

Changes in Conduct-Rules and Ten Commandments Pragma-Dialectics 1984 vs. 2004

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Abstract: Pragma-Dialectics (PD) presents two sets of rules: the *Conduct Rules* and the *Ten Commandments*. This work traces their origin, provides a comparative overview, and describes the differences between the original and the most recent set. A motivational explanation for the changes is attempted as well as a “reduction” of the 15 *Conduct Rules* of 2004 to six rules. Two objections are discussed.

1. Introduction

The Pragma-Dialectical (PD) procedure for a critical discussion, the so-called *Code of Conduct* for rational discussants, is generally traced to van Eemeren and Grootendorst (van Eemeren and Grootendorst 1984), an English translation of the Dutch (1982). As a codification, 17 rules were laid out, each of which “makes it possible to fulfill a necessary condition for the resolution of a dispute” (van Eemeren and Grootendorst 1984:175, similarly 2004:157).

In subsequent publications (van Eemeren and Grootendorst 1987, 1992, 1996, 2004), and “for practical purposes,” ten “basic requirements for reasonable behavior” (van Eemeren and Grootendorst 2004:190) were forwarded. These constitute “a simplified version of the more elaborated and theoretically motivated rules we discussed in van Eemeren and Grootendorst (1984)” (1992:105, n. 15). Informally, the authors even say “profanely” (van Eemeren and Grootendorst 2004:190), the 10 rule-set is referred to as the *Ten Commandments*.

In van Eemeren and Grootendorst (2003), the authors present a *reduced* code of conduct (15 rules) which, according to their abstract, constitutes “the latest version of their basic rules”. This latest version of 15 appears, in almost the same wording, in their recent *A Systematic Theory of Argumentation* (van Eemeren and Grootendorst 2004) which also includes the *Ten Commandments*.

Over the last 20 years (1984-2004: conduct rules; 1987-2004: commandments), the rules for a critical discussion have changed. Discounting mere linguistic variation, e.g., the change from ‘illocutionary act complex of argumentation’ in 1984 to ‘complex speech act of argumentation’ in 2004¹ – no doubt a better stylistic choice –, the changes in content may be regarded as manifestations of theoretical developments. While it is ultimately most important to ask ‘Is the latest set also a better set?’, in this paper, I will merely describe and motivate the changes, not judge them.

Section 2 treats the *Ten Commandments*, section 3 the *Conduct Rules*. Section 4 presents an attempt to reduce the *Conduct Rules* of 2004, in order to spell out the normative gist of PD. Finally, section 5 seeks to answer two related objections.

2. Ten Commandments as Prohibitions of Argumentative Moves

As can be gathered from *Figure 1*, the 1987 and the 1992 version contain either *prohibitions* or *rights*. In contrast, the 2004 version is phrased negatively

throughout and lists “prohibitions of moves” (van Eemeren and Grootendorst 2004:190). Why? PD (van Eemeren and Grootendorst 2004:131, Johnson 2006) situates itself in the tradition of critical rationalism after Popper (1959) and Albert (1968). One may motivate this *turn to prohibitions only* by a well-known Popperian dictum: The quality of a theory is a function of how much it prohibits. “Not for nothing do we call the laws of nature ‘laws’: the more they prohibit, the more they say” (Popper 1959, §6; cf. 1963 ch. 11, §2.).

According to Popper, a theory is *empirical*(ly testable), i.e., refutable, *vs.* *metaphysical*, i.e., non-refutable, *iff* it separates the class of base-sentences into two disjunct subclasses: those allowed and those prohibited. Following Popper, the empirical content of a theory is equated with the set of base-sentences the theory *prohibits*. E.g., in his methodology, the 1987 rule 5: “A person *can be* held to the premises he leaves implicit” is a non-starter, because it prohibits nothing. Thus, on Popper’s criterion, phrasing negatively throughout increases the 2004 version’s empirical content as contrasted with those of 1984 and 1992.

It may be objected, that PD is not an empirical theory, but a normative one. Furthermore, although the model is claimed applicable to real-world situations, PD explicitly specifies an ideal model. Finally, PD does not claim to deliver *sufficient conditions*. True. Yet, the critical rationalism heritage *explains* “phrasing negatively” – what else could explain this *just as well*? Moreover, it is not at all clear that Popper’s methodology cannot be applied in a normative theory. For all I see, PD does just that.

For Popper, a theory’s falsification-instance is a base-sentences, *S*, allowed by and, at one point, predicted (Popper-synonym: *deduced*) from a theory, *T*, and empirical hypotheses, *H*, yet disconfirmed, $\neg S$, by a (conventionally hardened) empirical basis. Once such a false base-sentence is deduced while its negation is accepted, by *modus tollens*, at least one conjunct of $T \wedge H$ is false. Assuming one does not prefer to re-describe the empirical basis, the theory is subsequently *falsified*, otherwise *corroborated* (Lakatos 1978). In PD, fallacies take on the function of falsification-instances. Accordingly, PD’s problem-validity is the extent to which fallacies are ruled out of a critical discussion. This is how phrasing in prohibitions makes sense.

