Logical Criticism and Argumentation Schemes: Argument from Expert Opinion as a Case in Point

Jan Albert van Laar

University of Groningen

1. Introduction

Argumentation schemes are important devices in a discussion. When supporting a standpoint, a proponent can use an argumentation scheme in an attempt to develop a case that is convincing to his opponent. In turn, the opponent can choose from the standard critical reactions that are associated with the argumentation scheme, when critically reacting to the proponent’s argument. In this paper I shall examine what room there is for the opponent to put forward logical criticism in response to an argument in which an argumentation scheme has been applied. In the context of this paper, “logical criticism” refers to criticism against either the specific connection between the premises and the conclusion of the argument, or against the general argumentation scheme that underlies the argument.

The following dialogue can be seen as containing an instance of an argumentation scheme.

Bruce: There is life without phosphorus!
Wilma: Why would you think so?
Bruce: That's what my professor said.
Wilma: Why would you believe her? She might have been too eager for the fame that results if the claim turns out to be true!

In her second turn, Bruce appeals to the professor’s expertise, which conforms to the general pattern of arguing commonly referred to as “argument from expert opinion” (Walton, Reed & Macagno 2008). Characteristically, such instances constitute nondeductive arguments. In response, Wilma explains why her critical stance towards Bruce’s main standpoint is still tenable, even if she were to concede that the professor said that there is life without phosphorus, as well as that the underlying scheme, to the effect that experts are normally reliable sources, is an acceptable scheme. Wilma’s critical reaction can be seen as focusing at the connection between the premises and the conclusion of Bruce’s argument. This kind of criticism has been labeled “connection criticism” (cf. Krabbe 2002,
and is regarded in this paper as one kind of “logical criticism”. Another kind of logical criticism would have ensued when Wilma would have replied to the argument by saying: “Why would I accept such an argument from expertise?” In this paper, I shall discuss logical criticisms in which the opponent does not act as someone who is herself defending a (counter)standpoint - which would be the case when she alleges that the argument of the proponent has a false connection or that the underlying scheme is insufficiently plausible - but in which she merely challenges the proponent’s reasoning. (Note that in an argumentative context, a denial implies a challenge, so that the current account applies quite generally, be it with some provisos.) As will become apparent, the opponent is capable of challenging the proponent in a highly active manner, without incurring any genuine burden of proof, and so without changing the discussion into a mixed discussion. Instead of incurring a burden of proof, the opponent will be seen to incur other dialectical obligations by raising her logical criticisms. Therefore, we can account for the use of argumentation schemes without mitigating the dialectical division of labor (Rescher 1977). An opponent should have no obligation to present an argument against a proposition after having merely challenged that proposition.

My question about the opponent’s room for logical criticism is closely connected to the question “How are schemes binding?” dealt with at length by Walton, Reed and Macagno in their book “Argumentation Schemes” (Walton, Reed & Macagno 2008, pp. 34-38 and 382-392). As a case in point, I shall follow these authors and focus at the argumentation scheme From Expert Opinion, making ample use of the book’s treatment. Contrary to my account, they defend that there are critical questions that bring a burden of proof with them.

First, I shall summarize the findings of two papers by Krabbe and van Laar (Section 2): the first one about the various ways of criticism (Krabbe & Van Laar 2010; 2011a; 2011b) and the second one about the burden of criticism, that is, about the obligations or responsibilities that an opponent incurs when putting forward criticism (Van Laar & Krabbe 2011c). Second, I shall deal with the options of the proponent when putting an argumentation scheme to use (Section 3). Third, it shall be examined in what ways the opponent can critically react to the reasoning of the proponent, either by focusing at the specific connection between the reasons of the argument from expert opinion and its conclusion or on the general argumentation scheme that underlies the connection (Section 4 ). Fourth, I shall deal with the ways in which the proponent can legitimately incite the opponent to offer reasons in favor of her criticism as well as with how the opponent should respond to these countercriticisms (Section 5). After having thus dealt with the dialectic of argumentation schemes, I shall outline the opponent’s room for logical criticism, and thereby provide an estimate of the importance of schemes from the proponent’s point of view (Section 7), but not before having made a comparison between using arguments that follow a deductive scheme (rule of inference) and arguments that follow a non-deductive argumentation scheme (Section 6).
2. The ways of criticism and the burden of criticism

