

ISSA Proceedings 2010 - The Reasonableness Of Responding To Criticism With Accusations Of Inconsistency



1. Introduction

Responding with accusations of inconsistency to criticism is an interesting way of strategic manoeuvring in public political confrontations. In this way of manoeuvring, a politician who is confronted with a critical point of view replies that the criticism advanced is inconsistent with another position of the critic. The accusation of inconsistency is usually intended to have the criticism retracted, as a way of eliminating the alleged inconsistency, sparing the politician the difficulty of refuting the criticism. On the one hand, one may think that pointing out an inconsistency in the position of an arguer and urging him to eliminate it is a perfectly legitimate response. After all, arguers should not assume mutually inconsistent positions simultaneously. On the other hand, however, pointing out that the criticism advanced is inconsistent with another position of the critic is often used by politicians as a way to silence their critics.

In this paper I shall investigate the reasonableness of the kinds of responses in which an arguer replies to critical points of view by means of accusations of inconsistency. I use the theory of strategic manoeuvring (van Eemeren, 2010; van Eemeren & Houtlosser, 2002b, 2007) to analyse the responses as instances of a particular way of confrontational strategic manoeuvring; and I attempt to formulate conditions for their dialectical soundness. In line with van Eemeren and Houtlosser, I consider an instance of strategic manoeuvring to be reasonable as long as the critical testing procedure is not hindered by the accuser's attempt to direct the discussion towards a favourable outcome.

2. Accusations of inconsistency as a response to criticism

When a politician who is confronted with a critical point of view points out that the criticism advanced is inconsistent with another position of the critic, the

politician is appealing to a reasonable principle, namely that an arguer cannot be committed to two mutually inconsistent positions simultaneously, in order to reach a favourable situation, namely that the critic retracts his criticism. The exchange below, between David Cameron, the British Prime Minister and the leader of the Conservative Party, and Harriet Harman, the Member of Parliament (MP) and the acting leader of the Labour Party, is an example. The exchange takes place in the parliamentary session of Question Time of 16 June 2010; it is about the budget of the new Government. In her question, Ms. Harman criticises the Government for planning cuts that will 'hit the poorest' and 'throw people out of work'. In his answer, Mr. Cameron responds by pointing out that Ms. Harman's criticism of the planned cuts is inconsistent with her Party's plans to cut £50 billion, in an attempt to direct her towards retracting her criticism.

Harriet Harman (MP, Labour):

[...] We all agree that the deficit needs to come down, but will he promise that in the Budget next week he will not hit the poorest and he will not throw people out of work? Does he agree with us that unemployment is never a price worth paying?

David Cameron (Prime Minister, Conservative Party):

[...] before the election, her Government set out £50 billion of cuts [...]. Before she starts challenging us about cuts, they should first of all apologise for the mess they have left; second of all, tell us where the cuts were going to come to under their Government; and third of all, recognise that the responsible party, in coalition, is dealing with the deficit and the mess that they left behind.

(House of Commons official report, 2010)

Attempts to direct the argumentative confrontation towards a favourable outcome in what is in principle a reasonable way, such as the above, can be best captured by the concept of strategic manoeuvring. Strategic manoeuvring refers to the attempts of arguers to reconcile aiming for rhetorical effectiveness with maintaining dialectical standards of reasonableness (Van Eemeren and Houtlosser, 2007: p. 383). Responses such as Mr. Cameron's are instances of a particular way of confrontational strategic manoeuvring that has been characterised as strategic manoeuvring to rule out a standpoint by means of an accusation of inconsistency (Mohammed, 2009: Ch. 2). In this way of manoeuvring, a discussant casts doubt on a standpoint by means of an accusation of inconsistency against the proponent of the standpoint challenged, aiming to direct the accused towards the retraction of the standpoint. By means of the

accusation, the accuser attributes to proponent of the standpoint two mutually inconsistent commitments: one on the basis of the standpoint challenged (a commitment to A) and the other on the basis of another position that the proponent of the standpoint assumes (a commitment to -A), and urges him to eliminate the inconsistency by retracting one of the mutually inconsistent commitments.**[i]** Even though, in principle, the accused can eliminate the inconsistency by retracting any of the allegedly inconsistent commitments, the accuser manoeuvres strategically in order to lead the proponent of the standpoint to eliminate the alleged inconsistency by retracting the commitment to A, rather than the commitment to -A. The former is favourable to the accuser as it requires the accused to retract the standpoint in which criticism of the accuser is expressed.**[ii]**

In the exchange between Mr. Cameron and Ms. Harman above, Mr. Cameron challenges Ms. Harman's critical standpoint about the Government's planned cuts by accusing her of being inconsistent in her attitude towards cuts. Ms. Harman's criticism of the Government can be understood as a standpoint like *The Government's planned cuts, which will hit the poorest and throw people out of work, are a sign that the performance of the Government is not up to standard.***[iii]** In his response, Mr. Cameron attributes to Ms. Harman a commitment to the proposition *the Government should not be allowed to plan cuts that hit the poorest and throw people out of work* (commitment to A) on the basis of her criticism, and a commitment to the opposite proposition, namely that *the Government should be allowed to plan cuts that hit the poorest and throw people out of work* (commitment to -A) on the basis of the plans of Labour to cut £50 billion. The accusation challenges Ms. Harman's commitment to her critical standpoint, on the basis of the unacceptability for an arguer to hold mutually inconsistent commitments simultaneously, and urges her to eliminate the alleged inconsistency. Mr. Cameron manoeuvres strategically to direct Ms. Harman towards the retraction of her commitment to A, rather than her commitment to -A, which she could retract, for example, by admitting that her Government's plans should not have been made. The retraction of the commitment to A is favourable to Mr. Cameron as it requires Ms. Harman to retract her critical standpoint and thus spare him the need to refute it.

3. The reasonableness of accusations of inconsistency as a response to criticism: Soundness conditions

In line with the view of fallacies as derailments of strategic manoeuvring (van Eemeren & Houtlosser, 2002a, 2007), the Prime Minister's manoeuvring at issue can be considered reasonable as long as the pursuit of winning the discussion, typical of strategic manoeuvring, does not hinder the critical testing procedure. That is to say that the manoeuvring at issue is in principle reasonable. Only when, in a particular instance, the attempt (to lead the proponent of the standpoint challenged to retract it) constitutes a hindrance to the critical testing procedure, is the strategic manoeuvring in this move considered to have derailed and the instance of strategic manoeuvring is therefore considered fallacious.

Generally, for a move in an argumentative confrontation not to hinder the critical testing procedure, two requirements need to be fulfilled. First, the move needs to constitute a contribution to the externalisation of the difference of opinion at stake. This is mainly because, as van Eemeren suggest, for an argumentative move to be sound, the move needs to contribute to the critical testing procedure. In an argumentative confrontation, this means that the move needs to contribute to the aim of the confrontation stage, namely the externalisation of the difference of opinion at stake. The importance of the latter is evident, as van Eemeren and Grootendorst show (2004: pp.135-137). The requirement is also in line with the view suggested by van Eemeren and Houtlosser that a dialectically sound case of strategic manoeuvring needs to respond to the move preceding it and allow a relevant continuation after it. **[iv]** The second requirement is that the move does not hinder the development of the argumentative confrontation towards any of the outcomes of externalisation, namely those definitions of the difference of opinion which are allowed in the confrontation stage of a critical discussion. This condition is necessary for protecting arguers' freedom against attempts of bringing about particular outcomes, which is inherent in strategic manoeuvring.

In order for the accusation of inconsistency to constitute a contribution to the externalisation of difference of opinion (i.e., in order for the first requirement for reasonableness to be fulfilled), the accusation needs to play its dialectical role in a clear manner. Given that the accusation is employed to challenge the critical standpoint, the accusation needs to clearly, even if only indirectly, express the accuser's non-acceptance of the standpoint challenged.

When casting critical doubt upon a certain standpoint by means of an accusation of inconsistency, the non-acceptance of the standpoint challenged is derived from the unacceptability for an arguer to hold mutually inconsistent commitments

simultaneously. The accuser challenges the commitment of the accused to his standpoint by attributing to him a simultaneous commitment that is inconsistent with this standpoint. This attribution needs to be justified in order for the accusation of inconsistency to express the accuser's non-acceptance of the standpoint challenged. The three following soundness conditions are meant to guarantee that:

- (i) The accuser should be justified in attributing to the accused a commitment to A on the basis of the standpoint challenged,
- (ii) The accuser should be justified in attributing to the accused a commitment to -A on the basis of the other position assumed, and
- (iii) The accuser should be justified in attributing to the accused the commitments to A and to -A simultaneously.

Only if the three conditions above are fulfilled can the accusation of inconsistency justifiably function as an expression of doubt concerning the standpoint challenged. Failure to meet any of them leads the strategic manoeuvring to derail, resulting in hindrances to the critical testing procedure.

Unless the accuser is justified in attributing to the accused a commitment to A on the basis of the standpoint of the accused, i.e. unless condition (i) is fulfilled, the accusation of inconsistency is irrelevant to the standpoint it reacts to. The irrelevance of the accusation that results from failing to fulfil condition (i) is of the kind associated with the *straw man* fallacy. If the accuser cannot, on the basis of the standpoint of the accused, justifiably attribute to the accused a commitment to A, the accuser distorts the standpoint by making it seem as if a commitment to A follows from it. Failure to fulfil condition (i) hinders the critical testing procedure by violating the pragma-dialectical *standpoint rule*, which stipulates that "attacks on standpoints may not bear on a standpoint that has not actually been put forward by the other party" (van Eemeren & Grootendorst, 2004: p. 191).

Unless the accuser is justified in assuming that the other position of the accused commits him to -A and that commitments to A and to -A are held simultaneously, i.e. unless conditions (ii) and (iii) are fulfilled, the accuser is falsely presenting these assumptions as commonly accepted starting points. The correctness of these assumptions, which are made in the accusation, is necessary for the accusation to function as an expression of doubt. If any of them is incorrect, the inconsistency does not come about and, hence, the commitment of the accused to

the standpoint challenged is not problematic. Unless the accuser argues explicitly in support of these assumptions, the assumptions need to be considered as commonly accepted starting points.

Failure to fulfil conditions (ii) and (iii) can thus be considered to hinder the critical testing procedure by violating the pragma-dialectical *starting-point rule*, which stipulates that “discussants may not falsely present something as an accepted starting point or falsely deny that something is an accepted starting point” (van Eemeren & Grootendorst, 2004: p. 193).**[v]** The exchange between Mr. Cameron and Ms. Harman is an example. Mr. Cameron is not justified in attributing to Ms. Harman a commitment to *the Government should be allowed to plan cuts that hit the poorest and throw people out of work* on the basis of the plans of the Labour Government to set out £50 billion of cuts. The attribution assumes as a commonly accepted starting point that Harman’s Government’s plans to cut £50 billion were going to hit the poorest and throw people out of work, just like the cuts criticised by Ms. Harman are alleged to be. Unless this is assumed, there would be no inconsistency on the basis of which Ms. Harman’s critical standpoint is challenged. Because no further argumentation is advanced to support this assumption, the assumption needs to be considered as a starting point. But Ms. Harman cannot be assumed to share this starting point. Hence, assuming so, as the accusation does, hinders the critical testing procedure by falsely presenting an assumption as an accepted starting point.

It is important to note that Mr. Cameron’s accusation can also be interpreted more generally to be about the general attitude towards cuts, in which case condition (ii) is fulfilled. If the alleged inconsistency is interpreted to be concerning A’: *the Government should not be allowed to plan cuts in its budget* rather than A: *the Government should not be allowed to plan cuts that hit the poorest and throw people out of work*, there would be no problem in attributing to Ms. Harman a commitment to *the Government should be allowed to plan cuts in its budget* on the basis of her Government’s plan to cut £50 billion. However, in this interpretation of Mr. Cameron’s accusation, condition (i) is violated. Mr. Cameron is not justified in attributing to Ms. Harman a commitment to *the Government should not be allowed to plan cuts in its budget* on the basis of her standpoint that *The Government’s planned cuts, which will hit the poorest and throw people out of work, are a sign that the performance of the Government is not up to standard*. In his accusation, Cameron would be distorting Ms. Harman’s

standpoint, which is about the specific cuts that the Conservative Government is planning by making it seem to be about any cuts that a Government plans. This overgeneralisation of the standpoint, intended to make it easier to refute, is a case of the *straw man* fallacy.

Conditions (i), (ii) and (iii) guarantee that an accusation of inconsistency that comes in response to a standpoint functions as an expression of doubt concerning this standpoint. But in order for an accusation that functions as an expression of doubt to contribute to the externalisation of the difference of opinion at stake, the accusation needs to be expressed clearly. The soundness condition below is meant to guarantee that:

(iv) The accusation of inconsistency needs to be performed clearly enough for the accused to understand that the accuser attributes to him commitments to A and to -A simultaneously and demands him to retract one of them to eliminate the alleged inconsistency.

Failure to fulfil condition (iv) can be associated with violations of the pragma-dialectical *language usage rule*, according to which “discussants may not use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party’s formulations” (van Eemeren & Grootendorst, 2004: p. 195). Clarity, as required in the rule, does by no means rule out indirectness and implicitness as unreasonable (van Eemeren and Grootendorst, 1987: pp. 293-296). In fact, advancing an accusation of inconsistency to express critical doubt is in itself an instance of indirectness that is not unreasonable as such. And as long as the speech act is identifiable, implicitness is no obstacle to critical testing. However, lack of clarity can have direct consequences for the critical testing procedure, for example, by masking failures to fulfil other requirements for reasonableness.

In the exchange between Mr. Cameron and Ms. Harman, for example, insufficiently clear formulations of the accusation were indeed used to mask failures to fulfil other soundness conditions. Mr. Cameron advances his accusation vaguely leaving it unclear whether the inconsistency is about those cuts that hit the poorest and throw people out of work or about the cuts in general. The lack of clarity masks the failure to fulfil conditions (i) and (ii) discussed above and makes it difficult to realise that the accusation is either distorting the standpoint challenged or falsely presenting an assumption as a common starting point.

Conditions (i), (ii), (iii) and (iv), taken together, guarantee that an accusation of inconsistency clearly expresses the accuser's non-acceptance of the standpoint challenged. This is necessary for the accusation to fulfil the first requirement for reasonableness, formulated above as to contribute to the externalisation of the difference of opinion at stake. But, in order for the accusation not to hinder the development of the argumentative confrontation towards any of the outcomes that are allowed in the confrontation stage of a critical discussion (i.e., in order to fulfil the second requirement for reasonableness), the accusation must not restrict the response of the proponent of the standpoint, in his next turn, to the one favoured by the accuser. That is to say that the accusation must not preclude the possibility for the accused to maintain rather than retract the standpoint in the following turn.

In an argumentative interaction in which an accusation of inconsistency functions as an expression of doubt, the maintaining or the retraction of the standpoint challenged by the accusation are realised through the perlocutionary effects of the accusation (Mohammed, 2009: Ch.2) . While the proponent of the standpoint can retract the standpoint by retraction of the commitment to A, the standpoint can be maintained by not accepting the accusation of inconsistency or by retracting the commitment to -A in case the accusation is accepted. If the accused does not accept the accusation, he has no obligation to retract anything, and can therefore maintain his standpoint. An accused can express his non-acceptance of the accusation by denying that his standpoint commits him to A, that his other position commits him to -A or that his commitments to A and -A are held simultaneously. By doing so, the proponent of a standpoint attempts to justify that his position is consistent in order to be able to maintain his current standpoint.

Dissociation is one of the ways of expressing non-acceptance of the accusation. By means of dissociation, the alleged inconsistency is denied by dissociating between different interpretations of the commitments attributed, one of which involves no inconsistency. But even if the accused accepts the accusation, he can still maintain the standpoint by retracting the commitment to -A, which the accused can do by conveying that he has changed his mind about his other position, for example. The final soundness condition below is meant to guarantee that the accusation does not preclude the possibility for the accused to maintain rather than retract the standpoint in the turn that follows:

(v) The choice of topic, audience frame, and stylistic devices of the accusation of

inconsistency must not preclude the possibility for the accused to either express non-acceptance of the accusation or to retract the expressed commitment to -A in case the accusation is accepted.

Exactly because the accuser makes his choice of topics, audience frames and stylistic devices so that the accused is directed towards retracting the commitment to A, it should be observed that such a choice does not violate the freedom of the accused to opt for a different response.

Failure to fulfil condition (v) hinders the critical testing procedure by violating the pragma-dialectical *freedom rule*, which stipulates that “discussants may not prevent each other from advancing standpoints or from calling standpoints into question” (van Eemeren & Grootendorst, 2004: p. 190). The violation results in cases of the *ad hominem* fallacy. The exchange between Mr. Cameron and Ms. Harman is an example. Mr. Cameron, who would rather have Ms. Harman retract her commitment to *the Government should not be allowed to plan cuts in its budget (commitment to A)*, precludes Ms. Harman’s option to eliminate the inconsistency by retracting the opposite commitment (*commitment to -A*). As he refers to the plans of the Labour Government to cut £50 billion and asks her to apologise for the mess that her party has left, Mr. Cameron portrays Ms. Harman’s maintaining of her commitment to A as an acknowledgement that the plans of the Labour Government were problematic and that the policies behind them have left the country in a mess. So if Ms. Harman chooses to maintain her critical standpoint, which Mr. Cameron does not favour, she would be enforcing Mr. Cameron’s claim that her Government left the country in a mess. The latter can also be seen as an attempt to discredit Ms. Harman. Ms. Harman’s acknowledgement that her party has “messed up” the finances is an indication that she is unworthy of being taken seriously. So, whatever response to the accusation she chooses, whether to reject the accusation, or to retract commitment to -A, Ms. Harman’s choice cannot be trusted.

4. Conclusion

In this paper, I have investigated the reasonableness of a politician’s response to a critical standpoint by accusing his critic of being inconsistent concerning the subject of the criticism. The investigation is based on the analysis of the kind of response at issue as a particular way of confrontational strategic manoeuvring and guided by van Eemeren and Houtlosser’s view that cases of strategic manoeuvring are reasonable as long as the attempt to achieve advantageous

outcomes does not hinder the critical testing procedure. Analysing the kind of response at issue as a particular way of confrontational strategic manoeuvring reveals the strategic function of the response as an attempt by the politician to get his adversary to retract his critical standpoint, by appealing to the reasonable principle that one cannot hold two mutually inconsistent commitments simultaneously. But this principle does not necessarily guarantee that the critical testing procedure is not hindered by the accusation. As the investigation shows, unless the five soundness conditions suggested are fulfilled, an accusation of inconsistency cannot be considered a reasonable response to the standpoint it challenges.

Similar to the pragma-dialectical rules for a critical discussion, the soundness conditions formulated in this paper assess the reasonableness of argumentative moves based on their contribution to the critical testing procedure. However, the conditions are formulated to apply to the actual moves that arguers perform, namely the accusations of inconsistency, rather than to their reconstructed analytically relevant counterpart, namely the expression of doubt. Consequently, the conditions bring the evaluation closer to argumentative moves as they actually occur in argumentative practice and enable the analyst to trace the dialectical (un-)reasonableness of the responses at issue to aspects related to the accusation of inconsistency advanced.

