Frans H. van Eemeren

Argumentation Theory: A Pragma-Dialectical Perspective

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In loving memory of Paul Blom (1943–2013)

Preface

Argumentation theory is a prospering discipline, with book series, academic journals and worldwide big general conferences and more focused smaller conferences, symposiums and research colloquiums. There is also a comprehensive *Handbook of Argumentation Theory* that provides an up-to-date overview of the variety of theoretical approaches to argumentation that have contributed to the current state of the art. A short introduction to the theorizing that takes place in the discipline however is harder to find. This book is written with the intention to fill this gap.

An extra motive for me to write this book is that an introduction into the theory of pragma-dialectics, the theoretical approach to argumentation I have helped to create since the 1970s, is also lacking. The insights developed in the various components of the theoretical framework of this theory have been explained in a number of separate monographs but an overview of how they hang together is not so easy to be gained. This is why I decided to try to combine the fulfilment of the two demands by writing an introduction into argumentation theory in which the discipline is viewed from a pragma-dialectical perspective.

Argumentation Theory: A Pragma-Dialectical Perspective provides a general introduction into argumentation theory, but it explains the theorizing about argumentation in a pragma-dialectical way. This means that great emphasis is put both on the pragmatic dimension of argumentation as a goal-directed verbal activity and on its dialectical dimension as part of a critical exchange aimed at resolving a difference of opinion. An advantage of choosing this approach is that in this way a clear and coherent overview can be presented of what argumentation theory involves. Another advantage is that it gives me the opportunity to explain systematically in this theoretical complement of *Argumentation: Analysis and Evaluation*, the practical textbook I co-authored with Francisca Snoeck Henkemans, the connections between the various components of the pragma-dialectical theory.

The idea of writing this overview is in the first place based on the stimulating discussions I have had with Wu Peng. Further encouragement I received from the exchanges about my plan for the book with Bart Garssen, Ton van Haaften, Francisca Snoeck Henkemans and David Zarefsky. I am most grateful to these

friends and colleagues for their useful advice. In addition, I want to thank those friends, colleagues and students who were willing to read drafts of various chapters of the book and to provide me with their constructive comments. Next to the argumentation scholars I just mentioned, they include Corina Andone, Ton van Haaften, Henrike Jansen, Alfonso Lomeli Hernandez, Vahid Niamadpour, Eric de Marez Oyens, Agnès van Rees, Sandra Valencia, Yu Shiyang and Zhang Chuanrui.

Amsterdam, The Netherlands   Frans H. van Eemeren
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Chapter 1
Argumentation Theory as a Discipline

1.1 Argumentation

Cultural, social and intellectual progress require a continual flux of opinions. Standpoints need to be brought to the fore and confronted with the doubt and criticism of those concerned to test their acceptability. This means that differences of opinion come into being and are reflected upon and as far as possible discussed by the parties concerned. These differences may be overt and expressed explicitly but they can also remain implicit. However, in order to resolve the differences in a reasonable way, in all cases argumentation is to be advanced to overcome the pertinent doubts and criticisms. Even if a resolution is reached, this resolution is often only temporary and new differences of opinion are bound to arise.

Argumentation comes into being in response to, or in anticipation of, a difference of opinion, whether this difference of opinion is real or merely imagined by the arguer. Argumentation is advanced when people assume a standpoint not to be shared by others so that there is a difference of opinion. More often than not the difference of opinion does not take the shape of a full disagreement involving two opposed standpoints, but remains basic. In that case, the one party has an opinion about something and the other party does not yet share this opinion but is in doubt as to whether to accept it. It only makes sense to put forward argumentation when it is presumed that the addressee is not yet convinced of the acceptability of the standpoint at issue. Otherwise doing so would be pointless.

Argumentation always consists of a constellation of *propositions* advanced in defence of the standpoint at issue. Such propositions can be of various kinds and degrees of complexity. In the simplest propositions a connection is made between

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something talked about (the "subject") and a property assigned to it (the "predicate"). In the proposition *Young kittens are cute*, for instance, the property of being cute is assigned to young kittens. When a positive position regarding a proposition is expressed in the standpoint that is defended, the constellation of propositions constituting the "pro-argumentation" is to increase the acceptability of the standpoint by justifying the proposition involved in the standpoint: "It would be good to give Elsie a young kitten, because young kittens are cute". When a negative position regarding a proposition is expressed, the standpoint is negative and the constellation of propositions constituting the "contra-argumentation" is to increase the acceptability of this negative standpoint by refuting the proposition involved: "I think it is wrong to give Elsie a young kitten, because usually children are not capable of taking good care of animals".

In order to create a suitable basis for discussing the various kinds of problems that are dealt with in argumentation theory, an adequate definition of argumentation needs to be provided first. As is customary in argumentation theory,[1] we start our definition from the lexical meaning of the equivalents of the crucial word "argumentation" in a great many languages. Although (unfortunately) English usage tends to deviate,[2] the words used for *argumentation* in most western languages denote a phenomenon that is primarily characterized by being a process ("I am in the middle of my argumentation") and at the same time a product ("Your argumentation does not look very strong"), by being associated with the defence of a standpoint (which is itself not part of the argumentation) and by being instrumental in maintaining reasonableness (rather than in engaging in such negatively charged activities as quarrelling or fighting).

Some general characteristics pertinent to defining argumentation more precisely in argumentation theory are independent of the way in which this word is used in ordinary language. One of them is that argumentation always consists of a functional combination of communicative acts which constitute together the communicative act complex of argumentation. Although the constitutive communicative acts are usually speech acts (presented orally or in writing), they can also be wholly or partly non-verbal, e.g. visual. Another general characteristic is that argumentation is directed at eliciting a response from the addressee that indicates acceptance of the standpoint that is defended. This means that, rather than being just a monologue, argumentation is in principle part of a dialogue, so that it is not only a communicative act complex aimed at understanding but also an interactional act complex aimed at achieving the interactional effect of acceptance. When argumentation is advanced in a full-blown discussion, the dialogue that takes place is explicit. When it is directed at a non-interactive audience or readership, the dialogue will remain implicit. Still another general characteristic of argumentation is that it is a rational activity of reason, so that the arguer concerned can be held accountable

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[1]See, for example, the *Handbook of argumentation theory* (van Eemeren et al. 2014: 1–7), on which this chapter is largely based.

[2]See van Eemeren et al. (2014: 3–6).

for the constellations of propositions that is advanced. The commitments thus created for the arguer depend on the communicative and interactional acts that have been performed and the way in which they are linked with the standpoint that is defended. A last general characteristic that is to be mentioned is that argumentation always involves an appeal to the addressee as a rational judge who judges reasonably. Rather than playing on the audience's basic instincts and emotional prejudices, argumentation is aimed at convincing the addressee of the acceptability of the standpoint at issue by making clear that it meets mutually shared critical standards of reasonableness.[3]

By combining the general characteristics just mentioned with the lexical characteristics mentioned earlier, argumentation is in argumentation theory defined in the following way:

> Argumentation is a communicative and interactional act complex aimed at resolving a difference of opinion with the addressee by putting forward a constellation of propositions for which the arguer can be held accountable in order to make the standpoint at issue acceptable to a rational judge who judges reasonably.

1.2 Argumentation Theory

The academic discipline that examines argumentation in all its varieties and manifestations is called *argumentation theory*. This is a general label designating the study of argumentation as a whole, irrespective of the particular angle of approach that is chosen by the theorists and their specific interests and intellectual backgrounds. Some theorists may have a background in philosophy and logic and concentrate in the first place on problems of validity and soundness. Other theorists will stem from communication studies, linguistics or rhetoric and focus on issues such as the presentational characteristics and effectiveness of argumentation. Still others were educated in law or psychology and put an emphasis on procedural rules or appropriateness.

Depending on the kind of background of the theorists, labels different from argumentation theory may be used, such as *logic*, *informal logic*, *rhetoric* and *discourse analysis*. However, all these names refer to a specific kind of approach or attitude to argumentation and they usually cover a broader scope of interest than just argumentation. The labels "logic" and "informal logic", for instance, indicate a focus on reasoning and include also a concern for other uses of reasoning. Similarly, the labels "rhetoric" and "discourse analysis" put an emphasis on verbal persuasion and cover, next to the argumentative use, also other uses of language.

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[3]The terms *rational* and *reasonable* often seem to be used interchangeably, but we think that it is useful to make a distinction between acting rationally in the sense of using one's faculty of reason and acting reasonably in the sense of utilizing one's faculty of reason in an appropriate way.

This is why, in our view, *argumentation theory* is the most appropriate umbrella term to denominate the discipline.

Since argumentation may pertain to standpoints and differences of opinion relating to all kinds of subjects, coming to the fore in all kinds of communicative domains, argumentation theory applies to a broad range of problem areas and the scope of the theorizing is very wide. Argumentation theory deals with argumentative discourse in the professional (or "technical") sphere, the public sphere and the personal (or "private") sphere. The types of standpoints discussed in the discourse can vary from evaluative standpoints ("*Old Filth* is the best British novel recently published") to prescriptive standpoints ("This proposal should be carried out immediately") and descriptive standpoints ("Boxing Day will be on a Thursday this year"). All these standpoints involve a claim to acceptability that can be at issue in a difference of opinion. This means that argumentation is used not only for getting claims to truth accepted, but also for gaining approval with ethical or aesthetic judgments and for securing endorsement of policy proposals or other practical measures. However, when the truth of a claim is to be established, if this is an option, rather than taking refuge in argumentation, most people will prefer to go by empirical evidence or logical proof (but may next to that bring the empirical evidence or logical proof to bear argumentatively in justifying the truth of the claim to others).

When it is clear from the start that fundamental prerequisites for reasonable argumentative discourse have not been fulfilled, taking refuge to argumentation to resolve the difference of opinion is no use. This situation occurs when the participants in the discourse are in a state of mind that somehow prevents them from having a reasonable exchange. That happens, for instance, when they are completely drunk or so emotionally excited that they are no longer capable of thinking rationally. Another kind of situation in which fundamental prerequisites for argumentative discourse have not been fulfilled occurs when the circumstances in which the discourse takes place make having a reasonable exchange impossible. This happens, for instance, when the participants in the discourse are not allowed to speak their minds freely because negative sanctions will follow if they do so. In both unsuitable situations the participants cannot be held accountable for trying to resolve the difference of opinion at issue by argumentative discourse due to causes beyond their control.[4]

Studying argumentative discourse aimed at resolving a difference of opinion in a reasonable way has a normative critical dimension and a descriptive empirical

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[4]Following Barth and Krabbe (1982: 75), we call the prerequisites for reasonable argumentative discourse *higher order conditions*. The conditions pertaining to the participants' state of mind are *second order conditions* and the conditions pertaining to the circumstances *third order conditions* (van Eemeren and Grootendorst 2004: 189).

dimension.[5] In argumentation theory both dimensions need to be fully taken into account. In order to pursue their interest in improving the quality of argumentative discourse where this is called for, scholars of argumentation have to combine an empirical orientation towards how argumentative discourse is actually conducted with a critical orientation towards how it should be conducted. To give substance to this challenging combination, they need to ensure that they not only examine argumentative discourse descriptively as a specimen of verbal communication and interaction but also measure its quality against normative standards of reasonableness.

The general objective of argumentation theory as a discipline is to provide theoretical instruments for analysing, evaluating and producing argumentative discourse in an adequate way. The analysis, evaluation and production of argumentative discourse pertain, first, to the "point of departure" of argumentation, which consists of the explicit and implicit material and procedural premises that serve as the starting point of the argumentation. Second, they pertain to the "layout of argumentation": the justificatory design of the constellation of propositions explicitly or implicitly advanced in support of the standpoint at issue in the difference of opinion. Both the point of departure and the layout of the argumentation are to be judged by appropriate standards of evaluation that are in agreement with all requirements imposed by a rational judge who judges reasonably. The descriptive and normative aims that need to be pursued in realizing the general objective of argumentation theory can be specified as follows[6]:

(1) Giving a descriptive account of the components of argumentative discourse which constitute together the point of departure of argumentation;
(2) Giving a normative account of the standards for evaluating the point of departure of argumentation which are appropriate to a rational judge who judges reasonably;
(3) Giving a descriptive account of the components of argumentative discourse which constitute together the layout of argumentation;
(4) Giving a normative account of the standards for evaluating argumentation as it is laid out in argumentative discourse which are appropriate to a rational judge who judges reasonably.

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[5]These two dimensions are reflected in the dual reasonableness standard for argumentative discourse: adequacy for resolving a difference of opinion ("problem-validity") and intersubjectively acceptability ("conventional validity") (Barth 1972; Barth and Krabbe 1982: 21–22). Whereas problem-validity is basically a theoretical matter, conventional validity can only be established empirically.

[6]The descriptive aims of argumentation theory are often associated with the "emic" study of what is involved in justifying claims and what are to be considered good reasons for accepting a claim viewed from the "internal" perspective of the arguers while the normative aims are associated with the "etic" study of both matters from the "external" perspective of a critical theorist.

1.3   Crucial Concepts in Argumentation Theory

Certain theoretical concepts play a crucial role in the descriptive and normative research concerning the point of departure and the layout of argumentation carried out in argumentation theory. These concepts are indispensable in developing adequate theoretical instruments for methodically improving the quality of the analysis, evaluation and production of argumentative discourse. The most prominent of them are the following: "standpoint", "unexpressed premise", "argument scheme", "argumentation structure" and "fallacy". We will introduce all of them briefly.[7]

The term *standpoint* refers to what is at issue in an argumentative discourse, i.e. what is argued about by the parties. In advancing a standpoint, a positive or negative position regarding a proposition is assumed by a speaker or writer ("Chinese food is delicious"). Because advancing a standpoint implies undertaking a positive or negative commitment with regard to a proposition, whoever advances a standpoint is obliged to defend this standpoint if challenged to do so. Whether the standpoint is descriptive, evaluative or prescriptive, in all cases it involves a claim to (un)acceptability of the proposition to which the standpoint pertains. This is even the case when the standpoint is expressed implicitly or in an indirect and non-asserting way ("Do we really want to do without a salary?"). A communicative act expresses a standpoint if it involves a claim to acceptability in a context in which the addressee may be expected to be in doubt about this.[8]

Besides the term *standpoint*, a number of other terms are in use that refer to similar concepts. On the one hand, there are terms which refer from different theoretical angles to virtually the same concept, such as *claim*, *conclusion*, *thesis* and *debate proposition*. The concepts these terms denote are utilized in the studies of Toulmin and his followers ("claim"), various kinds of logicians ("conclusion"), dialecticians connecting with the tradition introduced in Aristotle's *Topics* ("thesis") and communication scholars interested in American academic debate ("debate proposition"). On the other hand, there are terms which refer to psychological concepts related to but also in relevant ways different from a standpoint, such as *belief*, *opinion* and *attitude*. The concepts involved are implemented in cognitive research and epistemology ("belief"), conversation-oriented discourse analysis ("opinion"), and social psychology and cognitive studies ("attitude").

If certain elements that are implicit in an argumentative discourse are not taken into account, it is usually hard to tell how exactly the discourse may serve to resolve a difference of opinion. This applies, for instance, to starting points that have been left implicit, but also to unexpressed standpoints and more in particular to *unexpressed premises* in the argumentation that is advanced. Leaving argumentation in this way partly implicit ("Bart will love cheese, because he is Dutch") is

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[7]For a detailed discussion of these concepts, see van Eemeren (Ed. 2001) and, more succinctly, van Eemeren et al. (2014: 13–27).

[8]For a definition of the notion of a standpoint in terms of the identity and correctness conditions of the speech act of advancing a standpoint, see Houtlosser (2001: 32).

traditionally called *enthymematic* and it is quite usual in ordinary argumentative discourse. Premises that are left unexpressed in enthymematic argumentation need to be identified because they are often pivotal in the transfer of acceptance from the premises that are made explicit in the argumentation to the standpoint that is defended.

In practice (as, for instance, in "Bart will love cheese, because he is Dutch"), the identification of implicit elements is often unproblematic because it is obvious what has been left unexpressed. If desired, the reasoning underlying the argumentation could easily be reconstructed to make it logically valid by adding the premise "If the explicit premise, then the standpoint". Such a logical analysis, however, is generally unsatisfactory because it just repeats what has been said and therefore fails to provide any new information ("If Bart is Dutch, then he will love cheese"). Since argumentation is always put forward in some kind of specific contextual environment, there are as a rule various pragmatic resources for completing the argumentation in a more informative way ("Dutchmen love cheese"). Contextual clues for the identification of unexpressed premises may be provided by the linguistic, the situational, the institutional and the intertextual context of the speech event concerned, while the pragmatic inferences that can be made (e.g. "conversational implicatures") and the general or specific background information pertinent to the case concerned may provide additional pragmatic clues.[9]

Depending on the theoretical background of the theorists, different terms may be used to refer to unexpressed premises: next to *implicit*, *suppressed*, *tacit*, *missing premise/reason/argument* also *warrant*, *implicature*, *supposition* and even *assumption*, *inference* and *implication*. Among the theoretical perspectives exemplifying the various views of unexpressed premises are the "traditional logical" approach, modern "deductivism" and the "pluralist logical view", but also the "warrant view" (inspired by the dominant interpretation of this Toulminian notion), the "traditional rhetorical" approach focusing on the enthymeme, the "modern rhetorical" approaches concentrating on the relationship between text, context and effect, the "interactional" discourse analysis approach and the pragma-dialectical approach prevalent in this volume.

It is hard to determine whether argumentation contributes to the defence of a standpoint if the type of argumentation that is put forward cannot be identified. Then it is difficult to determine exactly which "critical questions" are associated with the "argument scheme" on which the argumentation is based. An *argument scheme* (also called *argumentation scheme*) characterizes the way in which the reason given in support of a standpoint is supposed to bring about a transfer of acceptance to the standpoint in a particular type of argumentation (e.g. "Bart will love cheese because he is Dutch and it is characteristic of Dutch people that they love cheese"). Depending on the kind of relationship established by the argument scheme, specific kinds of critical questions are appropriate in judging the

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[9]For the pragmatic resources that can be used in accounting for the reconstruction of unexpressed elements in argumentative discourse, see van Eemeren (2010: 16–19).

argumentation. These critical questions capture the pragmatic rationale that is brought to bear in the argumentation in order to bring about a transition of acceptance from the reason that is advanced to the standpoint.

Since Perelman and Olbrechts-Tyteca (1969) introduced the notion of argument schemes (which was implicitly already underlying the types of argumentation discussed in American handbooks for debate) in their "new rhetoric",[10] argument schemes have been a crucial concept in argumentation theory. In a great many approaches the checking of the soundness of these argument schemes complements, if not replaces, the formal validity test of logic. This explains why the theoretical definition of argument schemes, their categorization, the way in which they can be identified and their connection with unexpressed premises and *topoi* have become prominent topics of research. Some argumentation theorists remain in their treatment of argument schemes close to the classical topical tradition. In the new rhetoric they are distinguished on the basis of principles of "association" that bring about a persuasive transfer of acceptance from reason standpoint.[11] Other theorists start their categorization of argument schemes from Toulmin's warrants. Still other argumentation scholars turn for their typology to distinctions made by ordinary language users in argumentative practice. In pragma-dialectics the distinction between argument schemes is based on pragmatic principles that have a dialectical function in conducting argumentative discourse. In the modern dialectical approaches the dialectical function of argument schemes also seems to be the point of departure.

If it is unclear how exactly the various reasons advanced in defending a standpoint relate to each other in supporting the standpoint ("I should not attend the ceremony because I hate such public occasions; in addition, this ceremony is not even officially recognized and on the day it is held I will not be in town"), it cannot be determined whether the argumentation as a whole constitutes an adequate defence. For this purpose it is necessary to lay bare the *argumentation structure* of the argumentation. In argumentation theory, various ways of combining reasons have been distinguished in characterizing different kinds of argumentation structures that can be instrumental in defending a standpoint. Confusingly, argumentation theorists do not fully agree on what is to be the rationale for making the necessary distinctions and different terminological conventions have been developed for dealing with argumentation structures.

Some argumentation theorists see the argumentation structure as determined by the reasoning processes underlying the argumentation and start from a logical perspective on the way in which combinations of reasons manifest themselves. Other argumentation theorists concentrate on the various kinds of functions that the combinations of reasons fulfil in the argumentative process and opt for a pragmatic

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[10]Perelman and Olbrechts-Tyteca (1958) spoke of *schèmes argumentatifs—argumentation schemes* in the English translation (1969) of their study.

[11]The principle of "dissociation", which Perelman and Olbrechts-Tyteca also discuss, is not related to argument schemes (van Rees 2009).

perspective. When it comes to analysing the argumentation structure, logic-oriented theorists are out to diagram the logical patterns while pragmatically-oriented theorists diagram the various functional ways in which the reasons advanced in the argumentative exchange support the standpoint at issue.

Both formal and informal logicians opt as a rule for a "logical" or "logico-epistemic" perspective.[12] They aim to make clear how a combination of premises constituting an argumentation lends logical or logico-epistemic support to a conclusion. In the process, they generally distinguish between *linked argumentation*, consisting of reasons that support the standpoint interdependently, and *convergent argumentation,* in which the reasons supply independent support to the standpoint. Usually informal logicians also distinguish *serial argumentation*, in which a reason that is advanced is in its turn supported by another reason (a process that may be continued). The distinctions made in informal logic are similar to the pragma-dialectical division according to the ways in which the various arguments function as responses to doubt or criticism: *coordinative*, *multiple* and *subordinative argumentation*.[13]

In argumentative discourse the difference of opinion at issue will not be resolved adequately if "fallacies" that occur in the discourse ("What do you know? You are only a student") are not detected. In argumentation theory various kinds of views of the fallacies have been developed and also different approaches for distinguishing between fallacies and different methods for their identification. Characteristically, Aristotle, who started the study of the fallacies, put them in the context of a dialogue in which one person attacks a thesis and another person defends it. His view of fallacies as cases of seemingly valid reasoning that are in fact invalid has remained authoritative for a long time. The most striking addition to Aristotle's list of fallacies consists of the *ad fallacies* (e.g. *argumentum ad hominem*), a category of arguments that was first distinguished by Locke. In logic textbooks the Aristotelian dialectical perspective has later shifted to the perspective of a monologue. Fallacies have then become errors in reasoning instead of deceptive manoeuvres of a party trying to outwit the other party.

After Hamblin (1970) had severely criticized the "Standard Treatment" of fallacies in logical textbooks as arguments that seem valid but are not valid, several new approaches were developed. One new starting-point consists of approaching the fallacies from a formal perspective and calling on more sophisticated modern logics than just syllogistic, propositional and predicate logics. Instead of giving all fallacies a common analysis, this approach is pluralistic because each fallacy is given its own treatment (Woods and Walton 1989). Inspired by Hamblin's proposal

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[12]In informal logic there is also an approach based on the Toulmin model (Freeman 1991).

[13]A one-to-one translation of the pragma-dialectical argumentation structures in terms of those distinguished in informal logic is, in spite of clear similarities, complicated by the different conceptualizations.

for an alternative to the Standard Treatment, in approaches that are "formal dialectic" another approach is chosen by viewing fallacies as argumentative moves that cannot be generated by the production rules for rational arguments (Barth and Krabbe 1982). Later the two formal perspectives were combined by involving the types of dialogue in which an argumentative discourse takes place explicitly in the theorizing about the fallacies (Walton and Krabbe 1995). The pragma-dialectical view of fallacies as "derailments of strategic manoeuvring" involving violations of the rules for having a reasonable discussion will be explained in Chap. 4 of this volume.

1.4 The Research Program of Argumentation Theory

Because studying argumentative discourse aimed at resolving a difference of opinion in a reasonable way has a normative critical dimension as well as a descriptive empirical dimension, in argumentation theory both dimensions need to be duly taken into account. To connect the normative dimension of the study of argumentation systematically with the descriptive dimension, a complex research program must be carried out, encompassing five interrelated components.[14] First, a philosophical component is required in which a coherent and appropriate conception of reasonableness is set out. Second, guided by this philosophical reasonableness conception, in the theoretical component of the research program a model for reasonable argumentative discourse is to be developed. Third, in the empirical component argumentative reality needs to be examined methodically in order to acquire an accurate understanding of the actual conduct of argumentative discourse. Fourth, starting from the results of the philosophical, theoretical and empirical research, in the analytical component of the research program suitable tools must be created for reconstructing actual argumentative discourse from the perspective of the theoretical model. Fifth, starting from a solid analysis utilizing the insights gained in the other components, in the practical component the problems involved in dealing adequately with the exigencies of the various kinds of argumentative practices are to be tackled (Fig. 1.1).

In the *philosophical component* of the research program the central question is what it means to be reasonable in argumentative discourse. In argumentation theory this issue needs to be the subject of permanent systematic reflection. As it happens, there is no general agreement among argumentation theorists as to what reasonableness involves. Going by the conceptions of reasonableness distinguished by Toulmin (1976), it can be observed that some (rhetorically-oriented) argumentation theorists seem to adopt an "anthropological" philosophy of reasonableness, in which reasonableness primarily depends on agreement among members of a certain community, whereas other (dialectically-oriented) argumentation theorist are in

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[14]For a more elaborate description of this research program, see van Eemeren (2015: Chap. 5).
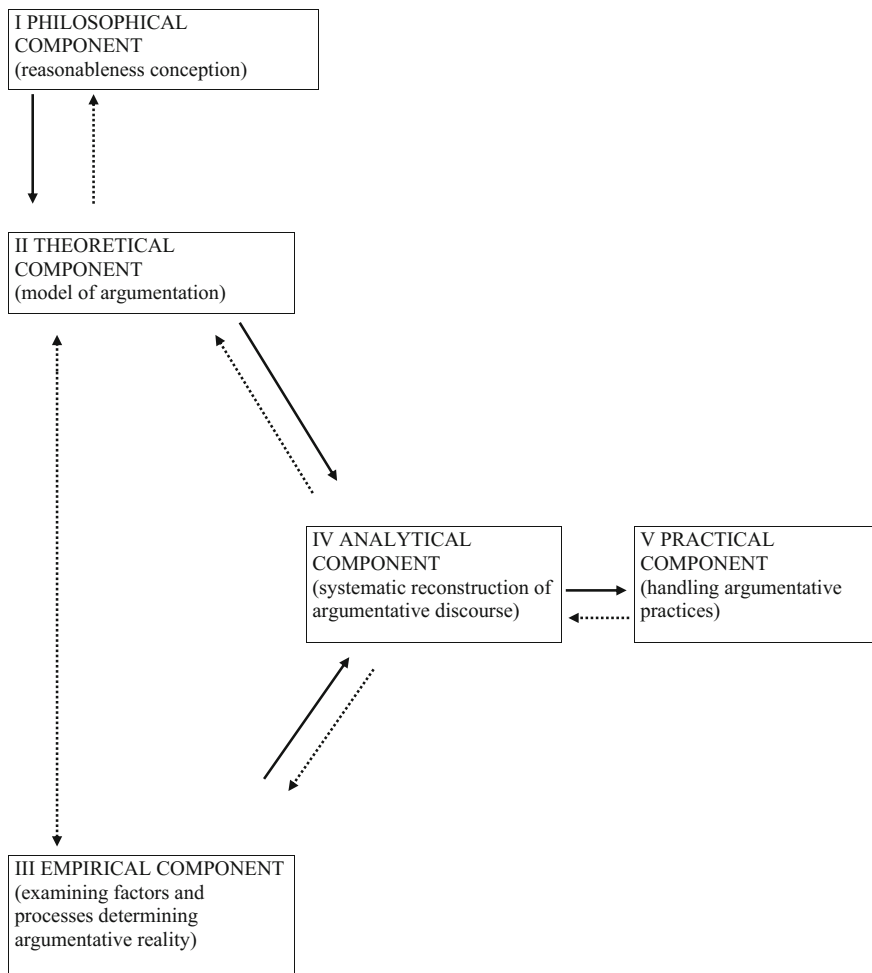
Fig. 1.1 Components of the research program of argumentation theory

favour a "critical" philosophy of reasonableness, in which reasonableness depends in the first place on compliance with critical testing procedures.

The central aim of the *theoretical component* is to develop a model of argumentative discourse that can serve as a conceptual and terminological framework for the study of argumentation. The theoretical model gives shape to the favoured philosophical conception of reasonableness by specifying what pursuing this conception of reasonableness amounts to in terms of argumentative moves that can be made, stages in the argumentative procedure and soundness conditions. If it serves

its purposes properly, the model has a heuristic, an analytical and a critical function in dealing with the production, analysis and evaluation of argumentative discourse.

In the *empirical component*, concentrating particularly on factors that are relevant from the perspective of the theoretical model, the production, interpretation and assessment of actual argumentative discourse are examined. Qualitative empirical research relying on introspection and observation is required for case studies and identifying specific traits of argumentative discourse. Quantitative research based on numerical data and statistics is called for when general hypotheses concerning the production, interpretation or assessment of argumentative discourse are to be tested. Since each to these two types of empirical research has a specific function in gaining a better understanding of argumentative reality, both have their own place in carrying out the research program of argumentation theory—quantitative research generally being preceded by preparatory qualitative research.

In the *analytical component* of the research program of argumentation theory analytical instruments are developed that can serve as tools for a systematic reconstruction of argumentative discourse. In such a reconstruction the way in which a certain argumentative discourse manifests itself in argumentative reality is viewed from the perspective of the theoretical model. This is to result in an "analytic overview" of all elements in the discourse (standpoints, arguments, etc.) that are pertinent to its evaluation as an effort to resolve a difference of opinion in a reasonable way. The analytical component is pivotal in the research program because it is instrumental in achieving a well-founded integration of the descriptive dimension and the normative dimension of the study of argumentation.

The *practical component* of the research program, finally, focuses on the conduct of argumentative discourse in the great variety of specific argumentative practices that have evolved in argumentative reality, varying from parliamentary debates in the political domain and medical consultations in the medical domain to multimodal advertising in the commercial domain. More often than not it is an interest in the shortcomings of the conduct of argumentative discourse in particular argumentative practices that motivates scholars to engage in argumentation theory and makes them return to these practices with the research results. In the practical component of the research program it is to be determined which productive, analytic and evaluative competencies arguers need to have in order to participate adequately in such more or less institutionalized contexts. Adequate methods need to be developed to bring them, where necessary, up to scratch. Another kind of praxiological intervention consists of proposing new or revised procedural "formats" or "designs" for conducting a specific type of argumentative discourse. In the practical component all relevant philosophical, theoretical, empirical and analytical insights gained in the other components are to be put to good use.

1.5 Dialectical and Rhetorical Perspectives

The forbears of modern argumentation theory in Antiquity are ancient dialectic (in combination with syllogistic logic[15]) and ancient rhetoric. These different perspectives on argumentative discourse are nowadays known as *classical dialectic* and *classical rhetoric*. Although we often speak of classical dialectic and classical rhetoric as if each of them constituted a well-articulated unified whole, in Greek and Roman Antiquity and the post-classical period they never were. Various scholars have made their own contributions to the development of the dialectical and the rhetorical perspective and their views were by no means in complete harmony with each other.

Aristotle's dialectic initiated a long tradition to which argumentation theory is strongly indebted.[16] The Aristotelian concept of dialectic is best understood as the art of inquiry through critical dialogue. In such a critical dialogue a thesis is put to the test by making the party who makes the claim respond to sceptical questions from the other party aimed at exposing contradictions in maintaining the claim involved. In a dialectical dialogue in the Aristotelian sense the adequacy of a claim is supposed to be assessed cooperatively by the parties involved by eliciting commonly accepted starting points, then drawing out implications from these premises and next determining their compatibility with the claim. Where in a dialogue like this contradictions emerge, revised claims can be put forward to avoid such problems. This method of regimented opposition amounts to a collaborative method of putting logic to good use in moving from opinion and conjecture to more secure belief.

In Aristotle's concept of rhetoric, the emphasis is on the production of effective argumentation for an audience in a monologue. Rhetoric in the Aristotelian sense deals with principles of effective persuasion which are instrumental in achieving assent or consensus when the subject matter at issue does not lend itself to a logical demonstration of certainty. Aristotelian rhetoric focuses on persuasive effects that arguers are as it were entitled to achieve on the basis of the quality of their argumentative discourse rather than on persuasive effects that are actually realized. The most prominent argumentative tool of classical rhetoric is the enthymeme, an incomplete syllogism with premises that are supposed to be acceptable to the audience and that is thought to be effective through the audience's completion of the syllogism. Aristotelian rhetoric bears little resemblance to modern-day "persuasion theories" concentrating on the analysis of attitude formation and attitude change and dealing with persuasive effects brought about in some way or other.[17]

Both the dialectical perspective (combined with the logic of the syllogism) and the rhetorical perspective have remained prominent in post-classical argumentation

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[15]Until the 17th century, *dialectica* was generally the usual name for logic (Scholz 1967: 8).

[16]For Aristotle's syllogistic logic, dialectic and rhetoric we refer to his collected works (Aristotle 1984).

[17]See O'Keefe (2002).

scholarship. The ways in which they were defined, however, has changed considerably over time. In modern rhetoric, the classical divisions of the tasks of the orator and the parts of the oration, which were developed independently in Antiquity, are put together in what is generally known as "the system of antique rhetoric". Over time the division of labour between dialectic and rhetoric suggested by Aristotle (and referred to by the term *antistrophos*) developed in the treatment by others into a more competitive relationship. Cicero, for one, put rhetoric first; Boethius on the other hand considered dialectic most important. The competition led in the end to the transfer of the treatment of two vital tasks of the orator from rhetoric to dialectic: the selection of the material for a speech (*inventio*) and the ordering the speech (*dispositio*)—thus leaving only the task of putting the speech into words (*elocutio*) to rhetoric. This development culminated in a complete division of dialectic and rhetoric, which came to be seen as two separate and incompatible paradigms.

At the birth of modern argumentation theory after the second world war, as a consequence of its incorporation in logic and the subsequent formalization of logic, dialectic had been invisible for a long time and the division between dialectic and rhetoric was a clear and easily discernible fact. Separately from dialectic, formal logic had by then become the dominant perspective on argumentative discourse and was heavily contested by the most influential protagonists of modern argumentation theory, Toulmin (2003) and Perelman and Olbrechts-Tyteca (1969). More recently other argumentation theorists, such as the rhetoricians, the informal logicians and the pragma-dialecticians, have also declared formal logic lacking in theoretical power for dealing with argumentation. One could even say that the revival of modern argumentation theory is characterized by the replacement of formal logic by other kinds of approaches. Most of these approaches adopt a dialectical or a rhetorical perspective in their theorizing.

The dialectical approaches that have been developed in modern argumentation theory all concentrate upon the preservation of reasonableness in argumentative discourse. They are to a large extent inspired by Naess's (1966) dialectical views of argumentative discourse, the proposals for a dialogue logic of Lorenzen and the Erlangen School (Lorenzen and Lorenz 1978) and the formal dialectic alternative offered by Hamblin (1970) to the failing logical treatment of the fallacies. This is certainly true for the systems of formal dialectic proposed by Barth and Krabbe (1982) and their pragmatic extension with dialogue types by Walton and Krabbe (1995), but it also applies to the pragma-dialectical approach to argumentative discourse presented in this volume.

The rhetorical approaches developed in modern argumentation theory all centre around the effectiveness of argumentative discourse, albeit that the rhetorical perspective has been constantly redefined over time. Classical rhetoric has remained a major source of inspiration to modern rhetoricians, not only because they appreciate the antique theories of rhetoric but also owing to specific classical rhetoricians or theoretical insights they feel attracted to. However, in Big Rhetoric as it is nowadays practised in the United States, an abundance of additional influences from other sources can be noticed, varying from the social theory of communicative

action of Habermas to postmodern ideas. In the American communication and debate tradition rhetorical approaches to argumentation are prevalent, but to some extent also in branches of linguistics such as discourse and conversation analysis. Some rhetorically-oriented argumentation theorists have succeeded in identifying characteristic features of specific kinds of argumentative discourse or provided illuminating case studies of argumentative discourses.[18]

Although this is not always explicitly acknowledged, not only certain logical approaches, but also most other modern approaches to argumentation are strongly affected by the dialectical or the rhetorical perspective on argumentation developed in Antiquity. Identifying the modern approaches without any further ado with either doing logic or dialectic or rhetoric would be too simple, but the scope and range of a great many of them are in practice often determined, if not limited, by adopting exclusively one of these perspectives. Treating argumentation theory as a branch of formal logic, as some argumentation scholars do, is not an illegitimate alternative, but it diverts the attention in an unproductive way from the pragmatic dimension of reconstructing unexpressed premises, assessing argumentative justifications and identifying argumentative patterns in verbal communication and interaction. In its turn, viewing argumentation theory just as doing dialectic runs the risk that the various kinds of contextual and other pragmatic factors influencing the effectiveness of argumentative discourse will be ignored, whereas in viewing argumentation theory as merely doing rhetoric the critical dimension involved in maintaining reasonableness is not fully explored.

The current state of the art in argumentation theory is characterized by the co-existence of a variety of theoretical approaches, which differ considerably in conceptualization, scope and theoretical refinement. Some of them, especially those developed by scholars with a background in linguistics, discourse analysis and rhetoric, are largely (or sometimes even completely) descriptive. These theorists are usually primarily interested in finding out how speakers and writers try to convince or persuade others in argumentative discourse by making use of certain linguistic devices or other persuasive means. Other scholars, who are often inspired by insights from philosophy, logic or law, approach argumentation normatively in order to develop soundness criteria that must be satisfied in argumentation that can be qualified as rational and reasonable. These theorists concentrate, for instance, on the epistemic function of argumentation or on the fallacies that may occur in argumentative discourse.

This volume has as its point of departure that argumentation theory serves its purposes best if it includes both descriptive and normative research and the logical, dialectical and rhetorical dimensions of argumentative discourse are all incorporated in the research. Putting the different kinds of insights gained from a systematic combination of all these perspectives to good use, will lead to a better and more complete understanding of argumentative discourse. In the following chapters we will make clear how this understanding can be achieved by creating an

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[18]See, for example, Leff and Mohrmann (1993), Zarefsky (1986, 1990) and Fahnestock (1999).

interdisciplinary pragma-dialectical perspective in which insights from the dialectical and the rhetorical perspective are integrated and where necessary supported by insights from logic and philosophy, linguistics and discourse analysis, psychology, sociology and law, and the study of communication and debate.

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Chapter 2
Building a Theory of Argumentation

2.1 Meta-Theoretical Principles

In order to theorize adequately about argumentation, certain meta-theoretical principles must be observed that need to be taken into account in building an adequate theory of argumentation. These principles pertain to fundamental characteristics of the theorizing that define the nature of the theory that is aimed for as well as the way in which this theory is to be constructed. They determine the methodological requirements that must be fulfilled for an argumentation theory to serve its purposes and to avoid deficiencies in the theorizing. Because the meta-theoretical principles indicate what kind of shape the theory to be constructed should take, they constitute the methodological starting points that regulate the way in which the theorizing is to take place. By explaining, before we set out the pragma-dialectical theory in the following chapters, which meta-theoretical principles we consider vital to the theorizing, we do not only make clear what, in our view, adequate theorizing about argumentation involves, but also what the distinctive features are of the perspective on the study of argumentation that is expounded in this volume. It is the implementation of these meta-theoretical principles that distinguishes the pragma-dialectical theory of argumentation distinctively from other approaches.

The meta-theoretical principles guiding the pragma-dialectical approach have been established on the basis of our reflection on the theorizing about argumentation in other theoretical approaches to argumentation that we scrutinized in the 1970s. Each of these principles was inspired by our examination of the various approaches and they were all articulated in order to avoid certain drawbacks of these approaches that we noticed in the process. Among these other approaches were, next to the classical approaches to dialectic-cum-syllogistic-logic and rhetoric

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This chapter is primarily based on van Eemeren and Grootendorst (1984: 1–18).

of Aristotle and other antique philosophers, modern formal logic, modern rhetoric and American academic debate, Naess's analytical tools for clarifying discussions, Toulmin's procedural model of argumentation, the new rhetoric of Perelman and Olbrechts-Tyteca, and Barth and Krabbe's formal dialectic *in statu nascendi*.

The meta-theoretical principles for the theorizing about argumentation that determine the methodological starting points of pragma-dialectics are "functionalization", "socialization", "externalization" and "dialectification". In our view, these four general principles need to be brought to bear explicitly and consistently in the theorizing about argumentation. In that sense they have constituted from the very beginning the methodological framework in which the development of the pragma-dialectical theory has taken place. Each of the principles that are involved indicates a particular facet of the way in which argumentation is to be treated in the theorizing—each time in contradistinction to the way in which it is treated in certain other approaches. When taken together, the four principles define the unique position that the pragma-dialectical approach, in spite of certain commonalities with various other approaches, occupies in argumentation theory.

The principles of functionalization, socialization, externalization and dialectification enable us to do justice in the theorizing to the general characteristics of argumentation we have discussed in Sect. 1.1. Functionalization is primarily associated with the properties of argumentation as a communicative act complex, socialization with its properties as an interactional act complex, externalization with the identification of what the arguer can be held accountable for, and dialectification with determining the acceptability of argumentation for a rational judge who judges reasonably. As will be made clear in the remainder of this volume, in carrying out the pragma-dialectical interpretation of the research program for argumentation theory, the four meta-theoretical principles are instrumental in giving substance, both in the descriptive and in the normative research, to the methodical integration of the pragmatic dimension and the dialectical dimension of the study of argumentative discourse that we aim for.

2.2 Functionalization of Argumentation Theory

In logical approaches, especially in the formal ones, argumentation is as a rule treated as a logical inference in which a conclusion is derived from certain premises. This means that in such approaches argumentation is viewed exclusively in structural terms. In dealing with problems of logic such structural treatments may have much to recommend them, but when problems of argumentation are involved, as is by definition the case in argumentation theory, they miss the point. Treatments of argumentation that are purely structural do not do justice to the functional rationale of the design of argumentation as a communicative and interactional act complex aimed at resolving a difference of opinion on the merits. As a result, the basic function of argumentation in the management of disagreement and the way in which it is geared to fulfilling this function tend to be ignored.

Argumentation always arises in response to, or in anticipation of, a difference of opinion, and the lines of justification that are chosen in the argumentation are contrived to realizing the purpose of resolving this difference of opinion in the case concerned. The need for argumentation, the requirements the justification by means of argumentation has to fulfil and the structure of the argumentation as a whole are in principle all adapted to the presumed or actually expressed doubts, objections and counterclaims of its addressee, and this is reflected in the argumentative moves that are made in the discourse. The theorizing about argumentation should therefore concentrate on the specific functions that the various kinds of argumentative moves made by the parties involved in argumentative discourse fulfil in managing their disagreement. This is why, in our view, in dealing with the subject matter at issue in argumentation theory "functionalization" is required.

Functionalization in argumentation theory should concentrate on determining how linguistic, visual and other semiotic means are used in communication aimed at resolving a difference of opinion by means of argumentation. When it comes to verbal argumentation, the argumentative functions of the use of the communicative tools can be determined by making use of the amended version of speech act theory we have developed in pragma-dialectics.[1] According to speech act theory, speaking or writing a language consists of performing "speech acts" that create certain speech act-related functional commitments for the language users concerned. Such functional commitments may consist in the case of a promise in the obligation to do something, in the case of a request in trying make someone else do something and in the case of an assertion in maintaining that something is the case. Treating argumentative discourse as communicating specific kinds of functional commitments by means of speech acts is a first way in which we give substance to the pragmatic dimension of the study of argumentation in the pragma-dialectical theory.

In oral as well as written discourse speakers and writers perform speech acts that we call *communicative acts* to achieve the communicative effect of understanding in their listeners or readers.[2] In each of these communicative acts a particular proposition presented in the speech act is given a particular communicative function. The proposition concerned always consists of a reference to a subject (e.g. *Corina*) and a predicate mentioning a property (e.g. *not wearing trousers*) that is assigned to it (e.g. *Corina does not wear trousers*). Giving a particular communicative function (e.g. the function of a *request*) to the proposition involved completes the communicative act (e.g. "I request Corina not to wear trousers"). The communicative effect of understanding that is aimed for in performing a communicative act always concerns the combination of the proposition conveyed and its communicative function.

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[1]The main sources of speech act theory we started from in making speech act theory suitable for dealing with argumentation in verbal communication and interaction are Austin (1975) and Searle (1969, 1979).

[2]For the sake of clarity we re-baptized Austin and Searle's "illocutionary acts" into "communicative acts".

Next to the "elementary" communicative acts performed at the level of individual sentences that traditional speech act theory concentrates upon, we distinguish in pragma-dialectics also "complex" communicative acts that generally include a combination of sentences and are performed at a higher textual level, such as argumentation. Complex communicative acts consist in principle of more than one elementary communicative act and relate at the higher textual level to another communicative act performed or presupposed in the discourse. Argumentation, for instance, includes in its justification as premises in principle more elementary communicative acts and always relates to a standpoint.[3] This means that the speech acts involved in such a complex communicative act have a communicative function on the level of the constitutive elementary communicative acts (they are, for instance, assertions or statements) and another communicative function when taken together (they then constitute, for instance, an argumentation). When speech act theory is in this way amended by adding the notion of complex communicative acts to the theoretical framework, the functionalization aimed for in pragma-dialectics can be given substance for all argumentative moves, both at the sentence level and at a higher textual level.

According to the pragma-dialectically amended speech act theory, in order for a sentence or combination of sentences expressed in the discourse to count as a particular elementary or complex communicative act and to be recognizable as such for a listener or reader, certain "identity conditions" have to be fulfilled in the speech acts concerned. If these identity conditions have not been fulfilled, it is not possible for listeners or readers to determine what the communicative function of the speech acts they are dealing with is. In formulating the identity conditions of the communicative act complex of argumentation, which is pivotal in argumentation theory, we assume that, next to the argumentation, the speaker or writer has performed another communicative act in which a standpoint is advanced with respect to a proposition p. We also assume that the speaker or writer is addressing the listener or reader by means of the elementary communicative acts 1, 2, …, n. Then the following two identity conditions have to be met in the complex communicative act of argumentation:

(1) In 1, 2, …, n certain commitments are undertaken to the propositions that are expressed in these elementary communicative acts.
(2) The performance of the constellation of communicative acts 1, 2, …, n counts as an attempt to justify p, i.e. as an attempt by the speaker or writer to convince the listener or reader of the acceptability of the standpoint that is advanced with respect to p.

The first identity condition that is stated here is called the *propositional content condition*, because it indicates with which requirements the content of the propositions

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[3]According to Toulmin (2003), argumentation for a claim always contains "data" and a "warrant"; in pragma-dialectics we distinguish between "non-bridging" and "bridging" premises in support of a standpoint.

that are advanced in the argumentation needs to comply with. If this proposi-tional content condition has not been fulfilled, no argumentation has been advanced. The second identity condition stated here is called the *essential condition*, because it indicates which requirement needs to be realized in order to make the constellation of elementary communicative acts that is advanced a complex communicative act of argumentation. If this essential condition has not been fulfilled, no argumentation has been advanced. In order to be recognizable as such, all communicative acts, whatever communicative acts they may be, need to comply with the propositional content and essential conditions applying to the communicative act concerned.

Because the propositional content and the essential conditions of a speech act determine together the identity of a communicative act, irrespective of whether it concerns an elementary or a complex communicative act, it is vital to the func-tionalization of argumentation theory that the identity conditions of the commu-nicative acts that are performed in the argumentative moves made in argumentative discourse are for all communicative acts formulated in a similar way, along the lines we have just demonstrated for argumentation. In this way a functional definition can be provided of the various kinds of argumentative moves that play a part in resolving a difference of opinion on the merits. This means that in functionalizing argumentation theory not only the argumentation that is advanced in argumentative discourse must be described as a functional elementary or complex speech act, but also the standpoints at issue and in addition all other argumentative moves in the discourse that are instrumental in resolving a difference of opinion on the merits.

2.3 Socialization of Argumentation Theory

In approaches concentrating on the epistemic role of argumentation in justifying a standpoint, argumentation tends to be primarily viewed as the product of an indi-vidual's reasoning process aimed at establishing the truth of the standpoint, thus ignoring the fact that argumentation pertains not only to descriptive standpoints but more often than not also to evaluative or prescriptive standpoints. Whatever type of standpoint happens to be at issue, it is characteristic of real-life argumentation that in all cases it is aimed at resolving a difference of opinion between two different parties who do not see eye to eye about its acceptability. This means that the argumentation advanced in actual argumentative discourse is always part of an explicit or implicit dialogue between the two parties that have a difference of opinion. In our view, in dealing with argumentation it must therefore never be neglected that argumentation involves as a matter of course discursive interaction.

Since argumentation entails discursive interaction between the parties involved in the difference of opinion that is to be resolved, it is recommendable to distinguish clearly between these parties. In doing so, we will designate the party that has advanced the standpoint at issue the *protagonist*. In order to resolve the difference of opinion about the standpoint, the protagonist has to advance argumentation that responds methodically to the questions, doubts, objections and counterclaims put

forward, or supposed to be entertained, by the other party. That other party we will designate the *antagonist*. In order to resolve the difference of opinion, the antagonist has to advance the various kinds of critical reactions of whatever kind that the standpoint and the arguments in defence of the standpoint put forward by the protagonist may instigate. The dialogical character of the way in which the parties involved in a difference of opinion in argumentative discourse attempt to resolve their difference should be reflected in the theorizing about argumentation by treating argumentation as part of an interactional exchange in which the protagonist's and the antagonist's contributions systematically depend on each other. This is why, in our view, in dealing with the subject matter at issue in argumentation theory "socialization" is required.

