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STRATEGIC MANOEUVRING
BETWEEN RHETORICAL EFFECTIVENESS
AND DIALECTICAL REASONABLENESS[1]

Abstract: This paper is aimed to provide an overview of the current state of affairs of argumentation research from a pragma-dialectical perspective. It is explained which are the difficulties in the study of argumentative discourse and what research components are to be included in an argumentation theory that seeks to be fully comprehensive. The development of the pragma-dialectical ideal model of critical discussion is explained and the pragma-dialectical conception of fallacies is elaborated on and compared with other approaches. It is argued that fallacious argumentative moves are essentially *derailments* of 'strategic manoeuvring', which is the balancing act performed by a discussant between making argumentative moves that are at the same time rhetorically effective and dialectically reasonable. Finally, the argument from authority is discussed as an example. When is its usage sound and when can its strategic exploitation be said to derail, resulting in the fallacy of the *argumentum ad verecundiam*?

Keywords: pragma-dialectics, argumentation (theory), dialectic(al reasonableness), rhetoric(al effectiveness), strategic manoeuvring, fallacy, argument from authority, *argumentum ad verecundiam*.

1. Argumentation as a subject matter for theorizing

The study of argumentation is prospering. This is a remarkable and fortunate fact because during a long period of neglect the study of argumentation seemed to have disappeared forever from the academic stage. After its brilliant start in Antiquity, highlighted in the classical works of Aristotle, after an alternation of ups and downs during the following millennia, in the post-Renaissance period its gradual decline set in. Revitali-

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[1] This text is part of a research project on strategic maneuvering in argumentative discourse that I have carried out with Peter Houtlosser (1956–2008). The text is based on a combination of texts that were earlier published elsewhere and it will in the end be part of the monograph *Strategic Maneuvering in Argumentative Discourse*, to be published.

zation took place only after Toulmin and Perelman published in the same year (1958) their landmark works *The Uses of Argument* and *La nouvelle rhétorique* (co-authored by Olbrechts-Tyteca and translated into English in 1969). Toulmin's model of argumentation and Perelman's inventory of argumentation techniques inspired a great many scholars in various ways to take up the study of argumentation in a serious manner. Nowadays there are well-established (formal as well as informal) logical approaches to argumentation, but also communicative, linguistic, social, psychological, juridical, and other approaches. Traces of the influence of the classical and neo-classical argumentation theories just mentioned could be found in most of these approaches (van Eemeren *et al.* 1996).

It is a truism recognized from Antiquity onwards that argumentation arises in response to, or in anticipation of, a *difference of opinion*, whether this difference of opinion is real or merely imaginary. When people argue their case, they are defending an opinion, or "standpoint," they assume not to be shared by the addressee or by some third party the addressee might associate with – otherwise the argumentation would be pointless (van Eemeren & Grootendorst 1984, pp. 39–46). The need for argumentation, the requirements of justification, and the structure of argumentation are all adapted to a context in which doubts, opposition, objections, and counterclaims arise.

When theorizing about argumentation it is vital to realize that the standpoints at issue in a difference of opinion can pertain to any kind of subject and that these standpoints can be descriptive as well as evaluative or practical. In argumentative discourse, an evaluative judgment, such as "The film *Infamous* is brilliant," or a practical prescription to do something, like "You should join me to that meeting," can be just as well at issue as a descriptive claim about a factual state of affairs such as "Amsterdam is much bigger than Rotterdam." Standpoints of any of these types, and the argumentation to defend them, can be encountered in all areas, from the family circle and the classroom to the law and the political arena, and it is imperative that the study of argumentation deals with the full breadth of argumentative practices.

Some philosophers have a *parti pris* that normative statements such as evaluative standpoints and prescriptive – traditionally dubbed "practical" – standpoints can never be subjected to a rational discussion. Some argumentation theorists viewing argumentation as "a fundamentally epistemic affair" nourish this prejudice by assigning a higher status to descriptive claims, which are deemed to fulfil a special role in the process of truth finding and truth preservation by "bring[ing] reasoners from recognized truths

or justified beliefs to previously unrecognized truths or not otherwise justified beliefs" (Biro & Siegel 1992, p. 99). Some argumentation scholars taking a rhetorical approach favour the other extreme by claiming that rhetorical argumentation is only about action claims, thus fostering the exclusion of descriptive and evaluative standpoints (Kock 2007).

The ultimate consequence of excluding evaluative and practical standpoints in a quasi-positivist fashion from the study of argumentation is that value judgments and choices for action are left entirely to subjective preferences and personal interests. Contrary to philosophers with such an "exclusionist" outlook, John Stuart Mill – who showed a keen interest in the discussion of ethical, political, and religious standpoints – and likeminded "inclusionist" philosophers believe that all subjects can be the objects of a rational argumentative discussion (Finocchiaro 2005). I emphatically agree with Mill and other representatives of this analytic tradition and see no justification for pronouncing positions implying a value hierarchy or action principle *a priori* unsuitable for such a discussion.

