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More on counter-considerations

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ABSTRACT: In pro and con arguments, an arguer acknowledges that there are points against the conclusion reached. Such points have been called 'counter-considerations.' Their significance is explored here in the light of recent comments by Rongdong Jin, Hans Hansen and others. A conception of connector words such as "although", "nevertheless," and "but" is developed, as is a new model recognizing the need for an 'on balance' judgment in these arguments.

KEYWORDS: conductive, cumulation of considerations, on balance premise, inductive, deductive, abductive, Hansen, Jin, Possin, relevance, implicit, judgment

1. INTRODUCTION

Let us understand conductive arguments as arguments in which premises are put forward as separately and non-conclusively relevant to support a conclusion. Conductive arguments appear in various contexts, including those of moral, prudential, interpretive, and scientific argumentation. Of special interest are conductive arguments in which both positively relevant (pro) and negatively relevant (con) factors are put forward by an arguer. In such arguments, an arguer seeks to support a conclusion by citing a number of premises that count, or are taken to count, in its favor. He or she also acknowledges negatively relevant factors that count against, or are taken to count against, the conclusion. These have been called counter-considerations, and they will be my main focus here. Counter-considerations are claims that count against, or are taken to count against, the conclusion claim, but despite that fact, are incorporated within an argument in which supporting considerations are also present. Conductive arguments that include counter-considerations as well as supporting premises may be called 'balance of consideration' arguments. They have also been called pro and con arguments.

2. SOME BACKGROUND ON CONDUCTIVE ARGUMENTS

The term "inductive" may be defined so broadly that all arguments that fail to be deductive count as inductive. When this is done, one will locate within the inductive category a number of quite diverse types of argument. These will include both *a priori* and empirical analogies, statistical syllogisms, arguments supporting generalizations from instances, inferences-to-the-best explanation (abductive) arguments, arguments based on authority, and arguments based on testimony, as well as conductive arguments. Conductive arguments can be classified as inductive and may seem to disappear by definitional *fiat* if the

term "inductive" is used in this broad sense. But arguments based on considerations about pros and cons will continue as phenomena in discourse, and will remain of interest.

It is seldom noted that an abductive argument requires a conductive sub-argument. A key premise in any abductive argument, or 'inference to the best explanation', is a claim to the effect that the proferred hypothesis or theory is the *best (available) explanation* of the cited data or set of facts. That claim requires support in a sub-argument. Given that there are various distinct and independent factors relevant to the merits of any proposed explanation (factors such as its coherence with existing theory, simplicity, fruitfulness for further research, plausibility, scope, and so on) that sub-argument will have to be conductive.

In conductive arguments we find non-sufficient (defeasible) reasons advanced to support a decision or judgment. One or more reasons for some conclusion K do not by themselves suffice to prove that K is true or to fully justify accepting K. Nor, in a conductive argument, are they put forward as doing so. Reasons, or supporting considerations, are put forward as offering some rational support for K. It should be noted that there is a dimension of universality here. If R is a reason *ceteris paribus* for K in case x, then R is a reason *ceteris paribus fo*r K *in any other case that is relevantly similar* to x. (In what respects and to what extent a further case, y, *is* relevantly similar to x is relative to the conclusion sought is a discussable matter.) The nonsufficiency of reasons does not eliminate the element of *universality*: what counts as a supportive reason in one case remains a supportive reason in any relevantly similar case. Universality in this sense is presumed in legal reasoning, where past cases are brought to bear on a current case in order to test the significance of facts and precedents, as Derek Allen has pointed out.

In acknowledging counter-considerations while at the same time putting forward supporting reasons, and asserting the conclusion to be supported by good reasons, an arguer is committing herself to the claim that the *supporting considerations in some sense or other 'outweigh' the counter-considerations* and render the concluding judgment reasonable.. In the seventh edition of my textbook, *A Practical Study of Argument,* I equate the terms "counter-consideration" and "objection." (See page 375.) This is a mistake, as Ralph Johnson pointed out at a 2010 symposium on conductive argument at the University of Windsor. The definition of "objection" offered in *The Philosophy of Argument* in 1999 is better and does not involve this confusion. What should be understood is that objections to some argument are claims raised against the premises, conclusion, or supportive inferences of that argument, with the implication that there is something doubtful or unsatisfactory about one or more of these aspects. A question or request amounts to an objection if, and only if, it can be plausibly interpreted as a claim in the objector's *argument* to the effect that some aspect of the argument against which he is raising the objection is incorrect. Counter-considerations are claims negatively relevant (or taken to be negatively relevant) to the acceptability of the conclusion and acknowledged by the arguer to have that status. As such, counter-considerations are part of the arguer's case. Objections to an argument, on the other hand, are not integral parts of the arguer's case. If, after being raised in a dialectical context, objections come to be acknowledged by an arguer and incorporated into an adapted argument, at that point they would play the role of counter-considerations, as these are discussed here.

