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# Commentary on: Frans H. van Eemeren and Bart Garssen's "Argumentative patterns in discourse"

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## 1. INTRODUCTION

"Argumentative patterns in discourse" (van Eemeren & Garssen, 2013) discusses the role of "communicative activity types" as these form institutional practices that strive to accommodate an "argumentative predicament". Namely, advocates have to construct and keep up "the balance between aiming for effectiveness and maintaining reasonableness in every argumentative move." This requires "continual 'strategic manoeuvring' on the part of the arguers." The paper finds in the particular case examined little but "stereotypical argumentative patterns in plenary debate in the European parliament."

This reply thinks cooperatively along with pragma-dialectics, but in a particular way. I read across the literature on argumentation theory and its practices. In short, I am enthusiastic about what may become a critical turn generating pragma-dialectical intervention into pragmatic questions of institutional competence and growth. On the other hand, I think such a turn could benefit from the development of relationships between the pragma-dialectical project and current understanding of institutional theories. Such expansion would supplement an already rich theoretical and empirical agenda.

## 2. THE DILEMMA AND THE PREDICAMENT

First, I would like to discuss the predicament as a generative idea for mapping argumentation encounters. Such mapping can put us on the track to discovering more about ingenium or the special epistemic capacity to resolve situations that seemingly reach an impasse, only to find unexpected, contingent structures to extend practice productively. To accomplish this, consider the difference between regarding incompatible claims of a dilemma or a predicament. I turn to the Port-Royal school (1850, p. 229) to furnish a classic example of a dilemma:

We can only be happy in this world by abandoning ourselves to our passions, or by combating them; If we abandon ourselves to them, this is an unhappy state, since it is disgraceful, and we could never be content with it; If we combat them, this is also an unhappy state, since there is nothing more painful than that inward war which we are continually obliged to carry on with ourselves; We cannot, therefore, have in this life true happiness.

The dilemma strategically maneuvers us to the limits of rational engagement. There is no way to be consistent and to pursue desirable ends. The human condition permits only dignity without pleasure or pleasure without dignity; either way one is left distraught and dissatisfied. Fools and hypocrites try to have it both ways, rational actors see the world clearly. The problem with the dilemma is that it is a self-constructed trap. Either-or thinking is secured by the law of contradiction. A thing cannot be both a and non a at the same time. The thinking reinforces dualism, such as mind or body, permanence or change, order or disorder. Dialectic depends upon abstractions which convert common sense or doxa into episteme through considered rationalizing of categories.

The predicament is like a dilemma, but different. Two opposing propositions are put into reciprocal relation. Instead of becoming ensnared in the skeptical trap, the predicament situates thought in action. The predicament poses two competing ends and invites action that resists either and invents both and ways of swerving around the polarities of a dilemma. Humans find ways to have their cake and eat it to, the maxim goes. The realistic practice of argumentation finds efforts to reach both a well-grounded, coherent and informed position evident on its face while at the same time taking into account the stresses of overcoming indifference, prejudice or resistance. I agree with Houtlosser and van Eemeren in finding the predicament as key to argument as a realistic practice (2003).

Forms take shape in material conditions in a variety of way. There are multiple versions of the basic dilemma, each in themselves offering interesting windows into the nature and risks of argumentation in practice. Critical intervention can map the turning points at which ingenious resolutions occurred with special institutional, aesthetic, moral, ethical or scientific predicaments embedded in the argumentation were changed from the impasse of dilemma to the productive site of ingenious reinvention of the organizing terms for argument. Ingenuity has always been discounted as having neither the authority of expertise nor the support of the masses. Recent discussion innovation, diffusion, entrepreneurship on the one hand the social imaginary, the noosphere, and crowd sourcing on the other provide a rich context where the basic insights of pragma-dialectic could be extended, emphasizing creative intervention.

