgement, and individual people make judgments. It follows that whether some set of propositions is an argument is a judgement that someone makes (Blair 2005, p.

142).

I take it that Blair is proposing that a set of propositions constitutes an argument when two conditions are met: (1) all but one of the propositions provides some degree of support for the remaining proposition, and (2) some intelligent agent intends or recognizes that relation of support.

The first condition is fairly standard. Blair notes that he speaks of “propositions,” rather than “claims,” because a “claim,” he thinks, implies an assertion aimed at persuasion, and as we’ve seen he wants to define “argument” independently of the notion of persuasion. It is not clear to me that a “claim” really does imply an attempt at persuasion, but even if we speak of “propositions” rather than “claims,” there’s nothing strikingly new in Blair’s first condition. Many logic texts define “argument” in terms of “propositions” or “statements” rather than “claims.” As we shall see, however, it is unusual to include in arguments only propositions that actually, rather than merely putatively, support the conclusion.

It is the second condition that is more interesting. The standard view is that an argument exists only when there is an arguer, that is, some person (or persons) who “affirms” or “sets forth” a “claim” or “proposition” and defends it with reasons. In other words, there has to be a certain sort of intent – an intent to support a proposition with evidence or reasons. What Blair seems to be suggesting is that no such intent is really needed. All that is necessary is: (a) a group of inferentially related propositions such that one proposition is supported by all the others and (b) some individual who recognizes – or as Blair says “judges” – that such a support relation exists.

I think Blair is here falling prey to a common confusion. Consider two cases:

Case A: A roomful of monkeys are handed strips of paper. Each strip of paper contains a single categorical statement related to fruits – “No apples are pears,” “Some bananas are not plums,” and so forth. A researcher enters the room and notices that one monkey has put in a row three strips of paper that read as follows: “All apples are fruits; No vegetables are fruits; No apples are vegetables.” “Aha!” the researcher exclaims. “The monkey has created an argument – a valid categorical syllogism, in fact!”

Case B: A logic instructor writes the following sentences on the board: “If the moon is made of green cheese, then I’m a monkey’s uncle; the moon is made of

green cheese; so I'm a monkey's uncle." This is an example, the instructor says, of a "valid deductive argument."

In both cases, I suggest, there is no actual argument. Why? Because there is no arguer. No one has "offered" or "given" or "made" an argument. No claim has been "set forth" or "affirmed" and "defended with reasons." There is a difference between (a) recognizing that a certain sequence of propositions is inferentially related and (b) offering an argument. The crucial difference is one of intent. No intent to support or defend, no argument.

This is not to deny that sets of inferentially related propositions exist as abstract objects, and that such sets are properly studied by logicians. My claim is simply that such propositional sets are merely possible arguments rather than actual ones. They become actual arguments only when some intelligent agent offers or affirms them.

Blair's failure to recognize that arguments require an arguer poses problems for his proposed redefinition of "argument." I note three difficulties in particular.

First, Blair's definition makes it harder than it is on standard accounts to distinguish arguments from illustrations and explanations. An illustration such as (1) The Cascades has many majestic peaks. For instance, Mt. Hood and Mt. Rainier are both over 11,000 feet tall could become an argument on Blair's view, because some individual (either the author or a recipient of the utterance) could easily recognize that the second statement provides some support for the first. The same is true of explanations such as (2) The streets are wet because it rained.

Because the explananda clearly provides some reason to believe the explanandum, the passage might count as an argument on Blair's analysis, even though no argument was intended.

Illustrations and explanations are not arguments because they have no conclusions. And they have no conclusions because the the relevant argumentative intentions are lacking.

Second, as Blair himself remarks, his definition of argument implies that no arguments can contain irrelevant (or inadvertently countervailing) premises. Thus a standard test of argument analysis and evaluation - Are the premises relevant to the conclusion? - becomes otiose on his account, and formal and informal fallacies of relevance presumably turn out not to be fallacies at all, because they are not even arguments. Even many straightforward examples of invalid arguments, such

as denying the antecedent and invalid categorical syllogisms, would often turn out not to be arguments, since the premises, though claimed to support the conclusion, in fact provide no relevant support.

This exclusion of irrelevant premises from arguments has bizarre consequences. Consider a racist detective who reasons as follows:

1. Six eyewitnesses say they saw Sturdley rob the bank.
2. A bank surveillance camera videotaped Sturdley in the act of robbing the bank.
3. The loot was found in Sturdley's apartment, and his fingerprints were found on the bag that contained the loot.
4. Sturdley is a South Pedran, and South Pedrans are nothing but lazy, ignorant slobs.
5. So, Sturdley very likely robbed the bank.

Since (4) (we can stipulate) is based purely on irrational prejudice and provides no relevant support for the conclusion, and it is not the case that all but one of the proffered statements "constitute a reason for the remaining one," it follows that this entire passage is not an argument on Blair's definition. Yet clearly it is.

Determining relevance is often a tricky matter, particularly in cases of invalid reasoning. Consider this argument:

(3). If God exists, there are objective moral values; God does not exist; So, there are no objective moral values.

Do the premises in this invalid argument provide any relevant support for the conclusion? It is not easy to say. Some philosophers claim that objective moral values are metaphysically possible (or epistemically likely) only if God exists. Others deny any connection between God and objective morality. As examples like these suggest, Blair's definition of "argument" will often make it difficult to determine - even with standard textbook examples of arguments - whether a genuine argument is or is not being offered.

Finally, Blair's proposed definition runs into problems with arguments that contain mutually supporting propositions. Consider this argument:

(4) Obama is President, so he's commander-in-chief of the U.S. Armed Forces.

On the standard conception of "argument" this is clearly an argument, and the conclusion (signified by the conclusion indicator "so") is the second statement.

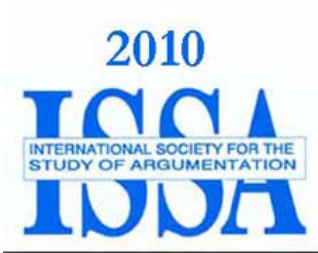
On Blair's proposed definition, things are more complicated. That Obama is President implies (given the U.S. Constitution) that he is commander-in-chief. Conversely, however, the fact that Obama is commander-in-chief implies that he is President. (In U.S. law, the two terms are co-extensive.) Suppose a beginning logic student mistakenly thinks that "so" is a premise indicator rather than a conclusion indicator. He recognizes, correctly, that Obama's being commander-in-chief entails that Obama is President, and "judges" that the passage is an argument in which the first statement is the conclusion and the second statement is the premise. Another student, recognizing that "so" is actually a conclusion indicator, judges that the conclusion is the second statement. Blair's definition seems to imply that both students are right. An argument exists any time an individual correctly judges that one proposition provides some degree of support for another.

For all these reasons, I think we are better off sticking with standard textbook definition of "argument" (in the informal logic sense) as a set of propositions, one or more of which are claimed or intended (explicitly or implicitly) to prove or support another proposition. If so, "argument" cannot be defined wholly independently of use. For a passage counts as an argument only if the constitutive propositions are used for a particular purpose: to provide evidence or support for a conclusion. Arguments need not be used to persuade (although this is certainly their most common and important use). But they must be intentionally used to justify or support.

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# Inquiry: Considering The Context



## *1. Introduction*

The significance of considering the context surrounding an issue is underestimated and often overlooked in approaches to critical thinking theory and instruction based on informal logic. For example, fallacies of relevance such as *ad hominem* are seen as fallacious precisely because they appeal to the context rather than to the argument itself. In this paper we challenge this view, demonstrating how and under what circumstances considering context is relevant and even vital to critical thinking.

We begin by arguing that the downplaying of the relevance of context stems from the view of critical thinking as essentially the evaluation of individual arguments. This view, which betrays the vestiges of the deductivist heritage of informal logic, still underpins much critical thinking instruction.

We have argued, on the contrary, that critical thinking is better viewed in terms of what we refer to as critical inquiry in which argumentation is seen as a way of arriving at judgments on complex issues. This is a dialectical process involving the comparative weighing of a variety of contending positions and arguments in order to come to a reasoned judgment on the issue (Bailin & Battersby 2009; Battersby & Bailin 2010). Further, we argue that critical thinking instruction should focus on this inquiry process (Bailin & Battersby, 2010).

In the model we have developed for teaching critical thinking as critical inquiry, considering the context of the issue is an important component. We consider the following aspects of context:

- (1) Dialectical context
- (2) Current state of belief or practice
- (3) Intellectual, political, historical, social
- (4) Disciplinary context
- (5) Sources
- (6) Self

## *2. The Role of Various Contexts*

- (1) Dialectical context

The dialectical context includes the debate around an issue, both current and historical. A knowledge of the dialectical context is centrally important because reaching a reasoned judgment involves more than simply evaluating a particular argument. Rather, it involves making a comparative assessment of the relative strengths and weaknesses of the competing views.

To see the importance of considering the history of an arguments, consider the following example. This is a standardization of an argument written by a “lifer” in the Michigan prison system (from Johnson & Blair 2006):

Conclusion: We should not reinstate capital punishment in Michigan.

P1. We have capital punishment in 38 states and their statistics show no significant decrease in capital crimes.

P2. The 1<sup>st</sup> degree murderer is least likely to repeat.

P3. The 1<sup>st</sup> degree murderer is most likely to repent.

P4. Nationwide, corrections officials report that lifers are the best prisoners and stabilizers in their prisons.

Some individuals, upon seeing this argument, may initially judge many or even all the premises as irrelevant because they are unaware of the history of the debate about capital punishment. Whereas they usually seem to know the retribution argument, they often do not have the background knowledge of the argument about the alleged deterrent effect of capital punishment or the argument that lifers will produce mayhem in the prisons since there is no further punishment they can suffer. As a result, they fail to see the relevance of the statistics in premise P1 or the relevance of the remark in premise P4 about the contribution that lifers make to prison stability. More sophisticated readers will know about these debates and bring that knowledge to bear on understanding and evaluating the argument.

In addition, the question of premise acceptability is dependent on the reader’s awareness of the debate. The fact that capital punishment fails to deter murder has been quite widely accepted for many years. This means that people who know the history of the debate would be inclined to accept premise P1. But for those unaware of the history of this argument, premise P1 may seem counter intuitive and unacceptable.

Sophisticated readers use their awareness of the history of the debate all the



time, but this awareness needs to be made self conscious to enhance reasoning and to teach it. The tendency of critical thinking instruction to extract arguments from their context ignores the methods that sophisticated reasoners use to evaluate arguments. In addition, such an ahistorical approach often results in arguments and insights being underappreciated. If you are unaware of the dialectical context of Newton's, Darwin's, or Descartes' theories, you will probably not appreciate the depth of the insights contained in their arguments. Appreciating philosophical arguments involves understanding the dialogue that has transpired between historical interlocutors, sometimes over millennia.

Perhaps under the influence of the paradigm of the natural sciences as ahistorical disciplines, 20<sup>th</sup> century analytical philosophy tended to minimize the importance of the historical embedding of arguments and an account of their history. While the validity of an argument cannot depend on the history of the debate in which it arose, the understanding of and credibility of the argument (and conclusion) can. The first questions given any argument that passes *prima facie* evaluation should be, "What is the history of this debate? What are the counter arguments?"