NOTES

[i] This analysis of the particular way of manoeuvring at issue is based on the speech act account of an accusation of inconsistency suggested by Andone (2009). Andone formulates the essential condition of the speech act of accusation of inconsistency as “raising a charge against an addressee for having committed himself to both p and $\neg p$ (or informal equivalents thereof) in an attempt to challenge the addressee to provide a response that answers the charge” (2009: p. 155). In line with Perelman and Olbrechts-Tyteca (1958), who understand an accusation of inconsistency as an attempt to get the accused to eliminate the inconsistency by retracting one of the inconsistent commitments (p. 195), I take Andone’s ‘response that answers the charge’ to be the retraction of either of the two mutually inconsistent commitments alleged.

[ii] See Mohammed (2009: Ch. 2, Ch.4) for elaborate analyses of cases of this particular way of confrontational strategic manoeuvring.

[iii] Ms. Harman’s question in this exchange is interpreted as a contribution to an

overarching discussion about the performance of the Government. This interpretation is guided by the view that Prime Minister's Question Time is a mini-debate over the performance of the Government (Beard, 2000; House of Commons Information Office, 2005; Rogers & Walters 2006; Wilson, 1990). In this debate, the Prime Minister and MPs from his party defend the standpoint that *the performance of the Government is up to standard* by means of arguments that praise plans, policies or actions of the Government, and MPs from the Opposition defend the opposite standpoint by means of arguments that criticise plans, policies or actions of the Government (Mohammed, 2009: Ch. 3).

[iv] In a presentation at the research colloquium of the department of Speech Communication, Argumentation Theory and Rhetoric at the University of Amsterdam in late 2006, van Eemeren and Houtlosser suggested that a dialectically sound case of strategic manoeuvring needs to be (a) "chosen in such a way that it enables an analytically relevant continuation at the juncture concerned in the dialectical route [...]", (b) "in such a way adapted to the other party that it responds to the preceding move in the dialectical route [...]" and (c) "formulated in such a way that it can be interpreted as enabling a relevant continuation and being responsive to the preceding move". Even though I do not at this stage associate -as van Eemeren and Houtlosser do- the requirements I suggest with the three aspects of strategic manoeuvring, I consider that the three conditions, taken together, are meant to guarantee that a move constitutes a contribution to at least one of the allowable outcomes of the stage at issue.

[v] Even though the starting point rule pertains usually to the argumentation stage (van Eemeren & Grootendorst, 1992: pp. 149-157), the rule can also be applied to exchanges that exemplify argumentative confrontations. Especially in argumentative exchanges that occur in institutionalised contexts, arguers do not enter confrontations with an empty commitment store. Reference to commonly accepted starting points is therefore possible in argumentative confrontations. The starting point rule is accordingly applicable.

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ISSA Proceedings 2010 - Argumentative Insights For The Analysis Of Direct-To-Consumer Advertising



1. Introduction

Among the scholars interested in direct-to-consumer advertising (DTCA), there is more and more interest in examining argumentation in this particular type of ads. On the one hand, the argumentative nature of direct-to-consumer advertising can hardly be overlooked,**[i]** but on the other hand, this argumentative nature is also often the main source of criticism that the opponents of DTCA advance. Critics often point out that direct-to-consumer advertising, as the name suggests, is a promotional activity that aims at increasing the sales of the medicine advertised (Chandra & Holt, 1999; Gilbody, Wilson & Watt, 2005; Mintzes, 1998; Wolfe, 2002), rather than a source of information that raises the health literacy of the public and allows patients to be more involved in their healthcare, as DTCA supporters claim (Auton, 2004, 2007; Calfee, 2002; Jones & Garlick, 2003). In a previous paper (Mohammed & Schulz, 2010), we have argued that the argumentative nature of DTCA is not necessarily what diminishes its educational potential. Ideally, it is possible for direct-to-consumer advertising to fulfil both educational and promotional purposes.

Reasonable argumentation can reconcile the promotional and educational aims of direct-to-consumer advertising. A reasonable defence of this claim will react to the doubt of patients as well as to the competing claims and arguments of other pharmaceutical companies. Such a defence will provide assistance for the patients in making well-informed decisions and if successful will also convince them to ask their doctors to prescribe medicine x for them. The latter is the heart of pharmaceuticals' promotional interest. However, our previous analysis of

strategic manoeuvring in DTC ads suggests that pharmaceutical companies are more interested in getting the claim that promotes their medicine accepted by an audience of consumers rather than by an audience of patients who would like to be more involved in their health care. That is mainly reflected by the choice of relying significantly on arguments that promote the medicine on the basis of qualities that relate to its non-medical attributes (in our earlier study, we have referred to such arguments, which address the non-medical attributes of a medicine, such as the ease of use of a medicine, its cost benefits, and social-psychological enhancements attributes ... etc, as convenience appeals). Such a choice reflects an interest in convincing a potential consumer who would certainly care about what is convenient, rather than convincing an active patient who is more concerned with the effectiveness and safety of his treatment option. Even though the findings of our analysis are in line with a significant part of the criticism of the practice of direct-to-consumer advertising, a test of the generalisability of such findings seems to be necessary.

One of the most common methodologies of testing the generalisability of empirical claims about discourse is the method of content analysis. Quantitative content analysis is a standard methodology in the social sciences for studying, structuring and analysing the content of communication. It is an effective, systematic, and replicable data reduction technique that helps compressing many words of text or images into fewer content categories based on explicit rules of coding, and it has the appealing feature of being useful in dealing with big volumes of data. In spite of the increasing awareness of the central role that argumentation plays in DTC advertising, argumentative considerations have not yet been adequately incorporated into the content analysis of DTCA. Existing coding schemes are not refined enough to capture argumentative characteristics of direct-to-consumer ads. Most content analysis in the field of DTCA are used to depict the variety of information that had been delivered in the ads without paying attention to the argumentative structure that links the different statements in the ads.

In this paper, we aim at discussing the possibility of designing a coding scheme to be used in a content analysis study that tests the generalisability of our empirical claims about DTCA. We shall first, in section 2, discuss the state of the art in the study of DTCA from the perspective of content analysis. This is intended to highlight methodological characteristics of content analysis in the particular area

of DTCA. In view of the discussion, we shall, in section 3, develop a proposal for a coding scheme that tests the generalisability of our claim. In section 4, we will discuss, briefly, the challenges that face our proposal.

2. The state of the art

One of the most important content analysis of DTC ads, in which the researchers were immediately concerned with the argumentation used in DTCA, was conducted by Robert Bell, Richard Kravitz and Michael Wilkes from the Department of Communication, University of California, USA (Bell et al., 2000). Bell et al. analysed DTC ads of prescription drugs appearing in 18 consumer magazines from 1989 through 1998 (a total of 320 distinct ads representing 101 brands and 14 medical conditions). Their aim was to explore trends in prevalence, shifts in the medical conditions for which drugs are promoted, reliance on financial and nonmonetary inducements, and appeals used to attract public interest.

In order to document the advertising appeals used to enhance a patient's interest in the drugs, each ad was coded for the presence or absence of *42 keywords* (adjectives, adjectival phrases, or adverbs that reflect claims about the drug's nature or impact). Each advertisement was coded for the use of these descriptors to depict the medicine advertised. After coding for the presence or absence of these terms and phrases, related terms were grouped in *(19) categories of product attributes*. So for example, terms like "advancement," "breakthrough," "a first," the "only" drug of kind, "innovative," "novel," and "new" were grouped in the attribute category "Innovative". These categories were further grouped in four *main 'types' of appeals*: effectiveness, social-psychological benefits, ease of use, and safety. Effectiveness appeals included attributes such as *effective, cure, dependable, innovative, powerful, prevention, reduced mortality or symptom control*. Social-Psychological appeals included attributes that relate to *lifestyle, psychological benefits or social enhancements*. Ease of use appeals included attributes such as *convenience, easy on system, economical or quick acting*. Finally, safety appeals included attributes such as *safe, natural, non-addictive or non-medicated* (see *Figure (1)* below).**[ii]**

Taxonomy of Advertising Appeals	
Claimed Attribute	Description of Drug
Efficacy/claims:	
Effective	"effective," has a "proven" therapeutic benefit, "works"
Cure	provides a "cure" for condition
Dependable	"reliable," "dependable"
Innovative	"advancement," "breakthrough," "a first," "new," "novel," "only" drug of kind, "innovative"
Powerful	"potent," "powerful," "strong"
Prevention	"prevents," effect "prevention of condition"
Reduced mortality	"prolongs life," "saves lives," "prevents death"
Symptom control	"controls" or "manages" symptoms, brings symptoms "under control"
Social/Psychological Enhancements:	
Lifestyle	allows for a more "active," "healthier," "normal," "free," or "flexible" life
Psychological	increases feelings of "confidence," "security," "happiness," "hope," "relieves fears"
Social	enhances the "attractiveness" or "appearance" of the user
Ease of Use:	
Convenience	"convenient," "easy," "simple" to use, "infrequent" dosage or "short term" use required
Easy on system	"gentle" on the user, "good tasting"
Economical	"economical," "cost-effective," or "saves money"
Quick acting	works "quickly," "fast," "rapidly," "speedily"
Safety:	
Safe	"safe," leaves the system quickly, is a "reversible" treatment
Natural	works "naturally," works like your own body does, made of natural agents
Nonaddictive	"non-habit-forming" or "non-addictive"
Nonmedicated	does not make one feel "drugged," "stupid," "medicated," "drugged," or "spacey"

Figure (1) Bell et al.'s taxonomy of advertising appeals

Figure 1

Bell et al.'s taxonomy has been used by a number of more recent content analysis of DTC ads, such as the study of Wendy Macias and Liza Stavchansky Lewis, who examined the content and form of 90 DTC drug Web sites (Macias & Lewis, 2003)**[iii]** and by researchers at Dana-Farber Cancer Institute in Boston, who examined 75 DTC ads for oncology drugs (15 distinct ads) that appeared in three cancer patient-focused magazines, CURE, Coping with Cancer and MAMM, in 2005 (Abel et al., 2007).**[iv]**

Another influential content analysis study of DTC ads is that of Kelly Main, Jennifer Argo and Bruce Huhmann, who were interested in identifying the kind of information and /or appeals that are being provided to consumers in DTC ads (Main et al., 2004). Main et al. devised their own taxonomy of advertising appeals when studying the ads that appeared in the December issues of 1998, 1999 and 2000 in 30 US magazines (a total of 365 ads). The taxonomy distinguished between rational appeals, positive emotional appeals and negative emotional appeals, and further distinguished between four main subtypes of positive emotional appeals: humour, nostalgic, fantasy and sex appeals (see *Figure (2)* below). A slightly modified version of this taxonomy has been also used by Dominick Frosch, Patrick Krueger, Robert Hornik, Peter Cronholm and Frances Barg from the University of California and the University of Pennsylvania, who examined how television DTC ads attempt to influence consumers (Frosch et al., 2007).

Product category	What is the product category (prescription drug, OTC remedy, or dietary supplement)?
Types of appeals	Is there a rational appeal (e.g. product use, comparison, features, benefits, attributes, news, or statistics)?
	Is there a positive appeal (e.g. happy, warmth, pride, joy, caring, humour, sex, fantasy, or nostalgia)?
	Is there a humour appeal (e.g. puns or satire)?
	Is there a nostalgic appeal (e.g. images from earlier time periods, ad visual in black or white, or ad visual in sepia tone)?
	Is there a fantasy appeal (e.g. unrealistic or surreal)?
	Is there a sex appeal (e.g. are the characters portrayed in an intimate encounter, scantily clad, wearing revealing clothing, or using provocative gestures)?
	Is there a negative appeal (e.g. fear, anger, regret, sadness, guilt, or shame)?
	Characters

Figure (2) Main et al.'s categories of coding

Figure 2

Another significant contribution to the study of DTC ads using the method of content analysis is the research conducted at by researchers at the institute of Communication and Health at the Università della svizzera italiana in Switzerland. Peter Schulz and Uwe Hartung developed a codebook for analysing DTC ads, aiming to capture and assess relevant argumentative differences between patient-oriented and physician-oriented communication (unpublished manuscript). In particular, it was expected that variations will occur with respect to the use of medical evidence versus the emotional appeal. In order to capture and assess the expected argumentative differences, the researchers included in their corpus also adverts that are directed to physicians. 120 print adverts regarding health conditions published between 2003 and 2006 in two U.S. magazines, namely *Time* and *Good Housekeeping*, as well as in two leading medical journals, *New England Journal of Medicine* and *JAMA* (Journal of American Medical Association), had been collected. In their codebook, Schulz and Hartung suggest 8 categories of what they refer to as “substance of premise”. The categories are: medicament helps, medicament has no/low side effects, medicament is cheap, medicament is widely used, disease or condition against which the medicament is indicated is bad, medicament is widely studied, use-related premises and fringe benefits (see *Figure (3)* below).

<p>29 Substance of premise (SP)</p> <p>The substance of the premise is that which is used to justify taking or prescribing a medication. The outcomes, ending with 0 are also included. The reason if a statement is that the medication helps, but does not fit to any of the categories 1 through 13, it is coded as 18. If a single outcome or paragraph refers to two or more of the substance categories, two or more premises are coded.</p> <p>10 Medication helps (also residual if 11-14 do not apply)</p> <p>11 Medication helps fast, effect sets in quickly</p> <p>12 Medication helps long, effect lasts for a long time</p> <p>13 Medication helps to a great extent, dose away with ailments, acceptable, in a comprehensive way, removes all ailments, all symptoms</p> <p>14 Medication has beneficial effects other than helping against the disease for which it is indicated and/or prescribed</p> <p>20 Medication has no/low side effects (also residual, in full identical, is safe to use)</p> <p>21 Side effects go away, or are easy quickly</p> <p>22 Side effects are harmless, mild, tolerable</p> <p>23 Side effects are subjective, will fit only for people</p> <p>24 Particular side effects do not occur at all</p> <p>25 No, irrelevant, unshared interaction with other medications</p> <p>26 No potential for addiction</p> <p>30 Medication is cheap / its use is economic (even in the cost-benefit relation), has the same price as</p> <p>40 Medication is widely used, patient preferred (also residual)</p> <p>41 Many people take it, say natural reaction that is apparently meant to support "many"</p> <p>42 An increasing number of people take it</p> <p>43 People switch to the drug advertised, have started to use it</p> <p>44 Many doctors prescribe it</p> <p>45 An increasing number of doctors prescribe it</p> <p>46 Doctors switch to the drug advertised, have started to prescribe it</p> <p>50 Disease or condition against which the medication is indicated to treat, causes a lot of (unnecessary) suffering (also residual)</p> <p>51 Disease causes high risk for other and worse diseases, life-threatening disease</p>	<p>32 Disease is incapacitating, interrupts normal life, makes life more difficult, also because of heavy pain, limits activities</p> <p>33 Disease is embarrassing</p> <p>34 Disease is widespread, occurs often, many people have it</p> <p>60 Medication is widely studied, effects and side-effects are known, it is approved, e.g. by FDA, is clinically proven (ATTENTION: Premise that a medication has been proven to be effective are usually coded as 18. Code as 61 only when the emphasis of the premise is on the fact that the medication was tested scientifically, or when it is unspecified what was tested, effectiveness or side effects or interaction with other medication)</p> <p>62 Medication is the first of its kind</p> <p>63 Medication is the only one (relevant) in this field / of its kind / to cure ailment X, the way it works is unique</p> <p>70 Unclear/d premises: Medication is easy to handle, easy to apply, convenient, does not create unpleasant situations (also residual)</p> <p>71 Medication is easy to use, easy to apply, no special abilities needed to apply, precise dosing</p> <p>72 No unpleasant taste or other, agreeable for children (e.g. cherry chocolate)</p> <p>73 No harmful ingredients (other than the medical agent) such as alcohol</p> <p>74 Easy schedule for taking, no temporal or situational constraints (e.g. "with meals", "on an empty stomach") requirements for taking the medication</p> <p>80 Fringe benefits: Patient or doctor is promised other benefits if medication is taken or prescribed (also residual)</p> <p>81 Medical fringe benefits such as doctors to cope with the disease, information booklets, etc.</p> <p>82 Financial fringe benefits, reimbursement, saving on other packages, special financial incentives, free sample, free trials, rebate certificates, save up, covered by health plans (ATTENTION: Premises that the medication is inexpensive are coded as 30).</p> <p>89 Other (code)</p>
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Figure (3) Schulz et al.'s coding categories of the substance of premises

Figure 3

3. Testing the generalisability of our claims on direct to consumer ads

What we would like to test, by using the method of content analysis, is whether the claim that DTC ads are addressed to an audience of consumers rather than an audience of patients applies in general to DTC ads and is not specific to the particular ads that we analysed in our earlier study. In our earlier analysis, this conclusion was reached on the basis of the central role that convenience appeals played in the ads analysed. For example, in one of the ads, in which Takeda Pharmaceuticals promote their sleeping pills Rozerem, two out of the four main arguments that are used to support the claim that *Rozerem is a good treatment against insomnia* were convenience appeals. In the ad, Takeda Pharmaceuticals express this claim quite strongly. *Rozerem is a sleep aid like no other, they claim* (see Rozerem ad below).



Figure (4) Rozerem: when you can't sleep, you can't dream (Times)

Figure 4

In support of this claim, four main arguments are presented: Rozerem is *approved*

for adults having *trouble falling asleep (1.1a)*, Rozerem is *the first and only* prescription sleep aid that has *no potential for abuse or dependence (1.1b)*, you can *take Rozerem when you need it and stop when you don't (1.1c)* and Rozerem makes you dream *(1.1d)* which one can easily infer from the opening line of the ad, namely that *when you can't sleep, you can't dream*. Argument 1.1b is further supported by reference to clinical studies in which Rozerem shows no potential for abuse or dependence *(1.1b.1)*. The structure of argumentation is illustrated below.

1 Rozerem is a good treatment against insomnia

1.1a Rozerem is approved for adults having trouble falling asleep

1.1b Rozerem is the first and only prescription sleep aid that has no potential for abuse or dependence

1.1b.1 in clinical studies Rozerem shows no potential for abuse or dependence

1.1c you can take Rozerem when you need it and stop when you don't

1.1d Rozerem makes you dream

What coding variable can we use to reflect the central role that convenience appeals play in a DTC ad? One indicator of such a role is the number of such appeals in the ad. So, maybe even prior to the task of reflecting the central role of convenience appeals is the task of representing the presence of convenience appeals. Convenience appeals, as we used them in our earlier analysis, are arguments that promote the medicine on the basis of qualities that relate to its non-medical advantages. They are in this sense more general than the product attribute of convenience proposed by Bell et al. (2000). Unlike Bell et al.'s category, which refers solely to arguments in which claims about the medicine's convenience of use is made, our convenience appeals is a type of appeals that covers Bell's claims about convenience of use as well as other non-medical attributes, such as the medicine's cost, its enhancement of lifestyle and of the social and psychological being of those who take it ... etc. In this sense, our convenience appeals comprise Bell et al.'s both ease of use and social-psychological attributes (i.e. premises about psychological enhancement, lifestyle enhancement, social enhancement, convenience, quick acting, economical and easy on system). This type of appeals has also been represented in the codebook

of Schulz and Hartung. A few of the coding categories for the variable “substance of premise” represent what can be considered as a convenience appeal (for example: -11- Medicament helps fast, its effect sets on quickly, -30- Medicament is cheap / its use is economic, -70- Use-related premises such as Medicament is easy to handle, easy to apply, convenient or does not create unpleasant sensations, -71- Medicament is easy to use, easy to apply or that no special abilities are needed to apply it, -72- Medicament has no unpleasant taste or odour, is agreeable for children, -74- Medicament has an easy schedule for taking, or that it has no temporal or situational requirements).

