ISSA Proceedings 1998 – Argumentation As Normative Pragmatics

1. Introduction

I am told by my informants that in Dutch the term argument has intrinsically positive connotations, that positive approval is built into the use of the term. Arguments and arguing are good things. That may be the case for Dutch, but in American English the term argument is starting to become a bad name. People accuse argument of being a force for social exclusion, a means of enforcing hierarchies of power and privilege. Others see in it adversaries, antagonists, contestants, winners and losers, conflict, competition, criticism, and social alienation. It is found in the trickery and stratagems of lawyers and spin doctors whose doubletalk can make anything seem reasonable. Argument appears to others as just one more instrument in the arsenal of slick Madison Avenue admen and selfserving Washington politicians who can justify anything, promote anything, excuse anything, and get away with anything. There is even disenchantment with its seeming use as a forum in which experts and authorities may dither and debate any issue until the public finally loses interest or it is too late to do anything meaningful. We live in a world in which O.J. Simpson walks, Bill Clinton smirks, greenhouse gases still spew into the atmosphere, the tobacco companies continue to sell cigarettes to children, and the lawyers all get rich. If argumentation isn't part of the problem, it isn't much of a solution either. At least, that's how it seems to many people these days.

Now I happen to think this is all mistaken. I happen to think argumentation has a lot to offer in the way of solutions to these kinds of problems. And I think most of you will agree with me. But I also think that this suspicion and this mistrust of argumentation has little to do with the kind of concerns we have traditionally emphasized as a field of study. I think that is why there is suspicion and mistrust, mistaken as it may be. I think these people see something about argumentation that we academics tend to overlook and need to address. What ordinary people see are problems in the pragmatics of argument.

2. Traditional Pictures

For most of its contemporary history, argumentation theory has been dominated by a particular picture of what an argument is. The picture is a visual model that looks like this:

(1)

All Greeks are men.

All Athenians are Greeks.

– – – – – – – – – – – – – – – –

Therefore all Athenians are men.

(Copi, 1953: 163)

or sometimes it looks like this:

(2)

Harry was born – – : – – Harry is a British subject in Bermuda

A man born in Bermuda will be a British subject.

(Toulmin, 1958: 99)

or other times it looks like this:

(3)

P1 P2 P3

C

P1. Frances is very successful in her career.

P2. Frances has a secure and supportive marriage.

P3. Frances had a stable and secure childhood.

C. Therefore, Frances is a happy person.

(Hughes, 1992: 82)

Whatever the details, the general character of the picture remains pretty much the same. What we see is a picture of arguments as semantic structures, as assemblies of propositions. It is an essentially geometric and logical conception of argument (Toulmin, 1976). In order to highlight the structural form of inference, we have come to treat arguments as very abstract entities. In fact, we think of them so abstractly that we easily slip into talking about arguments simply as ideas, as virtual entities that exist independently of any medium of expression, without any time or any place of occurrence. This picture invites us to think of arguments deprived of their functioning, stripped of their context, divorced from the social engagements in which they actually occur, and even isolated from the issues and concerns that motivated their production in the first place.

I think many if not most of us at this conference are not altogether happy with this picture. But we are comfortable with it. It is a picture that has insinuated itself into most of our theoretical puzzles, and I am afraid that it has instilled in us a kind of occupational blindness, a trained incapacity to work with aspects of the actual phenomena that ultimately we are really concerned with. Even when we remind ourselves that these models are only that – models of arguments and not the actual arguments themselves – we still tend to narrowly restrict our selection of real-life cases. We still tend to work with those cases that most directly correspond to the model form. We still tend to present sanitized cases that are already standardized, unitized, explicated, and otherwise neatened up for easy application of the models. That's fine, if you are concerned only with the properties of arguments that these models were designed to highlight in the first place – properties like premise acceptability, argument strength, or inferential form. But if you are concerned with other properties of argument, properties having to do with interpretive meaning, functional design, procedural organization, situational adaptation, and the like, we need something else.

