ISSA Proceedings 2010 – Institutional Constraints On The (Un)Sound Use Of The Argument From Expert Opinion In The Medical Context

1. Introduction

The present paper stems from a larger research project **[i]** aimed at describing the most relevant features of the institutional context that constrain interactions between doctors and patients during medical consultations within the framework of the Italian National Health Care Service.

The project takes into consideration the persuasive moves within the consultations in order to identify the most effective arguments and possible unsound persuasive strategies. Particular attention is placed on the institutional features of the context within which the analyzed consultations are set. This choice is justified by the crucial role that the context plays in any kind of verbal interaction; for the analysis of medical consultations this is doubly important as the institutional context they occur in is highly regulated and conventionalized, and also the roles of doctor and patient have some context- and culture-dependent features, which can have a certain import on the development of the consultation (see Bigi 2010). Building also on previous research (Bigi submitted), the present paper aims to identify the contextual features that may lead to unsound uses of the argument from expert opinion.

The paper is structured as follows: paragraph 2 presents a brief review of the relevant literature on the argument scheme from authority or from expert opinion. This will show the general agreement on the validity of this argument scheme along with its main limitations. In paragraph 3, the contextual constraints on the medical consultation are described. The Italian health care system is described from the point of view of its overall structure in order to highlight the main institutional features that can constrain the development of the consultation, the structure of which is then described. In paragraph 4, two main conditions that

favor unsound uses of the argument from expert opinion are described. The final paragraph is devoted to some concluding remarks.

2. The inferential validity of the argument from expert opinion

Appealing to the speaker's character, skills, knowledge, or social authority (*ethos*) has been acknowledged since Aristotle's time as a valid means of persuasion, but after Locke's inclusion of the argument *ad verecundiam* in the list of fallacies, appeals to authority have sometimes been regarded with suspicion. There came to be disagreement about whether appeals of such kind had rational force or were unsound means of persuasion (Goodwin 1998: 267). It is necessary to distinguish between different kinds of authority and scholars agree at least on the distinction between the authority of the witness and the one of the expert. In less institutionalized contexts it is also possible to find the authority of a 'wise person' who offers advice and the one of a friend who offers suggestions which are taken to be trustworthy because of the benevolence the friend is supposed to have towards the one who is asking for advice. Recent studies on the argument from expert opinion grant it legitimacy as a sound strategy given certain contextual conditions (van Eemeren & Houtlosser 2003; Jovičić 2004; Walton 2006; Godden & Walton 2006; Rigotti & Palmieri 2008). As for the structure of this argument, two main approaches will be considered, the one presented in Walton (2006) and Godden & Walton (2006), and the one outlined in Rigotti & Palmieri (2008).

In Walton (2006: 750), the argument from expert opinion is described in the following way:

Source Premise: Source E is an expert in the subject domain S containing proposition A.

Assertion Premise: E asserts that proposition A (in domain S) is true (false).

Warrant Premise: If source E is an expert in subject domain S containing proposition A, and E asserts that proposition A (in domain S) is true (false), then A may plausibly be taken to be true (false).

Conclusion: A may plausibly be taken to be true (false).

Here the warrant premise is defined as "a defeasible conditional. It has the form of a Toulmin warrant, meaning that it does not hold universally, but only subject to exceptions or countervailing instances that may arise". (Walton 2006: 750) An analogous description is given in Godden & Walton (2006: 277):

Major Premise: Source E is an expert in subject domain S containing proposition A.

Minor Premise: *E* asserts that proposition *A* is true (false).
Conclusion: *A* is true (false).

Both descriptions are accompanied by a list of six critical questions, which need to be answered satisfactorily in order for the appeal to expert opinion to be admissible (Walton 2006: 750):
1. Expertise Question: How credible is *E* as an expert source?
2. Field Question: Is *E* an expert in the field that *A* is in?
3. Opinion Question: What did *E* assert that implies *A*?
4. Trustworthiness Question: Is *E* personally reliable as a source?
5. Consistency Question: Is *A* consistent with what other experts assert?
6. Backup Evidence Question: Is *E*'s assertion based on evidence?

Rigotti & Palmieri (2008) base their description of the argument from authority on the model for the description of *loci* presented in Rigotti (2006) and Rigotti & Greco Morasso (2010). By referring to the moral or professional quality of the speaker, the *locus* from authority is considered as a subtype of the *locus* from efficient cause. The *speaker* corresponds to the efficient cause, the *statement* corresponds to the product, and the logical maxim from which the reasoning develops is of the kind: 'if the efficient cause of a product is valid, the product is valid'; the validity of a statement as a particular kind of product is its truth. The *locus* from authority also shows some additional components belonging to the communicative situation in which the standpoint is being discussed. (Rigotti 2006: 528-529). These additional components are basically the *source of the authority* and the *assessment of the authority*. In the argument from expert opinion, the source of the authority depends on the different types of statements expressing the standpoint, but also on the process of constitution of the authority. As for the assessment of the authority, it is obtained by posing certain critical questions, by a process of analogy in which past judgments on the expert are considered, and by questioning the *endoxon* founding the expertise of the expert. Additional *loci* could be involved depending on the critical questions (for example, the *locus* from the final cause can be involved in the case of a conflict of interests) (Rigotti & Palmieri 2008).

Though different in many respects, the two descriptions share some basic elements. The first is the fact that the soundness of this argument rests largely on the source of the authority, which needs to be clear and acknowledged as reliable by all participants in the discussion. Also other scholars agree on this point. Van

Eemeren & Houtlosser (2003) posit this as one of the conditions that determine the (un)soundness of the argument from expert opinion: the expertise of the expert must be agreed upon. To this, they also add the necessity for an agreement on the need itself for an appeal to authority. The authors describe this argument as a 'symptomatic argument scheme, in which the argument provides a sign that the standpoint is acceptable'. The sign consists precisely in the reference to an external source of expertise (van Eemeren & Houtlosser 2003: 296). If there is no agreement on the authority or on the need for an appeal to authority, then the argument derails and turns into an *ad verecundiam* fallacy. A similar position is found in Jovičić (2004), where particular stress is placed on the fact that the invoked authority must have been ratified by the arguers. Trying to find a method to distinguish between different kinds of authority, Goodwin (1998) proposes the following principle: different kinds of authority should be distinguished relying on the reaction that a failure to follow them ordinarily evokes. Goodwin identifies three main types of authority: expertise, command and dignity. Failure to follow them results, correspondingly, in imprudence, punishment and impudence.

Regarding the source of the authority, it can also be observed that there are different ways in which the authority of the expert is acknowledged: in the example proposed by Jovičić (2004) the authority of the experts is agreed upon by a group of non experts, who go through a process of assessment and in the end decide not to rely on those who in the beginning they had considered as trustworthy. In this case the authority of the experts is proposed as legitimate by the experts themselves, initially accepted by the group of non experts, and eventually rejected because unable to meet the critical requirements of the non experts. There is also the case of the experts whose expertise is initially ratified by their peers, and only afterwards needs to be acknowledged by the non-experts. In this case the process of assessment is somewhat different from the previous one, as part of it is left to the expert's peers, whose criteria for the evaluation depend on the particular field of expertise. The second basic element playing an important role for the argument from authority is the assessment of the authority. Both Walton and Rigotti refer to critical questions that should be posed in order to evaluate the soundness of the argument. It is particularly Walton who discusses at length the conditions for the validity of the argument from expert opinion. His focus is mainly on the assessment of the admissibility of expert opinions in legal trials; therefore the context he refers to has very specific constraints. Nevertheless certain observations have a general validity. Regarding the dialogue

in which an expert is questioned on his/her area of expertise, Walton (1997; 2006) observes that, in spite of its being mainly an information-seeking kind of dialogue, it may and should present intervals or shifts that are argumentative in nature. This happens when the questioner tries to probe into what the expert is saying, both to understand it and to test it out. Therefore, a fallacious use of the argument from authority does not only consist in failure to address critical questions that need to be asked, but also in limiting or shutting down the possibility for the questioner to shift to this argumentative interval in which he tries to assess the credibility of the expert and to understand what he is being told. Walton identifies the three main forms of this interval: clarification of meaning; making logical sense of what the expert said; searching justification for a claim.

As for the fallacious uses of the argument from expert opinion, Walton observes that very often these uses occur when the boundary between cognitive (deriving from knowledge) and administrative (deriving from social role) authority is not clear (1997: 76). He also proposes to consider the *ad verecundiam* fallacy only as the case of the dogmatic use of the argument from expert opinion, i.e. a use of such argument that blocks the non expert from posing any of the six critical questions the answers to which allow to assess the valid use of the argument from expert opinion.

Walton puts forward a typology of fallacious uses of this argument scheme. When the *Expertise Question* ("how credible is E as an expert source?") is blocked, there is the *fallacy of nonauthority*. Subfallacies under this fallacy are the *fallacy of appeal to celebrity* and the *fallacy of unidentified authority*. Under the *Field Question* ("is E an expert in the field that A is in?") the *fallacy of misplaced authority* may occur when the field is definitely wrong. Under the *Opinion Question* ("what did E assert that implies A?"), the *fallacy of misrepresented authority* occurs if what E said is being misrepresented in a deceptive way. In this case, it is possible to have also the subfallacies of *misquoting an authority* and *wrenching what an authority said out of context*. Regarding the *Trustworthiness Question* ("is E personally reliable as a source?"), the subfallacies of *concealing the dishonesty of an authority, concealing the bias of an authority* and *concealing the lack of conscientiousness of an authority* may be used to block this critical question. The *Consistency Question* ("is A consistent with what other experts assert?") may be blocked by *DeMorgan's subfallacy* of putting together two

propositions belonging to two different experts and deriving by them a third proposition, putting it forward as a conclusion supported by the experts. In this domain the *subfallacy of concealing deviance of an expert opinion* may occur, where the opinion is presented as though it were generally accepted in the field of expertise when in fact this is not true. (Walton 1997: 254-255)

Scholars therefore seem to agree on the fact that the argument from authority in general and from expert opinion in particular is valid from an inferential point of view; the risk for it to be fallacious does not derive from its inferential structure but from *how* it is used in a specific context. The medical context, in particular, displays certain typical constraints and touches on specific issues that can play crucial roles in the development of the interaction between doctors and patients during the consultation. These will be dealt with in the following paragraph. The Italian National Health Care Service has been chosen due to the fact that the project relies on video-recordings of real life consultations recorded in an Italian hospital.

3. The contextual constraints on the medical consultation.
Italy's health care system as we know it today was officially born in 1978, in an effort to make health care widely accessible and rationally organized through large-scale planning (Centro di ricerca sulle amministrazioni pubbliche "V. Bachelet", 2008: 4-12). The system is organized in three basic levels: the national, the regional and the local one. At the national level, the National Health Care Service (*Servizio Sanitario Nazionale, SSN*) provides the institutional structure within which to organize more specific actions. It has a function of planning and coordination. Every three years it provides a National Health Care Plan (*Piano Sanitario Nazionale*) in which the distribution of resources is decided, along with the national goals to be met. At the regional level, we find the Regional Health Care Service (*Servizio Sanitario Regionale, SSR*). Each Region receives resources from the government according to what has been budgeted in the National Health Care Plan, and is required to draw up an analogous Regional Health Care Plan, which will allow to contribute to the attainment of the national goals respecting the specific characteristics of each single region. Regions are completely autonomous in the allocation of resources and in devising the strategies needed to meet the goals set at the national level. At the local level, units of health care provision are called Local Health Care Units (*Aziende Sanitarie Locali*). The citizens relate to this complex structure potentially at any level, actually at the

highest and at the lowest point: at the highest level indirectly, because through elections citizens choose the politicians who will work in the Ministry; at the lowest directly, when they need health care and they engage in interactions with health care providers. The law grants citizens/patients ample margin for action and protects them in various ways, but surely it cannot eliminate the complexity of a system that at times 'looms' over the patient, humbling him more often than not. The practical difficulty of accessing the health care system is the first contextual factor that plays a significant role in the perception of authority within the interaction. Another problematic side of this bureaucratic system is the fact that it is closely interwoven with offices that are part of the government. In the Italian culture this creates the premises for a persistent Trustworthiness Question, which is very difficult to answer. Moreover a relevant factor that comes into play in the decisions made by doctors is the financial one. In the Italian health care system, clear instructions are given as to which drugs are covered by the national health care system and which aren't, which exams should be kept to a minimum and which can be prescribed more frequently, etc. The "budgetary preoccupation" clearly plays a role when it comes to making therapeutic decisions, but patients may not be aware of it.

However, once the patient has finally managed an appointment with the physician, other contextual constraints come into play, which are related to the topic at issue in the consultation (i.e. the patient's health) and to the structure of the consultation itself. It is in particular in the past fifty years that a considerable amount of literature has been produced on the topic of the medical consultation, on its structure and on the best methods to assess its quality (Wasserman & Inui 1983; Ong et al. 1995; Boon & Steward 1998; Mead & Bower 2000; Rimal 2001; Beck et al. 2002; Borrell-Carrio et al. 2004; Hornberger & Robertus 2005; Wirtz et al. 2006). It has been observed that the consultation displays a rather fixed structure, in which both patients and physicians enter with expectations regarding the asymmetry of their roles, and where all their discursive moves tend to enact and confirm the asymmetry between them. (Pomerantz & Rintel 2004). The consultation is an activity type which is generally structured in a certain number of phases, determined by the communicative goal, which are: the opening, the history, the physical examination, patient education and counseling, and the closing (Roter & Hall 2006: 113-116). The structure itself of this activity type presupposes a leading figure in charge of naming the problem (diagnosis) and finding a solution (therapeutic suggestion), and a subordinate one (the

patient) who embodies the problem and is the 'object' of observation. This asymmetry between the two roles, unavoidable as it may be, can carry the risk of blurring the boundary between cognitive and administrative authority and giving way to unsound uses of the argument from expert opinion. A nice example of this is found in the following extract from a real life consultation. Here the patient has been given a "light" treatment and goes to see the doctor for a routine check-up. Seeing that the physician doesn't seem to be willing to intensify her therapy, the patient expresses her perplexity **[ii]**:

Pa.: But, actually, when my blood pressure goes up so high, I am at risk, because they told me it's risky…

Ph.: Well, no, I wouldn't say so, I mean with these numbers, with your numbers, they are not so terrible.

Pa.: Because, also the other doctor…

Ph.: No, please, don't start panicking because the situation could really get worse. For sure these numbers are high, if they don't drop or if they should rise, we would surely need to treat them, this is for sure, but now, well, I would really say…

This is a typical example in which the patient is not allowed to shift to the argumentative subdialogue that would have allowed her to make sense of the conflicting opinions she had been given, thus yielding an unsound use of the argument from expert opinion.

The feature that most typically characterizes the interaction between a doctor and a patient is the fact that the interlocutors share a very limited common ground. This, together with the features of the institutional context we have described so far (structural complexity; asymmetry in the familiarity with the institution; asymmetry of social roles), may make it very difficult for doctors to involve patients in the process of decision-making. It is clear that in order to make a decision a subject must have data on which to base it. But if the context of the interaction makes it too difficult to provide all the relevant data, as is often the case in an asymmetric interaction (Ford 2002), what arguments can be used to motivate a certain decision? Given the topic in this specific field of interaction, the most relevant arguments would appear to be the effects, the causes, the risks, or the expertise of the person who proposes the solution. Indeed it is very difficult for patients to base their own decision making on the same premises on which the doctor bases it. Thus we are led to the problem of unshared premises: doctors are

likely to base their decisions on premises that belong to the specialized domain they are experts of. These are difficult to explain to a non-expert in the limited time of a consultation. Therefore the common ground for the shared decision-making has to be found elsewhere. The expertise of the expert can be considered part of the shared common ground, on the condition that the patient trusts the doctor. However a systematic study should be conducted on which are the most effective arguments and emotions that contribute to the goal of persuading a non-expert in a context such as the one described so far.

The next paragraph will be devoted to the discussion of two conditions that can favor the occurrence of unsound uses of the argument from expert opinion: the 'structural' difficulty of assessing the expertise of the expert, and the problem of unshared goals.

4. Possible unsound uses of the argument from expert opinion in the medical context.

The complexity of the health care system, which has been described in the previous paragraph, is at the heart of a fundamental problem, i.e. the difficulty of assessing the expertise of the expert. In the medical context, above and before the direct interaction between the expert and the non-expert, the expertise of the former has been acknowledged and ratified by the scientific community the expert belongs to. Assuming that the scientific community has applied the relevant criteria and has acknowledged someone as an expert in a certain field, an institution then employs the expert where he/she will serve as a professional. This second step is also very important, and it presents one advantage and one disadvantage for the patient who is in need of the opinion of a doctor. The advantage consists in the fact that the system operates a selection among the potential experts applying criteria that are relevant to the field of expertise and to the needs of the system itself. In other words, when a scientist is acknowledged as trustworthy by its peers, it is expected that they will have used scientific criteria to recognize him/her as trustworthy, and not, for example, criteria related to the person's character, wealth, etc. Also, when selecting the experts to employ, a hospital or a research center is expected to take into consideration the needs of the population living in the area and the resources available: a hospital in a highly industrialized area of northern Italy is less likely to need an expert in tropical diseases and will probably avoid spending all its money on someone whose performances cannot be sustained by a limited budget. This is an advantage for

the non-expert, because it is more likely that the expert can be acknowledged as such if the assessment of his/her expertise has been performed by applying relevant criteria, which the non-expert generally does not know. The disadvantage in this situation is that it becomes extremely difficult for the non-expert to personally verify the reliability of the expert. Indeed the non-expert comes into play at the end of a long process of selection, the workings of which he ignores. For this reason, before entering an interaction with an expert, the patient often looks for information from alternative sources, such as friends, family, the Internet, the press (Forum per la Ricerca Biomedica [Forum for Biomedical Research] 2007). Such a patient is the most likely to ask frequent questions to the physician, but also the one more apt to be suspicious when the expert's suggestions are not in agreement with the information previously retrieved. A situation of conflicting authorities may arise, a case in which doctors' argumentative abilities are very important if they do not want to lose their patients' trust. The following is another extract from a real life consultation, which shows an interesting solution to a case of conflicting authorities. The consultation is a follow-up from a previous one. The physician is going over the patient's treatment and at a certain point asks:

Ph.: I suppose you are regularly taking your low dose aspirin, right?

