CHAPTER 1: THE DIALECTICAL APPROACH TO ARGUMENT AND ARGUMENT CRITICISM

INTRODUCTION

This chapter starts by introducing the dialectical approach to argumentation and the way it relates to pre-theoretical intuitions about discussion. After discussing several global features of the dialectical approach two specific dialectical theories will be examined in more detail. The last sections concern dialectical accounts of fallacies and the way they can be developed further into immanent dialectical accounts. In section 8 three research questions are formulated that delineate the scope of this thesis.

1. THE METHODOLOGICAL ASSUMPTION OF THE DIALECTICAL APPROACH

The study of argumentation is the multidisciplinary study and design of concepts related to, of empirical hypotheses about, and of recommendations with respect to the production, analysis and evaluation of arguments and argument criticisms. Crucial concepts include ‘discussion’, ‘ambiguity’, ‘fallacy of ambiguity’ and ‘fallacy of equivocation’. Empirical hypotheses concern, for instance, the origins and possible consequences of the occurrence of, what will be called, actively ambiguous expressions. Recommendations may concern practical choices based on strategic considerations and considerations of reasonableness. At a methodological level, recommendations may concern the design of a model for critical discussion. This study will recommend a specific model for discussion made up of a collection of rules for discussion. Adopting these rules will help to solve several practical and theoretical problems related to the fact that expressions can be actively ambiguous.

The issues concerning active ambiguity in argumentation will be approached from a dialectical perspective. The starting point of the dialectical approach is the following methodological assumption: it is fruitful to connect the issues of the theory of argumentation to the kind of discussion or debate where the participants attempt to deal with arguments and argument criticisms in a thorough, critical, systematic, and reflective way with the primary objective to resolve their differences of opinion. This assumption is also adhered to when arguments or argument criticisms occur in situations where, at first sight, there does not seem to be any critical discussion going on, as in a soliloquy, a book, or a speech.

This contribution builds and elaborates on two dialectical subapproaches. The first is contemporary formal dialectic as it has been developed by Walton and Krabbe (1995). It has its roots in Hamblin’s formal dialectic and Lorenzen’s dialogue logic (Lorenzen 1969, Hamblin 1970). The main idea of formal dialectic is to study the issues of argument and argument criticism by making use of rigorously specified dialogue games. The second subapproach is the pragma-dialectical one, developed by

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1 This definitory clause conforms with the view stated in Van Eemeren et al (1996).
2 Besides dialectical approaches there are also informal logical (e.g. Johnson 2000), epistemological (e.g. Siegel and Biro 1997) and rhetorical (e.g. Willard 1989) approaches.
Van Eemeren and Grootendorst (1984, 1992, 2000).\(^3\) Its main aim is to study the issues from the perspective of an ideal model for critical discussion. The theory is founded on linguistic speech act theory and on critical rationalist considerations. Although there are differences of interest, the two resemble each other to a high degree, in particular with respect to their focus on resolving conflicts of opinion.

*Resolving* a conflict of opinion must be understood against the background of *settling* a conflict of opinion (Van Eemeren and Grootendorst 1992, 34). The most basic kind of conflict is made up of a standpoint by which a proponent asserts a simple proposition, and a criticism by which an opponent casts doubt on that standpoint. This is called a *single non-mixed dispute*. More complex kinds of conflict can be regarded as consisting of several single non-mixed disputes (Van Eemeren and Grootendorst 1992, 13-20). A discussion that originates from a single non-mixed dispute can lead to different results. A dispute can be said to have been *resolved* in the following special kind of situation. Suppose the discussion ends after the opponent conceded the standpoint or after the proponent has retracted his standpoint. Suppose further that the following set of requirements is fulfilled:

1. During the discussion the proponent performs the task of trying to persuade the opponent of the acceptability of her standpoint by offering, what she perceives as, the best and most effective arguments.
2. The opponent performs the task of trying to put these arguments to the severest tests by raising critical questions and objections.
3. If, however, the opponent or proponent should fail to act according to requirements 1a and 1b, the parties attempt to point out the fault and to repair the failure.\(^4\)
4. Moreover, the opponent does not hinder or obstruct the proponent in offering arguments, except by offering genuine criticism.
5. Nor does the proponent hinder or obstruct the opponent’s attempt to raise critical questions and objections, except by offering genuine argumentation.
6. If, however, someone should hinder or obstruct the efforts of the interlocutor, the interlocutor attempts to points that out, after which an attempt is made to repair the failure.\(^5\)

If these two complex requirements are fulfilled, but nevertheless either the proponent retracts or the opponent concedes, then the discussion may be said to have been *resolved*. If one of these requirements is not fulfilled then the discussion may be said to have been *settled*.\(^6\)

*Settling* is connected with discussion where mistakes or blunders do not get repaired and with the breakdown of the process of conflict resolution. The concept of ‘resolving conflicts of opinions’ attempts to capture the idea of discussing an issue with an earnest interest in the real, objective merits of the case (as the discussants

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\(^3\) These two approaches do not have an isolated genealogy: both are partly shaped by the formal dialectical theory of Barth and Krabbe (1982).

\(^4\) Pointing out such a fault corresponds with, what Krabbe calls, *active criticism* (2002). In an active criticism, one party points out a weakness in a discussion move.

\(^5\) Pointing out such a fault corresponds with, what Krabbe calls, *fallacy criticism* (2002). In a fallacy criticism, one party points out the inadmissibility of a discussion move.

\(^6\) This account of the notion of resolution is based on (1) Krabbe's account of dialectic as based on two basic dialectical rules: the parties must comply with the rules for discussion and the parties must try to win the discussion (Krabbe 2003b), on (2) the pragma-dialectical account of resolution (Van Eemeren and Grootendorst, 2000) and on (3) the idea, defended in section 7 of this chapter, that certain rule-violations can still be part of a critical discussion.
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themselves perceive these merits), and the idea of careful reflection on opinions and points of view. A resolved dispute is the result of an efficient division of labour between the defending and the critical party. The proponent does his utmost to defend and the opponent to attack. Moreover, both parties commit themselves to restrict themselves in the ways they perform their individual tasks. These restrictions are implied by their commitment to resolve their dispute on the merits of the case. If, in spite of these efforts, either of them sees good reason to change his or her position, there is some guarantee that there are objective grounds for this change of opinions. Consequently, dialectical results may be valuable for the further, not inherently dialectical, purpose of finding out what is true or false, what is reasonable to believe or not, what is or is not reasonable to act on, what is morally or legally right or wrong, etc.

The idea of conflict resolution can be found, although in a primordial way, in the pre-theoretical concept that is denoted by the term discussion. This can be made plausible, as a first attempt, by examining the dictionary entries for to discuss and discussion. In chapter 8 the same stance is supported with data derived from case-studies.

2. A LEXICAL-CONCEPTUAL ANALYSIS OF ‘DISCUSSION’

The following analysis is based on the entries for discuss and discussion in the Oxford English Dictionary, Second Edition (1989), Webster’s third new international dictionary of the English language (1986) and on The American Heritage Dictionary of the English Language (1970). The analysis is restricted to contemporary meanings and the obsolete ones will not be taken into account. All three dictionaries assign the verb discuss senses that seem irrelevant to our dialectical interests. In medical discourse it is possible to say, archaically, that tumours or humours are discussed, meaning that they are dispelled. Further, it is possible to discuss food or drinks, expressing in a somewhat humorous way that one is consuming, or trying the quality of food or drinks.

The relevant lexical definitions of the verb discuss from the Oxford English Dictionary include:

(O1) to investigate or examine by argument; to sift the considerations for and against; to debate.
(O2) to sift or investigate (material), like in The ducks discuss the mud.

The first is the ordinary, the second is a rare sense. Three relevant senses of the noun discussion are:

(O3) examination or investigation (of a matter) by arguments for and against; the ventilation of a question
(O4) argument or debate with a view to elicit truth or establish a point; a disquisition in which a subject is treated from different sides.
(O5) to hold discussion; to debate.

