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Commentary on Kauffeld

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Commentary on Fred J. Kauffeld's "Presuming and Presumption in Everyday Argumentation: A response to Godden and Walton"

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1. INTRODUCTION

Responding to a recent critique of his work on presumption by David Godden and Douglas Walton (2007), Kauffeld raises the question of whether their critique challenges the adequacy of his explanation of the concept of presumption, or sets limits on it as a basis for conducting day-to-day argumentation. Kauffeld sees the notion that he describes as representing an ordinary use of presumption in everyday conversation argumentation, while Godden and Walton expressed some doubts about whether or how his notion of presumption applies to familiar examples in which presumption is used as practical device to fulfill burden of proof under conditions of uncertainty and lack of knowledge characteristic of everyday defeasible argumentation.

2. EPISTEMIC AND SOCIAL USES OF PRESUMPTION

The best place to begin is to consider Kauffeld's leading example. In this example, it is a soldier's duty to raise the flag at dawn, but the soldier is unreliable, tending to sleep in, and so the presumption that he will in fact raise the flag is in doubt. According to Kauffeld's account, however, it is still reasonable to presume that the soldier will raise the flag, because there is an expectation that he should do so, and there is a social bond obliging him to do so. But is this a reasonable presumption? Godden and Walton (2007) wrote that we might be *entitled* to presume that the soldier will raise the flag, but we would not be *justified* in presuming that he will do so. Kauffeld is worried that this counterexample might be used to show that his commitment-based view of presumption cannot accommodate the defeasible nature of claims advanced in day-to-day argumentation. The issue appears to turn on the difference between being entitled to presume something will happen and being justified in presuming it will happen.

This distinction can be clarified by showing that the notion of presumption works in somewhat different ways in different contexts of argument use. One of these is what might be called the epistemic concept of use, where the purpose of the discussion is to resolve the conflict of opinions on whether some particular proposition can be shown to

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be true, or whether it is subject to doubt. A different type of context is one where a group is collaborating together to carry out a common goal in order to try to solve a problem or decide on a prudent course of action. In this context of argumentation use, as the discussion proceeds, each party puts forward a proposal that is held to be a basis for solving the problem that the group confronts. As the argument proceeds, opponents might argue that there are reasons against the proposal, while advocates of the proposal try to defend against these objections, and cite positive consequences that the implementation of the proposal will have with respect to carrying out the common goal of the group. Much already has been written on how the notion of presumption should be analyzed in epistemic settings, but so far there appears to be no attempt yet in the argumentation literature to study how presumption should be analyzed in this action oriented context that Kauffeld calls commitment-based.

Godden and Walton noted, however, that many of the other analyses of the notion of presumption, and most notably the leading models presented by Ullman-Margalit (1983) and Rescher (2006), appear to be very different in their orientations from Kauffeld's. The standard notion of presumption common to these mainstream accounts is that of a practical device used to move by defeasible reasoning to a tentative conclusion that cannot be justified by the existing evidence, under conditions of uncertainty and lack of knowledge (Walton 2008). For example in law, someone who has disappeared for longer than a fixed number of years may be presumed to be dead for the purposes of dividing up his estate. It may not be possible to prove (up to the requirements of any reasonable standard of proof) that the man is dead. But for practical purposes, something has to be done about his estate. The device of presumption enables a court to move forward and defeasibly accept the proposition that he is dead, given that there is no evidence at all that he is still alive. The setting here might be called an epistemic one. There is a need to take action involved, but the problem is whether the proposition that the man is dead can be accepted as true or not, based on the evidence that we have at that particular time. In legal cases of this sort, the presumption is a tentative conclusion derived from facts and legal rules. In this instance, the facts present a negative picture in which there is no knowledge about whether the man is dead or alive, but there is a legal rule sanctioning the inference that the man may be presumed to be dead if there is no evidence all that he is alive (at this time). The rule is defeasible. If the man turns up alive, the presumptive inference to the conclusion is then cancelled, even though the legal rule still holds.

There is considerable evidence in Kauffeld's paper that he is not employing the notion of presumption in this way, i.e. as applied to an epistemic setting in which the goal is to use argumentation to prove that some proposition is true or false by giving evidence that supports it or raises questions about it. Kauffeld writes (p. 11) that in making a proposal, a speaker risks criticism for wasting her addressees' time, and thereby raises a presumption that her proposal merits consideration. This doesn't mean, however, that the speaker's proposal should be presumed to be true. According to Kauffeld's account, it only means that the other parties in the group should presume that her proposal merits consideration. Here we see evidence that on Kauffeld's account, the conditions for putting forward and accepting a presumption are different in the social context that he is writing about than in the epistemic context that would be typical of the use of

presumption in a critical discussion, or other type of dialog where the goal is to prove that some proposition is true or not.