It is not only unnecessary to limit the study of argumentation to descriptive standpoints, but also highly undesirable, because in certain domains of discourse such a limitation would give free rein to those who are not at all interested in justifying their standpoints to others. In politics, for instance, it would provide them with an alibi for abstaining from making out a case for their actions and would offer them a chance to make their standpoints immune to criticism by proclaiming them beyond discussion. Because in every joint decision-making, not just in politics but also in other domains of the public sphere, and even in the personal sphere, argumentative discussions play – or should play – a crucial part, if we take this decision-making seriously, in all cases in which argumentation is used to defend a standpoint a careful analysis and critical evaluation of the argumentative discourse is required and the study of argumentation should provide the necessary conceptual tools.

When it comes to the pivotal notion of argumentation some striking differences can be observed between the meaning of the counterparts of the word *argumentation* in other European languages and the meaning this word has in English. Because these differences can have significant consequences for the way in which argumentation is conceptualized, it is important to take note of them. To start with, unlike its English counterpart, the Dutch word "argumentatie" is, just like its equivalents in many other languages, a very common word that everyone knows and uses in the same unequivocal way. More importantly, ordinary speakers use this word in basically the same way as argumentation theorists – or at least in virtually the same way as

the authors of the handbook *Fundamentals of Argumentation Theory* use the term *argumentation* (van Eemeren *et al.* 1996, p. 5).

The first noteworthy property of the Dutch word for argumentation and its equivalents in other languages is that it is immediately connected with trying to resolve a difference of opinion in a constructive way by convincing the other party of the acceptability of one's standpoint – a property it has in common with the theoretical term *argumentation* (van Eemeren & Grooten-dorst 2004, pp. 11–18). Unlike the word "argumentation" in English, the Dutch word for argumentation has nothing to do with quarrelling or other negatively charged verbal activities, such as skirmishing, squabbling, bickering, wrangling, and haggling. This lack of any negative connotations allows this word to be adopted as a technical term in the theorizing without having to introduce first several artificial stipulations. A second property that makes the Dutch word for argumentation different from its English counterpart is that it refers only to the constellation of reasons put forward by an arguer in defence of his standpoint and not to the standpoint itself. The distinction that is made here is similar to the logical distinction between premises and conclusion. A third distinctive property is that the process-product ambiguity characterizing the theoretical term *argumentation* is already inherent in the meaning of the Dutch word for argumentation, whereas this is not so clearly the case in the ordinary use of the English word "argumentation."

Conceptually, the lexical meaning of the non-English counterparts of the English word "argumentation" constitutes a better basis for a theoretical definition of the theoretical term *argumentation* than that of the English word *argumentation.* What other conspicuous characteristics of argumentation must enter into the theoretical definition because they have methodological consequences for the way in which argumentation research is to be conducted? Let me summarize the four characteristics that seem vital to me. First, argumentation is a *communicative* act complex, which is realised in ordinary communication by means of functional verbal (and sometimes non-verbal) behaviour. In the theorizing this characteristic leads to the adoption of the methodological principle of "functionalization." Second, argumentation is an *interactional* act complex directed at other people, which makes argumentation part of an explicit or implicit dialogue. The accompanying methodological principle is "socialization." Third, argumentation means issuing in some way or other propositions that involve commitments for which one can be held *accountable.* The methodological principle that goes with it is "externalization." Fourth, argumentation involves by its constructive nature an *appeal to reasonableness* that derives its force from the idea of

common critical standards. This leads to the adoption of the methodological principle of "dialectification."

The methodological principles I have just mentioned are meta-theoretical in the sense that their adoption precedes the actual theorizing. They are part and parcel of the theoretical approach to argumentation that I favour, but this is not to say that all argumentation theorists share them. Functionalization is in our approach achieved by making use of the fact that argumentative discourse occurs through – and in response to – speech act performances. Identifying the complex speech act of argumentation and the other speech acts involved in resolving a difference of opinion makes it possible to specify the relevant "identity conditions" and "correctness conditions" of these speech acts (van Eemeren & Grootendorst 1984, pp. 39–46, 1992, pp. 30–33). In this way, for instance, a specification can be given of what is "at stake" in advancing a certain "standpoint," so that it becomes clear what the "disagreement space" is and how the argumentative discourse is organized around this context of disagreement (Jackson 1992, p. 261). Socialization is achieved by identifying who exactly take on the discussion roles of protagonist and antagonist in the collaborative context of argumentative discourse. By extending the speech act perspective to the level of interaction, it can be shown in which ways positions and argumentation in support of positions are developed. Externalization is achieved by identifying the specific commitments that are created by the speech acts performed in a context of argumentative interaction. Rather than being treated as internal states of mind, in a speech act perspective notions such as "disagreement" and "acceptance" can be defined in terms of discursive activities that create well-defined mutual commitments. "Acceptance," for instance, can be externalized as giving a preferred response to an arguable act that commits the respondent to not attacking the act anymore. Finally, dialectification is achieved by regimenting the exchange of speech acts aimed at resolving a difference of opinion in an ideal model of a critical discussion that is based on a critical rationalist philosophy of reasonableness.

Taking these meta-theoretical starting points into account, argumentation can be defined as follows:

> Argumentation is a communicative and interactional (speech) act complex aimed at resolving a difference of opinion for a reasonable judge by advancing a constellation of reasons the arguer can be held accountable for as justifying the acceptability of the standpoint(s) at issue.

