Jun 6th, 9:00 AM - Jun 9th, 5:00 PM

Commentary on Marinkovich Ravena & Vicuna Navarro

Eveline Feteris

Commentary on Juana Teresa Marinkovich Ravena and Ana María Vicuña Navaro: "Euthanasia and the Teaching of Argumentation in Chile"

EVELINE T. FETERIS

Department of Speech Communication, Argumentation Theory and Rhetoric
University of Amsterdam
Spuistraat 134
1012 VB Amsterdam
Netherlands
e.t.feteris@uva.nl

1. INTRODUCTION

In their contribution "Euthanasia and the teaching of argumentation in Chile" Juana Teresa Marinkovich Ravena and Ana María Vicuna Navaro sketch the problems that are related to dicussions about ethical issues like the Euthanasia discussion in high school. They start by describing the philosophical approach of these forms of discussions and the kind of topics that should be central in these discussions. Then they give a description of the way in which these discussions are conducted in high school and compare them with the ideal of a model of critical discussions of the pragma-dialectical theory. They conclude that the central problem with such ethical discussions is that the students are not capable to conduct such a discussion in accordance with the requirements of a critical discussion because they are not familiar with the subject matters that may rise in such discussions.

I agree with the authors that when the subject of discussion is a difficult ethical issue, students may require from the teacher that he or she provides the conceptual tools and the necessary distinctions to approach the subject in an adequate way. If they would dispose of a systematic instrument in which it is specified what kind of topics may be relevant in such discussions and to which forms of critique they will be expected to respond, it would be of help in preparing, conducting and evaluating such discussions.

In my comments I would like to concentrate on the question of how an instrument for such ethical discussions, conceived as a particular form of policy discussions on ethical matters, can be developed from a pragma-dialectical perspective and how students can learn to prepare such discussions. In my view, if the students have an instrument that shows them how to prepare such a discussion, even if they are not very familiar with the topic of the discussion, they would be helped if they would have a heuristic instrument with regard to the kind of information that must be provided. Such an instrument could also serve as a critical tool for a judge or jury because it offers an instrument for the evaluation of the contributions by the arguers.

Feteris, E.T. (2007). Commentary on Juana Teresa Marinkovich and Ana María Vicuña: "Euthanasia and the teaching of argumentation in Chile." In H.V. Hansen, *et. al.* (Eds.), *Dissensus and the Search for Common Ground*, CD-ROM (pp. 1-4). Windsor. ON: OSSA.

2. A PRAGMA-DIALECTICAL INSTRUMENT FOR POLICY DISCUSSIONS ON ETHICAL ISSUES

From a pragma-dialectical perspective, in a policy discussion there is a *mixed dispute* with protagonist A who proposes a particular policy *A* regarding a particular subject matter and a protagonist B who proposes a different (opposite) policy *B* in this subject matter. From a pragma-dialectical perspective, for establishing what the burden of proof for both parties implies it must be established what kind of arguments the protagonist of a particular policy must put forward and to what kind of critical questions he must answer adequately.

  The argumentation put forward in a policy discussion on ethical issues is always based on a combination of two forms of argumentation. First it is based on *pragmatic* argumentation by means of which the course of action is defended by showing that it has certain consequences that are desirable. Second it is based on *ethical* or *deontological* argumentation in which the course of action is defended by showing that it is consistent with certain moral norms. The basic form of pragmatic argumentation is as follows:

> Standpoint: Policy X is desirable
> Because: Policy X leads to the desirable result Y that the problems of the current situation/policy/regulation will not occur
> and: Result Y is desirable

The basic form of ethical or deontological argumentation (as a specific implementation of symptomatic argumentation) is as follows:

> Standpoint: Policy X is desirable
> Because: Policy X is consistent with the relevant moral norms N
> and: The moral norms N are accepted norms

By approaching discussions in which a particular ethical matter (such as legalization of euthanasia) is proposed as policy discussions, it can be made clear what the place and function is of the ethical as well as the pragmatic aspects of the discussion.

  In a concrete discussion, an analysis must make clear what the argumentative function is of the pragmatic argumentation and the ethical argumentation. For example, the pragmatic argumentation may be the main argumentation and the ethical argumentation may function as subordinate argumentation in defence of the desirability of result Y (by showing that result Y is desirable from the perspective of norm N). The pragmatic argumentation and the ethical argumentation also may be part of a complex coordinative main argumentation in which they supplement each other.

  By analysing the argumentation in a policy discussion on an ethical issue as consisting of these two forms of argumentation it becomes clear which issues are relevant in the discussion and how these issues are related to each other. It also makes clear that the pragmatic and ethical aspects of the discussion are interrelated but must be analysed as separate substantial parts of the discussion. It also makes it necessary to focus on the function and the place in the complex argumentation: whether a particular element of the argumentation is part of the main argumentation or of a lower level of sub-argumentation.