In the paper “The Ways of Criticism”, Krabbe and Van Laar characterized the different kinds of critical reactions in terms of four parameters: the focus of a critical reaction, the norm appealed to in a critical reaction, the level at which a critical reaction is put forward, and the illocutionary force of a critical reaction (2011b). First, a critical reaction can focus at standpoints or arguments but also on any other contribution or part of a contribution to a discussion. In addition, a critical reaction can be characterized as being focused at different aspects of a speech act: on its propositional content, or on its formulation, or on the person performing the speech act, or on the circumstances of the speech act. Second, a critical reaction makes some kind of normative appeal, either in the sense that the opponent holds that a discussion rule, or an institutional norm, or a norm of optimality has been violated, or in the sense that the opponent puts the proponent under some kind of obligation, as for instance when appealing to a burden of proof rule by simply making a request for argumentation. Third, a critical reaction is situated at a particular level. The criticism occurs at the ground level of discussion if the reaction is directly relevant for the construction or destruction of the proponent’s argumentation; The criticism occurs at a meta-level if the critical reaction only deals indirectly with the proponent’s argumentation, for example by focusing at an aspect of the proponent’s strategy, or by charging him with a rule violation. Fourth, a critical reaction has a particular (illocutionary) force. The speech act used could be a directive (such as a request for clarification or a challenge to provide an argument), or an assertive (by putting forward an opposite standpoint, or by pointing out a flaw, or by raising a fallacy charge), or an argument (by justifying an opposite standpoint or a fallacy charge). Moreover, critical reactions can be accompanied by counterconsiderations that function both as explanation of the opponent’s critical position and as strategic advice to the proponent.

In the paper “The Burden of Criticism” (Van Laar & Krabbe 2011c), it is shown how the opponent can be held responsible for critical reactions, even if the critical reactions have the force of mere requests and challenges rather than that of assertions and arguments, and what this responsibility amounts to. In that paper we limited ourselves to critical reactions that focus at the regular premises of an argument, and left critical reactions to the (generally implicit) “connection premises” aside. We distinguished between three ways in which a proponent can request the opponent to follow up on her critical position. First, the proponent is always allowed to request for an explanation of a challenge by the opponent. If the proposition that the opponent has challenged has the status of a presumption (a notion that will be dealt with below), the rules for critical
discussion should oblige the opponent to provide an explanatory counterconsideration, whereas in other cases such counterconsiderations must be seen as improving the quality of the discussion but not as necessary for the resolution of the dispute. Second, the proponent can request for counterargumentation, but only if the opponent’s preceding move is, in fact, the rejection (strong denial) of some (sub)standpoint of the proponent, and not a mere challenge. Otherwise, the proponent commits the Straw Man Fallacy. Third, the proponent can request the opponent to validate her critical reaction by giving an argument that shows the permissibility of her critical reaction. This option should be available only if the opponent’s critical reaction focused at a proposition with the status of a presumption. The current paper aims at developing a parallel account of the opponent’s responsibilities when she focuses her critical reaction at the connection between the premises and the conclusion of the proponent’s argument, or at the argumentation scheme that the proponent has applied in his argument.

3. Arguments from expert opinion

An argumentation scheme, as I shall understand the concept, is a pattern or form of reasoning that contains sentential forms (with variables) for the conclusion and for at least one premise, representing a kind of argument that the participants in a dialogue consider to be prima facie acceptable (cf. Garssen 2001, p. 96; Walton, Reed and Macagno 2008, p. 1; Hitchcock 2010, p. 157). I shall restrict my attention to arguments that can be characterized as arguments “from expert opinion”, the corresponding argumentation schemes of which shall be referred to as “From Expert Opinion”. I conceive of schemes not just as methodological devices for theorists, but especially as dialogical devices for discussants.

