

ISSA Proceedings 2010 - A Formal Model Of Legal Proofs Standard And Burdens



This paper presents a formal model that enables us to define five distinct types of burden of proof in legal argumentation. Four standards of proof are shown to play a vital role in defining each type of burden. These standards of proof are defined in a precise way suitable for computing in argumentation studies generally, but are based on a long tradition of their use in law. The paper presents a computational model based on these notions that represents a dialectical process that goes from initial claims where issues to be decided are set, and produces a justification for arriving at a decision for one side or the other that can withstand a critical evaluation by a particular audience. The role of the audience can be played by the respondent in some instances, or by a neutral third party audience, depending on the type of dialogue. The paper builds on previous work (Gordon, Prakken and Walton, 2007; Gordon and Walton, 2009) that has applied the Carneades model to studying burden of proof in legal argumentation.

1. Some Features of Previous Work

This survey is very brief, but fuller accounts can be found in Gordon and Walton, 2009, pp. 250-256). Gordon (1995) modeled legal argumentation as a dialectical process with several stages. Freeman and Farley (1995) presented a computational model of burden of proof as a part of a dialectical process that moves ahead to a conclusion under conditions where knowledge is incomplete and uncertain. In their model standards of proof are defined that represent a level of support that must be achieved by one side to win an argument. Burden of proof is seen as acting both as a move filter in a dialogue, and as a dialogue termination criterion that determines the eventual winner of the dialogue. Prakken and Sartor (2006) constructed an argumentation-based formal model of defeasible logic called the litigation inference system that separated three different types of burden of proof in legal argumentation called the burden of persuasion, the burden of production and the tactical burden of proof. Prakken and Sartor (2009, p. 228) described these three burdens as follows. The burden of persuasion

specifies which party has to prove some proposition for it to win the case, and also specifies what proof standard has to be met. The burden of persuasion remains the same throughout the trial, once it has been set. Both the burden of persuasion and the burden of production are assigned by law. The burden of production is the provision of sufficient evidence to consider the case. The tactical burden of proof is determined by the advocate on one side who must judge the risk of ultimately losing on the particular issue being discussed at that point if he fails to put forward further evidence concerning that issue.

The introduction of an audience in formal models dialectical argumentation, based on the work by Perelman and Olbrechts-Tyteca (1969), has now been carried forward in recent computational models. It is a feature of the formal system of value-based argumentation frameworks (Bench-Capon, 2003) that in practical reasoning, or reasoning about what should be done in a particular situation, the acceptability of an argument should depend in part on the values of the audience to whom the argument is addressed. Bench-Capon, Doutre and Dunne (2007) offer formal dialogue systems that allow for prioritization of the values of the audience to be used as part of the process for evaluating the argument. They build a system of formal dialogues for carrying out evaluation of arguments in this manner, and give soundness and completeness results for the dialogue systems. This idea of incorporating the audience into the dialogue structure for arguing with burden of proof is an important part of the model presented in this paper.

2. Burdens and Standards of Proof in Legal Settings

Burdens and standards of proof are used in many different contexts of legal procedures to determine how strong an argument needs to be to meet a standard appropriate for its use in that setting. A simplified description of the sequence of argumentation in a typical civil procedure, roughly based on the law in California, can give the reader some idea of such a sequence of argumentation. At the first stage, a civil case begins by one party, called the plaintiff, filing a complaint that makes a claim against the other party, called the defendant. In addition to the claim itself, the complaint contains assertions about the facts of the case that the plaintiff contends are true and that are sufficient to prove that the defendant has breached some obligation and entitling the plaintiff to compensation. At the next stage the defendant can choose from several options for making a response. One of these is to file an answer in which the allegations are conceded or denied. The answer may also contain additional facts called an affirmative defense that

contains counterarguments to the arguments previously put forward by the plaintiff. At the next step, the plaintiff can reply by conceding or denying these additional facts in the defendant's previous move. The next stage is a process of discovering evidence, which may take place for example by the interviewing of witnesses and the recording of their testimony. The next stage is the trial where the evidence already collected is presented to the trier, a judge or possibly also a jury, and further evidence is introduced, for example by the examination of witnesses in court. At the closing stage of the trial the judge makes a decision based on the whole body of evidence brought forward during the trial, or if there is a jury the judge instructs the jury about the law applicable to the case. The jury then has the duty of deciding what the facts of the case are, and making a verdict based on those facts. As part of the closing stage, the judge enters a judgment as a verdict, which may then be later appealed if there are grounds for an appeal.

To describe how the chain of argumentation goes forward through the different stages of the sequence of dialogue, it is important to distinguish between different kinds of burden of proof at different states. The first can be called the burden of claiming. When a person makes a claim at the first point in the sequence described above, he has a right to a legal remedy if he can bring forward facts that are sufficient to prove that he is entitled to some remedy. The second type of burden of proof is the burden of questioning, or it could be called the burden of contesting. If one party makes an allegation by claiming that some proposition is true during the process of the argumentation, and the other party fails to present a counterargument, or even to deny the claim, then that claim is taken to be implicitly conceded. This type of burden of proof is called the burden of questioning because it puts an obligation on the other party to question or contest a claim made by the other side, by asking the other side to produce arguments to support its claim. This brings us to the third burden, called the burden of production in law, or sometimes burden of producing evidence. This is the burden to respond to a questioning of one's claim by producing evidence to support it. We are already familiar with this kind of burden of proof as it is the one typically associated with burden of proof in philosophy. This is the burden to support a claim by arguments when this claim is challenged by the other party in the dialogue. The fourth type of burden of proof is called the burden of persuasion in law. It is set by law at the opening stage of the trial, and determines which side has won or lost the case at the end of the trial once all the arguments have been examined. The burden of persuasion works differently in a civil proceeding than

in a criminal one. In a civil proceeding, the plaintiff has the burden of persuasion for all the claims he has made as factual, while the defendant has the burden for any exceptions that he has pleaded. In criminal law the prosecution has the burden of persuasion for all facts of the case. These include not only the elements of the alleged crime, but also the burden of disproving defenses. For example, in a murder case in California, the prosecution has to prove that there was a killing, and that it was done with malice aforethought. But if the defendant pleads self-defense, the prosecution has to prove that there was no self-defense. This is an important point, for it shows that this fourth type of burden of proof varies with the context, that is, with the type of trial. The fifth type of burden of proof is called the tactical burden of proof. It applies during the sequence of argumentation during the trial, when a lawyer pleading a case has to make strategic decisions on whether it is better to present an argument or not. To make such a judgment, the advocate on each side needs to sum up and evaluate the whole network of previous arguments, both on its own side and the other side, and then use this assessment to determine whether the burden of persuasion is met at that point or not. This is a hypothetical assessment made only by the advocates on the two sides, and the judge and jury have no role in it. The tactical burden of proof is the one that is properly set to shift back and forth during a sequence of argumentation.

The question of when a burden of proof is met by a sequence of argumentation in a given case depends on the proof standard that is required for a successful argument in that case. Law has several proof standards of this kind of which we will briefly mention only four. The law defines the standards using cognitive terminology, for example proposing assessment of whether an attempt at proof is credible or convincing to the mind examining it. However, these cognitive descriptions, although they are useful in law for a judge to instruct the jury on what the burden of proof is in the case, are not precise enough to serve the purposes of argumentation theory generally, or for attempts to provide argumentation models in computing. According to the scintilla of evidence standard, an argument is taken to be a proof even if there is only a small amount of evidence in the case that supports the claim at issue. The preponderance of evidence proof standard is met by an argument that is stronger than its matching counterargument in the case, even if it is only slightly stronger. In other words, when the argumentation on both sides is in at the closing stage, if the argumentation on the one side to support its ultimate claim to be proved is

stronger than that of the other side, then the first side wins. The clear and convincing evidence standard is higher than that of the preponderance standard, but not as high as the highest standard, called proof beyond reasonable doubt. The beyond reasonable doubt standard is the strongest one, and it is applicable in criminal cases.

There seem to be two options with respect to defining the standards. One is to define them in the cognitive terms familiar in the kinds of definitions given in Black's Law Dictionary for example, in its various editions. The other is the attempt to make the definitions precise by proposing numerical values representing degrees of belief or probability, that attach to each claim to be proved. For example, preponderance of the evidence could be represented by a probability value of .51, while beyond reasonable doubt could be represented by a higher probability value of .81. Although attempts of this sort have been made from time to time, we do not think that this is a useful approach generally. We will propose a third way. This third way will respect the three principles of any formal account of argument accrual formulated by Prakken (2005). The first principal is that combining several arguments together can not only strengthen one's position but also weaken it. The second principle is that when several arguments have been accrued, the individual arguments, considered separately, should have no impact on the acceptability of the proposition at issue. The third principle is that any argument that is flawed may not take part in the aggregation process.

3. Argument and Dialogue Structures

In Gordon and Walton (2009, pp. 242-250) we presented a simple abstract formal model designed to capture the distinctions between the various types of burden of proof. Here we summarize the elements of the formal model that define the standards and burdens of proof. The formal model assumes that we have different types of dialogue that can be defined, sets of argumentation schemes with critical questions, as well as rules and commitment stores for each type of dialogue. In presenting these definitions we abstract from all these other components, to produce the simplest model that enables us to distinguish between different kinds of proof standards and burdens of proof that are important to know about. We begin with a definition of the notion of an argument suitable for our purposes representing the premises of an argument, the distinction between types of premises, and the conclusion of the argument. In this model, the proponent of an argument has the burden of production for the ordinary premises, while the

respondent has the burden of production for exceptions.

Let L be a propositional language. An *argument* is a tuple $\langle P, E, c \rangle$ where $P \subset L$ are its *premises*, $E \subset L$ are its *exceptions* and $c \in L$ is its *conclusion*. For simplicity, c and all members of P and E must be literals, i.e. either an atomic proposition or a negated atomic proposition. Let p be a literal. If p is c , then the argument is an argument *pro* p . If p is the complement of c , the argument is an argument *con* p .

Conclusions can be generated from premises using the inference rules of classical logic and argumentation schemes. This definition of the concept of argument does not represent a fully developed argumentation theory. It merely contains enough structure to enable us to model the distinction between the various kinds of burden of proof. But we need one other thing to accomplish this purpose. We also have to model argumentation as a process that goes through several stages. Hence we introduce the notion of a dialogue that has three stages, an opening stage, an argumentation stage and a closing stage. This notion of dialogue that is suitable for our purposes is defined as follows.

A *dialogue* is a tuple $\langle O, A, C \rangle$, where O , A and C , the *opening*, *argumentation*, and *closing* stages of the dialogue, respectively, are each sequences of *states*. A state is a tuple $\langle \text{arguments}, \text{status} \rangle$, where *arguments* is a set of arguments and *status* is a function mapping *literals* to their *dialectical status* in the state, where the status is a member of $\{\text{claimed}, \text{questioned}\}$. In every chain of arguments, a_1, \dots, a_n , constructable from *arguments* by linking the conclusion of an argument to a premise or exception of another argument, a conclusion of an argument a_i may not be a premise or an exception of an argument a_j , if $j < i$. A set of arguments which violates this condition is said to contain a *cycle* and a set of arguments which complies with this condition is called *cycle-free*.

For our purposes, the opening and confrontation stages of the dialogue as defined by van Eemeren and Grootendorst (2004) are both included as parts of the opening stage. We also draw a distinction between a stage of argumentation and a state of argumentation. Each dialogue is divided into its three stages, according to the definition above. The *status* function of a state maps literals to their dialectical status in that state, where the status can be either that of being claimed or being questioned. We disallow the construction of chains of arguments that contain a cycle. This definition has implications for the modeling of circular argumentation and the fallacy of begging the question, but there is no space to

discuss these implications here. Confining the arguments of a stage to those that are cycle free is meant to simplify the model at this point.

The next concept we need to define is that of an audience that is able to assess the acceptability of propositions. We draw upon the recent literature on value-based argumentation frameworks (Bench-Capon, 2003) where arguments are evaluated by an audience. In law the role of audience is taken by a trier of fact, which could be a judge or jury in a legal trial.

An *audience* is a structure $\langle \text{assumptions}, \text{weight} \rangle$, where *assumptions* $\subset L$ is a consistent set of literals assumed to be acceptable by the audience and *weight* is a partial function mapping arguments to real numbers in the range 0.0...1.0, representing the relative weights assigned by the audience to the arguments.

There are different methods an audience can use to evaluate arguments. In value-based argumentation frameworks, the audience uses a partial order on a set of values (Bench-Capon et al., 2007). In our system a numerical assignment is used to order arguments by their relative strength for a particular audience.

The next concept we need to define is that of an argument evaluation structure. It brings together the three concepts of state, audience and standard, providing the general framework necessary to evaluate an argument.

An *argument evaluation structure* is a tuple $\langle \text{state}, \text{audience}, \text{standard} \rangle$, where *state* is a state in a dialogue, *audience* is an audience and *standard* is a total function mapping propositions in L to their applicable proof standards in the dialogue. A *proof standard* is a function mapping tuples of the form $\langle \text{issue}, \text{state}, \text{audience} \rangle$ to the Boolean values *true* and *false*, where *issue* is a proposition in L , *state* is a state and *audience* is an audience.

We can now define notion of the acceptability of a proposition.

A literal p is *acceptable* in an argument evaluation structure $\langle \text{state}, \text{audience}, \text{standard} \rangle$ if and only if $\text{standard}(p) (p, \text{state}, \text{audience})$ is *true*.

Basically what this definition stipulates is that a proposition in an argument evaluation structure is acceptable if and only if it meets its standard of proof when put forward at a particular state according to the evaluation placed on it by the audience.

Next we define the various proof standards that are used to evaluate arguments. All of these proof standards need to make use of the prior concept of argument applicability, as defined below. In this definition, P is the set of premises of an argument, E is the set of exceptions, and c is the conclusion of the argument.

Applicability of Arguments. Let $\langle state, audience, standard \rangle$ be an argument evaluation structure. An argument $\langle P, E, c \rangle$ is *applicable* in this argument evaluation structure if and only if:

1. the argument is a member of the arguments of the *state*,
2. every proposition $p \in P$, the premises, is an assumption of the *audience* or, if neither p nor the complement of p is an assumption, is acceptable in the argument evaluation structure and
3. no proposition $p \in E$, the exceptions, is an assumption of the *audience* or, if neither p nor the complement of p is an assumption, is acceptable in the argument evaluation structure.

This definition has three requirements. The first is that the argument is within the state being considered. The second is that every premise has to either be an assumption of the audience, or if neither it nor its complement is an assumption, it has to be acceptable in the argument evaluation structure. The third is that no exception is an assumption of the audience, or if neither it nor its complement is an assumption, is acceptable in the argument evaluation structure.

4. Proof Standards

Now we are ready to define the various standards of proof. The weakest of the proof standards, called the scintilla of evidence standard, is defined as follows.

Scintilla of Evidence Proof Standard. Let $\langle state, audience, standard \rangle$ be an argument evaluation structure and let p be a literal in L . $scintilla\{ (p, state, audience) = true \}$ if and only if there is at least one applicable argument pro p in *state*.

A proposition meets this standard if it is supported by at least one applicable pro argument. Both the proposition and its negation can be acceptable in an argument evaluation structure when this standard is being applied. However, this is the only standard according to which both the proposition and its negation can be acceptable.

The next standard to be defined, one of the three most important proof standards

in law, is that of the preponderance of the evidence, the standard applied in civil cases.

Preponderance of Evidence Proof Standard. Let $\langle \text{state, audience, standard} \rangle$ be an argument evaluation structure and let p be a literal in L . $\text{preponderance}(p, \text{state, audience}) = \text{true}$ if and only if

1. there is at least one applicable argument pro p in stage and
2. the maximum weight assigned by the audience to the applicable arguments pro p is greater than the maximum weight of the applicable arguments con p .

The preponderance of evidence standard is satisfied if the maximum weight of the applicable pro argument outweighs the maximum weight of the applicable con arguments, by even a small amount of evidential weight.

According to the next standard, that of clear and convincing evidence, in addition to the conditions of the preponderance of evidence standard, the maximum weight of the pro arguments must exceed a threshold and the difference between the maximum weight of the pro arguments and the maximum weight of the con arguments must exceed another threshold.

Clear and Convincing Evidence Proof Standard. Let $\langle \text{state, audience, standard} \rangle$ be an argument evaluation structure and let p be a literal in L . $\text{clear-and-convincing}(p, \text{state, audience}) = \text{true}$ if and only if

1. the preponderance of the evidence standard is met,
2. the maximum weight of the applicable pro arguments exceeds some threshold α , and
3. the difference between the maximum weight of the applicable pro arguments and the maximum weight of the applicable con arguments exceeds some threshold β .