Tony Blair raised the question, also at the Windsor 2010 symposium, of whether it would be useful to model pro and con arguments as dialogue. I don't think so. If we

consider pros and cons in a dialogue context, we are likely to suppose that the 'pros' are identified with one participant and the 'cons' with the other. We are likely to think of dialogue as a binary matter, involving a proponent and an opponent in an actually or potentially adversarial context. The 'di' construction may lapse into adversariality if we construe the pros as *against* the cons, and one dialogue participant as arguing *against* the other. If that happens, adversariality has been added to the balance of considerations context. Something has been lost as well, namely the incorporation of both positively and negatively relevant factors into a single position. It is just this element of balance, incorporation acknowledgement that there are various difficulties, *notwithstanding* which one's judgment has been made, that has been of central interest with regard to balance of consideration arguments.

Frank Zenker pointed out in a presentation at the Windsor symposium that there is an important distinction between (conductive) cases in which accepted premises are considered or weighed for their importance as they bear on a case and may bear upon it with differential significance, and those (empirically inductive) cases in which supporting premises are accepted *simpliciter* and not judged as to their comparative importance. He notes that the *importance o*f a premise as support is not to be identified with its *probability*. A weighing or estimation of importance of supporting factors or counter-considerations is characteristic of conductive reasoning, but not, Zenker points out, of empirical inductive reasoning.

3. SOME NECESSARY AMENDMENTS

As pointed out by Jin in his Windsor presentation "The Structure of Pro and Con Arguments: A Survey of Existing Theories," confusion arises if one says that arguments are composed of premises and conclusions while at the same time maintaining that counter-considerations are parts of some arguments and are neither premises nor conclusions. In response, I suggest that premises and conclusion are the *basic* elements of arguments and there are other elements too, including counter-considerations and indicator words. We may adapt the standard definition of 'argument' accordingly.

Jin also noted that when we recognize the existence of counter-considerations, we need to clarify our account of convergent support. In the seventh edition of *A Practical Study of Argument*, I defined convergent support as follows: "convergent support: a kind of support where premises work together in a cumulative way to support the conclusion but are not linked. The bearing of one premise on the conclusion would be unaffected if the other premises were removed; however the argument is strengthened when the premises are considered together, since more evidence is then offered." (p. 55) Jin asks, in effect: if an arguer incorporates counter-considerations into his or her argument, how is the support of the premises for the conclusion, affected *if one or more of those counter-considerations is removed*?

Here is how I would respond. If premises were positively relevant before, they remain positively relevant. Any other counter-considerations that were negatively relevant remain negatively relevant. To be sure, supporting considerations will count for more, or 'weigh more heavily,' if one or more counter-considerations are removed. In that sense we cannot say that their support for the conclusion would be unaffected. To fix this problem, I need to clarify the expression "the bearing of one premise on the conclu-

sion" so as to indicate that what is referred to is *relevance*: the *relevance* of a convergently supporting premise is unaffected; however, its *significance or weight* will increase if one or more counter-considerations should be removed.

4. CONNECTOR WORDS, FOR COUNTER-CONSIDERATIONS

Once we allow that counter-considerations are integral elements of some arguments, we will need to supplement the standard lists of premise and conclusion indicators with words that indicate counter-considerations. These terms include such words and phrases such as "even though," "despite the fact that," "although," "notwithstanding," "but," "still", "and yet," "however," "even so," and "nevertheless.

For present purposes, I will refer to such words as connectors. They may be divided into two groups, which I will here refer to as Group A (introducing the less emphasized clause) and Group B (introducing the more emphasized clause.) Group A includes "although", "though," "despite the fact that," "even though," and "notwithstanding." Group B includes "but," "yet," "still," "nevertheless," "even so," and "however." It should be noted that by variations in intonation, we can in some contexts make these words function differently. If we really emphasize and draw out the word "although," for example, we can make the clause following it acquire increased emphasis, as in "John is an excellent dancer—although….he has no ear for music."

