

Rhetoric and Dialectic from the Standpoint of Normative Pragmatics¹

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ABSTRACT: Normative pragmatics can bridge the differences between dialectical and rhetorical theories in a way that saves the central insights of both. Normative pragmatics calls attention to how the manifest strategic design of a message produces interpretive effects and interactional consequences. Argumentative analysis of messages should begin with the manifest persuasive rationale they communicate. But not all persuasive inducements should be treated as arguments. Arguments express with a special pragmatic force *propositions* where those propositions stand in particular inferential relations to one another. Normative pragmatics provides a framework within which varieties of propositional inference and pragmatic force may be kept straight. Normative pragmatics conceptualizes argumentative effectiveness in a way that integrates notions of rhetorical strategy and rhetorical situation with dialectical norms and procedures for reasonable deliberation. Strategic effectiveness should be seen in terms of maximizing the chances that claims and arguments will be reasonably evaluated, whether or not they are accepted. Procedural rationality should be seen in terms of adjustment to the demands of concrete circumstances. Two types of adjustment are illustrated: rhetorical strategies for framing the conditions for dialectical deliberation and rhetorical strategies for making do with limitations to dialectical deliberation.

KEY WORDS: argumentation, dialectic, discourse analysis, fallacy, rhetoric

1. RHETORIC AND DIALECTIC FROM **THE** STANDPOINT OF NORMATIVE PRAGMATICS

Rhetoric and dialectic have long been understood as two contrasting approaches to the use of reasoning through discourse. Rhetoric has been generally understood to be a unilateral process by which a speaker undertakes to persuade an audience. Its paradigm case involves monologue and text. Dialectic has been taken to represent a bilateral process by which two parties undertake to reach a consensus. Its paradigm case involves dialogue and debate.

Rhetoric adds motivational appeal and linguistic style in order to animate the inferential forms and propositional content of logic. Dialectic adds institutional commitments and deliberative format in order to test inferential forms and propositional content. Dialectic searches for truth; rhetoric makes truth effective.

Rhetoric is a structure of identification, dialectic a structure of opposition. The materials of rhetoric are symbolic inducements; the materials of dialectic are pragmatic acts. The tendency in rhetoric is to situate; the tendency in dialectic is to transcend.

Traditionally, the emphasis on audience adaptation in rhetorical theory has encouraged extrinsic standards for judging argument quality in terms of persuasive outcome. The emphasis on methodical practice in dialectical theory has encouraged intrinsic standards for judging argument quality in terms of procedural implementation. Rhetoric tends to be relativistic in epistemic orientation, dialectic to be critical.

Rhetoric is ordinarily thought of as a practical art, dialectic as a technical one. Critics tend to attack rhetoric as ornamentation, bombast, seduction; they fear cynical sophistry. Critics tend to ignore dialectic as arcane and esoteric technique; they dismiss it as merely a peculiar curiosity. The dark side of rhetoric lies in its power over people; the dark side of dialectic lies in its lack of it.

Still, there is much that the two approaches share in common – beyond their persistent inability to escape the long shadow of formal logic. Both see argumentation as a social activity and emphasize its functional design in managing controversy and disagreement. Both conceptualize argumentation as actual language use. Both locate the rationality of argumentation in the process of overcoming doubt and answering objections. And both have shown a keen interest in the institutional structuring of the conduct of argument, whether one think of this in terms of spheres, fields, genres, dialogue types, or simply argumentation formats. Certainly there are enough differences within the traditions of rhetorical and dialectical study to think that it may be less important to emphasize the differences between these two approaches than it is to find a way to organize their common themes (cf. van Eemeren and Houtlosser, this issue; Leff, 1998).

Elsewhere (Jacobs, 1998) I have suggested what I think is a useful way to organize those common themes: think of the study of argumentation as part of ‘normative pragmatics’ (van Eemeren, 1990; van Eemeren and Grootendorst, 1974). Such a perspective would be a profitable way to think of argumentation studies for two reasons. First, treating argumentation as normative pragmatics would focus attention on the communicative properties of actual argumentative messages. Second, it would focus attention on analysis and assessment of the functional properties of argumentation as an activity. In this essay I want to use those themes to show how normative pragmatics provides a kind of ‘third term’ that might synthesize the differences between dialectical and rhetorical theory in a way that saves the central insights of both.

2. ARGUMENTS AND MESSAGES

One of the basic assumptions of a normative pragmatic approach to argument is that arguments invite assent (or not) by virtue of what gets communicated as a message. Messages have manifest strategic designs. They have effects on people, and those effects are mediated in important ways by how people interpret message meaning. Messages, then, can be thought of as projecting through their communicative meaning a kind of functional rationale for persuasion. You can look at a message and part of what you can see is an assembly of plausibly intended effects that work to achieve some persuasive outcome.' And analysts can look and figure out such things at least in part because persuasion works by putting such things out to be seen (Bach and Hamish, 1979; Grice, 1989; Schegloff and Sacks, 1973, p. 290). Of course, what gets communicated as a message is a complex inferential construction based not just on what was said, but also on the way it was said, *when* it was said, *who* it was said *to*, *by whom*; all in contrast to what could have been said but was *not*. Suffice it to say that modern theories of discourse tell us that there is a lot more to the meaning of a message than what can be extracted from a collection of sentences by rules of syntax, semantics, and logic.

2a. *Rhetoric and dialectic*

Neither rhetorical nor dialectical traditions of analysis have fully capitalized on their common insight that argumentation occurs as a discursive process. On the one hand, rhetorical theorists have quite properly focused on the manifest design for persuasion that is communicated in argumentative discourse. An emphasis on the strategic design of messages lies at the heart of rhetorical analysis. I think that is exactly where any argumentative analysis of discourse must begin. Argumentative discourse persuades or not-by virtue of the message communicated, and the meaning of the message implicates a complex of interpretive effects and interactional sequels that can be thought of as the manifest persuasive design.

But rhetorical theorists have also tended to think of *any* mode of communication as an argument if it functions to gain assent. And that just will not do. Maybe, following Burke (1950, p. 43) we can define *rhetoric* as 'the use of language as a symbolic means of inducing cooperation,' but we shouldn't follow Willard (1976, p. 317) and define an argument 'as simply any act of conjoining symbolic structures (propositions or otherwise) to produce new structures.' Arguments are one way of gaining assent. They are one mode of symbolic inducement. But not all symbolic inducements are arguments, and arguments are not the only way of gaining assent. Recognizing the difference is what animates evaluation of particular cases: As argumentation critics we are interested in whether or not assent was induced by reasonable means. Exploring the difference allows us to

confront our theories of reasonable discourse with empirical data: As argumentation theorists we must be interested in accounting for discursive acts that seem intuitively reasonable but are deemed unreasonable by theory and vice versa.³

I take it that the central concern of any theory of argumentation as reasonable discourse will be with a particular aspect of the informational content of a message. It's what we think of as the arguments that get made (O'Keefe, 1982). And arguments have some distinctive properties – properties that are crucial to their privileged status as modes of gaining warranted assent, *reasoned* adherence, *voluntary* and *informed* acceptance. Arguments are fundamentally linguistic entities that express with a special pragmatic force *propositions* where those propositions stand in particular inferential relations to one **another**.⁴ If you cannot explicate from a message such propositional assemblies and modes of expression, the message is not an **argument**.⁵ And part of the reason, I think, for this tendency in the rhetorical tradition to reduce arguments to symbolic inducements is a lack of any systematic attention to how messages might or might not function to express the kind of informational assemblies associated with argumentative content. Without systematic theoretical modelling, it looks like there is nothing systematic to model.

On the other hand, dialectical theorists have tended to see nothing but arguments in messages. They have tended to neglect information in messages that does not express assertive force, propositional content and canonical inferential structure. And when they have tried to extend their interests to ordinary language, they have tended to take all too readily (and literally) any utterance as (directly or indirectly) expressing an assertion in declarative sentence form if it can be at all taken that way. Now, the motive for this is simple enough: These are the kinds of functions, contents and structures that are prescribed for model forms of reasoning. And refining such models had been a central concern of argumentation theorists working out of traditions that have come to embrace dialectical analysis. So that is what dialectical analysts look for.