3. Normative Pragmatics

I think that something else is normative pragmatics. I want to suggest that normative pragmatics provides a useful corrective and a helpful complement to the kind of modelling we ordinarily undertake when we analyze and evaluate arguments. I like the term "normative pragmatics" – which was first coined by Frans van Eemeren and Rob Grootendorst – because it cuts across the old distinctions between rhetoric and dialectic and because it insists on attention to the uses of argument in ordinary language (van Eemeren, Grootendorst, Jackson & Jacobs, 1993). I like it because the terms points to analytic practices that are empirical in much the same sense that the broader field of discourse studies is empirical: Our theories and principles ought to be accountable to the actual practices and intuitions of natural language users (van Dijk, 1997). I believe that argumentation is first and foremost a linguistically explicable phenomenon, and as analysts we must hold ourselves accountable to the details of actual messages. Simply put: in normative pragmatics, messages become our object of study. That's an idea that I like to think echoes J. L. Austin's (1962: 148) injunction summing up his 1955 William James lectures at Harvard. He concluded:

(4)
"The total speech act in the total speech situation is the *only actual* phenomenon which, in the last resort, we are engaged in elucidating."

Austin was suggesting a unit of analysis for analytic philosophy in contrast to the traditional attention to propositions, and he was suggesting standards for assessing utterances far more varied than simply that of truth and falsity. And that's one of the things that I find very appealing about normative pragmatics.

But the study of argumentation is not just pragmatics; it is *normative* pragmatics. So, it is not simply empirical; it is also critical. And it is the complex interplay of empirical and critical attitudes which truly animates the normative pragmatic study of argumentative messages. One thing this means is that the scope of argumentation theory extends beyond clearcut instances where arguments obviously occur. As argumentation theorists we should be concerned with discourse where arguments *should* be used, whether they are used in any obvious way or not. The observation that some discourse is not an argument (and so it's not our problem) doesn't necessarily carry much weight. It might, but the real question to be asked is whether or not it is *useful* to examine some discourse with respect to how we think argument *should* work in this context. The real question is whether or not the perspective of argumentation theory provides a useful frame of reference for analyzing and assessing what is going on in the discourse. So, as students of argumentation from the perspective of normative pragmatics, we must be concerned with a wide range of discourse, messages, and interactions whose properties can be explicated with an interest in their argumentative functions and structures despite their overt appearances.

Now, I don't intend to hawk in my talk today any particular version of normative pragmatics. Normative pragmatics is a broad genre that encompasses many particular theories and research paradigms. I want to simply argue today for two ideas that I think are fundamental to any particular approach to normative pragmatics. Those two ideas are this: First, normative pragmatics calls for a return to the study of the *communicative* properties of actual argumentative messages. Second, normative pragmatics makes central the analysis and assessment of the *functional* properties of those argumentative messages. I am convinced that if argumentation theory is going to have anything important to say about the kinds of misgivings so many people have about contemporary argumentive practice it must address those two properties. And it's the importance of those two properties to which I now turn.

4. Expressive Design

First, let me talk about the need to attend to the communicative properties of actual argumentative messages. Too often the problem of reconstructing arguments has been a problem of refashioning stated propositions, filling in missing premises, drawing out implied conclusions, but without any real sensitivity to the total message that is being conveyed. Oftentimes it seems that argumentation theorists treat the vagaries and complexities of communication as though this were an analytic *predicament*, as something to be solved through methods that render what is said into the "actual" argumentative form. Another way to think about these features, one which flows naturally from a pragmatic understanding of messages, is to see the interpretive problems of communication as an analytic *puzzle* – not as a barrier to analysis, not as a predicament, but as a thing to be analyzed, as a fact to be explained. The traditional response treats communication as a curtain drawn over the underlying argumentative structure, as something to be brushed aside if possible. Normative pragmatics invites us to treat communication as a tapestry into which the argument itself has been woven (Jacobs & Jackson, 1992). I am here reminded of Manfred Keinpointner's (1998) observation in his address Wednesday that figures of speech are fundamental to language, and not just ornamental.