It is easy to see that the clear and convincing evidence is only satisfied by an argument that has greater weight than that required to meet the preponderance standard. It has to exceed the threshold as well as meeting the preponderance standard. In the model we do not set any specific threshold. The beyond a reasonable doubt standard is defined in a comparable way to the clear and convincing evidence standard, except that the maximum weight of the con arguments must be below the threshold of reasonable doubt.

Beyond reasonable doubt proof standard. Let $\langle \text{state, audience, standard} \rangle$ be an

argument evaluation structure $\langle \text{state}, \text{audience}, \text{standard} \rangle$ and let p be a literal in L . *beyond-reasonable-doubt* ($p, \text{state}, \text{audience}$) = *true* if and only if

1. the clear and convincing evidence standard is met and
2. the maximum weight of the applicable con arguments is less than some threshold γ .

We have not given precise numerical definitions of the thresholds, because these need to be set by the dialogue rules applicable to a particular case.

5. Accrual in Argument Evaluation

We do not use summing up the weights of the applicable pro and con arguments as part of our system of argument evaluation, because arguments cannot be assumed to be independent. Also, in our view proof standards cannot and should not be interpreted probabilistically. The first and most important reason is that probability theory is applicable only if statistical knowledge about prior and conditional probabilities is available. Presuming the existence of such statistical information would defeat the whole purpose of argumentation about factual issues, which is to provide methods for making justified decisions when knowledge of the domain is lacking. Another argument against interpreting proof standards probabilistically is more technical. Arguments for and against some proposition are rarely independent. What is needed is some way to accrue arguments which does not depend on the assumption that the arguments or evidence are independent. Thus the question is how to approach argument accrual.

We have to leave it to the audience to judge the effects of interdependencies among the premises on the weight of an argument. However, our model satisfies all three of Prakken's (2005) principles of accrual. As a reminder we repeat these here. The first one is that combining several arguments together can not only strengthen one's position but also weaken it. The second principle is that when several arguments have been accrued, the individual arguments, considered separately, should have no impact on the acceptability of the proposition at issue. The third principle is that any argument that is flawed may not take part in the aggregation process. Prakken explains the first principle as follows. The principle that accruals are sometimes weaker than their elements is illustrated by a jogging example (Prakken, 2005, p. 86). In this example, there are two reasons not to go jogging. One is that it is hot and the other is that it is raining. But suppose we accrue these two reasons, producing a combination of reasons for not going

jogging. Does the accrual make the argument even stronger? Not necessarily, because for a particular jogger, the heat and the rain may offset each other, so that the original argument becomes weaker. It may even be the case that for another jogger the combination of heat and rain may be very pleasant. In this instance, the accrued argument may even present a positive reason to go jogging.

Another example Prakken (2005, p. 86) gives is that of two witnesses who make the same statement. We can represent this situation as shown in Figure 1, with two separate arguments for the conclusion that the statement is true.

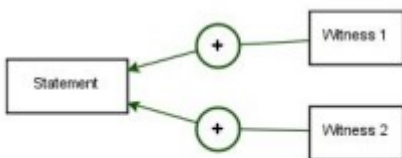


Figure 1: Independent Testimony of Two Witnesses

What Figure 1 shows is a convergent argument, each of which has one premise. Witness testimony is fallible as a form of argumentation, and therefore neither argument is conclusive by itself. Let's say that the standard is that of the preponderance of the evidence, and for the sake of the example we assign each argument a probative weight of .5. Let's say that the testimony of one witness agrees with the testimony of the other. In such a case, normally if we were to accrue the two arguments together and combine them into a single argument, because of the agreement testimony of the witnesses, the probative weight supplied by the combined arguments would be greater than .5.

However, Prakken (p. 86) asks us to make the following additional supposition: "if the witnesses are from a group of people who are more likely to confirm each other statements when these statements are false than when they are true, the accrual will be weaker than the accruing reasons". This situation is represented in Figure 2.

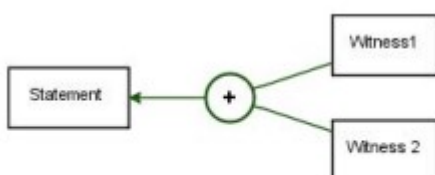


Figure 2: Accrued Testimony of Two Witnesses

In Figure 2 we now have a linked argument, a single argument with two premises. Accrual has now taken place, and the original pair of argument shown in Figure 1 has been combined into a single argument.

What happens now is that since we know that the two witnesses are from a group of people who are more likely to confirm each other statements when these statements are false than when they are true, the probative weight both premises supply when combined into a single argument is less than it was before. In Figure 2, we have assigned a probative weight of less than .5 to the argument representing the accrued testimony of the two witnesses.

6. *Burdens of Proof Defined*

The issue to be discussed in persuasion dialogue is set at the opening phase. When arguments are put forward on both sides during the argumentation stage, they are judged to be relevant or not in relation to the issue set in the opening phase. The burdens of claiming and questioning apply during the opening stage. The burden of production and the tactical burden of proof apply during the argumentation stage. The burden of persuasion is set at the opening stage, but is applied at the closing stage, where it determines which side has won the case and which side has lost. The burden of proof is also used hypothetically by each party during the argumentation stage to estimate its tactical burden of proof.

During the opening stage, where the burdens of claiming and questioning apply, a proposition claimed is taken to be conceded unless it is questioned by the other party. Because it is taken to be conceded, it requires the audience to assume that it is true. The burdens of claiming and questioning are defined as follows.

Burdens of Claiming and Questioning. Let s_1, \dots, s_n be the states of the opening stage of a dialogue. Let $\square \text{arguments}_n, \text{status} \square$ be the last state, s_n , of the opening stage. A party has met the *burden of claiming* a proposition p if and only if $\text{status}_n(p) \in \{\text{claimed}, \text{questioned}\}$, that is, if and only if $\text{status}_n(p)$ is defined. The *burden of questioning* a proposition p has been met if and only if $\text{status}_n(p) = \text{questioned}$.

Only propositions that have been claimed at an earlier state of the argumentation sequence can be questioned. Therefore a questioned proposition satisfies the burden of claiming. This way of formulating the model gives only minimal requirements for raising issues in the opening stage. Rules for a specific type of

dialogue can state additional requirements. For example in law, in order to make a claim the plaintiff must accompany it with facts that are sufficient to give the plaintiff a right to judicial relief.

The burden of production comes into play only during the argumentation stage of a dialogue. The proponent who puts forward an argument has the burden of production for its premises, and this burden can be satisfied according to the proof standard of scintilla of evidence. The respondent has the burden of production for an exception. The burden of production is defined as follows.

Burden of Production. Let s_1, \dots, s_n be the states of the argumentation stage of a dialogue. Let $\langle \text{arguments}_n, \text{status}_n \rangle$ be the last state, s_n , of the argumentation phase. Let *audience* be the relevant audience for assessing the burden of production, depending on the protocol of the dialogue. Let *AES* be the argument evaluation structure $\langle s_n, \text{audience}, \text{standard} \rangle$, where *standard* is a function mapping every proposition to the scintilla of evidence proof standard. The *burden of production* for a proposition p has been met if and only if p is acceptable in *AES*.

An objection to this way of defining the burden of production would be that since scintilla of evidence is the weakest proof standard, using it to test whether the burden of production has been met is too weak. It might seem that any arbitrary argument, even one that is worthless would be sufficient to fulfill the burden of production. However, there are resources in place to ensure that this does not happen. For one thing, such a worthless argument can be defeated by critical questioning, or by attacking its premises. During the argumentation stage, implicit premises underlying the argument can be brought out by critical questioning and attacked. We can see then that the burden of production for an argument might be met at some state during the argumentation stage, but then fail to be met at some later state where the argument has been attacked or questioned.

The burden of persuasion has been met by one side at the closing stage if the proposition at issue that is supposed to be proved by that side is acceptable to the audience. The burden of persuasion for a trial is set by law, and therefore it is assigned by the judge who has to instruct the jury about it, if there is a jury. The standard of proof for a criminal trial is that of beyond reasonable doubt, whereas the standard of proof for a civil trial is that of preponderance of the evidence. The

burden of persuasion is defined as follows.

Burden of Persuasion. Let s_1, \dots, s_n be the states of the closing stages of a dialogue. Let $\langle \text{arguments}_n, \text{status}_n \rangle$ be the last state, s_n , of the closing stage. Let *audience* be the relevant audience for assessing the burden of persuasion, depending on the dialogue type and its protocol. Let *AES* be the argument evaluation structure $\langle s_n, \text{audience}, \text{standard} \rangle$, where *standard* is a function mapping every proposition to its applicable proof standard for this type of dialogue. The *burden of persuasion* for a proposition p has been met if and only if p is acceptable in *AES*.

How the burdens of persuasion and production work in a criminal trial is worth noting briefly here. The prosecution has the burden of persuasion to prove its claim set at the opening stage. The defendant has the burden of production for exceptions. For example, in a murder trial the defendant has the burden of production for self-defense. However, in a criminal trial, once this burden has been met by the defendant, the prosecution has the burden of persuading the trier of fact, beyond a reasonable doubt, that the defendant did not act in self-defense. Our model represents this situation is by making the exception and ordinary premise after the burden of production has been met.

The tactical burden of proof, which applies only during the argumentation stage, is the only burden that can shift back and forth between the two parties. To meet the requirements for tactical burden of proof, an arguer needs to consider whether stronger arguments might be needed to persuade the audience. This assessment depends on whether the audience reveals its evaluations to the parties on each side as the argumentation stage proceeds. In a trial, however, this does not happen.

Tactical Burden of Proof. Let s_1, \dots, s_n be the states of the argumentation phase of a dialogue. Assume *audience* is the audience which will assess the burden of persuasion in the closing phase. Assume *standard* is the function which will be used in the closing stage to assign a proof standard to each proposition. For each state s_i in s_1, \dots, s_n , let *AES* _{i} be the argument evaluation structure $\langle s_i, \text{audience}, \text{standard} \rangle$. The *tactical burden of proof* for a proposition p is met at state s_i if and only if p is acceptable in *AES* _{i} .

The tactical burden of proof comes into play when a proponent has an interest in

proving some proposition that is not acceptable to the respondent at that state, given the argumentation that has gone forward so far. In a real example, evaluation of the tactical burden of proof would depend on how relevance is modeled in the type of dialogue.

7. Conclusions

In this paper we presented formal structures to represent argumentation in dialogues, and incorporated the notion of audience into the formal structure. We argued that whether a burden of proof is met by a sequence of argumentation in a given case depends on the proof standard that is required for a successful argument in that case. We defined four such proof standards, scintilla of evidence, preponderance of evidence, clear and convincing evidence, and finally, beyond reasonable doubt. We used the model and standards to distinguish five types of burden of proof: burden of claiming, burden of questioning, burden of production, burden of persuasion and tactical burden of proof.

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ISSA Proceedings 2010 - Binary Oppositions In Media Argumentation



1. Introduction

This paper addresses the study of relations between descriptive and normative argumentation models. It examines persuasive tools in a modern media text by introducing cognitive binary oppositions into the analysis.

These oppositions make a certain “reasoning scheme” that is lavishly used in the modern press. The approach taken in this paper might be called political linguistics; it aggregates diverse research programs mainly connected with the critical analysis of the language of politicians (speechwriters), journalists, TV presenters as well as the study of language in the decision making process, and types of persuasion and manipulation of the public. We argue that introducing binary oppositions into the analysis follows modern trends of complex approaches to linguistic data encompassing cognitive analysis, argumentation analysis and semantics.

In our introduction we deal with more basic foundations of the case study which is to follow in our main part. These bases deal with cognitive linguistics and structural semantics. At present, cognitive linguistics has achieved certain progress in defining mental spaces as small conceptual packets showing frames and scenarios as we think and engage in discourse; these conceptual packets map onto each other in intricate ways, and provide abstract mental structures for shifting viewpoints and directing our attention to very partial and simple structures. It has become possible to disclose an elaborate web of connections

helping the memory for purposes of understanding and persuasion. These mental spaces are presented as very partial assemblies containing elements structured by frames and cognitive models that are interconnected and can be modified as thought and discourse unfold. From the cognitive point of view language is the process of real time perception and production of temporal signs and sequences that present discrete units but act in functional semantics as dynamic open systems. (Tretyakova 2006, pp.275-277). This type of analysis allows identifying language units in terms of dynamic procedures.

In structural semantics binary oppositions were looked upon as opposites which were studied in the field as semantic antonymy. Linguists identify three types of antonymy: (1) *Gradable antonyms*, which operate on a continuum: (*very*) *big*, (*very*) *small*. Such pairs often occur in binomial phrases with *and*: (*blow*) *hot and cold*, (*search*) *high and low*. (2) *Complementary antonyms*, which express an either/or relationship: *dead or alive*, *male or female*. (3) *Converse or relational antonyms*, expressing reciprocity: *borrow or lend*, *buy or sell*, *wife or husband*." (McArthur 1992). The modern cognitive paradigm allows us to broaden the concept of antonyms in linguistics by introducing inferences that could be drawn from the concepts of antonymy implying the procedure of choice on the one hand and the concept of binary opposition relying on the functional semantics of an evaluation process. Apart from words that disclose an inherently incompatible binary relationship, when making oppositions, it is the cognitive aspect of antonymy that makes these words function as effective persuasive tools. These oppositions allow the analyst to identify opposite points of view. In this paper we are more closely dealing with gradable antonyms which allow us to show the axiological aspect of binary oppositions used in argumentation schemes.

The argumentation scheme of a media text is best described through the pragma-dialectical approach as it allows us to identify stages of appearance of binary oppositions and their persuasive effect. In the pragma-dialectical approach of van Eemeren, Grootendorst, Jackson and Jacobs (1993) natural argumentative discourse models were described through normative models which gave us tools for a more theoretically grounded identification of the argumentative force of utterances. We argue that the binary oppositions start argumentation situation in press forming public opinion. Daniel O' Keefe (2003) wrote on persuasive effects in presentation of normative vs. realistic argumentation. Although evasion, concealment and artful dodging are and should be excluded from an ideal model

of critical discussion (van Eemeren et al., 1993, p.173) and clarity is crucial for argumentation, still in reality the ideal happens very seldom. The arguers might think that explicit articulation can undercut their persuasive success but we show that this is not the case especially from the vantage point of binary oppositions. In fact binary oppositions define the framework within which argumentation is built. They direct the argumentative vector of the arguer's reasoning. This is especially true in the case of arguments based on the notion of conflicting systems of belief. Beliefs are not independent of each other but make sense only within a system. Within these systems there are fundamental beliefs and there are peripheral beliefs that are tempered by both empirical experience and the conceptual core content of the system of beliefs. Both kinds of beliefs may change over time or their location can change from periphery to core or core to periphery (Gough 2009). Argumentation can be represented in terms of the dynamics of binary oppositions: a thesis opposes an antithesis, an argument opposes a counterargument, a proponent opposes an opponent. An examination of these can easily unveil the conflicting system of beliefs depending on discourse type as every discourse is characterized by its own set of values that can be fundamentally at odds with the system of values of other types of discourse.

A binary opposition also deals with the aspect of categorization. The modern global world is full of opposites that could be defined through diverse categories - good opposes bad, big opposes small, right opposes left, night opposes day, old opposes young, and globalists oppose anti-globalists. These oppositions create society's beliefs and misconceptions of what is good and what is bad, or what is ethical and non-ethical, and from a young age we subconsciously conform to these without even knowing it, and even as adults we continue creating these oppositions in our minds when processing facts and evaluating facts. A binary opposition as a pair of opposites powerfully form and organize human thought and culture.

Linguistic, cognitive and argumentative aspects of "binaries" are interconnected interactive tools providing basic analytic categories for unveiling the manipulation technique in modern media. We would also like to add that the category of binary opposition is so deeply rooted in cognitive patterns that we cannot evade them as this concept is entailed into our cognition. We believe that an effective way of reasoning is through the appeal to the members of binary oppositions and analysts would do well to recognize this if they are to define the vector of an

author's reasoning.

The focus of the present research is to analyze the linguistic representations of binary oppositions in argumentation structures in a debate in which each party has a different set of presumptions, equally basic and in conflict with each other. The case study chosen for analysis deals with an urgent debate going on in Russian/St. Petersburg media over the project proclaimed as a "Gazprom Tower" or later as an "Okhta Centre".

2. Project history

The Okhta Centre, the HQ building for Russia's state-controlled gas company Gazprom will be built in the Krasnogvardeysky district of St. Petersburg, on the bank of the Okhta River. Part of urban regeneration project aiming to reclaim the city's stature as a major European centre for culture and commerce, this community and business area is said to be the tallest building in St. Petersburg.

The 396 meter high Centre will be comprised of contemporary office buildings, apartment blocks, shops, cafes, restaurants, a library, a sports complex with a swimming pool, a recreational park, an embankment and boulevards. The development will also include a theatre and sculpture park, as well as a Modern Art Centre, plus the Museum of the History of the First Settlements in St. Petersburg.