2. The pragma-dialectical theory of argumentation

Scholars of argumentation are often drawn to studying argumentation by an interest in certain practices of argumentative discourse and improving their quality where this is called for. To be able to satisfy this interest, they have to combine an empirical orientation with a critical orientation towards argumentative discourse. This challenging combination can only be achieved if they not only examine argumentative discourse as a specimen of actual verbal communication and interaction but also measure its quality against normative standards of reasonableness. If "pragmatics" is taken to be the study of communicative and interactive language use, as is customary among discourse analysts, then the need for uniting the empirical and descriptive angle of research and the critical and normative angle can be acknowledged by construing the study of argumentation as a branch of "normative pragmatics" (van Eemeren 1986).

In normative pragmatics, argumentation scholars make it their business to clarify how the gap between the normative dimension and the descriptive dimension of argumentation can be systematically bridged, so that critical and empirical insights can be integrated. The complex problems that are at stake in this endeavour can only be solved with the help of a comprehensive research programme consisting of various interrelated components (van Eemeren & Grootendorst 2004, pp. 9–41). On the one hand, there is a philosophical component in the programme in which a conception of reasonableness must be developed and a theoretical component in which, starting from this ideal of reasonableness, a model for acceptable argumentation is to be designed. On the other hand, there is an empirical component in which argumentative reality as encountered in argumentative discourse must be investigated, qualitatively as well as quantitatively. Then, in the analytical component the normative and the descriptive dimensions must be systematically linked by enabling a theoretical reconstruction of argumentative discourse that is justified empirically. Finally, in the practical component of the programme the problems must be identified that occur in particular argumentative practices and methods must be developed to solve these problems systematically.

As it happens, the conceptions of reasonableness argumentation scholars have developed in the philosophical component of their research programme diverge from the outset, so that in the theoretical component different outlooks emerge on what is considered to be an acceptable argument. When developing our approach to argumentation, Rob Grootendorst and I were strongly influenced by Barth and Krabbe's (1982) "formal dialec-

tics" and started from a conception of reasonableness that replaces "justificationism" with a critical testing procedure (van Eemeren & Grootendorst 1984, pp. 15–18). This dialectical conception of reasonableness is associated with the (Popperian) "critical rationalist" philosophy of reasonableness, which claims that, ultimately, we cannot be certain of anything and takes as its guiding principle the idea of critically testing all claims that are made to acceptability (van Eemeren & Grootendorst 1988). As Albert (1975) has emphasized, the critical rationalist conception of reasonableness is all embracing: it pertains to *any* subject that can be the object of a regulated discussion and covers – as we would like to have it – the discussion of descriptive as well as evaluative and prescriptive standpoints.

By implementing a critical rationalist view in the theoretical component of the research programme we pursued the development of a model of critical discussion that gives substance to the idea of resolving differences of opinion on the merits by means of dialectically regulated critical exchanges in which the acceptability of the standpoints at issue is put to the test (van Eemeren & Grootendorst 1988, pp. 279–280). The outcome of the discussion between the protagonist and the antagonist depends on the critical questions asked by the antagonist and the adequacy of the protagonist's responses to these critical questions. The systematic interaction that takes place between the speech acts performed by the protagonist to defend the standpoint and those performed by the antagonist to respond critically is characteristic of the "pragma-dialectical" resolution procedure we have designed, which combines a dialectical view of argumentative reasonableness with a pragmatic view of the verbal moves made in argumentative discourse.

The model of a critical discussion we developed provides an overview of the argumentative moves that are pertinent to the development of each of the discussion stages and further the process of resolving a difference of opinion on the merits in each particular stage. Analytically, in a critical discussion four stages can be distinguished that have to be completed in a constructive way in order to be able to resolve the difference of opinion on the merits. First, there is the "confrontation stage," in which the difference of opinion is externalized from the disagreement space. Next there is the "opening stage," in which the protagonist and the antagonist of a standpoint at issue in the difference of opinion determine their zone of agreement as far as common procedural and material starting points (or "concessions") are concerned. In the "argumentation stage" both parties try to establish whether, given the point of departure acknowledged by the parties, the

protagonist's standpoint is tenable in the light of the antagonist's critical responses. Finally, in the "concluding stage," the result of the critical discussion is established.

The pragma-dialectical model of a critical discussion is a theoretically motivated system for resolution-oriented discourse. In a critical discussion, the parties attempt to reach agreement about the acceptability of the standpoints at issue by finding out whether or not these standpoints are defensible against doubt or criticism. To be able to achieve this purpose, the dialectical procedure for conducting a critical discussion cannot deal only with inference relations between premises (or "concessions") and conclusions (or "standpoints"), but should cover all speech acts that play a part in examining the acceptability of standpoints. In pragma-dialectics, the concept of a critical discussion is therefore given shape in a model that specifies all the types of speech acts instrumental in any of the stages the resolution process has to pass. Because in actual argumentative discourse speech acts are often performed implicitly or indirectly, in practice, a great variety of speech acts may fulfil a constructive role in the resolution process (van Eemeren & Grootendorst 1984, 2004).