It should be noted that in a discussion, the opponent and the proponent have some latitude of determination about what they would consider as an argumentation scheme From Expert Opinion. For example, they could understand the scheme as exhibiting the following pattern: “Person E is an expert in field F; Person E says that P; P is a proposition within field F; Therefore P”, which scheme I label From Expert Opinion 1 or simply From Expert Opinion. But then, the parties could make a somewhat different choice and stipulate the scheme From Expert Opinion 2, which is the same as the first, but with an additional premise of the form “Person E is unbiased with respect to P”, or the scheme From Expert Opinion 3 which adds even a fifth premise: “Person E has always shown to be reliable as far as propositions in field F are concerned”. These three argumentation schemes, and possibly more, could legitimately be named “From Expert Opinion”. Of course, the choice made by real-life participants will often be much less specific. For example, they may decide to accept
“appeals to an expert” as *prima facie* sound arguments, without further details about the underlying form of the arguments. What is more, such a choice can be left partly or even fully implicit. Nevertheless, when the discussion comes to revolve around an argument from expert opinion, some of these choices can be expected to surface, and the participants may need to specify their choices. So, the dialectic of arguing in accordance with argumentation schemes should be studied in some detail.

I shall assume in the remainder of this paper that the proponent puts forward an instance of the argumentation scheme From Expert Opinion (i.e., version 1). In our example, Bruce argues “There is life without phosphorus, because that’s what my professor said.” If he applies this scheme From Expert Opinion, it is clear that two premises are left implicit, viz., that this professor is an expert in the field of microbiology and that the proposition to the effect that there is life without phosphorus is a proposition within microbiology. (Note that the opponent can distill these implicit elements by determining what is needed to supplement the explicit reason or reasons in order to arrive at a complete instance of the accepted argumentation scheme.) Moreover, the connection between premises and conclusion can be considered to constitute the substance of a so-called *connection premise* that has also been left implicit in the example. This connection premise can be formulated as “If my professor is an expert in microbiology and says that there is life without phosphorus, and if that is, indeed, a microbiological statement, then there is life without phosphorus.” The connection premise expresses the link between the argument’s premises and its conclusion without generalizing away from the context in which the reasoning has been put to use. Given the argumentative context, the practical message of the connection premise is that a commitment to the set of (explicit and implicit) regular premises entails a commitment to the conclusion. Note that if Bruce had applied the scheme From Expert Opinion 2 or 3, then one or two additional premises would have been left implicit, and a somewhat more involved connection premise would have been part of her argument.¹

Of course, there is a close link between the connection premise of an argument from expert opinion and the scheme From Expert Opinion. The first is an instance of the associated conditional of the second. For that reason, a generalization of the associated conditional of the argumentation scheme could be used by the proponent within an argument in favor of this specific connection premise in a situation where the opponent would have challenged the connection premise: “If my

¹ Instances from these various schemes are equally ‘falsifiable’, because a challenge of an additional regular premise of an instance of the scheme From Expert Opinion 2 or 3, for example “Why would she be without bias?”, is also available when being confronted with an instance of From Expert Opinion 1. However, in the latter case, such a challenge counts as a challenge of the connection premise and not as a challenge of a regular premise. Simplicity pleads for choosing From Expert Opinion 1, while the virtue of explicitness pleads for choosing From Expert Opinion 2 or From Expert Opinion 3.
professor says so, there is life without phosphorus, because, generally, if experts say something within their field of expertise it must be presumed to be true.”

In order to be in a position to list the admissible options of the opponent when she considers to raise a logical criticism against an argument from expert opinion, we must have distinguished the ways in which an opponent can be committed to a connection premise or to the argumentation scheme, if she is committed to them. Based on Krabbe (2001), I distinguish four ways in which the commitment set of the opponent can be related to E, E being a particular connection premise or the general scheme From Expert Opinion.