This is as true for scientific inquiry as it is for philosophical or public policy debate. In science, the current standing of a theory or claim determines the initial burden of proof of a new or counter claim. Without knowing the history of a scientific inquiry, one cannot make a reasonable assessment of the new claim.

## *(2) Current state of practice or belief*

An understanding of the current state of belief or practice surrounding an issue may reveal what is significant or contentious about the issue. It may also help to establish where the burden of proof resides and thus how strong alternative views and opposing reasons need to be in order to seriously challenge the prevailing consensus or practice.

To see the relevance of current states of belief or practice, consider what Canadians discussing the legalization of marijuana need to know. They need first to understand the current legal situation, including the fact that drug laws are not under provincial but rather federal jurisdiction. Without realizing this, one of our students made the unjustified argument that if marijuana were legalized, then "dopers" from the rest of Canada would flock to Vancouver. To make a reasonable evaluation of the consequences of not de-criminalizing, it is also important to know the number of people convicted of possession every year in relation to the

number of users. In addition, one should be aware of the popular belief, widely promoted by governments, that marijuana is a “gateway drug.” Knowing that governments generally oppose legalization means that government websites, normally more or less reliable sources of information, should be viewed with a critical eye.

Consider also the case of individuals evaluating the strength of the argument for raising the minimum wage. In order to make a reasoned judgment, they would need to know the wage in other jurisdictions, when the minimum wage was last raised in their location and by how much, the effect of inflation on wages, costs of living, etc.

As another example, in discussions regarding the provincial imposition of a carbon tax in the province of British Columbia last fall, most citizens did not know anything about the idea of pricing externalities (costs that are not charged through the market system). For most, it was just another tax grab. Some individuals, although they supported the idea of a carbon tax to reduce car usage, found it unintelligible that the tax was not used to support public transport. One could agree with them that the tax should have been used for this purpose, but to actually understand the pros and cons of the tax, they had to understand the political logic of pricing externalities and revenue neutral tax shifts. Without these concepts, they could not make a truly reasoned judgment about the tax.

### *(3) Intellectual, political, historical and social contexts*

Understanding the intellectual, political, historical and social contexts surrounding an issue can aid us in understanding and interpreting arguments and can reveal assumptions underlying arguments and positions. In addition, in the case of practical judgments, factors relating to the political, historical and social contexts (such as social consequences) play a crucial role in the evaluation of positions.

As an example of the way the larger social context is relevant to argument evaluation, consider the debates about separatism in Canada. One cannot understand or appreciate the debates without knowing the historical origins of the issues (i.e., that there were two founding countries, Britain and France and that Canada was created as a negotiated country which would respect its two different cultural and national bases). People who naively wonder why Quebec should have special status fail to understand this history. Of course, one cannot

argue that because a particular political arrangement has a history, it must be accepted. But to argue against such arrangements is to bear the burden of proof (often a very significant one). Even if one supports a more egalitarian idea of citizenship, the challenges of getting to such a state, given the history, is relevant to the deliberation on the issue. When former Canadian Prime Minister Pierre Elliott Trudeau argued for ending the Indian Act based on a typically liberal stance that ethnicity should not influence one's citizenship status, he was forced to quickly reverse his position in light of the historical basis of native relations and the reality of native living conditions. Arguments for the equal treatment of all sound morally and politically plausible until one comes up against the social realities to which this principle is to apply. Interestingly, the Canadian Charter of Rights and Freedoms, which is similar in many ways to the U.S. Bill of Rights, specifically allows for equality rights to be overridden for the purpose of social improvement.

We might compare our political and cultural world to a natural landscape. Every natural landscape is a product of historical processes, both geological and biological. But the current landscape also needs to be understood in terms of ecology - the current relationships among the various biological components.

The social/political world in which we live also has a formative history and a sustaining social ecology. This world has been shaped by historical processes and is maintained by a web of social relations. Why is marijuana illegal and not alcohol? Besides the beliefs adumbrated above, the history of marijuana prohibition is linked to the prohibition of serious addictive drugs. It is also connected to the fact that when criminalization began, marijuana's dominant use in the U.S. was by new Mexican immigrants (Bonnie & Whitehead, 1970). A relevant social fact is that at this point in time there is an enormous governmental and police investment in drug prohibition. It is also relevant that the primary users are a somewhat marginalized group - young people. Such facts help account for the drug's current legal status and should not be ignored in any debate on the issue.

Any debate about social policy must also take into account the likely consequences of policy implementation. To return to the marijuana debate, one of the likely consequences of legalization is that marijuana use would increase. Another likely consequence is that the sale of marijuana could generate tax revenue. A third likely consequence is that the deployment of police forces could

shift to more clearly harmful crimes or could perhaps be reduced. And finally, the market in this illicit drug would be ended and the power of organized crime possibly reduced. No *a priori* liberal argument (that the laws prohibiting marijuana use are an unjustified infringement of individual rights) can be taken as sufficient because these consequences cannot be ignored.

#### *(4) Disciplinary context*

Disciplinary context is part of the intellectual and dialectical contexts referred to above. But because disciplines are such a crucial source of claims and arguments, they deserve special attention. Most academic evaluation occurs within a disciplinary context. The criteria of evaluation vary in important ways from discipline to discipline: claims from sociology cannot be evaluated in the same manner as claims from physics. The disciplinary context can also include the dialectical history of the argument within the discipline. Arguments and claims that are novel within the history of the discipline bear a different burden of proof than less novel claims.

Knowledge production depends heavily on disciplines which apply varying criteria to assess claims and do so with varying degrees of rigour. There are important epistemic differences among disciplines. For example, appeals to authority have varying relevance, credibility and weight depending on the discipline involved. Anyone conducting a critical inquiry needs to understand the difference between those disciplines that tend to consensus and those that do not. The inquirer also needs to understand the inherent difficulty and uncertainty presented by certain forms of inquiry. Observationally based claims that are common in disciplines such as epidemiology and sociology are by their nature more uncertain than claims about particles in physics. Moreover, much of academic economics is based on highly questionable psychological assumptions (built into the concept of *homo economicus*) about human rationality. One only has to watch the gyrations of the stock market to see that other factors than rational assessment of information influence buying and selling.

Support from a consensus among experts is one of the primary bases for crediting a claim. A layperson assessing the credibility of a claim in a discipline needs to inquire whether the claim is supported by a disciplinary consensus. Disciplines characterized by “schools” notoriously do not develop the kind of disciplinary consensus that provides evidence for the reliability of their epistemic processes and the credibility of their claims. Consensual views emerging from disciplines

which have a tradition of achieving consensus based on well established epistemic criteria deserve our confidence. Nevertheless we can never ignore the possibility of “bandwagoning,” i.e., the tendency of individuals to support currently popular views in their discipline for social rather than rational reasons.

A possible example of the bandwagon phenomenon in the disciplines of epidemiology and nutrition studies is argued for in a recent book by Gary Taubes (2007). Taubes makes an extended case against the view that fat consumption is a primary cause of heart disease and obesity. His position is surprising since this view has been supported by hundreds of epidemiological studies (largely observational). Taubes provides his own analysis of many of these studies and reviews considerable alternative biological and epidemiological literature to support his critique. But he also makes the case that the widespread acceptance of this view was not the result of overwhelming scientific evidence, but rather the result of the intense efforts by leaders in the nutrition research community to promote their view. Taubes argues that adoption of an anti-fat position by governments was premature given the state of research, but once governments became committed, there was little interest in questioning the fat reduction research. As Taubes documents, the science supporting the benefits of reducing fat consumption is actually quite inconclusive. He adds to his argument an account of the political process by which reducing fat consumption became government policy and a health shibboleth, including intolerance toward objectors and the manipulation of funding opportunities by key players. In this part of his argument, he is attempting to explain why the theory that he is challenging could have such widespread acceptance. This is a relevant argumentative strategy since the existence of apparent consensus provides considerable support for the “anti-fat” point of view. To the extent that he is successful, his socio/political analysis enhances his critique of this widely accepted position.

We are not trying to judge his argument, but we do think that he is justified in using this additional non-scientific evidence about the dynamics of the relevant disciplines when making his case against the “fat theory.” Public acceptance of the “fat theory” depends on the assumption that the views of the experts are based on an appropriate evaluation of the evidence. Evidence of social and political processes inconsistent with an evidence based approach creates a justified suspicion of the consensus.

## (5) Sources

Contrary to the view that arguments should be evaluated independently of their authorship to avoid the fallacy of *ad hominem*, we argue that information about who is making an argument is frequently relevant to evaluation (although not determinative) because the credibility of an argument often involves trust that the author of the argument is appropriately knowledgeable and fair minded. Knowledge of the point of view of a source can inform the process by which arguments and claims are checked. In addition, while explanations of why a person holds a view cannot be used to dismiss a view, such evidence can be used to explain why a view which is lacking sufficient rational support is nevertheless held.

It is well established that information about the source of a claim or argument is justified in cases where trust in the source is the primary basis for accepting the argument or claim. The acceptance of observational claims (testimony) and of claims by experts to special knowledge depend on these sources being both trustworthy and appropriately knowledgeable. Evidence that the sources do not meet these standards is always relevant and sometimes sufficient to dismiss their views. On the other hand, the evaluation of testimony and appeal to authority is usually cited as an exception to the general rule that the strength of an argument and the credibility of its conclusion are independent of the source of the argument. In all other cases, citing circumstantial facts about the author of an argument (such as who she works for or the fact that she does not follow her own environmental dictums) is treated as an irrelevant and fallacious basis for rejecting an argument or conclusion.

In our view, what makes *ad hominem* arguments fallacious is not that they use irrelevant information about the author, but that they are usually too persuasive. For example, if someone of a left-leaning political orientation hears that an argument against raising the minimum wage is coming from a right-wing policy institute, there is a powerful temptation to just dismiss the view. Arguably to do so would be to commit the *ad hominem* fallacy. But surely the source of the argument is not irrelevant. The problem is that knowledge of the source is often too persuasive. Many fallacies are argument patterns whose persuasive power greatly exceeds their evidential worth.

*Ad hominem* information can “lead us into fallacious temptation” but that does not mean that *ad hominem* considerations do not have some rational worth. The

credibility of an argument is based in part on accepting the premises. In many cases, part of the basis for this acceptance is the trustworthiness of the author of the argument. In scientific papers we trust that the anonymous author is at least not lying about the data. In newspaper editorials, references to facts of the news are usually accepted to the extent that the newspaper is a trustworthy source.

Although one can challenge any premise, for argumentation to proceed most premises will need to be accepted provided that they are plausible and that the author is a trustworthy source. This acceptance is not based on the author's expertise, but rather on a judgment that the author is a trustworthy source of information. In addition, the extent to which we credit the conclusion is not simply determined by the apparent support that the premises give the conclusion. Recognizing the dialectical nature of argument evaluation means that argument evaluation must involve assessment of an argument against its countervailing arguments and consideration. Whoever presents an argument has a dialogical duty to acknowledge counter arguments and to indicate why the supported argument is stronger than these. Trusting an argument's author to be both candid and knowledgeable about alternative views is part of the basis for a rational acceptance of the argument. If we have reasons to believe that the source of the argument is either not trustworthy (e.g., is not someone who would tell us about key counter arguments or evidence) or is not reliably competent (e.g., is not likely to have done due diligence on the relevant objections to the view), then these characteristics provide a good basis for not accepting the argument or conclusion.

