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Commentary on Jan Albert Van Laar's "Argumentative Bluff in Eristic Discussion: An analysis and evaluation"

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1. INTRODUCTION—VAN LAAR'S PROJECT

Professor van Laar presents his readers with a discussion aimed at providing initial steps toward developing a *theory of eristic discussion*, an important component of which is having criteria for argumentation evaluation. He intends to answer the question how recognizing the context of an eristic discussion might affect, or even facilitate, argument evaluation, and he uses argumentative bluff as a test case. Because eristic discussion seems by its nature not to lend itself to 'abiding the rules of the game'—for, after all, *all's fair in love and war*—van Laar has to find a way to tame this recalcitrant sibling of the argumentation family to render it amenable to reasonable analysis.

2. ERISTIC DISCUSSION

Van Laar locates an *eristic discussion* within the dialogue framework of Walton and Krabbe as a sub-type, along with the *quarrel*, under *eristic dialogue*. He considers an eristic discussion to be a

highly adversarial and competitive [agonistic, polemical] kind of conversation where each party tries to create the impression on the part of the attending audience that it is he who is the most clever and skilful discussant, in a shared attempt to settle upon an appropriate intellectual hierarchy between the participants. (p. 1; emphasis added)

Discussion, conversation, discourse, and dialogue in this connection are all forms of argumentation, which we take van Laar, following in the modern argumentation movement, to consider a kind of social activity. In the case of an eristic argumentation, the discussion is a kind of *antagonistic game* performed in front of an audience, the purpose of which is to settle the intellectual hierarchy that at the outset is undecided. The core of the antagonism is that each disputant holds a proposition that is the contrary or contradictory of that of his opponent. Each antagonist "aim[s] at striking and defeating the other side by appearing to be verbally more skilful" (p. 3). Moreover, working with a

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game-model, there are the two disputants and the audience—and here we see that the audience on its own authority “serves as a jury, eager to find out who deserves to be declared the honourable winner” (p. 3).

The unambiguous goal of an eristic discussion is for one of the disputants to be the victor. Van Laar refers to the disputants sharing this purpose, their having a “shared goal” as in a soccer game or, we might add, as in any war, both of which are highly cooperative if only for maintaining the engagement.

The jury who decides the victor of an eristic discussion is the audience, which consists in laymen—an audience is typically “heterogeneous and mainly made up of laymen, both with regard to the topic at issue and to the techniques of discussion” (p. 6). These jurypersons are not argumentation analysts.

Thus, each disputant must develop a strategy and deploy certain tactics by using an arsenal of techniques or ploys. Principal to his/her strategy is “to create the impression, on the part of the audience, that he or she prevails” (p. 4).

The aim is not so much to act dialectically reasonable and rhetorically successful, but to create the *impression*, on the part of the judging audience, that one’s strategic manoeuvring is successful. (4; author’s emphasis)

Van Laar is quite emphatic about each disputant’s concern—namely, to create in the mind of a particular audience the *appearance* that he/she is the more reasonable, the more assertive, the more skilful, the more knowledgeable, or whatever criteria might be introduced (p. 5). But the point remains that eristic discussion is not concerned with truth and falsity, but with the appearance of truth and falsity, indeed, with the appearance of any factor so long as it satisfies an audience about the one or the other’s superior presence. Each discussant, then, has an open-ended arsenal of techniques, and this invariably means that the victor will be the one who has a greater store of techniques, is skilled at deploying them, and who can size up his/her audience and his/her opponent more incisively.

Eristic discussion trades in appearances and not in reality. Of course, many argumentationists have for the most part suspended judgment about, or bracketed, reality in favour of audience adherence with reference to the context dependence of acceptability of premises and inferential links. In this connection, then, we cannot attribute to eristic discussion the goal of conflict resolution; such a goal is extraneous to the purpose of such discourse. Again, “eristic discussion is the kind of game that aims at finding out who is most capable, shrewd, smart and artful when it comes to devising and presenting argumentation” (p. 4). In order to win audience adherence, a disputant must *create the impression* of superiority (p. 4; cf. p. 7) [...] and why not by any means necessary to that end?

