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# Commentary on Frank Zenker's "Reconstructive Charity, Soundness and the RSA-Criteria of Good Argumentation"

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## 1. INTRODUCTION

Too often in argumentation theories we focus on artificial, simplified, and self-serving examples to illustrate or support our claims. In contrast, Zenker walks us through a detailed, well-argued, and convincing analysis of a real-life argument of substantial import for German political and social life: the recent debate on the opportunity to change some aspects of German legislation on human embryonic stem cell research (hESCR), conducted within the German National Ethics Council. In particular, Zenker focuses on the majority opinion that emerged from the workings of the Council, and provides a detailed analysis of a key argumentative passage in that opinion. This analytical effort is instrumental to raise more general considerations on the connection between reconstructive charity and the Informal Logic criteria for argument evaluation: relevance, sufficiency, and acceptability (RSA in short).

Concerning Zenker's analysis of the argument, I have nothing but praise to offer—with a minor exception concerning his criteria for identifying argumentative indicators, as discussed in section 2 below. However, overall I find the analysis very insightful and well supported. This is quite an achievement, considering that here the author is dealing with all the complexities and nuances of real-life argumentation. True enough, the context from which the argument is taken is quite peculiar: a written argument, carefully conceived and worded by a group of experts, and finessed over repeated meetings, in order not only to present a given thesis, but with the further aim of promoting its acceptability to an institutional audience, i.e. the parliamentary body responsible of deciding whether to change the existing law on hESCR. The specificity of the case study is worth emphasizing, to discourage any hasty generalization from it to more mundane and less demanding argumentative practices, e.g. everyday debate over drinks on the next likely winner of the Bundesliga (to stay within a German frame of reference). Nonetheless, Zenker's brilliant analysis is likely to be instructive within the limited but relevant domain of political debate.

On the other hand, I am slightly concerned by some of the theoretical implications that Zenker would like to derive from his analysis. These concerns are detailed in section

3 below, so here I will just summarize them: first, Zenker's argument against traditional epistemological criteria for argument evaluation (premise truth and scheme-validity) rests on an implicit appeal to intuition, and this is not the right way to go for banning deductivism from argumentation theories (as we should, by my lights); second, the characterization of relevance provided here does not seem precise enough to yield a general criterion for argument reconstruction, and equating it with charity does not help in this respect either. On the bright side, however, I believe both issues can be dealt with in future work, without subverting the basic rationale of Zenker's analysis.

## 2. MINOR CRITICISM: ARGUMENTATIVE INDICATORS AND THE COST OF ASSESSING RSA-CRITERIA

Albeit in passing, Zenker makes an interesting observation on the possible connection between the *number of argumentative indicators* in a given passage and the *importance* of that passage to the overall economy of the argument. He notices in particular that key segments of the argument do *not* include a very high number of such indicators:

Insofar as these paragraphs indeed contain the central argument for the majority position, it should be theoretically interesting (and perhaps surprising) to note that the number of indicators correlates inversely with importance (p. 8).

Zenker here fails to mention that the whole majority position is not especially rich in argumentative indicators, at least once they are defined as Zenker does. Still, this partial lack of argumentative indicators in a clearly argumentative text invites further consideration, as Zenker rightly notes.

My contribution on this point is two-pronged: on the one hand, I would suggest that the alleged scarcity of argumentative indicators in the text is partially due to the author using an *overly restrictive definition* of what counts as an argumentative indicator; on the other hand, I am willing to concede that here the majority failed to make the argument structure as explicit as it could be, and I further speculate that (i) this may *often* be the case, due to (ii) a *strategic advantage* gained by the speaker by partially concealing the exact structure of his argument.

Let us start from the issue of how to define argumentative indicators. Zenker does not make his criteria explicit, but it is clear that he considered only lexical elements that explicitly describe what relations occur between different parts of the overall text. The following is the complete list of argumentative indicators detected by Zenker in the text under analysis: "it follows that," "on the one hand ... on the other," "however" (4 occurrences), "to begin with," "for this reason" (2 occurrences), "perhaps," "nevertheless," "an argument against this idea is." I suggest we should be more liberal in our search for argumentative indicators, at least in two ways:

- (i) including *modal lexical elements* (as opposed to referential ones), e.g., verbs in subjunctive mood frequently indicate sentences that stand in need of support, whereas usage of the indicative mood often signals that the sentence is giving support to some other part of the text;

## COMMENTARY ON FRANK ZENKER

- (ii) considering *syntactical features* that lack any lexical expression, e.g., absent lexically explicit indicators, the order of the sentences may indicate a progression from premises to conclusion (or, alternatively, the initial statement of the main thesis, followed by its demonstration through various interconnected sub-arguments), with proximity used to individuate support relations within sub-arguments.