In addition, knowing that a source is coming from a particular point of view can and should inform a more detailed investigation of their argument. One should not dismiss an argument because of the political bias of its source, but such information may give rise to an appropriate skepticism about the view. In the climate change debate, it is striking that almost all opponents of the anthropogenic view appear to have financial and other bases for their opposition. But is this observation an instance of the *ad hominem* fallacy? We think not. While their views should not be dismissed on this basis, this observation can be used against the critics along with other arguments such as their lack of alternative explanations for global warming.

The standard view, with which we disagree, also treats reference to psychological explanations of a person's argument as fallacious. On this view, how one comes to a position, including whatever psychological motivation may be behind it, is not

relevant to the assessment of the argument for the position. While understanding a person's motivation is certainly not sufficient for dismissing an argument, we would argue that it is not irrelevant.

The relevance of these considerations is nicely illustrated in a recent column in *Scientific American* by Michael Shermer. Shermer argues against the widely held view that people experience grief in the stages "denial, anger, bargaining, depression, acceptance," citing evidence from a variety of relevant experts that rejects this reigning view. These include current experts in the field who claim that there are no studies that support this view and that in their counseling work, they do not see any standard pattern. But Shermer does not end his case against the view by merely citing counter evidence from current authorities. He goes on to ask why it is that such a theory is attractive.

Why stages? We are pattern-seeking, storytelling primates trying to make sense of an often chaotic and unpredictable world. A stage theory works in a manner similar to a species-classification heuristic or an evolutionary-sequence schema. Stages also fit well into a chronological sequence where stories have set narrative patterns. Stage theories "impose order on chaos, offer predictability over uncertainty, and optimism over despair," explained social psychologist Carol Tavris, author of *The Mismeasure of Woman* (Shermer 1997).

The well known errors in the perceptions of correlation and coincidence clearly support this view. Of particular interest to us is Shermer's argumentative use of this information. Shermer uses the fact that there is a non-rational explanation for the view that grief comes in well structured stages as further evidence against the view. We believe that this form of argument, which involves first providing a rational basis for rejecting a view and then adding a plausible non-rational explanation for why the view is held, is a legitimate use of genetic information and is not fallacious.

## (6) Self

At least since Socrates' famous "know thyself" injunction, self awareness has been advocated as a key to reasonableness. No one escapes the historical context in which he or she lives. Everyone can, however, become much more self-aware about this context and its influence on their point of view. We reject the idea that all views are biases in the derogatory sense, but acknowledge that while there is no "view from nowhere," striving for the regulative ideal of objectivity is one that



can be facilitated by personal, intellectual and cultural self awareness. It can also be facilitated by a number of intellectual strategies such as always seeking alternative views and considering and developing counter examples to reduce the problem of confirmation bias.

While argument evaluation obviously focuses on the argument, the person doing the evaluation is a crucial component of the process. One's initial views on an issue such as legalizing marijuana, or even one's fundamental world view on such questions as free will, justice, or God can influence a person's assessment of an argument. When trying to come to a reasoned judgment on a topic, one should be aware of one's own biases, point of view, and assumptions. Admittedly this is a limitless task, but it is part of the regulative ideal of being reasonable. "My grandchildren are all wonderful" reflects a harmless bias; "The Irish are genetically criminal" (as was sometimes said in New York at the turn of the 20th century) reflects a sinister bias.

Students often have definite points of view on many issues by the time they reach the post-secondary level. This is problematic only when they are unaware that they are adopting a point of view (e.g., a laissez faire economic view) but think it is just common sense (e.g., the poor are poor because they are lazy). Clearly the insidious form of bias is unselfconscious bias. A point of view is a bias only if it influences our judgment in an unreflective and unwarranted manner.

Let us take the nurture/nature debate as an example. Within our intellectual lifetime, the relative weight given to these two factors has shifted from nurture to nature. The supposed political implications of this shift, along with the evidential basis for it, continue to be debated. The early reaction against sociobiology was clearly motivated by a suspicion that a renewal of the nature hypothesis had sinister implications, from racism to support for a laissez faire economic system built on human selfishness.

We do not wish to enter this debate, but we do wish to note that as argument assessors, we are much more willing to view explanations of human behavior through a lens of biological influences than was true forty years ago. This different lens reflects an objective shift of burden of proof. We are much more open to biological/genetic explanations of behavior. The new climate of fascination with genetic and biological explanation also doubtless carries its own collections of blinders and prejudices such as the presumption of a one characteristic - one

gene explanation, or the ignoring of the role of biological context in determining gene expression.

Reflective people understand that they evaluate arguments and claims in a particular personal and cultural climate. To ensure that they are making a fair evaluation, they should give special care to the consideration of those views with which they have initial disagreement. Given the well documented phenomenon of confirmation bias, reflective assessors should also be skeptical of their own enthusiasm for evidence supporting their view. One strategy for ensuring that one is taking a fallibilist position is to try to state what kind of evidence would lead one to change one's opinion.

In addition, there is growing body of literature from behavioral economics that documents the pervasive influence of a variety of social conditions that can undermine our ability to be rational (Ariely 2010). The antidote to these influences is self awareness and a commitment to fair-mindedly consider alternative views. We are not simply arguing that an evaluator of an argument should be a fallibilist, prepared to admit error and willing to consider other views. Rather we are arguing that reasonable assessors should attempt to be cognizant of their own assumptions and intellectual leanings and should make special efforts during an inquiry to seek alternative views and counter arguments. Students need to become aware that they are embedded in a context and need to reflect on their own judgments in light of this.

### *3. Summary*

A reasonable assessment of an argument with the goal of reaching a reasoned judgment must take into account not only the content of the argument itself, but also a much wider context. This context includes:

#### (1) Dialectical context

Evaluating arguments requires a knowledge of the history of the debate surrounding the issue, especially counter arguments to the current position or argument being evaluated.

#### (2) Current state of belief or practice

An understanding of the current practice and beliefs in an area is important for evaluation, especially to the extent that this determines burden of proof.

#### (3) Intellectual, political, historical and social contexts

No issue exists in a social vacuum. Understanding an argument, understanding the significance of a claim, and appropriately conducting an inquiry into an issue,

all require knowledge of the historical and social contexts.

#### (4) Disciplinary context

An assessor should be sensitive to both the particular discipline and the state of consensus in that discipline.

#### (5) Sources

All arguments depend for their acceptance in part on trust. Evaluating the trustworthiness of the source of the argument is almost always relevant.

#### (6) Self

The argument assessor or a person conducting an inquiry must be aware that they too are part of the context of evaluation. Self awareness and a commitment to seeking counter evidence is crucial to reasonable evaluation.

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# ISSA Proceedings 2010 - Rhetorical Figures And Their Chances In Hybrid Media



## *1. Visual and verbal communication*

The study of rhetoric is generally restricted to verbal communication. The art of rhetoric found its origin in the oratory, evidently so, and it is assumed that treatises on rhetoric mainly presented advice on the writing of appealing speeches that convince their audiences. However, those assumptions tend to neglect the fact that rhetoric treatises did not only handle the inventing and writing of speeches, but also the delivery. The attention for speech delivery brings into play elements of voice and body language and the audio-visual aspects of presentation. Actually, also more outspoken non-verbal elements used to be considered: the showing of a scar or a bloody weapon could be an important feature of a successful speech (Hobbs 2004, p. 58).

However, the relative neglect of the visual in the field of rhetoric does not mean that it received no scholarly attention at all. For instance: writing and speaking instruction often handled the translation of visual images into verbal text - and the other way around. There were numerous ekphrasis advices on the composition of vivid descriptions, on 'bringing before the eyes' (Hobbs 2004, p. 56). Quintilian e.g., saw visualisation as the most powerful means of arousing emotion, possibly the best way to convince an audience.

It is far beyond the scope of this paper to outline the history of verbal versus pictorial rhetoric or communication. Basically, I assume that, although the verbal and the visual probably do have a 'wild zone' to themselves, they have a lot in common. The study of rhetoric may have its roots in oral discourse, and may have focused upon verbal communication too easily, yet there are no clear reasons why it should explicitly exclude visual communication and persuasion. A clash between verbal and visual communication does not seem to be constitutive for the discipline of rhetoric (Goggin 2004). Rather, the interrelation between the two can be assumed in many ways.

In our times, different modes are merging more and more into hybrid texts. This increasing multimodality does include the reshuffling of historical and intellectual status cards. Some experts in visual communication react against the supremacy of written words in the western intellectual tradition, claiming that images do not deserve to be banned to categories of illiteracy, delusion, subjectivity, irrationality and emotion, but are at least as basic to human communication and intelligence as verbal language. How difficult it may be, it is important to work in a tradition that does not put both fields in opposition, and to find out, without denying the distinctions, how the different perspectives can enrich analysis and interpretation. I will examine how a rhetorical figure can originate in both a verbal and a visual mode, and what we can learn about the figure by looking at it from this double perspective. First, I will focus on the verbal and visual aspects in the construction of meaning and argument (§ 2). Then, I will go into research on figuration that tries to restore the link between the form and the function of style figures (§ 3). From that point, I will assess some cases of the figure antithesis within their specific context and point out the different functions of the verbal and the visual (§ 4).

## *2. Understanding images*

The ways in which the verbal and the visual work together in the production of meaning is the basic research question for Kress and Van Leeuwen, who study the similarities and interdependence between the verbal and the visual. Initially, they both were engaged in the analysis of verbal texts, but gradually, they expanded their work and added elements that go with the verbal, like facial expressions, gestures, images, music, etc. Yet, this background does not mean that Kress and Van Leeuwen, by adding the visual to their field of study, only aim at offering a more complete analysis of verbal texts; they also want to come to a better understanding of language: 'just as the knowledge of other languages can open new perspectives on one's own language, so a knowledge of other semiotic modes can open new perspectives on language' (Kress and Van Leeuwen 2006, p. ix).

Both words and images take part in the production of meaning. This is what connects them, and this is what Kress and Van Leeuwen want to explore. 'Meanings belong to culture rather than to specific semiotic modes. And the way meanings are mapped across different semiotic modes, the way some things can, for instance, be 'said', either visually or verbally, others only visually, again others only verbally, is also culturally and historically specific.' (Kress and Van Leeuwen 2006, p. 2) Of course, this does not mean that semiotic modes don't make any

difference in the production of meaning. Language is constructed by elements like words and sentences, images by color and composition. Kress and Van Leeuwen explore the interrelation between the two, as we can see in claims like: 'All texts are multimodal. Language always has to be realized through, and comes in the company of, other semiotic modes' (Kress and Van Leeuwen 1998, p. 186). This goes for speaking (sounds, facial expression, etc), and for writing (words, lay out, etc.). According to them, the traditional insistence on the monomodal - that favors e.g. written text on a densely printed page - only reveals that this once was the most highly valued kind of writing. Indeed, this status of the verbal is possibly one of the reasons why verbal texts are still very much considered to be standing on their own, and studied apart from other modalities, while most work on visual communication does not exclude the verbal at all.