3. The pragma-dialectical treatment of the fallacies

3.1. Criticisms of the Logical Standard Treatment of the fallacies

The acid test for any normative theory of argumentation is to what extent the theory enables us to deal adequately with the fallacies. As we all know, in the study of argumentation the fallacies have been an important object of study from Antiquity onwards. Aristotle examined them extensively, both in his dialectical and in his rhetorical studies. In the *Topics*, his treatise on dialectic, Aristotle placed the fallacies in the context of a critical debate between the attacker and the defender of a thesis in which the attacker attacks and the defender defends the thesis. The attacker can win the debate first of all by refuting the defender's thesis. Aristotle discusses correct moves the attacker can make to refute the defender's thesis as well as incorrect moves that he considers fallacious. In general, in Aristotle's dialectical perspective, fallacies are false moves employed in the attacker's efforts to refute the defender's thesis. In *Sophistical Refutations*, Aristotle deals with the false ways of refuting a thesis that he ascribed to the popular debate experts known as the Sophists – hence the epithet "sophism." In his *Rhetoric*, Aristotle discusses from a rhetorical perspective some fallacious refutations that are only apparent refutations.

The fallacies have remained a popular subject of study ever since, which led in the course of time to the discovery of a number of "new" fallacies. These newly discovered fallacies were just added to the Aristotelian list of dialectical fallacies, in spite of the fact that, largely due to the huge influence of bishop Whately, a much broader (and vaguer) logical perspective had gradually replaced the dialectical perspective. The Latin names that were given to many of these fallacies may suggest that they all stem from the classical tradition, but this is not the case: without calling it fallacious, John Locke, for instance, was the first one to draw attention to the *argumentum ad hominem.*

In 1970, Charles Hamblin caused a revolution in the study of fallacies through his monograph *Fallacies*, in which he reported how he was struck by the observed similarities in the treatment of the fallacies in the leading logical textbooks of the time. He observed that each of the textbooks presented more or less the same list of fallacies and explained the fallacies in more or less the same way, using very often exactly the same examples. Hamblin suspected that the one author was just copying the other, without any further reflection. He noted that the Logical Standard Treatment he had detected in the textbooks started from a Logical Standard Definition of the fallacies as *arguments that seem valid but are in fact not valid.* Strangely, however, the treatment of the fallacies that was actually given was in several respects inconsistent with this definition. Firstly, a great many of the fallacies discussed in the logical textbooks, such as the *argumentum ad hominem*, are in fact no arguments. Or they are arguments, such as "circular reasoning," that are certainly not invalid; and there are also cases, such as the *argumentum ad verecundiam*, in which the reason for the fallaciousness is an entirely different one than invalidity.

The revelation of these incongruities caused a lot of turmoil, although open-minded argumentation theorists recognized immediately that Hamblin was basically right. Over time they came to share most of his objections to the Logical Standard Treatment of the fallacies. At present there are not many argumentation theorists left who consider "logical validity" the sole criterion for fallaciousness. Argumentation theorists also tend to agree that including a word like "seems" in the definition of a fallacy, as happens in the Logical Standard Definition, brings in an undesirable amount of subjective psychologizing. As it happens, a certain argument may seem OK to me, but why would it seem OK to you if you happen to know that it is invalid or otherwise deficient?

However pertinent they were, Hamblin's devastating criticisms were not always so productive in practice, as can be shown by referring to two extreme

reactions. First, there were author of leading logical textbooks, such as Copi (1972), who reprinted their exposes of the fallacies without making any serious attempt to deal with Hamblin's objections. Perhaps they thought that their textbooks were doing well as it was – and what did their students know about Hamblin? The opposite extreme reaction to Hamblin's criticisms consisted of abandoning the treatment of the fallacies altogether from the textbook. From an ethical perspective this may be better, but it is clear that it does not contribute to finding an appropriate way of dealing with the problem of the fallacies. A third option that one could have imagined to be chosen as an easy way-out is maintaining the Logical Standard Definition of the fallacies and leaving all fallacies out of one's treatment that are not covered by this definition, but – encouragingly – not many argumentation theorists seem prepared to throw the baby out with the bathwater and set aside their efforts of finding a proper treatment of the fallacies just for the sake of maintaining theoretical purity.

3.2. A constructive alternative to the Logical Standard Treatment

In my view, the theorizing about fallacies has to start from a general and coherent perspective on argumentative discourse that provides a common rationale to the treatment of all fallacies. Because a theory of wrongs cannot be constructed independently of a theory of what is normatively correct, a theory of fallacies must be an integral part of a normative theory of argumentation that provides well-defined standards for *sound* argumentative discourse. The theoretical account of the fallacies should be systematically related to these standards in such a way that it is clear in all cases why the fallacies are fallacious.

In Europe two dialectical approaches to argumentation were developed in the early 1980s that constitute a constructive sequel to Hamblin's criticisms in which the fallacies are systematically related to standards for sound argumentation. These approaches were both aimed at developing a theory of argumentation that starts from a "critical rationalist" perspective on argumentative discourse in which the fallibility of all human thought is the point of departure: formal dialectics developed by Else Barth and Erik Krabbe (1982), and the pragma-dialectical theory of argumentation I developed with Rob Grootendorst (van Eemeren & Grootendorst 1984, 1992, 2004) and extended with Peter Houtlosser (van Eemeren & Houtlosser 2002, 2003, 2004). Because I concentrate on the identification of fallacies in ordinary discourse conducted in natural language, I shall use pragma-dialectics as my theoretical framework rather than formal dialectics. Pragma-dialectics links up with formal dialectics, but views argumentative discourse and

fallacies occurring in argumentative discourse in the pragmatic perspective of the communicative and interactional context in which the discourse takes place.