The project initiators turned to foreign, not Russian, architects, inviting seven to submit designs. Six agreed: Jean Nouvel of Paris; Massimiliano Fuksas of Rome; the Swiss team of Jacques Herzog and Pierre de Meuron; Rem Koolhaas of Rotterdam; RMJM London; and Daniel Libeskind, who of course designed the master plan for the World Trade Center site. Among the six renowned architectural companies, the tender was won by the international architectural practice RMJM London Limited. RMJM renamed the Gazprom City as the Okhta Centre in March 2007. The first stage of the project was completed in November 2006. The skyscraper is expected to be built by 2010, and the entire project is scheduled to finish by 2016.

According to the competition-winning design, the Okhta Centre will be divided into three zones. The first zone, occupied by the skyscraper of the Gazprom administrative complex, is located in the triangle where the Okhta river meets the Neva river, will house offices, a parking area for 3000 cars and an IT center. The

second zone situated north of the first, will incorporate additional social facilities such as a modern art museum, a multifunctional theatre and a concert hall. Situated to the south of the first, is the third zone proposed as potential development territory. The anchor facilities to be built by RMJM include a sports and leisure complex along with a swimming pool, an indoor ice rink, a fitness center and spa, a shopping center and an apartment hotel. The rest of the last zone will be kept for future investors and architects.

It is the height of the skyscraper that has caused controversy, for the proposed 400 meter high tower of the Gazprom Okhta Center will completely dominate St. Petersburg's skyline. Its height of 396 meters exceeds the dimensions of the city's television tower (310 meters) and completely overshadows the tallest historical landmark - the spire of Peter and Paul Fortress (122.5 meters).

3. Okhta center debate

The Okhta centre project has gotten big publicity and has been widely discussed in the Russian media with arguments put forward from both sides. For the linguistic analysis in this paper we shall consider the main arguments of both parties.

3.1. Arguments for the Okhta centre project

The argumentation of the proponents may be represented in the following way.

The standpoint of the proponents is an evaluative thesis:

The construction of the ultramodern skyscraper in Saint-Petersburg will improve the image of the city.

The understanding of this thesis is a necessary condition for its adoption. But it is not a sufficient condition. The reader must be ready to accept that the structure of his cognitive space may change for a new knowledge that will take the place of an accepted thesis. There is a possibility of rejecting theses or arguments subconsciously. This happens if the proposition of the thesis contradicts the system of thoughts, ideas and beliefs of the reader. In this case the thesis will be rejected however correct and persuasive the reasoning is. The reader's cognitive space rejects it before the argumentation starts. That means that the arguer should take precautions so that the thesis won't be rejected subconsciously at the stage of understanding. The thesis won't be rejected if it isn't at odds with the system of values, thoughts and beliefs of the reader. Since the arguer is not

familiar with the mentioned above system (he can reconstruct the system hypothetically) he builds his reasoning appealing to the cognitive space that is shared by all members of the community (Goudkova 2009).

The reasoning employed mostly deals with binary opposition 'good - bad'. Language indicators in the thesis are "ultramodern" and "improvement". To support their standpoint the proponents put forward the following arguments:

(1) *The skyscraper is needed for the city 'development'. It will provide 'new jobs'. The construction will 'encourage the development' of Okhta - depressive industrial outskirts.*

(2) *Like the Eiffel Tower Okhta-centre will become a 'new symbol' of the city and Saint-Petersburgers will 'love' it as Parisians like the Eiffel Tower.*

(3) *The city lacks "fresh" architectural ideas. Peter the Great, the founder of Saint-Petersburg, was for 'innovation' and Gasprom follows his suit.*

(4) *The construction is necessary for the 'rich taxpayer' to 'remain' in the city.*

(5) *The site of the would-be skyscraper has no archeological significance but all artifacts, if any, will be saved.*

From pragma-dialectical perspective we consider the argumentation as a convergent one, for all premises appear to constitute separate reasons which independently converge on the conclusion (Eemeren & Grootendorst 1984, 1992). We base our consideration on the simple fact that all arguments don't belong to one party but each argument represents a separate group. The analysis of the arguments shows that the arguer directs the argumentation vector to the positive member of the binary opposition "good - bad.

In the first argument the main binary opposition in the frame of which the reasoning is built is "development-regress". The arguer shows that the construction of the skyscraper will affect positively the development of the city. And he constructs the argumentation in such a way in order to activate the concept "development". Lexical indicators of the concept in question are "development", "new jobs", "encourage the development". The implications inferred from the argument are the following. Being an opponent of the construction means being an opponent of the city development which is needed especially in this depressive industrial region.

The second argument represents comparison argumentation. The skyscraper is compared to the world known Eiffel Tower in Paris. The Eiffel Tower used to

cause a lot of dispute. Many citizens were opposed to the Tower as they considered it incompatible with the architecture of Paris. The proponents of the Okhta centre believe that the situation is the same. And the skyscraper is to become an Eiffel Tower of Saint-Petersburg. It will be appreciated by future generations. Concept-semantic analysis let us identify the structural binary oppositions. Similar to the first argument this is the opposition “development-regress”. The lexical indicators for the positive member of the opposition are “new symbol” and “love”. The adjective “new” has a clear positive connotation.

The third argument as well as the second is structured by the binary opposition “development-regress,” the lexical indicators for which are “fresh ideas” “innovation”. The argument is supplemented by the argument from expert opinion. The expert is Peter the Great who designed Saint-Petersburg as the first European city in Russia and modernized and westernized Russia greatly. The Gasprom actions are compared to Peter the Great’s deeds. Like Peter the Great the company invited foreign architects to propose their designs to take part in the competition. The binary opposition “development-regress” is a universal opposition as it belongs to the cognitive system of all people. Development is always viewed as a positive concept and regress as a negative one.

The binary opposition that structures the fourth argument doesn’t belong to universal oppositions. The form of the opposition is “profitable -unprofitable” and it is a basic opposition for economic discourse, for in the field of economics the concept “economic profit” is at the same level as the concept “good”. Lexical indicators of the concept “profit” are “rich taxpayer” and the predicate “remain”.

The fifth argument is a factual argument, the proposition of which is that the site of the construction has no archeological significance. This argument can be considered as a counterargument and will be dealt with further. Normally factual arguments don’t represent any appellations to value system.

Thus the main concept to which the proponents appeal is the concept “economic development”. Saint-Petersburg is a big modern metropolis and should develop accordingly. Since it is an important industrial centre it can’t remain a city-museum. The proponents of the construction claim that the skyscraper is “good” for the city. The whole argumentation is build with that in mind.

3.2. Arguments against the Okhta centre project

Similarly the argumentation of the opponents can be analyzed. The standpoint of the opponents is:

The skyscraper will spoil the panoramic views of the city and ruin this city-museum

The opponents hold opposite views and appeal to the negative member of the binary opposition “good – bad”. Language indicators of the appellations are the predicates “spoil” and “destroy”. These predicates have clear negative connotation thus directing the argumentative vector to the negative member of the opposition: “bad”.

The opponents support the claim with the following arguments:

(1) *The skyscraper will ‘spoil’ the historic view of the city. The ultramodern silhouette of the skyscraper will ‘ruin’ the familiar city skyline.*

(2) *The huge office centre will create ‘traffic congestion’ in the Krasnogvardeysky district and neighboring territories.*

(3) *The skyscraper ‘ruins’ the concepts of the founders of the city.*

(4) *The construction of the Okhta -centre will result in ‘excluding’ Saint-Petersburg from UNESCO World Heritage List.*

(5) *The construction site has archeological significance for there was a Swedish Fort of the 17th century there.*

We consider all the arguments as convergent ones by the same reasons we used to identify the proponents arguments as convergent. Conceptual-semantic analysis let us identify binary oppositions that structure the argumentation and single out lexical indicators of the main concepts. The opponents put forward their arguments directing the argumentative vector to the negative member of the opposition. The skyscraper is bad for Saint-Petersburg.

It can also be seen that the opposition binary “preserving traditions – destroying traditions” structures the argumentation of the opponents.

Lexical indicators in the first argument are the verbs “spoil” and “ruin”. These are verbs with clear negative connotation that serve the arguer’s intention to appeal to the negative member of the opposition bringing about negative images.

The second argument is a counterargument for the argument that the skyscraper will provide new jobs. The concept that is activated is the concept “economic

development". But the opponents appeal to the negative aspects of the concept. Any concept is a complicated comprehensive structure with positive and negative aspects. That's why there is a possibility to appeal to different parts within the same concept. We deal with such reasoning in this argument. The opponents appeal to negative sides of development: "traffic congestion". Traffic problems are dire for Saint-Petersburg for it is situated on islands and with the increasing number of vehicles and the shortage of bridges across the Neva the situation is becoming worse and worse. That is why the argumentative force of the argument is very strong.

The lexical indicator in the third argument is the verb with negative semantics "ruins". It is the argument from tradition, for the proposed 396 meter high tower of the Gazprom Okhta Center would completely dominate St. Petersburg's skyline - the building would be three times taller than anything currently standing nearby.

The fourth and the fifth arguments are factual. The lexical indicator in the fourth argument is "excluding" and it represents the appeal to the negative member of the opposition "preserving traditions - destroying traditions". If Saint-Petersburg is excluded from UNESCO World Heritage List it will lose its uniqueness and become an ordinary metropolis. The fifth argument should be analyzed with the fifth argument of the proponents as these arguments represent two conflicting propositions. The opponents claim that the site has archeological significance while the proponents say that there is nothing there at all.

4. Conclusion

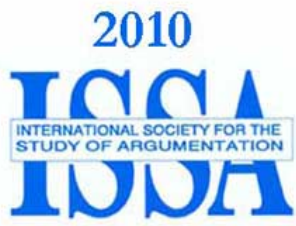
The case study of a "tower" concept in Russian argumentative media discourse with the help of binary oppositions allowed us to unveil major trends in organizing the discussion of the same topic in which the journalists hold opposing views on the problem. Both parties pursue a goal of winning the argument and persuading the audience that their position is the right one by building up their argumentation in the frame of a universal binary opposition "good-bad". The proponents direct their argumentation to the positive member of the opposition, while the opponents to the negative member accordingly. To achieve that they appeal to different concepts which are inherent in the background cognitive knowledge of the audience. The argumentation of both parties is structured by the main binary opposition "good - bad" that takes the form of sub oppositions: "development-regress" and "preserving traditions - destroying traditions".

Linguistically these oppositions are represented with lexical markers with positive and negative connotations. The identification of basic oppositions and sub oppositions in the argumentative debate with the help of a cognitive paradigm broadens the concept of antonyms in linguistics through introducing inferences that could be drawn from the concepts of antinomy implying the procedure of choice on the one hand and the concept of binary opposition relying on the functional semantics of an evaluation process on the other.

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ISSA Proceedings 2010 - The Challenge Of Studying Argumentation In Context



1. Introduction

Recent research has shown increasing interest in contextualised argumentation, because, as some authors remark, argumentation is always a context-bound communicative activity (van Eemeren et al. 2009). A number of signs - such as, for example, the establishment of an international doctoral program on argumentation practices in different contexts (Argupolis, www.argupolis.net) - prove the increasing interest for the study of contextualised argumentation within the community of argumentation scholars. At the same time, the importance of the argumentative perspective is also recognised in a number of other disciplines, which become more and more open to interdisciplinary cross-fertilisation (see for example Muller Mirza and Perret-Clermont 2009 about argumentation in science education and learning). We could summarise the situation as a progressive convergence of interests: the interest of argumentation theorists for the study of context and the interest for argumentation arisen in a number of contexts traditionally tackled by various other disciplinary perspectives.

The general view at the basis of the study of contextualised argumentation is that argumentation is a form of communicative interaction by means of which social realities - institutions, groups and relationships - are constructed and managed. People develop argumentation in numerous purposeful activities: to make sound and well-thought decisions, to critically found their opinions, to persuade other people of the validity of their own proposals and to evaluate others' proposals. These activities are bound to the contexts in which they take place and are significantly determined by these contexts; thus argumentation too, as the bearing structure of these activities, moulds its strategies in connection with these very different contexts: from families and schools to social and political

institutions; from political deliberations to media discourse and journalism; and from social and ethical debates to the economic and financial sphere.

In the framework of this increasing interest, it is worth reflecting on what study argumentation in context means at the theoretical and methodological levels. In this paper, I shall tackle this problem by elaborating on my research in the context of dispute mediation (Greco Morasso 2011). I shall address the results emerged from this work at the level of meta-reflection, trying to show what particular challenges await scholars on argumentation presently.

The paper is organized as follows. I shall first outline the origin of the present research, namely the framework in which this reflection has originated (section 2). Then I shall focus on some specific challenges that await argumentation scholars considering contextualised argumentation (section 3).

2. Argumentation in context: dispute mediation a case in point

The reflections I shall present in this paper largely stem from my involvement in a study on contextualised argumentation about *argumentation in dispute mediation*. Beside characterizing the role that argumentation plays in dispute mediation (Greco Morasso 2011), this research project constituted the opportunity to reflect more in general on what studying argumentation in context means at the theoretical and methodological levels.

In the original research project, I have been focusing on how argumentation helps fulfil the pragmatic goals of mediation. It was already ascertained that argumentation is to some degree present in dispute mediation (van Eemeren et al. 2003, Jacobs 2002, Jacobs and Aakhus 2002a and 2002b, Aakhus 2003, van Eemeren 2010, Walton and Godden 2005, Walton and Lodder 2005). Yet how argumentation is established in this process of conflict resolution and what the mediator's role is in this process still remained unexplained. In particular, the "problem" that set my research project into motion concerned the *change in attitude* that parties experience in a successful mediation process and that brings them to become co-arguers, i.e. rational interlocutors jointly engaged in an argumentative discussion. In fact, when parties enter their first mediation session, they are normally involved in a conflict that they cannot manage by themselves any more. This is typical of mediation (van Eemeren 2010). However, the very nature of mediation implies that parties should make their own decision on their problem, by discussing about it. In this sense, as it clearly emerges when

looking at empirical data, parties who have a good mediation process in the end have been able to conduct a fruitful argumentative discussion by themselves. How can this change in attitude - from disputants to co-arguers - happen? How are the parties able to do it? And what is the mediator's role in triggering this change in attitude?

Such were the questions that guided my interest in argumentation in dispute mediation (Greco Morasso 2011). In this paper, I shall not focus on the specific results about the process of mediation. Rather, this research project will constitute a basis to reflect more in general on the study of argumentation in context. In the next section, I will extrapolate from my personal research experience four main challenges which I believe are to be faced by all scholars interested in argumentation in context.

3. Argumentation in context: current challenges

In this section, I shall turn to discuss four aspects that I derive from reflection on the study of contextualised argumentation carried on in the above-delineated framework (see section 2). I present these aspects as four challenges that argumentation scholars need to face, namely: (3.1) Defining context as a theoretical problem; (3.2) Reconstructing the features of the *specific context* taken into account in the argumentative analysis; (3.3) Being open to interdisciplinarity and (3.4) Identifying prominent features of argumentation in specific contexts.

Some research about what studying argumentation in context means has been already done (see van Eemeren 2010), but it is fair to say that there is still a lot of work expected to go deeper in the study of argumentation in context. By eliciting these four aspects, I do not claim to present a consistent and exhaustive theoretical picture about the directions of research which can be undertaken to specify the theoretical relations between argumentation and context. Rather I would like to open the discussion on some issues which have emerged as general issues relevant to the analysis of argumentation in context.

3.1. Defining context as a theoretical problem

A first aspect that emerges when considering argumentation in context is that the notion of *context* itself is still in need of accurate analysis; we still need to highlight how context influences and is influenced by argumentative interactions. The challenge of defining context is certainly a first necessary presupposition to

study argumentation in context.

In my opinion, Rigotti and Rocci (2006) have proposed an account of *communication context* that is particularly apt to be adopted as a working hypothesis to be further developed in studies on contextualised argumentation. I report their graphical overview presentation of the model in Figure 1.

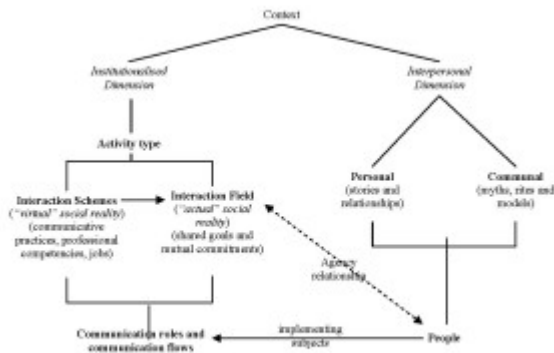


Figure 1: A model of communication context (Rigotti and Rocci 2006)

As the authors put it, this account elaborates on the notion of *activity type* (in terms of van Eemeren and Houtlosser 2005) and expands it in two important ways. In what follows, I shall mention these two extensions, while not considering the whole model in detail; a complete presentation is to be found in Rigotti and Rocci (2006).

