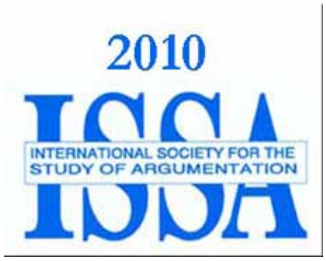
ISSA Proceedings 2010 – Rhetoric And Argumentation In Advertising: TV Campaign "Let's Live Like Galician"



1. *Introduction*

The aim of this paper **[i]** is to analyze the persuasive effectiveness of the video *Vivamos como Galegos* [Let's live like Galician] and to underlie its three main features: 1) indirectness; 2) emotiveness; 3) multimodality.

Galicia is one of the 18 Spanish administrative regions. The local language is Galician (a variety of Portuguese), which is spoken, not without some complexity, together with Spanish. A very strong feeling of local identity is common within the inhabitants of this country. This feeling has become a real nationalist stance, which has also institutional expression in political parties.

In 2007 a Galician local company called GADISA (*Gallega Distribuidora de Alimentos*, i.e. Galician Food Supplier) started a campaign in order to increase its sells in its supermarket chain called GADIS. The commercial reach of the campaign is Galicia itself. The campaign is aimed at enhancing GADIS market against its main competitors, which are all foreigners: Carrefour, Alcampo, and Día (France), Lidl (Germany), Eroski (Basque Country, Spain), Mercadona (Valencian Community, Spain).

The campaign was designed by the advertising company BAPConde and utilized various forms of media (TV, radio, posters, web, etc.). The campaign started with the video we treat here. All the videos or advertisements feature the same concept: praising the Galician way of life, trying to reverse a previous feeling of inferiority, and transforming this inferiority into pride or in feeling of superiority for being Galician. We chose to deal with the video *Vivamos como Galegos*, because it was the original, it was the first broadcasted on television, and it was by far the most popular of the series – people frequently use expressions employed in the commercial, or they consciously stress behaviors displayed in the video, or their mobile phone tone is the video's soundtrack. The video also had commercial success: as states Miguel Conde, President and Art Director of

BAPConde, thanks to this video, the selling volume of GADIS increased 4.7%.

2. *Video transcription*

A transcription of the video with its translation in English and short descriptions of characters and scenarios is presented below. Every scene (S1, S2, etc.) has different characters and scenarios. We considered the performance of the main character as a single scene interrupted by other scenes. Italicized 5) and 6) indicate Spanish, instead of Galician.

S1: the main character (character A) returns from a trip; his mother, father and sister are picking him up from the airport. The protagonist, sitting in the car, talks to his relatives. Except when indicated otherwise, the utterances are made by character A.

1) Woah…you're better off here than anywhere else… (character A)
2) People are still kind, not too stressed
3) What? (B)
4) Out there it's different

S2: two persons running along the platform in an underground station.

5) How are you doing? (C)
6) Here, going for the 5th tube of the day (D)

S1: coming back to the main character in the car.

7) How can we not feel fine here?
8) Here we have the best beaches in the world

S1: view of a Galician beach from the car window, seen from the perspective of the main character. Coming back to him in the car.

9) The best omelette on the planet is

S3: a housewife in a kitchen, showing an omelette.

10) My mother's (E off-screen)
11) It's my mother's (F off-screen)
12) It's my mother's (G off-screen)

S1: coming back to the main character in the car.

13) We're optimistic by nature
14) For us everything is…

S4: two persons in a rural – very Galician – setting.

15) …"well" (H)
16) Is it warm? (I)
17) …well (H)
18) Is it cold? (I)

19) …well (H)
20) And how are the family getting on? OK? (I)
21) …well (H)
S1: the main character stops in the middle of the street to talk to a man walking along the street. From this point the main character talks off-screen.
22) We're positive by nature!
23) And Galicians never are wrong
S5: A child and his grandmother in a park. The child stumbles and falls and his grandmother says:
24) You'll fall!… (J)
S6: a girl in a kitchen, eating directly from the saucepan.
25) We can go home for lunch and see the family
S7: 3 foreground shots of two refrigerators wide open, full of food.
26) We love to see our cupboards and fridges always full
S8: two children playing in a park with a dog.
27) And when we see children we still smile at them
S9: an elderly man walking in a park with a child.
28) And they're welcome
S10: an elderly man dancing with a child.
S11: some young people playing table soccer.
29) We invented table soccer
S12: a football player in a press conference; a journalist asks a question off-screen.
30) And the absolute question
31) So Fran…? (K)
S13: a blackboard of a restaurant with the English phrase *octopus to the party*, subtitled as *pulpo a feira* (a typical Galician course made with boiled octopus).
32) Free translation
S14: a shaking hand touches the back windscreen of a car manoeuvring for parking.
33) And hand-parking
34) That's it, there, there (L off-screen)
S1: coming back to the main character in the square; people start moving nearer to him.
35) Go to your parents' for lunch whenever you can
S1: the main character climbs onto a car roof, talking to the people around him.
36) And if someone asks you a tricky question, ask one back!

S1: the main character gets off the car and mounts a brown horse; he starts galloping in a field; more and more people come up to him: they appear from behind; he talks to them as he canters along.
37) And if someone asks where the best soccer is played, answer categorically…
S15: a stadium full of people cheering.
38) In Galicia (M off-screen)
Final moments of Beethoven's Ninth Symphony; main character's voice is off-screen.
39) We have 17,340 different festivals
S15: two men in a stadium sharing some food.
S16: an elderly man and a young girl dancing in a rural setting.
S17: some young people standing around a pot chanting a *conxuro* (a traditional Galician spell).
S18: a beach full of people and bonfires during the summer solstice celebrations or the Festivity of Saint John (June 24th)
40) We've got *grelo* harvesters
S19: a woman with some *grelos* (turnip greens – a traditional Galician vegetable).
41) Goose barnacle hunters
S20: a *percebeiro* (barnacle hunter) in his wetsuit shows some barnacles from the sea.
42) We've got *orballo* (drizzle)
S21: foreground shot of fine rain falling upon some leaf.
43) Oak trees
S22: image of an oak tree.
44) Rain
S23: foreground shot of wet paving-stones.
45) Rain
S24: a typical rural Galician house (made of granite and slate) in the rain.
46) And…
S25: a typical Galician house in the rain.
47) Rain
S26: two persons playing and laughing in the rain.
S1: the main character riding the horse and talking to the persons facing the sea.
48) Where food is a religion
S27: a table in the middle of the garden of a typical Galician rural house; around the table some people are eating, and some children playing; (main character's voice is off-screen).

49) And if you don’t go to your village on Sunday it’s not a proper Sunday.
S1: coming back to the main character on horseback, alternating with shots of people standing on a hill. Protagonist keeps talking to them.
50) And where people aren’t ugly, they’re nice
51) It’s time we realised that life here is really great
52) Let’s enjoy our way of life
53) Let’s live like Galicians!

3. *Methodological frame*

Our methodological approach is *transdisciplinary*. We are convinced that complex phenomenon such as persuasive discourse (especially if it is multimedial, as in this case) can only be examined through multiple perspectives and different analytical tools. For this reason we use, for this study, Traditional Rhetoric and modern Theory of Argumentation as well as (Critical) Discourse Analysis; Semiotics; Pragmatics; Social Psychology. Even what the advertisers themselves say about advertising is taken into account.
We specially draw attention to the performativity of speech acts (Austin 1962); to the idea that multimodal texts are more persuasive than monomodal ones; and to the fact that text and context are indivisible. Also two concept are fundamental for this analysis: the notion of image in the sense of Goffman (1965); and that of frame, used in the sense of Goffman (2006 [1974]) and Lakoff (2007).

3.1. Performativity of language

Following Austin we consider speaking as form of acting: describing the world (and what is going on in it) means building it, along with conveying speaker’s attitudes and shaping listeners’ attitudes about it; describing actors means construing them, and especially their image. In doing so the speaker shows his/her attitudes about actors and shapes listeners’ attitude about them.

3.2. *Image*

According to Goffman, subjects construe/transmit an image of themselves in society, and they do so through actions/discourses. So subjects usually act/speak in society coherently with the image they want to construe/transmit. This is true at a microsociological level, but also at a macrosociological level, in unmediated interactive context (face-to-face) as well as in mediated ones (TV, web, radio). We can consider a subject everything that acts *as a subject*, for example institutions or companies, like GADIS. In order to construe and transmit an image of GADIS in/to society, GADIS 1) acts in a particular way; 2) and speaks in a particular way.

3.3. *Frame*

This notion is also based on Goffman's sociological research, albeit developed as a psycho-sociological tool. A frame could be defined as the system of mental structures shaping the way of seeing the world. Advertising discourses can: 1) confirm (already existing) frames, using them for economic ends; 2) confutate/change frames (or even invent a new frame), use them for economic ends: for example for opening new markets or redirecting consumers' attitude/behaviors.

Actually, changing frame means changing the way of seeing the world and living in it.

Persuasive discourses could be aimed both at giving (or managing) some image of the speaker or changing/strengthening some frames in order to achieve certain goals.

3.4. *Context*

As Blommaert puts it: "context is not something we can just 'add' to the text – it is text, it defines its meaning and condition of use" (2005: 45). From this perspective text and context (if it is really possible to define where the former finishes and where the latter starts) are in a circular relation: they influence each other reciprocally.

In addition, context also influences the discourse meaning for the scholar. Actually without paying attention to the sociodiscursive context of the video *Vivamos como Galegos* it will be difficult to grasp its meaning and the way it works within the Galician society.

Galicia is traditionally one of the poorest Spanish regions, and one of the most depressed European zones, probably due to its geographical "peripherality" and to its "rurality" (rural economy and way of life). Galicians have traditionally emigrated in every part of the World. In some South American countries the term *gallego* (Galician) has a pejorative meaning, as synonym of *stupid* (as it appears also in the official Spanish *Dictionary, the Diccionario de la Real Academia de la Lengua Española*), and Galicians are often the ingenuous or thick protagonist of jokes. Feelings of inferiority compared to other countries or other Spanish regions are traditionally common among Galicians. At the same time, strong local identitarian/nationalist feelings also are common within Galician society.

3.5. *Multimodality*

Multimodality is the presence, in the same text, of different semiotic codes (ways

of expressing the meaning), as, for instance, verbal, visual, and aural. They all cooperate in persuading receivers. The relationship between signs of different semiotic codes within the same text is argumentative. Signs of different semiotic codes may be in relation of complementation (for example, images complement words), contrast (images deny words), or exegesis (images explain words). In any case, images or sounds reinforce the persuasive value of the words or vice versa. We will come back on this below with an example.

4. *Advertising and Aristotle*

As known, Aristotle stated the existence of three main discursive genres:

1) Judicial discourse, which judges things that have been done (in the past);

2) Deliberative discourse, which persuades receivers for (not) doing something (in the future);

3) Epideictic discourse, which praises/blames some person or institution.

According to Albaladejo Mayordomo (1999), who distinguishes between *central* and *peripheral component*, all rhetorical discourses have one main (central) component and one or many other secondary (peripheral) components. For example, conventional advertising whose end is convincing/persuading receivers for doing something (e.g. buying some product) does not simply belong to the deliberative genre: advertising has one central deliberative component (persuading receiver for buying the product) plus one peripheral epideictic component (praising the product).

The video *Vivamos como Galegos* also has one central component and a peripheral one. But in this case the epideictic component is central: almost the entire video is aimed at praising the present Galician way of life. The deliberative component is the peripheral one: just the final slogan "let's live like Galician" is aimed at convincing the receivers to adopt/keep the Galician way of life in the future.

Certainly the video has a deliberative goal, since it is aimed at persuading receivers to buy products form GADIS supermarket, but it tries to persuade them through an epideictic discourse, which tries to demonstrate the dignity and the positivity of the Galician way of life.

5. *Persuasion and attitude*

Persuasion is not a direct function of the discourse, but is mediated by attitudes (Petty & Briñol 2010; Petty & Wegener 1998, among many others). Persuasive

discourses do not determine directly receivers' behavior (maintaining/changing their conduct in order for doing/not doing something). Rather, persuasive discourses can change or strengthen some attitude, which in turn determines (among other variables) behavior. Persuasive discourse acts on receivers' attitudes or representation, which constitute what we termed frame. Thus the effectiveness of a persuasive discourse depends on the ability of managing socio-discursive frames in order to achieve the speaker's own interests. GADIS has to change receivers' frame/attitudes about Galicia/n(s)/nity. Since the given sociodiscursive frame of reference is the Galicians' sense of inferiority, GADIS tries to change this frame, by trying to persuade the receivers of being proud of being Galician, through a demonstration of how nice it is being Galician: "Let's realize how nice we live; Let's enjoy our way of life, Let's live like Galician".

6. *Indirectness*

The evidence that the epidictique component is the central one and the deliberative component is the peripheral one is that GADIS never explicitly impels receivers to buy from GADIS. Rather GADIS merely demonstrates that the Galician way of life is the best in the world. GADIS simply invites receivers (which are Galician) to live *their own* way: in reality speaker and addressee are in the same group, as shown by the form *let's*, which implies a subject like *us*, instead of a form like (*you*) *live.*

One of the last trends in advertising is not directly inciting the receiver to do/not do something, letting him/her infer it alone (Campmany 2005; Olins 2003). Accordingly the video *Vivamos como galegos* does not directly ask its receivers to buy some product. This indirectness probably was one of the most important reasons of success of the campaign:

1) Receivers actively cooperate in interpreting the argumentation (Eco 1979), and actively involving them in message interpretation increases persuasion.

2) The commercial shocks receivers' attention, which is essential for the remembering of persuasive messages.

3) The entire commercial constitutes a sort of *captatio benevolentiae*: it praises receivers' way of life (receivers are Galician, as the addresser); it does not threaten receivers' *image* with directive speech acts (Grice 1975; Searle 1965, 1969; Goffman 1959), as would a form like "(you) live like Galician".

Using the subject *us*, the speaker construes a group in which addresser and receivers are united by virtue of their *Galicianity*; this reduces the receivers' sensation of being an indefinite target of a persuasive discourse, and minimizes

receivers' resistance to persuasion, increasing its efficacy.

7. Discursive strategy: managing addresser's image and changing receivers' frame

GADIS try to discursively construe and transmit an image of itself as an institution not interested in defending its own economical and commercial benefit; but rather aimed at defending the Galician (addresser + receivers) way of life. Actually the video *A historia do avó* [the story of Grandfather] and the campaign "Changing the dictionary" started by GADIS for deleting the connotation of 'stupid' from the term *gallego* (Galician) within the Spanish Dictionary, were both coherent with this image: GADIS defends Galicians, their way of life, and their values.

At the same time, GADIS try to change receivers' frame, from a sense of inferiority to a sense of pride (and even superiority) for being Galician. Obviously, this kind of discourse is aimed at getting the receivers' empathy and sympathy, so they will prefer buying from GADIS supermarkets rather than other supermarket chains owned by foreigners. The slogan *Vivamos como galegos*, appearing at the end of the video with the GADIS logo, allows the receivers to recognize the addresser of the discourse (GADIS) and to infer: "GADIS is Galician (like us); GADIS defends (our) Galician way of life; GADIS defends us".

The commercial tries to change an existing frame, in which being Galician is seen as negative (in Galicia itself, in the rest of Spain, or in the World), substituting it with a new one, in which Galicia, Galician and Galicianity are positive. GADIS does not defend Galicia from the political/institutional nationalism standpoint, or from the position of some political nationalist party; rather GADIS just defends the local, the Galician (and in doing so it defends its particular economic and commercial ends). In order to make the message more acceptable within the Galician society (among the receivers there are nationalist but also not nationalist person), GADIS remains as most neutral as possible. So the video simply defends some features of the local identity, through the representation of some topics *about* Galicia/n(s) generally admitted and usually accepted *within* Galicia/ns. These topics displayed in the video are the discursive frame of reference.

8. Argumentative resources for changing frame

In the following lines we are going to deal with the main argumentative resources used by GADIS in order to change the existing pejorative frame about Galicia/n(s). They are: 1) the exploitation of topics of quality (Perelman & Olbrechts-Tyteca

2000); 2) the exploitation of emotiveness, humor, irony, and hyperbole.
1) The video continuously stresses the value of uniqueness, as an essential feature of Galicia/n(s): “here like nowhere else […] out there is different”. This utterance is the base for a polarized construction of the world between Galicia and non-Galicia, which characterizes the entire commercial: Galicia and its singularity are positive, whilst non-Galicia and its ordinariness are negative.
GADIS changes the existing frame of reference exalting Galicia/n uniqueness as a positive feature against the non-Galician banality.
2) Irony (or auto irony) is one of the best devices for overcoming one’s defects through laughing or for minimizing them. As van Dijk (2003) argues, in every polarized description of actors, speakers emphasize positive in-group features and deemphasize negative in-group features. Accordingly, we can observe that in this video, the speaker emphasizes the in-group positive features stressing some (objective or perceived as) positive Galician habits/products/things; and it deemphasizes the in-group negative features minimizing through the humor some (objective or perceived as) negative Galician habits/products/things. Irony also allows the speaker temperate the aggressiveness of what could be perceived as a nationalistic defense of the local. Thanks to the humor, GADIS professes a sort of ironical (and funny) patriotism, which seems more hilarious if compared to the social context: the real existence of some Galician nationalistic aggressive movements within the Galician society.
Within the discursive devices through which the speaker implements its discursive strategy, we can observe two main ways of re-valorizing Galicia/n(s)/nity: 1) Emphasizing positive in-group features: listing some *per se* positive Galician features or Galician features generally appreciated in/out of Galicia; 2) Deemphasizing negative in-group features: listing ironically “negative” Galician features for inverting them, transforming them into positive features.
1) Emphasizing positive in-group features: listing some *per se* positive Galician features or Galician features generally appreciated in/out of Galicia: a lot of *fiestas* [parties]; good and abundant foods; niceness and amiability; products like *grelos*, *percebes*, table soccer (supposedly invented by Galicians), also renowned and appreciated out of Galicia; nice beaches; etc.
Everything is not just good, but it is the best in the world. It is a normal feature of the advertising discourse, but here the hyperbolic description of the positive features of Galicia maximizes their importance, accordingly to the typology sketched above about the polarized description of the world.
2) Deemphasizing negative in-group features: listing ironically “negative” Galician

features for inverting them, transforming them into positive features. We normally have an initial situation, generally dealing with some negative stereotypes about Galician(s) or with some feature normally judged as negative, and a final situation where the initially negative feature has become positive.