The following examples illustrate the functioning of connector terms in Group A.

(A)   John is an excellent dancer *although he has no ear for music.*
(B)   Suzanne won second in the competition *despite the fact that she was recovering from surgery at the time.*
(C)   *Even though there is a right to free speech*, that right is not absolute.
(D)   *Notwithstanding the importance of the sacred text to its followers*, they had to admit that it did not offer advice sufficient to resolve the moral dilemmas of modern medicine.

In these examples the underlined clause is a counter-consideration to the main point. That counter-consideration is implied to be a factor that would undermine the main point, leading one to expect that it does not hold.

In (A) it is asserted that John is an excellent dancer and asserted that John has no ear for music. It is strongly implied that John's having no ear for music would count against his being a good dancer and it is also strongly implied that these two asserted claims are contrary in their import. That John is an excellent dancer is what is emphasized. The Group A connector "although" introduces the less emphasized clause: John is an excellent dancer, although he has no ear for music.

In (B) it is asserted that Suzanne won second in the competition and it is further asserted that Suzanne was recovering from surgery at the time she won second in the competition. It is strongly implied that the second fact has import contrary to the first: it would make us expect something other than the first. These two asserted claims are in this sense contrary; the first is emphasized, and the second, less emphasized, is introduced by the connector "despite the fact that."

In (C) it is asserted that there is right to free speech and it is further asserted that the right to free speech is not absolute. It is strongly implied that there being a right to free speech suggests the absoluteness of such a right. It is strongly implied that these asserted claims contrary are in their import. The claim after the Group A connector "despite the fact that" is the less emphasized; the more emphasized claim is that the right to free speech is not absolute.

In (D) it is claimed that religious followers had to admit that their sacred text did not offer advice sufficient to resolve the moral dilemmas of modern medicine, and it is presupposed that the sacred text was important to its followers. It is implied that the asserted claim and the presupposed claim are contrary in import. The presence of the Group A connector "notwithstanding" prior to the presupposed proposition indicates that the presupposed proposition is less emphasized than the claim asserted.

Group B contains connectors that introduce the emphasized clause. It includes "but", "nevertheless", "even so," "yet," and "however. The following examples will illustrate their use.

(A) John is an excellent dancer, *but he has no ear for music*.
(B) Maria had a heavy accent; *nevertheless she was a highly effective speaker*.
(C) There remained sporadic violence in the countryside; *even so*, *reliable reports indicated progress so far as urban security was concerned*.
(D) The official ideology was communist; *however free markets were thriving*.

The Group B connector is italicized here. The underlined clause, introduced by that connector, is the emphasized clause. Both clauses are asserted. It is strongly implied that they run contrary to each other and strongly implied that the clause following the connector word is the more important of the two.

5. DIAGRAMMING AND BALANCE OF CONSIDERATIONS

Hansen ("Notes on Balance-of-Consideration Arguments", Windsor conference 2010) and Jin have both pointed to difficulties concerning the structure and diagramming of balance of considerations arguments, arguing that an unstated premise to the effect that supporting considerations outweigh opposing considerations needs to be added to the argument.

In a balance of considerations argument in which we arrive at a conclusion K, we have in effect judged that *the supporting considerations for K outweigh the counter-considerations that count against K*. The conclusion K is deemed to be correct *even though* the counter-considerations are granted and are allowed to hold and to count against that conclusion. When we arrive at the conclusion K we are saying that there are both pros and (yes, to be sure,) there are cons, *but the pros count for more than the cons*. Using the terminology I have just introduced here, we could say that on balance we judge that K, which we understand as introduced by a Group B connector and as the emphasized clause.

Because of the need for a judgment (the on-balance judgment) that the support outweighs the counter-considerations, Hansen maintains that there is, implicitly, a sub-argument structure in any balance of considerations argument. At the first stage are the supporting premises (separately relevant, distinct, and converging); from those premises, linked together, the conclusion *'K even though CC1 – CCn'* (the counter-considerations) is reached. (Note here that the counter-considerations are introduced by a Group A connector.)