Relevant senses assigned to discuss by Webster’s are:

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7 Rescher calls this an asymmetry between opponent and proponent (Rescher 1977, 17-8).
8 Linguistic expressions like words, phrases and sentences will be indicated by the use of italics, e.g. the term discussion. Concepts will be indicated by single quotation marks, e.g. the concept 'discussion', or by describing them, e.g. the concept of a discussion.
9 With respect to these words, these dictionaries do not indicate a difference between American and British English.
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(W1) to investigate (as a question) by reasoning or argument; argue by presenting the various sides of. In this sense synonymous with debate.
(W2) to discourse about; present in detail. In this sense synonymous with expound.
(W3) to converse or talk about; exchange views or information about.
(W4) to hold discussion.

Relevant senses of discussion are:
(W5) consideration of a question in open, usually informal debate: argument for the sake of arriving at truth or clearing up difficulties.
(W6) a formal or orderly treatment of a topic in speech or writing.

According to Webster’s (1986), discuss can be used synonymously with argue, debate, dispute and agitate, “these verbs all mean to discourse about something in order to arrive at the truth or to convince others. Discuss implies a reasoned conversational examining, esp. by considering pros and cons, in an attempt to clarify or settle (...); argue usu.[usually] implies conviction and the often heated adducing of evidence or reasons in support of one’s cause or opinion (...). debate stresses formal or, often, public argument between opposing parties, although it can apply to a deliberation in one’s own mind (...), dispute (...) is to argue or to argue about, usu. contentiously (...), agitate stresses vigorous argument towards a practical objective, an active propaganda in the interests of a change of some kind (...)” (1986, 648).

According to the online edition of Webster’s,10 based on the 1913 edition of the dictionary, discuss may be used synonymously with examine and debate: “[w]e speak of examining a subject when we ponder it with care, in order to discover its real state, or the truth respecting it. We speak of discussing a topic when we examine it thoroughly in its distinct parts. The word is very commonly applied to matters of opinion. We may discuss a subject without giving in an adhesion to any conclusion. We speak of debating a point when we examine it in mutual argumentation between opposing parties. In debate we contend for or against some conclusion or view”.

According to The American Heritage Dictionary of the English Language to discuss may mean:
(H1) to speak or write about; treat of.
(H2) to speak together about; talk over.

Discuss is said to be one of the verbs (besides argue, debate, dispute, contend) that mean
(H3) to speak with others in an effort to reach agreement, to ascertain truth, or to convince. Discuss has the special feature of involving a close examination of a subject with interchange of opinions, and need not imply disagreement.

A discussion can be
(H4) a discourse by one person on a topic; an exposition, or
(H5) the consideration of a subject by a group; an earnest conversation.

What can be derived from this about the conceptual model, or if that is too ambitious a term, the conceptual picture of discussions that ordinary language users employ when they talk about discussions? Many expressions used in the definitions indicate elements that can also be found, although in a more precise way, in the theoretical models for discussion: the idea of a dialogical method, the idea of discussion as being concerned with the merits of the case and the idea that discussion requires a certain degree of reflection, detail or thoughtfulness.

10 http://www.dictionary.com
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<table>
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<tr>
<th>terms suggesting the idea of a dialogical method</th>
<th>Oxford English Dictionary</th>
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<td>arguments or considerations for and against, debate, establish a point</td>
<td>debate, exchange views or information, convince others, converse or talk about, reasoned conversational examining</td>
<td>reach agreement, to convince, interchange of opinions, consideration by a group</td>
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| terms suggesting the merits of the case aspect of conflict-resolution | with an view to elicit truth, investigate, examine | investigate, arriving at truth, clearing up difficulties, clarify, settle,11 in order to discover its real state or the truth respecting it | to ascertain truth |

| terms suggesting a certain degree of reflection, detail or thoughtfulness | sift, investigate, examine, in detail | investigate, present in detail, orderly treatment, ponder with care, thoroughly | close examination, an earnest conversation |

Table 1. Key terms that describe the senses of discussion

Table 1 shows that in colloquial use discussion can be used in a way that resembles the theoretical use of discussion where it denotes the kind of dialogue that is aimed at conflict resolution.

Most of the expressions in this table have positive connotations. This normative sense of discussion appears also from sentences such as: if you don't listen to my side of the story, if you keep uttering falsehoods, if we don't probe deeper into these issues, then we can't have a (real) discussion. Discussion in this sense is synonymous with good argumentative discussion. That does not imply that discussion can not also be used in a more neutral or even in a pejorative way. It surely is not ungrammatical to say that a discussion is one-sided, fruitless, superficial or chaotic.

Most expressions that indicate reflection are vague: in what detail? how earnest? how close? with how much care? how thorough? In order to construct models for discussion it should be made more precise to what extent the parties must be rational. It would, for instance, be extremely strict to oblige the discussants to close their commitment sets under classical deduction, and it would be extremely liberal not to impose any restrictions on them.

Many expressions that indicate the dialogical method and the merits-of-the-case aspect state goals for discussions. These aims seem quite diverse, even though it is not completely clear what the expressions mean: do to establish a point, to convince others and to reach agreement express one, two or three goals? do to discover its real

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11 Settle, as it occurs here, is probably not used as an antonym of resolve.
state, to arrive at truth and to ascertain truth, as used in different definitions by different dictionaries, amount to the same thing? Whatever the case may be, it is clear that the pre-theoretical picture is connected to a situation where there is a question and where the participants are aiming at goals to do with convincing, agreement and truth. The least we can say is that these goals are closely related to the resolution of disputes.

We have seen that the pre-theoretical concept is vague in at least two respects: with respect to the degree of reflectiveness, and with respect to the kind of goal or goals inherent in discussion. Both kinds of vagueness suggest a variety of ways to make the pre-theoretical notion more precise. Specifying goals, and specifying the degree of reflectiveness leads to a clearer, more detailed and more useful concept of 'discussion'. As is clear from the subject matter of dialectic, we are interested in one direction in which discussion can be made more precise: discussion in so far as it serves conflict resolution.

The conceptual analysis above is very incomplete. Nevertheless, what has been said suffices to show that the concept of a discussion as it is approached in dialectic is more or less contained in the vague concept of a discussion as it is present among speakers of American or British English. To emphasise it once again, dialectic does not start from scratch.

3. DIALECTICAL MODELS AS EXPLICATA

The relation between the theoretical concepts of discussion that are expressed by dialectical models and the pre-theoretical concept of a discussion can be elucidated by Carnap's notion of 'explication'.

Explication is the transformation of an inexact, pre-scientific concept, the explicandum, into a new exact concept, the explicatum, with the aim of using the explicatum instead of the explicandum in at least some contexts (Carnap 1963, 7). Carnap gives four requirements for explicata. First, an explicatum must be similar to its explicandum. That is, all or most phenomena that are clearly denoted by the explicandum must be denoted by the explicatum. Carnap adds that close similarity is not required, and that substantial differences are permitted. In this way the fruitfulness of the old concept is preserved and, moreover, the new usage is consistent with the old. Second, the rules for the use of the explicatum must be stated exactly in order to connect the explicatum closely with other scientific concepts. This means that the explicatum is more precise than the explicandum and admits less doubtful cases – Carnap notes the similarity between explication and Naess’s concept of ‘precization’ (see section 2 of chapter 5). Third, the explicatum must be a fruitful concept that enables the formulation of interesting scientific statements, such as empirical laws or logical theorems. Last, the explicatum must be stated as simply as possible. These four requirements are directed towards preserving and improving the fruitfulness of concepts, and towards the construction and formulation of concepts in ways that promote their communicative function.

