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Steven W. Patterson

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Commentary on Constanza Ihnen's "The Analysis of Pragmatic Argumentation in British Lawmaking Debates: The second reading"

STEVEN W. PATTERSON

*Department of Philosophy and Religious Studies
Marygrove College
8425 W. McNichols Rd.
Detroit, MI 48221
USA
spatterson@marygrove.edu*

1. INTRODUCTION

In this paper, Constanza Ihnen applies the pragma-dialectical theory of argumentation to the example of Second Reading debates in British Parliament. Her paper shows well the usefulness and applicability of the pragma-dialectical method of analysis in such cases and thus achieves its central aim. Because I am in fundamental agreement with Ihnen on this score, these comments will be brief and will be focused only in two areas. First, I shall address a few remarks to the distinction between principles and details. Secondly, I will take up Ihnen's normative model of the government's argumentation, and in particular the question of whether some alternative modes of modeling the argumentation might not perhaps have been better alternatives than Ihnen suggests. Finally, I will close my comments by noting what I think are some possible benefits of further work on argumentation structures within Second Reading debates.

2. PRINCIPLES AND DETAILS IN SECOND READING DEBATES

One of the signature features of Second Reading debates as described by Ihnen is that in such debates MPs are to discuss the *principles* of the bill before them, and not the *details*. The *principles* of a bill include, according to Ihnen, three kinds of propositions. They include those propositions that (1) "appear in the "short title" of the face of the published copy," (2) that are explicitly designated as such on the UK Parliament's website, and (3) that describe "the main policy objectives" of the bill. The *details*, one gathers from Ihnen's account, comprise such things as the specific wording of its clauses, specific practical considerations about how best to realize the *principles* of the bill, and other such things as are necessary for the drafting of law. In terms of the process Ihnen outlines, principles are deliberated upon first in Second Reading debates, and then settlement of the details are taken up by a Committee tasked to the job.

As Ihnen is careful to point out, it isn't always a simple matter to make the distinction between principles and details in Second Reading debates, as the determination of what counts as belonging to either class of proposition is at least partly the result of the argumentation taking place in the Second Reading debate itself. This is plausible, as it would be reasonable to expect the positions of at least some MPs with respect to the principles of the bill to be driven by considerations of what means will be chosen, or are likely to be chosen, to realize those principles in the subsequent Committee stage of the law-making process. I am sure Ihnen is right when she says that whether a consideration is one of principle or one of detail "is not always a black and white matter." After all, Ihnen's sources are the House of Commons Information Office and MP's: persons who, themselves, are regular parties to the argumentation in Second Reading debates. In the absence of any provision in the Parliamentary procedures addressed to the difference or of a larger body of empirical data from which to extrapolate, it's hard to see where else one might look for clues to the distinction. That said, I think the importance of the distinction in making sense of the argumentation at issue warrants a slightly more aggressively constructive interpretation on the part of the analyst. There are a couple of reasons why.

First, the distinction is very important, feeding in as it does to other (normative) aspects of the analysis here. The distinction between principles and details seems important for assessing the contributions of antagonists, and for making judgments of relevance as regard the contributions of both parties. It is evident, in any case, that the distinction between principles and details is crucial to any analysis of Second Reading debates—perhaps even to any pragma-dialectical analysis of British lawmaking in general. Thus we can say that the importance of the distinction warrants the analyst's effort to state it in the clearest possible terms.

