Dialectical inquiry: Rescher, Toulmin, van Eemeren and Grootendorst and a model for rational argumentation.

Charles W. B. Jones
University of Windsor

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DIALECTICAL INQUIRY:
RESCHER, TOULMIN,
VAN EEMEREN AND GROOTENDORST
AND A MODEL FOR RATIONAL ARGUMENTATION

by

Charles W. B. Jones

A Thesis
submitted to the
Faculty of Graduate Studies and Research
through the Department of Philosophy
in partial fulfillment of the
requirements for the Degree
of Master of Arts at the
University of Windsor

Windsor, Ontario, Canada

1990
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ISBN 0-315-61005-0
ABSTRACT: DIALECTICAL INQUIRY

by

Charles W. B. Jones

This essay attempts to investigate the prospects for a certain model of rational argumentation, what we call a dialectical model. More specifically, we assess the utility of this model for the purposes of inquiry. Dialectical inquiry consists in a rule-governed discussion between two or more interlocutors in which the acceptability of a claim is determined by laying out and criticizing the support available for it. Models of dialectical argumentative discussion have been proposed before, and part of this work consists in a critical outline of three relatively recent models, those of Rescher (in Dialectics 1977), Toulmin (in The Uses of Argument 1958), and van Eemeren and Grootendorst (in Speech Acts in Argumentative Discussions 1983). The remainder of the essay evaluates and defends a set of standards of dialectical adequacy. We defend cogency standards of acceptability, relevance, and sufficiency, and pragmatic standards embodied in a set of rules of discussion. The impetus of the work is a desire to have a model through which we may rationally assess the acceptability of claims.
Acknowledgements

I would like to thank Professor Robert C. Pinto for his support and for reading earlier versions of some chapters. Many of the ideas expressed in this essay grew out of weekly discussions with Professor J. Anthony Blair during the Winter and Fall terms of 1989. I am immensely grateful to him. While he would no doubt deny credit for some of the ideas I outline, his critical and constructive suggestions and his constant encouragement played an important role in forming both its structure and content.
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Chapter 1 – Dialectical Argumentation

The central task of this essay is to investigate the fruitfulness, for the purposes of inquiry, of a particular model of argumentation: what we will call a dialectical or dialogical model\(^1\). Our use of the terms, "dialectical" and "dialogical", will become evident as we proceed, through a combination of stipulative definition and illustrative use of the terms in examples, but we should note at the outset our wish to avoid being interpreted as following faithfully in the footsteps of any one of those thinkers associated historically with "dialectic."\(^2\) Our concerns are not totally alien to those of previous philosophers of dialectic, but we are not committed to Platonism, Aristotelianism, Hegelianism, or orthodox Marxism. Our closest affinities are with the Aristotle of the Topics, but this relationship comes out by way of the developments found in the work of the twentieth-century philosophers Nicholas Rescher and Stephen Toulmin, and that of the Dutch speech communication theorists Frans van Eemeren and Rob Grootendorst. We will endeavour to make use of elements from all of these thinkers: the present work will be in the form of an inquiry which follows lines of argument often involving a combination of different schools of thought.

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\(^1\) We are aware of the danger of using these terms (especially the former). Noam Chomsky, for instance, writes (in the context of an informal discussion of "dialectical materialism"): "It is clear that people do use the word "dialectical" as if they understand it, but I personally have never understood it. In fact, my own feeling is that it is a kind of ritual term which people use when they are talking about situations of conflict and so on. Personally, I do not find it a very useful idea. If other people find it useful, then fine, use it.", Language and Problems of Knowledge (MIT, 1988), 189-190. We agree with Chomsky's criticism of vague, ritualistic uses of "dialectical," and will, in due course, be concrete and specific in our usage. We have decided that careful use of the term will be more of a help than a hindrance.

\(^2\) Chief among these would of course be Plato, Aristotle, Hegel, and Marx.
1.1 Dialectic: a social and critical process of argumentation

Dialectic, as here conceived, is a process in which two or more participants engage in a critical discussion aimed at testing the support for a given claim\(^3\). We will expand here on the nature of dialectical argumentation.

First we should make it clear that arguments are collections of statements intended by arguers to bear a certain relation to each other.\(^4\) Specifically, some of the claims will be intended to provide reasons to accept a further claim, which may be in doubt. Argumentation is the process of offering arguments. Argumentation is dialectical when we have two (or more) interlocutors involved in trying to determine the acceptability of a disputed claim by playing certain roles in the argumentative process. A monolectical argumentation process would leave out one (or more) of the roles found in a dialectical model.

Arguments are social products. They are offered by people, and they expressly lay themselves open to be scrutinized by other (real or imagined) people. This simple point goes a long way towards explaining the dialectical nature of argumentation as it will be here conceived. But the social aspect of argumentation (which we will discuss in more detail in later chapters) is only part of the present picture; many social practices are not dialectic or dialogue, and furthermore, many dialogues are not dialectic. Narrowing this conception further, then, we may note that another central feature of the view presently under consideration is the testing function of

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\(^3\) Readers familiar with the work of van Eemeren and Grootendorst will note the difference between their view, which has dispute resolution as its goal, and the present view, which changes the emphasis somewhat. This contrast will be dealt with at more length in chapter 4, 'The Amsterdam View.'

argumentation: arguments are offered by people for the scrutiny of other people in a joint effort to critically test the support for a given claim. 

**Arguments are inherently social, and are vehicles for testing claims.** These two features, the social and the critical, are central to the conception of dialectic that we will be investigating.

Another characteristic of dialectic is the idea of a **process of argumentation**; two or more parties are engaging in a process of testing a claim. Such a process involves the exchange of statements aimed at bringing out the rationale behind the point at issue. Criticisms aimed both at the claim and the support for the claim, along with the responses by the proponent of the claim (to both kinds of criticism), function in this way to test the grounds on which the claim is based.

Now when argumentation is conceived in this way, what follows for our view of **argument and argumentation evaluation**? This question is crucial, for it is important to get a grip on the question of what a **good** or **cogent** argument is. A cogent argument (or cogent arguments), dialectically conceived, may be taken to have certain features, and it is those features we will be concerned to discover, if they exist. We further need to determine which features a given process of argumentation should display if it is to achieve its stated goal of critical testing.

**1.2 Standards for argument assessment**

Here it will be well to distinguish two kinds of standards required in assessing argumentation.⁵ First, a cogent argument will have acceptable

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premises. And its premises will be both relevant to, and offer sufficient support for, its conclusion. The central function of dialectic, the critical testing of a claim, will be performed only if it is determined whether the support for a claim is relevant, acceptable, and sufficient. Second, the process of argumentation (of inquiry, in our case) must meet standards of adequacy laid out in a set of dialectical rules. Arguers are obliged to conform to these rules, though such conformity in no way implies the relinquishing of critical postures on the arguers' part. On the contrary, some of the rules are intended expressly to foster a critical attitude.

Beyond obedience to historical ("process") and functional standards, argumentation must be carried out with a certain attitude (or attitudes) on the part of the participants, attitudes which should be an inherent part of the enterprise of rational dialectic. Although we will not look in depth at any rules designed to entrench such attitudes, such rules would appear to be vital to the workings of a dialectical model. It may be that "higher-order rules" are required before the argumentative process can even get going. These rules, then, are not so much standards of argument assessment as prerequisites for the practice of rational dialectic.

The two kinds of standards will be worked out in greater detail, and the terminology somewhat modified, as we go along. Toulmin, for instance, suggests ways to avoid glossing over the important differences between aspects of arguments commonly grouped under the title "premiss." Part of our study will involve determining the utility of distinguishing data,

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6 The impetus for this view stems from E.M. Barth and Erik C.W. Krabbe's discussion-furthering rules in, for example, *From Axiom to Dialogue* (de Gruyter, 1982). For a brief outline, see Frans van Eemeren, Rob Grootendorst and Tjark Kruiger, *Handbook of Argumentation Theory* (Foris, 1997), 160-161.
warrants, backing, and rebuttals (Toulmin's terms) in a given argument (see chapter three). Rescher on the one hand (see chapter two), and van Eemeren and Grootendorst on the other (see chapter four), each view argumentation as a process and offer powerful suggestions for articulating a set of rules for the process of argumentation. The different kinds of standards will themselves be investigated in an attempt to assess their value.

1.3 Dialectical Inquiry

This essay is an attempt to assess the merits of a dialectical argumentation model for the purposes of inquiry. Inquiry, for our purposes, may be defined as an investigation into the acceptability of a given claim. Dialectical inquiry is such an investigation carried on by two or more interlocutors, according to a certain set of rules, in which the acceptability of a disputed claim is determined by way of critically laying out the degree of support available for the claim. When we honestly want to investigate the status of a claim, will a dialectical approach be of any use? And if it will be useful, will it be of more use than alternative ("monolectical") approaches? The underlying aim, the impetus for our work here, is to foster honest inquiry into questions that matter, questions dealing with the nature of the world around us and the problem of how we should live as human beings. Can a dialectical investigation help us in deciding on matters of universal and practical importance?

A dialectical approach to argumentation may be found in the best legal reasoning. Legal arguers must, in presenting the case for a claim, always

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7 Stephen Toulmin, in The Uses of Argument (Cambridge, 1958), is the source of this point on the importance of the "jurisprudential" model. Further useful discussions and developments of the view outlined here may be found in Jack Meiland, College Thinking (Mentor, 1981).
have the opposition in mind. Arguments against one's claim, and possible objections to one's arguments for a claim, must be brought to bear if a case is to approach completeness. And a cogent case offers replies to counterarguments and to objections to one's positive arguments. In all of this, the reasoning of the 'other side' plays a central role. If one's opposition is not taken into account, one's case lacks completeness. But in inquiry especially, completeness is a virtue of the highest order, since it stands to reason that opposing viewpoints need to be voiced and tested if we are to get to the truth of the matter.

Moreover, if we want a full inquiry into the case for and against a claim, we will want the strongest possible arguments for each side to be voiced (i.e. not just for one side). At least two sides need to be represented, but we can also clearly think of cases in which more than two sides exist. In a complete case, all sides should be represented.

The model is presented and critically examined in these pages, but the true test clearly lies in its practical application. Constraints of space preclude an in-depth test of this nature (e.g. a chapter on 'The Model at Work'), but practical concerns should fuel the critical questions to be aimed at the model.

1.4 What Dialectic is Not

I have tried to give an outline of what dialectic is, for present purposes. But it will be helpful in gaining a further understanding of the issues if we state (if only briefly) what dialectic is not.

1. While they are not strictly antithetical, a dialectical argument (as here conceived) is not a deductively valid proof. While this point may be obvious, we think a juxtaposition here between deductive and dialectical models will be instructive. The demonstrations found in deductive logic
texts present conclusions and the premisses which deductively entail them. In such examples (often referred to as 'arguments') no reference is made to premisses which might weaken the conclusion. The conclusion of a deductively valid argument is true necessarily, given that the premisses are true. But a dialectical approach to argumentation emphasizes a crucial characteristic of arguments, namely, that in most cases we are able, and even required, to question the premisses involved, **even in a deductively valid argument**. Petitio principii arguments (i.e. those in which the conclusion is found, implicitly or explicitly, in its premisses) may be deductively airtight, but they fail the test of **dialectical adequacy**. A petitio thus "begs" the questioner in the dialectical situation to query the defendant about the force of the "argument" offered. These considerations lead us to conclude that deductive validity is not a **sufficient** condition for an argument to be labelled dialectically adequate. We do not deny that demonstrations may often be put to good use within a dialectical model; we only note that dialectic is something different from demonstration.

To the above point we may add the idea that deductive validity is not **necessary** for dialectical adequacy either. As we investigate the content and merit of the standards for dialectical argumentation, we will come to see that a dialectically cogent argument need not necessitate its conclusion. A "good case" may be made out for a claim, even though the claim is not necessitated by its supporting statements. The philosopher Michael Scriven has said that

> the reasoning of the kitchen, surgery and workshop, the law courts, paddock, office and battlefield; and of the disciplines... is not the deductive reasoning of the mathematician or pure

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8 For example, "If all people are selfish, then morality is impossible. All people are selfish, Therefore, morality is impossible."
Dician, nor is it best interpreted as an incomplete version of
aductive reasoning.9

While it is emphasized that dialectic is not formal proof, it should also be
made clear that the dialectical process is vital to the laying out of support
for a given claim. In this way, then, a kind of proving is taking place,
though it is not that kind of proving known best by the formal logicians.10

2. Dialectic is not a theory about the nature of reality. That is, we are not
dealing here with orthodox Marxist "dialectical materialism." The present
view of dialectic is more procedural that substantive. It may be utilized to
discover the rational support for a given claim, even a claim about the
nature of reality (i.e. dialectical materialism), but it does not presuppose a
certain goal for itself.

3. A mistaken impression might have been given concerning the
question of the dialectical method we have been describing. As Trudy
Govier has argued,11 the mere presentation of two sides of an issue is no
guarantee of objectivity. (Indeed, she argues further that the offering of one
view may, in some instances, allow for deeper understanding than that of
two views!) The main point here is to distinguish dialectic from a model of
argumentation which aims to present 'two sides' to every issue with which
it deals. Dialectic as presented in this essay is no such model. Rather, it is
stressed that an adequate model of inquiry must allow for the advancement
of many views on a question, if such advancement will aid the task of

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9 Michael Scriven, 'Probative Logic,' in Frans H. van Eemeren et al. (eds.),
10 Scriven, Ibid., speaks of "para-proof or proto-proof." Our quoting of Scriven in this
context is not to be taken as identification of our view with Scriven's. We note only a
sympathy with his approach here.
11 'Are There Two Sides to Every Question?,' in Trudy Govier (ed.), Selected Issues in
Logic and Communication (Wadsworth, 1988), 43-54.
critically testing a claim. So, unlike the "two sides" view, the present view does not restrict possible viewpoints a priori.

1.5 Aim of the present essay

This essay will investigate the views on argumentation of three distinct contributors: Nicholas Rescher, Stephen Toulmin, and the Amsterdam theorists, Frans van Eemeren and Rob Grootendorst. The three studies, to be found in chapters 2, 3, and 4, constitute the bulk of the essay, but the focus of the work is chapter 5. There we bring together the fruits of our critical inquiries in chapters 2 through 4 and attempt to outline the features a model of dialectical inquiry should have. That is, in chapter 5, an attempt is made to say what characteristics an argumentative model should have if it is to foster rational inquiry into questions of fundamental import to our lives. The implications of success in this endeavour may prove important to those holding a certain view of the nature of philosophy, even though such implications cannot be properly addressed here.

Let us begin, then, with Nicholas Rescher's dialectical model.
Chapter 2 - Rescher's Dialectics

2.1. Introduction

In this chapter, we will discuss the contributions to the theory of argumentation which are to be found Nicholas Rescher's book, Dialectics.1 We want to achieve a number of goals in this chapter and, to make the general drift evident, those goals will be briefly stated.

First, we want to give an outline of the particular model of argumentation Rescher gives us. Second, we will try to gain an understanding of the criteria of argument cogency Rescher is using. Third, we will outline some of the support Rescher proposes for such a model. Fourth, we will investigate the possibility of a dialectical inference, an inference (if it exists) unique to the dialectical model of argument. And fifth, we will note the criteria of a good model of argumentation which Rescher uses.

2.2. The Model

2.2.1. Dialectic

Rescher, in his Introduction, refers to dialectic as a "vehicle... for reasonable persuasion" and an "instrument of criticism," and to disputation ("one particular version of dialectic") as "a probative mechanism," but he also speaks of "the disputational model" and says the following of his overall project:

The goal of this exploration is the development of a dialectical model for the rationalization of cognitive methodology -- scientific inquiry specifically included.2

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2 Dialectics , xii-xiii.
Dialectic, as used by Rescher, is a mechanism for rationally validating claims to factual knowledge (though it may be useful in other spheres as well). Dialectic is a tool which we can use in our inquiries into the way the world is. At the end of the introduction, Rescher claims that dialectic, like "open discussion," is "an instrumentality in the pursuit of truth".3

From Rescher's general discussion of dialectic, we may venture our own rough attempt at definition: dialectic is a rule-governed discussion between two role-playing participants in which some claim is tested. In rational dialectic the overall aim is to achieve the truth. The dialectical method (for it is a method, procedure, or tool for achieving certain goals)4 involves a structured discussion in which the grounding for a given thesis is strengthened.5 A picture of dialectic as described here will eventually emerge in these pages, but we follow Rescher in beginning with one species of dialectic, namely, formal disputation, whose goals are slightly different from rational dialectic.

2.2.2. The Central Moves and where they lead

Rescher focuses on disputation in order to avoid unmanageable complexity in analysis. He emphasizes formal disputation ("one particular version of dialectic"6), in the Medieval sense of a structured controversial discussion. We should first point out that there are three participants in the disputation, the proponent (who is defending a thesis, i.e., some claim) and

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3 Ibid.
4 We can imagine other possible methods for testing a claim or grounding a thesis, but dialectic is thought to be the most effective in achieving these ends.
5 Although Rescher does not say this, we could view dialectic as in turn a species of discussion. A discussion between two people can take the form of casual, trivial conversation, of aimless musing about anything at all; or it can be highly structured and goal-directed, as is the case with dialectic.
6 Dialectics, 7.
the opponent (who attacks the claim and its support). Another party, the
determiner, adjudges the dispute at its end and chooses a victor. (We can
imagine cases where no determiner exists, and indeed if the judging is
carried out according to certain specified standards, it seems it could be
done by the proponent and opponent in the absence of a determiner). The
role of the determiner will be discussed at the end of this section.

There are three central moves in the formal disputation:

1) Categorical Assertion: !P (only proponent can make this move).

In making this move, proponent asserts P. It may be translated as
"P is the case," or "It is maintained (by me) that P." This is also
proponent's opening move in the disputation.

2) Cautious Assertion: †P (only opponent can make this move).

In making this move, opponent is saying "P is the case for all that
you have shown," or "P is compatible with everything you have said."

3) Provisoed Assertion: P/Q (available to both participants).

