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Assessing presumptions in argumentation: Being a sound presumption vs. being presumably the case

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ABSTRACT: This paper is an attempt to identify and provide the normative conditions for presumptions and for presumptive inferences. Basically, the idea is adopting the distinction between epistemic and ontological qualifiers proposed in Bermejo-Luque (2011) in order to explain the difference between something being a correct presumption and something being presumably the case.

KEYWORDS: burden of proof, epistemic qualifiers, linguistic normative model of argumentation, ontological qualifiers, presumption, presumptive inference

1. INTRODUCTION

Presumptions play an important role in argumentation. Regarding argumentative exchanges, presumptions allocate the burden of proof among discussants, determining the path for a correct procedure to take place. In turn, in context of monological argumentation, presumptions somehow dispense arguers from providing further reasons for some of their claims, and this seems to be necessary if their arguments are to stop at some point. Thus, the production of arguments and argumentative exchanges greatly depends on the possibility of making presumptions, and because of this, those concerned with the assessment of argumentation are bound to deal with the correctness conditions of presumptions and the requisites and consequences of their use.

Current literature on presumptions exhibits a contrast between inferential and dialectical approaches. Authors such as Ullman-Margalit (1983), Hansen (2003) consider that a presumption is, in the last resort, a type of inference made on the basis of a presumptive rule. On this view, the concept of presumption would not presuppose a counterpart in a dialog. In turn, Walton (1992), Freeman (2005) and Rescher (2006) hold that presumptions are a certain kind of dialogical procedure. In characterizing presumptions in terms of the conditions and consequences of certain dialogical moves, Walton (1992, 2008) takes himself to be providing a speech-act characterization of presumptions.[1]

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[1] Later on, Godden and Walton (2007) and Walton (2008) have characterized presumptions as being both dialectical and inferential in nature. But it is only the former what, in their view, determines that

In this paper, I defend a sort of "mongrel" position by dealing with presumptions as monological, ordinary speech-acts, just like assertions, promises and the like. On this approach, presumptions do not involve counterparts, but they are not inferential in nature either. Particularly, I characterize presumptions as a certain type of constatives. Like assertions, presumptions may be correct or incorrect as speech-acts, and it is their correctness conditions as speech-acts what determines the semantic assessment of those pieces of argumentation that involve them. For sure, presumptions can appear in argumentative exchanges, and it is certainly necessary to deal with the dialectical conditions and consequences of the use of presumptions if we wish to provide normative models for argumentative exchanges. Yet, in order to do so, we have to provide, first, the correctness conditions for presumptions themselves. Let me illustrate this point with an analogy. We may agree that assertions have dialectical conditions and consequences of use: in a reasonable argumentative exchange, we cannot make any assertion whatsoever, and it is also true that in making an assertion we incur in certain dialectical duties. Yet, the conditions and consequences of the use of assertions are different from their correctness conditions as speech-acts: as such, assertions are correct if and only if they are true. But truth determines only partially the conditions and consequences of the use of assertions in an argumentative exchange. Likewise, we may agree that the main dialectical consequence of making a presumption is changing the burden of proof, but in order to assess argumentative exchanges involving presumptions, we have to determine both, whether the presumption was correctly made from a dialectical point of view and whether the presumption itself was correct or not.

In this sense, I contend that, for argumentation theorists, the correctness conditions of presumptions must be of first importance, as they determine, in turn, the correct way of handling presumptions in argumentative exchanges. In this paper, I am going to deal just with this former question, leaving it for another occasion the question of how presumptions are to be made and which consequences do they have when they are issued in argumentative exchanges. Thus, I will not be saying anything of interest for those concerned with the way in which presumptions are to be handled and assessed in argumentative exchanges. Still, my proposal may be of interest for those who think that all that there is to know about the correctness conditions of presumptions is in the realm of dialectics, because I am going to argue, on the contrary, that presumptions are not dialectical in nature.