In order to represent the presence of such appeals, a variable needs to be designed that describes the type of appeal involved in the argument (a content variable at the premise level). For every premise, coders would have to choose between three main types of appeals: an effectiveness appeal when the premise refers to qualities that relate to the medical effect of the medicine: it controls symptoms, it is powerful, it is long lasting ... etc, a safety appeal when the premise refers to qualities that relate to the side effects of the medicine: it is natural, it does not have serious side effects ... etc, and a convenience appeal when the premise refers to qualities that relate to the non-medical advantages of the medicine, including the ease of use, economical benefits, quick acting, life style, and social-psychological enhancements ... etc. This proposal for a coding scheme is illustrated in *Figure (5)* below:

Substance of premise	
The Substance of the premise is that which is said to justify taking or prescribing a medicine. The categories starting with 0 are also medicines. That means: if a statement is that the medicine is convenient, but does not fit to any of the categories 30 through 37, it is coded as 30. If a single sentence or paragraph refers to two or more of the substance categories, two or more premises are coded.	
0	Medicine is effective (when the premise refers to premises that relate to the medical effect of the medicine. Also coded if 11-15 do not apply)
11	Medicine controls symptoms
12	Medicine is powerful
13	Medicine is long lasting
14	...
15	...
20	Medicine is safe (when the premise refers to qualities that relate to the side effects of the medicine. Also coded if 21-25 do not apply)
21	Medicine is natural
22	Medicine does not have serious side effects
23	...
24	...
25	...
30	Medicine is convenient (when the premise refers to qualities that relate to the non-medical advantages of the medicine. Also coded if 30-37 do not apply)
31	Medicine is easy to use, is easy to handle, may be applied on schedule for taking ... etc
32	Medicine does not create unpleasant sensations, tastes good, no unpleasant odour ... etc
33	Medicine is cheap, good value for money ... etc
34	Medicine acts fast, effect sets on quickly ... etc
35	Medicine allows for a more active, regular, normal, fun, flexible life style ... etc
36	Medicine increases feelings of confidence, optimism, happiness, hope, relative free ... etc
37	Medicine enhances attractiveness, appearance ... etc

Figure (5) A proposal for a coding scheme

Figure 5

The percentage of the number of convenience appeals in relation to the total number of appeals might be an indication of the importance of such appeals. However, this is not always the case. The argumentative role that such appeals play is an important factor to consider, especially when ads employ a complex structure of argumentation. [v] For example, when ads employ argumentation in a

subordinative structure, i.e. when some premises support the main claim indirectly by supporting other premises, the percentage of convenience appeals no longer reflects their argumentative importance. The Rozerem ad is an example. The ad includes five premises, one of which (*1.1b.1 in clinical studies Rozerem shows no potential for abuse or dependence*) supports the main claim about Rozerem by supporting the safety appeal (*1.1b Rozerem is the first and only prescription sleep aid that has no potential for abuse or dependence*). If one counts the total number of premises, one would think that 40% of the premises (two out of five premises) are convenience appeals, but once the argumentative role is considered one realises that convenience appeals constitute 50% of the premises (two out of four lines of argumentation/ four main arguments employ convenience appeals).

There seems to be a need to represent the argumentative role that a certain premise plays. One way of doing this would be to code premises into main and sub-arguments. While main arguments support the main claim directly, sub-arguments are elaborations that support other arguments and only through such a support lend support to the main claim. This coding variable, which we can call *premise role* or *argument structure* would come prior to the coding variable *substance of premise* discussed earlier. Premises that are coded as main arguments would be further coded according to the variable *premise substance* discussed earlier, premises that are coded as sub-arguments need a different variable for coding. Something along the line of what Schulz and Hartung refer to as “basis for premise”, in which it is coded who or what is mentioned as the basis of the premise, what the premise rests on, what reasons are given for the premise (See *Figure (6)* below).

42. Basis of premise (V42)	
It is coded here who or what is mentioned as the basis of the premise, what the premise rests on, what reasons are given for the premise.	
1	Scientific study, research, clinical trials
2	Collective experience by medical personnel (“Doctors prescribe ...”)
3	Collective experience by patients, normal people
4	Individual testimonials by medical personnel (real or fictional)
5	Individual testimonials by celebrities (politicians, actors, etc.) who are medical laypersons
6	Individual testimonials by patients, normal people (real or invented)
7	Tradition
8	Testimonial by a newspaper (e.g. New York Times, NBC Nightly News, Dow Jones Newswires, etc.)
9	No basis given

Figure (6) Schulz *et al.*'s coding of the basis of premise

Figure 6

The coding categories used by Schulz and Hartung for the coding variable substance of premise would need to be divided into two coding variables: substance of main arguments and substance of sub-arguments. Variables such as -40- Medicament is widely used, patient preferred it would belong to the latter. This kind of argument is usually presented as a sub-argument in support of main arguments.

4. Discussion

The biggest challenge for our proposal to distinguish between main and sub-arguments is to maintain high inter-coder reliability. This kind of reliability, which refers to the amount of agreement or correspondence among two or more coders, is crucial for the generalisability of our findings. Coding instructions should be clearly formulated to assist the coders in distinguishing between main and sub-arguments, a distinction that is not necessarily easy to make if the coders are not familiar with concepts of argumentation theory. Good inter-coder reliability can be achieved by including indicators for subordinative argumentations as well as examples of this kind of argumentation structure in the coding instructions. Van Eemeren et al.'s *Argumentative Indicators in Discourse* (2007) can be a good source for such indicators.

NOTES

[i] Several studies, conducted by Rubinelli (2005) and Rubinelli et al. (2006, 2007) among others, have shown that direct-to-consumer ads exhibit clear argumentative features, and that these features are recognised by potential consumers. For example, Rubinelli, Nakamoto, Schulz and De Saussure report that in their pilot study, 71 out of the 72 respondents recognised the argumentative structure of the ads they were shown (2006: p. 339).

[ii] Bell et al. report that, in the ads they analysed, the categories of appeals used most frequently are *effective*, used in 57% of ads, *controls symptoms* and *innovative*, used in 41% of the ads each, and *convenience*, used in 38% of the ads. The rest of the categories appeared in the following frequencies: *prevents condition* (16%), *nonmedicated* (14%), *psychological enhancement* and *safe* (each in 11% of the ads), *powerful* (9%), *reduced mortality* and *natural* (each in 7% of the ads), *lifestyle enhancement* and *quick acting* (each in 6% of the ads), *economical* and *not addictive* (each in 5% of the

ads), *dependable* (4%), *cures, easy on system* and *social enhancement* (each in 3% of the ads).

[iii] Macia and Lewis (2003) report that while the advertising appeals used in DTC sites are similar to those found in print ads, DTC sites offer more monetary incentives but provide a much higher degree of medical and drug information. They argue that the latter makes DTC sites better suited to fulfilling Food and Drug Administration (FDA) guidelines.

[iv] Abel et al. report that DTC ads for oncology drugs make more appeal to effectiveness than to safety. The ads are reported to be difficult to read in general but the text outlining the benefits is reported to have the highest readability score. According to Abel et al., even though the amount of text devoted to benefits versus risks and side effects was roughly the same, information on benefits was more prominent: information about benefits appeared in the top third of the advertisement text while descriptions of side effects and risks typically ran in the bottom third, and the largest type size of the text explaining the benefits was about twice as large as the largest text outlining side effects and risks.

[v] We follow the distinction van Eemeren et al. (2002) make between a single structure of argumentation, in which a standpoint is supported by one single argument, and a complex structure of argumentation in which the standpoint is supported by more than one argument. A complex structure of argumentation can be either multiple argumentation, in which the standpoint is supported by more than one alternative defense, coordinative argumentation, in which the standpoint is defended by several arguments taken together, or subordinaive argumentation, in which the standpoint is supported by arguments that are further supported by other arguments (2002, pp. 63-87).

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ISSA Proceedings 2010 - Strategic Maneuvering With The Technique Of Dissociation In International Mediation



1. Introduction

This paper [i] is an illustration of the way in which dissociation becomes a tool of the mediator's strategic maneuvering, by means of which the disputants' disagreement space is minimized, decision-making being thus facilitated. The mediator's argumentative behavior will be explored, investigating the way in which he succeeds in "maintaining a delicate balance" (van Eemeren & Houtlosser 2002) between the dialectical and the rhetorical aims in employing the argumentative technique of dissociation.

As established by van Rees (2006, 2009a), dissociation implies the use of two speech acts - definition and distinction. The analysis conducted in this paper shows the way in which dissociation is employed in the mediated type of discourse with the purpose of *defining* (and re-defining) 'peace' and the conditions of a peace agreement, 'security' or other important issues regarding the state of war, and of making a *distinction*, respectively, between the atrocities

of war and the idea of peace. The aim is to strategically pursue both the rhetorical aspects - to achieve rhetorical effectiveness, in the sense of dissociation as bringing about a change in the starting point of the other party, and the dialectical ones - as all the parties want to resolve the conflict reasonably. Consequently, the discussion of the issues of peace and security perfectly shapes the relationship between dissociation and the speech acts of defining and distinguishing and proves how strategic maneuvering functions in real-life argumentation (cf. Muraru 2008c).

The context of international mediation under discussion is illustrated by the particular case in which the American president, Jimmy Carter, acted as a third party in the conflict between Egypt and Israel (1977, 1978, 1979), with the aim of contributing to a dispute resolution. As a result of the Camp David negotiations, two documents were signed ("A Framework for Peace in the Middle East Agreed at Camp David" and "A Framework for the Conclusion of a Peace Treaty between Egypt and Israel") that prepared the ground for the Peace treaty, concluded on March 26, 1979.

2. *Conceptual framework*

Dissociation is a theoretical concept first introduced by Chaïm Perelman and Lucie Olbrechts-Tyteca in *The New Rhetoric* (1969), being treated, like its complementary part - *association*, as a scheme that characterizes "all original philosophical thought" (p. 190). Therefore, dissociation is viewed as an argumentative scheme, which implies the splitting up of a unitary concept, such as 'law', into two other different concepts: 'the letter of the law' and 'the spirit of the law'. Due to the ambiguity of argumentative situations, the main function of dissociation is to "remove an incompatibility" and to prevent an incompatibility from occurring, "by remodeling our conception of reality" (Perelman & Olbrechts-Tyteca 1969, p. 413).

The dissociation of notions implies a certain change in the conceptual data at the basis of argument, which entails a modification of the "very structure" of the respective independent elements. Thus, the notion of *philosophical pairs* is introduced, the pair "appearance - reality" being considered prototypical for conceptual dissociation, due to the multiple incompatibilities that exist between appearances. The two concepts that make up the philosophical pair are called *term I* ("appearance") and *term II* ("reality"). Term II can only be defined in relation to term I, being both "normative and explanatory"; it is a "construction",

and not “simply a datum”, establishing, during the dissociation of term I, a rule function of which the multiple aspects of term I are organized in a hierarchy. The fact that term II provides a criterion, a norm, enables judgment-making with regard to the presence or lack of value of the aspects of term I. Therefore, in term II, “reality and value are closely linked” (Perelman & Olbrechts-Tyteca 1969, p. 417).

Departing from this approach but also drawing on it, M. A. van Rees shifts the perspective of analysis from mainly rhetorical to mainly dialectical view, investigating its various uses as a technique of strategic maneuvering employed in practical discussions. In this type of approach, van Rees in line with other authors (Grootendorst 1999, Gâță 2007) brings evidence against the treatment of dissociation as an argumentative scheme (Perelman & Olbrechts-Tyteca 1969), viewing it as a technique that helps at solving a difference of opinion, and whose “argumentative potential is based on the fact that the two concepts resulting from the separation of the original notion are portrayed as non-equivalent: the one is represented as more important or more essential than the other” (van Rees 2005a, p. 383). Consequently, dissociation involves a unitary concept expressed by a single term that is split up in two different concepts of unequal value. One of them becomes a completely new term, the other either preserves the aspects of the original term, being redefined, or becomes itself a new term, as well, with its own definition, thus the original term being given up (cf. van Rees 2009a, p. 9).

Gâță (2007) brings an important contribution to the study of dissociation by the new theoretical model she suggests, introducing the “constitutive moves” (p. 441) on the basis of which the use of dissociation as a way of strategic maneuvering can be better accounted for. This technique “allows the speaker to deconstruct / disassemble a notion by distinguishing some of its particular aspects which are then reordered and re-constructed / re-structured / re-assembled into two new notions”, the terms “deconstruct” / “disassemble” corresponding to distinction, the first component of dissociation, and “re-constructed” / “re-structured” / “re-assembled” corresponding to definition, the second component of dissociation (Gâță 2007, p. 441)[ii]. In Gâță’s view (2007), dissociation allows the speaker to de-construct and then re-construct notions by generating or by giving the illusion to create (fresh and new) knowledge and by thus redefining and / or modifying the audience’s and / or the opponent’s experience of the world.

Dissociation is “a powerful instrument to clarify discussions and to structure our

conception of reality”, due to the two speech acts that it implies (van Rees 2005a, p. 391), distinction and definition, which belong to the category of what van Eemeren and Grootendorst (1984) call ‘usage declaratives’. This function of clarifying concepts and resolving contradictions generates its potential for ensuring the balance between dialectical reasonableness and rhetorical effectiveness, implied by strategic maneuvering, in the various stages of a critical discussion. Van Rees (2006) discusses the specific dialectical moves in which dissociation can be used, as well as the rhetorical effects of using dissociation in these moves[**iii**]. Gâță also states that dissociation can be considered a way of strategic maneuvering which occurs in the confrontation or argumentation stages of a critical discussion and which gets the discussion back to the opening stage. Thus, in introducing a dissociation, the protagonist of a standpoint can select from the topical potential available a notion which he perceives as contradictory, redefining it, precisating[**iv**] or reterming it, by adapting to the audience’s horizon of expectations. At the same time, he can employ the most appropriate rhetorical devices to enable him to define or reformulate the respective notion in such a way as to best support his standpoint.

3. International mediation as an argumentative activity type

The characterization of mediation from a linguistic perspective with focus on the argumentative dimension is possible only by viewing mediation as a specific type of practice, unfolding in a particular setting, and having certain players. In this sense, as a communicative activity type taking place in an institutionalized setting, mediation is a form of institutional talk, involving certain “goal orientations”, “special and particular constraints on what one or both participants will treat as allowable contributions”, and being associated with “inferential frameworks and procedures” (Drew & Heritage 1992, p. 22). Conflict arises from the inevitable differences that exist between the goals pursued by the institutional participants.

Mediation designates a “cluster of activity types” (van Eemeren & Houtlosser 2009, p. 8) that start from a difference of opinion which has turned into a disagreement, impossible to be resolved by the parties themselves. Consequently, the disputants have to resort to a third party, who, acting as a neutral facilitator of the discussion process, guides the parties in their more or less cooperative search for a solution. The general picture of international mediation promotes the image of the mediator as a central figure, who tries to bring a change in the

“behavior, choice and perceptions” (Bercovitch 1991, p. 4) of the participants in the conflict, by exercising his influence over the dispute. By interacting with each disputant separately, and with both together, the mediator “becomes in effect another negotiating part, an extension of the conflict system” (*ibid.*).

As argued elsewhere (Muraru 2009b), international or diplomatic mediation, in particular, may be regarded as a rather moderately institutionalized activity type[v], due to the diplomatic relations and practices the parties are engaged in, the disputants being guided by some fixed sets of values and particular norms of behavior, which are culturally bound.

By definition, mediation needs three parties that can reach the phase of negotiation: - the two conflicting parties have, in turn, the roles of protagonist and antagonist of a standpoint, while the third party - the mediator - as a co-arguer, addresses either each of the parties, thus putting forth the position of the opposing party, or both parties, as a common audience. First, the mediator negotiates with each of the disputants in private, and, eventually, the parties get engaged in the negotiation process by themselves. More precisely, as a facilitator of communication, the mediator has the role of helping the parties to agree on reaching the negotiating phase (Muraru 2008b, p. 808).

Mediation is an example of an argumentative activity type in which strategic maneuvering manifests itself. Although the mediator’s main function is to structure and to improve the communication between the parties, in argumentative practice, “his strategic maneuvering is often directed at overcoming the institutional constraints and contributing to the effectuation of an arrangement” (van Eemeren & Houtlosser 2005, p. 81). In order to determine the parties to come to an agreement, the mediator’s role is to clearly reframe the parties’ positions with respect to the divergent issues, and formulate and reformulate the standpoints and starting points advanced by the two conflicting parties. The mediator’s task is “to clarify what the disputants are arguing and to project alternative trajectories for the discussion” rather than “argue for or against disputant standpoints or tell disputants what to argue” (van Eemeren et al. 1993, p. 120). In this sense, the mediator displays a “co-argumentative” behavior (Greco Morasso 2007, p. 513), his main task being to help the parties to reasonably find a solution to their difference of opinion, which they could not solve by themselves.

Starting from the three-fold classification of mediator roles into *communicator*, *formulator* and *manipulator*, suggested by Touval and Zartman (1985), a characterization of the mediator as a multiple role-player has been made (Muraru forthcoming), on the basis of which I have identified two argumentative dimensions of the mediator – facilitative[**vi**] and manipulative (in the sense of contributing to conflict resolution)[**vii**]. Considering this, the discourse of mediation is viewed as involving two types of relations in which argumentative roles shift (cf. Muraru 2008a, p. 2): (1) the two parties act, in turn, in the argumentative exchange, as protagonist and antagonist – each proposing his own definition of the divergent issues in accordance with the corresponding system of values and beliefs; (2) there is the third party, acting, on the one hand, as a ‘*pure*’ mediator, in the sense of facilitating the parties’ decision-making, through the roles of *formulator* and *communicator*, and, on the other hand, as a *negotiator*, who resorts to manipulation, in the sense that, he, sometimes tries to force an outcome and sets the things towards imposing a resolution. Each of the three parties strategically maneuvers linguistic and extralinguistic situations, in the sense of resorting to the three elements of *topical potential*, *audience orientation* and *presentational devices*.

4. *Dissociation as a tool of the mediator’s strategic maneuvering*

Since the focus of this paper is the mediator’s linguistic behavior, particularly the way in which he succeeds in strategically maneuvering the parties, the situation and the issues, the text under analysis belongs to the mediator’s discourse. It is meant to illustrate the way in which Jimmy Carter reformulates the starting points of the discussion with respect to the two parties, and how dissociation is employed with the aim of convincing the parties to put an end to the conflict.