First, the opponent might not be committed to E, because she has not explicitly or implicitly conceded E as acceptable and neither has she become committed to it by engaging in a particular type of discussion that happens to be governed by conventions or rules that imply such a commitment.

Second, the opponent might be committed to E as a free concession (Krabbe 2001, pp. 153-157), so that the opponent has accepted the scheme at hand to be used at some point in the discussion, retaining the right to withdraw that commitment without accounting for that withdrawal. A free concession to a connection premise could have been incurred by merely refraining from challenging it after the connection premise was put to use (possibly implicitly) by the proponent. Similarly, the argumentation scheme From Expert Opinion could count as a free concession if the opponent had not protested against the proponent’s use of an instance of that scheme.

Third, the opponent might be committed to E as a presumption. E counts as a presumption of the discussion if the opponent is committed to E in such a way that if she chooses to challenge E, and thereby retract to her commitment to E, she is accountable for that. After having challenged a presumption, the opponent is obligated to validate the appropriateness of the challenge on the proponent’s request (Krabbe 2001, p. 151), and also to explain her position on the proponent’s request (Van Laar & Krabbe, 2011c). By entering a particular, institutionalized kind of argumentative activity, such as a legal proceedings or a scholarly discussion, the participants normally become committed to the presumptions that are part of that kind of activity. For instance, by engaging in a scholarly microbiological discussion, participants become committed to the CHNOPS-presumption, according to which life is made up from carbon, hydrogen, nitrogen, oxygen, phosphorus and sulfur. Similarly, the argumentation scheme From Expert Opinion is a generally accepted scheme of argument, be it that within various kind of activities or institutions, diverging criteria are in use for applying the scheme in an appropriate manner.

Fourth, E might be a fixed concession within a discussion, meaning that the commitment counts as irretractable throughout this very discussion (Krabbe 2001, p. 152).
4. Logical criticism of an argument from expert opinion

How can the opponent respond to Bruce’s argument to the effect that “There is life without phosphorus, because that’s what my professor said”?

First, the opponent may feel the need to request for further clarification, for example about the linguistic expressions that have been used, or, more relevant for this paper, about the kind of scheme that the proponent intended to employ. One way of requesting for the latter kind of clarification would be to ask “are you arguing from expert opinion?” Another way of doing the same would be to check whether, indeed, the proponent intended to express the typical kind of connection premise of an argument from expert commitment: “do you mean that there is life without phosphorus on account of the professor’s being an expert?”, or closely related, whether a typical premise of such arguments has been left implicit “do you mean that your professor is an expert in molecular biology?” (An alternative option would have been that the professor had been appealed to, not as an expert, but as someone in the right “position to know”, see Walton, Reed and Macagno 2008, p. 309). These questions are critical in that they appeal to a norm according to which contributions should be sufficiently clear, and they convey the message that the contribution stands in need of further clarification. Such critical reactions can be categorized as “requests for clarification” (Krabbe and Van Laar 2011b).

Second, the opponent may choose to request for argumentation in favor of a regular premise, either an explicit premise or a premise that has been left implicit. For example, Wilma might respond to Bruce’s argument by saying “Can you give me an argument in favor of your professor’s being an expert?” or “Why would she be an expert?” A request for argumentation can also be conveyed by the indirect usage of an informative question “Is she really an expert?” These can been labeled “tenability criticisms” (Krabbe 2002).

Third, the opponent could challenge the connection premise of the proponent’s argument, thereby retracting her commitment to the connection premise if she happened to be committed to it. For example, the opponent could state “Why would you accept that there is life without phosphorus on account of your professor’s say-so?” If the opponent is committed to the scheme From Expert Opinion, such a challenge can be seen as a criticism of the way the proponent applies the scheme within the circumstances at hand, and is therefore prima facie legitimate. Therefore, the challenge needn’t be regarded as implying a retraction of a commitment to the underlying scheme From Expert Opinion. The scheme is a defeasible scheme (Walton 1996), in the sense that the premises of genuine instances of the scheme can be conceded by an opponent without it being
necessarily so that the opponent ought to withdraw her critical doubts with regard to the standpoint, supported by these premises. Defeasible schemes allow of excepting instances such that the premises are acceptable while there is still good reason not to give in and accept the standpoint. Experts are generally reliable, but this professor might be heavily biased, or she might have been tasting too much of this Californian wine at the moment of utterance, so that the opponent is justified to reckon with the possibility that the case at hand forms an exception to the general rule. These challenges will be labeled “connection criticisms” (Krabbe 2002).