Outside the study of argumentation, there is already a rich vocabulary that contains terms that are used for the purpose of analysing and evaluating arguments and argument criticisms. Argumentative discourse displays a rich and thought-stimulating meta-vocabulary. This vocabulary is the result of previous explications by philosophers and scientists, but also of everyday linguistic behaviour, forensic
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practice, political conflicts, etc. It contains terms such as ‘argument’, 'discussion' and 'conflict', but also fine-grained expressions such as 'nit-picking', 'quibbling' or 'logic-chopping'. It is profitable to preserve these old concepts and the terms expressing them, and to improve on their scientific fruitfulness and communicative clarity. The results of dialectical research are more easily adopted by the audience if they are already more or less familiar with terms and concepts that are used.

The dialectical approach tries to construct models for discussion that serve the purposes of the study of argumentation, that is, to design useful devices for analysing and evaluating concrete instances of arguments and argument criticisms. The main task is the explication of the informal notion of ‘discussion’. Explications of this notion in formal dialectic and pragma-dialectics focus on the initial situation of a discussion, on the main goal of a discussion and on the rules that should regulate discussion.

4. AN OUTLINE OF THE VARIOUS FEATURES OF RESOLUTION-ORIENTED MODELS

A model for critical discussion or persuasion dialogue is a normative model that states the conditions that constitute conflict resolution. The rules for discussion require the parties to act rationally to a specific degree. This explicates the pre-theoretical idea that a discussion demands a certain degree of reflection: the parties must be thorough, careful, earnest, detailed and orderly to a certain degree. Moreover, the rules explicate the informal idea of a discussion as starting from a question and being headed towards truth, agreement or persuasion. This section concerns the common background of pragma-dialectics and formal dialectic.

Initial situation

The initial situation from which a discussion starts is a conflict of opinions between two parties (Barth and Krabbe 1982). In the most basic kind of initial situation, one party, called the proponent (or protagonist), has expressed a standpoint, \( P \), while the other party, the opponent (or antagonist), has presented a critical attitude with respect to that standpoint, without asserting any proposition herself: Why \( P \)? More complex conflicts of opinions, for instance where both parties express standpoints, can be analysed as collections of such basic conflicts of opinions (Van Eemeren and Grootendorst 1992, 16-25).

Main goal versus participant’s aim.

As we have seen, the claim that dialectic provides an interesting method for dealing with the real merits of a case is based on the organisation of its procedure. The crucial feature of a dialectical procedure is its allocation of tasks or division of labour

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12 For instance, in recent Dutch political debate the neologism *demonisering* (‘picturing someone else as a demon’) became broadly used, meaning something like ‘disqualifying one’s political antagonists by committing fallacies of abusive and circumstantial *ad hominem* of the worst kind’.

The main goal of resolving the conflict is distinguished from the participants's aims in the discussion (Walton and Krabbe 1995, 67-68). Each participant has an aim that runs contrary to the aim of the interlocutor: to persuade the other party to change its position and to win the discussion in this way. Given a conflict of opinions, the proponent's task is to persuade the opponent of the acceptability of the standpoint. The proponent must argue *ex concessis*: she must use arguments that are based on concessions of the opponent or on shared starting points. In several dialogue logics (such as Walton and Krabbe's Rigorous Persuasion Dialogue, see section 5 below) the opponent's task is to persuade the proponent that he does not need to accept the standpoint. In the pragma-dialectical theory and in Walton and Krabbe's Permissive Persuasion Dialogue (see section 5 below) the opponent tries to show that the proponent should retract her commitment to the standpoint.

The main goal of a discussion is to *resolve* the initial conflict of opinions. The conflict of opinions has been resolved if the opponent has conceded the proponent's standpoint, or if the proponent has retracted her standpoint or given up the attempt to persuade the opponent. Acceptance by the opponent or retraction by the proponent, however, is not enough for the conflict to be called *resolved*. For one thing, it is also required that neither of the parties hindered or obstructed the other party without undoing the impediment. The informal requirements that should be satisfied in order to call a conflict of opinions resolved are explicated by the requirement that the discussants obey certain rules for discussion. The rules incite the parties to provide the other party sufficient room to achieve his or her participant’s aim.

Van Eemeren and Houtlosser discuss this distinction in a somewhat different way. A participant has two kinds of aims: critical aims and rhetorical aims. A rhetorical aim is the aim of getting one's way, while the main critical aim is to resolve the dispute. The participants' aims to win the discussion are not so much regarded as inherently dialectical, but as rhetorical aims. Because a certain degree of mutual opposition is instrumental for conflict resolution, at least some rhetorical considerations are also dialectical considerations.

**Rules**

Rules are part and parcel of ordinary argumentative discussion. When parties are engaged in a discussion they are constrained by the rules of discussion they impose on one another. When we discuss an issue, we can be reproached with behaving unreasonably when we do not support a statement when challenged to do so, with behaving uncooperatively when we wrongly attribute a unfavourable statement to the interlocutor, with behaving illogically when we persist in our commitment to mutually inconsistent statements, and with speaking incomprehensibly when we speak double Dutch. So, plausibly, rules govern discussions. What, then, are the rules to be implemented in normative dialectical models?

In order to make resolution possible in line with the requirements mentioned in section 1, the rules that constitute a dialectical procedure must leave the discussants enough room for developing a strategy to persuade the other party. In order for the opponent to stand a real chance of winning the discussion, the opponent must be able to criticise all aspects of the arguments offered. In order for the proponent to have

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14 This is acknowledged by Van Eemeren and Grootendorst (1984, 172).
such a chance, she must be able to respond to all these criticisms. On the other hand, the rules must restrain the discussants from obstructing the interlocutor's attempt to persuade. The rules enable the participants to call the other party to account and to keep him or her within the bounds of reasonableness. The core problem for constructing a dialectical model is one of a proper balance. A collection of rules that provides such a balance can be said to facilitate conflict resolution. To construct such a collection of rules is the core problem of designing dialectical models.

Both Barth and Krabbe as well as Van Eemeren and Grootendorst relate their normative proposals to the empirical reality of procedural rules. Barth and Krabbe view their rules (both language-invariant procedural rules as well as the language-dependent syntactic rules) as natural rules, that is, they expect that the large majority of people will agree to them if they are confronted with the rules and the motivation for them (Barth and Krabbe 1982, 75). Van Eemeren and Grootendorst base their rules partly on the analysis of argumentation as a complex speech act, in a way similar to Searle’s treatment of speech acts as ‘to promise’. They provide the identity and correctness rules that together define the concepts of pro-argumentation and contra-argumentation as these speech acts are part of our use of language. Moreover, their normative proposal is based on Grice’s conversational maxims that provide necessary preconditions for communication (Grice 1989). In the model for Critical Discussion, these rules are specified to fit argumentative discourse and improved on from a critical rationalist stance. Van Eemeren and Grootendorst start from concepts that are in force in our ordinary languages. Consequently, their normative model stays in close contact both with the pre-theoretical concepts of pro- and contra-argumentation, as well as with the pre-theoretical concept of a discussion.

The two desiderata for dialectical rules, their being instrumental for resolving conflicts of opinion and their being acceptable to potential users, are backed up by Barth's philosophy of logic. This philosophy originates in the philosophy of Crawshay-Williams (1957). Crawshay-Williams contends that a logical principle can only be said to be valid for a company if the principle is both adopted as a convention within the company and if the principle is expedient or necessary for methodological reasons. Barth (1972) adopts this dual criterion, which is put to use by Barth and Krabbe (1982) and by pragma-dialecticians (Van Eemeren, et al 1993, 14).

Two notions of validity

Crawshay-Williams concerns himself with the issue of how intractable controversies can be resolved. His main idea is that many controversies seem to start from contradictory positions, while actually the different points of view are

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15 This distinction between enabling and restricting rules resembles Hamblin's distinction between syntactical rules that enable a dialectical system to represent certain locutions (is it possible to pose a question? to challenge an assertion? to adduce reasons?), and discretionary rules that are aimed at improving the quality of the dialogues (see section 7 of this chapter).