This says "P generally (or usually or ordinarily) obtains provided that
Q," or "P obtains, other things being equal, when Q does," or "Q constitutes
prima facie evidence for P." The provisoed assertion must always be
accompanied by one of the other two basic moves. Rescher stresses that the
/-relationship is not one of implication. As an example, he gives "That Fred
is an American constitutes prima facie evidence that he has learned
English." The idea here is of a "reasonably safe presumption rather than
an airtight guarantee." Nor is the relationship one of probabilities (though
it seemingly need not exclude them). One is not concluding that there is a
certain measurable probability that Fred has learned English; rather, one

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7 Emphasis added.
8 *Dialectica*, 7.
is claiming that it is reasonable to presume, on the basis of a piece of evidence, that Fred has learned English. And such a presumption can be overturned by the marshaling of further contrary evidence, such as the statement that "Fred grew up speaking only Spanish in Mexico, and has just now been granted American citizenship."

Rescher gives also the countermoves to the three basic moves, as well as the counters to those countermoves, none of which we have space to discuss here. Suffice it to say that the moves are designed to provide the best opportunity to probe the thesis in question and to increase its grounding. To give some idea of the process, we will briefly rehearse a short segment of (one strand of) a (modern) disputation (one for which we, not Rescher, take full responsibility):

Proponent - Cigarette smoking causes lung cancer (! P)
Opponent - It is not the case that cigarette smoking causes lung cancer if there is no more than a correlation between the one and the other, and for all you have shown, there may be no more than a correlation. (~P/~Q & ṭ~Q)
Proponent - There is more than a correlation (! Q)
Opponent - But there is not more than a correlation if there are not well-planned and accepted prospective studies which show smoking to be a causal factor for lung cancer, and for all you have shown, there are no such studies (~Q/~R & ṭ~R)
Proponent - There are such studies (! R) . . .

This strand of the dialectic can, and most likely would, continue along these lines (proponent would make use of provisoed assertion as well). As can be seen, the procedure has built-in asymmetries of position. Opponent is not required to offer support for the claim that "Cigarette smoking does not cause lung cancer." His job consists only in challenging proponent's positive thesis, P. Such asymmetries are part of the roles of proponent (supporter) and opponent (skeptical denier) of a given thesis. As we develop disputation into a process in which both participants can argue
for a thesis, each party becomes probatively symmetrical, but this evolution is not a revolution of any kind: the basic rules remain the same, but now the parties may switch roles depending on which thesis is being defended.

The disputation need not ever end (new moves can in principle be made throughout generations of time), but realistically, each disputation has a goal, namely, to arrive at a decision as to the status of the thesis in question. In the formal disputation, one adversary must "be counted as the victor", and it is up to the determiner to decide who that victor is to be. Here are the two criteria the determiner uses in adjudging the dispute:9

1) A formal criterion regarding "the avoidance of illicit moves." This criterion checks for "formal errors in reasoning." Normally, all the rules and procedures will have been followed, i.e., no formal errors are present. In this case, the second criterion kicks in.

2) A material criterion regarding "the extent to which the opponent drove the proponent into implausible commitments." Here the determiner must assess the plausibility of the proponent's commitments at the dispute's end.

But with the second criterion we are entering unfamiliar territory. What is meant by "plausibility" here? We shall see, for so far we have given only part of the story. The crucial part of the dialectic concerns the plausibility (acceptability) of the proponent's commitments at the end of the dispute, that is, the cogency of his case overall.10 Plausibility and presumption are crucial mechanisms for determining the strategies and goals of the dialectic. Accordingly, we now turn to the crucial concepts of

9 Ibid., 23.
presumption, burden of proof (the correlate of presumption), and plausibility.

2.2.3. Burden of proof, presumption, and plausibility

It is now time to introduce some key terms. We will begin here with a few sentences, of our own invention, which attempt to give the overall picture. In the course of the later discussion, we will unpack these sentences.

The dialectic allows us to assign the burden of proof, and this involves some claims being given the status of presumptions. In turn, a claim or argument within the dialectic can gain the status of a presumption by being regarded as plausible.

So much for an outline; now let's get to work on the key terms.

A main phrase to grasp is "burden of proof" ("onus probandi", in the Latin). This concept originated in Roman law, where the steps in a legal action consisted of one party trying to establish some charge while another party tried to rebut the charge; all moves taking place before a "neutral adjudicative tribunal."11 We are dealing here with the "ground rules of probative procedure,"12 the rules for determining who must bring forth evidence at what times in the process. Rules for assigning the burden of proof allow the investigation to proceed. For example, our principle that the accused is "innocent until proven guilty" is just such a rule. The prosecution must attempt to make credible the guilt of the accused, i.e., she must try to effect a shift in the burden of proof. "The idea of burden of proof is interlocked with that of evidence. The concept articulates a basic rule of

12 Dialectics, 25.
the evidential game. To say that the burden of proof rests with a certain side is to say that it is up to that side to bring in the evidence to make its case."13

The next crucial concept needed to understand the dialectical process is that of a **prima facie case** (a concept we find to be related to the provisoed assertion, with its idea of prima facie evidence). Staying with the legal metaphor, the side on whom the burden of proof falls must respond by making out a prima facie case for her position; that is, a case that will stand as accepted **in the absence of appropriate evidence to the contrary**. Such a case merits the title 'provisionally accepted,' and of course the opposing side can challenge this prima facie case by presenting the aforementioned contrary evidence.

There are two kinds of burden of proof. First, there is what may be called "the probative burden of an initiating assertion (initiating I-burden of proof)." The proponent of a thesis carries the burden of supporting it in the argumentative process, in the face of challenges from the opponent. The I-burden remains constant throughout the dialectic, that is, it stays with the proponent. Second, there is "the evidential burden of further reply in the face of contrary considerations (evidential E-burden of proof)."14 The idea here is that a participant in the dispute has the "burden of further reply" whenever "suitably weighty" considerations have been brought in against his view. The E-burden may swing back and forth between participants as the dialectic moves on.

The E-burden is central because it concerns **shifts** in the burden of proof, i.e., it calls for the other side to advance the argument to a new level. The problem here, of course, will be with what are to count as "suitably

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14 **Dialectics**, 27.
weighty" considerations. How much evidence is sufficient to shift the E-burden? In the absence of a solution to this problem, the crucial element of E-burden shifts will not be of much use. We will address this problem in due course when we come to consider the idea of plausibility and its relation to presumption.

From its legal origins, burden of proof developed further in the setting of the medieval scholastic examination. This is the formal disputation with which we are familiar, and which shares many characteristics with the Roman court-room procedure. In the disputational context, as in the legal context, the burden of proof is assigned by way of general rules (indeed, by the same rules in both cases). A crucial problem for us is to determine the rules for allocating the burden of proof in the dialectical procedure aimed at discovering the truth (i.e., not just in law or debate). In chapter 5, we offer three burden of proof rules designed to address this problem.

Rescher credits Richard Whately's Elements of Rhetoric (1828) with first introducing the concepts of burden of proof and presumptions "explicitly into the theoretical analysis of extra-legal argumentation."15 These ideas have since played a prominent role in the theory of debating.16 And perhaps here is as good a place as any to note the central point that burden of proof and presumption are two sides of the same coin, as it were. As Whately puts it, to say that a claim has a presumption in its favour is to

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15 Dialectics, 2; Methodological Pragmatism, 206.
16 cf. A.J. Freeley, Argumentation and Debate, 3rd ed. (Wadsworth, 1966), 32: "The 'burden of proof' is . . . the obligation of the man who affirms the proposition to prove his case." Freeley, in this university debating text, makes reference to Whately.
say "in short, that the Burden of proof lies on the side of him who would dispute it."17

When a claim or argument gains the status of a presumption, it manages to shift the (E-) burden of proof onto an adversary. But it is important to note that any presumption is defeasible, i.e., it is subject to defeat in the face of considerations to the contrary which may arise in further discussion. A presumption is always tentatively, never absolutely, accepted. Note again that this is not a case of the probability of a claim, but simply of our choice to accept it in the absence of counterconsiderations. We note here that we might choose to accept a claim on the basis of evidence that shows it to be probably true, but this only shows that probability is one way in which a claim can gain presumptive force. Claims or arguments become presumptions by being prima facie acceptable or plausible. When we speak of a presumptive truth, we really speak of a pretender to the truth, a truth-candidate, "a runner in a race it may not win."18

Now we must face the problem mentioned earlier. We may restate it as follows: How are we to decide whether a claim or argument should gain the status of a presumption? In answering this question, we are led into a discussion of plausibility. We will quote Rescher's basic rule here:

Presumption favors the most plausible of rival alternatives -- when indeed there is one. This alternative will always stand until set aside (by the entry of another, yet more plausible, presumption).19

18 Dialectics, 35.
19 Ibid., 38.
A claim is plausible if we have an extensive "cognitive inclination" towards it, "in light of the credentials represented by the bases of its credibility."

There are three bases for plausibility in the domain of empirical fact (Rescher's book is addressed to the problem of supporting our claims to factual knowledge.) We should remember that plausibility is the basis for presumption (and so for burden of proof), so the bases for plausibility will be of paramount importance to a theory of rational dialectic. The three bases are as follows:

1) "The standing of sources in point of authoritateness" - here, the plausibility of a thesis depends on the reliability of the source who endorses that thesis.

2) "The probative strength of confirming evidence" - here, the most plausible thesis is the one which has the strongest evidence to back it up.

3) "The tendency of principles of inductive systematization" - here, the most plausible thesis is the one whose record is best based on the criteria of simplicity, regularity, normalcy, uniformity, and so on. In this case, principles, rather than sources or evidence (as in cases 1 and 2), are acting as warrants for theses.

Generally, the most plausible theses will be those which fit most comfortably "within the overall framework of our cognitive commitments." At the end of the dialectic, the proponent's case will depend on the plausibility of his commitments and, more specifically, on

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20 Ibid., 41.
21 Ibid., 39. This view seems to have affinities with the idea of a coherent body of empirical knowledge, such as is found in the work of W.V.O. Quine, e.g.: "Our statements about the external world face the tribunal of sense experience not individually but only as a corporate body." - 'Two Dogmas of Empiricism,' in From a Logical Point of View (Harvard Univ. Press, 2nd ed., 1963), 41.
the plausibility of his least plausible commitments. In order to engage in rational discussion at all, Rescher claims, we need "a shared procedure for the assessment of plausibility and the allocation of presumption". Without "objective standards of adequacy," dialectic is doomed.22

Rescher stresses that the dialectic of disputation and rational controversy is our guide in developing the dialectic of rational inquiry. Ultimately we want a procedure which will aid us in our pursuit of the truth. In rational dialectic, the aim is "not to refute the contentions of an opposing spokesman, but to appraise the rational credentials of a thesis." Nevertheless, the two kinds of dialectic are "probatively isomorphic" in that they share the common aim of building "a probatively sound argument."23

2.3. The Support for the Model

Rescher provides support for the model partly by showing how, in epistemology, it manages to silence the skeptic (chapters 6 and 7) and how, in science, it may be seen as the form of the scientific method itself (chapter 8). He also attempts to show that the dialectical process is an inherent element of rationality itself (chapter 5). With the limited space available, we choose to briefly look at the relationship between dialectic and the scientific method, the ultimate in rational procedures.

In Rescher's view, the progressive scientist may be regarded as a proponent for a certain thesis, and so she engages in a defense of that thesis through the construction of a strong case in its favour. Within the scientific community, there emerge opponents to the thesis who challenge it at its

22 Dialectics, 45. Robert C. Pinto counters this view. He holds that "presumption policies" (the standards referred to above) are created by the participants in a dialectical exchange and gain force only by being accepted by those participants. Accordingly, "there are no fixed standards for judging arguments as they occur in dialectical contexts." ('Dialectic and the Structure of Argument,' Informal Logic vi, no.1 (1984), 16-20.)
23 Dialectics, 46, 58.
weak points, introduce counterconsiderations, and in general strive to block its acceptance. Further, there is the equivalent of a "determiner" in the large group of disinterested bystanders to the dispute. (Of course, in the actual practice of science, ambition and the desire for security play a role along with the desire to get at the truth of the matter.) This body of determiners eventually decides on a status for the thesis in question. The probative ground rules are the elements of scientific methodology (experimental design, "the statistical organon of evidential inquiry," and so on). At bottom, there are the traditional scientific standards of "explanatory adequacy, predictive success, and efficacious control vis-a-vis the world about us."24 Depending on how the thesis fares in the dispute, the burden of proof may shift sides.

The disputational model of science also manages to embrace the two main schools of thought in the theory of scientific methodology. The confirmationist view is represented by the proponent (who tries to increase the evidential backing for her thesis), and the falsificationist view is embodied in the opponent (who attempts to refute the claims of the proponent). So the adversarial aspect of the process is celebrated; no attempt is made to criticize it as counter-productive.

Finally, we should note that the historical development of the dialectic tells crucially in the support for a thesis. Since "[t]he whole course of argumentation must be brought into the assessment of the probative status of the conclusion," the history of science gains central importance in the judging of a scientific thesis.25

24 Ibid., 111.
25 Ibid., 118. We may note in passing that Ronald de Sousa, in listing six principles of rationality, states principle 4 as follows: "The assessment of rationality of any act or belief looks both forward to consequences, logical and causal, and backward to origins." (The
2.4. Dialectical Inference?

With this general picture of the process of rational dialectic in hand, we will now ask some more specific questions regarding the relationship of the dialectic to other questions in argumentation theory. Specifically, how does dialectic relate to the usual tools of arguers: deduction, induction, conduction, and so on?

We should ask here about the relationship between the standards of rational dialectic and inferential standards, i.e., standards governing the relations between premisses and conclusions. Inferential standards are clearly a crucial part of the dialectical process, namely, in their capacity as guides to cogent inference to which each participant should adhere. But what is the relation involved here?

We may say that there are different inferential models, namely, deductive, inductive, conductive, and so on. Depending on the kind of inference at issue, different standards will come into play, e.g., those of entailment (regarding deduction), inductive strength (induction), preponderance of pros over cons (conduction), and so on. But, it might be said, the dialectic itself is the larger context in which such inferences are made and presented for criticism. The question we want to raise here is whether there is such a thing as a dialectical inference. We will hold that, in a specified sense, there is such a thing. If there is a dialectical inference, does this preclude the use of other inferential models in the dialectical process? We hold that such preclusion is not forced upon us.

Rationality of Emotion (MIT, 1987), 162.) The importance of the origins of a belief has affinities with Rescher’s view, but Rescher further adds that development is equally central to rationality.
2.4.1. Provisoed assertion as dialectical inference

The **provisoed assertion** (P/Q) is the argumentative move which we hold to be a 'dialectical inference.' It is the central move in the dialectic. Indeed, we hold that this "assertion" can be seen as an inference which is an inherent part of the dialectical process. Unlike the other two fundamental moves, the provisoed assertion involves a (non-implicative, non-probabilistic) inference. It says, we remember, that "Q constitutes prima facie evidence for P." Here we have a certain claim supporting another claim (in fact, it could refer to an inference supporting a claim). So **within** a single dialectical move, we have the notion of **support** as central to that move. An inference involves a movement from one claim to another, and a relationship of support is always involved. Thus, we conclude that the provisoed assertion can be labeled as an inference. We further want to call it a dialectical inference because it is an essential part of the dialectical process: without provisoed assertion, we would not have dialectic (or dialectic as we have been discussing it). As further support for our view, we note that the provisoed assertion is the only fundamental move that can be made by either participant.

2.4.2. Dialectical and other models of inference

An inductively strong inference may be seen as providing prima facie evidence for a further claim. In this case, an inference may be seen as part of a larger inference, i.e., an inductive inference, in this case, being a central element in a certain provisoed assertion. A claim or an inference can gain the status of a presumption: either may fill the place of the Q in the provisoed assertion form P/Q. Either may provide prima facie evidence for a further claim.
Against the view that dialectical inference can make use of other inferential models, one might cite Rescher himself, when he speaks of "dialectical (as opposed to deductive) reasoning." From this quotation, we might conclude that dialectic and deduction are mutually exclusive.

But we should note that Rescher is here discussing the nature of the /-relationship, which represents a "presumptive rather than deductively airtight" connection between claims. He is not claiming that deduction cannot play a part in the dialectical process; rather, he is pointing out the unique nature of the provisoed assertion relationship. That relationship is distinct from that of deductive entailment, and Rescher is here concerned to bring the idea of presumption, in the absence of entailment, to the fore. This does not mean that other inferential models are not allowed; actually, the ability to make use of other inferential models constitutes one of the great assets of dialectic.

2.5. Standards for argumentation prescribed by the model

We first encountered the problem of judging the dialectic in section 2.2. There we noted that there were two criteria for such judgment: a formal and a material criterion. We will now briefly reiterate these ideas in light of what we have said in the intervening sections.

There are two kinds of standards which a good dialectical argument must meet. The first kind concern the rules governing the allowable moves within the argumentative process itself. These may be dubbed "pragmatic rules of argumentation." The second kind of standards have to do with the rules for the shifting or retaining of initiative between participants in the process, i.e., with burden of proof, presumption, and plausibility.

26 Dialectics, 8.
With respect to the first kind of standard, if all moves follow the procedures laid out in the rules for allowable moves, then we can say that the dialectic meets the formal requirements for dialectical cogency (cf. section 2.2). In the case of the second kind of standard, the situation is different. Here we will decide whether the thesis (in its original or in a qualified form) is to be accepted depending on whether the proponent's supporting considerations, to which she has become committed, can be regarded as presumptions, i.e., depending on whether her overall case displays a high degree of plausibility. If the case is determined to be highly plausible overall, then we can say that the argument (from the point of view of the proponent) meets the material requirements for dialectical cogency. We note that these material criteria relate to the proponent because the dialectic is adjudged specifically with regard to the thesis which was initially in question, and it is the proponent who maintained this thesis.

So the formal requirement applies to both participants in the dialectical process, while the material requirement applies only to the proponent. Again, it is the plausibility of the proponent's commitments which is being examined; any judging which uses the material criterion judges only with respect to the thesis in question, so this judging can only concern itself with one thesis-holder at a time. The opponent, who need not maintain a thesis of his own, concedes claims and inferences to the proponent, but need not thereby commit himself to those concessions.\(^{27}\) Of course, if the opponent of a thesis is at the same time a proponent of an incompatible thesis, his positive case would be subject to the material criterion.