As for the status for the verbal, Kress and Van Leeuwen claim that the situation is now being reversed. Written text is less structured by linguistic means, and more by visual means, through layout, spatial arrangement, and other graphic elements on the page. Texts are no longer 'written', but 'designed'.

'writing may remain dominant, with the visual fulfilling a 'prosodic' role of highlighting important points and emphasizing structural connections. But it may also diminish in importance, with the message articulated primarily in the visual mode, and the words serving as commentary and elaboration. Visually and verbally expressed meanings may be each other's double and express the same meanings, or they may complement and extend each other, or even clash and conflict' (Kress and Van Leeuwen 1998, p. 187).

According to Kress and Van Leeuwen, the skills of visual literacy are no longer reserved for specialists anymore. By now, visual literacy has become a 'matter of survival' for anyone (Kress and Van Leeuwen 2006, p.3). The shift away from the so-called purely verbal ideal towards the more hybrid modes actually revealed the fact that most communication is hybrid, and that the existence of either a purely verbal or purely visual mode is probably more an interesting but abstract possibility than a daily human experience. Clearly, the changing practices force us to develop new modes of text analysis, where the visual and particularly the interplay between the verbal and the visual can adequately be described.

Although Kress and Van Leeuwen don't position themselves within the rhetorical tradition, some aspects of their research do show similarities to it. Their focus on the combination of the different elements into a 'text' shows how meaning is

constructed and complex: 'Just as grammars of language describe how words combine in clauses, sentences and texts, so our visual 'grammar' will describe the way in which depicted elements - people, places and things - combine in visual 'statements' of greater or lesser complexity and extension' (Kress and Van Leeuwen 2006, p.1). This focus on the text as a whole, made up from complex and interacting elements, is compatible with the rhetorician's overall attention towards the many aspects that contribute to the creation and interpretation of a meaningful text.

Also, they take into account the functional aspects of both visual and verbal communication. Their grammar is not normative or formal or operating in isolation from interpretation, meaning or social function. The way we put things in grammatical structures does show ideological positions, they claim. For example, a newspaper that writes A political clash has lead to death and injury reveals an ideological position that differs from a paper that writes Rhodesia's white supremacist police ... opened fire and killed thirteen unarmed Africans (Kress and Van Leeuwen 2006, p. 2). This shows how they work with the rhetorical assumption that meaning lies within the presentation or the form of the message, and not on another, more abstract, level.

Kress and Van Leeuwen explicitly mention the critical aspect of their work; they encourage us to 'read between the lines', in order to discover how apparently neutral, informative texts articulate and disseminate ideological positions, and how possible alternative views can be detected. Yet, in the first place, their work focuses on the regularities of visual communication, rather than on its uses. They take into account that power and social interaction play an important role in communication, but they focus on the construction of meaning in general and not on the rhetorical construction of specific arguments or style elements, nor on the dynamic aspects of rhetorical interaction. All things considered, their assumption that both the verbal and the visual take part in the production of meaning is an important first step in research on the possibility of style figures in hybrid media. The visual can do more than add some extra information to a verbally expressed message. Now we can proceed to the next question: is it possible for the visual to function in the production of argument? Tony Blair focuses on one aspect of this topic and examines how we can understand visual argumentation (Blair 2004). Following O'Keefe's definition of argument<sup>1</sup>, he relies upon the verbal paradigm of argumentation and considers the propositional aspect of argument as essential. Visual arguments are arguments transferrable into language, so we can speak of visual arguments as propositional arguments that are expressed visually. Looked

at this way, there seems to be no essential difference between visual and verbal argument. Blair also notices that visual arguments are often more powerful and suggestive, but that they're not always clear, and easy employable for psychological manipulation. As a whole, visual communication seems to offer statements or conclusions easily enough, but it often lacks premises. Blair's way out of the verbal 'propositional' paradigm relies upon a notion of translation of the visual into the verbal. David Birdsell and Leo Groarke go even further in refuting the 'visual skepticism' by showing for instance how both words and images can be clear or vague, and how context plays an important role in the interpretation of verbal and visual communication alike (Birdsell and Groarke 2004). In short, we can assume that words and images can and do function together not only in the construction of meaning, but also in the construction of argument.

### *3. Visual Figuration*

Meaning and argument construction are possible both in verbal and in visual communication, and often they come about in combined or hybrid forms, where both verbal and visual aspects take part in the construction. One special element in the construction of meaning and argument, is the element of style. Meaning and argument are no abstract ideas; they exist within a certain form. It is generally assumed that form by itself plays a role in communication, but as to the exact impact of style, opinions differ widely. For our purpose, it is important once more to focus upon functionality. From this perspective, the question is not: what is a style figure, but rather: how does a style figure work?

Theories of figuration in the first place try to explain and categorize individual figures. Over the centuries, this has resulted in a wide variety of categories. The only thing they have in common is their struggle with the matching of verbal forms on the one hand and discourse functions or speech acts on the other (Fahnestock 1999, p. 14). When it comes to figuration in general and the notion that figures form a departure from normal language, we find a long history of theories. Indeed, what could that norm be? As a whole, value-added theories of the figures have dominated in the rhetorical tradition. The figures are considered to be sources of emotion, charm, vividness, force, vivacy or elegance. Until recently, this supposed difference between unmarked and marked language has pushed the figures to the exclusive field of markers of the literary text. (Fahnestock 1999, p. 20). Whenever the function of figures is exclusively reduced to the adding of charm, beauty, emotion, or whatever, they are reduced to



epiphenomenal and superficial phenomena and they end up in a museum of curiosities. The only way to see figures in their full power is by restoring their link with interpretation and argumentation.

Aristotle sees figures as normal, in the sense that they are accepted, not abnormal language. Rhetorical style should never attract attention, and figures should function in the process of learning and rendering insight. Aristotle nowhere claims the figures to be emotional, ornamental, or epiphenomenal in any other way. 'Ornatus', the fourth style device, is nowhere introduced by him; (probably) his pupil Theophrastus first mentioned it. Thus, Fahnestock claims, Aristotle develops an implicit figuration theory that is not based on the problematic substitution principle but more interestingly on a combination of form and function.

When we look exclusively from a formal perspective according to what syntactic or semantic substitutions have presumably been made, there is no clear answer to the question of figuration. A more interesting perspective is the functional side of the connection, so we should ask what speakers or writers try to accomplish by using figures, and what effect figures apparently have on an audience (Fahnestock 1999, p. 17).

In trying to trace back the functionality of the figures, Jeanne Fahnestock claims that they can also be understood as epitomes, or verbal summaries, of lines of reasoning, as the formal embodiments of certain ideational or persuasive functions (Fahnestock 1999, p. 24). This way, she tries to re-establish the link between topical lines of reasoning and the figures. 'Associating certain verbal figures with general lines of reasoning, called 'topics' in the rhetorical tradition, also assumes that it is possible to define these lines or arguments in the first place, a notion that for contemporary readers with no exposure to rhetoric may seem as odd as the figures themselves' (Fahnestock 1999, p. 23). Indeed, in our times, we are convinced that creativity or spontaneity of invention are based on complicated cognitive processes, and linked to specific disciplines or professions. According to Fahnestock, the popularity of the metaphor as a figure that generates analogical reasoning could be a starting point for the assumption that human reasoning can follow many more lines than analogy alone.

Also Chaïm Perelman and Lucie Olbrechts-Tyteca claimed the argumentative role of figures and re-established the link between the figures and argumentation by dispersing the figures among the techniques of argumentation (Perelman and

Olbrechts - Tyteca 1969, p. 179), thus confirming a view of the figures as the epitomes of certain durable lines of argument (Fahnestock 1999, p. 36).

This focus on function is an element to consider in our next question: if it is possible to consider figures in their argumentative function rather than in their ornamental function, is it possible to understand visual aspects as constitutive elements of those figures? Is there a way to assess a hybrid style figure by its argumentative function?

An interesting figure, where the interplay of form and function is obvious, is the figure of antithesis, an important figure in Fahnestock's work. In Aristotelian stylistics, dialectic, and rhetoric, 'antithesis is a consistent, and consistently important, concept, at once a verbal, analytical, and persuasive device', Fahnestock claims (Fahnestock 1999, p. 53). Aristotle's antithesis is 'a verbal structure that places contrasted or opposed terms in parallel or balanced cola or phrases. Parallel phrasing without opposed terms does not produce an antithesis, nor do opposed terms alone without strategic positioning in symmetrical phrasing. Instead, the figure antithesis, according to Aristotle, must meet both syntactic and semantic requirements' (Fahnestock 1999, p. 46-47).

The semantic base of the figure is formed by 'natural' pairs. These are commonly used pairs of opposites, and as such easily conceivable by the public. The use of one in the first half of the figure creates the expectation of its verbal partner in the second half. Fahnestock finds evidence in Aristotle's work that shows how the verbal form, the figure antithesis, can be recognized as the epitome of an underlying topical reasoning. To her, it is important to realize that a line of argument actually can be invented through stylistic choices. Fahnestock stresses the double nature of antithesis as the verbal phrasing of a topical device. Yet, over time, the syntactic and semantic components of the figure fell apart, as it was split up into stylistic aspects, where it is a figure of diction, and probative aspects, where it forms a figure of thought (Fahnestock 1999, p. 58).

#### 4. Cases

Kress and Van Leeuwen, Blair, and many others noticed that purely visual communication / argumentation - i.e. without any form of verbal support or context - is often vague and suggestive. As such it is more interesting from an aesthetic point of view, since ambiguity and lack of closure are easily accepted within a work of art. In this analysis, I will rather concentrate on hybrid forms in the media and in our everyday life. I understand figures as functional elements and not as ornament, so I will look for the argument value they may have, and I

will try to describe a few hybrid texts from the perspective of the antithesis figure.

An analysis that tries to reconstruct the dynamism and evolution of contrast and opposition within one artefact can show how graphic and verbal lines of argument can work together, interfere, or contradict; how words can generate images and vice versa. Both the form and the function are considered in this analysis. This means that I will look for the way(s) the antithesis works. I will try to assess each example separately, taking into consideration the specific context that makes the figure work or not, as well as the question whether it functions as an argument or not. I will also describe how the mixing of media functions and whether it is appropriate. As a whole, the analysis is meant as a starting point for further research on hybrid style figures.

A first finding: the figure antithesis is not abundantly present in our news media and everyday life. Striking antitheses, either verbal or visual or mixed, are rare. Here are some examples of verbal antithesis: Tom Boonen needs help, not punishment. This is a single antithesis, because one element is combined with a contrasting pair (TB needs help / no punishment). Here are some double verbal antitheses: Man failed, not market, and The world is doing badly, yet Dutch literature is thriving. (man / market versus failed / failed not, and The world / Dutch literature versus doing badly / thriving). The figure seems to be popular in movie comments like these: 'Sex' adds sheiks, loses chic and 'Prince of Persia': pretty to look at, a pain to watch.

Another preliminary remark: the typical elliptic and concise style of newspaper headlines often does not really allow for the explicit formal and extensive repetition of grammatical elements that enhance the contrast between the antithetical pairs. This can turn the figure into too vague a message or too formal a word play. As a consequence, the possible antithesis loses power because it needs too many contextual elements in order to reach its full meaning.