Information conveyed in a message is not limited to what can be extracted from sentences by rules of syntax, semantics, and logic. And the information constructed by means other than these rules should not be discounted or dissolved. When people interpret a message, they construct a context of assumptions and inferences that make sense of what was said and of what was not said but could have been said, and that make sense of how and when all of it is said. The words are not the message. The words and sentences are simply part of an assembly of *cues* that people use to construct the message. It is the context of interpretive assumptions and inferences that is the message. And it is the message that has argumentative functions.

To see what I mean, consider Senator Edward Kennedy's nationally televised account of what happened the night in which, following a party at a summer cottage on Chappaquiddick Island, he apparently drove off a bridge; his passenger, Mary Jo Kopechne, drowned; and then the Senator waited all night until the following morning to report the accident. This speech, given in July of 1969, marks a turning point in American political history. It occurred at a time when the overwhelming majority of Americans and political commentators expected that Ted Kennedy would not only one day run for President of the United States of America, but would become President of the United States of America. Short of a bullet, few people believed anything would stop his ascension. Of course, no one saw the bridge. And, apparently, neither did Kennedy. Here are two excerpts from his speech. The first excerpt refers to the time immediately following the accident after the Senator had failed in his own efforts to swim down to the submerged car and find Miss Kopechne and get her out. The second excerpt reports what the Senator did after waking in his hotel room the following morning.

(5a)
Instead of looking directly for a telephone after lying exhausted in the grass for an undetermined time, I walked back to the cottage where the party was being held and requested the help of *two friends, my cousin, Joseph Gargan, and Phil Markham*, and directed them to return immediately to the scene with me – *this was some time after midnight* – in order to undertake a new effort to dive down and locate Miss Kopechne. . . . In the morning, with my mind somewhat more lucid, I made an effort to call a *family legal advisor, Burk Marshall*, from a public telephone on the Chappaquiddick side of the ferry and then belatedly reported the accident to the Martha's Vineyard police. [Underlining has been added – *ed*.] (Senator Edward Kennedy's Address to the People of Massachusetts July 25, 1969)
The speech as a whole is clearly an exercise in political apologia. This is a speech of self-defense, and the details of the story told in that speech convey an argument to the effect that the Senator was not culpable of any wrongdoing in the events preceding or following Miss Kopechne's death. Both of these passages help to convey information that supports this claim. The passages suggest the impression of a distraught and disoriented young man searching for help from his friends. The Senator does not overtly argue that his actions were not motivated by some scheme to cover-up his involvement in the accident. Nor does anything he says logically imply that. But the impression given is clearly a contrast to such scheming, and that is the argument these passages are no doubt intended to convey.
To see that this is part of the message, simply consider the underlined passages ("two friends, my cousin, Joseph Gargan, and Phil Markham," "a family legal advisor, Burk Marshall"). Both characterizations are true, and both

characterizations are no doubt relevant to explaining Kennedy’s conduct. But the truth and relevance of the descriptions per se are secondary to the commonsense knowledge these labels invoke. Harvey Sacks (1972) called such labels “membership categorization devices.” Sacks claimed that labels like “friend,” “cousin,” or “family legal advisor” give particular meaning and motive to associated activities like, in this case, “requesting help” or “making a call.” They also imply their adequacy relative to other possible labels. That is, people assume that these labels are not merely descriptively sufficient; people assume that these labels are the most sufficient descriptions relative to other possible descriptions. And that pragmatic assumption is where the real argumentative impact of these labels is to be found. The role of this pragmatic assumption can be seen by considering an alternate possible description. what if Kennedy had said this?

