

Pragma-dialectic's necessary conditions for a critical discussion

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ABSTRACT: I present a “reduced” version of the fifteen Pragma-dialectical rules and inquire into their theoretical status as *necessary conditions* for a critical discussion. Questions: (i) In what respect is PD's non-sufficiency a deficiency, (ii) can and (iii) must it be remedied? Brief answers: (i) with respect to *defining* the concept ‘critical discussion,’ (ii) possibly, (iii) yes, if, and only if, one seeks to *identify* the concept ‘critical discussion’; no, if PD is for fallacy-detection.

KEY WORDS: fallacy detection, higher order conditions, ideal model, necessary and sufficient conditions, pragma-dialectical discussion procedure, reduction, redundancy, rules for critical discussion.

1. INTRODUCTION

On the understanding that a discussion is flawed to the extent that it involves fallacies, a good discussion is, in turn, qualified by the *absence* of fallacies. In this sense, it becomes reasonable to demand, as a theoretical value, that a normative model for argumentative praxis be capable of *identifying* and *prohibiting* fallacies. Moreover, in the absence of a stronger specification of good argumentative praxis, the potential (of a theory or an approach) to detect and then exclude fallacies from rational discourse will continue to serve as a minimum criterion on which argumentation-scholars should be able to agree.¹

In the pragma-dialectical code of conduct for a critical discussion, this potential translates directly into the model's (theoretical value of) *problem-validity*.

The code of behavior for conducting a reasonable discussion based on these rules derives its problem validity *precisely* from the fact that it does not allow fallacies. (van Eemeren and Grootendorst 2004:22; italics added)

Unlike the second theoretical value, *conventional validity*, which one can only assess through empirical research on participants' explicit agreement with the norms forwarded in the model, the problem validity of Pragma-Dialectics can be assessed by any researcher who applies the model to a given (written or spoken) argumentative text.² In the following, I will restrict attention to the theoretical value of problem validity.

¹ Precisely how ‘fallacy’ is to be generally characterized is another and a contended matter. At least, it is generally recognized that Hamblin's (1970) so-called *Standard Treatment*, i.e., ‘An argument that seems valid but is not’ will not do. Worse still, this gloss has never been a *de facto* standard; cf. Hansen (2002a).

² The second theoretical value, conventional validity, is clearly motivated by a want to arrive, through theory building, only at those categories and distinctions that argumentative praxis already presupposes,

I agree with Lumer's (2007) criticism that it is so far not shown, but only claimed, that the pragma-dialectical rules *promote* the resolution of a difference of opinion:

Completely in line with the just criticized unqualified consensualistic determination of discourse's aim as dispute resolution, van Eemeren and Grootendorst establish as their criterion for good discourse rules that such rules have to promote that aim. They write that the value of discourse rules or of a dialectical procedure is identical to the degree they help to resolve conflicts of opinion or that a dialectical procedure is valid to the degree it promotes the resolution of differences of opinion [van Eemeren and Grootendorst 1984, 151; 152; cf. 7-18, in particular 17; 2004, 16; 56; 56 f., note 35; 132; 134; van Eemeren et al. 1996, 278; 279; cf. 311]. Strangely enough, van Eemeren and Grootendorst never proceed to prove that the rules proposed by them are the best in these terms. (Lumer 2007:6)

Rather, the value of the rules for the promotion of a resolution of a difference of opinion is demonstrated *exclusively* with respect to ruling out fallacies. Hence, when we turn to the status of the rules as necessary conditions, below, I will assume that, *if* the rules are necessary, then they are necessary for comprehensive fallacy detection.

As a heuristic tool for the reconstruction of argumentative discourse, Pragma-Dialectics is laid out in two sets of rules: (i) the 15 *Rules for a Critical Discussion* that constitute the *discussion procedure* – and (ii) the 10 prohibitions that constitute the *Code of Conduct for Reasonable Discussants*. Their latest version can be found in van Eemeren and Grootendorst (2004:123-157, 187-196).³ For each of the 10 prohibitions in the Code of Conduct, its non-violation is claimed to be *instrumental* to complying with one (or more) of the rules of the pragma-dialectical discussion procedure in van Eemeren and Grootendorst (2004:190; fn. 10-24).

An application of the pragma-dialectical model amounts to judging, if (i) participants to a resolution-oriented discussion violate any of the 10 prohibitions – whence they commit fallacies – and if (ii) their interaction conforms to all of the 15 rules, where a necessary conditions for (ii) is that (i) be false, i.e., fallacies are absent. In other words, obeying the 15 rules implies obeying the 10 prohibitions, but not *vice versa*.

The way in which Pragma-Dialectics identifies fallacies as violations of discussion rules is usually understood only with respect to the 10 prohibitions, because so presented, e.g., in van Eemeren, Grootendorst, Snoek Henkemans et al. (1996:298-306). The recent discussion and exemplary application in van Eemeren and Grootendorst (2004:165-173, 175-180), however, shows that fallacies are identifiable as violations of the 15 rules.