Consider one stereotype about Galicians: indolence; for example, they always respond "well" to every question. Through a pun between the pragmatic value of *bueno* 'well', 'actually' (used as a discursive marker) and the semantic value of *bueno* 'good', 'fine', the speaker states that the reason why a man always responds "well" to every question is just optimism: "we're optimistic by nature". In this way we can observe a discursive transformation of a *frame*: the same event (always responding *well*) is seen from a new perspective that changes it from a negative feature (indolence) into a positive one (optimism).
Consider another stereotype about Galicia: in Galicia weather is always rainy. The protagonist of the video proudly says that "We've got chillwind…rain, rain, and…rain". The conjunction of these words with the images of two persons happily playing in the rain allows receivers thinking about the rain in a positive way: this discursively transforms the rain into a positive feature.

9. *Multimodality*
This last example allows us show the importance of multimodality. Verbal, visual, and aural signs cooperate in construing the meaning and in persuading the receivers. Signs belonging to different semiotic codes reinforce the peruasiveness of a message. In the video *Vivamos como Galegos*, we can easily observe a narrative structure where together with the main scene (S1) there are different scenes which each displays a different feature of Galicia/n(s)/nity. Each feature is represented by one scene which is visually, verbally, and acoustically different. In this way each scene works like a vivid *exemplum* of the Galician feature the speaker is dealing with.
Consider, for instance, the change between the S1 and the S2. There are many differences between these two scenes. Differences concern images, sounds, and words.
1) Images: different characters (protagonist's family vs. two unknown persons), different color tones (warm vs. cold), different angles of shooting (front vs. back; eye level vs. bottom-up), and different moving of the shoot (stable vs. moved).
2) Words: different discourses and also different languages. In S1 the hero itself makes a statement about the calmness of Galicia ("here like nowhere else; people

is still kind here, not too stressed […] out there is different") compared to the stress of non-Galicia (called "out-there"). Between S2-S1 there is also a switch from Galician (1-4) to Spanish (5-6) and again to Spanish (7 *et seq.*): protagonists of S1 speak Galician, whilst persons living "out there" (represented in S2) speak Spanish, which works as a typical representation of the out-group language.
3) Sound: variations in the soundtrack mark the difference between the peace of Galicia (S1: people talking in their car; the sound of a beach) and the noise of the city (S2).
Images, sounds, and words cooperate in construing the difference between S1 and S2. Iconical, acoustic and verbal signs together construe a dichotomy between *herein* (Galicia) vs. *out there* (non-Galicia), and between *us* vs. *them*. Obviously values are attached to these two spaces (Galicia vs. NO-Galicia): the *here* is judged as positive, whilst the *out there* is negative.

10. *Final remarks*

Discursively construing a positive feeling about Galicia/n(s)/nity and a negative one against the non-Galicia/n(s)/nity means construing identities. Actually GADIS defends a "solid" identity against the "liquid" one which – according to Bauman's definition (2003) – seems to prevail in the present postmodern times. GADIS defends the local identity (represented by the intimate, calm and safe, old Galicia) against the universal one (with its stress, its formality, and its unsafely large limits). GADIS protects the traditional identity (represented by the iconical, acoustical and verbal references to the family, the village, the quiet, the silence, the nature, and the rural world) from the modern one (represented by the tube, the noise, the acquaintance). GADIS defends the solid tradition against the modern liquidity. Obviously the validity of the defended values is self-justified; not proved, but instead taken for granted. GADIS' discursive strategy only tends to the fulfillment of its commercial and economical ends, namely increasing its sells. In doing so, GADIS tergiversates its own image: instead of representing itself as an institution aimed at its own benefit, GADIS acts and speaks as the defender of the Galicians' interests, what provided receivers' empathy and sympathy.
Indeed, the entire commercial is a sort of *captatio benevolentiae* aimed at obtaining the empathy and sympathy of the (Galician) receivers, who are GADIS' potential customers. In order to obtain their *benevolentia* GADIS has to show them that Galicia is the best place in the world to live in. It does this by the rhetoric devices listed above (topics of quality; inversion of negative aspects into positive features; hyperbole; irony). GADIS therefore changes receivers'

representations about Galicia; whilst the speaker changes the receivers' frame about Galicia/n(s)/ness.

The *benevolentia* is also obtained thanks to the comic and pleasant narration, full of hyperbole and irony. GADIS uses these two rhetorical devices in at least two ways.

1) To make more pleasant its message. Accordingly to Pratkanis and Aronson (1994), the more pleasant the message is, the more persuasive and the more permanent in the receivers' memory it tends to be.

2) GADIS uses irony and hyperbole in order to temperate the aggressiveness of what could be perceived as a nationalistic defence of local values. It must be remembered that the audience is made up of nationalists and non-nationalists, as well as anti-nationalists. The commercial shifts from the real towards the unreal, ending in a hyperbolic narration, with ironic or humoristic effects, which is highly appealing to receivers. The intrinsic nationalistic aggressiveness of the scene is attenuated due to its lack of reality. Through the use of humour, GADIS professes a sort of ironic (and funny) patriotism, which seems more hilarious if compared to the social context: the actual existence of some Galician nationalistic aggressive movements within the Galician society. Therefore, GADIS strategically uses nationalism, through its parody (Screti 2009), in order to achieve its commercial and economical objectives.

NOTE

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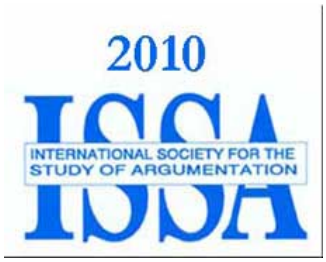
ISSA Proceedings 2010 – Strategic Manoeuvring With Direct Evidential Strategies



1. Introduction

In this paper**[i]** , the linguistic expressions pointing to a sensorial type of information source are taken into account within the framework provided by the argumentation theories of pragma-dialectics in order to highlight the argumentative values that these expressions acquire in a particular context. The paper aims at confirming the previously mentioned hypothesis (Gata 2007) according to which evidential strategies do not serve only to indicate the information source, but they are endowed with argumentative value. In this context, they are approached in terms of presentational devices meant to sustain a standpoint by putting forward hardly refutable evidence.

The general framework of this study is provided on the one hand by traditional and recent studies in the field of evidentiality theory (Chafe 1986; Journal of Pragmatics, vol. 33, March 2001; Aikhenvald 2003; Gata 2007, 2009(1)) and on the other hand by the Argumentation Theory, developed by van Eemeren & Grootendorst in the 1980's and enriched later on due to the contributions of Houtlosser and Snoeck Henkemans, namely by means of the concept of strategic manoeuvring.

The first part of the paper aims at providing a clear cut distinction between

several evidential strategies. The focus is placed on the verbs of visual and auditory perceptions (see, hear) which, according to the context, pertain to both types of evidentiality, namely direct vs indirect evidentiality. The second part approaches direct evidential strategies within argumentative discourses in the attempt to identify the types of strategic manoeuvring that stand out in the stages of the resolution process. The analysis is performed on several excerpts of discourse**[ii]** taken from the Internet in which the authors attempt to convince the readers of the truthfulness of a particular standpoint.

2. Critical discussion and strategic manoeuvring

The model for critical discussion incorporates four stages which occur in the resolution process as well as "verbal moves that are instrumental in each of these stages" (Van Eemeren, Grootendorst & Snoeck Henkemans 1996, p. 280). It also puts forward, under the form of Ten Commandments, the rules both parties involved should observe in order to be dialectically reasonable, i.e. to "lead to generally acceptable opinions or points of view". (*Idem*, p. 32) Violation of these rules equals fallacies defined as "discussion moves which damage the quality of argumentative discourse" (*Idem*, p.21).

According to Van Eemeren, Grootendorst & Snoeck Henkemans (2002, p. 25), the four stages analytically identified in the model of critical discussion include:

1) the confrontation stage (the parties agree they are dealing with a difference of opinion);

2) the opening stage (the parties take up their roles of protagonist and antagonist, implicitly accepting the rules which govern the critical discussion);

3) the argumentation stage (the protagonist defends his standpoint against the critical responses of the antagonist);

4) the concluding stage (they evaluate whether the protagonist has successfully defended his standpoint).

Although aware that real-life argumentative discussions hardly fit into the given model, we admit that it may function as a useful pattern in relation to which the analysed argumentative discourses should be further placed.

More often than not, in argumentative discussions, the parties do not attempt only to reach the resolution of the difference of opinion, but they aim at resolving it in their own favour. In this context, the parties try to reconcile both their goals of increasing the acceptability of the standpoint at issue while intending to convince the audience of the correctness of the particular standpoint. This

simultaneous pursuit of the dialectical and rhetorical aims leads to strategic manoeuvring. This concept is not always easy to grasp in a particular discussion since "the habitat of strategic manoeuvring is a context of controversy and critical testing where one party tries to steer the resolution process so as to serve his personal aims." (Krabbe 2008, p. 455)

Strategic manoeuvring refers to the "continual efforts made in principal by all parties in argumentative discourse to reconcile their simultaneous pursuit of rhetorical aims of effectiveness with maintaining dialectical standards of reasonableness". (Van Eemeren & Houtlosser 2009, p. 5) Strategic manoeuvring is a theoretical concept meant to bridge the gap between dialectic and rhetoric, between a "collaborative method of putting logic into use so as to move from conjecture and opinion to more secure belief" and a "theoretical study of the potential effectiveness of argumentative discourse in convincing or persuading an audience in actual argumentative practice" (Van Eemeren & Houtlosser 2006, p. 383). In each of the four stages for critical discussion, the parties, while keeping within the dialectical procedures of reasonableness and logic, make use of rhetorical devices with a view to making things go their way and to convincing the audience of the correctness of a standpoint.
Strategic manoeuvring becomes manifest at three levels in argumentative discourse, namely "in the choices that are made from the 'topical potential' available at a certain stage in the discourse, in audience-directed 'adjustments' of the argumentative moves that are made, and in the purposive use of linguistic (or other) 'devices' in presenting these moves". (*Ibidem*)To put it differently, speakers / writers may choose the material they find easiest to handle, the perspective most agreeable to the audience and they can present their contribution in the most effective wordings. (Van Eemeren & Houtlosser 1999, p. 484)
Despite the fact that these three levels of strategic manoeuvring have been analytically distinguished, in real-life argumentative practice, these aspects occur and function together. (Tindale, quoted by Van Eemeren & Houtlosser 2009, p. 5)
I argue in this paper that direct evidential strategies should be considered among presentational devices that are put to good use by the speaker / writer in order to convey optimal rhetorical efficiency.

3. Direct evidential strategies
In general, *evidentiality* is referred to as the linguistic phenomenon, specific to

some non-Indo European languages, indicating the way the source of information is grammatically marked in an utterance (Aikenvald 2003). The linguistic markers that point to the information source are called *evidentials*.
Plungian (2001, pp. 351-352), based on Guentchéva's work (1996), provides the following classification of evidential values:
a) the speaker has observed the situation directly, through visual experience;
b) the speaker has perceived the situation directly, but not through visual experience; we are dealing with a value that points to other senses (hearing and smelling);
c) the speaker has not noticed the situation directly since he was spatially and temporally separated from it; at this point, literature provides three possibilities that render indirect perception:
1) the speaker has directly perceived the situation S' which triggers an inferential process that leads the speaker to the initial situation S (inferential value);
2) he knows something which allows him to consider the situation S as probable (presumptive value);
3) he acquires the information concerning S from a third instance (hearsay value).

This typology is further enriched by Gata (2009(1), pp. 484-490) who provides a refined taxonomy of evidential functions starting from the same distinction between direct evidentiality (divided at a first level in performative evidentiality and non-performative / sensorial / experimental evidentiality) and indirect evidentiality (firstly classified in inferential and non-inferential evidentiality). The final classification comprises eight sub-classes for direct evidentiality and eight for indirect evidentiality.
In this paper, I have used the term evidential strategy to separate from the non-Indo European languages where affixes or particles are specialized in indicating the information source. In English, evidentiality is rendered by both lexical strategies and grammatical markers including verb tenses, epistemic verbs, adverbs, *verba dicendi*, and other various expressions.
Direct evidential strategies highlight the fact that the speaker has had access to the information conveyed in the utterance through visual or auditory experience and, moreover, that this information plays a significant part in the actual argumentative discourse (Gata 2007).
The most explicit evidential strategies belonging to this category are the perception verbs (*see, hear*): *I see her coming down the hall*. The use of present continuous may also have an evidential value. Chafe (1986, p. 267) argues that

the sentences *I see her coming down the hall* and *She's coming down the hall* are equivalent, except for the lack of evidential specification in the latter. However, my opinion is that the two assertions are not equivalent, since in the latter case, the knowledge can be issued from direct, auditory experience and not necessarily visual (*when hearing her walking down the hall, wearing high hills*, for instance). An inventory of possible direct evidential strategies should also encompass expressions (*Here it is!*) and interjections (*Whoops! My God!*) usually accompanied by an admirative value (Scripnic & Gata 2008, p. 381).
From the whole range of direct evidential strategies, I deal in this paper with evidential structures centred on a perception verb such as *I see / saw he is / was ill. I hear / heard he is / was coming*.

By adopting the pragma-dialectical perspective according to which any discourse is a priori argumentative since it aims more or less overtly at convincing the interlocutor / audience / readers about the acceptability of a standpoint, I attempt to highlight the part evidential strategies play in dialectically solving the difference of opinion and in reaching the rhetorical goals that the parties involved have set. I assume that these strategies contribute to supporting a standpoint by putting forward visual and auditory type of evidence as well as to obtaining and to enhancing the other party's commitment to this argumentation presented as objective, although through the speaker's subjectivity.
Before approaching direct evidential strategies in the framework of the critical discussion, it is worth assessing the relation between the verbs see, hear and the type of evidential strategy they are likely to bring to the fore.

4. Types of evidential strategies centred on the verbs see and hear
4.1. See
The verb see, according to its meaning, may point to two types of evidential values:
a) *I see mom leaving the house* (direct evidentiality – visual perception of the event);
b) *I see mom has left the house* (indirect evidentiality – inferential process triggered by other clues that the speaker took notice of: *door locked, absence of his mom's coat*, etc.).
In order to account for their argumentative function, the two utterances may be followed by another one such as *So we can come in and listen to music without being disturbed*. In both cases, we are dealing with visual perception, but the

difference lies in the fact that, in the first case (a), the speaker is a direct witness to the event (*his mother's departure*), while in the second case (b), the speaker visually notices certain clues which lead him, through an inferential type of reasoning, to the conclusion that *his mother has left the building*.

The two evidential values (direct and indirect) become manifest in the real life argumentative discourse:

(1) *I see* that death is the only option…

I sit on the edge of my bed every night with thoughts of pulling the trigger…

(http://help.com/post/342555-i-see-that-death-is-the-only-optio)

In (1), the verb *see* functions as a verb of opinion, namely *I believe that, I think that*; it points out that the speaker has had access to the information conveyed (*death is the only option*) through reasoning based on the direct experience of a series of situations related to the situation described.

When the verb *see* occurs in the present perfect or past tense, it commonly functions as a direct evidential strategy. This value is reinforced in some contexts by the use of the facultative and pleonastic element with *one's one eyes***[iii]**. Gata (2009(2)) explains that the adding of the element *with one's own eyes* may be justified by the fact that the speaker feels the need to make a distinction between the multiple meanings which the verb *see* has developed besides the meaning of sensorial perception: (for instance, *understand, imagine, seize the reasons of*).

Direct evidential strategies centred on the verb see can be envisaged as having the following general schematic form, by means of which the speaker attempts to impose the truthfulness of a propositional content on the audience (Figure 1):

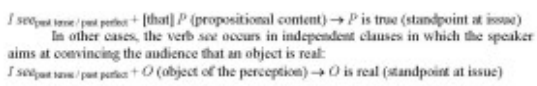


Figure 1

(2) *I've seen* the Honda Fury, and It's…… uh, real. And unfortunately that's all I can say about it until January 16th, due to an embargo agreement I signed.

(http://motorcycles.about.com/b/2008/12/18/ive-seen-the-honda-fury-and-its.htm)

(3) "*I saw it with my own eyes how civilians were shot.*"

I was an eyewitness. I was on vacation at home taking a break from my studies at school in Rezekne. There was a cemetery 3 kilometers away from us. My father said that there was a Nazi order for all the people in the village to take spades

and go – I did not know where and why. When we came, we saw a big pit, a ditch around 15 meters deep. The bottom was covered with sand. It was very strange, and it turned out that 800 Jews had been shot dead in Karstov. It was such a psychological blow for me. I realized what Nazi rule meant (Vladislaus Buklovskis, Latvia)
(http://victory1945.rt.com/witnesses/saw-shot-dead-nazi/)
In (2) and (3), we can identify direct evidential strategies which point to a visual perception of the events (*the creation of a new type of motorbike; the civilians shot by the Nazis*). According to the different propositional content as well as the rhetorical effect pursued, the speakers have adopted different ways of using direct evidential strategies: in (2), the speaker gives as a single argument for the existence of the motorbike Honda Fury his visual perception of the object: *it exists because I saw it*, enhancing therefore his ethos as a trustworthy person whose words cannot be questioned; in (3), the speaker makes use of two direct evidential strategies which point to the same way of access to the information conveyed (*I saw it with my own eyes, I was an eye witness*); these expressions are endowed with powerful rhetorical effect since he attempts not to convince the readers of the events described (everybody being aware of the Nazis' horrors), but to draw their attention in order not to forget that such atrocities took place. Moreover, the repetition of the information source aims at dismissing any attempt of attack from the other party and at imposing the standpoint on the audience.