In the pragma-dialectical theorizing, socialization is given shape by defining the interactional roles of the protagonist and the antagonist in resolving a difference of opinion in terms of the obligations that are taken on as commitments in assuming these roles. The argumentative obligations of the two parties involved in a difference of opinion can be described by specifying which speech acts performed by the protagonist and the antagonist are instrumental in resolving the difference of opinion. After having advanced their standpoints, protagonists have the task of defending these standpoints systematically against all challenges involved in the critical reactions of the antagonists and to perform in the process the speech acts that are most suitable for that purpose. It is the task of antagonists who have doubts about the acceptability of the standpoints at issue, or even contradict them, to respond critically to all arguments advanced by the protagonists until a joint outcome has been reached. Together the protagonists and the antagonists have to come to agreements on the procedural starting points (i.e. the rules to be followed), the material starting points of the discussion (i.e. the shared premises) and the conclusion that has been reached. The social embedding of argumentation means that the interactional character of argumentative discourse is reflected in the nature, the distribution and the mutual relationships of the communicative acts that the parties involved in a difference of opinion need to perform in order to make the argumentative moves that are instrumental in resolving their difference of opinion.

Socializing the treatment of argumentation in this way requires some further amendments of speech act theory as it was traditionally envisaged. Instead of maintaining a general philosophical perspective, in dealing with the speech acts performed in actual argumentative discourse the speaker's or writer's perspective and the listener's or reader's perspective need to be differentiated. In the descriptions of speech acts given by Austin and Searle a perspective is assumed that presupposes having a full view of the available possibilities and what is in the minds of those involved in the performance of a speech act. In practice however such a God's eye view is not a reality and the speaker's or writer's perception of a speech act may differ in some important respects from that of the listener or reader. These differences are caused by the fact that in real-life communication and interaction they cannot be sure about the fulfilment of certain speech act conditions and as a consequence they will have different perspectives on the speech acts that have been performed. In the case of a question, for instance, the speakers or writers

may not know whether the listeners or readers are indeed capable of answering the question they have asked and the speakers or readers may not know whether the speaker or writer really wants to know the answer. In our amended version of speech act theory we therefore differentiated between the distinctive features of a speech act viewed from the perspective of the speaker or writer and the distinctive features of a speech act viewed from the perspective of the listener or reader.

Whereas the communicative acts performed in speech acts are aimed at achieving the communicative effect of understanding in the listener or reader, viewed as interactional acts these speech acts are aimed at achieving the interactional effect of acceptance.[4] Because communicative acts and interactional acts are always performed simultaneously by means of the same linguistic or other semiotic expression, they represent different dimensions of the same speech act rather than different speech acts. When speech acts are viewed as *interactional acts*, the focus is on how the speaker or writer intends to achieve a particular response from the listener or hearer based on the communicative act that is performed in the speech act. The interactional effect aimed for by performing the complex communicative act of argumentation is, for instance, that due to their understanding of the argumentation the addressees get convinced of the acceptability of the standpoint at issue.

Being convinced can be seen as the optimal interactional effect aimed for in advancing argumentation, but in actual practice it is usually hard to establish when exactly the psychological state of being convinced has been achieved. In principle, it is easier to detect whether or not the listener or reader indicates that the interactional effect has been achieved that the standpoint at issue in the exchange has been accepted after the argumentation has been advanced, irrespective of whether this means that he or she is fully convinced in a psychological sense. Aiming for the achievement of the interactional effect of acceptance based on the communicative act performed in a speech act is in fact inherent in all interactional acts. In some cases, however, like in the case of argumentation and convincing, there exists a conventional relationship between performing a particular type of communicative act and trying to achieve a particular kind of interactional effect, so that there is a more or less fixed association between the communicative and the interactional dimension of the speech act.

2.4   Externalization of Argumentation Theory

In present-day rhetorical approaches to argumentation, but also in some approaches more generally known as discourse analysis, in the analysis and evaluation of argumentative discourse references are often made to what the arguer is supposed to have had in mind or felt when saying or writing something. This means that in such

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[4]For the sake of clarity we re-baptized the "perlocutionary acts" of Austin and Searle into "interactional acts".

cases these approaches are relying on somewhat speculative judgements concerning the motives or attitudes underlying the argumentative moves that have been made in the discourse. Such indulging in "psychologizing" is not desirable if we want to be able to hold analysts and evaluators to account for what they ascribe to the arguers. In principle it is not necessary either, because when they engage in argumentative discourse the arguers concerned may be regarded to put up their standpoints and other argumentative moves for public scrutiny. If they do not express their intentions explicitly and these intentions are not known otherwise, they may be supposed to have conveyed these intentions implicitly or indirectly. Anyway, the arguers can always be held to account for what they have communicated in the discourse.

Instead of starting from the motives and attitudes that the parties taking part in argumentative discourse may have, the theorizing about argumentation should focus on uncovering and explicating what exactly the arguers may be considered responsible for in making the argumentative moves they have made in the speech event in which they are engaged. Due to the way in which speakers and writers have expressed themselves in the communication and interaction with their listeners or readers, they have accumulated during the discourse certain commitments which represent the argumentative responsibilities they have undertaken. These commitments, which pertain to the propositions advanced and their communicative function, may result in particular interactional obligations. Speakers or writers who have advanced a standpoint, for instance, can be held to the acceptability of this standpoint and have an interactional obligation to defend it when challenged to do so by the listener or reader. This is why, in dealing with argumentative discourse, tracing the commitments acquired in the discourse is vital and their "externalization" is required.

As far as the commitments that can be ascribed to the parties have not already been proclaimed in the starting points of the argumentative discourse or have not been explicitly externalized in the discourse, they should be externalizable from what has been said or can be regarded as understood in the discourse. The first source for determining the commitments acquired by the parties in argumentative discourse is the oral or written text that is communicated in order to resolve a difference of opinion. If the parties involved have not externalized their commitments straightforwardly in the text, the context in which the speech act at issue has been performed constitutes a second source. Next to the linguistic "micro-context" preceding or following the speech act at issue, the context may consist of the situational "meso-context" in which the speech act is performed (e.g. conveying doubt when the listener casts a questioning look at the speaker who has just advanced a standpoint), the institutional "macro-context" of the communicative activity type in which the speech act occurs (e.g. a parliamentary debate) or the relevant "intertextual context" (e.g. the article defending the standpoint to which the text containing the speech act at issue responds). A third source for determining commitments consists of the logical and pragmatic inferences that can be made from the argumentative discourse, which may vary from logical presuppositions

and implications to pragmatic implicatures as described by Grice (1975).[5] A fourth
source is provided by the general background information available to everyone
who is part of the communicative community and sometimes also by specific
background information only available to those who are "in the know" about the
subject at issue, such as eye-witnesses or people who have the relevant expertise.

The main theoretical tool for describing the commitments acquired by the per-
formance of speech acts in argumentative discourse is, again, our amended version of
speech act theory. This amended theory makes it possible to describe the commit-
ments assumed by the arguers in the discourse precisely and systematically in terms
of conditions for the performance of communicative acts. The four types of condi-
tions distinguished by Austin and Searle are in pragma-dialectics divided into two
categories. First, as explained in Sect. 2.2, there are the "identity conditions", which
consist of the propositional content and essential conditions distinguished by Searle.
To make it possible to recognize of what type a communicative act is, its identity
conditions need to be fulfilled (e.g. by the speaker's emphatic expression of alle-
giance to a proposition about a future action on his part in the case of a promise), so
that the identity conditions can also be seen as "recognisability conditions". Second,
in addition to the identity conditions, there are the "correctness conditions", which
consist of the preparatory and the sincerity conditions distinguished by Searle. The
correctness conditions need to be fulfilled to make a speech act a correct performance
of a particular communicative act (e.g. the one who makes a promise needs to be
capable of realizing it and may be regarded to want to realize it). Since the correctness
of a communicative act depends not so much on the sincerity of the speakers or
writers (which is as a rule hard to verify anyway), but on their acceptance of the
responsibility for aiming to realize the point of the communicative act, we prefer to
refer to the sincerity condition as *responsibility condition*.

In externalizing argumentative discourse in pragma-dialectics the various moves
made in the discourse are described by formulating next to the identity conditions of
the communicative acts by which these moves are made also their correctness
conditions. In this way, all argumentative moves that play a constructive role in
resolving a difference of opinion can be defined by describing the identity-related
and the correctness-related commitments involved in performing the communica-
tive acts by which these moves are made. Communicative acts that play a crucial
role in argumentative discourse, such as for instance "accepting" and "doubting",
are then externalized by stating the specific and publicly assumed commitments that
have been undertaken in performing these communicative acts. In linking the
externalization of communicative acts thus realized with the interactional acts
associated with these communicative acts in the process of resolving a difference of
opinion, "accepting" can be defined interactively as giving the response that is
preferred by the other party to an arguable act, while "doubting" can be concep-
tualized as creating an opposition between the communicative act performed and a

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[5]For a theoretical approach to verbal communication and interaction integrating the Gricean
maxims with the speech act conditions, see van Eemeren and Grootendorst (1992: 49–55).

communicative act relating to the same proposition (or combination of proposi-
tions) in which a standpoint has been advanced.

Instead of being treated as being merely "internal" states of minds, or "mental
states", in pragma-dialectics notions such as "accepting" and "doubting" are in this
way defined in terms of the performance of specific verbal activities in the dis-
course. Starting from the externalizations thus achieved, other interactional acts
depending on communicative acts that are crucial to resolving a difference of
opinion by means of argumentative discourse can be conceptualized in the same
externalized vein. The interactional act of convincing, for instance, which is aimed
at achieving by means of the crucial communicative act complex of argumentation
the interactional effect of "being convinced", is in pragma-dialectics conceptualized
in an externalized way as performing the communicative act of accepting the
standpoint at issue in a difference of opinion based on the argumentation that has
been advanced in its support.[6]

2.5 Dialectification of Argumentation Theory

Discourse and conversation analysts dealing with argumentative discourse restrict
themselves as a rule to describing argumentation as it actually occurs in the com-
municative domains they are examining (e.g. Doury 2006). They tend to view
argumentative reality from an "emic" perspective, i.e. without starting from any
preconceived theoretical premises, staying in their theoretical observations as clo-
sely as possible to the way in which the phenomenon at issue is seen by the
participants in the discourse.[7] A similar descriptive approach is basically taken by
the "new rhetoricians" inspired by Perelman and Olbrechts-Tyteca and, in spite of
their divergent quantitative approach, also by "persuasion researchers" paying
attention to argumentation. However, if argumentation theory is to be instrumental
in improving argumentative practices, as we believe it should, limiting the research
merely to description will not do. In our view, next to a descriptive empirical
dimension, argumentation theory also has a normative critical dimension concen-
trating on what is required for argumentative discourse to be suitable for resolving a
difference of opinion on the merits.

Like other argumentation theorists interested in the normative dimension of
argumentation theory, pragma-dialecticians do not content themselves with just any
outcome of a difference of opinion, indifferently of the way in which this outcome
has been reached. Instead, they are interested in reaching an outcome that is based

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[6]For a discussion of the relationship between the communicative ("illocutionary") act complex of
argumentation and the interactional ("perlocutionary") act of convincing see van Eemeren and
Grootendorst (1984: 47–74), Jacobs (1987: 231–233) and van Eemeren (2010: 36–39).

[7]For a pragma-dialectical take on Pike's (1967) distinction between an "internal", participant-
centred *emic* approach to discourse and an "external", theory-driven *etic* approach, see van
Eemeren (2010: 137–138).

on the quality of the argumentative moves that have been made in the argumentative discourse, particularly the argumentation. This means that, in their view, it needs to be established what kind of reasonableness conditions the speech acts performed in the argumentative discourse need to comply with in order to function as argumentative moves that contribute constructively to the resolution of a difference of opinion. The normative approach required for this purpose must start from an external, "etic" perspective, inspired by an adequate philosophical conception of reasonableness: it has to provide a theoretical model of how the critical exchange of argumentation and other argumentative moves should be regulated in order to be instrumental in resolving a difference of opinion on the merits. This is why, in our view, in dealing with the subject matter at issue in argumentation theory, "dialectification" is required.

Dialectification means that argumentative discourse is viewed from the perspective of the theoretical ideal of a critical discussion aimed at resolving a difference of opinion on the merits and subjected to rules which incorporate all standards of reasonableness that need to be observed in the argumentative discourse for achieving this purpose. In order to realize a reasonable exchange of argumentative moves that leads to an outcome based on the quality of the argumentative moves that have been made, the regimentation of a critical discussion cannot be "geometrical" in the philosophical sense of guaranteeing that the argumentative moves that are made are always true and the connections between them are always logically valid. In argumentative discourse more often than not it is not the truth of standpoints or other speech acts that is at issue but their acceptability in a broader sense and it is not a final justification in terms of logically valid reasoning that is aimed for but a systematic checking of the tenability of the one party's argumentation against the other party's criticism. A regimentation that is "anthropological" in the philosophical sense will not do either, because it equates reasonableness completely with the acceptance of the argumentative moves that are made and the way in which the standpoint is supported by the intended addressees, without incorporating any external standards of quality. According to pragma-dialectics, the dialectification of argumentation theory requires a regimentation of the performance of the exchange of speech acts conveying argumentative moves that is "critical" in the philosophical sense, which is, in spite of incorporating some of their properties, fundamentally different from the geometrical and the anthropological reasonableness conceptions.

A critical regimentation based on a *critical rationalist* philosophy of reasonableness abandons aiming for a final justification of standpoints and replaces it by a systematic critical testing aimed at checking whether the standpoint at issue can be undermined.[8] Such testing may pertain to differences of opinion about descriptive standpoints but also to differences of opinion about evaluative or prescriptive standpoints. Next to trying to contradict a descriptive standpoint such as "In the Netherlands women work fewer hours than in any other country in Europe",

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[8]See, for instance, Popper (1972, 1974) and Albert (1975).

argumentation can for instance also be aimed at undermining the evaluative standpoint "The Godfather is the best movie that is ever made" or the prescriptive standpoint "Everyone should start swimming at least twice a week". In all cases the argumentative discourse conducted must comply with rules for critical discussion that prevent the process of resolving the difference of opinion on the merits from going astray. When taken together, these rules are to constitute a critical regimentation of argumentative discourse that provides a dialectical procedure for resolving a difference of opinion on the merits.

The dialectical procedure developed in the pragma-dialectical theory of argumentation consists of a set of rules for critical discussion that regulates the argumentative discourse in a reasonable way. This means that the procedure only allows for a critical exchange of speech acts which involve argumentative moves that contribute to resolving a difference of opinion and excludes all speech acts that prevent the difference of opinion from being resolved on the merits. The critical discussion procedure can be tested for its "problem-validity" as a dialectical procedure by checking whether all the rules that are included are indeed necessary and sufficient when taken together, not allowing for the occurrence of any argumentative move that is in any way fallacious.[9] Even if the rules for critical discussion do indeed further the resolution of a difference of opinion on the merits and exclude all fallacious obstacles and hindrances to the resolution process, these rules still need to be intersubjectively acceptable to the people involved in the difference of opinion to which they are applied in order to lay claim to the "conventional validity" that makes them effective in practice.

In pragma-dialectics some further amendments of speech act theory are made to create the basis for the desired dialectification of the treatment of argumentation as a communicative and interactional act complex. To begin with, the interactional effect of acceptance aimed for in the interactional act of convincing that is conventionally associated with performing the communicative act complex of argumentation is specified as follows: (1) it is an effect intended to be reached by the speaker or writer; (2) it is an effect based on understanding of the communicative act complex of argumentation by the listener or reader; (3) it is an effect resulting from rational considerations of a listener or reader who judges reasonably. In specifying the interactional effect aimed for in argumentation in this way, the interactional effect of convincing is defined as an externalizable inherent interactional effect of the conventionally associated pair argumentation/convincing that consists of the performance of the desired communicative act of acceptance by the listener or reader. In the process, we have distinguished clearly between, on the one hand, persuading listeners or readers in any way whatsoever and, on the other hand, convincing them by means of argumentation through appealing to their reasonableness. The dialectical procedure provided in the pragma-dialectical argumentation theory should make it possible to determine in argumentative discourse in all

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[9]A theory is problem-valid if it serves its purpose, i.e. proves to be capable of dealing with the problems it is supposed to deal with (Crawshay-Williams 1957; Barth and Krabbe 1982: 19–22).

(1) *Functionalization*

Treating argumentation only in structural terms as a complex of logical inferences or derivations does not do justice to the functional rationale of the design of the discourse. The theorizing about argumentation should concentrate in the first place on the specific functions that the speech acts put forward in argumentative discourse fulfil in managing disagreement. This is why, in dealing with the subject matter of argumentation theory, "functionalization" is required.

(2) S*ocialization*

When argumentation is viewed merely as the product of an individual thought process aimed at establishing the truth of a statement, the role of communication and interaction with others in arguing for the acceptability of standpoints is neglected. The dialogical character of the way in which the disagreeing parties attempt to resolve their difference of opinion is to be reflected in the theorizing about argumentation. This is why, in dealing with the subject matter of argumentation theory, "socialization" is required.

(3) *Externalization*

Linking argumentation to speculations about how the arguers think or feel is not desirable for reasons of accountability and it is not necessary either. The theorizing about argumentation should be directed at explicating what the parties can be held accountable for due to the things they have said in the discourse against a certain pragmatic background in a particular context. This is why, in dealing with the subject matter of argumentation theory, "externalization" is required.

(4) *Dialectification*

Restricting the treatment of argumentation to descriptions of the way in which it occurs in reality does not enable us to judge argumentative discourse critically for its contribution to resolving a difference of opinion on the merits. Doing the latter calls for a normative approach that starts from a theoretically-motivated external perspective on what is involved in a reasonable exchange of argumentative moves in a regulated critical dialogue. This is why, in dealing with the subject matter of argumentation theory, "dialectification" is required.

Fig. 2.1 Meta-theoretical principles involved in the pragma-dialectical theorizing

cases whether or not the argumentative moves that are made do indeed legitimize the realization of the interactional effect of acceptance.

In Fig. 2.1 we give an overview of the meta-theoretical principles that determine the methodological starting points of the pragma-dialectical theorizing.

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Chapter 3
A Model of a Critical Discussion

3.1 Resolving a Difference of Opinion on the Merits

In giving shape to the four meta-theoretical principles discussed in Chap. 2, the pragma-dialectical theory of argumentation was initiated in the 1970s and developed over the next four decades. Characteristically, it combines a communicative angle inspired by pragmatic insights from speech act theory and discourse analysis with a critical angle inspired by dialectical insights from critical rationalism. The primary goal of the theorizing is to create an adequate basis for improving methodically the analysis and evaluation as well as the oral and written production of argumentative discourse. The master plan developed for creating such a theoretical basis involved progressing systematically, step by step, from an abstract ideal of an argumentative exchange optimally suitable to resolving a difference of opinion on the merits to the complexities involved in the various kinds of real-life argumentative practices.

By way of explanation of the composition of this volume, we will start with a brief sketch of the six, sometimes overlapping phases that can be distinguished in the way in which the pragma-dialectical theory of argumentation has been developed and elaborated (van Eemeren and Wu 2017: 1–2). The first phase, involving the *conceptualization*, is expounded in this chapter and the first part of Chap. 4. It was devoted to laying the philosophical and theoretical foundations of pragma-dialectics and shaping the research program (van Eemeren and Grootendorst 1984, 2004). The second phase, discussed in the second part of Chap. 4, focused on the *validation* of the pragma-dialectical theory by testing its proclaimed capability of excluding the fallacies (van Eemeren and Grootendorst 1992). The phase of *empiricalization*, dealt with in Chap. 5, included qualitative research as well as experiments aimed at determining the empirical basis of certain major theoretical concepts and standards

This chapter is primarily based on van Eemeren and Grootendorst (1992: 13–43, 94–102) and van Eemeren et al. (2007: 17–19).

developed in pragma-dialectics (van Eemeren et al. 2007, 2009). The next phase, at issue in Chap. 6, was aimed at enabling *externalization* of the explicit and implicit commitments of the parties involved in the resolution process by developing the analytic instruments required for a reconstructive analysis of their argumentative discourse (van Eemeren and Grootendorst 1992; van Eemeren et al. 1993; Snoeck Henkemans 1997). In the fifth phase, dedicated to the *instrumentalization* of the theory for tackling argumentative practices and discussed in Chap. 7, a rhetorical dimension was integrated into the dialectical theoretical framework in order to account for the intricate combination of pursuing effectiveness with maintaining reasonableness that is characteristic of argumentative discourse (van Eemeren 2010). In the sixth phase, dealing with *contextualization* and reported in Chaps. 8 and 9, the gradual inclusion of more and more complexities of argumentative reality was brought to completion by examining the way in which both the process and the product of argumentative discourse are influenced by the institutional preconditions of the argumentative practice in which the discourse takes place (van Eemeren and Wu Ed. 2017; van Eemeren Ed. 2017).

In the various phases of the development of pragma-dialectics recapitulated in this and the following chapters of this volume, all the efforts have been concentrated on solving the various kinds of problems involved in using argumentative discourse for resolving a difference of opinion on the merits. This means that the notion of resolving a difference of opinion on the merits is a defining concept in the establishment of the pragma-dialectical theory. In our parlance it can be said that a resolution of a difference of opinion has been reached when the argumentative discourse has resulted in agreement between the parties involved in the difference on whether or not the standpoint at issue is acceptable. This means that either the party that was initially not yet convinced of the acceptability of the standpoint has now accepted it or that the party that offered a defence of the standpoint has now withdrawn this standpoint because the argumentation advanced could not stand up to the other party's criticism.

A difference of opinion has only been resolved "on the merits" when the resolution is achieved in a reasonable way by means of argumentative discourse. This means that the argumentative discourse conducted to reach a resolution should be in complete agreement with the standards of reasonableness applying to a full-fledged "critical discussion". The abstract notion of a critical discussion has been introduced in pragma-dialectics to represent the theoretical ideal of an argumentative discourse optimally instrumental in putting the acceptability of the standpoint at issue in the difference of opinion to the test. Resolving a difference of opinion on the merits is not identical with "settling" a dispute about the acceptability of the standpoint at issue. Such a settlement may also be brought about while no resolution based on the argumentative discourse has been reached by the parties. The difference might have been put to an end, for instance, by leaving the verdict to a third party or by casting votes or even by drawing lots.

To clarify what is involved in resolving a difference of opinion on the merits by means of argumentative discourse, the theoretical notion of a critical discussion is in the pragma-dialectical theory of argumentation given shape in an ideal model

that specifies the various stages that are to be distinguished in the resolution process and the types of speech acts conveying the argumentative moves that are in each of these stages instrumental in the resolution process. In a critical discussion the parties involved in a difference of opinion undertake a concerted effort to reach agreement about the acceptability of the standpoint at issue by finding out whether the one party's standpoint is tenable against the other party's doubts and criticisms in light of the mutually accepted starting points.[1]

To enable parties involved in differences of opinion to achieve their purpose of testing the standpoints at issue for their tenability, a dialectical procedure for regulating a critical discussion was to be designed that deals not only with the inference relations between premises and conclusions but covers all speech acts that play a part in determining the acceptability of a standpoint. Pivotal in such a dialectical procedure aimed at methodically resolving differences of opinion on the merits is that it enables the parties to reach decisions about the acceptability of the standpoints discussed, so that at the end of the discussion it is clear whether a standpoint or critical doubt about it can be reasonably maintained. The model of a critical discussion we are going to explain is a template of such a dialectical procedure that is based on the four meta-theoretical principles explained in Chap. 2.

The ideal model of a critical discussion does not represent a utopia but a theoretically motivated idealization. This means that it is designed to provide a clear and complete overview of all argumentative moves that are vital to resolving a difference of opinion on the merits by means of argumentative discourse. The model must be suitable to serve as a point of reference in analysing and evaluating oral and written argumentative discourse and in acting out its production. The model of a critical discussion we have developed therefore provides a perspective on argumentative discourse that indicates which kinds of speech acts are instrumental in the various stages of a critical discussion and need to be taken into consideration in reflecting upon what is involved in resolving a difference of opinion on the merits by means of argumentative discourse. In this way the model can serve heuristic and analytic functions in dealing with the problems arising in reconstructing the argumentative functions of the various kinds of speech acts performed in argumentative discourse, in determining the relevance of these speech acts for resolving a difference of opinion and in preparing arguers for constructive participation in argumentative discourse. In addition, by providing a coherent set of standards for determining to what extent the various contributions made in the argumentative discourse deviate from a course conducive to resolving a difference of opinion on the merits, the model of a critical discussion also serves a critical function. When it is clear how the heuristic, analytic and critical functions of the model of a critical discussion can be duly exploited, a sound basis is created for developing practical guidelines for a methodical improvement of the quality of argumentative practices.

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[1]In line with the critical rationalist perspective, testing the tenability of a standpoint by means of a critical discussion involves in the first place trying to detect inconsistencies between the standpoint at issue and the arguer's other commitments (Albert 1975: 44).

3.2 Stages in the Resolution Process

A critical discussion in accordance with the ideal model consists of four stages: the "confrontation stage", the "opening stage", the "argumentation stage" and the "concluding stage". These stages correspond with the different phases an argumentative discourse must pass through for resolving a difference of opinion on the merits. Each of these phases is indispensable in an argumentative discourse that is to lead to deciding in a reasonable way whether or not the standpoint at issue is acceptable. Since the model of a critical discussion is an ideal model, it should be borne in mind that in actual argumentative discourse, even if it is conducted in a perfectly constructive way, not all four stages distinguished in the model need to have been externalized, let alone that it is necessary that in the discourse all four stages are carried out fully explicitly, at one go and in the order indicated by the model.

A critical discussion is initiated by a confrontation stage in which a difference of opinion manifests itself in the opposition between a standpoint and non-acceptance of this standpoint—or in the opposition between more standpoints and non-acceptance of these standpoints. If there is no such confrontation, there is no difference of opinion to be resolved, so that there is no need for having a critical discussion.

In argumentative discourse as it occurs in argumentative reality the confrontation stage corresponds with the initial situation that manifests itself in those parts of the discourse in which it becomes clear that there is a standpoint that meets with real or projected doubt or contradiction, so that a difference of opinion arises or may be expected to arise. There is already a difference of opinion as soon as someone has a standpoint that is not shared by someone else. This does not necessarily mean that the one who does not share the standpoint automatically takes the opposite standpoint (as would be the case in a "mixed" difference of opinion).[2] This person can also be merely in doubt about the acceptability of the standpoint. A presumption of doubt can be already enough reason for advancing argumentation to defend a standpoint.

In the opening stage of a critical discussion the procedural and the content-related material commitments that are to be in force during the discussion are identified, including the division of the discussion roles of protagonist and antagonist between the participants. In the opening stage the protagonist is supposed to undertake the obligation to defend the standpoint at issue while the antagonist assumes the obligation to respond critically to this standpoint and to the protagonist's defence. If there are more standpoints at issue in a difference of opinion, a certain participant in the discussion can take on the role of protagonist of some of these standpoints and the role of antagonist of other standpoints, so that the various standpoints at issue may have different protagonists. Having the role of antagonist may coincide with taking on the role of protagonist of another, contrary or even contradictory standpoint, but this need not be the case.[3]

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[2]See van Eemeren and Snoeck Henkemans (2016: Chap. 1).

[3]See for these distinctions van Eemeren and Grootendorst (1992: 13–25).

In argumentative discourse as it occurs in argumentative reality the opening stage corresponds with those parts of the discourse in which the parties involved determine the common starting points on which their exchange will be based and adopt the roles of protagonist and antagonist. Only if some such shared point of departure has been explicitly or implicitly established or silently accepted by the parties does it make sense to undertake an attempt to resolve a difference of opinion by means of argumentation.[4] If there is no point of departure that creates possibilities for a constructive exchange of views, having a critical discussion is futile.

In the argumentation stage of a critical discussion the protagonist defends the standpoint at issue systematically by means of argumentation against the doubts and other critical responses of the antagonist. If the antagonist is not yet convinced by the protagonist's argumentation, further argumentation from the protagonist can be elicited by the critical reactions of the antagonist, and the need for doing so can repeat itself in the discussion. As a consequence, the structure of the protagonist's argumentation, which can also remain simple, will contain "multiple" argumentation, "coordinative" argumentation, "subordinative" argumentation or even a combination of such structures and thus become complex.[5]

In real-life argumentative discourse the argumentation stage manifests itself in those parts of the discourse in which the antagonist reacts critically to the protagonist's standpoint or the way in which it is supported by the protagonist's argumentation and the protagonist advances argumentation to overcome the antagonist's doubts concerning the acceptability of the standpoint or to respond to criticisms that have been advanced (or may be expected to be advanced) by the other party. Irrespective of whether this critical exchange is carried out fully explicitly or partly implicitly, advancing argumentation to overcome doubt and other criticism and judging the argumentation critically for its acceptability are always crucial to resolving a difference of opinion on the merits. If no argumentation is advanced and no critical appraisal of this argumentation is given, there is no critical discussion and the difference of opinion will remain unresolved. Because of its crucial role in the resolution process, the argumentation stage is sometimes without any further ado identified with a critical discussion, but for resolving a difference of opinion on the merits the other stages are equally indispensable, so that in argumentation theory these other stages too need to be duly taken into account.

In the concluding stage of a critical discussion the protagonist and the antagonist determine whether the protagonist's standpoint has been properly defended against the critical responses of the antagonist. If this proves not to be the case and the protagonist's standpoint has to be withdrawn, the difference of opinion is resolved in favour of the antagonist. If the standpoint has been properly defended by the protagonist and the antagonist's doubts have to be retracted, it is resolved in favour

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[4]For an argumentative exchange in which this precondition has clearly not been fulfilled, see van Eemeren et al. (1993: 142–169).

[5]For the different kinds of argumentation structures, see van Eemeren and Grootendorst (1992: 73–89) and Snoeck Henkemans (1997).

of the protagonist. As long as the parties do not draw any conclusion about the result of their attempt to resolve a difference of opinion, no real completion of the critical discussion has been reached.

In the counterpart of the concluding stage in actual argumentative discourse in which the outcome is determined, the concluding stage corresponds with those parts of the discourse in which the parties determine what outcome has been reached by their attempt to resolve their difference of opinion. If they do not agree about the outcome, the difference of opinion has not been resolved.

After the concluding stage has been completed, the critical discussion of the standpoint at issue that was conducted is over. This does not mean however that the same participants cannot embark upon a new critical discussion by way of another argumentative discourse. Whatever outcome of a critical discussion may have been reached, i.e. whether the standpoint of the protagonist or the doubt of the antagonist has prevailed or no definite outcome has been reached, in principle the outcome never precludes that the people involved in the difference of opinion start a new critical discussion—by themselves or together with others. In actual argumentative practices however reopening the discussion may for various kinds of reasons sometimes be impossible or considered undesirable. If a new critical discussion is indeed started, that new discussion may concern a difference of opinion that is considerably or even entirely different from the original one, but it may also pertain to an only slightly altered version of the original difference. In this endeavour the starting points and the discussion roles of the participants may remain the same, but the point of departure constituted by the procedural and the material starting points of the discussion may also be different. In any event, and this is most important to our present exposé, in order to lead to a reasonable resolution of the difference of opinion concerned, the new critical discussion needs to go again through exactly the same discussion stages—from confrontation stage to concluding stage.

3.3 Argumentative Moves as Speech Acts in a Critical Discussion

After we have distinguished between the four stages of a critical discussion we are now going to indicate which argumentative moves are instrumental in the various stages in achieving the aim of resolving a difference of opinion on the merits and by means of which types of speech acts these argumentative moves can be realized in argumentative discourse. In indicating which types of speech acts are most suitable for making the argumentative moves that are crucial to resolving a difference of opinion on the merits we will start from the classification of speech acts developed by Searle (1979: 1–29). It is important to emphasize in advance that we will focus on the speech acts that explicitly convey the argumentative moves contributing constructively to conducting a critical discussion. In real-life argumentative discourse in a great many cases these argumentative moves will be realized by less

explicit speech acts or even indirectly by other types of speech acts. As we will explain in Chap. 6, in such cases a reconstructive analysis of the argumentative discourse needs to take place.

The first type of speech acts that is distinguished consists of the so-called *assertives*. Assertives always involve a claim to the acceptability of the propositions they relate to. The claim to acceptability made in an assertive may depend on the truth of the proposition concerned ("The Hague is not the capital of The Netherlands") but also on its acceptability in a wider sense ("Bernard Haitink is the greatest director of our time"). The communicative act of "asserting", by which the speaker or writer claims the truth of a proposition, is the most outspoken prototype of an assertive ("I assert that logic and rhetoric do not go together"). Other assertives are, for instance, "claiming" ("I claim that logic and rhetoric do not go together"), "stating" ("I state that logic and rhetoric do not go together"), "assuring" ("I assure you that logic and rhetoric do not go together"), "supposing" ("I suppose that logic and rhetoric do not go together"), "denying" ("I deny that logic and rhetoric do go together") and "conceding" ("I concede that logic and rhetoric do not go together"). The commitment to a proposition expressed in an assertive may vary from very strong, as in the case of an assertion or statement, to fairly weak, as in the case of a supposition.

In a critical discussion all kinds of assertives have a constructive function because they contribute to resolving a difference of opinion on the merits. In the confrontation stage assertives can be used to express a standpoint, in the argumentation stage to convey argumentation in defence of a standpoint and in the concluding stage to establish a conclusion. The assertives used in establishing a conclusion come in two variants: it can emerge that the standpoint at issue in the discussion can be upheld ("I therefore maintain my standpoint"), but it may also be necessary to retract this standpoint ("Therefore I do not maintain this standpoint"). In the first case the positive variant of the assertive communicative act is used; in the second case the negative variant.

Directives are a second type of speech acts that deserves our attention. Directives involve an attempt to make the addressee do what is expressed in the propositions they relate to. A prototype of a speech act that is a directive is the communicative act of "ordering". Like most other directives, this communicative act requires the speaker or writer to be in a special position *vis-à-vis* the listener or reader. "Tell me your view", for example, can only be an order if the speaker who expresses himself or herself in this way happens to be in a position of authority with regard to the addressee—otherwise it is an invitation or a request. A question is a directive that can be viewed as a special form of request, because it is a request for a verbal act: the answer. Other examples of directives are the communicative acts of "challenging" ("I challenge you to tell me your view"), "recommending" ("I recommend you to tell me your view"), "begging" ("I beg you to tell me your view") and "forbidding" ("I forbid you to tell me your view").

In a critical discussion not all directives have a constructive function because not all of them contribute to resolving a difference of opinion on the merits. The directives that do have a constructive function can occur in all four stages when they convey argumentative moves that consist of requesting the other party to clarify a move that this party has made. In the opening stage the constructive role of directives can consist in making the argumentative move of challenging the party that has advanced a standpoint to defend this standpoint. In the argumentation stage directives can be used constructively in requesting a party that has agreed to defend a standpoint to provide argumentation in support of this standpoint. Directives such as prohibitions and unilateral orders do not have a constructive function in a critical discussion. Another restriction is that a party that has advanced a standpoint cannot be challenged to do anything else than give argumentation for this standpoint—a challenge to start a fight, for example, is out.

Commissives are the third category of speech acts to be included in our considerations. By means of a commissive the speaker or writer concerned undertakes a commitment *vis-à-vis* the listener or reader to do something or to refrain from doing something. A prototype of a commissive that has been extensively discussed in speech act theory is the communicative act of "promising". By means of a promise the speaker or writer explicitly undertakes to do something or not to do something: "I promise you that I will get back to this point later". Other commissives are, for instance, "accepting" ("I accept that you will get back to this point later"), "rejecting" ("I reject your getting back to this point later") and "agreeing" ("I agree to your getting back to this point later").

In a critical discussion commissives can fulfil various constructive roles. They are used in the confrontation stage for accepting or not accepting a standpoint. In the opening stage commissives are means for jointly deciding to start a discussion, for agreeing to take on the discussion roles of protagonist and antagonist and for agreeing on the discussion rules that are to be maintained. In the argumentation stage commissives are used for accepting the challenge to defend a standpoint and for accepting or (in the negative variant) not accepting argumentation. If this proves to be relevant, after a critical discussion has been concluded the parties involved in the discussion can also make use of commissives to decide jointly to start another discussion. As will be clear from the various constructive uses of commissives just mentioned, in the case of some commissives, such as the commissive of agreeing on the discussion rules, a special precondition is that they can only be performed in cooperation with the other party.

A fourth type of speech acts consists of the *declaratives* (Searle speaks of *declarations*). Declaratives are speech acts by means of which the speaker or writer calls a particular state of affairs into being. If, for example, an employer addresses one of the employees with the words "You are fired," the employer actually makes the words spoken a reality instead of just describing a state of affairs. Declaratives are usually bound to a specific institutionalized context in which particular people

are qualified to perform certain declaratives. The declarative "I open the meeting", for instance, is only effective if the "I" is the chair of the meeting. In a critical discussion such declarative have no constructive role to fulfil.[6]

There is a special subtype of the declaratives however that consists of the so-called *usage declaratives*, which regulate linguistic usage, and they have a constructive role in resolving a difference of opinion on the merits.[7] The main purpose of usage declaratives is to facilitate or increase the listener's or the reader's understanding of other speech acts by clarifying how these speech acts are to be understood. Examples of usage declaratives are the (complex) communicative acts of "definition", "precization", "explication" and "amplification". Usage declaratives do not require any special kind of institutional relationship between the participants in the discourse involved.

In a critical discussion usage declaratives conveying argumentative moves that clarify the meaning of the speech acts performed in the argumentative discourse may be performed (and requested) in any stage. In the confrontation stage, for instance, usage declaratives may be of help in unmasking a spurious dispute, in the opening stage in removing uncertainty regarding the discussion rules, in the argumentation stage in preventing premature acceptance or non-acceptance, and in the concluding stage in precluding an ambiguous outcome. Usage declaratives are the only declaratives that can play a role in the resolution of a difference of opinion on the merits.

A fifth type of speech acts in Searle's categorization, the *expressives*, consists of speech acts by means of which speakers or writers express how they feel about something, as in uttering disappointment and thanking someone. Highly conventionalized examples of communicative acts belonging to the expressives are "Congratulations!" and "Thanks very much". Other expressives are the communicative acts of "commiserating", "regretting", "condoling" and "greeting". Although expressives may affect the course of the resolution process positively (or negatively) by influencing the participants' moods, they do not play a constructive role in a critical discussion by explicitly conveying argumentative moves that are instrumental in resolving a difference of opinion on the merits.[8]

In Fig. 3.1 an overview is given of the communicative acts that play a constructive role in making argumentative moves in the various stages of a critical discussion by contributing immediately to resolving a difference of opinion on the merits.

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[6]Although declaratives do not lead to a resolution of a difference of opinion, due to their dependence on the authority of the speaker or writer in a certain institutional context they can sometimes lead to a settlement, as when a judge pronounces a verdict in a law case. Such a settlement can be to a large extent based on a reasonable argumentative exchange.

[7]The subcategory of the usage declaratives is introduced by van Eemeren and Grootendorst (1984: 109–110).

[8]In Chap. 6 we will explain why in certain cases expressives nevertheless need to be taken into account in analyzing argumentative discourse because they indirectly convey constructive argumentative moves.

I CONFRONTATION STAGE	
Expressing a standpoint	ASSERTIVE
Accepting/not-accepting a standpoint	COMMISSIVE
[Requesting a usage declarative]	[DIRECTIVE]
[Defining, specifying, amplifying etc.]	[USAGE DECLARATIVE]
II OPENING STAGE	
Challenging to defend a standpoint	DIRECTIVE
Agreeing on discussion rules and premises	COMMISSIVE
[Requesting a usage declarative]	[DIRECTIVE]
[Defining, specifying, amplifying etc.]	[USAGE DECLARATIVE]
III ARGUMENTATION STAGE	
Requesting argumentation	DIRECTIVE
Advancing argumentation	ASSERTIVE
Accepting/not-accepting argumentation	COMMISSIVE
[Requesting a usage declarative]	[DIRECTIVE]
[Defining, specifying, amplifying etc.]	[USAGE DECLARATIVE]
IV CONCLUDING STAGE	
Accepting/not-accepting a standpoint	COMMISSIVE
Upholding/retracting a standpoint	ASSERTIVE
Establishing the result of the discussion	
[Requesting a usage declarative]	[DIRECTIVE]
[Defining, specifying, amplifying etc.]	[USAGE DECLARATIVE]

[…] = speech act conveying an optional argumentative move

Fig. 3.1 Stages, argumentative moves and distribution of speech acts in a critical discussion

3.4 Profiles of Dialectically Relevant Argumentative Moves

The model of a critical discussion we have just expounded provides an overview of the argumentative moves that are crucial for resolving a difference of opinion on the merits in the various stages of a critical discussion. The overview that is provided is general in the sense that it concentrates on the resolution of a simple difference of opinion that is "non-mixed" and "single"; if the argumentative situation at issue calls for it, it needs to be extended. Unlike in a "mixed" difference of opinion, in a non-mixed difference of opinion only one of the parties has a standpoint and acts as the protagonist of that standpoint. Unlike in a "multiple" difference of opinion, the standpoint at issue in a single difference pertains to only one proposition.

The overview provided is also general in the sense that it does not specify exactly which options for making argumentative moves are available to each of the parties at a certain point in the resolution process and what precisely the possible follow-ups would be if a particular option is chosen. In order to specify these

options, we have introduced the notion of a "dialectical profile".[9] Such a dialectical profile provides a track overview of the various possibilities for making an argumentative move that each of the parties can choose from in a well-defined argumentative situation. The profile is dialectical because it includes only the options for making an argumentative move that are relevant to resolving a difference of opinion on the merits, i.e. that are dialectically reasonable.

The overview provided in a dialectical profile zooms as it were in on the dialectically relevant choices the parties in a critical discussion are allowed to make in a particular argumentative situation. Such an argumentative situation may occur at the very start of a critical discussion in the confrontation stage, but also after the procedural and material starting points in the opening stage have been established, when a certain type of argumentation has been advanced in the argumentation stage, or at any other point in the discussion. The series of consecutive argumentative moves that are distinguished as reasonable follow-ups in a dialectical profile constitute the "dialectical routes" that are available to the parties in the argumentative situation concerned.
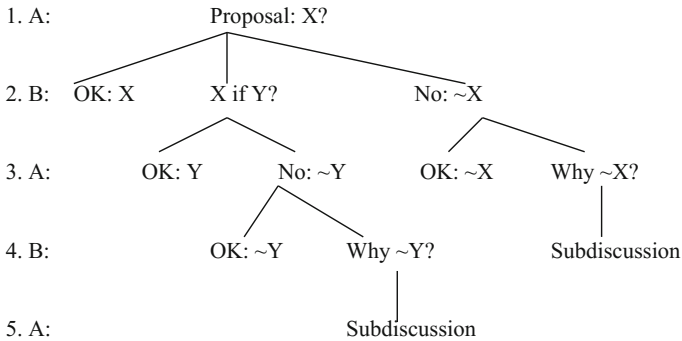
The dialectical routes that are the reasonable options distinguished in the dialectical profiles specify the argumentative moves that can be instrumental in realizing the specific tasks of the parties at a particular point in a particular stage or sub-stage in the process of resolving a difference of opinion on the merits. They are specifications of the various series of dialectically relevant moves that can be made in the empirical counterpart of the (sub)stage of a critical discussion to which the dialectical profile pertains in the argumentative discourse. Dialectical profiles portraying the routes available to the participants are a useful starting point for carrying out empirical research into actual argumentative discourse.

In empirical research aimed at investigating certain characteristics of actual argumentative discourse, such as the verbal and contextual indicators in argumentative discourse of the argumentative moves that are made, dialectical profiles can be used as a heuristic design in trying to identify the nature of the argumentative moves that are made in the speech acts carried out in the various parts of the discourse (see van Eemeren et al. 2007). In certain cases institutional requirements will play a part in the identification of argumentative moves. As will be explained in Chap. 8 of this volume, in such research contextual considerations therefore also need to be taken into account.

By way of example of what a dialectical profile is like, we will discuss the dialectical profile of establishing a starting point in the empirical counterpart of the opening stage of a critical discussion. In the parts of the argumentative discourse where such starting points are established the participants involved aim to come to an agreement about the procedural and material point of departure of their exchange. In actual argumentative discourse accepting a starting point is regularly

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[9]See van Eemeren and Houtlosser (2007) and van Eemeren et al. (2007: 17–19). Although they have a different meaning, the dialectical profiles are inspired by Walton and Krabbe's "profiles of dialogue" (Walton 1999: 53; Krabbe 2002).

accompanied by imposing certain restrictions on the acceptance: accepting starting point X is then, for instance, preceded by the requirement that precondition Y is accepted first. For the sake of realism, we therefore focus in our discussion of the dialectical profile of establishing a starting point on cases in which one of the options is making the acceptance of X dependent on the acceptance of Y. This is what our dialectical profile of establishing a starting point looks like:

```
1. A:                    Proposal: X?
                   ┌──────────┼──────────┐
2. B:   OK: X          X if Y?              No: ~X
                   ┌──────┴──────┐       ┌─────┴─────┐
3. A:        OK: Y        No: ~Y      OK: ~X     Why ~X?
                         ┌────┴────┐                 │
4. B:              OK: ~Y     Why ~Y?          Subdiscussion
                                │
5. A:                     Subdiscussion
```

A, B   = participant in argumentative discourse
X, Y   = speech act expressing an argumentative move
OK   = acceptable
?   = acceptable?
~   = no acceptance commitment

In this case the deliberation about a starting point starts with party A requesting party B in argumentative move 1 in some way or other to accept proposition X as a shared starting point (X?).

B can respond in argumentative move 2 by making in some way or other one of three different types of argumentative moves. The dialectical profile in Fig. 3.1 shows what these three options involve and what their follow-ups might be. In argumentative move 2, B can respond by accepting A's proposal to regard X as a shared starting point (OK: X) or by rejecting it as a starting point ($\sim$X). The third possibility, situated between acceptance and rejection, consists of B accepting X on the condition that Y is accepted first (X if Y?). The starting point can only be established in the case that B accepts in argumentative move 2 the proposed starting point X (OK: X).

In the case that B rejects in argumentative move 2 acceptance of the proposed starting point X, A can accept in argumentative move 3 this rejection right away (OK: $\sim$X) or ask B for a reason for the rejection (Why $\sim$X?). In the case that A accepts the rejection, X will not count as an accepted starting point. In the case that A asks B for a reason for the rejection, this may lead to a sub-discussion that is in argumentative move 4 opened by B (Sub-discussion).

In the case that B accepts in argumentative move 2 starting point X on the condition that Y is accepted first (X if Y?), there are two options for A in argumentative move 3. The first is that A accepts Y in argumentative move 3 (OK: Y). Then starting point X is also accepted. The second is that A does not accept Y in argumentative move 3 (No: ∼Y).

In the case that A does not accept Y in argumentative move 3, there are in argumentative 4 again two options for B. The first option is that B accepts the rejection of Y (OK: ∼Y). Then the proposed starting point X is also rejected. The second option is that B asks A in argumentative move 4 for a reason for the rejection of Y (Why ∼Y?). If the latter happens, this may lead to a sub-discussion about the unacceptability of Y which is opened in argumentative move 5 by A (Sub-discussion).

3.5 Dialectical Profiles of the Main Types of Argumentation

When it comes to defending a standpoint by means of argumentation, a focal point of argumentation theory, there are again all kinds of options. This is because the acceptability of a standpoint can be defended by the use of various types of argumentation. Each specific type of argumentation is characterized by having a particular argument scheme representing the relationship between the reason that is advanced and the standpoint that is defended. The argument scheme is supposed to legitimize the transfer of acceptability from the reason to the standpoint. If the argumentation that is advanced is complex, so that it consists of a plurality of reasons in support of a standpoint, each of the constituent justifications has its own argument scheme. In principle, the various argument schemes available for being used in resolving a difference of opinion and the way in which their use is to be evaluated are part of the joint starting points established by intersubjective agreement in the opening stage of a critical discussion.

As could be expected, in the pragma-dialectical theory of argumentation the rationale for distinguishing between argument schemes has both a pragmatic and a dialectical dimension. The pragmatic dimension relates to the kind of principle that legitimizes in an argument scheme the transfer of acceptance from the reason advanced to the standpoint that is defended. This is not a formal principle, as it is in establishing logical validity, but a pragmatic one, based on human experience. The dialectical dimension relates to the dialogical evaluation procedure that is to be chosen in order to deal adequately with the critical questions associated with the argument scheme that is used, i.e. to a specific cluster of dialectical routes in a dialectical profile. The critical questions involved are to be answered satisfactorily in order to legitimize the use of the argument scheme concerned.

The three main categories of argument schemes that have been distinguished in pragma-dialectics are utilized in "symptomatic" (or "sign") argumentation,

"comparison" (or "resemblance") argumentation and "causal" (or "consequence") argumentation. Symptomatic argumentation, to start with, is a type of argumentation in which an argument scheme is used that is based on the principle of something being symptomatic of something else, i.e. the one being a sign of the other. Symptomatic argumentation involves a relation of concomitance between the reason advanced and the standpoint defended (e.g. "Because Pinchao is a Chinese [and it is characteristic of Chinese people that they are diligent], he is bound to be diligent").