But first and foremost the argumentation analyst must describe the persuasive design of a message – the strategic rationale for arrival at a conclusion that is manifested in a text. The approach of the argumentation analyst must be to *first* ask, if this message 'works' to persuade, how does it do it? On what basis does it invite assent to some **proposition**?⁶ And answering this question is something different from presumptively describing message content as the arguments that are manifested (implicitly or explicitly) in a text.'

Why must that question be first and foremost? Because (somewhat paradoxically) the *descriptive* interest of an argumentation analyst is *normatively* motivated by an interest in *evaluation*. We want to assess the degree to which a message invites *warranted* assent, *reasoned* adherence, *informed* and *voluntary* acceptance. And to make that assessment requires that **eval-**

uation be analytically independent of description. Standards for good argumentation cannot be evaluatively applied to their objects if those standards are presupposed in the very description of their objects (see van Eemeren, Grootendorst, Jackson and Jacobs, 1983, ch. 3).

And that is one of the real dangers in the dialectical tradition, especially as dialectical theory looks toward formal and informal logic for its conceptualization of message form and content: There is a strong impulse to 'rationalize' messages in ways that overlook strategic technique. There is a decided tendency to describe what is being said in terms of normative models of what should be said or else to ignore it altogether. Either way, non-argument and bad argument (the distinction is often fuzzy) tend to get ignored when messages are described in presumptive model form. What follows from this method of representation is not a charitable interpretation, but an ironic puzzle. The product is what could have been said, but wasn't. The puzzle is, why wasn't it said that way in the first place?

I think at least part of the answer to that question can be found by turning to neo-Gricean theories of linguistic pragmatics (Atlas, 2000; Davis, 1998; Green, 1996; Horn, 1984; Leech, 1983; Levinson, 1987, 2000; Sperber and Wilson, 1986). The short answer given by these theories is that the reason what was reconstructed by the analyst was not said is that something more or less (or something else) was being conveyed. And the way it did get conveyed was the most fitting manner of packaging the information given the demands and purposes of the situation? Sometimes those demands and purposes are compatible with the purpose of achieving warranted acceptance, reasoned adherence, or voluntary and informed assent. But sometimes they are not.

And just as pragmatic theories provide a more balanced grounding for dialectical reconstruction of messages, I think that this kind of viewpoint better allows analysts to explore just how rhetorical message strategies might and might not fully and exclusively satisfy the normative demands of model arguments. Not all rhetorical strategies involve arguments, but all arguments involve rhetorical strategy and all rhetorical strategies involve language use. And all language use is organized by inferential and strategic principles - the domain of pragmatics. **Pragmatics** provide the common analytic framework within which what is communicated may be compared and contrasted to what should have been argued.

2b. *Examples*

To see all of this more clearly consider some examples. Consider first a magazine advertorial sponsored by the Philip Morris tobacco company.

Pretty clearly this is a complex argument designed to substantiate Philip Morris USA's avowed claim that they don't want minors to have access to cigarettes. According to the ad, the reason they don't want minors to have access to cigarettes is because 'Kids should not smoke.' The ad then

Kids should not smoke

Our position on underage smoking isn't hard to understand.

At Philip Morris USA, we don't want minors to have access to cigarettes. Minors shouldn't smoke. Period.

The question is, what are we doing about it?

We're fully committed and working hard to prevent minors from having access to cigarettes. That's the goal of our *Action Against Access* program.

For instance, we don't distribute free sample cigarettes – or send cigarettes to consumers by mail. And we're proposing that access to cigarette vending machines be restricted to adults.

We've joined with retailers, wholesalers, and other major cigarette manufacturers to support an ambitious new program which will provide stores across the country with signs and educational materials to promote awareness of minimum-age laws and the importance of checking ID.

We're also supporting the passage of state legislation to more effectively enforce minimum-age laws.

These are just some of the things we're doing to help prevent underage smoking. We don't claim that any one of them is an answer by itself.

But they all help keep cigarettes away from kids.

And that's the best way to keep kids away from cigarettes.

PHILIP MORRIS USA

Action Against Access.

Example 1.

goes on to back up the sincerity of their avowal with arguments that Philip Morris is working hard to prevent minors from having access to cigarettes.

One could reconstruct in much more detail the argumentative content of the text, but I want to call attention to something else: What, if anything, is the argumentative relevance of the fact that the editorial box is framed by a bright yellow border together with a header and footer that look like something drawn in red crayon by a very young child? (It was not possible to preserve the colored elements in the figure of the example 1.)

I would suggest that these features are not something that should be erased or ignored in an argumentative reconstruction of the message. They play an important part in its persuasive design. These features implicate a definition of terms used in this advertorial: What Philip Morris means by 'kids' and 'minors' are very young children – presumably those in the age range that would draw with crayons and have not yet learned that bright yellow colors are not cool. Otherwise, the advertisers would not have put into the ad these unusual features with their obvious associations. What is more, we should notice that this definition of terms is only insinuated. It is conveyed off-record (Brown and Levinson, 1987) so that while a

proposition is conveyed, it is not conveyed openly. Philip **Morris** has not committed themselves to having put forward any such ‘usage declarative’ (van Eemeren and Grootendorst, 1992).

So there is a kind of (uncooperative) double message here. The content of the editorial would seem to apply to kids in the **12- to 15-year** old age group – those most vulnerable to long-term addiction and the age group which is the subject of the public controversy over tobacco company **pro-motional** practices. But the background framing would seem to cancel this interpretation. So, if you are a 12- to U-year old, and you read this ad, you don’t have to take it as applying to you because you’re not a little baby that draws with crayons. In fact, double messages seem to be a common strategy in tobacco company editorials on the topic of under-age **smoking** (see the R. J. Reynolds advertorial analyzed in van Eemeren, Grootendorst, Jackson and Jacobs, 1997, and van Eemeren and Houtlosser, this issue).

So, here we have an argumentative message. Its manifest persuasive design can be displayed within a pragmatic framework. That design includes a rhetorical tactic whose means are pretty clearly outside the scope of any ordinary concept of argument and probably wouldn’t even be noticed by someone trying to reconstruct the argument. But that tactic has a real if subtle impact on the nature of the argument that gets made.

Consider also a second advertisement, this one for Oil-Free Oil of Olay Beauty Fluid that appeared in *Mademoiselle Magazine*.

This example contains verbal text that can be readily enough taken as

Pass the moisture.
Hold the oil.
Thanks.
That’s perfect.
Oil-Free Oil of Olay.
No oil.
No grease.
No big words clogging
your pores.
Moisture so compatible
with your young skin it
starts to smooth,
soften in a flash.
Brings out your natural glow.
Dermatologist tested.
soooooooooooooooooo.
What are you using?
Oil-Free
Oil of Olay.
Your skin
knows
it works.

Example 2.

making an argument to the effect that you should use Oil-Free Oil of Olay because it moisturizes skin to make it smooth, soft and glowing, and because it contains no oil. Again there is a juxtaposition of visual and verbal information. The verbal text runs down the left side of the page beside the face of a teen-age girl whose porcelain-perfect skin is presumably a result of or at least an illustration of the dermatological powers of this beauty fluid.

The question I want to ask is why should the claim that the product is free of oil be a reason for the target audience (teen-age girls) to accept the claim that they should use this type of Oil of Olay? That this product claim is a reason for product use is presented clearly enough in the early passages: 'Pass the moisture. Hold the oil. . . . Oil-Free Oil of Olay. No oil. No grease. No big words clogging your pores.'

Since we have a reason-for-claim here, we ought to be looking for a missing premise and its backing. Presumably we have some kind of argumentation scheme working with an assumption of (un)desirable consequences. But why should we assume that lack of oil has desirable consequences? A number of potentially implicit reasons come to mind: that oil leaves a slimy film on your skin which is uncomfortable, that oil on your skin is shiny and looks bad, that oil can irritate your eyes, that oil on your skin leaves stains on your clothing – so Oil-Free Oil of Olay won't do that.

But I don't think that is really the reasoning this ad invokes. Everybody knows that teen-age girls are concerned about oil because they assume oil causes pimples. And pimples are undesirable. This is a standing concern that teen-age readers bring to topics like skin care, and this ad uses a series of words and phrases that play directly to that concern. Reference to 'oil,' 'grease' and 'clogging your pores' would readily activate just this frame of reference. A teenage reader would naturally infer that Oil-Free Oil of Olay won't cause pimples.