3.   THE BURDEN OF PROOF IN POLICY DISCUSSIONS ON ETHICAL ISSUES

From the perspective of the evaluation of the discussion, the analysis in terms of the two constitutive elements, pragmatic and ethical argumentation, also shows what the burden of proof is of a party who proposes a particular policy. The advantage of this perspective is that it clarifies not only the initial burden of proof but also the relevant critical questions that can be posed and must then be answered successfully in the subsequent turns in the discussion. In this way the argumentation schemes of pragmatic and ethical argumentation offer a heuristic and critical tool for the procedural and material aspects of the discussion. For the procedural aspects they make clear when the burden of proof shifts to the other side, for the material aspects it clarifies the content of the burden of proof of a protagonist of a particular standpoint.

Regarding the initial burden of proof the analysis in terms of pragmatic argumentation and ethical argumentation makes clear what arguments must be put forward by a protagonist in order to meet his initial burden of proof so that he has created a *prima facie* case. After this it is up to the other party to raise the relevant critical questions with respect to the arguments that have been put forward. These critical questions are related to the different elements of the argumentation and can be formulated as follows, where in 1 the questions that are relevant from the perspective of the pragmatic argumentation are specified and in 2 the questions that are relevant from the perspective of the ethical argumentation:

1.   *Is the conditional prediction correct?*

    a.   Does the new policy X indeed lead to result Y
    b.   Is the result Y really desirable?
    c.   Are there other factors that must be present in combination with X to attain result Y?
    d.   Can result Y also be attained with other means than policy X?

2.   *Is the policy correct from the perspective of the relevant moral norms?*

    a.   Is policy X indeed consistent with the moral norms N?
    b.   Are the moral norms N accepted (within the relevant society)?

When the protagonist has given a satisfactory answer to these questions, the burden of proof shifts to the other party, etc.

Of course the framework for policy discussions in ethical matters must be supplemented and implemented further for concrete discussions. The pragma-dialectical framework only offers the basic structure for the analysis and evaluation. For the analysis and preparation of a discussion it clarifies which issues are relevant on the main and subordinate levels of the argumentation and belong to the burden of proof of a party who proposes a particular policy. It clarifies the critical questions that are relevant in relation to these arguments and that must be answered in a satisfactory way. For the evaluation it

specifies when a party has met his initial burden of proof and to which critical questions he must react in a satisfactory way in order to meet his burden of proof.

The procedural aspects of the framework can be implemented further on the basis of the views developed in the debate literature on policy discussions (Lichtman and Rohrer 1979, 1980, Pfau et al. 1987, Patterson and Zarefsky 1983, Zarefsky 1982) specifying the further issues that may rise in a policy discussion and the way in which such discussions must be conducted from a procedural perspective. The material aspects of the framework must be implemented further on the basis of the relevant ethical issues.

4.   CONCLUSION

I hope I have succeeded in meeting my burden of proof with my proposal that it is possible to teach policy discussions on ethical matters to students by providing a starting point in the form of a conceptual tool that enables the students to make the necessary distinctions from the perspective of a critical discussion.

link to paper

REFERENCES

Feteris, E.T. (2002). The role of arguments from consequences in practical argumentation in a legal context. In H.V. Hansen & C.W. Tindale, *Argumentation and its applications*. Windsor, ON: OSSA (CD-ROM).

Feteris, E.T. (2005). The rational reconstruction of argumentation referrring to consequences and purposes in the application of legal rules: a pragma-dialectical perspective. *Argumentation*, 19, 459-470.

Frankena, W.K. (1967). *Ethics*. Englewood Cliffs, NJ: Prentice Hall.

Habermas, J. (1994). *Justification and application: remarks on discourse ehtics*. (Translation Ciaran Cronin). Cambridge, M.A.: MIT Press.

Hare, R.M. (1963). *The language of morals*. Oxford: Oxford University Press.

A.J. Lichtman & Rohrer, D.M. (1979). Decision rules in policy debate: presumption and burden of proof'. In D.T. Thomas (Ed.), *Advanced Debate. Readings in Theory, Practice and Teaching* (pp. 43-69). Skokie, IL.

Lichtman, A.J. & Rohrer, D.M. (1980). The logic of policy dispute. *Journal of the American Forensic Association*, 16, 236-257.

Pfau, M., Thomas, D.A., & Ulrich, W. (1987). *Debate and Argument: A Systems Approach to Advocacy*. Glenview/London.

Patterson, J.W. & Zarefsky, D. (1983). *Contemporary Debate*. Boston.

Zarefsky, D. (1982). The perils of assessing paradigms. *Journal of the Forensic Association*, 18, 141-144.