Comparison argumentation is a type of argumentation in which an argument scheme is used that is based on the principle of something being comparable to something else, i.e. the one resembling or being similar to the other. Comparison argumentation involves a relation of comparability between the reason advanced and the standpoint defended (e.g. "Camera surveillance in the Amsterdam metro will be effective because it is also effective in the London underground [and the situation in Amsterdam is comparable to the situation in London]").

Causal argumentation is a type of argumentation in which an argument scheme is used that is based on the principle of something being causal to something else, i.e. the one leading to or being instrumental to the other. Causal argumentation involves a relation of consequentiality between the reason advanced and the standpoint defended ("Because Alfonso has exercised very long [and exercising very long leads to tiredness], he must be tired").

Because the use of each of the argument schemes calls out its own set of critical questions, the three categories of argument schemes distinguished in pragma-dialectics are associated with specific dialectical routes in resolving a difference of opinion on the merits. The differences between the dialectical routes instigated by the use of symptomatic argumentation, comparison argumentation and causal argumentation are in the first place determined by the basic critical question that is connected with the category of argument schemes concerned, which relates to the (usually unexpressed) bridging premise that connects the non-bridging premise with the standpoint.

The basic critical question associated with the use of symptomatic argumentation is whether what is claimed in the standpoint (Y) is indeed a sign of what is stated in de reason advanced (X) (or whether what is stated in the reason (X) is indeed a token of what is claimed in the standpoint (Y)). In argumentation of this type, protagonist P defends standpoint Y (e.g. Chinese Pinchao is diligent [PD]) against antagonist A's doubt Y? (e.g. [PD?]) by advancing symptomatic argumentation X (e.g. Chinese people are diligent [CD]) and A responds critically by asking the basic critical question connected with symptomatic argumentation (e.g. whether being diligent is indeed characteristic of Chinese people [C//D?]), which will lead to an answer by P (e.g. [D//C: OK]) and may be followed by further discussion.

A simplified dialectical profile of symptomatic argumentation that only includes the just indicated dialectical route instigated by the basic critical question looks as follows:

1. P: Standpoint: Y [PD]

      |

2. A: Y? [PD?]

      |

3. P: Symptomatic argumentation: X [DC]

      |

4. A: Basic critical question: Is Y symptomatic of X?: (Y//X)? [D//C?]

      |

5. P: Answer to basic critical question: Y//X: OK [D//C: OK] (which may be followed by further discussion)

The basic critical question associated with the use of comparison argumentation is whether what is claimed in the standpoint (Y) is indeed comparable to what is stated in the reason advanced (X) (or whether what is stated in the reason (X) is indeed similar to what is claimed in the standpoint (Y)). In argumentation of this type protagonist P defends standpoint Y (e.g. Late-comer Vahid should not be allowed to participate [∼VP<VL]) against antagonist A's doubt Y? (e.g. [(∼VP<VL)?]) by advancing comparison argumentation X (e.g. Other people who did not meet the deadline in the past were not allowed to take part [∼OP<OL]), to which A responds by asking the basic critical question connected with comparison argumentation Y=X? (e.g. whether Vahid's being late is indeed comparable to other people not meeting the deadline in the past [VL=OL?], which leads to an answer: Y=X: OK (e.g. [VL=OL: OK]) and may be followed by further discussion. A simplified dialectical profile of comparison argumentation including only this dialectical route instigated by the basic critical question is as follows:

1. P: Standpoint: Y [~VP<VL]

      |

2. A: Y? [(~VP<VL)?]

      |

3. P: Comparison argumentation: X [~OP<OL]

      |

4. A: Basic critical question: is Y comparable with X?: Y=X? [VL=OL?]

      |

5. P: Answer to basic critical question: Y=X: OK [VL=OL: OK] (which may be followed by further discussion)

The basic critical question associated with causal argumentation is whether what is stated in the reason that is advanced (X) does indeed lead to what is claimed in the standpoint (Y) (or whether what is claimed in the standpoint (Y) indeed results from what is stated in the reason that is advanced (X)). In argumentation of this type, protagonist P defends standpoint Y (e.g. Alfonso must be tired [AT]) against antagonist A's doubt Y? (e.g. [AT?]) by advancing causal argumentation X (e.g. Alfonso has exercised very long [AE]), to which A responds by asking the basic critical question of causal argumentation (e.g. whether exercising very long does indeed always lead to great tiredness [(T<E)?] or, more precisely, [((x)xT<(x)xE)?], which leads to an answer (e.g. [T<E: OK] or [(x)xT<(x)xE: OK]) and may be followed by further discussion. A simplified dialectical profile of causal argumentation including only this dialectical route instigated by the basic critical question is as follows:

1. P: Standpoint: Y [AT]

    |

2. A: Y? [AT?]

    |

3. P: Causal argumentation: X [AE]

    |

4. A: Basic critical question: Does X lead to Y?: Y<X? [T<E? or ((x)xT<(x)xE)?]

    |

5. P: Answer to basic critical question: Y<X: OK [T<E: OK or (x)xT<(x)xE: OK]

    (which may be followed by further discussion)

Next to the basic critical question connected with the category of argument scheme that is utilized, there are still other critical questions associated with the use of a particular argument scheme. It depends on the specific subtype of the argumentation that is used, which other critical questions will be relevant. The context in which the argumentative discourse takes place determines how exactly these critical questions need to be specified, complemented or otherwise amended in order to be fully appropriate in the case concerned. Let's take the subtype of causal argumentation known as "pragmatic" argumentation as an illustration.

In pragmatic argumentation the prescriptive standpoint that proposal PRO should be carried out is defended by pointing out that carrying out PRO leads to desirable result RES.[10] Next to the basic critical question of causal argumentation (Does PRO indeed lead to RES?), in pragmatic argumentation the following critical

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[10]In the negative variant it is claimed that an action should *not* be carried out because it leads to an *un*desirable result.

questions become relevant: Is RES really desirable? Does PRO not have any major undesirable side-effects? Could RES not be achieved more easily or more economically by other actions than PRO? Would another result (ALT) not be even more desirable than RES? Could the negative side-effects of PRO not be prevented or suppressed?

When other subtypes of the three main types of argumentation are used, such as argumentation from authority in the case of symptomatic argumentation, in a similar vein other specific critical questions will need to be added to the basic critical questions connected with symptomatic argumentation, comparison argumentation and causal argumentation. The dialectical profiles and the dialectical routes described in these profiles will then be different.

Which critical questions exactly will be pertinent in a certain case and what shape they should take will partly depend on the institutional context in which the argumentative discourse takes place. In judging a particular argumentative discourse, the specific conventions of the various communicative practices determine to some extent which critical questions need to be asked and how. As will be explained in Chap. 8, in a plenary debate in the European Parliament, for instance, other critical questions will be pertinent to dealing with pragmatic argumentation and they will be substantiated differently than in the informal and only loosely regulated context of a personal chat between two friends about what they should do in the weekend.

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Chapter 4
Critical Discussion and the Identification of Fallacies

4.1 Maintaining Reasonableness in Argumentative Discourse

According to the critical rationalist philosophy of reasonableness favoured in pragma-dialectics, the reasonableness of argumentative discourse depends in the first place on its compliance with an appropriate critical testing procedure. In order to make it possible to judge in this way whether the argumentative discourse is up to standard, the ideal model of a critical discussion developed in the theoretical component of the research program is to give shape to the systematic critical testing of argumentative discourse through a dialectical procedure for testing the various argumentative moves performed in the discourse for their contribution to resolving a difference of opinion on the merits. This dialectical procedure needs to specify in terms of the argumentative moves that are allowed to be made in the various stages of the resolution process what maintaining reasonableness amounts to.

The dialectical procedure that is designed for conducting a critical discussion consists of a set of rules that regulate the argumentative discourse in the various stages of the resolution process in a constructive way. The rules incorporated in this procedure only allow for a critical exchange of speech acts which convey argumentative moves that contribute to resolving a difference of opinion on the merits. All the rules for critical discussion that are included in the procedure are supposed to be necessary and when taken together they are supposed to be sufficient for maintaining reasonableness. The problem-validity of this pragma-dialectical procedure for conducting a critical discussion, which is the proof of its appropriateness as a critical testing procedure, is determined by the fact that it promotes the resolution of

a difference of opinion on the merits by excluding all speech acts by which argumentative moves are made that prevent the resolution process from being carried out in a reasonable way.

Argumentative moves that are in some way seriously flawed are in argumentation theory traditionally designated as *fallacies*. Given the practical ambition of this discipline of guarding and improving the quality of argumentative discourse, the possibility of identifying and pinning down the fallacies can therefore be seen as the litmus test for any normative theory of argumentation. This is why we consider the capacity of the pragma-dialectical theory of argumentation to exclude argumentative moves that are in any way fallacious from being considered acceptable as the ultimate test of its problem-validity: following the rules of the pragma-dialectical discussion procedure would prevent the fallacies from coming into being. The fallacies discussed and condemned in the literature on argumentation are thus viewed as test cases of the maintenance of reasonableness in argumentative discourse.

Although already in antiquity Aristotle had studied and identified a number of fallacies as moves in a debate that are wrong from a dialectical perspective, over time the dialectical perspective was replaced by a more general logical perspective and other fallacies were added to the Aristotelian list. After the traditional "Standard Treatment" of the fallacies in logical textbooks had been severely criticised by Hamblin (1970) for it inconsistency with its own definition of the fallacies as arguments that seem valid but are in fact not valid, new theoretical developments started to take place. Constructive alternatives to the Standard Treatment were proposed by the Canadian logicians Woods and Walton (1989) by calling on more sophisticated formal systems in the treatment of the fallacies and later independently by Walton (1987, 1992, 2008) by promoting a pragmatic angle of approach. Inspired by the procedural rules of "formal dialectic" proposed in the formal dialogical approach developed by Barth and Krabbe (1982), we related in pragma-dialectics the fallacies systematically to the standards of reasonableness instrumental in resolving a difference of opinion on the merits incorporated in the pragma-dialectical rules of critical discussion, abandoning logical validity as the sole criterion for deciding about fallaciousness in the process (van Eemeren and Grootendorst 1984, 1992, 2004).

Unlike in the logical approaches, the point of departure in pragma-dialectics is that argumentative discourse can only be properly understood if it is viewed pragmatically as a predominantly verbal way of communicative interaction between two parties who are out to resolve a difference of opinion by conducting a critical discussion that is in agreement with dialectical standards of reasonableness. In examining the communicative interaction taking place in argumentative discourse between the protagonist and the antagonist of a standpoint, pragma-dialectics makes use of an ideal model of a critical discussion that is complemented by a set of rules specifying which types of speech acts are in the various stages of the discussion instrumental in resolving a difference of opinion on the merits. The discussion procedure constituted by these rules for critical discussion is claimed to be both problem-valid and to have the potential of being intersubjectively recognized as

conventionally valid. The claim to problem-validity is based on the fact that each of the rules included in the procedure can be shown to contribute in a specific way to the resolution process and to prevent certain fallacies from occurring.[1]

By providing a set of rules for judging the argumentative moves that are made for their contribution to resolving a difference of opinion on the merits, pragma-dialectics offers a coherent perspective on the conduct of argumentative discourse. In this perspective all fallacies are viewed as argumentative moves that are in some way or other prejudicial or harmful to the realization of the aim of a critical discussion. This means that the treatment of the fallacies is fully incorporated in a general theory of argumentation rather than viewed as part of an impossible enterprise such as developing a theory of errors. Only in this way can it be made clear that in each case the wrongness of a fallacy consists in being a specific impediment or hindrance to resolving a difference of opinion on the merits.[2] By connecting the fallacies in this way systematically with the rules of a critical discussion, they are in pragma-dialectics intrinsically related to the observation of critical standards of reasonableness.

In contradistinction with the logical validity standard, which only applies in the argumentation stage, the standards incorporated in the pragma-dialectical rules for critical discussion apply in all four stages of the resolution process and cover all the standards of reasonableness that need to be observed in argumentative discourse. Each of the rules for critical discussion contains in principle a distinct standard of reasonableness. In all stages of a critical discussion the protagonist and the antagonist of a standpoint at issue in a difference of opinion must therefore observe all the rules for the performance of speech acts instrumental in resolving the difference in the stages concerned. Any argumentative move that is an infringement of any of the rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of the difference of opinion and must therefore be regarded as fallacious in this sense.

4.2   Reasonableness in a Critical Discussion

A critical discussion can only be instrumental in finding out whether the protagonist's standpoint is capable of withstanding the antagonist's criticism if it proceeds in an adequate fashion. This requires a regulation of the argumentative interaction by rules of critical discussion that constitute together a problem-valid dialectical procedure which deserves to be accepted as conventionally valid by the discussants. A dialectical procedure suitable to promote the resolution of a difference of opinion

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[1]For the potential conventional validity of the rules for critical discussion, see Sect. 5.4.

[2]As long as the general principle of reasonableness has not been abandoned altogether, there is no a priori reason to assume that the occurrence of a fallacy necessarily means that the wrongness cannot be remedied, so that the critical discussion gets "re-railed" (van Eemeren 2015: 631–641).

on the merits must cover all speech acts that play a constructive role in the various stages of a critical discussion. The dialectical procedure for conducting a critical discussion that gives shape to the pragma-dialectical conception of reasonableness therefore specifies for each discussion stage when exactly the parties are entitled to perform a particular kind of speech act or are even obliged to do so.[3]

The dialectical procedure provides a constitutive regulation of a critical discussion as an ideal model of argumentative discourse. It makes clear how exactly on the abstract level of such an ideal model a critical discussion is to be conducted in order to resolve a difference of opinion on the merits. The rules for critical discussion that are formulated for this purpose define the conduct of argumentative discourse in all four stages of a critical discussion.

Rules 1–6 state regulations pertaining specifically to the confrontation stage, the opening stage and the argumentation stage. They enable discussants to discuss every standpoint they wish to discuss. They lay down the rights and duties connected with advancing standpoints or calling them into question. In addition, they make clear what kind of starting points need to be agreed upon and how standpoints may and may not be defended and attacked.

Rule 1

a. In the confrontation stage no special conditions apply to the propositional content of the assertives by which a standpoint is expressed or the negative commissives calling a standpoint into question;
b. No special conditions apply to the credentials of the discussants.

Rule 2

A discussant who has called a standpoint into question in the confrontation stage is in the opening stage always entitled to challenge the discussant who has advanced the standpoint to defend it.

Rule 3

Unless the other discussant is not prepared to agree on any shared premises and discussion rules in the opening stage, a discussant challenged to defend a standpoint is obliged to accept this challenge and retains this obligation as long as it is not retracted and the standpoint is not defended successfully on the basis of the agreed premises and discussion rules.

Rule 4

Unless the discussants agree otherwise, a discussant who has in the opening stage accepted the challenge to defend a standpoint will fulfil the role of protagonist and the challenger will fulfil the role of antagonist; the distribution of discussion roles is maintained throughout the discussion.

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[3]A full explanation of the pragma-dialectical rules for critical discussion can be found in van Eemeren and Grootendorst (2004: 123–157).

Rule 5

Before the start of the argumentation stage the discussants who act as protagonist and antagonist agree in the opening stage on the regulations concerning how the protagonist is to defend and the antagonist to attack the standpoint at issue and when the protagonist has defended it successfully and the antagonist has attacked it successfully; these regulations apply throughout the duration of the discussion.

Rule 6

a. In the argumentation stage a standpoint adopted in the main difference of opinion or in a sub-difference may always be defended by the protagonist by performing a complex speech act of argumentation, which then counts as a provisional defence of the standpoint at issue;
b. The antagonist may always attack a standpoint by calling the propositional content or the justificatory force of the argumentation into question;
c. The protagonist and the antagonist may not defend or attack a standpoint in any other way.

The consequences of Rules 1–6 for the defence and attack of a standpoint are laid down in Rules 7–9 by capturing the procedures supposed to have been agreed upon in the opening stage for evaluating argumentation. The *identification procedure*, introduced in Rule 7, involves determining whether a proposition that is called into question in the discussion is in fact identical to any of the propositions regarded to be jointly accepted starting points. A factual, normative or other kind of proposition that happens to be part of the mutually accepted point of departure, so that it serves as a shared premise, may not be called into question in the argumentative exchange.[4] To allow for new information to be used in the argumentative exchange, the parties need to agree on how they will determine whether a proposition containing new information is to be accepted. They may agree on consulting certain oral or written sources (dictionaries, encyclopaedias, reference works) or on going by certain (experimental or other) methods for checking the accuracy of the information.[5] They may also agree on having a "sub-discussion" in which it is determined whether a proposition that was initially not agreed upon can be accepted in the second instance.

Rule 7

a. The protagonist has successfully defended the propositional content of a complex speech act of argumentation if application of the identification procedure yields a positive result or the propositional content is in the second instance accepted by both parties as a result of a sub-discussion in which the protagonist has successfully defended a positive sub-standpoint regarding this propositional content.

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[4]If a proposition is part of the point of departure, it is during the discussion to be treated as an accepted starting point. This neither means that it is indisputable nor that it cannot be called into question in another discussion.

[5]Just like the list of accepted propositions is to be checked for its consistency, the methods chosen for determining the accuracy of information need to be scrutinized for their adequacy.

b. The antagonist has successfully attacked the propositional content of the complex speech act of argumentation if application of the identification procedure yields a negative result and the protagonist has not successfully defended a positive sub-standpoint regarding this propositional content in a sub-discussion.

Next there is the *inference procedure*, which is aimed at determining whether the reasoning involved in the argumentation of the protagonist (*proposition involved in the argumentation; therefore proposition involved in the standpoint*) is logically valid as it stands. The validity of the reasoning only needs to be evaluated if the reasoning has been fully externalized in the argumentation because if this is not the case the protagonist cannot be held committed to the claim that the soundness of the argumentation depends on its logical validity.

Generally the reasoning involved in argumentation is not fully externalized and in the way it is presented it will therefore not be logically valid. Then the question is whether the transfer of acceptability from the reasons advanced to the standpoint defended takes place by means of argument schemes that are admissible and have been used correctly. In order to determine in cases where it is unclear which argument scheme has been employed, in pragma-dialectics an *explicitization procedure* has been developed that is based on similar principles as the procedure for identifying unexpressed premises.[6] The explicitization proceeds from the "logical minimum" of what has been left unexpressed (*if reason advanced then standpoint*), via the "pragmatic optimum" the arguer can be held committed to in the context concerned (generalization/specification of the logical minimum), to one of the (subtypes of the) argument schemes described in Chap. 3.

Once the argument scheme that is employed in the protagonist's argumentation has been reconstructed, the *testing procedure* must be carried out to check whether the use of this argument scheme is admissible and whether it has been applied correctly. The testing procedure consists primarily of asking the critical questions that are associated with the use of the argument scheme concerned.[7] Intersubjective agreement on the use of the various argument schemes and the critical questions pertinent to the evaluation of their use is supposed to have been reached (as a rule implicitly) in the opening stage of the resolution process when the procedural starting points are determined.

Rule 8

a. The protagonist has defended the justificatory force of a complex speech act of argumentation successfully if application of the inference procedure or (after application of the explicitization procedure) the testing procedure yields a positive result.

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[6]For the procedure for identifying unexpressed premises, see van Eemeren and Grootendorst (1992: 60–68).

[7]As will be discussed in Chap. 8, there may be specific institutional conditions preventing or constraining the use of certain argument schemes.

b. The antagonist has attacked the justificatory force of the argumentation suc-
cessfully if application of the inference procedure or (after application of the
explicitization procedure) the testing procedure yields a negative result.

For a conclusive defence of the standpoint, *both* the propositional content of the
argumentation *and* its justificatory force must have been defended successfully by
the protagonist in accordance with the relevant evaluation procedures. For a con-
clusive attack on the standpoint, *either* the propositional content of the argumen-
tation *or* its justificatory force must have been attacked successfully by the
antagonist in accordance with the relevant evaluation procedures.[8]

Rule 9

a. The protagonist has defended the standpoint at issue or a sub-standpoint con-
clusively by means of a complex speech act of argumentation if both the
propositional content and its justificatory force called into question have been
defended successfully.
b. The antagonist has attacked the standpoint of the protagonist conclusively if
either the propositional content or the justificatory force of the complex speech
act of argumentation has been attacked successfully.

Rule 10–13 are aimed at making a critical discussion proceed in an orderly
fashion conducive to an efficient resolution of a difference of opinion.
Rule 10

Throughout the entire discussion the antagonist retains the right to call into question
both the propositional content and the justificatory force of every complex speech
act of argumentation that the protagonist has not yet defended successfully.

Rule 11

Throughout the entire discussion the protagonist retains the right to defend both the
propositional content and the justificatory force of every complex speech act of
argumentation that has not yet been defended successfully against every attack.

Rule 12

Throughout the entire discussion the protagonist retains the right to retract a
complex speech act of argumentation and thus remove the obligation to defend it.

Rule 13

a. The protagonist and the antagonist must in turn perform (complex) speech acts.
b. The protagonist and the antagonist may not perform more than one (complex)
speech act at a time.

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[8]A conclusive defence of a sub-standpoint does not automatically imply that the standpoint at issue
is conclusively defended, because the justificatory force of the main argumentation also needs to
be defended successfully. The same applies, *mutatis mutandis*, to the defence of sub-standpoints
with the help of sub-sub-standpoints, and so on.

c. During the discussion the protagonist and the antagonist may perform the same (complex) speech act with the same argumentative role only once.

Rule 14 contains provisions to regulate explicitly when the protagonist is obliged to retract the standpoint at issue and the antagonist is obliged to retract calling the standpoint into question in the concluding stage.

Rule 14

a. The protagonist is obliged to retract in the concluding stage the standpoint at issue if in the argumentation stage the antagonist has attacked it conclusively in accordance with rule 9 and has also observed the other discussion rules;
b. The antagonist is obliged to retract in the concluding stage the calling into question of the standpoint at issue if in the argumentation stage the protagonist has defended it conclusively in accordance with rule 9 and has also observed the other discussion rules;
c. In all other cases the protagonist is not obliged to retract the standpoint at issue nor is the antagonist obliged to withdraw the calling into question of the standpoint at issue.

Since it is crucial that they understand each other's speech acts, the parties must make an effort to formulate their argumentative moves in such a way that these moves are comprehensible to the other party and they must also make an effort to interpret the formulations of the other party's argumentative moves as they are intended. Where necessary they must be prepared to replace their formulations and interpretations by better ones. Discussants may therefore always request other discussants to perform usage declaratives such as amplification, specification, explanation or definition and they may always perform such usage declaratives if this seems necessary or when they are requested to do so.

Rule 15

a. At every stage of the discussion the discussants have the right to request the other discussants to perform a usage declarative and to perform usage declaratives themselves.
b. A discussant who is requested to perform a usage declarative is obliged to do so.

4.3   A Code of Conduct for Reasonable Argumentative Discourse

Based on the insights about reasonableness expressed in the dialectical procedure for conducting a critical discussion, a practical "code of conduct" has been developed for people who want to resolve their differences of opinion in a

reasonable way by means of argumentative discourse.[9] This code of conduct offers a simplified version of the rules for critical discussion, without their technical embedding in the theoretically-determined framework of the ideal model. It consists of ten basic principles which need to be maintained in argumentative discourse that is to be a suitable for resolving a difference of opinion on the merits. Because these principles are formulated as rules that are stated in terms of prohibitions, the ten rules of the code of conduct are often profanely referred to as the *Ten Commandments*.[10]

A difference of opinion cannot be resolved if it is, to begin with, not clear to the parties involved that there is a difference of opinion and what the difference involves. In a critical discussion the parties must therefore have ample opportunity to make their positions known. For this reason, advancing standpoints and doubting standpoints therefore need to be considered as basic rights in the confrontation stage of a critical discussion. The first rule of the code of conduct, called the *Freedom Rule*, is designed to ensure that standpoints and doubt regarding standpoints can be freely advanced: *Discussants may not prevent each other from advancing standpoints or from calling standpoints into question.*

A critical discussion remains stuck, and the difference of opinion cannot be resolved, if the party who has advanced a standpoint is not prepared to take on the role of protagonist of this standpoint. In order to prevent a critical discussion from foundering, it is therefore vital that discussants who have advanced a standpoint acknowledge in the opening stage an obligation to defend this standpoint if they are challenged to do so. The second rule of the code of conduct, the *Obligation to Defend Rule*, is designed to ensure that standpoints that are put forward and called into question are defended against critical attacks: *Discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so.*

A difference of opinion cannot be resolved if the standpoint at issue is distorted by the antagonist or the protagonist. This happens if the antagonist attacks a standpoint that is different from the standpoint advanced by the protagonist or if the protagonist defends a standpoint that is different from the standpoint the same protagonist has advanced earlier. In a critical discussion it needs to be ensured that the attacks and defences that take place in the argumentation stage relate correctly to the standpoint advanced by the protagonist. The third rule of the code of conduct, the *Standpoint Rule*, is designed to serve this purpose with respect to attacks by the antagonist: *Attacks on standpoints may not bear on a standpoint that has not actually been put forward by the other party.*

A difference of opinion cannot be truly resolved if the defence of the standpoint at issue is not based on argumentation, but merely on *ethos* or *pathos*,[11] and—as

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[9]The code of conduct presented in this section is based on van Eemeren and Grootendorst (2004: 190–196).

[10]Discussants can only be expected to observe these commandments if the "higher order conditions" for conducting a critical discussion have been fulfilled. See Chap. 1, note 5.

[11]Advancing argumentation, i.e. the use of *logos*, may be combined with the use of *ethos* or *pathos*, but should not be replaced by it.

pointed out above—neither can it be resolved if the argumentation that is advanced by the protagonist does not support the standpoint that is defended. In order to resolve a difference of opinion on the merits, in a critical discussion the defence of standpoints must therefore always take place by means of argumentation and this argumentation must be relevant to the standpoint at issue. Rule 4 of the code of conduct, the *Relevance Rule*, is intended to serve this purpose: *Standpoints may not be defended by non-argumentation or argumentation that is not relevant to the standpoint.*

A difference of opinion cannot be resolved on the merits if the protagonist withdraws from the obligation to defend an unexpressed premise in the argumentation by evading responsibility for it, or if the antagonist misrepresents an unexpressed premise by exaggerating or restricting the scope of the premise that has been left unexpressed. In a critical discussion protagonists must accept their responsibility for all elements left implicit in their argumentation and antagonists have to stick to the responsibility that can be assigned to the protagonist on the basis of a careful reconstruction of what is concealed. Rule 5 of the code of conduct, the *Unexpressed Premise Rule*, therefore ensures that implicit elements in the argumentation are treated seriously by both parties: *Discussants may not falsely attribute unexpressed premises to the other party, nor disown responsibility for their own unexpressed premises.*

In order to resolve a difference of opinion on the merits, in defending standpoints by means of argumentation and in attacking argumentation the starting points of the discussion must be used in a proper way. Nothing may be treated as an accepted starting point if in fact it is not, and no accepted starting point may be denied. Otherwise it becomes impossible for a protagonist to defend a standpoint conclusively and for an antagonist to attack a standpoint successfully starting from the commitments the parties have accepted. Rule 6 of the code of conduct, the *Starting Point Rule*, is therefore aimed at ensuring that the starting points agreed upon in the opening stage are used properly in the argumentation stage: *Discussants may not falsely present something as an accepted starting point or falsely deny that something is an accepted starting point.*

If the reasoning underlying the argumentation that is advanced in defence of a standpoint is invalid in a logical sense, the difference of opinion cannot be resolved on the merits. All reasoning in a critical discussion that is presented as being fully explicit, and hence as logically valid by itself, therefore needs to be checked for its logical validity. If the reasoning underlying the argumentation is not presented as fully explicit, it does not make sense to carry out such a check, because when taken literally the reasoning as it is presented will then presumably be logically invalid (though it could be valid "by accident"). Rule 7 of the code of conduct, the *Validity Rule*, expresses the need to check in cases where this makes sense whether the conclusion that is drawn follows indeed logically from the premises: *Reasoning that is in an argumentation explicitly and fully expressed may not be invalid in a logical sense.*

A difference of opinion can only be resolved on the merits if it can be decided when a standpoint has been defended conclusively by means of argumentation or has been criticized conclusively. In order to be able to judge whether this is the

case, there must be commonly agreed methods for testing the soundness of those parts of the argumentation that are not part of the common starting points and cannot be judged for their logical validity. These methods should make it possible to determine whether in the cases concerned the argument schemes employed in the argumentation are indeed admissible in light of what has been agreed upon (or may be supposed to have been agreed upon) in the opening stage and whether these argument schemes have been applied correctly in the argumentation stage. By excluding improper uses of argument schemes, Rule 8 of the code of conduct, the *Argument Scheme Rule*, ensures that standpoints can be conclusively defended by the use of argument schemes: *Standpoints defended by argumentation that is not explicitly and fully expressed may not be regarded as conclusively defended by such argumentation unless the defense takes place by means of appropriate argument schemes that are applied correctly*.

A difference of opinion is resolved only if the parties agree in the concluding stage on whether or not the attempts that have been made to defend the standpoint at issue are successful and conclusive. A critical discussion that apparently developed smoothly may still fail if in the concluding stage the protagonist wrongly claims that a standpoint has been defended successfully or even that it is proven true, or if the antagonist wrongly denies that the defence was successful or even that the opposite standpoint has now been proven. Rule 9 of the code of conduct, known as the *Concluding Rule*, is designed to ensure that the protagonist and the antagonist ascertain in a correct manner what the result of the discussion is: *Inconclusive defences of standpoints may not lead to maintaining these standpoints and conclusive defences of standpoints may not lead to maintaining expressions of doubt concerning these standpoints*.

A difference of opinion can only be resolved on the merits if all participants in the discussion make a real effort to express their intentions and to interpret the other participants' intentions as accurately as possible, so that the chances of misunderstanding are minimized. Otherwise problems of formulation or interpretation may lead to the generation of a pseudo-difference in the confrontation stage or a pseudo-solution in the concluding stage—whether the misunderstanding is created deliberately or not. In ordinary language use absolute clarity is impossible and problems of formulation and interpretation are not linked to any particular discussion stage but may arise in all stages of a critical discussion. Rule 10, the *Language Use Rule*, is aimed at preventing misunderstandings resulting from non-transparent, vague or equivocal formulations and inaccurate, sloppy or biased interpretations: *Discussants may not use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party's formulations.*

4.4   Fallacies as Violations of the Code of Conduct

The standards incorporated in the rules for critical discussion that constitute the code of conduct for reasonable argumentative discourse can be violated in a great many ways. Because the ten rules provide in principle all standards that are pertinent to resolving a difference of opinion on the merits, when taken together they should be problem-valid in the sense that they cover all fallacies that can be committed in argumentative discourse. It is impossible to list all the things that can go wrong in the various stages of resolving a difference of opinion on the merits, so that new fallacies may crop up anytime. However, by concentrating on the violations of the rules that result in the fallacies which are most prominently noticed in the literature,[12] we will make a strong case for the problem-validity of the pragma-dialectical code of conduct through reconfirming that observing the rules for critical discussion is instrumental in resolving a difference of opinion on the merits. We use the Latinized names that have often been given to such well-recognized fallacious argumentative moves (e.g. *argumentum ad hominem*) to distinguish them from the general category of this kind of moves that also includes their sound counterparts (using in this case *personal attack* as a neutral label).

In the confrontation stage the Freedom Rule (1) can be violated in various ways, both by the protagonist and the antagonist. A party can impose restrictions on the standpoints that may be advanced or called into question or deny the other party the right to advance or to criticize a certain standpoint. Violations of the first kind mean that some standpoints are in fact declared taboo and excluded from discussion or that certain standpoints are treated as sacrosanct. Violations of the second kind, which are directed at the opponent personally, are aimed at eliminating the other party as a serious discussion partner and can, for instance, be realized by threatening opponents with sanctions (*argumentum ad baculum*), calling on their compassion (*argumentum ad misericordiam*) or discrediting their integrity, impartiality, expertise or credibility (*argumentum ad hominem*).[13]

In the opening stage the Obligation to Defend Rule (2) can be violated by the protagonist by *evading* or *shifting the burden of proof*. In evading the burden of proof the protagonist attempts to create the impression that there is no point in calling the standpoint into question and no need to defend it by presenting the standpoint as self-evident, giving a personal guarantee of its correctness (variant of the *argumentum ad verecundiam*) or "immunizing" the standpoint against criticism (e.g. by formulating it in a way that excludes falsification: "Real men are leaders"). In the case of shifting the burden of proof the protagonist challenges the antagonist

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[12]When fallacies are not univocally defined in the same way, we try to capture their most conspicuous disruptive characteristic.

[13]For examples of the fallacies mentioned in this section see van Eemeren and Grootendorst (1992: 107–207).

who does not have a burden of proof to show that the protagonist's standpoint is wrong by proving that the opposite standpoint is right (variant of the *argumentum ad ignorantiam*).

In all stages the Standpoint Rule (3) can be violated by the protagonist and the antagonist. They can do so in particular in a discussion about a "mixed" difference of opinion (in which both parties have a standpoint to defend) by imputing a fictitious standpoint to the other party or distorting the other party's standpoint (*straw man*). The first effect can, for instance, be achieved by emphatically but wrongly presenting one's own standpoint as the opposite of the opponent's standpoint or by creating an imaginary opponent for one's own standpoint; the second by taking the opponent's words out of context by means of oversimplification (ignoring nuances or vital qualifications) or exaggeration (generalizing what the opponent says or making it absolute).

In the argumentation stage the protagonist can violate the Relevance Rule (4) in two ways: first, by putting forward argumentation that does not pertain to the standpoint advanced in the confrontation stage (*irrelevant argumentation* or *ignoratio elenchi*); second, by using non-argumentative means of persuasion in promoting the standpoint. Playing on the emotions of the audience (variant of the *argumentum ad populum*) and parading one's own qualities (variant of the *argumentum ad verecundiam*) are examples of the second kind of violation. If the audience's positive or negative emotions (such as prejudice) are exploited, so that *pathos* replaces *logos*, such violations of the relevance rule are called *pathetical fallacies*. If protagonists attempt to get their standpoints accepted by exploiting the authority they have in the eyes of the other party—because of their integrity, expertise, credibility or other qualities—in such a way that *ethos* replaces *logos*, such violations of the relevance rule are called *ethotic fallacies*.

In the argumentation stage the protagonist can violate the Unexpressed Premise Rule (5) by *denying an unexpressed premise* and the antagonist can do so by *distorting an unexpressed premise*. In denying an unexpressed premise ("I never *said* that"), the protagonist in effect tries to evade the responsibility assumed in advancing the argumentation by escaping from a commitment to an unexpressed premise (that needs to be reconstructed correctly in the analysis in order to identify this fallacy). Antagonists are guilty of the fallacy of distorting an unexpressed premise if they produce a reconstruction of a protagonist's unexpressed premise that goes beyond the "pragmatic optimum" to which the protagonist may be supposed to be committed when pragmatic factors such as the context and the available background information are duly taken into account in the analysis.

In the argumentation stage the protagonist can violate the Starting Point Rule (6) by falsely presenting something as a common starting point and the antagonist can violate it by denying a common starting point. By falsely presenting something as a common starting point, the protagonist tries to *evade the burden of proof*. The techniques that can be used for this purpose include falsely presenting a premise as self-evident, enveloping a proposition slyly in a presupposition of a question (*many questions*), concealing a premise in an unexpressed premise and advancing argumentation that amounts in fact to the same thing as the standpoint (*petitio principii*,

also called *begging the question* or *circular reasoning*). By denying a premise representing a common starting point, the antagonist denies the protagonist an opportunity to defend the standpoint based on jointly acknowledged starting points (*ex concessis*), which goes against a *conditio sine qua non* for successful argumentation.

In the argumentation stage the protagonist can violate the Validity Rule (7) in a variety of ways. Some such cases of logical invalidity occur regularly and are not always immediately recognized as such. Among them are confusing a necessary condition with a sufficient condition (or vice versa) in arguments that include an "If…, then…" premise (*affirming the consequent*, *denying the antecedent*). Other well-known violations amount, for instance, to erroneously transferring a (relative and structure-dependent) property of the constituent parts to the whole or vice versa (fallacies of *composition* and *division*).[14]

In the argumentation stage the protagonist can violate the Argument Scheme Rule (8) by relying on an inappropriate argument scheme or by using an appropriate argument scheme incorrectly. Symptomatic argumentation is inappropriate when, for instance, in defence of a scientific claim the number of people who think that this claim is right is put forward as an argument (populist variant of the *argumentum ad verecundiam* known as *argumentum ad populum*). It is used incorrectly when in defending a practical decision by appealing to an expert a quasi-authority is cited (variant of the *argumentum ad verecundiam*) or a generalizing standpoint is defended by observations that are not representative or insufficient (*hasty generalization* or *secundum quid*). Comparison argumentation is used inappropriately when, for instance, a descriptive standpoint is defended by referring to an evaluative judgement about something similar. It is used incorrectly when in making an analogy the conditions for a correct comparison are not fulfilled (*false analogy*). Causal argumentation is used inappropriately when, for instance, a descriptive standpoint is rejected on the basis of its undesired consequences (*argumentum ad consequentiam*). It is used incorrectly when it is without good reason suggested that a proposed course of action will result in going from bad to worse (*slippery slope*).

In the concluding stage the protagonist can violate the Concluding Rule (9) by concluding that a standpoint is true merely because it has been successfully defended (*making an absolute of the success of the defence*) and the antagonist can violate the Concluding Rule (9) by automatically concluding from the fact that it has not been proved that something *is* the case, that it is *not* the case, or by automatically concluding from the fact that something has not been proved *not* to be the case, that it *is* the case (*making an absolute of the failure of the defence* or variant of the *argumentum ad ignorantiam*). In making an absolute of the success of the defence, the protagonist commits in principle a double error. First, the status of an established fact, the truth of which is beyond discussion, is unjustifiably ascribed

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[14]For the relationship between relative and structure-dependent properties and the fallacies of composition and division, see van Eemeren and Garssen (2009).

to the common starting points. Second, in doing so, a successful defence is erroneously invested with an objective rather than intersubjective status. In making an absolute of the failure of the defence, it is the antagonist who commits a double error. First, the roles of antagonist and protagonist are confused. Second, it is mistakenly assumed that a discussion must always end in a victory for either a positive or a negative standpoint (*false dilemma*), so that not having a positive standpoint automatically means adopting a negative standpoint, and vice versa, thus ignoring the possibility of having a neutral ("zero") standpoint.[15]

In all stages of the resolution process the protagonist as well as the antagonist can violate the Language Use Rule (10) by taking undue advantage of unclearness (*unclearness fallacy*) or ambiguity (*ambiguity*, *equivocation*, *amphiboly fallacy*). Various sorts of unclearness can occur: unclearness resulting from the structuring of the text, from implicitness, from indefiniteness, from unfamiliarity, from vagueness, and so on. There are also various sorts of ambiguity: referential ambiguity, syntactic ambiguity, semantic ambiguity, and so on. The ambiguity fallacy is in practice closely related to the unclearness fallacy. Both can occur on their own but also in combination with other fallacies (such as the fallacies of *composition* and *division*).

An overview of the different kinds of violations of the rules for critical discussion constituting the code of conduct for reasonable argumentative discourse that we have distinguished and the fallacies resulting from the violations that we have mentioned is given in Fig. 4.1.

4.5 Special Characteristics of the Pragma-Dialectical Treatment of the Fallacies

A first special characteristic of the pragma-dialectical approach is that all fallacies are viewed from the same general perspective as impediments to resolving a difference of opinion on the merits. A second special characteristic is that all fallacies are treated systematically as specific violations of the rules for critical discussion constituting a code of conduct for reasonable argumentative discourse. A third special characteristic is that the approach is comprehensive because the violations can be committed in all four stages of a critical discussion, both by the protagonist and the antagonist. A fourth special characteristic related to the other three characteristics is that in pinning down the fallacies a functional variety of standards of reasonableness is involved.

The pragma-dialectical approach to the fallacies is on the one hand broader than the logical Standard Treatment since in our treatment the fallacies are not just violations of the Validity Rule (7), but can also be violations of any of the other nine rules that are part of the code of conduct for reasonable argumentative

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[15]For the notion of a zero standpoint, involving only doubt and not a counter-standpoint on the part of the antagonist, see van Eemeren and Grootendorst (1984: 78–81, 1992: 13–25).

Violations of Rule 1 (Freedom Rule) in the confrontation stage by the protagonist or the antagonist

1   *Placing limits on standpoints or doubts*
-        fallacy of declaring standpoints sacrosanct
-        fallacy of declaring standpoints taboo
2   *Restricting the other party's freedom of action*
*   putting the other party under pressure
-        fallacy of the stick (= *argumentum ad baculum*)
-        fallacy of appeal to pity (= *argumentum ad misericordiam*)
         fallacy of attacking the other party's person (= *argumentum ad hominem*)
-        fallacy of depicting the other party as stupid, bad, unreliable, etcetera (= direct personal attack/"abusive" variant)
-        fallacy of casting suspicion on the other party's motives (= indirect personal attack/"circumstantial" variant)
-        fallacy of pointing out a contradiction in the other party's words and/or deeds (= *tu quoque* variant)

Violations of Rule 2 (Obligation to Defend Rule) in the opening stage by the protagonist

1   *Shifting the burden of proof to the other party*
*   in a non-mixed difference of opinion, instead of defending his or her own standpoint, the protagonist forces the antagonist to show that the protagonist's standpoint is wrong
-        fallacy of shifting the burden of proof
*   in a mixed difference of opinion the one party does not attempt to defend his or her standpoint but forces the other party to defend their standpoint
-        fallacy of shifting the burden of proof
2   *Evading the burden of proof*
*   presenting the standpoint as self-evident
-        fallacy of evading the burden of proof
*   giving a personal guarantee of the rightness of the standpoint
-        fallacy of evading the burden of proof
*   immunizing the standpoint against criticism
-        fallacy of evading the burden of proof

Violations of Rule 3 (Standpoint Rule) in all stages by the protagonist or the antagonist

1   *Attributing a fictitious standpoint to the other party*
*   presenting one's own standpoint wrongly as the opposite standpoint
-        fallacy of the straw man
*   referring to the views of the group to which the opponent belongs
-        fallacy of the straw man
*   creating a fictitious opponent
-        fallacy of the straw man
2   *Misrepresenting the other party's standpoint*
*   taking utterances out of context
-        fallacy of the straw man
*   oversimplifying or exaggerating
-        fallacy of the straw man

Violations of Rule 4 (Relevance Rule) in the argumentation stage by the protagonist

1   *The argumentation has no relation to the standpoint under discussion*
-        fallacy of irrelevant argumentation (= *ignoratio elenchi*)
2   *The standpoint is defended by means other than argumentation*
*   non-argumentation
-        fallacy of playing on the sentiments of the audience (= pathetical fallacy/ *argumentum ad populum*)
-        fallacy of parading one's own qualities (= ethotic fallacy/*argumentum ad verecundiam*)

Fig. 4.1 Fallacies as violations of a code of conduct for reasonable argumentative discourse

Violations of Rule 5 (Unexpressed Premise Rule) in the argumentation stage by the protagonist or the antagonist

1   *Adding an unexpressed premise that goes beyond what is warranted*
    - fallacy of distorting an unexpressed premise
2   *Refusing to accept commitment to an unexpressed premise implied by one's defence*
    - fallacy of denying an unexpressed premise

Violations of Rule 6 (Starting Point Rule) in the argumentation stage by the protagonist or the antagonist

1   *Meddling with the starting points by falsely denying that something is an accepted starting point*
    - fallacy of falsely denying an accepted starting point
2   *Meddling with the starting points by falsely presenting something as an accepted starting point*
    - fallacy of making unfair use of presuppositions in making assertions
    - fallacy of making unfair use of presuppositions in asking questions (= fallacy of many questions)
    - fallacy of using an argument that amounts to the same thing as the standpoint (= fallacy of circular reasoning/petitio principii/begging the question)

Violations of Rule 7 (Validity Rule) in the argumentation stage by the protagonist

1   *Reasoning in which a sufficient condition is treated as a necessary condition*
    - fallacy of denying the antecedent
    - fallacy of affirming the consequent
2   *Reasoning in which the properties of parts and wholes are confused*
    - fallacy of division
    - fallacy of composition

Violations of Rule 8 (Argument Scheme Rule) in the argumentation stage by the protagonist

1   *Using an in appropriate argument scheme*
    - populist fallacy (symptomatic argumentation) (= *argumentum ad populum*)
    - fallacy of confusing facts with value judgments (causal relation) (= *argumentum ad consequentiam*)
2   *Incorrectly applying an argument scheme*
    - fallacy of authority (symptomatic argumentation) (= *argumentum ad verecundiam*)
    - fallacy of hasty generalization (symptomatic argumentation) (= *secundum quid*)
    - fallacy of false analogy (comparison argumentation)
    - fallacy of the slippery slope (causal argumentation)

Violations of Rule 9 (Concluding Rule) in the concluding stage by the protagonist or the antagonist

1   *Meddling with the conclusion by the protagonist*
    - fallacy of refusing to retract a standpoint that has not been successfully defended
    - fallacy of concluding that a standpoint is true because it has been defended successfully
2   *Meddling with the conclusion by the antagonist*
    - fallacy of refusing to retract criticism of a standpoint that has been successfully defended
    - fallacy of concluding that a standpoint is true because the opposite has not been successfully defended (= *argumentum ad ignorantiam*)

Violations of Rule 10 (Language Use Rule) in all discussion stages by the protagonist or the antagonist

1   *Misusing unclearness*
    - unclearness fallacy (implicitness, indefiniteness, unfamiliarity, vagueness)
2   *Misusing ambiguity*
    - ambiguity fallacy

Fig. 4.1   (continued)

discourse. On the other hand, the pragma-dialectical approach is also much more specific because in our approach a fallacy is always an argumentative move that constitutes an impediment to resolving a difference of opinion on the merits. Instead of being treated automatically as an invalid argument or as belonging to the unstructured list of errors that have been accumulated in the textbooks, each fallacy is systematically connected with the violation of a specific rule for critical discussion.

Our classification of fallacies according to the rules for critical discussion that have been violated replaces the arbitrary list of fallacies that is traditionally provided in the literature. A comparison shows that several fallacies which were in the traditional list without any further ado lumped together in the same nominal category are now either shown to have something in common or clearly distinguished. In addition, genuinely related fallacies that were separated in the traditional list are now brought together in the same category. The fallacies incorporated in the list have thus been characterized more clearly and consistently. They are also complemented with "new" fallacies that earlier had gone unnoticed but could now be identified.

The functional variety of standards distinguished in the pragma-dialectical treatment of the fallacies made it possible to show that certain fallacies that were traditionally regarded to belong to the same category have in fact nothing in common and should be clearly distinguished. The fallacy traditionally known as the *argumentum ad verecundiam*, for example, has variants which prove to be violations of different standards of reasonableness, so that they are different types of fallacies. In one variant the party defending a standpoint makes in the opening stage of the resolution process an appeal to authority by giving a personal guarantee of the correctness of the standpoint ("You can take it from me that every war leads to another war"). This fallacy is a violation of the Obligation to Defend Rule (2) that a party that has advanced a standpoint is obliged to defend this standpoint if this is desired. Another variant occurs when a party is prepared to defend the standpoint in the argumentation stage, but does so just by parading its own qualities. This fallacy constitutes a violation of the Relevance Rule (4), which outlaws non-argumentation. Yet another variant occurs when a party defending a standpoint appeals in the argumentation stage to an authority that is in fact no expert in the field the disputed standpoint relates to ("Recently the eminent theologian Hans Küng clearly confirmed it: every war leads to another war"). A fallacy of the latter kind is a violation of the Argument Scheme Rule (8), which prescribes that the authoritative source referred to in argumentation from authority should indeed be an authority in the field concerned.

Other examples of fallacies that were traditionally seen as variants of the same fallacy but are different fallacies when viewed from the perspective of resolving differences of opinion on the merits include the fallacy traditionally regarded as an *argumentum ad populum* which involves an appeal to popular passions. A different fallacy that was traditionally also viewed as another variant of the *argumentum ad populum* is the fallacy of regarding something true because it is considered true by a great many people. The first version of an *argumentum ad populum* violates the

Relevance Rule (4) that a party may defend its standpoint only by advancing argumentation relevant to that standpoint. The second version of an *argumentum ad populum* is a violation of the Argument Scheme Rule that a standpoint may not be regarded defended conclusively if the defence does not take place by means of an appropriate argument scheme that is used correctly. Thus it turns out that these two "versions" of the *argumentum ad populum* must in fact be viewed as two completely different fallacies.

In contradistinction, certain genuinely related fallacies that were separated before are now brought together. This applies, for instance, to the variant of the fallacy of using the symptomatic argument scheme wrongly by presenting a standpoint as right because everybody thinks it is right, which was traditionally regarded as a variant of the *argumentum ad populum*, and the variant of the same fallacy of using a symptomatic argument scheme wrongly by presenting a standpoint as right because an authority says it is right, which was traditionally regarded as a variant of the *argumentum ad verecundiam*. When viewed from the perspective of a resolving a difference of opinion on the merits, they are both violations of the Argument Scheme Rule (8) that a standpoint defended by argumentation that is not explicitly and fully expressed may not be regarded as conclusively defended unless the defence takes place by means of an appropriate argument scheme that is applied correctly. This means that they are in fact indeed variants of the same kind of fallacy.