Obviously, there is frequent interplay between these different types of indicators (and possibly many others), especially when they mutually conflict within the same text. However, some general regularities are likely to be identifiable: for instance, only a badly conceived argumentative text will place the main claim in its middle section. It is not my purpose here to attempt any generalization in this respect: it suffices to note that restricting the search for argumentative indicators in the way Zenker did is likely to lead us to underestimate their frequency in any given text, thus undermining the conclusions we may want to draw from it.

On the other hand, even taking a more liberal stance on what counts as an argumentative indicator, Zenker's basic observation remains correct in this case study: the majority opinion of the German National Ethics Council is *not* very forthcoming in clarifying to the reader its rather sophisticated argumentative structure. Why is it so, since its intended purpose was to be persuasive? Perhaps, one may venture to speculate, the reason is that *being explicit on the structure of one's argument does not necessarily foster acceptance* of that argument. This insight is, I believe, substantially correct and worth further investigation. Part of this investigation should include consideration of the RSA-criteria discussed by Zenker himself. Let me just sketch the main idea, and leave the details to future work.

Informal Logic often maintains that an argument value should be rationally assessed on the grounds of three criteria:<sup>1</sup> whether its premises are acceptable, i.e. true, probable or in any case trustworthy (*acceptability*); whether they are sufficient to support the claim of the argument (*sufficiency*); and whether there is a substantial relation between the premises and the conclusion of the argument (*relevance*). If we now consider what a real, non-idealized speaker would do to check these criteria in an argument he is presented with, we notice a striking asymmetry: in brief, some criteria are much *easier to assess*, and therefore to *challenge*, than others. Let us see why.

- Acceptability, once conceived in the simplified way suggested by Zenker following van Eemeren, is the easiest criterion to verify, since it basically involves a *local assessment* of the quality of each individual premise, to see whether it is true, probable, or whatever else is pertinent to its trustworthiness.

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<sup>1</sup> Here I follow Zenker's less-than-ideal convention of understanding Informal Logic through the lens of van Eemeren's reconstruction of it (2002), which I suspect to be somehow biased (e.g., his accusation that informal logicians failed to further specify RSA-criteria is false). In doing so, I am aware that informal logicians may find this reconstruction of their criteria for argument evaluation objectionable: for instance, Johnson (2000, pp. 180-216) lists four and not three criteria for evaluating the illative core of an argument, plus other three to assess its dialectical tier. Among other things, this implies that Johnson does *not* see acceptability as pertaining truth of the premises, since he considers the latter as an independent criterion. However, here I prefer to follow Zenker's approach and emphasize some problems with its theoretical conclusions, rather than challenging its accuracy in depicting argument evaluation in Informal Logic.

Being the easiest criterion to assess, acceptability is also the most frequently challenged by arguers: e.g., “Your premise is mistaken.”

- Sufficiency is in principle more complicated than acceptability, since it requires to provide somehow a *quantitative assessment* of how much support is needed to consider a conclusion (presumptively) established. My suggestion is that, in real life situations, sufficiency is most often assessed in crude ways, e.g. weighing how many true (and/or nice and/or favourable etc.) statements each contender manages to utter within the debate, with little appreciation of “how much is enough.” Such a simple heuristic can be summarized into the motto “*Truths—the more, the merrier.*”
- Relevance is by far the hardest criterion to assess, since it requires a *global understanding* of the argument’s structure: relevance is by definition a relational notion (a premise is either relevant or not with respect to a given conclusion), thus assessing it involves appreciating the *structural connections* between different parts of the discourse, often involving long and complex sequences of sub-arguments. Hence, I surmise it is the least frequently challenged—that is, it is comparatively rare to hear an argument being disputed as not pertinent, and this usually occurs only in rather sophisticated arena (e.g., academic debate).<sup>2</sup>

Assuming these empirical speculations are correct, what is their role in explaining the paucity of argumentative indicators in many sophisticated arguments? In a nutshell, the suggestion is that acceptability and sufficiency are easy to spot and thus hard to conceal for the speaker, whereas in contrast relevance is difficult to assess and therefore relatively unproblematic to hide. As a consequence, unless the speaker is keen to invite criticism against his position, he has reason not to be too explicit in signalling the structure of his arguments. It might be objected that, by fogging the argument’s structure, one precludes its assessment in general, be it negative or positive. The answer to that is that we are all *inclined to see structure where there isn’t any*, or at least there is a lack of clear indicators of it: this, incidentally, is true not only for argumentative structure, but for structure in general, be it perceptual, linguistic, or otherwise (witness, for instance, the Gestalt theories of perception, as well as studies on language understanding). Crucially, the same does not apply for truth: we do not assume by default people to be correct in their opinion, whereas we tend to consider them reasonable in how they construct their utterances. Hence, absent any argumentative indicator, we are quite willing to provide them for free, and this in turn justifies a general tendency to be rather evasive on the structure of one’s arguments.