## 2. NEW INSTITUTIONAL THEORY

The papers invite exploring the overlap between new institutional theory and argumentation. New institutional theory (DiMaggio & Powell, 1983; Powell & DiMaggio, 1991) rests in the realization that human beings are not strictly rational in their moves from calculating profit to sustaining relationships. If this were the case, no contract would rest but interests would be renegotiated constantly. Herbert Simon (1991) believes that institutional actors value contracts because they discover it is more reliable to invest trust with those with whom you have successfully dealt. This view was based on what Simon called "bounded rationality." Human beings can absorb a finite amount of information. Choices have to be made on what information to take in, process, and evaluate and when to let a decision rest.

So, too, decision makers will stand by a contract, foregoing marginal changes in risk calculation, in order to preserve a reputation and a relationship with a partner.

Van Eemeren and Garssen may be exploring the way institutional logics within a communicative practice become subject to bounded communicative rationality. That is, in each case, state of the art practices must strike a balance between what is rationally demonstrable to be the best possible enactment of an activity type and what succeeds because it has met and continues to meet the expectations of agents engaged in the institution. State-of-the art practices vary by institution, and among organizations within an institution. A few activity types may constitute core argument roles for the exercise of practice; other activities may be viewed as in a supportive or peripheral role. Activity types can be stable for a long time, but suddenly be subject to change. In medicine, the doctor pretty much occupied the role of benevolent provider, until changes in the health profession redefined for some the exchange as deliberation and partnership. New institutional theory can connect argument to how presumptions reflect risk preferences, which in turn are influenced by standards of proof and definitions of evidence. To the extent that institutions are historical developments, studies of the activity types over time as these are stabilized, refreshed, abandoned, recovered, combined and separated may be useful to under the relationship between argument and institutional change.

### 3. HYBRIDITY

Van Eemeren and Garrsen recognize that activity types put into practice are hybrids. I think this is a good insight. Luc Boltanski and Laurent Thévenot (2006) attempt to recover rhetoric by sorting out worlds of value. The authors find justification fall into six worlds: the civic, market, industrial, domestic, inspiration and fame. Argument is put into practice when two of the worlds are put into a contingent (not necessary) but powerful relationship. The world of fame and markets explains the justifications for investing in Hollywood. The worlds of industry and inspiration make up my university in California. The civic and market world define democratic politics by special interests. Arguments innovate when activity types merge in novel ways to advance the prominence if not necessary the quality of state of the art practices. The initial situation, starting points, means and criticism, and outcome are typified in a dynamic expectation of movement and fulfillment of form—or avoidance of hazard. Pragma-dialectics could evaluate Boltanski and Thévenot's version of hybrid structures formed out of compromise between different orders of justification.

### 4. CRITICAL INQUIRY OF DEBATE

The turn to critical study of debate is important. Of the areas of inquiry into argumentation, I think this one of the most important and relatively under addressed. Institutional, international debate is a feature of global life that pits interests that transcend state sovereignty at issue, with support depending actually upon states to continue within and support novel institutions of government. The

question of debate particularly in Europe is how at the same time to honor common interests while accommodating differences in national identity. I study debates as well, mostly bad debates, but each filled with arguments that match general claims to deliberative justification with political strategic maneuvering. I believe that a debate can be stereotypical, boring, but fascinating (from a specialist point of view) precisely because understatement builds up security.

It is easier to address matter-of-fact rather than matter of identity issues in international forums. Yet, the needs of government for legitimacy and traditional rivalries are never completely below the surface. Are such debates characterized by a lower level of manoeuvring than one would expect generally? The answer can be found in nationalist reprise on EU policy. Are these debates the result of draining the juice from the arguments so contention is drained from support? The transportation argument is dull, but transportation planning has the consequence of creating an identifiable good that can be agreed to, thereby strengthening the institution. Of, finally do the debates act as a code, expressing controversies but in ways that preserves the fiction of an international community while giving voice to continuing nation interests? The question of what is "real" juice or safe farm animals seems a code of resituating national interest in the language of commodity, which itself is a thin covering for regional identity and preference. In the end, even stereotypical debates can have interesting aspects. There are many ways of reading EU arguments, but it would require comparative analysis of predicaments for different audiences, appraising the difference between national and international contexts, and discovery of the strengths and weakness of hybrid melding of national and international interests. Critical argument inquiry is certainly a space that invites pragma-dialectical studies, but there is work yet to do.

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