The pragma-dialectical approach of fallacies as violations of rules for critical discussion also enables us to distinguish some obstacles to resolving a difference of opinion on the merits that were earlier not recognized, and were therefore unnamed. These violations of the rules of the code of conduct for reasonable argumentative discourse are to be registered as "new" fallacies. Examples of such newly-discovered fallacies are: *declaring a standpoint sacrosanct*, which is a violation of the Freedom Rule (1) that parties must not prevent each other from putting forward standpoints or casting doubt on standpoints; *evading* or *shifting the burden of proof* (e.g. by *immunizing a standpoint against criticism*), which are violations of the Obligation to Defend Rule (2) that a party who puts forward a standpoint is obliged to defend that standpoint if asked to do so; *denying an unexpressed premise*, which is a violation of the Unexpressed Premise Rule (5) that a party may not falsely present something as a premise that has been left unexpressed or deny a premise that has been left implicit; *falsely presenting something as a common starting point*, *falsely presenting a premise as self-evident* and *denying an accepted starting point*, which are three kinds of violations of the Starting Point Rule (6) that discussants may not falsely present something as an accepted starting point or falsely deny that something is an accepted starting point; and *making an absolute of the success of the defence*, which is a violation of the Concluding Rule (9) that a failed defence must result in the protagonist retracting the standpoint and a successful defence in the antagonist retracting the doubt.

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Chapter 5
Descriptive Studies of Argumentative Discourse

5.1 Qualitative and Quantitative Research

In argumentation theory we need to combine a normative orientation towards how argumentative discourse should be conducted in order to resolve a difference of opinion on the merits with a descriptive orientation towards how argumentative discourse is actually conducted. This means that, next to developing a model of a critical discussion and a code of conduct for reasonable argumentative discourse, we need to examine methodically how argumentation is actually produced, interpreted and judged in argumentative reality. In carrying out such research in the empirical component of our research program we have combined our normative and our descriptive interests by concentrating in particular on factors in the production, interpretation and judgement of actual argumentative discourse that are relevant from the perspective of resolving a difference of opinion on the merits as it is captured in our theoretical model.

In order to avoid confusion between observations on the descriptive and observations on the normative level, in describing argumentative reality we make a distinction between what is relevant from the practice-based empirical ("emic") perspective of the participants in argumentative discourse and what is relevant from the normatively-motivated theoretical ("etic") perspective of a critical discussion. When adopting the practice-based perspective we focus on the "interpretive" relevance and "judgment" relevance of the argumentative moves we examine to participants in argumentative discourse who are out to understand and assess these argumentative moves. When adopting the normatively-motivated perspective of a critical discussion we concentrate on their "analytic" relevance and "evaluative" relevance to the performance of a pragma-dialectical analysis and evaluation.[1] Interpretive and judgment

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This chapter is primarily based on van Eemeren et al. (1989) and van Eemeren et al. (2009, 2012a, b).

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[1]For these distinctions, see van Eemeren and Grootendorst (2004: 69–73). Judgement relevance is a new addition.

relevance as well as analytic and evaluative relevance are pertinent to an adequate appreciation of the argumentative moves that are made in the discourse, but in describing argumentative practices taking the practice-based or the theoretically-motivated perspective may lead to different results.

We have differentiated between the different types of relevance playing a part in the "empirical" and the "theoretical" perspective along three dimensions (van Eemeren and Grootendorst 2004: 80–83). In the first dimension the question is of which discourse component the relevance is considered (e.g. the relevance of the propositional content of a reason that has been advanced). In the second dimension the question is which contextual domain demarcates the scope of the relevance that is considered (e.g. the relevance to the argumentation stage of the propositional content of a reason advanced). In the third dimension the question is in which respect the relevance is considered (e.g. the pertinence of the propositional content of a reason advanced in the argumentation stage to the acceptability of a standpoint). If the interpretive relevance, judgment relevance, analytic relevance and evaluative relevance of the argumentative moves at issue are clearly differentiated along these three dimensions, the problems involved in the descriptive research of argumentative moves can be discussed more precisely.

The descriptive research to be carried out in tackling the reality of argumentative discourse can be of the qualitative type, relying on insight based on observation and introspection, but it can also be of the quantitative type, relying on measurement based on numerical data and statistics. Whatever the type of methodology employed in the research, it will always be directed at describing the way in which differences of opinion are managed argumentatively. If the research consists of a case study or concentrates on the identification of specific properties of a particular type of argumentative discourse, qualitative research is usually most appropriate. If certain general hypotheses concerning the production, interpretation or judgement of argumentative discourse are to be tested in the research, this calls for quantitative and as a rule experimental research. Since each of the two types of research has a specific function in gaining a better understanding of argumentative reality, both have their own place in the pragma-dialectical research program. However, although introspective qualitative research of specimens of argumentative discourse may very well be undertaken for its own sake, in this research program it is often carried out in preparation of more-encompassing experimental quantitative research.

The qualitative research initially conducted in pragma-dialectics focused primarily on the way in which argumentative moves that are analytically relevant from the perspective of a critical discussion manifest themselves in argumentative discourse. What kind of verbal and other indicators provide a clue as to which of the various kinds of argumentative moves represented in the ideal model of a critical discussion have indeed been made in the discourse? The model of a critical discussion offers a theoretical framework for getting a grip on the analytically relevant aspects of argumentative discourse, but some elaborations and other adjustments are necessary to create a suitable starting point for carrying out descriptive research of argumentative reality. To cover all argumentative moves that are analytically relevant in a piece of argumentative discourse that is examined, more detailed

"dialectical profiles" of the argumentative situation are required. In addition, the pragmatic commitments that may be ascribed to the arguers at a certain point in the discourse on the basis of their contributions to the discourse should be externalized. If these two preconditions have been fulfilled, qualitative research can provide useful descriptive insights into the conduct of real-life argumentative discourse.

Initially the quantitative research carried out in pragma-dialectics concentrated also on the argumentative indicators that arguers make use of in identifying argumentative moves. By means of theoretically-motivated experiments it was checked which factors in the verbal presentation of argumentative moves and the context in which these moves are made determine their identification as interpretively relevant moves. This experimental research was followed later by experimental quantitative research focusing on the reasonableness standards that are applied by ordinary arguers. Starting from the standards of reasonableness incorporated in the code of conduct for reasonable argumentative discourse, it was examined which standards of reasonableness ordinary arguers apply in judging argumentative moves. In this way it can be determined to what extent judgment relevance in argumentative discourse deviates from theoretically-motivated evaluative relevance. Current experimental quantitative research concentrates primarily on the properties of argumentative discourse that are responsible for letting fallaciousness go undetected in which the evaluative relevance is violated.

5.2   Argumentative Indicators in Discourse

Starting from the relevant dialectical profiles, we have examined systematically the various ways in which the analytically relevant argumentative moves distinguished in these profiles are realized in argumentative reality. Although these argumentative moves are generally not realized by the performance of speech acts in which their function is explicitly expressed, the discourse in which they are made often contains certain indicators of the argumentative function they are supposed to fulfil (van Eemeren 2010: 17–18). Sometimes these indicators are provided by the way in which the argumentative moves are phrased, but they may also be immanent in the linguistic micro-context, the situational meso-context, the institutional macro-context or the intertextual context of the discourse. In addition, helpful clues are sometimes obtained by making logical and pragmatic inferences or by utilizing relevant general or specific background information.

In our qualitative descriptive research we have concentrated primarily on making an inventory of indicators of argumentative moves that may be present in argumentative discourse (van Eemeren et al. 2007). First, we identified the specific words and expressions used by arguers to indicate the functions of the various moves they make in an argumentative discourse. Second, we classified these words and expressions in accordance with the argumentative functions of the moves concerned in the various stages of the resolution process that are distinguished in the model of a critical discussion. Third, we determined under which conditions

these words and expressions fulfil these argumentative functions. The indicators of the functions of argumentative moves thus examined are not only to be found in the way in which the argumentative moves are verbally or otherwise presented in the discourse, but also in the way in which the other party responds to the argumentative move concerned and in the way in which the first party reacts to these responses.

Not every potential contribution to the critical testing process going on in resolving a difference of opinion on the merits is included in the model of a critical discussion. In the research of the indicators of argumentative moves this model can therefore not be the only frame of reference but needs to be complemented by the specification of the various analytically relevant argumentative moves that can be made that is provided in the relevant dialectical profile. In the model of a critical discussion it is, for instance, not specified which argumentative moves the parties are required or allowed to make in the opening stage in order to come to an agreement about their procedural and material starting points. We therefore had to make use of a dialectical profile which specifies the kinds of argumentative moves that can be instrumental in realizing the dialectical goal of this stage. In identifying the indicators of argumentative moves in other stages of the resolution process we utilized dialectical profiles which were specified in a similar vein. More in particular, we started from dialectical profiles portraying the specific tasks of the discussants at a particular point in a particular stage of the discussion and the various dialectical routes consisting of series of analytically relevant argumentative moves that are available to them.

Starting from a dialectical profile portraying the dialectical routes that can be chosen in defending a standpoint against criticism, we have, for instance, identified words and expressions such as "while", "whereas", "not even" and "and yet" that protagonists can use to indicate that the antagonist's doubts concerning a reason they have given are not justified. In defending a particular judgment or qualification arguers need to take into account that their opponent might come up with critical questions such as "But does your argument really justify that judgment?" or "Is what you mention in your argument normally not always the case, so that the reason you mention cannot justify that there is something special (i.e. negative or positive) about the case?". In such cases argumentative indicators such as "while" and "whereas" get easily combined with expressions such as "normally" and "otherwise". In that way it is indicated that "normally" something would not have been the case or that "otherwise" things would have gone differently. Thus arguers can make clear that potential objections against the reason they had given do not hold and that the positive or negative judgment they have given is justified.

In the following argumentation, for instance, the use of "whereas" is combined with "otherwise" by a student in defending the standpoint that his stipend has been a great help because it has allowed him to dedicate a lot of time to student government. In this case a critical opponent is supposed to wonder: "But couldn't you have devoted that time to student government without the stipend?" The arguer makes clear that this criticism does not hold, because then he would have had to

take on a campus job to pay the bills and that would have interfered with his involvement in extracurricular activities:

> I wrote a letter to the administrative council, saying I can't tell you how much I appreciate the stipend. It has allowed me to dedicate so much of my time to SG, whereas otherwise I would have worked a campus job to pay the bills. (www.studentleader.com/sal_r.htm)

In determining the argumentation structure of complex argumentation three kinds of clues are instrumental: pragmatic clues in the way the arguer has presented the standpoint that is defended, dialogical clues in references to criticism that are made, and dialectical clues following from the procedural norms of critical discussion that the arguer is assumed to observe (Snoeck Henkemans 1997). Pragmatic clues, such as the use of quantifying expressions in phrasing a standpoint ("Everything is bound to go wrong"), may, for instance, make clear that the argumentation can only be interpreted in a sensible way if the reasons advanced in the argumentation (for instance, individual examples of things that are bound to go wrong) are in combination taken to constitute a justification of the standpoint at issue. Dialogical cues, such as the presence of a counter-argument, may make it clear that it depends on the type of criticism involved in the counter-argument that has been advanced in which way the structure of the protagonist's argumentation is to be analysed. Dialectical cues, such as the use of a particular argument scheme, may also point to a specific interpretation of the structure of complex argumentation because of the critical questions that are associated with the scheme and the assumption that the arguer will make an effort to deal adequately with them.

In coordinative argumentation, which consists of interdependent reasons in support of a standpoint, an attempt is made to remove the opponent's doubt or criticism concerning the sufficiency of the argumentation by advancing more than one reason. In a direct defence the coordinative argumentation is "cumulative" in the sense that the argumentation is strengthened by adding more evidence because the sufficiency of the first reason or any individual other reason is doubted or may be doubted by the other party. The use of the expression "and all the more since" in connecting the reasons that are advanced may be an indicator of such cumulative coordinative argumentation. In an indirect defence responding to (potential) criticism the coordinative argumentation is "complementary" when the argumentation is extended by adding an extra reason in order to counter a specific objection against the first reason that is made or expected to be made by the other party. The use of the words "and yet" in order to introduce the added reason may be an indicator of such complementary coordinative argumentation. In multiple argumentation the reasons that are advanced in defence of the standpoint at issue are independent of each other: they are separate attempts to defend the same standpoint. In using multiple argumentation in an argumentative exchange the failure or potential failure to convince someone (or some part of the audience) of the one reason may be the motivation for putting forward the other reason, so that the latter reason replaces as it were the (in fact still standing) former one. The use of the word "anyway" when the new reason is advanced is a clear indicator of multiple argumentation.

In the pragma-dialectical research program qualitative empirical research has also been brought to bear in examining other topics than the use of argumentative indicators. It has, for instance, been put to good use in interpreting the use of argumentative discourse in specific argumentative contexts, in treating specific stylistic phenomena in argumentative discourse and in dealing with specific argumentative speech events. In applying the pragma-dialectical theory to scrutinize argumentative discourse in the specific context of problem-solving discussions, for instance, systematic observation has led to the conclusion that the purposes of this kind of discourse and the purposes of a critical discussion are sufficiently in accordance with each other to warrant such a treatment (van Rees 1992). Following on from this conclusion, the actual treatment of problem-solving discussions in terms of a critical discussion is then pragmatically accounted for in more detail with the help of insights from speech act theory, discourse analysis and conversation analysis. In addition, in our research program qualitative empirical research has been conducted regarding the argumentative function of stylistic and other presentational phenomena that can be found regularly in argumentative discourse, such as repetition, metonymy, rhetorical questions and praeteritio.[2] Starting from the model of a critical discussion, the use of "dissociation" (the argumentative technique of remodelling our conception of reality by changing the conceptual meaning of a term) is also illuminated in qualitative empirical research (van Rees 2009). Last but not least, qualitative empirical research is brought to bear in dealing with particular specimens ("cases") of argumentative discourse. An example of this is the "Shell case", which centres around an advertorial published in international newspapers in which the oil company defends its role in Nigeria after having been blamed for the death of the writer and resistance fighter Ken Saro-Wiwa (van Eemeren 2010: 165–178, 182–183, 185–186, 209–212).

5.3 The Identification of Argumentative Moves by Ordinary Arguers

Next to carrying out qualitative empirical research, since the mid-1980s pragma-dialecticians have also been engaged in quantitative research of an experimental nature. This research concentrates in the first place on tracing general rules, routines and tendencies in the way argumentative moves are identified and judged by ordinary arguers who have not been trained in argumentation analysis. Because the results provide insights in the actual processing of argumentative discourse, they play an important role in establishing the necessary connection between the pragma-dialectical theory and argumentative reality. This connection is necessary for putting the normative ideal of a critical discussion in a realistic perspective and

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[2]For repetition, see van Rees (2009); for metonymy, rhetorical questions and praeteritios, see Snoeck Henkemans (2005, 2009a, b, respectively).

developing adequate methods for improving argumentative practices in the practical component of the research program.

Quantitative empirical research that is closely related with the qualitative research regarding verbal indicators of argumentative moves discussed in Sect. 5.2 has been carried out to establish to what extent in argumentative reality the recognition of argumentative moves is facilitated or hampered by factors in the presentation. In the 1980s pragma-dialecticians conducted first several feasibility studies to ensure that the respondents in the experiment understand "argumentation" in the same way as the theoreticians (van Eemeren et al. 1984). In testing the suitability of the measuring instruments that are to be used the research concentrated on non-complex "single" argumentation, in which just one reason is articulated in defence of a standpoint. The desired conceptual validity of the theoretical concept of argumentation that was used was proven by the fact that the items submitted to the respondents were in 95% of the cases correctly identified as argumentation.

The results of our experimental research concerning the speech act complex at the heart of argumentative discourse, i.e. argumentation, suggests that the ease of recognition is significantly facilitated by the presence of verbal indicators. In the experimental messages used in the research concerning presentational factors influencing the ease of recognition four of these factors were systematically varied. First, both argumentation on a topic that is highly charged and argumentation on a topic that is not charged was included. Second, both argumentation relating to a standpoint that is marked was included and argumentation relating to a standpoint that is not marked. Third, both argumentation is which an argumentation indicator is present was incorporated and argumentation in which no such indicator is present. The undergraduate students serving as the research subjects were requested to indicate whether or not a number of discourse fragments presented to them with pieces of argumentation that were varied in this way contained, in their view, argumentation. They were to underline the argument if they thought this was indeed the case. The overall identification scores of the respondents proved to be remarkably high.

This research was replicated in two different ways to examine the precise effects of the four factors that were manipulated (van Eemeren et al. 1985). The first replication was undertaken to countermand the "ceiling effects" in the original test, in which the overall identification scores had been so high that differences between the impact of the various factors could not be registered. In the second replication a different instrument for measuring the dependent variable (i.e. recognition) was used and the messages were presented on a computer screen. This time the analysis concentrated on the decision times needed by the participants. The participants were asked to press a "yes" button as quickly as possible if they thought the discussion fragment presented contained argumentation and a "no" button if they thought this was not the case. Of the four variables that were manipulated, the influence of the presence of the indicators of argumentation proved to be the strongest, especially of indicators "in the broader sense" such as "owing to" and "on the basis of" that were preceding the argumentation. The absence of such indicators slowed down or

hampered the identification of argumentation—in some cases even considerably. Only if no argumentation indicator was present, did marking the standpoint facilitate the identification of argumentation. If an indicator was present, the indicative function of the marking of the standpoint was as it were pushed to the background by its presence. In a retrogressive presentation (with "because"), when the argumentation is following the standpoint, identification turned out to be easier than in a progressive presentation (with "therefore"), when the standpoint is following the argumentation. A highly charged topic did not prove to be a factor with any significant effect.

In order to find out to what extent the identification of argumentation is an independent cognitive skill, rather than being based on general intellectual skills such as verbal comprehension and general reasoning, it was examined whether fourteen-year-olds in a Dutch secondary school could recognize argumentation without having received any systematic instruction (van Eemeren et al. 1989). After only a brief explanation of the concepts of "argumentation", "reason" and "standpoint", a relatively large proportion of second formers in a lower stream of a comprehensive school were not capable of identifying single argumentation, whereas a large majority of third formers could. Grasping the concept of argumentation turned out to be a "yes or no"-matter and the progress the young people made in identifying argumentation was considerably more substantial than that in verbal comprehension and general reasoning. Although it is related to other intellectual skills, identifying argumentation proved to be a relatively independent skill, which is developed in education.

Following up this research, attention was paid to the clues that the verbal presentation provides for the recognition of indirect argumentation. Contextual indication was expected to play a major part in the interpretation of indirect argumentation (and of implicit argumentation in general) by having a clarifying effect (van Eemeren and Grootendorst 1992: 56–59). The degree of conventionalization of the verbal presentation required for indirect speech acts to be interpreted properly is in principle inversely proportional to the degree of definiteness of the context in which they occur. Therefore in an indefinite context implicit and indirect argumentation should be harder to recognize than explicit and direct argumentation. To test this hypothesis, the participants in the experiment were confronted with fragments of discourse consisting of messages half of which were in a "split-plot design" supplied with a well-defined context and half of which were without such a context (van Eemeren et al. 1989). Both groups of items contained direct arguments and indirect arguments, with and without an argumentation indicator. All well-defined contexts serving as an independent variable were such that a literal interpretation of the fragment would be unsatisfactory. As expected, the communicative function of direct argumentation proved to be easier to recognize than that of indirect argumentation. In the latter case the subjects needed some extra information in order to know that something more was meant than what was literally expressed. As the tests show, a well-defined context provides the required information.

The results of experimental research into the performance of students in identifying unexpressed premises and argument schemes clearly indicate that, in the absence of disambiguating contextual information, unexpressed ("major" and non-syllogistic) bridging premises are more often correctly identified than unexpressed "minor" premises (van Eemeren et al. 1995). Other experiments have shown that causal argument schemes are more often correctly identified than symptomatic argumentation, but not more frequently than comparison argumentation (Garssen 1997). The sizable individual differences found in the identification of unexpressed premises and argument schemes are to a substantial degree correlated with school types of different levels, which indicates that they are related to differences in general cognitive capabilities. The primary aim of the argument scheme study that was carried out was to investigate to what extent ordinary arguers' perceptions of the different types of relations between premises and standpoints correspond with the argument schemes distinguished in pragma-dialectics. The results of the tests made clear that the respondents had a very good understanding of comparison argumentation and a reasonably well-developed notion of causal argumentation while their pre-theoretical notion of symptomatic argumentation was less developed.

5.4   Ordinary Arguers' Standards of Reasonableness

The theoretical question at the heart of the experimental quantitative research carried out in pragma-dialectics concerning ordinary arguers' standards of reasonableness was to what extent the standards that ordinary arguers apply in judging the reasonableness of argumentative moves correspond with the standards incorporated in the rules for conducting a critical discussion (van Eemeren et al. 2009). In other words, the rationale of this comprehensive research project was finding out what the potential of gaining conventional validity is of the pragma-dialectical code of conduct for reasonable argumentative discourse. The research concentrated on fallacies that violate four specific rules that are indicative of the four distinct discussion stages distinguished in the theory: the Freedom Rule (Rule 1), the Burden of Proof Rule (Rule 2), the Argument Scheme Rule (Rule 8) and the Concluding Rule (Rule 9).

According to the theoretical starting point of this research, fallacies are unreasonable argumentative moves that are violations of the rules for critical discussion; if no rule for critical discussion has been violated, the argumentative move concerned is in principle reasonable. This starting point instigated the specific question that was invariably asked to the respondents about every fallacy: how reasonable or unreasonable do you think this contribution to the discussion is? The theoretical point of departure also becomes manifest in the experiments in the dialectified way in which the fallacies were presented in test items that consist of short critical dialogues. If the traditional, monological view of the fallacies from the logical textbooks had been adopted, the textual material presented for judgment to the respondents would have looked very different.

	Fallacious	Sound
1. *Argumentum ad hominem* (abusive variant)	2.91 (0.64)	5.29 (0.64)
2. *Argumentum ad hominem* (circumstantial variant)	3.89 (0.57)	5.29 (0.64)
3. *Argumentum ad hominem* (*tu quoque* variant)	4.45 (0.59)	5.29 (0.64)
4. *Argumentum ad baculum* (physical variant)	2.04 (0.80)	5.64 (0.39)
5. *Argumentum ad baculum* (non-physical variant)	2.91 (0.64)	5.64 (0.39)
6. *Argumentum ad baculum* (direct variant)	1.86 (0.66)	5.41 (0.62)
7. *Argumentum ad baculum* (indirect variant)	3.72 (0.83)	5.41 (0.62)
8. *Argumentum ad misericordiam*	3.86 (0.53)	5.06 (0.42)
9. Fallacy of declaring a standpoint taboo	2.79 (0.66)	5.14 (0.47)
10. Fallacy of declaring a standpoint sacrosanct	2.68 (0.68)	5.67 (0.40)
11. Fallacy of shifting the burden of proof (non-mixed difference)	2.37 (0.89)	4.51 (0.67)
12. Fallacy of evading the burden of proof (non-mixed difference)		
- by introducing the standpoint as something matter-of-course	3.04 (0.72)	4.68 (0.87)
13. Fallacy of evading the burden of proof (non-mixed difference)		
- by personally guaranteeing the rightness of the standpoint		
- via a promise	3.29 (0.99)	5.18 (0.18)
- via a directive	2.77 (0.75)	5.14 (0.92)
14. Fallacy of evading the burden of proof (non-mixed difference)		
- by immunizing the standpoint against criticism		
via hermetical-essentialistic formulations	2.93 (0.96)	4.76 (0.88)
15. Fallacy of evading the burden of proof (mixed difference)		
- regarding standpoints without presumptive status	2.72 (0.81)	5.68 (0.55)
- regarding standpoints with presumptive status (truth candidate)	3.45 (0.98)	5.68 (0.55)
- regarding standpoints with presumptive status (revisions)	3.48 (1.16)	5.68 (0.55)
16. *Argumentum ad consequentiam*		
- logical variant	3.92 (0.74)	4.39 (0.64)
- pragmatic variant	2.96 (0.70)	5.03 (0.63)
17. *Argumentum ad populum*	2.77 (0.80)	5.88 (0.73)
18. Fallacy of the slippery slope	3.31 (0.78)	5.31 (0.66)
19. Fallacy of false analogy	3.14 (0.70)	4.74 (0.83)
20. *Argumentum ad ignorantiam*	2.56 (0.71)	5.56 (0.56)

> *1 = very unreasonable*
> *4 = neither unreasonable nor reasonable*
> *7 = very reasonable*
> *(...) = standard deviation*

Fig. 5.1 Intersubjective acceptability of the rules for critical discussion

The most important findings of the research project can be found in Fig. 5.1, which contains an overview of the intersubjective acceptability scores of twenty fallacies resulting from violations of the four rules for critical discussion that were included in the research. In order to maintain orderliness in the overview, for each fallacy only the average score on a 7-point scale (and the standard deviation) in the study revolving around that specific fallacy is given.

On the basis of the results reported in Fig. 5.1 it can be concluded that in general ordinary arguers judge the fallacies examined as unreasonable argumentative moves, while the sound argumentative moves with which the fallacies were

contrasted were time and time again found to be reasonable to very reasonable.[3] Considering the striking consistency of the results that were obtained, it seems justified to conclude that ordinary arguers consider the fallacies as unreasonable contributions to the discussion. On the basis of the differences in the absolute size of the empirical averages in the results, it can also be concluded that there is a considerable variation in the extent to which the fallacies that were examined are found to be unreasonable.

In drawing conclusions from the overview it may not be forgotten that in all reported empirical studies paradigmatic clear cases were constructed of the fallacies examined. In everyday practice identifying fallacies may be more difficult and in doing so often appeals will have to be made to the context or to general or specific background information and knowledge of specific fallacies and having special interpretation skills may sometimes also come in handy. In addition, despite all the consistency, there is possibly still some room for doubt about the accuracy and stability of the reported estimates. It is therefore needed to consider seriously whether the estimates that have been found are really so reliable that they would legitimize a generalizing conclusion such as "ordinary arguers judge the fallacies that have been examined to be unreasonable argumentative moves and they judge their non-fallacious counterparts in general as reasonable argumentative moves".

Because of the remaining uncertainty, in a number of cases replication studies were carried out—sometimes to check whether certain interpretations are supported, sometimes to exclude alternative explanations and to confirm in this way the internal validity of the research, sometimes to optimize the external validity of the research by carrying out a quantitative study into the motivations and reasons respondents claim to have to base their reasonableness scores on. The results of the original studies and the replication studies were by and large strikingly similar—certainly as far as the *ordinal* ratio was concerned. All in all, it may therefore be assumed that the fallacies that have been examined are usually indeed considered to be unreasonable argumentative moves by ordinary arguers and that argumentative moves which do not violate a discussion rule are found reasonable.[4]

Our theoretically neutral conclusion that the fallacies are generally found to be unreasonable while the sound counterparts are by and large found to be reasonable can be reformulated as follows in pragma-dialectical terms: discussion contributions in which a rule for critical discussion is violated are consistently found to be unreasonable while the contributions in which that is not the case are found to be reasonable. When the conclusion is formulated in these theoretical terms, two questions arise: (1) what type of standards are underlying the judgments of ordinary arguers, i.e. why do they consider a contribution to the discussion unreasonable when a rule for critical discussion has been violated and reasonable when this is not

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[3]There is one exception to this general conclusion: ordinary arguers hardly ever see the *reductio ad absurdum* as a type of sound argumentation, just as they hardly ever see its fallacious counterpart, the logical variant of the *argumentum ad consequentiam*, as a fallacy.

[4]In drawing this conclusion the logical variant of the *argumentum ad consequentiam* and the *tu quoque* variant of the *argumentum ad hominem* are not taken into consideration.

the case? (2) to what extent are the rules for critical discussion conventionally valid, i.e. to what extent are the standards that ordinary arguers claim to apply similar to the rules of critical discussion constituting the code of conduct for reasonable argumentative discourse?

A simple and theoretically attractive answer to the first question is: because the fallacious contributions to the discussion are violations of discussion rules that are in a procedural sense instrumental in resolving a difference of opinion on the merits. The conventional validity of the discussion rules however is, unlike their problem-validity, an empirical and not a purely theoretical matter and from an empirical point of view the answer just given is unsatisfactory. We therefore asked our respondents to motivate their judgments of reasonableness in a number of cases, so that we could check whether these ordinary arguers are more or less aware of what goes wrong when a specific fallacy is committed and perhaps even associate themselves with a set of more or less abstract discussion rules similar to the pragma-dialectical rules for critical discussion. However, requesting the research subjects to "briefly indicate why you think the last discussion contribution is reasonable or unreasonable" generally led to a massive non-response. Evidently this lack of response was not due to the respondents' unwillingness to provide an answer but to their incapacity to do so. Even if a respondent occasionally gave a relevant answer on a more or less abstract level from which it could be concluded that some basic insight into the rule concerned might be present, more often than not this answer could not be generalized and applied to similar new cases.

However difficult it may be to generalize the responses they gave, in the majority of the cases examined where a fallacy was committed most of the respondents saw that something was wrong and could put into words on which grounds they called a certain argumentative move deficient. However, they did so in concrete terms immediately connected with the content of the dialogue fragments in which the fallacy concerned was committed and not in abstract and general terms referring to general and perhaps universal discussion rules. In the rare cases when a respondent did appeal to a discussion rule in motivating rejection or acceptance of an argumentative move, the observations concerned seemed to be induced by incidental characteristics of the material that was to be judged and remained rather superficial. So it appears that the qualitative study into the motivations of ordinary arguers' judgment of reasonableness just reported about does not warrant any clear-cut and definitive conclusions regarding the potential conventional validity of the rules for critical discussion.

The question remains in what sense the enormous amount of empirical data acquired in the comprehensive quantitative research carried out in pragma-dialectics provides any indications for the degree of conventional validity of the discussion rules applying to the confrontation stage, the opening stage, the argumentation stage and the concluding stage that have been examined. In order to answer this question, the concept of "effect size" was used. Generally speaking, the effect size indicates how strong the respondents discriminate when it comes to reasonableness or unreasonableness between a fallacy and its non-fallacious counterpart. The larger the effect size, one might say, the stronger the discrimination—and the other way

around: the smaller the effect size, the less strongly the respondents discriminate qua reasonableness or unreasonableness between the fallacious and the non-fallacious argumentative moves. It can therefore be maintained that the bigger the effect size is the more the claim to conventional validity is in a relative sense substantiated.

From the median and average values recorded it may be deduced as a general conclusion that the differences in degree of conventional validity between the four discussion rules examined are certainly not spectacular and that, generally speaking, the intersubjective acceptability of the rules that can be observed strongly supports the claim to conventional validity of these rules. The difference between the various rules is only marginal. If one would nevertheless want to draw up an order of ranking in their degree of conventional validity, the result would be that the Burden of Proof Rule (Rule 2) for the opening stage holds the top position, followed by the Freedom Rule (Rule 1) for the confrontation stage and the Argument Scheme Rule (Rule 8) for the argumentation stage.

All in all, the results of the pragma-dialectical research concerning ordinary arguers' standards of reasonableness provide indirect evidence for the conventional validity of some representative parts of the code of conduct for reasonable argumentative discourse. At any rate, to put it negatively, the overview of the perceived unreasonableness of fallacies and the perceived reasonableness of non-fallacies based on this research warrants the conclusion that the results that have been obtained do in no way prevent the rules for critical discussion from gaining conventional validity. After all, the argumentative moves that violate the rules for critical discussion are for the most part rejected, while the argumentative moves that do not violate these rules are generally accepted as reasonable argumentative moves. Since all the data obtained in this comprehensive empirical research project indicate that the standards that ordinary arguers use in judging the reasonableness of argumentative moves correspond to a rather large degree with the pragma-dialectical standards for critical discussion, the final conclusion seems justified that, if properly introduced and explained, the code of conduct for reasonable argumentative discourse has a realistic potential for acquiring conventional validity among ordinary arguers.

5.5   Hidden Fallaciousness in Argumentative Discourse

After examining the perceived reasonableness of argumentative discourse experimentally, its acceptability for ordinary arguers has become our new venue for empirical research. This "effectiveness through reasonableness" research is now topical due to the introduction of the notion of strategic manoeuvring, which will be discussed in Chap. 7 of this volume. In light of the just reported finding that argumentative moves which are fallacious from a theoretical perspective are also judged unreasonable by ordinary arguers, it might seem remarkable that when such deficient argumentative moves occur in real-life argumentative discourse many

times fallacies appear not to be noticed by the discussants. When the reasonableness of clear cases of the fallacies is rated in an experimental situation, ordinary arguers consistently judge these fallacies to be unreasonable argumentative moves. In actual argumentative discourse however, fallacies remain in a great many cases undetected. Such striking discrepancies need to be explained and the "hidden fallaciousness" project is aimed at doing so. The point of departure consists of three starting points based on a combination of the pragma-dialectical view on the relationship between argumentation and effectiveness as convincingness (van Eemeren and Grootendorst 1984: 47–51) and the pertinent data from the empirical research concerning the reasonableness judgements of ordinary arguers (van Eemeren et al. 2009).

If ordinary arguers were not aware of any standards of reasonableness, there would be no rationale for their aiming for effectiveness in argumentative discourse by means of reasonable argumentative moves. As the results of the empirical research discussed in the previous section of this chapter indicate, ordinary arguers' standards of reasonableness generally strongly agree with the standards of reasonableness incorporated in the rules for critical discussion. This means that, in principle, they may be supposed to know which contributions to the process of resolving a difference of opinion are to be considered reasonable and which contributions are to be considered unreasonable. The first starting point of the research concerning hidden fallaciousness therefore is that ordinary arguers will be aware that their argumentative moves need to comply with commitments equal to the dialectical commitments expressed in the code of conduct for reasonable argumentative discourse.

It is only possible for ordinary arguers to connect their dialectical commitments with their aiming for effectiveness vis-à-vis the other party if they assume that the other party shares their standards of reasonableness. If they did not start from this assumption, it would be pointless for them to make an appeal to the other party's standards of reasonableness by putting forward argumentation that they consider suitable to justifying the standpoint at issue. The second starting point of the experimental research concerning hidden fallaciousness therefore is that ordinary arguers taking part in argumentative discourse will assume that, in principle, the other party in the discussion has the same kind of (dialectical) commitments as they have.

If ordinary arguers did not expect the prevailing standards of reasonableness to be of consequence for the outcome of the discourse when they are making argumentative moves in argumentative discourse, their argumentative efforts would be pointless. Giving this prescriptive meaning to reasonableness in argumentative discourse and expecting the other participants to do the same, allows the arguers to interpret the connection between reasonableness and effectiveness in such a way that reasonableness may in principle lead to effectiveness (even if other factors may also play a part and can interfere). Conversely, if reasonableness is lacking, they are likely to expect effectiveness to suffer. The third starting point of the hidden fallaciousness research therefore is that ordinary arguers will prefer those contributions to the discussion that comply with supposedly shared standards of reasonableness to be regarded as reasonable and to

be accepted and those contributions that do not comply with these standards to be regarded as unreasonable and not to be accepted.

Against the background of these three starting points, which are all confirmed by the results of empirical research, it makes sense to examine the relationship between reasonableness and effectiveness empirically, covering all stages of the process of resolving a difference of opinion on the merits in the examination. In carrying out this empirical research, "effectiveness" is in pragma-dialectics defined as achieving acceptance of an argumentative move, which is the inherent interactional effect conventionally aimed for in performing the communicative act concerned (van Eemeren and Grootendorst 1984: 24–29). In order to serve its purposes optimally, the pragma-dialectical effectiveness research concentrates on the pursuit of intended and externalizable effects of the argumentative moves that are made on the state of the addressee's dialectical commitment store, i.e. on the addressee's positions in the discussion that are immediately relevant to the resolution process.[5] This effectiveness research focuses on effects which are achieved by reasonable means, which are based on an adequate understanding of the functional rationale of the argumentative moves that are made and which depend on rational considerations on the part of the addressee.[6] In this research, reasonableness is viewed as a necessary condition for "convincingness", i.e. the rational version of persuasiveness (van Eemeren and Grootendorst 1984: 48).

The experimental research project concerning hidden fallaciousness is devoted to the question of how it can be explained that fallacies that ordinary arguer consistently consider fallacious in a laboratory situation created in experimental research remain so often undetected in actual argumentative discourse. One of the fallacies concentrated on in this project so far is the violation of the Freedom Rule (Rule 1) known as the *abusive argumentum ad hominem* (van Eemeren et al. 2012b). The fallacy of an abusive *argumentum ad hominem* boils down to an attempt to eliminate the other party as a serious discussion partner by carrying out a personal attack that involves a shift of focus from an argumentative move to certain characteristics of the speaker or writer. As a rule such a shift is unreasonable. It can be reasonable however if the personal attack is made to criticize the other party's incorrect use of authority argumentation, i.e. to counter the use of the fallacy known as an *argumentum ad verecundiam*. In case a protagonist wrongfully presents himself or herself as an expert in a certain field or claims to be trustworthy when in fact he or she is not, it is reasonable to attack this protagonist for it.

The hypothesis investigated is that an *abusive argumentum ad hominem* may easily go undetected when the argumentative move concerned takes on a reasonable appearance because it mimics a legitimate critical reaction to authority argumentation. In the special circumstances when this might be the case it may not always be immediately clear whether the personal attack that is made must be seen as a

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[5]This critically-inspired effectiveness research is the pragma-dialectical alternative to non-dialectical persuasion research.

[6]See van Eemeren and Grootendorst (1984: 63–74) and van Eemeren (2010: 36–39).

reasonable critique or as a fallacious *ad hominem* move. In two experiments the hypothesis has been systematically tested that abusive *ad hominem* attacks will be seen as substantially less unreasonable when they are presented as if they are critical reactions to authority argumentation in which the person attacked is (wrongfully) parading as an authority. In both experiments the hypothesis was confirmed. In the original test as well as in the replication carried out to be able to generalize the results, straightforward abusive *ad hominem* attacks were consistently rejected as unreasonable argumentative moves while legitimate personal attacks were invariably considered reasonable. The "disguised" abusive attacks presented as responses to an abuse of authority however were judged as substantially less unreasonable than the overtly fallacious attacks. To follow up, experimental empirical research has been carried out (and will be carried out in the future) regarding disguised uses of other fallacies, such as the *argumentum ad baculum* presented as a reasonable warning (van Eemeren et al. 2015).

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Chapter 6
Analysis as Resolution-Oriented Reconstruction

6.1 The Need for Reconstructing Argumentative Discourse

For various reasons the reality of argumentative discourse is generally not entirely in agreement with the ideal model of a critical discussion. It is, for instance, not always immediately clear what standpoint exactly is at issue, who precisely is to be convinced of its acceptability and whether the difference of opinion is mixed or non-mixed. In a great many cases the procedural and material starting points of the argumentative exchange are to a large extent regarded to be understood, just as the division of the discussion roles of protagonist and antagonist among the participants. As a rule, the protagonist's argumentation remains partly unexpressed and the antagonist's criticism is to a great extent left implicit, especially when the argumentative discourse does not take the form of a full-blown dialogue. When it comes to stating the outcome of the exchange, in actual argumentative practices the conclusions that have been reached are sometimes only suggested or just taken for granted.

From these striking observations it can neither be concluded that the model of a critical discussion is not adequate nor that the argumentative discourse is deficient. That the model of critical discussion is not adequate, is contradicted by the problem-validity of the dialectical insights expressed in the model for resolving a difference of opinion on the merits that was discussed in Chap. 4. That, because of the deviations, the argumentative discourse is automatically deficient, is contradicted by pragmatic insights concerning the conduct of ordinary communication and interaction. More often than not actual argumentative discourse is implicit and incomplete, redundant and repetitive, indirect and ambiguous, and disorderly and messy, but this does not mean that it cannot be instrumental in resolving a differ-

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This chapter is primarily based on van Eemeren and Grootendorst (1992: 13–102) and van Eemeren et al. (1993: 37–90).

ence of opinion on the merits. From a pragmatic perspective the phenomena just mentioned may well be perfectly functional in conducting argumentative discourse in real-life argumentative practices. The efficiency of the discourse, for instance, can be served by leaving out or implicit what is self-evident, its clarity by stressing and reemphasizing what is vital, its smoothness by keeping hidden what is impolite or face-threatening, and its naturalness by dealing with issues at the very point where they happen to come up.

Of course, in argumentative discourse certain indispensable parts of the resolution process may remain unexpressed or get expressed in a long-winded, concealed or disorganized way not only because they seem self-evident or for other respectable reasons, but also out of carelessness, lack of responsibility or unreasonableness. This can apply equally to the definition of the difference of opinion, the division of the discussion roles, the establishment of the procedural and material starting points, the advancement of reasons in defence of a standpoint, the introduction of the argument schemes that are employed, the specification of the relationship between the reasons that are advanced, and the presentation of the outcome. In cases in which the defence of a standpoint happens to take place by means of a monologue in which only one of the parties participates explicitly, the other party's views may just be presupposed or cited only partly and other ingredients of the hidden dialogue will be represented at the discretion of the speaker or writer or even left out altogether. This means that, in order to do justice to what happens in the argumentative discourse, in all these cases a *reconstructive analysis* is needed in which all elements in the discourse that are relevant to resolving a difference of opinion on the merits are brought explicitly to the fore.

A reconstructive analysis is required in order to go beyond a naïve reading of the discourse that does not do justice to the commitments of the participants and what they intend to convey by what they say in the discourse. An analysis of a discourse is not the same as a mere interpretation but differs in several ways from it. First, an analysis is in principle more focused than an interpretation: it concentrates on a certain aspect of the discourse, in this case the argumentative aspect, instead of reporting a more or less subjective general impression. Second, an analysis is always undertaken from a specific disciplinary angle, in this case from the angle of argumentation theory and not, for example, from a psychological, logical, linguistic or historical angle. Third, in an analysis the observations that are made are situated in the conceptual and terminological framework of a certain theoretical perspective, in this case the pragma-dialectical perspective and not, for instance, a formal-dialectical or classical-rhetorical one. Fourth, whereas an interpretation can be disposed of as "just my interpretation", an analysis is intrinsically connected with the requirement of accountability: the analyst must be able to justify, for instance, why a certain speech act is to be considered as the standpoint at issue and another speech act as a reason advanced in its defence.

The kind of reconstructive analysis that is called for when approaching argumentative discourse from the theoretical perspective of pragma-dialectics involves the employment of the conceptual tools of that theory in order to interpret the discourse systematically in terms of that theory. This means that the analysis will

make use of the pragma-dialectical classifications of standpoints (descriptive/evaluative/prescriptive standpoints), differences of opinion (single non-mixed/single mixed/multiple non-mixed/multiple mixed differences), argument schemes [(subtypes of) causal/comparison/symptomatic argumentation], and argumentation structures (single/multiple/coordinative/subordinative/combined structure). Because it is a reconstructive analysis, the analysis carried out should as much as possible boil down to a methodical reconstruction of the speech acts performed in the argumentative discourse as argumentative moves that are instrumental in resolving a difference of opinion on the merits as they are distinguished in the model of a critical discussion that constitutes the theoretical framework of pragma-dialectics. In this way the kind of resolution-oriented reconstruction can be achieved that is aimed for in the analytical component of the pragma-dialectical research program in order to establish a systematic connection between the insights into reasonable argumentative discourse developed in the theoretical component and the understanding of argumentative reality that is gained in the empirical component.

   A crucial precondition for carrying out a reconstructive analysis of argumentative discourse is that the oral or written discourse that is to be analysed is indeed argumentative, i.e. designed to resolve a difference of opinion between two parties by a reasonable discursive exchange aimed at testing the acceptability of the standpoint(s) at issue. Another kind of precondition is that there are no unfulfilled higher order conditions for reasonable argumentative discourse that prevent achieving a resolution of a difference of opinion on the merits (e.g. because one of the party's state of mind is such that it lacks the willingness to come to any agreement or because the situation concerned is such that speaking up would lead to negative sanctions against one of the parties). Still other preconditions of a more general kind are that the parties involved in the discourse should make a serious effort to resolve the difference of opinion on the merits, to act cooperatively, and to try to maintain a working consensus during the discussion. When discussing the characteristics of a reconstructive analysis we will assume that the various kinds of preconditions just mentioned have been fulfilled.

6.2   Analytical Transformations in a Theoretically-Motivated Reconstruction

Providing the resolution-oriented reconstructive argumentative analysis aimed for in pragma-dialectics only makes sense if the discourse concerned is indeed wholly or partly argumentative, i.e. directly or indirectly aimed at overcoming someone's doubt regarding the acceptability of a standpoint. Although there are certainly cases in which the discourse is evidently not argumentative, even a discourse that is not presented as argumentative but, for instance, as a story reporting a series of events, may on closer inspection prove to have an argumentative function all the same. A speech event can sometimes serve various purposes at the same time and

resolving a difference of opinion may be one of them. In such cases it may, as in some other cases, make sense to analyse the same discourse from different perspectives, each of the analyses highlighting a different aspect of the discourse and the various analyses being complementary. An ordinary conversation, for example, might be fruitfully subjected to a psychological, a linguistic as well as an argumentative analysis. It depends on the purpose of the analyst which kind of analysis will be the most appropriate in a particular case.

If the purpose of the analysis is to achieve an overview of the speech acts performed in the discourse that offers an adequate starting point for a critical evaluation of the contributions these speech acts make to the resolution of a difference of opinion, then an argumentative analysis is called for. An argumentative analysis abstracts deliberately from aspects of the discourse that would only be relevant to other types of analysis. If for some reason this seems useful, the argumentative analysis and the analyses of other aspects of the discourse can later always be integrated. A pragma-dialectical reconstructive argumentative analysis starts from the idea that resolving a difference of opinion on the merits requires going through the four discussion stages that are analytically distinguished in the model of a critical discussion and performing the various types of speech acts which according to the model contribute to the resolution process. That is why the ideal model of a critical discussion serves as a "template" in the analysis, providing a point of reference for interpreting the discourse in terms of argumentative moves relevant to resolving a difference of opinion on the merits.

The model of a critical discussion serves as a heuristic and analytic tool in reconstructing the speech acts performed in an argumentative discourse from a resolution-oriented perspective. Its heuristic function involves indicating which argumentative moves are analytically relevant in the various stages of the resolution process, so that in the reconstruction it can be checked if any such argumentative moves have been made in the speech acts performed in the discourse.[1] The analytic function of the model consists in providing the conceptual and terminological means required for identifying and pinning down the argumentative moves that are made in the various speech acts. The way in which in an argumentative discourse a difference of opinion is handled will in the one case come closer to the conduct of a critical discussion than in the other. In argumentative reality the analytically relevant argumentative moves are generally not all fully represented in the discourse, let alone explicitly; more often than not they are concealed in speech acts that do not seem argumentative at first and they are not necessarily performed in the order indicated in the model of a critical discussion. As a rule, the argumentative moves that have been made in an argumentative discourse therefore need to be systematically identified and reconstructed in the analysis (van Eemeren 1986; van Eemeren and Grootendorst 2004: 100–110).

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[1]Analytically relevant means relevant to resolving a difference of opinion on the merits. See Sect. 5.1 of this volume.

A resolution-oriented reconstruction of an argumentative discourse entails carrying out four kinds of analytic operations, known as *reconstruction transformations*, which are instrumental in tracing the argumentative moves in the discourse that play a part in resolving a difference of opinion.[2] These reconstruction transformations, carried out from the perspective of a critical discussion, are aimed at externalizing all argumentative commitments the speaker or writer has contracted in the discourse that are relevant to evaluating the contribution of the speaker or writer to resolving the difference of opinion at issue on the merits. Each type of transformation represents a particular way of reconstructing the discourse, which is expressed in its name. The operations involved in the transformations result in a *deletion*, an *addition*, a *substitution* or a *permutation* in the way in which the discourse is presented.[3] As a consequence, the reconstruction of the discourse resulting from the analysis will be in several respects different from the original – in some cases even considerably different.[4]

The transformation of deletion amounts to identifying and subsequently leaving out of consideration those parts of the discourse that do not play a part in resolving a difference of opinion on the merits. Such redundant parts may, for instance, consist of mere repetitions, side-lines devoted to other topics, irrelevant interruptions, digressions and asides. The transformation of addition consists of completing the discourse by supplementing it with elements that have been left implicit in the discourse and are immediately relevant to resolving a difference of opinion on the merits. Such additions may, for instance, concern anticipated doubt, starting points that are just presupposed or only elliptically phrased, unexpressed premises, and implied or implicated conclusions. In the transformation of substitution parts of the discourse that are relevant to the resolution process but whose function or content is due to their presentation insufficiently clear are put in unequivocal formulations which clarify their role in a critical discussion. Such substitutions may, for instance, pertain to speech acts whose communicative function or propositional content remains unnecessarily vague, to confusingly synonymous phrasings of the same propositional content and to ambiguous or indirect speech acts conveying relevant argumentative moves. The transformation of permutation entails rearranging parts of the discourse that belong to the same stage of the resolution process but appear in the discourse at different or inappropriate points by putting them in the order that reflects their relevance to resolving a difference of opinion on the merits. Such permutations may, for instance, remedy overlap of discussion stages and rearrange premature or delayed contributions to a certain discussion stage, such as

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[2]Next to reconstruction transformations, pragma-dialectics also distinguishes *presentation transformations*, which are used in writing or rewriting argumentative texts (van Eemeren and Grootendorst 1999).