Descriptively, already the following suffices: The negatively phrased *Ten Commandments* of 2004 are clear falsification instances, i.e., prohibitions of moves in a critical discussion. The earlier versions are not. For the most part, the 1987 version is phrased positively. The 1992 version is split between positive and negative statements.

	A. <i>Argumentation I</i> , 1987	B. <i>ACF</i> 1992 ²	C. <i>STA</i> 2004
1	Parties <i>must not prevent</i> each other from advancing or casting doubt upon standpoints	Parties <i>must not prevent</i> each other from advancing or casting doubt upon standpoints	Discussants <i>may not prevent</i> each other from advancing standpoints or from calling standpoints into question.
2	Whoever advances a standpoint <i>is obliged to defend</i> it if asked to do so.	A party that advances a standpoint <i>is obliged to defend</i> it if the other party asks him to do so.	Discussants who advance a standpoint <i>may not refuse</i> to defend this standpoint when requested to do so.
3	An attack on a standpoint <i>must relate to the</i> standpoint that has really been advanced by the protagonist	A party's attack on a standpoint <i>must relate to the</i> standpoint that has indeed been advanced by the other party.	Attacks on standpoints <i>may not bear on</i> a standpoint that has not actually been put forward by the other party.
4	A standpoint <i>may be defended</i> only by advancing argumentation relating to that standpoint.	A party <i>may defend</i> a standpoint only by advancing argumentation relating to that standpoint.	Standpoints <i>may not be defended</i> by non-argumentation or argumentation that is not relevant to the standpoint.
5	A person <i>can be held</i> to the premises he leaves implicit.	A party <i>may not</i> falsely present something as a premise that has been left unexpressed by the other party of deny a premise that he himself has left implicit.	Discussants <i>may not</i> falsely attribute unexpressed premises to the other party, nor disown responsibility for their own unexpressed premises.
6	A standpoint <i>must be regarded</i> as conclusively defended if the defense takes place by means of arguments belonging to the common starting points.	A party <i>may not falsely present</i> a premise as an accepted starting point or deny a premise representing an accepted starting point.	Discussants <i>may not falsely present</i> something as an accepted starting point or falsely deny that something is an accepted starting point.
7	A standpoint <i>must be regarded</i> as conclusively defended if the defense takes place by means of arguments in which a commonly accepted scheme of argumentation is correctly applied.	A party <i>may not regard</i> a standpoint as conclusively defended if the defense does not take place by means of an appropriate argumentation scheme that is correctly applied.	Reasoning that in an argumentation is presented as formally conclusive <i>may not</i> be invalid in a logical sense.
8	The arguments used in a discursive text <i>must be</i> capable of being validated by the explicitization of one or more unexpressed premises.	In his argumentation a party <i>may only</i> use arguments that are logically valid or capable of being validated by making explicit one or more unexpressed premises.	Standpoints <i>may not</i> be regarded as conclusively defended by argumentation that is not presented as based on formally conclusive reasoning if the defense does not take place by means of appropriate argument schemes that are applied correctly.
9	A failed defense <i>must result</i> in the protagonist withdrawing his standpoint and a successful defense <i>must result</i> in the antagonist withdrawing his doubt about the standpoint.	A failed defense of a standpoint <i>must result</i> in the party that put forward the standpoint retracting it and a conclusive defense in the other party retracting his doubt about the standpoint.	Inconclusive defenses of standpoints <i>may not</i> lead to maintaining these standpoints, and conclusive defenses of standpoints may not lead to maintaining expressions of doubt concerning these standpoints.
10	Formulations <i>must be</i> neither puzzlingly vague nor ambiguous and <i>must be</i> interpreted as accurately as possible.	A party <i>must not</i> use formulations that are insufficiently clear or confusingly ambiguous and he must interpret the other party's formulations as carefully and accurately as possible.	Discussants <i>may not</i> use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party's formulations.

Figure 1: Comparison of Ten Commandments in van Eemeren and Grootendorst (1987, 1992 and 2004).

2.1. Logical validity and what became of it

Rules 7 and 8 of the *Ten Commandments* regulate a *conclusive defense* and the *logical reconstruction of argumentation*, respectively. Recently, Krabbe (2004), Johnson (2006) – others too, I presume – have pointed out a major change in PD. The 1987 and more explicitly the 1992 *Ten Commandments* had demanded *every* episode of acceptable argumentation to be logically validatable, by making explicit at least one unexpressed premise. Such explication results in PD's *logical minimum*.

Throughout their writings since 1987, PD had been fond of, but at least since 1992 no longer solely committed, to a *deductive* reconstruction (Johnson 1995, 2006). Already in 1992, van Eemeren and Grootendorst had phrased:

Although a clear criterion of validity is required, this does not necessarily imply a dogmatic commitment to deductivism. At this juncture, we do not want to take a specific and definitive stance on the question, exactly what kind of logical validity is to be preferred (van Eemeren and Grootendorst 1992:60, n. 2).