Hansen maintains that the conclusion 'K even though CC1–CCn' is a sub-conclusion and is reached only because of an implicit further premise which he calls the OB (on-balance) premise. The OB premise states explicitly that the positively relevant premises, taken together, outweigh the counter-considerations, specifically appearing in his model after the words "even though". (Some alternative expressions here would be connectors in Group A, as described above.) In Hansen's model, the OB premise, taken to have been implicit, precedes the explicit acknowledgment of those counter-considerations. (I find this order somewhat anomalous but will not emphasize that point here.) The OB premise allows the arguer to infer from the stated supporting premises a claim to the effect that *K even though CC1–CCn*. Hansen maintains that the OB premise is needed in order for the reasoning to go forward to the first conclusion, the judgment that K even though these counter-considerations hold. At the next stage, from 'K even though CC1–CCn,' we infer simply, 'K', the concluding judgment that we have reached on balance of considerations.

Two difficulties may arise with this model. The first is that it requires a revision in the long-accepted idea that the structure of conductive arguments is convergent. In Hansen's model the supporting premises and the deemed-to-be-implicit OB premise have to *link* to support the conclusion at the first stage. Thus convergence disappears at the first stage. At the second stage, when K *simpliciter* is inferred from this first conclusion, K even though CC1–CCn, there is no call for convergence, because there is only one premise. Thus we do not have convergence at either stage of the argument as structured by Hansen.

A second problem arises with regard to inference rules and the OB premise. This problem was raised by Kevin Possin in "What the Tortoise Said to Hans," a 2010 comment on an earlier version of Hansen's paper. Possin argues that the OB premise deemed necessary by Hansen is redundant, for the sorts of reasons pointed out long ago by Lewis Carroll. Possin maintains that the writing-in of an OB premise is unnecessary because it amounts to writing-in of rules of inference as premises, and that is a mistake. Possin claims that to be rational in our judgments about actions, values, and beliefs, we commit ourselves to adopting the position that has the strongest reasons in its favour and the fewest or weakest criticism plaguing it. Given, he says, that these commitments are inherent in the process of reasoning, we don't need a *premise* telling us to abide by them. Hansen maintains that the OB premise is needed in order for the reasoning to go forward to the first conclusion, the judgment that K even though these counter-considerations hold. Inference rules, background assumptions, and aspects of one's logical and argumentative practices are presupposed in reasoning and argumentation and should not be regarded as premises, at pain of infinite regress. If we insist on spelling them out as premises, we launch ourselves into an infinite regress.

I fully support this point in general. Nevertheless, reflections on the present case support Hansen. In response to Possin, Hansen argued (i) that the OB premise is not an inference rule and could not be one, given that it is particular in character, and (ii) that the OB premise is not introduced *ad hoc* or out of any theoretical deductivist notion of what a complete argument must amount to, but rather to solve specific issue as to how to relate premises and counter-considerations to the conclusion reached. Let us focus here on Hansen's first line of rebuttal. Here is an example:

Suppose we are considering whether Mary should be hired as an office receptionist, and as reasons supporting her hiring we state that (1) she is reliable, (2) she is efficient, (3) she is friendly and (4) she has good recommendations from a similar previous

position. We acknowledge that there are some reasons against hiring her, these being that (5) Mary may be so competent as to be likely to leave the job for a better position and (6) Mary speaks English with a slight accent. We consider all these things, decide that the first four factors outweigh the last two, and come to a decision that we should hire Mary for the position. What Hansen is recommending here is that there is implicit in our reasoning an OB premise, amounting in this case to the following:

- *OB(Mary)*: *Mary's* being reliable, efficient, and friendly and having good recommendations from a previous position outweigh in importance her having a slight accent in English and the possibility that she will leave this job for a better position.

Hansen says that OB(Mary) cannot be an inference *rule* since it is a judgment about what outweighs what i*n this particular case*. This is correct; clearly a rule cannot just be about Mary in this situation. To dodge this objection, one might produce a more general claim here. Consider:

- *OBG(Mary)*: *A person's* being reliable, efficient and friendly and having good recommendations from a previous position outweigh in importance his or her having a slight accent in English and the possibility that he or she will leave a job for a better position.

But even with this adaptation, content specificity seems too great for the claim to plausibly represent any inference *rule* of principle of method. So I would support Hansen as against Possin on this point.

Nevertheless I am not happy with certain further aspects of Hansen's model. Convergence is a striking and long-recognized feature of conductive arguments, one that has been recognized as having considerable significance for their assessment. Furthermore, I find that Hansen's proposed sub-argument structure yields a somewhat awkward result in its requirement that every OB argument has a sub-argument structure and, hence, a sub-conclusion as well as its main conclusion.

Of course if Hansen were to regard this result as problematic, he could avoid it with relative ease. A statement of the form 'K even though CC' *does*, after all, assert K. Hansen could revise his model so as to omit its second stage.

