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## Commentary on Plug

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# Commentary on H. José Plug: “Pitfalls in the Evaluation of Argumentation in the Legislative Process”

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## 1. INTRODUCTION

I applaud H. José Plug’s efforts to add to our appreciation of how the formal and informal conventions of legislative institutions affect our understanding of argumentation within these institutions. As Plug notes, the quality of argumentation in legislatures is one important indicator of the health of overall democratic discourse and it is disconcerting that there is a general lack of similar analysis of these important institutions. Thus, her work here is an important initial inquiry into how institutional context impacts our application of dialectical argumentation standards of criticism to discourse that heavily impacts the quality of democratic life.

Additionally, Plug’s critical interrogation of Royakkers and van Klink’s (2000) criticism of the deployment of certain fallacies in the Dutch Second Chamber’s legislative debate about civil stalking laws is excellent in exposing why their analysis is lacking in several ways. In particular, Plug demonstrates that the institutional design of the Dutch parliament requires the use of certain kinds of repetition that Royakkers and van Klink inappropriately label as the fallacious use of misleading repetition. Additional research should be able to demonstrate that the need to sustain the authority of the legislature and the efficiency of using generalizations and clichés<sup>1</sup> within the limited time provided for parliamentary debate disprove Royakkers and van Klink’s contention that the Second Chamber used fallacious arguments from authority and hasty generalizations. I encourage additional work along this line to highlight other institutional factors within the legislature that may require the use of perceived fallacies within this context.

While I find no fault with any of Plug’s analysis here, I would like to highlight two areas where she might push her research further to gain even more insights into how the unique context of the legislature might pose challenges to our critical evaluation of parliamentary arguments. First, further appreciation should be given to the impact that Royakkers and van Klink’s work had on the quality of democratic deliberation in the

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<sup>1</sup> For instance, Ilie’s (2000) work on the use of clichés within Britain’s parliament contends that clichés and generalizations are used within parliamentary debates for efficiency and to appeal to the broader general public. Thus, a complex dialogue is occurring in which legislators must present arguments to both other MPs and the public at large. The only way to effectively communicate to both audiences is to use generalizations and clichés.

legislature. Second, what appears to be influencing the MPs' discourse more than institutional format is the need to appeal to difference audiences.

## 2. ROYAKKERS AND VAN KLINK'S IMPACT ON DEMOCRATIC DELIBERATION

First, I would encourage Plug to further evaluate the impact that Royakkers and van Klink's publication had on the Dutch parliament. At the end of her paper, Plug is concerned that inappropriate application of the pragma-dialectal model could "wrongly [signal to the legislature] that the model for a critical discussion is unfit for analysis and evaluation of legislative discussions" (p. 8). For example, Plug points to the comments by MPs such as Rosenthal, Witteveen and Dittrich as evidence that the First Chamber "reject[s] Royakkers and van Klink's criticisms" (p. 5). I agree that it would be detrimental to the quality of democratic discourse if legislators perceived that potentially misleading or deceptive arguments are simply a natural part of politics that should be insulated from public and scholarly scrutiny. However, the nature of the debate by the First House about Royakkers and van Klink's publication appears to indicate a fairly sophisticated reflection about legislative rhetoric and the impact of institutional context on this discourse.

For instance, while the comments of Rosenthal and Witteveen are rather dismissive of Royakkers and van Klink's criticisms, they also suggest that these two MPs are sensitive to the role of fallacies within the legislative context. For example, the quotation from Rosenthal on pages 3-4 demonstrates that he appreciates how the inherently rhetorical nature of the legislature makes judgements about fallacies difficult. Additionally, the quotation from Witteveen on page 4 suggests that he has carefully considered the quality of parliamentary debate in regards to fallacious argumentation on this issue. Perhaps most introspective is Dittrich's comments on page 5, in which he contends,

The idea of the [Royakkers and Van Klink] article, having a closer look at fallacies, is, in our view, not suited for elongated discussions such as these. The book of Professor van Eemeren and the late Dr. Grootendorst [...] is meant to indicate which arguments in a discussion have not been put forward correctly. However...it is very hard to maintain that we witnessed the fallacy of misleading repetition....In the political arena fallacies are used by many, wittingly or unwittingly.

It is here that we see the most deliberate attempt by a legislator to explain why the complexities of the legislative process make it possible to advance seemingly fallacious arguments.

Although the MPs are critical of Royakkers and van Klink's assessment, they are also engaging in an important meta-dialogue about the quality of argumentation on this bill, the role of procedure on argument repetition and the inherently rhetorical nature of political discourse. Even though this might be a rejection of a specific critique of the legislature, the presence of the critique nonetheless serves as an important moment for the legislators to publicly discuss why they engage in certain discourse and argumentative practices. This kind of reflective dialogue is certainly rare in the modern age of partisan bickering and media sound bites. Thus, the critique of the debate over the civil legislation might be inadequate based on both political and scholarly standards, we should celebrate

its impact in provoking a public deliberation about the rhetoric and arguments used in this political arena. Instead of indicating a rejection of the pragma-dialectal model of argumentation, the MPs comments seem to indicate that they are aware of the dangers of fallacious arguments and understand how institutional context impacts their assessment of argumentation. This kind of public discussion can only help the quality of democratic deliberation in the future. My concern, however, is that not enough of our scholarly work receives the kind of attention that Royakkers and van Klink's work did and perhaps this is a rather limited, yet highly fascinating, instance of this kind of reflection.