This statement purposely *avoided* a determinate standpoint on the issue. The original 1984 exposition had opted for a deductive reconstruction *only* (van Eemeren and Grootendorst 1984:119-149, esp. 143). Up to the 2004 version, PD's validity criterion was generally received to be that of 1987, i.e., *deductive*.³

In 2004, however, the particular logic to be employed in the reconstruction must *always* be that which the participant chooses and *if and only if* (hereafter: *iff*) he so chooses (rule 7 of 2004). In 1987 and 1992 rule 8 had covered the validity-issue for all arguments. Now, two rules are working in combination. The 2004 rule 7 applies only to arguments for which the discussant explicitly claims formal validity (according to *some* logic). Hence, the rule merely demands the arguments deserve this title.

2004 rule 8 now applies to arguments for which no such claim was forwarded, i.e., arguments not covered by rule 7. Like earlier versions, it demands that the particular-variant of the general and exhaustive scheme tri-partition (*symptomatic, analogical, instrumental*) be appropriate and correctly applied (Garssen 2003). The scheme is appropriate, *iff* the participants deem it to be so. It is correctly applied, *iff* the critical questions connected with the scheme are answered (van Eemeren and Grootendorst 1992:97f.).

Thus, the 2004 version of the *Ten Commandments* is softer (Johnson 2006). An argument for which non-deductive validity had been claimed would have constituted a falsification instance (read: a fallacy) relative to the strictly deductive logical minimum of 1984. Not so in 1992, as the footnote (van Eemeren and Grootendorst 1992:60, n. 2) reveals. In 2004, the wording in the *Commandments* is explicit. Bottom line: A falsification-criterion is relaxed.

2.2. Why change?

With respect to the question ‘What motivated these changes’, a footnote mentions “(...) Erik C.W. Krabbe’s useful comments on describing the reconstruction procedure in this way (...)” (2004:194, n. 20), where “this way” is explicated as first and for *heuristic* purposes providing the *logical minimum* of the argumentation, then via contextual information the *pragmatic optimum* (van Eemeren and Grootendorst 1984:119-149; 1992:60-72). Earlier in the 2004 book, the authors state

The premise that is logically required to remedy the invalidity [of an argument; F.Z.] normally goes against the norms for rational language use because of its lack of informative content. When the unexpressed premise is made explicit, it should therefore be checked to see whether there is pragmatic information available that makes it possible to complete the argument in a more sensible way. Instead of leaving it at stating the ‘logical minimum’ required to make the argument valid, pragma-dialectical analysis is aimed at establishing the ‘pragmatic optimum’ (van Eemeren and Grootendorst 2004:5, n. 8).

This two-step method of establishing a reconstruction, they say, “(...) *can* result in an argument that is, strictly speaking, not logically valid” (van Eemeren and Grootendorst 2004:194, n. 20; *italics added*). Consider a standard example from Toulmin (1959:65): ‘*a* is a British subject’ (*Ga*), because ‘*a* is born in Bermuda’ (*Fa*) (cf. van Eemeren, Grootendorst and Snoek-Henkemans 2002:ch. 4). The argument’s logical form is simply ‘*Fa* ∴ *Ga*’ which is not valid. The *logical minimum* is reached by means of *adding* the uninformative premise (i) ‘*Fa* → *Ga*’ and then reads ‘*Fa* → *Ga*, *Fa* ∴ *Ga*’. This is a valid form (Note that adding ‘ $\forall x (Fx \rightarrow Gx)$ ’ would in no good sense be a *logical minimum*).

The *pragmatic optimum* could instead feature (ii) ‘*Fa* ~> *Ga*’, where ‘~>’ is the symbol from default-logic for the natural language expressions ‘normally’ or ‘typically’. Other options for the pragmatic optimum are available (van Eemeren and Grootendorst 1992:165). Both optima are valid (relative to *a* calculus), yet (i) is strict, (ii) is defeasible, i.e., allows for exceptions.

Therefore, the logical conjunction of (i) and (ii) is a contradiction.⁴ Hence, in particular cases, the pragmatic optimum will not simply be a consistent refinement or extension of the logical minimum, but inconsistent with it. Otherwise, the reconstruction could not yield an invalid argument after reaching the pragmatic optimum.

Such was PD’s accepted view on explicating unexpressed premises before Krabbe’s criticism. Krabbe (2004) argues that there be no point in reconstructing an *additional* pragmatic optimum, if the speaker is already committed to a logical minimum that yields a deductively valid argument.

(...) logical principles can very well be subsumed under the topical principles as special cases. Of course, there may be different theoretical reasons to uphold the idea of two structural levels, one of logical argument forms and one of pragmatic or topical argument schemes. In the context of a procedure for the critical evaluation of arguments, however, it would seem a bit pointless to insist on this distinction for all cases, and thus to prescribe a double testing of each argument (Krabbe 2004).