Let us now move on to the structure issues identified by Jin. Jin stated that in pro and con arguments, the pros and cons work *cooperatively* to lead to the conclusion, even though the individual considerations provide some support (or some opposition in the case of counter-considerations) *independently*, i.e. when considered one at a time. If (1), (2), (3), and (4) are all supporting considerations, (1) and (4) can continue to provide some reasons for K even if (2) and (3) are removed. This feature is characteristic of convergence and has long been emphasized as a crucial and distinguishing feature of conductive arguments. When we come to sum up the support provided by the premises, and move on to assess the total bearing of pros and cons on our conclusion K, we have to bring the various independent considerations together. If we wish to assert K, in the light of the support we have for it, we are in effect making the judgment that the pro factors outweigh the (acknowledged) cons. Jin would like this typically implicit judgment to be explicitly stated in a premise, similar to the OB premise in Hansen's account. My own textbook models do not represent any OB premise. In the seventh (2010) and several ear-

lier versions of A Practical Study of Argument, I showed converging supporting premises with straight lines toward the conclusion and converging opposing counter-considerations with wavy lines. The waviness was intended to indicating that those points were negatively relevant to the conclusion and recognized as being so.

What is in my textbook is insufficient, claims Jin, because it displays only pros and cons, and no stage of reaching a conclusion 'on balance.' Jin argues that if (for instance) one reasons that four points support K and two points oppose K, and after that arrives at the conclusion that K, one has in effect judged that *the four supporting points taken together count for more, or outweigh, the two opposing ones taken together.* In other words, one has judged that *on balance*, there is more to be said in favour of K than against. The concluding judgment K *is the judgment reached on balance.* Like Hansen, Jin thinks one requires in such a context an OB premise expressing that on-balance judgment. The argument will be, in effect, 'Factors 1,2,3,4 … support K; *and* factors 5,6 … oppose K; *and* 1,2,3,4 outweigh 5,6; *therefore* the most reasonable conclusion is K. The "ands" in this construction indicate a *linked structure* at this stage. Again, convergence has disappeared from the model. However, convergence is manifested at an earlier stage. This first level of the argument can be understood as in my textbook diagrams, where straight lines indicate supporting considerations, pointing separately and distinctly, and convergently, to K. In these diagrams wavy lines indicate counter-considerations to K and straight lines indicate supporting considerations. But after that point, according to Jin, we need a linked structure.

So we seem to have two stages or levels in the balance of considerations argument here, and indeed Jin was willing to speak in these terms. There is *convergence* when we consider how the positively or negatively relevant factors support or oppose the conclusion, and there is *linkage* when we sum up these factors and reason to the concluding judgment, employing in our reason an implicit judgment (render explicit) that some factors outweigh others. Within the 'pro' side we have considerations cited as separately relevant and within the 'con' side, the negative considerations are also separately relevant: that is convergence. When we conjoin the fact of supporting premises with the fact of counter-considerations and the OB premise, that is linkage. Jin suggests diagrams of increasing complexity.

Jin's final diagram presents a model for a balance of consideration argument in which there are two supporting premises and one opposing counter-consideration. There is a shunting away of the counter-consideration so as to recognize that it is not intended to support the conclusion.

My textbook diagrams did *not* show the presence of an on-balance judgment (an implicit OB premise according to Jin and Hansen), despite the fact that on my own account, such a judgment *is* required to proceed to the conclusion. In fact, even Jin's own proposed diagrams do not really show the linked structure in which the OB premise is incorporated. They show a shunting aside representing the *implicitly claimed* 'outweighing' by supporting considerations of counter-considerations.

A key problem in this understanding of pros and cons here is that there are two levels of argument represented. One requires convergence and the other requires linkage and we do not seem to be able to show both stages on the same diagram. Hearing Jin present his account, I thought of transparencies. I imagined a sheet of paper showing convergence and pro and con considerations, as in my textbook, and then, held about it, a plasticized transparency

in a distinct color, which would display a kind of linkage. On the paper, *convergence* would be represented. On the transparency, the OB premise and *linkage* would be represented.

