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Abstract: *Walton's Argumentation Schemes and corresponding critical questions are taken through Huckin's (1997) Critical Discourse Analysis to further demonstrate that a schematic-pragmatic approach to argument evaluation needs to account for social bias. Building on the work of Yap (2012, 2015) and Ciurria and Al Tamini (2014), which demonstrates how the schemes have not addressed, and may intensify, various disadvantages people with systemic identity prejudices face, I use Huckin's approach to offer additional nuance to these concerns.*

Keywords: *critical discourse analysis, argumentation schemes, social bias, systematic identity prejudice, epistemic injustice, rhetorical disadvantage*

1. Introduction

In this paper, I take some of Douglas Walton's Argumentation Schemes and corresponding critical questions through Thomas Huckin's (1997) Critical Discourse Analysis (CDA) to further demonstrate that this schematic-pragmatic approach to argument evaluation needs to account for social bias. Building on the work of Ciurria and Al Tamini (2014) and Yap (2012, 2015), which demonstrates how the schemes and fallacies have not addressed, and may intensify, various disadvantages people with systematic identity prejudices face, I use Huckin's approach to offer additional nuance to these concerns. I also demonstrate how their work is in line with CDA. I highlight how, due to the shifting of burden of proof, Walton's defeasible argumentation schemes problematically presume that arguers begin with some baseline social equality and that the dialogic shifts between arguers can be addressed with a set of critical questions. There are many reasons rooted in social bias, disadvantage and the like that this approach goes awry even when the schemes and critical questions are deployed as prescribed, and even when the appropriate charge of fallacy is considered. As the schemes themselves have been devised through observations of "stereotypical patterns of reasoning (Walton, 1990)… [and because t]hey represent patterns used in everyday conversational argumentation" (Walton & Macagno, 2016, p.1), social biases have the potential for having piggybacked into the schemes. What is often fallacious in one social context is cogent in another, often based on what counts as credible testimony and evidence. Therefore, we must consider how social biases may be built into the tools we use to evaluate arguments, as well as how our tools (do not) handle, or even perpetuate, these biases.

While there is no one set method for Critical Discourse Analysis (CDA), regardless of the style of methodology it does share some common goals in its general approach. CDA is qualitative research which "implies an emphasis on the qualities of entities and on processes and meanings that are not experimentally examined or measured in term[s] of quantity, amount,

intensity, or frequency. [It…] stress[es] the socially constructed nature of reality […] seek[ing] answers to questions that stress how social experience is created and given meaning" (Denzin, Norman & Yvonna, 2000, p. 8). I have chosen to employ Thomas Huckin's version of CDA here as it offers a kind of a step-by-step approach to textual analysis or analysis of cultural artefacts or discourses and their production. Here I will treat Douglas Walton's argumentation schemes as texts (individual schemes) within a broader text (the schemes approach). Moreover, I have chosen Huckin's approach as I feel that various critiques in argumentation scholarship, some of which I address here, are actually doing something akin to this kind of CDA in their own work. I will draw out some of these comparisons and hope to put a finer point on their concerns with my own additional analysis.

Douglas Walton's account of Argumentation Schemes obtains from both a schematic and pragmatic approach and schemes can prove to either be fallacious or cogent depending on evaluation through critical questions. Walton defines Argumentation Schemes as "common types of defeasible argument evaluated with critical questions" (Walton & Godden, 2005, p. 475) which shifts the burden of proof during the dialogic encounter.

> Argumentation schemes are stereotypical patterns of defeasible reasoning that typically occur in common, everyday arguments… [U]ntil recently, many common but defeasible forms of argument were identified as fallacious. Yet it has been shown that, in many instances, arguments of these types are not fallacious but instead provide provisional support for their conclusions (Walton & Godden, 2005, p. 476).

Catherine Hundelby notes, then, in this approach a fallacy is defined as "a serious misuse of an argument scheme. Argument schemes are presumptive forms of reasoning that go awry when the burden of proof is not fulfilled, leaving the presumption without the necessary qualification. Presumptive reasoning employs generalizations that admit of exceptions (Walton 2006a, p.3)—so, it can be cogent *or* fallacious" (Hundelby, 2010, p. 282). So on Walton's account various schemes, in certain circumstances, "provide good reasoning" like for example "emotional appeals, which can be fallacious, also can be crucial to catch the interest of one's audience and demonstrate the significance of one's claims" (Hundleby, 2010, p. 282). Thus, "[t]he argumentative role of critical questions [is such that for] each scheme a certain number of critical questions are attached. These questions have a role in the evaluation of arguments with the relevant scheme" (Walton & Godden, 2005, p. 476) which help to determine whether a scheme is cogent or fallacious. Therefore, I suggest we must consider how we evaluate what counts as reasonable arguments, and errors in that reasoning, and test these tools to ensure they do not allow social bias to slip by in our practices. Thus, we must account for concerns with fallacy evaluation which, in the argumentation schemes approach, must consider both the schemes themselves and their obtaining critical questions.