First, the concept of activity type is specified into two constituents: the *interaction scheme* and the *interaction field*.

Interaction schemes are defined as “culturally shared ‘recipes’ for interaction congruent with more or less broad classes of joint goals and involving scheme-roles presupposing generic requirements. *Deliberation, negotiation, advisory, problem-solving, adjudication, mediation, teaching* are fairly broad interaction schemes; while more specific interaction schemes may correspond to proper ‘jobs’” (ibid., p. 173)”. An interaction scheme like mediation may be implemented in a series of *interaction fields*. Albeit the fundamental features of the interaction scheme remain the same throughout its application possibilities, the interaction field contributes to the definition of the actual communication context. In fact, while interaction schemes are virtual competences, interaction fields are pieces of social reality. Interaction schemes cannot but be implemented in different interaction fields; thus we do not have, in practice, the experience of the interaction scheme of “debate” but we know what a “TV debate” or a “parliament

debate” is in a specific national and cultural context and at a specific point in time[i]. If we consider the context of dispute mediation as an example, several important differences in its actual implementation depend on the interaction field to which mediation is applied. In this respect, commercial mediation is quite different from, say, family mediation. Thus, a good commercial mediator may prefer not to work with family disputes and vice versa. However, some of the features of mediation are interaction field-invariant: the presence of a third neutral intervenor, the requirement that the decision about the conflict will be made by the disputants rather than imposed by some external authority, etc. are features of this kind. Therefore, it seems appropriate to distinguish between interaction field and interaction scheme to provide a precise account of the context of an argumentative discussion like the one that may arise in mediation. Both dimensions have an influence on the arguers’ strategic manoeuvring (Greco Morasso 2011) but the constraints that they impose may be different.

Second, Rigotti and Rocci’s reconstruction also highlights that the institutional dimension is not the only relevant aspect to describe a communication context; the *human beings* who actually cover the different institutional roles make a difference for the possibilities of the arguers’ strategic manoeuvring. Certainly, the people who “make” the different activity types are part of those activity types. However, one should not forget that a person may take part in an activity type assuming a certain role - like for example being a mediator - which however does not completely overlap with a full account of her. Human beings precede and overcome their roles, because they have desires, interests and goals that exceed what is expected by the institutionalised context in which they operate. The only partial overlapping between a person’s goal and a role’s goal explains, in some circumstances, conflicts of interests and personal behaviours which are not aligned with the goal of a certain activity type. For this reason, Rigotti and Rocci (2006) propose to define the relation between a human being and his role(s) in terms of an *agency relationship*. This concept, which derives from research in economics, can explain the non-alignment of individual and institutional goals; it allows for the consideration of the individual’s whole set of goals and desires (see Eisenhardt 1989 for an introduction; for some specific applications to argumentation, see Goodwin 2010).

According to Rigotti and Rocci (ibid., pp. 174-175), individuals are interconnected by two types of relations which complement their institutional engagements in

roles and communicative flows. The former relation concerns interpersonal relationships between the individuals, while the latter concerns the link of individuals to the community, i.e. their cultural identities. Both types of relation are to be taken into account in mediation. At the interpersonal level, the individuals' stories as well as their representations of their relationship are to be taken into account. For example, when mediators enter a conflict, they have to be aware and respectful of many delicate facets of interpersonal rapports - think, for instance, about a family conflict, or to a conflict in a classroom. Moreover, the *cultural* context, including the individuals' common identities, experiences and stories also influences the possible proceeding of mediation. In view of these considerations, the interpersonal dimension is certainly to be included in the definition of a notion of context viable for the study of contextualised argumentation.

3.2. Reconstructing the features of the specific context taken into account in the argumentative analysis

The analysis of the notion of *context* is certainly not sufficient. Scholars who deal with argumentation in context must take into account the specific features defining the considered context, namely the precise activity type that is relevant to a given argumentative analysis. In fact, in order to understand what specific constraints and opportunities are available to the arguer, it is necessary to take into account the specific context of argumentation (van Eemeren 2010).

In this relation a methodological premise is necessary, for which I am indebted to Marcelo Dascal[**ii**]. This author observes that, context is, *per se*, an infinite concept, and you cannot tell what is relevant to the interpretation of a certain communicative action in advance. Contextual details that are *prima facie* irrelevant to the context of a certain communicative interaction can turn out to be fundamental to explain some aspects of this latter. Contrarily, in some cases, very clear and prominent aspects of a certain institutional context may be unimportant for the interpretation of a communicative interaction taking place within it - because, as said above, the arguers' freedom always exceeds the constraints of the expected activity types. Methodologically speaking, thus, the interpretation of any text and the choice of what its relevant context is should be certainly done by starting from the text itself.

I would like to add, however, that in the case of contexts that are to some extent institutionalised, such as the legal context, the financial context, and also

practices such as teaching, doctor-patient consultation, dispute mediation and many others, starting a textual analysis without first having a clear picture of the main characteristics of the concerned context or practice would be unwise. To quote a very blunt example, knowing that mediators are expected to be neutral third parties is important to understand their somewhat reluctant behaviour during the argumentative discussion (see the definition of the mediator's role in van Eemeren et al. 1993 and Jacobs 2002). The same behaviour would seem incomprehensibly reticent to an analyst who were not familiar with this context. Even more clearly, in order to study argumentation in takeover proposals in the financial market, one must have a clear picture of what a takeover proposal is, which steps this process requires; and one must first acknowledge the surprisingly high number of communicative and argumentative activities embedded in this type of financial operation (Palmieri, this volume). It would be very difficult even to find out argumentation without a previous picture of the takeover proposal as a type of communication context.

Having clarified this methodological premise, it is now important to specify why understanding the specific features of a certain context is crucial for argumentation. In general, as van Eemeren and Grootendorst (2004) put it, specific knowledge of the context where the argumentative interaction takes place is relevant to the *analytical reconstruction* of argumentation, achieved thanks to an *analytic overview* of the critical discussion, which helps bring to light "which points are at dispute, which parties are involved in the difference of opinion, what their procedural and material premises are, which argumentation is put forward by each of the parties, how their discourses are organised, and how each individual argument is connected with the standpoint that it is supposed to justify or refute" (ibid., p. 118). Context is relevant to the production of an analytic overview because it often sets up expectations and conventions which may justify a specific reconstruction. Knowledge of the specific context, thus, in terms of institutionalised and interpersonal relations, becomes a source for an accurate analytical reconstruction and also, we could add, for the evaluation of the argumentative discourse (Arcidiacono et al. 2009).

More specifically, numerous important relations between an accurate reconstruction of context and the argumentative analysis may be listed. Here, I would like to stress three fundamental aspects in particular.

First, it is necessary to consider context in order to provide a reliable

interpretation of texts; context helps disambiguate terms and expressions and understand their meaning (Dascal 2003, 11ff). Frequently, knowledge of context is extremely relevant to understand whether a given utterance is part of an argumentative discussion or not (Arcidiacono et al. 2009).

Second, analysts have to consider the context of an argumentative discussion if they want to evaluate whether the selection (or, respectively, the exclusion) of the debatable issues operated by the participants to the argumentative discussion is sound or not. It is clear that not every issue is appropriate to every context. Limitations can be due to constraints based either on the institutionalised or on the interpersonal dimension of context. In order to illustrate how the institutionalised dimension of context may impose constraints on the choice of issues, I will present an example from the process of dispute mediation. At the beginning of the process, the mediator looks for the roots of the parties' disagreement. He then guides the disputants in the exploration of their points of disagreement and differences of opinion that have made the conflict develop (Greco Morasso 2008). However, once identified these issues on which originally the disagreement was placed - for example, an unbalanced workload on one of two business partners; or a misunderstanding in the interpretation of an adoption agreement - the mediator does not allow the parties to continue discussing their responsibilities and faults. Assessing the individuals' responsibilities, in fact, would be a typical issue for a court trial, but it is not appropriate in a mediation process. Similarly, there is no room in mediation for the reconstruction of the deep conscious and unconscious motivations of the parties' actions - that would be an issue for a therapist, not for a mediator (Greco Morasso 2011).

So, after having brought the original issue of disagreement to the surface, what the mediator does is to shift the discussion from the disagreement to the possible options for its resolution. Possible conflict resolution *options* are typical issues admitted in the process of mediation, which is institutionally oriented to the resolution of the parties' conflict. Greco Morasso (2011) analyses a conflict in a university context originated from a harassment complaint advanced by a student against her professor and mentor. Now, provided that the episode originating this complaint was more a misunderstanding than a serious offence, the reasons of that misunderstanding and the parties' respective faults are *not* investigated during the mediation process. The mediator invites the parties to discuss about how they can *continue their academic relationship* in the future without being the

victims of further misunderstandings. This is a typical constraint on the choice of debatable issues that is due to the institutionalised dimension of conflict and, more precisely, to the *interaction scheme* of mediation.

Constraints over the choice of issues can derive from the interpersonal dimension too. A family, for example, may allow more or less room to the argumentative discussion; some issues may be unquestionable (Arcidiacono et al. 2009). Other forms of interpersonal relationships, like the relation between friends, or a religious community, may equally allow more or less freedom to discuss or limit the issues that can be debated.

A third point has been recently highlighted, in particular, in the research stream bound to the Argumentum Model of Topics (henceforth: AMT, see Rigotti 2006, 2009; Rigotti and Greco Morasso 2010). There is an inherently contextual dimension of arguments; thus, scholars studying argumentation in context must carefully consider how the general contextual framework of an argumentative discussion affects the actual argumentative moves put forward by the co-arguers. In particular, a method which has proven proficuous is to work at the level of reconstruction of explicit and implicit premises of single argumentative moves and see how much of these premises depend on context.

According to the AMT perspective, roughly speaking, each argument is based on an argument scheme in which one component is based on an abstract inferential connection (maxim), while another component is anchored in the *material* dimension of context, culture, etc (Rigotti and Greco Morasso 2010). Context, thus, is not just the blurred sphere in which argumentation is taking place. It has an effect on the premises of specific argumentative moves.

In dispute mediation, for example, context-bound premises like “we are friends”, “our business has a good bottom line” or “we want to continue our relationship” are very common in arguments that the parties advance about the opportunity to settle their conflict. The following example, taken from Greco Morasso (2011) and analysed below according to the AMT, shows how these contextual premises are part of the argument itself. Let us introduce the example first. It is a part of a mediation session in the context of a business relation in which a problem is occurred. In this case, as it emerges precisely in the following passage (Example 1), the business partners are friends:

The analysis of this extract according to the AMT is proposed in Figure 2. I shall not go into great detail in the discussion of the AMT now (see Rigotti and Greco Morasso 2009 for a detailed presentation of the model). I shall rather focus on how the context affects the actual argumentation.

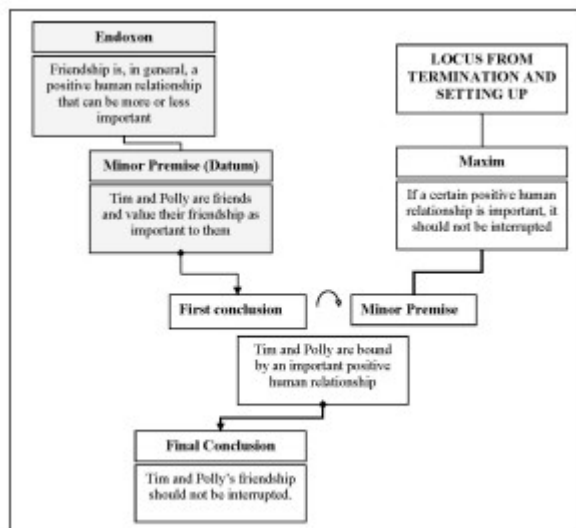


Figure 2: AMT analysis of Example 1

If we look at the premises on the left, represented in the grey textboxes (Endoxon and Datum), their *contextual nature* is quite evident. The endoxon represents a general assumption about the value of friendship, which is largely accepted, but still is cultural in nature (we could imagine cultural contexts in which such an assumption would have less hold). The Datum concerns some factual information about Tim and Polly's friendship: they value their friendship as important, at least to a certain extent, as it emerges from the discussion reported in Example (1). This is something bound to the close actual context of the parties' interpersonal relationship.

Taken together, Endoxon and Datum show how much the context of the parties' institutionalised and interpersonal relationship is relevant to arrive to the conclusion that it is worth solving the conflict. Indirectly, they also prove how much context affects the single argumentations put forward during an argumentative discussion. Knowing the context, thus, is necessary even to reconstruct the inner structure of the arguments advanced during the argumentative discussion. Conversely, distinguishing premises which are drawn from context is a challenge to be met in order to give a full account of how a specific communication context affects actual argumentative moves.

3.3. Being open to interdisciplinarity

In research truly focused on argumentation in context, the reconstruction of the specific features of the considered context calls for interdisciplinary integrations. Interdisciplinarity is required in order to grasp the complexity of the considered context and to arrive to a reliable analytical reconstruction of argumentation. To stick to the example of dispute mediation, in order to reconstruct how this practice is structured, it is wise to rely on the different disciplines that have approached this topic, including conflict resolution and mediation studies (Greco Morasso 2011), and other approaches dealing with conflict (Greco Morasso 2008).

Moreover, even the analysis of single argumentative moves often requires an interdisciplinary attitude. The explicit or implicit premises of contextual nature which emerge as constituents of an argument (see section 3.2) may turn out to be constituted by specialized knowledge (for example scientific knowledge), social representations, values which hold in a given community... In order to be correctly interpreted and to be evaluated against the standard of reasonableness, all these different types of premises challenge analysts of argumentation to acquire a deep understanding of the context they are analysing, possibly including some command of other disciplines beyond argumentation theory.

As a corollary, argumentation scholars could seize the opportunity to produce argumentative analyses whose relevance to the understanding of the different contexts considered can be appreciated by scholars dealing with those contexts from different disciplinary points of view. This type of challenge is important if we want the study of argumentation to become a practice that can have an impact at the level of society.

3.4 Identifying prominent features of argumentation in specific contexts

The fourth challenge which certainly emerged from my analysis of dispute mediation concerns the characterization of argumentation in specific context via the identification of prominent argumentative aspects. As van Eemeren and Houtlosser (2009: 6) remark, although in strategic manoeuvring the three aspects of *topical potential*, *audience demand* and *presentational devices* are connected inextricably, "in argumentative practice the one aspect is often more prominently manifested than another". Some important methodological advice about the study of argumentation in context can be easily drawn from this consideration. This means that, when dealing with actual (necessarily contextual) argumentative practices, we should look for prominent features of the arguers' strategic manoeuvring. Such features will contribute to define the role that argumentation

plays in each specific context.

Considering dispute mediation, a particularly crucial role of the mediator's *topical potential* has emerged in relation to the parties' change in attitude and learning process that bring them to become co-arguers (Greco Morasso 2011). This is particularly evident in two respects.

First, in the choice of the issues that the parties are allowed to debate. Clearly, parties who enter in mediation have already had previous (generally unfruitful) discussion. What could change this situation is the mediator, who may help them focus on productive issues. As previously mentioned (section 3.2), for example, parties are not allowed to complain about their respective faults; they are expected to devote their attention to the options for the resolution of their conflict.

Second, at the level of argument schemes, the *locus from termination and setting up* has emerged as frequently employed in dispute mediation and tightly connected with the parties' decision to solve their conflict by means of mediation. In dispute mediation, the locus from termination and setting up is often applied starting from the premise (*maxim*, see Rigotti 2006) "if something is a value, it should not be terminated/interrupted". The use of arguments based on this premise is often solicited or proposed by the mediator. At a closer look, it appears that such reasoning scheme is determinant in a process like that of mediation, because it is strictly bound to its very nature. In fact, the conflict that parties are experiencing, by its very nature, endangers their relationship - be it interpersonal as a friendship, or more institutionalized, as the collaboration in a business corporation - and makes them fear that something they care for can be compromised or lost forever. In this sense, reflecting on the value of a relationship which risks to be jeopardized can be the key to the resolution of the conflict itself. Of course, the premise "if something is a value, it should not be terminated/interrupted" is an abstract principle that, in order to become effective, needs to be applied to some form of relationship or value that is *actually* worthwhile for the parties. This could be the parties' friendship, their business relation, their common values and aspirations, their children's happiness, and so on. During the mediation process, contextual data about what the parties consider worthwhile normally emerge thanks to the mediator's questioning. These data can then be exploited to construct arguments based on the locus from termination and setting up.

Let us consider a particularly representative example of how the locus from termination and setting up comes into play in mediation. Example (2) is taken from a mediation process between two friends who are the two co-owners of a business corporation with a good bottom line. *The excerpt* reported here is a recommendation that the mediator makes at the end of the first session:

(2)
401 M [...] etc: and all the time I think (.) keeping in mind (.) that (.) one of the things you really want to do is (.) you've got a golden goose here right! (.) and it would be crazy to kill the golden goose!
402 Robert That's what I've tried to tell him
403 M It's laying the golden eggs you've got a [golden goose
404 David [I'm the GOOSE]-
405 Robert -Ah: (.) [you're not
406 M [You've got a good bottom line (.) you'd be CRAZY to kill it! (.) there's got to be a solution! (.) there's got to be a solution! (.) [...]