4.2. *Hear*
The verb *hear* may enter two types of evidential strategies, according to the context:
a) *I hear* / *I've heard people shouting in the street*. (direct evidentiality – auditory perception of the event);
b) *I've heard he has been dismissed*. (indirect evidentiality – reportative value since the speaker has got the information from a third instance, not overtly mentioned in discourse; in this case *I've heard* can be considered synonymous to *I was told*).
When the verb *hear* points to an indirect access to the knowledge conveyed in the utterance, this knowledge proves to be uncertain; that is why, more often than not, the speaker requires a confirmation of the knowledge peddled by the community and related to the speaker's interests.

(4) *I've heard* that the police are now using lasers in addition to radar to catch

speeders on the highway. How does a laser measure the speed of a car? (http://www.scientificamerican.com/article.cfm?id=ive-heard-that-the-police)
In example (4), the speaker is not obviously an auditory witness to the use of lasers to catch speeders on the highway. He derives this knowledge from the public opinion which peddles certain information whose truthfulness needs to be confirmed by the appropriate authorities.
Direct evidential strategies centred on the verb *hear* usually have the following schematic form *(Figure 2)*:

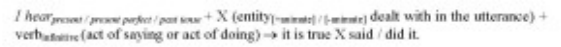


Figure 2

I hearpresent / present perfect / past tense + X (entity[+animate] / [-animate] dealt with in the utterance) + verbinfinitive (act of saying or act of doing) it is true X said / did it.

(5) In February 2001, *I heard* Colin Powell say that Saddam Hussein 'has not developed any significant capability with respect to weapons of mass destruction. He is unable to project conventional power against his neighbours.' (http://www.lrb.co.uk/v27/n03/eliot-weinberger/what-i-heard-about-iraq)
In (5), the verb *hear* points to the speaker's direct perception of the act of saying; he attempts to avoid any doubt that may raise whether the act of saying took place or not. Therefore, the information cannot be questioned since it is presented as issuing from the speaker's perception which cannot be misleading.
Furthermore, this paper approaches direct evidential strategies with the view to identifying their place within the critical discussion as well as their role in argumentatively supporting a standpoint.

5. *Direct evidential strategies – presentational devices of strategic manoeuvring*
The examples meant to highlight the hypothesis are taken from blogs and discussion forums; therefore, it may be assumed that we are dealing with a special type of argumentative discourse in which the protagonist is defending a standpoint against the implicit attacks of a virtual antagonist (readers, public opinion).
Firstly, I aim at establishing in which stage of the critical discussion direct evidential strategies are likely to occur. Secondly, the enquiry is directed towards

approaching evidential strategies as strategic manoeuvring devices.
As it has been mentioned in part 2, in the model of critical discussion, the resolution of a difference of opinion goes through four stages that are not always explicitly retraceable in a real-life discussion. The evidential strategies *I saw / I've seen (that)* and *I heard / I've heard (that)* are most likely to occur in the argumentation stage when the protagonist "methodically defends the standpoint at issue against the critical responses of the antagonist" (Van Eemeren, Grootendorst & Snoeck Henkemans 1996, p. 282).

(6) *I saw it with my own eyes,* so it must be true (title)
Every day that the courts are in session, person after person tells lies in the witness box. Each will swear to tell 'the truth, the whole truth, and nothing but the truth,' and the majority will fail miserably to do so. Because the absolute truth is a tricky business to pin down.
(http://brianclegg.blogspot.com/2010/02/i-saw-it-with-my-own-eyes-so-it-must-be.htmlthe)
In (6), the protagonist claims to stay within the bounds of reasonableness as he attempts to convince the audience that in the courts of justice, people tell lies despite of having sworn to tell the truth. The single argument that the protagonist puts forward is the fact that he was an eye witness to such behaviour in court. This single argumentation displays the basic structure in which we can identify one explicit and one unexpressed premise:
– the explicit premise: *I saw people in court telling lies after they had sworn to tell the truth*;
– the unexpressed premise: *the situations that one can perceive are true*;
– conclusion: *it is true people lie in court*.
In this case, the argumentation can be also interpreted as: a) a symptomatic type of argument scheme: if I saw the event (and all that can be seen are true), the event is real and everybody should represent it as I have seen it (Gata 2009(2)); b) a causal type of argument scheme: the event is true because I've seen it.
This single argument issued from visual (and auditory) perception is assumed to have a high degree of tenability in the light of critical responses. Therefore it cannot be attacked through rational moves since it is presented as coming from visual experience which cannot normally be deceptive. The feeling that we are dealing with hardly refutable evidence allowed the protagonist to draw himself the conclusion (*it must be true*), instead of letting the audience reach the same conclusion and accepting the standpoint at issue as true. However, the argument

can be undermined in two ways: a) by attacking the relation existing between the premises; b) by violating the rules for critical discussion, namely by casting doubt on the protagonist's credibility and image.
The direct evidential strategy based on auditory perception is likely to have the same values as the visual evidential:

(7) *I heard* Palfrey *with my own ears* tell an Austin radio host that if she is ever found dead, it wasn't suicide and that she would never do that. Debra Jean Palfrey was murdered.
(http://www.democraticunderground.com/discuss/duboard.php?az=view_all&address=389×3232114)
In (7), the protagonist attempts to impose a standpoint on the audience (Debra Jean Palfrey was murdered). In doing so, he does not introduce himself as someone who was an auditory witness to the crime itself, but as a witness to an act of speech (*Palfrey's statement according to which she would never commit suicide*). Therefore, in this case, the protagonist commits himself to the truthfulness of the propositional content of the act of saying while aiming at convincing the audience of the truthfulness of an act of doing (*Palfrey's being murdered*).
In both cases of direct evidential strategies (visual and auditory), the protagonist strategically manoeuvres the pole of ethos by appealing to his previously built image as a man whose words are to be trusted. We can speak about manoeuvring with argument from authority: we refer here to the case when the protagonist evokes his own authority in order to impose the standpoint at issue on the audience. In this way, one can speak about the speaker's intent to manipulate the readers.

(8) "*I saw* the match yesterday and they play well, they have big chances to promote from the second league if they go on playing like this." (Iuliu Muresan, president of the football team CFR Cluj)
(http://www.citynews.ro/cluj/sport-9/muresan-am-vazut-cu-ochii-mei-sacosa-4312/)
In this example, the protagonist backs his standpoint (*the football team has big chances to promote*) with some information derived from his direct experience (*he was a visual witness to a match where the team played well*). At the same time, he attempts to manipulate the audience since his argumentation is based more on ethos and less on logos; he exploits his image as an experienced manager who is able to draw a conclusion about the trajectory of a football team just by

witnessing one of its performances.

In the light of these observations, it can be argued that direct evidential strategies may function as strong rhetorical devices (the visual and auditory perceptions expressed by the verb *see* / *hea*r are increased by the use of the pseudo-pleonastic expressions with *my own eyes* / *with my own ears*) by means of which the party aims at convincing the readers of the correctness of the standpoint. This observation is underlined by Gata (2009(2)) who states that the use of evidential expressions in discourse aims at making the others believe that an event E took place and this equals presenting the propositional content as true.

Speech acts are accomplished at every stage of the critical discussion. They account for the pragmatic insights that the dialectic of the critical discussion puts forward. In the argumentation stage, direct evidential strategies (*I've seen with my own eyes, I've heard with my own ears*) attempt to advance arguments through an assertive speech act. Gata (2009(2)) introduces the notion of covert directivity which involves a persuasive act (the perlocutory effect of getting the audience committed to the representation of reality proposed by the speaker) and can be understood as follows: Y*ou must believe me because I've see* / *heard it*. In this case, the commitment to the propositional content may be enhanced. This is the reason why the argument based on visual and auditory perception proves to be efficient and tenable in the light of critical responses and it can only be attacked by violating the rules for critical discussion (for instance, by a fallacy such as *ad hominem*, attacking the person).

6. *Conclusions*

The analysis of perception evidential strategies points out how the rhetorical opportunities of strategic manoeuvring are used in argumentative discourse so that one party could resolve the difference of opinion in his favour. The model for critical discussion provided by pragma-dialectics allowed for the approach of these strategies in terms of the stages where they are likely to occur. In this context, it has been established that direct evidential strategies can generally be used in the argumentation stage (with a view to defending the standpoint at issue) so that the arguer could strategically manoeuvre the discussion in such a way so as to reach both his dialectical and rhetorical goals. Evidential strategies usually perform the act of asserting, bringing to the fore a very tenable argument in the light of critical responses.

Firstly, I highlighted the evidential value of the strategies centred on the verbs

see and *hear*. At this point, it was shown that the structures under study do not always function as direct evidential strategies. According to the context and the verb tense, these verbs render both direct and indirect evidentiality: visual perception and inferential values (for the verb *see*) and auditory perception and reportative values (for the verb *hear*).

In analyzing direct evidential strategies in discourse, I pointed out that they are likely to occur in the argumentation stage when the protagonist defends his standpoint against the implicit attacks of a virtual antagonist (the readers). They put forward strong evidence since issued from direct experience which is not normally misleading. The speaker aims at increasing the acceptability of a standpoint which he fully commits to. While accomplishing assertive speech acts which cover however a directive value, these strategies represent reader oriented rhetorical devices. The party may use the strategy of the argument from authority (his/her own authority), enhancing his/her ethos as a trustworthy person whose words cannot be cast doubt on.

NOTES

[i] This study is part of the research developed within the PNII-PCE 1209 / 2007 Project financed by the Romanian Ministry of Education, Research and Innovation.

[ii] The examples are provided with their original spelling.

[iii] For a thorough study of the stylistic, semantic, pragmatic and rhetorical values of the pleonasm like constructions see with one's (own) eyes, hear with one's (own) ears, see Gata (20092).

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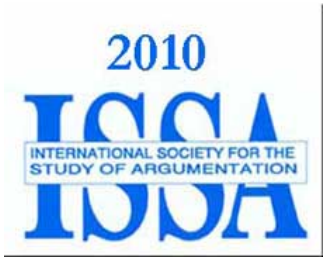

1. *Introduction*

A prevalent and sensible pre-theoretic intuition about the relationship between argumentation and belief is that argumentations are the sorts of things that ought to impact our beliefs about the issues over which we argue **[i]**. For example, we generally think that, if an agent concedes to a standpoint (or to a challenge to their standpoint) as a result of an argumentation, then *ceteris paribus* that agent should appropriately modify their mental attitude toward that standpoint. However, as David Godden (2010) shows, several influential "commitment-based" accounts of argumentation (in particular, Charles Hamblin's (1970) dialectical theory, Douglas Walton and Erik Krabbe's (1995) dialogue based theory and van Eemeren and Grootendorst's (2004) pragma-dialectics) do not adequately attended to the pre-theoretic intuition that there is a normative relationship between what an agent ought to believe and the commitments the agent takes on in an argumentation. Commitment-based approaches to argumentation regard belief "to be too psychological a notion" (Godden 2010, p. 406) and instead of relying on the concept of belief such accounts focus on the commitments arguers publicly adopt during argumentations. Contrary to commitment-based theories Godden explicitly contends that, in typical cases, an agent should modify their mental attitude towards standpoints that the agent has conceded in an argumentation.

The purpose of this paper is to discuss some issues that arise from Godden's criticism of commitment-based theories of argumentation. I start the paper with a description of a general and common method for distinguishing normative types. The discussion in this section is crucial since it is the foundation for drawing a distinction between the norms of argumentation, the norms of belief, and the norms of reasoning, a distinction that is central to the argument that I advance later in the paper. I will follow this section with a discussion of some other key concepts and definitions that will be used throughout the paper. Next, I explain Godden's criticism of commitment-based theories of argumentation focusing in

particular on his criticism of pragma-dialectics. In this section I develop and defend a formulation of a norm that links concessions made in argumentations to beliefs an arguer ought to possess. I call this norm *the norm of argumentation compliance* (or NAC for short). In the following section I proceed to examine the question of what sort of norm NAC is. While Godden is content to regard NAC as a norm of argumentation, I contend that there are advantages to regarding NAC as a non-argumentation norm such as a norm of belief or a norm of reasoning. I argue that there are theoretical advantages of two sorts to understanding NAC to be a non-argumentation norm. The first sort of theoretical advantage is simplicity. I contend that understanding NAC to be a non-argumentation norm simplifies the task of the argumentation theorist. The second theoretical advantage to understanding NAC as a non-argumentation norm is that so understanding NAC has to potential to help us address other difficult problems encountered in argumentation theory. In particular I think this understanding of NAC can help us understand the relationship between argumentation and other domains such as reasoning, critical thinking, problem solving and investigation. Finally, I will wrap up with a discussion of some unresolved issues that arise from understanding NAC as a non-argumentation norm.

2. *Normative Types*

There are different types of norms. Commonly we draw distinctions between epistemic norms, moral norms, social norms, political norms, legal norms, religious norms, and so on. However, it is unclear exactly what makes this colloquial talk of normative types a principled talk based on concrete differences among different types of norms. If this colloquial talk identifies a principled difference between different types of norms, then it should be possible to offer a description of what distinguishes one normative type from another.

Fortunately our colloquial talk of normative types does suggest a method for distinguishing normative types. The method suggested by our colloquial talk is to distinguish normative types according to the domain over which the norms of a normative type have authority. According to this method, a normative type N is a set of norms x1…xn where x1…xn have normative force over a common domain. This method of distinguishing normative types is analogous to the way we distinguish different types of governments based on the jurisdiction over which the authority of that government extends. For instance, in the Canadian system, there are civic governments, provincial and territorial governments, and governments for First Nation, Inuit and Métis peoples. We distinguish one type of

government from another by identifying the unique geographical, constitutional, legal and political jurisdiction over which the government exercises its authority. Similarly, we can distinguish one normative type from another based on the common domain over which norms of that type share "normative jurisdiction."

This characterization of normative types allows us to make important distinctions between normative types that are relevant to the study of argumentation. For instance, it shows us how we can legitimately distinguish between the norms of argumentation, the norms of belief, and the norms of reasoning. Each of these different types of norms possesses normative authority over divergent domains of jurisdiction. That is, the norms of argumentation have normative authority over a different domain than do the norms of belief and the norms of reasoning. The distinction between these different types of norms will be important to the argument I develop in section 5. I will further discuss these different types of norms in that section.

3. *Other Definitions and Key Concepts*

The general approach to argumentation from which I will work is the pragma-dialectic approach of Frans van Eemeren and Rob Grootendorst (2004). Van Eemeren and Grootendorst define argumentation as,

A verbal, social and rational activity aimed at convincing a reasonable critic of the acceptability of a standpoint by putting forward a constellation of propositions justifying or refuting the proposition expressed in the standpoint. (van Eemeren and Grootendorst 2004, p. 1)

This definition of argumentation focuses on the constellation of propositions that are marshalled to support the various positions put forward in an argumentative discussion. A reason for this focus is that the pragma-dialectic theory of argumentation describes how parties participating in an argumentative discussion use bits of language, in the form of speech acts, to achieve a rational resolution to a difference of opinion. Van Eemeren and Grootendorst develop a "model of critical discussion" that can be used as a standard for the evaluation of argumentations. Van Eemeren and Grootendorst claim that, "the model [of critical discussion] provides a series of norms by which it can be determined in what respects an argumentative exchange of ideas diverges from procedure that is the most conducive to the resolution of a difference of opinion." (van Eemeren and Grootendorst 2004, p. 59) The norms are formulated in terms of a set of rules that argumentative discussions must satisfy in order to adequately resolve the

disagreement that precipitated the argumentation. These rules are paradigmatic examples of norms of argumentation.

It is important for me to be more specific about the type of argumentation that I am concerned with in this paper. My focus is on argumentations in which the parties involved share epistemic goals such as arriving at the most rationally justified position, or arriving at the truth of the matter. This focus is meant to exclude argumentations in which arguer's judge that the pursuit of epistemic objectives diverges from the pursuit of their own personal interests and aim to use the argumentation in order to advance their personal interests as opposed to pursing epistemic objectives. I want to be clear that I do not deny that investigating argumentations in which arguers are aiming to advance their own interests is a fruitful investigation. Rather, I focus on argumentations where all the parties share epistemic objectives for the reason that the arguments I develop in the paper most clearly apply to that form of argumentation. Thus, from here on, when I use the term 'argumentation' I am referring to those argumentations in which both participants share epistemic objectives.

Before I develop the substantive arguments of this paper I will explain some other important concepts that I will be using. The concepts are *effective resolution* and *concession*. In using these concepts I aim to follow Godden's (2010) use of them as closely as possible. An effective resolution to a difference of opinion in an argumentation arises only when, "commitments undertaken in argumentation survive beyond its conclusion and go on to govern an arguer's actions in everyday life, e.g. by serving as premises in her practical reasoning." (Godden 2010, p. 397) The second important concept is concession. Godden uses the term concession to indicate "verbally accepting" some position. (Godden 2010, p. 400) A concession in this sense is a verbal speech act that can be made in an argumentation. This act involves overtly endorsing a position presented by another party in an argumentation. Important to Godden's position is that psychological acts such as *mental acceptance* and believing "are logically and causally independent" from acts of *verbal acceptance* such as conceding. (Godden 2010, p. 400) The logical independence of mental and verbal acceptance implies that it is possible for an arguer to verbally accept some point without also mentally accepting that point. That is to say that it is possible for one to verbally accept some point made in an argumentation and yet not modify one's reasoning in a way that is consistent with the point conceded. Similarly, the logical

independence of verbal and mental acceptance also implies that it is possible for an arguer to modify their reasoning so that it is consistent with some standpoint even though the arguer has not conceded, or otherwise verbally accepted, that standpoint.