(5b)

Instead of looking directly for a telephone after lying exhausted in the grass for an undetermined time, I walked back to the cottage where the party was being held and requested the help of *two attorneys, my long-time political aide, Joseph Gargan, and former U.S. Attorney for Massachusetts, Phil Markham* , and directed them to return immediately to the scene with me . . . . . . In the morning, with my mind somewhat more lucid, I made an effort to call *long-time advisor for the Kennedy political machine and a man Bobby Kennedy considered the sharpest lawyer he ever met, former Assistant Attorney General Burk Marshall.*

Now, these descriptions are equally true, and perhaps equally relevant to explaining Kennedy’s conduct. But these descriptions suggest quite different motives and activities, and in no way do they communicate the impression that Kennedy was not involved in a cover-up that night or was not capable of hatching some scheme to try to save his career from catastrophic political scandal, to say nothing of charges of reckless driving, driving under the influence, and involuntary manslaughter.

And in addition to comparing what was said to what could have been said, consider the related matter of things left unaddressed – what was *not* said and was omitted as an issue altogether. Again we can see that people make a kind of pragmatic assumption in interpreting discourse: The assumption goes that if something was not mentioned, it must not be important and what was mentioned must be informationally sufficient for the purposes of the message. So, consider the following alternate story, again based on previously excluded but true and presumably relevant information. What if Kennedy had added this passage to his first excerpt?

(5c)
Instead of looking directly for a telephone after lying exhausted in the grass for an undetermined time, I walked back to the cottage where the party was being held and requested the help of *two attorneys, my long-time political aide, Joseph Gargan, and former U.S. Attorney for Massachusetts, Phil Markham* , and directed them to return immediately to the scene with me – this was some time after midnight – in order to undertake a new effort to dive down and locate Miss Kopechne. [*I did not alert any of the other five women and three men at the party, including Raymond LaRosa, a fireman trained in scuba-diving rescue*.]
Withholding the information about who was not alerted can be seen to have a pretty clear argumentative impact once the information is provided. And I think most people would think that omitting that information from the story is deceptive in some way. But what kind of assumptions are constructed for Kennedy's story that are *falsified* by this new information? I'm not exactly sure what kind of propositions we should reconstruct here – or even whether explicating substantive assumptions is what is really called for here. The assumption of some very general pragmatic principles of communication may be all that is needed. But the point to see is that whatever those assumptions are, they create an impression of sincere and honorable intentions, and those assumptions are not the kinds of assumptions that we ordinarily "explicate" when reconstructing an argument. But they ought to be explicated – at least they ought to be explicated if we want to explain why people consider political speeches like this one to be so sleazy and why people think politicians can get away with anything these days. And whatever the pragmatic principles of interpretation are that people are using to make sense of Kennedy's story, we should see that they are principles that have a real impact on the argumentative reasoning encouraged in the message.

Now, my point about Kennedy's argument is not to show simply that it is defective in some important way. Rather, the point is to see that the kind of information that I have just provided, exposes the message as defective and so this kind of critical comparison tells us something important about what kind of a message is being communicated. People would not have these intuitions of defectiveness given this information if they did not also have certain intuitions about the argumentative message design in Kennedy's story. Consider another example of message design. This one appears somewhat simpler, and that is part of what is

tricky about it. It’s the product claim for Tylenol:
(6)
Tylenol. The pain reliever hospitals use most.

That product claim is repeatedly presented in ad copy as a compelling reason to conclude you should choose Tylenol over other pain relief products. But again, what assumptions do people make in constructing the message conveyed by these words? How, exactly, do people see the product claim, “Tylenol is the pain reliever hospitals use most,” as somehow supporting the tacit main claim, “You should choose Tylenol for pain relief”? Presumably, there is some kind of sign reasoning that depends on the reliability and authority of hospital choice as an indication of the reasonableness of one’s own personal choice of Tylenol. But how much deeper do we go? Deeper, I would say, than we are ordinarily used to going as argumentation
analysts.

