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STRATEGIC MANOEUVRING AND THE SELECTION OF STARTING POINTS IN THE PRAGMA-DIALECTICAL FRAMEWORK*

Discussion paper on Frans H. van Eemeren's "Strategic Manoeuvring Between Rhetorical Effectiveness and Dialectical Reasonableness", *Studies in Logic, Grammar and Rhetoric*, 16 (29), 2009, 69–91.

Abstract. The article analyzes strategic manoeuvring within the pragma-dialectical framework with respect to the selection of starting points in the opening stage to frame the arguments. The Terri Schiavo case is presented, which can provide interesting insights concerning this issue. I would like to show that resolution of the difference of opinion requires the resolution of a subordinate difference of opinion concerning how to label her medical state, and why discussants were not able to resolve this subordinate difference of opinion. After, the conflict that arises between critical reasonableness and rhetorical effectiveness is examined and how strategic manoeuvring aims to resolve this conflict. In the final part of the paper I argue that the problems raised can be dealt with within the framework of pragma-dialectics.

Keywords: pragma-dialectics, strategic manoeuvring, starting points, fallacies, difference of opinion

1. Introduction

The study of argumentation is a wide-ranging interdisciplinary field, and pragma-dialectical theory is one of the main driving forces behind the wide scope of research done. This article deals with the study of argumentation in a broader context and tries to position the pragma-dialectical theory of argumentation within this broader field. It gives a brief summary of the framework of pragma-dialectics on the one hand, and discusses the treatment of fallacies in the pragma-dialectical framework in general, as well as the treatment of arguments from authority and how to distinguish these from the *argumentum ad verecundiam* fallacy.

Pragma-dialectics regards argumentation as a *communicative* and *interactional act* complex where arguers interact via functional verbal behaviour

directed at other participants in the discussion. Arguers are held *accountable* for the constellation of the proposition that they put forward and they should do this in a manner that *appeals to the reasonableness* of the propositions put forward. (van Eemeren 2009, p. 72) These serve as the foundation for the meta-theoretical commitments of the pragma-dialectical theory of argumentation.

The second section of the article introduces the actual pragma-dialectical theory of argumentation. Its main goal is to combine an empirical orientation with a critical one regarding the study of argumentation, and aims to clarify how the gap between the normative and descriptive dimensions of argumentation can be systematically bridged. It distinguishes four stages: the “confrontation stage”, in which the difference of opinion is externalized; the “opening stage” in which participants select the common procedural and material starting points; the “argumentation stage” in which participants determine whether the standpoint held by the protagonist is tenable in the light of the critical responses of the antagonist given the points of departure acknowledged by participants in the opening stage; and finally the “concluding stage” where discussants determine the end result of the critical discussion. (van Eemeren 2009, pp. 75–76)

The third section of the paper deals with fallacies and how pragma-dialectical theory is capable of tackling problems previously omitted by the logical standard treatment of fallacies. Pragma-dialectics aims to give constructive solution to the treatment of fallacies, as these are systematically connected with the rules for critical discussion and the process of resolution of the difference of opinion. Any move that is a threat to the resolution process at any stage can be considered a fallacious manoeuvre. (van Eemeren 2009, p. 79)

The fourth section of the paper deals with fallacies as derailments of strategic manoeuvring. Strategic manoeuvring is the continuous effort made by discussants to represent their standpoints in the most effective way rhetorically while maintaining the requirements of critical reasonableness. In the following sections of the paper I examine these efforts in greater detail, and examine how the selection of starting points in the opening stage affects the argumentation stage.

The fifth and final section of the paper examines how we are to distinguish the fallacious *argumentum ad verecundiam* from the non-fallacious argument from authority. Both arguments rely on the expertise of the source of knowledge; however, in the case of an *ad verecundiam* fallacy, the argumentative moves concerned are not in agreement with the relevant criteria for complying with a particular dialectical norm. (van Eemeren 2009, p. 86)

2. The conflict between *critical reasonableness* and *rhetorical effectiveness*

In the following section an argument is laid out to show that there is a conflict between the conception of *critical reasonableness* and the conception of *rhetorical effectiveness*. Van Eemeren and Grootendorst (2004) differentiate two different approaches to argumentation from one another. One approach is the *epistemo-rhetorical*; the other, the *pragma-dialectical*. The aim of the first approach is to produce arguments that persuade the audience in its favour; the aim of the second is to resolve the difference of opinion in a manner acceptable to the parties involved in the discussion (van Eemeren & Grootendorst 2004, pp. 15–16).

Critical reasonableness encourages the systematic submission of the protagonist's standpoint to the critical doubts of the antagonist. The interchange of arguments and doubts results in a resolution of the difference of opinion, which is acceptable to both parties involved. Acceptance is based on the concept of inter-subjective validity. "[T]he criterion of intersubjective validity satisfies the premise that reasonableness need not necessarily be universal. In this respect, unlike geometrical reasonableness, critical reasonableness is dependent on human judgment: It is related to a specific group of people at a particular place and time" (van Eemeren & Grootendorst 2004, p. 17).