This honorable aim is, for example, shared by those pursuing conversation (as opposed to discourse) analysis and by anyone with a liking for ethno-methodology. It strikes me as odd, however, that conventional validity or intersubjective approval would even be *necessary*, provided the theoretical apparatus achieves problem-validity. But just this is demanded, e.g., in van Eemeren, Garssen and Meuffles (2005:350). They say, it be insufficient for the rules to be *effective*. Would it be mistaken, then, to expect that, whoever agrees on the rules' effectiveness will also agree, for this very reason, that the rules of the apparatus can or should *become* conventionally valid. Would not recognition of their effectiveness bring about their acceptability?

³ Changes in both sets of rules since their initial presentation in van Eemeren and Grootendorst (1984, 1987), especially the softening of the criterion of *formal or logical validity*, are traced in Zenker (2007). The softer validity-criterion is also discussed in Johnson (2006) and occurs in response to a criticism by Krabbe (2004), cf. van Eemeren and Grootendorst (2004:194; fn. 20).

If it is accepted that obeying the 10 prohibitions thus becomes a precondition for obeying the 15 rules, it should be clear that the 10 prohibitions really are no more than what their authors call them: *a simple non-technical code for practical purposes* (van Eemeren and Grootendorst 2004:190). Hence, in discussing the status of the Pragma dialectical rules as necessary conditions, below, it would be insufficient to focus on the 10 rule set.

2. THE 15 PD-RULES ARE NECESSARY FOR FALLACY DETECTION

The 15 rules of the Pragma-Dialectical (PD) model are claimed to constitute *necessary conditions* for a critical discussion, insofar as such a discussion is (reconstructable as being) aimed at the resolution of a difference of opinion. The rules are useful by virtue of allowing the analyst to identify *unsound moves* in argumentative discussions, i.e., fallacies, as the violation of at least one of these rules in at least one of the four discussion stages (*confrontation, opening, argumentation, concluding stage*).

Every violation of any of these [15; F.Z] rules can make the resolution of a difference of opinion more difficult, or even obstruct it. We shall take such a violation to be a fallacy. This conception of fallacy is broader than the familiar conception of fallacies as invalid or incorrect arguments. Our view is broader because we do not link the fallacies exclusively to one particular discussion stage, which we call the argumentation stage, in which the reasoning of the protagonist is tested for its correctness. It is more specific because it links the fallacies specifically and explicitly with the process of resolving a difference of opinion. (van Eemeren and Grootendorst 2004:162)

Thus, the 15 rules are instrumental for *comprehensive* fallacy-identification across the entire discussion. If you drew up a rule-by-discussion stage matrix (15 rows of rules and four columns of discussion stages), then each fallacy occupied at least one cell. Metaphorically speaking, this matrix provides a filter of a fine enough mesh-size to sort out fallacies. Whatever passes through the filter will be a sound argumentative move relative to the 15 so-called *first order conditions* (of which more later).

Aided by the filter-metaphor, one can better understand the sense in which the 15 PD-rules may be *necessary*: If the mesh is too wide, a fallacy will pass through, i.e., remain unrecognized. Hence, each of the 15 rules is *indispensable*, because simply deleting already one of them yields too wide a filter, so that at least one discourse contribution that is a fallacy relative 15 rules passes as a sound move relative to 14 rules.

2.1 Utilization of the fallacy detection potential

The sense in which each of the 15 PD-rules is necessary for the resolution of a difference of opinion, then, is the sense in which none of the 15 can be given up without a net-loss in the model's ability to identify fallacies. This ability may be called the model's *fallacy detection potential*. It can, in principle, be assessed/measured by the extension of the set of fallacies detected.

On a strict interpretation of the term *necessary*, the claim (i) that a set of conditions – here: the 15 PD-rules – be *necessary* for some end – here: detecting a set of fallacies, *F* – entails (ii) that it is not possible to achieve the *very same* end by some *distinct* set of condition.

Showing the falsity of (ii) amounts to showing that the 15 PD-rules are *not necessary* conditions for a critical discussion. This requires providing an alternative set of conditions, PD^* .⁴ Taken together, the conditions listed in the set PD^* must *not* amount to the original 15 *PD-rules* in the sense of *only* reducing PD , i.e., being a national variant thereof. At the same time, the set PD^* must *at least* allow detection of the same set of fallacies that PD yielded – possibly more. If this is achieved, the set PD is shown to be *only sufficient* for fallacy-detection, but *not necessary*. For, if we had PD^* , the *same* job could be done. Of course, also PD^* would then not be *the* necessary set, but just another sufficient set.

2.2 Lacking a precondition for the comparison

A condition for the possibility of demonstrating the non-necessity of the set PD in the above way is that the set of PD-detectable fallacies, F_{PD} , be specified. That specification must be not merely in terms of the *size* of F_{PD} , say, 33 fallacies, but must amount to listing the *members* of the set, e.g., $F_{PD} = \{ad\ hominem, ad\ verecundiam, petitio, etc.\}$.

