

To Jet Greebe

A Systematic Theory
of Argumentation

The pragma-dialectical approach

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are concerned about, so that it can be determined, for example, whether we are dealing with a straw man. It then also becomes clear which unexpressed premises play a role in the argumentation, so that it will be possible to determine whether these unexpressed premises are distorted or denied, and so on. To conclude, in order to determine to what extent an argumentative discourse or text may be called reasonable, it is not only necessary to determine whether all the rules of a critical discussion are satisfied, but also to ensure first that the discourse or text concerned is correctly reconstructed as a critical discussion.

A Code of Conduct for Reasonable Discussants

Characteristics of reasonable discussants

The pragma-dialectical rules for a critical discussion presented in Chapter 6 combine to form a discussion procedure that indicates which norms the speech acts performed by either of the parties in a difference of opinion must satisfy in order to contribute to the resolution of the difference of opinion. In our view, a theory of argumentation must, first, formulate a discussion procedure that provides a general survey of the rules for implementing the norms that constitute the "first-order" conditions for conducting a critical discussion. These rules are to be considered as the rules that are to be followed in order to play the game effectively, and they are to be judged for their capacity to serve this purpose well – their problem-validity. In order for the rules to be of any practical significance, however, there also must be potential discussants who are prepared to play the game by these rules, because they accept them intersubjectively – so that the rules acquire conventional validity as well. In practice, argumentation theorists cannot go much further than to propose the rules and defend their acceptability.

Our claim that the pragma-dialectical discussion rules will in principle be acceptable to discussants who want to resolve their differences of opinion in a reasonable way is based, first, on the effectiveness of the rules.¹ Because the rules have been specially drawn up to

¹ See van Eemeren and Grootendorst (1988).

promote the resolution of differences of opinion, assuming that they are correctly formulated, they should be acceptable to anyone who has that aim in view.² Viewed philosophically, it can be observed that there is a pragmatic reason for such discussants to accept these instrumental rules that some would characterize as "utilitarian."³ It should be borne in mind, however, that the primary aim of a critical discussion is not to maximize agreement but to test contested standpoints as critically as possible by means of a systematic critical discussion of whether or not they are tenable.⁴ In accordance with the critical-rationalistic ideal, people in this case are stimulated to be critical by confronting other people's standpoints methodically with a maximum of doubt.⁵ Reaching an outcome of the discussion that is optimally satisfactory to all parties concerned certainly does not automatically mean that the protagonists and antagonists are in the end in agreement on everything.

Proposing a model of a critical discussion, as we did, may lead to running the risk of being identified with striving for an unattainable utopia. The primary function of the pragma-dialectical model of a critical discussion, however, is a different one. By clearly and systematically indicating what the rules for conducting a critical discussion are, the model provides those who want to fulfill the role of reasonable discussants with a series of well-defined guidelines, which may, though formulated on a higher level of abstraction and based on a more clearly articulated philosophical ideal, to a great extent be identical to the norms they would like to see observed anyway.⁶ For those who are prepared to use the model of a critical discussion as their

² Instead of, or in addition to, this pragmatic rationale, there may be an ethical rationale for accepting (part of) a code of conduct for reasonable discussants based on the pragma-dialectical discussion procedure such as the one we are proposing in this chapter.

³ Those people who assess rules for resolving differences of opinion on their instrumental merits, and whose criterion is that in mutual cooperation the outcome that is most satisfactory to both parties must be reached, can be called *utilitarians*. Unlike egoistics, these types of utilitarians strive for the optimal result for all concerned. See Bentham (1952) and Mill (1863/1972). See also van Eemeren and Grootendorst (1988).

⁴ This position could be characterized as "negative utilitarianism." Rather than achieving the greatest possible happiness, the general aim is achieving the least possible unhappiness.

⁵ See Popper (1971: chapter 5, note 6).

⁶ For some first empirical evidence, see van Eemeren, Meuffels, and Verburg (2000).

guiding principle, what are the requirements the discussion attitude must fulfill?⁷ And viewing these matters from a practical perspective, under which circumstances are they able, and can they afford, to assume such a reasonable discussion attitude?