Pa.: Aspirin… I totally forgot.

Ph.: You remember we decided that…

Pa.: Yes, yes

Ph.: […]

Pa.: No, I really just totally forgot, I have to go buy it.

Ph.: This is something that can help us, low dose aspirin […]

Pa.: Yes, right, by the way, I wanted to ask you something. I read on the leaflet inside the Adalat Crono box, actually also in the Lacirex **[iii]** one, that it says something about not taking acetylsalicylic acid…

Ph.: No, no, no, on the contrary. There are studies based on controlled trials showing that low dose aspirin associated with anti-hypertension therapy has a protective effect.

Pa.: I took it for a couple of days, and then…

Ph.: Do take it, trust me. Unless there are serious contraindications like ulcer, hemorrhagic gastritis…, then it's a different thing. But you don't have anything like that so, aspirin is useful in those dosages.

The physician refers to a higher authority, the one of evidence-based medicine,

which heavily relies on the system of controlled trials. The use of the argument from expert opinion here is not fallacious, as the system of controlled trials actually is reliable and acknowledged as such by the scientific community; this use could be persuasively weak though because the patient may not be aware of the authority of controlled trials. Indeed this case is exemplary of a frequent 'solution' doctors find to the problem of conflicting authority, i.e. shifting the burden of proof to the researchers who have produced the results the doctors themselves rely on to formulate their suggestions. This of course contributes to the making the assessment of the expertise of the expert even more difficult.

Another feature characterizing the interaction between doctors and patients, which could indirectly favor a fallacious use of the argument from expert opinion, is the existence of unshared goals. Sometimes patients see their doctor because they think they can recover completely when in fact this is not possible (e.g. elderly patients; chronic patients). It often happens that the goals of the actions suggested by the physician remain implicit, because the doctor simply does not say what he has in mind when he suggests a certain course of action. This may create possible conflicts, which could also remain implicit and escalate to the point of destruction of the whole relationship between doctor and patient. In this case the process of presuppositional accommodation may play a relevant role **[iv]**. The fact that doctors frequently introduce presupposed content in the common ground together with the asserted content, taking for granted that their patients are aware of this and agree both with the process and with the truth of the presupposed content can create a problematic situation. The fact that the patient accommodates does not imply that he accepts or believes everything the doctor is saying. In this context therefore, the process of presuppositional accommodation becomes something to consider very carefully: it cannot be avoided, but it is more likely to bear positive outcomes if the relationship between doctor and patient is based on trust and understanding. Indeed, forcing the acceptance of a certain course of action grounding the argumentation on presupposed (specialized) content actually amounts to one of the cases of fallacious use of the argument from expert opinion, as it is a process that may prevent the non-expert from discussing the decision in order to understand it.

Moreover, the issue of unshared goals in this context could be reframed also as an agency problem. The relationship between doctor and patient can be construed as a kind of agency relationship, in which a principal (the patient) delegates a task to

an agent (the doctor) (Goodwin 2010). The Italian National Health Service is structured in this way, having the patient at its center (Bigi 2008), as is also reflected in its name, 'service'. When fallacious cases of the argument from expert opinion occur, they are not only argumentative fallacies, but also instances of shirking on the part of the doctor. Is it possible to reduce this risk? Are there cultural perceptions of authority that could encourage doctors to abuse of their position? Perhaps further research could inquire into the cultural perception of the concepts of 'authority', 'public institutions', 'public service'.

5. Concluding remarks.
The argument from expert opinion has been shown to be inferentially valid, but heavily dependent on certain contextual factors for its soundness and persuasive strength. The main contextual factors it depends on are the *source* of the authority invoked and the possibility to *assess* the expertise of the authority. We set out at the beginning of this article with the aim of observing the argument from expert opinion within the context of the medical consultation in order identify the contextual constraints that may favor an unsound use of this argument. The article has examined the institutional structure of the Italian health system, and the development and structure of the consultation, along with some key issues related to it.

It is possible now to draw a few conclusions. First of all, the institutional structure of the Italian health care system, in spite of its being designed around the patient and with the aim of achieving patients' well being and public health, appears to be rather complex and difficult to relate to. This favors a feeling of uneasiness and inferiority in the patient, and conversely a feeling of superiority in the professional who works within the structure and knows its inner workings very well. This creates an asymmetry not only in the specialized knowledge of the two interagents, but also in what we could call the 'systemic' knowledge of the two, which could easily favor fallacious uses of the argument from expert opinion. Considering the way the health care system is constructed, fallacious uses of the argument from authority can be said to amount to shirking on the part of the doctor (agent), who is supposed to pass on relevant information to the patient (principal) and to work for the preservation of public health. Therefore, when the argument from expert opinion is based on the doctor's administrative authority rather than on the cognitive one, it can be considered invalid. The system being constructed as it is, doctors should be particularly careful in the way they use this

argument scheme. With regard to this point, a deeper inquiry into the perception of authority and the function of institutions in the Italian culture is likely to yield very interesting insights.

NOTES
[i] The project is funded by a Research Fellowship awarded by the Faculty of Foreign Languages at the Catholic University of Milan (Italy).
[ii] This extract and the one that follows are taken from longer interactions, videorecorded between 2004 and 2005 at the Hypertension Division of the San Paolo Hospital in Milan (Italy). Both consultations are taken from the Archive of Videorecordings of Medical Consultations at the Institute of Medical Psychology of the San Paolo Hospital in Milan.
[iii] Adalat Crono and Lacirex are drugs the patient has been taking for his anti-hypertension therapy.
[iv] On the role of presuppositional accommodation in dialogue and its manipulative uses, see Greco (2003).

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ISSA Proceedings 2010 – The Virtual World of Policy Arguments:

The Case Of The Electronic Health Record

1. Introduction

Argumentation in the sphere of politics can be very complex. Several origins of this complexity can be distinguished. First, the argumentation often does not fit straightforward schemes of deduction or induction; it is conductive, that is, it is nonconclusive, with multiple premises (Govier, 1987). Second, the number of premises can be considerable (as the case in this paper will show). Third, a political argument may rest on a cluster of connected assumptions that tend to be taken as a whole, rather than be critically examined individually.

Sometimes this connectedness has to do with a particular normative framing, such as clusters in risk perception as described by cultural bias theory (Thompson et al., 1990, based on the work of Mary Douglas; for an example in the field of argumentation, see Birrer, Pranger 1994), which suggests that risks are naturally framed in the context of a political perspective on how society should deal with such risks.

Connectedness also arises when radical policy innovations or 'transitions' are discussed which involve multiple changes at various levels at the same time. Such radical innovations are sometimes considered the only effective way to deal with a certain policy problem, or a set of policy problems. Only the entire package of measures (and their expected effects) are supposed to establish the desired result; and not only is each individual measure assumed to be a necessary condition for the realisation of the end result, the effects of the individual changes may also interact, adding yet more complexity. It is this latter kind of connectedness problem that we will figure in this paper.

Argumentation with many connected arguments is necessarily complicated. And as a result of this complexity, it offers plenty of opportunities for discussants to commit outright fallacies, or, less perceptibly, to be drawn into a process 'argumentative drift' that makes the discussion less and less productive because the discussants are not adequately responding anymore without being aware of it.

Particularly in the case of proposals for radical innovation, proponents may get stuck in euphoric expectations of how the proposal will work out, without serious consideration of actually expressed of potential criticisms. They indulge in a cluster of arguments closely connected and referring to each other through the common goal, and taken together than examined individually, and the proposal becomes a kind of 'virtual reality', a fantasy out of touch with reality, up to outright utopianism when combined with equally unjustified assumptions about socio-political reality. Arguers may become less sensitive to opposition pointing at arguments individually Another possible result can be in-group vs. out-group behaviour: either you belong to the believers or to the non-believers (or those of another, competing, belief), the group-belonging is strengthened by exaggerating the differences, and critical arguments from outside are not really addressed anymore but answered by repeating the group's dogmas.

In the present paper, we will discuss a case where two competitive clusters of argumentation appear, each with a very different vision on the future of the Dutch Electronic Health Record. We will describe these two visions, and how the issue of connectedness is dealt with. It will also turn out that the discussion as it can be found in parliamentary discussions is incomplete. This we will show by extending the debate with what can be found in the scientific literature on the subject, official policy documents limiting the discussion. This suggests that it is important in discussions like these to look at a broader context in which the discussion takes place, both in terms of arguments and of process. Since we want to show the relevance of the broad context of argumentation, our emphasis here will not be on an extensive analysis of arguments in all their formal details. Rather, we examine the broader connections in the debate as a whole, and the relevance of this context for understanding what goes on in the debate (and what is missing).

2. General background
What does the term EHR stand for?
Put in general terms, the term EHR refers to systems for handling healthcare information that go beyond registrations by individual healthcare providers. EHRs are both considered at the micro-level of the care processes that surround a particular patient and at the macro-level of public health policy. Even though a macro-political view of health informatics often evokes the idea of a central database, this is not the only way of looking at this issue. It could also be a distributed, virtual system, i.e. an access route to many different databases at

various locations. From the outset, the Dutch approach has been to opt for a system with decentral storage of data, combined with a secure "switchboard" that would process queries. But the term can also be used for a system that merely facilitates exchange of information, with no central access, or switchboard at all.

This implies that the EHR can be conceptualised in two very different ways. One refers to a system for the *exchange* of information. Whenever medical professionals such as doctors, pharmacists etc. need to exchange information, this may be facilitated by the EHR system. When accumulated, this results in a longitudinal information track on a patient, but confined to the specific treatment context in which the exchanges take place. Only in this exchange context the meaning of the information needs to be clearly defined.

A very different conception refers to the EHR as a system for *storing* information, i.e., as a *database*. The information not necessarily stands in the context of a specific form of exchange; its range of users can be more general, other professionals, or even the patient.

Though the two conceptions of the EHR are not mutually exclusive (one could exchange information by putting it in and taking it from a central database), their practical implications are very different. The exchange system may benefit from some standardization of the information format, to secure quick and accurate interpretation, but such standardization can be limited to frequent exchange relations, and the scope of the system can be gradually expanded as far as desired. The database view, on the other hand, is much more ambitious. Information will be made available for different uses, in principle in different medical contexts, or even for medical statistics and scientific research. This requires massive, and extremely well-thought-out standardisation that needs to be set out from the very beginning.

A crucial implicit assumption is involved here. Information that is stored by a medical professional, or exchanged between two medical professionals to coordinate a specific treatment, is not necessarily clear and unambiguous to a third person. What is understood by the originator, or within a particular communicative relationship, may not be understood or may be misunderstood by outsiders. The database view presumes that information is made interpretable beyond the context in which it arises, by a broader range of possible addressees, or even by anyone. Information must be decontextualised. This requires rigorous

standardisation of the information format.

Policy objectives for the EHR
The general objectives for the EHR, as stated by successive ministers from 1995 on, are lowering the costs and improving the quality of healthcare. This is most clearly expressed in recent goal formulations, such as 'quality, efficiency and combating fraud' (Ministerie van VWS, 2004a) and the much-repeated slogan 'affordability, accessibility and quality of healthcare services' (e.g. Ministerie van VWS, 2006). These objectives are more or less the same as for current Dutch health care policy in general (as in many other countries). Given the steady rise of health care costs up to the present day, controlling the costs is bound to be the most important drive here, even though earlier motivations were sometimes embedded in more noble-sounding terms like 'patient-oriented', 'the healthcare consumer rather than the healthcare provider is central' (RVZ, 1996).

The role of IT in achieving the policy objectives
In policy statements and documents on the EHR, IT is presumed to offer ways to achieve the policy objectives mentioned above. Availability of information at any time to any medical professional who needs it might save needlessly unfortunate medical decisions (TNS NIPO, 2003). The standardization of information required by IT is also supposed to reduce inaccuracies and errors (e.g. RVZ, 1996; Tweede Kamer, 2005).

At the same time, IT is supposed to increase transparency. The information available can be used for controlling quality and costs by government (RVZ, 1996), but also by the patient (Ministerie van VWS, 2004b; RVZ, 2007). The latter scenario fits in a general healthcare policy trend: current supply-driven healthcare, with healthcare providers to a great extent determining what is provided in return for what, is to be transformed into demand-driven healthcare, with much more influence of the patient (RVZ, 1998; 2003; 2007). On the basis of the information available, the patient is supposed to make a well-considered choice for particular healthcare services and providers, and thus assist in controlling the quality and costs of healthcare. The information available could also be used to construct statistics to assist government in more general healthcare policy, such as dealing with epidemics.

There are also references to the assumption that ICT in general contributes to improved quality (RVZ, 1996; Tweede Kamer, 2001b). On top of earlier comments

on quality-improvements in the sense of reduced human errors, different discussants have pointed at broader effects, such as reducing scarcity on the labour market (Scheepbouwer, 2006), automating routine tasks that are currently performed by medical staff (RVZ, 2002b) in order to make more time for inter-human contact (Ministerie van VWS, 2007) and stimulating patient empowerment by allowing patients to perform more medical tasks themselves (RVZ, 2002a).

Standardisation
The differences between the database view and the exchange view translate into different standardisation approaches. As already became clear, the database view calls for a more encompassing, more rigorous form of standardization. In relation to the EHR in the Netherlands, two main visions can be discerned that correspond to the database view and the exchange view respectively. One vision, more strongly technically oriented, favours the database view, and supports more encompassing and rigorous standards ('ENV 13606'), that aim at a comprehensive database (De Clercq et al., 2004). The Dutch Health Council (RVZ) is the main institutional exponent of this view in the Netherlands. Another group favours the exchange view, and supports more modest standardization ('HL7'), with the National IT Institute for Healthcare (NICTIZ) as a main exponent.

Policy statements tend to be somewhat ambiguous on this point. On the one hand, when choices have to be made, they seem to favour the HL7 option (NICTIZ, 2003; Tweede Kamer, 2009). The Public Health Council, however, remains on the side of the more comprehensive European standard (RVZ, 2005b; Ottes & Van Rijen, 2008). At the same time, the reader will already have observed that much of the role envisioned for IT in achieving the policy objectives goes far beyond the exchange view; it presumes information to be usable in sometimes very different contexts, and necessarily seems to imply the database view.

3. Examination of the main assumptions by the Ministry
Presuppositions
The preceding section already suggests a number of presumptions that formed a common trend in the policy statements by the responsible Ministry under successive ministers with respect to the aimed consequences of the EHR:
(1) improved quality of healthcare
(2) lowering the costs of healthcare
(2a) IT generally increases efficiency
(3) transition from supply orientation to demand orientation

(4) decontextualisation of information

(5) ideal users (not explicitly discussed so far, will appear in the analysis later)

Even if one of the presumptions mentioned above would fail to hold, the negative consequences for the EHR project would be considerable. So an obvious step is to see what is known about these presumptions. We will examine them one by one. Since the last two are instrumental to the first three, and the third is instrumental to the first two, we will treat them almost in reverse order.

What the scientific literature has to say on these presumptions.
There is a considerable body of literature that puts serious question marks with respect to the issue of decontextualisation. Particularly significant in the Dutch context is a report from 1998 by the national technology assessment agency that extensively elaborates the problem of decontextualisation (Berg et al., 1998). Medical treatment involves complex acts and communications that can be properly understood by those directly involved in that particular treatment, but not necessarily by others (Pantazi et al., 2006; Son et al., 2008; Berg & Goorman, 1999). Communication involves clues that are clear to the professionals directly involved, but that are often hard to standardise to such an extent that they are also correctly grasped by others. Or perhaps such standardisation is possible in principle, but at the price that the development of appropriate standards, and the effort to translate any communication into their format, presents a burden that is hard to accept (Berg, 1999; Tully & Cantrill, 2005; Vikkelsø, 2005; Pinelle & Gutwin, 2006; Goodyear-Smith et al., 2008). This is particularly pressing if the benefits that are to be expected fall outside the primary process of healthcare delivery, where the additional investments usually have to be made. Experiences elsewhere with attempts to construct overarching medical information categories, even in cases such as integrating only specific information systems within one hospital, show the enormous difficulties of such undertakings.