4. *Godden's Criticism of Pragma-Dialectics*

One aspect of the pragma-dialectic account of argumentation that needs to be mentioned at this point is its commitment to *externalization*. The pragma-dialectic approach to argumentation is less concerned with the psychological states of arguers than it is with the externalized – that is to say, publicly available – commitments arguers express in argumentative discussions. Van Eemeren, Grootendorst and Snoeck Henkemans endorse this position when they assert, "the study of argumentation should not concentrate on the psychological dispositions of the people involved in an argumentation, but on their externalized – or externalizable – commitments." (van Eemeren, Grootendorst, Snoeck Henkemans *et all* 1996, pp. 276-277)

However, contrary to the pragma-dialectic view, Godden argues that changes in commitment are typically inadequate for a successful resolution to a difference of opinion. Godden contends that what he calls "commitment-based" theories of argumentation, of which pragma-dialectics is an example, admit within the class of successfully resolved argumentations, argumentations that are not *effectively* resolved. So, some resolutions permitted by commitment-based theories of argument may not last beyond the conclusion of the argumentation and "go on to govern . . . [the] arguer's actions in everyday life." (Godden 2010, p. 397) Other versions of commitment based theories Godden thinks are subject to similar problems are Hamblin's formal dialectics and Douglas Walton and Erik Krabbe's contemporary dialectical theory. (Godden 2010, p. 406)

According to Godden (Godden 2010, p. 404) commitment-based models of argumentation jointly endorse the following three theses:

The goal of persuasive argumentation is to settle a difference of opinion by rational means.

Commitment and belief are logically and causally independent; a change in one does not always result in a corresponding change in the other.

A difference of opinion is resolved when the commitments of the disputants have reached a state of agreement with respect to the claims at issue.

Godden thinks this joint endorsement causes problems. The joint endorsement of

these theses is problematic because together they admit, as viable resolutions to a difference opinion, resolutions that will not translate into changes in future action, reasoning, and argumentation. For instance, consider a scenario similar to one proposed by Godden (Godden 2010, p. 405) in which an agent S is involved in an argumentative discourse with an agent P. In the process of arguing S comes to think she is not skilful enough to rationally defend their standpoint against P's reasoned criticism. Further suppose that S concedes to P's challenge to S's standpoint even while still holding the belief that her initial standpoint is correct. This scenario is surely recognizable to those who frequently engage in argumentation. In this circumstance S has agreed with P through externalized commitments even though she does not believe P's challenge to her standpoint. This agreement constitutes a resolution to a difference of opinion that is sufficient to satisfy commitment based theorists whose only metric for measuring a resolution to a difference of opinion is verbal or written commitments. However, the resolution is not sufficient, Godden contends, to achieve an *effective* resolution to a difference of opinion. The resolution is not effective in this case because there was not a change in mental attitude sufficient to cause an appropriate change in future actions, reasoning, and argumentation by S**[ii]**. Part of what is valuable in the practice of argumentation is that arguers adjust their behaviour appropriately when a point has been rationally established as acceptable to all parties involved in the argumentation. However, Godden contends, without an appropriate change in mental attitude, the arguer who so concedes a point to a more skilful opponent (and is not held accountable through other social mechanisms such as the law) will not change their future actions, reasoning or argumentation relating to the point.

Godden says of situations similar to the one above that,
Having made a concession in the argumentative process . . . [the arguer] may be held accountable to it. That is, the dialectical rules constituting and governing the argumentative discussion in which she is participating place a set of social and normative responsibilities upon her. Thus, in whatever range of social activities the rules of argumentation are binding, and to whatever extent the results of the argumentation are enforceable, the arguer can be held responsible to the commitments she took on in the course of argumentation. But, not having accepted those commitments in her own mind, she does not hold herself accountable to them. So, as soon as she is no longer bound by the rules of the argumentative discussion she can act according to her own rational lights.

(Godden 2010, p. 406)

A consequence of Godden's argument is that a necessary condition on the effective resolution of a difference of opinion in *typical* argumentative discussions is that there is a change in mental attitude from one or other of the parties involved in the argumentative discussion**[iii]**. Godden asserts that "if argumentation is to effectively resolve differences of opinion then the jurisdiction of argumentation *must* include the arguer's own belief system which forms the basis for her actions." (Godden 2010, p. 413 italics added)

If we express Godden's necessary condition for an effective resolution to a difference of opinion in conditional form we get the following statement,

(NC) If there is an effective resolution to the difference of opinion in an argumentative discussion D, then there is a change in mental attitude of one or other of the parties participating in D.

Agents engage in argumentation with the objective of effectively resolving a difference of opinion. The goal of arguers involved in an argumentation is hindered if NC is not satisfied. It would thus be reasonable to expect that there are normative rules binding on arguers in order to facilitate *effective* resolution. If there were none, then arguers who decided to engage in argumentation would not be accountable for failing to satisfy, or even frustrating satisfaction of, the necessary condition for achieving their own proclaimed (perhaps only implicitly proclaimed) objective. A lack of accountability in this respect, however, seems absurd.

Consider the following line of reasoning. Deciding to start an argumentation is similar to making a promise (at least implicitly) to rationally pursue an effective resolution to a disagreement. If the arguer hinders that objective, then the arguer is acting hypocritically since the arguer is acting in a way that is contrary to their implied promise when deciding to commence arguing. Therefore, arguers are normatively bound to act in manner that is compatible with genuinely trying to satisfy NC.

At this point, the question remains: "what exact norms are implied by NC?" While there may be several norms implied by NC, for the purposes of this paper, I can only focus on one. I take the norm I discuss here to be central to the achievement of an effective resolution. However, before I can formulate the specific norm, I argue for the norms existence by exploring implications of an arguer's obligation to genuinely try to satisfy NC. The argument begins by considering the

contrapositive of NC, (CNC) If there is not a change in mental attitude of one or other of the parties participating in an argumentative discussion D, then there is no effective resolution to the difference of opinion in D.

CNC brings to the fore the claim made in the previous paragraph that the achievement of effective resolution depends on an arguer changing their mental attitude. So given that an effective resolution depends on the satisfaction of NC, in trying to isolate the norms implied by NC, we should consider the different courses of action compatible with an arguer genuinely trying to satisfy NC. As far as I am aware this leaves three choices open to arguers. An arguer could either: (a) change their mind in regards to the issue over which there is disagreement so that an effective resolution is possible, (b) continue in the argumentative discussion until an effective resolution arises, or (c) decide that an effective resolution is not possible and withdraw from the argumentation recognizing that it cannot succeed**[iv]**. In a situation where an arguer has conceded the acceptability of the rational critic's standpoint options (b) and (c) are not open to that arguer. Option (b) is not open because the dialogue cannot continue if the critic has, quite justifiably, come to the view that the arguer agrees with their position and an effective resolution has been achieved. Often when such a concession is made an effective resolution will result. However, as Godden's case discussed earlier illustrates, there are occasions where the arguer will make a concession without changing their mental attitude and, consequently, an effective resolution to the difference of opinion will not result. Option (c) is not open in this situation since the arguer has accepted the position of their opponent and has not withdrawn from the argumentative dialogue but has conceded it. Therefore, in such a scenario, the only option consistent with the arguer's obligation to act in a manner compatible with genuinely trying to satisfy NC is for the arguer to take option (a) and change their mind about their initial standpoint. We can express this norm with the following conditional sentence NAC:
(NAC) if an arguer concedes to a standpoint (or challenge to their standpoint), then *ceteris paribus* the arguer ought to modify their mental attitude appropriately.

There are a few things worth pointing out about the way I have phrased NAC. I understand the norm to make the arguer out to have an obligation to "modify their mental attitude appropriately" instead of something stronger like "changing their belief." The reason for adopting the weaker formulation is that there are

many possible changes in mental attitude different from a change in belief that may be sufficient to lead to an appropriate change in future action, reasoning, and argumentation.

NAC should also make accommodations for cases where a party has conceded a standpoint but that party later comes across strong reasons or evidence, of which they were previously unaware, that undermined the standpoint to which they previously conceded. I recognize that there is controversy over the meaning of ceteris paribus clauses. However, all I take that clause to mean in NAC is that the evidence and arguments available to the arguer remain the same. In other words, the arguer is not aware of any new evidence or arguments that she understands to override the rational grounds for which she conceded the standpoint.

5. *What Type of Norm is NAC?*

As explained above, NAC is a norm that must be followed in order to satisfy the necessary condition NC required for the effective resolution of a difference of opinion. It might seem natural, then, to think that NAC is a norm of argumentation. That is, to think of it might seem natural to think of NAC as a norm whose domain of jurisdiction is the argumentative dialogue. However, the normative force of NAC would extend beyond the domain of the argumentative discussion and cover some of an arguer's psychological states. Godden is not troubled by this and suggests that there are a set of norms of argumentation that must go beyond the argumentative dialogue in the way that NAC does. Godden states that in order to be effective,

Argumentative commitments must be binding and enforceable, and typically must extend beyond the argumentative dialogue itself. To capture this idea it might be useful to speak of the *jurisdiction of argumentation*. Roughly by this I mean the domain over which the results of argumentation are binding; that is the domain over which argumentative rules have normative force or can act as norms. (Godden 2010, p. 412)

However, there are reasons to be sceptical about understanding NAC to be a norm of argumentation. Because arguers could always concede points or take on commitments that do not reflect their mental attitudes without anyone knowing, it is hard for an argumentation analyst to determine whether an arguer has satisfied NAC through the evaluation of argumentative discussions. The task of the argumentation analyst is more clearly delineated and simplified if she can focus on the externalized moves made during an argumentative discussion. If we

expand the jurisdiction of the norms of argumentation beyond the argumentative discussion, it becomes very difficult for an analyst of argumentative text or speech to adequately determine whether an arguer is satisfying the norms of argumentation. This is the first theoretical upshot to understanding the jurisdiction of the argumentation norms to be restricted to the externalized commitments made in argumentation.

One consequence to restricting the jurisdiction of argumentative norms to the externalized commitments made in an argumentative discourse is worth flagging right off the bat. The consequence is that satisfying only argumentation norms would not be sufficient to determine if an effective resolution to the argumentative dialogue was achieved. The reason for this insufficiency is that argumentation norms would be restricted to the actual argumentative discussion when NAC demands the satisfaction of conditions beyond the argumentative discussion itself – i.e. the adoption of an appropriate mental attitude. Argumentation norms are still needed to determine whether all the externalized moves are in order in an argumentation, however, satisfaction of those norms does not determine whether NAC has been satisfied and, thus, satisfaction of those norms is not sufficient to determine whether or not an argumentation has been effectively resolved. I will have more to say about this consequence of regarding NAC as a non-argumentation norm in the next section.
My suggestion is that we understand NAC to be a non-argumentation norm of some other normative type. Good candidates for what normative type we could understand NAC to belong to are the norms of reasoning or the norms of belief (or more generally the norms of propositional attitudes). Following Finocchiaro (1984) and Johnson (2000) I understand the theory of reasoning "to formulate, . . . test, . . . clarify, and systematize concepts and principles for the interpretation, the evaluation, and the sound practice of reasoning." (Finocchiaro 1984, p. 3) The norms of reasoning, then, as I understand them, are the norms the theory of reasoning establishes have jurisdiction over the practice and evaluation of reasoning. They are the norms that indicate which sort of reasoning practices are poor ones and which sort are exemplary ones. I understand the norms of belief – which could be more broadly formulated as the norms of propositional attitudes – roughly as the norms that have jurisdiction over the possession of propositional attitudes.

NAC's jurisdiction covers what propositional attitudes an agent ought to posses.

Therefore, NAC can naturally be understood as a norm of belief since it holds agents responsible for the propositional attitudes they posses and makes recommendations about what propositional attitudes they ought to possess. If an agent possess an inappropriate belief – say one that does not reflect the evidence available to them – then the agent would not be satisfying the norms of propositional attitudes. On this view, if an arguer made a concession and failed to adopt an appropriate mental attitude the arguer would be in violation of a norm for the proper formation of propositional attitudes instead of a norm of argumentation. By conceiving of NAC as a norm of belief, the argumentation analyst can focus their assessment on whether all the externalized moves of the argumentation are in order without concerning themselves about what beliefs an arguer has.

NAC could also naturally be construed as a norm of reasoning. If an arguer were to maintain a mental attitude the arguer understood to be incompatible with a concession made in an argumentation without having become aware of further reasons that would undermine the grounds for making the concession, then the arguer would be guilty of bad reasoning. Thus, a violation of NAC could be understood as a violation of proper reasoning and the arguer would be accountable for such a failure. On this view NAC has jurisdiction over the proper practice of reasoning. Also, in addition to allowing argumentation theorists to focus on overt commitments made during the argumentation, understanding NAC as a norm of reasoning could also have further theoretical upshots since it has potential to help us better understand the relationship between argumentation and other domains that rely on proper reasoning such as problem solving, critical thinking, knowledge, rationality and investigation. Ralph Johnson (Johnson 2000, pp. 21-23) describes the problem of specifying how all these domains interrelate as "the network problem."

If we understand NAC as a norm of reasoning we may be able to make headway in understanding the relationship between norms of reasoning and argumentation(5). Recall that NAC must be satisfied for the necessary condition NC to be satisfied. In other words, if NAC is treated as a norm of reasoning, satisfaction of a norm of reasoning would be a necessary condition for effective resolution to a difference of opinion. So an agent adopting at least some proper reasoning practices is required if that agent is going to effectively resolve a difference of opinion through argumentation. I think a worthwhile project would

be to determine what norms need to be satisfied in order to satisfy NC and what normative-types these norms fall under. This project could identify some of the relationships between the domain of reasoning and the domain of argumentation and thus add some clarity to the difficult network problem. This last suggestion is speculative at this point and needs much more development than I can offer here. Nevertheless, improvement on the network problem is a theoretical opportunity provided by understanding NAC as a norm of reasoning that I think is worth exploring.

6. *Broader Implications*

There are several interesting questions that emerge from the line of thought pursued in this paper that I cannot fully address here. It will, however, be worthwhile to mention some of these unresolved issues.

One of the consequences of regarding NAC as a non-argumentation norm is that a necessary condition of an argumentation being effectively resolved is that a non-argumentation norm be satisfied. Even if all the norms of argumentation are satisfied in some particular argumentation, it is possible that one of the parties in that argumentation could fail to appropriately modify their mental attitude and, thus, the argumentation would not be effectively resolved. Now if the normative study of argumentation studies anything it is the norms that govern an argumentative discussion. However, if my arguments are correct, these norms, on their own, are insufficient to determine whether an argumentation is effectively resolved. What does this consequence mean for argumentation theory as a whole? What does it tell us about the subject matter and scope of argumentation theory?

One option is to regard argumentation theory as having a scope that is restricted to the norms of argumentation. This view of argumentation theory accepts that argumentation theory cannot tell us whether or not an argumentation has been effectively resolved. Rather, on this view, it is the job of some other discipline – for example, psychology or critical thinking – to determine whether an argumentation has been effectively resolved and it is the job of argumentation theory (in so far as it is a normative theory at least) to determine whether the norms governing argumentative discussions have been satisfied. A different option would be to regard argumentation theory as the study of more than just the norms of argumentation, but as the study of the norms that, in some broad sense, bear on argumentation. On this view the normative study of argumentation is broader than the delineation of the norms of argumentation. The study of

argumentation would include the study of all norms relevant to argumentation even if those norms are not norms of argumentation. One reason to adopt this view is that it would allow argumentation analysts to determine whether or not an argumentation has achieved its goal to effectively resolve a difference of opinion. However, which of these different ways of regarding the theory of argumentation is correct is beyond the scope of this paper and must be resolved on another occasion.

7. *Summation*

I began with a discussion of normative types in which I explained that we can understand what distinguishes one normative type from another based on the domain over which the norms of that normative type possesses normative jurisdiction. I then explained how Godden argues that a necessary condition on the effective resolution to an argumentation requires an arguer who has conceded a standpoint (or a challenge to a standpoint) to modify their mental attitude appropriately so that their future actions, reasoning, and argumentation reflect that modification. I formulated this necessary condition as NC. I argued that NC implies the norm of argumentation compliance NAC. I then examined Godden's suggestion that because NAC has normative force over an arguer's beliefs we may want to understand argumentative norms as extending beyond the argumentative discussion itself. I discussed some theoretical advantages of understanding NAC (and perhaps other similar norms) to be a non-argumentation norm such as a norm of belief or a norm of reasoning. The theoretical advantages were (a) such an understanding of NAC allows argumentation analysts to focus only on the externalized commitments of arguers instead of worrying about an arguer's mental attitudes and (b) it may assist in better understanding the relationship between reasoning and argumentation. I concluded by considering some unresolved issues that are turned up by the discussion in this paper. In particular I considered what the arguments developed in this paper say about the scope of argumentation theory. Given that the norms of argumentation do not include NAC one might conclude that the scope of argumentation theory is limited in such a way that argumentation theory does not have the job of determining whether or not an argumentation is effectively resolved. However, as mentioned there are other options. One alternative discussed was that argumentation theory be understood as the study of norms that are broader than the norms of argumentation. Which of these different views of argumentation theory is correct is not possible to determine here, however, I think it is an important issue worth

the thought of those interested in the theory of argumentation.