If the rules of the pragma-dialectical discussion procedure are regarded as first-order conditions for having a critical discussion, as we have just explained, the internal conditions for a reasonable discussion attitude can be viewed as "second-order" conditions relating to the state of mind the discussants are assumed to be in. To some extent, everyone who wants to satisfy the second-order conditions can do so, but in practice, people's freedom is sometimes more or less severely limited by psychological factors that are beyond their control, such as emotional restraint and personal pressure. Besides such second-order conditions, there are also external, "third-order" conditions that need to be fulfilled in order to be able to conduct a critical discussion properly. They relate to the social circumstances in which the discussion takes place and pertain, for instance, to the power or authority relationships between the participants and to special features of the situation in which the discussion takes place.⁸ Together, the internal second-order conditions and the external third-order conditions for conducting a critical discussion in the ideal sense are *higher order conditions* for resolving differences of opinion.⁹ Only if these higher order conditions are satisfied can critical reasonableness be fully realized in practice. Compliance with second-order conditions can to some extent be stimulated by education that is methodically directed at reflection on the first-order rules and understanding their rationale.

⁷ For this kind of person, doubt is intrinsic to his attitude to life, and criticism a way of resolving problems. Argumentative discourse and texts are then seen as ways of tracing weak spots in standpoints. Shielding standpoints from criticism (immunization) and every form of fundamentalism are therefore to be opposed. This requires a non-dogmatic and anti-authoritarian approach and a distrust of unshakeable principles and claims to infallibility.

⁸ It may even be useful to distinguish "fourth-order" conditions pertaining to what Searle (1969) calls "normal input and output conditions" for verbal communication. Since the latter conditions are not confined to argumentative discussions, they are discounted here.

⁹ The distinction between "first-order" conditions and the "higher-order" conditions is in the first instance derived from Barth and Krabbe (1982: 75). In the way it is presented here, it goes back to van Eemeren, Grootendorst, Jackson, and Jacobs (1993: 30-34).

And the fulfillment of third-order conditions can be promoted by a political choice for individual freedom, non-violence, intellectual pluralism, and institutional guarantees for the right to information and criticism.

Ten commandments for reasonable discussants

As we have formulated it in Chapter 6, the pragma-dialectical procedure for conducting a critical discussion is too technical for immediate use by ordinary discussants: It is a theoretical model for examining argumentative discourse and texts. For practical purposes, we now propose a simple code of conduct for reasonable discussants who want to resolve their differences of opinion by means of argumentation that is based on the critical insights expressed in the pragma-dialectical discussion procedure. This code of conduct consists of ten basic requirements for reasonable behavior, profanely referred to as the "ten commandments." Instead of stating all the rules that are to be taken into account in a critical discussion, the commandments only list prohibitions of moves in an argumentative discourse or text that hinder or obstruct the resolution of a difference of opinion.

Commandment 1 of the code of conduct is the *freedom rule*:

- 1 *Discussants may not prevent each other from advancing standpoints or from calling standpoints into question.*

Commandment 1 is designed to ensure that standpoints, and doubt regarding standpoints, can be expressed freely.¹⁰ It is a necessary requirement for resolving differences of opinion, because a difference of opinion can never be resolved if it is not clear to the parties involved that a difference of opinion exists and what that difference entails. In an argumentative discourse or text, the parties must therefore have ample opportunity to make their positions known. In this way, in those parts of the discourse or text in which they express the difference of opinion, they can make sure that the confrontation stage of a critical discussion is properly completed. According to the code of conduct

¹⁰ Commandment 1 is instrumental to complying with rules 1, 6b, and 10 of the pragma-dialectical discussion procedure, and is also relevant to rules 2, 3, and 14.

for reasonable discussants, putting forward a standpoint and calling a standpoint into question are both basic rights that all discussants must accord each other unconditionally and without reservation.¹¹

Commandment 2 is the *obligation-to-defend rule*:

- 2 *Discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so.*

Commandment 2 is designed to ensure that standpoints that are put forward and called into question in an argumentative discourse or text are defended against critical attacks.¹² A difference of opinion remains stuck in the opening stage of a critical discussion and cannot be resolved if the party who has advanced a standpoint is not prepared to fulfill the role of protagonist. According to the code of conduct, someone who puts forward a standpoint therefore automatically assumes the obligation to defend that standpoint if requested to do so.

Commandment 3 is the *standpoint rule*:

- 3 *Attacks on standpoints may not bear on a standpoint that has not actually been put forward by the other party.*

Commandment 3 is primarily designed to ensure that attacks – and, consequently, defenses by means of argumentation – really relate to the standpoint that is indeed advanced by the protagonist.¹³ A difference of opinion cannot be resolved if the antagonist actually criticizes a different standpoint and, as a consequence, the protagonist defends a different standpoint. A genuine resolution of a difference of opinion is not possible if an antagonist or a protagonist distorts the original standpoint in any way whatsoever. The third commandment of the code

¹¹ By way of illustration, it may be added that to satisfy the first-order condition entailed in this commandment, the second-order condition – that the participants in the discussion are prepared to express their opinions and to listen to the opinions of others – must be fulfilled. In fairness, this attitude can only be assumed to exist if the third-order condition – that the social reality in which the discussion takes place is such that the participants are entirely free to put forward their views – is fulfilled.