\(^{27}\) ibid., 22.
Rescher does not adequately stress the importance of the so-called "formal" criterion, what we are calling the pragmatic rules of argumentative discussion. We counteract this lack of emphasis in chapter 4 by discussing the ideas of van Eemeren and Grootendorst, whose rules for argumentative discussions emphasize the need to view argumentation as a linguistic activity. At this point, however, a few brief comments are in order on the need for certain kinds of pragmatic rules.

First, we may note that Rescher offers no explicit mechanism by which participants may obtain clarification from their adversary on questions of pure comprehensibility. If proponent makes a claim which opponent does not clearly understand, there must be a procedure for getting clarification.Both Toulmin\textsuperscript{28} and van Eemeren and Grootendorst\textsuperscript{29} realize the need for such a procedure. If proponent offers a thesis that is not clearly understood by opponent, the discussion may continue at cross-purposes, with each interlocutor arguing for or against different claims. In the worst possible scenario, a dialogue may take place when there was no need for one, since opponent would have immediately concurred with proponent's position had he understood it clearly in the first place.\textsuperscript{30} Rescher's model needs to be supplemented with a rule allowing for clarification. This is easily done, so this shortcoming is not fatal to his dialectical model.

\textsuperscript{29} 'Rationale for a Pragma-Dialectical Perspective,' \textit{Argumentation} 2 (1988) 285. They include a rule of discussion "aimed at preventing misunderstandings as a result of unclear, vague, or ambiguous formulations."
A more serious problem with Rescher's model is his failure to expand upon his discussion of the burden of proof and offer standards of argument cogency. We maintain that burden of proof considerations are of use only when there are standards according to which the burden may shift. In the absence of such standards, the dialectical process stalls for want of guidelines telling the arguers how to proceed. Rescher has given us a useful notion, 'plausibility', which promises to help in apportioning the burden of proof, but we then need to ask just how we determine when a statement is plausible. In chapter 5, we look at the standards of acceptability, relevance, and sufficiency, and there we try to answer questions related to the above discussion, namely, "How do we determine when a statement is acceptable?" and "Where should the burden of proof rest with respect to the cogency standards of acceptability, relevance, and sufficiency?"

2.6. Criteria of a good model

Rescher's model exhibits a number of important characteristics which we hold to be necessary for any model of argumentation. We shall briefly discuss three: (1) a model should make use of burden of proof considerations as part of its rules of procedure, (2) stress should be laid on the communal aspect of inquiry, and (3) as a tool for determining the acceptability of disputed claims, a model of argumentation should provide for a "cost-benefit analysis" of considerations for and against such claims.

(1) The idea of the burden of proof is crucial to any adequate model of argumentation. In an argumentative dialogue there is a need for a mechanism which will allow arguers to decide who is to take the initiative

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31 In fairness to Rescher, he has made an important attempt to answer this question in his book, *Plausible Reasoning*, Van Gorcum, 1977.
at any given point. Burden of proof rules provide just such a mechanism, and if these rules are carefully formulated (see, for example, our chapter 5) they can allow reasonable disputants to come to an agreement as to the status of a point at issue (disputed claim, contested thesis).

(2) A model of argumentation should display argumentative practice as communal in character. In the kind of argumentation in which we are interested, argumentative inquiry, the need for communality is equally important, and Rescher rightly stress these points as vital.\(^3\) Argumentation is an activity in which proponents and opponents of disputed claims interact with one another with the explicit purpose of testing the acceptability of a point at issue; this interaction must be recognized in any adequate model of argumentation.

(3) Rescher's dialectical model provides for a "cost-benefit analysis" of considerations for and against disputed claims. In many instances, we may be able to bring forth considerations which tell both for and against a given thesis. A model of argumentation should allow for these considerations to be voiced and for some kind of comparative weighting of considerations to be carried out. Rescher's dialectic allows for pro and con considerations to be set off against one another and thus helps us in determining which side has more probative weight.\(^3\)

2.7. Conclusion

Rescher's model of rational dialectic constitutes a major step towards the goal of devising a useful model of dialectical argumentation. We have noted where his approach raises questions which are central to the theory

\(^3\) Dialectics, 123-124. Rescher places special emphasis on the disputational and communal aspects of the scientific enterprise.

\(^3\) Dialectics, 49-52.
of argument. The concepts of burden of proof, presumption, and plausibility are needed if we are to understand rational inquiry as conceived dialectically. (If Rescher is right, there is no other way to correctly conceive it.) The idea of a dialectical inference, if it turns out to be a coherent idea, has great implications for argumentation theory and for understanding rational inquiry in general. There is no guarantee that methods we devise will succeed in getting at the truth, but this model, despite its shortcomings, shows the potential for effecting a decrease in our inevitable fallibility.

We turn now to a discussion of another kind of dialectical model of argumentation, that of Stephen Toulmin in The Uses of Argument.
Chapter 3 - Toulmin's Contributions

3.1 Introduction

In this chapter, we offer a critical outline of some of the characteristics of argumentation suggested by Stephen Toulmin in his book, The Uses of Argument. First, however, we should state briefly Toulmin's motivation for writing the book.

For Toulmin, the history of logic since Aristotle's Prior Analytics, and especially in the first half of the twentieth century, shows a pattern of development away from practical questions about the manner in which we have occasion to handle and criticize arguments in different fields, and towards a condition of complete autonomy, in which logic becomes a theoretical study on its own, as free from all immediate practical concerns as is some branch of pure mathematics.

Toulmin is convinced "that, in science and philosophy alike, an exclusive preoccupation with logical systematicity has been destructive of both historical understanding and rational criticism." His aim is to bring logic back to its proper calling, namely, the critical study of arguments in all areas of human endeavour. In carrying out this task, he believes it necessary to introduce new distinctions into logical terminology and to reorient our views as to the elements of logical analysis and the criteria of logical evaluation. These reformative goals lead Toulmin towards what may broadly be called a dialectical model of argumentation (even though he does not himself use the word 'dialectical'). Before setting out the dialectical

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1 Cambridge University Press, 1958.
2 The Uses of Argument, 2.
features of argumentation in *The Uses of Argument*, we will look at the central questions with which Toulmin proposes to deal.

### 3.2 Toulmin's central questions

The central question, as stated by Toulmin, is as follows:

> How . . . to set out and analyse arguments in order that our assessments shall be logically *candid*—in order, that is, to make clear the functions of the different propositions invoked in the course of an argument and the relevance of the different sorts of criticism which can be directed against it.\(^4\)

We can see that, in Toulmin, we will encounter a *functional* analysis of argumentation, along with an inquiry into the relevance of support for claims. What roles do different propositions play in the overall process of argumentation? And how is the bearing of certain claims on others to be determined? These questions guide Toulmin’s work.

Another question Toulmin asks is more general. He wants to discover how best to characterize the "rational process," the process of presenting arguments for and against a claim. Under this general heading, further questions arise: How are claims put forward? How are they disputed? How are they determined? And what are the categories needed to understand the rational process?\(^5\) In short, Toulmin aims to offer an outline of the procedures and categories involved in the process of argumentation.

A related question to be investigated in *The Uses of Argument* is that of assessing the comparative rationality of argumentation in different fields of inquiry. Is it the case, for example, that everyday arguments are inherently less rational than arguments in geometry? Toulmin thinks not. Arguments in all the different fields may lay claim to rationality; the standards of one

\(^4\) *The Uses of Argument*, 8-9.

field should not be imposed on those of another. When this is seen, we are able to realize that no one kind of argumentation is necessarily more rational than another. Further, rationality involves following a certain procedure rather than conforming to the form of a geometrical proof. To discover what exactly that procedure is, we need to discuss the model itself, and this will involve us in an examination of argumentative dialectic.

3.3 Argumentative dialectic in Toulmin

The procedure involved in the presentation of arguments is to be modeled on the example of jurisprudence: "Logic (we may say) is generalised jurisprudence." In order to understand the rational process it is necessary to look at the judicial process, which is simply a special instance of the more general pattern.

According to Toulmin, the primary function of arguments is to offer a fully spelled-out defence of an outright assertion; to make good one’s claims. Law-suits involve the development of a case by each side involved in the dispute. The building of a supporting case for a claim-at-law is a special instance of the development of a case for a claim in other areas of inquiry. And the analogy with the law serves to emphasize "the critical function of reason." A cogent argument is one which meets the "standards of achievement" represented by the "rules of logic."

When he begins to talk about arguments and the support we can give for claims, Toulmin immediately puts the matter into a dialectical framework. A person makes a claim and is challenged to back it up. That is, he is

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6 Ibid., 7.
7 Ibid., 12. Here he has been criticised for his "justificationism". See I.C. Jarvie, 'Toulmin and the Rationality of Science,' in Essays in Memory of Imre Lakatos, R.S. Cohen et al. (eds.), Dordrecht, Reidel, 1976.
8 The Uses of Argument, 8.
asked: **What have you got to go on?** The proponent of the claim then must offer the required support (the data, facts) which will "be relevant and sufficient to make good the initial claim."9 Already in Toulmin, then, we have two participants, one of whom offers support for a given claim as a result of the other's requests for substantiation.10 The social-critical nature of this process is evident.

Early in the work, Toulmin introduces the idea of "stages" or "phases" of an argument.11 The development of a case for a claim may be presented in a series of steps. He distinguishes three: an initial stage, a subsequent stage which we may fairly label the evidence (or evidentiary) stage, and a final stage. As an instance of the "process" approach to argumentation, we will briefly discuss each phase.

At the **initial stage**, the claim is stated and the problematic character of the claim is noted: "this can be done at best by asking a clear question, but very often by indicating only the nature of one's confused search for a question."12 We are often confronted with a number of different claims which are entitled to be considered, i.e. different claims whose support deserves to be investigated. In the quest to discover the most acceptable claim, these are all **candidates** for the title 'solution.' As claims increase in

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10 James Freeman, in chapter 6 of his introductory text *Thinking Logically: Basic Concepts for Reasoning* (Prentice-Hall, 1988), offers "four basic dialectical questions" which he claims are motivated by Toulmin's "layout of arguments" in chapter three of *The Uses of Argument*. These questions are (I) Can you give me another reason? (data) (II) How do you know that reason is true? (backing) (III) Why is that reason relevant to supporting your claim? (warrant) (IV) Given your reason, how confident should I be of your claim? (modal qualifier).
11 *The Uses of Argument*, 16-17. The notion of stages of an argumentative discussion is exploited to great effect by van Eemeren and Grootendorst, as we will come to see in chapter four, 'The Amsterdam View'.
12 *The Uses of Argument*, 17.
likelihood it becomes increasingly incumbent upon us to look into the backing for them.\textsuperscript{13}

The \textbf{evidentiary stage} of the argumentation, what Toulmin calls the "subsequent phase," is the stage where "evidence is set out or testimony given in support of the charge or claim."\textsuperscript{14} A number of things may happen at this stage. For instance, there are cases where one candidate stands out as the only possible solution, the \textbf{necessary} choice, but in such cases the rationale for argumentative discourse is absent ("no one deliberates when the solution is necessary"\textsuperscript{15}). Or alternatively some candidates may be dismissed as \textbf{impossible}, as 'out of the question.' The real work begins when we come to assessing the acceptability of a number of surviving claims by looking at the support available for each. The remaining candidates may then be graded on a scale of their increasing likelihood, relative to the support available for each. One last scenario presents itself at the evidentiary stage: one claim, it seems, would be the answer, provided certain unusual or exceptional conditions did not apply in this particular case. Such a thesis is called a '\textbf{presumption}.' The distinction between claims exhibiting various degrees of probability on the one hand, and those holding presumptively, or in the absence of explicit counterindications on the other, is vital.\textsuperscript{16} Although a claim can gain the status of a presumption by being rated the most probable, it is nevertheless important to notice that the concepts of 'probably the case' and 'presumptively the case' are separate.

\textsuperscript{13} Rescher talks about \textit{presumptions} being runners in a race they may not win, pretenders to the truth, etc., in \textit{Dialectics}, 35, 42.
\textsuperscript{14} \textit{The Uses of Argument}, 16
\textsuperscript{16} This distinction was made earlier in chapter two: 'Rescher's Dialectics.'
Presumptions have to do with the *procedures* constitutive of an argumentative discussion. For example, the 'presumption of innocence' in a criminal law court enables us to assign initiative in the making out of a case: it is up to the prosecuting side to first make out its case, given such a presumption. Judgments of probability, as opposed to presumptive judgments, do not deal with rules of argumentative procedure. In holding a claim to be probable we are asserting that there is a given likelihood of its being true. In holding a claim to be a presumption we are asserting, not that it has a given likelihood of being true, but that we should assent to it in the absence of explicit considerations to the contrary which may be adduced in the course of argumentation. Of course, a judgment that a claim is highly probable could be one reason for further judging it to be a presumption, but there are other reasons which apply in different instances. For example, the claim that "Cigarette smoking is a significant causal factor in lung cancer" may hold presumptively because the overwhelming majority of informed experts in the relevant fields of research accept it. Such relevant appeals to authority do not involve judgments of probability, yet they are the reason for holding a claim to be a presumption. In short, we have legitimately judged a claim to be 'presumptively the case' while at the same time making no reference to the probability of its being true.

At the third and final stage, a verdict is given; that is, the status of the claim is decided.

We can note certain broad similarities of pattern and procedure with respect to the rational process, i.e. "among justificatory arguments in general, however widely different the fields of the arguments, the sorts of
evidence relevant, and the weight of the evidence may be."\textsuperscript{17} Toulmin is telling us here that the \textit{procedural} criteria according to which we should judge argumentation are \textit{field-invariant}, they are generalizable across fields of inquiry. He furthers holds that the substantive criteria, the other standards we refer to in judging argumentation, are \textit{field-dependent}, they vary from field to field. For example, a meteorologist's prediction of tomorrow's weather should be judged using meteorological, not logical, criteria.\textsuperscript{18} Rational assessment involves universal procedural criteria but, more importantly, it \textit{also} utilizes standards unique to the field of inquiry in question. \textbf{Both} kinds of criteria are needed in the assessment of argumentation.

\textbf{3.4 Function and history}

In \textit{The Uses of Argument}, Toulmin emphasizes the importance of both functional and historical perspectives toward argumentation. It is largely to him that we owe the current movement towards taking such standards seriously. Let us see what is meant by 'functional' and 'historical' in this context.

Toulmin characterizes the elements of an argument as \textit{functional units} working within a larger "organism." He believes that if we look at the various \textit{functions} which propositions actually perform in the practice of argumentation, we will come away with a more complex picture of the microstructure of argument than is found in the Aristotelian logical legacy; namely, "minor premiss; major premiss; \textit{so} conclusion."\textsuperscript{19}

\textsuperscript{17} \textit{The Uses of Argument}, 17.
\textsuperscript{18} See Frans van Eemeren, Rob Grootendorst and Tjark Kruijgb, \textit{Handbook of Argumentation Theory}, 167.
\textsuperscript{19} \textit{The Uses of Argument}, 96.
There are, according to Toulmin, six elements involved in a complete "micro-argument;" that is, in the offering of support for a claim by one arguer. The proponent makes a claim (C), which she then supports by providing data (D) or grounds (these data provide the answer to the opponent's question "What have you got to go on?"). Toulmin does not present the model of argumentation in the context of inquiry, but this is easily done. For example, we may want to inquire into the acceptability of the claim that 'Social equality is undesirable.' A proponent may back up this claim by offering the following data: 'Social equality destroys initiative.' The connection between datum and claim here may be questioned; the opponent may ask "How do you get from that datum to the claim for which you are arguing?" And this question leads us to the next element of Toulmin's model, the warrant (W), which provides the ticket permitting us to move from data to claim. The warrant in the example would be 'Whatever destroys initiative will tend to be undesirable, other things being equal.'

So, starting from the data (D) that 'Social equality destroys initiative,' proponent claims that since (W) 'whatever destroys initiative will tend to be undesirable,' therefore, 'Social equality is undesirable.' Now opponent may ask either "How do you know your datum is true?" or "How is it that the warrant holds?" In either case opponent is asking for backing (B), for the data in the first case and for the warrant in the second. In our example, the backing for the warrant would be 'Given the importance of initiative in human affairs.' This backing stands behind the warrant and props it up.

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20 In The Uses of Argument, Toulmin stresses backing for warrants, but the other kind of backing (i.e., for data) seems equally important.
The backing for the **datum** would be something like, 'The evidence of studies on motivation in capitalist firms strongly suggests.'

Of course, the claim may be put forward with more or less confidence. Proponent may hold that the claim holds necessarily, probably, presumably, etc. A **modal qualifier** (Q) is thus needed if we are to know with how much force the claim is asserted. In our example, proponent may claim that it is quite **probably** so that 'social equality is undesirable.'

Last and certainly not least, the sixth element of Toulmin's model comes into play. Many claims are asserted as being the case in the absence of **countervailing evidence**. They hold only so long as certain rebutting conditions do not also hold. In our example, rebuttals might include something like, 'Unless our studies are fundamentally flawed in some respect.' The importance of **rebuttals** (R) is twofold. First, they help keep argument analysis in touch with reality, where excepting conditions are always at least a possibility (even if not a great possibility).\(^{21}\) And second, rebuttals are the only place in the model where the **other point of view**, that of the **opponent of the claim**, is explicitly acknowledged. Of course the opponent's questions are involved in bringing out data, warrants, and so on, but it is only with the rebuttal that we actually see the opponent, or the proponent's anticipation of the opponent, at work. Rebuttals act as challenges to the proponent of the claim to show that such excepting conditions do not hold. So in our example, proponent would be required to show that the studies to which she refers are acceptable.