NOTES

[i] Godden adopts a broadly Davidsonian picture of the relationship between actions and beliefs under which belief together with a sufficiently strong pro-attitude (such as a desire) is a reason for an action. Godden also draws on the common intuitions that "normally and generally our beliefs about the world causally influence our behaviour" and that "our beliefs play a premissory role in our inferences and practical reasoning, they have a causal role in determining our actions" (Godden 2010, p. 400).

[ii] One important qualification on the scope of this necessary condition is required. A person could be held accountable in such a way that future actions, reasoning and argumentation were appropriately modified if social mechanisms for the enforcement of the results of argumentation were strong enough. Legal cases are examples in which the social mechanisms for enforcing the results of argumentation are sufficiently strong to cause a change in behaviour – and even at times a change in reasoning and argumentation – without requiring the presence of a change in mental attitude (Godden 2010, pp. 412-413). However, as Godden points out, typically these social enforcement mechanisms will not be present and it is up to the arguer to enforce the results of argumentation on themselves (Godden 2010, pp. 412-414).

[iii] I take the case of a partial-resolution to a disagreement to be embraced by option (a) since for a partial resolution to a disagreement to be effective there must also be a change in mental attitude. A partial-resolution may be achieved when one or both of the parties in an argumentation have moved closer – through making partial concessions – to the standpoint of the other without fully endorsing it. However, without an appropriate change in mental attitude the move closer to the alternative standpoint will not impact future reasoning, deliberation, and argumentation and, thus, the partial-resolution would not be an effective partial-resolution.

[iv] A reasonable response for someone who wanted to maintain that NAC is a norm of argumentation is that we can still make headway on the network problem and understand NAC to be a norm of argumentation. This is a real possibility which I do not want to deny. While I am unclear about what an account of the relationship between reasoning and argumentation would look like if we understand NAC as an argumentation norm, I do not want to deny the possibility that one could be develop such an account and that that account could be an

appealing one.

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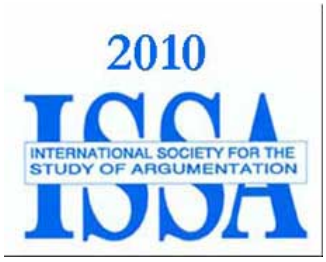
ISSA Proceedings 2010 – Shared Medical Decision-Making: Strategic Maneuvering By Doctors in The Presentation Of Their

Treatment Preferences To Patients



1. *Shared decision making*

Shared decision making is a treatment decision making model that has over the last ten years increased in popularity as an alternative to models in which either the physician decides what is best for the patient and encourages the patient to consent to this decision, or in which the patient takes a decision after having been given the needed medical information and thus gives "informed consent" (Charles, Gafni & Whelan 1997).

Charles et al. (1997) argue that in neither of these models one can speak of shared decision making. In the first model, the patient is left outside the decision making process, in the second, the role of the physician is limited to that of transferring information instead of a real participation in the discussion (p. 683). According to Charles et al. "unless both patient and physician share treatment preferences, a shared treatment decision-making process did not occur". Légaré et al. (2008) provide the following definition of shared decision making:

a decision-making process jointly shared by patients and their health care provider […] It relies on the best evidence about risks and benefits associated with all available options (including doing nothing) and on the values and preferences of patients, without excluding those of health professionals (p. 1).

Frosch and Kaplan (1999) explain that shared decision making goes several steps further than informed consent:

Beyond presenting the patient with facts about a procedure, a shared decision making is a process by which doctor and patient consider available information about the medical problem in question, including treatment options and consequences, and then consider how these fit with the patient's preferences for health states and outcomes. After considering the options, a treatment decision is made based on mutual agreement (p. 2).

2. *Comparison of the ideal of shared decision making with the concept of critical discussion*

As we have seen, the process of shared decision making is aimed at reaching a treatment decision on which both physician and patient agree, by discussing the pros and cons of possible treatment options in such a way that the views of both parties are taken into account. This type of discussion seems to be comparable

with small group problem solving discussions, a type of discussion that Van Rees (1992, p. 285) considered to be "a plausible candidate for reconstruction as a critical discussion." Van Rees distinguishes various differences of opinion which can relate to all stages of the problem-solving process that have to be resolved by the participants in this type of discussion:

The participants may disagree on whether a problem exists at all, what it is (if it exists), what the potential solutions might be, by what criteria these solutions ought to be judged, and what the judgment ought to be (1995, p. 344).

Similarly, in the medical encounter participants may firstly disagree on the diagnosis: Is there really a medical problem? What is it exactly, and how serious is it? They may also disagree about the possible treatment options: Are these all the relevant options or should other options be considered? In the process of shared decision making, the criteria by which the solutions should be judged are largely predetermined by the instititutional context: Treatments should be the best possible treatment based on evidence and also fit with the goals, values and preferences of the patient. This does not mean, however that it will always be unproblematic to reach agreement about what the best treatment is, and thus arrive at the final stage in which a decision is made for a particular treatment (or for no treatment at all), since there are often many treatment options, none of which is clearly the best. There may thus be disagreement about which option is most in accordance with the evaluation criteria. Also, physician and patient may disagree on which criteria are the more important, the medical evidence or the patient's preferences.
The aim of the discussion between doctor and patient on what the best treatment would be is compatible with the aim of a critical discussion. But how do the principles of shared decision making relate to the rules for critical discussion? That the patient must be able to participate in the decision making, is also a dialectical requirement: Both parties should get the opportunity to put forward their standpoints, arguments and criticisms. That the doctor should give an objective overview of the available treatment options and their pros and cons, however, is an institutional requirement intended to counterbalance the informational asymmetry between doctor and patient. Finally, that it is the patient who has to make the final decision from the available medically acceptable treatment options is, again, an institutional requirement: this is a legal right of the patient.

In this paper, I will focus on the discussion aimed at resolving the difference of opinion about the best treatment option for the patient. Making this decision is the main aim of the shared decision making process. As we have seen, in the process of shared decision making doctors are expected not just to give information to the patient, but also to state their own preferences. The question is however, how physicians may present their recommendations without unnecessarily restricting their patients' freedom of choice.

3. *Strategic maneuvering in the physician's presentation of treatments*

Although the model of shared decision making emphasizes the importance of both parties sharing their treatment preferences, many authors mention the risk that the doctor's preferences will have too much influence on the patient's decision. Frosch and Kaplan (1999) point out that even in a shared decision making context it cannot be taken for granted that physicians will be fully objective:

It is […] important to consider the possibility that physicians working within the framework of shared decision making may present the patient with biased information. Studies examining how physicians can present the patient with balanced reviews and how they can help clarify and apply patient preferences are sorely needed (p. 7-8).

According to Rubinelli and Schulz, argumentation can play an important role in advising patients about treatment options in such a way that the patient can participate in the decision making process:

Argumentation is an adequate instrument for the expression of doctor's standpoints. Argumentation can be used to balance an interaction where the doctor performs his/her expert role in front of a patient who seeks expertise in the first place, but who is the only responsible for the final decision to have a certain treatment. By constructing arguments doctors do not patronise the interaction (as they would if they imposed their biases without supporting them with reasons), but rather they expose their standpoints to be evaluated and pondered by patients (2006, p. 360)

According to the extended pragma-dialectical theory developed by van Eemeren and Houtlosser (2002, p. 134-135), just like arguers in any other type of context, physicians engaged in a shared decision making process with their patient may be expected to attempt to combine the aim of arriving at a shared decision in a reasonable way with their aim of trying to get their own treatment preferences

accepted. In other words: physicians may be expected to maneuver strategically in the discussion over which treatment should be chosen. According to van Eemeren and Houtlosser, “all the moves made in argumentative discourse can be regarded as designed both to uphold a reasonable discussion attitude and to further a party’s case”(2002, 142). This does not mean that the two objectives are always in perfect balance. The strategic maneuvering may get ‘derailed’ and become fallacious if a party allows its commitment to a reasonable exchange of argumentative moves to be overruled by the aim of persuading the opponent (van Eemeren and Houtlosser 2002, 142).

One reason why it may be expected that physicians will attempt to get their own recommendations accepted at all cost is the socalled “micro-certainty, macro-uncertainty phenomenon” (Bauman, Deber & Thompson 1991): While physicians frequently disagree among themselves about the efficacy of a given treatment approach, they are typically quite confident that their individual treatment decisions are correct. This overconfidence may lessen the patient’s role in decision making, all the more so since both clinicians and patients often equate confidence with competence. According to Faust and Ziskin (1988, p. 31-35) experts are expected to be able to state an opinion with reasonable medical certainty.

The physician’s strategical maneuvering may be aimed at arriving at a decision that is, according to the physician, the best decision medically speaking. The pursuit of effectiveness in reasonableness is not necessarily aimed at achieving effectiveness for the individuals who carry out the strategic maneuvering, but may just as well be aimed at achieving effectiveness that is to the benefit of others they represent. As Jacobs (2002, p. 124) emphasizes, “at the level of institutional functioning”, “arguments may fulfill public interests.” However, if the physician is too much focused on getting his own choice of treatment accepted, there is a danger that this type of maneuvering may be contraproductive, since research has shown that physicians that allow their patients to have a greater say in treatment decisions have more favorable patient outcomes:

In previous studies we and others […] have shown that when physicians are less conversationally controlling during office visits (asking fewer closed-ended questions, giving fewer directions, interrupting less frequently, and involving patients in treatment decisions), patients have better health outcomes. Data from this study suggest that giving patients choices about, control over, and responsibility for certain aspects of care have important implications for patient loyalty and satisfaction with care (Kaplan et al. 1996, p. 503).

When is there reason to believe that a physician's attempt to get his own choice of treatment accepted will endanger the shared decision making process? In practice, this may be hard to establish, since physicians are likely to attempt to present their own treatment preferences in such a way that they give the impression that they are adhering to the principles of shared decision making, that is, without openly violating any of the basic principles of this type of decision making. Sara Rubinelli and Peter Schulz (2006) have already given some examples of how the use of certain linguistic devices such as modal verbs in the presentation of the physician's standpoint can make it less clear that it is the patient who has to make the final decision. As a follow-up to this research, I shall briefly discuss some ways in which physicians may in practice attempt to give the impression that they are adhering to the three principles of shared decision making whilst discussing their preferred treatment option:
1. The patient participates in the decision making process about the best treatment
2. The doctor gives an objective overview of the available treatment options and their risks and probable benefits
3. The doctor leaves the final choice from the available treatment alternatives to the patient.

I shall relate each way of presenting the recommendations to one of these principles of shared decision making.

1. Presenting the recommendation in such a way that the patient seems to participate in the decision making process about the best treatment
A first way for physicians of presenting their recommendations is to do so in such a way that the impression is given that the patient participates in the decision making process, whereas in reality this is not the case.

One way of giving the patient the impression that he can participate in the decision making process while in fact it is only the doctor who is making the decisions about the best treatment is discussed by Karnieli-Miller and Eisikovits (2009). By not putting up for discussion the most important decision about which treatment to take, but instead, offering the patient choices on technicalities such as the timing of the treatment and ways to administer is, the physician makes it seem as if there is already agreement on the treatment. In other words, that a given treatment should be followed, is presented as if it were already a common starting-point. Karnieli-Miller and Eisikovits give the example of a case where the

physician proposes a treatment of taking steroids without giving the patient the opportunity to react to this proposal. Immediately after having mentioned the treatment, the physician says:
(1) now about the medicine (steroids): I understand that you have problems swallowing pills… so we can start with an enema (another form of administering steroids) (Karnieli-Miller & Eisikovits 2009, p. 5).

According to Karnieli-Miller and Eisikovits, "this suggestion and partial solution creates an illusion of sharing an agreement about the critical decision: yes or no steroids" (2009, p. 5). In this way, the patient may get the impression that he participates in the decision making process, whereas in fact this participation is restricted to a discussion of secondary decisions, which presuppose an agreement on the most important treatment decision.

2. Presenting the available treatment options in such a way that the treatment preferred by the doctor seems the only reasonable option

A second way for physicians to present their recommendations is to do so in such a way that the impression is given that the treatment preferred by the doctor is in fact the only reasonable option. One way of achieving this effect is to present a certain treatment as the obvious choice, as the standard treatment. Pilnick (2004), for instance, has shown that in consultations between midwifes and expectant mothers who have to make a decision on whether they want to undergo antenatal screening, this form of screening was often presented as one of a number of routine tests:

there are a number of tests that must be introduced to expectant mothers in this first meeting, including blood tests for anaemia and hepatititis, and a test for HIV. These differ from antenatal screening tests for abnormality in that consent is sought immediately (…) the presentation of antenatal screening alongside these other more straightforward and routinely carried out diagnostic tests may contribute to an interactional context in which screening itself is also perceived as routine (Pilnick 2004, p. 455-456)

This presentation may restrict the expectant mother's freedom of choice, since women do not necessarily equate a routine procedure with one that they have the right to accept or decline (Pilnick: 2000: 458).
Example 2 is given by Rubinelli and Schulz (2006, p. 370) as a way of leaving the

patient choice since the doctors makes it clear “that what he advises is simply a proposal”. According to me, this example might also be analysed as way of presenting a certain treatment as the best one, without giving any argumentation:
(2) D. This is then the main point. It has been confirmed during the surgery that it is a malignant tumour…
…
Thus, in these situations, we always propose a treatment based on chemotherapy

In this case, it is not just the fact that the treatment is presented as the standard treatment, but also the use of ‘we’ that may have the effect of making it difficult to object to the treatment proposed. As Karnieli-Miller and Eisikovits have pointed out, plurals are often used to “enhance credibility and lend authority to more threatening interventions” (2009, p. 5):
Once treatment decisions are made by a team of well-known, authorized professionals, an increase in trust and compliance can be expected […] The more threatening the suggestions concerning treatment are the more often the advice is given in the plural (2009, p. 5)

3. Presenting the recommendation in such a way, so that it looks as if the doctor is only giving the patient some information, not advice

A third strategy physicians may apply in presenting their recommendations is to do so in such a way that it looks as if they are only giving the patient some information, not advice, so that the impression is preserved that the decision is still up to the patient.
Physicians may for instance only mention undesirable consequences of a particular treatment, without explicitly advising against it or. Or they may just mention favorable consequences of a treatment without explicitly recommending it. In this way, the patient seems to have the freedom to draw his own conclusions. Pilnick discusses how such supposedly informative communications may be perceived as recommendations:
Although many healthcare professionals are cautious about explicitly advising a particular course of action, the way in which information is interactionally presented can have advisory implications for clients. In particular, […] the use of ‘contra-indicative’ statements made by professionals, i.e. statements emphasizing the potential negative outcomes of a proposed course of action […] are likely to be heard as directive. […] Conversely, where the outcomes of a proposed course of action are presented positively […], a different point of view may be reinforced,

albeit implicitly, in favour of the action. (2004, p. 459).

Example 3 may serve as an example:
(3) Speaking frankly, the addition of chemotherapy in this situation would increase the possibility of healing (Rubinelli and Schulz 2006, p. 366)

Another example is provided by Pilnick (2004). In the fragment, reference is made to two tests for Down's, one after 16 weeks and one after 12 weeks:
(4) the Town Hospital (0.2) the blood test (I/they) take, at sixteen weeks to do (0.2) tests for Spina Bifida and for Down's (0.2) CAN also screen for DOWN'S (0.4) and in the SAME WAY you get a risk facor of > 1 in 200 or les:s< (0.2) but of course >you're a little bit further on then, you're sixteen weeks or so (0.2) if you FIND OUT at TWELVE WEEKS > it gives us a lot more time (0.2) to sort anything out if you (0.2) if-if depending on which road YOU'D GO (p. 460).

Pilnick gives the following comment on this example:
'What is not said' here is any direct contrast of the two forms of screening. However, the fact that NT screening gives a lot more time to 'sort anything out' may be taken to imply its superiority, and hence desirability, contributing to an interactional context that does not necessarily give a sense of a considered decision to be made (2004, p. 460)

Thus, in the example, on the one hand it is suggested in an implicit way that having a screening after 12 weeks is preferable, but this is not said outright, nor are any reasons given, and the formulation ("depending on which road you'd go") still suggests that the choice is up to the expectant mother.

4. *Conclusion*
It can, in principle, be completely acceptable dialectically speaking for the doctor to present the possible treatments in such a way that his own preference seems the most reasonable choice. When a doctor strongly recommends a specific treatment, this does not necessarily result in a violation of a pragma-dialectical discussion rule. Doing so can in principle also be in accordance with the ideal model of shared decision making. According to Charles, Gafni and Whelan (1999, p. 656), for instance, "the physician can legitimately give a treatment recommendation to patients and try to persuade them to accept the recommendation", provided he also attempts to take the patient's perspective into account. However, as we have seen in the examples just discussed, in some cases

the physician's strategic maneuvering to get his own treatment preferences accepted may derail and become fallacious. This is for instance the case in example (1), where the physician presents the patient's agreement on the main treatment decision as a common starting point, thereby violating the starting point rule of a critical discussion. In other cases, such as for instance example (4), the maneuvering cannot be regarded as fallacious, since no rule for critical discussion seems to be violated. Nonetheless, the fact that no objective comparison of the different forms of screening and their benefits and risks is given, may be seen as inconsistent with the ideal of medical shared decision making, since it deprives the patient of the possibility to make a well-considered decision.