On the other hand, rhetorical effectiveness encourages the party advancing a standpoint or critical doubts to present these in the most effective way possible, so that the resolution of the difference of opinion favours their standpoint or critical doubts. Considering the roles of the discussants in a critical discussion, there is a conflict of interest present. The conflict lies between *individual interest* – to effectively persuade the audience that the given individual standpoint is acceptable despite the critical doubts addressed by the antagonist, or that the critical doubts raised indeed render the given standpoint unacceptable – and the *collective interest* – to advance a standpoint that is acceptable to all parties and resolve the difference of opinion. Discussants manifest both of these interests, thus they try both to persuade the reasonable judge of the acceptability of their individual standpoint or criticism, and they try to convince the discussion partners of the reasonableness of the given standpoint or the reasonableness of the critical doubts. Pragma-dialectics aims to show that the gap between these two can indeed be bridged with the introduction of strategic manoeuvring. (van Eemeren 2009, p. 82)

The individual interest of representing a given standpoint most effectively is best achieved if actors diverge in their argumentative moves from one another. On the other hand the collective interest in finding a reasonable standpoint is best achieved if actors in the critical discussion converge with their argumentative moves in the same direction of resolving the difference of opinion. The introduction of strategic manoeuvring tries to resolve this conflict.

“Strategic manoeuvring refers to the continual efforts made in all moves that are carried out in argumentative discourse to keep the balance between reasonableness and effectiveness” (van Eemeren 2010, p. 40). However when the individual interest of achieving effectiveness overrules the collective interest of reasonableness, the discussion becomes derailed. The question arises: how are we to maintain reasonableness while allowing the critical discussants to maintain a level of effectiveness and strategic manoeuvring in the space of argumentative discourse without violating the idea of reasonableness? Is it possible to bridge the gap between the normative and the descriptive dimensions of the study of argumentation?

3. The selection of starting points

In the opening stage of the critical discussion, participants establish the procedural and material starting points as mutually agreed upon points of departure. “[S]trategic 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.” (van Eemeren 2009, p. 83) However, it is difficult to come to terms with how any participant in a critical discussion would accept a starting point that would hinder their own rhetorical interest from representing their own standpoint to the fullest.

Rule 6 in a critical discussion considers the starting points. “No party may falsely present a premise as an accepted starting point, or deny a premise representing an accepted starting point” (van Eemeren *et al.* 2002, p. 128). When questions arise considering the selection of a starting point, discussants create a new critical discussion that is to resolve the subordinate difference of opinion which is arising. Still, there are cases possible where either of the discussants is not willing to accept certain starting points since this hinders their interest in rhetorical effectiveness, and keeps raising critical questions. Two issues are raised here: the first is theoretical and the

second is practical. The first issue is raised by Krabbe (2007), who calls it the *completion problem*. In theory participants are either unable to move on from the opening stage or even if they are, any arising conceptual controversies in the argumentation stage require discussants to return to the opening stage to settle the arising difference of opinion. The second issue is more practical and will be the focus of further discussion. It considers what happens when discussants reach an epistemic bedrock and cannot agree on the starting points for the arguments.

In the following, I will examine the discussion around about the case of Terri Schiavo, who fell into a coma. (Grady, 2005) The main difference of opinion was whether Terri Schiavo should be kept alive by artificial means or not. This gave rise to a subordinate difference opinion, on which the further analysis focuses.

The subordinate difference of opinion was whether her state should be considered a “passive vegetative state” (PVS) or a “minimally conscious state” (MVS). The difference of opinion in determining her medical condition was due to the “deeper lack of consensus what might constitute adequate procedure for determining whether, for any brain-injured patient she is in a PVS or an MCS. [...] In this way, the division over Schiavo’s neurological status looks like a deep disagreement, and thus not one amenable to a reasoned argumentative resolution” (Adams 2005, p. 71). Fogelin argues that when in deep disagreement, the rational resolution of the difference of opinion is impossible and only irrational or non-rational persuasive techniques remain available to the discussants. “[D]eep disagreements cannot be resolved through the use of argument, for they undercut the conditions essential to arguing” (Fogelin 1985, p. 5).

The question that arises when discussing this issue is: how it is possible to analyze subordinate difference of opinion in mixed disputes? Both parties represent a standpoint and both argue for their own and argue against their opponent’s standpoint. Even if parties agree in all starting points, the subordinate difference of opinion later revealed takes us back to the selection of starting points in the opening stage. If discussants are not able to settle the subordinate difference of opinion concerning the selection of standpoints in a manner that does not violate the rules for critical discussion, then the initial critical discussion becomes derailed as well.