The simplest argumentative situation is that a speaker or writer advances a standpoint and acts as "protagonist" of that standpoint and a listener or reader expresses doubt with regard to the standpoint and acts as "antagonist." In the discussion that develops the two parties try to find out whether the protagonist's standpoint can withstand the antagonist's criticism. In this exchange an interaction takes place between the speech acts performed by the protagonist and the speech acts performed by the antagonist that is typical of what we call a "critical discussion." This interaction can, of course, lead to the resolution of the difference of opinion only if it proceeds in an adequate fashion, which requires a regulation of the interaction through *rules for critical discussion* specifying in which cases the performance of certain speech acts contributes to the resolution of the difference on the merits. It is the task of dialectical argumentation theorists to formulate these rules in such a way that together they constitute a discussion procedure that is "problem-valid" as well as "conventionally valid" (Barth & Krabbe 1982, pp. 21–22). The procedural rules proposed in pragma-dialectics are claimed to be problem-valid because each of them contributes in a specific way to solving problems inherent in the process of resolving a difference of opinion on the merits. Their conventional validity is confirmed by systematic experimental research regarding their intersubjective acceptability (van Eemeren, Garssen & Meuffels 2009).

A procedure regulating the resolution of a difference of opinion cannot be confined exclusively to the logical relations by which conclusions are inferred from premises. As a matter of course, it must consist of a system of rules covering all speech acts that need to be carried out to resolve a difference of opinion. This means that the procedure should relate to all four stages that are to be distinguished in a critical discussion: the rules for conducting a critical discussion must state all the norms pertinent to resolving a difference of opinion on the merits. In principle, each of the pragma-dialectical discussion rules constitutes a distinct norm or standard for critical discussion. Any move that is an infringement of any of these rules, whichever party performs it and at whatever stage in the discussion, is a possible threat to the resolution of a difference of opinion and must therefore – and in this particular sense – be regarded as fallacious. In this way the use of the term *fallacy* is systematically connected with the rules for critical discussion. In the pragma-dialectical approach a fallacy is thus a hindrance or impediment to resolving a difference of opinion on the merits. The specific

nature of a particular fallacy depends on *the way in which* it interferes with the resolution process.

The pragma-dialectical approach differentiates a *functional variety of norms* for judging fallaciousness. Rather than considering the fallacies as belonging to an unstructured list of nominal categories inherited from the past, as is the case in the Logical Standard Treatment, or considering all fallacies to be violations of the validity norm (as in the logic-centred approaches), different (combinations of) norms may be pertinent. A comparison shows that fallacies which were traditionally only nominally lumped together are now either shown to have something in common or clearly distinguished, whereas genuinely related fallacies that were separated are now brought together. There are, for instance, two different kinds of *argumentum ad populum*, the fallacy of regarding something acceptable because it is considered acceptable by a great many people; the one variant is a violation of the Relevance Rule that a party may not defend his standpoint by advancing argumentation that is not pertinent to that standpoint, the other variant is a violation of the Argument Scheme Rule that a standpoint may not be regarded defended conclusively if the defence does not take place by means of an appropriate argument scheme that is used correctly. Among the fallacies that were separated and are now brought together are a variant of *ad verecundiam* (using an inappropriate symptomatic argument scheme by presenting the standpoint as right because an authority says it is right) and a variant of *ad populum* (using an inappropriate symptomatic argument scheme by presenting the standpoint as right because everybody thinks it is right). When they are analyzed as violations of the same Argument Scheme Rule it becomes clear that, seen from the perspective of resolving a difference of opinion, these variants are basically of the same kind.

In addition, the pragma-dialectical approach also enables the analysis of thus far unrecognized and unnamed "new" obstacles to resolving a difference of opinion on the merits. Examples are *declaring a standpoint sacrosanct*, a violation of the Freedom Rule that parties may not prevent each other from putting forward standpoints or casting doubt on standpoints; *evading the burden of proof* and *shifting the burden of proof*, both violations of the Burden of Proof Rule that a party who puts forward a standpoint is obliged to defend that standpoint if asked to; *denying an unexpressed premise*, a violation of the Unexpressed Premise Rule that a party may not falsely present something as a premise that has been left unexpressed or deny a premise that has been left implicit; and *making an absolute of the success of the defence*, a violation of the Closure Rule that a failed defence

must only result in the protagonist retracting the standpoint and a successful defence only in the antagonist retracting his doubt (van Eemeren & Grootendorst 1992, 2004).

4. Fallacies as derailments of strategic manoeuvring

Although I can safely claim that Hamblin's criticisms no longer apply to the pragma-dialectical theory of fallacies I have just sketched, in my view, this theory is still not entirely satisfactory. The main reason is that it ignores the intriguing problem of the *persuasiveness* that fallacies may have, which is in fact why they deserve our attention. To be sure, Daniel O'Keefe's (2006) "meta-analyses" of experimental persuasion studies seem to suggest that, generally speaking, sound argumentation is more persuasive than fallacious argumentation, and the results of our own empirical research point into the same direction (van Eemeren, Garssen & Meuffels 2008, section 5). Nevertheless, the inconspicuous persuasiveness of the fallacies is such a thorny issue that we cannot content ourselves with these indications but should give this issue our undivided attention.