The concept of a rebuttal may mislead if it is not briefly discussed. Consider three different situations. (1) In the course of an argumentative

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\(^{21}\) The centrality of **presumptions** to dialectical discussions is argued further in Chapter 5: A Model and its Standards.
discussion, opponent may produce an argument for the contradictory of proponent's claim, i.e. he may argue that the claim at issue is false. This may be seen as a rebuttal to the original claim made by proponent. (2) In the discussion, proponent offers a refutation of an objection put forward by opponent. This may also be called a rebuttal, in this case it is a rebuttal to an opponent's objection. (3) A rebuttal can also be a hedge or guard offered by proponent as a further kind of qualifier appended to the claim at issue. For example, proponent might say that the claim holds "provided that condition C is not the case." This third kind of rebuttal seems to be what Toulmin has in mind when he talks about rebuttals in *The Uses of Argument*. This is understandable since the model offered there is of a static point after the first round of an argumentative discussion: (1) and (2) above involve "moves" in the process of argumentation, so they can find no place in the static picture. Nevertheless, they are vital to understanding the kinds of activities which go on in arguing. Accordingly, we hold that the static model is useful and even necessary for a full understanding and evaluation of arguments, but that it is not sufficient to capture the moves made by participants in the dialectic.

Here is a slightly modified picture of Toulmin's model of an argument:

D-----Since W (On account of B)-------->So, Q, Unless R, C.

That is, the data support the claim by way of the warrant (which warrant is in turn supported by the backing). The claim is asserted to hold in a more or less qualified way, in the absence of rebuttals.

A weakness in Toulmin's account is already evident. The presentation of the positive evidence for the claim may be plugged into the model, but the opponent's challenges are largely absent, although they do provide the impetus for proponent's adding of the elements. This state of affairs is not
fatal, though, for two reasons. First, the opponent's role does come out to some degree in the inclusion of rebuttals. And second, the model aims only to capture the 'finished product' which results from the process of argumentation. As such, the opponent's questions must remain implicit, as they are an integral part only of the process of argumentation as opposed to the product, frozen in time as it were, which Toulmin presents us. We have added the references to the opponent in the above account, but we hold that such references are implicit in Toulmin's work.

Toulmin's functional account of argument is on the right track because it gives a story which attempts to take into account what arguers actually do when they are arguing. In contrast to this view we may take a definition of argument found in the formal tradition of logic, the tradition Toulmin is reacting against. G. N. Georgacarakos and Robin Smith offer the following definition as their considered view of argument:

**Definition of Argument:** An argument is a set of statements (each of which is called a premise) and a statement (called the conclusion).\(^{22}\)

Here is an example of how not to view arguments functionally. Toulmin correctly holds that the purposes of argumentation and the relations between statements are vital to the very definition of argument. On the Georgacarakos-Smith definition any group of statements, irrespective of the purposes of arguers or the relations between claims, counts as an argument. Such a definition is not helpful in understanding arguments in ordinary discourse, arguments used to rationally persuade another person.

Of course Toulmin does not deny the importance of "formal" considerations like consistency, contradiction, and entailment for argument analysis and evaluation. He is rather stressing the need to view

\(^{22}\) *Elementary Formal Logic* (McGraw-Hill, 1979), 93.
an argument as "a human interchange which is (or is not) substantively adequate." The concerns of formal logic are necessary to the understanding of argumentation but it is a mistake to see them as sufficient. Substantive considerations of function and development are vital as well.

We have dealt with the importance of functional analysis in The Uses of Argument by showing how Toulmin views argumentative claims as serving at least six distinct functions in the process of argumentation. Historical, or what we may dub "developmental," elements to the theory are not as easily or clearly brought out, but we should observe the following points:

1. Argumentation is conceived as passing through certain distinct stages. The unfolding of support for a disputed claim develops as we traverse these stages.

   2. The assessment of an argument is to be carried out only after the proponent and opponent have completed their interaction; that is, only after the opponent's questions have been dealt with by the proponent. For example, it would be inappropriate to judge an argument before proponent had the chance to respond to opponent's question, "How do you get from data to claim in this case?" In short, the development of the support for the claim precedes the final phase of determining a status for the claim.

   We should note that opponent's questions may be of two types: (1) they may be requests for clarification or explanation, or (2) they may be challenges or objections to proponent's claim or to her arguments for her claim.

23 S. E. Toulmin, 'Logic and the Criticism of Arguments', unpublished.
3.5 Standards for argumentation prescribed by the model

Notice that Toulmin has clearly stated the need for one of the standards of argumentation prescribed by a model that we outlined in our Introduction: the logical standard of inference adequacy (see Chapter One of this essay, page 3) Remember that inference adequacy involves both the relevance of the grounds to the claim and also the sufficiency of those grounds to "make good" the claim.24 His statement of need goes no further into assessing just when relevance and sufficiency hold, so his claims act only as guides to future theorists of argument.

Toulmin offers us two kinds of standards: field-dependent and field-invariant. Both are important, though in his effort to reverse the prevailing consensus Toulmin emphasizes the field-dependent kind. That should not lead us to forget that procedurally deviant argumentation lacks cogency, according to Toulmin's model. A piece of argumentation in which no warrant is offered in answer to a question asking how data and claim are related, is an incogent piece of argumentation and it is so for purely procedural reasons, quite distinct from the field with which the discussion deals.

We discuss some other considerations concerning standards of argumentation prescribed by a model in our closing section on the shortcomings of Toulmin's model (section 3.7).

3.6 Criteria of a good model

What can we gain from Toulmin on the issue of criteria of a good model of argumentation?

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24 The Uses of Argument, 13.
First, Toulmin holds that a model of argumentation should give a functional analysis of any piece of reasoned discourse. It appears then that viewing argumentation in terms of the functions of statements would be one of his criteria of a good model of argumentation. Toulmin offers six functions statements may perform in an argumentative discussion.

Second, from Toulmin we get the idea that argumentation should follow a set of procedural rules if it is to be judged cogent. It would therefore be a criterion of a good model that it lay out a 'rational procedure' (on the analogy with legal procedure) for cogent argumentation. In Toulmin’s case, the procedure would include distinct stages of argumentation.

And third, a good model of argumentation should include qualifications of proposed claims along with the support for a claim. In certain cases such qualifications may be unnecessary, but where claims should be qualified a model should ensure that they are made explicit.

3.7 Shortcomings of Toulmin's model

1. Although the 'dialogue situation' lies behind the working out of the model, the way Toulmin frames his account suffers from a severe underemphasis of the dialectical background which is clearly intended.25 The existence of at least two interlocutors is presupposed in the discussion, but the exchange between proponent and opponent is not stressed to the degree required if we are to interpret the model as truly dialectical. (Still, Toulmin does emphasize the dialogue's importance in his explication of the model.) This emphasis will further allow the original claim to be modified

as the discussion goes along. Such a possibility is not part of the static model Toulmin presents to us, so the testing function of dialectic may go unnoticed. (In fairness to Toulmin, he merely intends here to show the structure of a "micro-argument," taken out of the process which created it.)

2. Although we have not emphasized the notion of the "field-dependence of standards," the idea is controversial precisely because the notion of a field is not clearly delineated. If argumentation is to be judged differently in different fields, we must know what distinguishes fields from one another. It may be that we can distinguish fields from one another unproblematically, but we should not presume we can until we have tried it in practice.26

3. Toulmin mentions relevance and sufficiency as important for argument evaluation, but he nowhere specifically relates these concepts to his model. We will try to overcome this shortcoming by filling in the missing details when we come to discuss argumentation standards in chapter 5.

Relevant data and warrant positively support a claim, but statements which tell decidedly against a claim are also relevant, even though we might want to call this "negative relevance."27 (Reasonable rebuttals clearly fall into the space for negatively relevant considerations.)

An argument offers sufficient support for a claim just in case (a) the relevance conditions are satisfied, (b) the backing is appropriately related to the warrant and (further) is itself supportable, (c) the qualifier is not

stronger than is warranted by the evidence presented,\textsuperscript{28} and (d) the necessary rebuttals are included. These remarks need to worked out in more detail, but the general idea should be clear. Again, in chapter 5 we consider these issues in the detail they deserve.

4. Toulmin talks about stages of discussion and about seeing arguing as a linguistic activity, but he fails to see the need for \textit{structuring} the discussion so as to avoid flights from reason and reason-giving. Structure-enhancing rules are offered by Toulmin's theoretical descendants, van Eemeren and Grootendorst, whom we will discuss in the next chapter.

\textsuperscript{28} Cf. Derek Allen, 'Inferential Soundness,' \textit{Informal Logic} vol. x, no. 2, 1988, 57-65.
Chapter 4 – The Amsterdam View

4.1 Introduction

As we noted in our introduction (at page 2), Frans H. van Eemeren and Rob Grootendorst view argumentation from a different perspective than we do. As speech communication theorists, they are interested in dispute resolution, in reaching agreement in a rational manner. But the "view from Amsterdam" differs from our view. Ours is the view of the informal logician, the aim of whose researches is to gain a clear conception of a reliable method by which to critically test claims. Agreement between rational participants is indeed important to the informal logician, but it is not the central goal.

The importance of the Amsterdam view for our purposes is not diminished to any great extent by this difference in emphasis. They too see argumentation as a means to critically test claims, but they hold that the process is not successful unless agreement between the participants is reached. We may reserve judgment on this last point for now. We may eventually come to see why they value dispute resolution so highly, but we must first describe their model.

In their book, Speech Acts in Argumentative Discussions\(^1\), van Eemeren and Grootendorst offer "a theoretical model for the analysis of discussions directed towards solving conflicts of opinion."\(^2\) In the interests of our overall goal of assessing dialectical approaches to argumentation, we

\(^1\) Foris, Dordrecht, 1983.
\(^2\) This is the book's subtitle.
will consider some key elements of what we may call the 'Amsterdam theory' of argumentation.³

This chapter will take the form of a critical outline of some central aspects of the Amsterdam view of argumentation. We will first discuss the four key characteristics of argumentation according to the theory. Next, we will investigate the importance of speech act theory for a dialectical theory of argumentation. Then we will look at the stages of an argumentative discussion and the structure of a "simple, single discussion", the basic unit of argumentation structure. We will then mention some of the most important rules laid out for argumentative discussions and look at the Amsterdam view on fallacies, which turn out to be violations of the aforementioned rules. Following this, we will address questions about standards of argumentation prescribed by a model and the criteria of a good model of argumentation.

4.2 Four key aspects of argumentation

Van Eemeren and Grootendorst want to provide conditions which allow argumentative disputes to be resolved. A dispute is not to be viewed negatively, rather it is "an articulated form of disunity which may be able to make a (more or less modest) contribution to intellectual progress."⁴ In a dispute, views will be exchanged in the form of a discussion. An "argumentative discussion" occurs when the discussants offer statements in defence and attack of a given point of view. More specifically, the discussants must attempt to rationally justify or refute a claim.

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³ Van Eemeren and Grootendorst work in the Department of Speech Communication at the University of Amsterdam. We will also make reference to their article, 'Fallacies in Pragma-Dialectical Perspective', in Argumentation, Vol. 1, No. 3, 1987.
⁴ Speech Acts in Argumentative Discussions, 2.
In *Speech Acts in Argumentative Discussions* the authors have five aims:

1. To clarify what sort of speech act is being performed when argumentation is advanced and what conditions may be deemed to have been fulfilled if that speech act is performed.
2. To clarify the relation between the performance of the speech act of argumentation and the perlocutionary effect that the listener accepts or does not accept a given expressed opinion.
3. To draw up guidelines for the analysis of argumentative discussions.
4. To draw up guidelines for the explicitization of unexpressed premisses.
5. To formulate rules for a code of conduct for rational discussants.\(^5\)

We will deal only with aims 3 and 5 above.\(^6\) But before turning to these aims, we will briefly outline how argumentation is viewed by the Amsterdam theorists.

The authors claim that argumentation must be externalized, functionalized, socialized, and dialectified if disputes are to have the best chance of getting resolved. We will look at each of these aspects of argumentation in turn.

**4.2.1 Externalization**

If a dispute is to be rationally resolved, the difference of opinion must be verbalized or externalized. This is the thrust of the first characteristic of argumentation. We should concern ourselves with the *group of statements* put forward in support of a disputed claim. So argumentation is to be viewed as a "form of language"\(^7\) in which language users are attempting to

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\(^6\) In the "bibliographic note" to their article, "Teaching Argumentation Analysis and Critical Thinking in the Netherlands", in *Informal Logic*, vol. IX, nos. 2 & 3, 1987, 69, van Eemeren and Grootendorst mention only these two aims when referring to the 1984 book. This suggests the centrality of these aims in their own view.

\(^7\) *Speech Acts in Argumentative Discussions*, 4.
convince other language users of the acceptability or unacceptability of a given claim.

Externalization is defined as "the verbal communication of the subject to be investigated." Stress is placed on what is actually said in an argumentative discussion, as opposed to unexpressed thoughts, ideas, or intentions. In this context, the authors introduce three terms, the first two of which are used throughout the book. First, an expressed opinion is the proposition which forms the basis of the argumentation, the claim around which the whole argumentation revolves. An expressed opinion may be positive (as in 'There is intelligent life elsewhere in the universe') or negative ('There is not intelligent life elsewhere in the universe'). Second, there is a standpoint (or point of view), "an (externalized) attitude on the part of a language user in respect of an expressed opinion." For example, one language user may claim that 'It is true that there is intelligent life elsewhere in the universe' and another may claim that 'It is not true that there is intelligent life elsewhere in the universe'. In these cases, we have a positive and a negative standpoint, respectively, regarding a positive expressed opinion. And third, we are introduced to the concept of a rational judge, the evaluator or assessor of argumentation. For instance, argumentation may be aimed at justifying or refuting an expressed opinion to the satisfaction of a rational judge. (We should note here that van Eemeren and Grootendorst use 'argumentation' to mean (1) the overall discussion, (2) a group of arguments, and (3) a single premiss adduced in support of a claim. We must be careful to determine which is meant in a given instance.)

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8 Ibid., 5.
9 Ibid.
4.2.2 Functionalization

By speaking of the 'functionalization' of argumentation, van Eemeren and Grootendorst mean to emphasize that argumentation is to be treated as a "purposive activity."\textsuperscript{10} True, argumentation can be viewed as a product, i.e. as a group of statements in a finalized form. But it may also be seen as a process of offering statements in support of a standpoint. Argumentation is thus "a form of verbal action", it is something which people do. And what an arguer is doing is attempting to convince another language user of the acceptability of her own standpoint by way of offering cogent argumentation.

Viewing argumentation as a process allows us to grasp the conditions that must be fulfilled for a group of statements to count as argumentation.\textsuperscript{11} We will get a better idea of this point when we come to consider the stages of argumentation in section 4.4.2.

4.2.3 Socialization

When we 'socialize' argumentation, we treat "the subject of investigation communicatively and interactionally."\textsuperscript{12} Two language users are involved in the process, where one language user (the speaker) is trying to convince the other (the listener and rational judge) of the correctness of her standpoint with respect to the acceptability of an expressed opinion. The listener may react to the original argumentation and become speaker himself, responding to the original speaker. In this way, a dialogue is begun. Argumentation is a "bilateral process" in which there is constant interaction between two participants.

\textsuperscript{10} Ibid., 7 (emphasis in original).
\textsuperscript{11} Ibid., 9.
\textsuperscript{12} Ibid.
But there is more than just an alternation of speakers, there is, crucially, a process of convincing going on. One discussant can carry on this process without another participant, but only if she alternately takes on the roles of defender and attacker of a standpoint with respect to an expressed opinion. The idea of a dispute between two role-playing discussants is crucial here. The starting point when developing an adequate theory of argumentation must always be the "language users in a dialogue situation."\textsuperscript{13}

### 4.2.4 Dialectification

The idea of 'dialectification' involves treating argumentation as a "critical discussion" aimed at establishing "whether the protagonist's standpoint is defensible against the critical reactions of the antagonist."\textsuperscript{14} For instance, a protagonist may advance statements in an attempt to justify an expressed opinion (in which case she offers pro-argumentation) or she may advance statements aimed at refuting an expressed opinion (and here we have contra-argumentation); but in either case the argumentation advanced is addressed to an antagonist who acts as critical respondent and rational judge of that argumentation.

The guiding principle of the Amsterdam theory of argumentation is "the notion of critical testing", and the engine for this critical testing is the interaction between the discussants: protagonist advances argumentation designed to justify or refute a standpoint regarding an expressed opinion, and antagonist reacts critically to this argumentation, and the process of justification or refutation, on the one hand, and critical reaction on the

\textsuperscript{13} Ibid., 14.
\textsuperscript{14} Ibid., 17.
other, promotes deeper examination of the standpoint. This allows for the expressed opinion in question to be critically tested.

But van Eemeren and Grootendorst hold that interaction will be able to lead to resolution only if it is regimented, i.e., if it adheres to certain specific rules. (We will discuss these rules in section 4.5 below.) In general, the rules must be conducive to dispute-resolution and they must apply to all speech acts which may be performed in the discussion.

When introducing the idea of rules, van Eemeren and Grootendorst state a "norm of rationality" which deserves mention and criticism. It says:

A language user taking part in an argumentative discussion is a rational language user if in the course of the discussion he performs only speech acts which accord with a system of rules acceptable to all discussants which furthers the creation of a dialectic which can lead to a resolution of the dispute at the centre of the discussion.\footnote{\textit{Ibid.}, 18.}

They then state that a "rational discussion" is one which is conducted by language users adopting the rational attitude described in the norm of rationality. One of their targets here is justificationism, which views argumentation solely as an attempt to justify a claim, thus neglecting the importance of critical testing. Another is the view that discussants need not have a co-operative attitude. Van Eemeren and Grootendorst stress the need for co-operation in the task of critical testing. But the norm given here appears to lead to strange consequences.

It would seem entirely possible for two discussants to follow a set of rules upon which they agree and which "furthers the creation of a dialectic which can lead to a resolution of the dispute at the centre of the discussion", while not reaching a conclusion which we would want to call a rational
one. Suppose the discussants agreed to include a rule that says: 'After each participant makes fifty moves, the dispute will be considered resolved.' Now it could very well happen that the discussants agree to such a rule, yet we would still want to say that the rule is less than rational in some sense. But in saying this, we would ourselves be adverting to a norm of rationality of our own, a norm which is more basic than the one offered by van Eemeren and Grootendorst. We would be appealing to a substantive rationality-ideal in countering the procedural rationality-ideal offered by the Amsterdam theorists. The norm of rationality captures something of what we need to have before us when evaluating argumentation, but the above considerations lead us to question the sufficiency of the Amsterdam 'norm of rationality'. A task for future theorists is to offer an acceptable substantive rationality-ideal.