These considerations clearly pertain strategies to enhance *rhetorical efficacy*, rather than criteria to evaluate the rational quality of an argumentative practice (as the

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<sup>2</sup> In addition, challenging relevance involves a higher risk of *losing face* than challenging acceptability: if I am mistaken in accusing you of irrelevancy, this is because I was too dumb to appreciate the exact structure of your argument; if, on the other hand, I am mistaken in accusing one of your premises to be false, this is likely to depend on my ignorance of some crucial facts—and ignorance is far less embarrassing and much more excusable than dumbness, as far as dialogical intercourse is concerned.

## COMMENTARY ON FRANK ZENKER

RSA-standards are meant to be). But Zenker's observation on the relative scarcity of argumentative indicators concerns a real piece of text, with a well defined political agenda behind it, and there is no reason to exclude that its structure and nature was inspired as much by principle of rational persuasion, as by other considerations of efficacy, including rhetorical ones. The interesting twist of the analysis sketched here is that, if I am correct, *rhetorical persuasion is partially dependent on our cognitive limitations in assessing rational criteria for argument evaluation*—namely, the RSA-criteria. I see some poetic justice and a mild irony in this hypothesis, and I urge the author to consider it as a potential explanation of the (otherwise bizarre) distribution of argumentative indicators in real life discourse.

### 3. MAJOR CRITICISM: INTUITION, CHARITY, AND RELEVANCE

In the final part of the paper, Zenker tries to use his case study as evidence against what he labels “traditional epistemological notions for argument evaluation,” and which I refer to as “deductivism”: that is, the idea that premise truth and scheme-validity are enough to evaluate the quality of an argument. To justify his choice of a case study, Zenker explains that

this paragraph was selected to show, in an exemplary manner, that an analysis which relies exclusively on the traditional epistemological notions of premise truth and scheme-validity disqualifies itself, because applying these considerations renders premises irrelevant and one such that it begs the question against the conclusion to be supported (p. 11).

*Prima facie*, Zenker's argument is vulnerable to the most classic “so-what objection”: if the majority opinion of the German National Ethics Council fails to meet the standards of premise truth and scheme-validity, that's all the worse for that opinion—it means that such text is not a valid argument. Why should we consider the standards disqualified just because a given piece of discourse fails to meet them? If standards, to be “qualified,” needed to be met in all cases they are supposed to measure, the very notion of evaluation would become meaningless.

However, Zenker's argument rests on an *implicit appeal to intuition*, that circumvents the so-what objection: quite clearly, Zenker is saying that excluding the majority opinion from the set of good arguments would be a mistake, and this fact is supposed to be self-evident, once that text has been carefully considered. In other words, Zenker expects us to share his pre-theoretical intuition on the quality of this piece of written argumentation, which is assumed to be substantially sound and convincing, even if open to improvements.

To this appeal to intuition, a stalwart critic may reply with sceptical considerations on the very source of the appeal: intuition is notoriously imprecise and fuzzy, and thus cannot be reliably invoked as a meta-standard to assess the quality of our argumentative standards. Perhaps our intuitions on the paragraph in question are simply *mistaken*, and strict standards of argumentative evaluation (i.e. premise truth and scheme-validity) do us a great service by making this mistake apparent. More generally, whatever value one is willing to place on intuition, Zenker's passing remark is not sufficient to warrant his hasty dismissal of traditional epistemological standards for argument evaluation.

These observations are not meant to suggest that such standards are the right ones—as a matter of fact, I am convinced they are not. My point is rather that, albeit I share Zenker’s intuition on the argumentative virtues of his case study, criticisms against deductivism should not rely on intuition, if they are to be successful—as I believe they should. The reason why deductivism is not the right recipe for argument evaluation is not because it considers as invalid some arguments that we find intuitively appealing (after all, we *could* be mistaken in our intuitions, and often are), but rather because deductivism finds fault with *far too many arguments* that are used in everyday conversation, and it is unrealistic to assume that humans are, on average, so desperately bad at doing what they have been doing for so long.<sup>3</sup> Detailed arguments in favour of this conclusion are provided elsewhere (Paglieri 2007; Paglieri and Woods in press): here only an argument by analogy is given, solely for illustrative purposes. Imagine we were given the task of devising standards for assessing the quality of bipedal locomotion in humans, aka walking on two feet; imagine further that a sub-group of our learned community, self-anointed as Elitist Walkers, proposed to use standards so tough that, under them, only less than 1% of the human population would qualify as decent walkers. Clearly, we would have to reject their proposal, since we know as a fact (and not by intuition alone) that most humans are decent or even excellent walkers; moreover, assuming they were not would create an evolutionary mystery as to how our abysmal style of walking can possibly have evolved and still thrive nowadays, being so desperately inadequate to satisfy a crucial function for our survival. *Mutatis mutandis*, the same arguments apply equally well to the tough standards that Deductivist Arguers would have us impose upon everyday discourse.