[3]For a more elaborate account of the reconstruction transformations, see van Eemeren and Grootendorst (1990, 2004: 100–110).

[4]The original discourse comes into play again when the strategic manoeuvring is taken into account in the analysis. See Chap. 7 of this volume.

argumentation that is advanced already before the confrontation stage has been completed and precizations of the standpoint at issue only coming about in the argumentation stage.

To illustrate the use of the four reconstruction transformations, we make use of the following conversation between John and Harry about inviting Miriam to John's birthday party.[5] In this conversation there is a difference of opinion between Harry (and Michael) and John about inviting Miriam to John's birthday party. If it is reconstructed as a critical discussion, the conversation is viewed as an exchange aimed at resolving the difference of opinion about whether to invite Miriam or not.

Harry	Now that we have a quiet moment: have you thought any more about your birthday? Are you going to celebrate it or not?
John	I thought about **having a party. That seems a good idea, I think.**
	Don't you? *Let's get down to how I should do the invitations*
5	*right away. I mean, do you think I ought to invite Miriam or not?*
Harry	**Miriam? Definitely ask her. By all means!**
John	**I don't think so myself**
	[Michael comes in and joins John and Harry]
Michael	OK guys, what's new?
10 John	What do you mean, what's new? Have a coffee.
Harry	Hello, Michael. You've come at a good moment.
Michael	That coffee's too strong. What were you talking about?
John	**Whether I should invite Miriam to my birthday party.**
Michael	**Of course, no doubt about it.**
15 Harry	Michael, you just keep out of it. Let John and me sort this out together.
	Now I'd like you to tell me, John, exactly what you've got against the idea of inviting Miriam to come.
Michael	**I want her to come!**
Harry	But I'm talking with John now. *What's wrong with her coming? It's*
20	*your birthday, so it's up to you.*
John	But you're the one who's so keen to have her.
	I think it's up to you first to say why you think it's so necessary to invite her at all.
Harry	It's your birthday, so *it's up to you to say why she isn't welcome.*
25 John	I have the impression that you have a view on it too. So *you have to tell me why.*
Michael	Have the two of you sorted it out? **Just let her come.** Stop making such a fuss all the time. By the way, has either of you seen Peter?
John	No, Peter's out – the creep.
30 Harry	Do you want it to be another boring affair? Miriam's the liveliest woman I've met for ages.

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[5]This text was introduced for this purpose in van Eemeren and Grootendorst (2004: 100).

John	<u>Do you want me to stay away from my own party?</u>
	We mustn't invite Miriam or <u>Peter will come too!</u>
Harry	OK, EXIT MIRIAM.
35 Michael	Have you agreed?
Harry	Just give me a beer.
John	So what are we going to do? Invite her?
Harry	NO, I'VE GIVEN IN, HAVEN'T I? HAVE IT YOUR OWN WAY. DON'T INVITE HER.

In providing a resolution-oriented reconstruction of this argumentative discourse a transformation of deletion is, for example, carried by leaving out of consideration the parts of the conversation in which greetings takes place, the coffee is discussed (lines 10–12) and Harry asks for a beer (line 36), which are not immediately relevant to the resolution process. A transformation of addition reconstructs, for instance, both "Miriam? Definitely ask her. By all means!" (line 6) and "Of course, no doubt about it" (line 14) as a standpoint. By means of another transformation of addition, "Peter will come too!" (line 33) and "Do you want it to be another boring affair? Miriam's the liveliest woman I've met for ages" (line 30) are reconstructed as argumentation. A transformation of substitution is, for example, carried out in reconstructing all three different formulations "Definitely ask her. By all means!" (line 6), "Of course, no doubt about it" (line 14) and "I want her to come!" (line 18) as expressing the same positive standpoint with regard to the proposition that Miriam should be invited. Harry's indirect argumentation for this standpoint by means of the rhetorical question "Do you want it to be another boring affair?" (line 30) and John's equally indirect counter-argumentation by means of a rhetorical question, "Do you want me to stay away from my own party?" (line 31), are both for the sake of clarity through a substitution transformation replaced by a direct formulation (A party should not be boring; I cannot stay away from my own party).

The use of the permutation transformation deserves some special attention. In the birthday party discussion there are various points in the discourse where parts of the confrontation stage are realized. First, in lines 6–7, Harry puts forward a positive standpoint and John a negative one. Second, in lines 14–17, Michael adopts the same (positive) standpoint as Harry, while John disagrees. Third, in line 19, once again Harry tries to draw John out by asking for arguments to back up his standpoint, thus calling the acceptability of John's negative standpoint with regard to inviting Miriam into question. For the sake of clarity, the parts of the discourse belonging to the confrontation stage are in our reproduction of the text indicated **in bold**.

Parts of the opening stage are expressed at various points. The clearest in lines 21–22, where Harry explicitly draws John's attention to his responsibility as protagonist of the standpoint that Miriam should not be invited. John draws Harry's attention to his obligations as protagonist of the opposite standpoint and considers that Harry must first fulfil his role as protagonist by coming up with arguments. The second opening passage occurs in line 24 with a repetition of the remark that Harry

did already make in lines 19–20. The third opening passage is in line 25, when John draws Harry's attention to his responsibility as protagonist of the positive stand-point that Miriam ought to be invited. Small skirmishes take place at these three points in negotiating the division of roles and the sequence that is desired. The parts of the discourse that belong to the opening stage are put *in italics*.

The argumentation stage is represented in lines 30–33, where Harry advances an indirect argument for his positive standpoint that Miriam should be invited: a party should not be boring, which is part of a more complex argumentation that remains partly implicit. John's argumentation for his negative standpoint that Miriam should not be invited is also indirect: if Miriam is invited, Peter will come too, and that is apparently not what John wants. Although the argumentation of the two protago-nists is not explicitly presented as such, an indirect form of argumentation is used in both cases and several unexpressed premises play a part, the argumentation stage of the discussion is here not so difficult to identify. The parts of the discourse that belong to the argumentation stage are underlined.

The concluding stage is represent in line 34 and 38, where Harry makes it unequivocally clear that he gives up his own positive standpoint and accepts John's negative standpoint that Miriam should not be invited. So the difference of opinion is resolved in John's favour. The parts of the discourse that belong to the con-cluding stage are put IN CAPITALS.

Various deletion, addition, substitution and permutation transformations are thus carried out in a resolution-oriented reconstruction of the conversation about the birthday party. Carrying out these transformations is in the analysis of an argu-mentative discourse in principle part of a cyclic process of reconstruction, in which transformations are carried out recursively. Because the result gained in carrying out a certain transformation may trigger a new round of reconstruction, involving the execution of still more transformations, the process of analysis can entail several rounds of reconstruction. When, for instance, a non-assertive speech act consisting of a rhetorical question, such as "Do you want it to be another boring affair?" (line 30), has been reconstructed by means of a substitution transformation as a direct assertive (A party should not be boring), this reconstruction has to be followed by a transformation of addition to attribute the communicative function of argumentation to this assertive (Miriam should be invited, because a party should not be boring [and people preventing a party from being boring should be invited]).

6.3 Making an Analytic Overview of an Argumentative Discourse

In order to do justice to the argumentative discourse that is analysed, a resolution-oriented reconstruction should result in an "analytic overview" of the discourse that covers all stages of a critical discussion and represents all argu-mentative elements in the discourse that are relevant to the resolution of a difference

(a) The standpoints at issue in the difference of opinion and the positions adopted by the parties.

(b) The procedural and material starting points constituting the point of departure.

(c) The arguments explicitly or implicitly advanced by the parties for each standpoint.

(d) The argument schemes used to justify a standpoint in the various arguments constituting together an argumentation.

(e) The structure of the argumentation advanced by each of the parties in defence of a standpoint.

(f) The outcome claimed by the parties.

Fig. 6.1 Components of an analytic overview

of opinion on the merits and should contain nothing else. In this way the analytic overview provides an adequate basis for a fair assessment of the discourse by systematically bringing together everything that must be taken into account in a critical evaluation. This means that the analytic overview needs to recapitulate the difference of opinion at issue, to identify the positions of the participants and the procedural and material premises serving as the point of departure of the exchange, to list the reasons that are advanced which constitute the argumentation in response to (expressed or anticipated) criticism, to determine the types of arguments that are used in the process and the argumentation structures that have developed, and to report what the outcome of the exchange is according to the participants.[6] In the case of a discourse that is hard to come to grips with, it may be helpful to start the analytic overview with an outline of the way in which the four stages of the resolution process are represented in the discourse. To serve its purpose well, the analytic overview needs to satisfy the requirements of economy (no redundant elements), efficacy (no non-pertinent elements), coherence (no inconsistencies), realism (no unlikely elements), and well-foundedness (no unaccountable elements) (van Eemeren 2010: 16–19).

The points which, in principle, always need to be included in an adequate analytic overview are listed in Fig. 6.1.

All six points that are to be included in an analytic overview are pertinent to the evaluation of an argumentative discourse. If it is not clear what the difference of opinion involves, i.e. which standpoint or standpoints are at issue and which positions have been adopted by the parties, there is no way of telling whether the difference of opinion has been resolved and in whose favour. If the discussion rules and the explicit and implicit premises constituting together the point of departure of

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[6]The pragma-dialectical method for making an analytic overview is explained in van Eemeren and Grootendorst (13–102). For its practical application see van Eemeren and Snoeck Henkemans (2016).

the argumentative exchange remain unclear, it is not clear either on which proce-
dural and material starting points the evaluation must be based. If not all the reasons
that are explicitly and implicitly advanced in support of a standpoint are taken into
account, including the unexpressed premises, crucial parts of the argumentation
may be overlooked, so that the evaluation will be inadequate. If the argument
schemes that are employed in the various arguments advanced are not recognized, it
is impossible to determine whether the supporting link supposed to be established
in each individual argument can stand up to criticism. If the structure of the
argumentation in defence of a standpoint is not disclosed, it cannot be judged
whether, when taken together, the arguments put forward in defence of a standpoint
constitute a coherent and cogent whole. Finally, if the parties' views of the outcome
are not taken into account, it cannot be checked to what extent the evaluator's
assessment agrees with their judgments.

In representing the various components of an analytic overview the conceptual
and terminological apparatus of pragma-dialectics is put to good use (van Eemeren
and Grootendorst 1992; van Eemeren and Snoeck Henkemans 2016). To begin
with, in reconstructing the difference of opinion at the centre of the argumentative
discourse, a distinction is made between single non-mixed, multiple non-mixed,
single mixed, and multiple mixed differences of opinion. In order to determine
which points are at issue, it is necessary to identify precisely which standpoints with
regard to which propositions are assumed and questioned in the discourse. The
difference of opinion is single when there is a difference about just one proposition
(A: "Turkey should join the European Union; B: "Should it?"); it is multiple when
there is difference about more than one proposition (A: "Turkey should join the
European Union and Greece should leave the Union"; B: "I am not sure whether I
agree with either of your views"). The difference of opinion in non-mixed when
only one (positive or negative) standpoint is adopted with regard to a proposition
(A: "Turkey should join the European Union"; B: "Should it?"); it is mixed when
both a positive and a negative standpoint are adopted with regard to the same
proposition (A: "Turkey should join the European Union"; B: "No, it should not!").
A single non-mixed difference of opinion represents the basic type of a difference of
opinion. Other types of differences of opinion consist of a combination of differ-
ences of opinion of the basic type.

As for the positions of the parties in a difference of opinion, a distinction is to be
made between taking on the role of a protagonist who is committed to a standpoint
and taking on the role of an antagonist who is in doubt about its acceptability. In
order to determine which positions have been assumed by the parties, it is necessary
to identify precisely which participants take on the role of protagonist with regard to
the standpoint(s) at issue and which participants the role of antagonist. Assuming
the position of antagonist of the other party's standpoint can be combined with
taking on the role of protagonist of the opposite standpoint, but this is not neces-
sary: a party that calls a standpoint into question need not necessarily assume the
opposite standpoint. Both the discussion roles of protagonist and antagonist can
also be fulfilled by a group of people or a representative of such a group and it may

even be the case that one and the same person takes on the role of protagonist as well as the role of antagonist regarding one and the same standpoint.

In listing the arguments that have been put forward on behalf of a standpoint, next to reasons for accepting a standpoint that are advanced explicitly, there may well be reasons that are only implicitly or even indirectly expressed. All reasons that are in some way or other advanced in the discourse should be externalized in the reconstruction and included in the analytic overview. In this way it can be guaranteed that in the evaluation also reasons that are put forward in the form of a rhetorical question or another form of indirect argumentation will be taken into account. In the reconstruction of unexpressed premises the logical minimum consisting of the "associated conditional" *if explicit reason, then standpoint* can be used as a heuristic tool to get to the pragmatic optimum involving a generalization or specification of this conditional that goes as far as context, available background information and other relevant pragmatic resources allow (van Eemeren and Grootendorst 1992: 60–72).

In particular when the resolution process is directly based on a premise left unexpressed in the discourse because a reason supporting this unexpressed premise is advanced at the next level of the defence, it is necessary to represent the unexpressed premise in the analytic overview. In the birthday party conversation, for instance, this is the case when Harry supports the unexpressed premise that Miriam's presence will mean that the party is not boring with the argument that Miriam is a lively woman (and the presence of lively women means that a party is not boring).

In a great many cases the unexpressed premise rendered explicit in the reconstruction can serve as a basis for the identification of the argument scheme that connects the reason advanced in the discourse with the standpoint that is to be justified. Depending on the different sets of critical questions associated with the kind of relationship that is established between the reason advanced and the standpoint defended, as has been explained in Sect. 3.5, pragma-dialectics makes a distinction between argumentation of the causal, the symptomatic and the comparison type (van Eemeren and Grootendorst 1992: 94–102). Starting from the reconstructed unexpressed premise, it is as a rule easy to determine which of the argument schemes characterizing these three types of argumentation has been used in a particular case. In the conversation about the birthday party, for instance, starting from the unexpressed premise that the presence of a lively woman can prevent a party from being boring, which has been left unexpressed in Harry's argumentation that Miriam is a lively woman that he advanced in support of his unexpressed standpoint that Miriam's presence will mean that the party is not boring, it can be reconstructed that a symptomatic relationship is supposed to exist between, on the one hand, this standpoint and, on the other hand, Miriam being the liveliest woman Harry has met for a long time and the unexpressed premise that the presence of a lively woman means that a party is not boring. In the same vein, a causal relationship can be reconstructed between Harry's standpoint that Miriam should be invited to the party and the argument that a party should not be boring (and Miriam's presence will prevent the party from being boring) combined with

the bridging unexpressed premise that people preventing a party from being boring should be invited.

In reconstructing the way in which a standpoint has been defended by means of argumentation consisting of more than one reason, pragma-dialectics distinguishes between multiple, coordinative and subordinative argumentation structures (van Eemeren and Grootendorst 1992: 73–89; Snoeck Henkemans 1997). The analysis of the argumentation structure concentrates on the way in which combinations of reasons that have been put forward to justify a standpoint support the standpoint separately or when taken together. The simplest argumentation structure comes into being when a standpoint is defended by just one single reason (and an unexpressed premise). When the speaker or writer considers giving more reasons necessary in defending a standpoint, the argumentation structure becomes complex. The argumentation is multiple when the individual reasons (or combinations of reasons) advanced in support of a standpoint are in principle independent of each other and each of them constitutes a separate defence of the standpoint. The argumentation is coordinative (i.e. coordinatively compound) when only in combination with one another two or more reasons (or combination of reasons) constitute a defence of the standpoint. In subordinative (i.e. subordinatively compound) argumentation one reason (or combination of reasons) supports the other reason at the next level of the defence. The structure of Harry's argumentation in the birthday conversation, for instance, contains both coordinative and subordinative argumentation:

1   Miriam should be invited to the party

    1.1a   A party should not be boring
  (1.1b)   (Miriam's presence will mean that the party is not boring)
((1.1a)–(1.1b))'   (People whose presence means that a party is not boring
                    should be invited)

    (1.1b).1   Miriam is a lively woman
    ((1.1b).1')   (Lively women prevent a party from being boring).

6.4   Exemplary Analysis of a Specific Case (Part 1)

To illustrate how an argumentative discourse can be reconstructed in the way we have just explained, we now provide an analytic overview of the press release 'KLM apologies for destroying squirrels', dating from 1999.[7] In April 1999 the Dutch airline company KLM was in the spotlight because it had finished off 440 North-American banded ground squirrels after it had been ordered to do so by the national agency for the inspection of cattle and meat. The required exportation and health documents were lacking, and the squirrels were not adequately packaged.

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[7]This analysis is based on van Eemeren (2015: 521–542).

The animals were put through a chopper alive. The squirrels came from Beijing and were on their way to Athens. The sender in Beijing did not want to take the squirrels back and no country outside Europe volunteered to receive the animals. The chopper in which the squirrels came to their end was a kind of shredder that is also used in the bio industry to cut up cocks. Cocks, however, are substantially smaller than squirrels, and with cocks one can therefore make sure that the head goes first. With the ground squirrels, whose size equals that of three hands, this was not feasible. In the press release below, KLM accounts for having destroyed the squirrels.

   [I]   KLM sincerely apologizes for having been forced to have 440 squirrels destroyed, last Monday in the KLM Cargo animals' hotel. KLM has acted in a way that is formally justified, but admits that an ethical assessment mistake was made. KLM fully endorses the criticisms that have been voiced by the public and the various organisations.

  [II]   The airline company has decided to start a thorough investigation into what exactly happened at the reception of the package in Beijing. The events in the KLM Cargo animals' hotel will also be investigated.

 [III]   Pending this investigation and in view of the emotions that these events have aroused, the Board of KLM has deemed it desirable that the employee concerned will stay home for the period of this investigation.

 [IV]   On Sunday, April 11, 1999, KLM has received orders from the Department of Agriculture, Environmental Management and Fishing (AEMF) to destroy the animals. KLM is of the opinion that this order, in this form and without feasible alternatives, was unethical.

  [V]   The Board of KLM holds, however, that the KLM employee concerned has acted formally correct in this matter by promptly following the directives of the Department of AEMF, but also acknowledges at the same time that this employee has made an assessment mistake.

 [VI]   KLM once more emphasises that the company regrets the course of events and offers its sincere apologies to all animal lovers and all those whose feelings have been hurt by the events.

[VII]   KLM has informed the Animal Protection Society, the AAP Foundation, the Worldwide Fund for Nature (WWF), the Cites Netherlands Foundation, the Foundation for the Shelter of Squirrels in De Meern, the European Association of Zoos and Aquaria, and the Dutch Association of Zoos of the above and has invited these organisations to come to a consultation on how to avoid deplorable situations of this kind at a short term.

Our resolution-oriented reconstructive analysis starts off by identifying the four stages in the process of resolving a difference of opinion on the merits in KLM's discourse. This results in the following analysis of the discourse in which the parts belonging to the confrontation stage are indicated **in bold**, the parts belonging to the

opening stage are put *in italics*, and those belonging to the argumentation stage are underlined:

[I] *KLM sincerely apologizes for having been forced to have 440 squirrels destroyed, last Monday in the KLM Cargo animals' hotel.* **KLM has acted in a way that is formally justified**, but *admits that **an ethical assessment mistake was made**. KLM fully endorses the criticisms that have been voiced by the public and the various organisations.*

[II] The airline company has decided to start a thorough investigation into what exactly happened at the reception of the package in Beijing. The events in the KLM Cargo animals' hotel will also be investigated.

[III] Pending this investigation and in view of the emotions that these events have aroused, the Board of KLM has deemed it desirable that the employee concerned will stay home for the period of this investigation.

[IV] *On Sunday, April 11, 1999,* KLM has received orders from the Department of Agriculture, Environmental Management and Fishing (AEMF) to destroy the animals. **KLM is of the opinion that this order,** in this form and without feasible alternatives**, was unethical**.

[V] **The Board of KLM holds,** however, **that the KLM employee concerned has acted formally correct in this matter** by promptly following the directives of the Department of AEMF, *but also acknowledges at the same time that this employee has made an assessment mistake.*

[VI] *KLM once more emphasises that the company regrets the course of events and offers its sincere apologies to all animal lovers and all those whose feelings have been hurt by the events.*

[VII] KLM has informed the Animal Protection Society, the AAP Foundation, the Worldwide Fund for Nature (WWF), the Cites Netherlands Foundation, the Foundation for the Shelter of Squirrels in De Meern, the European Association of Zoos and Aquaria, and the Dutch Association of Zoos of the above and has invited these organisations to come to a consultation on how to avoid deplorable situations of this kind at a short term.

a. *The difference of opinion*

KLM advances two standpoints explicitly: (1) KLM has acted in a way that is formally justified, (2) AEMF is to be blamed for giving an unethical order. KLM also puts forward a standpoint implicitly: (3) KLM has acted appropriately after the destruction of the squirrels had taken place. Implicitly they also ascribe a standpoint to their accusers: (4) KLM is to be blamed for what went wrong with the squirrels. (1), (2) and (3) are supposed to meet with doubt from the undefined audience to which the press release is addressed, so that there is a multiple non-mixed difference of opinion between KLM and them. The additional difference of opinion concerning (4), which KLM implies to have with their accusers, is single mixed.

b. *The point of departure*

KLM has decided to start a thorough investigation into what exactly happened at the reception of the package in Beijing. The events in the KLM Cargo animals'

hotel will also be investigated. Pending the investigation and in view of the emotions that these events have aroused, the Board of KLM has deemed it desirable that the employee concerned will stay home for the period of this investigation. KLM has received orders from the Department of Agriculture, Environmental Management and Fishing (AEMF) to destroy the animals, without feasible alternatives. The KLM employee concerned has acted formally correct in this matter by promptly following the directives of the Department of AEMF.

c. *The arguments advanced*

Ad standpoint 1   KLM received orders from the Department of Agriculture, Environmental Management and Fishing, in this form and without feasible alternatives, to destroy the animals, and KLM's employee followed these directives.

Ad standpoint 2   The Department of Agriculture, Environmental Management and Fishing's orders did not have the correct form and the Department of Agriculture, Environmental Management and Fishing did not offer any feasible alternatives.

Ad standpoint 3   KLM started a thorough investigation into what happened at the reception of the package in Beijing; KLM started a thorough investigation into what happened in the KLM Cargo animals' hotel; KLM let the employee who let out the orders stay at home for the period of the investigation. The investigation is still to be carried out. The emotions concerning the destruction make the employee's staying at home necessary. And KLM made sure that such disasters will not happen again in the future. KLM informed all interested parties and has started consultation with them.

Ad standpoint 4   KLM acknowledges that their employee has made an ethical assessment mistake.

d. *The argument schemes employed*

In virtually all cases the argument schemes used are symptomatic.

e. *The argumentation structure*

KLM advances coordinative argumentation, (1.1a–1.1b), in support of their standpoint 1, multiple argumentation, 2.1 and 2.2, in support of their standpoint 2, and coordinative argumentation, (3).1a–(3).1d, in support of their implicit standpoint (3). KLM supports some parts of the latter coordinative argumentation, (3).1c and (3).1d, in turn by means of subordinative argumentation, (3).1c.1, (3).1c.2, and (3).1d.1, respectively. The accusers offer single argumentation, (4).1, in support of the standpoint (4), which KLM implicitly ascribes to them.

1. KLM acted in a way that is formally justified

    1.1a   KLM received orders from AEMF to act in this way
    1.1b   KLM's employee followed AEMF's directives

2. AEMF is to be blamed for giving an ethically wrong order

    2.1   AEMF's order did not have the correct form
    2.2   AEMF did not offer any feasible alternatives

3. (KLM acted appropriately after the destruction of the squirrels)

    (3).1a   KLM started a thorough investigation into what happened at the
             reception of the package in Beijing
    (3).1b   KLM started a thorough investigation into what happened in the KLM
             Cargo animals' hotel
    (3).1c   KLM let the employee who carried out the orders stay at home for the
             period of the investigation

        (3).1c.1   The investigation is still to be carried out
        (3).1c.2   The emotions concerning the destruction make the employee's
                   staying at home necessary

    (3).1d   KLM made sure that such disasters will not happen again in the future

        (3).1d.1   KLM informed all interested parties and has started consul-
                   tations with them

4. (KLM is to be blamed for what went wrong with the squirrels)

    (4).1   KLM acknowledges that their employee has made an ethical assessment
            mistake

 f. *The outcome*

    No outcome is mentioned.

6.5   Resources for Accounting for an Analytic Overview

In the case of a resolution-oriented reconstruction, unlike in the case of a purely
subjective interpretation, the analyst can be held accountable for the reconstructive
analysis that is provided. In accounting for an analytic overview several kinds of
resources can be brought to bear (van Eemeren 2010: 16–19). In all cases there is,
first of all, the text that is reconstructed, i.e. the organized collection of speech acts
that are performed in the discourse and the words and expressions used in doing so.
In a reconstructive analysis of an argumentative discourse, the text that is analysed
is invariably the most important source. This is where the reconstruction process

starts from and this is where the analyst should return to in accounting for the analysis that is provided.

Even when a text is fully explicit and seems the only resource that needs to be utilized in accounting for a reconstructive analysis, the analyst should always be aware of the possibility that a different interpretation is called for than the one suggested by the literal meaning of what has been said. In the case of irony, for instance, the opposite interpretation is usually the right one. Generally, when the interpretation of an ambiguous or partly implicit speech act needs to be accounted for, additional resources, such as the context, need to be exploited. Often the linguistic "micro-context", consisting of the speech acts preceding and following the speech act at issue, will offer the required support – sometimes in combination with visual or other information provided by the situational "meso-context" in which the speech act is performed. Other contextual resources that may come in useful are the institutional "macro-context" of the communicative practice in which the argumentative discourse takes place and the "intertextual context" consisting of relevant other texts, such as the article to which a letter to the editor reacts.

Other resources that can be utilized in accounting for the reconstruction of certain components of an analytic overview are one's cognitive ability to draw logical inferences which reveal pertinent presuppositions or implications of what has been said in the discourse and pragmatic inferences bringing out pertinent "implicatures" conveyed by the discourse. In justifying the reconstruction of indirect speech acts, and particularly unexpressed premises, the "rules of communication" play a part that are formulated in pragma-dialectics to integrate the identity and correctness conditions for the performance of communicative acts with interactional principles based on the Gricean maxims in dealing with argumentative discourse (van Eemeren and Grootendorst 1992: 49–52).

The rules of communication resist in ordinary communication and interaction the performance of speech acts which are (1) incomprehensible, (2) insincere (i.e. not resulting in a commitment), (3) redundant, (4) pointless or (5) not appropriate in the context in which they occur. If a speech act occurs which seems to go against these rules and there is no reason to assume that the idea of communicating and interacting seriously has been abandoned, the analyst should make a concerted effort to reconstruct this speech act in such a way that the rule violation is remedied and the reconstructed speech act agrees with the five rules of communication. In this way it is possible to account for a reconstructive analysis of indirect speech acts and unexpressed premises (van Eemeren and Grootendorst 1992: 52–59, 60–72).

A last resource that can be brought to bear in accounting for a resolution-oriented reconstructive analysis is background information. First, there may be general background information, which refers to background knowledge that is in principle available to everyone who is part of the community. An example is our shared knowledge that in a public swimming pool you need to wear a swimsuit. Second, there is specific background information, which may vary from expert knowledge to knowledge someone happens to have as a result of certain particular experiences. An example of the latter is the knowledge a witness has of a

criminal act. In all cases where information is used, the information concerned may offer reliable support to the justification of a particular reconstruction.

In accounting for a certain reconstructive analysis more often than not one kind of resource that is put to good use in supporting a reconstruction can be supplemented with the support gained from another kind of resource, as happens, for instance, in combining referring to contextual clues with mentioning specific background information provided by a specialist in the field. For an illustration by means of a few examples of how the reconstruction of the various components of the analytic overview can be accounted for we turn again to the analysis of KLM's press release. However, references to the institutional and intertextual context and to background information will largely be postponed to Sect. 7.5, because their use can be illustrated more clearly after we have enriched our theory with insights concerning strategic manoeuvring.

The difference of opinion

The first of the two standpoints that KLM advances (KLM has acted in a way that is formally justified) is explicitly formulated in paragraph I of the text; the second standpoint (AEMF is to be blamed for giving an unethical order) in paragraph IV, indicated by "KLM is of the opinion that". Based on KLM's emphatic elaboration on its measures to ensure that all will go well in the future, the implicit third standpoint (KLM has acted appropriately after the destruction of the squirrels had taken place) can be ascribed to the company. Because KLM's press release is motivated by the counter-claim that KLM implicitly ascribes to their accusers (KLM is to be blamed for what went wrong with the squirrels), this counter-claim must be viewed as the fourth standpoint that is part of the confrontation stage. Since KLM opposes this standpoint and the other three standpoints are supposed to meet only with doubt, the difference of opinion concerning the fourth standpoint is the only mixed one.

The point of departure

KLM states in paragraph I and IV of the text more or less explicitly the starting point that it was wrong that 440 squirrels had to be finished off and just as explicitly in paragraph I and VI the starting points that they fully endorse the criticism of the action by the public and various organisations, in paragraph I and IV that they were ordered by AEMF to have 440 squirrels destroyed, and in paragraph I and VI that they regret what happened and apologize emphatically for it to all animal lovers and other interested parties. Not much background information of whatever kind is therefore required to identify the starting points established in the opening stage.

c. *The arguments advanced*

Although the arguments are not explicitly indicated, in all cases the presentation and the ordering make clear what the arguments are. In this press release unexpressed premises do not lead to any further development of the argumentation.

Ad defence standpoint 1   In support of the first standpoint (KLM acted in a way that is formally justified) KLM presents in paragraph IV the argument that KLM received orders from AEMF to act in this way and complements this argument in paragraph V by the argument that KLM's employee followed AEMF's directives.

Ad defence standpoint 2   In support of the second standpoint (AEMF is to be blamed for giving an ethically wrong order) KLM presents in paragraph IV the argument that AEMF's order did not have the correct form as well as the argument that AEMF did not offer any feasible alternatives.

Ad defence standpoint 3   In support of the implicit third standpoint (KLM acted appropriately after the destruction of the squirrels) KLM presents in paragraph II first the argument that KLM started a thorough investigation into what happened at the reception of the package in Beijing. Also in paragraph II, KLM advances the second argument that KLM started a thorough investigation into what happened in the KLM Cargo animals' hotel, followed in paragraph III by the argument that KLM let the employee who let out the orders stay at home for the period of the investigation. In paragraph VII the fourth argument is added that KLM made sure that such disasters will not happen again in the future. In paragraph II the third argument is in its turn supported by the argument that the investigation is still to be carried out and in paragraph III by the argument that the emotions concerning the destruction make the employee's staying at home necessary. In paragraph VII the fourth argument is supported by the argument that KLM informed all interested parties and has started consultation with them.

Ad defence standpoint 4   In support of the fourth standpoint (KLM is to be blamed for what went wrong with the squirrels), which KLM implicitly ascribes to their accusers, KLM acknowledges in paragraph V that their employee has made an ethical assessment mistake

Ad d. *The argument schemes employed*

As an illustration of the similar nature of various argument schemes used in this press release it can be observed that KLM presents the fact that it started a thorough

investigation into what happened in Beijing at the reception of the package as a token that the company has acted appropriately after the destruction of the squirrels had taken place (their implicit third standpoint), so that the argument scheme that is employed can be characterised as symptomatic.

Ad e.   *The argumentation structure*

As soon as the standpoints and the arguments that have been advanced in KLM's press release have been identified, the argumentation structure arises more or less automatically from the way in which the arguments are presented in the text. In support of their standpoint 1, KLM advances the coordinative argumentation 1.1a–1.1b. In the text the arguments are connected with each other by the use of the word "however" in paragraph V. In support of KLM's standpoint 2, the multiple argumentation 2.1 and 2.2 is advanced. The two reasons concerned are mentioned together but they are independent. The coordinative argumentation (3).1a–(3).1d is advanced in support of KLM's implicit standpoint (3). These arguments are presented as a series of reasons that justify the unexpressed standpoint when taken together. One part of this coordinative argumentation, (3).1c, is in its turn subordinatively supported by the independent arguments (3).1c.1 and (3).1c.2, which constitute a multiple argumentation. Another part of the same coordinative argumentation, (3).1d, is supported subordinatively by (3).1d.1. The accusers are supposed to support the standpoint (4), which KLM implicitly ascribes to them, by the single argumentation (4).1.

Ad f.   *The outcome*

No outcome is mentioned, so that there is no explicit concluding stage. In this way it is suggested that the conclusion is clear.

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Chapter 7
Strategic Manoeuvring in Argumentative Discourse

7.1 Keeping a Balance Between Aiming for Effectiveness and Maintaining Reasonableness

Starting from the conceptualization of pragma-dialectics with the help of the model of a critical discussion and the code of conduct for reasonable argumentative discourse, the pragma-dialectical theorizing has moved step by step closer to the various kinds of practices that can be distinguished in argumentative reality (van Eemeren and Wu 2017: 1–2). Giving further substance in the theorizing to the principles of functionalization, socialization, externalization and dialectification, each step that was taken in this process increased the possibilities for dealing with the complexities of argumentative discourse. First the theory was validated by testing its capability of excluding the fallacies. Then it was determined empirically which argumentative indicators ordinary arguers make use of in interpreting argumentative discourse; in addition, the agreement was demonstrated between the standards of reasonableness of ordinary arguers and the code of conduct for reasonable argumentative discourse. Subsequently the required analytic instruments were developed for externalizing the argumentative commitments that arguers acquire in participating in argumentative discourse. A major step that needed to be made next is the instrumentalization of the pragma-dialectical theory by equipping it with the conceptual tools that are needed for tracing the "strategic design" of a piece of argumentative discourse (van Eemeren and Houtlosser 2002).

By accounting for the strategic design of an argumentative discourse, justice should be done to the "argumentative predicament": the fact that real-life argumentative discourse always involves the need to combine aiming for effectiveness and maintaining reasonableness. In every argumentative move that is made the arguer is at the same time out to ensure that the move concerned is not only considered reasonable but is also effective in convincing the audience. In

This chapter is primarily based on van Eemeren (2010: 25–212).

pragma-dialectical terms this means that in argumentative discourse trying to achieve the interactional effect of acceptance of an argumentative move by the intended audience goes as a matter of course together with trying to achieve this effect based on the merits of the argumentative move by remaining within the boundaries of reasonableness set by the rules for critical discussion. Since the simultaneous pursuit of these two aims inevitably creates a certain tension, a theoretical starting point of the pragma-dialectical approach is that the arguers involved in making argumentative moves always have to manoeuvre strategically to keep the balance. Since strategic manoeuvring aimed at reconciling achieving effectiveness with being reasonable is vital in coping with the argumentative predicament, the notion of strategic manoeuvring is the central tool used in pragma-dialectics in accounting for the strategic design of an argumentative discourse.

The argumentative moves produced in the process of strategic manoeuvring are to be viewed as the strategic manoeuvres resulting from this process. The strategic manoeuvring involved in every argumentative move manifests itself in in three different aspects (van Eemeren 2010: 93–96). First, there is the selection that is made from the "topical potential": the collection of possible argumentative moves that are as it were available to be made at a particular point in the discourse. When an argumentative move is made, irrespective of whether it concerns a standpoint, a starting point or another argumentative move, a choice has been made from a number of options. The selection from the topical potential may, for instance, involve a choice of particular starting points, rather than other optional starting points as the point of departure of the resolution process. It can also involve the choice of a particular type of argumentation, say pragmatic argumentation instead of argumentation from analogy, or argumentation by example instead of authority argumentation.

Second, strategic manoeuvring involves adaptation to "audience demand": to the preferences of the listeners or readers that a speaker or writer in the argumentative discourse intends to reach. In order to reach the audience successfully, the argumentative moves that are made need to be adjusted to the attitudes and the frames of reference of those who are to be convinced. Adaptation to audience demand may, for example, boil down to including certain facts in the material starting points or certain standards in the procedural starting points that the listeners or readers are likely to agree with in creating a point of departure for the resolution process. It can also consist of using argumentation by example instead of authority argumentation if this seem to agree better with the audience that is to be reached.

Third, strategic manoeuvring involves the exploitation of "presentational devices": the aggregate of stylistic and other means of expression that can be utilised in giving presence to an argumentative move. The selection that is made in making use of the available presentational options is directed at making in the phrasing and other presentational properties of the argumentative moves the choices that are most suitable for making a convincing case. The exploitation of presentational devices can, for instance, amount to presenting the difference of opinion at issue in a fully explicit way, but also to opting for leaving it largely implicit. The presentational choices made in giving presence to the starting points of the resolution process can,

for instance, boil down to mentioning these standpoints only indirectly by means of rhetorical questions instead of formulating the most crucial starting points emphatically in a direct and explicit way.

The distinction just made between the three aspects of strategic manoeuvring is to be seen as an analytic distinction that does not reflect a division that can be observed empirically in the sense that all three aspects would manifest themselves separately. In actual argumentative practice the three aspects come to the fore in the discourse simultaneously; they come about at the same time in one and the same (oral or written) argumentative move. However, because the three aspects represent different kinds of choices that are made in strategic manoeuvring and all three kinds of choices may have their own effects, it is useful to distinguish clearly between them and to consider each of them separately before considering their interaction. Taking all three aspects of strategic manoeuvring duly into account will lead to a more refined, more accurate and more complete reconstruction of what is going on in an argumentative discourse. As a consequence, if the three aspects of the functional design of the argumentative moves made in the discourse are all taken into account, the evaluation of the argumentative discourse too can be more appropriate and more precisely accounted for.

In considering the interaction of the three aspects of strategic manoeuvring in analysing argumentative discourse, their mutual interdependency is to be taken into account. It will, for instance, depend to some extent on the selection that is made from the topical potential what kind of audience adaptation and which presentational devices will be suitable in an argumentative move. Similarly, it will depend to some extent on the adaptation to audience demand which selection from the topical potential and which presentational choices will be appropriate in the strategic manoeuvring. In the same vein, it will to some extent depend on the presentational choices that are made which topical selection and adaptation to audience demand can be accommodated in the argumentative move concerned.

7.2   Simultaneously Realizing Dialectical and Rhetorical Aims

Since advancing argumentation to resolve a difference of opinion is an effort to make clear to the addressee that there are good reasons to accept the standpoint at issue, in doing so the arguer makes an appeal to reasonableness in order to be effective in overcoming the addressee's doubts concerning the acceptability of the standpoint. It is this strategic combination of aiming for effectiveness and maintaining reasonableness that characterizes the relationship examined in argumentation theory between performing the communicative act complex of argumentation and achieving the interactional effect of acceptance. Because in some way or other every argumentative move carried out in argumentative discourse aims to contribute to resolving a difference of opinion on the merits, the same strategic combination of

aiming for effectiveness and maintaining reasonableness characterizes all argumentative moves that are made in argumentative discourse.

The observation that in argumentative discourse arguers make their appeal to reasonableness with the express aim of making their addressee accept the argumentative moves they have made has motivated the extension of the pragma-dialectical "standard theory" consisting of the model of a critical discussion and the code of conduct for reasonable argumentative discourse with the theoretical tools required for accounting for the pursuit of effectiveness in its instrumentalization for dealing with the strategic design of argumentative discourse. In the "extended theory" the dialectical theoretical framework attuned to dealing with the reasonableness of argumentative discourse has been methodically enriched with a rhetorical dimension accounting for the effectiveness of argumentative discourse. In spite of the recent widening of its scope in Big Rhetoric, the study of aiming for effectiveness in argumentative discourse is still generally seen as being part of the core business of rhetoric.

The introduction of the notion of strategic manoeuvring has stimulated the integration of relevant rhetorical insights concerning effectiveness into the theoretical framework of pragma-dialectics (van Eemeren 2010: 66–80). The three aspects of strategic manoeuvring that are analytically distinguished in the extended theory happen to correspond to a great extent with prominent foci of interest characterizing three important rhetorical traditions. Notwithstanding obvious differences due to the different intellectual context in which classical rhetoric developed, the aspect of making a selection from the available topical potential is both in name and in content reminiscent of the topical systems described in Antiquity by scholars such as Aristotle and Cicero (Rubinelli 2009). The aspect of adapting to audience demand is fully in line with an angle of approach favoured by a great number of classical as well as modern rhetoricians (Perelman and Olbrechts-Tyteca 1969). The aspect of exploiting presentational devices agrees most clearly with the treatments of rhetorical figures of style and other presentational techniques that can nowadays be found in rhetorically-inspired manuals of (often literary) stylistics (Fahnestock 2009).

Despite Aristotle's profound interest in both the dialectical and the rhetorical perspective on argumentative discourse and the long-standing association between the two perspectives in later times, since the early seventeenth century the study of the dialectical dimension and the rhetorical dimension of argumentation have been completely separated. Dialectic and rhetoric have become seen as incompatible paradigms and in order to connect the two perspectives in the study of argumentation a considerable conceptual and communicative gap needs to be bridged (van Eemeren 2010). Nevertheless the two perspectives are by no means incompatible and they are in many ways even complementary. Viewed from a critical point of view, paying attention to rhetorical effectiveness is in fact only worthwhile if this happens within the boundaries of dialectical reasonableness. Similarly, viewed from a practical point of view, setting dialectical standards of reasonableness is only of any significance if this goes together with paying attention to the rhetorical tools for

achieving effectiveness. For these reasons, it is worthwhile to utilize the notion of strategic manoeuvring to bring about an integration of the dialectical and the rhetorical perspectives on argumentation that is functional in studying argumentative discourse as a means of resolving differences of opinion (van Eemeren 2010: 87–92).

Departing from the idea that argumentative discourse has a dialectical and a rhetorical dimension and that maintaining reasonableness and bringing about effectiveness are not incompatible, at every stage of the process of resolving a difference of opinion and in every argumentative move they make the parties involved in the process may be assumed to aim for the optimal rhetorical result while complying at the same time with their dialectical obligations. In real-life argumentative practices the dialectical aims of each of the four discussion stages may therefore be taken to have their rhetorical analogues and the arguers taking part in these practices may be expected to make use of strategic manoeuvring to reconcile the simultaneous pursuit of these two different aims. *Mutatis mutandis*, the same correspondence between dialectical aims and their rhetorical analogues will in principle apply to every argumentative move that is made in the various stages of the discussion, whatever type of argumentative move it may be.

The correspondence between the dialectical aims and their rhetorical analogues existing at the level of the discussion as a whole, at the level of the four discussion stages and at the level of the individual argumentative moves will manifest itself in all three aspects of strategic manoeuvring. Although in every argumentative move the joint pursuit of dialectical and rhetorical aims affects in principle the selection from the topical potential, the adaptation to audience demand as well as the exploitation of presentational devices, in actual argumentative discourse the way in which an argumentative move fulfils its strategic function is more often than not only clearly evident or prominently shown in one particular aspect. In a certain case it may be just the choice of a completely unexpected standpoint in the selection that is made from the topical potential that indicates how an argumentative move fulfils its strategic function, while the adaptation to the audience and the use of presentational devices are completely unrevealing. In another case the fact that an argument that is used is shocking to the intended audience may by the sole indication. It can also be that the funny and therefore striking formulation of a starting point is the only indication. However, in attributing a certain strategic function to an argumentative move, the conspicuous prominence of the manifestation of one particular aspect should never lead to a neglect in considering the other two aspects, because the way in which these aspects are substantiated should not in any way contradict the characterization of the strategic function of the move.

In Fig. 7.1 an overview is provided of the dialectical and rhetorical dimensions of the four discussion stages by specifying the dialectical and rhetorical aims that are pursued in each of these stages and the ways in which in each of the stages their simultaneous pursuit is aimed to be reflected in the three aspects of strategic manoeuvring.

	Dialectical dimension	Rhetorical dimension	Aspect of topical choice	Aspect of anticipating audience demand	Aspect of presentational choice
	Reasonableness	Effectiveness	Reasonable and effective topical selection	Reasonable and effective handling of audience demand	Reasonable and effective use of presentational devices
Confrontation stage	Reasonable definition of difference of opinion	Effective definition of difference of opinion	Reasonable and effective choice of issues and critical responses	Reasonable and effective adjustment of issues and critical responses to audience	Reasonable and effective presentational design of issues and critical responses
Opening stage	Reasonable establishment of point of departure	Effective establishment of point of departure	Reasonable and effective choice of procedural and material starting points	Reasonable and effective adjustment of procedural and material starting points to audience	Reasonable and effective presentational design of procedural and material starting points
Argumentation stage	Reasonable development of lines of attack and defence	Effective development of lines of attack and defence	Reasonable and effective choice of arguments and criticisms	Reasonable and effective adjustment of arguments and criticisms to audience	Reasonable and effective presentational design of arguments and criticisms
Concluding stage	Reasonable statement of results	Effective statement of results	Reasonable and effective choice of conclusion regarding the results	Reasonable and effective adjustment of conclusion regarding the results to audience	Reasonable and effective design of presentation of conclusion regarding the results

Fig. 7.1 Dialectical reasonableness and rhetorical effectiveness in argumentative discourse

7.3 Argumentative Strategies as Designs of Coordinated Strategic Manoeuvring

The strategic manoeuvring taking place in an argumentative discourse may result in the occurrence of a number of separate and independent strategic manoeuvres that are unrelated to each other. In argumentative reality, however, the strategic manoeuvring may well be carried out in accordance with a deliberate design in which the various strategic manoeuvres are combined in such a way that they are likely to reinforce each other. If this happens in the discourse in a more or less consistent way, the series of individual strategic manoeuvres involved constitutes a fully-fledged *argumentative strategy*. The strategic manoeuvres that are carried out in an argumentative discourse may be regarded to combine into an argumentative strategy if, when taken together, they constitute a coordinated effort to achieve dialectically as well as rhetorically the result that is aimed for in a coherent way.

Employing an argumentative strategy involves both coordination of the consecutive strategic manoeuvres that are made and coordination of the choices made in each argumentative manoeuvre regarding the three aspects of strategic manoeuvring. The first kind of coordination takes place at the "horizontal" level of

the temporal ordering of the series of argumentative moves that are produced one after another. The second kind of coordination takes place at the "vertical" level of the choices concurrently made in each argumentative move regarding the selection from the topical potential, the adaptation to audience demand and the exploitation of presentational devices. When an argumentative strategy is followed in the argumentative moves that are made, a succession of strategic manoeuvres has been realized that further the same outcome in a coordinated way. Next to general argumentative strategies that are carried out throughout the entire discussion and affect the discussion as a whole, there are also argumentative strategies that are only carried out in a particular discussion stage and pertain exclusively to that very stage.

Among the argumentative strategies pertaining to a particular stage, "confrontational strategies", "opening strategies", "argumentational strategies", and "concluding strategies" can be distinguished (van Eemeren 2010: 46–47). Confrontational strategies are aimed at influencing the definition of the difference of opinion that is to be agreed upon in the confrontation stage. They are primarily directed at managing the "disagreement space" of the speech act that has been performed to advance a standpoint in a particular way. The disagreement space consists of the complex of commitments (also called "virtual standpoints") ensuing from the identity and correctness conditions of the speech act that has been performed (van Eemeren et al. 1993: 95–96). The identity and correctness conditions of a speech act determine which issues related to the speech act, in this case a standpoint, can be made into a topic of discussion. A well-recognized confrontational strategy consists of making in an arbitrary way self-serving choices from the available disagreement space and making these issues into standpoints. If someone presents as a standpoint the recommendation that the listener should do something, such an issue could, for instance, be whether the listener is capable of doing it. Referring to Humpty Dumpty, who thought he could make words mean whatever he wanted them to mean, this confrontational strategy can be called "humpty-dumptying".

Opening strategies are aimed at influencing the point of departure of the exchange in the opening stage. They are directed at establishing the "zone of agreement" the parties can fall back on during the discussion. A well-known opening strategy, known as "creating a smokescreen", consists of widening the zone of agreement by adding some conspicuous but irrelevant starting points in order to distract the other party's attention away from the relevant starting points.

Argumentational strategies are directed at creating lines of attack or lines of defence in the argumentation stage that are to shape the direction of the resolution process. Which lines of attack and defence could be started, depends primarily on the commitments that have been undertaken in the type of standpoint that is advanced and accepted as the topic of discussion (or on the "stock issues" related to these commitments). An argumentational strategy, for example, that is used regularly in defending a prescriptive standpoint concerning an action that needs to be performed consists of pointing out that carrying out the recommended action will eventually lead to the solution of a troublesome problem. Resorting to this

argumentational strategy of "problem-solving" boils down to relying on the use of some form of problem-solving argumentation (Garssen 2017a, b).

Concluding strategies are aimed at guiding the determination of the outcome of the discussion in de concluding stage in a particular way. An example of a concluding strategy that can be brought to bear in argumentative discourse consists of getting it through to the audience by various means that, unavoidably, the outcome is as it is; they simply have to accept it, however undesirable this outcome may be. This concluding strategy can be designated as making the audience "bite the bullet".