2. Critical Discourse Analysis

CDA would ask us to consider fallacies from a democratic perspective which can help to address the ways in which argument evaluation that utilizes schemes can be a double-edged sword. For instance, evaluating our fallacies together in a discursive situation, as is meant to be the case in Walton's critical questions examination, can prove to be democratizing because fallacies

prescribe for us criteria for common errors we all have the potential to make in our fallibility as reasoners. So, analyzing our errors together may destigmatize them and, perhaps, "reasoners can benefit from the perspectives of others" (Hundleby, 2016, p. 10). But, if fallacies are taught to us as labels to assign while being abstracted from real world contexts (Hundleby, 2010), or if our biases prevent us from asking the appropriate critical questions needed for determining whether a scheme of reasoning is fallacious (Al Tamini, 2009), or even seeing that they are there to be asked at all, Walton's prescriptively treated schemes and critical questions, can serve to reinforce oppressive social interactions or practices. Moreover, even if a reasoner can be demonstrated to have committed a fallacy on the traditional definition, unconscious bias may mean that the fallacy still garners an (intended) uptake from a witnessing party. For instance, in the fallacious case of personal, irrelevant attacks on an agent (*ad hominem*), if unconscious bias exists in the audience, even if the audience recognizes the fallacy, it could mean the error in reasoning "may nevertheless detract from the credibility of the agent under attack" (Yap, 2012, p. 98). This also can erroneously inflate the burden of proof that agent faces as they seek to critically question the error. It may also be the case that arguers, when presenting reasons to an audience, use this phenomenon intentionally, as a sophistical rhetorical move, or even as a kind of dog whistle; a fallacious means by which to key into biases for one sub group, while having plausible deniability to the broader audience (Yap, 2012). This can leave the fallaciousness of the move ambiguous at best, and invisible at worst. Charging fallacies often also causes a "significant disruption" to the overall dialogue whether or not the fallacy is confirmed through evaluation (Yap, 2015). Though they do not couch their work in terms of CDA, I suggest Audrey Yap (2012, 2015), Khameiel Al Tamini (2009, 2014) and Michelle Ciurria (2014) and others have begun the critical work of considering argumentation schemes against systematic identity prejudices which is significantly like what CDA asks of its practitioners. They have pointed to concerns from both cogent and fallacious perspectives and have done the work of considering these through the broader social context in which the schemes ("texts" suffices here as well) are situated. Also, Catherine Hundleby (2010) and Yap have posed CDA-like critiques of the traditional or "textbook" fallacies approach. My project here is to highlight the critical work of these authors and demonstrate how it is inline with CDA, and to add some nuance through further critical work using Thomas Huckin's approach to CDA in order to ask political questions about the practice of evaluating arguments using argumentation schemes.

Huckin's approach to CDA moves through five central steps: i) first, it asks the researcher to read the text as a typical reader, ii) second, to then critically analyse the text by gradually moving through a broad analysis of the text as a whole, iii) third, drilling down to a mid-level analysis at the sentence by sentence structure, iv) fourth, analysing very specific details of the textual discourse at the level of words and phrases, and finally v.) fifth, applying the data to the larger social context in which it is situated (Huckin, 1997). And Huckin prescribes a series of specific terms for consideration as one moves through the analysis, though one need not employ each term in every analysis, and certain components of the analysis can shine above others depending on what they critically reveal.

Text as a whole: Huckin (1997) says the critical analysis begins by addressing reading the "text as a whole" by identifying its **genre, framing, foregrounding/backgrounding, omission, presupposition** and **discursive differences**. "Readers don't just pick up a text and start

deciphering it word by word. Rather, they usually begin by recognizing that the text belongs to a certain **genre** (text type) that manifests a characteristic set of formal features serving a characteristic purpose" (Huckin, 1997, p.82-83). **Framing** addresses "how the content of a text is presented, [and] what sort of perspective" (Huckin, 1997, p. 84) is taken. **Foregrounding** and **backgrounding** are "closely related to framing" (Huckin, 1997, p. 84). "These terms refer to the writer's emphasizing certain concepts (by giving them textual prominence) and de-emphasizing others" (Huckin, 1997, p. 84). "**Omission** is often the most potent aspect of textualization, because if the writer does not mention something, it often does not even enter the reader's mind and thus is not subjected to [their] scrutiny" (Huckin, 1997, p. 84). **Presuppositions** use "language in a way that appears to take certain ideas for granted, as if there were no alternative" (Huckin, 1997, p. 84). **Discursive differences** refer to "more than one style of discourse" (Huckin, 1997, p. 84).

Sentence by Sentence: The "sentence by sentence" level of analysis addresses **topicalization**, **agent-patient relations**, **deletion or omission of agents**, **presupposition** (at the sentence level), and **insinuations**.

> At this level, in addition to constructing the basic meaning of each sentence, [readers] might notice that certain pieces of information appear as grammatical subjects of the sentence and are thereby **topicalized** (which is a type of foregrounding at the sentence level). A sentence topic is what the sentence is about…Topicalization is thus a form of sentence-level **foregrounding:** In choosing what to put in the topic position, writers create a perspective, or slant, that influences the reader's perception (Huckin, 1997, p. 85).

Agent-patient relations represent who is active and who is passive (Huckin, 1997). "Many texts will describe things so that certain persons are consistently depicted as initiating actions (and thus exerting power) while others are depicted as being (often passive) recipients of those actions" (Huckin, 1997, p. 85). Another concern at this level "is the **deletion** or **omission** of agents, which escapes the notice of many uncritical readers. Agent-deletion occurs most often through nominalization and the use of passive verbs" (Huckin, 1997, p. 85). **Presuppositions** with a mid-level focus "are notoriously manipulative because they are difficult to challenge: Many readers are reluctant to question statements that the author appears to be taking for granted" (Huckin, 1997, p. 86). **Insinuations** "are comments that are slyly suggestive. Like presuppositions, they are difficult for readers to challenge--but for a different reason. Insinuations typically have double meanings, and if challenged, the writer can claim innocence, pretending to have only one of these two meanings in mind" (Huckin, 1997, p. 86).