PD's original view had been: The logical minimum is generally not informative enough to pass Grice's *maxim of quantity* (van Eemeren and Grootendorst 1984:141). Moreover, if the context reveals (to the analyst) that a participant is *not* (plausibly construable as being) *committed* to the uninformative logical minimum, that minimum better not appear in the reconstruction either. Otherwise, the reconstruction rather deserved to be called a '*construction*'. For the same reason of aiming strictly at a reconstruction, i.e., one that reveals the *public commitments* (van Eemeren and Grootendorst 2003:388) that a speaker can be held accountable to *in the particular argumentative situation to be analyzed*, in 2004, *iff* a participant claims formal validity for an argument must its evaluation proceed *only* in strict accord to the very standard of validity appealed to.

Since Reichenbach's and Carnap's early 20th century work, *induction* (probabilistic inference) constituted the main "competitor" to *deduction* (necessary inference). Popper had found a place for induction only in the infamous *context of discovery* (vs. that of *justification*). This distinction has been severely criticized and is largely rejected in present philosophy of science (cf. Grattan-Guinness 2004 for a defense). Today, also inductive inference is credited with *justificatory* potential (of sorts). Moreover, non-standard logics fill entire bookcases, e.g., *abductive, conditional, fuzzy, default, deontic, epistemic, intuitionistic, relevance, modal, temporal, even paraconsistent logic* (Priest 2001, Goble 2001). It would be dogmatic to ignore these approaches, especially so, if a participant makes explicit use of the inferences licensed therein.

Let this suffice to explain the changes in rules 7 and 8. To conclude, next to having phrased all of the 2004 *Ten Commandments* as falsification-instances, the most important development in PD is the *explicit* acceptance of forms of logical validity other than deductive implication.

3. Code of Conduct for Rational/Reasonable Discussants

In 1984, 'Code of Conduct' headed the 17 rule set. In 2004, we read 'Rules for a Critical Discussion', while the *Ten Commandments* now bear the title 'Code of Conduct for Reasonable Discussants'. I nevertheless use 'Conduct Rules' to refer to the 15 rules of 2004 (see *Figure 2*). The rules are "boiled down" to fit a page.

A. 1984 Code		Stage	B. 2004 Code		Comment
A1	List of permissive speech acts and conditions thereof	Confrontation	--	---	A1 deleted
A2	Unconditional right to advance and question standpoints; unconditional participation		B1	Absence of special conditions on propositions or preparatory conditions on speakers	Rephrased
A3	Unconditional right to demand and obligation to perform usage declarative		--	---	A3 moved to B15
A4	Right to challenge	Opening	B2	Right to challenge	Rephrased
A5	Conditional obligation to defend - ⁵ Burden of Proof		B3	Conditional obligation to defend - ⁵ Burden of Proof	Rephrased
A6	Allocation and Maintenance of Discussion Roles <i>qua</i> A5		B4	Allocation and Maintenance of Discussion Roles <i>qua</i> B3	Rephrased
A7	Agreement on what counts as a successful attack and defense for <i>this</i> discussion	Argumentation	B5	Agreement on what counts as a successful attack and defense for <i>this</i> discussion	Rephrased
A8	Agreement to defend only by argumentation and to attack only by questioning		B6	Agreement to defend only by argumentation and to attack only by questioning	Rephrased
A9	Def. of successful attack on and defense of propositional content via IIP and ITP		B7	Def. of successful attack on and defense of propositional content via IIP <i>only</i>	Rephrased ITP deleted
A10	Def. of successful attack on and defense of justificatory potential via (IEP and) IRP		B8	Def. of successful attack on and defense of justificatory force via ITP, (IEP and) IInfP	New Inference Procedure w/ weaker sense of validity. New meaning of ITP and IEP.
A11	Def. of successful attack and defense of points of view		B9	Def. of conclusive attack and defense of initial and sub-standpoint	B9 = A11 & A 12
A12	Def. of sufficient defense of Initial point of view				
A13	Right of antagonist to challenge undefended standpoints		B10	Right of antagonist to challenge undefended standpoints	Rephrased
A14	Right of protagonist to defend undefended standpoints.		B11	Right of protagonist to defend undefended standpoints.	Rephrased
A15	Right to retract (Retraction cancels obligation to defend)		B12	Right to retract (Retraction cancels obligation to defend)	Rephrased
A16	Orderly conduct constraint: No <i>quantitative</i> redundancy, turn-taking, one unit turn		B13	Orderly conduct constraint: No <i>functional</i> redundancy, turn-taking, one unit turn	Identity criterion of speech act is defined stricter via its <i>functional role</i>
A17	Given A1-16, obligation to retract only upon sufficient defense (A12)	Concl	B14	Given B1-B13 and B15, obligation to retract only upon conclusive defense (B9)	Rephrased
		All	B15	Unconditional right to demand and obligation to perform usage declarative	Corresponds to A3. B13 might be placed here, too.

