ISSA Proceedings 2006 – Fallacies And Context-Dependence: Considering The Strategic Maneuvering Approach

1. Introduction

Context considerations are germane to the evaluation of argumentative discourse: 'fallacies' are not something one is able to identify in vacuo. In order to determine whether the performance of a speech act is fallacious or not, much more has to be taken into account than simply the pragmatic meanings that the speech act generally communicates. For a fallacy to be detected, the argumentative force of the utterance has to be specified, and this is only possible if the move is situated in its surrounding dialectical setting. In performing the speech act of a question, for example, a fallacy will be committed when this question presupposes information that has not been established in the relevant context (fallacy of many questions), or when it contradicts propositions previously agreed upon (problem of inconsistency). For the analyst then, this means that the starting points pertinent to the argumentation need to be clarified before an evaluation is carried out. Whether a particular question counts as a fallacious move or not depends, crucially, on what the arguers can be assumed to have previously accepted. A question will not be fallacious just by itself.

Examples like the one above can be used to support the following general case: fallacies are context-dependent in that they are relative to the context at hand. Starting from this observation, the present paper sets out to investigate what context-dependence entails for dialectical theories of argumentation, that is, theories aimed first and foremost at evaluating argumentative discourse in light of well-defined dialectical standards. As it provides a unified perspective of the treatment of fallacies, the pragma-dialectical theory of argumentation has been chosen as the theoretical framework (van Eemeren & Grootendorst 1984, 1992a, 2004). This is explained further in the first section of the paper, where some of the difficulties that the analyst is confronted with in identifying fallacies are brought to the fore. The following section discusses in what sense context-dependence poses a theoretical challenge for dialectical theories of

argumentation. This discussion is a necessary preliminary step before any suggestions are made as to how this challenge can be overcome. In the final section, the recently developed pragma-dialectical concept of strategic maneuvering is considered as a promising possibility to overcome this challenge (van Eemeren & Houtlosser 2002a, 2002b, 2003). It is argued that the promise of this approach lies in its interesting theoretical proposal to accommodate context-dependence by proposing an alternative account of what it means for fallacies to be relative to the context at hand.

2. Context-dependence and fallacy theory: pragma-dialectics
Dialectical theories of argumentation differ from rhetorical theories in that they assume ideal and absolute standards against which they aim to evaluate argumentative discourse. Because these standards of evaluation are usually motivated by rational considerations about what constitutes reasonable argumentation, the application of theory to practice is always a puzzling problem for the analyst to solve: how should argumentative practice, on the one hand, and dialectical norms, on the other, be understood and interpreted so that argumentation can render itself open to the evaluation according to the dialectical standards?

For anybody who has been working with examples from real-life argumentation it is clear that fallacy identification is not a simple and straightforward task. Adding context-considerations does not make things any easier: variations in the context might have a drastic influence on the reasonableness or validity of the argumentation. Then, the following question naturally arises: when is it exactly that a particular argumentative move breaches the dialectical norms and a fallacy is committed? In some cases it is fairly obvious that a particular type of fallacy occurs, while in other cases it is particularly difficult to make an absolute assessment because all kinds of preliminary considerations need first be addressed. Take circular reasoning as an example: whether additional information is brought in by the argument might depend on how particular concepts are defined, although exactly how to define these concepts might not be obvious at all. Assuming a dialectical perspective on argumentation means that the argumentation is deemed to be either fallacious or not. Yet, even if one has a good grasp of the concept of fallacies, it appears a particularly difficult task to draw a firm line at exactly the point where an argumentative move loses its reasonableness and relegates itself to fallacious conduct.