One of the complexities here is that in almost all their ads, Tylenol offers additional product claims to superiority. For example, one ad features this header in large bold print in the page center: “There are more pain relievers than ever. But there’s only one that hospitals use most. TYLENOL.” Then in the bottom righthand corner, beside a picture holding a bottle of Tylenol capsules, appears the following ad copy:
(7)
Nothing’s more effective. Nothing’s safer.
TYLENOL products give unsurpassed pain relief without the stomach irritation you can get with aspirin or other kinds of pain relievers.
For you and your family, doesn’t it make sense to choose the pain reliever hospitals use most? There’s only one.
TYLENOL.
The pain reliever hospitals use most.

Another ad appears over a picture Extra-Strength Tylenol geltabs placed across from a row of three boxes of pain relievers containing aspirin, naproxen sodium, and ibuprofen. The header reads: “Your stomach knows the difference between these pain relievers… And this one.” The ad copy in the bottom righthand corner explains:
(8)

The pain relievers doctors call NSAIDs – aspirin, the latest drug with naproxen sodium, and even ibuprofen – have a number of similarities.
An important one has to do with your stomach. To varying degrees, every NSAID brand can sometimes irritate your stomach.
That's because NSAIDs may reduce your stomach's natural ability to protect itself.
But TYLENOL is different. It won't irritate your stomach. You know how well TYLENOL works. And now you know it's definitely gentler to your stomach.
The choice is clear. The choice is yours.
Tylenol. The pain reliever hospitals use most.

The claim that Tylenol is the pain reliever hospitals use most is repeatedly placed in a slot where conclusions might be found. Now, should we conclude from this juxtaposition of ad copy that the advertisers are arguing that the preceding copy are the reasons hospitals use Tylenol most? Should we conclude, for example, that hospitals use Tylenol most because they believe nothing is more effective (*as* effective?) and nothing is safer (*as* safe?) as Tylenol? Should we conclude that hospitals use Tylenol most because it is gentler on people's stomach than the available alternatives? No Tylenol advertisement ever explicitly makes that kind of link. And nothing logically requires such a link. However, people do seem to naturally assume that these reasons are juxtaposed in texts for just this sort of rationale. Again, I think it is fair to say that people have a tendency to make a pragmatic assumption that if a connection makes sense, and it's an obvious connection to draw, and nothing is done to prevent that connection, then that connection should be drawn. Granted, this is a somewhat tenuous connection, but simply because it is tenuous doesn't mean it's not conveyed – only that it is conveyed tenuously.

Still, even if we take the product claim about hospital use in isolation, there is more being communicated than simply that product claim and some warrant about the reliability of signs or authority. To see what more there is, consider some additional information: The actual reason hospitals use Tylenol most is because Tylenol gives its product to hospitals for free. When they find this out, many people feel misled (though maybe not surprised).
What does that show us about the original message that people must be constructing from these Tylenol ads? Well, at a minimum, it should be seen that the problem with tricky ads like this one is not at the level that ordinary people

often think it is. It’s not at the level of a lie, or some falsification of stated content. And it is not at the level of some vagueness in word meaning or ambiguity of phrasing. That’s all clear enough. The problem is with the pragmatic assumptions people make in constructing the message. Even if people took the hospital claim to be an independent reason for choosing Tylenol, they pretty clearly construct some substantive backing for the argument: They feel justified in assuming from this ad that the reason hospitals use Tylenol most is because hospitals think Tylenol is the best quality pain reliever. (And not, e.g., that hospitals think Tylenol is just not noticeably worse than any other pain reliever – which is really all that a statement like “Nothing’s safer” really says. See Jacobs, 1995.) That must be part of what people take to be the argument here, or else they wouldn’t think it’s a deceptive ad (as opposed to, say, just an underinformative ad) when they find out that such an assumption is not true.
So, if as argumentation theorists we are going to be able to see what is going on in an argumentative message, and if we are going to be able to properly assess the troubles in those messages, we are going to have to take into account the expressive design of those messages and the pragmatic principles of interpretation on which those designs are based.