Figure 2: 1984 versus 2004 Code of Conduct (van Eemeren and Grootendorst 1984, 2004)

3.1. Comments

A1. The 1984 rule A1 is deleted in the 2004 Code. A1 had explicitly listed the speech-act types *assertives*, *commissives*, *directives* and *usage-declaratives* as permissible. Thus, A1 amounted to no more than the exclusion of *exclamatives*. Once exclamatives are deemed allowable, such a rule has *zero* restrictive power. Hence, it's deletion.

A2-A8 vs. B1-B6 + B15. Rule A2 through A8 are merely rephrased and the 2004 rule corresponding to the 1984 A3 is moved to B15.

A9 vs. B7. While A9 made use of both the *intersubjective identification procedure* (IIP) and the *intersubjective testing procedure* (ITP), the corresponding rule B7 uses only the IIP. Indeed, the ITP is deleted in B7. In 1984, the ITP was defined to comprise the agreed upon methods for testing the propositional contents of premises to be accepted during the discussion, i.e., in addition to those accepted at the outset.

The testing method agreed upon might, for example, consist of consulting oral or written sources (encyclopedias, dictionaries and other works of reference) or it might include the joint conduct of observations or experiment (van Eemeren and Grootendorst 1984:167).

Hence, the ITP's purpose was to allow discussants the use of new information in a procedurally controlled manner. Following the 2004 version, any additional premise is now to be defended in a sub-discussion. Hence, the 15 rules also apply to argumentation for/against standpoints added to the initial points of view.

A10 vs. B8. A10 makes use of the *intersubjective explicitization procedure* (IEP) as well as the *intersubjective reasoning procedure* (IRP). Its corresponding 2004 rule B8 uses *the intersubjective testing procedure* (ITP) as well as the *intersubjective inference procedure* (IInfP). The 1984 IRP and the 2004 IInfP amount to more than a mere change in names. After all, one must respect that the 2004 version features the softer validity-criterion discussed above.

The following is added in the commentary to the 2004 rule B 8:

The validity of the reasoning in the argumentation needs to be judged *only if* (i) this reasoning is completely externalized and (ii) the protagonist can be regarded committed to the claim that the soundness of the argumentation depends on its logical validity (van Eemeren and Grootendorst 2004:148; *italics and numbers added*).

In order to fulfill the externalization criterion (i), above, the *intersubjective explicitization procedure* is devised. Its application "must lead to agreement between the discussants on the kind of argument scheme that is used in the argumentation (van Eemeren and Grootendorst 2004:149). Hence, and this holds for the 1984 version, too, the IEP is not strictly speaking a procedure *only* for making unexpressed premises explicit. Rather, its job is to achieve consensus on the particular *argumentation scheme* that is used in the argumentation. But, agreement on a particular scheme can be reached only if all premises are indeed explicit. Hence, precisely which premise this depends on the scheme

reconstructed. E.g., note the difference, above, between ‘all x are y’ (*deductive*) and ‘x are typically y’ (*symptomatic*).

In 1984, one went through the IEP to arrive at a (deductively) valid reconstruction of the argument. If one did not apply the IEP, one instead applied the IRP to judge, whether “(...) the disputed expressed opinion is defensible in relation to the premises which together form the argumentation” (van Eemeren and Grootendorst 1984:169).

In 2004, however, one applies the IInfP only to those arguments for which formal validity is claimed. Note the phrase “the protagonist can be regarded committed” in the second condition, above. This is strong. The analyst will be certain, *iff* the protagonist claims or the context demands formal validity *explicitly*. Below certainty, the very condition can be undercut.

In all other cases, one first applies the IEP to arrive at consensus about the type of schema that is used. Then, one applies what now reappears as (but only shares the 1984 name of) the *intersubjective testing procedure* (ITP). The 1984 ITP was ultimately a method for agreeing on acceptable *sources* of new information. In contrast, the 2004 ITP is a method for judging the “overall acceptability of the argument scheme” (E&G 2004:150), possibly including the determination of “critical questions that the argument schemes are expected to answer” (van Eemeren and Grootendorst 2004 149f.)

A10 + 11 vs. B9 and A13 + 14 vs. B10 +11. A10 and A11 are drawn together to form the 2004 B9, an economical move. A13 and A14 are merely rephrased to yield B10 and B11.

A16 vs. B13. A16, here called *orderly conduct constraint*, was defined via quantitative redundancy, i.e., it was ruled out that one and the same speech act be repeated, to avoid undue prolongation. In the 2004 rule B13, redundancy is defined stricter via, i.e., a speech act with the same *functional role* must not be repeated. Hence, the criterion is shifted. A16 rules out particular episodes that B13 still allows. Like B15 pertaining to all stages, B13 can better be placed at the end, too.

A17 vs. B14 and A3 vs. B15. Finally, A17 is rephrased as the corresponding B14, while B15 is the rephrased version of A3.

3.2. Summary

The ITP is deleted from B7. Only its name reappears in B8. Except for the IIP, all procedures have undergone changes in meaning. This should be viewed as a consequence of the relaxed view on formal validity discussed above. Three of the procedures kept the old names; one took on a similar label: ‘reasoning’ (IRP) became ‘inference’ (IInfP).