In the Logical Standard Definition of fallacies as arguments that *seem* valid but are not valid, the persuasiveness of the fallacies was hinted at by the use of the word "seem," but since Hamblin (1970, p. 254) issued the verdict that including this qualification brings in an undesirable element of subjectivity, the treacherous character of the fallacies – the Latin word *fallax* means deceptive or deceitful – has been ignored and the search for its explanation abandoned. This means that fallacy theorists are no longer concerned with the question of how fallacies "work," that is, why they can be successful and why they go so often unnoticed. I think that the pragma-dialectical theory of argumentation can remedy this neglect, but that, because of the nature of the problem, it can only do so if it is first enriched by insight from rhetoric.

At this juncture, it is worth emphasizing that combining rhetorical insight with dialectical insight is not as unproblematic as one might think. In spite of their initial connection in Antiquity, when Aristotle described rhetoric as the mirror image (*antistrophos*), or counterpart, of dialectic, since the Scientific Revolution in the 17th century – starting, in fact, already with Ramus – there has been a sharp ideological division between dialectic and rhetoric. This division has resulted in the existence of two separate and mutually isolated paradigms, conforming to different perspectives on argumentation, which are generally considered incompatible. Rhetoric became

a field for scholars of communication, language, and literature in the humanities and social sciences while dialectic became the province of logicians and scientists – but almost disappeared from sight after the formalization of logic in the late nineteenth and early twentieth century. Although the dialectical approach to argumentation has been taken up again in the second half of the twentieth century by Hamblin and his followers, there was for a long time – and, to a large extent, there still *is* – a yawning conceptual and communicative gap between argumentation theorists opting for a dialectical perspective and argumentation theorists with a rhetorical perspective (van Eemeren 2001). In the last two decades, however, serious efforts have been made to overcome the sharp and infertile division between dialectic and rhetoric (van Eemeren & Houtlosser 2002).

The inclusion of rhetorical insight in the pragma-dialectical theory that Peter Houtlosser and I have brought about is a clear example of an effort to bridge the gap between dialectic and rhetoric (van Eemeren & Houtlosser 2002, 2003, 2004, 2005). We started from the observation that in argumentative discourse, whether it takes place orally or in writing, it is not the sole aim of the arguers to conduct the discussion in a way that is considered reasonable, but also, and from a certain perspective even in the first place, to achieve the outcome that is from their point of view the best result. The arguers' rhetorical attempts to make things go their way are, as it were, incorporated in their dialectical efforts to resolve the difference of opinion in accordance with proper standards for a critical discussion. This means in practice that at every stage of the resolution process the parties may be presumed to be at the same time out for the optimal rhetorical result at that point in the discussion and to hold to the dialectical objective of the discussion stage concerned. In their efforts to reconcile the simultaneous pursuit of these two aims, which may at times be at odds, the arguers make use of what we have termed *strategic manoeuvring*. This strategic manoeuvring is directed at diminishing the potential tension between jointly pursuing the "dialectical" aim of reasonableness and the "rhetorical" aim of effectiveness.

Strategic manoeuvring manifests itself in the moves that are made in argumentative discourse in three aspects, which can be distinguished only analytically: "topical choice," "audience adaptation," and "presentational design." Topical choice refers to the specific selection that is made in each of the moves from the *topical potential* – the set of dialectical options – available at the discussion stage concerned, audience adaptation involves framing one's moves in a *perspective that agrees with the audience*, and presentational design concerns the selection that the speaker or writer makes from the

existing repertoire of *presentational devices*. In their strategic manoeuvring aimed at steering the argumentative discourse their way without violating any critical standards in the process both parties may be considered to be out to make the most convenient topical selection, to appeal in the strongest way to their audience, and to adopt the most effective presentation.

A clearer understanding of strategic manoeuvring in argumentative discourse can be gained by examining how the rhetorical opportunities available in a dialectical situation are exploited in argumentative practice (see van Eemeren & Houtlosser 2008). Each of the four stages in the process of resolving a difference of opinion is characterized by having a specific dialectical objective. Because, as a matter of course, the parties want to realize these objectives to the best advantage of the position they have adopted, every dialectical objective has its rhetorical analogue. In each discussion stage, the rhetorical goals of the participants will be dependent on – and therefore run parallel with – their dialectical goals, because in each stage they are out to achieve the dialectical results that serve their rhetorical purposes best. As a consequence, the specifications of the rhetorical aims that may be attributed to the participants in the discourse must take place according to dialectical stage. This is the methodological reason why the study of strategic manoeuvring that we propose boils down to a systematic integration of rhetorical insight in a dialectical – in our case, *pragma*-dialectical – framework of analysis.