Words and Phrases: Finally, **connotations**, **labels**, **metaphors**, **registers** and **modalities** of "words and phrases" play a particularly active role in the rhetorical power of discourse (Huckin, 1997). **Connotations** "can take note of the additional, special meanings…that certain words and phrases (lexis) carry. Connotations derive from the frequent use of a word or phrase in a particular type of context" (Huckin, 1997, p. 86). **Labels** too connote meaning according to Huckin (1997) as do **metaphors**. "**Register** refers to a text's level of formality or informality, its degree of technicality, its subject field" (Huckin, 1997, p. 86-87) in that writers can deceive readers by affecting a phony register. "**Modality** refers to the tone of statements as regards their degree of certitude and authority; it is carried mainly by words and phrases like may, might,

could, will, must, it seems to me, without a doubt, it's possible that, etc. Through their use of such modal verbs and phrases, some texts" (Huckin, 1997, p. 87) can be authority-laden, while others can move to the other extreme.

For Huckin "Critical Discourse Analysis (CDA) is a highly context-sensitive, democratic approach which takes an ethical stance on social issues with the aim of improving society" (Huckin, 1997, p. 78). It aims to uncover the ideologies that exist within social structures by studying the language within these structures via "text and talk" (van Dijk, 1995, p. 17) analysis. Anne Makus notes cultural theorist Stuart Hall argues

> the legitimacy of an ideological claim depends on that part of the truth which it takes for the whole truth, and that these particular and partial constructions are taken to be natural and real phenomena. That is, they are represented as what is transparent, inevitable, and wholly natural. The ideological moment occurs when codes have become profoundly naturalized, when through habitual use they have developed an appearance of equivalence with their referents so that instant recognition occurs…The fact that ideological constructions are socially formed tends to be lost to consciousness (Makus, 1990, p. 498).

Thus, practitioners of CDA seek to uncover the societal power structures that manifest at the level of language that go unchecked and even unrecognized. Ruth Wodak says "CDA regards 'language as a social practice' (Fairclough and Wodak, 1997), and takes consideration of the context of language use to be crucial (Wodak, 2000c; Benke, 2000) in identifying ideology" (Wodak, 2004, p. 1). It is not "that type of ideology on the surface of culture…It is rather the more hidden and latent type of everyday beliefs, which often appear disguised [that the method addresses]…Furthermore, it is the functioning of ideologies in everyday life that…CDA" (Wodak, 2009, p. 8) can help to uncover.

While, again, there are a number of ways to conduct CDA, van Dijk notes all "CDA is essentially dealing with an oppositional study of the structures and strategies of elite discourse and their cognitive and social conditions and consequences, as well as with the discourses of resistance against such domination" (van Dijk, 1995, p. 19). Huckin says CDA is "best characterized as an approach or attitude toward textual analysis rather than a step-by-step method" (Huckin, 1997, p. 78), but he also notes it does have its own set of specific characteristics that are quite systematic in their approach. Practitioners should recognize

> authentic texts are produced and read not in isolation but in real-world context [and are thus] highly context sensitive. [CDA tries] to unite at least three different levels of analysis: the text; the discursive practices…and the larger social context [; it addresses] the immediate environment in which a text is produced [and] the larger societal context including its relevant cultural, political, social, and other facets [; it takes] an ethical stance…that draws attention to power imbalances, social inequities…and other injustices [; it assumes] a social constructionist view of discourse [where] reality…is open to change [and] [f]inally…[the research should be made] as clear as possible to a broad, non-specialist readership (Huckin, 1997, p. 78-79).

"Consequently, three concepts figure indispensably in all CDA: the concept of power, the concept of history, and the concept of ideology" (Wodak, 2004, p. 3).

Thus, Michel Foucault's theory of power/knowledge has often been used to undergird CDA methodology. Hall notes that Foucault "conceived [of a] linkage between knowledge and power…Knowledge linked to power not only assumes the authority of 'the truth,' but has the power to make itself true. All knowledge once applied in the real world, has real effects and, in that sense at least, 'becomes true'." (Hall, 1997, p. 33). For Foucault "[t]here is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time, power relations" (Foucault, 1977, p. 27 in Hall, 1997, p. 33). This relationship of immanence produces what Foucault calls a "regime of truth" (Hall, 1997, p. 36). Knowledge is produced by those in power, which authorizes them to determine what is true. People then act according to these 'truths' in the real-world, thereby reinforcing this 'truth.' Following this,

> CDA…assume[s] that people's notions of reality are constructed largely through interaction with others, as mediated by the use of language and other semiotic systems…By focusing on language and other elements of discursive practice, CDA [can] illuminate ways in which the dominant forces in a society construct versions of reality that favour the interests of those same forces (Huckin, 1997, p. 79).

Huckin also notes that "CDA is not a linguistic theory and therefore does not provide a complete grammar of syntactic, phonological, or other linguistic elements for any particular language. Nor does it aim to describe *any particular text in exhaustive detail*" (Huckin, 1997, p. 81, emphasis added). CDA "tries to point out those features of a text that are most interesting from a critical perspective, [like, for instance,] those that [may] appear to be textual manipulations serving non-democratic purposes" (Huckin, 1997, p. 81).