Interesting as it may be to study what context-dependence means with respect to particular types of fallacies, in order to clarify some of the theoretical questions discussed in this paper it is rather a general and unified theoretical approach on fallacies that is required. To this aim the pragma-dialectical theory can serve as a paradigmatic theoretical framework. This is because pragma-dialectics is a theory of argumentation that both assumes ideal standards of evaluation and provides a comprehensive and systematic account of fallacies. According to the pragma-dialectical approach, a move is fallacious when it is 'unreasonable', with reasonableness defined as the rules for conducting a critical discussion in accordance with what has been developed as an ideal model of critical discussion aimed at the resolution of the dispute. Following this view, fallacies constitute possible obstructive moves of the resolution process, seen from the perspective of how a resolution should be pursued in an ideal manner by the parties (van Eemeren & Grootendorst, 1987).

In their recent discussion of the strategic maneuvering analysis of tu quoque, van Eemeren and Houtlosser argue that a unified theoretical treatment of fallacies is preferable to a discrete analysis in which different fallacies are assigned their own treatment (van Eemeren & Houtlosser 2003, pp. 2-4). According to Van Eemeren and Houtlosser, a unified treatment is preferable because, first, it is bound to generate less confusion by avoiding mixing up different perspectives, and second, it is likely to be less ad hoc in that a common rationale is there to capture different fallacies under the umbrella term of fallacious argumentative moves.

Drawing a firm line at the exact point where a reasonable move turns into a fallacious one is not the only difficulty that the argumentation analyst is confronted with when working with ordinary argumentation; drawing a firm line between fallacies themselves might also prove to be not such a trivial affair. One often observes that when something goes wrong with one aspect of the argumentation, other aspects are very easily affected; for example, personal attacks might easily result in irrelevant argumentation, or invalid argumentation might lead to a straw man. Even when argumentation theorists themselves do agree that something is indeed not right, they often disagree about what it is that has gone wrong. This might not be only due to different understandings of what fallacies really are. It often happens that the deeper one gets into the study of a particular type of fallacy the more likely one sees this fallacy realized in practice

(reducing all fallacies to problems of relevance would be a good example of this). To be able to distinguish between different types of fallacious argumentation, the analyst is not only in need of isolated definitions; the analyst also needs a clear understanding of those essential properties that differentiate one type of fallacy from the other, and for this a unifying theoretical account needs to be assumed that puts the various types of fallacies side by side. All this makes sense, of course, as long as one wants to distinguish between various types of fallacies and does not want to reduce all fallacies to subtypes of one main type.

3. How does context-dependence challenge a dialectical theory of argumentation?
That fallacies are context-dependent constitutes a challenge for a dialectical theory of argumentation in at least two respects. First, context-dependence renders any assessment of the reasonableness of argumentation provisional. More information about the context might not just complement the initial assessment but, more drastically, prove it to be wrong. Second, the evaluative process projected by a dialectical theory of argumentation could be judged as not flexible enough to deal with the peculiarities and complexities of ordinary argument responsible for the fact that a particular utterance counts as fallacious in one context and as reasonable in another. I will briefly discuss these points in order.

The conditional character that any evaluation has due to the context-dependence of fallacies should not be seen as a problem for a dialectical theory of argumentation. After all, it makes sense to say that one evaluative assessment can overwrite another in view of a more informed analysis only if the standards of evaluation remain the same. That any assessment of the reasonableness of the argumentation is in principle provisional should only be taken to stress the fact that determining what is relevant to the argumentation at hand is as a crucial task for the theorist as the evaluation itself.

In pragma-dialectics, the provisional character of the evaluative process, and the openness to revision in view of better-informed analysis, is motivated by one of the most fundamental philosophical conceptions that underlie the theory. Argumentation is approached by pragma-dialectics from an ideal of critical rationality, according to which the resolution of the difference of opinion is pursued by critically testing the tenability of the standpoint. That critical testing is an ideal in the pragma-dialectical model of critical discussion is evident, among other things, from the fact that a difference of opinion is not always resolved in actual practice; the resolution of the dispute serves as the ultimate goal of the

model of critical discussion, and as such it is instrumental in determining what is acceptable in the practice of argumentation and what is not (i.e. what constitutes a fallacy). As long as the antagonists in the dispute come up with ways to challenge the argumentation of their opponents –e.g. forwarding critical questions to the argument schemes, doubting the truth or acceptability of individual statements, and so on- the critical discussion, theoretically speaking, can continue. In other words, there is nothing in the ideal model of critical discussion itself to prevent the discussion from moving forward, by saying, for example, that the amount of criticism expressed so far is enough. Obviously, any real argumentative exchange will eventually come to an end, but besides a fair resolution, what might terminate the discussion could be any contingency coming from the real world, such as time limits, the pressure to make a decision, or even boredom.