6. PROPOSAL REGARDING CONVERGENCE AND LINKAGE

I propose another model to display first of all convergence, the distinctness of the support, and the pros and cons, and secondly the way in which, having acknowledged counter-considerations, one arrives at the judgment that K. This model displays a stage incorporating an on-balance premise, which is recognized as having been implicit and required in order to judge that *even though* there are such-and-such counter-considerations, the supporting premises provide outweighing reasons for K, *so* K. Crucial to this representation is the use of Group A and Group B connector words as well as the more standard indicator word "so", used to indicate the concluding judgment that K. What I seek to represent here is that (1) there are reasons to accept K, and *although* (2) there are reasons not to accept K, *nevertheless* (3) the supporting considerations outweigh the counter-considerations <the on-balance premise> *so* (4) K. The words "although," "nevertheless", and "so" are highly important here and indicate the fact that one is balancing considerations and one is not simply linking claims as an ordinary conjunction. The word "although" functioning as a Group A connector serves to introduce acknowledged counter-considerations, and the word "nevertheless" functioning as a Group B connector marks the fact that one is reaching the final judgment, which is what is emphasized. In the balance of considerations argument, there are counter-considerations; nevertheless K is judged to hold.

To appreciate this model, it is crucial to understand that the words "although" and "nevertheless" indicate meanings distinct from the bare conjunction standard in classical propositional logic. If we state 'p *and* q', in a bare conjunction, we are simply asserting p as true and asserting q as true. There is no implication of any connection or relation between the claims p, q other than the bare fact of their truth. In ordinary life and ordinary language the word "and" is frequently used so as to suggest something more than bare conjunction. (For instance, "they met and made love" would be far more plausible in most contexts than "they made love and met.")

What I want to want to stress here is that what Hansen and Jin saw as linkage is not bare conjunction. The connectors in balance of consideration arguments are Group A or Group B connectors. They imply something other than bare conjunction.

In this model, the supporting considerations are stated (1) and it is then stated that *although* (2) there are counter-considerations, *nevertheless*, it is reasonable to accept the conclusion (4) *because* (3) (the implicit OB premise) the pros outweigh cons. (Note: I am not at this point alleging that there is anything non-standard about "because" here.) There is indeed a sense in which (1), (2), and (3) link here but they do not link with bare conjunction. The word "although" introduces counter-considerations and the word "nevertheless" indicates a return to the main, emphasized, line of thought. This structure provides my best efforts toward a model for a case in which there are four supporting considerations and two counter-considerations. I hope that it resolves at least some of the problems indicated by Jin, Hansen, and others.

7. BRIEF CONCLUDING STATEMENT

I will stop here. At the very least, I hope and expect that this model and some of the other points here will serve as further grist for the mill for those interested in the recognition of cons as well as pros, in arguments.

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Commentary on "MORE ON COUNTER-CONSIDERATIONS" by Trudy Govier

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My comments will address two questions that arise from Trudy Govier's paper. The first question is whether the standard definition of an argument must be adapted in order to accommodate pro and con arguments. The second question is whether a pro and con argument must be understood as having an "on balance" premise.

(1) Govier reports Jin's view that "confusion arises if one says that arguments are composed of premises and conclusions while at the same time maintaining that counter-considerations are parts of some arguments and are neither premises nor conclusions." In response, Govier suggests that "premises and conclusions are the *basic* elements of arguments and there are other elements too, including counterconsiderations and indicator words. We may adapt the standard definition of argument accordingly."

What is the standard definition of 'argument'? Maurice Finocchiaro examines what he says may be called "the traditional conception of argument, or to be more precise, a version of the standard textbook definition" (2005: 295). The version he examines is Copi's, namely: "An argument, in the logician's sense, is any group of propositions of which one is claimed to follow from the others, which are regarded as providing support or grounds for the truth of that one" (Finocchiaro 2005: 295; Copi and Cohen 1994: 5).

Govier herself defines an argument as "a set of claims put forward as offering support for a further claim. An argument is composed of the supporting claims and the supported claim. A person offers an argument when he or she tries to justify a claim by offering reasons for it" (2010: 20). I take this to be another version of the standard textbook definition.

Govier's definition does not accommodate counterconsiderations, for on her definition each element of an argument is either a supporting claim or a supported claim—that is, either a premise or a conclusion. Adapting her definition so as to provide for the possibility that an argument may contain counterconsiderations would require abandoning the view that an argument is always composed just of supporting claims and the supported claim. It would also require modifying the view that an argument is "a set of claims put forward as offering support for a further claim," for on this view none of the claims in an argument is put forward as counting against the further claim. The modification might be to the following effect: (i) an argument is a set of claims some or all of which are put forward as offering support for a further claim; (ii) an argument may also include one or more further claims that the arguer takes to count against the further claim but also takes to be outweighed by the supporting claims.