General argumentative strategies that are also known as *discussion strategies* are aimed at achieving the desired combined dialectical and rhetorical result of the discussion as a whole by the coordinated use of the same or a similar strategic design in all discussion stages. If different strategic designs are used in each stage, the strategic manoeuvrings can certainly be coordinated into argumentative strategies but it cannot be said that they are implementing the same discussion strategy. An example of the use of a discussion strategy is the employment of the argumentative design of playing down the opponent in all discussion stages. This strategy can consist of not acknowledging the other party's doubts in the confrontation stage, ignoring some of her proposed starting points in the opening stage, denigrating her objections in the argumentation stage and not paying attention to any provisional conclusions she may have reached in the concluding stage. It will be clear, however, that even though this general argumentative strategy may be an effective discussion strategy in persuading a third party that happens to be viewed as the primary audience by the speaker, it can hardly be expected to convince the actual opponent—who is in this case, as the very use of this strategy makes clear, seen by the speaker as only a secondary audience.

For a brief illustration of the use of a general discussion strategy, an extract will be used from John LeCarré's novel *A perfect spy*. The main character in this novel, a father, is about to head off again after a very short visit to his little son and tries to prevent his son from crying about this sudden departure (van Eemeren and Houtlosser 2002: 151–152). The father is a charming conman for whom a great many other things are more urgent than visiting his son. Nevertheless the son loves him dearly and does not want to see him leave. In order to make the son accept his view that he should not start crying, the father says: "Do you love your old man? Well then …".

The confrontation stage is in this extract clearly suggested by the situational meso-context in which these words are spoken in the novel. The unexpressed standpoint of the father is that the boy should not start crying when he leaves. The father wisely leaves this standpoint implicit in order not to make the little boy cry immediately. The father's standpoint collides with the boy's apparent inclination to start crying. The opening stage consists of the father's observation that the boy loves his father, which he presents indirectly in the form of a rhetorical question to which the answer is obvious ("Do you love your old man?"). The argumentation stage is introduced and indicated by the expression "well then". By using this expression, the father turns the indisputable starting point that the boy loves his

father into an argument for his standpoint that the boy should not start crying when he leaves. In this way, the father realizes in one go the argumentation stage, which in this case proves to overlap with the opening stage. The concluding stage is clearly marked by three dots ("…") at the end of the extract, but the obvious conclusion that the boy should not start crying is for obvious reasons again not mentioned explicitly.

It is remarkable and illuminating that all stages of a critical discussion can be so easily identified and reconstructed even in such a tiny piece of discourse. The reconstructive analysis that is just carried out results in the following analytic overview:

The difference of opinion
There is an implicit single mixed difference of opinion between the father and the son about the father's unexpressed standpoint "You [son] should not cry when I [father] leave".
The point of departure
The father indirectly introduces the common starting point "You [son] love me [your father]".
The argument advanced
The father supports his standpoint by means of an argument that can be reconstructed as "You [son] love me [your father]".
The argument scheme employed
The symptomatic type of argumentation that is used presents refraining from crying as a token of loving someone.
The argumentation structure
(1) (You [son] should not cry when I [father] leave)
(1).1 You [son] love me [your father]
((1).1.1') (One should not cry when someone one loves leaves)
The outcome
The unexpressed conclusion that is suggested is "You [son] should not cry when I [father] leave".

The strategic manoeuvring taking place in the discourse quoted from John LeCarré's text builds up, step by step, to constituting as a discussion strategy the general argumentative strategy of "sustained *conciliatio*". Using the name of this rhetorical figure seems appropriate because the strategy hinges on exploiting something the other party already accepts emphatically and consistently for making one's own case. First, the father prevents an explicit confrontation with his son in the confrontation stage by leaving the difference of opinion implicit. Second, he attributes in the opening stage a proposition to his son that the boy will certainly agree with: "You love me [your father]" by asking a rhetorical question that does not need an answer. Third, he makes in the argumentation stage "You love me [your father]" into an argument for his unexpressed standpoint by subsequently adding "well then" to it. Fourth, as the three dots ("…") in the concluding stage at the end indicate, *given the son's acceptance of the proposition that he loves his father*, this argument leads

inescapably to the conclusion that the boy should accept the unexpressed standpoint that he should not start crying when his father is leaving.

The use of this general argumentative strategy proved to be effective in the novel. Whether it should also be regarded reasonable in this case remains to be seen. In spite of what the use of the expression "well then" implies, by agreeing that he loves his father, the son commits himself in fact in no way to accepting the suggested unexpressed premise that one should not cry when someone one loves leaves, let alone to accepting the unexpressed standpoint supported by it that he should not cry when his father leaves. Suggesting all the same that such a commitment exists, as the father does, is fallacious. However, a more fundamental objection is that the father forces the little boy by means of emotional pressure more or less to accept his standpoint. By suggesting that this is the end of the discussion, he denies his son the chance to draw his own conclusion. Pressuring a child that is emotionally completely dependent on him so strongly as the father does, goes against a higher order condition for reasonable argumentative discourse. Making such an argumentative move is therefore out of bounds, so that the father's way of acting violates a fundamental precondition for reasonableness and a fallacy judgment does not apply.

7.4   Fallacies Viewed as Derailments of Strategic Manoeuvring

Strategic manoeuvring is aimed at alleviating the potential tension between maintaining reasonableness and aiming for effectiveness and all argumentative moves can be regarded to serve this purpose. In actual argumentative discourse, however, the maintenance of reasonableness and the pursuit of effectiveness will not always be in perfect balance. Fearing that otherwise they will be considered too eager to get things their way, arguers may be so keen on being perceived as reasonable that they fully concentrate on achieving this dialectical aim and neglect their interest in effectiveness. This can result in strategic manoeuvring that is, viewed from a rhetorical perspective, lacking. In such cases, judgments like "weak manoeuvring", "not persuasive" and "bad strategy" can be appropriate.

It may also happen that, in their zeal to promote their case effectively, arguers are at times inclined to neglect their commitment to reasonableness. Doing so has consequences for the quality of the resolution process when one or more of the rules for critical discussion are violated in the process. These consequences are, viewed from a dialectical perspective, very serious, because they cause the process of resolving a difference of opinion on the merits to be obstructed or hindered. In such cases, the strategic manoeuvring can be said to "derail" into fallaciousness. Although this observation changes in fact in no way our conception of the fallacies as violations of rules for critical discussion explained in Chap. 4, associating the fallacies in this way with derailments of strategic manoeuvring enables us to make

our definition of a fallacy more precise. A fallacy can now be described as a strategic manoeuvre in argumentative discourse that does not comply with the rules for critical discussion (van Eemeren 2010: 187–212).

Because of the harmful effect derailments of strategic manoeuvring can have on the process of resolving a difference of opinion on the merits, it is vital to distinguish sharply between the non-fallacious and the fallacious use of a certain mode of strategic manoeuvring. Making a personal attack, for instance, can in real-life argumentative discourse in certain cases be quite legitimate and sometimes even necessary, e.g. when in a court case a witness is being examined whose reliability is at issue. In other cases, however, a personal attack can obstruct the process of resolving a difference of opinion on the merits by preventing the other party from freely expressing their standpoint or doubt. Then the personal attack boils down to a violation of Rule 1, the Freedom Rule, and is therefore a fallacy. To emphasize the importance of distinguishing between the two cases, we make a terminological distinction between the use of a certain mode of strategic manoeuvring in general and its fallacious use. In the personal attack cases just mentioned, for instance, *personal attack* is the general label we use to cover the sound as well as the fallacious versions of the same mode of strategic manoeuvring and we refer to the fallacious version by the Latinized name *argumentum ad hominem*. A similar terminological distinction is made between an *argument from authority* and the derailed *argumentum ad verecundiam* and, assuming that in principle all strategic manoeuvres may derail, also between the neutral term and the (often Latinized) term referring to the derailed versions of all other modes of strategic manoeuvring.

In the laboratory situation with the experimental testing conditions of the empirical research reported about in Sect. 5.4 a general tendency can be observed among ordinary arguers towards judging the fallacies as unreasonable. In spite of the harmful effects they may have, however, in real-life argumentative exchanges fallacies can easily go unnoticed. Since fallacies tend to manifest themselves in argumentative discourse as inconspicuous derailments of strategic manoeuvring, it is necessary to pay due attention to the treacherous character of such fallacious strategic manoeuvring. How can it be explained that the fallacious character of the strategic manoeuvres by which certain argumentative moves are carried out is not immediately clear to all arguers? In other words, what makes fallacies in actual argumentative discourse in some cases so hard to detect that they are potentially effective?

Since trying to resolve a difference of opinion by means of argumentation always involves an appeal to reasonableness, the general assumption is as a rule that people who engage in argumentative discourse uphold a commitment to reasonableness. This means that there is a presumption of reasonableness associated with every argumentative move that is made (Jackson 1995). More or less automatically this presumption of reasonableness is also conferred on argumentative moves that are in fact realized by a way of strategic manoeuvring that is fallacious instead of reasonable. Some special circumstances excepted, until there are undeniable signs that this is no longer justified, the presumption of reasonableness tends to be maintained.

In line with the presumption of reasonableness, none of the participants in argumentative discourse will be very keen on portraying themselves as unreasonable. Apart from other considerations, they know that giving the appearance of being unreasonable will make the argumentative moves they make in their strategic manoeuvring less effective. As a rule, arguers will therefore be inclined to hide any unreasonableness in their strategic manoeuvring as much as possible from others. In particular they will keep it away from their intended audience, which may consist of their addressees but may also include others, who they try to reach via their addressees and who may in fact constitute their primary audience.

Against this background it is likely that arguers in aiming to reach their rhetorical aim of effectiveness, even when they are overstepping the boundaries of reasonableness drawn by the rules for critical discussion, will try to make use of argumentative means that stay as closely as possible to the means their intended audience will recognize as generally accepted argumentative means for achieving this aim that are considered reasonable. They will, for instance, make an effort to make a personal attack look like legitimate criticism, instead of as an *argumentum ad hominem*, and their argument from authority as a legitimate appeal to authority, instead of as an *argumentum ad verecundiam*. In doing so, they silently try to stretch the scope of the legitimate use of these argumentative means in such a way that the fallacious use made of it in their strategic manoeuvring is also covered.

Two interconnected characteristics of strategic manoeuvring can be helpful in making the cover-up of fallacious strategic manoeuvring successful. The first is that in actual argumentative practice fallacious and sound manifestations of a certain mode of strategic manoeuvring look essentially the same. This sameness is understandable, because the two are in fact one of a kind, they are two chips off the same block. Unlike, for instance, cats and dogs, they are not completely different animals, which you can tell apart by going by their distinct external appearances. Instead, as far as their external manifestations are concerned, fallacies and their sound counterparts have the same distinctive features, so that in certain cases these two representatives of the same mode of strategic manoeuvring will be hard to distinguish. In spite of the fact that the first is fallacious and the second is not, an *argumentum ad hominem* and a sound personal attack, for example, are representatives of the same mode of strategic manoeuvring. In principle there is nothing in their external appearances that distinguishes them from each other. The same goes for an *argumentum ad verecundiam* and a sound argument from authority and in the same way for the sound and fallacious counterparts of other modes of strategic manoeuvring.

The second characteristic of strategic manoeuvring that makes it harder to tell sound and fallacious versions of the same mode of strategic manoeuvring apart is that some modes of strategic manoeuvring cover a continuum that extends from clearly sound cases to clearly fallacious cases. This means that there may be a variety of less clear cases in-between the clearly sound and clearly fallacious cases that constitute the extremes. For pedagogical reasons, in textbooks usually only cases are treated in which it is perfectly evident that they are examples of a fallacy, say a fallacious argument from authority that is to be considered an *argumentum ad*

verecundiam. In actual argumentative discourse, however, fallacious arguments from authority such as the *argumentum ad verecundiam* are generally much more difficult to detect. Particularly in the case of strategic manoeuvres that happen to be situated somewhere at the centre of the sound-fallacious continuum of a certain mode of strategic manoeuvring, it may be hard to decide about their soundness or fallaciousness.

7.5 Exemplary Analysis of a Specific Case (Part 2)

To illustrate that taking account of strategic manoeuvring can have consequences for the analysis and evaluation of argumentative discourse, we continue the reconstructive analysis of KLM's press release that we started in Sect. 6.4. Taking the strategic design of the discourse into account boils down to including in the reconstruction and its justification, next to the reported considerations concerning KLM's aiming for reasonableness, also considerations concerning KLM's aiming for effectiveness. Doing so, puts the argumentative moves that are made in the various stages of the process of resolving the difference of opinion in a different perspective.

A strategic choice made by KLM in the confrontation stage is that the company portrays their accusers as claiming that KLM has made an assessment mistake rather than that the company is to blame for the killing of 440 squirrels. Initially the impression is created that KLM admits right away that the company has made an assessment mistake, which seems inescapable since the destruction of the squirrels is undeniable and ostentatiously denying all responsibility would not be good for KLM's image. However, in the second instance it transpires that KLM implicitly puts the blame on others (AEMF) by stating strategically that their conduct was formally correct and implying that they did the right things after the destruction of the squirrels had taken place.

The standpoint KLM implicitly ascribes to their accusers, remains the same:

(1) (KLM is to be blamed for what went wrong with the squirrels)

The observations above concerning its strategic manoeuvring in the press release however make clear that, on closer inspection, KLM proves to have two main standpoints, which are both left implicit. This leads to a revised reconstruction of KLM's standpoints at issue in the press release:

(2) (AEMF is to be blamed for what went wrong with the squirrels)
(3) (KLM is not to be blamed)

KLM's strategic manoeuvring in the opening stage is aimed at making preparations for a successful defence of these standpoints. The company pushes the act of finishing off the squirrels, which is detrimental to their position, to the background, wrapping it up in expressions of regret. KLM mentions explicitly the facts that are

positive for its position: they had received an order from higher up to finish off the animals and they sent home the employee who decided to carry out this order. Mentioning the latter fact not only provides an argument for why KLM acted appropriately after the incident, but it is also relevant because it suggests that there might be something wrong with this employee. This last interpretation is plausible if we take into consideration that KLM takes the blame in fact only partly, and only in the way least harmful to them, by shifting the blame to their employee. Apparently KLM is out to establish the idea that the company as a whole is not to blame.

   KLM's strategic manoeuvring in the argumentation stage involves making use of the argumentative technique of dissociation to make sure that the company as a whole is not blamed when only their employee is guilty: what is true of a part is in this case not true of the whole. More generally, to justify the claim that, from a formal perspective, KLM as well as the employee acted in a correct way, the press release indicates that both of them did precisely what higher up had told them to do. This argumentation looks strong, because doing what you are required to do by the authorities is exactly what acting in a formally right way means. By means of this argumentation KLM suggests again that the real guilt does not lie with them but with AEMF. After considering the strategic manoeuvring that is taking place in the press release, the argumentation structure of KLM's argumentation in defence of its own standpoints must be revised in the following way:

(2) (AEMF is to be blamed for what went wrong with the squirrels)

   (2).1a   AEMF gave the order for killing off the squirrels
   (2).1b   This order was ethically wrong

(3) (KLM is not to be blamed)

 ((3).1)   (KLM has acted responsibly)

    ((3).1).1a   AEMF gave an ethically wrong order

        ((3).1).1a.1   AEMF's order did not have the correct form
        ((3).1).1a.2   AEMF did not offer any feasible alternatives

   ((3).1).1b   KLM has acted in a way that is formally justified

        ((3).1).1b.1a   KLM received an order from AEMF to act in this way
        ((3).1).1b.1b   KLM's employee followed AEMF's directives

   ((3).1).1c   (KLM has acted appropriately after the destruction of the squirrels)

        (((3).1).1c).1a   KLM has started a thorough investigation into what
                          happened at the reception of the package in Beijing
        (((3).1).1c).1b   KLM has started a thorough investigation into what
                          happened in the KLM Cargo animals' hotel
        (((3).1).1c).1c   KLM let the employee who carried out the orders stay
                          at home for the period of the investigation

(((3).1).1.c).1c.1   The investigation is still to be carried out

(((3).1).1.c).1c.2   The emotions concerning the destruction make the employee's staying at home necessary

(((3).1).1c).1d   KLM has made sure that such disasters will not happen again in the future

(((3).1).1c).1d.1   KLM has informed all interested parties and has started consultations with them

In the macro-context of advertorials and press releases like this it is usually made pretty obvious what the conclusion should be, so that drawing the desired conclusion can be left to the audience and the concluding stage is as a rule left implicit. A specific strategic rationale for not explicitly stating the conclusions is in this case that emphasizing explicitly that not KLM but AEMF is responsible for what went wrong would not go well together with the company's apologetic expressions of regret.

Our analysis of KLM's press release based on extended pragma-dialectics provides a consistent view of KLM's strategic manoeuvring and does at the same time more justice to the coherence and professionalism of the text than our earlier analysis only based on standard pragma-dialectics in Sect. 6.4. It makes clear that paying attention to the strategic manoeuvring in the analysis can lead to a more insightful account of the argumentative moves that have been made in the discourse. This account shows that the inclusion of a reconstruction of the strategic design can prevent us from missing the crucial point of the discourse. Including this reconstruction in the analysis has also important consequences for the evaluation.

Most striking in the extended reconstruction is that it shows that in KLM's press release some vital elements have been left implicit. Only now has it become clear what in fact the main standpoints are that the company is out to defend. It is the nature of the standpoints (and the sub-standpoints) that remain implicit that explains why expressing them explicitly in this press release would not have been appropriate. Expressing standpoint (3) (KLM is not to be blamed), for instance, would go against the attitude of being apologetic and regretful that KLM demonstrates in starting the press release by apologizing. Expressing sub-standpoints like ((3).1) (KLM has acted responsibly) and (((3).1).1c) (KLM acted appropriately after the destruction of the squirrels) is also out of bounds, because doing so would boil down to issuing inappropriate forms of uninvited self-praise.

There is a pragmatic inconsistency in KLM's apologizing and KLM being at the same time not guilty. This inconsistency in KLM's position, which should be spotted in the evaluation of its argumentative discourse, is in the text hidden from view by a remarkable lack of clarity in the presentation. This presentation is in fact so confusingly misleading that it violates one of the rules of the code of conduct for reasonable argumentative discourse: the Language Use Rule (Rule 10). Contrary to

what the press release initially (in paragraph I) seems to suggest ("KLM sincerely apologizes," "admits that an ethical assessment mistake was made"), it transpires that it is not KLM that has made an assessment mistake, but its employee. With hindsight this explains the use (in paragraph I) of odd passive phrasings such as "having been forced" (who "forces" KLM?) and the awkward formulations "that an ethical assessment mistake was made" (by whom?) and "KLM fully endorses the criticism" instead of the more obvious phrasing "KLM accepts the criticism". Although KLM acts initially as if they take the blame, they subsequently pass the buck to others: to AEMF and to their employee. The unclear and even misleading formulations used by the company help to cover up the pragmatic inconsistency in its position, which shifts from an apologetic quasi-admission (in paragraph I) to what effectively amounts to a retraction of this admission (in paragraph IV and V). Initially it is not clear who exactly is responsible for the "ethical assessment mistake" mentioned in paragraph I. Later we learn that it is not so much having the squirrels destroyed that is unethical but ordering to do so, as AEMF has done, and that it is not KLM that has made an assessment mistake but its employee.

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Chapter 8
Distinguishing Between Different Kinds of Argumentative Practices

8.1 Communicative Activity Types as Institutionalized Macro-Contexts

Strategic manoeuvring does not take place in an idealized critical discussion but in the multitude of communicative practices that have developed in argumentative reality. These communicative practices have come into being in order to satisfy the different kinds of requirements ensuing from the specific exigencies of the various communicative domains. Argumentative discourse in the legal domain, for instance, needs to fulfil other requirements than argumentative discourse in the political, the medical or the academic domain. In applying the extended pragma-dialectical theory to the analysis and evaluation of real-life argumentative discourse, the macro-context of the institutional environment in which the argumentative discourse takes place should therefore be taken into account (van Eemeren 2010: 129–162).

The different kinds of argumentative practices that have developed in the various domains of communicative activity manifest themselves in a continual succession of speech events. We use the term *speech events* to refer to the actual occurrences of discourses in the speeches, debates and written texts that constitute argumentative reality. A few randomly chosen examples of such speech events are the plea of the defence at the O.J. Simpson murder trial in 1995, Bart's exchange with his GP on February 14, 2018, the Kennedy-Nixon presidential debate in 1960, the editorial titled 'Britain should be a reliable partner in every policy area, not just security' published by *The Guardian* on February 17, 2018, and the review by Assimakis Tseronis of Christian Plantin's book *Dictionnaire de l'argumentation* in the 4th issue of the 31st volume of the journal *Argumentation*.

When a certain speech event has a special historical, political or cultural meaning or is for other reasons important to us, we are sometimes interested in an individual

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This chapter is primarily based on van Eemeren (2010: 129–162).

speech event for its own sake. In such a case we concentrate on examining the specific qualities of this particular speech event. This was in the pragma-dialectical research, for instance, the case when William of Orange's *Apologie* [Apologia] was analysed. This *Apologie* is a pamphlet published in 1580 in which the Dutch revolt against their Spanish ruler, King Philip II, was defended in response to the King's *Ban Edict* (van Eemeren and Houtlosser 2015a, b). In analysing the *Apologie* the intertextual context provided by the other speech event, the *Ban Edict*, is in fact indispensable, because the topical choice that is made in the *Apologie* of discussing the validity of William's marriage can only be explained by referring to the accusation levelled against William in the *Ban Edict* that he did not have a valid Christian marriage.

In other cases, however, the interest is focused on answering questions about argumentation of a more general nature. In these cases the individual speech events are viewed in the research as tokens of a particular type of communicative activity. All individual speech events that are examined will then, for instance, be viewed as representing the type of communicative activity known as a presidential debate or as specimens of the type of communicative activity known as a book review, et cetera.

The communicative activity types belonging to the various domains of argumentative reality are substantiated by exploiting in the speech events in which these communicative activity types are exemplified a certain genre of communicative activity. A genre can be regarded as a socially ratified way of conducting mutually related types of communicative activity.[1] In the cluster of communicative activity types institutionalized in a specific domain the use of a particular genre of communicative activity tends to prevail. Adjudication is dominant, for instance, in the communicative activity types of the legal domain. Deliberation is the genre most likely to be used in communicative activity types in the political domain. Disputation is the genre that is characteristic of the academic domain. Communion-seeking is a genre prominent in the domain of interpersonal communication. There are also communicative activity types that are hybrids. This means that in these communicative activity types the joint activation of several genres of communicative activity is involved. A political interview, for instance, is a hybrid in which the genres of information dissemination and deliberation are combined.

The specific communicative activity types developed in a domain are known by all those familiar with the domain. By responding to specific exigencies of the domain, they serve the various communicative needs of the domain concerned. They constitute the institutionalized macro-contexts in which the argumentative discourse conducted in this domain takes place.[2] The communicative activity types distinguished in the legal domain, for instance, prototypically implement the genre of adjudication. They include more general activity types, such as a civil lawsuit or

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[1]By Fairclough's definition a genre is "a socially ratified way of using language in connection with a particular type of social activity" (1995: 14).

[2]We use the term *institutionalized*, broadly, for all socially or culturally established communicative practices which are formally or informally regulated.

a criminal trial, but also more specific communicative activity types, such as summoning and returning a verdict (which can also be seen as separate parts of more general communicative activity types). Among the communicative activity types making use of the genre of deliberation in the political domain are (in all their various local variants) the general plenary debate in parliament, Prime Minister's Question Time and the political interview. Communicative activity types in the academic domain exploiting the genre of disputation encompass, for instance, a scientific paper, a keynote speech at a conference and a book review. In the interpersonal domain the genre of communion-seeking is implemented, for instance, in a love letter and a chat between neighbours or friends.

Along these lines, in each domain a cluster of communicative activity types has been institutionalized in which the appropriate genre of communicative activity is exploited in the required way. Communicative activity types belonging to the same domain that are similarly institutionalized have, as a rule, the same general "institutional point". The specific institutional point that is to be realized in a particular communicative activity type, however, will differ depending on the rationale for its existence—its *raison d'être*. The general institutional point of all deliberative communicative activity types in the (Western) political domain, for instance, is to preserve a democratic political culture, but the specific institutional points of a plenary parliamentary debate, Prime Minister's Question Time, a political interview, a speech from the throne, an election debate and other communicative activity types belonging to this cluster will differ. The specific institutional point of a general plenary parliamentary debate, for example, is to have the government's policies scrutinized by the elected representatives of the people. The specific institutional point of Prime Minister's Question time is to hold the Prime Minister to account for the government's policies. The specific institutional point of a political interview is to make politicians clarify and justify their positions.

8.2   Argumentative Characterization of Communicative Activity Types

Unlike theoretical constructs such as the model of a critical discussion, communicative activity types have an empirical basis and manifest themselves in actual communicative practices. These communicative practices have been to a certain extent conventionalized in such communicative activity types in order to serve their purposes. In some cases this conventionalization is laid down explicitly in highly formalized constitutive and regulative rules—as in the various types of adjudication in the legal domain. The conventionalization of communicative activity types can also be formalized to a lesser degree in looser regulations which remain largely implicit—as in the various types of deliberation in the political domain. In other cases the conventionalization may even be only informal and simply reflect established usage—as in the various types of communion-seeking in the interpersonal domain.

Communicative activity types can be defined more precisely by describing which conventions are in the various communicative activity types instrumental in realizing their institutional point. Although there are, of course, also communicative activity types that are completely non-argumentative, more often than not in pursuing the aims of a communicative activity type in the macro-context concerned argumentation comes in, whether directly or indirectly (e.g. in the form of rhetorical questions). If a communicative activity type is inherently, essentially or predominantly argumentative, because argumentation plays a crucial role in it, it is worthwhile to give an "argumentative characterization" of this communicative activity type. Such an argumentative characterization is also called for when a communicative activity type that is as a rule non-argumentative incidentally proves to be argumentative.

In giving a characterization of a communicative activity type as an *argumentative* activity type, the ideal model of a critical discussion can serve as a template. Thus the model is instrumental in characterizing the specific ways in which in the various (clusters of) communicative activity types the argumentative dimension is substantiated depending on the institutional requirements. Using the model of critical discussion as the general point of reference in the argumentative characterization of all communicative activity types creates coherence and consistency in the characterizations and provides the conceptual unity that is required for sensibly making systematic comparisons between different communicative activity types and, if this seems useful, individual speech events.

In taking the stages of a critical discussion as point of departure, four focal points in the resolution process taking place in argumentative discourse can be distinguished that need to be accounted for in an argumentative characterization of the various communicative activity types. The empirical counterpart of the confrontation stage can be referred to as the *initial situation*, the empirical counterpart of the opening stage as the *starting points*, the empirical counterpart of the argumentation stage as the *argumentative means and criticism*, and the empirical counterpart of the concluding stage as the *outcome of the discourse*. Starting from this division, it is to be made clear in the argumentative characterization what the distinctive features are of the way in which the stages of the process of resolving a difference of opinion on the merits are represented in the institutional macro-context of a certain communicative activity type.

By way of illustration, in Fig. 8.1 an argumentative characterization is given of some clusters of communicative activity types from the legal, the political, the diplomatic and the interpersonal domain.[3] The number of domains included has thus been kept limited and the division of domains neither claims to be mutually exclusive nor to be free from overlap. For each domain the communicative activity types are clustered in which the same (dominant) genre of communicative activity is utilized, so that the descriptions could be kept general and no detailing of the specific characteristics of particular communicative activity types was required. The

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[3]Figure 8 is based on a similar figure in van Eemeren (2010: 151).

domain communicative activity type genre	initial situation	starting points	argumentative means and criticisms	outcome of the discourse
legal domain e.g. motivation verdict by judge adjudication	dispute about evaluative / descriptive standpoint; 3rd party with jurisdiction to decide	largely explicit codified rules; some explicitly established concessions	argumentation from facts and concessions interpreted in terms of conditions for application of a legal rule	settlement dispute by motivated decision 3rd party (no return to initial situation)
political domain e.g. general debate in European Parliament deliberation	mixed disagreement about prescriptive / evaluative standpoint; decision up to participants / audience	largely implicit intersubjective rules; explicit and implicit concessions on both sides	argumentation in defence of incompatible standpoints in critical exchanges	decision by participants (or return to initial situation) or decision by non-interactive audience
diplomatic domain e.g. peace talks negotiation	well-defined conflict of interest about prescriptive standpoint; decision up to the parties	semi-explicit constitutive rules; sets of conditional and changeable concessions	argumentation and responses incorporated in exchanges of offers, counteroffers and other commissives	conclusion by compromise parties (or return to initial situation)
interpersonal domain e.g counselling mediation	conflict about prescriptive standpoint; 3rd party facilitating but decision up to the parties	implicitly enforced regulative rules; no explicitly recognized concessions	argumentation conveyed by would-be spontaneous conversational exchanges	mutually accepted conclusion by the mediated parties (or temporary return to initial situation)

Fig. 8.1 Argumentative characterization of communicative activity types

distinctive features of the conventionalization of the argumentative discourse in the empirical counterparts of the four stages of a critical discussion in the various communicative activity types are briefly indicated in the figure. Without any problems similar argumentative characterizations can be given of communicative activity types from other domains, such as the academic, the medical and the commercial domain, in which other genres of communicative activity are utilized.

In the legal domain, which is strongly institutionalized in formal ways, the genre of adjudication is predominant. It is applied in communicative activity types that are explicitly scripted and have a precisely defined format, such as a civil law case or

the motivation of a verdict by a judge. Compared to weakly institutionalized communicative activity types, the initial situation from which adjudication starts is much more formalized, with an official definition of the dispute and the jurisdiction to decide the case assigned from the outset to a third party. The procedural and material starting points in adjudication consist of largely explicit codified rules (laws) and explicitly established concessions (evidence). The argumentative means that are used involve an argumentative interpretation of the concessions in terms of established facts and legal evidence and established material rules of law. The only outcome that is allowed, and is invariably reached, is a decision by the third party that is in control; a return to the initial situation of the dispute is not possible.

Communicative activity types making use of the genre of communicative activity known as adjudication aim for the settlement of a dispute by an authorized third party rather than by the parties themselves. It is characteristic of adjudication that the parties adjust their discussion roles from trying to convince each other to trying to convince the adjudicator. Although the scope of the adjudication cluster is in practice somewhat broader, communicative activity types making use of this genre are commonly understood as taking a difference of opinion which has become a well-defined dispute to a public court, where a judge makes a reasoned decision in favour of one of the parties after having heard both sides (and, if that is part of the legal procedure, a jury). The judge decides according to a set of rules in favour of one of the parties. Usually there are special rules concerning the division of the burden of proof, the data that can be part of the common starting points and the kinds of proof that count as acceptable. On closer analysis, a great many of the procedural rules are tantamount to specifications of rules for critical discussion that are aimed at guaranteeing that the difference of opinion is terminated in a fair and practical fashion.

In the political domain the predominant genre of deliberation is used in a multi-varied cluster of emphatically argumentative communicative activity types, varying from a plenary debate in the European Parliament to an informal political forum discussion on the Internet. The argumentative discourse starts from a real or projected mixed disagreement between the parties about issues on which their views diverge, while there may also be a listening, reading or television-watching audience involved. Although some communicative activity types making use of the genre of deliberation have a more clearly-defined format than others, these communicative activity types are usually not fully conventionalized. In deliberation that takes the form of a public debate the disputants generally have clearly-articulated starting points which differ in crucial respects from those of other participating disputants. At all times the contestants will take the listening, reading or watching audience into account, sometimes up to the point that their argumentation will be primarily aimed at convincing the third-party audience rather than their debate partners, so that this third-party audience is in fact their primary audience. This will be in particular the case when the third-party audience determines the outcome of the deliberation—by voting or in a less conspicuous way.

Communicative activity types relying on deliberation are particularly interesting to the protagonists of democratic institutions because their general institutional

point is to preserve a democratic political culture. They are designed to enable an argumentative exchange that is optimal from both a dialectical and a rhetorical perspective, so that strategic manoeuvring is of crucial importance at every point in the exchange. Often deliberation starts from largely implicit intersubjective rules and both explicit and implicit concessions on both sides. American presidential debates and similar communicative activity types are an exception in the sense that the rules to be maintained are largely explicit from the start. An important characteristic of such communicative activity types generally is that the decision concerning the resolution of the difference of opinion is up to the listeners, readers or viewers, so that in their critical exchanges with their contestants the parties will be first of all out to put forward argumentation that constitutes an appropriate defence of their own standpoint in the view of these non-contestants.

The genre of negotiation is standardly used in a cluster of communicative activity types in the diplomatic domain, but not in all of them nor exclusively in this domain but also, for instance, in the commercial domain. The communicative activity types concerned, varying from peace talks to bargaining, are sometimes wholly or partly argumentative. They start from an initial situation that is more adequately described as a conflict of interests than as just a difference of opinion. Unlike in adjudication and in mediation, in negotiation the parties are focused on each other rather than a third party. Negotiation typically aims for some kind of compromise, usually consisting of the maximum amount of agreement the parties can reach on the basis of the concessions each of them is willing to make. A series of communicative activity types have been developed that are specifically aimed at reaching an outcome in which the interests of both sides are met to the maximum extent of what is mutually acceptable.

Negotiation is a genre of communicative activity that is generally only moderately conventionalized, but its degree of conventionalization varies from the one type of negotiation to the other, depending ultimately on the preferences of the parties involved. Negotiation plays a prominent role in the regulation of international relations, for instance by means of peace talks, but also, and perhaps even more explicitly, in commercial ("business") communication. Usually, in communicative activity types making use of this genre of communicative activity the parties are initially free to define their own format but as soon as they have determined a format, it becomes binding.

The constitutive rules of negotiation are in principle fixed as soon as they have been accepted. The communicative activity types depending on negotiation may therefore be viewed as "semi-scripted". A distinctive feature of some communicative activity types making use of this genre of communicative activity, such as bidding and bartering, is that the standpoints taken by the parties may change during the negotiation process, so that the confrontation at the heart of the discussion is variable (and the discussion must be split into a series of interrelated discussions in the analysis). Usually the concessions each of the parties is prepared to make at the beginning of the negotiation or during the negotiation process are conditional and changeable. The final decision about the outcome of a negotiation is always up to the parties and each of them is free to return to the initial situation if

desired, so that everything will stay the way it was. Argumentation is one of the means the parties have at their disposal for reaching a decision in their own favour, but this argumentation will often be incorporated in offers, counter-offers and other commissives, such as conditional promises ("If you allow X, we will do Y") and conditional threats ("No Y before you do X").

A genre that is used in a cluster of communicative activity types in the inter-personal domain, but also in argumentative communicative activity types in the commercial domain is mediation. The communicative activity types concerned include, for instance, counselling and custody mediation. These communicative activity types start from a difference of opinion that has grown into a conflict that the parties concerned cannot resolve by themselves, so that they have to take refuge in a third party who acts as a supposedly neutral mediator and guides the parties in their (more or less) cooperative discursive search for a reasonable and mutually acceptable solution. The mediator acts as a facilitator and is responsible for the process, but not for its content or outcome. Unlike the adjudicator, he does not have the power to terminate the disagreement. Irrespective of whether the disagreement concerns custody of a divorced couple's child or the price to be paid for repairs to a car, the mediator aims to help the parties to have a reasonable discussion that leads to an arrangement satisfactory to both of them.

Custody mediation is a clear example of a communicative activity type using mediation. It is only weakly institutionalized and it usually has a loosely defined informal format. The initial situation is such that the difference of opinion between the parties about a matter of vital interest to both of them has become a conflict that is hard to resolve. Although all concerned know that the mediating third party has no jurisdiction to decide and is only there to promote the adoption of a reasonable attitude by the contending parties, it is clear that the presence of a neutral outsider has a distinct influence on the contributions that the parties make. Due to the problematic nature of their disagreement, initially the parties will generally not be prepared to explicitly recognize any helpful concessions as a common starting point. In the mediation process, however, they will be inclined to accept, however reluctantly, the implicit procedural rules for their informally "scripted" speech event that are cautiously forced upon them by the mediator. Instead of making their case in a business-like manner, more often than not their arguments will be partially concealed in quasi-spontaneous but in fact calculating and sometimes emotional exchanges. Although in theory the conflicting parties may be just as free to draw their own conclusions as in ordinary conversations, in mediation they are expected to come to an arrangement because the disagreement they have concerns an incongruity that needs to be overcome.

8.3   Institutional Preconditions for Strategic Manoeuvring

We now have to determine what the consequences of engaging in a particular communicative activity type are for the conduct of argumentative discourse. By describing how the argumentative dimension is substantiated in a communicative activity type depending on the institutional requirements, the argumentative characterization can play a useful role in this endeavour (van Eemeren 2010: 144–159). Starting from the description it provides of the conventionalization instrumental in realizing the institutional point of the communicative activity type, its institutionally motivated format and the participants' goals can be specified. In this way, it is possible to identify the extrinsic constraints that the communicative activity type imposes on the strategic manoeuvring. Due to their (primary) socialization as members of a society and their (secondary) socialization in the domain concerned, the participants in a communicative activity type will generally be aware of these "institutional preconditions" and take them into account in their strategic manoeuvring.

Unlike the tension between pursuing effectiveness and maintaining reasonableness, which is inherent in all argumentative discourse, extrinsic constraints determining the institutional preconditions for strategic manoeuvring only apply to a particular argumentative practice in a specific institutional context. Since the argumentative characterization of a communicative activity type provides a description of the institutional conventionalization that motivates the constraints on the argumentative discourse in the argumentative practice concerned, this characterization constitutes the proper point of departure for determining methodically the institutional preconditions for strategic manoeuvring. The institutional conventionalization described in the argumentative characterization may make clear that there are certain modes of strategic manoeuvring which lend themselves not so well or not at all for being used in that communicative activity type, so that they must be regarded unsuitable, while there are other modes of strategic manoeuvring which lend themselves particularly well for this purpose, so that they may be considered suitable for realizing the institutional point of the communicative activity type concerned. In the communicative activity type of a Dutch criminal court case, for example, supporting the decision by using arguments from analogy in the main argumentation is not allowed, while this is a perfectly suitable mode of strategic manoeuvring in other activity types aimed at doing justice.

Due to the institutional preconditions, the possibilities for strategic manoeuvring that are available in each of the empirical counterparts of the critical discussion stages may vary to some extent from communicative activity type to communicative activity type. In some communicative activity types, for instance, the participants will be allowed more room for shaping the initial situation in accordance with their own preferences than in others. A similar variety between communicative activity types may exist with regard to the room the institutional preconditions allow them to have in the choice of procedural and material starting points, in the kinds of argumentative means and criticism that can be used, and in the possible outcomes that can be aimed for.

In the empirical counterparts of each of the four stages of the process of resolving a difference of opinion all three aspects of the strategic manoeuvring involved in making an argumentative move can be affected by the institutional preconditions imposed on the argumentative discourse by the conventionalization of the communicative activity type in which the exchange takes place (van Eemeren 2010: 93–127). There may be extrinsic constraints on the topical choices that can be made (e.g. in an academic debate personal attacks on the opponent are never permitted), on the adaptation to audience demand that is allowed (e.g. in a parliamentary debate officially not the voters, but the other parliamentarians are to be addressed, which may only happen via the Chair), and on the use of presentational devices that is permitted (e.g. in a legal case addressing the parties by using their first names is not allowed). Although in principle such extrinsic constraints involve a limitation of the possibilities for strategic manoeuvring by the parties, they may also create special opportunities for strategic manoeuvring—if not for both parties, then perhaps for one of them.

The more precisely the conventionalization of a communicative activity type is defined in an argumentative characterization, the easier the institutional preconditions for strategic manoeuvring in the macro-context of that communicative activity type can be identified. In doing so, a distinction is to be made between "primary" institutional preconditions, which are generally official, usually formal and often procedural, and "secondary" institutional preconditions, which are generally unofficial, usually informal and often substantial. In the communicative activity type of a general plenary debate in the European parliament, for instance, the established rules of order ("standing orders"), guarded by the Chair (and prescribing, for instance, that speakers should address the Chair), are primary institutional preconditions. A secondary institutional precondition not formally recognized but silently accepted by all involved is, for instance, the "European predicament" that in their actions the parliamentarians always need to combine serving the interests of Europe and serving the interests of their home countries, where their electorate lives (van Eemeren and Garssen 2010).

Certain modes of strategic manoeuvring may be particularly appropriate for pursuing the dialectical and rhetorical aims of the participants in a particular communicative activity type. In some communicative activity types various participants also have their own "missions", which depend on their specific roles in the communicative activity type. In British Prime Minister's Question Time, for instance, the parliamentarians' mission is to hold the government to account for its policies and actions, whereas it is the Prime Minister's mission to justify them. As a consequence, the institutional preconditions of this communicative activity type offer different opportunities for strategic manoeuvring to other parliamentarians than to the Prime Minister, such as asking rhetorical questions involving criticism about any topic they choose to bring up.

In order to identify the institutional preconditions for strategic manoeuvring in specific communicative activity types, it first needs to be examined how such a communicative activity type can be characterized argumentatively. Next it is to be established what room for strategic manoeuvring the institutional preconditions

applying to the argumentative discourse allow the parties to have in the communicative activity type concerned.

In the legal domain, characteristically, in the strongly conventionalized communicative practices making use of the genre of adjudication the room for strategic manoeuvring is in certain respects strongly limited. Rather than being established in mutual deliberation by the parties, the procedural and material starting points defining the judicial counterpart of the opening stage of a critical discussion are in a law case, for instance, to a large extent institutionally predetermined from the outset.

A clear example of a regulation of the issues that are the strategic options in responding argumentatively to an accusation of murder in a criminal court case is the classical doctrine of *stasis* (also known in Latin as *status* doctrine) of Hermagoras of Temnos. The options are: denying that the criminal act was committed (*status coniecturalis*); redefining the act of killing as "manslaughter" (*status definitivus*); appealing to extenuating circumstances such as the need for self-defence (*status qualitatis*); and pointing to procedural flaws in the court case (*status translativus*). If the stasis doctrine is taken to be authoritative, these four options for managing the topical potential (which can be found in a different shape in modern criminal law) serve as institutional preconditions for the possibilities of strategic manoeuvring in the initial situation, the empirical counterpart of the confrontation stage.

In the political domain, communicative activity types making use of the genre of deliberation more often than not start from a mixed disagreement between parties who are addressing each other but are in fact out to gain the support of a non-interactive listening, reading or watching audience. In such cases the conventional constraints imposed on the strategic manoeuvring are in the first place dictated by each party's mission of reaching their primary audience via a critical exchange with their secondary audience. Both in parliamentary and in public debates a primary institutional precondition that must be taken into account may then be that all parties are to comply with the decisions made by the chair in assigning speaking turns, allowing interruptions, judging the relevance of contributions etc. In addition, the format chosen for the deliberation may impose still other constraints on the strategic manoeuvring of the parties. A secondary institutional precondition in such argumentative practices is that the parties taking part in the debate may not ignore another party's questions, statements or other contributions to the exchange in order not to be perceived as non-cooperative, impolite, rude or otherwise inadequate by their primary audience.

In the multi-varied communicative activity types aimed at putting an end to a conflict of interest in the diplomatic or the commercial domain, the genre of negotiation is frequently put to good use to reach a compromise between the parties or to get to another mutually acceptable result. Apart from the interests that are conflicting, in such cases each party always also has certain other interests that are unrelated to the conflict and may be compatible with the other party's interests. A secondary institutional precondition in these communicative activity types therefore usually is that interests of the other party that are unrelated to the conflict

should not be brought up for discussion. Adapting with regard to such non-discordant interests to the other party's perspective can also be a steppingstone to getting to an agreement and is therefore often prominently represented in the strategic manoeuvring taking place in the communicative activity types making use of negotiation. This way of proceeding is even more attractive because, by utilizing the collections of the various interests of the parties in a creative way, productive but complex audience-oriented argumentative strategies such as "package-dealing" can be brought to bear. A package deal involves a compromise in which a variety of unrelated but compatible interests of both parties are included in a deal that is optimally appealing to both parties and incorporates as one of its elements the termination of the initial conflict.

When the genre of mediation is used in the interpersonal or commercial domain, in principle the mediator's only task is to facilitate the resolution process by structuring and otherwise improving the communication between the parties. However, a silently assumed secondary institutional precondition in this endeavour is that in the end mediators are supposed to do everything possible to resolve the problem at issue as long as in doing so they cannot be accused of interfering and do not the exceed the boundaries of reasonableness. This means that in practice mediators can try to exploit the room for strategic manoeuvring that is left to them by this institutional precondition to contribute indirectly to getting to an arrangement. In the initial situation, for instance, they can slyly try to stimulate the parties to shift their attitudes in the conflict to a more constructive level. When it comes to the starting points, they can encourage the parties by asking questions aimed at clarification to modify the meaning of words that may involve an implicit concession in such a way that an agreement can be reached more easily. In the empirical counterpart of the argumentation stage they can try to make the conversational exchanges more effective by reformulating in their summaries the reasons advanced by the parties is such a way that wherever this is feasible presence is given to the ideas of justice and fairness. In the establishment of the outcome of the exchange, mediators can prepare the ground for making an arrangement that is within reach acceptable to the parties by recapitulating the results in a way that is face-saving to both parties.

8.4 Contextualized Implementations of Soundness Criteria

It can only be determined whether in real-life argumentative discourse any of the rules for critical discussion has been violated if in each particular case under scrutiny it is fully clear exactly which criteria are to be met in order to comply with the rule for critical discussion at issue. When it comes to argumentation, the standards of reasonableness have been externalized in series of critical questions specifying the soundness criteria applying to the various types of argumentation.

As a consequence of the differences between the institutional preconditions, in different communicative activity types the general soundness criteria associated with a particular type of argumentation need to be implemented in different ways in order to ensure that the institutional point of a communicative activity type will be optimally realized. Depending on the specific institutional requirements of a communicative activity type, the critical questions that are pertinent may therefore vary to some extent from case to case.

The general critical questions pertaining to the various types of argumentation are in principle context-independent. However, due to the contextual variation in the institutional requirements, in the implementation of these general critical questions in the various communicative activity types specific critical questions need to be applied which are dependent on the institutional requirements of a particular communicative activity type or cluster of communicative activity types. In order to be able to identify the specific soundness criteria involved in these questions, one must have recourse to the conventionalization of the communicative activity type in which the argumentation that is to be judged is advanced, because an adequate verdict about the soundness or fallaciousness of argumentation can only be reached with the help of criteria that are appropriate for determining whether the strategic manoeuvring involved does or does not agree with this conventionalization (van Eemeren 2010: 204–206). This general precondition does not only apply to argumentation but to all argumentative moves that are made in the argumentative discourse.

Since the context-dependent implementations of the evaluation procedures required in the various communicative activity types will differ in some respects, it is necessary to examine systematically for all general soundness criteria pertaining to a certain mode of strategic manoeuvring whether they need to be specified, supplemented or otherwise amended in the macro-context of a specific communicative activity type or cluster of communicative activity types—and if so, in exactly which way. Doing so will result in the articulation of distinct sets of specific soundness criteria for a particular mode of strategic manoeuvring, each of them appropriate to being applied in a particular communicative activity type or cluster of communicative activity types. The specific soundness criteria pertaining to strategic manoeuvring by appealing to authority, for example, will differ in the macro-context of a criminal trial in some respects from the specific soundness criteria pertaining to strategic manoeuvring by appealing to authority in the macro-context of a scientific paper. In the former case it is, for instance, appropriate to ask whether the witness whose testimony is used in support of a juridical claim is indeed reliable while in the latter case asking this critical question would be inappropriate. As a matter of fact, both in the context of a scientific paper and in the context of a criminal trial the use of an argument from authority will have to meet more precisely defined requirements than when an argument of this type is used in the macro-context of a friendly chat.

Since fallacies are derailments of strategic manoeuvring in which a rule for critical discussion has been violated according to the specific soundness conditions applying to the communicative activity type in which the argumentative discourse

takes place, soundness judgments are in the last instance contextual judgments. The confusing circumstance that the use of a certain mode of strategic manoeuvring may be sound in the one communicative activity type and fallacious in another can in fact be another reason why fallacies are sometimes so difficult to identify and may go unnoticed. If similar uses of a certain mode of strategic manoeuvring are considered sound in the one communicative activity type, then its fallaciousness in another communicative activity type can be easily overlooked. It should be noticed however that although it may depend on the specific circumstances of situated argumentative acting whether or not a certain argumentative move is to be seen as fallacious, there are also certain strategic manoeuvres that are fallacious in every context. For didactic purposes, the examples of fallacies given in textbooks are as a rule selected in such a way that they only consist of such clear-cut cases in which there is no real need to take the macro-context into account. A case in point is the use of an argument from authority in which the authoritative source that is cited is misquoted.

If the general soundness criteria pertaining to an argument from authority have been complied with, the use of this particular mode of strategic manoeuvring can be a reasonable and effective mode of strategic manoeuvring. Strategic manoeuvring by making an appeal to authority derails, for instance, if the authority does not relate to the topic at issue, if the source referred to does not have the professed authority or if this source is quoted wrongly or quoted at a point where having this authority is not relevant (Woods and Walton 1989: 15–24; van Eemeren and Grootendorst 1992: 136–137)—when, to put it more generally, one or more of the critical questions associated with the use of an argument from authority cannot be answered satisfactorily, so that the Argument Scheme Rule (Rule 8) has been violated and an *argumentum ad verecundiam* has been committed. Whether this is indeed the case however may in practice depend on the macro-context in which the argumentative discourse takes place. We turn to an invented example to illustrate how in a specific macro-context the general soundness criteria for strategic manoeuvring by means of an argument from authority can be made more specific.