So, what is a presumption, and what makes a presumption correct? In order to provide a response, I deem it necessary to start by making another important distinction. As indicated above, I am going to argue that presumptions are not inferential in nature either. But, as we are going to see, that presumptions are not essentially inferential does not mean that we cannot provide reasons to show our presumptions to be correct –which is a way of dealing with presumptions inferentially. And above all, it is not a way of dismissing the concept of presumptive

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theirs is a speech-act approach.

inference. In fact, the main goal of this paper is to distinguish presumptions from presumptive inferences and to provide the correctness conditions for both of them.

2. INTUITIONS TO UPHOLD

Before I go on with this task, I would like to make a survey of what I take to be the most relevant intuitions to uphold regarding the concept of presumption. This list should work as a test for my own proposal.

One of the most agreed things among theorists is that there is a close relationship between the concepts of presumption and burden of proof.[2] Having the burden of proof is a dialectical status, as it has to do with questions about how to correctly proceed: if you have the burden of proof, is you who has to provide reasons for your claim instead of, for example, merely refusing an opponent's negation of it. But if you have a presumption in your favour, that is, if your claim is a correct presumption, then it is your opponent who has to provide reasons for her resistance to accept it. In this respect, just making a presumption, by itself, does not change the burden of proof. It is only if the presumption is correct that the opponent has the burden of proof. Otherwise, as Freeman complained (1996), we could always take advantage in an argumentative exchange just by issuing a presumption, whether or not it is correct. The question, then, is how to determine when is a presumption correct.

Yet, how should we understand the task of determining whether a presumption is correct or not? Former theorists dealing with presumptions took this task to be that of *extensively* determine which presumptions are in fact correct. Thus, for example, Whately provided a list of sound presumptions (1846, p. 114) and argued for their acceptability. Contrastingly, contemporary theorists are interested in providing the correctness conditions of presumptions, as they assume that whether a particular presumption is correct or not depends on the circumstances of the case at stake. Thus, for example, Kauffeld's proposal is that "to presume that *p* is to take that *p* on the grounds that someone will have made that the case rather than risk criticism, painful regret, reprobation, loose of esteem or even punishment for failing to do so" (2003, p. 140). Other authors, such as Godden and Walton (2007, p. 337), seem hesitant as to whether the task of saying, extensively, which presumptions are correct is a task for argumentation theorists. For my part, I acknowledge that, just as the correctness of an assertion determines the goodness of an argument containing it, the correctness of a presumption determines the goodness of an argument containing it; yet, argumentation theory cannot take as its own task that of saying, extensively, which assertions are correct and which are not. Otherwise, argumentation theory would be "The Theory of All". For its more modest goals, it is enough to provide the correctness conditions of

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[2] Yet, in my view, "presumption" is not a synonym for "the opposite to having the burden of proof". It is not only that having the burden of proof is a procedural status, whereas presumptions are speech-acts: even if we think in terms of argumentative exchanges, we cannot assume that presumptions fully determine which party has the burden of proof. For example, the opponent in a weak opposition dialectical procedure does not have the burden of proof either.

assertions, leaving it for the evaluator the task of determining, by means of these criteria, whether a particular assertion is correct or not. Likewise, as argumentation theorists, our task is to determine the correctness conditions of presumptions, instead of a list of possible sources of correct presumptions.

For their part, Kauffeld, Ullman-Margalit and Godden and Walton agree that the correctness conditions of presumptions are somewhere in between epistemic and pragmatic considerations. As Ullman-Margalit observed (1983, p. 146), in order to establish that a certain presumption that *p* is in good order, we may adduce not only that it could be the case that *p*, but also that, in making that presumption, we satisfy the practical need to proceed, or even adducing the moral rectitude or instrumental adequacy of assuming that *p* (1983, p. 157). Thus, not only epistemic, but also pragmatic considerations of all kinds (procedural, instrumental and moral), may be adduced in order to show that a given presumption is correct.