The transition from supply orientation to demand orientation is a topic of its own, extending to health policy in general. Here we will be brief, and limit ourselves to what is specifically relevant to the EHR. The basic idea is that the health care consumer, i.e., the patient, should play a crucial role in valuating health care services. The patient, being the primary subject who undergoes and experiences the services provided, gets a more active role as a 'market player', by making his/her own choices for certain health care providers, so that healthcare providers have to compete for his/her favour with better services, thus both improving

quality and reducing costs. Information is of course crucial for the patient to be able to effectively play this role, which is where the EHR comes in. Nevertheless, even if the relevant information could be made available, it is by no means clear that the average patient is capable (or willing) to fulfil this task (Berg, 2002). Medical quality is hard to assess, and comparing and negotiating offers from service providers may be difficult and time-consuming. For common chronic diseases such tasks could be taken over by specialised patient organisations, but even they may not be able to effectively counter the health care professionals (the fact that, despite desperate efforts, government has not succeeded in managing the costs, does not add to the credibility to such a view either). Certain academics note that, even for patients with a chronic illness, such representation is likely to serve only a minority (Lyon, 2005). On top of that, different actors in the Dutch political debate have acknowledged that their expectations concerning the accumulated countervailing power of patients are perhaps not entirely realistic (Tweede Kamer, 2001a; RVZ, 2005a).

This means that, given what is known on these issues, the basis for the far-reaching claims of quality improvement and cost reduction is equally shallow. As for the more general assumption that IT naturally increases efficiency, the evidence shows that this is by no means the case. Sometimes it does, but there are many cases where it didn't, it all depends on how it is done. Benefits often do not outweigh the required investments (Berg, 2002).

The assumption of ideal users does not have any explicit prominence in the statements by the ministry, but it is an issue that is to be considered. Information technology design is necessarily based on assumptions on how the user will use the system. When these assumptions are unrealistic, unexpected things can happen. It may be that the designer, being a technician, assumes too much technical knowledge of the user, in which case the user will experience unforeseen problems. Less straightforward, but equally important, is that the user may have or develop motivations to use the system in a way that is different from what the designer envisioned. Such different use may have unforeseen and undesirable consequences. This possibility is, of course, not limited to IT design; it applies also to any government regulation measure: actors may use the new system or rule in an unforeseen strategic way such that the anticipated positive effect is annihilated, or making the situation even worse than it was.

Literature on EHR development indeed indicates that physicians may go around

the original intentions of the system (Pinelle & Gutwin, 2006; Winthereik et al., 2007), that they start using "shadow" records (Saleem et al., 2009), or to boycott EHRs altogether (Kaplan, 2001). In the Dutch case, it is important to note that many Dutch physicians have objected to the use of their own personal data in the future EHR (Katzenbauer, 2009). Also with respect to patients, it is questionable whether expectations concerning their use of the system are realistic. Berg (2002) points out, for instance, that patients are likely to experience information overload from certain deployments of an EHR. In such cases, family doctors are expected to experience an increase in their workload, as to have to operate as "information brokers".

4. Treatment of the main assumptions in parliamentary debates

We now come to the actual discussions in Dutch parliament that took place at various occasions from 1994 till now. As we have seen, the scientific literature suggests that none of the main assumptions treated above provides unquestionably safe ground. One would expect, therefore, that these assumptions were extensively scrutinized in parliamentary debate. However, this was not the case.

The issue of decontextualisability remained untouched upon. This was all the more remarkable, given the earlier-mentioned publication by the Dutch technology assessment office (Berg et al., 1998). The only occasion when the issue was raised, with reference to the report from 1998, was in 2005(!), when a member of parliament (who was not in parliament when the report appeared) put questions to the minister. The Minister's answer shows one way to put aside an issue like that:

'The report [..] concludes that gathered information should remain in its original context for supporting the primary process. I subscribe to that thought. However, the developments in the field of chain-integrated and multidisciplinary care place high demands on record-creation. After all, also other care providers than the concerned record-keeper need to be able to understand the context and be able to deal with this information. The need for care information to be able to circulate has an impact on the design of healthcare records. Agreements, and international guidelines and standards in the field of records have become necessary. However, there will be space for free text for personal use, or for sharing this with others' (Tweede Kamer, 2005, p. 8)

That is, after first confirming the issue, the minister then declares

decontextualisation as a necessity, thereby sidestepping to what extent this 'necessity' is possible.

The contention that the EHR will reduce the number of medical errors (as part of its quality-enhancing effect) is stated several times (TNS NIPO, 2004; Tweede Kamer, 2008). A Dutch investigation made into the causes of medical errors is used by the Minister as support for this assumption. However, as is pointed out by a member of parliament the investigation report does in fact not support not this assumption (Tweede Kamer, 2009a). Many avoidable medical errors are caused by negligence and inaccuracy, and these can also occur with the EHR.

The shift from supply to demand, and its positive impact on quality and cost control, is simply assumed. One of our main observations here was that while such an extensive transition requires a whole package of assumptions, each time one assumption is questioned, the discussion immediately leads to another assumption, and to the next etc., with the net effect that no assumption is effectively questioned.

The general cost-effectiveness of IT is simply stated (see earlier reference) and apparently assumed.
When the Minister put forward a new law introducing some aspects of the EHR, the Dutch Parliament had some comments on privacy and security matters, and on some other issues that were supposed not to be clear, but in the end the Parliament approved of the law (February 9, 2009). However, the law had also to pass the Dutch senate ('Eerste Kamer'). Here the criticism was more severe. Again privacy and security were dominant issues, but there were also questions on the rights of patients and their consequences. The common thread of the discussion was a growing belief in the Senate that important parts of the plans simply had not been adequately thought through. In July 2010, the Minister of Health (by then formally resigned, because new elections had taken place in the meantime) had to indefinitely poatpone the introduction of a law on the EHR.

5. Understanding the debate
In the previous sections we confronted the actual debate with what is known from the scientific literature, that is, we extended the actual debates that took place in parliament with input from outside that debate, by actors that did not actually take part in that debate. Investigating the debate in pragma-dialectic model within the confinement of the debate as it actually took place would have left

many of the above invisible. As was observed by Birrer (2007), the pragma-dialectical model in neither of its discussion phases actually enforces that relevant aspects will always be brought up by one of the participants in the debate. In the case discussed above, the reasons for not doing so may have been in part strategic. It should be realised, however, that the subject has strongly technical aspects, and that anyone who is not very familiar with it may easily hold it for inaccessible without extensive technical knowledge. In this paper, we have not attempted to investigate the issue of motivations of actors involved.

Such a strategy of including relevant issues that nevertheless do not figure in the actual debate can be justified by pointing to the responsibility and accountability that the debaters can be held to have: responsibility because the political decisions at stake will have consequences for citizens and society, accountability because a democratic society requires that the reasons for such decisions are publicly accounted for.

Apparently, clusters of assumptions can lead to less scrutiny towards the assumptions individually. Instead, the tempting perspective of the cluster of assumptions as a whole takes over. The urge of solving the issue sometimes also leads to the solution being pictured as a 'necessity', without clear analysis of alternatives.

How does the notion of two conflicting clusters play a part in the analysis of argumentation? First of all, it is clear that there is a certain rivalry between the groups that oppose the two opposing EHR views. As we noted in the introduction already, the clustering of argumentation is likely to generate in-group/out-group dynamics. What we have attempted to show, is how this effect is strengthened when two clusters are apparent in a particular discussion. A debate on giving shape to an effective EHR can easily turn into a debate on conflicting world views.

When the scientific literature is included as a "virtual" participant in the debate, as we have done, the various ministers' statements definitely go beyond what is called strategic manoeuvring. This is particularly clear when the virtual participants are momentarily invited to take part in actual discussions, as we have seen in the case of the report of the Dutch technology assessment agency (Berg et al., 1998). Strategic manoeuvring presumes a balance between effectiveness (persuasion) and reasonableness (Van Eemeren, 2010). Although what counts as reasonable and what not may sometimes itself be open to discussion, in the

present case it is hard to maintain that it is reasonable that so many aspects are simply left entirely or almost undiscussed. It seems more appropriate to speak here, again in Van Eemeren's terms, of derailment of strategic manoeuvring (referring to an imbalance between the objective of effectiveness and that of reasonableness).

At the same time, leaving the matter at such a disqualification is not particularly helpful. The question that we think our analysis raises is how these argumentative phenomena can be understood. It looks like they can only be understood with reference to the social context in which the discussion takes place. Multiple instances of such broad analysis of debates in context could lead to a better understanding of debates like the one described, and perhaps also to new insights in how such derailments of strategic manoeuvring can be countered or curbed.

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A FEW ABBREVIATIONS AND TERMS

Ministerie VWS Volksgezondheid, Welzijn en Sport (Ministery of Health, Wellfare and Sports)

NICTIZ Nationaal ICT Instituut in de Zorg (National ICT Institute in Care)

RVZ Raad voor de Volksgezondheid en Zorg (Council for Health and Care)

TNS NIPO Taylor Nelson Solfres / Nederlands Instituut voor Publieke Opinie (Dutch Institute for Public Opinion)

Eerste Kamer (First Chamber, i.e., Parliament)

Tweede Kamer (Second Chamber, i.e., Senate)

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ISSA Proceedings 2010 – Enthymemes Of Relation And National Legitimation: Argument

And Tombs Of The Unknown

1. Introduction

Rhetorical practice has been retheorized in recent years to include not only linguistic and visual signs, but also material places and objects. Rhetorical studies of places and/or objects, such as quilts, gravestones, coffee houses, markets, parks, cityscapes, museums, and monuments, have made the claim repeatedly that objects and built environments may be just as rhetorical as words (Biesecker, 2002; Blair, 1999; Blair, 2001; Blair & Michel, 2000; Blair & Michel, 2007; Dickinson, 1997; Dickinson, Ott, & Aoki, 2005; Dickinson, Ott & Aoki, 2006; Gallagher, 1999; Gallagher, 2004; Zagacki & Gallagher, 2009). These claims have prompted Ott and Dickinson (2009), in an important recent synthesis, to take the position that "visual rhetoric in everyday life is not *merely* visual; it is not only an effect of the eye or a consequence of cognition" (p. 397). Simply put, visual images, and even more importantly objects and places, cannot be reduced to the ocular.

Claims about the *argumentative* character of place have been less plentiful, but the parallel seems to us reasonable. Indeed, we argued at the last ISSA conference that places have argumentative "potency" and, as Dickinson and Ott also suggest, that their character cannot be contained "merely," within the visual (Blair, Balthrop, & Michel, 2007, p. 146). Still, what remains unclear is *how* objects or places take on argumentative force, *how* they accrete to themselves the capacity to argue a case to those who encounter or traverse them. We have proposed more recently that to treat "commemorative places as themselves rhetorical" is not to deny the "significance of the supplementary rhetoric that a place may give rise to, and that in turn reinterprets or reperforms the place." We maintained, furthermore, that "juxtapositions of the material (physical place) and its circulations," such as speech, ritual, journalistic accounts, and so forth, allow us to better understand the rhetorical dimensions of commemoration (Balthrop, Blair, & Michel, 2010, p. 172). Here we take up this suggestion more directly in analyzing the articulations of national Tombs of the Unknown Soldier (or Unknown Warrior) with public, press, and government discourses; ceremonial events; symbolic geographies; and cultural allusions and *mythoi*. Our reason for doing so is to show specifically how an argument is forged, in a particular

historical moment, by a commemorative place in its articulations with these other cultural practices (e.g., Grossberg, 1992; Grossberg, 1997).**[i]** That is, while it may seem clear that places "speak," we try to establish how they may speak *argumentatively*. Importantly, of course, the mediating rituals, speech, media accounts, and interpretations do not remain stable, so the argument made by a place certainly will change with its different circulations and articulations historically.

Many scholars have argued that both the political eddies and commemorative practices set off by World War I (WWI) have been deeply influential of international politics and commemorative works in later decades of the twentieth century and in our own time (e.g., Capdevila & Voldman, 2006; Laqueur, 1996). With respect to commemoration in particular, at least three claims can be made for WWI as foundational for later practice. The first and most obvious was the nearly ubiquitous effort to remember the missing, those whose bodies were never found after the war and thus were unavailable for burial. The standard material strategy of commemorating them involved massive walls of the missing, inscribed with the names of all those who did not have graves. The British, for example, inscribed names at their massive Memorial to the Missing of the Somme, at Thiepval in France, and at the Menin Gate, in Ypres, Belgium (Stamp, 2006). Similarly, lists of American missing were inscribed on the walls of chapels in U.S. military cemeteries. In more recent years, walls of the missing have morphed into walls listing all the dead of a tragic or violent event. Although the U.S. Vietnam Veterans Memorial is usually taken to be the harbinger of contemporary memorials that name the dead, its designer, Maya Lin, has pointed to the direct influence on her work of Lutyens' Thiepval memorial (Lin, 2000, 4:09).

Second, some nation-states following WWI chose to commemorate the dead with what they called utilitarian or "living" memorials designed to enhance life for those who remained. Sometimes they would take the form of scholarships or endowments, but usually they were useful structures, like parks, bridges, hospitals, meeting halls, or schools. The utilitarian memorial concept was highly contested in a number of Western nations in the interwar period, but it became the order of the day following the Second World War (Shanken, 2002). It remains a popular, if usually reticent, commemorative strategy.

The Tombs of the Unknown constituted the third influential innovation of the interwar period; like the other commemorative novelties of WWI, this was an

international phenomenon, but one that focused in each case upon a national "hero."[ii] The first national Tomb of the Unknown memorials appeared in France and Britain in 1920; Portugal, Italy, and the U.S. followed suit in 1921, as did Belgium in 1922.[iii] Many of the other participant nations, empires, and/or former client states of empires would create such memorials in the interwar years, including Austria, Czechoslovakia, Greece, Hungary, India, Poland, Romania, and Serbia. Australia and Canada added their offerings in 1993 and 2000 respectively, and the most recent World War I Tomb of the Unknown was unveiled in New Zealand in 2004.

There is no mystery about the conditions that gave rise to this new mode of commemoration. The mechanized killing, trench warfare, and long stalemated battles that characterized WWI resulted in massive numbers of unidentified dead – the unknowns (see, e.g., Kramer, 2007). Bodies were buried hastily in "no man's land" between the trenches. But as battle lines shifted, individual graves, sometimes even whole temporary cemeteries, were obliterated during massive bombardments. As a result, hundreds of thousands of soldiers from WWI are listed as "missing," with more than 700,000 from the British Empire, France, and the United States (Duffy, 2008-2009). Many of the missing do have graves, of course, some in mass burial locations, others in individual graves marked "unknown." Laqueur (1996) puts the count of individual, unknown graves at 180,861 for the British Empire alone (p. 124).

The national Tomb of the Unknown memorials have often been remarked as new to the early twentieth century, but they have been little studied. For example, such eminent thinkers as Benedict Anderson (2006, p. 10) and Hannah Arendt (1959, p. 161) have commented on the Tombs in thoughtful ways. And there have been helpful scholarly observations about individual cases, for example, Moffett's (2007) insightful claim that Great Britain's Tomb of the Unknown Warrior "completes" London's other well-known WWI monument, the Cenotaph (p. 234). Still, given the scope and significance of the international and interdisciplinary literatures on the history of commemorative practice, this research "gap" is not only surprising but quite problematic, given the echoes of interwar commemorative practices and issues up to and in our own time.

Moreover, while it certainly is the case that WWI set a tone for subsequent twentieth and twenty-first century commemoration, issues regarding the unknowns and the missing from WWI itself are far from resolved. In 2009 a

British historian located a long forgotten archive at Red Cross headquarters in Geneva, with information about deaths, burials, and captures of some 20 million soldiers from WWI. According to Williams (2009), this archive contains information that may aid in identifying many of those whose graves in battlefield cemeteries have been marked "unknown" for almost a century. Likewise, in the spring of 2008, a mass grave was discovered in northern France, containing the remains of 250 British and Australian soldiers killed in the battle of Fromelles, on July 19, 1916 (Samuel, 2008). At this writing 96 of the dead have been identified by DNA and other means (Australian Fromelles 2010). The first new Commonwealth War Graves Commission cemetery built in almost fifty years was dedicated on July 19, 2010, in Fromelles, in a ceremony that included the final, 250th, interment, a soldier who remains unknown. These "finds" are compelling reminders that WWI continues to haunt our present moment, perhaps especially so in its prominent marking of the categories of the "missing" and the "unknown."

Our paper begins to address the national Tomb of the Unknown memorials by piecing together two, sometimes fragmentary arguments that may help to account for the broad appeal of this practice across so many variegated national, imperial and post-imperial states in the interwar years. Both arguments arose as a result of the interaction in each case of the Tomb, its ritual of establishment, its location, as well as government, public, and press statements about it. The two arguments share a minor premise that we will establish initially. We then reconstruct the first argument, which we label provisionally a "hypothetical enthymeme of relation," and which was addressed most directly to surviving relatives of the missing. Here, we focus most upon the cases of the U.K., France, and the U.S., for their Tombs of the Unknown were among the first (pertinently, during a time when next-of-kin were close relations) and because materials about their establishment are most easily accessible. The second argument that we name, equally provisionally, an "enthymeme of national legitimation," was addressed to larger national and international as well as citizen groups. Here we examine a more robust set of cases, including the earliest exemplars, but also the three former dominions of the British Empire that established their tombs only in the past two decades.