I am not aware that PD 's fallacy detection potential has yet been *exhaustively* specified by such a list. Van Eemeren and Grootendorst (2004) only claim that, in the PD model, “the *whole* range of classical fallacies can be analyzed in a systematic way” (p. 185; *italics added*). While the systematicity part of this claim is warranted by the exposition and application of their theory, the claim to being able to analyze the *whole range* remains as vague as the range itself.⁵

It would be a separate requirement to demand that, *no matter what*, this range *must* be fixed by such a list. I will not forward this *unconditional* demand. Suffice it to say that, in the absence of a specification of the range of PD-detectable fallacies in the form of a list, one will simply not be able to compare (the fallacy detection potentials) F_{PD^*} and F_{PD} . Hence, *even if* PD amounted only to a set of sufficient conditions for fallacy detection – in the above sense of being *replaceable* without loss in fallacy detection potential by a non PD -reducing set – one would not be able to demonstrate it.

2.3 Alternative route

An inquiry into the status of the 15 PD -rules as necessary conditions is then left with addressing the question, if not some set of conditions, PD^* , can serve as another way of expressing the original set, PD . However, in providing such a set, one can *not* directly show the original set, PD , to be only sufficient – and, hence, not necessary. If successful, one can only show that the 15 rule formulation can be somewhat tightened.

⁴ In the following, ‘ PD ’ stands for the *set* of rules of Pragma-Dialectics and ‘ PD^* ’ for any *set* of revised rules such that the cut of PD and PD^* , ‘ $PD \cap PD^*$ ’ is non-empty. In non-italicized form, ‘ PD ’ is merely shorthand for ‘Pragma-Dialectics’.

⁵ Without a claim to exhaustiveness, van Eemeren, Grootendorst, Snoek Henkemans (1996:304ff), for example, list: *ad baculum*, *ad hominem* (variants 1 to 3), *shifting the burden of proof* (2 variants), *ad ignorantiam* (2 variants), *straw man*, *ad populum* (1 variant), *ignoratio elenchi*, *many questions*, *petitio principii*, *ad populum* (presumably variant 2), *ad verecundiam* (variant 1), *ad consequentiam*, *false analogy*, *post hoc ergo propter hoc*, *secundum quid* (i.e., hasty generalization), *slippery slope* (variant 1), *affirming the consequent*, *denying the antecedent*, *fallacy of composition*, *of division*, *ad ignorantiam* (variant 2), *ambiguity*. Discounting variants, we have an impressive list of 22, but is it exhaustive?

No doubt, tightening the PD-rules is the less spectacular task. It is nevertheless a worthwhile exercise, because – or so I want to show in the following – it serves to distinguish among the 15 PD-rules *distinct* (vs. redundantly formulated) and *general* norms of good argumentation from *PD-specific explications* of these norms. The PD specific explications lay out a critical discussion as an interaction that aims at *consensus* under *procedural* constraints, rather than, e.g., epistemic or rhetorical standards.

The result will be a partitioning of the 15 rules. This allows (i) identification of and, in turn, (ii) qualified disagreement with a particular part of the 15 rules, whence (iii) a subset of the PD rule set may be revised, i.e., deleted and replaced. On a further assumption (below), only the fallacy detection potential of that *revised part* must be compared with that of the part deleted from PD to assess, if the PD-rules are, after all, necessary conditions.

2.4 Comparison of subsets

As explained above, PD’s fallacy detection potential, F_{PD} , is a function of *all* 15 rules. Therefore, *revising* a subset, *PD-SUB*, of *PD* to arrive at revision set, *PD’*, will *not* incur a net loss in that potential, *only if* the fallacy detection potential $F_{PD’}$ of the revision set *PD’* is at least as strong as that of *PD*. Moreover, when parts of the 15 PD-rules are accepted as a shared “scaffold” or “skeleton” – as I claim they can – , then every potential revision of the PD-rules will only pertain to a subset of *PD*.

In comparing the fallacy detection potential of *PD* and of the *PD*-revision, *PD’*, it is sufficient to compare the fallacy detection potential of the subsets by which *PD* and *PD’* differ. The result of this comparison is the difference between the union and the cut of F_{PD-SUB} and $F_{PD’-SUB}$, i.e., $(F_{PD-SUB} \cup F_{PD’-SUB}) / (F_{PD-SUB} \cap F_{PD’-SUB})$. Assuming a real number represents each subset’s fallacy detection potential, the result will be unequal to 1 *iff* the potentials differ.

Evidently, so cutting the task down to comparing, not F_{PD} with $F_{PD’}$, but F_{PD-SUB} with $F_{PD’-SUB}$ is more manageable, yet faces the same problem (see 2.2 above) as long as one remains unable to finitely specify the fallacy detection potential of each subset. The common sense thing to do, then, is to compare F_{PD-SUB} with $F_{PD’-SUB}$ through a list of the fallacies that have *de facto* been identified by the rules in the subset PD-SUB. The same strategy, of course, can be applied to a comparison of F_{PD} with $F_{PD’}$. It is merely more work, and – if the following is accepted – simply superfluous.