3. CO-DEPENDENT RELATIONSHIPS AND COMMITMENT

As Kauffeld tells us, presumption needs to be situated in a framework of practical calculations where an agent with moral motivation can take into account the calculations of others who are in a co-dependent relationship with that agent. On his account, in this setting, presumptions are based on an agent's commitments, and provide a basis for objection and criticism when an agent in such a setting is not living up to expectations that he has earlier committed himself to. On Kauffeld's account, commitments provide the basis for presumptive inferences of these sorts.

Kauffeld's example of the lazy soldier gives us an idea of the notion of presumption he has in mind. The presumption is that Smith will raise the flag, given that we have been told by Smith's commander that she has assigned Smith the duty of raising the flag. When this order has been conveyed to Smith, he has an obligation to carry out his commitment of raising the flag at the appointed time. Those who are co-dependent with Smith in these circumstances are entitled to presume that Smith will act responsibly by obeying the command to raise the flag. Some of the other examples used by Kauffeld suggest that he is thinking of practical situations where a group is attempting to carry out some goal by acting together in a collaborative enterprise.

On Kauffeld's account, presumptions have to do with expectations about how one member of such a group can be expected to act in light of the plan that the group is attempting to move forward with and implement. Kauffeld uses the example of several situations that are expressed in a dialog format. One party of the group tells another that Smith is notoriously lazy and that discipline on this base is very lax. The other party answers that something should be done about that. This answer suggests that the two parties are acting together as co-dependents in some plan the two parties are taking part in. In another of these small dialogs one party says: "Don't count on that. Smith is a belligerent type. He would rather scrub toilets and accede to his commander's orders." The other party responds that his commander will take care of that. These dialogs illustrate that the participants in them are concerned about the possible consequences of some actions that are supposed to be carried out by one of them. More precisely, they are concerned about the consequences of somebody failing to carry out the action in question. They are contemplating such a possible outcome, and discussing what can be done about it. These examples strongly suggest that the context of the dialog is not one of finding the truth of the matter being discussed, so much as it is one of a group discussion about how to take action in moving ahead with the implementation of a plan. The dialog is about actions, and the group of agents who are supposedly involved in attempting to carry out these actions together.

This aspect of Kauffeld's notion of presumption is even more explicit in another example where a teacher says to her class that their papers are due tomorrow and that she presumes they will have them in on time, knowing that some members of the class will turn their papers in late. Kauffeld remarks that the function of her notification is to put the class on notice of the teacher's application of sanctions to late papers. As Kauffeld

remarks, the setting of the use of presumption in such a case is that of our knowledge of intentional acts in ordinary reasoning about human conduct.

In another example Kauffeld discusses further aspects of the structure of argumentation in presumptions in a context where co-dependents are engaging in argumentation with each other. The point he makes is that presumptions can be strengthened or weakened by certain kinds of remarks made by one party to another in a dialog. He uses the example where one party borrows a book from another, thereby setting a presumption into place that he will return the item in a reasonable time. First, a strategy to strengthen the presumption is given when the first party reminds the borrower of another person who failed to return an item that he borrowed spent some time in jail. Second, a strategy to weaken the presumption is given when the first party gives the borrower reason to believe that he rarely has use for the borrowed object, and therefore is not so seriously concerned about its being returned by deadline. This example suggests that when agents reason together to carry out actions with co-dependents, they have dialogs in which one party is presumed to act in a certain way, based on a commitment to another party that flows from some actions that both of the parties are involved in. A presumption in this setting can be weaker or stronger, depending on a number of factors, including the commitments undertaken, and the positive or negative consequences of carrying out that commitment or failing to carry it out. In addition however, such presumptions can be strengthened or weakened by contributions to the dialog made by each party following the initial presumption that has been set in place as a commitment of one of the parties. Thus presumption can be seen, on this model, as based on a form of collaborative argumentation in which two or more parties take part by attempting to carry out a common goal and making agreements with each other on how each party and the group can best collaborate in the sequence of actions needed to carry out this goal.

4. CONCLUSION

One of the problems with the notion of presumption is that it is often used in a narrower and more technical way in epistemic contexts, for example in evidence law. In such contexts, the concept of presumption is defined in an epistemic way in which it refers to a type of inference from a set of facts and rules to a conclusion that is tentatively accepted in a proceeding for practical reasons. It is defined this way in the Federal Rules of Evidence and other legal writings—see (Walton, 2008)—and the accounts put forward by Ullman-Margalit (1983) and Rescher (2006) are attempts to offer rigorous analyses of this concept. Kauffeld's notion of presumption is different, indeed so much so that some might say that what it defines should be called a social expectation rather than a presumption. It has been shown above, however, that there are some grounds for thinking that Kauffeld's notion may have a place in a context of argument different from the epistemic one. I have suggested a hypothesis that represents one way of viewing Kauffeld's notion of presumption. The hypothesis is that his notion of presumption finds a place in a context of argumentation different from the epistemic one. This different context is the use of argumentation to support and criticize proposals for action when a group of co-dependents is engaged in carrying out a plan in order to work together to implement common goals.

Link to paper

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