2. Establishing the Enthymemes' Minor Premise

Well publicized accounts of how a country's Unknown was chosen from among thousands of unknowns in cemeteries on the battlefront and delivered to his final

burial place in the capital city accomplished two objectives: The methods of choosing established the Unknown as truly anonymous, unidentifiable by any marker except nationality. And the rituals of the choice and transport of the body, in each case, were fitting to a head of state, rendering the body as a heroic one; this was reinforced by the prominent, national location of each of the tombs.

Selection of the Unknown was a serious issue; officials in each country wanted to ensure that the selected soldier could not be identified by any marker except nationality, and that there was insufficient information from the soldier's remains and location to ever lead to an identification. In most cases during the interwar period, the remains of four to eight unknowns were exhumed and brought to a ceremonial location for the ritual choice. Every effort was made to ensure that the designated choice maker could not distinguish among them, even by reference to the cemeteries from which they had been exhumed. For example, the caskets were sometimes rearranged multiple times, and all markers except for identical national flags removed. Indeed, in the case of the U.S. choice, the burial records representing all four of the possible choices were destroyed, leaving no trace of the cemetery origins of the bodies (Poole, 2009, p. 150). Belgium ensured anonymity by having a blind veteran as the selector (Belgium Honors, 1922, p. 2), and some accounts hold that Britain blindfolded theirs (Lloyd, 1998, p. 66).

Whether the destination for the chosen Unknown was London, Paris, Washington, or another national capital, each traced a ceremonial path of remarkable, well publicized symbolism. The splendor and dignity of the ceremonial rites, from exhumation to burial service, were extraordinary, often compared to state funerals of presidents, prime ministers, or even royalty. These rites granted the Unknown the status of national hero. Every feature of the ritual was planned for its symbolic significance. For example, even the battlegrounds from which the candidates had been disinterred were carefully chosen, as were the locations of the selection ceremonies. The British selections had come from cemeteries in Ypres, Arras, the Somme, and the Aisne. The four U.S. choices had come from the Aisne-Marne, Meuse-Argonne, San Mihiel and Somme American cemeteries. The French Soldat Inconnu was chosen at a ceremony in the Citadelle Souterraine in Verdun, which had served as the French logistical base for the ten-month Battle of Verdun, in 1916 (Le Champ, 2008).**[iv]**

Speeches, bands, red poppies, military parades, flags, bugle calls, gun salutes, hymns, and large crowds accompanied each of the chosen Unknowns on their

routes from the selection sites to their destinations. Even the choices of transportation were heralded. The U.S. ship that carried the American Unknown from LeHavre to Washington, D.C., was the *USS Olympia*, the flagship of Admiral George Dewey, a well-known hero of the Spanish-American War (Mossman & Stark, 1991, p. 9). The British chose to transport their Unknown Warrior on board the destroyer *Verdun*, as a tribute to the French (Lloyd, 1998, p. 68). The ship's bell decorates one of the walls near the Unknown Warrior's grave in Westminster Abbey. Before departures from France, French honor guards would join the home country's honor guard to accompany the Unknowns to the debarkation port. Once on home territory, the Unknowns were honored with solemn parades that passed by or lingered at important destinations. The British Unknown Warrior's funeral march was halted so that King George could unveil the Cenotaph, before moving on to Westminster Abbey. The French Soldat Inconnu was taken to the Panthéon in Paris enroute to his final destination at the base of the Arc de Triomphe. The American Unknown joined the ranks of former presidents, vice presidents, senators and representatives in being chosen to lie in state in the U.S. Capitol prior to being moved to Arlington. The funerals were grand affairs, presided over by kings and presidents and attended by military giants of the war, for example Marshal Ferdinand Foch and General John J. Pershing. Both British and American Unknowns were buried with soil transported from the European battlefields.

As a result of the careful selections and massive, grand ceremonies, the Tombs of the Unknown would offer a minor, demonstrative premise serving each of the two major arguments: *Here is a hero of the Great War with no known identity except nationality.* Their inscriptions variously announce the premise. The casket of the British Unknown Warrior was inscribed: "A BRITISH WARRIOR WHO FELL IN THE GREAT WAR ⬜1914-1918 ⬜FOR KING AND COUNTRY" (Unknown Warrior, 2009). The main inscription on the stone slab that covers the graves is more elaborate but equally relevant: "BENEATH THIS STONE RESTS THE BODY OF A BRITISH WARRIOR UNKNOWN BY NAME OR RANK, BROUGHT FROM FRANCE TO LIE AMONG THE MOST ILLUSTRIOUS OF THE LAND, AND BURIED HERE ON ARMISTICE DAY 11 NOV. 1920, IN THE PRESENCE OF HIS MAJESTY KING GEORGE V, HIS MINISTERS OF STATE, THE CHIEFS OF HIS FORCES, AND A VAST CONCOURSE OF THE NATION. THUS ARE COMMEMORATED THE MANY MULTITUDES WHO DURING THE GREAT WAR OF 1914-1918 GAVE THE MOST THAT MAN CAN GIVE, LIFE ITSELF, FOR GOD; FOR KING AND COUNTRY; FOR LOVED ONES, HOME, AND EMPIRE; FOR THE SACRED CAUSE OF JUSTICE,

AND THE FREEDOM OF THE WORLD. THEY BURIED HIM AMONG THE KINGS BECAUSE HE HAD DONE GOOD TOWARD GOD AND TOWARD HIS HOUSE."[v] Less elaborate and more secular, but a parallel, is the inscription on the French Tomb of the Unknown: "ICI REPOSE UN SOLDAT FRANÇAIS MORT POUR LA PATRIE, 1914-1918." The American inscription also is simply a variation on the premise's articulation: "HERE RESTS IN HONORED GLORY AN AMERICAN SOLDIER KNOWN BUT TO GOD." The only substantial difference from the British and French inscriptions is that these words, identical to those on all of the headstones for U.S. unknowns in WWI military cemeteries abroad, link the soldier in Arlington explicitly to all of the U.S. unknowns.

3. The Hypothetical Enthymeme of Relation
In a frequently quoted line, Gillis (1994) suggests that "all the major combatant nations eventually resorted to erecting the so-called tombs of unknown soldiers, thereby remembering everyone by remembering no one in particular" (p. 11). But this seems to miss precisely the point, given the first argument that we label the hypothetical enthymeme of relation. In it, the demonstrative minor premise is accompanied by a major premise, occasionally articulated by government officials or the press: *This could be your husband, your father, your brother, your son . . . .*

A poignant story about a *living* unknown French soldier after the war offers an instructive context for understanding the articulations that construct this major premise. Like other combatant nations, France had suffered great wartime losses: "The number of soldiers who were never to return, either dead or alive, was enormous: in November 1915, after the carnage of the first months of the war (the most casualty-heavy), they were already estimated at 300,000" (Le Naour, 2002, p. 39). The result, writes Le Naour, is that families "were . . . deprived of the certainty and closure that a body provides. After the armistice and the repatriation of prisoners, among whom these families hoped to find their missing relatives . . . the most rational resolved to accept the deaths. But the appearance of Anthelme Mangin, this unbelievable resurrection of a vanished soldier, revived hope, and it came to embody the misery of all those who refused to mourn" (2002, pp. 2-3). Mangin was one of a number of veterans returning from German prisoner of war camps in February 1918, when he was found wandering along the platform of the Lyon-Brotteaux railway station. He had no sense of who he was and no signs of identification. He was sent to an asylum for recuperation and was given the name Anthelme Mangin by French authorities. Mangin was not the only

unidentified, amnesiac veteran; Le Naour reports that ten were alive in the early months of 1919, and he notes the "alacrity with which they were reported" in the press (2002, p. 85).

The desire among the mourning to explore all possibilities to find missing relatives became starkly apparent after the publication of a small story about some of the "living unknowns" in the newspaper *Le Petit Parisien*. The paper received dozens of requests to publish photographs and subsequently did so. A more extensive effort was later undertaken by the Ministry of Prisons, when the photographs were published in every major national and regional newspaper. Veterans' organizations printed posters and distributed them to city halls throughout France. According to Le Naour, "Within a few weeks, dozens of citizens had claimed to recognize . . . [Mangin] as a son, a husband, or a brother missing in action but never officially declared dead. Nearly three hundred people asked for more information, and while most of them recognized their error as soon as they saw a better photograph or met with him . . . twenty families would press their claims in court. The litigation continued . . . until the unknown man's death [in 1942]" (Le Naour, p. 2). Mangin, according to Le Naour, "was thus a symbol: in his anonymity and his madman's remove from the world of the living, he was like a twin to the Unknown Soldier buried beneath the Arc de Triomphe. He stood for both the suffering of the families of the missing, who sought to identify him as their own, and for France's difficulty in coming to terms with grief between the two world wars" (2002, pp. 2-3).

For those families and relatives who had accepted the deaths of their loved ones, however, the desire for closure and for acknowledgment of their loss led them to seek solace in the burial of the Soldat Inconnu. As Le Naour (2002) observes, the burial of the Soldat Inconnu "sought to deal with the suffering families of the missing, by giving them a body they could imagine belonged to them" (p. 72). Indeed, he quotes André Maginot's instructions regarding the choice of the French Unknown. The chosen body, Maginot ordered, must be anonymous, so that "families who suffered the misfortune of losing one of their own in the war . . . can always imagine that their dearly beloved is the very object of this supreme tribute" (p. 73). Another general was heard to remark after the selection had been made and a mourning woman had kissed the wood coffin: "All mothers who do not know where their children lie can believe, like this one, that their own has received the highest honors" (LeNaour, 2002, pp. 73-74).

James' (1920) report of the French ceremonies for the Soldat Inconnu suggests that the logic was shared among more than generals. He wrote: "'Perhaps it is he.' It was the accompaniment of that thought in the minds of thousands and thousands of fathers, mothers, wives and children that the unknown French soldier today was carried through the streets of Paris to his burial place below the Arc de Triomphe." He continued: "Beside the writer in the crowd was an old woman, who told to her neighbor how of her . . . three sons who fell the graves of two were never known. She was one of those thousands who thought but did not utter the words, 'Perhaps it is he,' but she did not weep" (p. 3). Although the reporter offers no evidence for his attribution, the logic had been made clear in poetry, popular prose, and news reporting. The logic is perhaps most explicit in an inscription in the Faubourg Pavé Cemetery in Verdun: "Here rests perhaps your father, your son, your brother, your friend." This inscription appears at the front of the burial site of those seven French unknowns who might have been but were not selected for the Tomb in Paris.

Although the French were often more explicit than others in articulating this important premise, the frequently unarticulated, hypothetical relationship seemed to be lost on no one at the time. Lloyd (1998) observes that, "When the [British] Unknown Warrior was buried . . . many of the newspapers printed stories about women who were coming to [Westminster] Abbey because they were confident that their son or husband was buried there" (p. 81). Wilkinson (2006) mentions a witness to the burial of the Unknown Warrior, who "remembered wondering if the body could be that of his elder brother, Stanley" (p. 15). *The New York Times*, reporting on the burial of the U.S. Unknown, remarked on a group in attendance: "To them the services over the body of the Unknown [Soldier] had a peculiar significance, for they were the fathers, mothers, wives and sisters of the unidentified dead. Some one among them may have been the nearest kin to the boy who was this day honored by all of America" (Solemn, 1921). This kind of observation was not limited simply to the family members. Poole (2009) reports the words of Sgt. Edward F. Younger, the veteran who was honored to select the U.S. Unknown Soldier by laying roses on one of four identical caskets: "I passed the first one . . . the second . . . . Then something made me stop. And a voice seemed to say, 'This is a pal of yours.' I don't know how long I stood there. But finally I put the roses on the second casket and went back into the sunlight" (p. 150).

In each case, the Unknown was hardly, contra Gillis, "no one in particular." His anonymity allowed the Unknown to be *a very particular someone to* a friend or family member, at least hypothetically. Le Naour (2002) summarizes the report of a journalist about visits of mourning relatives to the grave of the Soldat Inconnu in Paris: "A man or woman whose son did not return from the war would go to place flowers and pay homage

. . . and without knowing one another, other fathers and mothers of missing soldiers could exchange greetings and say: 'Maybe he's *your* son!' 'Maybe he's *yours*!'" (pp. 78-79). The argument's addressivity cannot be ignored. Its addressees are friends and family members of the WWI missing. Since this *could be* their loved one, it allowed them to imagine that he *was* their loved one. It allowed them to take solace in the presence of his grave and in the knowledge that he had been honored as a hero by his country and by other nations as well. It allowed them, in other words, to complete the argument:

Here is a hero of the Great War with no known identity except nationality.
He might be your husband, your father, your brother, your son . . . .
Therefore, take solace in the knowledge that he has a grave and has been honored
as a hero.

The argument's conclusion, which accommodated the conversion from the hypothetical to the actual, could bring a kind of closure to families and friends of unidentified, lost soldiers. For others, the enthymeme could have resonance as an argument about the sacrifices of the mythic "national family."**[vi]**

4. The Enthymeme of National Legitimation
The second argument, the enthymeme of national legitimation, worked from the same demonstrative minor premise as the first argument: *Here is a hero of the Great War with no known identity except nationality.* Its major premise and conclusion varied slightly, depending on the status of the country both during and after the War. Some, like the U.S. were independent republics before the war. Some were and remained empires, like the United Kingdom. France and Belgium were a bit of both. Others, which had been part of large empires, were declared at Versailles to be independent nation-states.**[vii]** Still others, such as Australia, Canada, and New Zealand, remained dominions of empire. Both major premise and conclusion thus varied as follows:
Major Premise: The WWI dead sacrificed their lives to sustain [or establish]

autonomous, national [or imperial] sovereignty.

Conclusion: The honor bestowed on this hero of the War legitimates the sustenance [or establishment] of this nation [or empire].

The major premise would have required little articulation for citizens of any of the combatant states. As exemplified by Britain's naming of its casualties as "the Glorious Dead" or France's articulation throughout the war of "*l'Union sacrée*" (a prowar coalition of church and state), most if not all the combatant nations in Europe understood the war as a "purification" and death as the sacrificial agency of purification (Kramer, 2007, p. 162). In France, as Becker (1998) argues, the names of the dead had "become a metonymy of sacrifice" for the nation (p. 123). One can hardly underestimate the image of war as a "proving ground" not only of young men but also of nations (or empires) that prevailed through much of the developed *and* developing world, in the latter sometimes implanted by imperial colonization (e.g., Inglis, 1999, p. 16).

Thus, while the major premise of the sacrifice for the nation (or empire) could go *unarticulated* because widely assumed, it certainly was never *invisible or intangible*, with respect to a Tomb of the Unknown. The politics of location rearticulated the premise; the choices for the tombs were sites of mythic, national status, often having to do with the birth or rebirth of the state in wartime. The Unknowns of France, the U.K., and the U.S. were entombed respectively under the Arc de Triomphe, in Paris; in Westminster Abbey, in London; and in Arlington National Cemetery, in a location from which one could clearly see a number of material symbols of the U.S. nation-state, including the U.S. Capitol and Washington Monument. In all three of these cases, there were conflicts over where the Tomb should be located. Some advocated that the U.K.'s Unknown Warrior be buried under the Cenotaph. French leftists argued for the Panthéon for the Soldat Inconnu. And some in Washington argued for the U.S. Capitol. But as exemplified by these conflicts, no one seemed to seriously entertain the idea of anything but a location of major national (or imperial) significance. The politics of mythologized location also characterized other countries' chosen sites for their Tombs of the Unknown. Italy's Unknown was interred at Rome's Monument to Victor Emmanuel, II, who was credited with the unification of Italy with Rome as its capital in the nineteenth century (Chastain, 2004). Belgium's Tomb was situated at the foot of the Colonnade of the Congress, in Brussels, built in the 1850s as a symbol of Belgian independence.

The ritualizing of the burials of each of the Unknowns, of course, magnified the significance of the message of sacrifice on behalf of the nation (or empire), partly in the pageantry of the cemeteries, but also in the fact that the Unknown of each country was honored with the highest military decorations of *other* nations. The American Unknown from WWI, for example, was decorated with the U.S. Congressional Medal of Honor and the Distinguished Service Cross, but also the Victoria Cross (U.K.), the French *Croix de Guerre*, Poland's *Virtuti Militari*, and many others (Tomb, 1963; Piehler, 1995, p. 121).[viii] Many of these medals had never before been conferred upon any but the citizens of their originating nations. Such honors were bestowed on most if not all, of the other countries' Unknowns, constituting an international recognition of sacrifice of each Unknown and pertinently thus underscoring the legitimacy of his nation (or empire). As Daniel Sherman (1999) suggests of the French Soldat Inconnu, "the unknown affirmed the continuing legitimacy of the nation-state in whose name he had died, and validated all narratives of the war that took the national polity as their basis . . ." (p. 102).