Moreover, a presumption that *p* may be correct even if *p* is false. Such is the case when we presume the innocence of a guilty person –as far as it hasn't been shown that he is guilty indeed. The falsity of *p*, by itself, does not make the presumption that *p* incorrect. Actually, even if we know that *p* is false, it might make sense to presume that *p*. What we cannot do is to presume that *p* and assert that *not-p*. As we are going to see, something like "He is innocent, I presume, but he is guilty" is contradictory.

Yet, it might be the case that a presumption is correct even against evidence. Godden and Walton (2007, p. 323) issue an example against Kauffeld's contention that presumptions are a matter of our entitlement to suppose something on the grounds that someone will try to make it the case on pain of social regret. Analyzing this example may serve to illustrate this point. Godden and Walton consider the case of a soldier that has to raise the flag at dawn, even though he is very unreliable and tends to sleep in. Godden and Walton argue against Kauffeld that we are entitled to presume that the soldier will raise the flag, because it is his duty, even though we are not justified in presuming it. Yet, as I see it, Godden and Walton owe us an explanation of the distinction between being entitled to do something and not being justified in doing it; for, in principle, if we are entitled to do something, we are justified in doing it. What Godden and Walton may say is that we are neither justified nor entitled to *assume* that the soldier will raise the flag. But, as we all agree, "assuming" is not the same as "presuming": when we assume something, we take it to be true, which is something we shouldn't do if there is evidence to the contrary.

3. PUTTING FORWARD A PRESUMPTION THAT *P* VS. CONCLUDING THAT PRESUMABLY *P*

Considering that the correctness conditions of a speech-act are constitutive of its definition, and taking into account that the correctness conditions of presumptions are not only epistemic but also pragmatic, I propose the following definition: *a presumption is the speech-act of putting forward a proposition as a reasonable assumption*. Consequently, a presumption will be correct as a speech-act if the proposition put forward is a reasonable assumption indeed. For sure, the conditions

for an assumption to be reasonable may be epistemic, but also pragmatic: the reason why it is reasonable to assume that the defendant is innocent is not that defendants are usually innocent, but rather that, in assuming innocence, we are more likely to avoid false positives in court trials. Of course, when the prosecutor establishes beyond reasonable doubt that the defendant is not innocent, presuming that he is innocent is no longer correct: that is, it is no longer reasonable to assume that he is innocent.[3]

On this account, the correctness conditions of presumptions are, in the last resort, pragmatic, even though they also have to do with the truth of the presumed fact. The question that we have to answer in order to determine whether a presumption that p is correct or not is "is it reasonable to suppose that p?" But supposing is doing something after all, so that the reasons to show that it is reasonable to suppose something must be reasons that show that doing it is a good means for a certain end. If the end that we are searching in supposing something is having correct beliefs, then presumptions will not be correct when evidence shows that the corresponding assumption will not increase the set of our correct beliefs. These are epistemic reasons against presumptions. But there are other reasons why it might be adequate to assume something. For example, it might be adequate as a means to promote certain attitudes in others (as when we presume the honesty of our kids –even against some evidence…!), or as a means to avoid false positives (as when we presume the innocence of defendants). Of course, there is a limit to what is reasonable to assume against evidence: after all, assuming is adopting a doxastic attitude, which is something untenable if evidence against is overwhelming.

As we have seen, even if we know that p is false, it might make sense to presume that p. What we cannot do is to presume that p and assert that *not-p*. Why? Because in presuming that p, we are saying that it is reasonable to assume that p. But assuming something is taking it to be true and we cannot say that it is reasonable to take something that we say is false to be true.