3. The "Textbook" Approach

The traditional fallacies approach or "textbook" approach to instructing fallacies is one such example where many have begun the work of critically analyzing how we consider, evaluate and charge errors in reasoning. And so, too, have scholars posed equally critical questions of argumentation schemes and their evaluative critical questions. Catherine Hundleby has addressed "the multiple murky aspects" of fallacies, which on cursory consideration in the traditional approach really do "seem to be distinct categorical errors" in reasoning which can be neatly identified by their labels, and charged against a reasoner (Hundleby, 2010, p. 279). A more critical consideration, however, addresses that "[f]allacies overlap, arguments are ambiguously fallacious, and the schemes of reasoning identified by fallacy labels are perfectly acceptable in many circumstances" (Hundleby, 2010, p. 279-280) which then leaves us to, as CDA would instruct, evaluate them in context. Note how Hundleby's concerns can be likened to Huckin's considerations at the words and phrases critique of discourse. Remember for Huckin labels connote meaning. I will further discuss this analysis below in order to situate the issues outlined by Ciurria and Al Tamini as well as Yap. First, I must address the distinction between the traditional or "textbook" treatment of fallacies and what many argumentation scholars feel is the better approach of argumentation schemes for fallacy/argument evaluation which means delving a bit into the pedagogy of argumentation. This is also where I can make the link between

Foucault's power/knowledge and Hundleby and Yap's critique of the traditional fallacies approach.

The production of epistemology generally, and the specifics of the pedagogy of argumentation have political effects linked to social justice more broadly in society (Hundleby, 2010). "[E]pistemological influence on the thinking and beliefs of people in the larger society…can legitimate certain discourses and de-legitimate others" (Hundleby, 2010, p. 282). More so this is true of the pedagogy of argumentation because it "has an even greater impact on the legitimization of discourses, and on the authorization of particular voices, structures, and styles of reasoning than" general theories of knowledge (Hundleby, 2010, p. 282). How the method for evaluating fallacies is taught (what it includes, excludes and presents as exemplar) directly frames how its students determine whose argument is cogent and permitted, as it were, versus whose is fallacious once they take their learning into everyday life which can have political effects long after the lesson is taught-Foucault's power/knowledge at work.

The textbook fallacies approach (that is not the argumentation schemes approach, but rather a list of fallacy names with corresponding text book examples abstracted from real world context) has "a unique discursive authority" (Hundleby, 2010, p. 299) compared to other technical skills and forms of argument evaluation. Approaches like Walton's, can "direct dialogue" despite requiring greater degrees of descriptive interpretation because they are

> more open to interrogation than the shorthand of fallacy names. Any labels or jargon can be used for bullying; but the fallacies approach lends itself especially well to that type of abuse because of its status as logic, its historical pedigree, its pride of place in liberal and legal education, and its legitimate function of redirecting discourse [which taken together] grant it [and the people who wield it] authority (Hundleby, 2010, p. 299)

This authority can lead to rhetorical silencing "because the authorities themselves function as reasons" and provide "the place where explanation stops" (Hundleby, 2010, p. 298). "Both the people who use the fallacies approach and the fallacies approach as a *system* can have authority and wield the power to silence" (Hundelby, 2010, p. 298). I suggest, this evaluation is in line with an approach akin to CDA. It has considered, as Wodak (2004) prescribes: the concept of power, the concept of history, and the concept of ideology, and it does so by considering fallacies at both a whole text level and a words and phrases level as prescribed by Huckin. I think, however, it is important to further address that believing that we have a greater degree of descriptive interpretation by utilizing argumentation schemes instead of the traditional fallacies approach, and that critical questions leave schemes more open to interrogation, can also end up imposing artificial beliefs on arguers and audiences. What I mean here is that they may falsely believe that they have performed due diligence, particularly because of the defeasibility principle, which provides a place for a similar kind of problematic authorization to hide within the argumentation schemes approach. For instance, the burden of proof shifts as respondents pose critical questions. The support for defeasible arguments is meant to be provisional at best. However, there is a presumption baked into the schemes that presupposes a social equality between the opponent and the defender.

4. Critical Discourse Analysis of Argumentation Schemes

Consider the case of testimony. Suppose someone is in a position to know. The argumentation scheme is as follows according to Walton and Reed (2002): Major Premise: Source **a** is in a position to know about things in a certain subject domain **S** containing proposition **A**. Minor Premise: **a** asserts that **A** (in Domain **S**) is true (false). Conclusion: **A** is true (false). The matching critical questions for the scheme are: 1) Is **a** in a position to know whether **A** is true (false)? 2) Is **a** an honest (trustworthy, reliable) source? 3) Did **a** assert that **A** is true (false)?

Walking this scheme through Huckin's approach, I begin by reading the text as a typical reader. In this case, I would suggest the typical reader is someone with specialized knowledge in the field of argumentation. While the schemes are meant to have been derived from real-world, practical arguments, it is unlikely that our typical reader will be someone without some academic background in the field. If our everyday academic reads and/or employs argumentation schemes without critically questioning them, we can expect that a typical reader may be inclined to accept the schemes at their word, in that, the schemes seem appropriate and the critical questions that correspond seem to address concerns that may lead to defeasible scenarios. Moving into the critical phase, one now explores the *text as a whole*. Again, the project here is to point out those features most interesting from a critical perspective rather than exhausting the entire list. The argumentation schemes approach is situated in the **genre** of a pedagogical text. It is meant for disseminating normative instruction and evaluation which gives it authority both in the sense of what is appropriate to do and how it should be done. The author, Douglas Walton, is also the authority on the matter of argumentation schemes which gives his consideration additional weight, thus, what he says should be considered credible. The text is **framed** as having been devised from "stereotypical patterns of reasoning (Walton, 1990)… [and representative of] patterns used in everyday conversational argumentation" (Walton & Macagno, 2016, p.1). In other words, it is framed as having been extracted from the reality of argumentation and thus carries a connotation of authenticity; it should be trusted because it originates from how people *really* argue and has been established by the foremost expert. **Foregrounded** is the form of the argument and critical questions as *the form* and *the critical questions*, **backgrounded** or **omitted** completely is a consideration of how stereotypical patterns of reasoning and everyday conversational argumentation that rely on presumptive reasoning can and do go awry with respect to burden of proof. While the reasonable weight of the burden is recognized, an unreasonable weight assigned to the social position of the challenger is not. Instead, the unreasonable weight is subsumed under what might be considered reasonable. Stacked against the genre and framing of argumentation schemes, this can be problematic because this omission carries a kind of authorization.