In no cases, however, has this national legitimation been so clear as in more recent establishments of Unknown Soldier or Unknown Warrior tombs. With the Unknowns from WWI ritualized in the past twenty years, location was equally important, but the legitimation was more starkly limned by differentiation of the national states from their prior status as dominions of Great Britain. Australia was the first, in 1993, followed by Canada in 2000, both of which gave "impetus" to New Zealand join in, in 2004 (Returned, 2002-2010). Australia's Unknown was disinterred from Adelaide Cemetery in France, and transported to Canberra to be reinterred in the Hall of Memory at the Australian War Memorial (Walsh, 2006; Australian War Memorial, 2010). In parallel fashion, the Canadian Unknown was selected from the Cabaret-Rouge Cemetery, near Vimy Ridge. The Tomb of the Unknown Soldier is located at the front of the Canadian National War Memorial, in Ottawa (Munroe, 2010). New Zealand's Unknown Warrior was exhumed form the Caterpillar Valley Cemetery, at Longueval, France, and interred in the Tomb of the Unknown Warrior at the National War Memorial, in Wellington, during a ceremony surmised to be "the largest commemorative programme ever undertaken in New Zealand" (Returned, 2002-2010; Ministry).

Although the pageantry may have been equivalent, these former dominials' stories obviously were different from those accompanying national or imperial

tombs established immediately after the war. The Unknown British Warrior entombed in Westminster had been intended to represent the entire British Empire. Still, as numerous dominial monuments and cemeteries on the Western Front attest, there had been at least some discomfort with accepting the metonymic reference to the Empire, or later the Commonwealth, as completely satisfactory. There were, after all widespread *mythoi* that linked national identities to WWI, for example the famous observation by a survivor of Vimy Ridge, that "the troops went up the ridge as British soldiers and came down Canadian" (Bull & Panton, 2000, p. 5).

These nationalist identity myths evolved, hardened, and ultimately legitimated the former dominials' claims to their own national tombs, as illustrated by the case of Australia. Inglis suggests that "men from the colonies had proved to be at least as valourous and proficient on [WWI] battlefields as men from the imperial heartland. Australians shared this reassuring discovery with New Zealanders and Canadians, but the squalid peculiarity of their own nation's origin made the performance of the AIF especially precious" (p. 461). Prior to WWI, Australia was seen as nationally deficient, not only because of its early British penal colonies, but also because it had not, as Inglis points out, been able to distinguish itself in war. He quotes poet Bernard O'Dowd in 1912: "'For Great Australia is not yet . . . She is a prophesy to be fulfilled.' Again and again the future was pressed to serve the tremulous nationalism of patriots apologetic for their country's lack of an inspiring past" (p. 72). The burial of Australia's Unknown "confirms," Becker (1998) claims, that the Unknown Warrior "in Westminster Abbey had never, since 1920, represented the entire British Empire" (p. 171n.). While that claim certainly cannot be maintained seriously, the establishment of these three new national tombs at least seemed to confirm that the Unknown Warrior *no longer* represented adequately the dominions of the United Kingdom. The stories of national origin, whether the Vimy Ridge or ANZAC mythologies, rendered the Tombs of the Unknown in Canberra, Ottawa, and Wellington articulate declarations of national identity, independence, and legitimacy.

5. Conclusion
There are now many more Tombs of the Unknown, some the products of the Second World War, others the result of smaller, regional confrontations. They are located in such diverse places as Iraq and Argentina, Indonesia and Syria. Some of the WWI Tombs of the Unknown have changed over time, whether simply

designated by proclamation to represent the dead from all of a nation's wars, or augmented by additional burials that represent later military conflicts. Most of them, regardless of whether there have been more recent augmentations, remain highly visible and heavily visited sites.

Certainly the arguments mustered by the Tombs of the Unknown now are different from those they enunciated in the 1920s. The closest kin of the WWI unknowns are no longer so close as those who may have been intimately affected by the hypothetical enthymeme of relation in the early years following the War. And most of the countries that dedicated Tomb of the Unknown memorials during the interwar period are hardly now in need of the same kind of national legitimation that was deemed important in the wake of WWI, which had destabilized a number of empires and states. Surely Australia, Canada, and New Zealand are limit cases with respect to the enthymeme of national legitimation. But all of the Tombs as well as other WWI commemorative forms and conflicts and issues about them continue to resonate well beyond the sites themselves and beyond the arguments they harbored at the time of their inception.

The Tombs still carry traces of their own significance into the present in harboring those who may "become known." For example, the identification and subsequent return to his hometown of the remains of the U.S. Vietnam unknown, buried at the Tomb of the Unknowns, led to many a pronouncement that there would never be another "unknown soldier," because of the availability of DNA testing (Blair, 2001, p. 278). The newer Tombs of the Unknown call that conclusion into question; more recent conflicts still have resulted in soldier remains in excess of those identified. Although not "soldier"-related, the conflicted and frustrating attempts to identify the remains of those killed in the World Trade Center on September 11, 2001 also suggest that the judgment may have been a bit premature. As reported by Reuters (Two, 2010) this past January, fifty-nine per cent of the dead from the World Trade Center have been identified, and almost 9,000 sets of remains are still being tested. Public commemoration is imbricated with all manner of historical conditions, social customs, and cultural resources, not the least of which are scientific means of *making known*, but also perpetually more lethal ways of *making unknown*.

NOTES
[i] Despite injunctions by Grossberg and others, "articulation" (or a newer, convenient equivalent, "suture") is all too often *asserted* as a stand-in for

relationality, rather than *established* by the sometimes difficult work of locating the dense, cultural relations and circulations that cultural studies calls its practitioners to engage. Although this paper is much too brief to attempt to follow and document all the trails and relationships, we have attempted to be as comprehensive as possible in mapping the most important ones that gave rise to the arguments posed by the national tombs of the unknown, especially in the early years of this commemorative practice.

[ii] The origin of this practice is occasionally, though rarely, disputed. Regardless of its origin, the practice certainly did not gain any real traction internationally until after WWI. Indeed, Stéphane Audoin-Rouzeau and Annette Becker (2002) claim that it was "the Great War's commemorative invention *par excellence* and a gift to posterity bestowed by war's brutalisation" (p. 196).

[iii] Although Audoin-Rouzeau and Becker (2002) as well as Winter (1995) date Belgium's establishment of its Tomb of the Unknown to 1921, it was in 1922. (Belgium Entombs, 1922).

[iv] The *Meuse tourisme* website labels Verdun the "Capitale de la Grande Guerre."

[v] We have taken the liberty of adding punctuation to this inscription; the grammar of the inscription on the stone slab is marked by spacing rather than grammatical markings. The same is true of the inscription on the Tomb of the Soldat Inconnu in Paris.

[vi] We are grateful to our reviewers, Robert C. Rowland and Angela G. Ray, for their respective proffers of these concluding insights about the first enthymeme.

[vii] As Benedict Anderson (2006) observes, "As late as 1914, dynastic states made up the majority of the membership of the world political system" (p. 22), but "The First World War brought the age of high dynasticism to an end. By 1922, Habsburgs, Hohenzollerns, Romanovs, and Ottomans were gone . . . . From this time on, the legitimate international norm was the nation-state . . ." (p. 113).

[viii] The exact dating of the essay about the Tomb of the Unknown from the *Quartermaster Review* is unclear; it is posted as 1963, but a head note to the essay says that it was published in 1958.

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ISSA Proceedings 2010 – Logic In The Pragma-Dialectical Theory
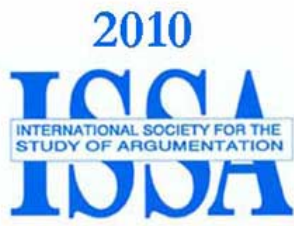
1. Introduction – Logic in the Pragma-Dialectical Theory **[i]**
Over the past fourteen years the proponents of the Pragma-Dialectical**[ii]** approach to argumentation have devoted the lion's share of their efforts to working out in detail how the rhetorical properties of arguments and argumentation can be accommodated within their pragma-dialectical framework. By now, the dialectical and rhetorical properties of arguments have been theoretically integrated to their satisfaction (see van Eemeren and Houtlosser 2009, van Eemeren 2010). Thus, of the classical triad – logic, dialectic and rhetoric – two members have been accounted for in the theory. What, one might ask, of the third member: logic?

In the early development of the Pragma-Dialectical approach, its authors saw themselves as needing to differentiate their dialectics-oriented program from the then-dominant paradigms of logic and rhetoric (see van Eemeren & Grootendorst 1984 [*Speech Acts in Argumentative Discussions*], hereafter *SAAD*, pp. 12-13, 16). Even in the latest version of the theory, the authors are critical of the Perelmanian approach, representing a certain take on rhetoric, and the Toulminian approach, representing a certain take on logic (see van Eemeren & Grootendorst 2004 [*A Systematic Theory of Argumentation*], hereafter *STA*, pp. 44-50). They have, however, come to terms with at least some features of rhetoric, namely those that clearly can and do play a role within argumentative discussions aimed at resolving a difference of opinion in a reasonable way. The time has come, I contend, for the proponents of the Pragma-Dialectical approach to undertake the effort of sorting out with similar care their conception of logic and its role in their theory.

The thesis of this paper is that the Pragma-Dialectical handling of logic does need some sorting out. I will argue, in particular, for the following propositions, which together support this thesis:
(1) The Pragma-Dialectical theory's procedure for making unexpressed premises explicit is, due to the conception of logic employed, incompatible with the theory's use of argumentation schemes in the analysis and evaluation of arguments.
(2) The problems with argumentation schemes aside, the explicitization procedure proposed in the Pragma-Dialectical theory is limited in scope due to the kind of logic it relies on.
(3) Some Pragma-Dialectic statements about logic are puzzling; the working

conception of logic is unclear; and any case it is too narrow.

(4) The Pragma-Dialectical theory requires a clear and consistent approach to logic.

To the support for these propositions I now turn.

2. First proposition

(1) The Pragma-Dialectical theory's procedure for making unexpressed premises explicit is, due to the conception of logic employed, incompatible with the theory's use of argumentation schemes in the analysis and evaluation of arguments.

According to the Pragma-Dialectical theory, in order to assess the reasoning used in texts of arguments that a proponent or opponent has put to work in defending or attacking a standpoint, it is necessary (when the parties are absent) first accurately to reconstruct the arguments so the reasoning is fully explicit. The method, in the case of arguments that are not deductively valid as they stand, but are reasonably taken as meant to be deductively valid, is to add the premise(s) that would render them deductively valid (the logical level) and at the same time are maximally informative and consistent with the arguer's expressed commitments (the dialectical level) (*SAAD*, pp. 141-149). (Below I will take issue with this method, but accept it for now.)

"(a) The explicitized premiss**[iii]** must be a statement which, if added to the speaker's argument as a premiss, would make the argument valid (and thereby prevent a violation of the maxim of relation.)" (*SAAD*, p. 141)

It is clear from the discussion preceding the above passage that the authors mean by *valid* here, *deductively valid*. For they have just finished a review of alternative methods of supplying unexpressed premises, and one of the lessons they take is that rendering the argument valid by the rules of propositional logic is not sufficient – but not that it is not necessary (see *SAAD*, pp. 123-129). This is evidence, then, that, at least in *SAAD*, by 'logic' the authors of the Pragma-Dialectical theory mean either deductive logic in general or formal deductive logic in particular.

The theory envisages not only arguments that their proponents expect to be deductively valid but also arguments that employ argumentation schemes. In their introduction to the topic of argumentation schemes as tools for the analysis and evaluation of arguments, in a paragraph that begins emphasizing the importance

of avoiding contradictions (van Eemeren & Grootendorst 1992 [*Argumentation, Communication and Fallacies*], hereafter *ACF*, p. 95), the authors of *ACF* make the following comment:

"[a] In order to assess the quality of the individual arguments, it must be determined whether the underlying reasoning is logically valid and starts from premises that are acceptable. [b] There is no need, however, to immediately assume that somebody who puts forward an argument is indeed involved in demonstrating how the conclusion is logically derived from the premises. [c] Still, in some way or other, the step from the arguments to the standpoint must be such that the acceptability of the premises is transferred to the conclusion" (*ACF*, p. 96, my numbering is added in brackets.)

Appended to sentence [c] is the following footnote:
"On this point, logic has not much to offer. In spite of important differences in the way logicians define the object, scope, and method of their work, they seem unanimous in thinking that their concern with validity is about formal rather than substantive relations between premises and conclusions, syntactico-semantic rather than pragmatic aspects, reasoning in isolation rather than in context, implications rather than inferences and – most important at this juncture – transmission of truth rather than acceptance." (*ACF*, p. 96, Note 3.)

This footnote makes it abundantly clear that the authors here understand by logic formal deductive logic. It is unlikely that they had informal logic in mind. For not only do they make no reference to informal logic, but also by time *ACF* was being written, informal logicians had challenged every one of the assumptions attributed in this footnote to "logicians" *simpliciter*, and so while *informal* logic might well have had much to offer to account for the step from arguments (i.e., reasons or premises) to standpoints (i.e., conclusions) whereby the acceptability of the premises is transferred to the conclusions, it was not discussed. (For pertinent informal logicians, see, among others, Scriven 1976 and Fogelin 1978 both cited in *SAAD*'s references, and Govier 1987 cited in *ACF* 's references, but see also Johnson & Blair 1978 and Govier 1985.)

Given these passages, the authors cannot be conceiving that grounds for a justified transference of the propositional attitude of acceptance from premises to conclusion is a topic of formal logic. So, since the quoted passages occur in a section titled "Argumentation Schemes as Dialectical Tools," one is led to conclude that they hold that it is by means of argumentation schemes whereby

the acceptability of the premises is transferred to the conclusion (in non-deductive arguments).

Argumentation schemes are not in every case to be instantiated by deductively valid arguments, because in many cases the arguments that exhibit them, even when they are completely cogent, will not be deductively valid – and for good reason. It is always in principle possible in such cases for there to be new information that is consistent with the acceptability of their premises yet which is incompatible with the acceptability of their standpoint. In this sense, such argumentation schemes are deductively invalid, or perhaps better, are non-deductive.

But arguments that are instances of such non-deductive argumentation schemes can be and often are incompletely expressed, no less than are arguments that are intended to be or may be taken to be deductively valid. In order to assess such arguments found in texts where the authors are not present, the unexpressed components need to be made explicit just as do those of incomplete arguments intended to be or fairly supposed to be deductively valid. How is that to be done? If the incomplete arguments that are instances of such argumentation schemes are reconstructed by the addition of premises that render them deductively valid, the result cannot be an instance of a non-deductive argumentation scheme. So if the method for reconstructing unexpressed premises is retained without change it cannot be applied to arguments exhibiting non-deductive argumentation schemes with unexpressed premises without distorting them by altering their character.

Here one might object, following Gerritsen (2001, p. 73), that, "argument schemes are defined in pragma-dialectics as specific sorts to deductively valid arguments." In that case, there would be no tension in the Pragma-Dialectical theory between the deductivism of formal logic and envisaging the use of argumentation schemes. However, Gerritsen's interpretation is surprising. Instances of the three basic argumentation schemes introduced in *ACF* (pp. 96-97) – symptomatic, analogical and causal argumentation – are typically defeasible. Certainly the examples the authors use to illustrate these three schemes are. "As Daniel is an American (and Americans are inclined to care a lot about money), he is sure to be concerned about the costs" (*ACF*, p. 97) will be a good inference unless Daniel is not a typical American in this respect, or unless Daniel is travelling on his company's expense account, etc. "The method I propose worked last year (and this problem is similar to the one we had last year), so it

will work again" (*ACF*, p. 97) will be a good inference unless there are new conditions surrounding the problem this year, or unless the method worked last year only because of unusual conditions then, etc. "Because Tom has been drinking an excessive amount of whiskey (and drinking too much whiskey leads to a terrible headache), Tom must have a terrible headache" (*ACF*, p. 97) will be a good inference unless Tom has already taken a painkiller, or unless Tom has an unusual tolerance for excessive amounts of whiskey, etc. In none of these examples do the premises deductively imply the conclusion. Moreover, the critical questions that the authors envisage associated with each argumentation scheme (see *ACF*, pp. 162 ff.) anticipate that arguments exhibiting any of the schemes can in principle be defeated. So I am skeptical of Gerritsen's interpretation. However, if she is right and the authors of the Pragma-Dialectical theory do hold that the schemes of symptomatic argumentation, analogical argumentation and causal argumentation represent "specific sorts of deductively valid arguments," then my claim of incompatibility between the theory's deductivism and its appeal to schemes in the interpretation of arguments does not hold. However, in that case, the theory has to face the criticism that the argumentation schemes it relies on are on the face of it non-deductive.

3. Second proposition
(2) The problems with argumentation schemes aside, the explicitization procedure proposed in the Pragma-Dialectical theory is limited in scope due to the kind of logic it relies on.
The procedure for explicitizing unexpressed premises can be applied only to arguments that are plausibly interpreted as offered by their proponents as supposedly deductively valid. However, setting aside argumentation scheme theory, there are many kinds of arguments that are not offered by their proponents as supposedly deductively valid, but that are offered as nevertheless cogent. That is, their premises are purported to have sufficient probative force that one who accepts them is thereby justified in accepting their conclusions. Such arguments can be and often are presented with elisions, on the assumption that the interlocutor or reader can readily supply the unexpressed components; yet (to repeat) even when fully reconstructed they are not, and are not supposed to be, deductively valid. Examples include (but are not restricted to) various kinds of inductive arguments such as enumerative inductions, generalizations from samples to populations and inductive analogies; arguments to the best explanation; arguments from a priori analogy; evaluative arguments such as those

applying normative criteria to cases or balance of considerations arguments. All of these kinds of arguments share the property that tokens of them can be fully explicit and cogent and yet not be deductively valid. That is because to be counted as deductively valid they would require the additional premise that the evidence given is the total evidence or that all other things are equal, when in practice that premise cannot be known to be true or cannot reasonably be committed to. As a result, to reconstruct incompletely expressed tokens of such patterns of argument so as to render them deductively valid – whatever form the selected unexpressed premise might be given – is to misrepresent the nature of the force of the grounds they supply in support of the standpoints in defence of which they are offered. To reconstruct them by adding a deductive validity-ensuring unexpressed premise to the effect that in the given case there is no further relevant evidence or that all things are equal requires attributing an unreasonable commitment to the proponent of the argument.