(1) *Macbeth*

FIGURE 5. Antithesis



*Juxtaposition of Macbeth, the loyal general, with Macbeth, the viciously evil king (Joseph McDonald).*

Figure 1

This Macbeth poster shows one verbal term in combination with two contrasting images. It is a result of an experiment by Hanno H.J. Ehses in which the heuristic possibilities of ten style figures are tried out. Students in a design class were asked to find graphic encodings for a poster that announces this Shakespearian tragedy, using the formal construction principle of a specific rhetorical figure as a guideline (Ehses 2004, p. 173).

The Macbeth poster uses shape and shade differences at either side of the vertical line to reveal two Macbeths, evoking two moments in the life of the main character in this drama. The two halves of the same face form the parallel construction, or the syntactical element the antithesis is based upon. The two sides of this poster show the younger loyal general and the older evil king he has become, introducing both a time element and the driving force of this character. The lines at the left side are in soft shades of grey, leaving one white element to stand out: the little white crescent in Macbeth's eyes, repeated at the right side, suggesting the one element that holds this character together: the fatal ambition to become king. The picture should be read from the left to the right, the right side representing the older king in sharply contrasting black and white lines, suggesting his cruelty.

This is a single antithesis: the word Macbeth is yoked with two visual opposites. The verbal element Macbeth is supported visually by the image of the face, and the contrast is expressed only visually. The two white crescent forms in Macbeth's eyes form a nice repetitive element within the visual antithesis. As suggested by Aristotle (and interpreted by Fahnestock), single antitheses are not suitable for building a new argument, but they can serve as a refutation (Fahnestock 2000, p.

177). Indeed, this antithesis reveals the dramatic value of the play, and shows Macbeth as a tragic hero, driven to death by his ambition. The function of this poster is to give information about the play and to invite the reader to come and see it. The antithesis works nicely: by opposing the younger and the older Macbeth, it raises the general question: how could this one man have two completely different personalities? A certain incompatibility, some kind of contrast is revealed, suggesting the tragic events in the play. The line of argument can be reconstructed as such: Come and see the play Macbeth / because it is interesting to see the dramatic evolution from the young and eager general Macbeth to the old and desperate king Macbeth.

This technique is applied in many commercials as well. The brand name is the unifying factor, the contrast is shown visually, and the underlying reasoning is something like If you drink Danone, you'll lose weight; if you don't, you'll stay fat. / If you don't drink Coca Cola, you'll stay lonely; if you do, you'll become popular. Those combinations are interesting for advertising, since such antitheses have a simplifying effect and make the consumer forget all about the grey middle zone of intermediate processes and positions. The combination of one word with a pair of contrasting pictures often creates a striking or funny effect: a question, a joke, a surprise, a riddle, a problem. Sometimes, the line of argument created can serve as a refutation, eg. in cartoons where the impossible combinations in the lives or characters of celebrities are dealt with and condemned. My suggestion is that the argument line of those antitheses often comes close to what Perelman and Olbrechts-Tyteca called quasi-logical arguments, where incompatibilities are presented as if they were logical contradictions. But this is definitely not always the case. In all of these examples, the conclusion is presented verbally, and the reasons visually - within the antithesis.

(2) *Less ado, more done.*



Figure 2

Another technique that is very widespread as well goes the other way around: in this example, the image of the politician forms the visual element, while the verbal antithesis is showing her message. Here, the repetition of the verb 'to do' results in a somewhat stronger effect. A similar example is a picture of a flashy car accompanied by the words: More car for less money (*Figure 2*). The line of argument is similar to examples one and two: the surprise effect prevails. Another example is a bit more complicated, as it shows the visual conclusion of a sad message Last year flowers, this year nothing. In this secretary's day drama, we see the picture of a sad looking secretary, presenting the reasons of her sorrow in a verbal antithesis. In these examples, the conclusion is presented visually (vote for me / buy this car / I'm sad), and the reasons verbally - within the antithesis.

*(3) Johannesburg public transport police*



Figure 3

This image (*Figure 3*) shows a strong visual contrast with the two (white) boys and the yellow bars separating them from the aisle in the middle, where a (black) man in uniform is prominently present, keeping law and order. The verbal message at the bottom of the picture goes as such: Security officer on the public transportation in Johannesburg. South Africa is doing its utmost best to get rid of its unsafe image.

The formal contrast is visual, not verbal. One can easily understand the paradigmatic visual message of the policeman doing his job and taking the middle position between two boys. The antithesis is visual, and possibly suggests a fight

that could start between the two boys. The line of argument presents a solution, visually shown by the police officer in the middle. Conclusion: The boys will not get caught in a fight. Reason 1: There is a police officer that will prevent this.

In the verbal message, two sub-arguments are added to the first reason. Reason 1.1.: South Africa has put policemen on public transport. Reason 1.1.1.: South Africa wants to get rid of its bad image. The verbal sub-arguments are used to add the actual circumstances to this paradigmatic picture. As a whole, this is a nice example of a functional visual antithesis, because it adds something to the verbal message without changing it.

#### (4) Chat with politicians



Figure 4

In this text (*Figure 4*), the verbal message that invites us to challenge both politicians is imperative, but the visual presentation suggests contrast rather than comradeship between these politicians, as it pushes them apart to the far sides of the message. The visual separation of the two politicians widens the gap between them, while in the verbal message there is no contrast between them whatsoever. Is this a functional antithesis? No, it is only a visual suggestion of opposition, a very popular technique in the media - and not only there.

#### (5) Lake levels sink, state fears rise. (The Detroit News, June 12, 2007)

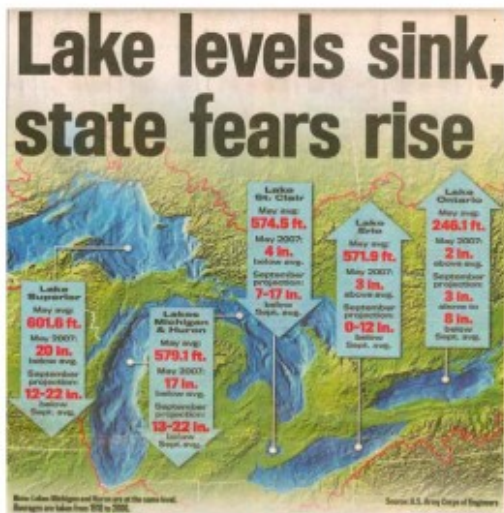


Figure 5

The verbal antithesis (*Figure 5*) is constructed from two pairs: sink / rise, and lake level / state fears. The two parts of the antithesis show a causal relationship. The picture is complex: it shows a photographic air view of the lake region, filled in with five up or down vectors that in their turn show data about the water level of the five lakes. The very dominant vectors suggest a repetition of the verbal sink / rise contrast, yet two out of the five vectors point upwards, which downplays the effect. After some close scrutiny, it becomes clear that the situation is not as dramatic as the title suggests. Two lakes are still above the average water level, and other low water level extremes are nowhere mentioned - only the averages. In this case, the verbal antithesis clearly inspired its visual counterpart, but the vectors in the picture are about a different rise / sink - contrast, which results in a rather vague and confusing line of reasoning as a whole. By extending the verbal contrast to the picture without following the line of reasoning, the 'antithesis' has become a purely formal play and hence has lost a great deal of its function.

## (6) Science versus Ait Oud



# Vezels spreken, Ait Oud zwijgt

De wetenschappers van het Nationaal Instituut voor Criminalistiek en Geneeskunde (NICG) hebben de jury op het proces tegen Ait Oud overtuigd en nog belangrijker: overtuigd getuigd.

**PROCES AIT OUD**  
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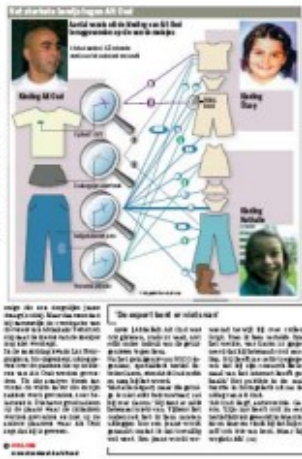


Figure 6

The next example (*Figure 6*) shows a catchy antithesis in the title and a vibrant and fascinating illustration. Speaking scientific evidence is put against the silence of the accused, who by this silence keeps denying the facts. *Vezels spreken, Ait Oud zwijgt* (Fibres talk, Ait Oud keeps silent). The double pair the antithesis is built upon consists of the obvious speaking versus keeping silent contraries on the one hand, and the fibres versus their previous owner - Ait Oud wore the clothes - on the other hand. Although the fibres talk, AO keeps silent. This clash makes the antithesis function like a paradox, stressing the frightful mystery of the accused stubbornly denying the murders. It expresses the questions the public is confronted with. As such, it does what it has to do here: it creates an opposition, a paradox, and it leaves open the question. In this case, the overwhelming scientific evidence is revealed, but the boundaries of science in the domain of jurisdiction are not being denied. This antithesis, within this context, is an example of a style choice that epitomizes an important question and stimulates public debate. Conclusion: It is unclear which source we are to believe in the case of AO. Reason: Science proves AO guilty, while AO denies his guilt.

The illustration shows a picture both of the (silent) AO, and of his clothing, with the abundantly 'talking' fibres. Some 20 vectors leave his garments and head for the clothes of the two raped and murdered children, at the right side of the picture. The visual effect is strong, as well as the title message of the picture: The strongest evidence against Ait Oud. This picture clearly backs the overwhelming scientific evidence of the fibre examinations: the fibres speak. The left - right opposition and the little pictures showing the faces of the three parties add to the

narrative aspect of the illustration, suggesting the cruel rape and murder act of the accused (left). The illustration creates a new pair: it is the opposition between the accused AO (left side) and the two victims (right side). It can easily be considered a sub-argument for the first part of the antithesis: the fibres prove his guilt and the picture as a whole evokes his cruel deeds.

#### (7) The safest side in a train crash



Figure 7 - Which is the safest side in a train crash? / That depends entirely on the direction of the train.

This cartoon (*figure 7*) starts from a (verbal) question, provides us with an enigmatic verbal answer, while the final explanation of the answer is to be found in the picture. This picture provokes a very clear and convincing antithetical line of reasoning: if the train goes to the right, the safest side is on the left (with a soft landing promised to the two gentleman, and no great injuries to the pink lady), if the train goes to the left, the safest side is on the right (with dramatic consequences for the gentlemen). Here, the visual contrast between the two tiny men on the one side of the train compartment and the big pink lady on the other side is enhanced by the line of hypothetical reasoning that is generated by the verbal message. Conclusion: The safest side in a train depends on the direction of the train (verbal) and the weight of the victims (visual). Reason: if the train goes into the direction of weighty people, it is safe; if the train goes into the direction of small people, it is unsafe. The visual adds the element of body weight to the verbal element of direction, and that is what creates the pun.