What kind of advantages can be gained by strategic manoeuvring depends on the particular stage one is in. In the confrontation stage, for instance, the dialectical objective is to achieve clarity concerning the issues that are at stake and the positions the parties assume. Each party's strategic manoeuvring will therefore be aimed at directing the confrontation rhetorically towards a definition of the difference that highlights precisely the issues this party wants to discuss. In the opening stage, the dialectical objective is to establish an unambiguous point of departure consisting of intersubjectively accepted procedural and material starting points. As a consequence, the strategic manoeuvring by the parties will be aimed at establishing rhetorically procedural starting points that secure an opportune allocation of the burden of proof and combine having desirable discussion rules with having material starting points that involve helpful concessions by the other party. In the argumentation stage, where the standpoints at issue are challenged and defended, the dialectical objective is to test, starting from the point of departure established in the opening stage, the tenability of the standpoints that shaped the difference of opinion in the confrontation stage. Depending on the positions they have taken, the parties will manoeuvre strategically

to engineer rhetorically the most convincing case – or the most effective attack, as the case may be. In the concluding stage, the dialectical objective of determining if, and in whose favour, the difference of opinion has been resolved leads to strategic manoeuvring aimed at enforcing victory for the sake of the party concerned by effectuating rhetorically either the conclusion that the protagonist may maintain his standpoint in view of the criticisms that were made or that the antagonist may maintain his doubt in view of the argumentation that was advanced.

Although, in our view, in strategic manoeuvring the pursuit of dialectical objectives can go well together with the realization of rhetorical aims, this does – of course – not automatically mean that in practice the two objectives will always be in perfect balance. If a party allows his commitment to a critical exchange of argumentative moves to be overruled by the aim of persuading the opponent, we say that the strategic manoeuvring has got "derailed." Such derailments occur when a rule for critical discussion has been violated. In that case, trying to realize the rhetorical aim has gained the upper hand – at the expense of achieving the dialectical objective. Because derailments of strategic manoeuvring always involve violating a rule for critical discussion, they are on a par with the wrong moves in argumentative discourse designated as *fallacies*. Viewed from this perspective, fallacies are derailments of strategic manoeuvring that involve violations of critical discussion rules.

The difference between legitimate manifestations of strategic manoeuvring and manifestations that are fallacious is that in the latter case certain soundness conditions applying to that way of strategic manoeuvring have not been met. Each mode of strategic manoeuvring has as it were its own continuum of sound and fallacious acting and the boundaries between the two are not always immediately crystal clear. More often than not, fallacy judgments are in the end contextual judgments that depend on the specific circumstances of situated argumentative acting. The criteria for determining whether or not a certain norm for critical discussion has been violated may depend to some extent on the institutional conventions of the "argumentative activity type" concerned (van Eemeren & Houtlosser 2005), that is, on how argumentative discourse is disciplined in a particular sort of case – referring to precedent, for instance, can be a perfectly legitimate appeal to authority in a law case but not so easily in a scientific discussion. This does not automatically mean, of course, that there are no clear criteria for determining whether the strategic manoeuvring has gone astray, but only that the specific shape these criteria take may vary to some extent from the one argumentative activity type to the other.

This account of the fallacies as derailments of strategic manoeuvring explains why it may, as a matter of course, not be immediately apparent to all concerned that a fallacy has been committed, so that the fallacy may pass unnoticed. In principle, each fallacy has sound counterparts that are manifestations of the same mode of strategic manoeuvring, so that it is much more difficult to tell them apart than when the distinction involved two completely different types of categories, like when all the legitimate moves would be cats and all the fallacious moves were dogs. It is fully in line with what Sally Jackson (1995) calls the *assumption of reasonableness* that a party that manoeuvres strategically will normally uphold a commitment to the rules of critical discussion, so that a presumption of reasonableness is conferred on every discussion move – and this assumption is also operative when the strategic manoeuvring that is used is fallacious.

Deviations from the rules for critical discussion may be hard to detect because none of the parties will be very keen on portraying themselves openly as unreasonable. It is to be expected that in order to realize a purpose that is potentially at odds with the objective of a particular discussion rule, rather than resorting to completely different means, they will stick to the usual dialectical means for achieving their objective and "stretch" the use of these means in such a way that they allow the other purpose to be realized as well. Echoing the Logical Standard Definition of a fallacy, we can then say that the strategic manoeuvring involved *seems* to comply with the critical discussion rules, but in fact it does not.

5. Arguments from authority and the *argumentum ad verecundiam*

The fallacies have now been characterized as violations of rules for critical discussion that manifest themselves in derailments of strategic manoeuvring which may easily escape our attention because the derailments concerned can be very similar to familiar instances of sound strategic manoeuvring. All the same, it is of course necessary to make the distinction. To mark the importance of the distinction between non-fallacious and fallacious strategic manoeuvring most clearly, I do not use the same labels indiscriminately for the fallacious as well as the non-fallacious moves, as Walton and others do, but reserve the traditional – often Latinized – names of the fallacies, such as *argumentum ad hominem*, for the *in*correct and fallacious cases only.

Strategic manoeuvring only derails into fallaciousness if it goes against the norms for having a reasonable exchange embodied in the rules for critical

discussion. This means in practice that the argumentative moves concerned are not in agreement with the relevant criteria for complying with a particular dialectical norm. As we already observed, these criteria depend on the soundness conditions the argumentative moves have to fulfil in order to remain within the bounds of dialectical reasonableness in the argumentative context in which they are made and they may vary to some extent according to the argumentative activity type in which the moves occur.