This conclusion will hold even if one insists, as the authors of Pragma-Dialectics do, that the missing premise supplied by the analyst should not be the "logical minimum" (namely the associated conditional of the argument consisting of the stated premises as the antecedent and the conclusion as the consequent). The authors require that the missing premise(s) be the "pragmatically optimal" proposition in the circumstances, namely, the one that renders the argument valid while also being a commitment of the speaker and the most informative of the validating premise candidates at hand in the context (see ACF, pp. 66-67). The problem is that if the argument aims at (i.e., the speaker is committed to) no more than a plausible, or a presumptive, or a probabilistic inference from premises to conclusion, then even the pragmatically optimal unexpressed premise will misrepresent the inference by turning it into a deductively valid one, one in which, given the premises, the conclusion *must* follow, not one in which it only plausibly, presumably or probably follows.

To be sure there are those, such as Groarke (1992, 1995, 1999, 2002), who defend the strategy of analyzing arguments with unexpressed premises as if their proponents were committed to their being deductively valid – an approach Godden has termed "reconstructive deductivism" (Godden 2005, p. 168). In a carefully-argument examination of Groarke's reconstructive deductivism, Godden rejects that position, and I find his case against it to be thoroughly convincing. This is not the place to enter that debate except to note that if the proponents of

the Pragma-Dialectical approach to reconstructing unexpressed premises are committed to reconstructive deductivism, they need to answer Godden's case against it.

If the anti-deductivist position is correct, then the Pragma-Dialectical method for supplying unexpressed premises for incompletely expressed arguments, because it is tied to deductive validity and hence to deductive logic, perhaps even to formal deductive logic, can be used for only one of many patterns of argument (or, alternatively, presupposes only one of many types of standards of inference assessment), and some other method or methods need to be devised that work for the others. Alternatively, a different method needs to be devised that can be used generally for all patterns of incompletely expressed arguments.

Advocates of the Pragma-Dialectical theory should be sympathetic to this suggestion, for already in their original formulation of the theory they anticipated the possibility that the choice of logic would have implications for the reconstruction of unexpressed premises.**[iv]** In *SAAD* they wrote, "The choice of one logic or another may have consequences for the supplementation of incomplete arguments" (p. 128). At that point they were writing about the differences among, for example "propositional logic, predicate logic and modal logic" (*ibid*.) – all varieties of deductive logic. So they were thinking of "logic" as "deductive logic": "Where the argument is one which appears intuitively to be valid but whose validity cannot be demonstrated in any of the available logics, it may indeed be exceedingly difficult to decide what sort of addition needs to be made" (*ibid*.). However, there seems here nothing in principle preventing them from expanding the class of "available logics" to include also non-deductive norms of inference "validity."

4. Third proposition
(3) Some Pragma-Dialectic statements about logic are puzzling; the working conception of logic is unclear; and any case it is too narrow.
The ideal model called a Critical Discussion (*SAAD*, p. 17) calls for arguers to behave as "rational discussants," which entails engaging in argumentative discussions in accordance with a system of speech act rules that produce a regulated interchange between conflicting parties designed to lead to a resolution of their dispute in a reasonable way (see *SAAD*, p. 18, pp. 152-153). Among these rules is one that implies that the parties are to produce arguments that are (inter alia) *valid* (Rule 10, *SAAD*, pp. 168-169).

As we have seen, by 'logic' the authors of the Pragma-Dialectical theory clearly mean 'formal deductive logic' (see the footnote from *ACF*, p. 96, quoted above, or *SAAD*, pp. 123-129) and their unexpressed premise explicitization procedure invokes deductive validity. In such contexts 'valid' would have the technical sense in which it is commonly used in formal deductive logic: not to accept the standpoint of such an argument having accepted its premises commits one to a contradiction.

When it comes to their discussion of fallacies, which is a principal component of *ACF*, the authors characterize fallacies as violations of the pragmatic rules that must be followed if an argumentative discussion is to resolve a difference of opinion in a reasonable way. They distinguish fallacies according to the rules that apply to each stage of such a discussion. The fallacies that occur in the argumentation stage (which is that component of the discussion where the interlocutors produce arguments and respond to one another's arguments) are divided into two groups: the ones that typically occur when using argumentation schemes (Chapter 15), and the ones that occur when using logical argument forms (Chapter 16). We might therefore hope to gain further insight into the authors' understanding of logic and its role in argumentation from these chapters.

Chapter 16, "Fallacies in Utilizing Logical Argument Forms," begins with the sentences:
"For a conclusive defense of a standpoint it is necessary for all the arguments used in the discourse to be logically valid. This validity requirement relates to the *form* of the arguments, which should be such that if the premises are true the conclusion of the argument cannot possibly be false." (*ACF*, p. 169.)

In other words, arguments must be formally deductively valid if their conclusions are to be conclusively defended. That is a reasonable position to take, given that formal deductive validity *guarantees* that truth (or acceptance) is transferred from premises to conclusion, and by such arguments the defense of the conclusion can be *conclusive* in the sense of being impossible to overturn, or reject (given that the premises are true, or accepted). By the term 'logic' in this context we can thus again take the authors to mean deductive logic, and in fact, more particularly, formal deductive logic (since they say, and stress, that it is the *form* of the arguments that guarantees their validity).

One might thus expect a contrast between Chapter 15 of *AFC*, which deals with

fallacies of argument schemes, and Chapter 16, dealing with fallacies of logical argument forms, along the lines of a contrast between the "logic" of a conclusive defense of a conclusion and the "logic" of a non-conclusive defense of a conclusion. At first, Chapter 15 seems to suggest such a contrast. The authors write,

"In order to adequately support the standpoint, in every single argumentation [i.e., each separate argument (see *ACF*, p. 73)] that is put forward in defense of a standpoint the right kind of argumentation scheme must be used and this scheme must be used properly." (*ACF*, p. 158.)

Since "adequate" support need not be "conclusive" support, a contrast between argument schemes, which can supply "adequate" support, and deductively valid argument forms, which are needed for "conclusive" support, might seem in the offing. However, just a paragraph later, we find the authors saying the following:

"In case there are enough mutually acceptable starting points and argumentation schemes and it is perfectly clear what they are, it is, in principle, possible to answer the question whether an argumentation constitutes a *conclusive* defense for a standpoint. If both the identification procedure and the testing procedure produce a positive result, the standpoint has indeed been *conclusively* defended. (*ACF*, p. 159, my emphasis)

...

"A party may not regard a standpoint as conclusively defended if the defense does not take place by means of an appropriate argumentation scheme that is correctly applied." (*Ibid.*, emphasis in the original.)

So satisfying the conditions of the proper use of argumentation schemes (i.e., appropriate scheme, correctly applied) is a necessary condition of "conclusive" support no less than is instantiating deductively valid argument forms. However, the force of these two uses of 'conclusive' is on the face of it different. For to accept the premises of a deductively valid argument but reject its conclusion is to commit oneself to a contradiction, whereas to accept the premises of an appropriate and correctly used argumentation scheme but reject its conclusion does not necessarily commit oneself to a contradiction, since one can at the same time argue that an exception occurs in the case at hand. Some explanation of the use of the same term – 'conclusive' – for different judgements seems called for.

Notice that some of the claims here quoted from the two chapters in *ACF* are incompatible. It cannot be true both that, "For a conclusive defense of a

standpoint it is necessary for all the arguments used in the discourse to be logically valid." and that, "A party may not regard a standpoint as conclusively defended if the defense does not take place by means of an appropriate argumentation scheme that is correctly applied" – unless the only kind of appropriate argumentation scheme is a one that is (deductively) logically valid, i.e., one in which the form of the argument is such that "if the premises are true the conclusion cannot possibly be false." But the authors clearly do not mean to restrict the class of appropriate argumentation schemes to logically valid argument forms, for they discuss "argument from authority," "argument from analogy" and "argument from consequence" (*ACF*, p. 160) as all potentially appropriate argumentation schemes, yet instances of none of them need be formally valid. This inconsistency is removed in *STA*, where these two criteria – validity and proper scheme used correctly – are clearly presented as a disjunctive set, not a conjunctive set as in *SAAD* and *ACF*.

The authors of the Pragma-Dialectical theory allow for fallacies that are mistakes of inductive inference (violations of the rules requiring that arguments have acceptable justificatory or refutatory force), such as *post hoc ergo propter hoc* and hasty generalization (*ACF*, pp. 164-165). If there are such fallacies, there must be instances of causal arguments and arguments making generalizations that are not fallacious, but cogent. But typically even the best of such arguments are open to the possibility that unexpected new evidence will undermine the inference, and thus they are not subject to deductive closure. Presumably such arguments have some sort of "logical" structure, albeit its instances will not be formally valid. Yet the authors do not discuss such a logic.

As already noted, in some places the Pragma-Dialectical account clearly means by 'logic' formal deductive logic, and its authors use the term 'logically valid' (e.g., *ACF*, p. 60), presumably meaning "deductively valid" or "formally deductively valid." At the same time, the authors reject "a dogmatic commitment to deductivism" (*ACF*, p. 60, Note 2). Although they do not define this term, on one reasonable interpretation it is the view that only arguments with a premise-to-conclusion implication that is deductively valid are acceptable. Thus it might be reasonable to interpret the authors as open to other logical norms besides deductive validity (and *a fortiori*, formal deductive validity). But if so, then they cannot take logic to consist exclusively of formal deductive logic. In any event, they nowhere offer such norms or even mention their possibility.

The theory allows that argumentation schemes can constitute the warrants for the inferences from the acceptance of premises to the acceptance of standpoints. That is, they can account for the justificatory or refutatory force of a premise relative to a standpoint. On a broad conception of it, logic is, at least in part, the study of the norms that justify implication relationships – including (among others) those asserted to hold between the premises and conclusions of arguments. Accordingly, on the Pragma-Dialectical account of argument schemes, using this broad conception of logic, argumentation schemes can represent one type of logical norm. So the opportunity seems to present itself to adopt the broad conception of logic and thereby unify the theory, seeing logic as including the study of the norms of implication relationships in general. On that view, the implications asserted in some arguments satisfy the norm of deductive validity and those in others satisfying the norms of argumentation schemes. However, no such move is made.

Whether Pragma-Dialectics takes 'logic' to mean formal deductive logic or just deductive logic (thus allowing for material deductions), taking logic to be restricted to some form of deductive logic is too narrow. The argument for this proposition is implicit in what has already been said. It was noted above that there are many patterns of argument instances of which are taken to offer sufficient grounds for accepting their conclusions without their being deductively valid. Presumably such patterns of argument have their logics; that is, there are general norms for their adequacy. The implications alleged in the inferences they invite are subject to such norms. Presumably, also, the Pragma-Dialectical theory would want to accommodate such arguments, recognizing their justificatory or refutatory potential. It follows, then, that the Pragma-Dialectical theory needs to expand its conception of logic.

5. Fourth proposition
(4) The Pragma-Dialectical theory requires a clear and consistent approach to logic.
The Pragma-Dialectical theory defines '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." (*STA*, p. 1.)

From the perspective of considering the role of logic in the theory, the point that argumentation is supposed to be a *rational* activity, aimed at convincing a

reasonable critic, is key. There are two ways the theory tries to satisfy the norms of rationality and reasonableness. One is by postulating an ideal model for argumentative discussions defined by rules expressly designed to optimize the possibility of resolving disagreements by means of arguing about them in a reasonable way. The procedure is thus (supposed to be) instrumentally rational, an effective means of reaching its goal. Within this procedure the participating parties are given the freedom, and responsibility, of agreeing to the methods they will use to resolve their disagreement, with the proviso that their methods must conform to the external constraint of being rational and reasonable. Their methods are thus (supposed to be) intrinsically rational, that is, will lead to agreement based on the merits of the arguments and will convince a reasonable critic.

In deciding together how they will proceed with their argumentation, the parties must agree on the discussion rules they will be bound by. These concern the starting points and the inference norms of the argumentation. As to the starting points, they must agree on how to identify the premises they may use or be committed to. Instrumental rationality requires that they do this in a systematic way, but there is no requirement of intrinsic rationality for the propositional contents of these commitments. The authors are convinced that such a requirement presupposes "justificationism," the (to their mind false) thesis that there can be identified basic propositions that are reasonable or rational (see their discussion of the Münchhausen trilemma, e.g., *STA*, p. 131). As to the inference norms, however, the parties are not at liberty to choose any they like. They must conform to the requirements of logic insofar as they must be consistent and they must agree to some set of logical norms. The only choice they get is as to which logic to use. Logic is thus an "external" constraint that imposes intrinsic rationality on their argumentation.

The authors of the Pragma-Dialectical theory do not make much of this logical requirement, however it is arguably essential in order to block one charge of vicious relativism. The criticism has been levied by some (e.g., Biro & Siegel 2006a, 2006b; Siegel & Biro 2008; Lumer, 2009) that if the parties to an argumentative discussion could adopt any inference norms they might agree to in addition to any premises they might agree to, there would be nothing to prevent their settling their disagreements in an irrational way, even if they were mutually satisfied with the outcome. Defenders of the theory have denied this criticism (see

Garseen & van Laar 2010), although the critics are not convinced by their response (see Siegel & Biro 2010). Whatever the upshot of that particular controversy, were the proponents of Pragma-Dialectics to emphasize what I think is at least an implicit requirement of the theory, namely that the interlocutors of a well-regulated episode of argumentation are obliged mutually to commit to *some* logic, then at least one basis for an allegation of vicious relativism would be removed. The only problem then would be the lack of clarity about the nature of the logic envisaged and the role of logic in the theory.

I find it difficult to diagnose this problem in detail in any single way. The authors seem to work with a narrow sense of 'logic,' in terms of which it denotes just deductive logic, or even just formal deductive logic. At the same time, they (in my opinion, correctly) allow argumentation schemes a role in identifying acceptable inferences. Thus deductive logic and argumentation schemes seem to be two unrelated kinds of norms for the implications alleged to underlie the inferences invited and committed to in arguments (see Pinto 2001, pp. 36-37, for the thesis that an argument is an invitation to draw an inference).

As already hinted, one coherent way of picturing things is to think of the inference commitments of arguments as being subject to assessment according to a variety of norms. Take 'logic' to be the name for the general study of, among other things, the norms that govern the implication relations that may be found, in among other places, the inferences used in arguments. Thus the inferences of arguments may be assessed according to a variety of norms of logic. It is based on these norms that judgements are made about whether the acceptability of a premise may be transferred to the standpoint, whether the conclusion follows from the premises, whether one may infer (one is justified in inferring) the conclusion from the premises – the judgements can be characterized in various ways. One set of these norms consists of different theories of deductive logic. The inferences of arguments can be judged, accordingly, by whether the arguments are deductively valid according to the selected (or appropriate) deductive logic. Another set of these norms consists of the warrants embodied in (non-deductive) argumentation schemes. So understood, argumentation scheme warrants constitute another kind of logic. (How argumentation scheme warrants function in the assessment of argument inferences is a separate question.)

On this way of understanding logic in general, and deductive logic and argumentation scheme theory in particular, the question may be asked, what

logical norms are *appropriately* applied to arguments in argumentation? The Pragma-Dialectical theory clearly envisages both deductive logic and argument scheme theory as providing legitimate norms for arguments, although it offers no rationale for that judgement. Moreover, it is silent on whether norms for inductive inferences (such as generalizations from samples to populations, or inductive analogies), or abductive inferences (the inferences of arguments to the best explanation), or conductive inferences (the inferences assimilating both positive and negative considerations)**[v]**, or others, are also appropriate norms for the arguments of argumentation. If the Critical Discussion rules prohibit any norms not explicitly prescribed, all of these would be ruled out, and that would require a justification, given the ubiquity of these other kinds of inference. So the Pragma-Dialectical theory needs to develop an account of how deductive logic, argument scheme theory, and other kinds of logical norms, fit together (or don't). And it would need to motivate or justify that account.

An alternative conceptualization is to understand all patterns of argument – deductive, inductive, abductive, conductive, etc. – as argumentation schemes. Thus *modus ponens* would be an argumentation scheme no less than generalization from sample to population, appeal to expert opinion or argument from *a priori* analogy. Thinking of argument schemes as warrants or inference licenses, it would then be the case that some of them authorize inferences with deductive closure while others authorize inferences to numerical probability judgements, yet others inferences to *pro tanto* ("all things considered") judgements, and so on.

In addition to sorting out its theory of the normative role of argument schemes, or as part of doing so, the Pragma-Dialectical theory needs to loosen its commitment to deductive logic. Its commitment to deductive logic forces on it a method for explicitizing unexpressed premises that cannot be sustained if the theory is to tolerate, as its authors seem to want it to, arguments employing non-deductive argument schemes that may presuppose unexpressed components. What is needed is a revision of the unexpressed premise explicitization procedure that does not (entirely) rely on even reconstructive deductivism.