It is the moment after the Camp David negotiations, September 18, 1978, when President Carter addresses the Congress, after two agreements have been signed[**viii**]. Therefore, the role of his intervention is to mark the end of a negotiation phase, and to clearly delineate the results of the Camp David agreements. To this particular aim, the arguer strategically makes use of the techniques of dissociation in reformulating positions. Thus, at this concluding stage, dissociation is meant to give a precization of the partial conclusion that has been reached (van Rees 2005b, p. 45), this technique being employed with the strategic purpose of highlighting a favorable outcome, in which the mediator has played a crucial part.

(1) *Through the long years of conflict, four main issues have divided the parties involved. One is the nature of peace— whether peace will simply mean that the guns are silenced, that the bombs no longer fall, that the tanks cease to roll, or whether it will mean that the nations of the Middle East can deal with each other as neighbors and as equals and as friends, with a full range of diplomatic and cultural and economic and human relations between them. That's been the basic question. The Camp David agreement has defined such relationships, I'm glad to announce to you, between Israel and Egypt.*

(2) *The second main issue is providing for the security of all parties involved, including, of course, our friends, the Israelis, so that none of them need fear attack or military threats from one another. When implemented, the Camp David agreement, I'm glad to announce to you, will provide for such mutual security.*

(3) *Third is the question of agreement on secure and recognized boundaries, the end of military occupation, and the granting of self-government or else the return to other nations of territories which have been occupied by Israel since the 1967 conflict. The Camp David agreement, I'm glad to announce to you, provides for the realization of all these goals.*

(4) *And finally, there is the painful human question of the fate of the Palestinians who live or who have lived in these disputed regions. The Camp David agreement guarantees that the Palestinian people may participate in the resolution of the Palestinian problem in all its aspects, a commitment that Israel has made in writing and which is supported and appreciated, I'm sure, by all the world.*

(5) *Over the last 18 months, there has been, of course, some progress on these issues. Egypt and Israel came close to agreeing about the first issue, the nature of peace. They then saw that the second and third issues, that is, withdrawal and security, were intimately connected, closely entwined. But fundamental divisions, still remained in other areas—about the fate of the Palestinians, the future of the West Bank and Gaza, and the future of Israeli settlements in occupied Arab territories. [...]*

(6) *While both parties are in total agreement on all the goals that I have just described to you, there is one issue on which agreement has not yet been reached. Egypt states that agreement to remove the Israeli settlements from Egyptian territory is a prerequisite to a peace treaty. Israel says that the issue of the*

*Israeli settlements should be resolved during the peace negotiations themselves.
[...]*

(7) But we must also not forget the magnitude of the obstacles that still remain. The summit exceeded our highest expectations, but we know that it left many difficult issues which are still to be resolved. These issues will require careful negotiation in the months to come. The Egyptian and Israeli people must recognize the tangible benefits that peace will bring and support the decisions their leaders have made, so that a secure and a peaceful future can be achieved for them.

(September 18, 1978, pp. 1534-36)

In his capacity of a co-arguer (drawing on Greco Morasso's (2007) view that the mediator displays a co-argumentative behavior), the mediator's task at the concluding stage is to establish the results of the negotiations and to supervise the way in which the two disputants agree on the tenability of the respective standpoint (cf. van Rees 2009a, p. 78).

Carter begins by re-stating the issues that underlie the conflict situation: both stressing the points on which some kind of agreement has been reached, and outlining the elements of disagreement, which are still the subject of further negotiations. The issues are introduced by means of dissociations, by implicitly performing the speech acts of distinction and definition. The "nature of peace" (par. 1) is the top priority among the various divergent issues, always (in all of Carter's interventions) being mentioned first, since the resolution of several of the other problems both derives from and is dependent on achieving peace. Thus, Carter dissociates between the notion of 'peace' implicitly defined (by employing the verb "mean"), as the cessation of war (term I) on the one hand, and as a state where harmonious diplomatic relationships develop (term II), on the other. The mediator obviously promotes term II as the norm, valuing the "range of diplomatic and cultural and economic and human relations" higher than term I, which is negatively valued due to the presence of the adverbial element "simply" ("peace will simply mean"). In this way, Carter's attempt is to introduce a notion of real peace, thus creating an explanation and a norm that the peace should satisfy. In Konishi's (2003, pp. 638-639) interpretation, term I designates the 'apparent peace', represented by the lack of war, and term II the 'real peace', represented by the harmonious coexistence of all the states in the Middle East.

The same analysis is conducted with regard to the other issues. "Security of all parties involved" or "mutual security" represents the norm and is dissociated from the concept of security defined as the mere lack of fear of "attack or military threats" (par. 2). Closely linked to the idea of security is the problem of border delineation (par. 3): whether "secure and recognized boundaries" are the result of the granting of self-government or of the withdrawal of Israel to the borders before the 1967 conflict. Carter himself stresses the elements of progress (par. 5) implicitly suggesting the role the American intervention has played, by particularly emphasizing the element of time ("over the last 18 months"), at the same time, progress being introduced as self-evident ("of course").

Departing from the profile of the mediator who typically seeks agreement by leaving aside or 'postponing' the issues that are less likely to be solved, Carter's ambition is to shed light on all the divergent issues that nurture the conflict situation. Thus, he is aware that a true resolution is possible only if the most ardent problem is to be clarified - "the painful human question of the fate of the Palestinians" (par. 4). Though not explicitly introducing a dissociation, it can be easily inferred from his words that he distinguishes between two categories of Palestinians: the ones 'who live', and the ones 'who have lived' in these disputed regions. Dealing with such a delicate issue, and considering the contrasting views of the disputing parties on this matter, the mediator, in compliance with his strategic role, maintains a neutral attitude, thus placing each of the two categories of Palestinians outside the category of simple Palestinians, each of them being more highly valued by the Arabs or by the Israelis.

Unlike the first three issues on which agreement has been reached, whose progress has been emphasized by Carter by means of the reiterative sentence "I'm glad to announce to you", the Palestinian problem still remains a point of disagreement, a fact signaled at the level of language by the use of the modal 'may' expressing permission (par. 4). The effect of the use of 'may' is strategically counterbalanced by the strong commissive 'guarantees'. The larger context of this dispute is characterized by a change in the Israeli position with regard to the acceptance of the Palestinians at the negotiating sessions, as opposed to the initial attitude of total rejection of this matter. In this sense, President Carter particularly emphasizes the commitment on the part of Israel (par. 4). Again the use of "I'm sure" introduces his viewpoint as universally accepted, preventing the audience from casting any doubt on it.

Another issue upon which “agreement has not yet been reached” (par. 6) is the removal of the Israeli settlements. The reformulation of the parties’ standpoints with reference to this matter is realized by means of indirect speech: “Egypt states...”, “Israel says...”, in this way trying to preserve as much as possible from the original version of the disputants. Thus, Egypt refuses to enter negotiations without the Israelis’ acceptance to remove the settlements, while Israel refrains from committing itself to any kind of action with respect to this issue.

Although the areas of agreement are recurrently stressed - “there has been, of course, some progress” (par. 5), “both parties are in total agreement” (par. 6), “The summit exceeded our highest expectations” (par. 7), we infer from investigating the text that Carter attributes a crucial role to the elements of disagreement. These are restated by enumeration (par. 5), and reiterated and overemphasized (par. 7) with the aim of maintaining the parties’ active interest in the divergent issues. His assertive (“we must also not forget”) can be reinterpreted as a directive by means of which Carter suggests that these issues should be dealt with as a matter of “urgency”. The same illocutionary force is conveyed by the meaning of the structure “the magnitude of the obstacles” (par. 7). Carter ends by encouraging the negotiations between the parties, stressing once more “the tangible benefits” of achieving peace.

Considering the fact that dissociation can be used “to negotiate inherent tensions in a critical discussion” (Gâță 2007, p. 441), and that one of its constitutive moves is concession-making, the mediator uses this technique to reformulate the parties’ standpoints and starting points with the aim of eliciting some compromise and of suggesting solutions for agreement[**ix**]. Carter also brings along his preference for one position or the other when he chooses to maintain the particular viewpoint of a party by attributing it a normative value, or treating it as the standard position (for instance, when he introduces his own view that the settlements should be withdrawn)[**x**]. However, most of the times, the mediator chooses to advance a new definition of a particular issue, both preserving some of the initial information from the parties’ way of conceiving of the respective problem, and adding some fresh details, so that the newly-defined issue has gained new nuances as a result of dissociation. Also, in reformulating or rephrasing the position of a party, the mediator may clarify or enrich the stated position (cf. Arminen 2005, pp. 193-4). In this way, he contributes to reshaping positions closer to an agreement, which implies that the divergent issues can be more

easily dealt with, and the new formula becomes more acceptable, thus both parties being more prone to concessions, due to the face-saving mechanism that the mediator promotes.

I believe that this first stage of concluding can be ascribed a double interpretation. On the one hand, it illustrates Gâță's view that, at this stage, dissociation may generate either a side-discussion, or a discussion with a different standpoint from the initial one, which has already been agreed upon (Gâță 2007, p. 442). On the other hand, dissociation is employed with the purpose of convincing the larger audience that the commitments expressed in the beginning have been at least maintained if not totally fulfilled.

In this particular diplomatic context, the issues which have found no solution become the initial standpoints of the repeated side-discussions at a micro level, which are treated as parts of a Macro critical discussion (cf. Muraru 2009a). Therefore, this first phase of concluding has only established the points of agreement under a written form, the decisive phase being that of implementation of the provisions in the written documents, and concluding the Peace Treaty. In addition, I consider that the instance of international mediation analyzed here consists of several side-discussions, in which the starting points have repeatedly changed and on which agreement has eventually been reached by the opponents, the results being used in the main discussion. Thus, dissociation is regarded as dialectically sound, as both the procedural and the material requirements have been met. Functioning as a filter, the mediator is the party "in the middle" who puts the change in starting points up for discussion, on behalf of each party, which, by means of compromise solutions, eventually accept the change.

Treated as an inherent part of the mediator's strategic maneuvering, the technique of dissociation has contributed, both dialectically and rhetorically, to the resolution of the dispute. The dialectical contribution refers to the way in which Carter has provided a more precise interpretation of the standpoints, which the opponents have considered as tenable, the mediator also establishing and clarifying, by resorting to usage declaratives (i.e., defining), the results of the discussion. The rhetorical effect is that Carter has chosen the interpretation of the conclusion that serves his interest best, formulating it accordingly. For example, Carter's commitments in the opening stage included the Palestinian question, as well. In the concluding stage, dissociation has served as a means "to evade unwelcome consequences" (van Rees 2009a, p. 88), thus Carter succeeding

in escaping the unfavorable implications that a failure in solving the Palestinian issue would entail. From exploring the text, one can easily see that the emphasis on the elements of progress particularly help the mediator to present the situation in a favorable light, making use of specific markers which enable him to rule out any further argument.

Consequently, by strategically maneuvering both the process and the content of mediation, the mediator has succeeded in reshaping positions so that they would fit both the parties' understanding and definition of the respective situation (cf. Arminen 2005, p. 170), and the mediator's own conception of the particular reality underlying conflict.

5. Conclusion

The analysis of this fragment is an illustrative example of the use of dissociation as a major technique employed in the mediation context, in the sense that the disputants' positions may be interpreted as the two terms which make up a dissociative structure. Both opponents seek peace, which implies goal compatibility, but they differ with respect to what peace entails, and to the means of pursuing this goal. Consequently, the mediator's strategic role is to reconcile the two incompatible positions.

In the process of argumentation in an international conflict context, dissociation becomes a technique the mediator resorts to, in order to contribute to the resolution of the dispute. It is employed, in this particular case of international mediation, with the aim of solving the inconsistencies between the two conflicting parties - Egypt and Israel, serving the purpose of clarification and explanation of contextualized terms and concepts such as 'peace', 'security', or 'territory'.

By making use of such an argumentative technique, the mediator has facilitated the parties' decision-making, by succeeding in changing the starting points of their discussion (as can be seen in the reformulations of the terms in the peace treaties - the proposal and the final version), thus dialectically managing to solve the conflict. The use of definition and distinction as the speech acts involved by dissociation enhance the dialectical purpose of the concept of strategic maneuvering, employed with the purpose of clarifying positions, and 'precizing', since they belong to the category of usage declaratives. At the same time, the rhetorical effect is felt at the level of reformulations that imply redefinitions of the terms, which are presented without further argument, thus dissociation being

introduced as self-evident. Moreover, rhetorically, (re)definitions contribute to establishing a case of partial or total consensus.

In the context of international mediation *dissociation* has an argumentative potential. It becomes the instrument by means of which the process of the parties' strategic maneuvering is realized, with the aim of conflict resolution, both by arguing reasonably and by suggesting a solution that serves their interests best.

NOTES

[i] This study is financed by the Romanian Ministry of Education through the National Council of Scientific Research in the framework of PN II PCE ID 1209/2007 (Ideas) project.

[ii] Găță (2007) illustrates the way in which strategic maneuvering functions in practice by providing the analysis of some argumentative excerpts from a media electronic forum debate in French on whether Paris needs the Olympic Games in 2012.

[iii] As van Rees states, "dissociation may serve dialectical reasonableness by enabling the speaker to execute the various dialectical moves in the successive stages of a critical discussion with optimal clarity and precision", and rhetorical effectiveness, because this technique enables the speaker to "present a particular state of affairs in a light that is favorable to the speaker's interest" (2006, p. 474).

[iv] "Precization" is a term coined by Naess (1966) in interpreting formulations from a semantic point of view. Van Rees considers that precization contains "important aspects of what goes on in dissociation" (2009a, p.13), especially in relation to distinction, and, consequently, she has adopted it in her treatment of dissociation.

[v] In claiming that international mediation, in particular, can be viewed as a moderately institutionalized type of activity I am slightly diverging from van Eemeren and Houtlosser's view (2005) who consider the general phenomenon of mediation as a weakly institutionalized activity type.

[vi] The role of facilitator that Carter assumes refers to 'impartiality' and 'equidistance' in offering the same view to both disputants, and making available the same resources to both. Therefore, fairness is the kind of behavior that leads to success, but also a behavior that is mutually acceptable to and accepted by the parties participating in the conflict, in the sense of 'soundness' of argumentation. In other words, it refers to the mediator 'reasonably doing what is in the parties' best interest'.

[vii] The idea of manipulation implied by Carter's behavior is deprived of the negative connotation of the word, and it is seen as the rhetorical side entailed by strategic maneuvering. Therefore, the role of manipulator is interpreted as the role the mediator assumes when the conflict has reached a stalemate, thus enabling the mediator to put some pressure on the disputants, in order to move things towards a resolution path.

[viii] In Muraru 2009a, I have treated the particular instance of mediation as a Macro-critical discussion, providing an analysis of the four dialectical stages of the reconstructed mediation. Thus, I have established that the Macro-concluding stage is sub-divided into two sub-stages, the text under analysis in this paper, being part of the first sub-stage. This explains why the formulation of the divergent issues by the mediator tends to be judged as being part of the opening stage, since the issues become the starting points of another side-discussion.

[ix] Rewards, offers, concessions, and compromise solutions are considered "kinds of allowable contributions" (van Eemeren & Houtlosser 2007, p. 388) within the institutions of mediation and negotiation. Therefore, due to the fact that the various moves advanced by the parties under the form of specific speech acts are part of this argumentative activity type, they are not considered fallacious. Consequently, judged within the constraints imposed by the particular activity type of mediation, Carter's behavior is evaluated as reasonable, since it proves to have contributed to the successfulness of the situation.

[x] Although most of the approaches to mediation envisage neutrality as the main characteristic of the ideal mediator, I consider that a mediator's major achievement is that of generating a successful outcome. In this sense, successful mediation includes the mediator's active direction and participation as he works with the disputants in a constructive way directed at defining the dispute and at generating solutions (Cobb and Rifkin 1991, p. 49). Therefore, a mediator needs to remain as neutral as possible only as long as this attitude essentially contributes to conflict resolution. If neutrality becomes a constraint on the mediator's behavior, thus obstructing the decision-making process and forcing the mediator to deny his role in the construction and transformation of the conflict (*ibid.*, p. 41), then, giving up neutrality is considered an allowable move.

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ISSA Proceedings 2010 - Elements For An Argumentative Method Of Interpretation



When are we, in fact, arguing? Even one and the same author may offer more than one definition of what he understands by argumentation: this is partly because the problem of argumentation is not confined to a single area of knowledge or of practical life. Definitions of *argumentation* are as varied as the different positions taken on the question of what exactly we do when we argue. Be that as it may, we are struck

by the fact that the problem of argumentation (above all in its application to hypothetic-inductive methods) has not been analysed as a problem linked to interpretation.

In this paper the hypothesis that it is in philosophical hermeneutics that the foundations of the so-called speculative theories of argumentation are to be found is presented. To show the consistency of this hypothesis an analysis of concepts (plausibility, dialectic, rhetoric, heuristic reasoning, and reasoning topic) will be presented in order to show the hermeneutical basis of developments in the field of argumentation theories.

The link between argumentation and interpretation is clear for two reasons: firstly, because if 'argumentation is one of the activities characteristic of rational life'(Corcoran 1989, pp. 17), this is owing to the fact that the radical necessity of interpreting the political, social, historical, institutional and personal environment in which our existence takes place (and not only our own environment anchored in the present but the past and future too, whether we know it or not), makes argumentation another means to govern that fundamental and primordial disposition of human existence which avails itself of interpretation as both a means and an end. The second reason is that, from a logical point of view, the application of argumentation to hypothetic-deductive and hypothetic-inductive methods goes without saying, insofar as both methods have conjectural starting points. We can distinguish this second reason, which is logical, from the first one, which points to ontological and historical dimensions.

Defining argumentation as being involved in the reduction of new problems to other old ones which have been resolved, Corcoran (1989) combines the strictly logical and the ontological. But, also according to the same author, neither deductive nor inductive methods are truly methods leading to the discovery of hypotheses. Consequently, there are auxiliary procedures for discovering hypotheses which could also be used to discover chains of reasoning. These avenues of hypothesis discovery are really heuristic avenues, that is, they form part of an *ars inveniendi* which is rooted in an *ars interpretandi* in contrast to the *ars indicandi*, because unlike the latter they do not conform to demonstrative logic. Thus, for example, the method by analogy is a heuristic procedure.

Applying interpretative or conjectural procedures may lead to the production of proofs when, for example, a heuristic procedure is used that consists of

developing, from an ordinary hypothesis, arguments which are confirmed as true. This is how interpretations and conjectures based on *petitio principii* may become proofs. All of this gives us an idea of the epistemic potential of interpretative processes in their heuristic dimension.

According to Stuart Russell and Peter Norvig, the heuristic function usually estimates the cost of a solution which begins from the state in the node n' (Russell and Norvig 2003) and which, no matter how one looks at it, manages to construct a function by learning from experience, since every optimal solution of a given problem provides elements or examples enabling the function $h(n)$ to be learnt. In other words, each example is made up of a solved path state, which is why it is said that an heuristic strategy - whether subsequently applied to a piece of reasoning - uses knowledge of a problem in a sense that goes beyond the definition of the problem in itself. This strategy brings into play learning and reasoning modality that is not deductive but rather inductive.