3. TIGHTENING THE 15 PD-RULES⁶

The 15 PD rule set can be tightened, if an alternative set of rules, together with suitable and acceptable definitions and derivation principles, again yields the original 15 rules. The endeavor to so tighten the PD-rules starts out from what I call *premise 0*, which is a reformulation of the following claim as to a premise *underlying* the pragma-dialectical discussion procedure.

(...) this right [of a protagonist or antagonist to *retract an initial standpoint*; F.Z.] follows immediately from the premise on which all the discussion rules are based. After all, all discussion

⁶ This section is an adapted from Zenker (2007).

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*)

Thus, premise 0 specifies what *liberty in discourse* amounts to. As R0, it may be paraphrased as follows:

(R0) No discussant is under an obligation to forward or call into question standpoints.

As will be shown shortly, R0 serves to reduce the PD-rules 1, 2, 10-12 (listed in Fig. 2, below). In addition, I propose five further rules which are not reductive, but merely shorter expressions, thus reaching the following table.

#	Content	Status
R0	No discussant is under an obligation to forward standpoints or to call them into question.	Reductive premise, reaches PD1, 2, 10-12, which are <i>norms</i> .
R1	If a discussant asserts a standpoint, he must defend it <i>only</i> upon being challenged by an accountable opponent and, if so, <i>only</i> by argumentation.	Rephrased conjunction of PD3 and PD6, which are <i>norms</i> .
R2	(i) Burden of Proof/ Discussion Roles and (ii) Success Conditions for standpoint-defense/-attack are decided upon by participant-agreement <i>only</i> .	Rephrased conjunction of PD 4, 5 and 7-9, which are <i>explications</i> of the terms ‘argumentation’, ‘defending’ and ‘doubting’, <i>definitions</i> of the success-conditions of a good attack/defense.
R3	Discussants are obliged to retract standpoint/ doubt upon standpoint after a successful defense/ attack.	<i>Norm</i> , conforms to PD13
R4	Unconditional right to demand and obligation to perform usage declaratives.	<i>Norm</i> , conforms to PD14
R5	Orderly Conduct Constraint	<i>Norm</i> , conforms to PD15

Fig. 1: Tightened Version of the 15 PD-rules

3.1 Commentary to Fig. 1

R1 is a rephrased conjunction of PD3 and PD6. R2 is a conjunction of PD4, 5, and 7-9. In contrast, R3-5 *repeat* their counterparts PD13-15. As will be argued below, it is fruitful to not view R2 as a norm, but instead as a collection of PD-specific norm-explications and definitions.

It is R2 that seems to be most revisable, while the remaining rules seem most acceptable, i.e., least in need or want of revision, because they amount to rather weak and common sense norms of argumentation. At any rate, they do not seem to be norms that “generate from” a commitment to *consensualism*. Nevertheless, they are procedural norms.

3.2 Overview of rules to be contrasted

The table below first presents the original 15 PD-rules and relates them to their tightened variant. Then the derivation from R0 plus relevant principles is specified. The aim behind

this concise presentation of the PD-rules is to collect the norms that express the PD-specific consensualism in a subset, here: R2.

Stage	PD-Rules for a Critical Discussion		Tightened Set of Rules	
Conf.	PD1	Absence of special conditions on propositions or preparatory conditions on speakers.	R0	No discussant is under an obligation to forward standpoints or to call them into question.
	PD2	Right to challenge.		
Opening	PD3	Conditional obligation to defend implies Burden of Proof, and <i>v.v.</i>	R1	<i>See below</i>
	PD4	Allocation and Maintenance of Discussion Roles (<i>qua</i> PD3).	R2	(i) Burden of Proof/Discussion Roles and (ii) Success Conditions for standpoint-defense/-attack are decided upon by participant-agreement <i>only</i> .
Argumentation	PD5	Agreement on what counts as a successful attack and defense for <i>this</i> discussion.		
	PD6	Agreement to defend only by argumentation and to attack only by questioning.	R1	If a discussant asserts a standpoint, he must defend it <i>only</i> upon being challenged by an accountable opponent and, if so, <i>only</i> by argumentation.
	PD7	Def. of successful attack on and defense of propositional content via IIP <i>only</i> .	R2	<i>See above</i>
	PD8	Def. of successful attack on and defense of justificatory force via ITP, (IEP and) IInfP.		[The four procedures in PD7 and 8, i.e., the <i>intersubjective identification, testing, explication</i> and <i>inference procedure</i> are detailed in Eemeren and Grootendorst (2004), cf. Zenker (2007).]
	PD9	Def. of conclusive attack and defense of initial & sub-standpoint.		
	PD10	Right of antagonist to challenge undefended standpoints.	R0	<i>See above</i>
	PD11	Right of protagonist to defend undefended standpoints.		
	PD12	Right to retract (Retraction cancels obligation to defend).		
PD13	No <i>functional</i> redundancy, turn-taking, one unit turn.	R5	Orderly Conduct Constraint	
Concl.	PD14	Given PD1-13 and 15, obligation to retract only upon conclusive defense (as defined in PD9).	R3	Discussants are obliged to retract standpoint/ doubt upon standpoint after a successful defense/ attack.
All	PD15	Unconditional right to demand and obligation to perform usage declarative.	R4	Unconditional right to demand and obligation to perform usage declaratives.