But nothing in the ad comes out and actually claims this. Nothing else in the ad even strongly alludes to this. The clear, pimple-free complexion of the model and the statement that the product is 'Dermatologist tested' are compatible with such a product claim, but there is no positive indication that either the picture of the model or the statement bears this kind of relevance. And the reference to words and phrases like 'natural' and 'compatible with your young skin' are actually referring to quite different issues.

Attributing to the argument assertion of the unexpressed proposition 'Oil of Olay won't cause pimples' leaves us in an ironic position: What **you** get in the reconstruction is what could have been said, but wasn't. Well, why not? Why was the ad said in the way that it was? Why is there no explicit mention of pimples? Why is it 'big words' that clog pores, and not skin-care products?

I think the answer has to do with the **pragmatics** of message design: Saying these things in this way amounts to a way of achieving one **inter-**

pretive effect on the audience (they infer Oil-Free Oil of Olay won't cause zits) without creating others (the kind of communicative commitments brought on by asserting the inferred proposition). The inference is all achieved through word associations and audience attributions that stop just short of establishing a framework of public communication. Now there are lots of motives for why a communicator might do that. But there is one consequence manifestly built into this kind of design: Nobody can hold Oil of Olay accountable for committing themselves to the proposition that their product won't cause zits. There is just enough wiggle room for plausible **deniability**.⁹

Finally, consider an **advertorial** by the R. J. Reynolds Tobacco Company that was published in various American magazines as part of a general

**Smoking in public:
Let's separate fact
From friction.**

There has always been some friction between smokers and non-smokers. But lately this friction has grown more heated.

The controversy has been fueled by questionable reports which claim that 'second-hand smoke' is a cause of serious diseases among non-smokers.

But, in fact, there is little evidence - and certainly nothing which proves scientifically - that cigarette smoke causes disease in non-smokers.

Skeptics might call this the wishful thinking of a tobacco company. But consider the scientific judgment of some of the leading authorities in the field - including outspoken critics of smoking.

For example, in 1983 the organizer of an international conference on environmental tobacco smoke (ETS) summarized the evidence on lung cancer as follows: 'An overall evaluation based upon available scientific data leads to the conclusion that an increased risk for non-smokers from ETS exposure has not been established.'

Even the chief statistician of the American Cancer Society, Lawrence **Garfinkel**, has gone on record as saying, 'passive smoking may be a political matter, but it is not a main issue in terms of health policy.'

Which brings us back to our original point: cigarette smoke can be very annoying to non-smokers.

But how shall we as a society deal with this problem?

Confrontation? Segregation? Legislation?

No. We think annoyance is neither a governmental problem nor a medical problem. It's a people problem.

Smokers and non-smokers have to talk to one another. Not yell, preach, threaten, badger or bully. Talk.

Smokers can help by being more considerate and responsible. Non-smokers can help by being more tolerant. And both groups can help by showing more respect for each other's rights and feelings.

But eliminating rumor and rhetoric will help most of all.

Because when you stick to the facts, it's a lot easier to deal with the friction.

R. J. Reynolds Tobacco Company

public advocacy campaign from spring 1984 to spring 1985. This particular advertorial is the last in a series of five such ads all purporting to show that ‘there is little evidence – and certainly nothing which proves scientifically – that cigarette smoking causes disease in non-smokers.’

I want to focus here on an excerpt that follows introduction of a new issue: ‘Which brings us back to our original point: cigarette smoke can be very annoying to non-smokers. But how shall we as a society deal with this problem?’ Specifically, consider what is being conveyed by offering in response to this question questions that Pomerantz (1992) would call candidate answers (‘Confrontation? Segregation? Legislation?’).

Of the three candidates offered, legislation is really the target issue for this ad – and for subsequent advertorials in the whole series. None of the three candidates are posed as serious answers to the issue of how we should deal with the problem of smoking in public. All three are clearly posed as rhetorical questions. The answer to each question (‘No’) is projected-before we ever read the next line and its subsequent argumentation. So we ought to be able to see that this line in *itself* conveys the proposition ‘We should not deal with the problem of public smoking through legislation.’ Moreover, we ought to be able to see that this line conveys a sense of obviousness to the proposition. Dismissal by virtue of simple commonsense hangs in the air before we ever read any further ad copy. Adherence is invited before we ever get to the denial and argumentative reasoning in the next line. How is that done? What’s the design manifest in the message?

I think adherence is invited by virtue of message meanings intrinsic to the manner in which the candidates are posed in the first place. Part of this involves the content of the candidate possibilities. The terms ‘confrontation’ and ‘segregation’ are already infused with highly-charged negative connotations, so any reader will quickly hear the author to be constructing **strawmen** that no morally serious person would intend to be seriously suggested. The candidates also come in a list of three. A list of three is a standardized pattern of presentation that tends to create a holistic perception of internal coherence and a sequential movement toward climactic completion (Atkinson, 1984). Moreover, all three terms have **common** syllabic structures as well as common suffixes. They sound the same. Taken together, all these tactics converge to invite a reader to take the negative moral connotations associated with the first two terms and attribute them also to the third term in the set. And the sequential ordering insinuates that a proposal of legislation should be dismissed out of hand just as confrontation and segregation should be. In other words, by the end of this line of questions, the question of legislation already appears to be something that shouldn’t even be open to serious consideration.

So, there is a proposition at stake here (we should not deal with the problem of public smoking through legislation), and acceptance of that proposition is being invited by inferences to message meaning, but adherence to that proposition is not being justified by any kind of real argument.

It would be a mistake, for example, to reconstruct all this as some kind of implicit argument by analogy. Perhaps that is the kind of argument that should be made, but it is not being made here.

Moreover, just because there is an argumentatively relevant proposition being rather transparently expressed by a rhetorical question, it would be a mistake to think that the utterance ‘Legislation?’ can be reconstructed as just an indirect assertion of the proposition ‘We should not deal with the problem of public smoking through legislation.’ After all, then why not just make such an assertion directly? I think the answer is that such an assertion isn’t all that is being done. In fact, it isn’t really what you are doing at all when you ask this kind of rhetorical question. These rhetorical questions substitute for canonical assertions, and the difference in the work they do makes an important contribution to the persuasive design manifest in the text.

Specifically, within a dialectical framework a negative assertion commits the speaker to the pragmatic presuppositions that a listener, acting as a rational judge, might not accept the proposition at face value (it’s contrary is potentially acceptable); and that the speaker believes the proposition is acceptable and believes it is justifiable. In other words, the acceptability of the propositional content of a negative assertion is not obvious, it would be rational to doubt it, and it might need defense.” But that is not what is conveyed by these rhetorical questions. We do hear a commitment to the presupposition that *someone* might not accept the proposition (and might propose the counterproposition). But we also hear conveyed a commitment to the effect that the acceptability of the proposition should be obvious. And, that anyone who would not accept the proposition as *obvious* is not rational. So, we get a rather perspicuous packaging of a complex message that is rather different from what gets packaged in the normatively presumed assertions that a dialectical model might read into the utterance.

I think those commitments are important elements in the rationale for persuasion manifest in these rhetorical questions (and are a good reason to view the cooperative character of such acts with suspicion). Specifically, these rhetorical questions have the effect of reframing the nature of the dispute itself. The author and reader are not cast as antagonist and protagonist here. They are presumed to share a common viewpoint in contrast to these morally defective agents who might actually put forward these possibilities as serious proposals. And the apparent argumentation that follows is not so much a dialectical engagement as it is an exercise in **agonistic** combat with those agents (Jacobs, 1989).¹¹

2c. Summary

The point to see in these three examples is twofold: First, a focus on argumentative content as propositional structures and assertive acts should not blind us to the symbolic inducements manifest in a message. Argumentative

analysis of messages cannot proceed without robust attention to all the sorts of things ordinarily thought of as rhetorical strategy and technique. That's what we've been looking at in these examples. Our descriptive procedures cannot be limited to using analytic categories prescribed by an ideal model of argumentative form and conduct. Departures from the model need to be noticed. We need to comprehensively take into account everything discourse offers as materials for constructing message meaning; not only its 'content' but also its organizational arrangement and expressive form (cf. van Eemeren, Grootendorst, Jackson and Jacobs, 1993, ch. 6).