The interesting point in the Schiavo case would be that even though discussants opted for a discussion procedure that fit the framework of pragmatodialectical theory, it is the medical evidence that proved to be inconclusive; the appropriate means of resolving the subordinate difference of opinion are absent. However one might argue that discussants might agree on a proce-

dure that could determine her proper mental state (Adams 2007, pp. 75–76), which could resolve the above subordinate difference of opinion. Still it cannot be ruled out that the premise used in the resolution of the subordinate difference of opinion is not questioned, which results in a further subordinate difference of opinion. Thus it is possible to construct another subordinate critical discussion in the opening stage concerning the selection of mutually agreed standpoints.

So basically, if discussants are not able to settle all the possible subordinate differences of opinion in a critical discussion, the resolution of the initial difference of opinion in a critical discussion is rendered impossible. In the following section I would like to argue that pragma-dialectics does not regulate how to discern labels that are acceptable to describe certain phenomena from those that are not acceptable. The initial starting points to label the arguments (the subordinate difference of opinion) determine whether the actual difference of opinion can be resolved. In order to achieve resolution either of the parties has to resign from advocating their labels which is done in a critical discussion.¹

Applied to the Schiavo case either of the parties has to resign from labelling her state (either as PVS or MCS) so that the resolution of the actual difference of opinion could continue. However, due to inconclusive evidence neither of the discussants is willing to give up their labelling of the phenomenon. This reveals that the subordinate difference of opinion concerning the starting points of the arguments used in critical discussion has to be resolved first. However if discussants are unable to do so, the dialectical impasse of deep disagreement has not been ruled out, thus rendering discussants incapable to resolve the primary difference of opinion.

Mixed disputes provide an additional challenge, since both discussants have to take up the roles of both antagonist and protagonist. Both discussants have to put forward their starting points and cast critical doubts on these, constructing further subordinate critical discussions concerning the starting points of each discussants until the resolution is complete concerning the starting points and the discussants are ready to move on to the actual argumentation stage.

4. How are we to select starting points?

What the previous analysis tried to show is that discussants have to resolve certain subordinate differences of opinion concerning the starting points that have to be mutually accepted before the actual difference of

opinion is to be resolved. Concerning the Schiavo case the resolution of the subordinate discussion concerning the starting points – how to label her mental state – is impossible due to the lack of conclusive evidence. Adams (2007) analyzes this as a case of deep disagreement which is a difference of opinion that cannot be resolved by rational means (pp. 74–75). The methodology of how the actual starting points are selected has to be explained.

In order to cope with the above objections I would suggest that the pragma-dialectical framework could be amended with meta-discussion rules that facilitate both the selection of the proper starting points used by the discussants and the resolution of subordinate differences of opinion.

The construal of accepted starting points in the discussion is bound to stand to critical doubts raised by the antagonist. However, certain questions might arise which could not be considered as critical argumentative steps that move in the direction of the collective aim of resolving the difference of opinion, but as questions serving the rhetorical interest of persuading the audience. An antagonist might continue to raise doubts concerning the starting points of the protagonist's standpoint *ad nauseam* in order to hinder the resolution process. I would consider this as an argumentative fallacy and thus a case of fallacious strategic manoeuvring despite the standpoint rule (rule 6) not being explicitly violated. It could be beneficial for further research to examine how the conception of critical reasonableness could encourage discussants to accept certain labels in order to advance the process of the resolution of the difference of opinion, and how certain seemingly critical questions primarily serve the aim of rhetorical effectiveness and hinder the resolution process.

In the Schiavo case a similar fallacy could be shown. Considering that it was a mixed dispute, both Terri's husband and her parents were participating as protagonists presenting a standpoint and as antagonists raising a critical doubt. The resulting dialectical impasse was primarily the result of the inconclusive medical evidence in the face of which neither of the discussants on the opposing sides were willing to accept the starting points of the other parties; thus, critical discussion concerning the selection of proper material starting points was hindered. Both parties could be accused of fallacious strategic manoeuvring in the subordinate critical discussion. This is clearly shown by the inability to resolve the subordinate difference of opinion in a critical discussion and her state of limbo between PVS and MCS for 15 years. Finally, her fate was decided not in critical discussion but in a federal court case.

5. Conclusion

The main aim of the paper was to show that there is a certain strategic manoeuvre in the pragma-dialectical framework that is not regulated by the rules of critical discussion. The issue of the selection of starting points was examined, and how the selection of these affects the critical discussion procedure. The case of Terry Schiavo was presented, where discussants in this mixed discussion adopt different labels to describe the same medical state. Due to inconclusive medical evidence, the resolution process of the subordinate difference of opinion resulted in a dialectical impasse. Both the discussants could be considered to have committed the *ad nauseam* fallacy, where discussants keep repeating the same arguments until either of the sides are exhausted to discuss the issue further.

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N O T E S

* I would like to thank Gábor Forrai, János Tanács, Gábor Zemplén and Zsófia Zvolenszky for their critical remarks concerning the original idea, the anonymous reviewers for their helpful suggestions and the financial support from the OTKA K 109456 grant.

¹ A label could be understood as a decision frame which is to affect the outcome of the discussion in favour of the discussant advancing the frame. For a further discussion on framing effects see Tversky & Kahneman (1981) and Corner & Hahn (2010).