3. A PROBLEM FOR ARGUMENT EVALUATION

Van Laar fully recognizes the problem that this kind of argumentation has for argument evaluation—eristic discussion would seem not bound by any commitments on the part of each disputant, since

COMMENTARY ON JAN ALBERT VAN LAAR

there is *less* cooperation than prescribed by the norms for critical discussion, and that the contestants are typically unwilling to bind themselves to propositions or procedures. (p. 3; author's emphasis; cf. p. 8)

Even a whole-hearted commitment to the rules for critical discussion cannot be taken for granted here. Lacking such commitments, how could contextual knowledge of this kind of activity be useful when evaluating argumentative discourse that is to serve polemic purposes? (p. 3)

However, van Laar really has two problems to address. The one, as he mentions, is to describe the dynamics of eristic discussion; this project takes a metalogical posture and is admittedly descriptive. The other, again metalogical, is assessing whether any normative principles can genuinely apply to eristic discussion. He is modestly successful, as he acknowledges, with addressing the first of these problems. The second is more troubling because it strikes at a foundational problem within philosophy of argument, namely, its falling afoul of nihilistic relativism. His project is complicated by the explicit goal of eristic discussion to win. Van Laar does not sufficiently distinguish resolving each of these problems as each requiring a distinct project.

4. VAN LAAR'S STRATEGY

Recognizing the special problem that eristic discussion *does not easily restrict itself* to binding rules, Van Laar has to find *someone else* who will restrict it accordingly. He immediately turns to the pragma-dialectical perspective that itself (1) subscribes to the principles of critical discussion and (2) embraces the argumentative purposes of mediating the interests of (i) dispute resolution and (ii) rhetorical adherence. Accordingly, then, since eristic discussion is not qualitatively different from other kinds of argumentation,

we ought not to adopt different argumentative norms for different dialogue types [as also] [...] we should not adopt a more liberal perspective when evaluating reasoning used for polemic purposes (p. 2).

Now, because argument context is of crucial importance in evaluation, and because, within critical discussion theory, context provides criteria for determining desirable consequences—

these criteria can be reconstructed as contextual specifications of the norms for critical discussion that the participants can agree upon in the opening stage of a critical discussion. By entering a particular argumentative type, a person implicitly commits himself to this outcome of the (implicit) opening stage. (p. 2)

And here the opening stage concerns the kind of argumentation activity, whether, for example, a parliamentary debate or mediating a divorce settlement. In any case, now an array of criteria subordinating the license of a disputant comes flooding in.

- Critical discussion prescribes a high level of cooperation between the participants
- There are any number of opening agreements, one of which is having a shared goal to win

- And there are the rules and commandments of critical discussion, that in effect are moral imperatives, with all attending rights, privileges, immunities, and duties

Once van Laar has brought eristic discussion under the purview of critical discussion, he can impose a set of *legitimate and correct rules of discourse* binding on the disputants in their identical interest to win the contest. Again:

[...] one of the main devices [tactics], if not the crucial device, will be that of presenting argumentation with which one appears, correctly or not, to be making progress towards persuading and winning over the respondent [goal]. An eristic discussion, therefore, is a clash between disputants who try to create an image of argumentative reasonableness and assertiveness. (p. 5; cf. pp. 4-5)

Besides confusing tactics and goal here, van Laar seems to shift the objective from winning over the audience to winning over the respondent. The goal is to go home with the prize; the means for achieving that goal is to establish audience adherence, to win the audience—his/her respondent is an incidental instrument whom he must discredit in any number of ways to secure the affection of his/her audience. We can see the antagonist reach for old Nietzsche:

The falseness of an opinion is not for us any objection to it: it is here, perhaps, that our new language sounds most strangely. The question is, how far an opinion is life-furthering, life-preserving, species-preserving, perhaps species-rearing, and we are fundamentally inclined to maintain that the falsest opinions [...] are the most indispensable to us, that without a recognition of logical fictions, without a comparison of reality with the purely imagined world of the absolute and immutable, without a constant counterfeiting of the world by means of numbers, man could not live—that the renunciation of false opinions would be a renunciation of life, a negation of life. (*BG&E* ch 1 § 4)

Van Laar is concerned about legitimate and illegitimate argumentative moves, and in preparing for his assessment of argumentative bluff he introduces three *assumptions* (p. 5).