Now consider the following definition: an argument is a set of claims one or more of which are put forward as support for a further claim in the set. This definition,

which I will call definition D, does not have the consequence that *each* of the claims in an argument must be either a supporting claim or a supported claim, and so it allows for the possibility that an argument may include one or more claims put forward as counting against the supported claim; that is to say, it allows for the possibility that an argument may include counterconsiderations.

Note that if a set of claims that counts as an argument by definition D does contain counterconsiderations, this does not contribute to making that set of claims an argument by definition D; for what makes such a set of claims an argument by definition D is just that one or more of the claims are put forward as support for a further claim in the set. However, if a set of claims that counts as an argument by definition D contains counterconsiderations, this makes the argument be *one of a certain kind*, namely a Wellman pattern-3 conductive argument (Wellman 1971: 57).

(2) Govier would say that an argument of this kind (that is, a balance of considerations argument) has an "on balance" (OB) judgment as an implicit premise. The premise asserts that the pros outweigh the cons. As Govier notes, Hans Hansen also thinks that a balance of considerations argument has an implicit OB premise. She notes too Kevin Possin's criticism of Hansen that

> the writing-in of an OB premise is unnecessary because it amounts to writing-in of rules of inference as premises, and that is a mistake…. Inference rules … are presupposed in reasoning and argumentation and should not be regarded as premises, at pain of infinite regress. If we insist on spelling them out as premises, we launch ourselves into an infinite regress.
>
> (Govier 2011)

Govier says that she fully supports this point in general, but that "reflections on the present case support Hansen." She reports that in response to Possin, Hansen argued in part that "the OB premise is not an inference rule and could not be one, given that it is particular in character" (ibid.). Govier agrees with Hansen on this point. She gives an example in which we are considering whether Mary should be hired as an office receptionist; we state reasons for doing so and acknowledge reasons against, and conclude that we should hire Mary. Hansen would say that implicit in our reasoning is an OB judgment to the effect that the pros (Mary's being reliable, efficient, and friendly and having good recommendations from a previous position) outweigh in importance the cons (Mary's having a slight accent in English and the possibility that she will leave the job for which she is being considered for a better position). Govier remarks that Hansen would say that this judgment cannot be an inference *rule* since it is a judgment about what outweighs what *in this particular case.* Govier agrees, but points out that to dodge the objection one might rephrase the judgment using the phrase "a person" rather than the name "Mary." However, she thinks that "even with this adaptation, content specificity seems too great for the claim to plausibly represent any inference *rule* o[r] principle of method" (ibid.). Hence she supports Hansen as against Possin on this point.

Is she right to do so? More specifically, is she right that a pro and con argument must be understood to have an implicit OB premise? There is an alternative analysis that involves interpreting pro and con arguments in terms of the Toulmin model of warrant and backing. At the conductive argument symposium organized by the Centre for Research in Reasoning, Argumentation and Rhetoric (University of Windsor) a year ago, Jim Freeman presented a paper (2010) that applied Toulmin methodology to pro and con

arguments, and following the symposium I wrote a case study on conductive arguments and the Toulmin model (2010) that drew heavily on Freeman's paper. Here I will briefly reproduce some points from Freeman's paper and from my case study.

Freeman, following Hitchcock, explains that warrants are material inference rules and that in the case of a conductive argument they have a *ceteris paribus* qualifier. For example:

From P1, P2…Pn

To infer *ceteris paribus* C

The construction of a warrant for a conductive argument requires the replacement of at least one repeated content expression in the argument by a variable. By way of illustration, Freeman gives the following example (2010: 7):

Hunting is a game because it is fun and involves a competition between the hunter and his prey. (Wellman 1971: 54)

Freeman's warrant for this argument runs as follows:

From Activity x is fun (for some participants) and x involves a competition between (certain) participants

To infer *ceteris paribus*

Activity x is a game. (2010: 7)

In my case study, I construct warrants and backings for several pattern-three conductive arguments made by judges on the Supreme Court of Canada in a case concerning the constitutional validity of a provision of the Criminal Code of Canada that prohibits the wilful promotion of hatred against an identifiable group, other than in private conversation.