A12 is deleted. With the admittance of *exclamatives*, it no longer served any purpose. Quantitative redundancy (A16) is a hyper-critical criterion. It is tightened by identifying speech-acts via functional roles. The other changes are economical (B9 equals ‘A11 \wedge A12’), discussion stage-systematic (A3 moves to B15) or merely stylistic.

4. Reduction of 15 Rules to Six

How many of the 15 rules are *distinct PD-norms*? Answer: The non-redundant ones. Do we need all 15 rules to spell out the *genuine PD* normative content? We do not, *iff* a reduced set serves to derive all 15 rules, given suitable definitions/derivation-principles are found. Thus, I aim at reducing the *Code of Conduct* to distinctly less “material”. An ancestor of this idea is Hansen’s (2002) attempt to reduce the *Ten Commandments* to rules 1 and 9 via a principle that allows deriving rights from obligations (and *vice-versa*).

I want to make use of an analogy to the still influential *statement-view* of empirical theories in the philosophy of science. Lately, this view, in particular the correspondence rules employed therein, have been criticized as a “(...) heterogeneous confusion of meaning relationships, experimental design, measurement, and causal relationship, some of which are not properly parts of theories” (Suppe 2000:S103).

Something similar may be said about the 15 rules. Within the *Code of Conduct*, or so I argue, it is possible to distinguish *general norms of argumentation* from *theory-specific norm-explications*.⁶ In my opinion, the latter comprise all PD-procedures. These are not treated as general norms, but, ultimately, as (theory-specific) forms of social-technology devised to enact those norms.

4.1 The underlying Premise 0

Discussing why there is no explicit *right* of a protagonist or antagonist *to retract an initial standpoint*, Eemeren and Grootendorst argue, there be no need for such a right, since

(...) this right follows immediately from the premise on which all the discussion rules are based. After all, all discussion rules assume that *the discussants can never be obliged or forced to put forward or to call into question a standpoint*. On this premise, discussants who put forward standpoints or call them into question do so of their own free will, and this means that they are also entitled to withdraw these standpoints or expressions of doubt of their own free will” (van Eemeren and Grootendorst 2004:155, *italics added*).

This premise specifies what *liberty in discourse* amounts to. It is here termed ‘premise 0’ and may be paraphrased as:

- (0) No discussant is under an obligation to forward or call into question standpoints.

If Premise 0 plus some set of sentences, X, yield 15 rules, we may solve for X. Rather than developing the result step-by step, here is the outcome plus commentary:

Row	Content	2004 PD Rules
0	No discussant is under an obligation to forward standpoints or to call them into question.	1 (ConfrS); 2 (OS); 10, 11 (AS); 12 (CS)
1	If a discussant asserts a standpoint, he must defend it <i>only</i> upon being challenged by an accountable opponent ⁷ and, if so, <i>only</i> by argumentation.	3 (OS) 6 (AS)
2	(i) Burden of Proof/ Discussion Roles ⁸ and (ii) Success Conditions for standpoint-defense/-attack are decided upon by participant-agreement <i>only</i> .	4 (OS), 5, 7, 8, 9 (AS)
3	Discussants are obliged to retract standpoint/ doubt upon standpoint after a successful defense/ attack.	14 (CS)
4	Unconditional right to ask for and obligation to perform usage declaratives.	15 (AS)
5	Orderly Conduct Constraint	13 (All Stages)

Figure 3: Tightened PD Conduct Rules (Discussion-Stages: ConfrS, OS, AS, CS).

The method of identifying one proposition as the basis for the discussion rules (here: premise 0) is adopted from *structuralist theory reconstruction* in the philosophy of science (Sneed 1971, Stegmüller 1976, Balzer et al. 1987, 1996). With a *central theory-element* or *core* (Lakatos 1978) identified, additional propositions are characterized as specializations thereof. These explicate different aspects of the core (Gähde 2002). Such a reconstruction yields not an AND-connected set (*statement-view*), but a hierarchical structure (as a function of the order in which propositions are logically added to the core).

4.2. Commentary

Row 0. If premise 0 is accepted, it immediately yields rule 1 (*absence of special conditions*), since rule 1 only specifies the *absence* of any special conditions on speakers and on propositions they may forward. Hence, rule 1 is not stronger than 0. Premise 0 also yields rule 2 (*right to challenge*), given one accepts the following warrant: If I lack an obligation to do x, I am free to do x. By the same warrant, rules 10 (*right to challenge undefended standpoints*), 11 (*right to defend undefended standpoints*), and 12 (*right to retract*) are reachable (*cf. section 5.1*). Thus, the normative content of premise 0 is only explicated relative to different discussion stages.

Row 1. This is a rephrased conjunction of rules 3 and 6. They are not reachable by premise 0, thus, genuine and distinct norms.

Row 2. Again, row 2 contains a conjunction of rules 4 and 5 as well as 7-9. I do not treat any of these as norms. Rows 4 and 5 amount to PD-specific *partial explications* of the terms ‘defending a standpoint’, ‘argumentation’ in row 1 as well as ‘calling a standpoint into doubt’ from Premise 0.