4.3 Argumentation and Speech Act Theory

We will now discuss a central aspect of the Amsterdam theory, namely, argumentation considered from the point of view of speech act theory: how is speech act theory applied by the Amsterdammers to the theory of argumentation?

Argumentative inquiry is a human activity involving the production of sentences by interlocutors aimed at critically testing the support for a given claim: language is vital to the argumentative process. The speech act approach to argumentation allows us to take account of the diversity of linguistic acts arguers may perform: making assertions, asking questions, offering clarification, and so on. The rules for discussants, accordingly, apply to all these different kinds of speech acts: arguing involves more than just giving reasons for claims.
There are four kinds of speech act in the argumentative process: 'assertives,' 'commissives,' 'directives,' and 'usage declaratives.' In making an assertion, an arguer offers a proposition "capable of being characterized as true or false." 16 Both interlocutors commit themselves to a set of rules they will follow in the argumentative process. Either speaker can direct the other to defend a proposition, or to clarify a point. Finally, 'usage declaratives' involve clarifying and offering definitions. They serve the purpose of aiding "mutual comprehension of interlocutors' speech acts." 17 All these different types of linguistic acts are involved in argumentative interchanges, so the theory of speech acts, by incorporating these kinds of moves, fulfills a need which argumentation theory has previously lacked. Asking questions, committing oneself to rules of discussion, and offering clarifications are all integral parts of the process aimed at testing the acceptability of a claim (i.e., the process of argumentative inquiry). The addition of speech act theory to the theory of argumentation allows these argumentative moves to take their place as elements in the model.

4.4. Structure and stages of argumentative discussions

4.4.1 Argumentation structure

In a "simple, single discussion", we are dealing with one point of view regarding one expressed opinion. For example, 'It is true that there is intelligent life elsewhere in the universe'. Here the protagonist has offered a positive point of view towards an expressed opinion. A dispute begins when some doubt is expressed (by an antagonist) about the acceptability of the point of view. In this case, the protagonist tries to convince the

16 Ibid., 95.
17 Ibid., 109.
antagonist of the acceptability of the expressed opinion by trying to justify it. (If she had taken a negative point of view, she would have tried to show the unacceptability of the expressed opinion, i.e. she would have tried to refute it.) In a simple, single discussion, the antagonist elicits argumentation from the protagonist, but does not himself put forward any argumentation.

As the structure of argumentation becomes more complex, two different points of view may be offered (constituting a compound discussion), and/or more than one expressed opinion may be at issue (a multiple discussion). All argumentative discussions "can be broken down into one or more simple single discussions aimed at resolving . . . disputes."\(^{18}\)

The dispute is resolved (in the case of a simple single dispute) in favour of the protagonist if the antagonist decides to adopt the same point of view expressed by the protagonist at the start of the discussion. The dispute is resolved in favour of the antagonist "if the protagonist retracts the view that he propounded at the start of the discussion."\(^{19}\)

Argumentations offered in support or attack of a point of view may take a number of forms, which we will only mention here. In a single argumentation, one statement (or "argumentation") is offered in support of a point of view. In a multiple argumentation, a number of statements are offered, each of which is individually sufficient, but none of which is necessary to validate the point at issue. In compound argumentation, the statements offered in support of a point of view are "each individually necessary and only sufficient together."\(^{20}\) In co-ordinative compound argumentation each statement is equivalent in status to all the others,

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\(^{18}\) Ibid., 83.
\(^{19}\) Ibid.
\(^{20}\) Ibid., 91.
while in subordinative compound argumentation statements are adduced in support of other statements originally given in support of the original point at issue. This last case may be seen as offering "premiss support" or support for statements which constitute the main support for a point of view.

4.4.2 Stages of an argumentative discussion

Van Eemeren and Grootendorst identify four stages of an argumentative discussion: the confrontation, opening, argumentation, and concluding stages. These are not to be understood merely as temporal stages, even though there is a rationale for a roughly temporal separation of stages. It is more important to see the conceptual distinction between the four stages, where each stage fulfills a definite function in the discussion.

At the confrontation stage, the dispute is identified. A language user offers a point of view upon which doubt is then cast by another language user. As the authors put it, the dispute is "externalized" at this stage. At the opening stage, the disputants decide to conduct an argumentative discussion. They might decide to resolve the dispute in some other fashion, or they might decide not to resolve the dispute at all; but in these cases, we do not have argumentation. The disputants must first agree to take on the roles of protagonist and antagonist. They must also agree at this stage on the procedures to be followed in the discussion.

At the argumentation stage, the resolution of the dispute via argumentation begins in earnest. The protagonist offers argumentation in support of her point of view, in an attempt to either justify or refute a given expressed opinion. The antagonist casts doubt on the statements making up the protagonist's argumentation, or on the "justificatory or refutatory
potential" of those statements. Alternatively, the antagonist may accept the protagonist's argumentation.

At the **concluding stage**, it is decided whether the disagreement has been resolved, and if so, in whose favour. Resolution may be in favour of either the protagonist or the antagonist. In some cases, it may be impossible to say which side has an advantage, in which case the discussion may be ended without resolution.

### 4.5. The rules and their violation

As noted earlier, van Eemeren and Grootendorst hold that an argumentative discussion which can lead to a resolution is one which follows certain rules. We must now ask just what those rules are. The rules constitute a "code of conduct for rational discussants" and we will look at some of the more important of these rules.21 As we proceed, we will note how, according to the Amsterdam theory, fallacies are violations of these rules.

#### 4.5.1 The confrontation stage

Most of the rules apply to specific stages of the discussion, i.e. those outlined in our section 4.4.2. At the confrontation stage, van Eemeren and Grootendorst offer Rule I: "**Parties must not prevent each other from advancing or casting doubt on standpoints.**"22 This rule aims to allow for criticism of any standpoint whatsoever and to protect the right of participants to advance or cast doubt on any standpoint. Thus, in an argumentative discussion concerning whether the American mainstream

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21 *Ibid.*, 151. In their 1987 article, 'Fallacies in Pragma-Dialectical Perspective,' the authors offer ten rules and we will concentrate on these. There are seventeen rules in *Speech Acts in Argumentative Discussions.* A forthcoming book is mentioned, in which these rules are further elaborated and refined.
22 'Fallacies in Pragma-Dialectical Perspective,' 284.
media are instruments of corporate and government propaganda (a standpoint in fact taken by Professor Noam Chomsky), it would be a violation of Rule I to say, at the confrontation stage, that the point at issue is false because Chomsky is a libertarian socialist and such people are not to be taken seriously. Such a move precludes the possibility of the discussion getting off the ground, and Rule I accordingly disallows such a move. This violation of the first rule of conduct for rational discussions is commonly labelled the 'abusive ad hominem' fallacy.

We should note here that the Amsterdam theory provides an explanation, which traditionally is lacking, for the inclusion of this illegal move under the heading 'fallacy'. In the traditional picture, fallacies are arguments whose inferences "seem valid" but are not\(^{23}\), and according to that view it is not clear that the abusive ad hominem is fallacious. The support for the standpoint at issue is avoided altogether, and it would be difficult to say how this move "seems valid". But if we define fallacies as moves "which hinder in any way the resolution of a dispute in a critical discussion," it becomes clear that we are faced with a fallacy in this case. There is an attempt to disallow the opponent's arguments by attacking him personally. But Rule I disallows preventing one's opponent from advancing any standpoint he may see reason to advance.

### 4.5.2 The opening stage

Rules for the opening stage are designed to "ensure that after the dispute has been externalized the parties together attempt to arrive at a resolution of it."\(^{24}\) For example, Rule II says that "Whoever advances a


\(^{24}\) Speech Acts in Argumentative Discussions, 184.
standpoint is obliged to defend it when asked to do so." The protagonist has an obligation to defend a claim she introduces. If she does not defend it, she may be guilty of evading or (illegally) shifting the burden of proof. (The protagonist has no obligation to defend a claim if the antagonist refuses to commit to certain common starting points and rules of discussion.) Participants must be willing to discuss the acceptability of claims, and a lack of such willingness blocks the rational argumentative progress.

4.5.3 The argumentation stage

Rules relating to this stage of the discussion "regulate the way in which the initial point of view may be attacked and defended and when the attack or defence is sufficient." The rules involve the application of identification, testing, and inference procedures, designed to test the acceptability of claims and the cogency of inferences. Rule VIII, for example, runs as follows:

The arguments used in a discursive text must be valid or capable of being validated by the explicitization of one or more unexpressed premisses.

The authors hold that, when explicitizing unexpressed premisses, "the speaker is committed to a statement with which his argument can be made valid." They claim that there is unanimity on this point among theorists in the field, but even if this were so (it is not), such a view is too strong.

27 Ibid., 185 (emphasis in original).
28 'Fallacies in Pragma-Dialectical Perspective,' 290.
There could be a balance of evidence (for example, the use of a logical indicator) which suggests that an argument's premisses provide only weak support for its conclusion.\textsuperscript{31} So the requirement of validity seems unnecessarily restrictive. Let us briefly explore this point.

The cogency of argumentation depends in large part on the actual claim the arguer makes for her conclusion or point of view. For example, the protagonist could explicitly claim that the grounds adduced offer only weak support for her viewpoint (She may state that "it may be the case that" the conclusion follows, given the grounds.). In cases like this, it is wrong to accuse the protagonist of faulty arguing if it is the case that we are faced with an instance of weak support. Further, weak support is clearly not \textbf{conclusive} support (i.e., a \textbf{deductively valid} connection between premisses and conclusion). So the Amsterdammer's call for validity as a requirement of cogent argumentation is misplaced. Cogent argumentation may occur in the absence of a valid connection between premisses and conclusion.

\textbf{4.5.4 The concluding stage}

For the concluding stage, the stage at which a resolution is reached, we are given the following rule:

A failed defence must result in the protagonist withdrawing his standpoint and a successful defence must result in the antagonist withdrawing his doubt about the standpoint.\textsuperscript{32}

If either participant refuses to abide by previous rules (i.e., rules from earlier stages) which state criteria for deciding whether a defence has been successful, then she violates this rule. Further, this rule states the \textbf{full extent} of what is to be allowed at the final stage of the argumentative

\textsuperscript{31} See Derek Allen, 'Inferential Soundness'.
discussion. For example, if you, as protagonist, fail to defend your standpoint, you must withdraw that standpoint. This does not, however, give me, the antagonist, the right to assert the truth of the opposite of your standpoint. If you fail to defend the claim that smoking causes cancer, I am not then allowed to assert that smoking does not cause cancer. Such a move on my part would constitute what is traditionally called the ad ignorantiam fallacy, the so-called 'argument from ignorance'.

J. Anthony Blair has pointed out that, in examples like those above, we are faced with a further mistake in reasoning, and such mistakes are supposed to be found only at the argumentation stage. This point, which amounts to claiming that the rules cited for the argumentation stage may also be used in the concluding stage, is well taken. But as Blair himself notes, the mistake occurring at the concluding stage comes after the status of the point at issue has been decided, so such a mistake is not part of the argumentation stage proper, since at that stage the status of the point at issue has yet to be decided. Thus, we have some reason for making the distinction between the argumentation and concluding stages. Still, it seems that some sort of inference procedure (a procedure utilized at the argumentation stage) is being appealed to in disallowing the antagonist's move in our example.

4.6 Criticisms and Praise

We will now briefly highlight some of the notable elements we have detected in the Amsterdam theory of argumentation, beginning with the strengths and then turning to some criticisms.

We support the development of a dialectical approach to argumentation found in the Amsterdam theory. We have here two participants, one of whom is trying to convince the other (in the spirit of cooperation) of the plausibility of her own standpoint. We may recall Toulmin's mentioning, in the first essay of *The Uses of Argument*, the stages of an argument. And such stages are an integral part of the dialectical process outlined by van Eemeren and Grootendorst. Furthermore, it is important to emphasize the idea that, when argumentation takes place, it is dealing with a claim that is subject to some doubt, and that this doubt may be resolved through a discussion exemplifying some degree of regimentation. But the inadequacy of the Amsterdam "norm of rationality" detracts from the model's dialectical power. The rules found in the model may help to resolve disputes "rationally", but we maintain that the rationality of conclusions so reached remains subject to criticisms that the "rationality" involved is purely procedural and thus inadequate as an ideal.

We find value in van Eemeren and Grootendorst's definition of fallacies as "speech acts which hinder in any way the resolution of a dispute in a critical discussion." While this view is not strictly original, it is relatively new to fallacy theory and has already shown a capacity to bear fruit: it offers an explanation of the common element in the various mistakes traditionally listed under the heading 'fallacy', while offering in

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35 *The Uses of Argument*, 16-17. Toulmin also uses the phrase "point at issue" (p.25-26), which becomes a key phrase in the Amsterdam theory of argumentation.
36 'Fallacies in Pragmat-Dialectical Perspective,' 284.
37 *Speech Acts in Argumentative Discussions*, 199. Van Eemeren and Grootendorst claim to be attempting to connect the ideas of Barth and Krabbe (see *From Axiom to Dialogue*, de Gruyter, 1982) with the speech act theory of J.L. Austin and John Searle. Thus we have a new synthesis of old ideas, and not the less important for that.
addition a criterion for logical critics to use in their search for fallacies. This view of fallacies is worth investigating, despite its divergence from the view of Woods and Walton that each fallacy is unique in the way it strays from good argument.\textsuperscript{38} We haven't sufficient space to deal with the problems of the theory-dependence of fallacies or with the possibility of an all-encompassing theory of fallacy, but van Eemeren and Grootendorst must be dealt with if these questions are to be settled.

We should also note our approval of the central notion in the theory. The \textbf{critical testing} of a standpoint is, we agree, the heart of the matter. A claim increases its backing by being continually subjected to examination and probed for weaknesses. In this way, intellectual progress is given a fighting chance.

As we argued in section 4.5.3, the 'validity requirement' for arguments is too restrictive. It threatens to misrepresent arguments which deliberately make weaker inference claims. A better method of assessing premiss-conclusion connection involves determining the "inference-claim" the argument actually makes for itself. In this way, a cogent argument can be seen as one whose inference-claim is true.\textsuperscript{39} The bulk of everyday argumentation can then be brought within the purview of the argumentation theorist.

Blair\textsuperscript{40} has made the point that the validity requirement could be retained when "arguments [are] intended to be deductively valid", but the point of our criticism here is to stress that argumentation ought to be

\textsuperscript{39} Derek Allen, 'Inferential Soundness', 63. By an inference-claim, Allen means the claim that an argument makes that its premisses support its conclusion.
\textsuperscript{40} \textit{Op. cit.}
judged on the standards applicable in the particular case, and the standards of deductive validity are not always applicable.

When arguing, we aim to establish a "proper relation" between premises and conclusion, and such a relation need not be one of deductive entailment. Jonathan Berg clarifies this point by bringing in the notion of an arguer's intentions:

An argument is not merely a collection of claims, nor even a collection of claims bearing a certain logical relation to each other, but rather, a collection of claims intended, by an arguer, to bear a certain logical relation to each other. . . . the structure of an argument (as well as the content) is largely determined by the arguer's intentions.41

If a relation of weak support is intended by an arguer, we are doing her a disservice by invoking the standards of deductive validity.

The careful reader will have noticed that our introduction of the idea of arguer's intentions contradicts van Eemeren and Grootendorst's externalization requirement for argumentation which says that we should deal exclusively with the public speech acts of participants (see section 4.2.1.). But the Amstelmers themselves seem to allow talking about intentions as long as we remember that "one is dealing with thoughts or ideas deduced from the speaker's statements by abstracting from a particular form of expression."42 This directive allows us to deal with arguer's intentions just so long as we take only the explicit words of participants as evidence for any claims we make in this area.

From the above discussion we conclude that a cogent argument should make it as clear as possible how strongly the arguer intends her claim to be supported. A system of rules for argumentation must include a rule to the

41 'Interpreting Arguments', 13-14.
effect that points of view must be adequately guarded by their proponents.\textsuperscript{43} The addition of this rule may conflict with the 'validity rule', that "the arguments used in a discursive text must be valid or capable of being validated by the explicitization of one or more unexpressed premisses".\textsuperscript{44} There is no point in guarding or qualifying a conclusion if it follows deductively from its premisses (except with the qualifier "necessarily"), but guarding claims is needed if we are to be able to judge the cogency of argumentation adequately. So the addition of a guarding rule' would lead us to drop van Eemeren and Grootendorst's 'validity rule.'

The applicability of van Eemeren and Grootendorst's disputational model to the context of argumentative inquiry needs to be assessed. Does their model shed light on argumentation aimed at discovering the acceptability of a claim, when we are not faced with an everyday disagreement between arguers? J.Anthony Blair has expressed the need to look into this question,\textsuperscript{45} along with an optimism about a positive response to it. The Amsterdam system of rules for rational argumentative discussions can work for argumentative inquiry, but some rules will take on varying degrees of importance. For example, the confrontation stage rule stating that "Parties must not prevent each other from advancing or casting doubt on standpoints" will always be needed if open inquiry is desired. But this rule, which effectively outlaws the abusive ad hominem fallacy ("My opponent is not to be believed, therefore her point of view is false"), will be vital to an everyday dispute, but less so in the case of inquiry.

This is not to say that inquirers do not often have vested interests in certain

\textsuperscript{43} See Chapter 5 section 5.2.3 for our proposed guarding rule.
\textsuperscript{44} 'Fallacies in Pragma-Dialectical Perspective,' 290.
points of view; rather, in cooperative and rational argumentative inquiry, such interests will not be as prominent a problem as they are in other contexts.