The excerpt

The mediator not only highlights the value of their business through the image of the golden goose, but he also explicitly says that it would be a pity (literally: it would be *crazy*) to lose such a value due to the parties' conflict (see turns 401 and 406). Such argumentation is clearly based on a *locus from termination and setting up*. The following AMT-based representation (Figure 3) shows that, in this case, the mediator evokes an Endoxon which reminds the parties of the extreme importance of profit in a business context. More, as pointed out explicitly by means of the metaphor of the golden goose, the parties' business is not just reaching its goal but it is even *exceeding* the expectations; this confirms and increases the persuasive force of the whole argumentation.



Figure 3: AMT representation of Example (2)

As said above, the locus from termination and setting up is frequently used by the mediator, or it is suggested to the parties as a possible “reasoning path” towards the resolution of their conflict. In a more general perspective, the discovery of such correlation between mediation and locus from termination and setting up may suggest the hypothesis that given loci may be characteristically associated to each communication context. Identifying characterizing loci, thus, would become an important part of the effort to elicit prominent features of the arguers’ strategic manoeuvring in each context. This hypothesis needs, of course, to be verified by empirical studies in different contexts.

4. Conclusion

In this paper, I have proposed four challenges for the study of argumentation in context; these challenges open as many paths for further research on how argumentative practices are intrinsically bound to the communication contexts in which they occur. The relations between these four challenges may be represented as in Figure 4. Arrows indicate that taking a certain challenge into consideration is a necessary prerequisite for accomplishing another challenge; for example, being open to interdisciplinarity is necessary in order to reconstruct the specific context considered and to fully understand the prominent features of argumentation in the context considered; the two latter challenges are interdependent, and so on.

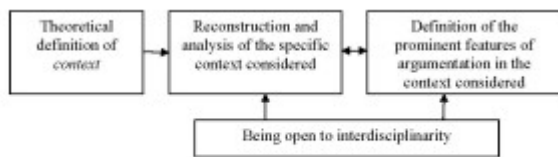


Figure 4: Connections between the four proposed challenges for the study of argumentation in context.

The choice of these specific four challenges is the result of what emerged from my personal research experience on argumentation in the context of dispute mediation. I am aware that the list is not exhaustive and that it should be discussed, amended and further enlarged. This can be only done through the dialogue between theoretical and empirical approaches to argumentation in context and through confrontation with other studies on argumentation in different contexts.

NOTES

[i] Van Eemeren (2010) emphasises the dependence of communicative activity types on specific cultural and institutional circumstances. As examples of communicative activity types, he proposes, for example, the British Prime Minister’s Question Time or the presidential debate in the US. Following Rigotti and Rocci, I propose to further split the notion of activity type by considering that, in a communicative activity type like “business mediation” (as it is understood for example in North America) we still have to distinguish some features that are due to the interaction scheme of mediation, and which would be the same also in family mediation, environmental mediation, and so on; and some institutional features which are due to the interaction field of business and which we would not find in a family, in a school or in another interaction field. I believe that the distinction between *genres of communicative activity* and *communicative activity types* introduced by van Eemeren (2010) elaborates on a more abstract level of categorization and it does not overlap with the specification of the notion of activity type into interaction scheme and interaction field.

[ii] Marcelo Dascal discussed this topic during a PhD course named “From difference of opinion to conflict” held in Lugano on February 15-17, 2010, in the framework of the doctoral program Argupolis.

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ISSA Proceedings 2010 - Emotional Arguments: Ancient And Contemporary Views



1. Introduction

The prodigious development of argumentation theory over the last three decades has raised many issues that challenge some of the long held assumptions that characterize the traditional study of argument. One of these issues is the role of emotion in argument and argument analysis. While rhetoric has, with its emphasis on persuasion, always recognized that emotions play some role determining which arguments we accept and reject, a long tradition sees appeals to emotion as fallacies that violate the standards of rationality and objectivity reason and argument require.

A contemporary interest in natural language argument and the way it operates in different discourses of argument has, in many ways, challenged this view. A more receptive attitude to the emotional elements of argumentation has been encouraged by the study of rhetorical analysis, strategic maneuvering and many forms of argument (e.g., “visual arguments”) that are prevalent in day to day discussion and debate. According to many authors, fallacies associated with emotion (appeals to pity, ad baculum, etc.) are argument schemes which are not necessarily fallacious. Most significantly, Gilbert (2007) and, following him, Carozza (2009) have proposed a radical revision of our account of argument which grants “emotional arguments” a legitimate role in argumentation.

In the present paper, I want to show that the emphasis that Gilbert and Carozza have placed on emotional argument has a precedent in ancient times. In making the case for this thesis, I will argue that ancient thinkers were engaged in a rich discussion of the relationship between argument and emotion. A complete account of ancient views is not possible in a single paper, but I will try to demonstrate that two central principles that characterize this discussion have something to add to the debate that Gilbert and Carozza have very usefully begun. In the long run, reflections on ancient thinkers may help us better understand how to expand or modify our theories of argumentation so that they

more successfully account for the role emotions can and should play in argument.

2. *The "Cognitive Account of Argument"*

In his recent book, *Arguing*, Hample (2005) explores the relationship between arguments and emotions. In trying to explain "the absence of emotions in argumentation theory," he surmises that "the most fundamental problem" may be "that our culture has inherited a persistent and bad idea, namely that rationality and emotionality are opposites. Arguing is identified with reason, which is held to be the opponent and discipline to passion." (pp. 126-127)

The split between reason and emotion Hample criticizes is tied to a view of reasoning, argument and judgment I will call "the cognitive account." It sees reasoning as an attempt to judge truth and establish knowledge in a manner which purposely eschews the emotions and the passions. In enunciating this view one might rightfully point out that there are many circumstances in which the whole point of reasoning is to provide reasoned evidence *rather* than emotion as the basis for belief.

This is especially true in informal contexts that are highly charged with emotion. In judging who is likely to win the world cup of football, for example, the cognitive account implies that the ideal reasoner proceeds by marshalling *evidence* for their conclusions. This evidence will probably consist of information about the earlier performance of players and teams, knowledge of their current condition and circumstances, and so on. In contrast, the poor reasoner is likely to judge the situation in a way that is unduly influenced by their loyalty to a particular side, their sympathy or antipathy toward particular players or home teams, and their hopes and desires about the outcome. In the world of sport, which naturally engages the emotions, the tendency to draw conclusions on the basis of emotional reactions rather than objective evidence is prevalent and pronounced.

In examples like this one, the cognitive account reasonably points out that emotions *interfere* with cogent reasoning. The problem is that this is much less clear in other circumstances. When arguing for a particular social policy or initiative, for example, empathy for others has a legitimate role to play in our considerations. Compassion for those in distress properly supports conclusions about the right way to behave and it is difficult to separate love and affection from attendant moral sensibilities which support some conclusions and mitigate against others. The most important contexts for argumentation include mediation,

deliberation, alternative dispute resolution, bargaining, and judicial review – contexts which are inherently emotional, and probably inevitably so.

It is difficult to see how the cognitive account can properly deal with such cases. When we assess an argument, it suggests that our concern should be a dispassionate judgment whether its premises are true (or likely true) and whether they imply the truth of its conclusion. This leaves no room for accepting or rejecting premises or conclusions on the grounds that they move us emotionally; by generating excitement, fear, anger, hope, happiness, and so on. Instead, the cognitive account suggests that emotions like these distract us from the real business of argumentation, which is the dispassionate assessment of evidence. It is this conviction that lies behind the traditional view that appeals to pity, fear, and emotion are inherently fallacious. Elsewhere it is evident in a common distinction between argument and persuasion which sees the former as the crux of reasoning, the latter as a questionable attempt to use emotional means to instill belief.

3. The “Emotional Mode”

It bears repeating that there are situations in which the cognitive account of argument points the careful reasoner in the right direction. In the course of making and judging arguments we are continually enmeshed in emotionally charged situations in which desires, fears, anxieties, prejudices, hopes, pleasures, etc. may interfere with our ability to judge what is true or false. In such circumstances, the crux of careful thinking may be an effort to distance ourselves from our emotional inclinations: to stand back and judge a situation “objectively.” This is the grain of truth in the cognitive account.

But we have already seen that the cognitive view of argument is also problematic. Even a cursory look at informal reasoning suggests that there are many circumstances in which the idea that we should remove emotion from reasoning is wrong headed. Whatever one makes of philosophical attempts to ground morality on purely rational grounds (attempts that are, at best, controversial), the suggestion that emotions have no proper role in moral, social, political and aesthetic arguments seems peculiar. It seems entirely appropriate to invoke the pity we feel for the victims of an earthquake or tsunami when deciding how we should respond to it. A studied lack of empathy is not a positive trait in thinking, but the characteristic feature of psychopathy, which we recognize as a mental disorder.

Emotions seem to play an essential role in making judgments in all kinds of circumstances: in arguments about a religious way of life, the performance of an opera, a political scandal, personal relationships, and conflicts in and outside the work place. As the cognitive account suggests, there is a danger that they may derail careful thinking and inquiry, but the notion that we should therefore banish emotions from the world of argumentation is a hasty conclusion. Instead, we might distinguish between proper and improper appeals to emotion, and proper and improper uses of argument in emotive contexts, by developing a more nuanced account of “emotional argument.”

In argumentation theory, the most direct call for a theoretical account of emotional argument is found in Gilbert (1997). He expands the traditional view of argumentation by defining four different “modes” of argument. Though he grants the importance of the “linear” mode studied in traditional logic, he proposes an expanded compass for argumentation theory which incorporates three other modes. One of these modes is an “emotional mode” of argument which employs emotion as a reason for a conclusion or invokes them as a way of expressing an argument. In the emotional mode, a lover’s outpouring of emotion may function as a good reason for accepting an entreaty to do what they desire. In such a case, the strength of an argument depends on “such elements as degree of commitment, depth, and the extent of feeling, sincerity and the degree of resistance.” (pp. 83-84)

Building on Gilbert’s theory, Carozza (2009) develops an “Amenable Argumentation Approach” to emotional argument. This approach suggests ways of administering, assessing and analyzing emotional arguments on the basis of personality theory, alternative dispute resolution mechanisms, and the methods of restorative justice. In dealing with disagreements between individuals – situations that frequently produce emotional arguments – an understanding of personality types (understood in terms of Myers Briggs or other personality dimension theories) of the interlocutors is, for example, proposed as a way of understanding the proper response to argument. The theory of argument that results is one that embraces emotional means of communication and recommends, in the analysis of argument, a broader focus on the emotions inherent in the situations and the character of the interlocutors in concrete instances of argument.

In an examination of real examples taken from alternate dispute resolution, Carozza (2009) shows how a satisfactory resolution of the differences of opinion

expressed in opposing arguments requires something more than traditional argument analysis. As she puts it, “the implications of setting out a theory of emotional arguments requires that the motivations, needs, wants, desires, backgrounds, contexts, experiences, and so on of interlocutors involved are considered as well, since emotions are inseparable from these personal and social dynamics which inherently affect argumentation dialogues” (p. 221).

Carozza’s (2009) work is grounded on contemporary philosophical and psychological discussion over such basic emotions as anger, disgust, fear, joy (happiness), sadness and surprise. As she recognizes, one might easily expand this list to include distress, guilt, shame, and other emotional states (p. 133). One might go still further, and include the so-called “social” emotions – sympathy, embarrassment, shame, guilt, pride, jealousy, envy, gratitude, admiration, indignation and contempt (Damascio 2003, p. 43).

This discussion of these categories quickly raises complex questions about the nature of emotions, their relationship to feelings, their status as behavioral tendencies or states of mind, and so on. While these are important questions, they are beyond the scope of the current paper.

In the present context it suffices to say that emotions are affective influences that have a significant, sometimes profound, impact on our decision to accept or reject particular claims: because these claims resonate with our admiration or dislike of a particular person, because they make us feel socially secure, because they make us happy or unhappy, because we find them humorous or clever, and so on. The key point is that this influence lies outside the dispassionate assessment of truth and falsity the cognitive account of argument embraces. It is a commitment to the inherent legitimacy and the consequent analysis of such influence which is the hallmark of the development of a broader theory of the emotional mode of argument.

4. Ancient Sophism and Rhetoric: From Emotions to Arguments

The kinds of examples one finds in Gilbert (2007) and Carozza (2009) suggest that there is no way to understand, unravel and resolve the issues raised by informal arguments without some understanding of the ways in which these arguments are enmeshed in emotion. Insofar as it dismisses such considerations out of hand, this makes the cognitive account of argument inadequate, or at least significantly incomplete. In building an alternative to the cognitive account, Gilbert and

Carozza have begun the construction of a theory that can account for the emotional mode of argument. Here I want to explore the formation of a theory of emotional arguments in a different way, by taking a preliminary look at historical precedents for their commitment to emotions.

In the remainder of this paper, I focus on ancient ideas that show that the notion of emotional arguments has a long history and is not (despite a general antipathy to emotional arguments in modern logic, philosophy and science) a recent phenomenon. In particular, I want to consider the ways in which they manage the tension between the role that emotions play in actual argument and the view of ideal argument propagated by the cognitive account. While the scope of this paper does not allow a detailed excursion into specific instances of the ancient views I discuss, I propose them as theoretical perspectives which are of interest, not only from a historical point of view, but as still relevant attempts to shed light on the theoretical issues raised by the emotional mode of argument.

While it is impossible to fully describe ancient views in a short paper, a useful summary can begin by noting that the ancient discussion most relevant to argumentation theory tends to assume, illustrate, or build upon the principles that (i) emotions influence arguments and/or (ii) arguments influence emotion. Unlike the traditions built around the cognitivist account, the thinkers in question do not see this situation as something to be deplored, denounced or rejected. Rather, they view the implied connections between emotion and argument as an opportunity that should be explored, cultivated and properly seized upon. In doing so, they develop descriptive and normative accounts of the relationship between arguments and emotion.

The most obvious example of this ancient attitude is found in the notion, characteristic of ancient sophism and ancient rhetoric, that an adept arguer uses emotions as a vehicle to promote particular conclusions and in this way harnesses their emotional power in providing reasons for conclusions. Tindale (2010) provides a relevant reading of the sophists' views. Among them, Gorgias (1990) most clearly champions the emotional power of argumentative discourse. He claims that it accomplishes, with the least substance and the most secret means "miraculous works; for it can stop fear and assuage pain and produce joy and make mercy abound," producing "fearful shuddering and tearful pity and sorrowful longing" in its account of other peoples fortunes (sec. 9). Elsewhere he compares words to drugs, "For just as different drugs draw off different humors

from the body, and some put an end to disease and others to life, so too of discourses: some give pain, others delight, others terrify, others rouse the hearers to courage, and yet others by a certain vile persuasion drug and trick the soul.” (sec. 14).

In a variety of famous arguments, Gorgias demonstrates the power of words by showing how they can be used to convincingly argue for the most unlikely conclusions. He defends Helen, proves that nothing exists, and is able to take on any topic (see Kerferd 1981 for a good overview). He obviously rejects the strictures on argument imposed by the cognitive account of argument, his own arguments suggesting that we cannot establish truth and falsity, undermining cognitive criteria for argument evaluation. One might compare Protagoras, who uses a similar commitment to the power of *logos* as the basis for a theory of truth which also undermines the cognitive account, rendering true whatever seems true to the individual, allowing no clear distinction between those claims that appear true for emotional and for cognitive reasons.

While sophism successfully demonstrates the power of emotions within argument, it does not provide a clear way to resolve the tension between cognitive and emotional considerations inherent in particular instances of argument. In ancient rhetoric, Aristotle (1996) provides a more mature resolution of this tension. In pursuit of ‘persuasive speaking,’ the rhetorical tradition he initiates develops detailed means of harnessing emotive power (and the “rhetorical force” of arguments). A recognition that someone who wants to successfully engage an audience must negotiate the emotional as well as the logical territory their arguments occupy is especially clear in the role it assigns to the *pathos* of an argument, a role that requires that the successful speaker skillfully invoke the affections (the *pathe*) of one’s audience. One might locate other elements of emotion in the role that *ethos* plays in persuasive argument.

In making room for emotion, Aristotelian rhetoric devises one compelling way to reconcile the tension between the cognitive account of argument and its endorsement of the principle that emotions influence arguments. It does so by adopting an argumentative ideal that aims to be successful from the perspective of *logos* as well as *pathos*. The ideal argument is an argument that satisfies the criteria for good argument proposed by the cognitive account of argument *and* successfully invokes emotions in a way that speaks to one’s audience (and establishes the *ethos* of the speaker).