If these tasks are carried out, along with an account of how argument schemes function to warrant inferences, then we will have a more coherent and complete account of the nature of logic and role it plays in Pragma-Dialectics. There is work to be done before that result can be declared accomplished.

Notes

[i] My thanks, for comments on an earlier draft that have removed errors and suggested constructive changes, to Hans Hansen, Rongdong Jin, Christopher Tindale, Douglas Walton, and especially Ralph Johnson. Thanks also to two anonymous reviewers for their corrections and constructive recommendations, which have resulted in several modifications and additions to the paper originally delivered at ISSA 2010.

[ii] I capitalize the first letters of 'Pragma-Dialectics' and 'Critical Discussion' in this paper where these are terms of art, the proper names of that theory and that theoretical construct propounded by F.H. van Eemeren, R. Grootendorst and their colleagues of the Amsterdam school.

[iii] In *Speech Acts in Argumentative Discussions* and *Argumentation, Communication and Fallacies*, the spelling "premiss" is used. In *A Systematic Theory of Argumentation*, the spelling "premise" is used. I will spell the word "premise" except when quoting a passage from either of the first two books in which the word appears.

[iv] Thanks to one of the referees for calling this fact to my attention.

[v] I here refer to what Carl Wellman (who introduced the term 'conductive argument') referred to as conductive arguments of the third pattern (see Wellman 1971, 52 and 57).

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ISSA Proceedings 2010 – Argumentation And Contemporary Concerns For Justice: Shifting Focus From The Universal Audience To The Common Good

1. Concern for justice underpinning the argumentation movement

The modern argumentation movement, richly combining new rhetoric with currents of informal logic, pragma-dialectics and dialogue logic continues to be inspired by two humanist concerns – to empower human beings by liberating them from the regime of Cartesian rationalism and to promote justice. When we look back to the modern progenitors of our movement, we distinctly hear Perelman, Toulmin, and Hamblin rail against oppressive formalism and to promote the liberating dynamics of democratic deliberation. Perelman writes that "we combat uncompromising and irreducible philosophical oppositions presented by all kinds of absolutism" (Toulmin 1969, p. 510) and that "[argument] strength is appraised by application of the rule of justice: that which was capable of convincing in a specific situation will appear to be convincing in a similar or analogous situation" (Toulmin 1969, p. 464). The new rhetoric "constitutes a *break with a concept of reason and reasoning due to Descartes* which has set its mark on Western philosophy for the last three centuries" (Toulmin 1969, p. 1).

And since no one deliberates and argues what is God-given necessary or self-evident, "all thought becomes human and fallible … knowledge thus ceases to be impersonal because every scientific thought becomes a human one, i.e., fallible, situated in and subjected to controversy" (Toulmin 1982, p. 159). Toulmin's social history of logic locates an origin of oppressive rationality in the Peace of Westphalia that generated "a poisoned chalice: intellectual dogmatism, political chauvinism, and sectarian religion formed [a single ideological package]" (Toulmin 2001, p. 158). Toulmin also cautioned against any God's-eye-view (Toulmin 1958, pp. 184-185). Hamblin declared that "what is, above all, necessary is to dethrone deduction from its supposed pre-eminent position as a provider of certainty" (Hamblin 1993, p. 250).

So long as it is the logic of practice that is being discussed, it is important to relate the concepts of truth, validity, and knowledge to dialectical concepts in the right way. … In the limiting case in which one person constructs an argument for his own edification … his own acceptance of premisses and inference are all that can matter *to him*; and to apply alethic criteria to the argument is surreptitiously to bring in the question of *our own* acceptance of it. When there are two or more parties to be considered, an argument may be acceptable in different degrees to different ones or groups, and a dialectical appraisal can be conducted on a different basis according to which party or group one has in mind; but again, if we try to step outside and adjudicate, we have no basis other than *our own* on which to do so. Truth and validity are onlookers' concepts and presuppose a God's eye-view of the arena. … [onlookers might intervene but] become simply another participant in an enlarged dialectical situation and that the words 'true' and 'valid' have become, for [the participant] too, empty stylistic excrescences. To another onlooker, my statement that so-and-so is true is simply a statement of what I accept. (Hamblin 1993, p. 242)

Perhaps this statement captures Hamblin's definition of *freedom*, whose essence allows nothing external to mediate opinions. For, indeed, there is now neither truth nor objective ground to settle disputes, only the pragmatics of deliberation. Nevertheless, his call to dethrone deduction was simultaneously a call to cultivate a culture of justice within an arena of empowering democratic discourse.

Principal toward realizing concerns of emancipating human reason and promoting justice, many argumentation philosophers supplanted the earlier conception of *good argument* – a disembodied text relying on formal notions of validity and

cogency – with a new conception of *good argument* conceived as a contextualized social activity. Crucial in this shift was reinserting pragmatic and rhetorical concerns to recognize that arguments are used by human beings with aims to persuade other human beings. As audience adherence became central, attention among argumentationists turned to acceptability of premises and inferential links. And with this shift has come a wondrous explosion of exploration and discovery into human reasoning, with the promise of continued exploration and discovery not soon to abate.

Hopes for justice continue to abound as we examine the constituents of human reasoning and promote broadening discourse as a principal means of resolving conflict. And while we remain hopeful in affirming this tack and see some remarkable successes, we are nevertheless faced with extreme regimes of injustice blighting humanity. We encounter here an astounding multiplicity of human rights violations that strike at humanity's conscience, not the least among whom are philosophers of argument. How are argumentation philosophers to address this situation?

2. Encountering pernicious relativism and invoking a universal audience to preserve justice

However, with a rhetorical turn to audience adherence as the touchstone of a good argument, philosophers of argument soon encountered the specter of pernicious relativism. To address this problem some philosophers – notably Govier and Tindale and in a related way Johnson –

have invoked Perelman's notion of *universal audience* with varying degrees of success. Taking a little license to amalgamate various threads of reasoning, we can represent the tack in the following way.

The universal audience somehow lying within a particular audience is constructed from the mind of the arguer as an imagined tool or regulative principle with heuristic ends. Somehow it is the universalization of the particular in its context. By certain universalizing techniques, emerging from standards that an audience would deem on reflection to be relevant – in the appropriate way sufficient to support the conclusion; drawn with the appropriate sensitivity; standards of relevance and rationality in the broader culture; ultimately persuasive for anyone who thinks in the normal way; in the long run, by any audience relevantly similar to the audience – the participants aim to broaden the audience as much as possible in order to transcend a milieu or a given epoch. These participants are

model 'ordinary people', namely those in possession of high critical standards, outstanding exemplars but not gods. Premise acceptability is adjudicated by the pertinent community of ideal interlocutors and only arguments that can be universally admitted are judged reasonable. The universal is fully grounded in the practical requirements of the real just in its being the distillation of the concrete audience. Only premises are admitted that are universalizable, that is, not contradictory. (Boger 2010, CD)

We here observe a shifting, or vacillation, that characterizes discussion when a philosopher invokes the (or a) universal audience. In principle, this shifting consists in: *first*, encountering the need for a universal audience to mediate difference between conflicting particular audiences; second, invoking the universal audience, and then; third, immediately recognizing this audience to be just another particular audience. Hamblin's thinking (1993) haunts an important current within the argumentation movement.

When philosophers of argument invoke the universal audience in their attempts to preserve their humanist commitments to morality and the principles of justice in democratic society, they have inevitably fallen afoul with begging the question. We observe, for example, characteristic reference to 'mature adult human beings at all times and places', 'appropriate sensitivity to context', 'model ordinary people', 'universally admissible arguments, 'universal features of particular audiences' to validate the universal audience. Who are these 'mature adult human beings' if not the *rationalist ideal of pure reason*? And then again, who would judge, or mediate, real disputes if not this same ideal? To invoke such an audience resurrects again – often with an appeal to the categorical imperative (with Perelman) – a formalism that has been anathema to philosophers of argument.

Our concern here asks whether these new logicians, taking joy in throwing off the shackles of an old idealist metaphysic *per* Hamblin, and then reveling in the newfound freedom, really reassert a form of pure subjectivity that recognizes nothing external as having authority. Hegel poignantly represented this thinking in his discussion of Kant's moral philosophy.

This philosophy made an end of the metaphysic of the understanding as an objective dogmatism, but in fact it merely transformed it into a subjective dogmatism, *i.e.* into a consciousness in which these same finite determinations of the understanding persist, and the question of what is true in and for itself has

been abandoned. (Hegel 1968, p. 427)

The concern we address in this discussion is philosophical. We ask whether argumentation philosophers inadvertently become apologists for privilege and inequality within a reigning *status quo* and in the process compromise genuine concerns for justice by becoming just as *abstract* as their first objects of scorn.

3. A contemporary state of affairs – the nothingness of the particular context
That becoming *just as abstract* seems to be the case issues from the following considerations, which outline a thread running through the argumentation movement.
(1) Recognizing that the constituent parts of the old oppressive regime included —
A disregard for the context situatedness of an argument;
Obviating a concern for the pragmatics of argumentative discourse;
Accepting the platonistic character of propositions and dismissing that argumentation consists in human speech acts;
Affirming the objective atemporality of truth, implication, and reason;
Taking cogency to inhere in an argument and not in the minds of an audience.

(2) Argumentation philosophers, to address oppressive (abstract) rationalist formalism –
Emphasized the social and personal character of human argumentation, all of which are contextually embedded in human lived-experience;
Diminished the strict distinctions between the arguer, his/her audience, an argument, and the process of argumentation;
Broadened the nature of logic to include the multi-faceted character of human discourse;
Obviated the importance of soundness as a necessary component of a good argument, and in doing so, emphasized premise acceptability and inferential suitability; and then
Affirmed 'truth', 'validity', and cogency' principally in the limited sense as participant-dependent and not objective properties inhering in an argument.

(3) Almost immediately philosophers of argument encountered the specter of pernicious, or nihilistic, relativism and found such a situation morally, perhaps even politically, embarrassing and reprehensible, just in the implication that audience adherence seemed to promote 'anything goes', and thus gave license to,

for example, racists, sexists, and political demagogues and opportunists of various stripes. Obviating truth eliminated any objective ground for mediating difference and threatened commitments to effecting justice. Because of their self-conscious humanism, they sought philosophical ways to preserve their twin commitments to (1) the context relativity of argumentative situations, and (2) justice and personal empowerment.

(4) To meet the problem of pernicious relativism, one trend among argumentation philosophers has reintroduced Perelman's universal audience, or a version of such an audience. The intention here is that such an audience would properly mediate conflicting discourses such as those that populate argumentative discussions about the universality of various articles in the *UN Universal Declaration of Human Rights*.

(5) However, such attempts, whether invoking a universal audience or a community of model interlocutors, collapse, just in that their own principles, which targeted the old regime, now turn on themselves. As they had asked 'whose justice?', 'whose truth?', 'whose notion of reason?', they were now equally faced with Hamblin's asking 'whose universal audience?'. Accordingly, the universal audience loses its special status to resolve conflict only to become just another particular audience; thus, its utility as a mediating instrument is subverted. Progress in this direction has had little development since Tindale (1999).

(6) Meanwhile, another trend within the argumentation movement has taken up treating the pragmatics of argumentative discourse. While not directly a response to pernicious relativism, this trend nevertheless further suspends reference to the truth or falsity of proffered claims. It dismisses these claims just in its interest to manage an argumentative situation *fairly* according to rules of critical discussion without recourse to the material truth of disputant claims. This situation is characteristic of mediation.

(7) The result in both trends, albeit generally independent of one another – namely: first, that addressing pernicious relativism by invoking the universal audience; and second, that richly developing discourse pragmatics to manage argumentative situations – is much the same in respect of addressing foundational philosophical problems within philosophy of argument as its currents hold to concerns of justice.

In each case, philosophers unavoidably bracket objective social reality to render it

virtually an unknowable thing-itself. The reflex of these moves is to make contexts abstract and empty *by making them all equal in value*. They simultaneously affirm the nothingness of both the universal audience and the many particular audiences. This makes impossible genuinely mediating opposing claims, say, for example, of those of the racist and non-racist, leaving the 'winner' the one who better follows the rules.

Absent truth, thus, absent material justice. Disputing parties are subject only to the pragmatics of argumentative discourse to settle a dispute *fairly*. Justice amounts to following the rules and dutifully accepting the outcomes.

(8) An important philosophic result of these argumentation trends is to reaffirm the abstract individual of bourgeois (*aka* liberal) political philosophy, itself an ideological expression of capital. Not only is the individual disputant de-contextualized within the larger context of social reality, so is the importance of his/her context itself suspended in this same respect. The isolation and nothingness of each consists precisely in their respective inaccessibility. This is a necessary consequence of dismissing truth.

(9) The philosophic corollary to this abstract individual and bracketing objective social reality is to obviate genuine concern for justice. How are claims of wrong to be redressed without reference to an underlying reality that is accessible to human reason and that can serve *to mediate the truth or falsity of conflicting claims* relating to concerns of justice?

(10) The final outcome is that philosophers of argument are left with relying on the good will of disputing parties and left also without a philosophical underpinning for their commitments against pernicious relativism and its rival sibling injustice.

While surely it is not an intention of philosophers of argument to undermine genuine concerns for human empowerment and justice, the developments in argumentation theory issue in reasserting a kind of oppressive formalism they sought to subvert in their initial challenges to Cartesian rationalism and its putative instrument of oppression, formal logic. Absent truth and cogency independent of participants' assessment of suitability, we now have: (1) an empty universal audience; (2) abstract individuals and abstract contexts; and (3) sets of rules for managing disputes.

A trend within the argumentation movement, having moral and political motivations, seems to abdicate genuinely fulfilling its activist mission to engender justice. Justice will remain elusive and be subordinated to pragmatic utility, frustrated by continually encountering only the nothingness of subjective certainty.

Resurrecting external mediation – apologists for the status quo?
We now are faced with a question that arises among argumentationists about managing an argumentative situation, namely – who is the judge in such situations? Four candidates come quickly to mind. There are:
(1) Either the one or the other of two disputants engaged in an argumentative situation; or
(2) The mediator, putatively disinterested, facilitating a given dispute according to rules of critical discussion; or
(3) The universal audience, again, not a transcendent (perhaps transcendental?) entity; or
(4) The philosophers or analysts of disputation, who apparently are outside a given dispute in that they have a metasystematic orientation.

Thinking back on Hamblin's remark, whom might we consider satisfactory among these possible judges? Relativizing cogency to what are acceptable standards for given audiences, philosophers have shifted between (1) fixing an internal, emergent standard while recognizing the need for an objective standard, and then (2) immediately recoiling from its becoming an external, imposed standard. Since the universal audience is informed only by subjective certainty – which amounts to the nothingness of pure, unmediated subjectivity and not by objective material reality – it can never achieve genuine independence and thus it can never become adequately objective in its mediations. Meaningful distinctions between *is and ought*, *being and thinking*, *knowledge and belief*, *reality and appearance*, *the necessary and the contingent* become conflated and empty. This amounts to resurrecting Kant's subjective idealism to bracket as unknowable the very social ground required for a satisfactory resolution of conflicts and the promotion of justice.

The serious problem here is that this shifting results in masking the hegemony of the prevailing ruling authority in the larger social context, a context beset by profound controversies calling out for justice and an objectification of injustice. The rule of law – in the case or argumentation philosophy the *rules of critical*

discussion – masks the reality of arbitrariness. And this arbitrariness is directed against historical necessity through the power of the jurist (or the legislator, mediator or arbiter) over social contradictions.

Accordingly, and ineluctably, there emerges a principle that appears to mediate in an objective manner according to a set of prescriptive rules of engagement, which, in the person of a judge or mediator, takes on the semblance of non-arbitrariness. However, the abstract independence of the mediator, acting with an appearance of pure duty just in officiating a set of rules, masks his particularistic and arbitrary interest. It might even be the case that this judge is himself unaware of his particularist officiating. His universality, or objectivity, is inauthentic and purely formal. Mediation turns out to be vested in an external judge and thus open to the discretion of his arbitrary will.

The significant social outcome of this vacillating is to leave vulnerable those lacking power within the larger social milieu. Their interests are likely eclipsed, that is, appropriated, by the rival power already vested in the state or in a prevailing authority, often legitimating itself through religious dogma. The appearance of objectivity and universality masks an appropriative posture, whether or not this posture is intentional. We have only to appeal to recent labor negotiations in the US to witness inequality at work, or the outcomes of mediating divorces, or addressing concerns of persons held on suspicion of terrorism but never being charged.