5. Functional Design
It is not only the communicative properties of messages – their expressive design – that normative pragmatics calls attention to. Arguments also have a functional design: Their meanings are implicated in chains of social and cognitive consequences that have a bearing on the deliberative process. Understanding that functional design is key to seeing what makes something a useful or obstructive contribution to the decision-making process. Now by this I do not mean *simply* that argumentation theory should be concerned with persuasive effects. Instead, I mean something related to that: argumentation theory should be concerned with the way in which argumentative messages enhance or diminish the conditions for their own reception. Argumentative messages may be designed either to open up or to close down the free and fair exchange of information. Argumentative messages may be designed either to encourage or to discourage critical scrutiny of the justification for alternative positions. I think one of the real insights of normative pragmatics is that argumentation is self-regulating and self-sustaining in just this way. Now, this is a practical matter, and argumentation theorists have traditionally been loathe to address matters of the practical design and social engineering of discourse structures. But the pragmatic problems and

solutions of argumentative practice exist in the form of discourse strategy – and not just discourse norms – and at the level of institutional procedures – and not just inferential schemes.

One such practical institutional context that has held considerable research interest for myself has been the procedures of third-party dispute mediation. As a system of
dispute resolution, mediation creates a context which in certain *ways* of arguing are reasonable and functionally constructive and in which other ways of arguing are not. Consider the following exchange between a divorcing husband and wife who have been required by the court to attend a mediation session for the purpose of trying to work out a custody and visitation arrangement for their children:
(9)
01 M: Okay. Mrs. ( ), let's hear from you, what kind of plan do you think that we could reach
02 W: Well um I'd like for them to live a normal ( )=
03 H: =What's normal, cocaine addict uh uh (aren't you) a patient, outpatient [uh uh uh oh and] and uh=
04 W: [My ( ) people]
05 H: =uh trick every night? Is that, is that it, is that it?
06 W: I don't under[stand]
07 H: [She had] a fifteen year old kid coming over and staying the day while these kids were locked up in the front yard while I was at work every day, I have a witness proof for that
08 M: Okay=
09 W: =you do, who
10 H: Ann Cray.
11 M: Let=
12 H: =she was the one who told me about it all= [cause 'sher fifteen year old son
13 M: =Let's [hear Let's hear what, what your plan would be

This exchange comes early on in the session. The husband (H) has just proposed a plan in which he gets custody of the two children and the wife gets visitation privileges. The mediator (M) then turns to the wife (W) to hear what kind of plan she advocates. I want to focus on the contributions of the husband in turns 03, 05, 07, and in 10 and 12. He makes an argument that, taken in the abstract, is more

or less reasonable. It might be pictured this way:
(10)
P1 P2 P3
C

P1. W is a cocaine addict
P2. W is an outpatient at a psychiatric hospital
P3. W carried on an affair with a minor while locking up the kids in the front yard.
C. W will not provide an acceptably normal environment for the kids if given custody.

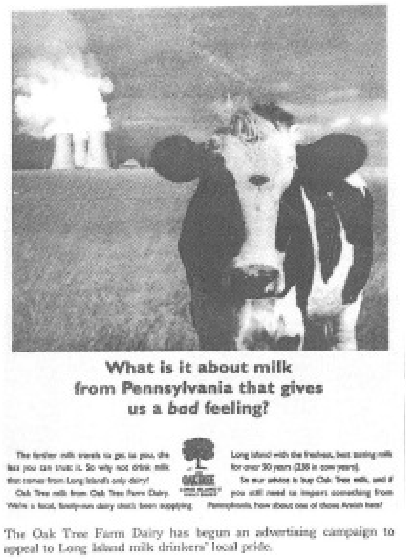
If the wife is in fact a cocaine addict, an outpatient at a psychiatric hospital, and has carried on an affair with a minor while she locks up the kids in the front yard, there is strong reason to conclude that she is not going to provide an acceptably normal environment for her children if she gains custody.