As a case in point, while avoiding the use of technical language as much as possible, I shall briefly discuss the demarcation of non-fallacious and fallacious moves in a particular mode of strategic manoeuvring taking place in the rather open argumentative activity type of an informal conversation. The mode of manoeuvring I have chosen is defending a standpoint by advancing an "argument from authority." The argument scheme used in an argument from authority is a subtype of the argumentation known as "symptomatic argumentation," also called "sign argumentation." In the argument scheme on which argumentation of this type is based the acceptability of the premise is presented as a sign that the conclusion is acceptable through the establishment of a relationship of concomitance between the property mentioned in the premise and the property mentioned in the conclusion. Such a fixed symptomatic association is, for instance, suggested in argumentation such as "Paul must be a cheese lover, because he is Dutch," where it is stipulated that being Dutch and loving cheese always go together. In the case of an argument from authority, the transition of acceptance is guaranteed by referring in the premise to an external source that has the knowledge or expertise required for drawing the conclusion so that having a certain kind of expertise is presented as a sign that the expert's assertions are acceptable: "The competence for learning a language is innate – Chomsky says so," or (from a Nigerian spam letter) "My choosing you for helping me solve this problem is the good choice because God told me to make this choice."

Like using other arguments from sign, using arguments from authority is potentially a sound way of strategic manoeuvring. In a great many cases we are fully justified in supporting our claims by referring to an authority that is supposed to know – more often than not this is, in fact, the only sensible thing we can do. If we have sound reasons to think that the source we are referring to is indeed a suitable source to rely on in the case concerned and was to be taken seriously when the observation referred to was made, provided that it is carried out correctly, an appeal to authority can be unproblematic and may even be conclusive. In argumentative practice, however, strategic manoeuvring by means of arguments from au-

thority can also derail. An appeal to authority may in a particular case not be justified because one of the "critical questions" that are designed to check whether the criteria for assessing arguments from authority in the activity type concerned have been fulfilled cannot be answered satisfactorily so that the argument violates the Argument Scheme Rule and must be considered an *argumentum ad verecundiam* (van Eemeren & Grootendorst 1992).

In different argumentative activity types specific, and to some extent different, criteria may apply for complying with the soundness norm incorporated in the argument-from-authority variant of the Argument Scheme Rule. In the informal activity type of a conversational exchange we took as our exemplary context it is, in principle, up to the participants to decide what the conditions are for sound strategic manoeuvring by arguments from authority. For our purpose of illustration, we distinguish between three subtypes of a conversational exchange, each characterized by its own set of "institutionalized" conventions. In the first subtype, (1a) the parties in the exchange have agreed beforehand that an appeal to authority is legitimate, and (1b) the agreement allows an appeal to a specific kind of authority. If in an argumentative practice of the first subtype the conditions (1a) and (1b) are met, no *argumentum ad verecundiam* has been committed when an argument from authority is used by appealing correctly to the allowed kind of authority, and using the argument from authority may thus be regarded as sound strategic manoeuvring. In the second subtype, (2a) the parties in the discussion have agreed in the course of their exchange that an appeal to authority is legitimate, and (2b) the agreement specifies precisely what kind of authority can be appealed to. If in an argumentative practice of the second subtype the conditions (2a) and (2b) are met in the actual strategic manoeuvring, again, no *argumentum ad verecundiam* has been committed and using the argument from authority may be regarded as sound strategic manoeuvring. If, however, in the first or the second subtype conditions (1a) and (1b) or (2a) and (2b) respectively are met but the actual argumentative behaviour does not agree with one or more of the criteria instigated by these conditions, then the strategic manoeuvring derails and must be considered fallacious.

One could imagine a third subtype of an informal conversation in which (3) the parties in the discussion have not come to any agreement about the legitimacy of an appeal to authority. In an argumentative practice of the third subtype no rule for critical discussion can be violated, but the use of the argument from authority may very well introduce its legitimacy as a new topic of discussion.

The cases I just briefly discussed are dealing only with agreement between the parties about the conditions for sound strategic manoeuvring by arguments from authority in informal conversations. In some argumentative activity types such self-created agreement may indeed be a sufficient condition; for instance, when I claim in a deliberation between you and me during a game of scrabble that the word I have just laid out is an English word because it is in *Oxford Advanced Learners Dictionary* after you and I have agreed earlier that this will be our criterion for Englishness. In other argumentative activity types, however, the relevant conditions may be predetermined institutionally or will be determined by specific members of the institution. In a scientific discussion, for instance, it is the "forum" of members of the scientific community that determines what sources count as authoritative and what further conditions apply to making an appeal to such a source. It is not hard to imagine that still other conditions for sound strategic manoeuvring by arguments from authority apply to other argumentative activity types, such as a parliamentary debate or an editorial in a newspaper. In a similar fashion, other modes of strategic manoeuvring, such as assigning the burden of proof or pointing out an inconsistency in the other party's position, may have different soundness conditions depending on the argumentative activity type in which they are used, so that in different argumentative contexts different criteria apply for complying with the rules for critical discussion. This brings argumentation theory back to the context of situated argumentative discourse, and this is exactly the context in which both Toulmin and Perelman and Olbrechts-Tyteca wanted argumentation to be studied.

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