Imagine that two people are playing a game of scrabble. At a certain moment one of them claims to have compiled a long word, but the other one doubts that the combination of letters that has been laid out really constitutes an English word. Now the first player uses an argument from authority to defend his claim: "This is an English word, because it is in the dictionary". Whether his appeal to authority is in this case a sound strategic manoeuvre, depends in the first place on the kind of agreement that exists between the players on how to decide whether or not a combination of letters does indeed count as an English word. The verdict on the soundness or fallaciousness of an argument from authority always relates to the starting point regarding how this is to be decided that is operative in the macro-context in which the argumentative exchange takes place.

If the players have agreed at the start of their game that a combination of letters will be regarded as an English word if it is in the dictionary, then there is nothing wrong with the first player's authority argument; his argumentative move cannot be considered fallacious and is even likely to be effective. However, the same

argumentative move would be fallacious if the game was played in a macro-context in which it has been agreed from the start that the *Concise Oxford Dictionary* will be the ultimate judge while in his argumentation the arguer is referring to Webster's. The argumentative move would be sound again if the manufacturer of the scrabble game had imposed a binding procedure for deciding about the Englishness of a word upon the players that prescribes consulting a dictionary without giving any further specification as to which dictionary. If, however, the players had agreed at the start of their game that a combination of letters will only be recognized as an English word if they all know the word, then the appeal to the authority of any kind of dictionary would be irrelevant and therefore fallacious.

The various scenarios sketched in the scrabble example can be viewed as constituting specific macro-contexts that represent different communicative activity types or variants of a particular communicative activity type. In specifying who or what counts as an authority, the general soundness criterion of the authority variant of the Argument Scheme Rule involving relying on a qualified authority is in each of them implemented in a different way. In the empirical counterpart of the opening stage of the exchange a crucial starting point concerning how the game is to be decided is in each case given its own specification. In the first case, it is defined by the parties by explicitly agreeing before the argument from authority is used that the dictionary should be the specific soundness criterion that is authoritative in judging the Englishness of a word. In the second case, this specific soundness criterion is defined even more precisely by agreeing, in addition, explicitly that it is the *Concise Oxford Dictionary* that is to be authoritative. In the third case, the soundness criterion is specified in the same way as in the first case, but this time this criterion is simply imposed on the players as a starting point for their exchange—in the opening stage they only have to acknowledge what the criterion involves. In the fourth case, the participants explicitly agree at the start of their exchange on a starting point that boils down to only accepting a word as English if its Englishness is recognized by all participants—a starting point that changes the game more drastically.

In weakly conventionalized informal communicative activity types, such as a chat between friends, the specific soundness criteria applying to the argumentative moves that are made are often simply determined by the parties on the spot, when they are needed. However, they may also have been made familiar to the arguers in their primary socialization at home and at school, when they are growing up. In strongly conventionalized formal communicative activity types, such as a civil lawsuit, various crucial starting points, including certain evaluation procedures, are as a rule already partly or wholly given before the argumentative exchange takes place. Usually they have been explicitly taught to the participants during their secondary socialization, in their professional training as future lawyers or in other specialised forms of education. This institutional imposition of starting points, which happens particularly in strongly conventionalized and formalized communicative activity types, closely resembles the third scenario just sketched. In practical terms the situation is in that case similar as in the case of exchanges with starting points based on an already existing agreement between the parties.

8.5   Strategic Manoeuvring in Communicative Activity Types from Different Domains

The incorporation of the contextual dimension in pragma-dialectics in the wake of the inclusion of strategic manoeuvring has considerably strengthened the connection between the theorizing and the study of argumentative reality. Insights concerning the relationship between the institutional macro-context and the way in which argumentative discourse is conducted have been applied to the analysis and evaluation of argumentative discourse in qualitative empirical research concerning a great many argumentative practices from a variety of communicative domains. Based on argumentative characterizations of the institutional conventionalization of argumentative discourse in specific communicative activity types and domains, the institutional preconditions have been methodically identified that pertain to the strategic manoeuvring taking place in the argumentative discourse that is conducted. In all cases the general aim was to provide insight into the ways in which the institutional preconditions determine to some extent the possibilities for strategic manoeuvring in certain communicative activity types or domains.

The empirical research carried out so far has concentrated in the first place on the political, the medical and the legal domain. The influence of the institutional context on strategic manoeuvring in public deliberations in the political domain has been chosen as a central topic of research because the argumentative discourse conducted in this domain is of vital interest to everyone and its quality should therefore be a general concern. The ways in which argumentative discourse in the medical domain is influenced by extrinsic constraints related to the institutional context have become a relevant research interest since medical consultation has gradually moved away from paternalistic decision-making by medical professionals to joint decision-making of professionals and patients based on argumentation and informed consent. In argumentation theory the legal domain occupies a special place because the institutionalization of how in adjudication argumentative discourse is conducted is often seen as the paragon of reasonableness. Both Toulmin and Perelman and Olbrechts-Tyteca have taken it as their point of departure in trying to create an alternative more suitable for dealing with real-life argumentative discourse than the formal logical approach. By including the legal domain in our research we remain in line with this established tradition.

The pragma-dialectical research concerning the political domain was initiated by a reflection on the role of argumentation in democracy that led to the conclusion that democracy will only work well if procedures for public discourse can be developed that allow for a methodical critical discussion between the protagonists of the various—often conflicting—viewpoints (van Eemeren 2002). In this endeavour due attention needs to be paid to the higher order conditions for having a critical discussion consisting of the requirements concerning the attitudes and competencies of the participants and the socio-political circumstances that need to be fulfilled for having a reasonable exchange. Following on from these considerations a comprehensive research project was started from the perspective of a

critical discussion in which the institutional preconditions for strategic manoeuvring in argumentative exchanges in the European Parliament are examined (van Eemeren 2013). So far the research has primarily concentrated on the impact of the "European predicament" as a secondary institutional precondition silently imposed upon Members of the European Parliament. This precondition involves having to serve the European cause while at the same time having to satisfy one's electorate by protecting the national interests of one's home country (van Eemeren and Garssen 2010, 2011; Garssen 2013). A conspicuous mode of strategic manoeuvring resulting from observing this secondary institutional precondition consists of parliamentarians dealing with policy proposals they consider disadvantageous to their own country by supporting their negative standpoint by argumentation by example in which a broad range of countries is specified that would suffer from realizing these policies.

Another comprehensive research project focused in particular on the influence of institutional constraints on confrontational strategic manoeuvring, paying special attention to the argumentative strategy of pointing out inconsistencies (van Laar 2008). In this project the responses given in the communicative activity type of Prime Minister's Question Time in the British House of Commons to critical questions by oppositional Members of Parliament in which the Prime Minister accuses the questioner of an inconsistency have been examined (Mohammed 2009). Making this accusation can be characterized as confrontational strategic manoeuvring in an unofficial discussion about whether a party is capable of providing good leadership. In the institutional context of Prime Minister's Question Time the accusation needs to be incorporated in the questioning and answering about the government's performance. Its strategic function in this (multi-layered) discussion is to make clear that the opposition should retract its criticism because it is inconsistent with their other views —and an inconsistent opposition cannot provide good leadership.

Another study in this confrontational strategic manoeuvring project provides an argumentative explanation for the way in which politicians react in political interviews on television to the interviewer's accusation that they have taken on a standpoint which is inconsistent with a standpoint they advanced earlier (Andone 2013). It is shown that various ways in which the original standpoint is rephrased in the responses given in these interviews involve a "compensating adjustment" enabling the politician to continue the discussion even if the inconsistency seems undeniable. Other facets of strategic manoeuvring examined in the project are the use in Dutch parliamentary debate of presentational tactics such as topic-shifting and polarization by politicians who are out to get populist issues such as "Islamization" discussed when they are not on the agenda (Tonnard 2011).

In a study focusing on the contextual (pre)conditions of a political discussion forum on the internet it is examined how on-line technologies create new possibilities for public debate (Lewiński 2010). On-line discussions allow for an almost unhampered stream of critical reactions of the discussants, who can use pseudonyms and can drop out of the discussion whenever they like. It transpires that one of the means discussants use in political discussion forums on the internet in trying to minimize their opponent's chances of winning the discussion is using the argumentative

strategy of extending their opponents' burden of proof. Another media-related research project on political argumentative discourse is devoted to detecting the influence of the institutional preconditions for strategic manoeuvring pertaining to the press conferences of the Chinese Ministry of Foreign affairs (Wu 2017). This research shows that one of the modes of strategic manoeuvring used by the government's spokespersons to convince their primary audience, the international public, of the Chinese view consists of using the various subtypes of personal attacks to diminish the credibility of opponents who are brought in by the questioners.

The research concerning the medical domain concentrates on three communicative activity types: doctor consultation, health brochures and medical advertising, all of which impose certain institutional preconditions on the strategic manoeuvring (Snoeck Henkemans 2011). In medical consultations doctors are in the "post *informed consent* era" obliged to make clear to their patients that their judgments and advices are sound. A secondary institutional precondition that needs to be taken into account in doing so is that they are supposed to overcome the considerable difference in medical knowledge and experience between them and the patients. Several studies concerning argumentative doctor-patient communication concentrate on the ways in which doctors try to deal in this endeavour with this predicament in bringing their own authority to bear (Labrie 2013; Pilgram 2015).

In researching health brochures aimed at getting a certain target audience to eat less, exercise more, have safe sex or promote good health in other ways the peculiarities have been examined of strategic manoeuvring by means of pragmatic argumentation, which is characteristic of this communicative activity type (van Poppel 2011, 2013). The main problem signalled in argumentation of medicines advertised directly to consumers is that the link between the use of the drug and the improvement of the health condition is supported without giving due account of unsuccessful uses of the drug or the possibility that other drugs can help just as well (van Poppel and Rubinelli 2011). Such strategic manoeuvring has to comply with the institutional preconditions that the Food and Drug Administration or a similar institution in a certain country has imposed upon the argumentative discourse in this type of advertising. In a recent study the influence of institutional preconditions on strategic manoeuvring in advertisements for medical drugs is examined in experience-based authority argumentation of users of a product in American direct-to-consumer medical advertisements (Wierda 2015).

Because in the communicative practices in the legal domain, such as a law case, the procedural and material starting points defining the legal counterpart of the opening stage of a critical discussion are generally to a large extent predetermined institutionally, it is necessary to identify the extrinsic institutional constraints motivating the institutional preconditions for strategic manoeuvring that establish how the parties involved in the various kinds of legal practices, including the judge, are to operate in conducting their argumentative discourse in accordance with the available room for strategic manoeuvring. In studies concentrating on the role of the judge it is shown how a judge can manoeuvre strategically in justifying a decision which deviates from the literal meaning of the legal rule that has been applied by referring to the purpose the rule has to serve in order to remain in agreement with

the intention of the legislator, as is required by the institutional preconditions (Feteris 2009, 2012). Remarkably, by referring to the specific requirements of the judicial processes involved, the same researcher had twenty years before explained the extent to which the regulations of Dutch legal practices in civil and criminal law are in agreement with the rules for critical discussion and why they sometimes deviate (Feteris 1989). In hindsight, in this way she had made an inventory of the institutional preconditions well before they were put on the research agenda.

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Chapter 9
Prototypical Argumentative Patterns

9.1 Basic and Extended Prototypical Argumentative Patterns

In examining empirically the differences between how argumentative discourse is conducted in the various argumentative practices, we have first concentrated on how the possibilities for strategic manoeuvring are influenced by the institutional preconditions of the communicative activity types in which the discourse takes place. The next step in carrying out our research program is to answer the question of what the distinctive features are of the argumentative discourses that come into being in the various domains of argumentative reality as a result of complying with the institutional preconditions. This question has always been of paramount importance to practitioners of specific argumentative practices who are keen to get a grasp on these practices in order to judge and improve them. It can only be answered now the standard theory has been extended in such a way that the required analytical instruments have been developed and it has been made clear how the research can be contextualized.

In the communicative activity types that have come into being in the various communicative domains, the initial situation revolves around different kinds of differences of opinion, which vary from a formally defined mixed dispute in a law case to an informal non-mixed difference in a medical consult. The types of standpoints at issue vary from being evaluative or prescriptive in a legal verdict or a parliamentary policy debate to being descriptive in a scientific discussion. In combination with the specific starting points that are characteristic of a particular communicative activity type or cluster of such activity types, which vary from explicitly established starting points in a law case to largely implicit starting points in a personal chat, the specific characteristics of the initial situation will lead to

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This chapter is primarily based on van Eemeren (Ed. 2017) and more in particular on van Eemeren (2017a, b).

specific kinds of argumentative exchanges in the empirical counterpart of the argumentation stage. The variety is not only caused by differences between the differences of opinion, the types of standpoints at issue and the procedural and material starting points, but also by the specific requirements pertaining to the way in which the exchange between argumentation and criticism is to take place, which varies from a regulated exchange in a parliamentary debate to an informally structured private discussion, and the kinds of outcome that are to be reached, which vary from a final verdict by the judge in a law case to a change of mind or maintenance of the existing situation in a private discussion.

In view of the kind of difference of opinion to be resolved, the type of standpoint at issue and the specific procedural and material starting points the parties must act upon, different types of argumentation can be helpful in reaching the kind of outcome that is aimed for in the various communicative activity types. In the communicative activity types associated with a particular communicative domain specific types of argument schemes may be pre-eminently instrumental in reaching the desired kinds of outcome. Depending on the type of argumentation that is used and the macro-context of the communicative activity type in which the argumentative discourse takes place, specific kinds of critical questions need to be anticipated or responded to. When choosing a particular argument scheme in support of their standpoint in a particular argumentative discourse, in dealing with the critical responses they are confronted with or anticipate to be confronted with the arguers are supposed to take the institutional preconditions into account that apply to the communicative activity type in which the discourse takes place.

Conducting the argumentative discourse in agreement with the specific demands of the communicative activity types in which the discourse takes place results in different domains in the emergence of different kinds of "argumentative patterns" in the discourse. An *argumentative pattern* consists of a particular constellation of argumentative moves in which, in dealing with a particular kind of difference of opinion, in defence of a particular type of standpoint a particular argument scheme or combination of argument schemes is used in a particular kind of argumentation structure. The occurrence of such argumentative patterns, which manifest themselves empirically in the various kinds of argumentative practices, can be explained by taking account of the institutional points and institutional preconditions characterizing particular (clusters of) communicative activity types and the critical questions pertaining to the argument schemes that are used. In identifying these argumentative patterns, the underlying assumption always is that protagonists may be expected to be out to make the strongest possible case for their standpoint in the macro-context concerned by trying to advance a combination of reasons that will satisfy the antagonist through leaving no critical doubts unanswered. In this endeavour they may be expected to use the argument schemes they deem most effective in the situation at hand and to advance all multiple, coordinative and subordinative argumentation that is necessary to answer the critical reactions that may be expected.

Although some of the argumentative patterns occurring in argumentative reality may well be incidental, certain argumentative patterns that come into being can be

considered characteristic of the way in which argumentative discourse is generally conducted in a specific communicative activity type or cluster of such activity types. This applies in particular to the argumentative patterns that are immediately connected with the institutional preconditions for strategic manoeuvring applying to the communicative activity type concerned. We call these argumentative patterns *prototypical argumentative patterns* (van Eemeren 2017a: 20–22). Prototypical argumentative patterns result from the use of modes of strategic manoeuvring that are pre-eminently instrumental in realising the institutional point of a communicative activity type in accordance with its institutional preconditions and they are characteristic of the argumentative discourse that is carried out in a certain communicative activity type or cluster of communicative activity types. In practice, there may be several argumentative patterns that are prototypical of a particular (cluster of) communicative activity type(s).

On the "first level" of the defence, where the main standpoint (or one of the main standpoints) at issue is defended by the main argumentation, prototypical argumentative patterns manifest themselves in a speech event as *basic prototypical argumentative patterns*. In the case of a basic argumentative pattern it is primarily the type of standpoint at issue that determines which types of argumentation can be appropriately used in its defence. On the "second level" and on all further levels of the defence, a reason that is given on the preceding level of the defence may become a sub-standpoint that in its turn is defended by means of argumentation. Whether argumentation supporting the argumentation on the first level will indeed be advanced, depends in principle on the critical reactions that the argument scheme used in defence of the standpoint evokes or is expected to evoke in the communicative activity type concerned. Depending on the critical questions associated with the argument scheme that has been employed and the characteristics of the communicative activity type concerned, specific kinds of critical reactions may need to be responded to or to be anticipated in defending a sub-standpoint, sub-sub-standpoint etc. This means that in argumentative reality sometimes more elaborate *extended prototypical argumentative patterns* can come into being, which include various levels of defence and may contain argumentation of varying degrees of complexity.

9.2 Contextual Differentiation of Prototypical Argumentative Patterns

In order to reach the kind of outcome aimed for, in the various communicative activity types that have been institutionalized in the various domains different types or subtypes of argumentation may be helpful in resolving a difference of opinion about a certain type of standpoint in line with the prevailing starting points. The various types and subtypes of argumentation that are the options to choose from initiate different dialectical routes for going through the process of resolving a

difference of opinion. This means that using a certain argument scheme in defending a standpoint has specific consequences for the way in which the argumentative discourse will be continued. When the one argument scheme is chosen the dialectical route will be different from the dialectical route that becomes a reality when another argument scheme is used. The different continuations of the dialectical routes are determined by the different sets of critical questions that are associated with the various argument schemes; they make the arguer make different kinds of argumentative moves in response to or anticipation of different kinds of critical reactions.

Following a certain dialectical route in the conduct of argumentative discourse always results in the creation of a particular kind of argumentative pattern in the discourse. Since the institutional point that is to be realized and the institutional preconditions that need to be taken into account are related to the institutionalized macro-context, the prototypical argumentative patterns that come into being in the various communicative activity types and clusters of activity types may vary to some extent in the various domains. Due to the fact that in the communicative activity types that have been institutionalized in a particular domain, characteristically, specific types of standpoints are at issue in specific kinds of differences, the types or subtypes of argumentation that are suitable to resolving the difference of opinion at issue may differ in some respects. This has consequences for the argumentative patterns that will develop. Identifying and explaining the prototypical argumentative patterns that can be observed in the various institutionalized argumentative practices therefore amounts to investigating the functional complexity of argumentative reality. In engaging in this kind of research we have again concentrated on the contextual differentiation in the political, the medical and the legal domain.

When in the political domain a policy standpoint is defended in an argumentative exchange taking place in the communicative activity type of a parliamentary debate (Garssen 2017a) or a report of a European parliamentary committee of inquiry (Andone 2017), a characteristic way of doing so is by making use of pragmatic argumentation. By means of this subtype of causal argumentation it is then argued that the measure proposed in the standpoint should be taken because it will lead to an indisputably desirable result—or (in the negative variant of pragmatic argumentation) that the measure proposed in the standpoint should not be taken because it will lead to an indisputably undesirable result. The argument scheme of pragmatic argumentation is pre-eminently suitable to defend a policy standpoint, but only if the desirability—or undesirability, as the case may be—of the result to be achieved is considered beyond any doubt. If the desirability of the result needs to be motivated, the argumentation remains, of course, causal but loses its pragmatic force of instantaneous effectiveness. When this happens and the desirability of the result is in its turn supported argumentatively, say by means of symptomatic argumentation referring to an authoritative source, the causal argumentation involved turns from pragmatic argumentation into *complex pragmatic argumentation*, because the argumentation has changed from single argumentation into complex argumentation. In such a case it depends, as always, on the argument

scheme that is used and the institutional context in which this happens, which critical questions will be relevant and need to be responded to or anticipated in the argumentation advanced in the continuation of the discourse.

In the medical domain of health communication, consultation and the promotion of a drug are combined in the hybrid communicative activity type of a medicine advertisement. The institutional point of this communicative activity type is to motivate patient-consumers to start using the advertised medical product by providing them with the legally required information that enables them to make an informed choice as to whether or not to use this drug. In "over-the-counter medicine" advertisements the implicit prescriptive standpoint that the drug that is advertised should be bought is on the first level of the defence characteristically supported by pragmatic argumentation (Snoeck Henkemans 2017). According to the regulations that must be observed in this kind of advertising, in making in the advertisement a claim to effectiveness the effect that is claimed may not go beyond what advertisers are officially allowed to claim. When this seems necessary, the basic argumentative pattern created by the use of pragmatic argumentation can be extended by the addition of supporting arguments addressing one of more of the critical questions pertaining to pragmatic argumentation. In case the advertiser expects that the beneficial effect on the consumer's health claimed in the pragmatic argumentation does not offer sufficient support by itself, further reasons may also be added to this pragmatic argumentation as part of a coordinative argumentation on the first level of the defence. The pragmatic argumentation is then complemented by mentioning other (secondary) desirable effects or benefits, such as ease of use or a pleasant taste.

In the legal domain, where the juridical argumentative practices are generally strongly conventionalized, the difference of opinion at issue in the initial situation of a law case, for instance, will be a well-defined juridical dispute, the starting points will consist of largely codified legal rules and case-related concessions, the argumentation and criticism will be based on legal interpretations of the concessions and other relevant facts and the outcome will be a motivated settlement by a judge. Rather than being determined in mutual deliberation by the parties, the procedural and material starting points of a law case are to a large extent predetermined institutionally. The verdict by the judge is characteristically legitimized by means of symptomatic argumentation in which it is argued that dealing with the case in a particular way is justified because it is covered by a legal rule (Feteris 2017). Since in this domain symptomatic argumentation is prevalent, the critical questions that are relevant and likely to be anticipated are generally those associated with this type of argumentation. When it is first argued that dealing with the case in a certain way is justified because this is covered by a legal rule, this symptomatic argumentation could be followed by analogy argumentation stating that the case is similar to other cases to which the rule applies, but this obvious argumentative step usually remains implicit. If in taking a decision the judge makes an exception to a general legal rule, providing pragmatic argumentation in support of this decision on the next level of the defence can be pre-eminently instrumental.

In identifying prototypical argumentative patterns coming about in different kinds of discourse practices, the theoretical instruments for analysing argumentative discourse developed in pragma-dialectics are put to good use. Among them are the typology of differences of opinions (single/multiple, non-mixed/mixed), the typology of standpoints (descriptive/evaluative/prescriptive), the typology of argument schemes (causal/comparison/symptomatic), and the typology of argumentation structures (single/multiple/coordinative/subordinative). The way in which prototypical argumentative patterns manifest themselves in the various argumentative practices in specific constellations of argumentative moves are described in terms of the categories and subcategories distinguished in these typologies. In order to make clear how the prototypical argumentative patterns manifesting themselves in the communicative activity types of a certain domain depend on the type or subtype of argumentation that initiates the creation of the argumentative pattern, the consequences will be examined that the exploitation of certain suitable argument schemes has for the development of argumentative patterns in these communicative activity types.

9.3   Utilizing Different Argument Schemes in Different Communicative Activity Types[1]

In the prototypical argumentative patterns that come into being in specific (clusters of) communicative activity types from different domains, due to the specific types of standpoint at issue and the specific institutional preconditions that need to be observed, different kinds of argument schemes may be exploited. These prototypical argumentative patterns manifest themselves in the use of particular types of argumentation in the main argumentation, which are on the first level or on other levels of the defence sometimes prototypically combined with particular types of other arguments in complex argumentation structures. In our research devoted to exploring prototypical argumentative patterns, we have first concentrated on argumentative patterns that are based on the use of argument schemes in the main argumentation that are pre-eminently suitable to defending the standpoint at issue in accordance with the institutional preconditions prevailing in specific communicative activity types or clusters of communicative activity types in the political, the medical or the legal domain.

In our research concentrating on the political domain we have, for instance, investigated what kinds of argumentative patterns prototypically develop in a legislative debate in the European Parliament (Garssen 2017b). One of the prototypical argumentative patterns that we have identified is exemplified in the following contribution to the debate of labelling fruit juices made by the Swedish

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[1]Sections 9.3 and 9.4 are primarily based on van Eemeren (2017b).

Member of the European Parliament for the European Greens, Carl Schlyter, on 13 December 2011:

> Mr President, I would like to thank everyone involved in the negotiations. At times, the negotiations were rather amusing. It could be considered strange that we have spent so many hours on such a limited subject as fruit juices, but at the same time, it was a question of rather important principles. Should we maintain the EU's high standard, where one exists, as opposed to the standard incorporated into international agreements? If we are to have a properly functioning single market, we must stop deceiving consumers.
>
> During the negotiations, I brought these juice cartons with me and I am still bringing them with me right to the bitter end. Here is one example of juice packaging: high quality, full of lovely cranberries. The problem is that cranberries are not the main ingredient of the juice —it is apple. However, I do not see apple mentioned on the packaging or in the name. This is a product from France.
>
> Here I have a product from Sweden/Finland. It is called raspberry/blueberry and there are raspberries and blueberries on the packaging. Hidden behind an enormous blueberry there is a very tiny apple. This is misleading, because this juice consists mostly of apple—it contains 10 times as much apple as raspberry and blueberry. Here is another fruit drink that is also sold on the European market. It has lovely strawberries and passion fruit on the packaging, but what do you think is the dominant fruit? It is apple, of course.
>
> Here is another one that is sold in six other countries in Europe. It states strawberry here, but do you think it contains any strawberries? Yes, it contains a very small amount of strawberries, but as usual it is mostly apple, and the apple on this packaging is hidden behind a symbol so that you can barely see it. This is misleading and fraudulent, and we are at last doing something about it. This is what I have been fighting for, and I am very pleased that this was the end result.

In a legislative debate in the European Parliament the basic argumentative pattern of the argumentative discourse prototypically consists of a prescriptive standpoint [*pres*] supported by pragmatic argumentation [*prag*]:

1[*pres*]<1.1[*prag*].

However, when the existence of the problem at issue is in doubt and statistical information demonstrating it is not available, in such a debate this argumentative pattern is prototypically extended by adding argumentation by example [*exam*] on one of the next levels, so that the pragmatic argumentation changes into complex pragmatic argumentation [*comp*] of the problem-solving type:

1[*pres*]<(1.1[*prag*]<1.1a.1[*exam*])[*comp*].[2]

One of the institutional preconditions applying to a debate in the European Parliament is the "European predicament" that the Members should take the interest of their own country at heart but are supposed to speak in the interest of Europe as a whole rather than only in the interest of one particular country, let alone only in the

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[2]For the sake of clarity the descriptions of the argumentative patterns given in this chapter are restricted to the various single argumentations that are advanced explicitly, without going into their internal composition. In order to give a more thorough account of a specific argumentative pattern, a more detailed description must be given in which its unexpressed parts are also included.

interest of their own country. Because the Members of the European Parliament always have to make clear that their intervention applies to a problem that affects most, if not all, European countries, in using argumentation by example in defence of a proposal giving one example generally does not suffice. This explains what happens in the example.

In the case that is quoted Schlyter turns his argumentation for the prescriptive standpoint that the proposed legislation should be adopted into complex pragmatic argumentation of the problem-solving type by complementing the pragmatic argument that the proposed legislation will solve the problem with food labelling in Europe on the first level of the defence coordinatively with the premise that there is indeed a problem with food labelling and supporting that premise on the second level of the defence coordinatively by stating that on many labels the ingredients are not properly indicated and that this is misleading and fraudulent. On the third level of the defence he supports this coordinative argumentation, again coordinatively, by a whole series of arguments by example, thus remaining in line with an established tradition:

1. The proposed legislation should be adopted

   1.1a   Adopting the legislation solves the problem with food labelling in Europe
(1.1b)   (There is a problem with food labelling in Europe)

      (1.1b).1a   On many labels the ingredients are not indicated properly
      (1.1b).1b   This is misleading and fraudulent

      (1.1b).1a-b.1a-n   [*arguments by example*]

This means that the argumentative pattern displayed in Schlyter's argumentative discourse consists of a prescriptive standpoint [*pres*] defended by complex pragmatic argumentation of the problem-solving type [*comp*], which is in turn defended by symptomatic argumentation [*symp*] supported by argumentation by example [*exam*]. When represented in full, including the unexpressed premise 1.1b, this prototypical argumentative pattern can be described as follows:

1[*pres*]<(1.1a[*prag*]&(1.1b<(1.1b.1a&1.1b.1b)[*symp*]<1.1b.1a-b.1a-n)[*exam*]) [*comp*].

Leaving out the unexpressed part, the shortened version of this argumentative pattern is as follows:

1[*pres*]<(1.1[*prag*]<1.1.1[*symp*]<1.1.1.1a-n)[*exam*])[*comp*].

In our research concerning the medical domain we have concentrated on the communicative activity type of over-the-counter medicine advertisements (Snoeck Henkemans 2017). A basic prototypical argumentative pattern that can be distinguished in these advertisements consists of the prescriptive standpoint [*pres*] that a certain drug should be used supported by means of pragmatic argumentation [*pragm*]:

1[*pres*]<1.1[*prag*].

When further support is needed, on the second level and further levels of defence several prototypical argumentative patterns relating to the critical questions associated with pragmatic argumentation can come into being. These critical questions can pertain to the effectiveness of the drug, its safety and whether there is a better alternative. As a consequence, one of the prototypical ways in which the pragmatic main argumentation, which has now become complex, may be supported consists of symptomatic argumentation [*symp*] that the medical product that is advertised is safe. Prototypically, this symptomatic argumentation can in its turn be supported by an argument from authority [*auth*]:

1[*pres*]<1.1[*prag*]<1.1.1[*symp*]<1.1.1.1[*auth*].

Since it is in over-the-counter-medicine advertising not allowed to claim straightforwardly that a product is more effective than other identifiable products, the argumentation in the advertisements is generally directed at making the addressees draw the conclusion that there is no better alternative themselves. A prototypical way of defending the claim concerned consists of advancing symptomatic argumentation that shows that the product fulfils a certain secondary criterion (e.g. speed of action) better than other products. Another prototypical defence consists of emphasizing the uniqueness of the ingredients of the product or of the way it works. Due to the institutional preconditions again, the safety of the product that is advertised may not be claimed without qualification. Prototypically, in order to comply with this requirement specific types of authority are called upon that are allowed by the advertising code, such as references to a legal authority indicating that the product is licensed and meets the standards, populist argumentation citing the number of people using the product, arguments from experience expertise and appeals to tradition. Just like the safety claim, the claim that there is no better alternative, which is the remaining option, may also be further supported by an argument from legal authority or by populist argumentation (e.g. that the product is a best-seller).

In our research concerning the legal domain it transpired that the justification of a legal decision by a court can only remain restricted to the first level of defence if it concerns a "clear case", in which neither the interpretation of the facts at issue nor the applicability of the legal rule that is called upon are disputed. If the conditions for application of the rule are indeed satisfied, the legal consequence follows *prima facie*. In principle, it then suffices for the judge to put forward argumentation that specifies the facts of the case and the applicable legal rule ("first-order argumentation"). In such a case, the prototypical argumentative pattern hinges on a specific implementation of the argument scheme of symptomatic argumentation in which it is argued that a particular legal consequence is justified in light of certain legal facts. The basic argumentative pattern prototypical of a motivation of a justification of a legal decision by a court therefore consists of symptomatic argumentation [*symp*] to justify the prescriptive standpoint [*pres*] at issue:

1[*pres*]<1.1[*symp*].

In a "hard case" the facts or the applicability of the legal rule are disputed by one of the parties or the court has reasons to question either of these, so that a further justification consisting of subordinative argumentation will be required ("second-order argumentation"). The second-order argumentation that is advanced will differ depending on whether the facts are at issue or the legal rule. This will result in different argumentative patterns (Feteris 2017). When in a hard case the facts are at issue, the prototypical argumentative patterns of the justification of a legal decision by a court contain on the first level of the defence prototypically, next to the symptomatic argumentation [*symp*] referring to the rule that is applied, pragmatic argumentation [*prag*] justifying the desirability of the consequences in light of the rule and on the second level of the defence a subordinative symptomatic argumentation involving proof of the facts by reference to the authority of written documents, testimonies or expert reports [*auth*]. This leads to the following prototypical argumentative pattern of the defence of the prescriptive standpoint [*pres*] at issue, in which the pragmatic argumentation, due to its need of support, is turned into complex pragmatic argumentation:

1[*pres*]<((1.1a[*symp*]&1.b[*prag*])<1.1a-b.1[*auth*])[*comp*].

Since in different legal systems and fields of law different criteria apply for the truth of the facts, the prototypical argumentative patterns that come into being may vary according to the legal system and the field of law involved.

When in a hard case the applicability of a legal rule is at issue, the court has to establish the meaning of the rule in the case concerned. In its justification the court must specify the grounds for the favoured version of the rule. This justification can in turn be supported by a chain of further symptomatic arguments, so that a more elaborate prototypical pattern of extended argumentation comes into being. Because the interpretation methods pertaining to the meaning of a legal rule that is used in justifying legal decisions are ordered hierarchically, more often than not a combination of symptomatic arguments referring to different kinds of interpretation methods needs to be used. Since in different legal systems and fields of law different criteria for grounding the establishment of the meaning of a legal rule apply, the prototypical argumentative patterns that come into being may again vary to some extent, depending on the institutional preconditions, in different kinds of law cases and fields.

9.4 Utilizing the Same Argument Scheme Differently

Although in principle virtually all types and subtypes of argumentation can be used in all communicative activity types, due to the different institutional preconditions different kinds of prototypical argumentative patterns come into being in the various domains. In Sect. 9.3 we focused on similarities and dissimilarities in prototypical argumentative patterns resulting from the exploitation of particular types and subtypes of argumentation which are pre-eminently suitable to realizing the

institutional point of specific (clusters of) communicative activity types in the various domains. However, even when the same (sub)type of argumentation is used in the main argumentation this may lead to the creation of different prototypical argumentative patterns in communicative activity types from different domains, due to the different institutional preconditions that need to be observed. In demonstrating this we will concentrate on the functionally different uses of a subtype of causal argumentation that we have encountered in all three domains we have concentrated upon: pragmatic argumentation.

In pragmatic argumentation the standpoint that an action should (or, in the negative variant of pragmatic argumentation, should not) be carried out is defended by pointing out that carrying out this action leads to a desirable (or, in the negative variant, undesirable) result. This is a specification the positive variant of the argument scheme of pragmatic argumentation[3]:

1. Standpoint: Action X should be carried out

   1.1   Action X leads to positive result Y
 (1.1′) (If action X leads to a positive result such as Y it must be carried out)

The following critical questions are associated with pragmatic argumentation:

(a) Does action X indeed lead to result Y?
(b) Is result Y really positive (i.e. desirable)?
(c) Does action X not have unavoidable negative (i.e. undesirable) side-effects?
(d) Could Y not be achieved more easily or more economically by other actions?
(e) Would another result not be even more desirable than Y?

When they are implemented in a particular communicative activity type, like in all other cases, these critical questions need to be specified, amended or supplemented in accordance with the institutional requirements. It depends also to a large extent on the macro-context which of these critical questions are pertinent in the sense that they need to be asked and responded to in a certain case. In some cases there already exists mutual agreement between the parties about the answer so that it is not necessary to respond to these questions (e.g. in the case of whether it is positive to put an end to unemployment or to be relieved from a headache) and in some other cases the answer is as it were presupposed in the point of departure of the exchange (e.g. that the cure is supposed to be effective if it is prescribed by a doctor).

Pragmatic argumentation can only offer conclusive support for a standpoint if the positive character (i.e. desirability) of the result that is aimed for is beyond doubt for the parties involved. If the desirability of the result is for some reason or other not so obvious, this desirability needs to be motivated. In such cases the argumentation loses its pragmatic force of leading to instantaneous success and turns into complex

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[3]In the descriptions of argumentative patterns included in this chapter pragmatic argumentation is, just like other types of argumentation, recorded in a simplified way, without specifying its internal composition.

pragmatic argumentation, so that in the prototypical patterns that come into being the pragmatic argumentation will be embedded in coordinatively or subordinatively linked combinations with other types of argumentation. The way in which it is embedded and the rationale for the embedding depend on the institutional preconditions pertaining to the communicative activity types concerned.

Prototypical argumentative patterns ensuing from the exploitation of pragmatic argumentation are likely to occur in the main argumentation, on the first level of the defence, in all communicative domains in which prescriptive standpoints are defended. This goes for the political domain but also for the medical domain of health communication, albeit that in both areas more often than not the pragmatic argumentation turns into complex pragmatic argumentation. In the legal domain pragmatic argumentation is only prototypically used in dealing with hard cases.

In the political domain, in the communicative activity type of a plenary debate in the European Parliament, pragmatic argumentation [*prag*] is prototypically used in the main argumentation advanced on the first level of the defence to support a prescriptive standpoint [*pres*] involving a policy proposal:

1[*pres*]<1.1[*prag*].

Pragmatic argumentation is also prototypically used in the main argumentation to defend a prescriptive standpoint [*pres*] involving a recommendation in reports of European parliamentary committees of inquiry. Since the proceedings of these committees of enquiry are driven by political considerations, in the committee reports having a majority is the definitive test of authority (Andone 2017). This explains why, to increase the legitimacy of the policy claim involved, in these reports the use of pragmatic argumentation [*prag*] is on the first level of the defence prototypically coordinatively combined with the use of argumentation in which the majority is adduced as an authority [*majo*]. This results in the following prototypical argumentative pattern:

1[*pres*]<1.1a[*prag*]&1.1b[*majo*].

In parliamentary debate in the politically divided European Parliament it is common practice that in dealing with a policy proposal more levels of defence are needed because it first needs to be established that the result aimed for in the proposal that is made [*pres*] is indeed desirable, because there really is a problem that deserves to be solved. The prototypical argumentative patterns that come then into being in the argumentative moves that are made by a proponent of the proposal contain complex pragmatic argumentation [*comp*] elaborating on the initially pragmatic argumentation (Garssen 2017a). In support of the intermediate claim inserted in response to critical question (b) associated with pragmatic argumentation that there is a problem that should be solved, argumentation by example [*exam*], causal argumentation from cause to effect [*caus*] or causal argumentation from effect to cause [*effe*] or argumentation from authority [*auth*] are prototypically advanced:

1[*pres*]<((1.1a[*prag*]<1.1a.1[*exam*])&1.1b)[*comp*];
1[*pres*]<((1.1a[*prag*]<1.1a.1[*caus*])&1.1b)[*comp*];

$$1[pres]<((1.1a[prag]<1.1a.1[effe])\&1.1b)[comp];$$
$$1[pres]<((1.1a[prag]<1.1a.1[auth])\&1.1b)[comp].$$

The causal claim at issue in basic critical question (a) that the proposal that is made solves the problem can in the case of a general claim be supported by argumentation by example and in the case of a particular claim by a descriptive analogy or by symptomatic argumentation such as authority argumentation (van Eemeren & Garssen 2010). A case in point is the defence of the policy claim that the United States should adopt gun control by means of the pragmatic argumentation that doing so leads to a safer social environment. In this case the causal claim is a specific one, referring only to the United States. This means that the pragmatic defence of the policy claim could be readily supported by advancing descriptive analogy argumentation in which the situation in the United States is compared to that in Canada, where gun control proves to lead to fewer casualties. Had the causal claim been general, as in "Gun control generally leads to fewer casualties", then, instead of descriptive analogy argumentation, argumentation by example should have been expected in its defence.

In the medical domain in the communicative activity type of over-the-counter medicine advertisements pragmatic argumentation is prototypically used in the main argumentation advanced in advertising a medicinal product. According to the formal regulations that constrain the proceedings in these advertisements rather strictly, the advertiser is not allowed to claim any effect that goes further than what is allowed by the rules. The basic prototypical pattern that comes into being on the first level of the defence by complying with these institutional preconditions consists of a prescriptive standpoint [pres] being defended by pragmatic argumentation [prag]:

$$1[pres]<1.1[prag].$$

When the beneficial effect that is claimed in the pragmatic argumentation is not expected to offer sufficient support, additional pragmatic arguments mentioning other positive effects—other desirable consequences that will occur—can be added to the pragmatic argumentation as part of a coordinative argumentation on the first level of the defence:

$$1[pres]<1.1a[prag]\&1.1b\text{-}n[prag].$$

In case the beneficial effect claimed in the pragmatic argumentation is not expected to offer sufficient support, the basic argumentative pattern of over-the-counter medicine advertisements can also be extended by presenting, instead of coordinative argumentation on the first level, subordinative argumentation on the second level of the defence. In response to the critical questions pertaining to pragmatic argumentation as a way of defending the sub-standpoint connected with the pragmatic argumentation turned complex that there is no better alternative for the drug symptomatic argumentation concerning the positive qualities of the drug that is advertised can be advanced. When this happens, the argument which mentions the positive qualities of the drug is in its turn prototypically

supported by means of symptomatic argumentation such as argumentation from authority referring to scientific evidence, indicating the existence of such evidence or providing testimonials or experience-based evidence from users of the product who are neither health professionals nor celebrities:

1[*pres*]<(1.1[*prag*]<1.1.1[*symp*]<1.1.1.1[*auth*])[*comp*].

As we observed already in Sect. 9.3, causal argumentation in support of the efficacy of medicinal products is in this institutional context likely to consist of the subtype claiming that specific ingredients cause the product's beneficial effect. Because of the institutional preconditions, comparison argumentation making clear that the product is to be preferred to other products is only allowed to refer to secondary qualities of the product (palatability, speed or duration of action). As far as side-effects are concerned, the only arguments that may be stated in response to critical question (c) are that the product has "no known side-effects" or "a good safety profile". A prototypical response to the question whether the advertised medical product is safe consists of advancing symptomatic argumentation [*symp*] that shows that the product is in agreement with safety criteria authorized by institutional regulations:

1[*pres*]<(1.1[*prag*]<1.1.1[*symp*])[*comp*].

In the legal domain, in the communicative activity type in which a legal decision by the court is justified, the court must show by means of symptomatic argumentation that the decision that is made is consistent with existing legal norms and coherent with general legal principles. Pragmatic argumentation prototypically comes in when in a hard case the application of a legal rule is controversial and consideration of the consequences of applying the rule is required. In such a case the symptomatic argumentation justifying the acceptability of the legal decision in light of the relevant legal system is in the main argumentation reinforced by the addition of pragmatic argumentation justifying the application of the legal rule. This means that prototypically in dealing with hard cases in this macro-context symptomatic argumentation [*symp*] and pragmatic argumentation [*prag*] prototypically constitute together a coordinative argumentation in defence of a legal decision [*pres*] on the first level of the defence:

1[*pres*]<1.1a[*symp*]&1.1b[*prag*].

Whereas the desirability of the consequences is in pragmatic argumentation normally presupposed, when in making a legal decision the application of a legal rule is controversial in a hard case it needs to be motivated explicitly that the consequences of applying the legal rule are indeed desirable in the case concerned in light of the purpose of the legal rule. As a consequence, the pragmatic argumentation that is advanced loses its pragmatic status and is in such a case always part of a complex pragmatic argumentation. Further subordinative symptomatic argumentation is necessary to do justice to the various legal interpretation methods that are pertinent to deciding about the meaning of a legal rule. On the next levels of

the defence, these symptomatic argumentations may in turn be supported by referring to certain authoritative sources, such as specific kinds of documents.

Thus, in defending the legal decision of the court [*pres*], symptomatic argumentation [*symp*] referring to the legal rule is on the first level of the defence prototypically backed up by pieces of symptomatic argumentation [*symp*] relating to the various legal interpretation methods, which are authorized by certain legal documents [*auth*]. In addition, in response to the critical questions associated with symptomatic argumentation [*symp*] and the pragmatic argumentation turned complex [*comp*] advanced on the first level of the defence, further subordinative argumentation of the causal type [*caus*] may be needed to justify that the announced result will indeed ensue when the rule is applied and argumentation of the symptomatic type [*symp*] to show the desirability of the result in light of the purpose of the rule, backed up by references to the intention of the legislator or the legal rationale of the rule [*auth*]. When all of this happens, it results in the following prototypical argumentative pattern:

1[*pres*]<(1.1a[*symp*]<1.1a.1a/n[*symp*]<1.1a.1a/n.1a/n[*auth*])&(1.1b[*comp*] <1.1b.1a[*caus*]&1.1b.1b[*symp*].

See Fig. 9.1 for an overview of these prototypical argumentative patterns.

Political domain (legislative debate in European Parliament and parliamentary committee reports)

Pragmatic argumentation [*prag*] for *prescriptive standpoint* [*pres*] on 1st level:
1[*pres*]<1.1[*prag*]

When legitimacy *policy claim* [*pres*] needs to be increased in European parliamentary committee reports, *pragmatic argumentation* [*prag*] and *majority argumentation* [*majo*] as coordinative argumentation on 1st level:
1[*pres*]<1.1a[*prag*]&1.1b[*majo*]

When necessity to solve problem needs to be established, in support of *complex pragmatic argumentation of the problem-solving type* [*comp*]: *argumentation by example* [*exam*]/*causal argumentation from cause to effect* [*caus*]/*from effect to cause* [*effe*]/*argumentation from authority* [*auth*] on 2nd level:

1[*pres*]<((1.1a<1.1a.1[*exam*])&1.1b)[*comp*];
1[*pres*]<((1.1a<1.1a.1[*caus*])&1.1b)[*comp*;
1[*pres*]<((1.1a<1.1a.1[*effe*])&1.1b)[*comp*];
1[*pres*]<((1.1a<1.1a.1[*auth*])&1.1b)[*comp*]

When statistical information required for establishing problem is not available: *argumentation by example* [*exam*] likely on 2nd level:

1[*pres*]<(1.1[*prag*]<1.1.1[*exam*])[*comp*]

When *complex pragmatic argumentation of the problem-solving type* [*comp*] needs defence by *symptomatic argumentation* [*symp*] supported by *argumentation by example* on 3 levels:
1[*pres*]<(1.1[*prag*]<1.1.1[*symp*]<1.1.1.1a-n[*exam*])[*comp*]

Medical domain (over-the-counter medicine advertisements)

Pragmatic argumentation [*prag*] for *prescriptive standpoint* [*pres*] on 1st level:
1[*pres*]<1.1[*prag*]

When claimed beneficial effect offers not sufficient support: *additional pragmatic arguments* mentioning other positive effects as part coordinative argumentation on 1st level:
1[*pres*]<1.1a[*prag*])&1.1b-n[*prag*]

In response to pertinent critical questions pragmatic argumentation: subordinative argumentation adjusted to institutional preconditions on 2nd (and 3rd) level; e.g.

– in response to whether medicine leads to positive result: *argumentation from authority* [*auth*] (referring to scientific evidence/indicating existence such evidence/providing testimonials/experience-based evidence from non-professional, non-celebrity users):
1[*pres*]<((1.1a[*symp*]&1.1b[*prag*])<1.1a-b.1[*auth*])[*comp*]
– in response to whether advertised product is safe: *symptomatic argumentation* [*symp*] showing product to be in agreement with safety criteria authorized by institutional regulations:
1[*pres*]<(1.1[*prag*]<1.1.1[*symp*]<1.1.1.1[*auth*])[*comp*]

Legal domain (motivation legal verdict judge)

In clear case: *symptomatic argumentation* [*symp*] that juridical decision [*pres*] is in agreement with a legal rule (a particular legal consequence ensuing from the legal facts) on 1st level:
1[*pres*]<1.1[*symp*]

To show applying rule does justice to the various legal interpretation methods: further *symptomatic argumentation* [*symp*] (if necessary supported by authoritative documents).

In hard case, when application rule controversial and consideration consequences of applying rule are required, coordinative reinforcement symptomatic argumentation by *pragmatic argumentation* [*prag*] on 1st level:
1[*pres*]<1.1a[*symp*]&1.1b[*prag*]

When facts at issue in hard case: subordinative *argumentation from authority* [*auth*] involving proof of the facts by reference to written documents, testimonies or expert reports on 2nd level:
1[*pres*]<((1.1a[*symp*]&1.b[*prag*])<1.1a-b.1[*auth*])[*comp*]

Pragmatic argumentation is in this context complex pragmatic argumentation requiring extended subordinative causal argumentation to show that applying the rule in case concerned leads to announced result and symptomatic argumentation that result is desirable in light purpose rule:
1[*pres*]<(1.1a[*symp*]<1.1a.1a/n[*symp*]<1.1a.1a/n.1a/n[*auth*])&(1.1b[*comp*]<1.1b.1a[*caus*]&1.1b.1b[*symp*].

$<$ = is supported by   […] = type of
auth = authority argumentation   *caus* = argumentation from cause to effect
effe = argumentation from effect to cause   *exam* = argumentation by example
majo = majority-as-authority argumentation   *prag* = pragmatic argumentation
pres = prescriptive standpoint   *comp* = complex pragmatic argumentation
symp = symptomatic argumentation

Fig. 9.1 Prototypical argumentative patterns in political, medical and legal discourse

9.5   Examining the Variety of Patterned Argumentative Diversity

In a general sense the argumentative patterns that are prototypical of a communicative activity type are all connected with its institutional point, its institutional conventionalisation and its institutional preconditions. The basic prototypical patterns on the first level of the defence are more particularly related to the type of standpoint that is at issue in the main argumentation. The more elaborate argumentative patterns on the second and further levels of the defence are more particularly related to the pertinent critical questions associated with the argument schemes that are used. In theoretically-inspired qualitative empirical research the prototypical argumentative patterns described in Sects. 9.3 and 9.4 have been identified as patterns that are functional in some specific (clusters of) communicative activity types in the political, the medical and the legal domain. In order to account more fully for the diversity of argumentative reality, this research should be expanded by the identification of other prototypical argumentative patterns in the same as well as in other communicative activity types and domains.