Inductive learning can only take place if information *relevant* (for whatever reason) to the development and description of the problem is offered to the system which is to carry out the calculation. Often, however, when this procedure is deployed, the conclusions obtained do not properly follow from the argumentation. It is also common, when the heuristic and exploratory interpretative procedure is not carried out rigorously, to blame it for logical limitations that do not stem from it, but rather from the logic-discursive procedure with which we conduct the arguments. When this procedure is not carried out rigorously, we invalidate the heuristic procedure (such as extracting from the *petitio principii* other true and conclusive propositions that let us take the *petitio* as a proof), transforming it instead into a mere fallacy or erroneous conclusion - which is due either to an erroneous chain of reasoning or to basing the force of the reasoning on a mistaken interpretation of the implicit sense of that petition of principle.

All these factors seem to call into question the appropriateness of the linear model based on mechanical reasoning and learning and even on conceptions of language as a mere instrument for representing knowledge. These conceptions of heuristic and hermeneutic reasoning are highlighted, for example, in the design of intelligent environments, which requires us to investigate the cognitive processes involved in reasoning - a highly topical field in Artificial Intelligence. In this field, logical agents are no longer designed with regard to language

programmes based on prototypical reasoning patterns of propositional logic (for example, following the development of patterns of inference that can be applied to derive chains of conclusions to lead us to a desired objective). On the contrary, nowadays more complex models are taken into account, such as, for example, those that consist of the description of actions for carrying out calculations and interpretations of situations in which a possibility axiom is given (which gives an idea of when it is possible or necessary to carry out a determinate action) and an effect axiom (which gives an idea of what happens when an action is performed or of what changes are possible as a result of carrying out an action).

In spite of these connections between heuristic and hermeneutic reasoning, the history of hermeneutics, insofar as epistemic procedure is concerned, has taken the connection as a case of simple misunderstanding (a somewhat blunt way of expressing the problem we referred to above). The function of hermeneutics (clearly epistemic, in my opinion) has been said to be simply that of a preliminary study for arriving at a correct interpretation or understanding in cases where there is something confused, unclear, unintelligible or misunderstood - and that 'something' generally had to be made intelligible, clear and perceptible.

However, the very fact of asserting that heuristic procedures - in one way or another always interpretative - are linked with argumentational ones weakens the idea that perhaps there are arguments that give rise to cogent reasoning *per se*. Normally a piece of reasoning is considered cogent *per se* if its conclusion follows logically from the premises it has provided. But this requisite may be present and yet appear in such a context that people do not recognise the consistency of the conclusion, either because they do not accept the premises used or because they are simply ignorant of them. This should give us an idea of how far the interpretative and the strictly logical processes converge in practice and to what extent they are indistinguishable and undifferentiated due to the fact that, in effect, in practical life they are not distinct or differentiated. So, in spite of logical accuracy in the chain of reasoning, an argument may not be a proof for one person or group of persons in a specific context, and will in such a case be judged simply as a petition of principle. Sometimes this phenomenon (a logical one, in which the pragmatic elements inherent in reasoning play a part) is confused with a problem relating to the use of erroneous interpretations. In other words, a petition of principle is confused with a mere interpretation lacking epistemic or logical value. In my opinion, this phenomenon, which occurs so frequently in

communication in our shared everyday life, stems from this reason: a correct argument is not merely the result of an inferential process; thus, even an adequate interpretation does not always appear in the form of a cogent argument.

Our expectation of being successful in our interpretations is logical. This can be appreciated when we consider how annoying it can be when our interlocutor formulates interpretations that are manifestly erroneous on the basis of events, texts, stories, etc. which ought to give rise to different interpretations. We are used to linking interpretative processes with logics or, at least, with certain aspects of logic which, although we treat them somewhat flexibly in casual conversation or, in general, in our shared everyday life, we cannot nevertheless refrain from demanding or assuming in all our speech acts.

Moreover, it must be pointed out that the fact that we discredit our interlocutor by saying: 'That's just *your* interpretation!', merely underlines what was said above, namely, that the reason why this is precisely a form of discrediting or reproach comes from the fact that a question whose elucidation ought to lead to some kind of reasoning communion has been made to depend on the interlocutor's subjectivity. When this happens, we speak of erroneous interpretations, that is, interpretations that fail to fulfil their heuristic function adequately and which are, for that reason, as illogical as they are personal or subjective.

We maintain, all things considered, that one of the key arguments concerning the connection between interpretation and argumentation lies in the fact that the existence of both premises and conclusion(s) has a purely functional character in argumentational processes. This is precisely because arguments have an interpretative scope and other propositions, conclusions or interpretations are induced from them, which means they are all, from this point of view, provisional.

Corcoran has referred to this problem, pointing out that it is particularly striking that many sceptical philosophers or even epistemological nihilists have concluded that no proposition is known to be true in itself. However, few of them have shown, on the basis of this assertion, that what it really indicates is that no reasoning is known to be valid if we think that in order to establish the validity of an argument it is necessary to hold other arguments to be valid, which would imply that there would always have to be some necessarily valid argument, in order for the rest to be considered valid. Every argument is specific and singular, that is, there is no outline or *a priori* of argumentation. This implies that every

inductive process is based on specific arguments and, consequently, supported by heuristic procedures of a hermeneutic kind. If this is true, it seems reasonable to widen the investigative domain of the discipline of logic to include the strictly hermeneutic problem.

On the basis of what has been said above, we believe that Corcoran (1989) gives another tentative definition of argumentation more consistent and complete than the previous one. It incorporates all the problems mentioned up to now as it considers that an argument is a system of three parts: a group of propositions called the group of premises, a single proposition called the conclusion and a discourse called the chain of reasoning.

At this point we must recognise that the formulation of arguments, both by hypothetico-inductive and hypothetico-deductive methods, employs premises that are taken as valid or other arguments whose validity is taken as demonstrated. In general, these are the plausible arguments and propositions which Aristotle considered worthy of consideration or trust - to the extent that they had a good reputation. In this sense, Vega has defined the *endoxa* as 'dialectic propositions which are more or less accepted or acceptable' (Vega 1993, p. 6)[i].

As we shall see later, an argumentation theory in the philosophical sense cannot be applied to political, epistemological, ontological, ethical, etc., problems without being fully integrated into the specific topic. It is this consideration that reveals the close connection between the argumentational and interpretative processes because, in simple terms, the interpretative procedure begins where deductive reasoning is not applicable, that is, where measurement exists only in terms of degrees of plausibility. Vega expresses this problem in the following terms:

In other words: for an argument $\langle \{\alpha_1, \alpha_2, \dots, \alpha_k\}, \alpha_n \rangle$ to be truly a proof, its power of acceptability or plausibility must be greater than that of the bare proposition α_n in the given discursive framework[ii]. (Vega 1993, p. 14)

Whether an argument is plausible or not is a problem that depends on discursive frameworks, that is, on pragmatic and historical contexts whose meaning can be defined as the final, but provisional, product of the complex logic of interpretation. Schnädelbach expresses the thesis that we are attempting to sketch out in the following terms:

If discursive rationality is essentially a matter of the faculty of judging (...), the context of criticism and justification can never be bound completely by rules, even

when it must follow (...) certain fundamental rules (for example, those of grammar or logical consistency). Consequently, a logic of argumentation as a purely axiomatic-deductive theory will never be possible (...) [iii]. (Schnädelbach 2000, p. 409)

Marafioti, Zamudio and Rubione (1997) consider that some of the main approaches to the problem of argumentation have taken insufficient account of aspects such as the influence social institutions exert upon argumentational discourse, suggesting that a sociology of argumentation is needed. It is equally important that the construction of argumentation theories acknowledges the value of studying argumentation from a psycholinguistic standpoint in which the subjects under investigation would include problems such as the psychogenesis of argumentational competence and the shared contextual assumptions that give rise to inferences.

The definitions of argumentation presented in the previous paragraph have been developed in the history of argumentation theories by approaches such as that of Anscombe & Ducrot, for whom argumentation is a communicative act in which an utterance is presented with the aim of supporting a conclusion and the application of other utterances may contribute to its argumentational force (a property of exclusively discursive argumentation, since not all arguments used have the same force or the same argumentational weight). These other utterances are aimed at supporting the same conclusion or another one which, appearing more obvious in a determinate context, could strengthen, or even appear as a proof of, the conclusion to be debated. Victoria Escandell (1999, p. 109) has expressed this well, pointing out that with respect to the problem of argumentation, in contrast to the English pragmatic tradition, which is more interested 'in emphasising the character of action underlying all linguistic communication' the French tradition (which includes Anscombe & Ducrot both in their individual work and in their collective work) has paid more attention to the principles which determine the argumentational effects of utterances than to the linguistic context itself in which these take place, since it is true that, in communicative practice, utterances that can be characterised as arguments deviate from the classic discursive laws of logic.

All of this reveals the existence of argumentational operators and connectives so subtle or complex that they may be present in texts whose function, in principle, is not argumentational but rather poetic, narrative, descriptive, etc. And this is

true without even taking into account the Habermasian standpoint regarding speech acts as triggers of the pragmatic units; in certain social and political contexts, these units animate the argumentational power of texts independently of semantic content originally established with the aim of obtaining determinate levels of validity. If I am not mistaken, all of this strengthens Ducrot's standpoint regarding the pre-eminence of the argumentational function of language over the other functions, to the extent that it underlies all the rest.

The works of Anscombe & Ducrot are relevant in this respect, above all in relation to the following point: although utterances can be argumentationally oriented by means of formal procedures (their contribution being a complex semantics that embraces pragmatics), their interpretation seems to depend on specific formal means. Thus, in communicative processes, interpretation represents the other side or inverse argumentation and can be explained as the cognitive process by means of which the receiver distinguishes the argumentational connectives and operators and so comes to establish a final value in the equation of meaning. However, this definition is still excessively semantic, since it is true that in most cases we find that both the arguments and the conclusions are implicit, and therefore the task consists generally in knowing how to interpret the argumentational orientation of a discourse in pragmatic and semantic terms rather than in meticulously distinguishing its operators and connectives in formal terms.

One could derive a corollary regarding the research hypothesis of the authors: namely, that the interpretative processes realise other dimensions of discursive reasoning such as a comprehensive discernment of the situation, an appropriate assessment of the *topoi* explicitly and/or implicitly employed, as well as rhetorical techniques and the dialectic limits used to orient the discourse or utterance in an argumentational way, in order to show, at one time, the probability of a particular argument or, at another time, to argue against it, etc. Anscombe & Ducrot's standpoint is notably summed up in this passage:

Our thesis is that in language there are restrictions that determine this presentation. For an utterance E_1 to be able to count as an argument in favour of E_2 (conclusion) it is not enough that E_1 actually does give reasons for accepting E_2 . The linguistic structure of E_1 must also satisfy certain conditions that make it suitable, within a discourse, to constitute an argument for E_2 . (Anscombe & Ducrot 1988, p. 8).

The conditions which the linguistic structure, E_1 , must satisfy in order to be (discursively) suitable as reasoning are given by the type of argumentational trigger that links them. For Anscombre & Ducrot, just as rhetoric was for Nietzsche, the sense of the linguistic unit does not depend on properties denoted by it in a world situated, in a naively realist way, in the exterior. Nor does the linguistic unit depend on thoughts, but rather upon the discourses that can be associated with such a unit: it is in virtue of these discourses that a determinate argumentational trigger can be given.

Consequently, these points of view broaden the definition put forward above, because they present argumentation as a situational problem by maintaining the existence of argumentational situations and argumentational fields *per se*. Sometimes these situations are more direct in relation to the construction and reconstruction of argumentational schemes, and sometimes they are more indirect.

Brown and Yule's proposals have paid more attention to that other side of the problem of argumentation, which here we understand as the problem of interpretation, which concerns not only arguments in themselves but also argumentational situations, argumentational force and its degree of relevance in a communication context, argumentational operators and connectives, as well as implicit or, on the contrary, manifest *topoi*. This approach reaches conclusions about the presumption of coherence in the process of interpretation of meaning, which is divided into several stages, namely: calculation of the communication function, including not only understanding of the meaning of utterances, that is, a semantic focus, but also understanding of utterances as actions, that is, a pragmatic focus, and the deployment of prior knowledge and the production of inferences.

One of the most valuable contributions to the understanding of utterances as actions is, in my opinion, that of Labov (1975). From the sociolinguistic standpoint, there are clearly rules of interpretation that are used to establish an inference not only from what is said, but from what is said in the light of what is done given that actions are realised by means of utterances. If we think about it, it will quickly strike us that most of our communicative exchanges are coherent only if we assume a strongly shared hypothesis, namely: that the structure of linguistic interaction is not fragmented or dissolved by the fact that utterances

are unconnected; discursive continuity is already a reason for assuming a logic-discursive connection. In this sense, one may say that one of the fundamental problems for every argumentation theory is that of inference, since it is through inferential processes that validity is conferred on an assumption and, in general, on an argument.

In this respect, relevance theory holds that the numerous inferential processes are a consequence of the ostensive dimension of communication, and that they are therefore usually a means for manifesting something. And the intention behind trying to manifest something makes inference an auxiliary process of the ostensive dimension of communication. Sperber and Wilson's theory of relevance turns, precisely, on the problem of assumptions in the light of inferential processes because, depending on the degree of force of an assumption and/or several assumptions, in general these will produce more or less appropriate inferences. Here we start from the fact that heuristic reasoning is not completely falsifiable or verifiable and that, nevertheless, it is this type of reasoning that we use to construct a hypothesis with which to discern, in the most productive and pertinent way possible, the communicative intentions of the transmitter (using the term 'transmitter' in a loose sense here). The notion of relevance refers, in short, to the production of contextual effects.

The generation of relevant contextual effects has a close relation with inductive reasoning in its abductive modality. In this modality, induction and interpretation offer aspects which are characteristic of each and also common to both without distinction. We should consider the problem of relevance together with strong and weak implicatures: two of the most suggestive aspects of Sperber and Wilson's theory of relevance. In short, a theory that emerges in opposition to the code model based, according to Tusón (1984, p. 28) on the idea that a transmitter, in accordance with a determinate code, transmits a sign whose referent lies outside the communication process (an event, a mood, a scientific truth, etc.). The transmitted signs travel through a channel and reach the receiver who will, if in possession of the relevant code, carry out decoding[iv].

In his introductory study to writings on Nietzschean rhetoric, Santiago Guervós (2000, p. 22) wrote: 'As epistemology operates - like philosophy - by means of language, and language is essentially rhetorical - in other words, persuasive -, all questions referred to language and philosophy are rhetorical questions'. So, paraphrasing Guervós, we hold that since epistemology operates - to some extent

the same as philosophy - by means of reasoning (and language is essentially reasoning, that is, persuasive expression), all questions referred to philosophy and epistemology are rhetorical, dialectic and argumentational questions.

However, this approach would not be enough in itself, as it presents problems which are difficult to deal with without assuming the standpoint of linguistic ontology, which emphatically insists that language is not an instrument of representation but rather pre-forms our horizon of comprehension, being conditioned by our experience of the world. Consequently, the speculative dimension that gives it life also inclines it to the ceaseless production of utterances with a suasive or dissuasive function.

For our part, we maintain here that what leads us inevitably to the problem of argumentation and interpretation is the linguistic medium, which is therefore, one of the most important criteria for examining the philosophical legacy of both traditions. As I see it, the different theories of argumentation constitute a strand (among others) of continuity within the historical time line.

The research of Perelman and Olbrechts-Tyteca (1989) on the new rhetoric was classified by the authors themselves within the discipline of logic. In a way, this research may be divided into two fundamental problems: on the one hand, the value of arguments; on the other, their structure. The second question stems from the analytic tradition of philosophy and leads to a careful and meticulous examination of argumentational techniques.

In the context of continental philosophy, analysis of the kinds of argumentation and of its structure have also been conceived from the standpoint of the tradition of transcendental philosophy, resulting in avenues of inquiry such as that of Apel (1984, p. 656), which might be described as a transcendental reconstruction of the linguistic-pragmatic conditions of possibility and validity implicit in all argumentation[v].

There is an innate contradiction in this application of the linguistic turn to the tradition of transcendental philosophy: viewing the rhetorical tradition and theories of argumentation in the light of the Kantian problem of an ultimate foundation of objective knowledge on the basis of the philosophy of consciousness.

The contradiction arises from the fact that the concept of consciousness has

definitively lost the status whereby it guaranteed objective knowledge precisely in this area of problems, because the validity conditions of argumentation refer to fundamental inter-subjective frameworks, whose status as guarantors of the objective validity of any knowledge obtained depends on public argumentational processes. In these processes, neither the structure of arguments nor their value (epistemic, moral, legal, aesthetic, etc.) may be conceived along the metaphysical lines of Kantian transcendental philosophy, as long as rational conviction (once objectively sufficient) and persuasion (once rooted in the particular kind of subject and, therefore, objectively sufficient) are analysed as two interdependent phenomena in line with the rehabilitation of Aristotle and Plato effected in the 1950s by the new rhetoric and the rise of argumentation theory.

Our position may be observed, for example, in the defence mounted by the new rhetoric of the so-called *principle of inertia*, which postulates that something accepted up until now may not be rejected without a rational reason. To some extent, it may be said that the principle of inertia is a defence of the important place occupied by the topic in argumentational processes, since argumentation cannot begin without assuming something. Gadamer's defence of the notion of prejudice rests upon the very same reason.

Gadamer emphatically rejected the view that intersubjective agreements based on a quasi-transcendental idea of argumentational logic could give rise to an idea of agreement guaranteed by an unimpeachable normativity that would stamp the structure of argumentation upon the controversial or polemical processes, remarking that there cannot be universal criteria for establishing argumentational validity. Both arguments and interpretations are historically located. The generalisation of universal validity of a rule cannot be guaranteed rationally by the fact that, in a universal audience, everybody could agree with it.

The Gadamerian defence of the concept of universality is, as we saw, confined to the universality of a medium, the linguistic medium. In this we see that what governs is the principle of the speculative dimension of language - a principle that we find expressed in the famous Gadamerian formula that asserts: 'the being that can be understood is language'.

The universal validity of any rule or norm arising from general assent can only be derived from the nature of the linguistic medium, even if this were to be conceived - hypothetically and, nevertheless, definitively - as a result of the

universal validity of the rule's content.

For this reason, it should be stated that prejudices or the principle of inertia modulate and orient the argumentational processes, leading them towards forms of consensus in which the modality of validity cannot any longer be established in relation to the universality of the semantic content expressed in the proposition, but rather on the basis of criteria regarding the value of arguments. These criteria do not deal with the contingent character of arguments, that is, their interpretative dimension, with which they increase the number of principles of inertia available to an epoch for reflecting on arguments in general - one of the most important tasks being to distinguish between eristic reasoning (based on apparently accepted premises) and reasoning in which there is, at least, a dialectic dimension (based on accepted premises, and with which possible contradictions are explored).