- we are dealing with a kind of eristic discussion where the audience takes this latter approach, pushing the disputants to balance reasonableness and effectiveness in their overall performance but not at teach individual conversational contribution
- the audience adopts the pragma-dialectical concept of reasonableness that is specified in the model for critical discussion
- the audience only judges an (elementary or complex) argumentation to be effective for the adversary if, in the end, the adversary both accepts the basic premises and the justificatory force of each of the reasoning steps

When van Laar then turns directly to treat argumentative bluff, he does so within his prescription of critical discussion and treats it appropriately as one tactic, technique or device, used in eristic discussion toward winning the contest. He categorizes an argumentative bluff as a technique whereby a disputant “intentionally conveys an

argumentative pretence that he considers himself false or unwarranted” (p. 7), but not for this to be an illegitimate device, whether the pretence is for effectiveness or reasonableness (p. 6). The substance of a bluff is for a disputant to assess risk (p. 7) and this is determined according to utility.

Van Laar’s project is to establish argumentative bluff as subject to evaluative criteria since it is a device within eristic discussion, which he earlier affirms as subject to evaluative criteria as an instance of critical discussion. His project, then, once having made these admissions about using bluff in eristic discussion, is to make sense of when such bluffing would ever be *illegitimate* or *incorrect* (p. 8).

He works to accomplish this by referring to “eristic discussion’s intrinsic normativity,” that is, that bluffing is “correct or legitimate in so far as it serves the purpose of establishing the appropriate intellectual hierarchy between the disputants” (p. 8). Of course, he sees this normativity couched within the prescriptive character of pragma-dialectics and critical discussion, whose aims are to resolve difference of opinion. And here is how he answers an objection that eristic discussion circumvents being subject to norms of critical discussion (p. 8).

First, when we are interested in argumentation, we are justified to employ the normative theory of a critical discussion when sifting out and evaluating the argumentative aspects of the discourse. Even if a disputant is not at all concerned, mentally, with dialectical reasonableness, that does not count against the appropriateness of the choice to reconstruct and evaluate his contributions from the stance of reasonable argumentation.

Second, we have seen that even in an eristic discussion, the participants uphold a pretence to reasonableness that applies to their overall performance [...] So, there is a commitment to argumentative reasonableness, and, in principle, there is some ground for pinning a disputant down on the results of an evaluation that has started from the norms for reasonable discussion.

Van Laar then believes himself secure in holding that rules for critical discussion “can be made to apply” in the case of eristic discussion. And while an “audience may happen to value rhetorical assertiveness higher than is desirable from a critical perspective,” we should not be lulled into conflating the notions of assertiveness and reasonableness (p. 8).

5. THREE PRINCIPAL CONCERNS

Now, notwithstanding the profoundly antagonist character of eristic discourse, van Laar affirms that while there is “plenty of elbow room for vicious and deceptive tactics, there are various restrictions that they [participants] need to take into account” that somehow arise from within the eristic situation.

For example, a participant is committed to giving the other side a chance at having a say; physical violence and open threats are considered inappropriate; each contribution must at least to some minimal degree be relevant for the difference of opinion that underlies the antagonism; lies are improper; et cetera. The main goal of this kind of dialogue generates a minimal level of internal normativity (cf. Van Eemeren et al forthcoming). (p. 4)

He even invokes the *rights* of an opponent and the *duties* of the antagonist to systematically and critically challenge his/her protagonist’s position. Which master is the disputant serving—the audience or the argumentation analyst?

Our response to this statement is to ask—why would any self-respecting antagonist, who recognizes that the sole purpose is to win the argument as established on the authority of his/her audience, allow such constraints or restrictions to be imposed on a good fight? After all, neither of the two disputants is concerned with truth but only with effectively gaining audience adherence. And he/she achieves this goal by cleverly using argumentative tropes to *work* his/her audience and clever argumentative moves to *manoeuvre* his/her respondent to create in the minds of the audience his/her own superiority. We might recall the challenge put to Socrates in *Republic* by Glaucon and Adeimantus that the desire for justice is the plea of the weaker.