Fig. 2: The original 15 PD-rules and their tightening into R0-R5

3.3 How to arrive at PD1, 2, 10-12 from R0?

If R0 is accepted, it immediately yields PD1 (*absence of special conditions*), since PD1 only specifies the *absence* of any preparatory conditions on speakers and special conditions on propositions they may forward. Thus, PD1 is the negation of a constraint. Hence, it is not stronger than R0.

R0 also yields PD2 (*right to challenge*), given one accepts the following warrant: ‘If I lack an obligation to do *x*, I am free to do *x*’. This can be expressed as a *duty/right conversion-principle* (DR), similar to that used in Hansen (2002b):

(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, R0 delivers the antecedent of DR. Hence, we receive the right stated in the consequent. This amounts to the *right to challenge* (PD2). It will do so also formally, if we define (by convention) that ‘calling into question a standpoint’ is to be used synonymously with ‘challenging an opponent’.

Furthermore, if R0, via DR, yields PD2, then it also yields the *right to challenge undefended standpoints* (PD10: antagonist, PD11: protagonist). After all, the standpoints challengeable by PD10 and PD11 must be a subset of those challengeable by PD2.

By R0, one never incurs an obligation to forward or cast doubt upon a standpoint. One merely incurs a *conditional* obligation to defend a forwarded standpoint (PD3). It would be contradictory to not allow a *right to retract* (PD12). For had I no right to retract, the model 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, however, created a contradiction insofar as R0 *entirely liberalized* the process (the forwarding), yet *constrained* the product (the forwarded standpoint or doubt). Hence, avoiding the contradiction, we may reach PD12 from R0 via the consistency requirement, i.e., ‘ $\neg(p \wedge \neg p)$ ’.

In sum, it becomes clear that, within the 15 PD-rules, the normative content of R0 is explicated redundantly, i.e., relative to *different* discussion stages. Clearly, the four discussion stages serve as an analytical tool for the reconstruction of a discussion. Note, however, that they only contribute a systematic aspect to the end of fallacy-detection. The stages do not, as it were, allow the detection of fallacies that are otherwise prone to be overlooked.

3.4 General norms vs. theory-specific explications

We may now turn to the question: Which of the 15 rules *express* and which only *specify* the normative content of Pragma Dialectics *qua* providing definitions? The basic idea here is that one may share a wide agreement on the norms of good argumentation, and “only” fail to agree on the explications of these norms.⁷

Under a commitment to pluralism, this is perhaps as it should be; but it should not be enough. Being able to separate the question ‘Do you share this norm?’ from ‘Do you share this particular way of making the norm precise?’ should yield constructive criticism and, thus, pay a dividend in the form of distinct ways of making precise a common set of norms. On this view, once the norms are separated from their theory-specific explication,

⁷ The disagreement space with respect to the explicating the norms of argumentation is, roughly, demarcated by *consensual*, *rhetorical* and *epistemic* approaches – this is not necessarily to be thought of as mutually exclusive in all aspects. Moreover, procedurally specified norms can appear in each of those. Cf. Tindale (1999, 2005) for a rhetorical and Siegel and Biero (1997) for an epistemic approach.

thus reaching the underlying “skeleton” of a theory or model of good argumentative praxis, various norm explications can serve to “flesh it out”.⁸

In the following, then, I seek to identify within the 15 PD-rules those statements that are either not reducible to R0 or do not explicate a concept relevant to argumentation in terms of PD-specific consensualistic procedures.

R1 is a rephrased conjunction of the PD3 and PD6. They are not reachable by R0, nor are they explications, thus, genuine and distinct norms.

R2 is a conjunction of PD4 and PD5 as well as PD7-9. I do not treat any of these as norms. Rather, PD4 and PD5 amount to PD-specific *explications* of the terms ‘defending a standpoint’ and ‘argumentation’ in R1 as well as ‘calling a standpoint into doubt’ from Premise 0.

PD7-9 are *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 here 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 R1.

PD14 (*obligation to retract upon a successful defense of a standpoint*) is neither an explication of the obligation to defend in R1, nor does it follow from R0. Hence, PD14 is a genuine norm. Of course, having to retract the standpoint that was successfully attacked by an opponent is what *loosing* amounts to, i.e., loosing the right to uphold the standpoint. Cf. Barth and Krabbe (1982:71): “It is not irrational to lose a discussion (...) but (...) irrational not to admit that one has lost.”

Also PD15 is a genuine norm, of which maximally the right-part (*right to ask for a usage declarative*) might be reducible to R0 via the *duty/right-conversion principle*, 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 R0. Hence, at least the duty-part is a distinct and genuine norm.