16 Van Eemeren and Grootendorst make a distinction between two kinds of felicity conditions (Van Eemeren and Grootendorst 1992, 31-34). Identity rules for ‘argumentation’ provide conditions, sufficient when taken together and each individually necessary, for something to be called argumentation. The correctness rules provide conditions, sufficient when taken together and each individually necessary, for something to be called a correct argumentation.

17 It would be interesting to know which elements from the rules are derived from linguistic and pragmatic considerations, and which are derived from normative considerations.
complementary. Such a wrong impression may result from ignoring the fact that empirical statements can only become generally accepted if they satisfy two criteria. The first criterion is factual and has to do with reference to the facts. In order to settle whether two schoolboys arrive at the same time at their schoolmaster we have to observe whether or not they arrive at the same time. The factual criterion, however, does not suffice to settle an empirical issue.

The second criterion is methodological and refers to the context or goal of the statement. Thus, if two schoolboys arrive at roughly the same time at their schoolmaster they can be said to arrive at the same time for the purpose of deciding who was the first to provide the schoolmaster with the deckchair that he requested. However, they should to be said to have arrived at different times for the purpose of deciding who won the race the schoolmaster had issued (Crawshay-Williams 1957, 22). It is easy to imagine a controversy arising about the issue of whether or not the boys arrived at the same time if the parties overlook the contextual and goal-directed nature of statements. Crawshay-Williams attempts to resolve several intractable philosophical disputes by connecting different positions with alternative purposes and showing that seemingly contradictory positions are really complementary.

In addition to empirical statements, there are also conventional statements. They are to be settled by conventional criteria. Examples of conventionally agreed statements can be found among statements that express definitions or the meanings of abbreviations. A statement can be conventional in one company while being not conventional in another.

In some cases, we want to be able to say that someone must accept a statement on the grounds that it is logically necessary, such as nothing can be both red and green all over (Crawshay-Williams 1957, 207-210). According to Crawshay-Williams “if we reject the use of force, implicit or explicit agreement is the only authority which can give us license to use the word ‘must’. In philosophical discussion we do reject the use of force” (Crawshay-Williams 1957, 195). Thus, in order for a statement to be logically necessary in a company, the company needs to agree on statements that have this effect. Besides this conventional criterion for logical necessity, Crawshay-Williams points to the kind of reason why we are well advised to accept some statements as logically necessary: these statements are methodologically expedient or necessary. Rules may be seen as methodologically useful for more or less limited purposes. For the purpose of dealing with colours, nothing can be both red and green all over is methodologically expedient. For the much more general purpose of conversation, the law of identity, $a = a$, is expedient. If the purpose is very general we might call the statement methodologically necessary. Hence, if a statement is to function as logically necessary in a company, the members of the company must have implicitly or explicitly agreed on statements that have this effect. And if the statements function that way for good reasons, these reasons are methodological in character.

Barth interprets the two criteria that Crawshay-Williams identifies as alternative ways that the expression is logically valid can be made more precise. Moreover, Barth and Krabbe defend the premise that formal dialectical rules must be valid in both these senses, of which they give an explication.

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18 This resembles Naess’s account of pseudodisagreement, section 4 of chapter 1.
19 Crawshay-Williams uses goal and context interchangeably.
According to Barth and Krabbe, the principal objective of constructing a logical theory is to enable a fruitful distinction between sound and unsound inferences. Barth and Krabbe distinguish between two kinds of validity for rules or principles: problem-solving validity and conventional or semi-conventional validity. Both kinds of validity provide sources for the normative power of logical principles and systems, that is to say, they both provide good reasons for discussants to follow the rules and to object to rule violations.

A logical system or principle is said to be logically valid in the problem-solving sense if it is objectively better than all alternative systems or principles. That a system or principle $\sigma_1$ is objectively better than another system or principle $\sigma_2$ means that there is at least one logico-intellectual language problem for which $\sigma_1$ is, and $\sigma_2$ is not, adequate, but not vice versa. A logico-intellectual language problem is a problem of “constructing a fragment of language in such a way that a certain common need will be satisfied, while at the same time pursuing the principal objective of logic” (Barth and Krabbe 1982, 20). A system or principle is adequate in respect of a logico-intellectual language problem if it forms a possible solution of that problem.

Barth and Krabbe are interested in the problem of defining systems of dialectic such that participants that obey their rules can find out whether or not the proponent of the main thesis can present a satisfactory defence of this thesis. Stated in more general terms, the rules must enable the discussants to resolve their conflict of opinions. This problem has language-dependent as well as language-invariant features. Part of a solution consists of specifying a language and defining the meaning-in-use of its logical constants. For instance, part of the meaning-in-use of the conjunction $(\Phi \land \Psi)$ is that if party 1 asserts it, party 2 has a right to choose one its conjuncts, either $\Phi$ or $\Psi$, as the object of a challenge. Thus there are two ways to challenge a conjunct. After such a challenge, party 1 has a prima facie obligation to defend the conjunct chosen by party 2. Another part of a solution consists in making up procedural rules that are said to be ‘language-invariant’ (Barth and Krabbe 1982, 55, 75). For instance, it may be ruled that if party 2 has challenged a statement in a particular way then he loses the right to challenge it again in an alternative way. Alternatively, it might be ruled that if he challenges a statement in a particular way, then he retains the right to challenge it in another way. By changing language-invariant rules it is possible to construct alternative logics. For example, losing the right to defend a challenged statement after having defended it is part of the construction of a constructive logic, while retaining such a right is part of a classical logic. The core problem of designing dialectical systems has language-dependent and language-invariant aspects.

In order to construct interesting systems for dialectic some desiderata need to be fulfilled. Barth and Krabbe state desiderata in the form of fundamental norms that the systems should implement. A dialectical norm that is not yet implemented is seen as a problem, a solution of which consists in its being implemented in specific dialectical rules (Barth 1982, 161). The fundamental norm of a systematic dialectics is related to the proponent's opportunity to achieve her participant's aim: a proponent must have the opportunity to defend an attacked statement by making another statement (Barth and Krabbe 1982, 63). Implementing this rule makes it possible to construct a (complex) argument. The second fundamental norm, of realistic dialectics,

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20 Barth’s philosophy of logic, explained below, is presented by her in her Dutch inaugural lecture (Barth 1972). The relevant passage from this lecture was published in English in Barth and Krabbe (1982, 19-22).
is the norm of making an unconditional defence possible: “in some cases it must be possible for an attacked statement to be defended unconditionally” (68), and so the proponent must in some cases have the option of winning the discussion. This norm also concerns the proponent’s participant’s aim. The third has to do with the opportunity of both parties to achieve their participant’s aims, and is the fundamental norm of a thoroughgoing dialectics: the opponent must have the opportunity to test the proponent’s statements in all possible manners while the proponent must have such an opportunity to defend his theses (76). The fourth is the fundamental norm of orderly dialectics: at any stage it is possible to determine the rights and obligations of both parties from what happened in the discussion up to and including that stage (77). This norm seems to be instrumental for implementing the other goals. The last norm, the fundamental norm of dynamic dialectics, states that the system must promote “the revision and flux of opinions” in a company (79),21 for instance, useless repetition of discussion moves must be avoided, and every logical constant must have a clear meaning-in-use. This norm is primarily related to the main goal of a discussion and possibly even to the further, not per se inherently dialectical, purposes of resolving conflicts of opinions.

‘Problem-solving validity’ must probably be understood to pertain to all these procedural problems. If so, the notion of a logico-intellectual language problem is taken in quite a broad sense. It does not only concern the dialectical definition of the logical constants, but also all other procedural issues having to do with resolving disputes.

Conventional or semi-conventional validity is the second kind of validity a theory of argumentation should strive for. These two notions are based on the notion of a logical convention. A logical convention would be a declaration, signed, dated and issued by a well-defined company in which the signatories, the members of the company, “bind themselves, until further notice, to employ, to presuppose, to follow, and not to transgress a certain system or principle of language in publications and in other acts of communication” (22). Intersubjective or conventional validity refers to this property of a system or principle. Semi-conventional validity can be applied to systems or principles if the commitment to the system or principle can be put together from documents that are not logical conventions or if the company is ill-defined. Semi-conventional validity will be discussed further in chapter 8.