Although argumentative patterns that are prototypical of a communicative activity type may be expected to be found regularly in speech events that are specimens of the argumentative practice concerned, the fact that these patterns are prototypical does not necessarily mean that they need to occur frequently, let alone that they will always be present (van Eemeren 2017a: 22). In certain argumentative practices some prototypical argumentative patterns may in fact occur frequently while other prototypical argumentative patterns do not and in some (clusters of) communicative activity types certain prototypical argumentative patterns will be strikingly dominant while other prototypical argumentative patterns may hardly ever occur. The frequency of occurrence of the various prototypical argumentative patterns that have been identified still needs to be investigated. Based on the results of this research these frequencies are then to be compared with the frequency of occurrence of other argumentative patterns in the same communicative activity type and with their own frequency of occurrence in other communicative activity types in the same domain and other domains. Only if its occurrence is relatively frequent in at least one of these senses, a prototypical argumentative pattern deserves to be called a *stereotypical argumentative pattern*.

While prototypical argumentative patterns can be brought to light by means of qualitative empirical research, for the detection of stereotypical argumentative patterns quantitative research is required. Starting from the results of the qualitative explorations of prototypical argumentative patterns in specimens of certain (clusters of) communicative activity types, their frequencies of occurrence must be determined by means of quantitative research of corpuses of discourse that are representative of particular communicative activity types or domains. The results of this research can be used for making systematic comparisons between the frequencies of occurrence of prototypical argumentative patterns within a specific communicative activity type or domain and between their frequencies of occurrence in different communicative activity types and domains. In this way it can be established which argumentative patterns that are prototypical of certain (clusters of) communicative activity types are also stereotypical.

By systematically documenting the institutionally motivated diversity of argumentative practices in this way, an empirically-based understanding can be achieved of the proliferation of argumentative reality that provides more insight into the extent to which argumentative discourse is context-dependent. Thus making an inventory of prototypical and stereotypical argumentative patterns paves the way for a more thorough account of the fundamental issue of context-independency and context-dependency of argumentative discourse than could be provided so far. Unlike earlier views that have been expounded on this issue, such as Toulmin's (2003), which are largely intuitive, this account is based on a systematic combination of theoretical considerations and empirical evidence.

In further investigating the context-dependent diversity of argumentative discourse, special attention should also be paid to the cultural or ideological background that may be responsible for differences in the way in which argumentative discourse is conducted. In certain cases the differences between prototypical and stereotypical argumentative patterns coming about in the same or similar communicative activity types in different geo-political settings can be explained by taking account of the different cultural of ideological backgrounds against which these communicative activity types have been institutionalized. In this way it can, for instance, be made clear why in some argumentative practices, such as a parliamentary debate or a law case, the prototypical and stereotypical argumentative patterns may take a somewhat different shape in a Chinese setting than in a European or an American setting.

Another dimension of the coming about of the diversity of argumentative patterns that should be given its due in the research is the strategic design involved in the creation of such patterns. In accounting for the argumentative patterns manifesting themselves in argumentative discourse strategic considerations can sometimes have an explanatory role. More often than not the strategic considerations that are put to good use in this endeavour will be related to certain specific characteristics of the institutional environment in which the argumentative discourse takes place. This means that in such cases the communicative activity type or domain in which the discourse takes place can be brought to bear in explaining the strategic plan that can be ascribed to the arguer who is making his or her case. Such a

strategic plan can be seen as the arguer's *strategic scenario*. In determining which outlines of argumentative patterns may be indicative of which strategic scenarios an understanding of the domain and the communicative activity type concerned and the institutional goals and missions of the participants will play an important role.

When identifying argumentative patterns and tracking down strategic scenarios attention should also be paid to systematic differences in "argumentative style". *Argumentative styles* are prototypical ways of strategic manoeuvring resulting in stereotypical argumentative patterns that are characteristic of certain individual arguers or groups of arguers. When argumentative styles manifest themselves in more or less fixed argumentative patterns, tracing these argumentative styles can be worthwhile in certain cases since this may be helpful in explaining more precisely how exactly in argumentative reality the aiming for reasonableness and effectiveness is given shape.

Last but not least, the prototypical and stereotypical argumentative patterns detected in specific communicative activity types or clusters of communicative activity types can be a useful point of departure for undertaking interventions aimed at improving the conduct of argumentative discourse in the argumentative practices concerned. Prototypical argumentative patterns can provide useful guidance in creating context-related formats or designs that can be helpful in enhancing the quality of the production, analysis and evaluation of argumentative discourse. To take the medical context as an example: by starting from observed prototypical argumentative patterns in health communication, appropriate guidelines can be developed for conducting argumentative exchanges in doctor-patient consultation, more adequate instructions can be given for analysing health brochures and more effective tools can be made available for evaluating and writing medical advertisements. Especially if the recommended procedures can be formalized and computerized, they can be instrumental in enhancing the quality of such argumentative practices.

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Chapter 10
Pragma-Dialectics Amidst Other Approaches to Argumentation

10.1 The Current State of Argumentation Theory[1]

In argumentation theory, next to pragma-dialectics, various other approaches have been developed during the past decades—all associated in some way or other with the dialectical and rhetorical perspectives on argumentation outlined in Sect. 1.5. Having explained the main thrust of pragma-dialectics in this volume, we can now situate this approach to argumentation among other prominent theoretical approaches. For this purpose we first sketch the neo-classical views of argumentation theory presented by Toulmin and by Perelman and Olbrechts-Tyteca in the 1950s that have determined the current state of argumentation theory to some extent. Next we will discuss the formal dialectical approaches to argumentation (Sect. 10.2), informal logic (Sect. 10.3) and the rhetorical and linguistic approaches (Sect. 10.4), which are all prominent in present-day argumentation theory. After a brief description of the various approaches we will indicate their relationships with the dialectical and rhetorical perspectives, with the five components of the research program of argumentation theory and with pragma-dialectics.

Both the Toulmin model and Perelman and Olbrechts-Tyteca's new rhetoric are developed in an effort to counterbalance in dealing with argumentation the formal approach to analytic reasoning provided by modern logic. In *The uses of argument*, first published in 1958, Toulmin (2003) reacted against the then dominant logical view that argumentation is just a specimen of the reasoning and can be treated formally. As an alternative, he presented his model of the "procedural form" of argumentation, which is designed to capture the functional elements that can be distinguished in the defence of a standpoint by means of argumentation. The various elements included in the model represent different steps in the argumentative

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This chapter is to a large extent based on van Eemeren et al. (2014).

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[1]This section is primarily based on van Eemeren et al. (2014: 31–32, 203–299).

procedure. According to Toulmin, the procedural form of argumentation is "field-independent", which means that the steps that are taken and are represented in the model always remain the same, irrespective of the kind of subject that is discussed.

In discussing the evaluation of the soundness of argumentation Toulmin gives a different meaning to the term *validity* than it has in formal logic. The validity of argumentation is primarily determined by the degree to which the (usually implicit) *warrant*, which connects the *data* advanced in the argumentation with the *claim* at issue, is acceptable—or can be made acceptable by a *backing* if the warrant is challenged What kind of backing is required in a particular case depends on the "field" to which the standpoint at issue belongs: the discipline or domain that has the jurisdiction in legitimizing the warrants that are used. While the "claim" is the standpoint that is defended and the "data" are factual reasons advanced in support of the claim, the "warrant" is a more general justifying premise of a rule-like nature —the "backing" refers to sources that back up the warrant. According to Toulmin, in different fields claims will be justified in different ways. In justifying a legal claim, for instance, another kind of backing of the warrant will be required than in justifying an ethical claim. In Toulmin's view this means that the criteria for evaluating the validity of argumentation are "field-dependent" and need to be put in an empirical and historical context.

In their monograph *The new rhetoric*, also first published in 1958, Perelman and Olbrechts-Tyteca (1969) regard argumentation as sound if it adduces or reinforces assent to the standpoint at issue of the audience that is addressed. The soundness of argumentation is in the new rhetoric measured against its effectiveness with the "audience", the target group the arguer aims to convince or persuade. This target group may be a "particular" audience consisting of a specific person or group of people that is in a certain case addressed by the speaker or writer, but it can also be the "universal" audience consisting of the (real or imagined) company of people that embodies reasonableness to the arguer.

In the new rhetoric Perelman and Olbrechts-Tyteca list the various kinds of elements that are part of the point of departure of argumentation, distinguishing between facts, truths, presumptions, values, value hierarchies and *loci* (the equivalent of the Greek *topoi* in Latin). In addition they provide an overview of the argument schemes that can be used in the layout of argumentation aimed at convincing or persuading an audience. According to Perelman and Olbrechts-Tyteca's observations, the argument schemes used in argumentation can be *quasi-logical* (or *quasi-mathematical*), *based on the structure of reality* or *structuring reality*. These argument schemes are employed in argumentative techniques of "association", which connect a premise with a standpoint in order to achieve a transfer of acceptance from the premise to the standpoint. Another kind of argumentative technique distinguished by Perelman and Olbrechts-Tyteca is "dissociation", which is used to divide an existing conceptual unity into two separate conceptual units (van Rees 2009). For the purpose of preventing that the negative meaning of being vain also applies to someone who loves beautiful clothes, the concept of "vanity"

could, for instance, be dissociated into the original concept of "being vain" and the new concept of "loving beautiful clothes".

Next to obvious differences, there are some striking commonalities between Toulmin's approach to argumentation and the approach chosen in the new rhetoric. Starting from a philosophical background and an interest in the justification of views by means of argumentative discourse, Toulmin as well as Perelman and Olbrechts-Tyteca emphasize that values play an important part in argumentation. In both cases formal logic is rejected as a theoretical tool for dealing with argumentation and in both cases the authors turn to juridical procedures for finding an alternative model. Although the originators themselves did not make a connection between their approaches, a theoretical link between the Toulmin model and the new rhetoric could be made by viewing the constituents of the point of departure distinguished in the new rhetoric as representing different types of data in the Toulmin model and the argument schemes distinguished in the new rhetoric as different types of warrants in the Toulmin model.

The two approaches are "neo-classical", not only because of their great influence on modern argumentation theory but also because both of them are imbued with notions and distinctions that can already be found in classical rhetoric. Toulmin's model of the argumentative procedure is in fact conceptually equivalent to the extended syllogism in Roman-Hellenistic rhetoric known as the *epicheirema*. In addition, there are striking similarities between the role of warrants in the Toulmin model and that of the classical *topoi*. As for the new rhetoric, its general goals agree well with those of classical rhetoric, albeit that the classical rhetorical systems were primarily used as heuristics. The crucial role the new rhetoric assigns to the audience in the classification of the starting points constituting the point of departure of argumentation is similar to its role in classical rhetoric. It is also noteworthy that the argument schemes that are distinguished in the new rhetoric remain for the most part close to the classical topical tradition. The types of argumentation covered by the argument schemes based on the structure of reality are reminiscent of those treated in Aristotle's *Topics* and *Rhetoric*. Moreover, the distinction between these argument schemes and those of structuring reality runs parallel with the classical distinction between rhetorical syllogisms and rhetorical induction.

In spite of the considerable impact his model has had on scholarship in argumentation theory, Toulmin was in the first place a philosopher, not an argumentation theorist. Toulmin's contributions to argumentation theory pertain in the first place to the theoretical and the philosophical components of the research program. His theoretical model in particular was a source of inspiration to a considerable number of argumentation theorists (e.g. Brockriede and Ehinger 1960; Freeman 1991, 2005). His philosophical views about reasonableness Toulmin (1976) unfolded in *Knowing and acting* when introducing the division between the "geometrical", "anthropological" and "critical" conceptions of reasonableness. In *Return to reason*, Toulmin (2001) complemented his vision of reasonableness with a historical expose on the lost link between logic and rhetoric. It stands to reason that Toulmin did not carry out any further analytical or empirical research regarding

argumentation. To the practical component of the research program he contributed only indirectly by co-authoring a textbook (Toulmin et al. 1979).

The new rhetoric of Perelman and Olbrechts-Tyteca is primarily a substantial contribution to the theoretical component of the research program of argumentation theory. Although Perelman's philosophical interests manifest themselves clearly in other publications, sometimes concentrating specifically on the rational and the reasonable (Perelman 1979), his main influence on argumentation theory was exerted through the theorizing with Olbrechts-Tyteca in the new rhetoric. Perelman and Olbrechts-Tyteca themselves did not carry out any further analytical, empirical or practical research, but the insights they set forth in the new rhetoric were put to good use in several case studies in the empirical component of the research program of argumentation theory (e.g. Nimmo and Mansfield 1986; Haarscher 2009).

Although neither the Toulmin model nor the new rhetoric has been in any way constitutive to the pragma-dialectical theory of argumentation, there certainly are some commonalities between these two approaches and pragma-dialectics. With the Toulmin model pragma-dialectics shares a preference for developing a procedural model of argumentation and a preference for taking a functional view on the elements playing a part in the argumentative process. However, both the procedural and the functional dimension of the approach to argumentation are in pragma-dialectics substantiated in an entirely different way. The procedural dimension is in the pragma-dialectical model of a well-regulated critical discussion more encompassing and more elaborately substantiated and the functional dimension is through the amended speech act theory more refined and more precisely articulated. With the new rhetoric pragma-dialectics shares an interest in the rhetorical dimension of aiming for effectiveness in argumentative discourse. This shared interest manifests itself most clearly in the way in which in the two approaches the point of departure of argumentation and the argument schemes employed are put to good use in adapting argumentative discourse to audience demand. However, unlike in the new rhetoric, in pragma-dialectics the aiming for effectiveness is bounded by well-motivated and well-defined standards of reasonableness instrumental in resolving a difference of opinion on the merits.

10.2 Formal Dialectical Approaches[2]

Although they are not as familiar to most argumentation theorists as the Toulmin model and the new rhetoric, Crawshay-Williams's criteria for putting an end to intractable controversy and Naess's methods for dealing with misunderstandings in discussions are other early contributions to the field that are of great importance to modern argumentation theory. Crawshay-Williams's (1957) approach to controversies expounded in *Methods and criteria of reasonableness* is vital to judging the

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[2]This section is primarily based on van Eemeren et al. (2014: 32–33, 175–197, 301–372).

standards of reasonableness argumentative discourse has to comply with, because it constitutes the basis for the fundamental distinction between problem-validity and conventional validity (see Sect. 2.5). And Naess's (1966) view of argumentative discussions as intersubjective verbal communication that must be conducted in accordance with certain procedural and material discussion rules, elucidated in *Communication and argument*, gave a major impetus to the development of modern dialectics.

In spite of Toulmin's and Perelman and Olbrechts-Tyteca's scepticism, formal logicians have continued their efforts to put their formal systems to good use in dealing with real-life argumentative discourse. Formal logical systems are not only formal in the sense that they provide a regimentation by means of constitutive rules, as is also the case in the pragma-dialectical rules for critical discussion. They are formal, too, in the sense that they consist of locutions whose linguistic shapes determine their logical forms and are rigorously determined by grammatical rules. In addition, as a rule they are also formal in the sense of being purely logical, not providing for any material move or rule that depends on the meaning of non-logical terms, so that the logical systems involved are not in any way conditional upon facts or interpretations.[3] By creating certain kinds of laboratory situations, such formal systems of logic can be a useful part of a more encompassing approach to real-life argumentative discourse. However, due to the abstractions involved in the formalization, they do not lend themselves to making an adequate analysis and evaluation of pieces of real-life argumentative discourse as they are.

Applying formal systems of logic to the analysis and evaluation of argumentative discourse requires making a translation of each of the arguments considered into, for instance, the language of propositional logic and determining their validity with the help of the truth table method or some other method available in propositional logic. Such an approach to argumentation, however, meets with all kinds of objections (van Eemeren et al. 2014: 304–306). First, the process of translation that needs to take place is by no means straightforward. Second, even if the outcome of the evaluation with the help of, say, the truth table of propositional logic is negative, this does not necessarily mean that the argument involved is indeed invalid, because in some other system of logic, e.g. classical predicate logic, it could be valid. Third, this approach misses the crux of the argument since the unexpressed premises that must be reconstructed and the argument scheme that is used are overlooked. Fourth, this approach reduces the evaluation of argumentation to an evaluation of the reasoning that is used while neglecting issues such as the adequacy of the premises and the appropriateness of the use of the mode of arguing concerned in the given context.

Hamblin (1970) introduced in *Fallacies* the term *formal dialectic* in order to refer to formal dialectical systems.[4] When doing so he was not aware of the formal

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[3]For a discussion of the distinction between these and other senses of "formal", see van Eemeren et al. (2014: 303–304).

[4]For a more detailed discussion of the various formal dialectical systems, see van Eemeren et al. (2014: 307–367).

dialectical systems proposed earlier by Lorenzen and his Erlangen School, which may be considered as systems of formal dialectic *avant la lettre* (Kamlah and Lorenzen 1967; Lorenzen and Lorenz 1978). The Erlangen approach is more closely tied to logic than Hamblin's. It boils down to the development of "dialogue logics" in which existing systems of formal logic, such as propositional logic and predicate logic, are given a dialectical interpretation. Since they focus on criticism and defence of a "thesis", the type of dialectical systems proposed by Lorenzen *cum suis* are in principle purely argumentative, whereas the type of dialectical systems favoured by Hamblin also admit of other purposes, such as the exchange of information. The Lorenzen-type systems are generally more restrictive in the options presented to the discussants; the Hamblin-type systems are more permissive, allowing the participants to put forward any statements, arguments, questions or challenges they like. In the former retracting one's commitment to a statement is complicated or even not allowed whereas in the latter this can be done easily.

The scholars responsible for the revival of dialectic in argumentation theory in the second part of the twentieth century treat argumentation as part of a formal discussion procedure for resolving a difference of opinion by testing the tenability of the "thesis" at issue against certain challenges. The most complete proposal for a formal dialectic was presented by Barth and Krabbe (1982) in *From axiom to dialogue*. Building on the proposals for a dialogue logic made by the Erlangen School, this formal dialectic offers, among other things, a translation of formal logical systems into formal rules of dialogue. Barth and Krabbe's formal dialectic describes dialectical systems for determining by means of a regimented dialogue game between the proponent and the opponent of a thesis whether the proponent's thesis can be maintained given the premises that have been allowed as "concessions" by the opponent. In such a dialogue the proponent attempts to bring the opponent in a position of self-contradiction by skilfully exploiting the opponent's concessions. If the proponent succeeds in doing so, the thesis has been successfully defended *ex concessis*.

Systems of formal dialectic such as Barth and Krabbe's are used to formalize not just arguments but whole discussions, tracking down the contributions of each of the parties in the process. For this purpose a discussion needs to be translated into the language of a specific formal dialectical system and next it must be checked to what extent the argumentative moves that have been made are in conformity with the rulings. In practice, however, rather than being used in this way, formal dialectical systems tend to serve as a laboratory for achieving conceptual clarifications and initiating theoretical developments. Concepts such as "attack", "defence", "commitment", "fallacy", "losing" and "winning" are then more precisely examined by constructing formal dialectical systems in which they are put to work. The same method can be used for clarifying the concepts of some particular fallacies.

Hamblin's approach in particular has had a great impact on researchers who want to combine the potential of formal logic with a dialogical approach in order to achieve a better understanding of common ways of arguing (e.g. Woods and Walton 1989). An attempt has been made by Walton and Krabbe (1995) to integrate

the Hamblin-type and the Lorenzen-type formal dialectical systems. In *Commitment in dialogue*, they integrate the proposals of the Erlangen School (exemplified in a species Walton and Krabbe call *Rigorous Persuasion Dialogue*) with the more permissive kind of dialogues promoted in the dialectical systems proposed by Hamblin (exemplified in a species they call *Permissive Persuasion Dialogue*). Walton and Krabbe define commitments in such a way that in some cases arguers can retract their commitments, but not in others. After having provided a classification of the main normative types of dialogue they distinguish (such as "persuasion dialogues" and "negotiation dialogues"), they discuss the conditions under which in argumentation commitments should be maintained or may be retracted without violating any of the rules of the type of dialogue concerned.

As far as the philosophical component of the research program of argumentation theory is concerned, the formal dialectical approaches are primarily developed against the background of the important contributions to the philosophy of reasonableness in argumentation by Naess and, more in particular, Crawshay-Williams. In the case of Barth and Krabbe's formal dialectical approach, the influence of these two philosophers is not only explicitly accounted for but also supplemented by further clarifications. In the abundance of practically-oriented research connected with the formal logical and dialectical approaches in Artificial Intelligence there is usually less room for reflection upon meta-theoretical considerations. The main contribution of the formal approaches to argumentation theory pertains to the articulation of the normative dimension of argumentation theory in the theoretical component. In giving further substance to the insights propounded earlier by Hamblin, Lorenzen and kindred spirits, the formal dialecticians have carefully guarded the rigour, precision and systematic design of the theorizing. As stands to reason, significant contributions to the empirical and the analytical components of the research program have not been made. As far as the practical component is concerned, next to the traditional contribution of formal logic to the teaching of argumentation analysis and evaluation by means of textbooks, formal logical and dialectical insights into argumentation are mainly put to good use via the computer-mediated intervention orientation of Artificial Intelligence.

When it comes to the relationship of the formal dialectical approaches with pragma-dialectics, it should be clear that the main sources of inspiration are virtually the same. Pragma-dialectics has also developed in line with the reasonableness conception of Crawshay-Williams and it is even more strongly connected with the empirically-minded dialectical orientation of Naess than the formal approaches. In addition, pragma-dialectics has benefitted not only from the ideas of Hamblin and the Erlangen School that have to a large extent shaped formal dialectics, but also from the formal dialectical approach developed later by Barth and Krabbe. It should be clear, however, that the rationale for preferring a *pragma-dialectical* to a formal dialectical approach was that the pragma-dialecticians emphatically wanted their theorizing to relate explicitly to the communicative and interactional practices taking place in real-life argumentative discourse. For this reason, in their theorizing they have integrated the pragmatic dimension with the

dialectical dimension and they have paid serous attention to the empirical and the analytical component of the research program. For this reason, too, the pragma-dialectical standard theory has been extended with a contextualized account of strategic manoeuvring that can do justice to the functional variety of argumentative practices in the various domains of argumentative reality.

10.3   Informal Logic[5]

Since the late 1970s a group of Canadian and American philosophers have propagated a branch of argumentation theory known as *informal logic*. They started their efforts out of dissatisfaction with the treatment of argumentation in logical textbooks and were inspired to develop an alternative by the Toulmin model and to a lesser extent the new rhetoric. The label "informal logic" does not refer to one coherent theoretical perspective nor to a school of researchers sharing a common goal, but to a cluster of different approaches to the study of reasoning in ordinary language. Although these approaches are all normative and logic-oriented, they remain closer to argumentative reality than happens as a rule in formal logic. In most cases their general aim is to develop adequate and theoretically justified methods for interpreting, assessing and construing natural argumentation. Through its practical orientation, informal logic has become strongly connected with the educational reform movement dedicated to "critical thinking".

According to the informal logicians, the requirements that the argument should be deductively valid and have true premises are problematic when it comes to the evaluation of natural argumentation. As Johnson and Blair (2006) explain in their textbook *Logical self-defense*, the premises of an argument have to meet the criteria of "acceptability", "relevance" and "sufficiency". In the case of acceptability, the question is whether the premises that are used in the argument are true, probable or in some other way trustworthy. In the case of relevance, the question is whether there is a pertinent substantial relation between the premises and the conclusion of the argument. In the case of sufficiency, the question is whether the premises provide enough evidence for the conclusion. These criteria define, according to Johnson and Blair (1983: 34), a "logically good" argument and any argument which fails to satisfy any of them is in their view fallacious. Other informal logicians often adopted these three criteria, albeit sometimes under slightly different names (e.g. Govier 1987). In *Manifest rationality*, Johnson (2000) considers it necessary to add the criterion of "truth" to the criteria for evaluating the premise-conclusion structure. In addition, he argues that dialectical criteria are required to evaluate the extent to which an argument deals adequately with objections and alternative views. In this way, Johnson complements his predominantly logical approach with a "dialectical tier".

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[5]This section is primarily based on van Eemeren et al. (2014: 33–34, 373–423).

Although Freeman ([2005](#)) provides in *Acceptable premises* a comprehensive theory of premise acceptability (which he connects with presumption), generally informal logicians are in the first place interested in the premise-conclusion relations in arguments. In *Dialectics and the macrostructure of arguments* ([1991](#)) and *Argument structure* ([2011](#)), Freeman concentrates on the way in which the statements used in arguments combine into larger macro-structures. Inspired by the Toulmin model, he examines the structure of argumentation in a "dialogical" situation. This situation becomes by his definition "dialectical" when additional requirements are met concerning the kind of opposition between the parties and the rules they should follow in the exchange. In his view, Toulmin's warrants have a natural place in the process of conducting an argumentative dialogue but should not be included in the argument diagram of the product resulting from this process. Freeman's approach has been taken up by developers of argumentation support software (e.g. Reed and Rowe [2004](#)).

In discussing the evaluation of argumentation, Hitchcock ([2006](#)) connects with Freeman's view of the Toulminian warrants. According to Pinto ([2006](#)), arguments are to be viewed as invitations to make an inference, since by means of an argument the addressee is invited to accept the conclusion on the basis of the premises. In line with Pinto ([2006](#)), who views them as material inferences that are not valid by their logical form, Hitchcock regards the warrants as inference-licenses and not as a specific kind of (implicit) premise. Remarkable in the context of informal logic is that Hitchcock, who has treated a diversity of topics, has also taken serious steps to give his theoretical positions an empirical foundation. In this endeavour he concentrates primarily on how arguments are used in medical discourse (Jenicek and Hitchcock [2005](#); Jenicek et al. [2011](#)). In addition, he has contributed to establishing a link between informal approaches to argument and formal computational approaches (see also Verheij [1999](#); Reed [1997](#); Reed and Norman [2003](#)).

The evaluation of argumentation is also a prominent topic in the enormous list of publications by Walton. We already discussed Walton's research on the fallacies with Woods and his formal dialectical work relating to dialogue types with Krabbe in Sect. [10.2](#), but his study of argument schemes (*argumentation schemes* in his parlance), which has been frequently adopted in artificial intelligence, still needs to be mentioned here. In *Argumentation schemes*, Walton et al. ([2008](#)) have listed argument schemes they collected for the most part from the existing literature under sixty heading. Among these schemes they include the familiar deductive and inductive forms of argument, but also defeasible, presumptive and abductive argument forms that are neither deductive nor inductive. In the method they use in argument evaluation of dealing with defeasible argument schemes with a matching set of critical questions, which they attribute to Hastings ([1962](#)), the underlying idea is that arguments can be regarded defeated when their proponent does not satisfactorily answer the opponent's critical questions pertaining to the argument schemes that have been used.

In Finocchiaro's approach to informal logic the logical and the dialectical perspectives are combined, albeit that the emphasis is more strongly on the dialectical dimension. Finocchiaro's method for analysing real cases of natural argument, more

in particular scientific controversies, emphatically includes the historical and empirical dimensions (e.g. Finocchiaro 2005). In Finocchiaro's view, in the cases he examines the standards for good arguments are exemplified in the argumentation put forward by the scientists involved in the controversy.

Until the end of the 1990s, it was characteristic of informal logic that the rhetorical perspective did not receive a lot of attention. A notable change in this state of affairs is made by Tindale, who defends in *Acts of arguing* (1999) and *Rhetorical argumentation* (2004) emphatically a rhetorically-grounded synthesis of the logical, dialectical and rhetorical perspectives (1999: 207). In order to achieve this aim, Tindale proposes the adaptation and further development of certain central notions introduced by Perelman and Olbrechts-Tyteca in their new rhetoric. He favours, for instance, adoption of the notion of the "universal audience" as the general standard of reasonableness and claims that the accusation of relativism can be contradicted by realizing that it depends on the argumentative context how the universal audience is to be conceived by the arguer and that in that decision the respondent or the particular audience that is addressed plays a "co-authoring role" (Tindale 2004: 129).

A scholar who has been actively engaged in the critical exploration of theoretical key issues in the non-formal approach to the analysis and evaluation of argumentation in natural language is Govier (1987). Govier has expressed similar criticisms of formal logic as Toulmin and others. In addition, she has criticized several forms of what she regards as "deductivism" and made proposals for analysing and evaluating argumentation on the basis of other standards than formal validity or standards related to formal validity. Her critical reflections on the key issues of argumentation theory focus in general on the assumptions scholars make in developing methods for argument analysis and standards for argument evaluation. In the process she has provided insightful analyses of, for instance, the characteristics of argument types, implicit premises and fallacies.

Next to his historical and conceptual study of the fallacies (Hansen and Pinto 1995), Hansen, too, has concentrated on the study of methods and key concepts of informal logic. Examples are his exploration of the various definitions of the notion of "argument" in the works of informal logicians and other argumentation theorists, which he compares with Johnson's (2000) prominent definition of argument in *Manifest rationality*. Contrary to the tendency to extend the scope of informal logic exemplified in Johnson's inclusion of a dialectical tier and Tindale's embracement of the logical, the dialectical as well as the rhetorical perspective, Hansen (2011) has proposed to narrow down informal logic in such a way that it is only concerned with issues relating to the premise-conclusion relationship in an argument or inference.

Some scholars in the informal logic community, such as Biro and Siegel (1995, 2006a, b, 2011) and Lumer (2005), take an epistemological approach. The basic idea behind this approach is that argumentative exchanges are to lead to an improvement in the epistemic state or situation of the people involved. After having completed the argumentative exchange they should have acquired new knowledge or be better able to justify the beliefs they already had. Ideally the argumentative

exchange should have brought their beliefs in accordance with or at least a step closer to the truth. The idea that argumentative exchanges are to lead to epistemic improvements agrees well with the basic idea behind the critical thinking movement that people should learn how to judge critically the opinions they are presented with. This explains why practically-oriented informal logicians such as Battersby (1989) and Weinstein (1994) have established a connection between the epistemological approach and critical thinking by defining critical thinking as applied epistemology.

In informal logic the emphasis is primarily on the normative dimension of the study of argumentation. The researchers involved have made in the first place substantial contributions to the theoretical component of the research program. This goes not only for the founding fathers, Blair and Johnson, with their criteria of acceptability, relevance and sufficiency, but also for Freeman's theories of premise acceptability and macro-structures of argumentation, Pinto's and Hitchcock's views of inferences, the list of argument schemes compiled by Walton *cum suis* and Tindale's concerted efforts to develop the rhetorical angle of approach. Contributions to the philosophical component of argumentation theory have not only been made by the epistemologist but also by scholars such as Govier and Hansen, who have reflected carefully on the meta-theoretical and methodological starting points of the theorizing. Just like, for instance, Johnson and Blair, Govier has also had a great impact on the practical component by the publication of original and well-considered textbook material. In preparing and accounting for the exposition of the insights included in their textbooks, these informal logicians have also contributed considerably to the analytical component of the research program, just as Finocchiaro did in explaining his method for analysing real cases of natural argument. In spite of Hitchcock's research of the use of arguments in medical discourse and Finocchiaro's analyses, the empirical component is in informal logic not really represented.

When it comes to the relationship between informal logic and pragma-dialectics, it is clear that there is a considerable amount of common ground. In certain areas some overlap can even be observed. Freeman's dialectical situation, for instance, ties in with the pragma-dialectical notion of a critical discussion and his approach to premise acceptability is connected with the pragma-dialectical idea of discussants agreeing on the basic premises at the opening stage of such a discussion (Krabbe 2007). Due to the different ways in which the insights propounded by the various informal logicians are embedded in the specific conceptual and terminological frameworks of particular theoretical backgrounds, it is often not so easy to get a good grip on the commonalities and differences with pragma-dialectics without first carrying out a minute analysis. Even on the basis of the brief sketch of the contributions to the theory of argumentation made in informal logic that we have just provided it can nevertheless already be concluded that there exists such an abundance of common interest and intellectual agreement that it would be worthwhile to join forces.

10.4   Rhetorical and Linguistic Approaches[6]

In modern times the study of rhetoric has fared best in the United States. From the nineteenth century onwards classical rhetoric has been represented in the American academic curriculum and modern rhetorical approaches have developed. At first sight, Burke's (1966) influential definition of rhetoric as the use of words to form attitudes or induce actions in others comes close to the traditional definitions concentrating on persuasion, but on closer inspection his view of persuasion as a result of "identification" involves an important change. In spite of this development, the argumentative view that connects rhetoric with the ability to find the appropriate means of persuasion is still predominant and considered to be paradigmatic in rhetoric.

In the last decades of the twentieth century the irrational and even anti-rational image rhetoric had acquired over time has been revised when scholars from various countries started to argue for a rehabilitation of the rhetorical approach, paying tribute to Perelman and Olbrechts-Tyteca's new rhetoric. Leaving aside the extension of the scope of rhetoric to Big Rhetoric, which includes "everything, or virtually everything" (Swearingen and Schiappa 2009: 2), in the United States Wenzel (1987) emphasized the rational qualities of rhetoric. In France, Reboul (1990) argued at about the same time for giving rhetoric its rightful position beside dialectic in the study of argumentation. He saw rhetoric and dialectic as different and sometimes overlapping disciplines. In his view, dialectic is in rhetoric applied to public discussions, while dialectic is at the same time part of rhetoric because it provides rhetoric with its intellectual tools. In Germany, Kopperschmidt (1989) argued that, viewed from a historical perspective, rhetoric is central to argumentation theory.

Although the American communication scholars engaged in argumentation theory may all be described as rhetoricians in the broad sense, they do not share a clearly articulated joint perspective. Zarefsky (1995) defines their most obvious common characteristic as being interested in the practice of justifying decisions under conditions of uncertainty. This view of argumentation as a practice, which contrasts sharply with the analytic view of argumentation as a logical structure, was inspired by the American debate tradition that had started in colleges and universities in the late nineteenth century. Connections with classical rhetorical theory made in the early and middle years of the twentieth century have led to the development of a debate tradition dominated by the paradigm of the "stock issues", which is related to the "stasis" doctrine of Hermagoras of Temnos.

An influential departure from this tradition was Ehninger and Brockriede's (1963) *Decision by debate*, which presented a debate with the help of the Toulmin model as a fundamentally cooperative rather than competitive instrument for making critical decisions. In the late 1970s and early 1980s this view led to several proposals of debate paradigms or models, with the traditional stock issues model

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[6]This section is primarily based on van Eemeren et al. (2014: 34–38, 425–515).

taking its place among the alternatives. The debate tradition in its various manifestations has had a huge influence on American argumentation studies. Even in Hample's (2005) *Arguing*, which deals for the most part with argument production, its impact can be observed.

More or less independent of the immediate debate tradition, a considerable group of American scholars continued to approach argumentation from the perspective of classical rhetoric, taking account of insights from the new rhetoric in the process. The most prominent of them are Zarefsky (2006, 2009), Leff (2003) and Schiappa (2002), all of whom also contributed historical rhetorical analyses. Fahnestock (1999, 2009) tackled argumentation in science with the help of rhetorical figures and stylistics. A separate rhetorical trend affecting American argumentation studies in the field of communication is the revival of "practical philosophy", which harks back to the classical concept of *phronesis*—practical wisdom in a given case.

In communication studies in the United States, World War II studies of persuasion and attitude change gave a significant boost to the social science approach, which seeks to produce general and testable claims about communication rather than shedding light on significant individual cases. This approach promotes descriptive empirical research rather than normative reflection. In the 1970s, the social science approach was brought to bear on argumentation studies by a group of "constructivist" scholars. Willard (1983), for one, started to develop a constructivist theory by defining argumentation as interaction of people who maintain what they construe to be incompatible claims. Bitzer (1968) came to see the enthymeme as a communicative act and rhetorical proof as a joint creation of speaker and listener.

Concentrating on the public features of communicative acts, Jackson and Jacobs (1982) initiated a research program for studying argumentation in informal exchanges. Their research was aimed at understanding the reasoning processes in ordinary conversations by which individuals make inferences and resolve their disputes. A related empirical angle of research is the study of argument in natural settings such as school board meetings, counselling sessions and public relations campaigns, to produce "grounded theory" of the specific case (Putnam et al. 1986; Aakhus 2011; Aakhus and Lewinski 2011; Hicks and Eckstein 2012). Currently Jacobs and others concentrate primarily on "normative pragmatics" and the "design" of argumentation (Jacobs 1998, 2000; Manolescu 2006; Goodwin 2005, 2007; Kauffeld 1998, 2009).

The notion of "fields", which Toulmin (1972) describes in *Human understanding* as "rational enterprises" identical to intellectual disciplines, has strongly influenced American argumentation scholarship. The exploration of how the nature of reasoning differs from field to field led to a vigorous discussion about what defines a "field of argument": subject matter, general perspective, world-view, or the arguer's purpose—to mention just a few of the possibilities discussed. The distinction of fields of argument encouraged the idea that the soundness of arguments is something context-specific and contingent rather than universal and necessary. Instead of asking whether an argument is sound, the questions became "Sound for whom?" and "Sound in what context?" The core idea of this renewed interest in fields, involving that the grounds for knowledge claims lie in the

epistemic practices and states of consensus in knowledge domains, was in fact a new step towards resituating the study of argument within the rhetorical tradition.

Instead of the term *fields*, Goodnight prefers to use the term *spheres* for referring to "the grounds upon which arguments are built and the authorities to which arguers appeal" (1982: 216). To Goodnight "argument" means interaction based on *dissensus* and the grounds of arguments lie in doubts and uncertainties. In a similar vein as Habermas (1984), he distinguishes between the "personal" (or "private") sphere, the "public" sphere and the "technical" sphere of argument. This triad stresses the differences between arguments whose relevance is confined to the arguers themselves, arguments whose pertinence extends to people in general and arguments meaningful to a specialized or limited community (Goodnight 2012).

Another force that shaped the nature of argumentation studies in American communication research in the past decades is social and cultural critique. The intellectual underpinning of argument-as-critique is "postmodernism" in one of its many varieties. The most extreme variety of this perspective is the denial that there can be any communal standards or soundness criteria for argumentation and that what passes for such a standard is always socially constructed. If the communal standards are only defined by the interests of the powerful in a group or society, the goal of argument-as-critique is to expose this practice and to suggest alternatives that bring those who were excluded or marginalized into the process of deliberation.

Meanwhile, starting in the 1970s, in Europe a descriptive approach has been developed in which argumentation is viewed as a linguistic phenomenon that not only manifests itself in language use, but is even inherent in most language use. The protagonists of this approach, Ducrot and Anscombre, have presented in a number of publications (almost exclusively in French) linguistic analyses which show that almost all verbal utterances lead the listener or reader—often implicitly—to certain conclusions, so that their meaning is crucially argumentative. In *L'argumentation dans la langue* [Argumentation in the language] Anscombre and Ducrot (1983) refer to their theoretical position as *radical argumentativism*.

Radical argumentativism is characterized by a strong interest in words that can serve as argumentative "operators" or "connectors" that give a specific "argumentative force" and "argumentative direction" to linguistic utterances. Whatever conclusion a specific context allows to be drawn, the presence of the word "but", for instance, causes this conclusion to be viewed as the opposite of, and also stronger than, the conclusion to be drawn from the part of the sentence that is preceding "but". An explicit connection with rhetoric is that the opposite standpoint that is suggested by "but" selects an "argumentative principle" different from the argumentative principle operative in the preceding part of the sentence. Anscombre (1994) observes that the argumentative principles at issue here are on a par with the *topoi* from classical rhetoric. In the context concerned, the *topos* suggested after "but" has a bigger argumentative force than the *topos* suggested earlier; the argumentative force suggested earlier is, as it were, "overruled" by the argumentative force suggested later. The *topos* suggested after "but" therefore determines the argumentative direction of the sentence.

Among a group of primarily francophone European researchers it has become a tradition to approach argumentation from a descriptive linguistic angle while using an emic perspective. Plantin (1996) and Doury (1997), for instance, build on Ducrot and Anscombre's approach but are also strongly influenced by conversation analysis and discourse analysis. Another approach presented mainly in French is "natural logic" as envisaged by Grize (1982) and his collaborators in Neuchâtel (Borel et al. 1983). Natural logic is not so much linguistically oriented but psychologically and epistemologically. Its protagonists are in the first place influenced by Piaget's insights concerning the stages of development in the thinking of children and his general concept of an "action scheme" (Piaget and Beth 1961: 251). Other researchers based in Switzerland, such as Rigotti (2009), Rocci (2009) and Greco Morasso (2011), favour a linguistic approach, but allow also for normativity. They combine their linguistic approach with dialectical and rhetorical insights from classical and medieval sources and modern approaches to argumentation such as pragma-dialectics.

Although some reflection on the philosophy of reasonableness and the meta-theoretical starting points takes place, such topics are in the rhetorical and linguistic approaches to argumentation not thoroughly discussed. Generally these approaches do not focus on the philosophical and the practical components of the research program but on its theoretical and the empirical components. The most striking characteristic of the contributions they make to the theoretical component is that they are for the most part descriptive rather than normative. As far as theory is concerned, the rhetorical approaches build heavily on their classical roots, often supplemented by modern insights. The linguistic approach known as *radical argumentativism* has created its own theoretical premises but connects also with classical rhetoric. The other linguistic approaches tend to borrow insights from various pragmatic theories and use rhetorical insights where they fit in with their predominantly emic perspective. Characteristic of the rhetorical contributions to the empirical component of the research program is that they are virtually always qualitative, not quantitative, and consist to a large extent of case studies. Quantitative empirical research is also thin on the ground in the linguistic approaches. Due to their orientation towards the analysis of argumentative speeches, debates and argumentative texts, the rhetorical approaches contribute more to the analytic component of the research program than the linguistic approaches, but this contribution is generally limited to a discussion of the implementation of the available theoretical tools.

Pragma-dialectics relates most closely to the rhetorical approaches when it comes to giving substance to the effectiveness dimension of strategic manoeuvring. All three aspects of strategic manoeuvring, particularly adaptation to audience demand and the selection of presentational devices, are a topic of research in rhetorical studies, so that the connection with pragma-dialectics is obvious. The connection is also clear in the examination of the relationship between argumentative discourse and the macro-context of the communicative activity types in which the discourse takes place. In principle, in this regard there is also a connection between pragma-dialectics and communication research pertaining to

argument fields and spheres, but so far in American communication studies not much empirical research of specific fields or spheres has been conducted. The relationship between pragma-dialectics and the linguistic approaches is particularly evident in the examination of the ways in which presentational devices can play a part in strategic manoeuvring and in giving substance to the design of argumentative strategies. A special connection exists already for a long time between pragma-dialectics and the qualitative empirical research of ordinary argumentative discourse initiated in American communication studies by Jackson and Jacobs (e.g. van Eemeren et al. 1993; van Eemeren et al. 2011).

10.5   Future Prospects

In the previous sections of this chapter an overview has been provided of the contributions made to the five components of the research program of argumentation theory by the theoretical approaches to argumentation that are currently most prominent. It goes without saying that, outside and inside these theoretical approaches, other worthwhile contributions to argumentation theory could have been distinguished. First of all, there are a great many studies about argumentation that are published in other languages than English, so that they are not accessible to all concerned and could not be included in the overview.[7] Next, there are argumentation theorists who neither share a theoretical paradigm with other researchers nor can be reckoned to represent a specific perspective or to belong to a well-defined group or school, so that they are not included either. In addition, there are researchers contributing to argumentation theory who are not included because their research interest is primarily in another discipline, such as "critical discourse analysis", "history controversy analysis", "persuasion" (and related quantitative research) and "evolutionary cognitive psychology".[8] Figure 10.1 summarizes the results of the overview as it has been given.

Although this may be in some regards speculative, in completing this volume it seems worthwhile to pay some attention to future prospects in the development of argumentation theory. The philosophical component of the research program, to begin with, would benefit from further reflection upon the consequences that the fact that argumentative discourses are always situated in certain specific domains (and cultural environments) has for the implementation of the favoured conception of reasonableness. By virtue of its nature, the geometrical conception can be expected to remain unaffected, but the implementations of the anthropological and the critical conceptions of reasonableness are both likely to be in need of some contextual differentiation. In implementing the critical rationalist reasonableness conception of pragma-dialectics the reflections should concentrate in the first place

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[7]See van Eemeren et al. (2014: 698–777).
[8]See van Eemeren et al. (2014: 679–683; 683–688; 689–694; 695–698, respectively).

1 Philosophical component
(reasonableness conception)

[Formal (Dialectical)
approaches/AI]
- Informal Logic
- Pragma-Dialectics
[Rhetorical and Linguistic
approaches]

2 Theoretical component
(model of argumentation)

- Formal (Dialectical) approaches/AI
- Informal Logic
- Pragma-Dialectics
- Rhetorical and Linguistic
approaches

4 Analytical component
(systematic reconstruction)

- Informal Logic
- Pragma-Dialectics
- Rhetorical and
Linguistic approaches

5 Practical component
(handling specific practices)

[Formal (Dialectical)
approaches/**AI**]
- Informal Logic
- Pragma-Dialectics
[Rhetorical and Linguistic
approaches]

3 Empirical component
(capturing reality)

- Pragma-Dialectics
- Rhetorical and Linguistic
approaches

Fig. 10.1   Current contributions to the five components of argumentation theory

on how the context-related adaptations of the soundness criteria for judging the
reasonableness of argumentative moves to the institutional (and culturally deter-
mined) context in which the argumentative discourse takes place are to be
accounted for from a philosophical perspective.

Which priorities will be chosen in future research in the theoretical component of
the research program depends as a matter of course to a large extent on what kind of
theoretical approach is chosen. In pragma-dialectics further substance should be
given to the contextualized specification of the criteria for judging the soundness of
argumentative moves in accordance with the exigencies of the various

communicative activity types in different domains (and cultural environments). Most urgent is it however to pay due attention to advancing the theorizing concerning the argument schemes that are used in the various types and subtypes of argumentation and the critical questions associated with them. Since the notion of argument schemes was discussed as a crucial concept in the first handbook of argumentation theory (van Eemeren et al. 1978: 20–21), the theorizing about argument schemes in pragma-dialectics has developed along the lines indicated in van Eemeren and Kruiger (1987/2015) and van Eemeren and Grootendorst (1992: 94–102). However, in spite of useful other contributions (such as Garssen 1997; van Eemeren and Garssen 2014), no further elaboration of the theory has taken place that does justice to the variety of subtypes that can be distinguished within each of the three main categories that were distinguished—let alone that the problem of the contextual specification of the general soundness criteria going with the use of these subtypes has been tackled.

The empirical component of the research program is bound to gain from the increased interest that can nowadays be observed in qualitative as well as quantitative research of argumentative discourse (van Eemeren 2015: 57–61). Some of the research concerning the factors and processes playing a part in the actual production, interpretation and assessment of argumentative discourse that has been referred to in Chap. 5 will just be continued. In pragma-dialectics the focus will in the near future be on investigating the peculiarities of argumentative discourse in the strategic manoeuvring that takes place in communicative activity types in the political, the legal and the medical domain. It would be useful if the ongoing qualitative investigations were complemented by quantitative research. In addition, in the comprehensive research project on hidden fallaciousness the experimental empirical research is to be continued with the examination of how certain factors in the strategic manoeuvring that takes place prevent the fallacious character of an argumentative move from being noticed in other types of fallacies than the *ad hominems* and *ad baculums* already reported about. Experimental studies concerning the manipulation of presumptions in the *argumentum ad consequentiam* and evading and shifting the burden of proof are already in progress. New quantitative research needs to be initiated with regard to the detection of stereotypical argumentative patterns in contextualized argumentative discourse and with regard to the pragma-dialectical version of effectiveness research.

A challenging task that is to be performed in the analytical component of the research program pertains to a related development that can be observed in argumentation theory: the trends towards contextualization (van Eemeren 2015b). This task involves developing context-specific analytic tools for the reconstruction of argumentative discourses in the various domains (and cultural environments) that are examined. Needed most urgently are analytic tools for determining in the various macro-contexts the most appropriate pragmatic optimum for the premises that have been left unexpressed. In this endeavour not only the institutional point of the communicative activity type that is examined should play a major part, but also its institutional conventionalisation and the specific institutional goals and missions

of the participants in the discourse. As a follow-up, adequate procedures need to be designed for identifying the argument schemes that are used in the various discourses.

In the practical component of the research program a third recent development in argumentation theory can be brought to bear: the trend towards "formalization" of the treatment of argumentation (van Eemeren 2015b). Because computerisation has nowadays more or less become a precondition for practical interventions, in compiling in the practical component the insights from argumentation theory that are crucial to such interventions, the required precision and rigour must be achieved that is necessary for their formalization (van Eemeren and Verheij 2017).[9] Only if the results of the empiricalization, contextualization and formalization of the treatment of argumentative discourse are in this endeavour systematically combined, an adequate basis can be created for successful computerized interventions in argumentative practices. In pragma-dialectics, the most crucial parts of the theory, such as the model of a critical discussion and the rules for reasonable argumentative discourse, should therefore be prepared for being put in an optimally formal shape. Some preliminary work to this effect has meanwhile already been accomplished (e.g. Visser 2016).

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[9]For the implementation of argumentation theory in artificial intelligence, see van Eemeren et al. (2015: 615–666).

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