Two situational factors are relevant for determining the rights and obligations of the opponent when challenging the connection premise: the status of the connection premise and the status of the underlying scheme. To each of them, the opponent can be committed as a fixed concession, or as a presumption, or as a free concession, or the opponent may not be committed to it at all. As these possibilities are mutually independent, there are sixteen situations to consider. At this point it suffices to note that challenging the connection premise must be a legal option for the opponent, unless this connection premise forms a fixed concession of the opponent. However, in the next section, we shall see that an adequate account must be more involved, because it is an obligation of the opponent to offer, upon the proponent’s request, reasons for challenging a connection premise if the underlying argumentation scheme constitutes a presumption or even a fixed concession\(^2\) or if the connection premise itself is a presumption, but not if the underlying scheme is not in any way among the opponent’s commitments and if she has merely conceded the connection premise as a free concession or has not conceded it at all.

Fourth, the opponent could challenge the scheme From Expert Opinion: “Why would you accept something on the say-so of an expert?” I label this critical reaction a “scheme criticism”.

As said before, I shall refer to both scheme criticism and connection criticism with the label of “logical criticism”. In the remainder of this paper, I leave aside the requests for clarification or argumentation, and merely examine logical criticisms. So, it is time to turn to the issue of how the proponent may critically respond to logical criticisms.

5. The proponent’s countercriticisms and the obligations and responsibilities of the opponent

In response to a connection criticism, the proponent can choose to strengthen the connection by adding one or more reasons, in the hope that the newly generated connection premise happens to be acceptable to the opponent, or support the connection with a subordinate argument. In response

\(^2\) Note, again, that this does not mean that the connection premise is a fixed concession.
to a scheme criticism, the proponent can choose to offer argumentation in an attempt to make the scheme acceptable to the opponent. However, alternatively, in both cases the proponent can also offer countercriticism, and try to exploit the opponent’s burden of criticism. As the topic of this paper is the opponent’s room for logical criticism, we now focus at these countercriticisms. What are the proponent’s options, and how should the opponent respond?

First, the proponent can request the opponent to explain her logical criticism. The proponent might feel the need to get more information about what makes the opponent critical. Before deciding about whether and how to discharge his burden of proof, he may want the opponent to provide reasons for her logical criticism. In other words, he may request for counterconsiderations that could assist him in making further strategic choices. He may formulate his request from the perspective of the opponent’s task of explaining the tenability of her position, by saying something like “What makes you doubt that this professor’s say-so suffices to accept my position?” Instead, he may formulate his request from the perspective of obtaining advice that assists him in finding a convincing case: “What should I do to convince you of the sufficiency of this professor’s say-so?” (see Van Laar and Krabbe 2011c for an argument that these two ways are equivalent in an argumentative context). Such requests for explanation, captured by the moves “Explain(Why If P then Q?)”\(^3\) and “Explain(Why From Expert Opinion?)”\(^4\), must be considered as prima facie admissible in response to the respective challenges, in both cases independent of whether and in what way the opponent was committed to the scheme or the connection.

In response, the opponent is always allowed to provide an explanatory counterconsideration (“She might have been too eager!”). What is more, giving such counterconsiderations is advisable, as it can be expected to raise the quality and speed of the discussion. If the proponent has a firm grip on what motivates the opponent to be critical, the parties are facilitated in arriving at a clear and correct view of whether or not this (sub)issue can be resolved and, if so, in whose favor. So, optimality norms can be seen as making the opponent responsible for providing the requested explanation. Yet, although a failure to provide the explanation should sometimes be seen as fallacious, it should at other times be allowed to behave in such a sub-optimal way.