According to Barth and Krabbe, dialectic should recommend rules that help to solve conflicts of opinions in a systematic, realistic, thoroughgoing, orderly and dynamic way. In addition, the rules must stand a real chance of being adopted by companies of arguers to become conventional or semi-conventional rules.

5. TWO MODELS FOR DISCUSSION

This section deals with two normative dialectical models: the model for Complex Persuasion Dialogue proposed by Walton and Krabbe, and the pragma-dialectical model for Critical Discussion by Van Eemeren and Grootendorst.22

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21 Speeding up the flux of opinions is regarded as vital to peaceful social, cultural and scientific change (Barth and Krabbe, 25).

22 When writing Complex Persuasion Dialogue, Critical Discussion models are referred to, when writing complex persuasion dialogue or critical discussion, particular discussions carried out according to the rules of the model are referred to.
Complex Persuasion Dialogue

Complex Persuasion Dialogue is complex in that it models two kinds of persuasion dialogue and the way these two kinds of discussion ought to interact. The first kind of persuasion dialogue is modelled by Permissive Persuasion Dialogue and is inspired by the models developed by Hamblin. In a permissive persuasion dialogue the participants are exchanging reasons and criticisms, “trying to probe and discover each other’s underlying general position” (Walton and Krabbe 1995, 124). When defending a standpoint a party gets the opportunity to construct, work out and improve a more or less complex argument. When challenging a standpoint a party gets the opportunity to develop, work out and improve a critical position. Permissive Persuasion Dialogue is symmetric in the sense that both parties may present and defend standpoints. Such a dialogue is permissive for the reason that assertions and concessions can be retracted, although there are also important restrictions on retraction. Moreover, it leaves the participants room to come up with new information to create suitable arguments.

The second kind of persuasion dialogue is modelled by Rigorous Persuasion Dialogue. Rigorous Persuasion Dialogue is a general format that can be exemplified by various specific dialogue systems. Walton and Krabbe present one such detailed model for rigorous persuasion dialogues, RPD₀. This is a new version of the model for constructive dialectic, CAD, proposed by Barth and Krabbe (1982, 91). Dialogues of this kind are rigorous in that the procedural rules delimit the options of the participants to a high degree: for example, retraction of commitment is not an option. The function of a rigorous persuasion dialogue is not to develop new lines of argument or new critical perspectives, but to find out whether or not the opponent is able to withhold agreement to some thesis, given the propositions that he has already conceded. The proponent pushes the opponent to concede her thesis. The purposes of a rigorous persuasion dialogue are to find out “what propositions one’s past speech acts explicitly commits one to, either directly or by logical implication, and how these explicit commitments and their implications are open to undermining or refutation by the other party, through finding counterexamples, inconsistencies, and other evidence of weakness or incorrectness in them” (125).²³

If the proponent defends a standpoint $T$ against an opponent who has conceded sentences $S₁,...,Sₙ$, and if there is a strategy for the proponent such that she gets the opponent to concede $T$, whatever strategy the opponent chooses, then the proponent is said to have a winning strategy for $T$ against $S₁,...,Sₙ$ (Barth and Krabbe 1982, 83). Rigorous Persuasion Dialogue is a dialogue logic because the distinction between the proponent’s having and the proponent’s lacking a winning strategy against a set of concessions explicates an interesting distinction between valid and invalid arguments.

Rigorous Persuasion Dialogue and Permissive Persuasion Dialogue meet in Complex Persuasion Dialogue. The idea of a complex persuasion dialogue is that the parties are discussing an issue by the rules for Permissive Persuasion Dialogue. At a certain point a party, defending $T$, may come to think that the other party, challenging $T$, can be shown to be unreasonable in persisting in his critical attitude to $T$. At that point she may start a rigorous persuasion dialogue. Within that dialogue, the opponent becomes committed to the concessions he has made until then and that he has not yet

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²³ The authors emphasize the notion of explicitness in describing the functions of Rigorous Persuasion Dialogue, because in a permissive persuasion dialogue the parties may also make use of so-called dark-side commitments, commitments that are in force, but have, as yet, remained unexpressed.
retracted, while the proponent becomes, in that dialogue, committed to the assertion she wants to prove acceptable to him. If the proponent wins this embedded rigorous persuasion dialogue the opponent has to concede the assertion at issue, and the original discussion is resumed using the rules of Permissive Persuasion Dialogue again.

**Critical Discussion**

The model for critical discussion is at the heart of the pragma-dialectical theory of argumentation. The Critical Discussion has four stages that correspond to four distinct parts or aspects of a discussion. Each stage has an aim that is instrumental for resolving conflicts of opinions. The parties express their conflict in the confrontation stage. In the opening stage the parties decide on procedural issues, such as who is act as protagonist or antagonist, in what order standpoints are to be discussed, what starting points are to be taken for granted, and what kind of argument schemes are to be excluded (for example, argument from analogy is excluded in penalty lawsuits). Moreover, they are allowed to adopt new rules for the other stages, or adapt previously adopted rules (but only if these changes serve conflict resolution in the particular situation in which the parties find themselves). In the argumentation stage, arguments and criticisms are being exchanged. In the concluding stage, it is determined and stated what the results of the argumentation stage are: on what propositions did the discussants reach agreement, on what did they not? Has doubt been withdrawn or has the standpoint been defended?\(^{24}\)

Rules for discussion provide norms such that complying with the norms helps to resolve conflicts of opinion. The set of rules outlines the rights and obligations of the parties by stating what speech acts are allowed or obligatory at each stage of the discussion. An example of a rule, or actually part of more complex rule, that furthers the critical aim of the confrontation stage is that "[n]o special conditions do apply for the propositional content of the assertives by means of which a point of view in respect of an expressed opinion is expressed" (Van Eemeren and Grootendorst 1984, 155). A rule that furthers the critical aim of the opening stage is that "[a] language user who has cast doubt on the other language user's point of view at the confrontation stage of the discussion is at all times entitled to challenge that language user to defend his point of view" (158). A rule for the argumentation stage is that "[t]he protagonist may always defend the point of view that he has adopted, in respect of an expressed opinion, in the initial dispute or in a subdispute, by performing an illocutionary act complex of argumentation which then counts as a provisional defence of that point of view" (165). A rule for the concluding stage is that "[t]he antagonist is obliged to retract his doubt about the initial point of view if the protagonist (while observing the other rules of the discussion) has sufficiently defended it (....) at the argumentation stage" (174). The rationale of the rules is first of all that they are valid in the problem-

\(^{24}\) Critical Discussion is a more comprehensive model than Complex Persuasion Dialogue for the reason that the former, unlike the latter, also takes the issue of raising procedural issues in the opening stage into account. However, Complex Persuasion Dialogue incorporates versions of the confrontation, argumentation and concluding stages. The preparatory moves in Complex Persuasion Dialogue resemble the confrontation stage. In Rigorous Persuasion Dialogue the concluding stage is made up of occurrences of the moves: *I give up!*, *You said so yourself!*, and *Your position is absurd!*
solving sense: a violation of the rules obstructs or hinders conflict resolution, while obeying them helps and stimulates conflict resolution.

In the argumentation stage, discussants are able to construct arguments and offer criticisms. The opponent may perform an ‘intersubjective validity test’ by which she may test whether the proponent’s argument, after being completed by filling in possible missing premises, is valid or not (Van Eemeren and Grootendorst 1984, 169). This embedding of an intersubjective validity test into the argumentation stage resembles the embedding of Rigorous Persuasion Dialogue within Complex Persuasion Dialogue. In Critical Discussion it is not specified what the test looks like while RPD_0 constitutes such a test in a dialectical garb.

6. FALLACIES FROM A DIALECTICAL PERSPECTIVE

In dialectical approaches, fallacies are, in some way or other, related to violations of rules for discussion. Here, several of these theories will be examined.