Finally, PD13 (*orderly conduct constraint*) is a norm that applies in every discussion stage. It is therefore termed a *constraint*, rather than a *stage-specific* rule. Using but another name, it should be viewed as a norm.

3.5 Summary and implications

If the above is accepted, it leaves us with R2, i.e., PD4, 5, and 7-9, as PD-specific explications and definitions, while the remainder may count as *general* norms of good argumentation. Five of those, i.e., PD1, 2, 10-12, were shown to be reducible to R0.

The formulation of the PD-rules in the form of R0-5 only provides a tightened version. With respect to the question ‘Are the 15 PD-rules necessary or only sufficient

⁸ To illustrate, you can be a *utilitarian*, but disagree on the way the *collective utility sum* is calculated. E.g., some (rather mad) explication of utilitarianism might allow to kill *one* healthy person and use her organs to provide for a kidney-, a lung- and a heart-transplant, thus saving *three* other persons while raising the net utility sum. Alternatively, you can demand that a good action must raise the utility sum *for each person*, which clearly is not the case in the above example.

conditions for a critical discussion?', on the assumption that a decisive answer can only be reached by comparing PD's problem validity through comparing its fallacy detection potential with that of another set of rules, a subsequent study may proceed as follows:

- (1) List the fallacies that are detectable by the PD-rules here identified as PD-specific, thus assessing the fallacy detection potential of the subset PD-SUB;
- (2) Replace only the subset by a different one which then features the explications of general norms of argumentation that your preferred approach/theory suggests;
- (3) List the fallacies so detected;
- (4) Compare the lists to assess the difference in fallacy detection potential.

Only if the new list contains all the fallacies on the PD-list, then *PD* is shown to be not necessary but only sufficient. Again, comparing the subsets is enough. All fallacies detectable on the set of remaining rules, i.e., *PD* contracted by *PD-SUB* (yielding only those rules not contained in the subset), will also be detectable on the revision set *PD'*.

4. HIGHER ORDER CONDITIONS FOR A CRITICAL DISCUSSION

The previous section showed that the status of the 15 PD-rules as necessary conditions is, in principle, *decidable* – though, as laid out above, not yet *decided*. Assuming for the moment, that no revision set, *PD'*, achieves PD's fallacy detection potential, it would show that the 15 PD-rules are, after all, necessary. Of course, the result will be only as strong as the inability to produce a suitable set *PD'* is persistent, because remaining unable to find such a set is distinct from showing that no such set can be produced.

In the *persistence* absence of a serious rival, the claim that the 15 PD-rules are necessary for the resolution of a difference of opinion would receive some form of support. This could clearly improve the situation, since presently the above claim is but that: a claim. As argued for above, the necessity of the 15 PD-rules is justified exclusively with respect to their fallacy detection potential, i.e., with respect to identifying and being instrumental in avoiding bad argumentative moves.

4.1 Necessity vs. sufficiency

While necessity of the PD-rules is readily claimed, the opposite is the case with respect to sufficiency.

Of course, the rules cannot afford any guarantee that discussants who abide by these rules will always be able to resolve their difference of opinion. They will not automatically constitute a sufficient condition for the resolution of differences of opinion, but they are at any rate necessary for achieving that purpose. (van Eemeren and Grootendorst 2004:134; similarly 36, 157)

Rather, when the question of sufficient conditions for the resolution of a difference of opinion is addressed, the PD-rules are said to be amendable by further conditions which relate to the *internal* or psychological makeup of the participants and the *external* or socio-political makeup of their context:

If the rules of the pragma-dialectical discussion procedure are regarded as first-order conditions for having a critical discussion (...), the internal conditions for a reasonable discussion attitude can be viewed as “second-order” conditions relating to the state of mind of the discussants are assumed to be in. (...) Besides such second-order conditions, there are also external, “third-order” conditions that need to be fulfilled in order to be able to conduct a critical discussion properly. They relate to the social circumstances in which the discussion takes place and pertain, for instance, to the power or authority relationships between the participants and to special features of the situation in which the discussion takes place. (van Eemeren and Grootendorst 2004:189)

Though it will also in the following remain rather unclear *precisely* what the 2nd and 3rd order conditions are, it is made somewhat more explicit why they are introduced:

Together, the internal second-order conditions and the external third order conditions for conducting a critical discussion in the ideal sense are *higher order conditions* for resolving differences of opinion. *Only if* these higher order conditions are satisfied can critical reasonableness be fully realized in practice. (van Eemeren and Grootendorst 2004:189; *italics added*)

Here, the last sentence of the quote can, at most, be rendered as: It is a *further necessary condition* for the resolution of difference of opinion that the higher order conditions are satisfied. The same, I think, holds for the following older quote:

It is worth noting that observance of the rules *can only* constitute a sufficient condition for resolving a difference of opinion in conjunction with the fulfillment of the appropriate ‘higher-order conditions’ pertaining to the attitudes and dispositions of the discussants and the circumstances of discussion. (van Eemeren and Grootendorst 1995:fn. 7; *italics added*)

Speaking of necessary and sufficient conditions, of course, suggests that ‘1st, 2nd and 3rd order necessary conditions *amount to* sufficient conditions for the resolution of a difference of opinion’. Thus, we had reached the well-known schema from conceptual-analysis. However, I do not see that this interpretation can be sustained without incurring the charge of violating the principle of charity.