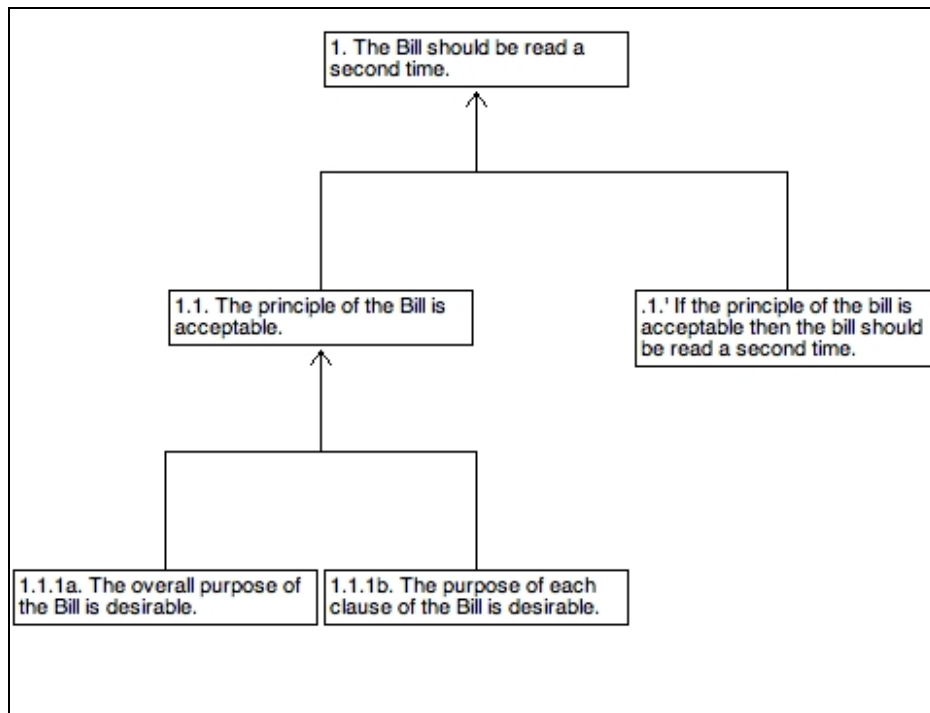
Secondly, the MP's reports may contain some unwitting distortion, since their reports of what happens in Second Reading debates might be coloured by a desire to appear to be "reasonable" or flexible in their thinking. It may also be that, as participants, the MP's views of what happens in Second Reading debates lack a sort of clinical detachment that could be useful in assessing what really happens, in assessing how the distinction between principle and details is actually deployed in argumentation. The House of Commons Information Office, having less of a public persona to maintain, is perhaps more neutral and therefore more reliable, but what it says, alone, seems insufficient to really explain the distinction if things are so fluid in actual practice. This is not to say that the MPs and the House of Commons Information Office aren't good sources. They *are* good sources. My question is only whether there might not be more and better places to look to see if the initial account of principles and details gleaned from them is borne out in practice—perhaps as revealed through examination of records of Second Reading debates. Of course this is a great deal more than can be expected in a paper of this length, and that is why I said in the beginning that it is only a recommendation for further research, a suggestion for further building on the work that Ihnen has done here.

3. THE STRUCTURE OF THE GOVERNMENT'S ARGUMENTATION

Among the many virtues of Ihnen's analysis is its clarity, but there is one area where I would ask Ihnen for just a little more detail, and that is in her specification of the

structure of the government's argumentation. According to her analysis, the government's case basically is an argument of the form *modus ponens* at the highest level, with sublevels devoted to the supporting arguments for each premise. This, I think, is fine. My question is addressed to the structure of her model two levels down from the level of the main premise—1.1.1a (which deals with the desirability of the overall purpose of the bill) and 1.1.1b (which deals with the desirability of the purposes of each of the bill's clauses). Ihnen describes the relationship between these premises as *coordinative* in their support for premise 1.1 (that the principle of the bill is acceptable). Figure 1 represents Ihnen's proposal (with levels of detail below the third omitted for clarity in the diagram).