Hamblin

Hamblin (1970) is one of the defenders of the rule violation approach to fallacies. The primary use of the formal dialectical models he constructs is to see whether they lead to a satisfactory account of fallacies. Conforming to the rules of a dialectical model corresponds with non-fallacious behaviour, while committing a fallacy corresponds with violation of such a rule. When discussing his dialectical models Hamblin gives some syntactical rules (266). These rules provide dialectical and implicit definitions of asserting, of challenging assertions, of asking questions and of offering arguments. The syntactical rules by themselves do not provide any guarantee against unreasonableness and allow the interlocutors an enormous latitude for manoeuvre if these rules are not supplemented by other rules. Interesting normative models result only if further discretionary rules are formulated (269). Fallacies should be analysed as violations of these discretionary rules.

Hamblin says that his dialectical system models a number of fallacies (265). For example, he proposes a discretionary rule such that a question like 'did you stop beating your wife or didn't you?' may only be posed if the hearer is committed to its presupposition 'either I used to beat my wife and I have stopped doing so or I used to beat my wife and I have not stopped doing so': "rules of this kind are what are required to banish from the system various versions of the Fallacy of Many Questions" (Hamblin 1970, 269). Thus, fallacies are modelled by inserting discretionary rules such that violating a discretionary rule constitutes a fallacy.

Barth, Martens and Krabbe

In an article about arguments ad hominem, Barth and Martens make two suggestions for further research. First, they suggest the formulation of a theory of rational argument as a set of necessary conditions that arguers must satisfy in order to pass as rational. Second, they suggest the formulation of a set of sufficient conditions, "[f]allacies can then be unmasked as arguments which cannot be generated by the production rules" (1977, 96).
Barth and Krabbe (1982, 90) recommend to consider any move made by a member of a company as a fallacy if that move is not generated by a complete dialectical system adopted by the company. The elementary rules for formal dialectic include two alternative rules that regulate the effect of committing a fallacy. The looser version states that if a party, N, performs a non-permitted speech act or a non-permitted non-verbal action “then the other party (...) may if it so wishes withdraw from the discussion without losing it” (63). The stricter version states that when N does so, “then N has lost all its rights in the discussion and N’s behaviour is to be called irrational with respect to the present dialectical situation by the company that has adopted this system of formal dialectics” (Barth and Krabbe 1982, 63).

Walton and Krabbe

Walton and Krabbe analyse many of the fallacies as illicit dialectical shifts (Walton and Krabbe 1995, 102). There are many kinds of dialogue, even several kinds of dialogue in which arguments play an important role, such as persuasion dialogue, negotiation dialogue, quarrel or debate. For each of these, normative models can be constructed that specify what behaviour is reasonable in which situation. Because these types of dialogue are connected with different goals, different sets of rules constitute these normative models: what can be taken as reasonable within one type of dialogue may be taken as unreasonable and fallacious in another.

Within a conversation, participants may shift from one type of dialogue to another. They may shift back and forth between the two subtypes of persuasion dialogue, or they may shift from persuasion dialogue to a negotiation dialogue, etc. Walton and Krabbe indicate which shifts would be licit and which shifts would be illicit. A shift is licit if (1) the new dialogue is functional for achieving the goals of the old dialogue or if the new dialogue at least allows the parties to achieve those goals and (2) if both parties agree to shift from one type to another type of dialogue (102-3).

Walton and Krabbe distinguish between three types of dialectical shift (Walton and Krabbe 1995, 104-108). First, there may occur a shift from one type of dialogue to another. For instance, an illicit shift from persuasion dialogue to negotiation dialogue occurs in a situation where a doctor tries to convince her patient to quit smoking and drinking, offering medical reasons. The patient responds: "O.K. I'll quit smoking, as long as you allow a glass of wine once in a while" (104). Moreover, there may occur an illicit shift between two subtypes of dialogue. For instance, a shift may take place from a permissive persuasion dialogue to a rigorous persuasion dialogue. If for whatever reason such a tightening up of the discussion is illicit, we may reject it as quibbling or logic-chopping. Second, a shift may occur within one and the same type of dialogue. This kind of shift explicates fallacies that concern changing the subject (irrelevance) or fallacies that concern the burden of proof, such as argumentum ad ignorantiam. Third, Walton and Krabbe propose, somewhat tentatively, that certain fallacies can be seen as illicit shifts from one flavour of dialogue to another. Such a shift denotes cases where there is a change in

25 A procedure is said to be formal 3 if it takes place according to a set of procedural rules. Formal 1 refers to formal in the sense of pertaining to platonic forms, formal 2 refers to formal in the sense of pertaining to the shape of expressions (Barth and Krabbe 1982, 13-19).

26 We will come across a similar illicit shift under the name of nit-picking (section 4 of chapter 7).
tone, although two parts of the dialogue are still of the same (sub)type. For instance, within persuasion dialogue the choice of words may introduce an eristic flavour. Walton and Krabbe suggest that instances of arguing *ad hominem*, *ad verecundiam*, and *ad misericordiam* can be explained as illicit shifts of flavour (71).

This account of dialectical shift forms a generalisation of the rule violation approach to fallacies: the study of fallacies is "part of a more general study of illicit transitions from one context of dialogue to another" (105). Presumably, it is the part that concerns shifts within or away from persuasion dialogue.

**Pragma-dialectics**

The pragma-dialectical concept of a fallacy has been developed by Van Eemeren and Grootendorst (1982, 1984, 1992). They define fallacy as a violation of a rule for critical discussion: a rule violation constitutes a fallacy and vice versa.\(^{27}\) Van Eemeren and Grootendorst emphasise that the rules provide the norms, but do not yet provide the criteria by which it can be judged whether or not a particular move in a specific discussion really is a fallacy.

Recently, Van Eemeren and Houtlosser have extended the pragma-dialectical theory of fallacies by accounting for strategic manoeuvring. When parties are involved in argumentative discourse they may be taken to be committed to resolving their dispute and to complying with the norms that are instrumental for conflict resolution. More in particular, they may be taken to be committed to attempting to achieve the particular dialectical aims of the four stages of a critical discussion that we have discussed above: the *dialectical aims* (Van Eemeren and Houtlosser 1999, 165) or *critical aims* (Van Eemeren and Houtlosser 2003). Van Eemeren and Houtlosser point out that, normally, each party tries to resolve the conflict in his or her own favour (1998, 164). More in particular, at every stage of a critical discussion a party tries to achieve an outcome that is most beneficial to his or her own position (1999, 165). These participant's aims are called *rhetorical aims* (1999, 165) or *persuasive aims* (2003) and they are the rhetorical complements of the critical aims.

Because discussants generally want to get things their own way as well as contribute to resolving their dispute, "the parties will seek to fulfil their dialectical obligations without sacrificing their rhetorical aims" (1999, 164). Strategic behaviour by which a party attempts to achieve the rhetorical aims within the bounds of the rules for critical discussion is called *strategic manoeuvring*. Strategic manoeuvring need not result in a violation of a rule for critical discussion. However, strategic manoeuvring may derail and lead to committing fallacies.

Van Eemeren and Houtlosser (2003) present a research program for finding criteria by which it can be determined whether or not a norm for critical discussion has been violated. The starting point of this program is a classification of types of strategic manoeuvring. The four stages of a critical discussion give rise to a classification of both critical and rhetorical objectives. This in turn yields a systematic classification of types of strategic manoeuvring directed at reconciling corresponding critical and rhetorical aims. For each type of strategic manoeuvring the correctness criteria can be specified. A fallacy has been identified if it is observed that a

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\(^{27}\) So, probably, the norms provided by the rules provide necessary conditions for reasonable behaviour in a critical discussion when taken individually, and sufficient conditions when taken together.
correctness criterion for strategic manoeuvring is not satisfied. In order to provide a
criterion for fallaciousness the sets of correctness criteria for proper strategic
manoeuvring must be formulated in such a way that it can be determined, to a
satisfactory degree, whether or not a specific move in a discussion satisfies the criteria
or not.28 These criteria would also provide the means by which participants
themselves can resolve the meta-issue whether or not a specific strategic manoeuvre is
fallacious in some way. Therefore, this new pragma-dialectical program links up with
Krabbe’s program for immanent dialectic, to be discussed in the next section.