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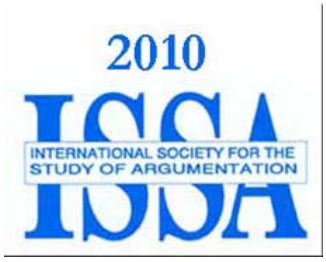
ISSA Proceedings 2010 – The Nature And Purpose Of Dialectic:

Aristotle And Contemporary Argumentation Theory



References to Aristotle's notion of dialectic in contemporary argumentation theory, rhetoric of science and theory of controversies are conspicuous by there presence but also, sometimes, by their absence. Scholars working in argumentation theory often refer to Aristotle's dialectic, and they do so in different ways; this is not surprising given the notoriously cryptic nature of Aristotle's *Topics*, the work where Aristotle's approach to dialectic is spelled out. Other scholars – most notably Nicholas Rescher and James Freeman – explore dialectical reasoning quite independently from any reference to Aristotle. In this paper, I would like to show that despite their emphasis on dialogue, contemporary argumentation theories – at least those explicitly referring to Aristotle – do not sufficiently distinguish the respective purposes of dialectic and rhetoric and fail to give an adequate epistemic account of dialectic. Quite surprisingly, as we shall see, the most Aristotelian approach to dialectic is James Freeman's (2005), who does not explicitly refer to Aristotle.

Aristotelian dialectic has been alternatively described as a means of rational persuasion, as a tool for testing claims to knowledge or for raising doubts about uncertain statements, and finally as an instrument for attaining knowledge and even reaching the first principles of the sciences (Sim 1999). The relationship between dialectic and rhetoric is particularly controversial; the opening enigmatic sentence of Aristotle's *Rhetoric* – "rhetoric is the counterpart ('antistrophos') of dialectic" – has been, and still is widely commented on. Its meaning is obviously open to a variety of interpretations, each of which sheds a different light on the similarities and differences between dialectic and rhetoric. This lack of consensus might appear as a setback if one intends to unearth the real meaning of Aristotle's work; however, the wealth of insights provided by these different analyses can be viewed as an advantage, if one is interested in the potential for further developments.

Given this rich interpretative background, it is not surprising that the main scholars who have taken up the challenge of developing a dialectical and/or rhetorical approach to knowledge and argumentation view the art of dialectic in

different ways. Whereas Chaim Perelman (1977) sees a dialectical debate as a particular implementation of rhetorical persuasion which involves no more than two interlocutors, both Frans van Eemeren & Rob Grootendorst (2004 ; henceforth E&G) and Douglas Walton (1998) link Aristotelian dialectic primarily to dialogue in the specific sense of a rule-bound exchange of questions and answers between two (or more) interlocutors. The same contrast exists between the rhetorical and the controversy-oriented approaches to the development of scientific knowledge. Whereas rhetorical approaches to science stress efficient and legitimate ways of creating conviction and furthering the acceptance of scientific claims (Prelli 1989; Gross 1990), controversy approaches focus on the epistemic importance of exchanging opposing views on a particular issue, and explore the rules and modalities of adversarial debates (Dascal 2008). Thus, both the theory of controversies and prominent approaches to argumentation theories (most notably E&G and Walton) develop the essential feature of dialectic as it was described by Aristotle, by setting it apart from both rhetoric and demonstration, as well as from its contemporary offshoot, informal logic: dialectic has to do primarily with the systematic and organized exchange of questions and answers between two interlocutors, rather than with the internal arrangement of arguments designed to support a claim, either absolutely (demonstration) or relatively to a given audience (rhetoric). According to Aristotle's schematic description of a dialectical debate in the *Topics*, a questioner derives a conclusion from a series of premises which have been assented to by a qualified answerer. In so doing, he either refutes or establishes a thesis which solves a dialectical problem, which has the following form: "Is x p or not-p?".

Two of the main contemporary argumentation theorists – E&G and Walton –refer to Aristotle as an important source of inspiration. Douglas Walton understands dialogue in a loose sense as any rule-bound "conversation" between two or more partners: a dialogue is a "context or enveloping framework into which arguments are fitted so they can be judged as appropriate or not in that context " (1998, p. 29). Dialogues can serve different purposes: persuasion dialogues, information seeking dialogues, negotiation dialogues, inquiry dialogues, eristic dialogues and deliberation dialogues. Each of them has specific normative constraints: only those argumentation moves are acceptable which can guarantee the attainment of the dialogue's specific goal (critical discussion, information gathering, compromise, scientific inquiry, quarrel, decision-making). According to Walton, Aristotelian disputations are a "rigorous " sub-species of his large category of

“persuasion dialogues” : they are asymmetric, in the sense that only one of the two interlocutors is defending a thesis (ibid., p. 243). Arguments used in a persuasion dialogue have to be “relevant ”, i.e. they have to solve the “uncertainty” or “unsettledness ” of an issue (ibid., p. 42).

Walton’s “rigorous ”, as opposed to “permissive ”, persuasion dialogues is similar to E&G’s “critical discussions ”. In their systematic work on the pragma-dialectic approach to argumentation E&G write: “For Aristotle, dialectics is about conducting a *critical discussion* that is dialectical because a systematic interaction takes place between moves for and against a particular thesis ” (2004, p. 43). Thus, unlike rhetoric, dialectic includes a “normative dimension ” : a difference of opinions can only be resolved “if a systematic discussion takes place between two parties who reasonably weigh up the arguments for and against the standpoints at issue ” (ibid. 50).

Before analyzing the respective purposes of Walton’s persuasion dialogues and E&G’s critical discussions, I would like to explore how these two important and self-declared “dialectical ” approaches to argumentation theory relate to Aristotle, one of their avowed sources. In order to do so, I shall first analyze two crucial aspects of Aristotelian dialectic¬ – the nature of dialectical premises (the Greek ‘endoxa’) and the purpose of the dialectical exercise – and compare them to the same features in both Walton’s and E&G’s approaches. As it turns out, these two issues are tightly related to each other : dialectical premises express “reputable opinions ” precisely *because* the purpose of the dialectical exercise is to test and establish claims to knowledge, rather than to convince a specific audience or to reach an agreement on the acceptability of a claim. In this respect, Aristotle, unlike contemporary argumentation theorists, sharply distinguishes between dialectic and rhetoric, even though these two arts use similar argumentation schemes.

1. Aristotle’s account of dialectic as a procedure for testing claims to knowledge
According to Aristotle, a dialectical argument differs from a demonstrative one in virtue of its premises which he calls ‘endoxa’, a term which is most properly translated as “reputable opinions ”. ‘Endoxa’ are those opinions “which commend themselves to all or to the majority or to the wise – that is, to all of the wise or to the majority or to the most famous and distinguished of them ” (*Topics*, 100b22-23). Thus ‘endoxa’ are not just any widely accepted opinions, but are opinions which command belief in virtue of their being held by certain

authoritative groups of people. This is clear if we consider their contrast class, 'first principles' ('archai'), which "command belief through themselves and not through anything else " (*Topics*, 100b, 18-19) and which for this reason constitute a necessary condition for scientific demonstration ('epideixis').

'Endoxa', therefore, are opinions which carry a certain amount of authority; it is precisely the authority of the people which hold them which makes them suitable premises for dialectical reasoning. This is why they are so carefully classified. In other words, what allows 'endoxa' to be used as the premises of dialectical reasoning is not simply the fact that they happen to be held by such and such a group of people. Rather, it is the *authority* which they have acquired *by being held* by such a distinguished group. Two pitfalls should be avoided. On the one hand, one should be wary of translating 'endoxa' with "probabilities " as did Latin interpreters from Cicero onwards, as well as some contemporary interpreters. This is precisely because, as Jacques Brunschwig writes in his introduction to the French translation of the *Topics*, "the 'endoxal' character of an opinion or an idea is not a property which belongs to it in virtue of its intrinsic content, but rather a property which belongs to it *by fact*, insofar as it has real guarantors." (Brunschwig 1967, p. CXIII, note 3). This implies that, contrary to a common interpretation, the epistemic value of 'endoxa' is independent of their relationship to the truth. Their truth – be it a likely, approximate, empirical, or knower-relative truth – is simply irrelevant to the role 'endoxa' are designed to play. As Brunschwig again claims, it may well be contingently true that 'endoxa' as reputable opinions are also the empirically most justified opinions we have, but "this coincidence does not erase the formal distinction between a statement that we accept because we find out empirically that it is true and a statement which is materially identical to the former, but that we accept for another reason, namely that we hear everybody say that it is true " (Brunschwig 2000, p. 115). On the other hand, 'endoxa' must also be distinguished from "generally accepted premises", unlike what Averroes famously holds. Indeed, 'endoxa' may well be "generally accepted premises" but don't have to be so. Aristotle explicitly says that the opinions of the experts can be considered as valid 'endoxa' unless they conflict too sharply with the opinions of the majority, i.e. if they are not "paradoxical" (*Topics*, 104a11-12). In this sense, C.D.C. Reeve is right when he writes that "'endoxa' are *deeply* unproblematic beliefs – beliefs to which there is simply no worthwhile opposition of any sort " (1998, p. 241). In any case, it is not the acceptance rate of 'endoxa' which is important, but the fact that this acceptance can be taken to be a sign of the likelihood that they will be conceded

to in an asymmetric dialectical debate between a questioner and an answerer.

Accordingly, the purpose of what Aristotle calls 'peirastic' dialectic is not to reach an agreed upon conclusion or to rationally persuade an audience of the truth of a particular claim but to test claims to knowledge. The conclusion the questioner has reached by putting forth a series of 'endoxatic' premises which have not been objected to by a qualified answerer is justified insofar as it is derived from premises which *any other critic* would not have been able to object to. Alexander of Aphrodisias, one of the earliest – to this day still one of the best – commentator of Aristotle's *Topics*, writes that the purpose of dialectic is not to *persuade* someone of the truth of a given claim but *to prove a claim to someone who denies it*. The difference between these two tasks is that in the latter case, IF a qualified interlocutor has assented to each premise, it has to be implicitly assumed that all possible objections have been responded to. Thus, the conclusion reached by the questioner is well tested and relatively justified, and is not the mere result of a process of rational conviction whose effectiveness depends on the answerer's state of mind. Alexander makes the following example. The geometrician posits that points exist and that they have no parts, but some people deny it. This controversial proposition can proved to him by putting forward the following 'endoxal' premises:
1. Everything that is limited has a limit;
2. The limit is other than that of which it is a limit;
3. The line has a limit which is other than the line;
4. The limit of the line can only be a point (since it can neither be a plane nor a body, and there are only four items in the realm of dimensions) (2001, p. 34).

Thus, paradoxically, a dialectical disputation in the Aristotelian sense is a communal rather than an adversarial enterprise: the answerer, who assents or withholds his assent to the premises put forward by the questioner, indirectly helps him to establish his claim. Aristotle hints at the communal aspect of a dialectical disputation in the 8th book of the *Topics*, where he writes that the questioner and the answerer have a common purpose (161a22; and 161a38-39). Unlike Medieval authors, both Alexander and Renaissance commentators of the *Topics* understand the common purpose of the two contenders in a dialectical disputation as the fact of testing the thesis at hand rather than the fact of conducting the disputation according to the relevant norms.

2. Aristotle and contemporary argumentation theories

Let's see how Walton and E&G analyze the premises of a dialectical argument and define the purpose of the dialectical exchange accordingly. In order to describe a "persuasion dialogue" – the form of dialogue which more closely resembles an Aristotelian disputation – Walton takes over the notion of "commitment store" from Hamblin's classic study on fallacies: an arguer has successfully resolved a conflict of opinions if he has succeeded in deriving his thesis from premises which are commitments of the questioner's rival. Since commitments cannot be revised, once the critical discussion is over the rival will have exhausted all possible objections, criticisms and counterarguments. Commitments are provisionally *accepted premises* but, insofar as that they cannot be modified, they are not mere concessions, i.e. propositions accepted simply for the sake of arguments. But neither are they merely *acceptable premises*; this is why the premises used in Walton's persuasive dialogues do not have to stand up to a normative standard, but represent the opinions an arguer happens to be committed to. It is indicative that Walton translates the Aristotelian term 'endoxa' as "generally accepted opinions ", rather than as "acceptable opinions ". Accordingly, Walton holds that "the purpose of using an argument in a *persuasion dialogue* is for one party to rationally persuade the other party to become committed to the proposition that is the original party's thesis " (1998, p. 41) and thus acquire a presumption of truth by shifting the burden of proof.

E&G, on the contrary, describe dialectical premises as "*acceptable* premises " rather than as actually "accepted premises ": "In a critical discussion, the parties involved in a difference of opinion attempt to resolve it by achieving agreement on the acceptability or unacceptability of the standpoint(s) involved through the conduct of a regulated exchange of views " (2004, p. 58). However, the acceptability of claims put forward in the course of the dialectical exchange depends on pragmatic rather than on epistemic criteria. E&G stress "problem-validity " and "inter-subjective validity " as the criteria for the acceptability of the claims put forward in a discussion: problem-validity indicates that the content of the propositions exchanged must be relevant for resolving the critical discussion, while inter-subjective validity indicates that the rules of the discussion have commonly been agreed upon: "An argumentation may be regarded as acceptable in the following manner: the argumentation is an effective means of resolving a difference of opinion in accordance with the discussion rules acceptable to the parties involved " (ibid., p. 16). The ten rules the pragma-dialectical approach describes for defining an ideal discussion are meta-rules which help characterize

what the parties involved can reasonably consider as acceptable rules of discussion in any given context.

As for the respective purposes of a "critical discussion" (E&G) and a "persuasive dialogue" (Walton), they are quite different. However, as we shall see, both approaches assume that the general purpose of discourse is to create conviction, and thus strive to integrate a measure of rhetorical persuasion into dialectic. According to E&G pragma-dialectical approach, the purpose of a critical discussion is squarely pragmatic in nature: resolving a conflict of opinion, albeit not by any means: fallacious arguments have to be excluded but are judged to be such only in relation to the argumentative context. Even though James Freeman (2006) has recently argued that one of the different types of critical discussion envisaged by pragma-dialectic can be an epistemically-oriented dialectical confrontation, this salvaging move would require us to suppose that the fact of establishing a claim in an epistemically sound way contributes to "resolving a conflict of opinions", which is far from being the case. Thus, the pragma-dialectical approach does not eschew rhetoric altogether, but rather integrates it into critical discussions as "strategical maneuvering": here "the pursuit of dialectical objectives and the realization of rhetorical aims can go well together " (F. van Eemeren and B. Garssen 2008, p. 11). This shows that the overall purpose of critical discussions is to establish claims which are "acceptable to all parties involved ", and that the reasonable constraints put on the organization of the discussion serve the purpose of increasing the chance that a lasting acceptability will be reached.

As for Walton's dialog theory, the main purpose of "persuasive dialogues " is for each participant to acquire a presumption of truth by shifting the burden of proof in one's favor. One can only realize this purpose, however, relatively to a specific opponent: "The purpose of using an argument in a persuasion dialogue is for one party to *rationally persuade* the other party to become committed to the proposition that is the original party's thesis " (1998, p. 41; my emphasis). This is consistent with the fact that Walton considers the relationship between dialectic and rhetoric to be quite close : "It needs to be seen that rhetoric is a necessary part of dialectic and that dialectic can also be an extremely useful part of rhetoric ". Rhetoric is based on loose argumentation structures while dialectic is a "powerful new form of applied logic that can be applied to the interpretation and analysis of argumentation in natural language discourse " (2007, p. 45). Both deal

with effective persuasion, but only dialectic deals with rational persuasion.

In a recent work (2007) Walton tries to respond to the charge of dissociating dialogue from the truth as an epistemic worthy objective (H. Siegel and J. Biro 2008), and analyzes the rationality of the persuasion brought about by dialogue along two dimensions: *standard of evidence* and *depth*. By conducting a critical discussion, the balance of evidence is progressively shifted on one side, and the quality of the discussion – the number and nature of the objections and their responses – shows which of the two positions is more "truthlikely ". Since Walton also maintains that the purpose of persuasive dialogues is to gain a "presumption" of truth, he indirectly equates the two criteria for judging the result of a critical discussion: the interlocutor who has gained the presumption of truth for his hypothesis also holds a position which is more truthlikely than the one held by his opponent. I think this is a mistake: whereas presumption is a dialectical notion related to burden of proof, "truthlikeness" supposes the existence of truth and the possibility of measuring the distance between the truth and the presumptive position reached. A dialectical discussion, however, cannot provide such a measure. What Walton might maintain – but does not do so – is that a persuasive dialogue could allow us to establish a "balance of truth", and to evaluate the relative weight of the arguments brought forth on both sides of a controversial issue. This position would be more in keeping with his mildly skeptical epistemological stance, than the affirmation of the truthlikeness of a dialectical conclusion (2007, p. 129). By contrast, as we shall see, the notion of the "depth" of a discussion achieved in the course of a persuasive dialogue is far more promising for understanding the epistemic value of dialectic.

In a recent book, James Freeman (2005) has built a useful bridge between argumentation theory and epistemology although he does not refer to Aristotle's tradition of dialectic. He has offered a detailed and thorough epistemological analysis of dialectical reasoning and has stressed its importance for testing claims to knowledge, rather than achieving agreement on controversial issues. Although both Walton and Freeman consider presumption as the main dialectical notion – insofar as it signifies that one's opponent in the debate has the burden of proof – Freeman establishes general objective criteria to determine the "acceptability" of a presumptive proposition over and above its actual acceptance. Presumption conditions for beliefs can be grouped into three classes:
1) interpersonal belief-generating mechanisms (common knowledge, trust, expert

opinion);
2) personal belief-generating mechanisms (senses, memory and reason – intuition of the truth of certain statements);
3) internal plausibility (simplicity, the 'normal'). In general "we shall be arguing (..) that principles of presumption connect beliefs with the sources that generate those beliefs, as a prime factor in determining whether there is a presumption in favor of a belief " (ibid., p.42). Presumption for beliefs holds if there is a presumption of warrant for the corresponding belief generating mechanisms. Thus, Freeman's notion of presumption is a far more objective notion than Walton's although it does not imply any degree of approximation to the truth.