### 3. THE IMPACT OF MULTIPLE AUDIENCES ON PARLIAMENTARY DISCOURSE

Plug does a wonderful job illustrating how certain aspects of institutional design (i.e., the formal process through which legislation must navigate and face debate before becoming law) deny Royakkers and van Klink's claims that the debate about stalking legislation should be considered parts of one and the same discussion and that a fallacy of misleading repetition is deployed. However, this attention to institutional process seems to downplay the role that audience has on legislative discourse. While Plug notes that Royakkers and van Klink's textual evidence does not support their contention that the entirety of the debate about the legislation should be considered parts of one discussion, her analysis also demonstrates that the evidence used by the critics are meant for very different audiences. For instance, Plug demonstrates that Royakkers and van Klink's quotations come from documents meant to persuade: (1) members of the Second Chamber about the preparedness of the legislation; and (2) members of the general public about the desirability of the legislation (p. 8). While the institutional design that requires the legislation to enter different stages of justification—initial submission, committee reports and then public relations, e.g.—requires a certain degree of argumentative repetition, it also true that the proponents of the legislation must be repetitive because they are communicating to two very different audiences: the other MPs and the public.

As Illie (2000) notes, certain topoi and simplification are used in parliamentary discourse because it,

has to comply with even stricter interactional conventions and pre-established institutional rules while targeting both an audience of MPs (Members of Parliament) and an extremely diverse audience made up of the public at large. By resorting to 'ready-made' assumptions and commonly shared opinions, speakers attempt to maximize the positive audience response and to minimize negative reactions. (p. 66)

This repetition occurs simply because the MPs are attempting to persuade multiple audiences during the course of a legislative debate. By giving more credit to these multiple audiences, rather than just institutional design/format, one could also easily refute Royakkers and van Klink's claims that the MPs rely too heavily on use of hasty generalizations and appeals to authority. For example, Illie's (2000) work maintains that MPs often utilize clichés and generalizations to efficiently communicate to multiple audiences. Additionally, if persuading the public is an important objective for legislators, then it is not surprising that appeals to authority are often evoked. For instance, in examining judicial discourse, Culp (1999), Feldman (2000) and Wald (1995) contend that the judiciary must deploy appeals to authority to reinforce the influence and credibility of

the institution. Likewise, in attempting to persuade the public to accept changes to the law, MPs might also have to rely heavily on appeals to the legislature's authority.

Not only does attention to audiences allow for more robust interrogation of Royakkers and van Kling's arguments, it also creates some theoretical clarity in using the pragma-dialectical model. For example, in her discussion, Plug attempts to distinguish discourse made in the initial presentation of a bill from the committee remarks made later by arguing,

in the course of the legislative process different standpoints are brought under discussion (condition 1) and, the parties involved assume not the same positions and the same discussion roles in all pieces of argumentative discourse (condition 4). (p. 7)

This appears to be a difficult distinction to maintain given the similarities of the function and kind of discourse made in both the initial submission of the legislation and the committee report because both stages require similar arguments about the preparedness of the legislation. In this way, it is difficult to discern whether or not the arguments in the second session do not represent coordinative arguments meant "to overcome the doubt or answer the criticism that it is insufficient" (Snoeck Henkemans 2003, pp. 410-11) from the first session. Instead, it would seem much easier to contend that the repetitious arguments advanced by the MPs are meant to address difference audiences—a standing committee, the public and a plenary session.

#### 4. CONCLUSION

More scholarly attention should be given to how specific institutional factors impact our assessment of political argument. Plug's work provides an excellent initial investigation as to how institutional design and procedure impact our assessment of the use of repetitious arguments. Additionally work could be done to illuminate how the existence of multiple audiences and different functions of parliamentary discourse also impact the perceived quality of argument within the legislative context. While institutional design might be an important contextual factor, the need to appeal to the broader public to justify their decisions might also heavily affect legislators' arguments.

While Royakkers and van Kling's assessment of the Dutch Parliament's arguments over civil stalking laws might be seen as a failure in some respects, it was rather powerful in requiring the legislators to take pause and reflect on the quality of their arguments and the function of their discourse. In a time when many commentators lament the decline in civic discourse, this particular moment in Dutch politics highlights the significant contributions that argumentation scholarship could have in shaping future political discourse. While their arguments may not change in light of Royakkers and van Kling's criticisms, the MPs appear to be more sensitive to the perceptions of their arguments by the public and academy.

[link to paper](#)

## COMMENTARY ON H. JOSÉ PLUG

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