Looked at from the point of view of argumentation theory, one might understand the core issue that this raises about emotion in argument as an issue of “premise acceptability.” The latter has, within informal logic, been proposed as a key criterion for judging premises, in part because the uncertain nature of informal arguments makes it difficult or impossible to rely on premises that are clearly and definitively true. The contemporary debate about the emotional mode of argument raises the question whether a further element of acceptability should be “emotional acceptability.”

This suggests a radical change in the way informal logic looks at argument, but one implicit in the rhetorical demand that one construct an argument with premises that are in keeping with the *pathos* of one’s audience. Adopting this perspective, one might see a successful argument as a way of transferring the emotional acceptability inherent in its premises to a conclusion that follows from them. One might compare this “transfer” to the logical function of an argument, which transfers cognitive credibility from premises to conclusions – a comparison which is worth exploring from an empirical and a theoretical point of view.

By endorsing both *logos* and *pathos*, rhetoric allows an intriguing marriage of cognitive and emotive accounts of argument which provides some legitimacy for the emotional aspects of informal arguments. Overall, there is no doubt that this can help us construct a more complete account of effective argument than the cognitive account, but it also raises questions. Can all the emotional aspects of argument be reduced to aspects of the *pathos* of an audience? Are there aspects which cannot be accounted for in the ways that rhetoric suggests? Certainly the analysis of *pathos* one finds in texts in rhetoric must be developed further to fully account for all the factors that play a role in emotional argument. More deeply, one might ask whether the rhetorical marriage of emotive and cognitive demands can always be a happy one. Will there be times when these demands pull in different directions? In such circumstances, how does one choose between them? In trying to understand emotional arguments, it is especially important to determine when emotive considerations should trump cognitive considerations. Mediation situations of the sort Carozza 2009 discusses (see, e.g., pp. 303-315) may provide a case in point.

Ancient rhetoric provides the most obvious ancient source for ideas on the relationship between argument and emotion. These ideas are built upon the recognition that one will be a more effective arguer if one learns how to manage

the emotional elements that arise in argumentative situations. This is an important precedent for the contemporary recognition of the role of emotion in argument, but one cannot appreciate the depth of ancient discussion without turning to other thinkers that turn this approach to the issue on its head. In rhetoric the interest in emotion is founded on the conviction that emotions can be a route to successful argument. In other circumstances, the interest stems from the conviction that arguments can be a route to successful emotions. The most obvious trends in this direction are found in some of the strands that make up ancient moral philosophy.

5. Ancient Moral Philosophy: From Arguments to Emotions

Sophism and rhetoric revel in ways that arguments influence emotion. In this way, they exemplify a commitment to the first of two principles I identified as foundational in ancient discussions of argument and emotion. The second principle is the notion that arguments influence emotion. It is an important principle insofar as it recognizes that the relationship between arguments and emotions pushes in both directions: i.e. that emotions shape arguments and conclusions, and that arguments and conclusions shape emotions. In some contexts of argumentation, this means that the adept arguer uses arguments as an essential mechanism for producing, modifying or eliminating particular emotions.

In ancient rhetoric, this second principle is evident in the attempt to use argument, to instill, not only *beliefs* within audience, but specific emotions that strengthen, secure and embolden these beliefs. Especially in a context in which the aim is to rouse an audience to action, sympathy, anger or patriotic sentiments may be a key means of instigating it. In arguing that war should be waged, the rhetor's aim is, therefore, not a cognitive, dispassionate acceptance of the proposition that war should be waged, but the fostering of patriotism, pride and indignation. Insofar as the aim of the argument is action, the emotions this implies may be the most important element of the argument.

As significant as this aspect of rhetoric is, one finds a much more direct attempt to use arguments to shape emotion in ancient moral philosophy, which frequently champions *logos* as a route to the good life. It does so because it sees argument as a tool that can be used to build the emotional profile essential to "happiness." In contexts such as these, the end of argument is not a simple assent to the truth of some proposition, but an emotional disposition that instills the

emotional perspective essential to a good life.

In ancient times, one classic illustration of this idea is the life of Socrates' follower, Phaedo (whose name became the title of one of Plato's famous dialogues). He was as famous for his life as his "philosophy," their integration demonstrating extent to which it can be difficult to separate ideas and action in ancient moral philosophy. The standard story is that he fell into a dissolute life in a brothel and then met Socrates, who changed his life by introducing him to philosophy. In the aftermath, he established a school at Elis, writing a book called *Zopyrus*, in which he argues that the Socratic logos can overcome even the most rebellious natures and the strongest passions. This is precisely what his own life is supposed to illustrate, the account of it serving as a parable for the moral that argument can change our passions, desires and emotions (Reale 1987, pp. 286-287).

Phaedo's famous treatise, *Zopyrus*, was named after an ancient physiognomist who was said to be able to judge the moral and intellectual character of a person from their physical appearance. In a famous incident *Zopyrus* examined Socrates and found him dull-witted, dissolute, and profligate. While others laughed, Socrates himself is said to have defended *Zopyrus*, saying that these vices were his natural tendencies, but he managed to reverse them by applying *logos* and philosophy.

From Phaedo's and Socrates' point of view, argumentative investigation is the proper way to overcome, eliminate and modify the kinds of emotional states which precipitate the negative tendencies *Zopyrus* claimed to see in Socrates. The Emperor Julian has this connection between argument and emotion in mind when he writes that: "Phaedo maintained that anything could be cured by philosophy, and that in virtue of it, all could detach themselves from all kinds of lives, from all habits, from all passions, and from all things of this kind" (Reale 1987, p. 288).

In ancient moral philosophy, such views are commonplace, especially in Hellenistic philosophy, in which various versions of scepticism, Stoicism and Epicureanism embrace personal contentment as a moral goal. In the pursuit of this goal, argument is an essential ally. It is not too much to say that it is the major weapon Hellenistic philosophers use in shaping their emotions. The most influential ancient text in this context is probably Epictetus' *Enchiridion*, which continues to enjoy a popular following (see Epictetus 2005). It is, quite literally, a

soldier's "manual" which instructs the Stoic recruit on the way to think about their life. The aim is to use argument to inculcate a view of things that will ensure that they are not perturbed by events and circumstances that others find disturbing. The result of all this argument is supposed to include some conclusions, but the real aim is the strength of character and the constancy of spirit that made Stoicism famous.

Philosophies like Stoicism promote radically different values than those that tend to characterize ancient rhetoric, but they share with the rhetorical view of argument a stance that embraces the link between argument and emotion. In both cases, this link is purposely exploited, making argument a tool to use in shaping our emotions. In the present discussion, in a study of the emotional mode of argument, the important point is that such views provide a radically different perspective than the cognitive view, which sees argument as a vehicle to be used in a dispassionate quest for truth.

6. Conclusion (and Forward)

I want to finish this discussion with an example from ancient moral philosophy which can illustrate the extent to which ancient philosophy can be predicated on a commitment to the relationship between argument and emotion. It is found in Hellenistic philosophy, which is notable for its pronounced skeptical tendencies. In keeping with our own tendency to understand argument and philosophy in cognitive terms, we tend to characterize these skeptical trends in terms of their commitment to a set of arguments for the conclusion that claims to truth cannot be justified.

It goes without saying that this is a central component of ancient skepticism, but its goals are much broader, encompassing emotional as well as cognitive conclusions (for an overview of ancient scepticism, see Groarke 1990; Mates 1996; and Inwood & Gerson 2009). Looked at from this point of view, one of the goals - at times the central goal - of scepticism is emotional quietude. This facet of skepticism is most clearly seen in ancient Pyrrhonism. According to our most authoritative source, Sextus Empiricus, it is a method for attaining a peace of mind which is founded on the skeptical ability to oppose arguments for belief that disturb one ("I am dying, which is a terrible thing") with equally forceful arguments to the contrary ("I cannot be sure, I have lived a good life, and everyone should accept death with grace"). This opposition establishes *isosthenia*, the equal force of opposing points of view, which forces one to suspend judgment

on the correctness of the belief that disturbs one's peace of mind. This undermines its emotional effect and produces the tranquillity (*ataraxia*) the skeptic seeks.

Sextus explains the psychology that lies behind this method in the first book of his *Outlines of Pyrrhonism*, where he writes that:

...the man who opines that anything is by nature good or bad is forever disquieted: when he is without the things which he deems good he believes himself to be tormented by things naturally bad and he pursues the things which are, he thinks, good; which when he has obtained he keeps falling into still more perturbations because of his irrational and immoderate elation, and in his dread of a change of fortune he uses every endeavour to avoid losing the things which he deems good. On the other hand, the man who determines nothing as to what is naturally good or bad neither shuns nor pursues anything eagerly; and, in consequence, he is unperturbed." (1933, lines 1.26-29).

I don't give this example as a prelude to a discussion of the details of the Pyrrhonian point of view, but to illustrate how detailed and refined the ancient discussion of argument and emotion can become. In this and other cases it is much more than a general commitment to a relationship between argument and emotion, propounding very detailed strategies that exploit this relationship for specific emotional ends. In this case, opposed arguments become a method for instilling an uncertainty which precipitates a *laissez-faire* emotional state which brings with it the peace of mind the Pyrrhonian seeks. The care (not a lack of care) with which the sceptic calibrates his response to emotional upset is seen in Sextus' explanation "Why the Sceptic Sometimes Purposely Employs Arguments Lacking in Persuasiveness." Sextus answers that he does so on purpose, since they are frequently what is called for in an attempt to balance weak arguments which favour the beliefs that upset us (1933, lines 3.280-281). Here argumentative discourse functions as a refined mechanism for inducing a particular emotional effect.

The Pyrrhonian use of argument is a prime example of the second principle that characterizes ancient accounts of the relationship between argument and emotions, i.e. the principle that argument influences emotion. It goes without saying that there is a great deal more to be said about both principles I have discussed in the context of the issues raised by a renewed interest in the emotional mode of argument. Now that Gilbert and Carozza have raised the

broader issues associated with arguments and emotions, one of the compelling tasks for argumentation theory will be the extension of the discussion they have begun. One fruitful way to do so is by re-engaging with those thinkers in ancient philosophy who move in the same direction.

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ISSA Proceedings 2010 - Dutch Parliamentary Debate As Communicative Activity Type



1. Introduction

The debate in Dutch parliament can be characterized as a rather formal discussion. [i] Techniques of persuasion are only being used moderately. These characteristics of Dutch parliamentary debate originate from the shaping of the modern Dutch parliament during the second half of the 19th century. Historical analyses of the origin and development of modern Dutch parliament and its culture have shown how much their 19th century liberal founding fathers under the leadership of the much respected politician J.R. Thorbecke have aimed at a dialectical ideal while shaping the new parliament (Turpijn 2008, te Velde 2003). In their ideal parliament, the members of the Chamber would attain the 'truth' via worthy, free and rational debate (Turpijn 2008, p. 79). It is with this perspective in mind that the formal and informal rules for the conduct of the debate were shaped, and it has remained basically unchanged to this very day, notwithstanding the great societal and political changes that have taken place since.

At several periods in history this dominant culture with respect to Dutch parliamentary debate has been challenged by some left - or right - winged political parties as a whole or by some individual members of parliament; these parties or individual representatives make a substantial use of persuasive techniques, and in doing so, exasperate many Dutch members of parliament. Nowadays for example, the dominant debate culture in Dutch Parliament is challenged by the *Partij voor de Vrijheid* (PVV, Party for Freedom), a political party on the extreme right that focuses on one issue in its political program: the danger of Islamization of Dutch society. In the elections for Dutch Parliament, held on June 9th 2010, this political party was the big winner: it gained 24 of the

150 parliamentary seats and became The Netherlands' third political party in size. It is generally assumed that this enormous election success is a direct consequence of the way the leader of this party, Mr. Geert Wilders, operates in Dutch parliamentary debates. Mr. Wilders is not only well-known for what he says. He also draws attention with the way in which he puts his message into words. On the one hand he is criticized for using words like 'bonkers', 'insane' or 'completely nuts' to characterize his opponents in parliamentary debates. On the other hand, he is able to formulate his standpoints very clearly, as is for instance indicated by the fact that he won a 'plain language award' in 2007.

So, Mr Wilders' way of debating has aroused questions and meta-political and meta-communicative discussions amongst citizens, journalists, opinion leaders and also members of parliament, on the nature of the debate in the Lower Chamber of Dutch Parliament, and on which contributions to a parliamentary debate are allowable or reasonable in a very broad sense. These two questions are also the central ones in a project of the Dutch political-historian Henk te Velde and myself, that studies the development of the rules in Dutch parliamentary debate since the middle of the 19th century both from an argumentation-theoretical and a political-historical perspective.

The project focuses on the historical development of *conventions* and *norms* for parliamentary debate, including conventions and norms for parliamentary language use. As in the case of many other activities, many of these rules and conventions are implicit and thus not all articulated in the Rules of Order, for example. Besides, these implicit rules and conventions are often highly culturally biased, and have been shaped in a long period of time. This means that one needs to perform an empirical and praxeological analysis of parliamentary debates over the years to find these rules and conventions.

This all is still work in progress, and I will not report about very concrete results of research in this paper, but I will deal with some basic argumentation-theoretical assumptions of the project. More specifically I would like to speculate on one fundamental aspect of this project, namely the characterisation of (Dutch) parliamentary debate as 'communicative activity type', a concept discussed by van Eemeren (2010).**[ii]** I will do so on the basis of a case study.

2. A case study: a sub-discussion in Dutch parliament

In a speech during a debate on 'Islamic activism' in the Dutch Lower Chamber on

6 September 2007, Mr. Wilders incited a ban on the Koran, and argued that what he calls 'the Islamization of the Netherlands' has to be stopped.[iii] The speech caused quite some commotion, especially because Wilders called the then Minister of Integration and member of the Social Democrats, Ella Vogelaar, 'insane', see the excerpt of it under (1).

(1) *Mr. Wilders (PVV)*: Minister Vogelaar babbles that the Netherlands will know a Jewish-Christian-Islamic tradition in the future, and that she wants to help the Islam to strike roots in Dutch society. As for me, she thereby proves that she is going bananas. She thereby proves that she is betraying Dutch culture. She thereby proves that she does not understand that many Dutch do not want the Islamic tradition. I find this terrible, and I now ask her to take back these words. I ask her to oppose Islamization and to take back that the Netherlands will, albeit within some centuries, know an Islamic tradition. If she does not comply with this - which is her right - we will be obliged to vote against her.

The speech is quite representative for the way in which Wilders presents himself in addresses, and for the way in which he operates in a parliamentary debate: with radical standpoints, breaking through political etiquette, and in wordings which can impressionistically be described as 'clear' (van Leeuwen 2009).

After his speech a sub-discussion (or, as others would say: 'a meta-discussion'; see van Eemeren 2010, pp 257-261) was initiated by some fellow-representatives which is illustrative for the uneasiness his way of debating creates in the minds of his fellow-members of parliament. The participants in this sub-discussion are, besides Mr. Wilders: Mr. Slob, member of the *Christen Unie* (CU, the Christian Union), a small, more progressive Christian party; Mr. van der Staaij, member of the *Staatkundig Gereformeerde Partij* (SGP, the Calvinist Party), a small conservative Christian party, and of Mr. de Wit, member of the *Socialistische Partij* (SP, the Socialist Party), a left wing party. This sub-discussion runs as follows:

(2) *Mr. Slob (CU)*: You are talking about values and norms. You want to lead a debate and start off in a sharp way. You certainly have the right to do this. It is our duty as representatives to do so, but when we do it, we are supposed to show respect for others. We should always seek for goodness and peace in society, as well as in our mutual relationships. It is in this respect that I consider it very inappropriate to contest the cognitive capacities of the minister, instead of discussing the contents with her. This applies to everything you say to Islamic

people. You do sometimes point out questionable issues. You may do so, but we are always bound to keep Dutch society together in all its diversity. We ought to seek the good things for society. These constitute what I consider values and norms. This is what I want you to account for. The way in which you operate, in which you relate to colleagues (...) and direct society, only results in division. This is overshooting the goal.

(3) *Mr. Wilders (PVV)*: I do not divide. I simply say the truth. If I (...) believe that, because of the contents of a proposal, the minister has gone bananas, I shall just say it. Division has nothing to do with it. If only more people would say what bothers them. If only more people would say that they are fed up with the cabinet looking in another direction when problems arise with Muslims and Islam. If only more people would say that the borders have to be shut finally because the immigration policy since the sixties is responsible for the fact that the Netherlands do not remain the Netherlands. More people should say that!

(4) *Mr. van der Staaij (SGP)*: I have heard you make positive comments about the Jewish-Christian tradition. That is a good thing, but according to the Jewish-Christian tradition, in whatever interpretation, it is obvious that one should never, never qualify a minister as 'gone bananas', and certainly not in a parliamentary debate. Would you go back to the norms of decency of the Jewish-Christian tradition and take back that qualification?