3. Conclusions: Aristotle's 'endoxa' vindicated

Although, as we have said, Aristotle's notion of dialectic has been interpreted in widely differing ways, an appropriate analysis of 'endoxa' – the premises of a dialectical disputation – allows us to suggest that in a dialectical disputation the questioner not only puts his thesis to the test but also *proves it* in a qualified sense, i.e. not absolutely but to the answerer who denies it. In that sense, he succeeds in shifting the burden of proof and thus in establishing his thesis, at least provisionally. However, because of the authoritative nature of the kind of warrant 'endoxatic' premises, the conclusion is more than contextually and pragmatically justified.

Although Freeman's analysis of the conditions of normative acceptability for premises is more sophisticated and detailed than Aristotle's analysis of 'endoxa' as "reputable opinions", I would like to suggest that the rationale behind Aristotle's 'endoxa' is exactly the same as that of Freeman's "acceptable premises". In Freeman's analysis, premises are acceptable – and not just accepted – insofar as they depend on several reliable causal mechanisms. Thus, Freeman's acceptable opinions are intrinsically more plausible and more independently warranted than Aristotle's "reputable opinions". In order to consider Aristotle's 'endoxa' as opinions which are objectively acceptable, rather than simply reputable opinions actually accepted by a given authoritative group of people, we have to suppose further that those qualified people – single experts, the majority of people – are reasonable and well-informed
agents. If this is the case, then the opinions they accept can be considered to be objectively acceptable. As a result, the conclusion of a dialectical reasoning conducted through these objectively acceptable premises, is justified an

epistemically, and not just rhetorically, justified conclusion. I believe that this was Aristotle's assumption given the important role that he attributes to dialectic "for reaching the principles of each science" (*Topics*, I.2). At the very least, Freeman's account of dialectical reasoning is perfectly consistent with Aristotle's, and even renders it more plausible by giving a thorough epistemic analysis of the reasons which make dialectical premises "reputable", and thus explains why dialectical conclusions may be well-tested. Thus, in an interesting twist, a contemporary author carries Aristotle's project of dialectic forward without intending to do so, whereas other authors who explicitly refer to him, pursue a different goal, more consonant with Aristotle's stated aim in the *Rhetoric*.

But what is the epistemic status of dialectical conclusions? How can they possibly be more justified than the objectively acceptable premises from which they are derived? Two sets of considerations are relevant here. Firstly, unlike Walton, I believe that the notion of relative closeness to the truth ("truthlikeness") cannot account for the epistemic virtues of dialectical reasoning. Rather, it is the iterative process of testing and criticism provided by a dialectical exchange which explains how its conclusions can teach us something new. Indeed, dialectical exchanges strengthen the intrinsic plausibility of a claim, rather than its objective probability. Whereas probability presupposes a measurable relationship to the truth, plausibility indicates our cognitive inclination towards a proposition, which is liable to increase through the dialectical process. Even though the Aristotelian tradition of dialectic is replete with claims that a dialectical disputation brings us closer to the truth, we can totally salvage the epistemic value of dialectic without getting entangled in the difficult metaphysical issues surrounding the existence of, and approximation to, the truth. Instead, the dialectical notion of presumption of truth will suffice, if we acquire it on the basis of objectively acceptable premises and at the end of an iterative process of testing through questions and answers. Nicolas Rescher has best described the epistemological merits of dialectic as a "heuristic method of inquiry": "The logical structure of this justificatory process (..) points towards a cyclic process of revalidation and cognitive upgrading in the course of which presumptive theses used as inputs for the inquiry procedure come to acquire by gradual stages an enhanced epistemic status" (1977, pp. 56-57). Secondly, however, I think that Walton's notion of the "depth of dialogue", which he develops in a recent work (2007), is a very promising alternative to "truthlikeness" and appropriately describes the epistemic value of the dialectical exercise. Indeed, according to Walton, persuasive

dialogues may have a maieutical function and thus increase the "depth" of the critical discussion on a given issue: "There are two benefits to such a discussion. One is the refinement of one's own view, making it not only more sophisticated, but based on better reasons supporting it. The other is the increased capability to understand and appreciate the opponent's point of view" (Walton 2007, p. 100). It is unclear whether according to Walton increasing the depth of dialogue is positively related to the truthlikeness of dialectical conclusion. For my part, I agree with Aristotelian commentators from Albert the Great in the 12th century to Agostino Nifo in the 16th century, who maintain that the dialectical exercise can best be seen as an indirect aid to the search for the truth: it reinforces one's position when all relevant objections have been answered to, and builds a habit (an Aristotelian "acquired disposition") which enables us to recognize the truth when we are faced with it.

Traditions of thought may be considered as "structured potential for change " (Shils 1981). Thus, revisiting contemporary approaches to argumentation theory in the light of the Aristotelian tradition of dialectic does not only have an historical interest. If rightly understood – especially in the light of the tradition that it has initiated – Aristotle's understanding of dialectic can serve as a useful repository of positive suggestions which are worth pursuing if we want to explore the vast potential of dialectical reasoning.

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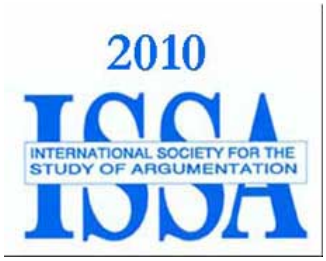
Conceptual Metaphors And Flexibility In Political Notions In Use In 19th Century Romanian Parliamentary Discourse



1. Introduction

Each political event is inscribed in a *natural chronology*, but at the same time, through the way society experiences its appearance and existence, it constructs *a mode of temporality* of its own (Kosellek 2004, p. 95); the subjective temporal structures which render a political event and are partially responsible for the set of conceptual tropes by which it is indicated in the discourses of a particular historical age suggest the way in which that political event is conceptualized by society or by a more restricted group at a given moment. Also, the modelling of a political notion is done by the unitary association with a certain range of emotions, with a particular appraisal system, and a predominant type of engagement of the 'voices' that advocate it and are of the epoch tenors.

In this study, we shall dwell upon the agrarian reform effected in a particular 19th century period and we shall regard it as a historical event and as a concept; the agrarian reform was the stake of a large argumentative endeavour.

We have started from the pre-theoretical observation that, retrospectively in the second half of the 19th century, two major concepts, the agrarian reform and the Union of the Romanian Principalities, had a different emotional potential by comparison with our time and by comparison with the feudal and pre-modern period. We have also noticed that the discourse of that age was couched in sensualist terms and employed constructions such as *the feeling of the law, the feeling with which something is uttered, the love for property, the wary feeling* that enveloped this or that political decision, the metaphorical adjective *on the wing* used to express the concept of progress, all of which coinages were frequent and considered to be fashionable expressions. The frequent phrase *have a keen sense for the law* appears to us as symptomatic for the merger of emotions with concepts in Romanian parliamentary discourses in the 19th century, which

occurred probably also under the influence of late Romanticism. Today this expression would not be used in political discourse at all, being felt as probably too „pathetic".

From the new rhetoric perspective, a concept might have particular and distinct argumentative values in the discourse of an epoch; these values can change depending on the historic and cultural context. The concept might be acknowledged to have negative argumentative value, which does not meet the agreement of the audience; it might become a presumption of normality and, having this status, it might be placed in the centre of the epoch's fulfilled expectations. Also, a concept might acquire the status of a positive value, which meets the agreement of the majority.
In the grammar of argumentation, *values* represent the next argumentative category after the *presumptions* with respect to their force of triggering agreement. Ch. Perelman and Olbrechts-Tyteca (1958) present the presumptions as objects of general agreement, while values, they say, are only objects of agreement, without meeting the criterion of generality (pp. 94-107). Values assure a certain commitment to a particular mode of acting, they indicate the efficient human behavior, and serve as foundation for political, historical, social, legal, and philosophical arguments. Ch. Perelman and Olbrechts-Tyteca (1958) quote E. Dupreél's definition of values in *Sociologie générale*:
Des moyens de persuasion (…) qui ne sont que cela, purs, sorte d'outils spirituels totalement séparables de la matière qu'ils permettent de façonner, antérieures au moment de s'en servir, et demeurant intacts après qu'ils ont servi, diponibles, comme avant, pour d'autres occasions (p. 102).

The values' capability of being separated from the modelled matter (*la matière*), when regarded in the reverse perspective can be understood as an association whose role is to individualize the notion and to confer it a unique character.
In the present study, we have started from two hypotheses: that a concept is always accompanied by appraisal and emotions which finally impregnate the notion, and that appraisals and emotions play an important role in the argumentative recategorization of the notion. The emotions which become a constitutive part of the notion's significance might modify the links between the concept and the other notions in the network. These hypotheses were fostered by the observation that Romanian political discourses in the 19th century were impregnated to a great extent with emotions and evaluations, which have

prompted us to consider that we have to do with romantic parliamentary discourses.

2. The Domain of Analysis and Contextual Information

The corpus analyzed consists in a series of discourses delivered by Mihail Kogălniceanu in the Romanian Parliament of the 19th century, all focusing on the problem of the agrarian reform. The discourses which we take into account here were delivered during a period spanning between December 1857 and May 1861.
M. Kogălniceanu was a revolutionary spirit, inspired by the French Revolution, by German reforms, by English parliamentarism; in Romanian culture, M. Kogălniceanu is surnamed the "architect" of modern Romania. He pleaded for the introduction of democratic reforms, such as:
– the abolition of feudal privileges
– the modernization of the electoral law
– the agrarian reform which presupposed to give the right of land ownership to the peasants
– the secularization of Church property.

All in all, he advocated democratic principles, he introduced a democratic system and boosted State power.

M. Kogălniceanu was a prominent political figure *conscious* of the *inherent historical character* of his principles and of the political events to which he fully contributed. In fact, M. Kogălniceanu's politics were liberal and his political attitude was moderate (Berindei 2009, pp. 114-125). Romanian cultural historians and anthropologists actually hold that M. Kogălniceanu was not the modern spirit of the age *par excellence*, in spite of the fact that he laid the foundations of Romanian cultural modernity less than two centuries ago (Lovinescu 1997, pp. 48-62).

M. Kogălniceanu was the first modern Romanian historiographer with a philosophical understanding of history, in so far as he inaugurated the idea of tracing the permanent links between the past, the present and the future. Present time is understood from the point of view of the past, and the future can be prognosticated by taking into account the present. Because he was thinking in the framework of this permanent connection between the three temporal axes, M. Kogălniceanu discussed the relevance of the past for the present and believed in the capacity to prognosticate the future. He understood the interpretive power of

history as *magistra vitae* due to its messianic, militant and rejuvenating functions (Zub 1974, p. 401). This also meant that one cannot understand progress outside history, and that the present was historical. Consequently, M. Kogălniceanu's modernity, courage and revolutionary spirit stemmed from his political reforms. He defined himself in these words: "I am revolutionary through my projects." (as cited in Zub 1974, p. 439).
In the second part of the 19th century, Romanian society changed from one based on tight hierarchical ranks, to one inspired by the ideas of the French Revolution, namely a society based on classes with equal rights and a new system of ranks stemming from the state structure (Kosellek 2004, p. 77).

3. Modes of Temporal Experience
History has two meanings, according to Kosellek (2004):
the meaning of *ipsa historia* or *history by itself*, a notion anticipated theologically, which represents the semantics of the events ordered chronologically, or, as Saint Augustin and other theologians put it, history itself which is derived from God;
history as the construction of human institutions, or "history as experience" (pp. 93-95).

These two different meanings of history are organized by several temporal structures: *history by itself* is organized by *ordo temporum*, or the natural order of events, while *history* as *knowledge of the historic experience*, briefly *history as experienc*e, is articulated by three major *modes of temporal experience*. The first temporal structure is the irreversibility of the events: every event has a "before" and an "after".

The second temporal organization of history as experience is the repeatability of the events, which claims a presupposed identity of events – the so-called "return of constellations" (Kosellek 2004, p. 95). The organization of the historic knowledge according to this temporal mode is very figurative, very iconic, or typological. In Romanian culture, for instance, it gave birth to the *theory of imitation* (which appeared before Gabriel Tarde 1890 book *Les lois de l'imitation*). The French Revolution was replicated on Romanian soil, but later and in a feudal rather than bourgeois milieu, nevertheless.

Titu Maiorescu, one of M. Kogălniceanu's contemporaries theorized about *empty forms in Romanian culture*, which are the result of the imitation (i.e. the repeatability) of occidental institutions. In the 20th century, Eugen Lovinescu, one

of the most prominent sociologists and historical anthorpologists, who also happened to be a famous literary critic working under the influence of Gabriel Tarde, reshaped Maiorescu's thesis as the theory of *synchronism*.

The repetitive mode in configuring the temporal experience of an event is expressed in several ways in the texts of this period: in a faithful and, at the same time, idealized form, which is specific for the phase of enthusiasm, such as *the sun* of the French Revolution, *the sacred principle* of the Paris Convention (Alecsandri 1977, pp. 60-62); in the shape of distorting imitation, either epigonic or caricatural, and dominated by contradictions. The latter form is typical for a phase of ulterior, critical reflection about what has been the historical event. In a humorous play written by Vasile Alecsandri (1977), a prominent Romanian writer of the time, one of the characters exclaims, "What I wish is to imitate in my country all the phases of the French revolution, for it is only by public commotion that a nation can become civilized" (p. 60).

The third mode of historical temporal experience is that of *contemporaneity of the the noncontemporaneous*, which presupposes a diversity of deviated temporal strata – which are of varying durations, according to the agents and the circumstances; during communism, the interpretation of Romanian cultural history as being based on this temporal pattern produced *protochronism* – a flattering perspective on Romanian culture, opposed to the theory of synchronism, without the realism of the theories wielded by Titu Maiorescu and Eugen Lovinescu. Obviously criticized later on, this theory was authored by Edgar Papu, better known as a literary critic than as a historian of ideas. This theory aimed at demonstrating that in Romanian culture some phenomena occurred much earlier than in other major cultures.
The combination of these three formal temporal patterns is, says R. Kosellek (2004), at the base of our deductions such as, conceptual "progress, decadence, acceleration or delay" (p. 95). But natural chronology is contained as a minimal precondition for all these philosophic interpretations of the *historical category of time*.

3.1. How the modes of temporal experience intermingle
The *natural chronology* and the *temporality of history as experienced* intermingle. The temporal patterns of historic experience shape the natural chronology of events. The temporality of experienced history generates several representations which derive from the reflections of the historical age about the way an event gets

inscribed in time; just like cognitive metaphors associated to an event, the emotional and appraisal textures of the respective event and its *mode of* inscription in time help us reconstruct the mental representation of the event (in the ensuing discussion, the agrarian reform will be the event prioritized).

3.2 The natural chronology of the period

The *natural chronology* of the events starts in1743 and 1746, when the Phanariot ruler Constantin Mavrocordat formally abrogated the system of feudal obligations of peasants to the land-owners (*iobăgia*) in Wallachia and Moldavia. This was followed by the successful conditioning of the boyars' privileges not by birth but by their position in the administrative or political system. This weakened the boyars' hierarchy . In 1783 the Phanariot ruler Nicolae Caragea asked the Ottoman Empire to grant the Romanian Principalities right of way for free trade in the region. The French Revolution started in 1789. The Ottoman monopoly over Romanian grains was removed in 1829 by the Treaty of Adrianople, which allowed Western commercial navigation in the lower Danube. The price of wheat rose which opened the way for characteristically agrarian progress in the Romanian Principalities (Harre 2010; Lovinescu 1997, p. 15). Natural chronology continues with the first Romanian written constitution of 1832, which was called *The Organic Regulations*. This constitution rested on feudal principles and was issued while Romania was a Russian Protectorate. The Romanian revolution followed in 1848, in the two Romanian Principalities (Moldavia and Walachia). The boyars' elites adopted the ideas of the French Revolution and focused on the agrarian question rather than on solving problems of the urban skilled workers; their aim was to reform agriculture so as to increase agrarian production and exports which could benefit the boyars themselves (Harre 2010). The year1858 was the year of *The Paris Convention* which provided a second written constitution for the Principalities; it stipulated both a partial union of the Principalities with two rulers and established some common institutions; it also acknowledged the need for reforms, primarily the agrarian reform. The actual political Union of the two Principalities under one ruler, one capital, and with the same institutions was achieved in 1859 and the agrarian reform was achieved in 1864 by a *coup (d'etat)*. The agrarian reform was followed by other changes during the 19th century and at the beginning of the 20th century.

3.3. The temporality of experienced history

Concepts do not form series which run parallel to the natural chronology of the

events. The historical concepts of the union of the Principalities and the agrarian reform preceded the historical events and promoted their own patterns of temporality, which are built in texts. These modes of temporality constitute the time-related mental representation of the ongoing reality. They contribute to the configuration of political attitudes and of discourses, being an implicit support in argumentation.

We shall focus on the year 1857, which remained relatively unnoticed in the background of more significant events in the natural chronological series. It is rarely mentioned, in cursory references of historical and history of ideas studies dedicated to the respective period. The events of this year influenced the order of natural events and seem to us to reflect the assimilation of experience according to the time patterns of the *contemporaneity of the the noncontemporaneous* and the irreversibility of events. For example, in 1857 an increase in the number of political agents was noticeable, while the conditions which favoured modernization were maintained. Some of the unprecedented political voices heard now belonged to the representatives in the lower parliament chamber of the journeyman peasants; in November 1857 they applied for being granted land as proprietors and being considered citizens. Their application was denied by the grand landowners' commission, whose tone was "inappropriate" and gave rise to "agitation" (Kogălniceanu 1983, p. 84). In December, M. Kogălniceanu spoke in parliament; his two discourses called for the postponement of the agrarian reform, although he had earlier been committed to militate for the reform. The role of these two discourses, in a factual and chronological perspective, was to make the Union precede the agrarian reform.