Van Laar wants to extract criteria that are *legitimate* and *correct* by reference to practices that are good, successful, reasonable, effective while at the same time holding disputants accountable to criteria lying beyond effectiveness. He has set himself an impossible task just in the fact that any of these criteria is arbitrary—and this situation is compounded by his recognizing that an eristic disputant is solely concerned with (1) winning the contest, by (2) manipulating audience sentiments in his favour, by means of (3) creating appearances in their minds. And if any criterion is not arbitrary, who is the independent judge deciding this matter? However, rather than extracting a set of immanent, intrinsic criteria, he imposes a set of criteria external to the eristic situation from critical discussion theory.

Below we raise three concerns that we believe van Laar must address to take more successful steps toward developing a theory of eristic discussion, a project with which we are entirely sympathetic. Our concerns are more philosophical than they are more immediately pragmatic about argument assessment, and they aim to promote his work toward its successful completion.

Ontic/phenomenologic fallacy. Van Laar repeatedly shifts between what is genuine and what is spurious or apparent as if to suggest there being a clear line drawn between them but which line he continually disregards. This practice is especially problematic in the case of what is *reasonable*. This practice is not special to van Laar, but endemic to discussions among philosophers of argument when the goodness of an argument turns on audience adherence. Where other philosophers of argument have invoked the universal audience to mediate their problems in this connection, van Laar invokes critical discussion theory.

Once we venture into the minds of an audience—into the realm of phenomenological subjectivism—composed as it is of laymen and, more pertinently problematic, contextualized by any number of factors—ethnicity, gender, education, region, class, religion, etc.—we are in ‘the night in which all cows are black.’ The project of a disputant is to create an *appearance* of effectiveness and an *appearance* of reasonableness in the minds of audience participants by deploying any number of argumentative devices to win audience adherence. In effect, there are no fallacies, there are no falsehoods, and there are no illegitimate moves so long as an audience, admittedly “the ultimate judge,” does not recognize any argument-move to be such.

Van Laar recognizes this problem, since on the one hand he subscribes to the reasonable being *context dependent* while on the other hand, wanting to have eristic discussion subordinated to the same evaluative criteria as other dialogue types, he subscribes to the reasonable being *context independent*. He does not resolve this tension.

COMMENTARY ON JAN ALBERT VAN LAAR

Van Laar, as a good argumentation theorist recognizes, requires some foundational reference point to make sense of when a disputant would have broken a rule. However, no such foundation is forthcoming once audience adherence reigns supreme as foundational for argument evaluation. At this juncture, were such a foundation possible, we would need a competent adjudicator who works with a set of objective criteria for argument assessment to mediate between (1) what an audience believes and (2) what is the case apart from audience beliefs in relation to a given eristic situation. Is this judge the audience or the argumentation analyst? What *authority* does either have in respect of establishing, or working with, objective criteria? And from what source or upon what ground does this authority derive?

The problem remains—who establishes the components of reasonableness in an arena where the appearance or pretence of reasonableness is the deciding factor and the outcome is winning and not, or only incidentally, resolving some difference of opinion. *Whose reasonableness* is the analog of *whose acceptability* in the case of premises or inferential links in an argumentation. Van Laar warns us not to conflate notions of reasonableness and effectiveness. We in turn warn him not to conflate genuine reasonableness with the appearance of reasonableness, the analyst with the audience, and describing the dynamics of an eristic situation with prescribing norms for its assessment. However, he has already conflated *being reasonable* and the *appearance of being reasonable* and making specious in the process any expectation that a disputant make a commitment to reasonableness—the most we can expect is a commitment to the appearance of reasonableness. And in this connection, who is to determine what is reasonable? The issue of fixing the notion of reasonableness is linked to the arbiter.