Since the analyst should, in principle, provide justification for any evaluative assessments, the analysis and the evaluation themselves can also be seen as instances of argumentative discourse. It follows then from what has just been said that no analysis or evaluation need be the last word. In other words, the analyst can also critically test the analysis itself. When different interpretations and analyses of the argumentation are proposed, it is a matter open to a critical discussion to come to an agreement about which of them is to be preferred. The pragma-dialectical theory of argumentation can be seen to embody critical rationalism in that the model of critical discussion is designed not to hold back critical assessment, even if directed towards the analysis itself.

The second critical challenge confronting a dialectical theory is to counter the common criticism that dialectical approaches are not flexible enough to deal with the peculiarities and complexities of ordinary argument. This criticism is motivated by the fact that dialectical theories typically determine the standards of evaluation prior to context considerations. The question then arises: what if argumentative practice itself is not susceptible to such a normative evaluation? After all, context-dependence could be seen as evidence of some normative relativism operative in actual practice, and this poses a real problem to any systematic normative theory of argumentation of matching the theory –i.e. a fixed set of norms- to practice.

It is mainly because of their identification with normative relativism that descriptively oriented scholars are inclined to argue against an a priori

determination of evaluative norms. In most cases such criticism will give rise to the additional conclusion that it is only from observing practice itself that a theory of argumentation can derive or extract the norms that really matter.**[i]** Whether to start from practice in order to determine the normative standards for argumentation or opt for rational considerations instead is a serious question for argumentation theory. However, this question is not addressed in the present paper. The main concern here is to explore the possibility for a dialectical theory such as pragma-dialectics to deal with context-dependence and to overcome the criticism that it can't bring the normative aspects of the theory to bear in practice.

Without going any deeper into the conflict between normative and descriptive theories of argumentation, the following remark should be added. In fallacy identification, a well-defined and fixed set of norms, that is, a set of norms that cuts across different contexts, can serve as a powerful analytical tool. Having a fixed set of norms in mind, the analyst has a good idea of where exactly to look and what to look for in the argumentation in order to decide whether a fallacy has been committed or not. Some conception, in other words, of what can go wrong with a particular move must be there to precede the analytic and evaluative processes. And this is theoretically desirable for yet another reason: evaluative standards can serve as a point of reference among evaluative assessments of different pieces of argumentative discourse. Having a point of reference will enable the analyst to illustrate, for example, how, with respect to a particular type of fallacy, varying the context influences the reasonableness of the argumentation. Consider, as an example, different arguments that are said to be cases of abuse of authority. One cannot comparatively assess these cases if one is not clear about what would qualify as good argumentation from authority in the first place. It is actually difficult to see how comparative assessments of the reasonableness of argumentation can have any theoretical strength if reasonableness is not measured against a fixed set of standards.

4. Considering the strategic maneuvering approach: an alternative understanding of what it means for fallacies to be context-dependent
In accordance with the above, the pressing question for a dialectical theory of argumentation is how to deal with the pragmatic phenomenon of context-dependence while at the same time retain its normative character. It is clear that redefining the norms for reasonable argumentation for every different piece of

argumentative discourse would not be an answer. How, then, should one go about reconciling theory and practice?