But the second point is this: Just because there are symbolic inducements in a message does not mean that those inducements are arguments, or that models of reasoned argument are irrelevant to interpretation and assessment. Crayon drawing and yellow borders convey information, but they do not constitute argumentative acts. Activating cultural connotations of grease and clogged pores with pimples and dissociating **those connotations** from a **skincare** product is not the same as making the argument that the **skincare** product avoids grease and clogged pores and so will avoid pimples. Inviting perceptions of class coherence in a list of three **terms** with common suffixes is not the same as arguing that what is referred to by those terms all share common properties. But it is precisely recognizing this difference between inducement and argument that allows a basis for assessing the degree to which the rationale for persuasion manifest in a message lives up to standards of reasoned deliberation.*

3. ARGUMENTATION AND FUNCTIONS

Normative **pragmatics** also **focusses** attention on the analysis and assessment of the functional properties of argumentative messages. Modern pragmatic theories of language use all take as their starting point the idea that language use is contextually adjusted as a multifunctional design. All language use occurs against the backdrop of some concrete context in which it faces multiple, competing demands. Communication is an activity that gets things done; not just a thing done.

This idea is quite compatible, in principle, with both rhetorical and dialectical traditions of theorizing. Both rhetorical and dialectical theories see argumentative discourse as a means of achieving (mutual) assent in a context of controversy. And that function is widely understood to be properly assessed with some eye toward the way in which discourse satisfies the demand that this be done in a reasonable fashion. But again, I want to suggest that neither rhetorical nor dialectical traditions of assessment have adopted a completely satisfactory stance toward the functional design of argumentation.

3a. *Rhetoric and dialectic*

On the one hand, the great strength of rhetorical analysis has been an emphasis on the practical demands of real situations. Adaptation to situation is an essential feature of the rationality of argumentation – and not merely some deviation from rational ideals. Reasonable argumentation is argumentation that makes the best of the situation. Ideal argumentation is not discourse that occurs in some ideal speech situation abstracted away from its conditions of use; ideal argumentation is realistic. Ideal argument is argument that is a fitting response to the circumstances of its occurrence. It is discourse that most fully realizes the possibilities in the particulars of an actual situation.

Still, as Schiappa (1995) has observed, despite the better impulses of rhetorical theorists, a distinctively rhetorical analysis of argument usually reduces to an issue of *effectiveness*. This is the danger behind the old slogan that rhetoric makes truth effective. While few rhetorical analysts today accept in theory this understanding of the rhetorical function of argument, they tend to accept it in practice. The evidence and standards for assessing situational appropriateness or adaptation to a situated audience are too easily found simply in whether or not the advocated position is believable and appealing to the audience or whether or not it leads to concerted action. And this analytic reduction of the functional demands incumbent on argumentation is just too simple.

Of course, when argument quality is assessed in this way the issue of fallacies makes little sense. Fallacies, by definition, are argumentative moves that seem good, but in fact are not. People know that they can be tricked, deceived, sidetracked, or lulled into accepting or rejecting claims that they should not and would not in better circumstances. An argument may seem reasonable (or unreasonable); that does not mean that it is what it seems-. Using a standard of audience judgment has to be qualified to acknowledge this uncertainty.

On the other hand, the real insight of dialectical theory has been to point to the importance of procedural formatting in providing for the rationality of argumentative decision-making. On this view, the rationality of argumentation is secured by procedures that maximize opportunities for critical examination of arguments; that provide for the fullest disclosure of the basis for competing standpoints; that encourage full and open exploration of alternative points of view; that channel argumentation into constructive clash and extension.

In a dialectical model, the security of knowledge claims comes from the security of the procedures by which the basis for claims have been tested. The most solid claims are those that stand up to the fullest assessment of the arguments made for and against them; the best arguments are those that withstand the most open critique; and the most secure pro-

cedures for deliberation are those that maximize the possibilities for self-correction.

In contrast to a rhetorical assessment of argument quality, a dialectical approach would suggest that what really counts in determining good arguments is not just whether people decide there is good reason to be persuaded by an argument, but whether people have been persuaded (or not) under conditions that **make** their decision trustworthy. And in contrast to a logical approach, dialectics would suggest that what really counts is not just whether arguments are in fact sound, but whether people are in a position to be able to *tell* whether the arguments are in fact sound. As Johnson (1996b) has aptly put it, the rationality of argumentation should be **manifest**.

But, how these functional qualities might be embodied in actual institutions and concrete practices remains an open issue in dialectical theory (cf. Blair, 1998; Walton, 1998). As van Eemeren et al. (1993) note:-

Hence, one challenge for the theory proposed here is to give an account of argumentation occurring under less-than-ideal conditions and conducted by less-than-ideal participants. . . . One direction for such an extension might be toward elaboration of a concept of argumentative strategy. Strategy may seem irrelevant to the concerns of normative theory. Compared with the theoretical picture of ideal discussion conducted under ideal conditions, the concept of strategy evokes images of evasion, concealment, and artful dodging. Such things are and should be excluded from an ideal model of critical discussion, but strategy also encompasses means employed to enforce an ideal in the face of **nonideal** conditions (p. 173).

Particularly problematic is the prospect that the complexities and contingencies of multiple competing situational demands might demand altering the very norms of reasonableness that ideal dialectical models posit (cf. Walton, 1998; Walton and Krabbe, 1995). Where argumentative tactics adjust to less than ideal circumstances, the tendency is still to see the argumentation as somehow **defective**.¹³

One of the real insights of normative pragmatics is to see argumentation as a self-regulating activity. Its effects include enhancing or diminishing the conditions of its own reception. Argumentative discourse can function not merely to persuade, but also to encourage mutual, voluntary, free, comprehensive, open, fair, impartial, considered, reasoned, informed, reflective, and involved engagement. On this view, the problems of how to determine the substance of good reasons, the form of good reasoning, and the status of any conclusion are all, to large degree, left open to those deliberating the issue.¹⁴ As mentioned earlier, the focus of argument assessment shifts to a meta-problem: to what degree is argumentation conducted in a way that we can trust people to be acting as rational judges? So, for normative pragmatics, the **effectiveness** of argumentation is to be judged in terms of whether or not the discourse puts interlocutors in a position to decide if claims should be reasonably accepted or rejected; not whether or not interlocutors accept some claim, or even come to agree on its

(un)acceptability. Such a standard makes a decisive break from identification of argument functions with the intentions and interests of individual arguers.

Moreover, this kind of assessment is a practical matter relative to concrete circumstance because argumentation must proceed relative to the contingencies, possibilities and limits of actual situations. Assessment must take into account available strategy, and not just general norms. It must take into account institutional practices, and not just inferential schemes. And assessment must always be sensitive to the way in which argumentation must work within a context of limited information, imagination and time, questionable motive, vested interest, complex social arrangements, and so forth. And we must remember that strategies and practices are subject to invention and application. And invention and application will always be an open-ended and relative matter. Strategies and practices can never be listed exhaustively ahead of time and their suitability to circumstance will always be approximate.

3b. *Examples*

To see all this more clearly, consider some more examples. Specifically, these are examples of argumentative strategies that someone might easily take to be fallacies relative to some ideal context or norm. I want to defend them as reasonable moves under the circumstances.

The first example is a full-page newspaper editorial on the partial-birth abortion controversy. The lead-in headline is centered in an area of nothing but whitespace that occupies 80% of the entire newspaper. The 283 word editorial appears in three columns at the very bottom of the page. The ad was distributed nationwide the Friday before Mother's Day and appeared in the same section as several full-page ads, each showing a picture of a mother kissing and holding a baby in her arms.

I -want to focus on the two sentence headline. It takes little imagination to see that an argumentation critic might find here an objectionable use of an emotional appeal based on prejudicially loaded language that more or less 'poisons the well' for opponents, shuts down in an audience critical scrutiny of the issues, and rather actively discourages debate altogether.