7. DISCUSSING FALLACIES

In order for a model to be practically useful its users must be capable, to some
satisfactory degree, to follow its rules. For this reason Woods (2002) postulates a
hierarchy of logical agency. The higher up in the hierarchy, the more resources, such
as information, time and computational capacity, a type of logical agent commands. A
human being can be found lower down in the hierarchy than an institution like NASA,
for the simple reason that NASA can use many more resources than a single person.
In order to overcome his cognitive disadvantage, a logical agent may use scarce-
resource compensation strategies. For instance, we do not have the time, energy or
capacity to check the whole population, and so we hastily generalise using only a
sample. “An inference or a move in a dialogue, or whatever else, is a fallacy relative
to the type of agent in question and the resources available to agents of that type; and
to the performance standards appropriate thereto” (Woods 2002, 66-7). Hence, an
instance of a hasty inference may be fallacious to NASA standards while being
correct to the standard apposite for an individual reasoner.

Woods is correct in so far as an agent at a certain position in the hierarchy is,
in some way, more strongly committed to standards appropriate for that kind of agent
than to standards appropriate for agents who have more resources at their disposal.
Parties in a persuasion dialogue are committed, in my view, to discussing their matters
in a completely correct way. However, high ideals present commitments that are less
coercing than more realistic and less ideal standards. We are committed to perfection,
but that commitment has a lower priority than our commitment to do it well enough.

Let us focus on a type of agency that is pertinent for dialectic: two parties
engaged in argumentative discourse. Suppose further that the parties do not have the
resources to check the whole population of, say, swans, and, moreover, that the
standpoint at issue is that all swans are white. The opponent is committed to the
proposition that every swan he has ever seen is white and he has never heard of swans
of other colours. This provides, presumably, sufficient grounds for the proponent to
convince the opponent. Thus, hasty generalisation, if it may still be so called, does not
seem to violate a dialectical rule that has priority for these parties. However, this does
not imply that the parties are not also committed to the dialectical rule that
generalisations should not be hastily drawn. These parties, however, rightly perceive
such a rule as a more ideal and regulative kind of rule. It is obligatory to have a proper
sample and to infer ampliatively according to rough statistical standards, but we are

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28 Such a series of sets of criteria for determining fallacies will probably be incomplete,
because some fallacies may arise from other sources than from derailed strategic
manoeuvering. A rule may be violated by mistake (while not serving a persuasive aim), or a
rule violation might be functional for a goal that is not rhetorical.
also committed to doing it right. If someone objects that the data do not guarantee the
generalised conclusion, we have to add data or qualify the modality of the conclusion,
thereby repairing what is seen as a mistake, error, fault or imperfection.

Hamblin seems to adopt the view that a high level of ideality remains in force,
even though we often have to settle for less. For example, in the dialectical systems
Hamblin proposes, there is no rule that requires commitment sets to be consistent
because adopting such a rule would make it excessively difficult for us to have a
discussion according to the rules of the system. Instead, he requires discussants to
avoid immediate inconsistency, such as uttering a contradiction or asserting a sentence
that one has challenged before (these ‘immediate inconsistencies’ will be further
explained when dealing with Mackenzie’s dialectical treatment of ambiguity in
section 1 of chapter 6). "[O]n reflection, we may come to think that, although there
does exist an ideal concept of a 'rational man' which implies perpetual consistency, the
supposition is by no means necessary to the operation of a satisfactory dialectical
system. In fact, even where our ideals of rationality are concerned, we frequently
settle for much less than this: a man is 'rational', in a satisfactory sense, if he is
capable of appreciating and remedying inconsistencies when they are pointed out"
(Hamblin 1970, 263). Rational behaviour that is apposite for the purpose of human
conflict resolution must be constituted by rules that enable the parties to appreciate
and remedy identifiable faults.

Hamblin does not conceive of these rules as criteria by which arguments can
be evaluated once and for all. "The logician does not stand above and outside practical
argumentation or, necessarily, pass judgement on it. He is not a judge or a court of
appeal, and there is no such judge or court: he is, at best, a trained advocate. It follows
that it is not the logician's particular job to declare the truth of any statement, or the
validity of any argument. While we are using legal metaphor it might be worth while
drawing an analogy from legal precedent. If a complaint is made by a member of
some civil association such as a club or a public company, that the officials or
management have failed to observe some of the association's rules or some part of its
constitution, the courts will, in general, refuse to handle it. In effect the plaintiff will
be told: 'Take your complaint back to the association itself. You have all the powers
you need to call public meetings, move rescission motions, vote the manager out of
office. We shall intervene on your behalf only if there is an offence such as fraud.'
The logician's attitude to actual arguments should be something like this." (244-5).

Thus, as far as is possible, the parties must resolve their differences
themselves: “[t]he control of each dialogue is in the hands of the participants
themselves” (283). In order to remedy possible transgressions of the dialectical
procedure, the participants must have resource to raising points of order, locutions
that “contribute not to the subject or topic of the dialogue but to its shape” (283).
Points of order start metadialogues about the procedural appropriateness of what
Hamblin calls topic points. Among the points of order are the charges that a fallacy of
a certain type has been committed. A theory of charges is particularly important,
according to Hamblin, when dealing with ambiguity and equivocation (see chapter 2).

Krabbe endorses Hamblin’s proposal to approach fallacies from the dialectical
perspective of raising points of order against them and sees it as a part of an immanent
dialectical approach: “according to the immanent dialectical approach it must often
be left to the disputants themselves to decide these matters [of fallaciousness]”
(Krabbe 1999, 470, see also Krabbe 1997), “ultimately, the status of an argument
must be decided in discussion, by the participants themselves. Dependent on that
outcome the argument is reconstructed as valid, as doubtful, as erroneous, as a
blunder, or even as a fallacy” (467). If such a decision has not yet been made by the parties themselves, and if nonetheless someone, a spectator or one of the engaged parties, criticises a move or sequence of moves by party 1 as an instance of a certain fallacy, this remark must be taken as a preliminary verdict that indicates that the speaker expects there to be a strategy available on the part of party 2 that leads to persuading party 1 that that (sequence of) move(s) is fallacious.

Krabbe uses profiles of dialogue as an informal and heuristic device to find out which dialectical systems would provide a reasonable account of dialogical normativity (Krabbe 2002, 155). More in particular, profiles can be used to study the way an alleged fallacy may be criticised in a reasonable manner, without already having a specific dialectical system that fixes the dialogue sequences as fallacious or not. The force of a fallacy criticism is that a move or sequence of moves is inadmissible because of transgressing a certain rule or certain rules for persuasion dialogue. By using profiles of dialogue, it is possible to examine what would be reasonable ways of raising the issue of fallaciousness in a discussion, and what would be reasonable ways of resolving metadisputes.

Modelling an immanent dialectical approach to fallacies

There is a tension between the idea of approaching fallacies from an immanent dialectical perspective on the one hand, and on the other the attempt to propose a normatively adequate model for persuasion dialogue or critical discussion. This tension is especially acute when discussants are trying to modify dialectical rules they have adopted. However, even in cases such as these, it must be expected that both parties will continue to impose some rules on each other, while arguing about the acceptability of others. Here, we will deal with a less difficult kind of case where the discussants presuppose the adequacy of a certain dialectical model while not yet agreeing over the issue of whether or not a particular discussion move or sequence of discussion moves is admissible according to that model. The tension in these cases can be shown by posing the question how can fallacies, understood as violations of rules for critical discussion, be criticised and discussed in critical discussion or persuasion dialogue if fallacies by definition do not occur in critical discussion or persuasion dialogue? This question, however, is ill-conceived as will be shown.