When we examine his philosophical conception of hermeneutics, it becomes clear that the degree of contingency Gadamer attributes to the validity of all argumentation is greater than that estimated by, for example, Apel. I refer to the fact that he does not seem to allow that argumentational premises concerning what is real (divided by Perelman into facts and truths as opposed to argumentational premises that are assumptions) can attain universal validity in a hypothetically universal audience. Gadamer does not allow this because he does not conceive the argumentational validity of the premises of argumentation to be separate from the *topoi* and the characteristic principles of linguistic ontology which we referred to above.

Therefore, in relation to the problem of the structure and validity of arguments, I maintain here that philosophical hermeneutics implicitly proposes once again a notion of argumentation in which propositions appearing in arguments cannot be dissociated from the structure of the latter because, as laid down in the classical hermeneutical tradition, they belong to the text as a whole or, as expressed by Toulmin's organicist metaphor[**vi**], they are greater than the sum of their parts (Toulmin 1958, p. 29).

The 'whole' (mentioned a few lines above) is formed linguistically, that is, in a universal medium, but it cannot provide a universal condition of validity thanks to transcendental instances reformulated within a logic-linguistic paradigm, above all if we accept that all propositions can be conceived as actions and cannot be

extracted from the pragmatic contexts in which they are uttered and by virtue of which they signify and connote. This is why Gadamer often understands it to be a characteristic of hermeneutic philosophy to give fuel to the dissolution of the modern dichotomy between philosophy and rhetoric or new rhetoric, within which he would situate the developments of argumentation theories.

So the connotations of an expression do not obscure their comprehensibility (as they do not univocally designate their reference), but rather increase it insofar as the nexus to which they refer becomes more comprehensible as a whole. It is the whole that is constructed here with words [arguments, interpretations, etc.], and it is only given in them.

Gadamer has a Platonic standpoint when he states that dialectics is a more suitable medium than rhetoric because it offers the possibility of counter-argument.

The dialectic model of counter-argumentation cannot be compared to rhetoric if we take the latter to be a medium for showing that the orator's skill may turn his position both towards defence and attack of what has already been stated, that is, when we have a concept of argumentation in which it has no specific function and, therefore, can be used to defend a tendentiously unlimited variety of theoretical viewpoints, or even a no less limited variety of intentions and goals in action.

This is not the case with the argumentational model that prevails in the interpretative processes based on the dialectic method of questioning, in which the dialectic is presented as a medium for pragmatically and speculatively resolving and explaining the thesis before us **[vii]**. This method is probative rather than demonstrative; nor is it a method comparable to the persuasive processes as such, because it is not strictly aimed at persuasion, and it may only be applied, according to Aristotle, to those philosophical issues whose obviousness one wishes to reveal.

On the basis of these first distinctions between dialectic, rhetoric and topic one may state that philosophical hermeneutics, while it does not analyse the concepts of argumentational validity and structure (although it did address the validity and structure of interpretation in the classical period), provides the model of a linguistic ontology in which theories of argumentation are held.

If we adopt a prescriptivist, descriptivist or instrumentalist standpoint to clarify whether a normative theory of argumentation is possible, that is, if we can conceive, and in what terms, the legitimacy of the rules that govern the action of arguing (in respect of the structure of arguments and the argumentational value of reasoning), there remains a prior question, namely: the question of linguistic ontology after the linguistic turn.

For example, it could be maintained that the semantic content of the concept of *argumentational normativity* is the product of conventions or, on the contrary, that it is not, *sensu stricto*, a product of conventions. But if we accept the assumptions of a linguistic ontology, we may still take an adjacent position. Given that the concept of argumentational normativity refers to argumentational value in the most general way, the hypothetical conventions on which the norm or the rules for arguing would have to be based – according to the conventional position – would become resolvable. In spite of that, at a certain point these conventions would not be negotiable, because their argumentational value would be closely linked to the epistemic condition of being an act of showing an argument by means of one or several propositions.

The convention of the rule – even if we hold a conventional conception regarding the foundation of logical laws – would end up acquiring a normative dimension because it forms part of the argumentational activity.

Therefore, by virtue of an exploration that is not so much ‘reproductive’ as ‘constructive’ in order to bring Gadamerian thought up to date, we maintain here that linguistic ontology is the implicit model in the development of argumentation theory for two reasons. Firstly, because language is where the action of arguing is carried out; and secondly, because it is by virtue of language that a complex allocation of the historical *logos* is achieved. In Gadamer’s thinking, this formula combines the Greek concept of natural rationality and the Hegelian concept of reason in history – ultimately, it is neither the one nor the other, because the general formulation of the historical *logos* is expressed in principles.

Consequently, as it is a modality of rationality inconceivable outside of the historical time line(s), it does not provide models of normativity compelling enough to elevate itself into even an instant of historical time nor, strictly speaking, into the concept of a Hegelian absolute spirit, but rather perhaps into models whose normativity depends on (the being of) language as a form of mediation between:

- (1) the shared consciousness of an epoch,
- (2) the development of reasoning characteristic of what Gadamer called the social consciousness (which is why there is a modality of shared virtue rhetoric in every epoch or, at least, a logic, or a civil rhetoric, as well as a psychology and a sociology of reasoning),
- (3) experience of the verisimilar,
- (4) experience of normative value (logical, ethical and legal) of world interpretations - construing 'world' not only in the sense of 'world view', but rather as a group of codes, theories, traditions, etc., which constitute a knowing; these interpretations could give rise to, or even in some cases, form or pre-form argumentational values.

The definition of argumentation and interpretation has semantic boundaries that are both subtly and eloquently permeable, taking into account the fact that in the final analysis all forms of knowledge cannot but approach and construct their object or topic by means of argumentational and interpretative processes. This accounts for why the latter may be characterised as the new *koine* of our time (Navarro 2009).

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ISSA Proceedings 2010 - The Enthymeme Between Persuasion And Argumentation



1. Persuasion

Currently, in the field of argumentation, distinct and even conflicting conceptions abound, one of the most widely debated of which is persuasion. For the epistemic tendency (Siegel and Biro 2008), persuasion and argumentation remain quite distinct for, even if it is allowed that persuasion may sometimes be the aim of argumentation, proponents of this point of view nevertheless consider that the validity of an argument must be evaluated on epistemic criteria alone. Basing himself on a different analysis, Marc Angenot arrived at the same conclusion in his latest book (*Dialogue de sourds*, 2008, p. 93-96): for him, argumentation rarely leads to persuasion, hence the two should be radically separated.

Argumentation has been distinguished from persuasion by pointing to the orator's purpose: if the specific purpose is to obtain adherence from the addressee by all possible means, usually understood as including non-reasonable ones, then what

is taking place is not argumentation but persuasion. The objective of obtaining adherence is also closely related to *pathos* and *ethos*, which are emotional elements seen, in this perspective, as being opposed to rational ones. According to this conception, persuasion, which is mainly identified with rhetoric, is a type of discourse whose priority is obtaining the addressee's adherence: this activity is considered as being opposed to argumentation (unlike Perelman's conception insofar as he considers adherence as the purpose of argumentation); for proponents of this tendency, which I seek to counter, persuasion is therefore considered as roughly equivalent to manipulation. I will come back to their distinction later since persuasion has been opposed to argumentation because it is frequently confused with manipulation.

Let us now examine in more detail which features of persuasion should always be present for us to be able to speak of the latter. If persuasion is based on rhetorical techniques aiming at producing a desired effect on the audience, it might be worthwhile to start by asking if an effect obtained by just any means should count as persuasion. For example, could we say that anybody has been persuaded when the persuader is playing on fear?

There are at least two types of things we fear: apart from the physical threats, there are all the disagreeable consequences that an orator can put forward in order to obtain the desired result from the addressee. Clearly we could not say that somebody has been persuaded when acting under threat of her life. But what about a warning to the hearer of the probable occurrence of bad consequences? In that case a distinction between a warning and a threat might be useful: if fulfilment of the bad consequences depends on arbitrary will and hence is under the control of the orator, we should speak of threat. But when these negative consequences are not due to the arbitrary will of the orator, we could sensibly say that the hearer has been persuaded by a warning of bad consequences. Furthermore, it would seem that it is acceptable to talk about persuasion, but only if the addressee comes to envisage as probable the realisation of these consequences.

Up to now the main elements of persuasion that have been underlined are: that the bad consequences presented as a means of persuading do not depend on the arbitrary will of the persuader, and that the addressee understands what the probabilities are that bad consequences would occur. But there is another important element that is required in order to obtain persuasion, i.e. a certain

space for free will. Indeed, free will is a central element for distinguishing persuasion from manipulation. Some authors (Plantin forthcoming; Breton 2000, p. 66) hold that concealment of the speaker's aim is the main element of manipulation. Nevertheless, the effect of such concealment is related to the obstruction of free will.

In this brief account of persuasion, manipulation is relevant only when considered as a borderline case of persuasion. In order to look more closely at the distinction between persuasion and manipulation, it might be useful to ask whether we should speak of persuasion or of manipulation when information is conveyed, for the conveying of information is purported to be objective. Emotional elements can, however, be present in objective discourse in which information is simply being conveyed.

For example, suppose that during a parents' meeting the director of a school informs her audience about the consequences of smoking for lung cancer, adding as evidence a report on the distribution of the probabilities of getting lung cancer showing that the probability increases with the number of years of smoking and the number of cigarettes consumed. Is she engaging in a rational argumentation giving her audience true and reasonable elements? Yes. Could we say that she is trying to persuade the parents so as to induce them to stop smoking? Yes. Could we say that she is threatening her audience? No. If she further adds to this information a different sort of data about the performance of children who have suffered a traumatic experience when their parents were seriously sick during their childhood or adolescence, she is admittedly playing on their emotions so as to induce them to seriously consider the desirability of stopping smoking, and consequently to take the decision to do so. Could the director of the school be accused of manipulating the hearers? No. These two cases show that the degree of emotionality is not the crucial element in distinguishing argumentation from persuasion, or persuasion from manipulation. In both cases the orator is conveying a message containing good reasons for reaching a certain conclusion: firstly, smoking is a hazardous practice and bad for our health and secondly, falling sick may endanger our children's future. Both could have been interpreted as acting on the subjectivity of the hearer by presenting the probable actualization of undesirable events. But there is no manipulation since the realization of those bad consequences is not under the control of the orator's will, and the expected effect, the parents stopping smoking, does not represent a

hidden benefit sought by the orator as her sole aim. All these features are important when considering the boundaries between persuasion and manipulation.

2. The path to persuasion

Now that I have tried to dissociate persuasion from manipulation, I will attempt to show in this section that, far from being opposed, persuasion and argumentation have much in common. In order to do so, it might be useful to bear in mind the elements required for the achievement of persuasion, which I would call the 'path to persuasion'. To be persuaded the addressee needs to go through different steps that *grosso modo* imply a degree of consciousness. Firstly, a cognitive process is required, indeed the addressee must attain a minimum degree of understanding of the message/information the orator is conveying; secondly, she must also grasp what is at stake in order to be able, at a third stage, to assess and accept the claim whose outcome is a change in or reinforcement of current beliefs, opinions, attitudes or values. According to the conception of persuasion I am proposing, argumentation and persuasion share the same steps up to this point. But persuasion requires something else: fourthly, a change in the addressee's disposition regarding an action or putting an end to a course of action. In other words, acceptance of the orator's claim is only a necessary condition, for persuasion also requires a change of disposition not attainable by just any means.

According to O'Keefe persuasion is "a successful intentional effort at influencing another's mental state through communication in a circumstance in which the persuadee has some measure of freedom." (O'Keefe 2002, p.5). However in my view, influencing another's mental state is too vague an outcome to consider that persuasion has been achieved. For as we saw in the example of the school director, it would not be sufficiently clear whether persuasion had been attained, even if the information was added with some kind of explanation as to what this information implied and the cognitive process was thereby brought about; in this case, the parents understand, consider and even fear the consequences, hence there is an influence on their mental state, but it is a changed disposition to act (or abstain) that, in my view, characterizes persuasive discourse. In other words, persuasion would be obtained only if the parents were in consequence disposed to stop smoking.

3. The Enthymeme

Let us now turn to the enthymeme and look at the role it plays for our

understanding of the link between argumentation and persuasion. We shall briefly recall some earlier conceptions of the enthymeme which might be of interest in identifying those characteristics that were already present before Aristotle's *Rhetoric* and are relevant to capturing the meaning and the role it plays in the present discussion.

In his "The Old Rhetoric" [*L'Ancienne Rhétorique*], Barthes introduces the enthymeme as one kind of *argumenta*, which, as opposed to inductive *exempla*, are modes of deduction. He says that originally the term *argumenta*, refers to the subject or argument of a play, seen as an articulated set of actions (Barthes 1970, p. 201). This is an interesting characteristic of great relevance to our concerns; for, as with the argument of a play, an argument is also articulated, and could not be conceived of as a simple set of ideas, since what makes of a set of ideas an argument is their articulation; it is only because of the type of relation between them that they constitute an argument of a particular kind.

Among *argumenta*, the enthymeme has a central place in rhetoric, as it is the proof (*pistis*) *par excellence*. But the term "enthymeme" belonged to the rhetoricians' vocabulary long before Aristotle wrote his *Rhetoric*. Aristotle inherited from other rhetoricians, particularly Isocrates and Anaximenes, different but not contradictory concepts of the enthymeme that, as J. Walker suggests, must have contributed to inform that contained in his *Rhetoric* (Walker 1994, p.53). Isocrates, for example, emphasizes the search for arguments that are appropriate for the context (*kairos*), i.e. what is opportune for the argumentative situation, and also underlines the need to be aware of the importance of good style. For his part, Anaximenes in the *Rhetoric to Alexander***[i]** underlines the adversarial character of enthymematic reasoning by recommending that enthymemes are to be invented through the analysis of the opponent's discourse and emphasises the pertinence of brevity. The conception of the enthymeme presented in Aristotle's *Rhetoric* comprises all these elements, as do today's conceptions.

In the Aristotelian realm, rhetoric is the method of finding the means of persuasion; the enthymeme and the example are, as mentioned above, the two *pisteis* or proofs of the art through discourse.

Let me list the main features of enthymemes**[ii]**:

- they are deductive syllogisms, a form of reasoning in specific contexts;

- they are syllogisms founded not on true but on probable premises;
- their purpose is to state likelihood (*eikos*) and not necessary conclusions or outcomes;
- they admit of exceptions, counterexamples, counterarguments: roughly speaking, opposition; hence they are not final demonstrations;
- they start from *endoxa* or beliefs, attitudes and opinions generally accepted by the audience in order to reach, by inferences or deductions, a conclusion that follows on from the former;
- they are brief;
- they may lack a premise or conclusion.

Now the virtues of enthymematic reasoning are economy, efficiency, efficacy, its pragmatic character; this is so because:

- being short it can easily be followed by the audience; for this reason Aristotle recommends not starting the chain of arguments from a very distant point;
- starting from what is known and already taken for granted is important, because the addressee will in consequence be well-disposed towards what is said;
- the omission of a premise is also justified by reasons of economy, for if something is well known, says Aristotle, it is unnecessary to repeat it;
- the omission of the conclusion has advantages in terms of economy, but might also be beneficial to efficiency because if the audience comes to the conclusion by itself, its acceptance is more easily acquired;
- allowing members of the audience to come to a conclusion by themselves might be more respectful toward them.

I will come back later to the question of how these characteristics and virtues contribute to the link between argumentation and persuasion. Before that, it will be helpful to distinguish the two main fields of rational reasoning: demonstration and argumentation, for my aim is limited to showing the link between argumentation and persuasion. Therefore, I will very briefly recall the difference between demonstrative and argumentative enterprises.

4. The realm of rational reasoning: demonstration and argumentation

In the realm of rational reasoning, pride of place is given to demonstration as a path to a conclusion, proceeding step by step from a series of true premises using rules of inference, and thus forming a continuous chain of reasoning that should inevitably arrive at a conclusion. At the end of a demonstration we are obliged to accept the conclusion unless we can show the existence of a flaw. In the context

of a formal logic demonstration, for example, it would not be acceptable to reject a step of the reasoning according to a certain rule, just because we have a hunch that it is not correct; we proceed by assuming that all the axioms and rules of the system are accepted and if we cannot prove an error it would be irrational to reject the conclusion (Plantin 1990, p. 160). Things are different, however, when we are in an argumentative context.

Conversely, argumentation is also a rational enterprise but its premises are not necessarily true: they are mainly probable and so is the conclusion. This is why argumentation is not about falsehood or truth, but about more or less fully convincing the addressee; it could be said that the core of argumentation is opposition between claims, and its aim is to advance reasons in favour of or against a claim, and not necessarily the resolution of the opposing thesis.

Now, to start focusing on the convergence of argumentation and rhetoric and especially to underline that the context, and therefore, also the audience are important for both the former, I would like to address an issue that might shed some light in our concerns.

Should we describe as argumentation a discourse that gives reasons for a conclusion which everybody in the audience agrees on?

If the core of argumentation is opposition between claims, it would seem out of place to ask this question. Nevertheless, in my view, it will be useful to do so, for it sheds light on an important issue concerning the role of enthymemes. So “yes”, I would describe a discourse that gives reasons for a conclusion as argumentation in at least two cases when everybody agrees: a) if we want to reinforce the degree of conviction, and b) if we want to be ready to face a further confrontation. Reflection on these two cases brings us to a crucial consideration: argumentation is always context-sensitive; the strict dialogical character of argumentation, requiring the exchange of two actually opposing theses, is a working hypothesis that, when qualified, may allow that an arguer is faced with other real or virtually present positions in a particular society (Bakhtin 1977, p. 105). It is, therefore, the context in a broad sense that makes it reasonable to label as argumentation a discourse that puts forward reasons leading to a conclusion which everybody in the audience agrees with, hence a discourse which, while not directly oppositional, nevertheless takes into account other opposing positions that are part of the social background. All these features of argumentative discourse will turn out to be central for the purpose of understanding the link between

argumentation and persuasion.

5. *The Hinging Role of Enthymemes*

How, then, do enthymemes perform their hinging role between argumentation and persuasion? One of the most salient features of the enthymeme is that it is an incomplete syllogism. As we recalled earlier, it can lack either a premise or a conclusion. Let us analyze both possibilities in order to see, firstly, given the need to articulate the elements of an argument, whether these omissions compromise the idea of considering the enthymeme as an argument, and secondly, how they at the same time play a persuasive role.

Concerning the absence of a premise, Aristotle rightly says that it is not necessary to repeat what everybody knows. This could be interpreted solely as a criterion of economy, since we can save time and effort by omitting what it is not necessary to say. But it also has another related connection with the role enthymemes play in persuasion, namely the importance of taking the audience into account.