5. *Invoking a notion of the common good – opening a way toward justice*
The failure of referencing the universal audience to mediate conflict, for the philosophical reasons cited above, results in tolerating social injustices – or, expressed in another way, does not provide a *firm philosophical underpinning* for effecting justice. Given the reality that vast populations of the human community are marginalized, poor, disenfranchised, uneducated and non-lawyers while at the same time living within states governed by the rule of law as well as powerless and subject to the governing powers, both in respect of their laws and their priorities, what are the real chances of these peoples receiving justice when they subscribe to or acquiesce in the rules of critical discussion? And while we embrace all exercises of good will, we do not believe doing so is adequate for materially rectifying the inequalities of the modern world. We affirm that our concern fully embraces employing the rules of critical discussion; we believe that by themselves these rules will not effectively resolve problems of injustice. And

were a reader curious about a political position underlying our thinking, let his curiosity be satisfied –

yes, we believe that the world's vast social inequalities are rooted in class domination and super-exploitation and that this is an objective fact of the modern world. However, our concern in this discussion is only to highlight the philosophical inadequacy of invoking the universal audience and employing rules of critical discussion, since these tacks undermine the concern of philosophers of argument to consult an argument's context in meaningful ways to combat injustice.

Let us put aside discussion of this universal audience to allay the specter of pernicious relativism and turn attention rather to the notion of the common good to see if there we can extract, if not a complete *philosophical foundation for justice*, at least a direction worth pursuing. While making reference to an objective social reality is a way to address our concern, we are leaving aside for the time being this discussion. Rather, within the framework of the increasing global concern for human rights, we suggest that an important philosophic principle necessary for addressing the fragmentation of the human community lying at the base of social injustice is to recognize the common dignity of human beings. Recognizing the dignity and worth common to human beings promotes a sense of responsibility each person has to both him/herself and others. The humanist foundations underpinning philosophy of argument have their completion in the notion of the common good. By embracing and developing this dimension of the argumentation movement's concern for justice we shall be more successful in allaying pernicious relativism.

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Priority Of Epistemic Rationality

1. Introduction

One influential way to think about arguments is the following: an argument consists of premises asserted in support of an asserted conclusion; the purpose of arguments is to rationally persuade their audience of the truth of their conclusions; good arguments are those that achieve their purpose. On this picture, in order for an argument to achieve rational persuasion, its premises must be rationally acceptable to the participants in the argument, and it must be rational to think that the premises support the conclusion. And, if we take the type of rationality relevant to the assessment of arguments to be epistemic rationality, then the theory of epistemic rationality becomes directly relevant to the theory of argument.

What I want to do in this paper is to try to show that epistemic rationality is not a matter of believing in such a way as to maximize the likelihood of achieving our epistemic goals. If it were, then epistemic rationality would be a species of practical rationality. But it cannot be a species of practical rationality, because it is prior to practical rationality. It follows that epistemic rationality is not a matter of achieving our epistemic goals.

In the context of the theory of argument, it is particularly important to see that epistemic rationality is not a matter of believing so as to achieve our epistemic goals: if it were, then for an agent who does not care about achieving an epistemic goal, nothing would count as epistemically rational or irrational. It would then follow that for a subject who lacked an epistemic goal, no arguments could count as good or bad. An epistemic approach would have nothing to say about arguments in such cases. I take it that that would be the wrong result, and a serious mark against the epistemic approach to argument evaluation, because the goodness or badness of arguments should not depend on whether people have an epistemic goal.

2. Epistemic rationality

The dominant way to think of epistemic rationality is in teleological terms. The standard picture is that we have an epistemic goal, and epistemically rational beliefs are those that achieve (or those that we would, on reflection, take to achieve) our epistemic goal; beliefs that fail to achieve our epistemic goal are

epistemically irrational. There are various ways to specify the content of our epistemic goal; most epistemologists pick up on William James' idea that epistemic rationality is about achieving true beliefs and avoiding errors. William Alston (1985), for example, holds that the epistemic goal is to maximize truth and minimize falsity in a good-sized body of beliefs. Other views are that our epistemic goal is to believe all of the truths that there are, and nothing else (Latus 2000), to have true beliefs and not to have any false beliefs right now (Foley 1987), to maximize truth and minimize falsity in a large body of beliefs over an extended period of time (Vahid 2003), or that we have a variety of epistemic goals, such as truth, justification, knowledge, simplicity, etc. (Kvanvig 2005).

Now, most epistemologists do not specify whether subjects must in fact have the epistemic goal, in the sense that it must be something that they want to achieve, in order for their beliefs to count as epistemically rational when they do achieve it, or as epistemically irrational when they fail to achieve it. Following Kelly (2003), we can call the position that makes epistemic rationality a matter of believing in such a way as to achieve the epistemic goal that agents have (i.e. care about achieving) the "instrumentalist conception" of epistemic rationality (ICER). Foley (1987) is the clearest exponent of a developed account of epistemic rationality who accepts ICER. Robert Nozick (1993) also appears to accept ICER. Some theorists (e.g. David 2001) explicitly want to avoid ICER, while still maintaining that epistemic justification is a matter of achieving the epistemic goal. But many theorists simply do not commit one way or the other.

The alternatives to ICER are either to hold that epistemic rationality is a matter of believing in such a way as to achieve the epistemic goal, whether want to achieve it or not (a broader sort of teleological conception of epistemic rationality), or else to hold that epistemic rationality just has nothing to do with achieving a goal. Adopting the Kantian terminology, we can call these alternatives categorical conceptions of epistemic rationality, because they hold that epistemic rationality is independent of what people desire.

I don't think that ICER is correct. For my purpose here, it is not important which of the other two alternatives to take up, although it seems to me that the two main arguments in this paper undermine any kind of goal-directed conception of epistemic rationality. Whether they do so is not important for now, though; all that is important to see is that the epistemic rationality of our beliefs does not depend on the content of the epistemic goals that we want to achieve. If it did,

then for an agent who lacks an epistemic goal, nothing would count as epistemically rational or irrational.

Now, before we move on, I should make it clear that in what follows, I have in mind a very narrow conception of practical rationality, essentially treating practical rationality and instrumental rationality as the same. Everyone at least agrees that instrumental rationality is one important type of practical rationality. Some theorists stop there (e.g. Bertrand Russell, Larry Laudan, Herbert Simon, Richard Foley), and take instrumental rationality to be all that there is to rationality. Others take practical reason to encompass also the determination of what goals we ought to adopt, what forms of practical maxims are permissible, etc. I am stipulating here that practical rationality is instrumental rationality. Nothing important hangs on that stipulation here. If practical rationality is more than instrumental rationality, then the arguments in this paper can be recast to accommodate that. I make the stipulation just in order to keep things simple.

3. Two arguments against ICER

There are two arguments that I would like to bring to bear here against ICER. If epistemic rationality is a matter of believing so as to achieve our epistemic goals, then epistemic rationality is a type of practical rationality, because achieving our goals falls under the purview of practical rationality. The first argument here is intended to show that epistemic rationality is not instrumental in nature, because epistemic goals can be achieved in epistemically irrational ways. The second argument is intended to show that practical rationality depends on epistemic rationality.

3.1. Achieving our epistemic goal in epistemically irrational ways.
The first argument against ICER to consider is the fact that we can hold epistemically irrational beliefs that nevertheless promote the achievement of our epistemic goal. Consider a typical formulation of the goal: to have a favourable truth-falsity ratio in a good-sized body of beliefs.
Given a diachronic understanding of that goal, it is easy to construct examples of epistemically irrational beliefs that serve to achieve it. Consider, for example, a student who, contrary to all the evidence provided to her by her poor academic record in high school, believes in her academic ability, which gives her the confidence required to study hard, score well on her SATs, get into a good college, and acquire all sorts of interesting true beliefs. She holds her belief in

her academic ability against the available evidence, so it hardly counts as an epistemically rational belief, and yet it helps her to achieve her epistemic goal: even though it is a false belief, and she holds it against the evidence, it helps her to get into a good college and acquire all sorts of interesting true beliefs. Feldman puts the point nicely: "if believing something now would somehow lead me to believe lots of truths later, that long-term epistemic benefit is … irrelevant to [the judgment of whether p is true]" (1988, pp.249-50).

Precisely in order to avoid this sort of problem, Foley (1987) makes his formulation of the epistemic goal synchronic: the epistemic goal, for Foley, is to believe all and only truths, right now. The purpose of this restriction is to screen off epistemically irrelevant factors from our doxastic deliberations and epistemic evaluations. A subject's belief is epistemically rational on Foley's account iff, after sufficient reflection, the subject would take the belief to satisfy the epistemic goal. No quantitative amount of reflection can be specified for reflection to be sufficient; sufficient reflection is just reflection to the point of reflective stability, so that further reflection would not lead the subject to change his mind.

Given this way of setting up the epistemic goal and what is required to achieve it, Foley takes it that only "uncontroversial" beliefs can satisfy it. A belief is uncontroversial for a subject, roughly, when the subject has available to him an argument that, upon sufficient reflection, he would take to support the truth of the belief **[i]**. Now, Foley's notion of uncontroversiality provides us with a plausible account of what it takes to be epistemically rational, I take it, which is why it is important for him to be able to show that the set of beliefs that are uncontroversial for a subject, and the set of beliefs that the subject would take on sufficient reflection to satisfy the epistemic goal, turn out to be one and the same. In order to press the objection to instrumentalism, then, what we need is a counterexample to show that these two sets of beliefs do not turn out to be the same.
So what we need is a case of a belief that satisfies the epistemic goal, but fails to be uncontroversial for a subject, or else a belief that is uncontroversial for a subject but fails to achieve the epistemic goal. Both kinds of case can be constructed, I imagine, but I'll only give an example of the first. The point of this case is to show that even the synchronic epistemic goal can be satisfied in an epistemically irrational manner; restricting the epistemic goal this way fails to screen off epistemically irrelevant factors. (This should not be surprising, by the

way; deviant ways of achieving ends are nothing new in philosophy.)

With all of that in mind, let us turn to the problem case. Suppose there is an agent, Larry, who takes himself to be infallible with respect to a domain of knowledge *D*, and he has taken himself to be so for some time. He has been mistaken on a few occasions, but he has successfully put those occasions from his mind. It pleases him to think that he is infallible, and he manages not to think about his few failures (like many of us, he is quite capable of ignoring evidence), so he continues to believe in his infallibility. Since the time when he formed the belief in his infallibility, Larry has produced very many beliefs within *D*, and he continues to hold those beliefs. Furthermore, he is aware of several scientific studies which agree that people who take themselves to be infallible with respect to domain *D*, for whatever reason, produce very many true beliefs about it, and very few false beliefs. The ratio of true to false beliefs, moreover, is much higher for people who believe themselves to be infallible than for those who do not. Finally, the studies also show that people who for whatever reason give up the belief in their infallibility also give up all their beliefs about *D*.

These studies do not, of course, figure in Larry's reasoning when he produces beliefs about *D*, because he believes himself to be infallible, so he does not need the extra boost to his epistemic self-confidence. But the studies do support his belief in his infallibility, in the following way. Larry has read and been impressed by Foley's book, and he wants to make sure that he is epistemically rational in his beliefs. He therefore proceeds to test his beliefs for how well they promote the epistemic goal of now having true beliefs and now not having false beliefs. He recognizes (because he has read the scientific studies to this effect) that because he takes himself to be infallible, he must have produced very many true beliefs and very few (if any) false ones about D. He concludes that his belief in his infallibility is an effective means to achieving the epistemic goal. He does not even bother to determine whether he has an uncontroversial argument in favour of his infallibility, because the belief just obviously promotes the epistemic goal. Even though it is in fact both false and controversial for him – since he has been mistaken on occasion, and he could make himself aware of his mistakes, if he reflected carefully – it promotes the epistemic goal so well, because it is only one false belief that allows him to hold many true beliefs. (Larry does not, of course, take his belief in his infallibility to be false, but he can see that even if it was false, it would still clearly promote the epistemic goal, so he does not go on to wonder

about its uncontroversiality.)

Because Larry succeeds in achieving the epistemic goal, his belief in his infallibility counts as epistemically rational, if ICER is true. But his belief in his infallibility ought to be obviously epistemically irrational, because it is held contrary to some conclusive available evidence that is being ignored. It even fails Foley's own test for epistemic rationality: it is not an uncontroversial belief, because upon a little serious reflection, Larry would see that he has good reason to doubt his infallibility. So, even though this formulation of the epistemic goal is designed to screen off epistemically irrelevant ways of achieving it, we have here a case of an epistemically irrational belief that nevertheless achieves it **[ii]**. And, although that is not a conclusive reason for rejecting ICER, it ought to undermine much of its appeal: ordinary conceptions of the epistemic goal (e.g. Alston's) can be achieved in epistemically irrational ways, and even a formulation of the epistemic goal designed to avoid such problems (Foley's) still runs into them. If some of our best attempts at formulating an epistemic goal fail to capture what epistemic rationality is about, then, perhaps epistemic rationality just is not about achieving an epistemic goal.

3.2. A regress argument

The second argument against ICER is adapted from Siegel (1996). Siegel argues against Ronald Giere's and Larry Laudan's instrumental conceptions of epistemic and scientific rationality in particular, but the argument applies to any conception on which epistemic rationality is entirely instrumental in character.

Siegel's question is the following: given means M, evidence E, and goal G, how is it that M can be instrumentally rational as a means to achieve G? The answer is that E must make the following claim rational to believe: "M is an effective means to achieve G" (call this claim 'C'). If E does not make C rational to believe, then M is not rational to adopt as means to achieve G **[iii]**. The mere fact that M will achieve one's goals is not enough to render the adoption of M rational; it must also be rational for one to think that M will do so. The point is perfectly general: for any means M (whether it be a belief or an action) and goal G (be it a practical or an epistemic goal), it cannot be instrumentally rational to adopt M in order to achieve G unless it is epistemically rational for the agent in question to think that M will achieve G.

It is impossible, therefore, for epistemic rationality to be instrumental in character. Instrumental rationality is always about taking the means to achieve

our goals, and taking the means to achieve our goals can only be rational if it is epistemically rational to think that the means will achieve our goals. Even in the case where G is an epistemic goal, and M is a belief, it will not be instrumentally rational for a subject S to adopt M unless it is epistemically rational for S to believe that M will achieve G; the mere fact that a belief is instrumentally useful for achieving the epistemic goal is not enough to make it rational to believe.

Another way to put the point is as follows. We can (and sometimes do) hold true beliefs without good reason. We have unfounded hunches, we are wishful thinkers, etc. When such beliefs are true, they serve the epistemic goal, but because we have no good reason to think that they serve the epistemic goal (we have no reason to think that they are true), they are not epistemically rational.

It does not help to object here that if claim C, the claim that M will achieve G, is itself instrumentally effective in achieving the epistemic goal, that is enough to make C epistemically rational, which in turn is enough to make M instrumentally rational. That C is instrumentally effective in achieving the epistemic goal is not enough to make C epistemically rational: what is also required is that there be good reason to think that C is instrumentally effective for achieving the epistemic goal. If there were no good reason to think that, then the case would be analogous to the case where a subject has a true belief that lacks justification. It would be just lucky that the subject's belief C serves the epistemic goal; epistemic rationality would be absent, in that case.

And a good reason to believe C cannot be only a further instrumental reason C*, whose content is that C is instrumentally effective for achieving the epistemic goal. C*, if its own rationality is only instrumental, would depend for its rationality on the further claim C**, whose content is that C* is instrumentally effective for achieving the epistemic goal. And now we're obviously off on an infinite regress of purportedly instrumentally rational beliefs whose rationality depends on the instrumental rationality of higher-level beliefs.

Instrumental rationality, therefore, always depends on the epistemic rationality of the claim that the means are good for achieving the goal, even in the case where the instrument is a belief and the goal is to believe truths. And the epistemic rationality of the claim that the means are good ones for achieving the goal cannot itself be merely instrumental, in the service of the epistemic goal, because that generates a vicious regress.

4. Conclusion.

It is important to see that epistemic rationality is not dependent on the content of the epistemic goals that agents want to achieve. If ICER was correct, then agents could "escape" the dictates of epistemic rationality by lacking an epistemic goal. All that we could say would be that, if an agent cares about achieving the epistemic goal, then that agent has a reason to try to achieve it. Otherwise, nothing is epistemically rational or irrational for her. But that is the wrong result: people who lack epistemic goals can still have epistemically rational or irrational beliefs. Furthermore, if epistemic rationality is the important kind of rationality when it comes to assessing an argument's premises, and the support that its premises lend to its conclusion, then agents could escape the goodness of arguments that they do not like, and they could escape the badness of their own arguments, merely by lacking an epistemic goal. (Granted, that is easier said than done, but it is at least possible, and it seems to me that it does happen.) But, because epistemic rationality is categorical in nature, simply not caring about achieving an epistemic goal does not allow agents to escape epistemic evaluation of beliefs, or of arguments.

NOTES

[i] For Foley, it is not necessary that a subject actually have considered the argument in question in order for his beliefs to be supported by it. All that is required is that the argument be one that the subject would become aware of, just by reflecting on his reasons for the belief.

[ii] One might object: we should read Foley as holding that each belief must in and of itself satisfy the goal. That might eliminate counterexamples like mine. But that appears to be a major revision of Foley's account, given that he doesn't say that anywhere, and given also that the "in and of itself" restriction makes the synchronic restriction pointless. If a subject would take a belief to satisfy the diachronic epistemic goal in and of itself, then he must have an uncontroversial argument for it. So I doubt that Foley had this in mind.

[iii] I want to leave open the question regarding whether the agent must in some sense believe C, or whether it is only the case that she must have grounds that would justify C if she were to form the belief C. Siegel, at least, does not make it clear what he thinks on this point, and I do not want to try to settle the issue one way or the other.

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