It stands to reason to consider the following: If the authors had intended to forward the stronger claim that ‘1st, 2nd and 3rd order necessary conditions *amount to* sufficient conditions for the resolution of a difference of opinion’, then the last quote from van Eemeren and Grootendorst (1995) *should* read:

Observance of the rules constitutes a sufficient condition for resolving a difference of opinion *only* in conjunction with the fulfillment of the appropriate ‘higher-order conditions’.

Now, it does not. Moreover, throughout the sources of the PD-theory that I consulted, whenever a clear commitment to conceptual analysis would be *conditionally relevant*, such a commitment is simply not expressed. The upshot, then, will be unexpected to those who assume that the aim of Pragma-Dialectics was to reach sufficient conditions for a critical discussion. Surely, it is tempting to read the passages in this way, but the textual basis always falls short of this strong interpretation.

Now, I could be wrong. However, even if the cautious interpretation offered here is to be rejected, i.e., PD really does aim at sufficient conditions, in the following we will only be able to catch a glimpse of some instances of higher order conditions. These are always either glossed, or specified by example, but never exhaustively.

Thus, even if one were to *reject* the claim that Pragma-Dialectics must be understood to not even pursue the end of specifying sufficient conditions, one must agree that these conditions are *de facto* not specified satisfactorily. In other words, presently, the higher order conditions amount to an open ended list.

While we know the 1st order conditions from the exposition of the PD theory, I cannot provide more than a list of examples for the higher order conditions, because, to my knowledge, this is all that the literature yields.

4.2 Examples of 2nd order conditions

1. The participants must accept that their points of view can prove to be wrong. (Feteris 2000:118).
2. They must be prepared to admit that the points of view of others can be justified when they are successfully defended according to mutually shared starting points and evaluation procedures. (Feteris 2000:118).
3. A person who has advanced a standpoint must be willing to provide arguments for that standpoint (van Eemeren and Grootendorst 2004:192; fn.15) and to listen to the opinion of the other (van Eemeren and Grootendorst 2004:37).
4. Willingness to risk or lose face (Hitchcock 2003).⁹
5. Participant must not lack self-confidence (Hitchcock 2003).
6. Absence of emotional restraint and personal pressure (van Eemeren and Grootendorst 2004:189).
7. Disinterestedness in the outcome of the discussion (van Eemeren, Grootendorst, Jackson and Jacobs 1993:32).
8. Ability to reason validly and to “handle” sophisticated and multiple lines of argument (van Eemeren, Grootendorst, Jackson and Jacobs 1993:32).

4.3 Examples of 3rd order conditions

1. “[T]he discussion situation must be such that the participants are not only willing, but also free, to put forward and defend a point of view of their own choice, and to cast doubt on a point of view of others with whom they disagree” (Feteris 2000:118, similar van Eemeren and Grootendorst 2004:37).
2. Absence of authority relations among the discussants (Hitchcock 2003).¹⁰
3. Equal time-constraints for all participants (Hitchcock 2003).
4. Disagreement space may not be limited (Hitchcock 2003).

4.4 An open ended list

In summary, the second order conditions pertain to the internal, psychological makeup of the argumentative partners.¹¹ The third order conditions pertain to the socio-political conditions, i.e., the external makeup of situation.

⁹ While Hitchcock is cited as the source, it must be understood that he reports on the work of other authors.

¹⁰ This is too strong, but so stated. I take it, one means *non-abuse* of authority relations.

¹¹ This has been glossed as: ‘The participants are autonomous’ by Hicks and Langsdorf (1999), thus replacing a vague set of conditions with a loaded term no less in need of explication.

Potential 4th order conditions, i.e., Searle's normal input and output conditions, are excluded by van Eemeren and Grootendorst (2004:189, fn. 8), because they pertain to all linguistic exchanges. This suggests that the higher order conditions are restricted to those pertaining *exclusively* to critical discussions.

Be that as it may, the best we have is a list of which one cannot be sure how it ends. *That* the list comes out so vague will be less of a problem, if we do *not* assume that the specification of first and higher order conditions is meant to provide a set of individually necessary and jointly sufficient conditions, to begin with. If we assume the opposite, we should at least conclude that the target is not yet reached, and that it is also unclear to what extent it is approximated.

4.5 The use of higher order conditions

Irrespective of having a complete list of higher order conditions, it is worthwhile to illustrate what purpose they serve. For all I see, the higher order conditions bear theoretical relevance to the extent that the Pragma-Dialectical model is *ideal*, i.e., it describes a set of circumstances that are contrary to fact.¹² Thus, on application of the PD model to a given text, the apparent unreasonableness of a discourse contribution can be *explained* by reference to the unfulfilledness of a higher order condition.