Fallacies can be criticised by starting a new persuasion dialogue. If in dialogue 1 a party supposes a move to be inadmissible, given the history of the dialogue up till that point, he or she may start a new dialogue 2 in which the admissibility of that move in dialogue 1 is examined. The first subdiscussion can be called the ground level discussion while the second is the metadiscussion (Krabbe calls them ground level dialogue and metadialogue, 2003a). In order for the transition between ground level and metadiscussion to be reasonable, the transition must satisfy several requirements. Both Mackenzie and Krabbe have dealt with this issue in a formal manner.

Mackenzie (1988) is primarily interested in a situation where a field linguist is trying to extract the logical rules that are part of the natives’ model for dialogue, called DC. The field linguist does so by engaging himself with a native in a DC+-dialogue that is systematically aimed at finding out the logical rules of DC. DC+ resembles DC, except that it tolerates some moves that DC does not tolerate. Moreover, there is a rule in DC+ that obliges the interlocutor (the native) to correct violations of DC-rules (made by the field linguist). If the linguist violates a DC-rule in
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DC+, it is possible to infer the exact content of the transgressed DC-rule from the correction provided by the interlocutor (the native).

The model DC has syntactical rules that define the possible locutions to be made in dialogue. DC has commitment rules that are needed to keep track of changing rights and obligations. It has dialogue rules that determine what moves are legal (allowed) at a certain stage. Moreover, DC has a set of preferred argument schemata that represents the logic of the natives. Let us suppose that the following argument scheme is part of that set: “P and P → Q, therefore Q”. The sentence (P ∧ (P → Q)) → Q is then called a logicians conditional. One of the rules of DC states that logicians conditionals may never be denied. The linguist is familiar with all the rules of DC, except for the set of preferred argument schemata. By engaging in a DC+ dialogue, the linguist is trying to find out the content of the set of preferred argument schemata, that is, the logic of the natives.

The field linguist and the native are engaged in a DC+ dialogue. Sometimes the linguist transgresses a DC rule due to his lack of knowledge of the set of preferred argument schemata. Such a move is DC-illegal, but still DC+-legal. Suppose the linguist denies (P ∧ (P → Q)) → Q. Then DC+ regulates that the native objects to this DC-fault by raising an appropriate order locution, after which the faulty denial is repaired by withdrawing it from the linguist’s commitment set, after which the DC-dialogue may continue. So, DC+ embeds DC and may contain what we may call moves that are fallacious from the perspective of DC.

Krabbe proposes a set of dialectical rules for opening and closing metadialogues in which the permissibility of moves in a ground level dialogue is being discussed (Krabbe 2003a). When a party X performs a speech act m, this move is supposed to be a legal ground level move. However, an allegedly permissible ground level move may be challenged as impermissible. If m’s permissibility remains unchallenged, then m is accepted by the parties as part of the accepted ground level dialogue. If, however, m is challenged by Y as impermissible then the verdict on whether or not m is added to the accepted ground level dialogue is suspended. The challenge of m starts a metadialogue at level 1. In this metadialogue, Y is the proponent of the thesis that m is not permissible as a continuation of the accepted ground level dialogue. X is the opponent of this thesis. If Y wins, X retracts m and X may substitute another move for it (such that this move does not challenge the permissibility of Y’s move m-1). Moreover, X must pay the costs of the metadialogue. If X wins, move m has been tested with positive result and the ground level dialogue is extended by m. Within a metadialogue at a level n, it is possible to start a metametadialogue at level n+1.

In this way the parties construct an accepted ground level dialogue. Such a dialogue forms a discussion that corresponds with ideal discussion behaviour as the discussants themselves view it: it does not contain any violation of a discussion rule, or so the parties themselves think. These dialogues are regulated by the rules for (complex) persuasion dialogue. However, different rules must regulate the discussion that contains the possibly inadmissible moves and the metadiscussions about potentially inadmissible moves.

The connection between the stricter rules for ideal discussion and the looser rules that tolerate inadmissible moves and metadiscussion, can be elucidated with a particular application of Searle’s distinction between regulative and constitutive rules (Searle 1970, 33-42). Regulative rules regulate antecedently or independently existing forms of behaviour, as the rules of etiquette regulate inter-personal relations that exist independently of these rules. Constitutive rules create or define new forms of
behaviour, as the rules or chess define the game. Constitutive rules constitute and regulate activity that is logically dependent on the rules.

The intended application of Searle’s distinction to the notion of a discussion resembles Van Eemeren and Grootendorst’s distinction between two kinds of felicity conditions for the complex speech act of pro and contra argumentation. Identity or recognition conditions for argumentation state that in order for a constellation of assertives to count as argumentation, it must express propositions and be regarded as an attempt to convince the listener of the acceptability of one member of that constellation (the standpoint). If a set of statements does not satisfy the recognition conditions it does not constitute argumentation. If correctness conditions, such as the condition that the standpoint is not yet accepted by the listener, are not satisfied then the argumentation can not be said to be correctly performed, although argumentation may still have been offered.

First, critical discussion may be interpreted in such a way that the rules that define or constitute a dialectical model represent a level of reasonableness that still allows imperfections on the part of the parties. Second, critical discussion may be interpreted in such a way that the rules that define or constitute a dialectical model represent a level of reasonableness that does not allow any imperfection. Third, critical discussion may be interpreted in such a way that it has stricter regulative rules that regulate, but do not define ‘critical discussion’, and in addition it has looser rules that define and constitute ‘critical discussion’. The third will be the approach adopted here. In order for a dialogue to be called an instance of a critical discussion, properly so called, no constitutive rule for critical discussion may be violated. In order for a dialogue to be called a correct performance of a critical discussion, no violation of (the higher standard of) regulative rules may have occurred. If a fallacy is a violation of a regulative rule, then this kind of fallacy can occur and can be discussed within critical discussion, broadly conceived. From this perspective, the rules that define a definitely acceptable ground level dialogue are regulative rules. The rules that define this type of dialogue as a whole, including the inadmissible moves and moves at metalevels, are constitutive rules. Violations of the regulative rules, that is, fallacies of a certain, less devastating, type, can be discussed and retracted within critical discussion, properly so called.

An immanent dialectical account of fallacies can be developed further by applying Van Eemeren and Houtlosser’s idea of strategic manoeuvring to points of order: what are the correctness criteria for raising a point of order? These criteria can be formulated dialectically, that is, in the form of rules for discussion that regulate the way these points of order can be raised and criticised. In this manner we can arrive at a specification of a dialectical model that is normative, in being aimed at conflict resolution, while liberal in admitting certain fallacies. This will be the method adopted in chapter 7 where a procedural account of active ambiguity will be proposed.

8. THE ISSUES OF ACTIVE AMBIGUITY: THREE RESEARCH QUESTIONS

Some expressions are ambiguous in the sense that failing to notice the distinction between the contextually admissible readings may plausibly influence the course of an argumentative discussion. This kind of ambiguity is called active ambiguity and forms the subject of this study. The first two research questions are: what exactly is active ambiguity and how should we assess it in an argumentative discussion? This specific concept of ambiguity will be explicated in chapters 2, 3 and 4. In chapter 2 a
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definition of active ambiguity is presented that includes a linguistic and a relevance clause. The linguistic aspect of active ambiguity will be examined further in chapter 3, while the relevance aspect is elucidated in chapter 4. In addition, chapter 4 contains a theory of assessing active ambiguities.

The third research question can be formulated at a theoretical and at a practical level: what does an adequate dialectical account of active ambiguity look like?; how should we discuss alleged active ambiguities in a reasonable way? In chapter 5 and 6 informal and formal theories about how to deal with problematic ambiguities are examined. In chapter 7 my own dialectical account will be presented. Chapter 8 contains the application of this dialectical theory to two case studies: a debate on euthanasia and a cross-examination in court.