Rules 7-9 are called *definitions*. They *procedurally* define the success-conditions of a good attack/defense. Precisely what these conditions *materially* amount to in a particular case is, of course, left to the participants. Only the procedure is regulated. Thus, the only norm that *could* appear in this row is that of aiming *only* at a procedurally mediated consensus. *That* consensus should be the sought, however, is an explication of what it

means to argue critically *according to PD-standards*. Hence, I do not see how the consensus-“norm” would be anything but another theory-specific partial explication of the term ‘argumentation’ in row 1. For short, I find no *norms* in row 2.

Row 3 and 4. Rule 14 (*obligation to retract upon a successful defense of a standpoint*) is neither an explication of the obligation to defend in row 1, nor does it follow from premise 0. Hence, PD’s rule 14 is a genuine norm.

Likewise for PD’s rule 15, of which maximally the right-part (*right to ask for a usage declarative*) might be reducible to premise 0 via the *duty/right-conversion principle* (see 5.1), in which case it were a genuine norm, but not a distinct one. The duty-part (*duty to perform usage declarative upon being asked*) certainly could not be so reduced to premise 0. Hence, the duty-part is a distinct and genuine norm.

Row 5. Finally, PD’s rule 13 (orderly conduct constraint) is a norm that applies throughout every discussion stage. It is therefore termed a *constraint*, rather than a *stage-specific* rule. Using but under another name, No 13 should be viewed as a norm.

5. Addressing Objections

5.1. How does the derivation look in detail?

David Godden remarks (personal communication), one needs to show a derivation of how, e.g., Premise 0 reduces PD’s rules 1, 2, 10-12. In answering to this challenge, one cannot make straightforward use of a standard “Nagel-type” reduction (Nagel 1961:ch. 11) via deductive implication, i.e., ‘Premise 0 |- Rule 1 \wedge R2 \wedge R10-12’. But one cannot for trivial reasons. Premise 0 simply does not deliver the terms appearing in the rules to be derived, e.g., ‘challenge’, ‘defend’, ‘retract’, etc.

PD’s rule 1 (*absence of special conditions on propositions or preparatory conditions on speakers*) is the negation of a constraint. Hence, it is not stronger than Premise 0. The remaining task then consists in showing how one gets from Premise 0 to PD’s rules 2, 10-12. Which additional assumptions suffice? E.g., Premise 0 and what X let one deductively derive rule2?

We may use the *duty/right conversion-principle* (DR) from above:

(DR) If no discussant has an obligation to forward or call into question standpoints, then each discussant is free (alternatively: has a right) to forward or call into question standpoints.

Evidently, Premise 0 delivers the antecedent of DR. Hence, we receive the right stated in the consequent. This amounts to PD’s *right to challenge* (rule 2). It will do so also formally, if we define in addition that ‘calling into question a standpoint’ is to be used synonymously with ‘challenging an opponent’.

Furthermore, if Premise 0, via DR, yields rule 2, they also yield the *right to challenge undefended standpoints* (rule 10: antagonist, rule 11: protagonist). After all, the standpoints challengeable by rule 10 and 11 must be a subset of those challengeable by rule 2.

By Premise 0, one never incurs an obligation to forward a standpoint or cast doubt. One merely incurs a conditional obligation to defend a forwarded standpoint (rule 3). It

would be contradictory to not allow a *right to retract* (rule 12). For had I no right to retract, the Code of Conduct would leave a standpoint/doubt once forwarded but unchallenged non-retractable. Thus, one did after all incur a quasi-obligation to uphold it continuously. This created a contradiction insofar as Premise 0 *entirely liberalized* the process (the forwarding), yet *constrained* the product (the forwarded standpoint or doubt). Hence, we may reach rule 12 from Premise 0 via the consistency requirement, i.e., ' $\neg(p \wedge \neg p)$ '.

I am not able to show the *literal* meaning of the above quote "(...) the premise on which *all* the discussion rules are based (...)" (van Eemeren and Grootendorst 2004:155, *italics added*). Indeed, I can only show how Premise 0 may serve to derive rules 1, 2, 10-12 in row 1 (and trivially so in case of rule 1). The derivation-principles employed comprised DR, a most plausible synonymy-definition, set-inclusion, and the consistency requirement.

Thus, we do find Premise 0 *appearing* in every discussion stage, but not strictly speaking *underlying* every rule. If and by means of which principles/definitions one reached the remaining rules *in a reductive manner* is unclear to me. In *Figure 3*, the content of rows 1-5 is straightforwardly *added* to Premise 0, not derived from it.

5.2. Definitions

Christoph Lumer (personal communication) points out that calling PD's rules 7-9 *definitions* may rather hide the fact that precisely these definitions give the PD-genuine normative ideas on the resolution of a disagreement via a critical discussion. He suggests, rules 7-9 from row 2 should be placed in row 1, in which the term 'argumentation' appears, because rules 7-9 define how the argumentation looks according to PD-standards.