If the request for explanation concerns connection criticism, the opponent should be obliged to provide an explanation, if either this connection premise is a presumption, or if the scheme from Expert Opinion is either a presumption or a fixed concession (or both). For in these situations, the proponent can be expected to have based his decision to start and proceed with the discussion upon the presence of these commitments on the opponent’s part. However, that is not the case when (1)

\(^3\) Given that the connection premise “If P then Q” must be understood as expressing “A critical stance towards Q is not tenable if one is committed to P”, the conditional must not be interpreted as a material implication.

\(^4\) The embedded move “Why From Expert Opinion?” must be read as “Why should I accept the argumentation scheme From Expert Opinion?”
the opponent is not committed to the connection premise or committed to it as a mere free concession, and also (2) either not committed to the scheme or committed to the scheme as a free concession. A survey of the various situations is sketched in the following table, where “challenge” refers to the opponent’s challenge of the connection premise of the proponent’s argument. In other words: a commitment to an argumentation scheme (stronger than a free concession) implies a presumptive commitment to the connection premise of each instance of that scheme.

<table>
<thead>
<tr>
<th>scheme → connection premise ↓</th>
<th>no commitment or free concession</th>
<th>presumption or fixed concession</th>
</tr>
</thead>
<tbody>
<tr>
<td>no commitment or free concession</td>
<td>explanation of challenge not obligatory upon request</td>
<td>explanation of challenge obligatory upon request</td>
</tr>
<tr>
<td>presumption</td>
<td>explanation of challenge obligatory upon request</td>
<td>explanation of challenge obligatory upon request</td>
</tr>
<tr>
<td>fixed concession</td>
<td>(challenge illegal)</td>
<td>(challenge illegal)</td>
</tr>
</tbody>
</table>

*Table 1. A survey of when the opponent is obligated to explain a challenge of a connection premise*

If the request for explanation concerns a scheme criticism, explanatory counterconsiderations can always be expected to improve the quality of the dialogue, but they are obligatory only if the scheme counts as a presumption.

If the opponent provides the requested explanation, that does not imply that she is defending a standpoint of her own. Instead; she can put forward her counterconsiderations as, what Rescher named, “cautious assertions”, i.e., assertions of the form “P is the case for all that you (the adversary) have shown ” or “P’s being the case is compatible with everything you’ve said (i.e., have maintained or conceded)” (Rescher 1977, p. 6). For example, the opponent might explain her criticism by putting forward that “Your professor might be too eager for the fame that results if the claim turns out to be true.” She then merely tries to point out that there is a genuine possibility, i.e. a logical possibility that is also sufficiently realistic, that the premises of the proponent’s argument are worthy of acceptance while its conclusion is worthy of critical doubt.

Second, the proponent could request for validation of the logical criticism: “Why(Why If P then Q?)?” or “Why(Why From Expert Opinion?)?” Bruce might reply to Wilma’s connection criticism: “Why challenge the sufficiency of my professor’s expertise?” And in case Wilma has challenged the scheme From Expert Opinion, he might respond: “Show me that challenging this way of arguing is appropriate in this kind of discussion!” With such requests for validation, the proponent requests for an argument in favor, not of the denial of the connection premise or of the unreliability of the
scheme, but of the appropriateness of challenging - and thereby expressing a lack of commitment to - the connection premise or the scheme. In this case, the proponent does impose a burden of proof on the opponent, be it at a meta-level of dialogue. When the object of the request is a connection criticism, the opponent again - and for the same reason as in the case of requests for explanation – ought to validate her connection criticism only if either the connection premise is a presumption or if the scheme is a presumption or a fixed commitment. When the object is a scheme criticism, the validation is compulsory, again, only if the scheme is a presumption. Given that validations are only indirectly contributing to the resolution process, only in those cases should the proponent be allowed to request for validation.