On this account, presumptions are closely related to burden of proof, but not on conventional grounds, that is, not just because such is their dialectical nature, so that when we put forward a presumption that p, the opponent has to prove that not-p. Rather, the reason is that when we put forward a presumption that p, we contend that p is a reasonable assumption, and in case the other disagrees, he cannot just say that not-p, but he must say that p is not a reasonable assumption. The reason why she who makes a correct presumption legitimately shifts the burden of proof to an opponent has to do with the fact that a correct presumption is a reasonable assumption. The presumption, in being correct, does not settle the issue; it only settles what *has to be* accepted, at least, provisionally. As a counter-move, the opponent may argue either that the assumption is not reasonable or that the assumed fact is not true. In the former case, he will be arguing against the presumption, in the latter case, against the issue itself.

Finally, on this account, a presumption that p can be more or less weighty:[4] it depends on how reasonable the assumption that p is, on how adequate it is to

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[3] At least, judicially: for, still, it might be reasonable for his family to assume that he is innocent

[4] As Kauffeld (1995, pp. 158-172 and 2005, p. 139) has pointed out, we can distinguish assumptions

assume that *p*. For a jury in a court trial, it is not only reasonable, but also mandatory to assume that the defendant is innocent until proven guilty. For a captain, it is reasonable, in general, to assume that soldiers will obey; yet, in particular cases, it might be more reasonable to assume that a certain soldier will not obey. At this juncture, one of his presumptions should trump the other.

Now, in presuming that *p*, we cannot infer that *p*: a correct presumption that *p* only settles that it is reasonable to assume that *p*. Yet, from a presumption that *p*, we can infer that *presumably p*. What's the difference?

To begin with, in order to refuse a presumption that *p*, we have to refuse that it is reasonable to assume that *p*. Contrastingly, in order to refuse that presumably *p*, we can adduce that, in fact, *p* is false. As we have seen, that the presumed fact is false does not necessarily trump the corresponding presumption: if the victim says to the judge "But he did it!", the judge can still reply: "I believe you, but I must presume that he is innocent"; however, the judge cannot reply "I believe you, but he is presumably innocent". Thus, *p* being a correct presumption is not the same as *p* being presumably the case.

Additionally, something like "It either rains or it doesn't rain, I presume" may be fine, but there is something peculiar in "Presumably, it either rains or it doesn't rain". As I am going to argue, this is so because the claim that *presumably p* is the conclusion of a presumptive argument. Or more properly: in putting forward that *presumably p*, we are making a second order speech-act of concluding according to a presumptive inference.

So, what is a speech-act of concluding and what is a presumptive inference? And above all, how should we assess them?

4. A LINGUISTIC NORMATIVE MODEL OF ARGUMENTATION

As we have seen, on this proposal, presumptions are ordinary, first order constative speech-acts and, as such, they may enter in argumentation just as any other type of constatives. Thus, they may be the conclusion of a piece of argumentation, in which case, we would have argumentation showing a presumption to be correct (that is, in our account, showing an assumption to be reasonable): "When she cannot come, she always phones me; so, I must wait for her, I presume". Also, presumptions may be

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from presumptions by pointing out that only the latter admit of degrees. As I see it, this is so because presumptions are acts of putting forward a proposition as a (more or less) reasonable assumption, whereas assumptions are just acts of taking a proposition to be true. In this account, assumptions are not constative speech-acts, they are performatives: they are the act of taking something to be true, not of saying that it is true, or that it is a reasonable assumption, etc.

I am sympathetic to Kauffeld's definition of presumption. As I see it, the only problem in his account is to assume that the only way a presumption can be correct is on the grounds that someone will have made it the case, on pain of some kind of social regret. This account rules out cases where it is nobody's business to make the presumed fact true, like the presumption that when John's car is in front of his house, he is at home, or the very presumption of innocence. In my view, that someone may have reasons to make the presumed fact true is only one of the reasons why it may be reasonable to assume the presumed fact. Or, if you prefer: social expectations are only one type of presumptions.

what we adduce as reasons: "She will pick me up as usual, I presume; so I'd rather stay here". And there are other possibilities for presumptions to enter as elements of an argument, as we are going to see.