The concept of a 'rational judge', while of great interest in that it promises to place this judge within the dispute itself, is not developed at all by van Eemeren and Grootendorst. This is a plea for elaboration rather than a detection of inherent weakness in the theory. The way this concept is developed could have important implications for the theory's adequacy. For instance, it might be argued that a judge, representing a functional position distinct from proponent and opponent, is the intended audience of the arguments offered. On the other hand, it may be that the inquiring process is aimed at the individual (playing the two roles of proponent and opponent) herself, or at the other interlocutor as opponent and judge. These latter cases seem intuitively more plausible in the case of inquiry, since participants deliberately set out to give up claims which are not adequately supported by the argumentative interchange (i.e. there is less need for an exterior arbitrator than in the case of a dispute). At any rate, van Eemeren and Grootendorst need to develop this concept (presumably in one of the two ways we have outlined) if their theory of argumentation is to have more normative force.

4.7 Standards for argumentation prescribed by the model

Van Eemeren and Grootendorst offer us the most sophisticated development of a set of dialectical rules we have so far encountered. According to the authors, these rules are to be followed if we want the process to result in the resolution of a disagreement. But what about the

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46 In the case of an adversarial dispute, the view of the judge as a "third party" seems more plausible. Cf. Blair, 'Argumentation, Inquiry, and Speech Act Theory,' 197.
possibility of applying these rules in the case of dialectical inquiry, when resolution appears not to be as central as an investigation of support for the problematic point of view? We have argued that the rules governing the use of speech acts in the argumentative process clearly apply in both instances (dispute-resolution and inquiry): speech acts are a part of both processes and so require regulation in both cases. Rules for inquiry need to be refined and added to further rational discussions in the future. We make a modest contribution to this task in Chapter 5 with our guarding rule.

The procedures for determining the status of propositions (the intersubjective identification procedure or IIP) and for deciding whether new propositions ought to be accepted (the intersubjective testing procedure or ITP) clearly address our concern with acceptability as a standard of cogent argumentation. Those propositions which ought rationally to be accepted will be, according to van Eemeren and Grootendorst, those which pass either of these two tests. But are these two tests either necessary or sufficient for our purpose of detecting whether grounds are acceptable? We reserve comment on the subject of acceptability to Chapter 5 section 5.2.1.1 and 5.2.2, where we deal with the standards an acceptable statement must meet.

Relevance is also a goal of the Amsterdam model. For instance, an interlocutor must respond to the particular question posed; failure to do so would constitute a transgression of one of the rules of discussion. In Chapter 5 we deal with relevance by distinguishing two types of relevance, logical and pragmatic, both of which we argue are dealt with by van Eemeren and Grootendorst.

The burden of proof rule ("whoever advances a standpoint is obliged to defend it when asked to do so") addresses questions about the sufficiency of
support required for points of view. A questioned claim must be supported when challenged, and refusal to so support a claim violates the burden of proof rule: this means that the refusal stands in the way of the development of a sufficient case in support of the claim. But, as we will see, not just any challenge is allowed in a reasonable argumentative discussion, and the wrong kind of challenge will fail to address the important standard of the sufficiency of support for disputed claims.

As Blair has pointed out, van Eemeren and Grootendorst’s talk of the "justificatory or refutatory potential" of premises in support of claims is on the right track, but it is incomplete in that it collapses the important distinction between relevance and sufficiency we have recommended here.

4.8 Criteria of a good model

In Chapter One, we spoke of the need to establish just what criteria a good model of argumentation must meet. We have looked at criteria recommended by Rescher and Toulmin, but what do van Eemeren and Grootendorst have to add?

According to van Eemeren and Grootendorst, a good model of argumentation should ensure that each of the four characteristics they emphasize is present. Let us develop this point.

First, the model should allow as elements of the argumentative process only "externalized" propositions (i.e. not propositions committed to only in the heads of those doing the arguing). The existence of speech acts, and their regulation, must be acknowledged.

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47 Sufficiency and Relevance were the two standards of inference adequacy we introduced in Chapter One: Dialectical Argumentation. See Chapter 5 for further detail.
48 J. Anthony Blair, 'Premise Relevance,' 69.
Second, the model should be geared toward bringing out the **functional** character of argumentation. Disputes should be developed while keeping in mind that the **goal** of the process is to convince one's interlocutor of the correctness of one's standpoint. In the case of **inquiry**, the process must be aimed at testing the acceptability of claims by way of the critical development of support for them. The functional criterion is of course stressed by Toulmin as well.

Third, a good model should bring out the inherently **social** nature of argumentation. Interaction, communality, and dialogue are aspects of any process of argumentation on this view.

And finally, argumentation should be viewed as **dialectical**. The inquiry begins with the existence of "language users" having an attitude of doubt about the acceptability of a point of view, and we need to view the argumentative process as one of attempting to dispel that doubt (or at least to better understand our ignorance on the matter) by critical testing.

Having critically outlined the views on argumentation of Rescher, Toulmin, and van Eemeren and Grootendorst, we will now proceed to use the insights gathered so far in a more general critical discussion of dialectical models of inquiry.
Chapter 5 - A Model and its Standards

5.1. Introduction

In Chapter One we made a distinction between standards of argumentation prescribed by a given model and criteria any model should seek to satisfy. In the ensuing chapters we have noted how these different criteria have been met by Rescher, Toulmin, and van Eemeren and Grootendorst. We will now look at the criteria themselves, offering our own assessment of their power and utility.

There is a central distinction to be made between two different kinds of standards of argumentation prescribed by a model. Any acceptable model of rational argumentation must include both logical and pragmatic standards. Logical standards are expressed by cogency rules, or rules which are designed to ensure that "atomic arguments" are cogent or good. These standards tell us what makes for good premisses and what makes for a good premiss-conclusion connection. We will look at our proposed logical standards in section 5.2.1. Pragmatic standards are expressed by process rules, rules designed to ensure that the argumentative dialectic follows a rational path. Such rules bring out the centrality of the process of argumentation in establishing the acceptability of a given claim. We are proposing that logicians should not restrict their evaluative focus to the cogency of arguments, since what makes for a good argument is that it satisfies process and cogency requirements: both are necessary, neither is sufficient on its own. For example, an argumentative move which fails to shift the burden of proof (which breaks the burden of proof rule) is also guilty of a logical fault; it fails on logical standards as well as pragmatic ones. Pragmatic standards will be discussed in section 5.2.3.

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1 We are using "logical" here in the broad sense, i.e., beyond entailment relations.
The concept of burden of proof is crucial to an understanding of dialectical inquiry as we conceive it, and we will therefore include a discussion of it in section 5.2.2, showing how it ties together the logical and pragmatic standards of argumentation prescribed by a model.

Apart from the standards of argumentation prescribed by a model, there are also criteria of a good model, criteria which tell us what characteristics a model must have if it is to allow for and promote cogent argumentation. We will look at some of these criteria in section 5.3.

5.2. Standards of argumentation prescribed by the dialectical model

5.2.1. Logical Standards of argumentation

Relevance, sufficiency and acceptability were the first kind of standards of argumentation we mentioned, the logical standards. We have hypothesized that these standards should stand up to scrutiny, so we will now look at these standards in order. We note that these standards will be interpreted in light of our examination of Rescher, Toulmin, and van Eemen and Grootendorst.

5.2.1.1. Acceptability

What does it mean to claim that premisses of cogent arguments must be "acceptable"? In this section we will give a brief answer to this question as well as providing reasons why the dialectical standard of acceptability is preferable to the alethic standard (which says adequate premisses must be true) and the epistemic standard (which says adequate premisses must be known to be true).

First, however, we should distinguish between the acceptability of the premisses (grounds, supporting statements) and the acceptability of the point at issue (conclusion, point of view, claim). The overall aim of the process of dialectical inquiry is to determine the acceptability of the point at
issue, but to do this we need to lay out the support for that claim. What will concern us here is the acceptability of the statements adduced in support of the point at issue, i.e., the acceptability of the supporting premisses.

We hold that an acceptable premiss is one which it is reasonable for interlocutors in a rational argumentative dialogue to accept. Trudy Govier has given us an outline of premiss acceptability. On her view, an arguer ought rationally to accept a claim in any one of the following instances:

(1) It is defended in a subargument that is cogent.
(2) It is necessarily true.
(3) It is a matter of common knowledge.
(4) It is a matter of reliable testimony from the person arguing.
(5) It is backed up by an appropriate authority.
(6) It does not really have to be accepted at all since it is only used as a supposition either to get a conditional conclusion or in a reductio ad absurdum argument.²

We can see from this list that there is a relationship between acceptability and truth: what is acceptable will in some circumstances be a claim that is true or known to be true (2 and 3 above can be adduced in support of the claim we are making here.) Nevertheless, 'acceptable' is different from 'true' or 'known to be true.' Holding 'acceptability' to be the criterion of premiss adequacy is strictly speaking incompatible with holding that criterion to be either 'truth' or 'knowledge' (viewing 'knowledge' here along the lines of 'justified true belief.') We must choose between (at least) these three candidates for a premiss-adequacy standard. But why would one choose acceptability over these other alternatives? Using the standard of acceptability involves following directives which give us the best chance of achieving truth in our beliefs in a world where it is often difficult to conclusively establish truth beyond a shadow of a doubt. To grasp

the case for acceptability as the standard for premiss worthiness, we need first to look at the inherent problems with the alternatives.

Trudy Govier has presented some arguments to show that both 'true' and 'known to be true' will not do as standards of premiss worthiness. We will look first at the arguments against the truth standard.

Govier claims that truth is neither sufficient nor necessary as a property of the premisses of cogent argumentation. Truth is not sufficient because quite conceivably the premisses may be true but not known to be true by either proponent or opponent (or both). In such an instance the arguers would not be able to judge the premisses adequately, making the truth of the premisses irrelevant to the issue of the practical or epistemic value of the argument. Truth is not a necessary property of premisses: an argument may be eminently important even though it proceeds only from acceptance to acceptance. Govier argues that those endeavouring to cling to the truth requirement must choose between two unpalatable options: either admit there are very few cogent arguments or dismiss "fallibilist" arguments that do not meet the truth requirement.

Truth has been shown to be inadequate as a standard, but what about the claim that worthy premisses must be known to be true? The second argument above rules out this 'epistemic' criterion, and along with this argument we may add the following. In short, if we require that premisses be known to be true we are asking too much, we are imposing too strict a requirement. Govier points out that maintaining this criterion would lead

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3 Ibid., 76, 334. C.L. Hamblin is the originator of the modern search for criteria of premiss-adequacy, whether alethic (referring to truth), epistemic (referring to knowledge), or dialectical. See his Fallacies, ch.7; and R.C. Pinto, 'Logic, Epistemology and Argument Appraisal,' Third International Symposium on Informal Logic, 1989, unpublished.

4 A Practical Study of Argument, 76. Emphasis added.
us to conclude that there have been very few cogent arguments throughout the course of history, since only rarely, if at all, have premisses of arguments been known to be true. Her solution to the problems with the alethic ('true') and epistemic ('known to be true') requirements is to replace them with what we are calling a dialectical requirement of acceptability, by which we mean that we have reason or evidence to accept the premisses.

We now want to make some further distinctions to bring out the dialectical character of acceptability as a standard of premiss adequacy. It is a sufficient condition of premiss adequacy that the premisses are indeed known to be true by both interlocutors. But in order to see why this is so, some distinctions need to be made explicit.

There are distinctions to be made between:

(a) the relationship between the interlocutors and the premisses, and

(b) the number of interlocutors to which the premisses bear a given relation.

The dialectical standard of premiss adequacy (i.e., the acceptability standard) holds that adequate premisses are those which it is reasonable for both interlocutors to accept. There are many instances in which premisses fail to be adequate according to this criterion. For example, it is possible for arguers to actually accept a premiss but to do so unreasonably. Hence the premiss is inadequate. It is also possible that one arguer knows a premiss to be true but the other arguer does not. Since premisses which are known to be true are in virtue of that fact reasonable to accept, then the premiss in this instance is reasonable to accept for that interlocutor. But since we are not told of the relationship between the premiss and the other interlocutor, the premiss remains inadequate according to our dialectical standard of premiss adequacy.
Our standard of acceptability is dialectical for two reasons:

1. It judges premisses to be adequate only when both (all) participants in the dialogue adhere to them.

This point brings out the dialogical character of argumentation as here conceived. As Nicholas Rescher has said:

Rational acceptance is a cognitive act governed by appropriate normative standards, so that inquiry itself can, and should, be viewed as a mode of practical activity—as a cognitive praxis governed by norms and criteria.\(^5\)

The practice of argumentation involves the stating of claims on different sides of a disputed question, and the fact that it is an activity in which two or more arguers participate should guide us in setting up reasonable standards for it.

2. It calls for compliance with premisses only when there are reasons available to back up such compliance.

This point shows how our standard is midway between 'mere acceptance' and 'truth' on the scale of possible standards. Further, it should be pointed out that premisses can be acceptable without defense; otherwise we would be in danger of falling into an infinite regress of justification. This is why we add "available" to the above formulation.

A problem presents itself at this point: If acceptability is our chosen standard of premiss adequacy, are we possibly letting a vicious relativism infiltrate our view? After all, what it is reasonable to accept at one time will be different from what it is reasonable to accept at another time. Here is an attempt to deal with this objection.

The dynamic aspect of the dialectical process requires us to view historically earlier lines of argument as sufficient (in one sense) even when

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they later are shown upon the introduction of new evidence to be inadequate. We should utilize criteria which suit the reality of the argumentative situation. In any adequate dialectical argumentation a process of "rational selection"\textsuperscript{6} is involved in which the best supported viewpoint should prevail. If a point of view is able to survive the dialectic of challenge and response, then it gains in justificatory superiority over opposing viewpoints. Thus the evolving support for the viewpoint may be seen as an unfolding of justification. Jack Meiland, in his college text, has stated that

The fundamental idea behind all argumentation is this: a possible reason that survives serious objections is a good reason for accepting the belief in question. To evaluate a reason, one tests it with objections; and if the objections prove to be ineffective against the reason, then one is justified in regarding the reason as a good reason.\textsuperscript{7}

As a disputed viewpoint succeeds in foiling attempts to show its unacceptability, the viewpoint to that extent gains in acceptability itself. And the \textit{premisses} which it is reasonable to accept at a given time are just those which interlocutors agree are best supported by the available evidence (cf. Meiland's "reasons" in the above quotation). There is no use in asking for more than this as a requirement of premiss adequacy: in attempting to get deeper into premiss adequacy we embark on a search for an abstract concept, "truth," which may wreak havoc on argumentative \textit{practice}. It is not that truth is not the ultimate goal of the process (though the gap between what we take to be true and what is actually true may be unbridgeable); rather, it is that the best way to achieve truth is not to demand it as a standard of premiss adequacy. What we are after is

\textsuperscript{6} See Nicholas Rescher, \textit{Methodological Pragmatism}, 9 and 133.
\textsuperscript{7} Jack W. Meiland, \textit{College Thinking}, 26.
increasingly better-supported claims, and the best way to achieve this is to utilize the weaker standard of acceptability. The shift from "true" to "acceptable" is not a step down on the scale however. It is rather a shift to a different perspective; from God's perspective, from which we are able to determine the truth of claims beyond question, to a perspective from which we aim to remove all reasonable questions that may be asked about a claim and its support. And reasonable questions are just those people come up with and to which they receive answers in the dialectical process.

One further important point should be made here. We are not arguing that there is a decision to be made between truth and acceptability as requirements of worthy premisses. Our considered position on the matter of premiss-adequacy holds that the acceptability requirement (which says that premisses should be reasonable to accept by both interlocutors) is the proper requirement of premiss adequacy, but that truth often plays a central role in determining acceptability.

Positive progress in dialectical inquiry is achieved if and when one arguer offers cogent support for a claim, support which the other arguer ought rationally to accept. Still, if that other arguer does not accept the premisses, the argument will be at a standstill or may at least get sidetracked. All of this is mentioned to show that the case of dialectical inquiry also requires acceptance of premisses if it is to be successful. This should not detract from our central claim that premisses in a successful argument are those which it is reasonable to accept, given the evidence available at the time.

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8 A kind of progress is also made when it is shown, through the dialectic, that no cogent support is available.
The standard of acceptability makes essential reference to the communal aspect of inquiry. An adequate premiss is one which (either alone or in conjunction with another premiss or premisses) a reasonable participant in a critical argumentative dialogue ought to accept. The standard of truth, on the other hand, traditionally involves either correspondence with "the facts" or the coherence of a body of beliefs (or both), thus leaving out the central fact of our activities as proponents and critics of proposed claims.

5.2.1.2. Relevance

Relevance and sufficiency were the standards of inference adequacy we mentioned in our introduction. Along with acceptability, they make up the logical standards of argument cogency. In sections 5.2.1.2 and 5.2.1.3, the logical-pragmatic distinction is made and we discuss how the concepts of relevance and sufficiency are involved in both logical and pragmatic contexts. Further discussion of pragmatic standards will wait until section 5.2.3. Let us now look at the status of relevance as a standard.

A key feature of any model of dialectical inquiry is its openness to different kinds of relations between premisses and conclusions. In a deductive model only entailment-relations between premisses and conclusions will be cogent, while more arguments can be found cogent if we take into consideration strong inductive arguments, and so on. We are advocating a widening of the conception of what constitutes a cogent argument, beyond deductive validity or even inductive strength. A dialectical model of argumentation can incorporate these models as well as others.\(^9\) Most important for present purposes, a dialectical model allows

nondeductive relations between statements, and it is in the context of such nondeductive exchanges that questions about the relevance of premisses arise.

Consider the difference between a deductive and a dialectical context. When a deductively valid argument is presented, questions concerning the relevance of the premisses to the conclusion are not in the forefront of consideration. This is because the premisses entail the conclusion, they provide sufficient support for it. Once we are aware of this fact, we need not question whether there is a relationship of relevance between the elements of the argument. The premisses will always be relevant to the conclusion, with the important exception of cases of question-begging. The case of dialectic is different however. In the dialogue, proponent may offer a statement in support of her thesis, and opponent can and (in most cases) should ask after the relationship between the two statements, especially if proponent has not made this relationship clear. Further, the nature of the case, in moral or scientific matters for instance, may require us to consider important points on different sides of an issue. In such cases it is vital to the argumentative process that the relevance of such points be considered.