To be sure, when the orator fails to make explicit a premise in an enthymeme, he is not simply leaving a blank, since he does so basing himself on the audience's knowledge, on its members' opinions, attitudes, beliefs, values, etc., i.e. the *endoxa*. It is only because the omission is grounded on this knowledge, on the set of, in Sperber's terms, public representations (Sperber 1996, p. 108), that it makes sense to omit the premise; it is not, therefore, a real omission. Thus the premise is, so to say, present. This pragmatic feature of enthymematic reasoning, namely the importance given to the audience, has at least three significant outcomes that link argumentation to persuasion. Firstly, of course, there is one of an utilitarian nature, namely efficiency, i.e. the fact of easily producing an effect on the audience; secondly, efficacy is also certainly a consequence, since the desired objective is obtained: persuasion. The third outcome of the absence of a premise in enthymematic reasoning is also linked to the role that *endoxa* plays. As I have already suggested, the elements of the latter are not only a set of ideas, they are interrelated and thus form different systems (Nettel 2009, p. 4) that the orator must take into account as a necessary condition for argumentation to take place, for it is a principle of reasonableness that the arguments advanced should be relevant to the hearer. This is so because argumentation in general needs a space of understanding: if the *endoxa* are not considered, it would be like talking to the wind. This is why the omission of a premise, instead of being a strategy of audience manipulation, is quite the contrary: a way of arguing in a perfectly

acceptable manner. Seen in this light, the omission of a premise is not a hiatus, a lack of articulation among the ideas that form the enthymematic argument. For, I repeat, if the premise is not stated, it is nevertheless in a way present as part of the *reservoir* of a community's public representations. The central role given by Aristotle to the importance of having the *endoxa* as a starting point when the goal is persuasion is confirmed by recent experiments that show that: "we seek to confirm it if we agree with it in the first place, and to disconfirm it if we don't. This can hardly be sanctioned by a normative theory and is all the more disquieting in that it seems to be extremely widespread: 'smart' people do it (Stanovich and West 2007); open-minded people do it (Stanovich and West 2007); and physicians, judges and scientists do it (see Fugelsang and Dunbar 2005; Nickerson 1998; and references within)" (Mercier and Sperber forthcoming, p. 163). Is this a bias as some cognitivists suggest? Not to my way of thinking. It is simply a general tendency to coherence that might be inscribed in a genetically defined module!

What then of the omission of a conclusion? Given that the latter is the outcome of the articulation of the premises, the addressee might still reach by herself the orator's anticipated conclusion, even if it is omitted. On the one hand this absence could certainly have a strategic purpose. But could this omission, then, be seen as a way of deceiving the addressee? Not necessarily. Rather it could be seen as the sign of a desire to avoid the responsibility of having to state a conclusion and, by the same token, of a desire to transfer this responsibility to the addressee. On the other hand, the lack of a conclusion could also be seen as a sign of respect for the audience's autonomy, signalling a democratic attitude. Nevertheless, in both scenarios efficiency and efficacy are present, for it is easier to promote conviction on the part of the addressee if the latter reaches the conclusion by herself, and at the same time it is certainly efficacious in obtaining persuasion because working out a conclusion by our own means gives us the feeling that it is ours instead of the orator's.

The conception of rhetoric as a discourse whose sole concern is to have an effect on the hearer is the fruit of a decontextualized interpretation of Aristotle's definition, whereas he refers to rhetoric as the method of finding every possible means to persuade the hearer. However, "every possible means" must not be interpreted as signifying just any means, for the aim of persuading by the *techné rhetoriké* requires, as dialectic, a demonstration or *pistis* through the articulation

of premises and the opposition of theses. In his *Topics*, Aristotle says that the rhetorical invention of enthymematic arguments starts by analyzing the pairs of oppositions that are opportune for the question at issue, given the situation and the occasion (*kairos*). As we recalled above, this is a central trait of dialectical argumentation, and the fact that a rhetorical discourse is often not an actual exchange between two opposite standpoints within a dialogue is not an obstacle; for even if the orator is the only person producing discourse, it is nevertheless opposing positions that are being discussed.

Argumentation is about finding convincing reasons for a claim and evaluating them (Mercier 2009, p. 9). Besides the steps that it shares with argumentation, persuasion also requires the achievement of a desired change of disposition on the part of the addressee; this change must nevertheless be based on the acceptance of a claim founded on the reasons advanced. Persuasion initially requires the conscious evaluation of these reasons and then acceptance of the claim that follows, i.e. what Mercier and Sperber call a “reflective inference” (Mercier and Sperber forthcoming); thus acceptance of the claim is only a necessary condition for the realization of persuasion. The enthymeme is an argument that, by virtue of its specific features, given a reasoned acceptance of a claim, also facilitates a change in the addressee’s disposition to act. This is why a mere mental influence on the addressee through subliminal information, for example, would not be enough for it to be considered that persuasion has been achieved: this would only be manipulation.

Argumentation and persuasion are intrinsically related because one cannot be persuaded of something that one does not consider fair, just, right, correct, true or plausible. In the above, I have tried to show not only that the enthymeme is a device that hinges between the reasonableness of argumentative reasoning and the persuasiveness of rhetorical reasoning, but also that it is called upon to play a technical, ethical, epistemological and ideological role in the theory and practice of human social discourse.

NOTES

[i] Apparently there is no agreement as to whether it was written before or after Aristotle’s *Rhetoric*.

[ii] Most of the features contained in the following list are contested in Burnyeat 1994 and 1996. It is beyond the scope of this paper to discuss in detail Burnyeat’s position. If Aristotle’s *Rhetoric* is a response to Plato’s criticism of rhetoric, as has

been considered (see Furley and Nehamas 1994, p. xii), then contrary to Burnyeat's opinion it is likely that the terms "syllogism," "enthymeme," etc. in Aristotle's *Rhetoric* were used in their technical meaning, i. e. as was the case in his previous works and not, as Burnyeat claims, in the sense they had in common language.

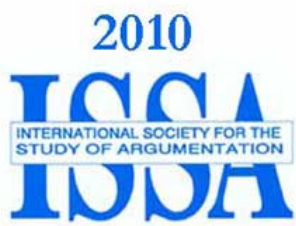
For the discussion of Aristotle's conception of enthymeme as syllogism in its technical meaning, I lean on Grimaldi 1972, p. 87-91. See also Racionero's notes in his Spanish translation of *Rhetoric*, about passages where Aristotle defines the enthymeme as syllogism or rhetorical syllogism: see Aristotle 1994, n. 16 p. 167-168 on *Rhetoric* 1355a 9; n. 54 p. 183-184 on *Rhetoric* 1357a 17; and n. 280 p. 417 on *Rhetoric* 1395b 24-26. See also Rubinelli 2003, p. 241, who maintains the syllogistic nature of enthymeme pace Burnyeat.

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ISSA Proceedings 2010 - Employing The Toulmin's Model In Rhetorical Education



1. Introduction

Rhetoric is the art of audience directed public speaking (Škarić 2003). There have been numerous definitions of rhetoric throughout history, but in either case all involve speaking in front of the audience. These two key concepts determine all other aspects of rhetorical theory, pedagogy and finally practice. This paper [i] explores the connection between rhetorical theory, developed both by ancient Greek scholars and modern authors, and rhetorical pedagogy. The paper also validates the connection of theory and

pedagogy on examples from rhetorical practice. This is also an attempt to combine Aristotle's notion of enthymeme and Toulmin's argumentation model by emphasizing their similarities while proposing Toulmin's model as a teaching and learning device, as well as an evaluation instrument for public speaking instructors. The analyzed speech examples belong to two groups; the first group includes speeches delivered at final presentation at School of Rhetoric in Croatia and the second those delivered in the Croatian Parliament.

In Classical Greece, the general belief was that rhetoric was the skill requiring special education and training. It was the integral part of classical education and remained part of the European educational heritage. Five Rhetorical Canons (*Inventio, Dispositio, Elocutio, Memoria* and *Actio*) provided guidelines both for rhetorical pedagogy and practice. Modern authors put emphasis on rhetorical practice by saying that the *abilities of the good rhetorician cannot be developed merely by being talked about; they must be actively undertaken in practice* (Jost and Olmsted 2004, p. xv). This paper attempts to follow that principle in teaching practice at The School of Rhetoric 'Ivo Škarić' [ii] by including not only lectures, but also active participation in terms of classical mentoring during the process of creating a persuasive speech.

The aim of persuasive speech is to change attitudes, beliefs and opinions of the audience. It is believed that this is the most challenging type of public speaking since the speaker has to support and deliver his/her speech so to provoke an adequate reaction - acceptance by the audience. Persuasive speech reaches its goal through various means - the claim has to be supported by evidence, the speech needs to have a proper outline and polished delivery, and the speaker needs to believe that the topic of the speech will be accepted.

It was Aristotle who defined rhetoric within persuasive framework by saying that the function of rhetoric is *to see the available means of persuasion in each case* (*On Rhetoric*, 1.1, 1355b). It was again Aristotle who listed the means of persuasion by saying: *All people are persuaded either because as judges they themselves are affected in some way or because they suppose the speakers have certain qualities or because something has been logically demonstrated* (*On Rhetoric*, 3.1, 1403b).

The trichotomy of pathos, ethos and logos determined in classical Greece is still employed today. It is not uncommon to come across contemporary literature on

public speaking and persuasion that explores the appeal to emotion, and even finding authors claiming that *when persuasion is the end, passion also must be engaged* (Lucas 2001). Ethics is an inevitable element in public (rhetorical) speaking. Again, Aristotle emphasized this point by saying: *for it is not the case, as some of the handbook writers propose in their treatment of the art, that fair-mindedness [epieikeia] on the part of the speaker makes no contribution to persuasiveness; rather, character is almost, so to speak, the most authoritative form of persuasion* (*On Rhetoric*, 1.2, 1356a).

One should not underestimate the importance of the relation between the two appeals. It is not unethical, as one may think, to use supporting material that appeals to emotions or emotionally tinted language in persuasive speech, especially when topics of persuasive speeches tend to address rather emotional issues. However, since unethical use of emotion in public speaking tends to arise quite often, emotions and ethics have started to be perceived as opposites. When searching for a speech enriched by pathos, the speech delivered by Hitler should not be the first example, but rather the ones delivered by Winston Churchill, Martin Luther King or Mother Theresa.

The third appeal is the appeal to logic, which means giving evidence and constructing argument through the principal processes of reasoning in order to support the claims of persuasive speeches. Types of evidence, their organization and relations can generally be called the argumentation of persuasive speeches. The term argumentation is a term often used in various contexts sharing certain common points, but not always belonging to the same category. This paper considers argumentation a process in which, to a particular audience, the proposition rationally becomes very probable truth. Arguments are elements of argumentation that support the claim and are milestones in the argumentation process. Rhetoric employs the process of reasoning that, either explicitly or implicitly, connects non-technical arguments with the proposition in order to confirm and persuade the matters perceived by the audience as disputable. This is why rhetorical argumentation is a special branch of argumentation. The importance of the argument layout for both educational and evaluation purposes will be further discussed later in this paper.

2. Aristotle's Persuasive Enthymeme

Enthymeme as a form naturally belongs to rhetoric just as syllogism belongs to logic or to be more precise to dialectics. Once again Aristotle's definitions and

clarifications will be employed in order to determine the field of rhetorical argumentation so to explore contemporary argumentation schemes in more detail.

In his attempt to define the scope and field of rhetoric, Aristotle stated his opinion about preceding works: *these writers say nothing about enthymemes, which is the "body" of persuasion (On Rhetoric, 1.1, 1354a)* pointing out the importance of enthymeme for rhetorical persuasion or, in the terms explored in this paper, rhetorical argumentation. He draws a line between rhetoric and dialectics by claiming they are counterparts, implicitly pointing out the *diferentia specifica* of the two philosophical disciplines: *[it is clear] that it is a function of one and the same art to see both the persuasive and the apparently persuasive, just as [it is the function] in dialectic [to recognize] both a syllogism and an apparent syllogism (On Rhetoric, 1.1, 1355b)*. He further continues to explicate the difference between syllogism utilized in dialectics as opposed to rhetorical enthymeme, but first makes an important remark about reasoning in general describing it as a cognitive ability of every human being. Cognitive processes we call reasoning are a universal human ability employed regardless of the degree of certainty. *For it belongs to the same capacity both to see the true and what resembles the true, and at the same time humans have a natural disposition for the true and to a large extent hit on the truth; thus an ability to aim at commonly held opinions [endoxa] is a characteristic of one who also has a similar ability in regard to the truth (On Rhetoric, 1.1, 1355a)*.

It is not important whether the premises are true or probably true, the conclusions are made in a similar way. That is why rhetoric 'needs' dialectics to learn, adapt or even imitate the processes today usually ascribed to logic. Still, different start positions, as noted in Aristotle, should not be ignored: *to show on the basis of many similar instances that something is so is in dialectic induction, in rhetoric paradigm; but to show that if some premises are true, something else [the conclusion] beyond them results from these because they are true, either universally or for the most part, in dialectic is called syllogism and in rhetoric enthymeme (On Rhetoric, 1.2, 1356b)*.

He further defines the enthymeme, calling it a rhetorical syllogism, and once again emphasizing its use as means of persuasion. *And all [speakers] produce logical persuasion by means of paradigms or enthymemes and by nothing other than these. (On Rhetoric, 1.2, 1356b)*

So, when focusing on enthymeme as a rhetorician's instrument in persuasion, it should be noted that it cannot have the same validating strength of the syllogism. However, enthymeme is much more effective for the speech delivery (*Actio*) when addressing a crowd (due to brevity) (Olmsted 2006). Other advantages of enthymeme, since there are no certainties, is its ability to offer insight into both sides of a dispute and develop critical thinking; another important dimension of education.

3. Toulmin's Model in Rhetorical Pedagogy

When writing *The Uses of Argument* (1958), Toulmin himself did not have aspirations to *expound a theory of rhetoric or argumentation*, nor to *establish the analytical model that came to be called the Toulmin model* (Toulmin 2003, p. vii). Nevertheless, the model's impact on argumentation theory is immense. The model itself inspired numerous scholars and provoked various debates between the followers of both formal and informal logic.

However, it should be pointed out that the approach to Toulmin's model rarely left scholarly debates and tackled the lively examples of public speeches (Hitchcock & Verheij 2006). It has often been forgotten that Toulmin's model offers comprehensive layout for rhetorical argumentation and can be used as a powerful teaching device.

In rhetorical pedagogy, there are three main advantages of Toulmin's model. The visual character of the model, sometimes called a scheme due to the visual characteristics, is the first advantage noted during the learning process. Since humans are visually oriented, it is clear that such information input facilitates learning, and, what is more, visualization is one of the most frequent strategies for effective listening (Škarić 2003). The five rhetorical canons state that the speaker arranges the material after determining the topic and gathering the material (*Inventio*). The model facilitates this stage by offering a simple and clear-cut layout used to determine the importance of data (ground) and backings in order to establish modal qualification.

The second advantage is applicable to rhetorical education in particular, while the first one can be used more generally. It is necessary to discern uncontested and contested elements in argumentation or, in other words, the true and the probably true. The true elements, which do not require additional support, are grounds and backings, while the probably true elements are warrant, rebuttal and

obviously the claim. The model makes clear distinction of the elements and thus becomes a powerful learning device.

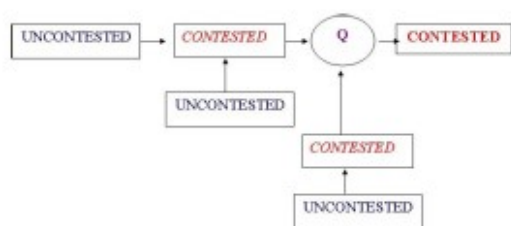


Figure 1 - Toulmin's model with true and probably true elements

Figure (1) Toulmin's model with true and probably true elements

Finally, the third advantage of Toulmin's model is easier recognition of argumentative procedures and fallacies in the argumentation process. This paper supports the assumption that both speaker and listener can benefit from the model. The model has a strong effect on both organization and clarity of the speech. It can help the audience to employ critical and logical thinking, and, if the audience is in fact persuaded, this persuasion will definitely have an important impact.

The relation between the model and the enthymeme is evident if perceived in the upper part of the model as an inference. A warrant can be expressed as a major premise of rhetorical syllogism (enthymeme), meaning that the warrant states a rule, a generalization or can be left implicit - as is the case when enthymeme's data is the minor premise, an individual case, while the claim is a conclusion in the persuasive enthymeme achieving the speaker's goal.

When 'dissected', the model, due to these enthymemic features, seems to 'prefer' deductive reasoning. Surely, it should not be concluded that other types of reasoning are forbidden, but the main inference, connecting the upper part of the model and leading to the claim (proposition), is rhetorical deduction. If rhetorical processes mimic the logical ones then rhetorical deduction must be acknowledged as the counterpart of logical deduction (valid inference from premises). Rhetorical deduction represented by enthymeme follows the validity of inference, but the major premise in enthymeme is certainly probable and not the absolute truth. Therefore, the syllogism consists of a true major premise and a true minor

premise leading to a true conclusion. On the other hand, enthymeme includes a (very) probable major premise and a true minor premise which finally give a (very) probable conclusion.

4. Analysis of persuasive speeches within Toulmin's model

Speech delivery is in fact the interplay of several different factors; speaker's intention, the delivered text and the content that remains unspoken but implied between the speaker and the audience. In that way, public speeches may be perceived as unique verbal discourses. In the moment of delivery, the speaker does not only address the audience, but this particular audience determines the argumentation in the speech, and, therefore, the speaker adapts. However, it is the speaker's responsibility, and the integral part of public speaker's ethos, to examine all the elements of the argumentation during the *dispositio* phase.

When concentrating on argumentation and logic of a certain speech, the listener, either layman or professional is always involved in the process of translating the delivered speech (*Actio*) to the text defined during speech preparation (*Elocutio*). Moving from *elocutio* and returning to *dispositio*, apart from recognizing elements of argumentation, the listener must add everything that was implied in the delivery. Toulmin's model aids this reconstruction due to the above mentioned advantages.

Translation of the delivered text back to the 'Toulmin's boxes' was the method used in the analysis of speeches. The illustrations show argument's layout in particular speeches and the reconstructed elements are brought in italics.

4.1. Speeches given at the Final Presentation at the School of Rhetoric

In the first example, the transcript is offered to illustrate the applied methodology. In the figures that illustrate argumentation layout, the sentences in italics represent the implied elements which were reconstructed for the analysis. **[iii]**

Example (1) Speech transcript 1

The Republic of Croatia should stop financing religious institutions. There are two aspects of this problem: political and economic. According to the Constitution, Croatia is a secular state. Article 41 states that all religious institutions and the state are separate. Therefore, issuing such large amounts of budget money is politically inexplicable. Some of you will perhaps remember the Latin proverb:

Vox populi, vox Dei. Meaning: the voice of the people is God's voice. According to the 2001 census 93% of the population is religious, 88% are Catholic. But it's commonly known that true believers live their faith.

Independent Institute "Ivo Pilar" conducted a survey and it showed that only 12% of Croats attend religious ceremonies.

The speaker states a policy claim that the practice of giving 413 million HRK per year to all religious institutions in Croatia, money allocation depending on the number of believers/practitioners, should be changed. The ground for this claim is the highest legal act - the Constitution; the remaining logical predicate from the claim (financing) and from the ground (secular state) are connected in the warrant which is contested, but also bears a high degree of probability. There is no legal act that would forbid secular states to finance religious institutions, but it is implied as a topos, at least in the opinion of speakers and audience with liberal political views. It is difficult to suggest new piece of evidence to support this warrant other than the examples from other countries. In that way, the mentioned examples become rhetorical evidence (if the example is representative for given audience) which can raise the degree of certainty of the contested claim.