## 5. Conclusion

Perelman and Olbrechts Tyteca claimed that an effective figure can only be recognized as such after an analysis of its context and function. In the cases analysed, we can see that some contrasts are in the verbal, others in the visual, sometimes they repeat one another; often they need one another to reveal the full meaning. Some cases, like Macbeth (1) and Less ado, more done (2) are quite simple. Their visual impact is strong, but their functional value is often limited to a suggestion of surprise. In those cases, the reasoning is in the antithesis, no matter whether these premises are verbal or visual; and the conclusion is within the single term yoked to the contrasting pair, no matter whether this term is visual (picture of politician) or verbal (Macbeth). Sometimes, the picture can stand on its own while the verbal element adds actual information to narrow the meaning down (3 - Johannesburg)), and sometimes the visual creates an opposition that is not present in the words (4 - Chat with politicians). Example 5 (Lake levels sink, state fears rise) shows how a verbal antithesis is reduced to a formal game by an ill-chosen illustration, and in example 6 (Fibres talk, Ait Oud keeps silent) we see how one side of the verbal antithesis is supported by the illustration. Example 7 (train crash) shows quite a complex and dynamic visual antithesis embedded in verbal elements that present the conclusion.

Work on antithesis shows how form and function support and create one another, how different kinds of contrasts are made to work in argumentative moves. Both verbal and visual elements can help to construct antitheses and play their roles in it. Adding the visual to rhetorical analysis provides us more insight into the way visual and hybrid communication work, but also into rhetorical aspects of communication in general and the function of the figures in particular.

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# **ISSA Proceedings 2010 - Arguments, Stories And Evidence:**

# Critical Questions For Fact-Finding



## 1. Introduction

In this paper, we look at critical questions for the process of reasoning about the *facts* and the *evidence* in criminal cases [i]. In the literature, essentially two approaches to this reasoning can be distinguished: the argumentative and the narrative approach. In the argumentative (or argument-based) approach, the facts should be supported by reasons based on evidence. Key questions for argumentative approaches include which reasons can support which conclusions under which circumstances (the search for warrants and argumentation schemes, cf. Toulmin 1958, Walton et al. 2008) and how to handle conflicts of reasons and exceptions (the defeasibility of argumentation, cf. Loui 1995). The argumentative approach in legal fact-finding is based on Wigmore (1931), whose hand-drawn evidence charts predate many later developments in legal theory (Anderson et al. 2005). The approach has been explored in the field of argumentation by Walton (2002) and Bex et al. (2003), who propose and analyse numerous argumentation schemes that can be used to reason from the evidence to the facts.

The second approach to the rational establishment of the facts involves presenting these facts as narratives or *stories* - coherent descriptions of what might have happened - that causally explain as much of the evidence in the case as possible. In a criminal case the narrative typically includes the events of the crime (e.g. the victim being shot) information about the intentions of the criminal (e.g. vengeance) and the consequences of the crime (e.g. a dead body). Key questions in a narrative approach include how to establish the coherence and quality of stories (the search for plausibility criteria), when to believe a story (the issue of justification of the belief in a story) and how to choose between alternative stories (the issue of story comparison). The narrative approach has been studied as a model of cognitive decision-making in the psychology of law (Pennington and Hastie 1993, Wagenaar et al. 1993) and as a more analytical model for inference to the best explanation in (legal) philosophy (Josephson 2002, Thagard 2004, Pardo and Allen 2007). The narrative approach is less well

represented in the literature on argumentation. In this paper we will show that a strong analogy can be drawn between reasoning patterns in argumentation, the familiar argumentation schemes (Walton et al. 2008), and patterns in the narrative approach, which we call *story schemes* (Bex 2009). These story schemes act as a background for particular instantiated stories in the same way as argumentation schemes act as a background for particular instantiated arguments. Furthermore, story schemes give rise to relevant critical questions in the same way as argumentation schemes.

In our opinion, neither the purely argument-based nor the purely story-based perspective can do justice to all relevant mechanisms as they are recognized and used by decision makers and investigators. Instead a *hybrid* argumentative-narrative approach, in which arguments and narratives can be used in conjunction as well as interchangeably, is to be preferred (Bex et al. 2007, Bex et al. 2010, Bex 2011). In this paper, we will review this hybrid approach in a semi-formal way (as opposed to the formal logical presentation of Bex et al. 2010), focusing on the types of schemes used in both argumentative and narrative reasoning. Furthermore, we present the list of critical questions from (Bex and Verheij 2009)[ii], which point to typical sources of doubt in a hybrid argumentative-narrative case in the same way as critical questions for argumentation schemes point to typical sources of doubt regarding a single inference. These critical questions are then used to analyse the verdicts in the Nadia van der V. Case [iii]. The case concerns Nadia, who has been killed in her home by several gunshots. Her landlord, Pascal F., is regarded as the prime suspect. He has been seen fleeing town in Nadia's car and is not to be found until well into the next year. When Pascal is finally apprehended, he is charged with murder and found guilty by the lower courts as well as on appeal.

## 2. A hybrid argumentative-narrative theory

In this section, we will discuss the argumentative and narrative approaches before proposing our hybrid combination. Additionally, the discussion below will also focus on the use of various types of commonsense knowledge expressed as schemes. Reasoning with evidence involves a large amount of commonsense knowledge about the world around us, which allows us to assume or infer new information in a way that is as safe as is needed in the context. In this paper, we show that in the argumentative approach commonsense knowledge often takes the form of *argumentation schemes* (Walton et al. 2008), general patterns of

argument that act as a background for particular instantiated arguments, and that in the narrative approach such knowledge takes the form of general scenarios that can be seen as *story schemes* (Bex 2009), standard general event-patterns that act as a background for particular instantiated stories.

## 2.1. Argumentative Approach

In the argumentative approach, arguments are constructed by performing consecutive reasoning steps, starting with one or more items of evidence and reasoning towards a conclusion, a fact at issue in the case. The reasoning steps in these arguments have associated generalizations that justify the inferences (cf. Toulmin's warrants and Walton's schemes). For example, the evidence 'a witness testified that a man who looked like Pascal was in the car' and the generalization 'witnesses usually speak the truth' allows us to infer that 'a man who looked like Pascal was in the car'. This intermediate conclusion can then be used to infer that it was indeed Pascal who was in the car. Thus lines of reasoning can be combined to construct argument trees, which can be rendered as diagrams (Freeman 1991; Reed et al. 2007). Take, for example, Figure 1.

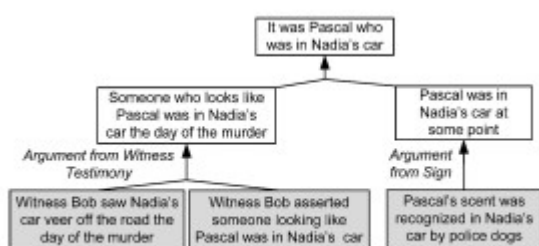


Figure 1: an evidential argument

The argument in Figure 1 uses typical generalizations, such as the above-mentioned generalization about witnesses, to justify the inferences. These generalizations can be rendered as argumentation schemes; for example, consider the scheme for Argument from Witness Testimony (Walton et al. 2008, Bex et al. 2003):

Witness  $w$  is in a position to know whether  $a$  is true or not.

Witness  $w$  asserts that  $a$  is true (false).

*Therefore*,  $a$  may plausibly be taken to be true (false).

Now, Bob asserted that someone looking like Pascal was in Nadia's and Bob was in a position to know this, as he saw Nadia's car. Similarly, the evidence that Pascal's scent was in the car is a sign for the fact that Pascal was in the car at some point (Argument from Sign, see Walton et al. 2008). In addition to these

general schemes, more (case-) specific generalizations are also used as inference licences in Figure 1. For example, the top inference is justified by the generalization ‘if person  $x$  was in a car at some time and someone looking like  $x$  has been seen in that car at time  $t$ , then it is likely that the person in the car at time  $t$  was  $x$ ’.

In the argumentative approach, the individual facts at issue are supported by the evidence in the case through arguments. The argument-based approach is inherently *dialectical*: not only evidence supporting the probanda but also evidence against them should be considered, and any sources of doubt in the arguments should be made explicit. The critical questions associated with the argumentation schemes in the arguments are a useful aid here, as they point to ways in which an argument based on a scheme can be attacked (Bex et al. 2003; Verheij 2003). Take, for example, the critical questions for the Witness Testimony scheme:

1. Was  $w$  in a position to know  $a$ ?
2. Is  $w$  truthful??
3. Is  $w$  biased?
4. Is  $w$ ’s statement that  $a$  internally consistent?
5. How plausible is  $w$ ’s statement that  $a$ ?
6. Is  $a$  consistent with what other witnesses say?

These critical questions give pointers on how and where an Argument from Witness Testimony might be attacked. For example, the third question asks if there is an exception to the general scheme (i.e. normally, if a witness says something this is true but in Bob’s case we have reason to believe this is not so because Bob is biased); the sixth question asks for other arguments (e.g. from another witness testimony that the man in the car did not look like Pascal). Question 5 is interesting in that it asks for the inherent plausibility (i.e. irrespective of evidence) of the statement that someone who looks like Pascal was in Nadia’s car. We will return to this inherent plausibility when we discuss stories and story coherence below.

The argumentative approach is a dialectical way of reasoning with and about the evidence in a case. Argumentative reasoning has been called *atomistic* because the various elements of a case (i.e. facts, evidence) are considered separately and the case is not considered ‘as a whole’. The approach builds on a significant academic tradition of research on informal and formal argumentation and is well



suiting for a thorough analysis of the individual pieces of evidence and the inferences that can be drawn from them, using critical questions to probe the arguments for possible weak spots. However, the atomistic nature of arguments makes them less suitable for giving an overview of the various hypothetical scenarios about what happened in the case.

## 2.2. The Narrative Approach

In the narrative approach, the facts of the case are organised into one or more stories: coherent chronological sequences of events about what (might have) happened in the case. In this approach, the evidential data in the case should be causally *explained* by such hypothetical stories through abductive inference. The basic idea of abductive inference (see e.g. Walton 2001) is that if we have a general rule '*c* is a cause for *e*' and we observe *e*, we are allowed to infer *c* as a possible hypothetical explanation of the effect *e*. This cause *c* which is used to explain the effect can be a single state or event, but it can also be a sequence of events, a story. Take, as an example, the observation that Nadia is dead. According to the prosecution's story, Nadia's death was caused by Pascal shooting her:

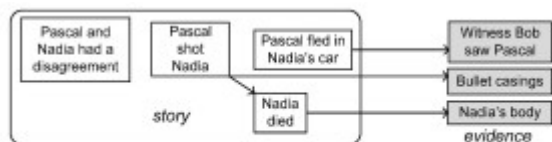


Figure 2: A story which causally explains the evidence

The arrows in the story-diagram in Figure 2 represent causal relations (whereas the arrows in the argument diagram in Figure 1 represent inferential relations) and thus the events in the story causally explain the evidence in the case.