That's not a bad argument in principle. But it still should not be called a good argument – at least, not in context. The argument might be a good one for a courtroom or on radio talkshows, but not in mediation. The problems have to do with the pragmatics of the argument. Its tactical design is objectionable. For one thing, it is procedurally out of order. The husband not only interrupts the wife, he does so at a time when she hasn't even yet described her proposal. But deeper than that, consider what the argument does by the way it is put forward: it seems more designed to censure, embarrass, and shame the wife than to convince her she should not take custody of the children. Notice the taunting ("Is that, is that it, is that it?") and the offensive formulations ("addict" "trick every night"). The husband's label in announcing "witness proof" amounts to a barely veiled threat that these arguments are about to come up in court if the wife resists his proposal. Either the husband is picking a fight, or he is acting in a way that will bully the wife into making concessions to avoid further public humiliation. The husband's argument certainly can hardly be expected to enlist the wife's cooperation in a collaborative search for a mutually agreeable resolution based on a sincere and careful weighing of the merits of the case. But that is precisely what is called for by the argumentative situation the husband is in: Mediation is an argumentative forum in which the disputants themselves must arrive at a resolution of their disagreement. The mediator only keeps procedural order, and does not make judgments about the merits of either party's case. In other words, a rational argument here (unlike in, say, a courtroom) must be adjusted to the need to create and maintain a framework of joint problem-solving. That is a functional requirement that is just as crucial to argument quality as requirements of premise adequacy.

One of the things that normative pragmatics quickly reveals is the close connection between the expressive design of messages and their functional rationale. Much of the functional design of arguments has to do not just with what is said when, but with how the information gets conveyed. And one of the real concerns we should have about fallacies is not just what norm of good practice they violate – but how do fallacies pass without notice? How does a fallacy get away with it? One of the very general problems of contemporary argumentative discourse is that information gets conveyed in ways that let the communicator avoid commitment or accountability to the message. The framework of intersubjectivity on which communication relies becomes strained and problematic to the point that what the receiver finds cannot with any certainty be attributed to the intentions of the sender.

Phenomena like this should not be treated as methodological or analytic predicaments but as empirical facts with normative consequences. Think back to the Tylenol ads. The ads never say that their product claims are the reasons why hospitals use Tylenol most. The Federal Trade Commission would no doubt act against that claim. But then, Tylenol claims no such rationale – they only insinuate that rationale in such a way that they are not committed to defending it. And so the ads can keep coming out and readers can continue to be misled.

But we should not think that fallacies always occur by virtue of some sort of covert misdirection, some kind of camouflage or disguise. This framework of intersubjectivity can be exploited and abused in other ways as well – in ways that turn on the very obviousness of the trickery. It is a tactic that depends not on disguising the misuse of argument, but on flaunting it and even reveling in its own audacity.



Example (11)

Example (11) is an advertisement for milk from Oak Tree Farm Dairy of Long Island, New York. At the top is a picture of a three-eyed cow standing in front of the Three-Mile Island nuclear power plant. Beneath the picture is the header: "What is it about milk from Pennsylvania that gives us a *bad* feeling?" (11)
This is obviously a joke, and meant to be taken as such. The ad plays upon memories of the Three-Mile Island nuclear accident, knowledge that radiation can cause mutations and birth defects (e.g., three-eyed cows), and the more recent reports of the Chernobyl nuclear accident where the release of radioactive fallout actually contaminated the milk supply in nearby areas. The ad is not *seriously* suggesting that milk from Pennsylvania may be radioactively contaminated. The middle third eye on the cow is fake, and it is *obviously* fake. The joke is a kind of "hook" by verbal misdirection that is commonly used in print ads as a set-up and lead-in for the written material that follows. You see the introduction and think, they can't really mean this. So you read on, and it turns out they don't really mean it. The advertisers are leading into something else about Pennsylvania milk that gives them a bad feeling.