Shifting between two judges. Who, then, is the judge in the case of eristic discussion? Who decides the winner in the contest—the *analyst*, that is, the argumentation philosopher who is external to an argumentation situation or the *audience* who is immersed in the argumentative situation? Van Laar throughout his discussion shifts between the two, and this accounts in part for his unsuccessfully developing *independent* criteria for evaluating eristic discussion.¹

On the one hand, there is the matter of argument assessment and the standards for such assessment by professionals. And on the other hand, there is the closely related but distinct concern of establishing audience adherence, that is, the audience undertaking its own assessment, itself consisting in laymen.

In the first case, the judges are putative experts—philosophers, argumentation theorists—who study argumentations of diverse kinds, with both a descriptive eye toward laying out what transpires in any given discourse and an eye toward establishing a set of normative criteria of a *good argument*. In particular, such an analyst has as a principal concern to *reconstruct* the argumentation, and undertaking this task usually requires reference to a theoretical framework. Van Laar has opted to reconstruct eristic discourse according to the prescriptions of critical discussion.

¹ Van Laar seems to introduce a third judge, the critic. He writes, in respect of assigning pretence risks: “the critic assigns chances to particular verdicts by the audience and values to those results as fixed by the audience.” (7) Perhaps he means nothing more than to denote the analyst outside the process, although he seems to indicate that being a critic is a role of a disputant (7; cf. 9).

In the second case, there are laymen, unprofessional participants in the open arena of an eristic discussion, who are not experts, whether in —

- deciding the truth-value of the propositions or speech acts presented in an argumentation
- assessing the formal matters of logic, such as logical consequence
- assessing fallacious reasoning, whether pertaining to the argument text or to rules managing a discourse
- recognizing the psychological and sociological dimensions of social activity.

Nevertheless, the audience is expected to keep score by selecting from various criteria to decide the victor.

When van Laar injects notions of appropriate, correct, legitimate, honourable, genuine he eclipses the authority of the audience by the authority of the analyst who has now assumed the role of external mediator or omnipotent administrator. In effect, van Laar has outlined a procedure for managing an audience. He has the analyst control the *notion of reasonableness* who has now become the ultimate judge. The shifting in the authority of what is reasonable devolves to the shifting in judicial authority.

Begging the question. The entire discussion has an air of contrivance and artificiality, since Van Laar has introduced from outside the framework of pragma-dialectics, with its subscription to the commandments of critical discussion along with mediating the interests of rhetorical effectiveness and conflict resolution. Instead of extracting criteria for evaluation immanent in the eristic situation, he has anticipated his locating norms for eristic discussion by assuming them at the outset, even citing eristic discourse as having a “minimal level of *internal normativity*” (p. 4; author’s emphasis), as having “intrinsic normativity” (p. 8). However, this normativity had already been prescribed at the outset by his framing the discussion within the commandments of critical discussion—and his set of assumptions (p. 5) secures the outcome.

6. CONCLUDING REMARKS

Van Laar nicely distinguishes eristic discussion from other forms of dialogue types and identifies the special problem for argumentation analysis. We believe that he has successfully initiated discussion on parsing eristic discourse, and we agree that more work needs to be done toward developing a theory of eristic discussion. We await the outcome in respect of establishing normative constraints on eristic discourse.

Van Laar has also nicely framed discussion about eristic discourse within the parameters of critical discussion and pragma-dialectics. While we have been critical of this move, our comments were directed to larger problems within philosophy of argument, principally having to do with addressing the problem of nihilistic relativism. Accordingly, our remarks ask that we delve more deeply into the foundations of argumentation theory and become especially self-reflective on its shortcomings.

Van Laar has focused attention on a foundational problem with reference to eristic discourse. However, we believe his invoking the game-model is problematic and frustrates his purpose, especially because of the peculiar character of eristic discourse that

COMMENTARY ON JAN ALBERT VAN LAAR

he so carefully articulated. While eristic discourse might be played out in a gentleman's arena circumscribed by rules of 'good sportsmanship,' this is not the case in a great deal of eristic discourse in today's contentious world. Most of van Laar's examples really do not fall under eristic discussion but rather under discourse aimed at conflict resolution or mediation. Were he to include reference to engaging any of the right wing newscasters in the US today and *their audiences*, he might be more challenged to find intrinsic normativity.

[Link to paper](#)