Abductive inference is a creative process, in which we use patterns of commonsense knowledge combined with observed evidence to form a number of hypothetical scenarios. One aid in the abductive process is so-called *story schemes*, general patterns of events that can serve as a background to particular stories. For example, Pennington and Hastie (1993) present a scheme for intentional actions, a causal pattern of the form *motive goal action consequences*. More specific schemes were given by Schank (1986), who defines a number of explanation patterns which may help in explaining events (or states) by connecting an event to an explanation that has been used to explain similar events before. For example, the story scheme for 'murder' is of the form *person x*

*has a motive m to kill person y person x kills person y (at time t) (at place p) (with weapon w) person y is dead.* In the Nadia example, the murder scheme may be used to abduce a possible story from the observation that Nadia is dead. The motive *m* would then be the disagreement and the weapon *w* a gun.

Taken by itself, abductive reasoning can seem to take the form of the fallacy of affirming the consequent. However, the apparent fallaciousness disappears if we consider abductive reasoning in the broader context of inference to the best explanation (IBE): not just a single hypothetical story but also alternative scenarios are considered and the best one is chosen. The choice between these alternative stories depends on how well the individual stories explain the evidence and how *coherent* (Thagard 2004) each of them is. The coherence of a story largely depends on whether the story conforms to our general commonsense knowledge of the world, that is, whether we deem the story to be inherently plausible (i.e. without considering the evidence in the case). Here, story schemes play an important role (see Bex 2009). For example, a story is not sufficiently coherent if there are parts missing; the murder story scheme mentions motives *m* and a weapon *w* and any murder story that does not explicitly mention a motive or a weapon will be incomplete and hence less plausible. Furthermore, the causal relations in the story scheme can be used to draw out the (implicit) causal relations in the story based on the scheme; in the murder scheme, the motive causes the action (i.e. the killing), so in a murder story there will also need to be such a causal link. Thus, the causal links can then be further examined and questioned.

The narrative approach is a causal, dialectical way of reasoning with hypothetical stories that explain the evidence in a case. Clearly, this reasoning is defeasible, since additional evidence might give rise to new explanations. Furthermore, the narrative approach has been characterized as *holistic* (as opposed to atomistic), because the stories allow the elements in a case (i.e. events, evidence) to be considered as a whole. An important advantage of the narrative approach is that it is close to how legal decision makers actually think about a case. Experiments by Pennington and Hastie (1993) suggest that when reasoning with a mass of evidence, people compare the different stories that explain the evidence instead of constructing arguments based on evidence for and against the facts at issue (as is done in the argumentative approach). However, a disadvantage of the more holistic narrative approach is that the individual pieces of evidence do not always

have a clear place and the evidence's relevance with regards to the facts at issue cannot be checked easily. Furthermore, it is not always clear how one should reason about the coherence of a story and how stories should be compared.

### 2.3. The Hybrid Approach

Both the argumentative and the narrative approach concern reasoning about the facts and the evidence: in the argumentative approach, the facts may be proven by justifying them with arguments based on evidence, whilst in the narrative approach the facts are justified by being part of a larger story that explains the evidence. Bex (2011) shows that when dealing with complex reasoning in criminal cases both the argumentative and the narrative approach have their own advantages and disadvantages. The argumentative approach, which builds on the philosophical tradition of argumentation, is well-suited for an analysis of the individual pieces of evidence, whilst the empirically-tested narrative approach is appreciated for its natural account of crime scenarios and causal reasoning. Conversely, the atomistic nature of arguments makes them unsuitable for giving an overview of the various hypotheses about what happened in the case and not all aspects of causal reasoning can be found in the argumentative approach. In the story-based approach, the individual evidence does not have a clear place and its credibility and relevance cannot be checked easily. Arguments and stories therefore need to be combined into one *hybrid theory*, where facts are organised into stories and arguments based on evidence are used to support these stories. In other words, a story such as the one in Figure 2 should be *anchored* in evidence using arguments such as the one in Figure 1, viz. Figure 3.

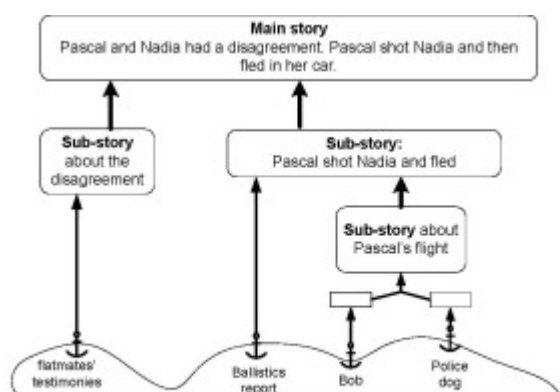


Figure 3: A story anchored in evidence using arguments

In Figure 3 (adapted from Wagenaar et al. 1993)[iv], the main story is anchored in a ground of evidence using arguments, which are based on argument schemes. Note how the main story, which matches a general “kill and flee” scheme, is made

up out of sub-stories that match more specific story schemes lower in the hierarchy (e.g. a story scheme about what happens when two people disagree, a “fight” story scheme about what (may) happen when someone flees after committing a crime). Thus, both arguments and stories and their respective schemes have a clear place in the hybrid theory.

The hybrid approach solves one of the most important issues with the narrative approach as, for example, described by Wagenaar and colleagues (1993), namely that often the connection between the evidence and the stories is not made clear. In the hybrid approach, stories can be firmly anchored or, in other terms, *evidentially supported*. Arguments can be attacked, which may break the “anchor’s chain”, causing the story to be no longer connected to the ground. Note that stories can also be *evidentially contradicted* using arguments. For example, an argument based on a witness statement saying that Pascal was in Poland when the shooting took place contradicts the above story. Aside from anchoring stories in evidence, the hybrid approach also makes it possible to reason about the coherence of a story in a dialectical way, as arguments can be given for the (in)coherence of a particular story or one of its sub-stories. For example, if we take the story in Figure 2, where a relatively harmless disagreement is given as a motive for Pascal shooting Nadia, we could argue against the causal link between the motive and the action by saying that ‘normally, people do not shoot other people when they have a disagreement’. This argument can itself be attacked by saying, for example, that ‘Pascal is an aggressive person who does not react to stress in the same way other people do’.

In the hybrid theory, stories can be used for constructing intelligible hypotheses about what happened in an intuitive way and arguments can be used to connect the evidence to these stories and to reason about the stories and the evidence in greater detail. In the next section, we will discuss how an anchored story (i.e. a combination of story and arguments) such as the one in Figure 3 can be analysed using a series of critical questions.

### *3. Critical questions for the hybrid theory: the Nadia van der V. case*

Our hybrid argumentative-narrative approach to reasoning about the facts and the evidence gives rise to a number of critical questions that can be asked. These critical questions can be used to unearth sources of doubt in a total case (i.e. the combination of arguments, stories and evidence) in the same way as critical questions for arguments point to sources of doubt regarding a single inference. In

this section, we will list these critical questions and give some examples.

*(CQ1) Are the facts of the case made sufficiently explicit in a story?*

A case should contain a clearly phrased, sufficiently specified and coherent story detailing “what happened”.

The starting point of a well-supported opinion about the facts is a concrete story about what happened, that is, a clear and sufficiently specific chronological account of what (might have) happened in a criminal case. By presenting the story separately from any arguments about its plausibility and the evidence, the coherence of the story can be best appreciated and investigated. In a sense, one can say that this story is the *conclusion* of the argument about the case-as-a-whole (cf. the analysis by Verheij and Bex 2009). Which stories can be the conclusion of a legal verdict is often restricted by formal constraints; for instance, in the Netherlands the factual account of a conviction should match the indictment presented by the prosecution. In the Nadia case, the prosecution’s main story was roughly as follows:

Nadia and Pascal had a disagreement about a washing machine and Pascal decided to kill Nadia. He called his work to report in sick and grabbed his Uzi, a small machine gun he had in his room. Pascal then shot Nadia twice, dragged her to the kitchen and killed her by shooting again at close range. Pascal then left the house and fled in Nadia’s car.

For now, we regard this (simple) story as a sufficient answer to CQ1 and turn to CQ2.

*(CQ2) Does the story conform to the evidence?*

- a. Is the story sufficiently supported by the evidence in the case?
- b. Is the story contradicted by evidence in the case?

One’s belief in the truth of a story about what happened must be supported by evidence. A key step is the identification of the *evidential support* that can be given for the elements of a story, that is, identifying the sources of evidence that support the story. In the Nadia case, many events in the story are explicitly supported by evidence: Pascal’s colleague testified that Pascal called in sick; there were bloodstains, bullet parts and shells in the corridor and an Uzi’s sawn-off barrel, cartridges and cartridge clip were found in Pascal’s room; a telephone conversation between Pascal and his father was intercepted, in which Pascal said

that he killed Nadia; a statement by Pascal's father, who claimed that Pascal had told him about a disagreement between Nadia and Pascal and that Pascal went crazy because he had been drinking; witnesses stated they saw someone looking like Pascal drive Nadia's car and scent tests showed Pascal had been in the car (Figure 1). This list of evidence is taken directly from the verdicts, where they are largely listed in chronological story order **[v]**.

In general, not all elements of a story can be supported by evidence. This does not need to be a problem, and is in fact unavoidable as certain story elements must by their nature be indirectly justified. When an element of a story is not supported by a piece of evidence (in a given argument), we speak of an 'evidential gap'. In the verdicts on Nadia's murder, the main evidential gaps seem to be not the events in the story but rather some of the causal relations in the story. For example, exactly why the (seemingly trivial) disagreement caused Pascal to shoot Nadia is at first left unexplained and no evidence is mentioned for the fact that the shooting caused Nadia's death. In some cases, such as Pascal's motives for the murder, these causal relations are dealt with separately below (e.g. when looking at the plausibility of the story, see CQ4). Other causal relations, such as the cause of death, can probably be supported on the basis of autopsy report on Nadia's body, but this is not mentioned in the verdicts because it was no issue in the case. In sum, CQ2 has been satisfactorily answered.

The existence of evidential gaps, here conceived of as parts of a story for which no direct evidence **[vi]** is available, is one reason why a mixed-argumentative narrative perspective can be useful. The analytical argumentative perspective makes the evidential gaps visible, the narrative perspective shows why the evidential gaps can still be believed in conjunction with other facts. In general, it is a matter of good judgment which elements of a story must be directly supported by evidence and which can be inferred from other facts. This depends in part on the quality of the evidence (a story supported by weak evidence can become stronger by providing evidence for more facts), but also on the nature of the crime and the law.

In addition to looking at how much of the story is supported, one should also consider how much of the total evidence in the case supports the story. If, for example, a story is completely supported by 2 witness testimonies but there are 20 more witnesses who state another (incompatible) story, the story does not sufficiently conform to the evidence in the case even though there are no gaps in

it. Furthermore, one should also take into account the amount of evidence that directly contradicts a story; instead of giving an alternative story (see CQ5 below), the opposing party may simply deny elements of the main story. For example, in the Nadia case the defence might have witnesses that state that there was never a disagreement and that Pascal and Nadia were good friends. In this case, however, such arguments were not made and we turn to the next critical question.

*(CQ3) Is the support that the evidence gives to the story sufficiently relevant and strong?*

- a. Are the reasoning steps from evidence to events in the story justified by warranting generalizations and argument schemes that are sufficiently strong and grounded?
- b. Are there exceptions to the use of the generalizations and schemes that undermine the connection between evidence and fact?