Third, the proponent could request for counterargumentation: “Why (not if P then Q)?” or “Why (not From Expert Opinion)?”, the latter of which is short for “Why is From Expert Opinion a wrong scheme?” Unless the logical criticism has taken the form of a rejection, in which the opponent has denied the connection premise or the correctness of the scheme, such a request for counterargumentation must be seen as a Straw Man Fallacy.

A survey of some dialectically admissible exchanges that may start from a connection criticism are shown in the profile of dialogue below. As matters are simpler as far as scheme criticism is concerned, I shall not provide a profile of dialogue that starts from scheme criticism.

<table>
<thead>
<tr>
<th>Prop: P so Q</th>
<th>Opp: Why(if P then Q)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>[an instance of From Expert Opinion]</td>
<td>Prop: Why(Why If P then Q)?</td>
</tr>
<tr>
<td>Prop: Explain(Why If P then Q)? - Always allowed.</td>
<td>Prop: Why(Why If P then Q)? - Only allowed if “If P then Q” is a presumption or if From Expert Opinion is a presumption or a fixed concession</td>
</tr>
<tr>
<td>Opp: [counterconsideration] S - only obligatory if “If P then Q” is a presumption or if From Expert Opinion is a presumption or a fixed concession</td>
<td>Opp: [validation] S so (Why If P then Q?) is correct - obligatory</td>
</tr>
<tr>
<td></td>
<td>Prop: Why (not if P then Q)? - Only allowed if Opp's challenge was expressed by way of a denial.</td>
</tr>
<tr>
<td></td>
<td>Opp: [counterargumentation] S so not if P then Q - obligatory</td>
</tr>
</tbody>
</table>

Figure 1: Profile of dialogue
This concludes the survey of the countercriticisms of the proponent when being confronted with a logical criticism, and of the obligations and responsibilities of the opponent when responding to these countercriticisms. The profile of dialogue specifies the amount of room the opponent has in offering connection criticism, and shows in addition that argumentation schemes are binding for the opponent in the sense that they generate a conditional obligation to offer explanatory counterconsiderations and validations, as well as in special circumstances counterarguments.

The proponent has only defended his connection premise successfully if for each counterconsideration C put forward by the opponent, he has been able to refute it by defending the falsity of C or by defending the insufficiency of C to undermine the connection premise at issue, or if he has been able to show that C is not sufficiently realistic and need not be taken into account. However, as long as the opponent is capable of introducing plausible counterconsiderations that show the case at hand to be a possible exception to the scheme From Expert Opinion, and the proponent is incapable of defusing all these counterconsiderations, the opponent should still have a chance at resolving the dispute in her favor. (See Van Laar 2011 for a Hamblin style, formal dialogue system that accommodates this dialectic.) This view resembles the “shifting burden of proof theory of the binding nature of argumentation schemes” (Walton, Reed and Macagno 2008, p. 35; see pp. 388-389 for a formal specification of that theory), but differs in identifying the binding nature with a burden of criticism, and more in particular, with the conditional obligation to provide counterconsiderations or validations, neither of which are counterarguments.