Most lists of fallacies in argument textbooks reserve a prominent place for emotional appeals. They are usually seen as a kind of irrelevant contribution that distracts an audience from factual considerations. If they are not condemned outright, the reader is warned to view them with deep suspicion. While some authors concede that emotional appeals might not be too bad if they are not too severe (i.e., if they are not really much of an emotional appeal), they are still merely tolerated and are rarely granted any constructive role in the deliberative process (though see Walton, 1992). Loaded language is another commonly listed fallacy. The main problem seems to arise when terms and phrases are used in a way that has a con-

**Killing mostly-born infants
with a pair of scissors.
We're *debating* this?**

This is not a bad dream. It's real. Every year, thousands of infants are forcibly dragged **from** their mother's wombs, then killed. Brutally. And our nation is actually debating whether or not this should be allowed to continue.

Congress calls this 'procedure' partial-birth abortion. Doctors say it's never medically necessary, and is even dangerous for the mothers. As religious leaders, we say it's infanticide. And morally bankrupt.

This is a defining moment for America. We stand on the brink of a moral abyss. Others once stood on that brink – others who tolerated the killing of innocent people, including children. It happened in Germany half a century ago. It has happened in Russia, China and Cambodia. It's happening in Rwanda today. What will historians say about us if we cannot summon the moral will to ban the killing of infants, moments before birth?

When we first hear of atrocities, our natural reaction is disbelief, then outrage. But so many lies get told and repeated, it becomes hard to know what's true. Eventually, we tune it out. Sadly, that's all it takes. Good people, confused, and with little **time** to sort things out, sit on the sidelines.

The truth is in your heart. Listen to that small voice within. For the sake of the littlest children, speak out. We must not turn a blind eye and a deaf ear toward those so helpless they cannot even ask for our help.

Next week, your Senator will be voting on whether or not to ban this 'procedure.' Tell him or her to put a stop to partial-birth abortion in the United States of America.

Please. Call the Senate switchboard today at (202) 224-3 12 1.

**THE NATIONAL CONFERENCE OF CATHOLIC BISHOPS
SECRETARIAT FOR PRO-LIFE ACTIVITIES**

Example 4.

clusionary quality built into their meaning, but those conclusions are **propositions** that are contested. One gets a kind of question-begging that can easily go unnoticed. Rather than providing proof for the proposition, the arguer gains adherence to it by smuggling it in through semantic connotations and presuppositions. Finally, dialectical theories require free speech, and anything that restricts free discussion of ideas can be taken to be a fallacy (van Eemeren and Grootendorst, 1992). Moves that treat attitudes and standpoints as beyond criticism or doubt, as sacrosanct, shut down at the start the possibility for deliberation and debate. That is a rather blatant form of dialectical misstep.

This headline looks to be guilty on all three counts. The presentation of this lead-in is obviously designed to grab your attention and smack you in the face. The language itself is blunt, jarring, and describes something that is patently morally repulsive. You'd have to be a pretty cold character not to have the intended emotional response to this headline. As the editorial itself suggests, these lines are meant to shock, to evoke disbelief and outrage. And if anything, this headline is even more problematic because--

it presents itself as a candid description that exposes the real nature of the facts under debate. Factual considerations are infused with an affective charge and a moral color that transforms the issue into a question of how the audience will respond.

Looked at in another way, the description itself is loaded and biased. It presupposes the nonproblematic applicability of terms whose connotations and presuppositions would probably be rejected by opponents if they were openly asserted. Talk about 'killing' and 'infants' presupposes the **existence** of life and personhood. Reference to 'a pair of scissors' invokes the image of a cavalier and coldly brutal act rather than a reluctant but medically necessary response to a tragic situation. And the rhetorical question assumes all 'this' is what is at issue in the debate – and not, for example, a woman's constitutional right to control her body.

Finally, the rhetorical question is posed with its italics virtually dripping with disdain and incredulity. The headline clearly expresses the idea that killing mostly-born infants with a pair of scissors is so appalling that the issue of whether or not to continue this practice shouldn't even need to be debated; that there must be something wrong with a people who would take this issue seriously.

So, it's a bad move, right?

I don't think so, or at least I don't think argumentation critics should just take out their textbooks and presume such a judgment. Here and in many other controversies emotional appeals can play a constructive role in deliberation and may be positively required by the situation (see, e.g., the discussions by Osborn, 1976, and Perelman, 1982, on the functional design of rhetorical tropes and figures). Among other situations, there are those where an audience does not take seriously the urgency or moral gravity of the problems addressed by an advocate but they should. Under these circumstances effective emotional appeals may not degrade the deliberative capacities of an audience; they may enhance them.

Likewise, expressions of incredulity and moral outrage may be practical necessities just to be able to re-open what much of the public takes to be an already decided issue and just to lay claim to having a legitimate standpoint in the first place. Certainly a case can be made that in the **partial-birth** abortion debate that this is the situation we find. The American public has been for all practical purposes lulled into complacent acceptance of the practice (if they are aware of 'partial-birth abortion' at all), simply assuming that there are no important differences between what goes on here and what happens when zygotes are terminated in the **first** few weeks of a pregnancy. And in a society like America, jaded by violence and routine inhumanity, an arguer probably should take positive steps to awaken moral sensibilities and show their relevance to the judgment at hand. Whether or not this is the case is debatable, but it is certainly **reasonable** for an opponent of partial-birth abortion to construe the situation in this way.

Or again, in the context of the actual controversy, the language used in

the ad could be defended as an appropriate counterpoint to the descriptive tactics used by public defenders of the procedure. Consider the following statements from a **webpage** by the National Organization for Women:

Myth: If late-term abortions are so rare, it doesn't really matter if we ban them.

Fact: Most late-term procedures involve wanted pregnancies that go tragically wrong when the woman's life or health is endangered or the fetus develops abnormalities incompatible with life.

These women deserve protection, even though their situations are rare.

Myth: The 'partial-birth' abortion procedure is unnecessary.

Fact: Medical experts state that the safest method of late pregnancy termination for some women is the intact dilation and extraction (D&X) procedure.

Bills that would ban the D&X procedure would place legislators in the unprecedented position of regulating medical decisions and would require doctors to use a less safe method in some cases.

Example 5.

It seems to me that if reference to 'killing . . . with a pair of scissors' is emotionally shocking, then reference to 'late-term procedures' or to a 'method of late pregnancy termination for women' or to 'the intact dilation and extraction (D&X) procedure' is positively anesthetizing. If a phrase like 'mostly-born infants' presupposes the existence of life and personhood, then reference to 'the fetus' or simply to 'pregnancies' presupposes its absence. Consistently talking about abortion from the woman's vantage point (and not from the 'mother's' or her 'child's') seems no less biased or loaded than the issue in focus in the editorial headline. So, taken in the context of the actual debate – and not just as an isolated text or as a move in a hypothetical ideal discussion – the headline can be seen as a way to call out and counterbalance the biases and defects in the argumentation of the other side.

In fact, the editorial text is making just these sorts of points (notice the ironic marking of 'procedure' in quotes and the counterterm, infanticide). The whole editorial is not just an argument in the sense I was analyzing in the previous section; it is a rather deliberate effort to juxtapose competing vocabularies and an open attempt to frame the debate in a way that 'corrects' for the perceived distortions of attitude, involvement, and frame of judgment in the public audience.

Now, my point here is not that the National Conference of Catholic Bishops is right and the National Organization for Women is wrong. My point is that these -apparently fallacious rhetorical tactics can be defended as playing a constructive role in the debate that's actually going on. This headline functions to encourage full and open exploration of alternative standpoints. It creates clash and the opportunity for extension. It actually

opens a space for reflection on what an appropriate resolution-minded attitude would be in this context. In other words, this is what a self-regulating procedure might look like as people adjust to the contingencies and complexities of actual situations.

Who if anyone is 'correct' in this situation and who if anyone has committed fallacies is not something that can be decided independently of the way the debate itself plays out. Conclusions and assessments of argumentation are things that get done in a dialectical activity. They are practical achievements of the parties and are always tentative, subject to further scrutiny. One cannot, for example, decide whether emotional appeals are a fitting means of placing an audience in an appropriate frame of mind completely independently of deciding whether the affectively charged argumentative content is awarded its proper weight and balance in a dispute. But this decision cannot be made outside of some frame of mind. And when that frame of mind leads to a particular judgment of what is the appropriate argument strength (weight, balance), such a judgment cannot be the deciding basis for dismissing or embracing an emotional appeal. Likewise, whether certain rhetorical figures clarify or oversimplify issues; obscure, distract, or place issues in proper focus will be a judgment based on a particular balancing of the arguments – where that assessment of balance is inextricably bound up in the frame of reference invoked by those very rhetorical figures. So, again judgments of the appropriate frame of reference and the proper deliberative balance of evidence and arguments cannot be made independently of the rhetorical tactics that invoke them. There is no escape from the dialectical circle. Not even for critics.