(5) *Mr. Wilders (PVV)*: Whether tradition or not, the minister has, in my view, by mentioning a future Christian, Jewish and Islamic tradition, gone bananas. I am not going to take that back, I am going to repeat it.

(6) *Speaker*: You have made that point. (...) You maintain that word. We have heard it several times now. You have heard the reactions of the colleagues, and I propose that you do not use this word further.

(7) *Mr. Wilders (PVV)*: When I am being asked, I name it, it is as simple as that.

(8) *Speaker*: You have done so a number of times now.

(9) *Mr. de Wit (SP)*: What does mister Wilders think that the effect of his speech will be in society? Like me, he is preoccupied by the oppositions which affect ordinary neighbourhoods and areas, which we are all dealing with. What is the effect of his speech and the qualifications with which he addresses Islam?

(10) *Mr. Wilders (PVV)*: I hope that I express the opinion here, and in fact I am quite sure of it, of very many Dutch, who feel that we have had enough Islam in the Netherlands, who feel that we have enough problems with Islam in the Netherlands, who feel that we should not brush these problems aside, and that one is nearly being called a racist, when one dares to comment on this. Mister de

Wit, these people are not racists, they are decent, fine people that find it a problem to be beaten up on the streets, who find it a problem that their country is not their country anymore, that their neighbourhood is not their neighbourhood anymore, that their street is not their street anymore. I am proud to express this view and the anger of these people here.

(11) *Mr. de Wit (SP)*: I recognize the problem that you sketch, I have said so earlier, but what concerns me is the effect of your speech and of the qualifications that you give of Islam and all the people who are believers of this religion. You do make a difference between moderate and not-moderate, but your story seems to show that this is a very difficult problem. You have hurt these people in the deepest of their heart. Do you think that the problems in these neighbourhoods, which I do recognize – again – will be solved in any way or even partially, by your speech or your qualifications? It will lead to a sharpening of the oppositions, causing people to radicalize even more, under the influence of your words.

(12) *Mr. Wilders (PVV)*: The purpose is that people are going to think and that Muslims as well are going to think: ‘Damn, what is it with the Koran?’. Does that make sense? What is in it? What is being said in it? How do we deal with it? It would definitely help if you and others would support my proposal to ban the Koran and would assert that horrible things are said in it. I am quite sure that mister De Wit finds these things awful as well. So these things should not be open to discussion as the word of God and as a possible incentive to action, calling for murder, instigating to hatred. If one fights against these things, and is doing its best for them, this can only have a very positive effect. If this weren’t the case, then it shows once more to what extent people there are wrong.

(13) *Mr. de Wit (SP)*: You know that you are also dealing with a large group of people that are turning to radicalism and who will be incited by this type of speeches to follow a wrong course. That should make you reflect on the tone which you use in debate and on the way in which you qualify everybody.

(14) *Mr. Wilders (PVV)*: Madam Speaker, I do have a fantastic tone, so I will do nothing to alter it.

The extended pragma-dialectical argumentation theory – the framework that is adopted here – assumes that people engaged in argumentative discourse are maneuvering strategically. ‘Strategic Maneuvering’ refers to the efforts arguers make in argumentative discourse to reconcile rhetorical effectiveness with the maintenance of dialectical standards of reasonableness. In order not to let one objective prevail over the other, the parties try to strike a balance between them

at every stage of resolving their differences of opinion. Strategic maneuvering manifests itself in argumentative discourse (a) in the choices that are made from the topical potential available at a certain stage in the discourse, (b) in audience directed framing of argumentative moves and (c) in the purposive use of presentational devices. Although these three aspects of strategic maneuvering can be distinguished analytically, in actual argumentative practice they will usually be hard to disentangle (van Eemeren 2010, pp. 93-127).

From the quotations of Mr. Wilders it becomes clear that he makes uses of strategies such as, (a) putting pressure on the other party by threatening with sanctions, (b) a direct personal attack, (c) referring to the opinion of the majority of the Dutch people, (d) polarising the difference of opinion, etc. **[iv]** In doing so he makes uses of many rhetorical techniques. In his wording he often uses concrete nouns and verbs which have a strong connotation, often accompanied by intensifiers, adjectives and adverbs which denote an endpoint on a semantic scale; they leave nothing to the imagination. Another characteristic of Mr. Wilders' speech is that he makes uses of a lot of rhetorical figures of speech: all kinds of parallelisms and figures of repetition give his speech a clear structure. Furthermore Mr. Wilders makes uses of clear imagery to present his ideas (van Leeuwen 2009).

The way in which Mr. Slob, Mr. van der Staaij and Mr. de Wit react to the statements of Mr Wilders, makes clear that they consider his way of strategic maneuvering at odds with the norms and conventions which hold for Dutch parliamentary debate in general. Their critique seems to address a lot of the choices which Mr Wilders makes from the topical potential, his audience-directed framing of argumentative moves, but most of all his purposive use of presentational devices. According to them the strategic maneuvers of Mr. Wilders are not allowable and are thus fallacious. But then one could ask: what norms and conventions are violated in this specific context of a Dutch parliamentary debate?

3. Dutch parliamentary debate as communicative activity type

As van Eemeren (2010) points out, in practice, argumentative discourse takes place in different kinds of *communicative activity types* which are to a greater or lesser degree institutionalized, so that certain practices have become conventionalized. The concept 'communicative activity type' is intended to contribute to a better grasp of argumentative reality in the analysis of argumentative discourse. In the various communicative activity types that can be

distinguished in argumentative practice, the conventional preconditions for argumentative discourse differ to some extent, and these differences have an effect on the strategic maneuvering that is allowed.

So, in order to answer the question *Which strategic maneuvers are allowable in a debate in Dutch parliament?* it is necessary to find out what the characteristics of this specific communicative activity type are. To do that, we will first have to discover what the specific institutional goal or goals of a parliamentary debate are. This specific institutional goal affects the pursuit of both dialectical and rhetorical aims for the participants in an activity type by posing constraints and providing opportunities for them to win the discussion while maintaining certain standards of reasonableness (see Mohammed 2008).

Crucial to the characterization of (Dutch) parliamentary debate as communicative activity type, is the concept of *representative or indirect democracy*, a form of government in which the population chooses representatives to execute political ideas. The aim of indirect democracy is to achieve compromises between several civil groups with opposed interests. In this system, the majority will be able to impose its views, but not without taking good care of the interests of minorities. It is generally assumed in political theory that (free) representation consists of two layers: one of them being the individual responsibility or autonomy, the other the formulation of problems which exist in society. In this sense a parliament of representatives can be characterized in one way as an organisation with rules and rituals which enable its members to formulate civil questions in a way acceptable to the public, and in another way as a public discussion arena which opens possibilities to engage the public so as to bridge the gap with the voters (Te Velde 2003, p. 18). This entails that a representative should keep a balance between on the one hand her or his independence (albeit not isolation), and on the other hand her or his focus on the public (albeit not surrender to the public) (te Velde 2003, p. 28). This duality inherent in representation affects the institutional goals of parliamentary debate in a representative democracy: such a debate does not only aim at reaching decisions independently according to the prevailing rules and procedures, an aim that is connected with the autonomous position of the representative, but it also aims at giving an account to the public, at legitimizing politics and formulating the civil or societal problems which deserve political priority, the goals which are linked to the representative's relation to public or voters (te Velde 2003, pp. 26-27), see (15).

(15) *Institutional goals of (Dutch) parliamentary debate:*

(a) reaching decisions according to the prevailing rules and procedures (*the goal which is connected to the autonomous position of the representative*);

(b) accounting to the public, legitimizing politics, formulating and selecting civil problems which deserve political priority (*the goals which are connected to the representative's relation with society or voters*).

Following the sociological analysis of the political field by the French sociologist Bourdieu (1991), one could say that a representative plays a 'double game': the representative is simultaneously playing a game in the political field of the parliament, against the government or her or his fellow-representatives, and a game in the social field in which she or he represents her or his electorate. In a very interesting paper on 'Legitimation and Strategic Maneuvering in the Political Field' Ietcu-Fairclough relates the theory of Bourdieu to the theory about strategic maneuvering. According to her there is a 'homology' between the two games of Bourdieu, in the sense that a successful move in one game is also a successful move in the other game (Ietcu-Fairclough 2008, p. 411).

Putting this line of reasoning a bit further, one could argue that the dualistic institutional goal of parliamentary debate in a representative democracy and the ensuing role and task of representatives entails that they will always and simultaneously have to deal with two audiences: the parliament, of which they are part themselves, as well as the society which they represent. This means that in the strategic design of their argumentative moves - that is: in their choice from the topical potential, in their audience-directed framing of argumentative moves, and in their purposive use of presentational devices - members of parliament have to deal with the specific rules for the debate in the Lower Chamber but also with their responsibility for society.

This entails that a participant of a parliamentary debate has to maneuver strategically in a more complex way than a participant of most other communicative activity types; she or he should not only make efforts to reconcile aiming for rhetorical effectiveness while maintaining dialectical standards of reasonableness, but she or he should also perform this, given the complexity of the public, while sharply observing her or his own double task and role, the latter being perceived as a specific constraint within this communicative activity type. In principle then, representatives can thus lose their balance in a debate contribution in two possible ways: they can disturb the balance between the

dialectical standards of reasonableness and the rhetorical effectiveness, as well as the balance between their independence and their public focus. This entails that a parliamentary debate contribution can derail in a more complex way than a contribution to another kind of activity type.**[v]**

The sub-discussion between Mr. Wilders and his fellow-representatives discussed above shows that they are well aware of the dual institutional goals of parliamentary debate described under (15) and of the constraints on parliamentary argumentative discourse that are associated with them. The core of the reproach seems to be that Mr Wilders' strategic maneuvers in parliamentary debates in general have negative consequences for society as a whole. In this line of reasoning, stating that minister Vogelaar is going bananas for example is not only a personal attack on an opponent in a specific speech event but also an attack on the wellbeing of society as a whole. According to his fellow-representatives Mr. Wilders endangers by his language use the goal of parliament to arrive at socially acceptable solutions. So according to his fellow-representatives Mr. Wilders' contributions to the debate are not allowable because they endanger both objectives of a parliamentary debate and violate constraints which are associated with them.

But it is also clear from the case study that Mr. Wilders and his fellow-representatives have a difference of opinion about how the two games should be played. According to the dominant norms, a moderate discussion in parliament is also the best for society, whereas Mr. Wilders seeks polarisation both in parliament and society. In this sense Mr. Wilders seems to challenge the norms and conventions for Dutch parliamentary debate of the majority of the representatives.**[vi]** For this majority however it is more or less impossible to sanction Mr. Wilders for violating these norms. Because of a representative's relation with his voters and his obligations to them it is very difficult to forbid him to choose his own topics, his ways of audience adaption and his words within a parliamentary debate. The detached way in which the speaker reacts to Mr. Wilders argumentative strategies, illustrates this.

4. Conclusion

In this paper, I have tried - on the basis of a case study - to characterize Dutch parliamentary debate as a specific type of communicative activity by pointing out its double institutional goals: such a debate does not only aim at reaching decisions independently according to the prevailing rules and procedures, an aim

that is connected to the autonomous position of the representative, but also aims at giving an account to the public, at legitimizing politics and formulating which civil or societal problems deserve political priority, the goals which are linked to the representative's relation to public or voters.

This entails that a participant of a parliamentary debate has to maneuver strategically in a more complex way than a participant of most other communicative activity types: representatives in a parliamentary debate should ideally not only make efforts to reconcile aiming for rhetorical effectiveness while maintaining dialectical standards of reasonableness, but they should also perform this, given the complexity of their public, while sharply observing their own double task and role. Further research has to prove whether this is a fruitful approach for analyzing Dutch parliamentary debates.

NOTES

[i] I would like to thank Henrike Jansen and an anonymous reviewer for their valuable comments on an earlier version of this paper.

[ii] In this paper, I restrict myself to Dutch parliamentary debate, but I do not want claim that the tradition and the conventions and norms of Dutch parliamentary debate are unique. There are of course a lot of similarities between Dutch parliamentary debate and parliamentary debates in other countries. But there are also differences which can be observed, also from an historical perspective. Generally, Dutch parliaments had little regard for attempts to impress the members by emotional or grandiloquent language. Many of the orators who were held in high esteem in Great Britain or France would not have made much of an impression in the Dutch Lower Chamber. There, what counted was the force of legal arguments and authority based on restrained superiority. (See: Te Velde 2010, pp. 97-121). The comparison between parliamentary debate in the Netherlands and those in other countries from the perspective of the theory on communicative activity types is a very interesting topic of research, but is not dealt with in this paper.

[iii] The excerpts (1) - (14) are taken from this debate; see: TK 93-5268 (translation TvH).

[iv] In the Pragma-Dialectical Argumentation Theory, these (and other) discussion strategies are analyzed as *potentially* fallacious, see Van Eemeren and Grootendorst 1992, pp. 107-217. It depends on several micro- and macro-contextual determinants whether a discussion strategy derails and becomes

fallacious, and to what extent it does. In this paper I circumscribe the discussion strategies instead of referring to them by their 'classical' names like *ad baculum* (strategy (a)), *ad hominem* (strategy (b)) or *ad populum* (strategy (c)), because these names are often solely associated with the fallacious variants of these discussion strategies.

[v] An anonymous reviewer of this paper has remarked aptly that in many other communicative activity types a speaker could pursue two or more goals and address two or more audiences at a time and hence accordingly has to shape her or his strategic maneuverings in a rather complex way. The point I want to make in this paper is that a representative who is engaged in a (Dutch) parliamentary debate not only *could* but also *should* do this, because the institutionalized communicative activity type demands it. There are perhaps other institutionalized communicative activity types which demand the same. Judicial debates in courtroom could be an example. As the reviewer notes, in this communicative activity type the aim of decision-making in the special case at stake under the specific norms and rules applying is often concomitant to broader goals of social accountability and the setting and developing of social norms.

[vi] An anonymous reviewer of this paper has observed correctly that there are differences in the *types* of argumentation of the opponents of Mr. Wilders involved in the sub-discussion. The Christian Union representative mainly argues based on social harmony, on "keeping society together" and on seeking the "good things", the Calvinist representative uses arguments which are based on the Jewish-Christian tradition as well as on decency, whereas the Socialist representative entirely focuses on the "effect" of Mr. Wilders's speech "in society", on the dangers of exasperation and radicalization. These very different argumentation types very clearly reflect the different basic political or ideological standpoints of the debaters, as one would expect. It is an interesting topic for further research how these standpoints relate to the (historical development of) norm and conventions of Dutch parliamentary debate.

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ISSA Proceedings 2010 - The World Schools Debate Championship And Intercultural Argumentation



"It's only in debates you can express yourself. It's only in debates you can tell somebody something and the person does not think you are arguing, so it gives you that freedom of speech." - Mayambala, from Uganda.

Although money is pouring in for international debate training and tournaments, little attention has been paid to the student participants. Even less attention is paid to the students who do not win. This study asked twelve student debaters

from Uganda, Mongolia, Estonia, Russia, and Malaysia, countries that are not usually in the final rounds of this tournament, to reflect upon their participation at the 2010 World School Debate Championship (WSDC) in Doha, Qatar. This investigation addresses the argumentation formats, skills, and linguistic shifts employed by English-language learners. I am interested in students' motivation to participate in an international tournament where their chances of winning are exceptionally slim.

This essay argues that international debating events explicitly encourage students from non-native English speaking nations to make their arguments utilizing examples and research exclusively from the West. Further, due to their focus on international competition over domestic debates, students emerge from their training with skills to debate on the international circuit but with diminished experience or expertise for debating within their home nations. Yet, despite these downfalls, students are eager to participate in these debates, facing a plethora of competitors and expressing opinions not commonly voiced in their native countries.

This is not the first study to address students' motivations to participate in debate. Indeed, in the United States there is a wealth of discourse about national debate formats, student participation, approach to topics, and the effect of those debates on their future lives. Yet, even the most in-depth studies such as Gary Fine's *Gifted Tongues: High School Debate and Adolescent Culture*, Joe Miller's *Cross-X*, and Robert Littlefield's "High School Student Perceptions of the Efficacy of Debate Participation" investigate only American debate culture. There are also non-U.S. studies, such as Narahiko Inoue's dissertation "Ways of Debating in Japan", Takeshi Suzuki's "Bakhtin's Theory of Argumentative Performance: Critical Thinking Education in Japan", and Frans van Eemeren and Rob Grootendorst's "Teaching Argumentation Analysis and Critical Thinking in the Netherlands". While these studies investigate a diversity of debate styles, each does so only within one nation.

The entire November 2009 issue of *Argumentation* focused on comparative studies of debate, yet those only focused on schools from England and Scandinavia. Those articles, just like Van Eemeren and de Glopper's 1995 article, focused on cross-cultural textual analysis of student class work. These studies, while important to understanding the status of argumentation, leave little space for student voices.