[C]ertain pieces of real-life argumentative discourse that, at first sight, seem strikingly unreasonable may be, at second sight, reasonable. Or (...) they can at least be viewed as reasonable when it is taken into account that certain 'higher order' conditions for critical discussion were unfulfilled during the exchange. As Jacobs (1982) has shown, a case in point is the witnessing and heckling by preachers and bystanders on an American campus site. More evidence is adduced from letters to the editor and, more particularly, from conversations during third-party dispute mediation. (Eemeren and Houtlosser 2003:390)

The point to note, then, is this: If a text appears argumentative, but its setting fails to comply to some higher order condition, then this discourse must not be interpreted as one that is aimed at a resolution of a difference of opinion, to begin with (cf. van Eemeren and Grootendorst 2004:96; fn. 2). In such cases, the discourse simply ceases to be a proper object for the Pragma-Dialectical theory and a reconstruction along the lines of a negotiation or arbitration dialogue may be more promising.

Moreover, the violation of a higher order condition, e.g., the exercising of one's power over the interlocutor, would be an overt violation of a higher order condition and, thus, yet another fallacy on the PD model. In similar vain, aggravating one's interlocutor by whatever means may lead to "loose one's cool". Hence, participants becoming angry or scared will translate into violations of higher order conditions, because they amount to the obstruction of a rational discussion on the PD model.¹³

In sum, then, the higher order conditions serve as preconditions for the application of the PD-model, whence their non-fulfilledness can serve to explain seemingly

¹² If these circumstances are in principle, i.e., *forever*, or just contingently contrary to fact is not the clearest of features about the PD theory. Moreover, it does not seem to matter too much: "The model exists as an abstraction, a theoretically generated system for ideal resolution-oriented discussions. Actual practices cannot be described by such a model, but certain of their features can be given interesting explanations in terms of the model" (van Eemeren, Grootendorst, Jackson and Jacobs 1993:34).

¹³ The example is taken from van Laar (personal communication).

unreasonable behavior. Moreover, strategic violations of higher order conditions can be deemed fallacious argumentative moves, thus identifying *additional* fallacies that are not “captured” by the 1st order conditions.¹⁴

Clearly, in the absence of a finite specification of higher order conditions, the ability to *explain* unreasonable discourse contributions and to *identify* additional fallacies amounts to writing “blank checks” on behalf of the theory. If need be, one can always “cook up” a new condition. Of course, as long as no claim is laid to having exhaustively specified the higher order conditions, this is but an indication that the theory is “under development”.

5. CONCLUSION

Pragma-Dialectics primarily serves as a *heuristic tool* for the *reconstruction* of argumentative discourse and the *identification* of various shortcomings in resolution-oriented discussions or obstructions thereof. To that end, norms need to be forwarded. That these norms are presented as individually necessary conditions of various orders may certainly give rise to using these conditions in the style of conceptual analysis.

However, the present discussion indicates that an *analysis* of the concept ‘critical discussion aimed at the resolution of a difference of opinion’ would, at most, be incidentally reached. After all, the apparent laxness with which the higher order conditions are detailed in Pragma-Dialectics is incompatible with the aim of specifying them precisely and exhaustively. If that aim is indeed pursued, however, one should not refrain from concluding that no particularly great result has so far been achieved.

With respect to the 15 PD-rules being necessary first order conditions, it was argued that this claim is *de facto* substantiated only with respect to the model’s ability to identify fallacies. One may agree that the absence of fallacies is a *sine-qua-non* condition for the resolution of a difference of opinion. Still, by ruling out fallacies, the PD-model is not shown to be instrumental to the resolution of a difference of opinion *in any other way*.

I indicated how a different model may integrate certain elements of PD which were called common-sense norms of good argumentation, yet specify them in non-consensualistic fashion. Reaching an alternative set of rules, *PD’* which does not reduce to *PD*, the fallacy detection potential of *PD* and *PD’* can, in principle, be compared.

If *PD’* saved (in the sense of ‘detected’) at least those fallacies that *PD* did, we had established that *PD* does, after all, *not* provide necessary conditions for the resolution of a difference of opinion *qua* detecting fallacies, but only a set of sufficient conditions, not all of which are necessary.

In the absence of any attempt to so operationalize and then test, it is, I think, best to doubt the claim that the PD-rules are necessary for the resolution of difference of opinion. As argued for, the 15 rules may be deemed sufficient for the end of detecting fallacies, such that each rule is *indispensable* for this job. However, not only is the list of fallacies so detected not closed, but this evident success in applying the rules simply does not suffice to substantiate the necessity-claim.

¹⁴ Cf. Bonevac (2004:457), who criticizes that the pragma-dialectical notion of fallacy be too broad, since „[O]ne party’s hardness of hearing or stubbornness may impede dispute resolution, but these hardly count as fallacies.” Well, don’t they? After all, such features of the interlocutor amount to violations of 2nd order conditions.

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