6. Comparing argumentation schemes and deductive schemes

Given that the opponent should be allowed to logically criticize the proponent’s argument, even if she is committed to the scheme underlying the argument, and is only prohibited from doing so when being committed to the specific object of her criticism (connection premise, or argumentation scheme) as a fixed concession, argumentation schemes are normally not knock-down devices for proponents. As long as the opponent is capable of explaining to the proponent what makes her doubt the standpoint, notwithstanding her commitment to the premises of the argument, the proponent cannot be regarded as having successfully defended his standpoint. Wilma is off the hook, as soon as she points out that Bruce’s professor might be biased, thereby explaining his critical stance and showing its tenability. Bruce, in return, may refute this counterconsideration, for example by making it plausible to Wilma that his professor is not biased at all. Does that save Bruce’s initial argument? Not necessarily. Wilma might still be capable of explaining in a plausible manner how she can remain critical of the standpoint, for example by adducing that the professor might have been
drunk when she stated that there’s life without phosphorus. Such explanations are the analogue of showing the existence of a counterexample in response to an allegedly deductive argument. However, in the case of argumentation scheme based reasoning, the criteria for a counterexample are not merely that it is logically possible to concede the premises and criticize the conclusion, but that it forms a tenable, feasible, or sufficiently realistic position to concede the premises and doubt the conclusion. At some point, both parties may come to an agreement that the adduced counterconsiderations do not provide or indicate the kind of counterexample that is sufficiently realistic, and only in those situations, the opponent is forced to admit her loss and to accede to the proponent’s argument. So, the claim that the argument is deductively valid is more vulnerable than the claim that the argument is acceptable on account of a nondeductive argumentation scheme.

According to the pragma-dialectical model of a critical discussion (Van Eemeren and Grootendorst 2004), a protagonist (proponent) has a choice when advancing argumentation in defense of his standpoint: either he presents the argumentation as logically valid or he presents it as in accordance with an appropriate argumentation scheme. The rules for critical discussion accommodate these two ways of presenting argumentation by having distinct dialogical procedures for the two kinds of justificatory force: the intersubjective inference procedure for allegedly deductive arguments and the intersubjective testing procedure for allegedly correct applications of allegedly correct argumentation schemes (Van Eemeren and Grootendorst 2004, Chapter 6). Walton and Krabbe (1995) can be viewed as providing a formal treatment of a procedure for arguments that are, allegedly, deductive arguments. Their normative model for complex persuasion dialogue integrates two different kinds of dialogue. In a permissive persuasive dialogue, the parties put forward the considerations they consider pertinent to resolving their issues. If at some point, the proponent surmises that the opponent is still critical of a conclusion, while she is committed to premises that logically entail the conclusion, he has the right to start a rigorous persuasion dialogue, which forms a dialogical procedure in which the parties collaborate in order to check whether the standpoint (conclusion) follows from the reasons (premises) due to the logical validity of the reasoning. How could a similar dialogical procedure be set up for checking whether the proponent’s argument is in accordance with an appropriate argumentation scheme? In other words: What would specify the intersubjective testing procedure?

The part of the discussion that starts with a request by the proponent for explanation or for validation, in response to a logical criticism by the opponent, can be seen as initiating the kind of dialogical procedure in which the parties test the sufficiency of the justificatory force of the proponent’s argument, just as a rigorous persuasion dialogue implements such a procedure in complex persuasion dialogue. In both cases, the logical connections are tested in a collaborative, dialogical way. I label both procedures “connection tests”. Yet, there are also differences. First, a
rigorous persuasion dialogue provides the parties with a rigid procedure, while it is not to be expected that such a rigid procedure is obtainable for arguments that instantiate argumentation schemes such as From Expert Opinion. Second, the connection test that suits a deductive argument (rigorous persuasion dialogue) is more opponent-friendly by merely requiring the opponent to show the existence of a counterexample, while the argumentation scheme connection test is more proponent-friendly by requiring the opponent to show the existence of a plausible, realistic counterexample. Third, a rigorous persuasion dialogue must be solved without the opponent putting forward a new consideration but instead by analyzing the propositions expressed in the premises and conclusion, whereas the argumentation scheme connection test can be solved by way of introducing new, excepting information. So, in the latter case, it is harder to distinguish between the connection test and the constructive parts of the discussion.

7. Conclusion

In response to an argument that is presented as a correct application of a defeasible argumentation scheme, the opponent has quite some room to criticize the logic of the proponent’s argument, and to do so in a way that does not involve a genuine burden of proof, even if she has committed herself to the underlying argumentation scheme. On the other hand, we have also seen that the opponent easily incurs a burden of criticism that consist in the (conditional) obligation to offer either a validation or an explanation of her criticism. We can account for this burden of criticism without mitigating the dialectical division of labor between the proponent and the opponent.

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References


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