Douglas Walton makes the distinction between (1) an irrelevant response to a question in dialogue, and (2) an irrelevant premiss introduced in support of a claim. The first case is a pragmatic irrelevancy involving an unwarranted move in the dialogue, while the second concerns the "semantic core" of propositions adduced in the argumentative process. An arguer may commit an irrelevancy by introducing a supportive statement which is not relevant to the claim she is defending, she may fail to keep her

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defence to the point, which is the defence of a particular standpoint (we may
dub this a 'logical irrelevancy'). Alternatively, she may fail to deal with the
specific challenge of her opponent (call this 'pragmatic irrelevancy').

As we noted in Chapter 4, Trudy Govier's discussion of relevance in
argumentation introduces the important distinction between positive and
negative relevance. Here we have an attempt to clarify how a statement
may be logically relevant (in our sense) to a claim. A positively relevant
statement is one which, if true, "counts in favor of the truth" of the
statement it is adduced to support. A negatively relevant statement is one
which, if true, "counts against the truth" of the statement it is adduced to
support or criticize.

Van Eemeren and Grootendorst offer two rules which directly relate to
the standard of relevance in argumentative dialogue. They are:

Rule 3: An attack on a standpoint must relate to the standpoint that
has
   actually been advanced by the protagonist, and
Rule 4: A standpoint may be defended only by advancing
   argumentation
   relating to that standpoint.

Rule 3 applies to the opponent or critic of a point of view and clearly
addresses the issue of pragmatic relevance, while the vagueness of Rule 4,
which applies to the proponent or defender of the viewpoint, leads us to say
that it may address both logical and pragmatic considerations. The notion
that argumentation advanced in support or attack of a standpoint must, in
some sense, "relate" to that standpoint, seems uncontroversial. But we are
now faced with the problem of determining just when an argumentative
move does (or does not) actually relate to the standpoint under investigation.

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12 See 'Fallacies in Pragma-Dialectical Perspective.'
We have earlier argued (section 1.4: 'What Dialectic is Not') that the relation- or relevance-guarantor is **not** that of deductive entailment.\textsuperscript{13} As we have shown, statements can be relevant to a disputed claim without their entailing it. The whole dialectical process depends on this being so, since what is most often at issue is the **strength** of support available, despite serious considerations counting **against** the standpoint. Further, the idea of challenging an entailment relation (excluding cases of question-begging) is senseless: in such a case there is no room for challenge and response.

A common question in dialectical inquiry may be the relevance question, "How does that statement bear on the point at issue?", and in fact Toulmin's question, "How do you get from the data to the claim?" sounds very much like our dialectical relevance question. Despite his inconsistent use of the term 'warrant', Toulmin's **warrant** (the answer to his question) may be viewed as the **relevance-supplier** in much argumentative dialogue.\textsuperscript{14} The warrant itself gains its power from its backing, and this **backing** is always field-dependent. So, on this view, what is relevant to a point at issue will depend on the field with which we are dealing. Toulmin's talk of warrants addresses problems of logical relevance (in our sense).

At any rate, warrants are vital members of the set of "premisses." Among the statements adduced in support of a point at issue, warrants need not be present in the proponent's first move. But the relationship between statements offered and the disputed claim may not be clear and may be challenged. At this point the warrant can be introduced, since it

\textsuperscript{13} On this point, see Douglas Walton, *Informal Fallacies* (John Benjamins, 1987), 77-93.

\textsuperscript{14} See J. Anthony Blair, 'Premise Relevance,' in Robert Maier (ed.), *Norms in Argumentation*.
shows just how the data and claim are related. This is not to say that the original data offered are not themselves relevant to the claim; rather, the warrant is introduced to make it clear just how the data are indeed relevant. Warranting statements are responses in the dialectical process which attempt to make explicit the relevance of the support available for the disputed claim. We do not claim here to be following Toulmin's explicit pronouncements, but we believe that his concept of a warrant best fits into a dialectical context if it is viewed in this way.

This discussion relates to Rescher's claims for the provisoed assertion, P/Q ('Q constitutes prima facie evidence for P.') The opponent of a claim can point out that other evidence (Q) calls the relevance of proponent's original support into question, and that Q must be dealt with by proponent. Proponent must then show how her original evidence remains relevant to her claim, or how some new evidence is relevant as support for her claim, despite opponent's counterclaim that "Since Q constitutes prima facie evidence for P, and for all you've shown Q is the case, therefore your support (for not-P) is irrelevant."¹⁵

Relevance must be shown in a dialectical inquiry when an arguer is challenged to show how her grounds relate to her standpoint (claim, point of view). We will specify in section 5.2.2 just what kind of challenges are required. We close with a reminder that it is important to keep distinct the two kinds of (ir)relevance, pragmatic and logical.

⁵.2.1.3. Sufficiency

When is the support offered for a point at issue enough to require the rational consent of the participants in argumentative dialectic?

¹⁵ We should note that the P/Q move does not necessarily involve a charge of irrelevance. But we hold that one possible way to use P/Q is as a relevance-challenge.
We may make a distinction between two kinds of sufficiency in dialectical argumentation, between the sufficiency of the case presented on the one hand, and sufficiency of support given by premisses to claims on the other. To clarify this distinction we will need to define the concepts of 'atomic argument', 'line of argument', and 'case'.\textsuperscript{16} The concept of 'line of argument' makes use of the idea of a presumption or prima facie reason. Such a reason offers one particular kind of support for a claim, and a line of argument consists of any such presumption in a claim's favour along with the further support for that reason (i.e. beyond direct support). An 'atomic argument' is made up of a claim and the premisses which directly support it along one line of argument. A single atomic argument could thus make up one entire line of argument just so long as there are no challenges to the original premisses directly supporting the claim at issue. Lines of argument are distinguished from one another by the presence of distinct presumptions around which those lines revolve. For instance, different lines of argument in favour of the (re-)legalization of capital punishment revolve around distinct presumptions such as deterrence, cost, and retributive justice (among others). Of course the dialectic exists to examine just how such lines of argument stand up to criticism. A 'case' is simply the sum of all lines of argument adduced in support of a point at issue. Now a case could be identical to an atomic argument where we have a deductively valid argument with acceptable premisses. In fact, such an example shows that an atomic argument, a line of argument, and a case may in some cases be indistinguishable; we will return to this point shortly.

\textsuperscript{16} These distinctions, or something very close to them, are made by J. Anthony Blair and Robert C. Pinto in their forthcoming 'Reasoning Skills' text.
An argumentative dialogue provides sufficient support for a point at issue (case sufficiency) when the proponent has dealt with, and shown the weaknesses of, all criticisms aimed at the point at issue. This idea is not subject to the objection that the support for a claim will then only reflect the abilities of the arguers who happen to take part in the discussion. Our standard avoids this objection here because the judgment of sufficiency of support is always made tentatively, always with the proviso that further evidence may later arise which would require response from the proponent. At that later point, refusal on the proponent’s part to deal with the newly adduced evidence would constitute a failure to meet the standard of sufficiency.

Line of argument sufficiency deals with the "semantic core" of the dialectical process, the lines of argument making up the cases for and against the doubted claim. This kind of sufficiency is based on the straightforward idea that the premisses offered in support of a claim must provide support sufficient to establish the acceptability of the claim, with the required guarding or qualification.

In opposition to our view, it might be argued that if an example of argumentation satisfies the second (line of argument sufficiency) condition, the first (case sufficiency) condition becomes redundant. While it is true that argumentation in which all the lines of argument are judged sufficient amounts to argumentation constituting a cogent case, the "line of argument-case" distinction remains important. We offer two definitions in an attempt to show how they differ.

**Line of argument sufficiency**: A line of argument provides sufficient support for a claim, just in case all reasoned challenges to the support the presumption provides for the claim have been dealt with by the proponent and found to be untenable.
Case sufficiency: A case presented in defense of a claim is sufficient just in case every line of argument in the argumentative process satisfies the conditions of 'line of argument' sufficiency.

It is clear that a number of lines of argument may be sufficient in themselves while others remain insufficient. Whenever this is so, the case for the claim remains insufficient. "But," it may now be objected, "a line of argument whose premisses deductively entail a claim provides sufficient support for the claim, and the line of argument-case distinction breaks down in this event." We reply that, even when a line of argument provides deductively valid support for a claim, the premisses involved may be questioned and so the line of argument itself is insufficient. Our objector may continue, "You fail to see that where we have entailment and acceptable premisses we have sufficiency of both kinds. There no longer remains any more to do to defend the claim-at-issue." At this point we break down and admit that our treasured distinction dissolves here. But we maintain that our distinction remains an important one to make, despite the fact that in some instances lines of argument and cases will be identical. Considerations of cost and of deterrence constitute distinct lines of argument relevant to the claim 'Capital Punishment should legalized', and we can attempt to determine the sufficiency of each such line of argument separately.

Rescher has claimed that a disputational model of science best captures the enterprise of scientific inquiry, and we hold that the provisoed assertion is the central move in Rescher's dialectic.\textsuperscript{17} This most important move, the only one which both disputants may make, is by its very nature tentative in its force: It always stands until further notice and, moreover, seeks a

\textsuperscript{17} P\textsuperscript{Q}, or 'Q constitutes prima facie evidence for P.' See chapter 2.
response from the other participant. The provisoed assertion involves reasonably safe presumptions which may stand until challenged, but the possibility of challenge is always present.

Our discussion ties in with Rescher's in the following way. An instance of inquiring dialectic is, in principle, always incomplete. The support for a point at issue may achieve varying degrees of sufficiency; that is, at the end of the dispute some assertions will likely remain unchallenged. But there is always the possibility of future challenges following on the introduction of new evidence or the discovery of new connections among evidence already present. The process of dialectical inquiry is open-ended, and judgments of sufficiency retain the tentative character required in such a process.

Of course, judgments of sufficiency will be relative to the guarding offered by the arguer: standards will vary depending on the qualifier offered (e.g., presumably, probably, etc). For example, proponent adduces grounds in support of a point at issue and adds that her standpoint presumably holds, or holds in the absence of evidence to the contrary. Proponent need not show that her standpoint follows necessarily in this case, and so should not be judged to have given insufficient support for, say, a deductively valid inference.

Our examples of modal qualifiers in the last paragraph were not chosen haphazardly. We hold that, in a dialectical context, any claim will hold only 'presumably' or 'in the absence of future counterindications.' Even when a strong inductive argument is offered in a rational dialogue, it may be admitted only with the qualification that future considerations do not tell decidedly against it. Inductive criteria, dealing with the balance of probabilities, can tell us whether an inference is inductively weak or strong, but dialectical criteria are different from deductive or inductive
criteria. Therefore, dialectical argumentation should not be judged by the criteria applicable only to these other contexts. The dialectical standard of sufficiency involves the activity of arguers adducing support of varying degrees of strength for disputed claims. When dialectical sufficiency holds, it is reasonable for the participants to make some degree of commitment to the claim at issue.

5.2.2. Burden of proof

In the course of the dialectical process, an interlocutor's attitude toward a claim may change, and furthermore, it may change as a result of the dialectical inquiry. The capacity of an argumentative dialogue to achieve this change in view speaks for its power and usefulness. But questions about how such shifts take place, questions about the nature of burden of proof, are central to an understanding of the dialectic.

We should begin with the conception of a presumption, a candidate for acceptance which stands out as potentially acceptable in the absence of countervailing considerations. Any model of rational inquiry needs presumptions as means by which to get and keep the process going.18 Such a need is necessitated by the fact that we must start our inquiries from the point at which we find ourselves and, from that point, endeavour to move toward a position which (even if it supports the very same claim) shows increasingly developed support for a claim. The burden of proof lies with the interlocutor whose position with respect to a claim does not have the status of a presumption.

As we noted in chapter 2, there are two related notions of burden of proof, both of which are important for our purposes. The initiating or I-

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burden remains with the proponent of the disputed thesis throughout the dialectic, while the E-burden or the "burden of going forward with the evidence" shifts back and forth as the discussion proceeds. The E-burden of proof is what concerns us in this section, since we will be discussing how and for what reasons E-burden shifts may occur. But we first give a brief rationale for apportioning the I-burden of proof.

In argumentative inquiry the disputed viewpoint is subject to some doubt on all sides. Here the burden of proof, in the sense of an I-burden (of an initiating assertion) rests with the proponent to show its acceptability through argumentation. We should note here, though, that this does not mean the presumption is in favour of the viewpoint's unacceptability. (Someone making this presumption would be guilty of a mistake analogous to the notorious fallacy of argumentum ad ignorantiam, i.e., of assuming a statement is false just because it has never been proved true.) Rather, the presumption is in favour of the one who doubts the claim's acceptability.

Van Eemeren and Grootendorst make a distinction between different standpoints toward claims which clarifies our point here.\(^{19}\) They use the symbol, \(+/O\), to stand for a positive standpoint toward the expressed opinion \(O\). The symbol, \(-/O\), stands for a negative standpoint toward \(O\), and the symbol, \(?/O\), means that the opinion \(O\) is doubted, that there is no commitment either way. Van Eemeren and Grootendorst do not stress this last case because they deal with everyday disagreements which usually begin with each interlocutor clinging to a positive or negative standpoint. In the case of inquiry, ideally at least, the noncommittal attitude of doubt (\(?/O\)) should be the norm. The I-burden of proof lies with the defender of the

\(^{19}\) *Speech Acts in Argumentative Discussions*, 11.
doubted claim (+/O). Our rationale for this apportioning of the burden of proof with respect to the point at issue rests on the reason for beginning the dialectical process in the first place: we are faced with a claim which is subject to some doubt, and the purpose of argumentation is to move some way toward a removal of that doubt. The twin commandments, "Avoid Error" and "Achieve Truth," guide us here, and a judicious balancing of these commands speaks for our requiring support for the claim before accepting it: thus, we place the I-burden of proof on the defender (proponent) of the point at issue.

If our model of argumentation is to function we need to know the rules for E-burden shifts, when they occur and what it takes to effect them (or, to put it another way, when and how we decide whether something is a presumption.) The burden of proof cannot stand against every contention made in an argumentative discussion, for if this were so we could never get the discussion going. This last problem results from the infinite regress which would result if a proponent were required to defend every contention put forward. If the requirement to defend does not stop somewhere we cannot expect any disputed claim to be satisfactorily defended.

What then are the rules for apportioning the E-burden of proof, the burden on an arguer to go forward with evidence in the discussion? We hold that there are three such rules which vary depending on which of our logical standards we propose to discuss. Let us look at acceptability, relevance, and sufficiency in turn.

The proponent of a point at issue begins the argumentative process at a disadvantage in that she must adduce considerations or premisses which function to support her contention that the point at issue is acceptable. But the job of supporting a disputed viewpoint is made too easy if those
premises are not inherently open to question by the opponent of the viewpoint. Conversely we must be careful not to open the way to an infinite regress in which every adduced premiss requires support from further premises and so on down the line. Such a regress is curtailed by invoking the demand that any premiss-acceptability challenge must be a reasoned challenge. The concept of a reasoned challenge is not crystal clear, but we will do well to consider an example.

Suppose proponent offers the statement, "Capital Punishment acts as a deterrent to possible future murderers," as support for the claim that "Capital Punishment should be made legal." If opponent merely says, "I do not accept that CP acts as a deterrent to possible future murderers" then he fails to effectively challenge proponent's premiss. A reasoned challenge must be accompanied by reasons why the premiss is considered unacceptable; for example, "No study has shown there to be a connection between CP and deterrence, so I challenge you to provide some support for your contention that such a connection exists (perhaps you know of studies of which I am unaware.)" Through such a reasoned challenge the opponent of a disputed viewpoint is able to place the burden of going forward with the evidence squarely on the shoulders of the proponent. (We should note that in our example opponent is not asserting that no such connection exists; rather he is asking for some evidence that it exists, given his reason for doubting such a connection.)

Regarding the standard of premiss acceptability then, we propose the following rule:

**Burden of proof rule A:** The proponent of the disputed claim has the burden of showing the acceptability of any premises she puts forward in support of that claim if she is confronted with a reasoned challenge. In the absence of a reasoned
challenge from her opponent, her premisses provisionally stand.

We now come to discuss the burden of proof rule for the standards of relevance and sufficiency. Here we should bring in Rescher's idea that a presumption is a type of claim which can stand provisionally, until undermined, despite its vulnerability to refutation. In our context we are dealing with a "claim" of sorts, the "claim" that the premisses put forward are (a) relevant to the disputed point of view and (b) offer support sufficient to establish the disputed point of view, with the appropriate guarding. (Derek Allen has spoken of an "inference claim" as, roughly, the claim of an arguer that her premisses support her conclusion. We are developing the idea of an inference claim here in a new direction.) This two-pronged claim should provisionally stand; it should gain the status of a presumption. The burden of proof with respect to the relevance and sufficiency of premisses thus rests with the opponent of the point at issue. It is up to him to make a reasoned challenge on either count (of relevance or sufficiency).

Accordingly, we offer two more burden of proof rules, one regarding relevance and the other regarding sufficiency:

**Burden of proof rule R:** The opponent of a disputed claim has the burden of showing that a (set of) premiss(es) is not relevant to that claim. That premisses are relevant to a claim will be presumed until a reasoned challenge shows that there is reason to doubt the relevance-relationship.

**Burden of proof rule S:** The opponent of a disputed claim has the burden of showing that a (set of) premiss(es) does not sufficiently support a claim. That premisses are sufficient support for a claim, subject to appropriate guarding, will be

20 *Methodological Pragmatism*, 211. Of course this idea is not originally Rescher's. It originated in the Roman law tradition.
21 Derek Allen, 'Inferential Soundness,' 57.
presumed until a reasoned challenge shows that there is reason to doubt the sufficiency-relationship.