The argumentative frame points to a mixed dispute. The critical proof invoked by M. Kogălniceanu can be presented in sequence as follows: if an agrarian bill that was convenient for the boyars was introduced in parliament, this would wrong the peasants. If the peasants' bill was introduced, on the other hand, the boyars would come to an agreement with the enemies of the Union and jeopardize it. Consequently, these two political notions, albeit in competition with each other, would have to be introduced successively and in a timely manner. The historian M. Kogălniceanu was obviously aware of the fact that progress is not linear but "there is, in the natural order of things, a succession of forward movement of timely events followed by a reaction to this" (as cited in Zub 1974, p. 433).
M. Kogălniceanu's argument for postponing the agrarian reform is its

untimeliness: “Ţhe country is not yet ripe” (Kogălniceanu 1983, p. 75), “it is not enlightened and it needs time to study and get used to the idea (Kogălniceanu 1983, p. 75).

In M. Kogalniceanu’s voice one can hear echoes of the various discourses couched in terms of the various political voices of the year 1857: the peasants’, the grandees and the liberals’ who were in favour of reforms. They acted as distinct types,manoeuvering and turning into events the potentialities of the moments.The discourse of the members who were representive for the interests of the journeyman peasants were instrumental in accelerating the agrarian reform while postponing the Union; M. Kogălniceanu’s discourses slowed down the implementation of the agrarian reform and accelerated the Union; the grandees’ discourse acted as a brake, in general. M. Kogalniceanu’s 1857 discourses allow us to trace the instances of acceleration, blocking and braking of the agrarian reform on its tortuous way towards being implemented in a *de facto* manner and turned into a historical event. Here are some expressions that suggest the acceleration of the agrarian reform: “This question which is now 200 years old hangs over our heads like the Damocles’sword (Kogălniceanu 1983, p. 84); “I am confident that we could have cut the Gordian knot if we had taken counsel from our own patriotism” (p. 84). References to the fact that the proposal of the peasants struck the great landowners like the explosion of a bomb (p. 85), because the latter raised their voices and “cried in terror and fight” (p. 85); the fact that the “weak souls”, “the people who have gone astray”, “the rusty people”, “the popularity-seekers” made a “miserable manifestation” against the union of the Principalities, but who had “little or no effect upon the men of character who had their own convictions” (p. 87) – all of these are instances of event-blocking.

The sense that the political elite derived, when confronted with the agrarian reform in the year 1857, was that it came as an impending, untimely event. This sense of something occurring “too early” may be the effect of representing the object of understanding in accordance with the structure of the *contemporaneity of the non-contemporaneous*.

The untimeliness argument that M. Kogălniceanu invoked when pleading for the postponement stems from an organic evolutionist conception, whose representation of reality is structured along the lines of the irreversibility pattern. Both temporal structures, namely the contemporaneity of the non-contemporaneous and the irreversibility structure, coexisted in the representation

of the reality as experienced around the year 1857 and influenced the decision making.

In the two discourses delivered on the subject of the agrarian reform in 1857, M. Kogălniceanu's position as an orator and his *engagement* with this political notion, which he interprets as a value, determined him to make a multiplicity of associations and dissociations. Starting with the dissociations, M. Kogălniceanu's dissociations appeared at the level of the *logos*. He partially dissociated himself from both camps, since he did not support some of the ideas of the grandees, just as he did not support the peasants' ideas in their entirety.

In M. Kogălniceanu's discourse, however, associations are as important as dissociations. One of the associations made by this daring Romanian political figure, which seems to be extremely inspired, comes from his appeal through *pathos* to all the political agents of the age without exception; he joins all of them in an emotional appeal from top to bottom. M. Kogălniceanu (1987) invoked pity otherwise than sophists would: "We commiserate with you in what ails you." (p. 89); "We all wish that injury may be healed." (p. 89); "Do not think that boyars are insensitive to what ails you." (p. 89).
There is a multiplicity of factors that placed the agrarian reform notion at the centre of a tense universe of expectations: the lively, enthusiastic and urgent presentation of the agrarian reform idea; the fact that the orator repeatedly resorted to wishful thinking as a discursive strategy which allowed him to anticipate events and positive reactions to them; flattering the boyar elites by constructing a triumphalist ethos with expressions such as "we, the leaders of our country, intellectually skilled Romanians, patriots" (Kogălniceanu 1987, p. 76); extending compassion for the peasants predicament and describing their sufferances; and the mental configuration of the present according to the structure of the contemporaneity of the non-contemporaneous.

This is what we wish to demonstrate by ensuing analysis in which we deal with the rhetorical effects of the conceptual tropes and emotional texture, and with the evaluations inherent in the discourses made between 1857 and 1864 by the same political orator on the subject of the agrarian reform and the role of the law. The rhetoric inherent in the denomination of the agrarian reform concept and in the emotions that envelop it were used by the orator to devise a method for boosting the argumentative status of the notion in order to secure the agreement of a divided audience. Concomitantly, the rhetorical means employed served as

markers of the modelling of the agrarian reform concept in accordance with the mentality of that particular age.

4. The Denominations of the Agrarian Reform at the Inception of Romania's Modern Social History

Inspired by the method of *Begriffsgeschichte* (history of ideas), the researcher should try to make the inventory of the synchronic denominations of the concept across the texts of the epoch: the political texts, the texts of the journals, the language of the writers, regarding the two extremes, the most prominent writers and the minor ones. This collection of data is necessary for establishing the linguistic use of the concept in a certain period of time. The investigation should be extended also diachronically, to the use of language in the preceding generation, and to the study of the language of the following generation (Kosellek 2004, p. 3). We present here only some partial results excerpted from M. Kogălniceanu's discourses or motions introduced by M. Kogalniceanu in the Senate, which were delivered before and after the agrarian reform (1857-1872); also we refer to the exchanges of the year 1872 in the Lower Chamber on the subject of the agrarian law (Rosetti 1907, pp. 3-52).

We have investigated and classified the conceptually metaphorical representations, or the Idealized Conceptual Models (ICM) of the (agrarian) LAW notion . We have checked to see which of the ICMs had the most diverse and richest lexical presentation. I have put aside such explicit lexicalizations of the agrarian reform and law notions as, for example "the most difficult problem", the vague and generic terms, such as "the issue of the peasants" (Kogălniceanu 1983, p. 226), "the agrarian issue" (Kogălniceanu 1967, p. 92), "the thing in question" (Kogălniceanu 1967, p. 241), etc. The ICMs with the richest lexical actualization in discourses are also first-order dominant conceptual representations of the notion for a given period.

The ICMs for LAW are the following:

– LAW is a SPACE, a *TERRA FIRMA* or even more specifically, LAW is the LAST PERMISSIBLE LIMIT (*nec plus ultra*) of this space;

– LAW is a TREASURE which must be *guarded*;

– LAWS are like PERSONS (to *respect* the law; to *obey* the law; to *bow before* the law, to *submit to* the law; the law *defend*s you; the *shield* of the law);

– LAW is and EDIFICE (which is *grounded* and *supported* by certain principles);

– LAW is an ORGANIC ENTITY (because it is a *constructed* and a *living form*; it

has a period of *growth,* it *grows* like a plant, it needs a *favorable time*, in order to appear and to be used).

Some of the recurrent figurative denominations of the agrarian reform are:

– The reform as a *solution*, as a *direction*, as a *wish*, as *happiness*, as a *need*, bringing "peace and quiet" (Kogălniceanu 1983, p. 76), *raising* the status of the peasants and their *feeling of dignity, emancipation, liberation* (Kogălniceanu 1983, pp. 386-389); "the *sun* of the emancipation which has risen over the peasantry" (Kogălniceanu 1983, p. 153); the *mission* or even the "sacred mission" of making the reform, securing the "holy land" (Kogălniceanu 1983, p.153), a *weapon* in the hands of the adversary; the reform equips the Romanian peasantry with a *shield*, offering them *protection* in times of *turmoil*, providing peasants with *free work* (Kogălniceanu 1983, p. 76). "The reform should not be *thrown out of the window*, but, when the time is *ripe* it should be *ushered in through the front door*" (Kogălniceanu 1983, p. 193).

We notice that most of the characteristic tropes, which reference the agrarian reform, send to the person and the organic reform at their ICM level. This allows us to conclude that, stylistically, we have to do in their case with an iconic variation *convergent* towards these two patterns of concept representation. Cognitively, in the discourse of this epoch we record two mentally very detailed representations of the law as, firstly, an organic entity, and, secondly, as a person; emotions rank high in the second detailed representation. The actualization of the emotive zone within the cognitively idealilzed model for the representation of the law as a person is indicative of a modified sense in which this notion is used in the period under study by contrast with the feudal period and with our present age. We consider this a *sensualist* sense of the law as a notion and of the agrarian reform, consequently. Argumentatively, the denominations of the agrarian law in accordance with its conceptualization as a person or as a plant grant it more power and increase its degree of persuasion.

The fact that it has been possible to detect in the discourse of the modern age, for which M. Kogălniceanu's speeches are emblematic, any new ICM for the concept of law indicates that the ICMs of the concept of law have continuity from one type o society to the other, and that the organic ICM was perhaps the strongest representation of law in Romanian culture as a whole. It appears even in the denomination of the first Romanian written constitution, the *Organic Regulations*

(1831).

Despite this uniformity, there is a subtle variation noticeable with respect to the substantial meaning of the new law *versus* the old, the feudal and the organic conception of the law. In the new, modern, post-revolutionary epoch, organicity is, *sensualistic* and predominantly oriented to the model of the person. The feudal organicity is primarily oriented to the model of nature. Feudal organicity is inert and *passive*, it is vertically structured in order to preserve the privilege and *the status quo* (Mazilu 2006, pp. 73-95). Perhaps this is the reason why the old age discourse concerning the laws was so much interested by the dimension of responsibility and punishment, while the new discourse lays the accent on the law as a space of controlled liberty by principles, and as a sign of progress.

The theory of stylistic variation has demonstrated that the intra-stylistic creativity and variety is not always a response to the contextual factors, but it might be a way by which the orator shapes the reality and builds new relations (Schilling-Estes 2002, p. 378). And this – I think – is the explanation for M. Kogălniceanu's high degree of sensualistic figurativeness and – as I will try to show in what follows – also for his frequent use of appraisals and of emotions.

5. The Correspondence between Appraisal and Emotions in the New Discourse

The pathos which arises and envelops the notion of the agrarian reform at the time when Romanian modernity was crystallizing can be detected in the figurative denomination of the concept and in the *pathemic* potential that this notion triggered in the conscience of the subjects involved one way or another in this question. We maintain that the general pathos which this notion gave rise to had its own discursive structuring. If we follow the way emotion and the evaluation of the notion appeared in the minds of the great protagonists of the age, we can observe the symmetries thus created and we record the fact that this political idea became central in the universe of the people who experienced it. We shall deal in the next section with the emotions and values that this notion gave rise to in the consciences of the main protagonists on the political stage of that period, namely in the boyars and peasants. There are symptomatic expressions of this in coinages such as: the agrarian reform will bring "peace and quiet" (Kogălniceanu 1983, p. 76), *it will rise* the status of the peasants and their *feelig of dignity, emancipation, liberation* (Kogălniceanu 1983, pp. 386-389), which are symptomatic for establishing what relationship exists between the political notion, on the one hand, and the emotions and evaluations stemming from the classes

who were influenced one way or another by it.

We shall also pause for a while in order to show the connection between two sensualist rhetorical approaches: one that refers to concepts (the plasticity of notions as developed by the new rhetoric) and the other which studies emotions (Chr. Plantin's theory of emotions). We need these technical specifications to shed light upon the methodology that we have resorted to here in our analysis.

5.1. "Plasticité des notions"

Ch. Perelman and Olbrechts-Tyteca embraced Ogden and Richards' dynamic perspective cast on the idea of *notion*. The significance of a notion consists of a *representational part* and of *an emotional part*. The emotional significance is responsible for what they call "plasticité des notions". Ch. Perelman and Olbrechts-Tyteca explain notion's flexibility, namely "emotional meaning" of the concepts by means of the *argumentative use* of the concepts, such as:

– extension and narrowing of the domain of the concept
– foreshadowing and clarification of the concepts
– techniques of selection of the data
– devices of data mitigation or amplification according to the orator's argumentative orientation (Perelman & Olbrechts-Tyteca 1958, pp. 185-188).

5.2. The cognitive part of emotion

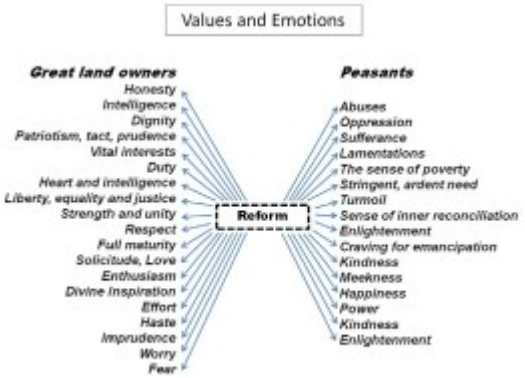
Recently, Chr. Plantin (1998; 1999) has developed a theory for the explanation of the *emotional texture* of the discourse. His theory rests on the idea that emotion in itself has a structure – in Chr. Plantin's terms, it has a *a cognitive component* – which is explained by the cited author by means of eight *topoï*: the topos of cause, the topos of the place of the affect, the one of intensity, the topos of the agent, the one of euphoric or dysphoric orientation of feelings, the topos of quantity (referring to the number of people affected by the emotion), etc.

We cannot overlook the complementarities of these two theories. Ch. Perelman and Olbrechts-Tyteca exposed the *emotional component of the concepts*, while Chr. Plantin deals with the cognitive component, in other words, with the *conceptual part of the emotion*. This complementarity proves the intimate relationship existing between *thought* and *feeling*. Roughly speaking this points to the fact that we cannot think in default of emotion and we cannot express a particular emotion in an articulate way without a conceptual structure that supports it. The sensualist perception on thinking originates in the French

Enlightenment and has continued to the present (Ricken 1994, pp. 51-59). The rationalist interpretation denying the psychological bases of thinking and of language, that also denied the contribution of the imagination, of the senses and the passions upon thought, interrupted the domination of the sensualist point of view, but did not succeed in stifling it. Lately, we witness a revitalization of the this conception.
The linguistic system of appraisal and the linguistic expression of emotion permeate the whole discourse, forming the emotional and the appraisal textures. At the same time, from an argumentative perspective, the mechanisms of appraisal and for expressing affects are techniques of amplification or of mitigation, in other words they represent further methods for making a concept „flexible" and even for changing its substantial meaning.

We believe that one cannot discriminate between value and emotion. Often these categories merge and they contribute to the construction of the interpersonal sense. Values such as *virtue, purity, honesty* are also emotions or are constantly accompanied by certain feelings. Between values and affects there is a permanent to and fro movement (Martin & White 2005, pp. 42-56).

5.3 Presumptions, values, and emotions
Just one more observation about values and emotions in discourse. Their function is as to act as indicators of a group while helping to build the unique character of that group and to express its ideology, as well as its position in society. For example, the frequent commentaries related to peasants in M. Kogălniceanu's discourses mention the fact that they *suffer*, they lament, they have *wounds*, their "bones turned white the fields" of Dobrudjea and Bulgaria (Kogălniceanu 1967, p. 262); they were seen to be *disappointed, cheated* and, because of that, they became *indifferent*; they were considered the "basis of Romanian nationality" (Kogălniceanu 1967, p. 241), "making the happiness of the country" (Kogălniceanu 1967, p. 232), being left in the *dark*, and helped to *rise* from this condition, etc. These evaluative and affective coordinates confer to the group the identity of a victim.
We have registered the values and emotions that occur in M. Kogălniceanu's discourses about the agrarian reform. They represent an example of the fact that there is always a tension between the society and its concepts (Kosellek 2004, p. 76).



The reference to the reform triggers a wide range of emotions and values in the "great land owners". Positive values, on the one hand, such as honesty, intelligence, dignity, patriotism, tact, and prudence, and negative values and emotions, on the other hand, such as haste, imprudence, worry, fear. All these emotions have the same cause: the agrarian reform. It constitutes the *topos of cause* predicated about the same experiencer. All emotions presuppose a high intensity (*the topos of quantity*), all have a certain orientation in connection with time dimension (*the topos of time*), and the majority of the manifested affects present an euphoric orientation. The conceptual structure of these emotions is stylistically very unitary and, contrary to our first impression, quite complex.

All these attributes are built inside a face flattering act, they constitute M. Kogălniceanu's strategic maneuvering in order to bring the political concept into the space of agreement, and to present it as a normal decision to be taken; it was a decision conforming to these values. Little by little, they develop a flattering implicature whose reading would be: 'The political act that you will perform will strengthen your values'. The support of this implied meaning is the presumption of quality which says that the quality of an act or of an event depends on the quality of the persons who perform that act or event.

The range of emotions in the other social group consists of: oppression, sufferance, lamentations, the sense of poverty, stringent, ardent need, turmoil, craving for emancipation, enlightenment, reassuring, sense of, happiness, sense of inner reconciliation, power, meekness, kindness. The conceptual structure of these emotions is the same with the one that supports the affects of the other group. The difference between these two sets of emotions and values is that the first are flattering, while the second set of emotions are descriptive. They contribute to the slow modification of the concept of *peasant*, bringing it near to the meaning of *citizen*. The polar disposition of the emotion on either side of the two social and antagonistic poles creates a mirror-effect and has the function to construct a dialogic image in which the boyars and the peasants are in a face-to-face interaction.

5.4. *From negative value to presumption, and from presumption to positive value*

The agrarian reform is successively placed in several argumentative categories. Initially, it is rejected by the dominant political class, being ascribed a negative value. Through his discourses, however, M. Kogălniceanu manages to transfer it to the category of presumptions at first, transforming it subsequently into a positive argumentative value ready to become an argumentative thesis supported by the vote of the majority in 1864.

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