The claim of this paper is that the concept of strategic maneuvering constitutes an answer to this question by creating a semantic shift in how context-dependence is itself conceptualized. Following the strategic maneuvering treatment of fallacies, it is possible for a theory to maintain its dialectical norms across different contexts if the phenomenon of context-dependence is taken to reflect the various manifestations of the types of fallacies in the reality of argumentative discourse, rather than to suggest the inadequacy of fixed sets of norms across different contexts. There are, in principle, no limits to the ways in which arguers can commit an ad ignorantiam, a hasty generalization, a slippery slope, a post hoc ergo propter hoc, or any other type of fallacy. It is not the definition of what constitutes a hasty generalization that is relative to the context, but the various manifestations of the fallacy of hasty generalization are.

Norms have different implications for different argumentative contexts. Consider, for example, a rule that prevents the parties from limiting the scope of the topical potential in the critical discussion. It is easy to think of real-life situations where excluding some topics from being raised would not be an unjustified attitude to pursue; situations, for example, when there is not enough time available for all the issues that interest the two parties to be treated and a choice of discussion topics needs to be made. The point here is that in dealing with such cases, the analyst should work on interpreting instead of adjusting the norms to fit the particularities of the argumentative situation at hand. This means for a dialectical theory that context-dependence will have to be accounted for in the process of reconstruction as opposed to the evaluation of argumentative discourse.

To see how pragma-dialectics proposes to account for context-dependence in the reconstruction of argumentative discourse, one should look closer into what the strategic maneuvering analysis of argumentation entails. Strategic maneuvering suggests a way to analyze argumentative discourse that provides a comprehensive account of the argumentative goals –both dialectical and rhetorical- pursued by the arguers engaging in argumentative discourse (van Eemeren & Houtlosser 2002b, pp.134-135). It is important to note that strategic maneuvering is not something that the arguers can choose to do. It would make no sense to say, for instance, that party A strategically maneuvers in this particular move; or that in those stages of the critical discussion strategic

maneuvering takes place. By making an argumentative move, it is inevitable that arguers strategically maneuver in that they naturally seek to strike a balance between maintaining their image of rational discussants while at the same time getting their point through (van Eemeren & Houtlosser 2003, pp. 4-5).An argumentative move necessitates a choice by the arguer among the available options at hand regarding the topical potential –or the shaping of the disagreement space-, the use of presentational devices, and the possibilities of adjustment with respect to audience demand (van Eemeren & Houtlosser 2002b, pp.138-141). Naturally, some will be better than others in making these choices.

In line with the above, the concept of strategic maneuvering provides an explanatory account of what it means for an arguer to perform a fallacious move. A fallacy is defined as the derailment of the arguer's strategic maneuvering, that is, as the outcome of an unsuccessful attempt to maintain the balance between the dialectical and rhetorical goals that pertain to the argumentative situation at hand (ibid, pp.141-143). It follows from this that in order to identify fallacious moves the analyst should first specify what these moves set out to do. Situating the strategic maneuvering within the stages of the critical discussion becomes instrumental to the evaluation, because only then can the dialectical and rhetorical goals undertaken be brought to the fore. A context-sensitive analysis and reconstruction of argumentation depends on the following: first, a specification of the various types of strategic maneuvering in line with the argumentative situations that emerge within the dialectical stages of the ideal model of critical discussion; and second, a specification of both the conditions that need to be met in order for the maneuvering to stay on track and the criteria in order to decide when it derails.

The strength of this approach lies in the fact that context considerations are already incorporated in the analysis and reconstruction of the argumentation, and as such they do not relativize the dialectical norms against which argumentation is evaluated. In order to assess the reasonableness of a particular argumentative move, one first needs to identify the type of strategic maneuvering that is in play, and by doing so specify the normative standards that pertain to this move. Thus, characterizing fallacies as context-dependent does not mean that in some contexts ad hominems, for example, do not count as fallacious moves: if they are not fallacious, they cannot be identified as ad hominems in the first place.