Let's consider another case, this one involving a common strategic move in commercial advertising: the guarantee. The following text was placed above a magazine picture of a jar of Oil of Olay RENEWAL CREAM, VISIBLE RECOVERY SERIES with HYDROXY Complex.

Now, rhetorically speaking this guarantee is a plausibly effective strategy for obtaining the consent of a reader to use Oil of Olay in a situation where they might not otherwise trust the product claim. But the problem with a guarantee is that it is a *commissive* speech act, not an *assertive* one (Searle, 1979). And from a dialectical standpoint, commissives have no substantive

A
guarantee
with
no wrinkles

While we can't guarantee you won't have wrinkles,
we can guarantee the visible reduction in the look of fine lines and wrinkles.
Use **Oil of Olay Hydroxy Renewal Cream** for just 30 days.
If fine lines and wrinkles don't appear reduced, we'll refund your money.
No fine print. No loopholes. No reading between the lines.

role to play in argumentation. They can be used to accept or reject standpoints, agree to procedures, and so forth – but they can't be used to put forward argumentatively relevant propositional content (van Eemeren and Grootendorst, 1983, ch. 5; 1992, ch. 4). The reason for this has to do with the different forces of the two acts with respect to propositional content. In an assertive, the speaker takes on a commitment to defend the truth of the propositional content; in a commissive, the speaker takes on a commitment to *make* the propositional content true.

Now, there are two lines that a dialectical approach might take here. First, one could try to reconstruct the guarantee as an assertion. Second, one could represent the act as a guarantee and treat it as a kind of fallacy on the same order as bribes, threats, or bargains. Neither approach is really satisfactory.

On the one hand, we ought not reconstruct the act as an indirect assertion. The tendency in reconstruction from a dialectical standpoint would be to do just that – probably along the lines outlined in van Eemeren and Grootendorst (1992, ch. 5). The line, 'we can guarantee the visible reduction in the look of fine lines and wrinkles' might be reconstructed as asserting, 'Using Oil of Olay *Hydroxy Renewal Cream* will visibly reduce the look of fine lines and wrinkles.' That assertion could then be taken in combination with assertion of the line, 'If fine lines and wrinkles don't appear reduced, we'll refund your money,' to get something like the following line of argument: You should use *Oil of Olay Hydroxy Renewal Cream* because it will reduce fine lines and wrinkles. And if it doesn't, you risk nothing because you get your money back.

Or perhaps instead or in addition, the guarantee would be reconstructed as a kind of backing in the form of an expression of author certainty. So, we have a main claim: You should use *Oil of Olay Hydroxy Renewal Cream* for just 30 days. The immediately subordinate reason is that it will visibly reduce the look of fine lines and wrinkles. Subordinate to that is the reason that the company believes it will visibly reduce the look of fine lines and wrinkles. And the argumentative support for this reason is the *assertion* that they back their product claim with an unconditional guarantee.

Either way, this direction of reconstruction runs into the same kind of problems as we discussed in the previous section with speech acts like rhetorical questions (see also van Eemeren, Grootendorst, Jackson and Jacobs, ch. 6). It misses the basis for the reader accepting the proposition that this product will reduce fine lines and wrinkles. The acceptance is invited not because the ad has made an argument that gives evidence to think that the product claim is true; it is because the ad does something that makes giving such evidence irrelevant. The way of gaining acceptance of the product claim is not by further argument; it is by way of practically adjusting the presumption against the product claim. The product claim is backed not by further assertions that might be sincere or insincere, defensible or indefensible; it is backed by a kind of institutionally

enforced commitment that reduces the cost of mistakenly accepting the truth of the product claim. If it's not true, you get your money back. And while that fact is clearly put forward in response to a projected context of dialectical doubt and objection, that fact is not asserted to be true. It is *made* to be true by virtue of the special kind of circumstances that underwrite a commercial guarantee.

On the other hand, there is nothing unreasonable about this kind of a move in this kind of a situation. Product claims in commercial advertisements are notoriously unreliable and everybody knows that. These days product claims are made in a context of suspicion and mistrust so severe that it is all but impossible for an advertiser to argue their way out of it. At each level of backing, a reader can doubt the veracity of the assertion – and rightly so. Advertisers can lie. Studies can be fixed. Testimonials can be bought. Evidence can be taken out of context. Anything an advertiser says seems destined to beg the question because it will always be subject to the same grounds for doubt: Is the sincerity condition of the speech act satisfied?

A commercial guarantee is a way out of endless skeptical challenge because it is a special kind of promise. When baldly stated, it can break out of the spiral of suspicion because, ultimately, it's security does not depend on the advertiser's sincerity at all. This kind of guarantee is backed by an institutionally enforced obligation that makes the advertiser's sincere intentions irrelevant. It doesn't matter whether the advertiser believes their own product claim or not, can defend it's truth or not, or intends or not to live up to their commitment to refund the money if it's not true. The government will make them live up to their commitment. A commercial guarantee invokes that mechanism of enforcement, and that is why it works to obtain acceptance of the claim: You should use *Oil of Olay Hydroxy Renewal Cream* for just 30 days. Given the rhetorical situation of the advertiser, putting yourself under this kind of obligation is a reasonable basis for removing doubt.¹⁵

3c. Summary

These two examples illustrate two general directions of reasonable adaptation to practical circumstance: Adjusting otherwise bad deliberators to be their best and making the best of an otherwise bad situation. Many of the rhetorical figures and tropes that have been traditionally viewed as dangerously volatile threats to reasoned deliberation can be seen as having constructive contributions to make in the right circumstances. They respond to the demand to find ways to place people in more open, critical, resolution-oriented frames of mind and to make the conditions for argumentation conducive to reasoned deliberation. Likewise many rhetorical strategies are designed to respond to the demand to develop decision-making procedures that enable the most reasonable deliberation given the limits of the

situation. Rhetorical strategy can be a reasonable way of overcoming or working around the practical insufficiencies of the situation.

These examples show how rhetorical adaptation and dialectical starting points can be more than just a matter of finding **common** premises and common decision-rules for arguments. These two examples point to a different way of thinking about relations among the concepts of arguments, rhetorical strategies, rhetorical situations, and argumentative norms and functions. This way of thinking preserves the best of both the rhetorical and the dialectical traditions. Rhetorical strategies can be evaluated in terms of their functioning not so much to persuade as to create conditions under which interlocutors can properly deliberate on whether or not to **be** persuaded. And argumentative norms and functions can be seen as adjusted to the practical demands of rhetorical situations and to the practical possibilities afforded by rhetorical strategies that satisfy those demands. All this comes rather naturally, I think, once one thinks of argumentation as a kind of normative pragmatics.

4. CONCLUSION

Ultimately, the real focus of argumentation studies is on the messages people produce as they try to decide what to believe, how to feel, and what to do. Neither the problems of description and theoretical modelling nor the problems of epistemic and political assessment can be seriously addressed without confronting what we find in those messages. Arguably, finding theoretically productive way to come to grips with real messages in real controversies has been the most important theme of recent argumentation study.

One of the things that I find very attractive about normative pragmatics is that it is an approach that insists our theories be responsible to the puzzles we find in real messages and to the details we see in them. Ultimately, I think if argumentation theorists insist on that kind of discipline, the relation between rhetoric and dialectic will take care of itself.

NOTES

¹ This paper **was** written while the author was a visiting professor at the Department of Speech Communication, Argumentation Theory and Rhetoric, University of Amsterdam. An initial version was presented at the International Colloquium on the Relation between Rhetoric and Dialectic, Department of Speech Communication, Argumentation Theory and Rhetoric, University of Amsterdam, July 9, 1999. The author appreciates the helpful feedback **from** participants at the colloquium and is also grateful for the helpful suggestions of Frans van Eemeren, Peter Houtlosser, Sally Jackson, Leah **Polcar**, and **Francisca** Snoeck Henkemans.