One of the pro and con arguments I reconstruct uses and repeats the content expression "hate propaganda." In my warrant for the argument, I replace this expression by the variable content expression "expressive activity x." Why not the more general variable content expression "activity x"? The reason is that in the case concerned the impugned provision of the Criminal Code prohibits a type of activity (the communicating of hate propaganda) which counts as *expressive* by a test used by the Supreme Court and which is therefore protected by the Canadian Charter of Rights and Freedoms. This consideration places a limit on the degree of generality appropriate for a variable content expression used to replace the repeated content expression "hate propaganda" in a warrant for the argument concerned. For that argument, the variable content expression "expressive activity x" is of appropriate specificity and adequate generality, or so it seems to me. (Similar considerations apply, *mutatis mutandis*, in the case of warrants for other pro and con arguments.)

My warrant for the reconstructed Supreme Court "hate propaganda" argument, slightly rephrased, is the following:

From   Even though (1) the use of strong language in political and social debate—indeed perhaps even expressive activity *x*—is an unavoidable part of the democratic process, and even though (2) expressive activity is putatively of a category (the political) that places it at the very heart of the principle extolling freedom of expression as vital to the democratic process, nevertheless (3) expressive activity *x* works to undermine our commitment to democracy by arguing for a society in which the democratic process is subverted and individuals are denied respect and dignity simply because of racial and religious characteristics.

To infer *ceteris paribus*

    Expressive activity *x* is wholly inimical to the democratic aspirations of the free expression guarantee of the Canadian Charter of Rights and Freedoms.

The role of this warrant is to license the inference in the reconstructed argument for which it serves as the warrant; in effect it says that it is legitimate to infer, *ceteris paribus*, the conclusion of that argument from the argument's premise despite the argument's counterconsiderations. This being so, is there any need to attribute an "on balance" premise to the argument?

An OB premise in a pro and con argument would say that the argument's pros outweigh its cons. What does this mean? A plausible answer: it means that, other things being equal, it is more reasonable to accept the argument's conclusion, C, than to accept not-C, given the pros and the cons (that is, assuming their acceptability).

A warrant for a pro and con argument will say, in effect, that it is legitimate to infer, *ceteris paribus*, the conclusion, C, despite the counterconsiderations—that is, to infer C rather than not-C. If this warrant claim is correct, then it must be the case that the pros outweigh the cons, where this means that, other things being equal, it is more reasonable to accept C than not-C, given the pros and cons. Hence the warrant for a pro and con argument will entail that the pros outweigh the cons. Thus, an OB claim (that is, a claim asserting that the pros in a balance of considerations argument outweigh the cons) is a consequence of the argument's warrant. Consequently, I would answer my second question in the negative: a pro and con argument needn't be understood as having an OB premise. On the other hand, the fact that the warrant for a pro and con argument entails that the pros outweigh the cons does not mean that the claim that the pros outweigh the cons *cannot* be considered a premise of the argument. But if it is so considered then the argument's warrant will have to be written accordingly. In the case of the warrant I gave above, this would be done by adding to it proposition (4), or a proposition to the same effect, in the following revised version of the warrant:

From   Even though (1) the use of strong language in political and social debate—indeed perhaps even expressive activity *x* - is an unavoidable part of the democratic process, and even though (2) expressive activity is putatively of a category (the political) that places it at the very heart of the principle extolling freedom of expression as vital to the democratic process, nevertheless (3) expressive activity *x* works to undermine our commitment to democracy by arguing for a society in which the democratic process is subverted and individuals are denied respect and

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dignity simply because of racial and religious characteristics. *And (4), (3) outweighs the conjunction of (1) and (2).*

To infer *ceteris paribus*

> Expressive activity *x* is wholly inimical to the democratic aspirations of the free expression guarantee of the Canadian Charter of Rights and Freedoms.

In the discussion that followed Govier's presentation and my commentary, Bob Pinto remarked that the term "nevertheless" in the above warrant conveys that (3) outweighs the conjunction of (1) and (2). Three comments. (a) I agree. (b) If the term "nevertheless" conveys that (3) outweighs the conjunction of (1) and (2), then (4) is redundant. (c) When above I stated my initial version of the warrant for the reconstructed Supreme Court "hate propaganda" argument, I described it as a "slightly rephrased" version of the warrant I give for the argument in (2010). There, I do not use the connectors (as Govier calls them) "even though" and "nevertheless"; rather, I use "&" to connect (1) and (2), and to connect (2) and (3). In so doing, I follow an example of a warrant given by Freeman in (2010). Thus my warrant as I state it in (2010) does not convey that (3) outweighs the conjunction of (1) and (2), and so (4), if added to it, would not be redundant.

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