I have not been able to find any previous analysis of international participation in debate tournaments by students. My study addresses this perceived gap in two ways. First, it addresses student debaters from a diversity of countries who are typically excluded from educational argumentation and debate analysis. Second, instead of basing my analysis on written texts or survey forms, I have engaged each of the students in oral history interviews that encourage them to narrate their individual histories of participation in debate.

This essay makes three arguments. First, the topic selections and research expectations at the WSDC are biased against non-western debaters, but the same non-western students often appreciate the WSDC debate format over their own local formats. Second, non-western students perceive a lack of understanding of their own nation among competitors and find themselves acting as cultural ambassadors. Finally, despite the fact that they are unlikely to win the tournament, students from non-western states appreciate the chance to participate in the cultural exchange created by the WSDC. A brief description of this study's methodology and the WSDC will be presented to foreground a three part of the debater's narratives: team and debate format, debating, and competitive success.

1. Methodology

All oral history interviews for this project were conducted at the 2010 WSDC championship held in Doha, Qatar from February 9 to 19. The tournament was attended by 57 nations and approximately 450 participants. It would have required an army of oral historians to record the stories of every participant at the tournament. This however, was not my intention. I was interested in the stories of student debaters from developing nations who do not have a strong chance of reaching the elimination rounds, let alone winning the tournament. This essay should not be read as a representative sample of the entire tournament.

I obtained permission from both the WSDC Board of Directors and the Qatar Foundation to conduct interviews at the tournament. However, because of the difficulty in contacting team coaches before the tournament, the WSDC suggested that I wait until arrival in Qatar on February 9, 2010 to begin meeting with coaches and selecting students to participate in oral history interviews. The only exception was the Mongolian Team, for which I am the coach and was able to arrange permissions before the tournament began. Upon arrival in Qatar I met with coaches and provided them with a packet of information concerning my

project that included example release forms, a written introduction to oral history, an explanation of the open-ended questioning format that I would use in the interviews, and a sheet of example topics for the interviews. Initially I contacted twenty teams. However, as the parameters of my project required that students be of the age of majority in their home country and accompanied by a coach or team manager during the interview, I found that I would not be able to interview teams from nations such as Nepal, Somalia, the Sudan, and Japan. Despite this restriction, I was able to interview students representing Mongolia, Uganda, Russia, Estonia, and Malaysia.

The interviews were undoubtedly impacted by the presence of the student's coach, yet the students and I felt more comfortable having a familiar adult attending the interview. The interviews were digitally recorded, transcribed, emailed to the students. Limited editing was done to remove "ums" and "likes" from the student's narrations, but the words, grammar, and ideas are entirely their own.

2. History of the WSDC

The World Schools Debate Championship began in 1988 with teams from Australia, Canada, England, Hong Kong, New Zealand, and the United States. It is important to note that these were all native English-speaking teams from British Colonies that shared cultural similarities. Since then the tournament has expanded to fifty-seven countries from six continents, pressing the tournament to adapt to English language learners and a plethora of cultural norms. All debates are in English using the "world schools" debate style that places two teams of three members against each other in a structured format that contains three constructive speeches and a reply speech. Students are able to give points of information, known as POI's, during the constructive speeches. The debate is judged by a panel of three adjudicators from a diversity of nations and trained by the tournament.

The WSDC is attended by teams of 5 students who debate eight preliminary rounds, each on a different topic. Four of the topics are announced a month before the tournament, giving students time to prepare, while the others are announced only one hour before the debate. Because the students are not informed which side they will be assigned to for the preliminary rounds, they must prepare for both the proposition and opposition sides of each topic. This training for multiple angles of an argument, regardless of a student's personal

opinion is designed to “serve as a bulwark against fundamentalism of all stripes”(English et al. 2007, p. 224). As such, the topics are designed to encourage students to deal with issues on politics, economics, culture, and the environment.

The 2010 topics ranged from “This house supports military intervention in Somalia” to “This house would legalize the use of performance enhancing drugs”. Students are expected to research the topics before the tournament and to support their arguments with a variety of examples derived from mass-media publications, government reports, and legal studies. The topics for this tournament are hard- hitting and preformed before a local audience of students and community members. This is a political event, from the selection of a national team, to speeches on the public stage. Politicization is inherent to debate, as Gordon Mitchell states “Debate has always been a political activity, and no amount of academic insulation will ever be able to shield it completely from the political currents that swirl outside the august halls of contest round competition” (Mitchell, 1998, p.12). Indeed, the tournament does not try to shield the students from political topics, but rather provides a public forum for them to work through the complexities of political argumentation before a panel of judges who have been trained in international debate pedagogy.

3. Team and Debate Format

Student debaters at the WSDC have been trained in their home countries in a variety of debate formats, each having different standards for speech length, evidence, and questioning. In my experience as coach of the Mongolian team, debaters are often frustrated that their best arguments are misunderstood or misrepresented by their opponents. Sometimes this misrepresentation is strategic, but often it is symptomatic of a clash between debate styles. While the WSDC claims to use a unique format, the format closely resembles the British Parliamentary Debates and students trained in Karl Popper or national formats have difficulties adjusting.

Although all students interviewed for this study were accustomed to debating on local issues, each student was trained in a different format of debate Their records at the tournament indicate a higher win ratio on topics that could be localized to their communities, such as “we should require physical education in all schools” than on specific topics such as “we should support military intervention in Somalia”. Mayambala (Uganda) and Aruka (Mongolia) both

discussed the difficulty they had preparing for debates on western topics such as “terrorist suspects should have the right to a trial in civilian courts.” Yet, not all teams faced these difficulties. To best understand how the students navigate the space between their home debate styles and the WSDC style, I will address them by nation and then indicate instances where their narratives coalesce.

While in their native country, the Estonian team primarily debates about local topics in a way that Paul says makes it “easier to talk about these things locally and because we encourage people to participate and jump in.” When comparing English debate to that in Estonian he said: “In Estonian it is harder, or at least it is easier for me to express my ideas in English and talk about public discourse. Whereas in Estonian I don’t even know what public discourse would mean. So the terms that you use normally in English are just not comparable in Estonian.” His teammate Karmen agreed: “Many of the ideals that you study in English for example everything philosophical you read about them in English so it is easier to transmit them to others in English.” As such, the Estonian team was well prepared to use English language resources in their research, and their preference for local topics may be seen as just that, a preference based on fare comparison.

While Paul and Karmen had experience debating in the World Schools Format, the majority of the teams expressed a lack of preparation for debate and a lack of cohesion concerning the research training within their own nations. For example, Liz (Uganda) described her early training in what she labeled the “Ugandan Format. It is between schools and we each have six to seven speakers on a side and you have first speakers and then Points of Information come from the audience and the speakers use their time to answer all of the questions. And then there are all these other points...it just looks like a big painting.” Comparing the formats that they use at home to the WSDC, Liz’s teammate Mayambala indicated that he likes the WSDC format better than both the domestic Ugandan formats and the Karl Popper format because it allows the speaker to revise and perfect their arguments as the debate progresses. The existence of POIs is critical to this difference. He said: “though Karl Popper is good, I think that World Schools is a better format. Because in World Schools you choose when to take POI’s and so you can even get a chance to correct the mistakes you made as you are speaking. When a POI comes you can even build your case immediately. But in Karl Popper it’s like someone has put you in a dock in a courtroom and is really beating you,

asking you questions and you must answer them. If you explain they say ‘no, I want yes or no [answer]’. This capability to revise arguments became critical when the Ugandan team debated Australia and was tested on knowledge that they were not prepared for. The capability to ask questions during the debate allowed them to find the answers they needed to prepare better speeches.

Beyond the format changes, the Ugandan team also remarked on the novelty of the international topics at the WSDC tournament. Liz said at home “we don’t really base the topics on terrorism; it’s more like topics that affect the schools. Like if single sex schools should be abolished because the government is thinking about abolishing them”. The immediacy of these local topics is similar to that of the Estonian team’s and works well in a national context because it draws students into the decision making process of their own school.

The Mongolian team was not capable of making such comparisons between their native debate styles and the WSDC’s because they were all new to debate. The debaters began training in October 2009. Mongolian-language debate tournaments do exist in Mongolia, but these students attend a private school that does not participate in the requisite organizations that would allow them to gain access to those trainings. As such, the students were on their own to prepare and they designed a public debate tour that would both give them training and raise money for their flights to the WSDC. The student’s favorite debate was on a Mongolian uranium mining law. Namu reflected on it: “It was cool... we said that we should not dig out the uranium of Mongolia in front of a huge audience and we just talked for an hour or longer.” Granted, a topic specific to Mongolia would not work well during an international tournament. Yet, the Mongolian team’s preference is indicative of the student’s experiences and knowledge. They are not opposed to debating fine tuned policy debate topics. Their preference is similar to Elizabeth’s (Uganda) to focus on topics and ideas that relate to their lives and their nations.

4. Debating

When they discussed their preparations for the WSDC, the Estonian, Ugandan, and Mongolian teams focused on the Somalia topic (The other topics included “that every country should have the right to possess nuclear weapons”, “doctors should report evidence of marital abuse to the police,” and “terrorist suspects should have the right to a trial in civilian courts”.) Paul (Estonia) said “I found it interesting to look at what the situation is there and if intervention would actually

be a good idea in real life as well as in the debate world, which is kind of different.” The capability to look at both the debate world and the real world policymaking indicates a heightened level of research and analysis. Paul and Karmen were not simply looking for any evidence they could find, but systematically sifting through documents to put together a complex strategy for their debate rounds. While they were most at home discussing European examples, they indicated that they had used advanced search engines such as Lexis/Nexis to acquire their information on international subjects.

Mayambala’s (Uganda) narration was quite different. He was switching not only formats but also from continental to international examples. “During the training we’d use [examples] from Africa. But from the training we learned that actually those examples may work, but it’s better when you use examples from different places. And I think it’s a good idea because it opens you to research and getting information.” And yet, when I asked him where that research was coming from both Mayambala and Liz indicated that they primarily used Google to search for evidence. They just made sure that they included non-African examples in the search.

The Mongolian team expressed greater difficulty preparing for the debate, both because of their research skills and their opponents’ unfamiliarity with Eurasian geography. Aruka discussed his approach to research as “For example, on the topic about Somalia. I would not know exactly when the BBC would know something about Somalia, so I would have to watch all of the BBC, and I became interested in the news and what was happening.”

It is frustrating when your team uses television as their primary research tool. Yet, my attempts to secure access to Internet search engines for the Mongolian team proves an interesting lens into international debate preparation. These students lag behind not because they do not have access to the Internet, but because they do not have the tools to properly use that access to acquire research for their debates. In the case of Mongolia, an access account to Lexis/Nexis only provided more confusion and frustration. The most successful option was for me to arrive in Qatar, days before the tournament with suitcase full of printouts to help the students prepare for their debates. This method allowed the team to appear prepared, and indeed they did learn from the articles that I selected, but they also missed out the research portion, a critical element of debate training.

On a cursory level, the difference made by this lack of skills is clear. When the topic is international and announced weeks in advance so as to allow for research, the Mongolian team is likely to lose the debate round. When the topic was impromptu, with only an hour and an almanac or one volume encyclopedia to prepare, Mongolia has a good chance of winning. The same pattern repeats itself with other non-western teams. They have a much greater chance of winning if their research skills are not a deciding factor in the debate round.

Yet, this analysis is one done by a coach, after the tournament has finished and the team's record can be compared to previous tournaments. I wanted to learn if the students perceived the difference between topics, or their research skills. When the students narrated their experience against a diversity of teams they focused on the opponent's knowledge of their nation and culture. The Mongolian team was frustrated by the lack of geographic knowledge among their competitors. "A lot of teams did not know where Mongolia was, and they were surprised we are between Russia and China... They are really surprised there are kids that can speak English like this. They expect if they have never heard of a country that it will be very rural and not developed country." This lack of knowledge about Mongolia prevented the team from using Mongolian-centric examples, yet, it also indicates the extra level of work that the team had to do to become recognized and viewed as full participants at the tournament.

The Malaysian team faced a completely different problem. I sat with the team through several elimination rounds, including one on paying retributions to those who have been harmed in the past. The team was obviously rigid as Malaysia's race problems became the focus of the debate. Although they agreed "it's in Wikipedia, so we cannot deny that Malaysia has some racism problems", the debaters were concerned that an example from Malaysia had taken over the entire debate. Ahamad, the oldest Malaysian debater felt that the debaters could have done better, and not used Malaysia "as the only example, of this problem because then the students from other places will think we are the problem, but they are problems in their own countries too". Ahamad's reflections are interesting because he found it acceptable for his own team to use Malaysia as an example in the debates, but wanted to make sure that other teams did not use his country as the mainstay of their arguments.

The diversity of problems experienced by my narrators, ranging from other teams' lack of geographical knowledge to their highlighting embarrassing national

problems, put the narrators in a unique space as both cultural ambassadors and competitors. To be accepted by the judges and win rounds the students were pressed to use more western examples. After a round between Mongolia and Nepal on “performance enhancing drugs” one judge remarked “we thought it was a debate that we would have expected teenagers to know quite a lot about... it is true with American football and cycling and all kinds of things that drugs is a significant issue”. Neither Nepal nor Mongolia are known fans of American football, and cycling in either of those nations would get you killed either by altitude or traffic. And yet, this is the standard set for the students by their judges. Competitors for the WSDC are encouraged to watch past rounds of debate, a practice that only entrenches the expectation that students will be familiar and conversant with topics of particular importance to Western Europe and North America.

5. Competitive Success

I presented a version of this paper focusing only on the Mongolian team at the 2010 Mongolian Society Annual Meeting, and the most frequent question I received was, if you know these students have no chance of winning the competition why would you go through the financial expense and heartache of sending them to an international competition? Indeed, these students are champion debaters in their home nations. Ahmad’s school has won the Malaysian Prime Minister’s Cup ten times. Paul and Karmen were selected to represent Estonia through a rigorous elimination process; and yet, on the international circuit they are not winning debates. Even still, the students were not lamenting their losses or planning to boycott the tournament in future years.

Several advantages to this type of diverse competition have been identified by argumentation scholars. As Steve Llano writes “since audiences can be vastly different, with polarities one has never thought of, debate training encourages increased respect for other people as more than targets. They are sources of inspiration and information. They help one overcome difficulties in phrasing and developing arguments” (Llano, 2010). The students in this study did experience quite a bit of difficulty phrasing and expressing their arguments in a way that their opponents and judges would understand. And yet, even though we know that the students might not win, and that the judges might be exceptionally biased, it is imperative that they continue to represent their nations and communities in the continual development of public debate.

These students gain from both the participation and the wins. Aruka (Mongolia) was proud of the improvement he and his teammates had made at the tournament: "it's obvious that we are getting better and better at debate and you see it in the fact that first we losing on everything, then we are taken when we lose by split decision. And then the next one we win by a split and then the next one we win unanimously." Beyond his record, he was interested in debating against students from different nations instead of just his own. "Nationality matters a lot. Especially the fact that you are a native English speaking country does give you a lot of advantage ...[and] would say it makes a lot of difference in the debating. But outside of debating, they seem to act differently... I mean...I debated the Nepali team and they were really friendly... I just hugged the coach, which is normal for me but I doubt you would hug the coach from Sweden." Varvara from Russia echoed that even though her team had lost all of their rounds, this was a rare opportunity to meet students from other countries and they were pleased to have had the opportunity to participate.

And yet, some students are in it simply for the game. As Paul put it, "These skills allow you to manipulate people. That's always a great skill to have in this very competitive and dog eat dog world." Perhaps they also help students to recognize and resist manipulation. Students are interacting with each other in an event that transcends international power hierarchies. For example, Mayambala (Uganda) described the thrill of "meeting Australia. That was a wake-up call... our points were really well organized, but the way they kept on bringing in examples and ideas that really gave us a hard time and we had to think ... things we had not even thought about...it opened up our reason." He concluded that the Australian team was not innately better, "they were good, and very well prepared, but next time we will beat them."

Mayambala's determination to participate in the tournament again signifies both his interest in and acceptance of the format, despite its differences from how he debates and researches in Uganda. The other students echoed his response. They all wanted to attend the tournament again and Liz went so far as to tell me that she learned more at the WSDC than she ever did in school.

6. Conclusion

The students interviewed for this project were eager to make their mark in academic debate. When they head to college they plan to study Electrical Engineering and Accounting. Only one student was interested in the Humanities.

They would like to, but do not expect to, have the opportunity to debate after they finish high school. Debate has crafted the way they think, act, research, and view the rest of the world. It has indicated the inherent differences between their preparations and that of students around the world. For some of them this is only a game, but for those like Mayambala, this is a rare space where they are free to express their political opinions without worrying about the political implications for themselves or their families. Future research projects should continue to track the WSDC, and continue to invite the students to speak for themselves alongside analyzing their essays and speeches. These students are eager to narrate their experiences and are ready to make serious contributions to the study of argumentation.

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