In order to determine relevance and probative force of a piece of evidence, the generalizations and schemes warranting the inference steps should be made explicit. Thus it can, for example, become clear that the generalization is false and cannot be the basis for a good reasoning step. In general it will therefore be important to determine whether and, if so, on which grounds a generalization is considered to be valid (i.e. provide the *backing* to the *warrant*, Toulmin 1958). For example, the witness testimony scheme can be grounded in the law (e.g. article 339, Dutch code of Criminal Proceedings says that a witness' testimony is a valid source of evidence). Schemes or generalizations can have other sources than the law **[vii]**: we often make inferences warranted by generalizations which are based on general knowledge (Cohen 1977). Such generalizations are necessary but also dangerous (Twining 1999), as they might express implicit biases or prejudices we hold (e.g. "a confession is often true", cf. Wagenaar et al. 1993). In the example of the murder of Nadia, we see that most reasoning steps are based on plausible generalizations and schemes. Perhaps the use of scent tests as a basis for drawing conclusions is the most controversial **[viii]**. If we consider criticism concerning scent tests as a forensic investigative procedure as well founded, then we must conclude that scent tests cannot be used to support conclusions (CQ3a).

With respect to most of the listed pieces of evidence, we need not assume that there are exceptions to the underlying generalizations or schemes (CQ3b) and we can infer the events of the story supported by the evidence. One exception here is

Pascal's father's testimony: it might very well be possible that the father is biased when testifying about his own son (critical question 3 for the Witness Testimony Scheme). However, in this case there was also other evidence pointing in the same direction (the intercepted telephone conversations) so it seems that Pascal's father told the truth in this case.

Now that we have considered critical questions 1, 2 and 3, we are in the following position: there is a sufficiently clearly delineated account of the facts (the story), of which as many events as possible have evidence supporting them, and of which the relevance and strength has been established as well as possible. The argument about the case as-a-whole can be further improved by showing that the story is plausible in itself.

*(CQ4) Has the story itself been sufficiently critically assessed?*

- a. Is the story sufficiently coherent? Are there required elements missing? Are there implausible events or causal relations? Is the story inconsistent?
- b. Have story consequences been used to test the story?

First, the story's *coherence* must be examined (CQ4a). Here coherence has a specific meaning, namely that the story fits our knowledge and expectations about the world we live in. In other words, a story should be *complete* (i.e. have all its essential parts) and *plausible* (i.e. have plausible causal relations). In section 2.2 it was already argued that story schemes play an important role in determining a story's coherence; completeness, for example, is relative to a particular scheme. A story should also be *consistent*; for instance, when the story implies that the suspect was simultaneously at two different places it is incoherent.

Something that at first sight is implausible in the story about Nadia's murder is the assumption that disagreements over the washing machine led Pascal to murder Nadia. In other words, the relationship between the motive (the disagreement) and Pascal's action (murdering Nadia) is implausible. No reasonable person would assume that disagreement over washers and driers commonly leads to an intention to murder someone. However, in its decision, the court of appeal inadvertently elaborates on Pascal's tendency to react rather violently in response to what most consider to be futile causes. In the decision, a psychiatric report is discussed; it is used to provide support for the decision to keep Pascal under psychiatric surveillance. The report explains that Pascal has a disorder by which ordinary events make him feel seriously threatened and react



with disproportionate violence, which makes the events surrounding the death of Nadia and its cause more credible. This shows that a seemingly incoherent story can still be believed when supported by evidence. **[ix]**

A further way of testing a story is to look for possible reasons against facts that follow from the story (*story consequences*, CQ4b). For example, if we assume that the perpetrator, whoever it may be, has shot Nadia at close range and that he has subsequently dragged her body to another place, it is highly likely that he has blood on his hands, clothes and shoes. If the offender then stepped into her car, there should be traces of Nadia's blood in or on the car. The ruling of the court stated that there was blood on the door lock and the floor mat on the driver's side of the car; a comparative DNA analysis showed that the profiles of the blood found in and on the car matched Nadia's profile.

In sum, the prosecution's main story seems sufficiently coherent and CQ4 gives no problems. However, besides the critical assessment of the main story, the conclusion of the argument in the case as-a-whole, sufficient attention should also be paid to possible alternative scenarios of what has happened.

*(CQ5) Have alternative stories been sufficiently taken into account?*

- a. Has a sufficient search for alternative explanations been performed, not only in the investigative phase, but also in court?
- b. Are there good reasons to choose one story over the alternatives? Have the alternatives been sufficiently refuted?

First a serious search for alternative scenarios is needed. In part, the opposing party in the process will provide alternatives, but a decision maker will also have to actively consider different accounts of what may have happened. These alternatives should not only be actively sought, they should also be adequately refuted: essentially, all the critical questions that can be asked for the main story also have to be asked for the alternatives.

In the Nadia case, Pascal told the alternative story that he was suffering from amnesia and could not remember what happened the day Nadia died. He claimed to have been kidnapped and taken to Poland, although by unknown persons and for unknown reasons. This can hardly be considered a story (cf. CQ1 that requires a sufficiently specific account of the facts), but as an argument against the prosecution's story that is not necessary: such a refutation can take the form of a

simple claim (supported by evidence) that the suspect was somewhere else than at the scene of the crime. However, it makes the suspect's case stronger when he can present a well-supported and coherent story. In the present case, Pascal's story is not nearly as coherent and well-supported as that of the prosecution. Several crucial elements are missing (*completeness*, CQ4a), such as the identity and motive of the kidnappers. Furthermore, there was no evidence of the kidnapping having taken place (CQ2). Also, the court explicitly addresses the amnesia defence: it states it does not believe Pascal, because Pascal has never sought medical help for his alleged amnesia. Thus, the court explicitly refutes Pascal's alternative (CQ5b).

Finally, a general caveat is in place: any conflicting reasons must be weighed.

*(CQ6) Have all opposing reasons been weighed?*

Have all considerations that are used to weigh opposing reasons been made explicit? Has this been done both at the level of individual facts and events and at the level of stories?

For example, if two witnesses make opposite statements about the presence of the suspect, both statements provide a reason, one supporting the suspect's presence, the other against. When there are explicit grounds that can decide the weighing of such opposing reasons, they should be given. The stronger and more relevant the reasons are, the more important it is to decide explicitly how they are weighed against each other. Conflicting reasons do not only exist at the level of individual events, but also at the level of stories. For example, there might be reasons for and against a story as a whole. It can occur that significant elements of a particular story are supported by evidence, while the story itself is rather incoherent. The weighing of reasons then takes the form of deciding whether the story is sufficiently justified by the evidence and how it measures up to the alternatives.

In the Nadia case, there was no difficulty in the balancing of reasons at the level of stories. Pascal's "story" was so implausible and badly supported that it could be considered as refuted by itself, even without considering the plausible and well-supported story of the prosecution. There was no need to weigh any reasons on the level of individual events, as no arguments were given that directly refuted any of the arguments of the prosecution.

#### 4. Conclusion

In this paper, we have proposed a series of critical questions for the hybrid argumentative-narrative theory of reasoning about the facts and the evidence in legal cases. Some of the critical questions correspond closely to argumentative approaches to reasoning with evidence (in particular critical question 2 about the sufficient support of the events, and question 3 concerning the relevance and strength of the support). There are also questions that are strongly connected to a narrative style of analysis (in particular question 4 about the coherence of the supported story, and question 5 about the consideration of alternative stories). But there are also questions that have a more hybrid position between argumentation and narrative. For instance, critical question 1 requires that an argument about the facts has a specific story as a conclusion, and question 6 considers the weighing of the pros and cons for individual events and for complete stories.

We have used the analytic tool of the critical questions associated with argumentation schemes as studied in argumentation theory (recently by Walton et al 2008, building on work by Perelman and Olbrechts-Tyteca 1958, Hastings 1963 and Kienpointner 1992). We have extended the use of critical questions to questions for stories and the schemes on which they are based, and for hybrid structures of arguments, stories and evidence.

One of the lessons learned from the work on the hybrid theory is that stories and arguments are essentially “communicating vessels”: when dealing with the complex reasoning involved in large criminal cases, a narrative approach works best for some points of a case, while in other instances an argumentative approach is most natural. However, for a deeper understanding of the connection between argumentation and narrative, it seems to be required to develop a genuine integration of both. Meanwhile, our hybrid approach allows for the flexibility of the separate argumentative and narrative approaches whilst at the same time it uses arguments and stories as complementary tools for complex reasoning. The case studies in this text and another one by Bex (2011) accentuate the value of a hybrid, argumentative-narrative analysis of reasoning about the facts in criminal cases.

#### NOTES

**[i]** We use the term “fact” in its juridical sense, that is, descriptions of states or events the truth of which is currently unknown and has to be proven (cf. *facta*

*probanda* or *facts at issue*, Anderson et al. 2005). Thus, reasoning about the facts is essentially determining “what happened” in the case. With “evidence” we mean the *evidential data*, the primary sources of evidence the existence of which cannot be sensibly denied (e.g. witness statements made in court, forensic expert reports handed to the jury). Evidence and facts should not be confused: the existence of the evidential data does not guarantee the truth of the fact evidenced. For example, that there is a testimony by a witness who saw the suspect jump into a car does not guarantee that the suspect jumped into a car (the witness might lie or he might confuse the suspect with someone else).

**[ii]** Bex and Verheij 2009 was written in Dutch and specifically aimed at legal professionals. In this paper, we have adapted the critical questions and example case for an academic audience.

**[iii]** In the Netherlands the judges are required to provide a written verdict in which their considerations are summarized. Many of these verdicts are available to the public on [Http://www.rechtspraak.nl](http://www.rechtspraak.nl). The verdicts in the Nadia van der V. case are available (in Dutch): LJN AO3150 (court of Utrecht) and LJN AT5190 (court of appeals Arnhem).

**[iv]** Wagenaar, van Koppen and Crombag (1993) propose the theory of anchored narratives and use it to explain ‘dubious cases’, i.e. possible miscarriages of justice. Verheij (2000) draws analogies between this approach and argumentative approaches and Verheij and Bex (2009) have reconstructed the theory in terms of argumentation schemes. Our Figure 3 is similar to the one by Wagenaar, van Koppen and Crombag (1993, p. 39), but there is a crucial difference between our figure and that of Wagenaar et al.: we use the evidence as the firm ground to anchor onto, whereas in anchored narratives theory commonsense generalizations provide the anchors.

**[v]** Pennington and Hastie (1993) have shown that the chronological ordering is more convincing than an arbitrary ordering.

**[vi]** There is theoretical discussion about the nature and existence of direct evidence, see for instance Anderson, Schum and Twining (2005), pp. 62-63. For our purposes, it suffices to note that we consider an event to be directly supported when there is a direct, argumentative (evidential) chain of reasoning from evidence to the event.

**[vii]** Freeman (2006) has provided a classification of types of warrants based on epistemic considerations. He distinguishes *a priori*, empirical, institutional and evaluative warrants.

**[viii]** The tests raised controversy in another well-publicised Dutch case, namely

the so-called Deventer Moordzaak.

**[ix]** It is important to emphasize that the decision about the belief in a story must first and foremost depend on the evidence available and not the story's coherence, that is, a "good" story should never be preferred to a "true" story (Bennett. and Feldman 1981).

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