In Bermejo-Luque (2011) I provided a linguistic normative model for argumentation, LNMA, characterizing acts of arguing as second order speech-act complexes, that is, as speech-acts composed of a speech-act of adducing and a speech-act of concluding. On this account, acts of adducing and acts of concluding are constatives, but they are second order constatives because they can only be performed by means of first order speech-acts. Paradigmatically, such first order speech-acts are also constatives, but there are other possibilities. For example, in "I promise I'll take care, don't worry", two first order speech-acts, i.e. a promise and a request, turn into the constative speech-act of adducing that the arguer commits herself to take care and the constative speech-act of concluding that the addressee should not worry.[5] Illocutionarily, acts of arguing, so characterized, count as attempts at showing a target-claim to be correct. To the extent that they succeed in this, they will be said to be good argumentation.

In general, the idea behind this model is that when we argue, two constatives (whether directly or indirectly performed, literal or non-literal) become an act of adducing, R, and an act of concluding, C. This happens because of their relationship to an implicit inference-claim whose propositional content is "if R, then C." In a few words, it is because we can attribute to the speaker the implicit inference-claim "if I commit myself to take care, then you should not worry" that we can interpret her utterances of "I promise I'll take care" and "Don't worry", as a single argumentative speech-act.

According to this, inference-claims are constitutive of acts of arguing. And, as I have argued elsewhere, they are necessarily implicit in it. At any rate, normally, it is the fact that the speaker has used some epistemic qualifier (like "probably," "necessarily," "evidently," etc.) or an illative expression like "so," "therefore," "since," "consequently," etc. what authorizes us to interpret the speaker's performance as an act of arguing. In this, I follow D. Hitchcock's (2007) insight that inference-claims stand for the "so," the "therefore," the "consequently," etc., of ordinary acts of arguing.

Inference-claims are also constatives. Thus, just like any other constative of the act of arguing, the type and degree of constative force of the inference-claim may vary. In principle, we can make explicit the variety of ways in which we can put forward a certain semantic content p in constative speech-acts by saying things like "p is true," "p is (more or less) probable," "p is (more or less) acceptable," "p is (more or less) plausible," "p is necessary," "p is possible," or even "p is a reasonable assumption". In the latter case, our constative is a presumption, as argued so far.

In my account, the qualifiers by means of which we put forward any of the constatives constituting the act of arguing, including the inference-claim, are *ontological qualifiers*: after all, constatives are speech-acts meant to communicate *how the world is*. In making explicit the ontological qualifier of our first order

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[5] Notice that these speech-acts are second order, not indirect speech-acts: they are assertions (at a first, sentence level) *and* acts of adducing and concluding (at the higher, argumentative level)

constatives, we make plain, first order constatives, such as the claim that *p* is true, or that *p* is probable, or possible, or plausible, or necessary, or a reasonable assumption. In turn, when we put forward a propositional content with the qualifier that such propositional content actually deserves, we make first order constatives that are (ontologically) *correct*. For example, as argued before, a presumption that *p* is correct if it is true that *p* is a reasonable assumption.
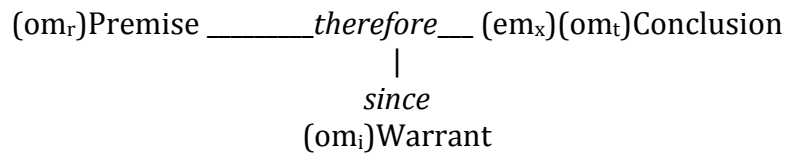
Contrastingly, the qualifier that expresses the force with which we draw our conclusion in the act of arguing is an *epistemic qualifier*: it is meant to communicate our credentials for concluding, i.e., the type and degree of support that our reasons are supposed to confer on our target-claims because of our inference-claims. In saying that a claim holds truly, necessarily, possibly, plausibly, probably, presumably, etc. (or alternatively, that likely *p*, that it might be the case that *p*, that certainly *p*, that presumably *p*, etc.), we are saying something about the status of this claim as knowledge, about the confidence we should put on it or our entitlement to it. Epistemic qualifiers are meant to communicate how good our reasons are for our claims. And, as we are going to see, they are a function of the ontological qualifiers that correspond to the implicit inference-claim and to the constative being the meaning of the speech-act of adducing. Thus, in any conclusion –i.e., the second order speech-act of concluding- we can find, either explicitly or implicitly, not only its ontological qualifier as a first order constative, but also the epistemic qualifier that signals the force with which this claim is concluded in the whole speech-act of arguing.