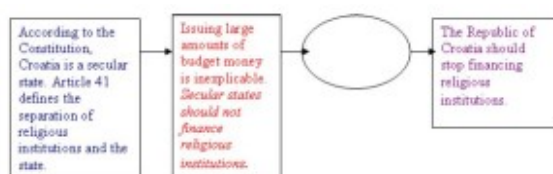


Figure 2 - The upper part of Toulmin's model - speech example (1)

The *topoi warrant* which does not hold legal strength but is based on attitudes cannot be refuted with legal evidence. Namely, to break the Constitution would imply the state and religious institutions being a unity - but financing as such is not forbidden. Therefore, an exception is required to refute this general attitude. It is the speaker's duty to do so since the audience must be informed about the opposing attitudes (*Audiatur et altera pars!*), and therefore the speaker anticipates possible rebuttal and refutes the rebuttal with another backing.

The rebuttal the speaker offers is in fact the opinion of the other side introduced by Latin proverb *Vox populi, vox Dei*, i.e. the population's religious affiliation

represents certain political strength in the state. If the population has strong religious affiliation the secularity of that state is definitely limited. In a country where the majority of citizens declare themselves to be atheists, it is not expected of the state to support religious institutions, but, nevertheless, a religious state cannot employ a wide application of the secularity principle.

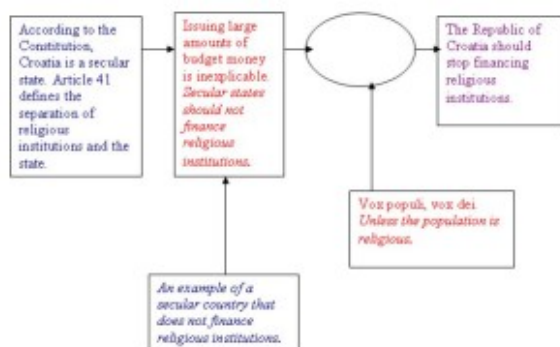


Figure 3 – Toulmin’s model – speech example (1)

Although the warrant itself is not the absolute truth, it seems that the rebuttal has its weaknesses. Therefore, the speaker, apparently not representing that side, attempts to strengthen the rebuttal with a backing – statistical data – by saying that, according to the Census, Croatian people undoubtedly determined their religious affiliation, especially regarding the Roman Catholic Church.

This backing could also be refuted since it does not support the generalization of the rebuttal but focuses on Croatia, could be rhetorically unnecessary and with a possible devastating outcome when introducing examples from other countries as the topics is about Croatia in particular. Finally, even if the rebuttal attempts to generalize, Croatia also needs to be included in the rebuttal when attacking the generalization expressed by the warrant. Once again we can see the strength of a rhetorical example.

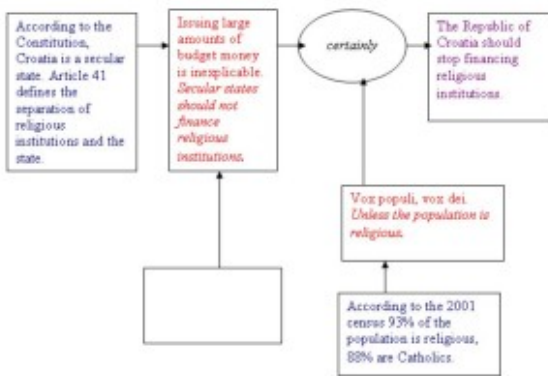


Figure 4 - Complete Toulmin's model
- speech example (1)

Clearly the elements of Toulmin's model are easily noted in this speech, meaning that the *elocutio* (textualisation) did not attempt to considerably mask *dispositio*. It can be concluded that this speech has a higher degree of rational, or better yet formal, argumentation and does not include a high level of persuasion. Considering the fact that persuasion often hides argumentation patterns by masking them into illustrative elements during *elocutio*, this can possibly be employed as an instrument for determining the degree of persuasion in the analysis of public speeches.

The model is only 'stopped' when expressing the rebuttal and determining modal qualification, but in the delivered speech the rebuttal must not remain 'hanging', it has to be refuted and the argumentation needs to be steered back to its initial course, making the claim rationally acceptable to the audience.

The basic reasoning process used in this example is rhetorical deduction, since the speaker used *topos* to connect the claim and the ground.

Example (2)

The second example shows that persuasive speeches often contain claims of policy since they should encourage an audience to act. Action can be encouraged by rational appeals or more effectively by emotional ones. A good speaker should profile his/her audience and decide on the type of argumentation most suitable for the given audience. One feature of audience profile is the level of emotionality, or whether a certain audience will be more or less susceptible to emotional corroborations. A very informative topic can quite often encourage an audience to act. Revealing less known facts about certain social situations can cause shock and disbelief, and a skilful speaker knows how to develop argumentation further

after gaining the trust of an audience. However, the strongest argument should not be brought forward at the beginning. For the given audience, the strongest argument is the one carrying the greatest emotional weight. The speaker decides to commence with rational argumentation in which the process of the emotional action begins:

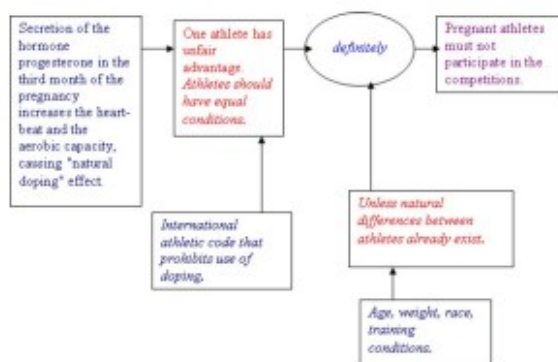


Figure 5 – Toulmin’s model – speech example (2)

It cannot be disputed that doping is not fair or that it creates differences between athletes, and, after we learn about the influence of progesterone hormone on athletes in their first trimester, we are convinced that the pregnant athletes are doped.

The speaker does not see the need to support the warrant, providing such support would be redundant in this case. Again, there is the warrant of generalization at work: doping should not be present at sports events/athletes have to have equal conditions. So, *never* present and *all* have to have.

As shown in the example, the persuasion completely took over the process of explaining the claim since the speaker has no need to state the counter-argument. It can be claimed that the general belief is that all athletes competing in any sport should and are considered equal. However, rational rhetorical argumentation should be able to find that kind of objection, even though the persuasive speech loses its strength if the objections are stated explicitly. When considering the objections, they can be found in existing differences among athletes (e.g. race, weight etc.), but to state that objection in the *elocutio* phase is rhetorically inefficient. The stated differences are considered inevitable and are minimized in certain sports where they might be crucial for the results (e.g. making ranks or

categories).

After the speaker successfully backed her claim from a sporting point of view, she moves on to the one determined as emotional as its very name: child's point of view. The speaker offers examples of various athletes who were winning and breaking records while being pregnant and only to have abortions after a competition. The audience is left with an unspoken fact: the pregnancies were planned for one reason only - to achieve greater score. This is when the speaker includes emotional support: she takes over the topos of an unborn child's right to live. The audience is not allowed to question the truth of that topos, although it is rationally questionable. This is when the counter-argument is stated: why should the athletes who are pregnant but also want to keep their child be banned from competing? Should they be victims of the said pregnancy manipulations? Emotional argumentation is opposed by the rational one, and the speaker is aware that the argument should be refuted rationally. She decides to use the tactics of *fine differentiation*: physical activity that is beneficial for pregnant women is not related to physical strain which athletes have to undergo even if they want average results. So, physical *strain* that logically cannot be equal to physical *activity* acts as a powerful junction of these two argumentation flows. The speaker's audience is now convinced, both rationally and emotionally, that pregnant athletes should not be allowed to compete.

4.2. Speeches delivered in the Croatian Parliament

The following examples (3), (4), (5), (6) were extracted from the debate about the Bill on Assisted Reproductive Technology (July, 2009). The bill proposer is the Health Minister, the first bill opposer is Chairperson of the Gender Equality Committee and the second bill opposer is the representative of the Social Democratic Party's Deputy Club (the largest opposition party).**[iv]**

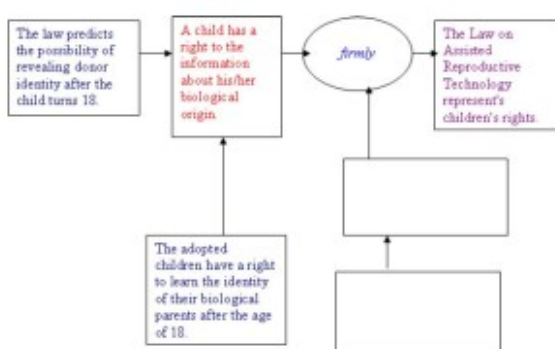


Figure 6 - Toulmin's model - speech example (3) (Bill proposer - Minister of Health)

Bill proposer consciously creates a large fallacy - he overlooks alternatives. It would be rather useful to follow classical rhetorical principle of stating the counter-argument (rebuttal) since the proper refutation intensifies the proposer's claim.

Health Minister attempts to employ analogically-deductive reasoning within the specific argumentation line. General claim in the parliamentary debate is that the bill should be accepted. First he says that the Law on Assisted Reproductive Technology (ART) protects children's rights. This claim is explicitly a claim of fact and implicitly a claim of value. The law will protect children's rights by introducing a new regulation that a child can, after turning 18, require information about the donor's identity.

When drawing analogy with current legal regulation stating the right of adopted children to reveal the identity of their biological parents when they become of full age, he tries to establish a warrant that would appear as a general rule; every child has a right to find information about their biological parents.

The Minister does not state the rebuttal since it is not in his best interest to refute his own claim (why would he give arguments to the Opposition?), but he forgets that parliamentary debate is, from a rhetorical perspective, just another debate in which the counter-argument should be anticipated.

For example, the Minister could have offered an exception to his rule (warrant) by stating that indeed every child has a right to access information about his/her biological parents unless that right will decrease the number of potential donors. This is a strong rebuttal and it is not easy to give such strong argument to the Opposition, especially when you are not certain about the possible refutation.

What he seemed to forget was the fact that reasoning by analogy proven to be quite useful in this kind of argumentation; to find examples of countries with similar regulations about revealing donor's identity in which the number of potential donors did not decrease. The claim could even be stronger if he stated that Croatian donor practice should also be more advanced and that donors

should be aware of both their rights and duties. Surely, the existing Family Law and other laws and regulations implicitly protect the donor so that reproductive donation cannot cause any financial problems. What remains open is the matter of anonymity, but here we witnessed a dispute about values, evidently the field of rhetoric.

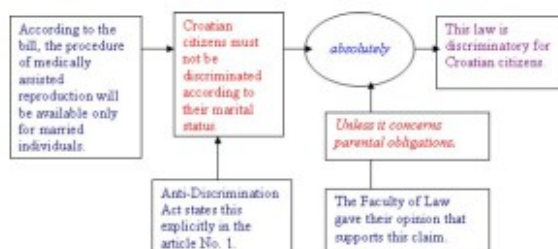


Figure 7 - Toulmin's model - speech example (4) (Bill opposer 1 - Chairperson of the Gender Equality Committee)

The Opposition can play the same game as the Minister, as demonstrated by the president of the Gender Equality Committee (4). If the Minister uses the analogy to connect the rights of adopted children and the rights of children conceived by ART, then the Opposition can use the analogy to point out that the bill discriminates unmarried couples.

The ground for this argumentation was the fact that legislation does overlook the possibility of ART treatments for unmarried couples and the speaker decides to support this analogy rationally, on the existing legal regulations, or specifically by the Anti-Discrimination Act. This support significantly strengthened the warrant, reflecting the speaker's general attitude that Croatian citizens should not be discriminated according to their marital status.

In this case the Minister did not use a counter-argument for his warrant on universal rights of children to know who their parents are, but the opposing representative also did not state the possible rebuttal, since she considered her warrant an unquestionable truth. However, the Minister replies immediately by pulling an ace out of his sleeve - unmarried and married couples are not absolutely equal in front of the law. He stated the opinion of the Chair for Family Law at the Faculty of Law in Zagreb, which interprets the Family Law in the following manner: married and unmarried couples are equal in terms of rights

and property, but not in terms of parenting. Namely, only a child born within a legal marriage automatically has a legal father, i.e. the mother's husband. However, what remains controversial and what can be debated even further is the question of offering partial rights to couples and not leaving them the possibility to use ART treatment. It may be implicitly concluded that *lex specialis* (ART Law) amends for the current Government too liberal *lex generalis*, i.e. the Family Law, which regulates the existence and rights of unmarried couples.

Speech example (5) (Bill proposer -Health Minister)

The dispute about the values concerning the ART is one of the paradigmatic debates between the left and right wing politicians - the question of abortion or moreover the right to abortion seems to emerge. More specifically, there is the problem of cryopreservation within the ART procedure and the side-effect of casting off the embryo surplus.

The ground that the Health Minister uses in his argumentation is the attitude of the centre-right government based on the stipulative definition of an embryo being a human being. The warrant itself becomes obvious, supporting the claim that the procedure of cryopreservation should be abandoned.

It is evident that this argumentation line is neither based on legal nor medical ground. What we see here is the conflict of values, i.e. *opinion topoi*. The Minister's attitude is rather clear and firm - freezing the large number of embryos which will later be discarded equals euthanasia. However, the Minister finds exceptions since he believes that this approach will win him the support of general public.

Embryos can be frozen if a patient would benefit from that, i.e. if she is medically unable to be implanted according to the scheduled procedure. The Government's starting point has always been a child and its rights, but at that moment the Government begins to represent the woman's rights as well. Nevertheless, the woman is still perceived only as the 'embryo carrier' and only because she cannot be implanted at certain moment due to medical problems, the embryos will be frozen. That means that the embryos will be waiting for their 'carrier' to recover and their rights will be protected.

It is important to note here that the Opposition did not attempt to offer meaningful refutation, but they used a stratagem *ad absurdum*. The

representative of the Opposition stated the possibility of a woman's health worsening and the embryos remaining frozen after she passes away, and, in this case, the government would allow the embryos to be 'killed'. The Minister replies following the same pattern - 'the atomic bomb is also an option, but it will not be a part of the legislation.'

This all shows that Toulmin's model can be used for the evaluation of political speeches since it facilitates the recognition of fallacies and confirms that, in parliamentary debates between left and right wing politicians, the argumentation is based on *opinion topoi* which can be contested, but the expressed topoi will qualify as the absolute truth to the members of a certain group. Serious argumentation should not be based on breaking the topoi but finding the weak parts of the argumentation structure that these topoi (warrants) potentially generated.

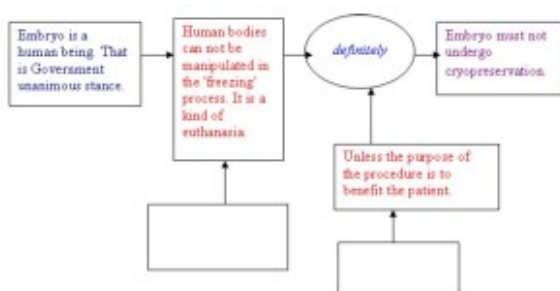


Figure 8 - Toulmin's model - speech example (5) (Bill proposer - Minister of Health)

As a response to the Minister's claim about cryopreservation, the representative of the largest Opposition party, also a doctor provides a completely opposite claim. He states that the cryopreservation procedure should be allowed since based on the fact that the procedure itself is rather modern and has proven extremely successful. He explicates his warrant, which is by all means a general one, that the treatment of all diseases should include the most advanced methods. The backing for that warrant is the attitude of the European Agency, an important authority in the current political context since Croatia is an EU accession country.

However, the 'quick' Minister finds the exception to the general warrant through anti-example which affects the entire argumentation stated by the SDP representative. There is nothing controversial about the fact that an illness should

be cured with all the available means, but Minister points out that cryopreservation is not a medical procedure that cures infertility. In his witty response he says: *A woman who conceives a child by medically assisted reproduction remains infertile and still cannot conceive naturally. The same applies to men.*

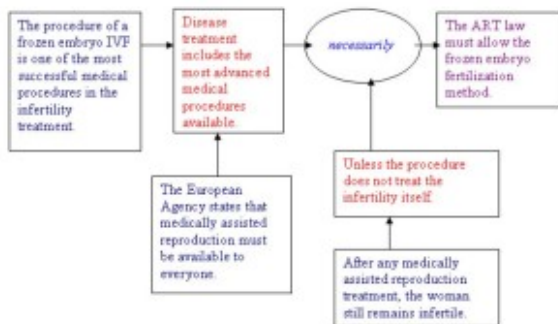


Figure 9 - Toulmin's model - speech example (6) (Bill opposer 2 - Representative of Social Democratic Party's Deputy Club)

General conclusion of the argumentation seen in the Parliamentary debate is that the reasoning in most enthymemes is based on the *opinion topoi*. Right political option, represented in our examples by the Health Minister, uses those topoi representing firm and stable conservative value system shared by right wing politicians and electorate. The problem in their argumentation is that all deductive conclusions are based on such topoi expressed in warrants, and such warrants overlook modern scientific achievements. On the other hand, left wing politicians are mistaken because they overlook the alternatives; the topoi they use do not have a moralizing tone, but are based on the principles of equality and provide equal rights for everyone. Actually, left politicians have one overall topoi: all people have maximum rights and are equal among themselves. That general topoi generates partial warrants suitable for specific claims stated during the debate. However, most often the warrants are rather weak, because, paradoxically, they are not strong enough to include basic values. That is why the right wing politicians often find strong rebuttals and support their claims efficiently.

5. Conclusion

The advantage that Toulmin's model offers to learners, listeners and evaluators of

persuasive speeches is the support for the layout of argument, insight into fallacies and the origin of a dispute (determining underlying *topoi*). The model is especially sensitive to recognition of fallacies, i.e. overlooking alternatives, or better yet, ignoring exceptions to the rule (the warrant) which have to be neutralized or refuted. The model also gives an efficient instrument to rationally examine argumentation from both sides, as it was evident in this analysis of the parliamentary debate, thus minimizing the analytics' bias which would not be possible if only the speech transcript (*Elocutio*) was analyzed.

NOTES

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[ii] The School of Rhetoric was established in 1992 by late professor emeritus Ivo Škarić from the Department of Phonetics, Faculty of Humanities and Social Sciences, University of Zagreb. The school takes place twice a year for a week. Classes are organized by a workshop principle in small groups guided by a mentor. During one week per term, students (high-school age) learn about public speaking principles and prepare persuasive speech. The best speeches are selected by the expert commission and then delivered at the final presentation where the audience chooses the winning speech. The speeches used as examples in this paper are the winning speeches.

[iii] The later examples were not preceded by the transcripts. The first transcript was given to stress out the differences between *elocutio* and *dispositio* phase.

[iv] The debate took place in July 2009. The full video of the debate can be found at <http://itv.sabor.hr/video/>.

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