We may now fairly ask how the concept of burden of proof fits into the scheme we have been dealing with so far. In answer to this question, we reply that burden of proof may be viewed as encompassing all three standards of argument adequacy we have been discussing: acceptability, relevance, and sufficiency. This would account for its centrality in a dialectical theory of argumentation. Different kinds of violations of the burden of proof rule fail different tests, as it were. In the first kind of case, proponent may introduce a highly controversial statement as support for a doubted point at issue. The statement is not acceptable, it should not be accepted by a rational arguer, at least not without defence. It remains for opponent to make a reasoned challenge in order to shift the burden of proof. In this instance, such a challenge should point out in what way the statement is indeed controversial. Second, proponent may offer a statement that is off topic or that fails to respond to the question asked of her. Thus the statement is not relevant to the argument being offered, it does not bear on the point at issue (at least with respect to that particular line of argument). In this instance opponent has the burden of showing that the premiss is not relevant to the claim. It still remains his duty to offer a reasoned challenge to the effect that there is reason to doubt the relevance-relationship purported by the proponent. And third, proponent offers a statement that, though relevant, falls far short of justifying the point at issue, given the modal qualification offered: the statement is not sufficient support for the point of view in question. But the opponent has the burden of showing that

22 Rescher, for instance, claims that "no conception is more critical to a proper understanding of dialectical issues than that of the burden of proof." Dialectics, 25.
the premisses do not sufficiently support the claim at issue by offering a
reasoned challenge of insufficiency.

There is a need to allow for a dialectical justification of the procedures to
be followed in the inquiry. In keeping with previous suggestions on this
topic, we are inclined to adopt a conservative principle with respect to the
rules to be followed; i.e., we recommend that rules stand until challenged,
thus avoiding the threat of infinite regress. With respect to statements
introduced in the discussion in support of claims, however, we would hold
that the burden of proof should be reversed (i.e. to agree with van Eemeren
and Grootendorst's burden of proof rule: that if you introduce a statement,
you are required to defend it). Especially since the dialectical process begins
from the participants expressing doubt about a claim, that claim should be
supported if it is to gain acceptance.

Douglas Walton's definition of burden of proof is as follows:

Burden of proof is defined as an allocation made in reasoned
dialogue which sets a strength (weight) of argument required
by one side to reasonably persuade the other side. Making this
definition useful presupposes prior definition of the concept of
reasoned dialogue, and, in particular, the concept of
persuasive reasoned dialogue.24

We have given, in our analyses of three argumentation models, an
outline of "persuasive reasoned dialogue." The concept of burden of proof
can thus be useful as a broad guide to argumentative practices within such
a dialogue.

5.2.3. Pragmatic Standards of argumentation: Rules of inquiry

We deliberately placed the section on burden of proof between the two
sections on the standards of argumentation to stress that the conception of

burden of proof relates directly to both kinds of standards. It becomes evident in a number of pragmatic rules of inquiry, but its **reason for being** is to divide the argumentative workload with respect to certain logical standards of argumentation. Having made the connection, we will now proceed to further discuss the idea of rules of inquiring argumentation.

As John Searle has noted in a discussion of the philosophy of Ludwig Wittgenstein, "obeying a rule is a social practice, it is something that we do in society and we learn in society."\(^{25}\) Argumentative inquiry is a cooperative social practice governed by rules. The rules are themselves subject to change, as we have said, but such changes must be the product of a cooperative dialogue in keeping with the already-existing rules.

The rules of dialectical inquiry do not **ensure** success in our critical endeavours, in our attempts to assess the acceptability of disputed claims. Rather, the rules of a model of dialectical argumentation are only the **conditions** of progress towards establishing the acceptability of a given claim at issue. The rules, if adequate, are necessary but not sufficient for a successful investigation into the acceptability of a point at issue. The rules are needed, but which rules are needed? In chapter 4 we dealt at some length with van Eemeren and Grootendorst's rules of argumentative discussions and suggested some ways in which they may be improved. At this point we only suggest a few other considerations concerning the guarding rule.

We again emphasize the need for a 'guarding rule' (cf. Chapter 4). We hold that such a rule is vital to the dialectical process because it takes into

\(^{25}\) Bryan Magee (ed.), *The Great Philosophers* (BBC, 1987), 337.
account the frequent reservations which, if included, help to clarify the force with which a claim is put forward.

**Guarding Rule:** The proponent of a disputed claim must make it clear what degree of support is intended for that claim. This is to be done by ensuring that a qualifier of some description is stated.

As Robert Fogelin notes, guarding terms and phrases (such as 'probably,' 'presumably,' 'it may be that,' etc.) enable arguers to avoid an infinite regress, the infinite process of opponent's asking for further reasons in support of premises proponent has marshaled. Guarding serves to clarify the strength with which a claim is put forward, and is important in making the opponent aware of how burden of proof considerations should be used in a particular instance. Of course, we should not weaken our premisses so much that they fail to provide a reasonable degree of support for the conclusion; but it is vital that an explicit statement of the degree of support is made a part of the activity of arguing.

5.3. **Criteria of a good model**

We may now ask, What are the general criteria to which any model of argumentative inquiry must measure up? What must any model include among its characteristics?

1. A model of dialectical inquiry should provide for the critical testing of a claim or point of view. This testing should be carried out by way of a discussion in which two (or more) participants play out certain roles, these roles being (1) **defender** of the (positive or negative) viewpoint, and (2) **critic(s)** of the viewpoint.

2. A model of inquiring dialectic should offer a set of rules for the carrying out of the critical testing process. Breaking a rule of rational dialectic constitutes a failure on an arguer's part to carry out her obligations within the argumentative process. Alternatively, we may say that the rule-breaker neglects the rights of arguers as set out in the rules. Van Eemeren and Grootendorst make explicit use of this social/political terminology in making this point, but it should be remembered that the rights and obligations of arguers exist for a purpose, namely, critical testing. So if it becomes evident that a right (or obligation) is not furthering that purpose, we may see cause to revoke the right (or obligation) on the grounds of its being unnecessary for, or a positive hindrance to, the critical testing of a claim. More specifically, if we come to have reason to believe that a rule (and the consequent rights and/or obligations following from it) does not work in practice, we have reason to withdraw the rule.

3. A model should contain rules which prescribe cogency standards. The dialectical model, for example, is carried on in accordance with the standard of premiss-acceptability and the standards of inference adequacy (relevance and sufficiency).

4. The model should be of use in the practice of argumentation in everyday language. In saying this, we mean to stress that there should be an accounting for all speech acts it is possible to perform in the arguing process. The model should be easily applied to normal argumentative practice, even though such a test is not being undertaken here.

5. A feature of many past conceptions of dialectic is conflict, specifically, growth through conflict. This feature is present (in different ways) in all

28 'Rationale for a Pragma-Dialectical Perspective,' 283.
three of our excursions into the recent past of argumentation theory (in chapters two through four). Rescher explicitly acknowledges an affinity with Hegel (the foremost proponent of development through conflict), while also stressing the centrality of conflict as a precondition for progress. Toulmin's emphasis on the functional and historical aspects of argumentation show his concern with dialectic in the old senses of "conflict" and "growth". Van Eimeren and Grootendorst take the existence of a conflict or dispute as the starting point for their theory of argumentation. They state that the resolution of disputes fosters the growth of knowledge. In our own model, conflict is entrenched by way of the emphasis on criticism, on the critical aspect of the inquiring process (see point 1 above.) We hold that the criticism found in argumentative dialectic is vital for deciding on the acceptability of disputed claims.

6. The importance of conflict for the critical testing of claims does not preclude the need for cooperation between and among participants. Douglas Walton has put the case for cooperation and the obligations of arguers as follows:

Every dialogue has a goal and requires cooperation between the participants to fulfill the goal. This means that each participant has an obligation to work toward fulfilling his own goal in the dialogue and also an obligation to cooperate with the other participant's fulfillment of his goal. The basic reason that any argument can be criticized as a bad argument always comes down to a failure to meet one of these basic obligations.

Also in the above quotation we find the idea of the goal-directedness or directionality of argumentation: the process is going somewhere; namely,

29 *Dialectics*, 51, 67.
through critical testing toward the determination of the acceptability of a
given claim. And the means to achieve that goal of acceptability-
determination is the dialectical process of challenge and response.

The above discussion of conflict in argumentation leads us naturally to a
possible criticism of our view. This criticism is captured in Maryann
Ayim’s article, ‘Violence and Domination as Metaphors in Academic
Discourse’. Here are some questions we might be asked by such a critic:
Does the adversary method detract from the aim of the whole enterprise? Is
rational dialogue poorly served by the use of criticism and defence as its
leading metaphors?

First, we should make it clear that we do not endorse an ‘aggressive’
model of argumentation, in which the aim of the participants is to attack
their opponent(s) in a hostile manner. On the contrary, the interlocutors
are to view each other as equals, united in their goal of testing the support
for a disputed claim. Indeed, the higher-order rules of the process
discussed in chapter 4 are designed to foster an atmosphere of mutual
respect among participants. So we do not endorse an adversary model.

Second, rather than an ‘adversary method,’ as it has been called, we
offer a controversy method as the best way to effectively test a claim’s
acceptability. The roles of proponent and opponent are just that, functional
roles which individuals play in order to more effectively achieve the
ultimate goal of the enterprise to which their efforts cooperatively aim. As

32 In Trudy Govier (ed.), Selected Issues in Logic and Communication (Wadsworth, 1988),
184-195.
33 Janice Moulton, ‘A Paradigm of Philosophy: The Adversary Method,’ in Discovering
Reality: Feminist Perspectives on Epistemology, Metaphysics, Methodology and
Actually, Moulton attacks a method of arguing which recommends deductive validity as
its criterion of inference adequacy, and in this attack we agree with her.
long as this is understood by the participants, the controversy method can do far more good than harm.

Criticisms like those of Janice Moulton\textsuperscript{34} hold out the possibility that other models of argumentation, less adversarial models, would allow for more valuable testing of claims. A sort of 'proliferation of models' view such as this, which sees a number of argumentative models as legitimate, may well be the wave of the future, and we support the comparative evaluation of different models. But until such models are shown to be effective, or as effective as a dialectical model, the suggestion is merely promissory. In any case, our controversy model explicitly disallows hostility as a recommended approach to argumentation, so it is in fact not guilty of the faults attributed by Moulton to 'adversary models'.

The distinction between attacking a person on the one hand, and attacking a thesis on the other, is not to be taken lightly.\textsuperscript{35} The first kind of attack is likely to be unreasonable and unfruitful while the second is the tool with which an opponent is able to bring out the proponent's support for her thesis.

7. The requirement of \textbf{open-mindedness} is crucial to the model of argumentative inquiry proposed here. One must be prepared to alter one's point of view regarding a claim if it turns out that the evidence warrants such a change.\textsuperscript{36} Refusal to do so constitutes a refusal to take part in the argumentative process: one who clings to a position in spite of a balance of evidence showing that it cannot be supported or that its contradictory (or a

\begin{flushright}
\textsuperscript{34} Ibid.  \\
\textsuperscript{35} The rationale behind the fallaciousness of abusive ad hominem arguments depends on the soundness of this distinction.  \\
\end{flushright}
contrary) is better supported, is failing to act in a rational manner.\textsuperscript{37} We may note that she who acts irrationally here is failing to take account of the demand to attend to \textbf{burden of proof} considerations. The centrality of the burden of proof for rational dialectic is thus evident.

8. The alert critic may now ask, "Why do you offer these criteria and only these?" We can only answer that, for the reasons given above, these criteria seem important and useful when evaluating models of argumentation. A job for future theorists of argumentation is to fill out this list and provide reasons for and against inclusion of new criteria or of the criteria already offered.

Chapter 6 - Summary and Critical Conclusions

The model of dialectical inquiry recommended here may be seen, broadly, as a contribution to epistemology or the theory of knowledge. Traditionally, theorists of knowledge have inquired about reliable methods of, in Charles Sanders Peirce's phrase, "fixing belief." Following this tradition we have offered a model which, if followed, promises just such a method. Of course, it is part of our enterprise to stress that beliefs are never "fixed" for once and for all. The search for reasoned belief is never ending, but even with the tentative nature of claims to knowledge we can increase our level of confidence in such claims.

The way to increase confidence in our beliefs is to proceed critically, in a cooperative social environment, all the while acknowledging that the conclusions so reached are always subject to revision in the event of further developments. The affinity with the ideas of Peirce here may be evident to some readers, but the inquiry into the nature of that affinity must wait for another time.

We will now briefly summarize what we have learned from our investigations into the recent past of argumentation theory.

Rescher (discussed in chapter 2) stands out on four counts. First, he inspired our early working definition of dialectic as a rule-governed discussion between two role-playing participants in which some claim is tested. Second, his stress on the allowable moves arguers can make is crucial to a complete model of argumentation, even though we argued the moves he allows are too restricting. Third, he is responsible (via Richard Whately) for the introduction of concepts vital to the development of

argumentation theory: burden of proof and presumption. And finally, Rescher discussed the "provisoed assertion", which we argued might be viewed as the paradigm of a "dialectical inference".

We should briefly reiterate five highlights from our discussion of Stephen Toulmin's *The Uses of Argument* in chapter 3. Toulmin continues the emphasis on argumentation as involving (at least) two participants, one of whom offers support for a given claim as a result of the other's requests for substantiation. And despite the inadequacies we noted with the static model he presents, he represents an important focus on argumentation as a human interchange, where people have specific purposes to carry out. Second, Toulmin introduced a concern with functions, both of arguments themselves and of the propositions set out in making arguments for claims. Third, by way of the six elements of his model Toulmin brings out the need for procedural requirements for cogent argumentation. Fourth, Toulmin introduces, in a groping fashion, the concept of stages of an argumentative discussion, an idea later developed by van Eemeren and Grootendorst. And finally, the inspiration for the imposition of our guarding rule (in chapter 5) stems from Toulmin's discussion of the need to express rebuttals and qualifiers when making out the case for a claim.

Van Eemeren and Grootendorst offer a helpful way of viewing argumentation, namely, as a critical discussion between individuals who disagree as to the status of a point of view. We want to restate three main points about the Amsterdam model of argumentation. First, van Eemeren and Grootendorst lay further stress on the social-critical nature of the process of argumentation, as is brought out by the characteristics of socialization and dialectification in their model: argumentation is a communal effort to critically test a doubted claim. Second, the explicit
introduction of rules of discussion, which arguers must follow if they are to reach reasoned agreement, is a major step in the reconceptualization of what is involved in arguing for claims. We say this despite our disagreements with the Amsterdammers over points of technical detail, such as our rejection of their validity rule. And finally, the application of speech act theory serves to remind us that argumentation is a linguistic activity, and should be subject to the constraints and variety involved in any such activity. Argumentation is more than simply the giving of reasons for claims.

We tried in chapter 5 to offer general standards for dialectical adequacy, and we made the distinction between logical standards, expressed in cogency rules, and pragmatic standards, expressed in process rules. With respect to logical standards, we argued for the superiority of the standard of acceptability for premisses over alethic or epistemic standards; we argued that adequate premisses are those it is reasonable for both interlocutors in an argumentative dialogue to accept. We also argued for a widening of the idea of what constitutes a cogent argument, beyond the traditional deductive and inductive models of argument. The standards of relevance and sufficiency play a key role in a dialectical model, which ventures beyond deductive entailment and inductive strength as cogent premiss-conclusion relations.

We have stressed the centrality of the concept of burden of proof to the study of argumentation. In the three burden of proof rules set out in chapter 5, we linked our logical standards with the legal case-concepts of burden of proof and presumption in an attempt to display just how central these ideas are to understanding what is taking place when two (or more) people engage in argumentative inquiry.
Criteria of a good model of argumentation have been discussed in each chapter, and here we simply reiterate two of the most important of these criteria. First, a good model should provide for the cooperative, critical testing of disputed claims. And second, it should offer a set of rules for carrying out such testing in a rational manner.

The study of what Douglas Walton has called "logical pragmatics, as opposed to (semantical) logical theory"\textsuperscript{2} is of prime importance to the task of understanding and evaluating argumentation aimed at rationally persuading or discovering the truth about matters of fact and value. A broadly pragmatic approach is nascent in Toulmin and Rescher, and becomes explicit in the work of van Eemeren and Grootendorst. This pragmatic emphasis to argument analysis points up the relevance to cogent argumentation of moves made in a dialogue. For example, it is a pragmatic offence to disallow the introduction of any claim whatsoever that is deemed relevant by one of the interlocutors. On the traditional view of logic, which says logicians should concern themselves only with the connection between premisses and conclusions, the rationale for viewing as a fallacy any offences against such a rule is absent. Fallacies are mistakes in argument which appear to be cogent. According to the newer, more radical view, logicians should also concern themselves with the acceptability of premisses adduced in the course of an argument. We agree that premiss-conclusion connection and premiss-acceptability are the right places to focus argument analysis and evaluation, and these tasks exhaust the logical work of argumentation theorists. But the pragmatic element is an important addition because it allows critics to see mistakes in argument

which would be passe over by more limited approaches. For example, John McMurtry argues that it is a fallacy to disallow the introduction of views which are not widely accepted. He holds that some claims are "unspeakable" in a given society as a result of the social relations within that society:

The fallacy of the unspeakable... is not a matter of evidence or premises being insufficient to justify the conclusions drawn from them, nor indeed a matter of any fallacy at all. It is a question of excluding positions from being presented or argued in the first place.³

Without a pragmatic perspective we cannot have a clear reason for judging this a fallacy, but on our logico-pragmatic view, it is clearly an offence against the goal of discovering the truth, and is therefore a fallacy.

A person wishing to question widely shared assumptions or beliefs should be allowed to do so. In section 4.5.1, we discussed van Eemeren and Grootendorst's rule for the confrontation stage of an argumentative discussion: "Parties must not prevent each other from advancing or casting doubt on standpoints." This rule aims to ensure that all relevant points get introduced. John Stuart Mill is an important forerunner and inspiration for the rationale of this rule and for all modern advocates of rational inquiry. In his classic work, On Liberty, he says that

the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.⁴

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We close with these thoughts of Mill because it should not be forgotten that the entire process of argumentation depends on the freedom of arguers to embark upon an unrestricted process of inquiry.
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Vita Auctoris

Charles William Beynon Jones was born in Ottawa, Ontario, Canada on November 27, 1963 and raised in suburban Toronto. He received an Honours B.A. degree in Philosophy from the University of Toronto in 1987. He is of Welsh and English heritage, and is a lover of music, movies, rugby, and free discussion. He would like it to be known that the "we" in these pages is indeed "he" (that is, "me"!).