The *real* concern raised in the ad copy has to do with the freshness of the milk, because it must travel all the way from Pennsylvania to get to New York City (whereas Oak Tree Dairy is a "local" dairy from Long Island).

Now, we wouldn't ordinarily call this kind of a tongue-incheek strategy of maligning a competitor deceptive. It involves no seriously claimed falsehoods. Nothing is concealed in the strategy. Nothing is disguised. It is not an effort to mislead or fool anyone. Everything is quickly cleared up. It is all above board, out in the open, and anything false is presented as such. It just looks like a pseudo-argument whose functional design really has more to do with attracting a reader than with convincing them of anything. (If there is anything misleading and deceptive about the ad in the ordinary sense, it is an implication that the milk from Oak Tree Dairy does not travel as far as milk from Pennsylvania. In fact, all of the milk processed at the Dairy comes from farms around Syracuse in upstate New York [NYTimes, 1992, Dec. 20, p.15]. Moreover, the shipping time of processed milk from Pennsylvania is only negligibly greater as far as it affects freshness.)

Nevertheless, this is a pretty sleazy tactic. It's functional design ought to be considered fallacious. What we have here really is an argument. It only seems to be a *pseudo*-argument harmlessly posing as an argument. The argument only pretends to pretend. Why do I say that? Well, consider what people are going to be thinking about next time they are standing at the dairy shelf trying to decide which milk to buy. Simply raising the concern of radioactive contamination is perhaps enough to get people to think about it the next time they are buying milk, even if the concern is only raised tongue-in-cheek, and even if people know and remember that. In fact, this is an increasingly common tactic. By flaunting the fallaciousness of the argument a knowingly cynical audience is drawn in and disarmed by the very act of exposing what is going on. Thus, in another instance of this tactic, NBA superstar Grant Hill hawks Sprite soda on the television screen while a small cartoon picture of him in the corner chings up and down like a cash register tab. Each time the little picture of a grinning Hill pops up, he is covered in an even larger pile of money. The message is clear: Hill is only advocating drinking Sprite because he gets enormous sums of money to do so. And the audience knows that. And Sprite knows the audience knows that. So why not bring everyone in on the joke that Grant Hill – or any other celebrity – is a credible product sponsor? "Image is nothing. Obey your thirst" goes the Sprite ad campaign motto. But it is Hill's celebrity image that is the only reason for his presence in the ad. And attraction to him is the cause for attraction to Sprite. And we know it. And we know they know we know it. *We* have the image of seeing through it all – even when seeing through it shows us that seeing through it is part of how we get sucked in. So what? That's what makes it all so cool. And a stupid reason becomes a good reason to drink Sprite. As Bill Clinton has shown us all, it's okay to argue disingenuously if you share the smirk.

6. Conclusion

So, I hope I have made a compelling case that normative pragmatics has a central role to play in argumentation studies. I should say as an aside that I do not see pragmatics as a substitute for traditional logical analyses – formal, informal, or otherwise. It is, I think, useful to recall that H. P. Grice's (1975) foundational essay on the theory of conversational implicature is introduced as a way of saving the literal meaning of such logical terms as "and," "or," and "if…then," and is entitled "Logic and Conversation." As I said earlier, I see normative pragmatics as a corrective to traditional analyses and as a complement to those studies, not as a replacement of them.

But I do see normative pragmatics as an indispensable part of argumentation studies. The principles of pragmatic interpretation and practical reasoning that underlie message use are just as fundamental to argumentation as are the principles of epistemic inference. And the pragmatic demands on argumentation are just as central to argument quality as are traditional standards of argument cogency. Only when we recognize this, can we begin to really answer the misgivings and mistrust of ordinary people who must live with arguments as objects with consequences and not merely as objects for study.

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