Noticeably, in acknowledging different types of ontological qualifiers I am endorsing the view that constatives can have values other than true or false. And assuming probability values is not the only way to endorse this view. For example, we can also acknowledge ontological plausibility values. Thus, a claim like "John is bald" may also be a better or worse representation of John's amount of hair at the present time, and in case we cannot take it to be as plainly and simply true or false, we can take it to be just plausible to some degree in this ontological sense. Similarly, making a presumption, that is, putting forward a proposition as a reasonable assumption, is a way of saying something about this proposition's value as a representation of the world.

At any rate, the distinction between ontological and epistemic qualifiers points out that, in valuing constatives, we can consider either their value as attempts to say how the world is (ontological qualifiers of first order constative speech-acts) or the credentials for putting them forward (epistemic qualifiers of second order constative speech-acts such). Actually, in this account, putting forward a claim by means of an epistemic qualifier is performing the illocution of concluding. As we are going to see, in this approach, the correctness of an epistemic qualifier is a function of the ontological qualifier that should be used in putting forward the propositional content of the inference-claim as a first order constative of the corresponding act of arguing.

In adopting Toulmin's conception of material inference, LNMA takes the elements of any act of arguing to be a pragmatic linguistic reconstruction of the elements of Toulmin's model of argument: in LNMA, arguments are representations of acts of arguing that layout inferential relations. Thus, in LNMA the constitutive

elements of arguments are: *premise* (corresponding to the speech-act of adducing, i.e., the *reason* in the act of arguing), *conclusion* (corresponding to the speech-act of concluding, i.e., the *target-claim* in the act of arguing), *warrant* (corresponding to the *inference-claim* in the act of arguing) and the *epistemic* and *ontological qualifiers* of each speech-act (corresponding to the pragmatic force with which each first and second order constative of the act of arguing has been put forward, either implicitly or explicitly). Hence, an ascription of qualifiers (eventually, the ascription made by the arguer) is part of the layout of arguments, and the semantic evaluation of an act of arguing is the process of determining the right ascription of qualifiers to each represented claim. This model of argument can thus be outlined as follows:

$$(om_r)\text{Premise} \underline{\qquad therefore \qquad} (em_x)(om_t)\text{Conclusion}$$
$$|$$
$$since$$
$$(om_i)\text{Warrant}$$

Let's φ represent the function that assigns, for each ontological qualifier of a conditional, the epistemic qualifier that must be used in drawing a conclusion from the corresponding reason, that is, in making the speech-act of arguing having this conditional as its inference-claim.

$$\varphi(om_i) = em_i$$

On this account, an argument is valid if and only if $em_i = em_x$ and om_i is correct –in the sense that it is the ontological qualifier that corresponds to the warrant as a first order constative. That is, the argument is valid iff the epistemic qualifier that the speaker has used for concluding is the epistemic qualifier that corresponds to the ontological qualifier of her implicit inference-claim. Let me offer a few examples to clarify this.