Of course, Zenker is right in observing that “the application of the traditionally epistemological evaluation-criteria presupposes a prior application of reconstructive charity on the part of the analyst” (p. 11).<sup>4</sup> But charity, at least as conceived in these approaches, is the wrong solution to the problem, as argued in details in Paglieri (2007) and Paglieri and Woods (in press). In a nutshell, the problem with charity is that too often its advocates forget or are unable to specify what *boundaries* it should have, so as to avoid the pitfall of unwarranted charity (Walton 2004), i.e. turning an objectively weak argument into a deceptively strong one by presuming more on it than it is rational to do. To my mind, Zenker is dancing on the verge of this slippery slope, when he observes that reconstructive charity demands to

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<sup>3</sup> It is worth noting that this argument is in line with the notion of *charity* as it was originally conceived by Quine (1960) and Davidson (1967), to be applied to the problem of *translation between alien languages*. Later on, charity was appropriated, most notably by Scriven (1976) and Thomas (1977), as a means for *argument evaluation within one’s own domestic language*. This latter version of charity, which is the one discussed by Zenker, turns out to be fundamentally flawed, as briefly argued in what follows, but this does not hinder the validity of Quine/Davidson original insight. For discussion of the checkered history of charity in the philosophy of language, see Woods (2007).

<sup>4</sup> On a different note, one might question whether Zenker is justified in identifying, via reconstructive charity, a missing premise in the specific case study under consideration. The PP and PP’ statements that Zenker indicates as needed for the argument to be sound (p. 9) could be construed as Toulminian warrants (Toulmin 1958/2003), and some might object that warrants are *not* best analyzed as implicit premises (see for instance Hitchcock 1998; 2002). For reason of space, this line of criticism is not pursued here, but I invite the author to take heed of Hitchcock’s thought-provoking suggestion that “the doctrine of implicit premisses is largely a myth” (2002, p. 159).

## COMMENTARY ON FRANK ZENKER

retrace support relations and add premises (like our principle PP,<sup>5</sup> above) which transform the text into parts that, taken together, constitute a sound argument, while avoiding the otherwise ensuing non-informativeness of a logical reconstruction (p. 11).

The problem, as mentioned, is that it is all too easy to *turn every inconclusive text into a sound argument*, unless one takes the pain of specifying additional constraints on charitable reconstruction.

Notice that the difficulty survives also if we substitute “charity” with “relevance.” Of course, the label relevance is intuitively clearer, and it conveys the idea that there is a fact of the matter concerning whether *A* is (dialectically) relevant for *B* or not, instead of being just in the eye of the beholder. Nonetheless, we still need to detail precise and quantifiable criteria to measure relevance,<sup>5</sup> and it does not help at all to equate it with charity, as Zenker seems to suggest—on the contrary, this strikes me as a case of *obscurum per obscurius*.

Luckily, there seems to be a good place where to start in this worthy endeavour: Sperber and Wilson’s *relevance theory* has been somehow neglected in argumentation theories (with Gabbay, Woods 2003 being a notable exception), but I believe it would be of great assistance in this context (in particular, Sperber and Wilson 1986; Wilson and Sperber 2002; Origgi 2004). This approach has the merit of treating relevance in terms of *costs/benefits*, without postulating any undemonstrated pro-social inclination in the speakers, but rather assuming that interpretation is driven by an effort to minimize assessment costs, while maximizing informative benefits. This insight can be applied both to the notion of relevance typical of Informal Logic, and more generally to the process by which arguers reconstruct what is left implicit in each other utterances (Paglieri 2007; Paglieri and Woods in press). In this enterprise, it is important that we refrain as much as possible from attributing to arguers any kind of benevolence towards their fellows. Call me cynic if you like, but I strongly suspect our argumentative practices to be driven more by self-interested than by charitable inclination towards each other.

[Link to paper](#)

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<sup>5</sup> Informal logicians are acutely aware of this difficulty: as Johnson observes,

a theory of evaluation that comes out of the informal logic tradition [...] is not without its problems, chiefly a less-than-satisfactory theoretical articulation of some of its fundamental criteria, particularly relevance (2000, p. 216).

## FABIO PAGLIERI

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