² Of course, I am not saying that you can just look at text and see what is going on. Seeing

what is manifest in a message requires seeing very subtle matters. At least part of this will involve situated knowledge mutually available to participants. And there may be much that is unapparent and even designed to be hidden. But such strategies will exploit or work around what is apparent and open. And that should be the starting point for any analysis. For a discussion of some of these considerations, see van Eemeren, Grootendorst, Jackson and Jacobs, 1993, ch. 3.

³ This concern has largely motivated the emergence of informal logic as a reaction to standards of formal logic (van Eemeren, Grootendorst, Snoeck Henkemans et al., 1996; Hoaglund, 1998; Johnson, 1996b). It is certainly a central motive in the widespread attraction toward dialectical theories (see Blair and Johnson, 1987; van Eemeren and Grootendorst, 1983; Johnson, 1996a; Snoeck Henkemans, 1992; Walton, 1996, 1998).

⁴ The canonical form that I have in mind here is captured in the speech act of an assertion. Among other things, in making an argument one commits to defending the truth of a complex of propositions and to undertaking to get the hearer to accept the truth of one proposition (call it the standpoint) as being justified by the truth of other propositions (call those the arguments). See van Eemeren and Grootendorst, 1983.

⁵ Of course, if you can do so that still doesn't mean it is a good argument. And the activity of argumentation involves more than just making arguments. Moreover, argumentation theorists must have a normative concern with all sorts of messages where arguments *should* be made but are not. But these qualifications don't mean anything goes.

⁶ Or, more generally, the analyst must first ask, what are the manifest effects projected by this message on the beliefs and attitudes of a listener and what are the manifest consequences projected for the direction of discussion or debate?

⁷ What we get from such a presumptive reconstruction is not what is being done, but what *would* be done *if* an argument had been put forward.

⁸ One could think of this as the perspicuity requirement behind Grice's (1989) manner maxim or as the efficiency assumption in Sperber and Wilson's (1986) principle of maximal relevance. Van Eemeren and Grootendorst (1983, 1992) have suggested that Grice's (1989) maxims of quantity (Be informative), quality (Be truthful), and relation (Be relevant) are involved in filling-in missing premises and, by implication, that this should be the framework for refashioning argument content in general. A more thorough-going Gricean framework would also include the manner maxim (Be perspicuous), where this would be interpreted for the purposes of argumentation as calling for presentation of arguments in model form. Of course, actual messages almost never do that. The puzzle is why not? The solution must be found in attributing non-argumentative or extra-argumentative purposes to the message. See Aldrich (1995) and Jacobs, Jackson, Stearns and Hall (1991).

⁹ Of course, one could take the position that this ad in fact warrants a quite different inference: Oil of Olay may cause zits. One could reason from the assumption that advertisers are motivated to make the strongest product claims possible, so that when they withhold making a claim it must be because they cannot defensibly come out and do so. But one would not want to say that the advertiser is *communicating* such a counterproductive proposition. What we get here is something in verbal mode akin to the distinction Goffman (1959) makes between information 'given' and information 'given-off.' Advertisers have many routine strategies that work along these lines, inviting inference of product relevant information in such a way as to violate principles of cooperative communication (see Jacobs, 1995).

¹⁰ Notice that the potential unacceptability of the proposition is further highlighted by literally asking a question.

¹¹ The subsequent 'argumentation' is filled with truisms and commonplaces that suggest the reader already knows all this and doesn't really need to be convinced of it. In fact, there is a subtle poisoning of the well going on here in the sense that for a reader to adopt the role of antagonist and doubt the RJR proposition would be to assume what is posed as an irrational and morally perverse attitude. For different approaches to rhetorical questions in argument see van Eemeren (1987), Jacobs (1989), and Slot (1994).

¹² Of course, these distinctions are only telling against a background of similarities that

motivate comparison in the first place. Most importantly, these rhetorical strategies produce interpretive effects that can be explicated in propositional forms and contents that parallel those found in the inferential structuring of reasoned argument.

¹³ For example, in discussing the fallacy of *argumentum ad verecundiam* through appeals to personal ethos and to the ethos of authorities van Eemeren and Grootendorst (1992, pp. 136, 140) comment that such appeals are often unavoidable and so not unwise or irrational. But they are equally insistent that such moves preclude 'real resolution' of a dispute. This is a decidedly equivocal and reluctant acknowledgement of what is a foundational argumentative tactic in virtually all arguments of any real interest. Taking this position means that 'real resolution' of a dispute will be impossible any time any arguer introduces into a critical discussion new information that cannot be inferred from prior, known information. That consequence follows because putting forward new information presupposes a minimal level of trust in the ethos of the person who reports the information. If truly dialectical engagement must be restricted in this way, it reduces down to a rather sterile exercise in checking the implications and the self-consistency of mutually known information.

¹⁴ Still, we need to recognize that the conventional (or intersubjective) validity and the problem-solving validity of argumentation schemes and procedures are conceptually interdependent (van Eemeren, Grootendorst, Jackson and Jacobs, 1993, p. 14). Neither can really be assessed without implicating the other.

¹⁵ This is not to say nothing sleazy is going on here. The wordplay in the ad is another mechanism of persuasion. And that wordplay would seem to invite a dubious inference by the reader. The headline, 'A guarantee *with* no wrinkles' could easily be misread as 'A guarantee *of* no wrinkles,' despite the immediately following disclaimer in (much) smaller print. To say that 'the look' of fine lines and wrinkles will 'appear' to be 'reduced' is just the sort of weasling around that advertisers use to implicate more than they can legitimately defend (see Jacobs, 1995).

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Comments on 'Rhetoric and Dialectic from the Standpoint of Normative Pragmatics'

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When faced with a topic like 'dialectic and rhetoric,' the student of rhetoric is, I suppose, by trained incapacity disposed to view it as 'dialectic versus rhetoric' and to take up arms in defense of her much-maligned Dame. The pleasures and payoffs of zealous advocacy, after all, have not waned even through 2,500 years. Unfortunately, I find myself in the uncomfortable position of agreeing with my adversary's proposal for union, or at least detente, between the dialectical and rhetorical inquiries into argumentation. I want to begin, therefore, by reiterating five theses Jacobs has nailed up for us, before closing with what I see as the major area of continued difference in viewpoints.

Thesis 1. The common thrust of both rhetorical and dialectical inquiries into argumentation – what provides discipline to the nondiscipline of argumentation studies – is as Jacobs says our shared commitment 'to come to grips with real messages in theoretically productive ways.' Our work must be stubbornly loyal to the 'real messages,' always complex and situated; our work must also be 'theoretically productive,' aiming for precise and increasingly comprehensive conceptualizations.

Thesis 2. Argument itself is however only one subset or aspect of the 'real messages' we ought to be examining. Since in Gricean terms all communication works by inducing the auditor to make specific inferences, it is tempting to reconstruct any communicative act as an argument with an inherent and (moreover) sound inferential structure. When, for example, Willard's hotel doorman scowls at the bum who wants to enter, the bum is supposed to infer that he should get out of there; it is tempting to say that that's the doorman's 'implicit' and 'nonverbal' argument (1983, p. 53). But this temptation must be resisted. The doorman has not made an argument. 'Arguments' as Jacobs puts it, are only those 'fundamentally linguistic entities that express in a special way propositions that stand in particular inferential relations to one another.' So not all discourse is argument, much less good argument, nor should it be interpreted as argument.

Thesis 3. Nevertheless, careful attention to nonargumentative aspects of discourse is vital for argumentation studies, because nonargumentative

discourse creates the conditions in which arguments are appropriately received and perform their functions. This is an insight that has been increasingly well-formulated by all those examining the actual transactions in which arguments tend to occur. Jacobs in this paper has renewed Aristotle's view that emotion may be vital in defining the issues in deliberation; the pragma-dialectical school has for long attended to the speech acts surrounding argumentation at the various stages of a rational discussion (e.g., van Eemeren and Grootendorst, 1984); Kauffeld has been examining the strategies speakers use to create the ethical terrain in which arguments are owed and will be attended to (1998); and Leff (forthcoming) examines how the classical figures of speech can serve to position a particular viewpoint among its competitors. Our attention as argumentation studiers – whether of dialectical or rhetorical bent – must thus be on 'argument-plus': arguments, plus the discourse that makes argument possible.