According to LNMA, deductive arguments are arguments whose warrants are necessary truths, so that they entitle us to epistemically qualify our conclusions with a "necessarily". Arguments such as "She is in the garden or in the living-room, and she is not in the garden; so, *necessarily* she is in the living-room" or "This is red; so, necessarily, it is coloured" are deductive because their corresponding warrants are the necessary truths "if she is in the garden or in the living-room, and she is not in the garden, then she is in the living-room" and "If this is red, then it is coloured". Likewise, probabilistic arguments are those whose warrants are (more or less) probable, so that they entitle us to epistemically qualify our conclusions with a "(more or less) probably". For example, "Our currency is losing value; so, very probably, the inflation rate will raise" has as its warrant "if our currency is losing value, then the inflation rate will raise", which is very probable indeed. In turn, plausible arguments like "Your business is not working as it should; so, plausibly, needs renovation" are arguments whose warrants are plausible truth, like "if your

business is not working as it should, then it needs renovation". Finally, a presumptive argument like "John's car is on the street; so, presumably, he is at home" is an argument whose warrant is a presumption.[6] All these arguments will be valid if their corresponding warrants are correct, that is, if "if she is in the garden or in the living-room, and she is not in the garden, then she is in the living-room" and "If this is red, then it is coloured" are necessary truth; if it is very probable that "if our currency is losing value, then the inflation rate will raise"; if "if your business is not working as it should, then it needs renovation" is plausible indeed; and if "if John's car is on the street, then he is at home" is a correct presumption, that is, if it is reasonable to assume it.

5. CHARACTERIZING AND ASSESSING PRESUMPTIVE ARGUMENTS

So, what is to infer that presumably *p*? It is to infer that p on the basis of a warrant that is a presumption: saying that presumably *p* is putting forwad that *p* "by reasonable assumption", and this is not just concluding on the basis of an assumption, but on the basis of an assumption that is deemed reasonable. This type of arguments is valid if the presumptions that constitute their warrants are correct presumptions indeed. And they will be good arguments if their reasons and warrants are both correct.

Now we are in a position to explain certain phenomena related to the distinction between presumptions and presumptive inferences. The reason why "It rains or it doesn't rain, I presume" sounds acceptable is that, in a given occasion, it may be reasonable to assume that it either rains or it doesn't. Yet, it seems peculiar to conclude that "presumably, it rains or it doesn't rain" because that means that our argument has as its warrant a conditional having as its consequent a tautology. Such a warrant may be a presumption, but it is more than that, namely, a (logically) necessary truth, so that the epistemic qualifier that we will use for making this conclusion will normally be "necessarily", not "presumably".

And, what does it mean to say, as Epstein (1973), Godden and Walton (2007) or Prakken and Sartor (2006), that presumptions are defeasible? In principle, as speech-acts, they cannot be defeasible, but just correct or incorrect. What is defeasible is presumptive inferences instead. In our account, this is so because the warrant of a presumptive inference is a conditional put forward as a reasonable assumption, which the arguer may secure under the condition that certain circumstances do not obtain. For example, "if it's his duty to raise the flag, then he will do it", may be secured as a reasonable assumption under the condition that "there is no evidence to the contrary". This means that "It's his duty to raise the flag; so, presumably, he'll do it" can be defeated by evidence that he won't do it.

Remarkably, when we presume "if *p* then *q*", what we do is to present "if *p* then *q*" as a reasonable assumption. When we conclude that, presumably *q*, we do so on the basis of *p*, not on the basis of the conditional, which is just the inference-

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[6] This way, the difference between plausible and presumptive arguments has to do with the difference between plausible assertions, which are assertions valued as plausible, and presumptions, which are another type of constative speech-act.

claim, i.e., the way we make explicit the inferential step from reason to conclusion. Eventually, our concluding takes into account that the presumption has not been rebutted. For example, that there is no evidence that might turn false the proposition "if *p* then *q*", so that presuming it would no longer be to make a reasonable assumption. For this reason, as Walton (2008) observes, there seems to be a close relationship between presumptive inferences and arguments from ignorance. And I agree with Walton that not every instance of an argument appealing to ignorance is a fallacy. Yet, I think, contrary to Walton, that there is an important difference between presumptive inference and argument from ignorance: the former issues ignorance in order to point out that a possible rebuttal for the warrant doesn't obtain, whereas the latter issues ignorance as a reason to conclude. In other words, the reason to accept the conclusion of a presumptive inference is not that, so far, we don't know that it is false; rather, our ignorance is just a way of defending the correctness of our warrant, that is to say, that our warrant is still a reasonable assumption.