This requires a bit of a sidebar to fully flesh out the critique. In our practical reasoning, Juha Räikkä says we "must frequently make decisions and act, not on the basis of conclusive evidence, but on the basis of what is reasonable to presume as true" (Räikkä, 1997, p. 228). However, it can be difficult, especially in areas of social critique, to "see exactly what is reasonable to presume in a given argumentative situation… Sometimes people disagree not only about how …things are but also about what the reasonable presumption is" (Räikkä, p. 228). Referencing C.L. Hamblin, Räikkä holds that "there is a presumption in favour of existing institutions and established doctrines, and against anything paradoxical, that is, "contrary to the prevailing opinion"' (Hamblin in Räikkä, 2010, p. 232). He also reinforces Douglas "Walton's

view, [that] ‘someone who sets out to disprove a proposition that is widely accepted or popularly presumed to be true will have to mount a strong argument if [they are] to meet a reasonable burden of proof that would convince an opponent in a reasonable dialogue” (Walton in Räikkä, 2010, p. 232). In this view, then, “people have a burden to present some reasons when they make accusations or statements that run counter to common opinion” so it is “the opponent, and not the defender, [who] must lead the attack” (Räikkä, 2010, p. 232). As such, biases against particular social identities, if they are situated in common opinion, can have serious implications for an arguer who seeks to counter that opinion. Moreover, biases in favour of a particular social practice commonly accepted, even if some argue that practice to be oppressive for them, and especially if they face an identity prejudice, can result in that practice persisting due to this heavy burden of proof. So, while Walton acknowledges the weight, it is presented as *reasonable* whereas, in this example, there are clear instantiations of an unreasonable burden of proof owed to an identity prejudice not overtly acknowledged in the schemes approach.

This sidebar dovetails with moving on in Huckin’s analysis. The schemes approach has a baked-in **presupposition** that arguers, in reality as the schemes are devised from such, share in a socially equal basis from which they challenge and defend, which the above sidebar supports is not always the case. This is especially difficult to question in the schemes approach as it is taken for granted in the way the schemes and critical questions are devised as well as the framing of the authority from which they obtain.

Addressing the specific argument scheme of position to know at the *sentence by sentence* level, **agent-patient relations** seem to present all members of the argumentative dialogue as active or empowered in the argument. However, this is also a **presupposition** at this level. First, it is the defender who has the power given the burden of proof concerns outlined above. Also, the critical questions themselves are problematic. 1) Is **a** in a position to know whether **A** is true (false)? 2) Is **a** an honest (trustworthy, reliable) source? 3) Did **a** assert that **A** is true (false)? Who decides, for instance, what counts as a trustworthy person? What if social biases are imposed in that assessment at an ideologically unconscious (or even conscious) level? Trudy Govier suggests some people have rhetorical credibility, particularly in regards to giving their testimony, while others are rhetorically disadvantaged often unjustly based on socio-economic prejudices.

> The prevailing view [which I suggest is where argumentation schemes are situated] is that people are deemed trustworthy as to their own experience *unless* there is some clear evidence to the contrary. This is to say, in effect, that *the onus is in favor of normative credibility* [for example] B should grant, or assume, that A, who *seems* to be telling B his or her story, *is indeed truthfully doing so* and *is sufficiently competent to get that story right.* These premises are granted other things being equal-granted unless there is clear evidence to the contrary (Govier, 1993, p. 101).

But how do we assess what counts as ‘clear evidence to the contrary?’ “Insofar as B may tend to systematically discredit women, the aged, blacks, [Indigenous], children and others, B thinks he or she has ‘clear evidence’ to justify doing so” (Govier, 1993, p. 101). Moreover, consider how we determine if one is in a position to know whether **A** is true or false? Is, for instance, an epistemic injustice being invoked which causes Walton’s meaning to go awry? Miranda Fricker (2007) has identified two central kinds of epistemic injustice: testimonial and hermeneutical.

Testimonial injustice is when a hearer attributes a lack of credibility to a speaker due to an identity prejudice. Hermeneutical injustice occurs "when a gap in collective interpretive resources puts someone at an unfair disadvantage when it comes to making sense of their social experiences" (Fricker, 2007, p. 1). Fricker cites a police officer not believing a man because he is black as an instance of testimonial injustice. Her example for hermeneutical injustice, is a "woman who suffers sexual harassment prior to the time when we had this critical concept, so that she cannot properly comprehend her own experience, let alone render it communicatively intelligible to others" (Fricker, 2007, p. 6). In both cases epistemic harm is caused to the knower because the systematic identity prejudice they face tracks them through various aspects of their lives like work, economic, social etc. So, if a person who faces an epistemic injustice testifies to what they are in a position to know, they may be erroneously judged as not actually being of the appropriate domain to qualify that testimony, or as being in the appropriate position to know.