Thesis 4. Our aim must be to account for the force of 'argument-plus': for why a speaker can reasonably expect her arguments, plus the discourse that envelops them, to accomplish her purposes. Argumentative discourse has force, furthermore, not primarily because of the institutional context in which it occurs, nor because of social or cultural norms, nor because of a symbolic force inherent in language itself, but rather because the speaker so designs what she does as to offer, as Jacobs says, a 'manifest rationale for persuasion' to her auditor. She makes some set of changes to the world – arranging for the printing, for example, of a page of words with a very large headline. She expects that her auditor will recognize what she is doing in making these changes, and furthermore that through this recognition, he will have a reason for responding in the way she desires. The goal of the student of argumentation must be to reconstruct the 'why' of such a transaction: that is, to account for the force of a particular instance of 'argument-plus' in pragmatic terms.

I suppose my responsibilities as an advocate for the rhetorical side requires me to point out that this, what could be called the 'pragmatic methodology' thesis, is going to be significantly more controversial than the first three. Since I endorse the thesis, however, I want instead to point to one of its significant internal weakness. As Jacobs demonstrates, many contemporary argumentative messages do not seem to provide any 'manifest rationale for persuasion;' rather, recognizing what the speaker is manifestly 'doing' – say in an 'Oil of Olay' advertisement – seems to give no particular reason for buying the product. The advertiser has only *presented* the product as serviceable, not actually *asserted* (much less defended) its serviceability. In Jacobs' reconstruction, therefore, it is only if the auditor *mistakes* the advertisement that he may be persuaded. Nevertheless, presumably parsimonious advertisers continue to pay for advertisements, and further politicians wanting to persuade continue to adopt the related techniques of 'spin,' and yet further, the argumentativity

of language itself may force us always to insinuate more than we actually say.' My suspicion is that this cluster of techniques – 'openly presenting something as something,' 'talking as if something were something,' 'making something out to be something,' 'spinning something into something' – provides a 'manifest rationale for persuasion' not yet discovered. Finding it is a major task for any pragmatic inquiry into argumentation.

Thesis 5. The first four theses posit that studying the **pragmatics** of actual 'argument-plus' discourse can be a program of inquiry shared by rhetoric and dialectic. Both rhetoric and dialectic can further agree that the study of argument must have a normative dimension as well. Rhetoric, with its alleged tendency toward replacing normative evaluation with a standard of success, might be seen as resisting this thesis. But even the rhetorician can't get on without norms. It is easy to see that auditors of arguments often feel angry, exasperated, aggrieved, resentful; often take themselves to have been insulted, imposed upon, deceived, intimidated, overborne; and often respond by complaining, protesting, accusing, or simply by getting up and leaving. Even if a rhetorical approach to argumentation judged only whether a discourse was maximally adapted to some auditors, it would still have to take into account the fact that the auditors possess and act on strong normative sensibilities. Argumentative discourse is ineliminably 'normed.'

But by what norms? Here is where I think the rhetorical and dialectical approaches will begin to diverge. Jacobs, representing the dialectical approach, adopts a normative overview of argument as reasonable discussion, aimed at warranted assent, proceeding largely cooperatively." This view now at least needs a defense, because it is not the only live possibility. Walton (1998) has already proposed a dialectics recognizing multiple dialogue types with multiple goals and multiple evaluative standards. And there is at least one additional normative overview available, one arising within the rhetorical tradition.

Begin with the evidence of ordinary argumentative practice. Do we always criticize arguers for not cooperating in the argumentative discussion? Do we only praise them for cooperating? For that is what would suggest that we ordinarily hold to the normative view proposed by the dialecticians; that is, it would show those cooperative norms to be 'intersubjectively' or 'conventionally' valid (Barth and Krabbe, 1982). Do we always criticize arguers for being uncooperative? No.

Consider the arguing at trials in common law countries – the sort of forensic rhetoric that has been a particularly vigorous subject of inquiry within the rhetorical tradition since antiquity. Do we criticize the accused for not cooperating with the argumentative process that follows her accusation? No. We do not require her to actively defend her standpoint; the presumption of innocence relieves her of that burden. We do not require her to help out those prosecuting her by volunteering information; indeed, we grant her an explicit privilege against incriminating herself, so she can't be forced to cooperate. We do not require her to avoid ambiguity in her

arguments; instead, she's allowed to wiggle and finesse as much as she can get away with. And -we do not require her to assent to a verdict against her; even when she is demonstrated to be guilty beyond a reasonable doubt, she is still allowed to maintain her innocence. In short, the accused gets to violate without criticism at least pragma-dialectical rules 2, 9 and 10 (e.g., van Eemeren and Grootendorst, 1992).

Or consider another familiar argumentative situation: the scholarly colloquium, as represented by this series of papers. Would I be praised if, after the discussion, I suddenly announced my conversion to the dialectical view? I suspect not (except by those I would be joining); rather, I would be criticized for not thinking through my position beforehand. I shouldn't have been wasting my colleagues' time by presenting a view that couldn't stand up through even a day of debate. Or again: do we expect politicians or professional political advocates to give in in the face of argument? No, we generally criticize such people for switching parties, and often praise the loyal opposition, even when we think them demonstrably wrong.

In forensic, scholarly and political arguments, we do not seem to expect the arguers to be cooperative; rather, we expect them to exhibit *zeal*: to represent their positions 'zealously within the bounds of the law,' as the American Bar Association's ethics code puts it. Argumentative zeal is indeed oriented toward effectiveness, as the traditional charge against rhetoric would have it, since the zealous advocate does want to defend her position as successfully as possible. But zeal is not just effectiveness; rather, argumentative zeal is grounded in a view of 'argument-plus' that is just as idealized as the cooperative, dialectical view.

The dialectical view imagines a mutually constructive interchange of reasons among open-minded, reasonable beings, aimed at verifying a common truth. This is indeed an attractive picture.

The rhetorical view imagines self-reliant citizens, making up their own minds on questions of civic concern – autonomously, that is, not heteronomously – and resolutely living up to their beliefs, even under adversity. Within this view, argument becomes the way that citizens can address each other, respectful of each others' autonomy, with the goal of coordinating action. In this view, arguing is not a cooperative activity, nor a competitive one, but rather what decision theorists have called *strategic*. Arguments are one of the vital means, perhaps the most vital means, enabling a citizen to pursue her projects in an environment made up of her equals: And this too is attractive.

In many instances, dialectical norms of cooperation and rhetorical norms of zeal will suggest similar evaluations of argumentative practice. Tobacco companies will get criticized by both views, for example, and **both** will require us to implement strong protections for free speech. But in other cases the two views will diverge. Consider Jacobs' final example, the advertiser's guarantee. The dialectical view can take this at best as a way to make up for a sorry lack of cooperativeness among the **partici-**

pants, who ought rather to be helpfully trusting what each other says. The rhetorical view, in contrast, can take the guarantee to be a powerful way self-reliant citizens influence each other's actions, and may even suspect that the force of 'argument-plus' paradigmatically depends on similar undertakings and impositions of responsibility (Kauffeld, 1995; Goodwin, forthcoming).

The program of normative **pragmatics** laid out by Jacobs, with its commitment to coming 'to grips with real messages in theoretically' productive ways,' its view of argument as only one aspect of these 'real messages,' its interest in all those other aspects which make argument possible, its adoption of a pragmatic methodology, and its insistence on normative evaluation, opens a wide space for cooperation, or coordination, among all the different approaches to argumentation. If those in the rhetorical and dialectical traditions continue to differ on the nature of the norms involved, that will only make pursuing this common program more exciting – at least to the rhetoricians.

NOTES

¹ See Zagar (1998, 1995), 'radical argumentativism's' most persistent proponent to the Anglophone world. It is, as he points out, difficult to say 'It is 8 o'clock' without further insinuating [So you'd better hurry up] or [So I've got plenty of time].

² I reluctantly follow Jacobs and many others by using 'normative' here to refer to any sort of ethical evaluation of argumentative practice, an evaluation that would doubtless invoke not only norms strictly speaking, but also principles, obligations, ideal exemplars, calculations of good and ill consequences, virtues and many *other* items from our ordinary ethical repertoire.

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