When the warrant of an inference is a presumption, the arguer frees herself from the task of providing reasons for showing this conditional to be true. But this does not mean that she has set herself free of any dialectical obligation. Particularly, she may be required to offer further reasons in order to show that her warrant is a correct presumption indeed. Certainly, in the judicial arena, some presumptions are secured: given that there is the obligation of not prejudicing the case against the defendant,[7] it is indeed reasonable to assume that the defendant in our case is not guilty. But this does not mean that just by issuing a presumption we free ourselves from dialectical obligations. In this account, Freeman's contention that presumptions are unavoidable in argumentation because they are the basis of premise acceptability would be misleading (Freeman, 2005). For sure, when we assess the reasons of a piece of argumentation for which no further reasons have been offered, we may be benevolent and presume that they are true. Moreover, in following arguments in Pinto's sense (2001) of "following an invitation to inference", we frequently concede what the speaker says because we presume not only veracity, but also knowledge of what he says. However, reasons are seldom presumptions. Most of the times, they are plain assertions, whose conditions of correctness are very different from those of presumptions: if the arguer asserts that *p* and *p* is false, it doesn't matter whether or not it is reasonable to assume that *p*; her argument will be flawed.

6. CONCLUSIONS

In "A theory of presumption for everyday argumentation" Godden and Walton (2007, pp. 333-334) proposed the following questions as key issues within the study

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[7] Such a legal obligation constitutes, in turn, the general presumption of innocence, namely, the presumption stating that it is reasonable to assume at the beginning that the defendant is innocent, on the ground that it is the best way to avoid false positives. And its counterpart: namely, that it is reasonable to assume that the defendant is guilty if it has been proved beyond reasonable doubt that he is, on the ground that it is the best way to free society from criminals.

of presumptions as argumentative devices:

1) What gives rise to presumptions? What types of considerations should contribute to an explanation of their normative foundations?

2) Should presumptions arise from the making of a prima facie case, or by proposing a defeasible argument as suggested by Rescher and Walton, or are other practical considerations also required as argued by Ullmann-Margalit?

3) What standard of rebuttal is appropriate to presumptions employed in argument? Are presumptions really not defeasible as suggested by Kauffeld's expectation-based account? Can they only be rebutted by counter-presumptions as indicated by Whately? Does a rebuttal really require a proof of the negation of the presumption as Walton has suggested?

According the proposal offered here, these questions would have the following answers.

A presumption is a speech-act, and as such, it rises as a communicative move, for no reason in particular. The correctness conditions of presumptions depend on whether or not it is correct to make a certain assumption in a given circumstance. Thus, in order to justify a particular presumption that p, we will have to offer reasons showing that it is reasonable to assume that p. To this end, not only epistemic but also practical considerations of all kinds can be adduced. At any rate, reasons for justifying presumptions constitute defeasible arguments, but we should not confuse this type of defeasible arguments with the sort of defeasible arguments presumptive arguments are. The fact that we can *justify* our presumptions does not mean that presumptions can only be put forward if we have reasons for them. In this respect, presumptions enter into discourse just like any other constative. Finally, in order to rebut a presumption that p, both epistemic and practical reasons can be adduced –not reasons for showing that not-p, but reasons for showing that it is not reasonable to assume that p. In turn, in order to resist a conclusion that *presumably p*, we can refuse the reason for it, we can refuse the presumption being the warrant of this argument, or we can try to show that, on the contrary, not-p.

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