True, looking at *Figure 3*, the genuine PD-contribution *is* captured in row 2 *alone*. Who forwards objections to the content of rows 0, 1, 3-5? These are also *part of*, but not in a good sense *genuine to* PD. After all, rows 0, 1, 3-5 contain reasonable, but weak norms. They should be acceptable in anybody's approach to argumentation.

In Lumer's (2007) contribution to this volume, he advises us to respect epistemic standards of justification where PD offers only consensual ones. These epistemic standards, I take it, will yield different rules, but rules nevertheless. Could not such epistemic standards appear *instead of* or *in addition to* row 2?

If so, then, in principle, rules 7-9 alone may make for the difference between an epistemic and a consensual theory of argumentation. After all, row 2 bears the *theory-specific* definitions, i.e., those that could read otherwise. I refrain from pulling these into row 1 (or any other row), because nothing in rows 0, 1, 3-5 seems *genuinely* PD. In contrast, rules No 4, 5, 7-9 are *exhaustively* PD-genuine, in the sense of containing all consensual elements.

This (or some such) distinction is required, if *qualified* disagreement shall be possible, i.e., disagreement with particular rules, rather than negating the entire set of 15. On the present distinction, we have a rudimentary hierarchy. Premise 0 is the core. Rows 1-5 are added on. Among the latter, row 2 is PD-genuine, and thus, farthest from the core. What theory is reached, if *only* row 2 is replaced or amended by different definitions, e.g. epistemic ones?

6. Conclusion

The 2004 *Code of Conduct* has undergone material change, the most important of which is the acknowledgement of non-deductive forms of validity. Following such recognition, the definitions of three of the four intersubjective procedures have changed as well. Phrasing the *Ten Commandments* as prohibitions was argued to provide falsification instances. Further differences in Code and Commandments were pointed out.

Successful reduction reveals redundancies. Some of the 15 PD-rules repeat one norm in a different discussion-stage. This was shown in some detail for Premise 0 and rules 1, 2, 10-12. The reduction can be accepted as a consequence of the right/duty conversion-principle, the consistency requirement, set-inclusion and a synonymy definition.

Isolating the consensual part (row 2) as a PD-specific explication of general norms of argumentation allows distinguishing the *genuine* PD-part from that which should be acceptable in most approaches to argumentation. Thus, replacing or amending row 2 may serve to construe distinct theories of argumentation from the same underlying scaffold.

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Notes

¹ ‘Point of view’ becomes (>) ‘standpoint’, ‘starting-points’ > ‘premises’, ‘language user’ > ‘discussant’, ‘potential’ > ‘force’, ‘illocutionary act complex of argumentation’ > ‘complex speech act of argumentation’, etc. These are stylistic choices.

² Eemeren et al. (1996) presents a stylistic variant of van Eemeren and Grootendorst (1992).

³ Note that the 1992 Commandment 8 is apparently phrased stricter than its 1984 counterpart. We find: “(...) logically valid or capable of being validated (...)” But, together with the above quote, “(...) we do not want to take a specific and definitive stance on the question [of which logical validity; F.Z.] (...)” that strictness is gone. Cf. van Eemeren and Grootendorst (2004:194, n.19).

⁴ It is a material contradiction, not a formal one. At least, I know of no calculus that allowed a combination of classical and default logic in a single expression. One could introduce the quantifier ‘Most’ instead of opting for a default approach (Schlechta 1997:111). Then, the contradiction would be formal, too.

⁵ ‘|-’ is to be read as ‘implies’, but not ‘logically implies’, since neither rule A5 nor B3 contain the term ‘burden of proof’ and, thus, could imply the onus of proof only via an additional definition, such as “A person who advances a point of view and does not subsequently retract it carries the burden of proof for that point of view as soon as (...) he is challenged to defend it” (van Eemeren and Grootendorst 1984:161). That snippet appears in the commentary to the rule.

⁶ E.g., utilitarianism is a normative theory. It judges any action by a single standard or norm, i.e., the action’s impact on the collective utility-sum. The (moral) acceptance of utilitarianism is a direct function of explicating this norm. In one such explication, the next healthy person to pass by a hospital can be killed and his organs transplanted to satisfy the needs of, say, three patients awaiting liver, heart and kidney-donation. Doing so clearly raises the net-utility. This is a mad explication, but utilitarian nevertheless.

⁷ Cf. rule 3 in van Eemeren and Grootendorst (2004:139): “The discussant who is challenged (...) is always obliged to accept this challenge, unless the other discussant is not prepared to accept any shared premises and discussion roles (...)”

⁸ PD leaves the discussion-role to be adopted and the order in which the burden of proof is (sought to be) discharged *entirely* to the participants. Moreover, the concepts ‘burden of proof’ and ‘discussion-roles’ are integral dimensions, i.e., a verdict on the first concept determines that for the second and *vice-versa*. E.g., a protagonist may defend *p*, but just as well attack *non p*. If so, we *call* him ‘antagonist’. In any case, I fail to see a *structural* difference between ‘attack p’ and ‘defend non p’.