An additional advantage of the strategic maneuvering theoretical treatment of

fallacies is that it poses no limitations to the various ways in which particular types of fallacies can be manifested in the reality of argumentative discourse. This is because derailments of strategic maneuvering are characteristically determined with respect to what their 'sound counterparts' are taken to be (van Eemeren & Houtlosser 2003, pp. 5-7). This means that the theory does not need to predict all the pragmatic situations that can give rise to possible violations of a rule; however, the theory should be expected to supply the analytic tools to identify such a violation when it takes place. Thus, by providing a context-sensitive analysis of argumentative discourse, while at the same time not restricting the pragmatics underlying the various manifestations of violations of the dialectical rules, the concept of strategic maneuvering proposes a dialectical evaluation of argumentation that is flexible enough to accommodate the pragmatic phenomenon of context-dependence.

5. Conclusion

It has been argued in this paper that strategic maneuvering constitutes an interesting theoretical approach to circumvent the perceived problem that context-dependence poses for a dialectical theory of argumentation such as pragma-dialectics. Strategic maneuvering is an interesting concept precisely because it holds the promise of accommodating the pragmatic phenomenon of context-dependence without relativising the dialectical norms that the theory postulates. Following the strategic maneuvering analysis of argumentative discourse, the fact that fallacies are context-dependent should already be accounted for in the reconstruction of argumentative discourse. This means that from the perspective of strategic maneuvering, a move in argumentation cannot, strictly speaking, be fallacious in one context and non-fallacious in another. A move that is fallacious here and non-fallacious there cannot in fact be the same move. To think of an example, it is wrong to claim that ad hominems are non-fallacious moves in some context or other. The point is that if a move is not fallacious, an ad hominem would never have been detected since it is only relative to context that ad hominems can occur.

NOTES

[i] One is, of course, not committed to normative relativism when adopting a descriptive point of view. Even under the assumption that there is ultimately a unique set of norms that people strive to follow in argumentative practice, it is still an open question whether these norms should be defined primarily in an a

priori manner or through empirical observation.

REFERENCES

Eemeren, F.H. van (2001). Fallacies. In F.H. van Eemeren (Ed.), *Crucial Concepts in Argumentation Theory* (pp. 135-164). Amsterdam: Amsterdam University Press.

Eemeren, F.H. van, & Grootendorst, R. (1984). *Speech Acts in Argumentative Discussions: A Theoretical Model for the Analysis of Discussions Directed towards Solving Conflicts of Opinion.* Berlin/Dordrecht: De Gruyter/Foris.

Eemeren, F.H. van, & Grootendorst, R. (1987). Fallacies in pragma-dialectical perspective. *Argumentation* 1, 283-301.

Eemeren, F.H. van, & Grootendorst, R. (1992a). *Argumentation, Communication, and Fallacies: A Pragma-Dialectical Perspective.* Hillsdale, NJ: Lawrence Erlbaum Associates.

Eemeren, F.H. van, & Grootendorst, R. (1992b). Relevance reviewed: The case of argumentum ad hominem. *Argumentation* 6, 141-159.

Eemeren, F.H. van, & Grootendorst, R. (2004). *A Systematic Theory of Argumentation. The Pragma-Dialectical Approach.* Cambridge: Cambridge University Press.

Eemeren, F.H. van, & Houtlosser, P. (2002a). Strategic maneuvering with the burden of proof. In F.H. van Eemeren, *Advances in Pragma-Dialectics* (pp. 13-28). Amsterdam/Newport News, VA: Sic Sat/Vale Press.

Eemeren, F.H. van, & Houtlosser, P. (2002b). Strategic maneuvering: Maintaining a delicate balance. In F.H. van Eemeren & P. Houtlosser (Eds.), *Dialectic and Rhetoric: The Warp and Woof of Argumentation Analysis*. Dordrecht: Kluwer Academic Publishers.

Eemeren, F.H. van, & Houtlosser, P. (2003). More about fallacies as derailments of strategic maneuvering: The case of tu quoque. In the [CD-rom] *Proceedings of the OSSA Conference at the University of Windsor, Windsor, Ontario, Canada.*