Finally, at a words and phrases level, **labels** connote meaning here. The schemes are identified according to their labels, many of which have originated from the traditional fallacies approach, that in certain contexts, have been discovered to stand provisionally as appropriate arguments. Yet, as I will detail through Yap in the next paragraph, this too can go awry. Additionally, Yap's analysis can help to draw in the final stage of Huckin's analysis as it further considers the broader social context in which the schemes approach is situated. The **modality** here is one of authority and certitude, which is not misplaced, but does go some distance to lead uncritical readers to, perhaps, trust that what needs to be considered in the schemes approach has been fully addressed which critical analysis has revealed is not necessarily the case.

Returning briefly to the traditional fallacies approach in order to offer the analysis of concerns with labels, Audrey Yap considers the pedagogical abstraction concern with textbook fallacies, but the analysis is then linked to the schemes approach for fallacy evaluation. For instance, she identifies problems associated with *ad hominem* fallacies (attacking the person rather than the argument or presenting something about the person irrelevant to the argument).

> [I]n actual application, a fallacy is generally committed within a longer dialogue, which itself is occurring in a social context. They are also committed by individuals who have their own distinct backgrounds and character traits, and may occupy very different places in society. When we pay attention to the bigger picture instead of looking only at a single passage in which a fallacy is committed, we can see more clearly the connections between fallacies and societal prejudices (Yap, 2015, p. 20)

Notice here how Yap is also doing something akin to CDA especially as she considers fallacies in terms of their real-world practice and broader social context. In the case of *ad hominems* specifically, they are context-dependent which means what is *ad hominem* in one context will not be so in another. "This is because an *ad hominem* attack will bring up something negative about an interlocutor, but what counts as a negative trait may vary depending on factors such as the parties' respective backgrounds and the topics under discussion" (Yap, 2015, p. 20). The reason context is also so important here is that on this account *ad hominem* fallacies are situations where "a speaker's argument is illegitimately treated as an instance of testimony. And the believability of an individual's testimony is also context-dependent" (Yap, 2015, p. 20) which can also be directly linked to the argument from position to know, specifically critical question number 2 which addresses the credibility of the speaker.

Yap uses the psychological phenomena of stereotype threat (where "involving a negative stereotype about a group to which an individual belongs can cause that individual to perform below [their] actual ability" (Yap, 2015, p. 21)) and implicit (unconscious) bias stacked against the concerns raised by epistemic injustice, particularly testimonial injustice and argumentative injustice (Bondy, 2010) to demonstrate that, here, "the injustice being done – whether it is a wrong to the person as an arguer or as a source of good information…testimonial injustice and argumentative injustice intersect" (Yap, 2015, p. 24). So, she uses these concepts to delineate when an ad hominem is as a result of a general attack on a speaker versus an attack on a speaker based on a kind of structural injustice owed to an identity prejudice that can invoke behaviours like stereotype threat. She points to an example in the argumentation literature from Woods and Walton which intersects her critique with argumentation schemes. Here, a man and woman have devolved to ad hominem attacks, one of them involving the gender of the speaker. Yap provides an analysis of this example which is missing from the original account that simply seeks to demonstrate a general sense of fallacious ad hominem, which the original account considers gender to be. Here is where I suggest Yap is again performing something like Huckin's CDA. On her analysis, the woman makes an irrelevant comment about the man's intelligence which negatively impacts his credibility as a speaker in the future. While this does harm him as knower, it is not an epistemic injustice committed against him because there is not a systematic identity prejudice that tracks men through society as being less intelligent. The man, in this case, however, calls the woman an "hysterical shrew" and it is only women who are referred to as shrews, particularly in reference to being hysterical, in society, which tracks them throughout their experiences, and it comes from a systematic identity prejudice. This evokes (even if unintendedly so) a different kind of offense. Moreover, from a pedagogical consideration of a kind of system reinforcement through education, Yap notes "[t]he reason why the authors are able to use this as an example of an ad hominem fallacy in the first place is that the stereotype of women as being less rational is a recognizable one, even if we do not endorse it" (Yap, 2015, p. 26). Her point is that ad hominem attacks can have lasting effects on arguers that, if identity prejudices are invoked in those attacks, and under stereotype threat, may forge a kind of self-fulfilling prophecy, and go far deeper than the general sense of ad hominem. Her ultimate point of contention is "different biases are mitigated by different strategies [which means] there cannot be an across-the-board solution that could be implemented for cases in which identity prejudicial stereotypes can interfere with the course of an argument. There is no clear way in which an individual can defend [one]self against an epistemic harm done to [them]" (Yap, 2015, p. 33). Here I suggest Yap has addressed the argument scheme at the *textual level*. She has also drilled down *sentence by sentence* and with *words and phrases* and then considered the analysis against the broader societal context in which the creation of the text is situated, as well as the practice it prescribes. Her work also highlights how labels can connote one meaning while leaving out other necessary considerations.