¹² Commandment 2 is instrumental to complying with rule 3 of the pragma-dialectical discussion procedure, and is also relevant to rules 2, 4, and 12.

¹³ Commandment 3 is primarily instrumental to complying with rule 2 of the pragma-dialectical discussion procedure, and is also relevant to rules 14c and 15.

of conduct, together with the fourth, are intended to ensure that the attacks and defenses carried out in those parts of an argumentative discourse or text that represent the argumentation stage of a critical discussion are correctly related to the standpoint that the protagonist has advanced.

Commandment 4 is the *relevance rule*:

- 4 *Standpoints may not be defended by non-argumentation or argumentation that is not relevant to the standpoint.*

Commandment 4 is designed to ensure that the defense of standpoints takes place only by means of relevant argumentation.¹⁴ If the argumentation stage of a critical discussion is not properly passed through, the standpoint at issue will not be assessed on its merits.¹⁵ The difference of opinion that is at the heart of an argumentative discourse or text cannot be resolved if the protagonist does not put forward any argumentation, but substitutes only rhetorical devices such as *pathos* or *ethos* for *logos* instead, or advances arguments that are irrelevant to the defense of the standpoint that has been advanced but pertain to some other standpoint that is not at issue.¹⁶

Commandment 5 is the *unexpressed-premise rule*:

- 5 *Discussants may not falsely attribute unexpressed premises to the other party, nor disown responsibility for their own unexpressed premises.*

Commandment 5 ensures that every part of the protagonist's argumentation can be critically examined by the antagonist as part of the argumentation that is advanced in a critical discussion – including

¹⁴ Commandment 4 is instrumental to complying with rule 6, and especially its subsections a and c, of the pragma-dialectical discussion procedure, and is also relevant to rule 8.

¹⁵ Referring once more to the higher-order conditions: To satisfy the first-order condition entailed in this commandment, the second-order condition that a person who has advanced a standpoint must be willing to provide arguments for that standpoint must be fulfilled. Also, the third-order condition – that the standpoint and arguments are not dictated by a superior – has to be satisfied.

¹⁶ This is not to say that advancing argumentation cannot be combined with, or even include, the use of *pathos* and *ethos*, or that relevant arguments cannot be suggested by, or even implied in, apparently irrelevant arguments.

those parts that have remained implicit in the discourse or text.¹⁷ A difference of opinion cannot be resolved if the protagonist tries to evade his obligation to defend an unexpressed premise, or if the antagonist misrepresents an unexpressed premise – for example, by exaggerating its scope. If the difference of opinion is to be resolved, the protagonist must accept responsibility for the elements that he has left implicit in the discourse or text, and in reconstructing as part of a critical discussion what the protagonist has left unexpressed, the antagonist must try as accurately as possible to determine what the protagonist can be held to.

Commandment 6 is the *starting-point rule*:

- 6 *Discussants may not falsely present something as an accepted starting point or falsely deny that something is an accepted starting point.*

Commandment 6 is intended to ensure that when standpoints are being attacked and defended, the starting point of the discussion is used in a proper way.¹⁸ In order to be able to resolve a difference of opinion, the protagonist and the antagonist must know what their common starting point is. A protagonist or an antagonist may not present something as an accepted starting point if it is not. Neither may a party deny that something is an accepted starting point if it is so. Otherwise it is impossible for a protagonist to defend a standpoint conclusively – and for an antagonist to attack that standpoint successfully – on the basis of agreed premises that can be viewed as concessions made by the other party.

Commandment 7 is the *validity rule*:

- 7 *Reasoning that in an argumentation is presented as formally conclusive may not be invalid in a logical sense.*

Commandment 7 is designed to ensure that protagonists who resort to formal reasoning in resolving a difference of opinion use only

¹⁷ Commandment 5 is instrumental to complying with rules 8 and 9 of the pragma-dialectical discussion procedure.