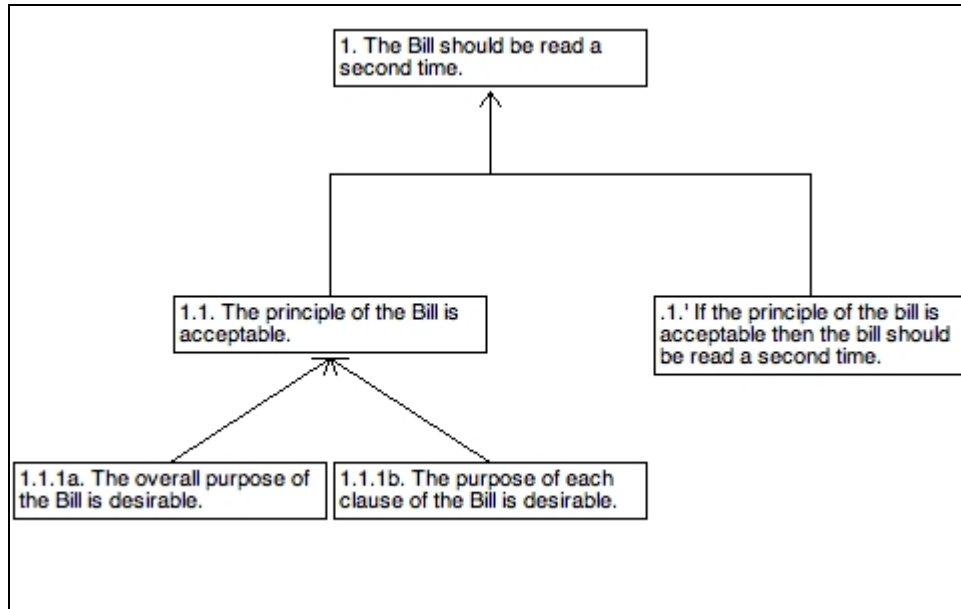
Figure 1¹



In making her case for this interpretation of the argumentation structure, Ihnen explicitly rules out two natural alternative possibilities: 1) that the structure is *multiple* and 2) that the structure is *subordinative*. I am not sure either of these alternatives are as easy to rule out as she suggests, but in the interest of brevity I will confine my remarks to the alternative possibility of multiple argument structure (figure 2).

¹ All figures in these comments were generated with Araucaria 3.1

Figure 2



Ihnen rejects the possibility that the argument is multiple in structure because “the fact that the overall purpose of the Bill is desirable is not sufficient reason to accept that the Bill should be read a second time.” (p. 9) As is evident in her discussion of the nature of the dispute in Second Readings on page 7, argumentation premise 1.1.1b clearly falls within the scope of the second proposition (p_2) at issue, namely that the details of the bill are acceptable. The first proposition (p_1), recall, was that the Bill should be read a second time. The problem for Ihnen’s rejection of multiple argument structure lies in her admission that “a party can perfectly assume a positive standpoint towards p_1 while assuming a negative standpoint towards p_2 . The official position assumed by the Conservative party during the debate is an illustration of this.” (p. 7) If this is the case then a dilemma seems to result: either the desirability of the overall purpose of the Bill *is* sufficient reason to accept that the Bill should be read again, or we must conclude that something is amiss with the Conservative party’s position, i.e. that it isn’t (or at least shouldn’t be) acceptable to endorse p_1 but not p_2 . This apparent dilemma, I think, shows at least that though Ihnen’s preference for interpreting the argumentation structure as coordinative is understandable, more needs to be done to rule out alternative interpretations. This challenge, like that mentioned earlier regarding the distinction between principle and detail, is one that I believe can probably be met with further empirical research into how these arguments are given in the course of actual Second Reading debates.

4. CONCLUSION

Constanza Ihnen’s paper does a good job in laying the ground for a pragma-dialectical analysis of Second Reading debates. Like any good opening volley it raises questions

about the subject matter and marks areas of interest for further discussion and investigation. The most promising to my lights is the distinction between principles and details, as those terms are understood in Second Reading debates. My hunch is that further investigation into the distinction between principles and details would be revealing. Certainly it would contribute to our understanding of the processes by which MPs use argumentation to shift propositions into or out of either category in these debates, for one thing. More broadly, insights of this sort might prove useful in understanding less institutionally governed varieties of argumentation about means and ends too, since there seems to be an analogical relationship between *principles* in Second Reading debates, and “ends” of the prudential or moral sort and between the *details* that ostensibly are bracketed in Second Reading and the “means” we consider in prudential or moral contexts. It would be interesting were such investigation to reveal that the priority we typically assign to “ends” over “means”—a priority that seems implicit in the Parliamentary process described by Ihnen and in much of our moral (and political) thinking—turned out often to be out of step with our ordinary dialectical practices in arguing over which actions to take. So I think there’s much to be gained by further work here.

[Link to paper](#)