So, even with its recognition of the "intricacies and defeasibility of interpretation" (Hundelby, 2013, p. 4), Walton's approach leaves room for systematic identity prejudice to piggyback in on its very foundation. Another such example involves the scheme *argumentum ad verecundium* (appeal to authority) which is a subspecies of argument from position to know. In "Argumentum ad Verecundium: New Gender-Based Criteria for Appeals to Authority" Cuirria

and Al Tamini note "Walton says that appeals to authority are erroneous when they are 'misrepresented, taken too seriously, or not taken uncritically' (2008, p. 211); but [the authors are] concerned with instances where they are not taken seriously enough, and an erroneous dismissal is applied to the appeal" (Cuirria & Al Tamini, 2014, p. 439). What they have keyed into here is kind of **omission** at both the *text as a whole* and *sentence by sentence* level of Walton's original account. Remember according to Huckin, it is difficult for an uncritical reader to question what does not appear in or is missing from a text. Of the six critical questions that accompany Walton's account of the scheme, none addresses the concerns raised by Cuirria and Al Tamini. Indeed, at least two of the questions offer places for identity prejudices to hide under the guise of being critically questioned which can result in rhetorical silencing (Hundleby, 2010), rhetorical disadvantage (Govier, 1993), epistemic injustice (Fricker, 2007) and argumentative injustice (Bondy, 2010). Moreover, what is omitted acts as a kind of **presupposition**, where Walton's approach has taken for granted that credibility is recognized as equal across a socially diverse range of arguers which Al Tamini demonstrates is not the case. In her earlier work on the matter, Al Tamini (2009, p. 6) cites Walton's critical questions for the scheme as follows: 1) *Expertise Question*: How credible is E[xpert] as an expert source? 2) *Field Question*: Is E an expert in the field that [proposition] A is in? 3) *Opinion Question*: What did E assert that implies A? 4) *Trustworthiness Question*: Is E personally reliable as a source? 5) *Consistency Question*: Is A consistent with what other experts assert? 6) *Backup Evidence Question:* Is E's assertion based on evidence? Al Tamini offers that a person's general lack of perceived authority in society due to their identity, i.e. their words are dismissed generally in society because of an identity prejudice against them, can affect their credibility if that person tries to make an argument from a justified position of authority. She directly relates her concerns to question 1 and I would suggest this should then be related to question 4 as well.

In "A Gendered Analysis of the Role of Authority in Argumentation" I suggest Al Tamini draws her critique into what CDA considers the broader social context in which the scheme is situated. She uses the example of a male scientist and female scientist (experts who should otherwise be equal) as it relates to *ad verecundiam* citing two related issues. The first references the feminist concern that there is a "general lack of authority [that] women receive from society as a whole" (Al Tamini, 2009, p. 5) which can lead to a denial of the woman's expert credibility if she is up against a male expert. The second relates directly to the authority of the female speaker. Al Tamini notes that "[s]ince women generally lack authority and are dismissed [in society…] their bringing forth an authority in order to defend a claim or establish an argument is going to have less weight" (Al Tamini, 2009, p. 5). Thus, expert knowledge also needs "gender or social authority to back it up" (Al Tamini, 2009, p. 6). She concludes that "[critical] [q]uestions and evaluation of arguments from authority should be mindful of gender bias that can distort the rating of the credibility of the expert. For example, it is impossible to answer and evaluate the expertise question (question 1) regarding the credibility of the expert without paying attention to the assumptions one has about what counts as a credible person" (Al Tamini, 2009, p. 7).

As credibility is also related to trustworthiness, from my perspective question 4 must also fall under scrutiny. What one counts as personally reliable is directly related to what one counts as being a credible person. Here, we have another kind of **omission** and **presupposition** which

may cause an uncritical reader, or one who is among those with social privilege to completely miss this concern, all the while believing that if the critical questions are deposed in the prescribed way, then the argument can be evaluated appropriately. Worse still, and keying into Al Tamini's overall concern, arguers utilizing this scheme and corresponding critical questions are performing a kind of farse under the guise of a critically considered exchange which is presupposing equality in the social positions of the arguers but very clearly advantaging one while disadvantaging the other. Thus, what Al Tamini has done here is a kind of CDA, and I have added some nuance to her account to further emphasize her critique. Again, the first part of Huckin's instruction is to

> try to approach a text in two stages. First, …play[ing] the role of a typical reader who is just trying to comprehend the text in an uncritical manner… Second, [they] then "step back" from the text and look at it critically. This involves revisiting the text at different levels, raising questions about it, imagining how it could have been constructed differently [etc…]. Generally, this second stage goes from large (text-level) features to small (word-level) ones, though the exact sequence might differ from case to case. It is important during this second stage not to lose sight of the first stage; that is, one should always keep the ordinary reader in mind while critiquing the text. This allows the analyst to focus on those features that seem to have the potential of misleading the unwary reader (Huckin, 1997, p. 81).

5. Conclusion

It is important to consider socially contextual factors, like those above, in our theoretical approaches. Otherwise, we run the risk of again abstracting them from our consideration, while suggesting that we are being careful and thoughtful to account for errors in reasoning through a dialectical approach which supposedly captures these very concerns. This can have the effect of hiding those features most relevant for social justice or democratic pursuits because it seems that we are performing a rational and critically evaluated practice which is actually hiding oppression. If, for instance, "we are concerned with erroneous appeals to authority, then we should also be concerned with erroneous dismissals of such appeals (and such authorities), if we are to achieve theoretical precision and practical ambitions" (Ciurria & Al Tamini, 2014, p. 439). Ciurria and Al Tamini even go so far, as Huckin addresses, to suggest ways the argument from expert opinion scheme could have be imagined differently by adding additional gender-based criteria by way of three additional critical questions which account for social bias. Yet my concerns with this approach remain, and are the same ones I personally have for most normative standards: who has the power to authorize which critical questions are included or rejected for instance, and whether, even as we add to our inquiry, our list can ever be truly comprehensive enough to serve ongoing practical purposes? Moreover, I wonder if we could be missing schemes altogether or further still, in what ways as yet to be explored our schemes continue to hide the authorization of what is missing.

Indeed, Walton and Reed (2002) acknowledge some concerns with what they call the "completeness problem" of the argumentation schemes approach, but I do not think their questioning goes far enough.