¹⁸ Commandment 6 is primarily instrumental to complying with rules 5 and 7 of the pragma-dialectical discussion procedure.

reasoning that is valid in a logical sense.¹⁹ It is possible for the antagonists and protagonists to determine whether the standpoints that are defended in a discourse or text do indeed follow logically from the argumentation that is advanced only if the reasoning that is used in the argumentation is expressed in full. If not every part of the reasoning has been fully externalized, a reconstruction of the implicit elements is called for in an analysis of the argumentative discourse or text. When such a reconstruction is carried out, however, in certain cases Commandment 7 may prove not to apply because in view of the communicative situation at hand, a further, and more drastic, reconstruction is required that involves adding an unexpressed premise that goes beyond the "logical minimum" and renders Commandment 7 irrelevant.²⁰

Commandment 8 is the *argument scheme rule*:

- 8 *Standpoints may not be regarded as conclusively defended by argumentation that is not presented as based on formally conclusive reasoning if the defense does not take place by means of appropriate argument schemes that are applied correctly.*

Commandment 8 is designed to ensure that standpoints can indeed be conclusively defended by arguments that are not presented as logically valid if the protagonist and the antagonist are agreed on a method to test the soundness of the types of arguments

¹⁹ Commandment 7 pertains to rules 8 and 9 of the pragma-dialectical discussion procedure. Of course, what is meant by valid in a logical sense can be interpreted in different ways, depending on the logical theory that is taken as the starting point. It is an interesting academic question as to what logical theory provides the best starting point, but we cannot deal with this question in the context of this discussion of a practical code of conduct.

²⁰ For the pragma-dialectical analysis of unexpressed premises, see van Eemeren and Grootendorst (1992: 60–72). According to this method, identifying an unexpressed premise involves first validating the reasoning as an intermediary heuristic step in the reconstruction procedure and then determining the "pragmatic optimum" that may in the context concerned be regarded as the unexpressed premise (which can result in an argument that is, strictly speaking, not logically valid). Largely as a result of Erik C.W. Krabbe's useful comments in describing the reconstruction procedure in this way, and in phrasing Commandment 7 in the way we did, we deviate in some respects from recent descriptions as given in van Eemeren, Grootendorst, and Snoeck Henkemans (2002: chapter 4).

concerned.²¹ A difference of opinion can only be resolved if the antagonist and the protagonist agree on how to determine whether the protagonist has adopted appropriate argument schemes and has applied them correctly.²² This implies that they must examine whether the argument schemes that are used are, in principle, admissible in the light of what has been agreed upon in the opening stage, and whether they have been correctly fleshed out in the argumentation stage.

Commandment 9, bearing on the concluding stage, is the *concluding rule*:

- 9 *Inconclusive defenses of standpoints may not lead to maintaining these standpoints, and conclusive defenses of standpoints may not lead to maintaining expressions of doubt concerning these standpoints.*

Commandment 9 is designed to ensure that the protagonists and the antagonists correctly ascertain the outcome in the concluding stage of the discussion.²³ This is a necessary, though sometimes neglected, part of analyzing and evaluating argumentative discourses or texts as a critical discussion. A difference of opinion is resolved only if the parties are in agreement that the defense of the standpoints at issue has been successful or has not been successful. A discussion that seems to have run without any hitches is still unsatisfactory if at the end a protagonist unjustly claims to have successfully defended a standpoint, or even that he has now proved that the standpoint is true. The discussion ends in an equally unsatisfactory manner if an antagonist unjustly claims that the defense has not been successful, or even that the opposite standpoint is now proven.

Commandment 10 is the general *language use rule*:

- 10 *Discussants may not use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party's formulations.*

²¹ Commandment 8 pertains to rules 8 and 9 of the pragma-dialectical discussion procedure.

²² See van Eemeren and Grootendorst (1992: 94–102).

²³ Commandment 9 is instrumental to complying with rule 14 of the pragma-dialectical discussion procedure.

Commandment 10 is designed to ensure that misunderstandings arising from unclear, vague, or equivocal formulations in the discourse or text are avoided.²⁴ A difference of opinion can only be resolved if each party makes a real effort to express his intentions as accurately as possible in a way that minimizes the chances of misunderstanding. Equally, a difference of opinion can only be resolved if each party makes a real effort not to misinterpret any of the other party's speech acts. Problems of formulation or interpretation may otherwise lead to a "pseudo-difference" of opinion or a "pseudo-resolution" of a difference of opinion. Problems of formulation and interpretation are not confined to a specific stage in the resolution process; they can occur at any stage of a critical discussion.

²⁴ Commandment 10 is instrumental to complying with rule 15 of the pragma-dialectical discussion procedure and is also relevant to rule 13.

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