> When all the appropriate critical questions matching a scheme [have] been answered satisfactorily, must the respondent then accept the argument? Or can he [sic] continue to ask critical questions? Or [can] the question [be] put another way? When is a presumptive argument complete, meaning that if the respondent commits to the premises he [sic] must also commit to the conclusion? These questions ask how argumentation schemes are binding so to speak. Arguments based on presumptive schemes are not binding in the same way that a deductively valid [one] is, or even in the same way that an inductively strong argument is. The respondent is only bound to tentatively accept the conclusion of a[n] argument fitting a presumptive scheme, given that he [sic] accepts the premises of such an argument. Such arguments are plausible but inherently weak. Only when taken along with other arguments in a mass of evidence do they shift a balance of considerations (Walton & Reed, 2002, p. 4).

Again, this is all well and fine provided the respondent is not hindered by systematic identity prejudices. This passage demonstrates how a presumption of social equality is baked into the argumentation schemes approach which does not recognize itself despite its willingness to admit of defeasibility. If, for instance, there is a mass of evidence which justifies an erroneous status quo, and the burden of proof is on those who oppose such a status quo to demonstrate that evidence ought to be reconsidered or thrown out completely, or that there is additional evidence to consider that the status quo refuses to view as evidence, then the presumption holds which acts as a ‘truth’ rooted in Foucault’s power/knowledge. Even if respondents reject the premises, they must also have social credibility, agency, and power to have that rejection be legitimately acknowledged let alone be permitted to argue for change.

References

Al Tamini, K. (2009). A Gendered Analysis of the Role of Authority in Argumentation. OSSA Conference. In *Feminist Alternatives to Traditional Argumentation* (Vol. 8, pp.1-8). Windsor, ON: University of Windsor.

Bondy, P. (2010). Argumentative Injustice. *Informal Logic, 30*(3). doi:10.22329/il.v30i3.3034

Ciurria, M. & Al Tamini, K. (2014). Argumentum ad Verecundiam: New Gender-based Criteria for Appeals to Authority. *Argumentation*, 28: 437-452.

Crouch, M. A. (1991). Feminist Philosophy and the Genetic Fallacy. Hypatia, 6 (2): 104-117.

Denzin., Norman, K., & Yvonna, S. (2000). Chapter 1. In *The Sage Handbook of Qualitative Research* (2nd ed., pp. 1-17). Thousand Oaks, CA: Lincoln.

Fricker, M. (2007). *Epistemic injustice: Power and the ethics of knowing*. Oxford: Oxford University Press

Govier, T. (1993). When Logic Meets Politics: Testimony, Distrust, and Rhetorical Disadvantage. *Informal Logic,15*(2). doi:10.22329/il.v15i2.2476

Hall, S. (1995). *Gender, race, and class in media: a text-reader* (G. Dines & J. M. Humez, Eds.). Thousand Oaks, CA: Sage.

Hall, S. (1997). *Representation: Cultural representations and signifying practices*. London: Sage in association with the Open University.

Huckin, T. N. (1997). Critical discourse analysis. In T. Miller (Ed.), *Functional approaches to written text* (pp. 78-92). Washington, DC: US Department of State

Hundleby, C. E. (2010) The Authority of the Fallacies Approach to Argument Evaluation. *Informal Logic*, 30 (3): 279-308.

Hundelby, C.E. (2016) The Status Quo Fallacy: Implicit Bias and Fallacies of Argumentation. *Implicit Bias and Philosophy: Volume 1, Metaphysics and Epistemology*, M. Brownstein and J. Saul (eds.). Oxford University Press, 238-264.

Makus, A. (1990). Stuart halls theory of ideology: A frame for rhetorical criticism. *Western Journal of Speech Communication, 54*(4), 495-514. doi:10.1080/10570319009374357

Räikkä, J. (2005). Global Justice and The Logic Of The Burden Of Proof. *Metaphilosophy, 36*(1-2), 228-239. doi:10.1111/j.1467-9973.2005.00364.

van Dijk, T. A. (1995). Aims of Critical Discourse Analysis. *Japanese Discourse, 1*, 17-27. Retrieved from http://discourses.org/OldArticles/Aims of Critical Discourse Analysis.pdf

Walton, D., & Godden, D. M. (2005). The Nature and Status of Critical Questions in Argumentation Schemes. In *OSSA 6* (pp. 475–484). Windsor, ON: University of Windsor.

Walton, D. N., & Reed, C. M. (2002). Argumentation Schemes and Defeasible Inferences. *Research Gate*, 1–5. Retrieved from https://cgi.csc.liv.ac.uk/~floriana/CMNA/WaltonReed.pdf

Walton, D., & Macagno, F. (2016). A classification system for argumentation schemes. *Argument and Computation*, 1–29. Retrieved from https://scholar.uwindsor.ca/crrarpub/38

Wodak, R. (2009). Critical discourse analysis: history, agenda, theory, and methodology. In R. Wodak, & M. Meyer (Eds.), *Methods for Critical Discourse Analysis.* (pp. 1-33). London: Sage (2nd revised edition).

Wodak, R. (2004). What CDA is about: a summary of its history, important concepts and its development. In R. Wodak, & M. Meyer (Eds.), *Methods of Critical Discourse Analysis*. (pp. 1-13). London: Sage.

Yap, A. (2012). Ad Hominem Fallacies, Bias and Testimony. *Argumentation*, 27: 97-109.

Yap, A. (2015). Ad Hominem Fallacies and Epistemic Credibility. T. Bustamante and C. Dahlman (eds.). *Argument Types and Fallacies in Legal Argumentation*. Springer.