



languages

Special Issue Reprint

Pragmatics and Argumentation

Edited by
Steve Oswald

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Pragmatics and Argumentation

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Editor

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This is a reprint of articles from the Special Issue published online in the open access journal *Languages* (ISSN 2226-471X) (available at: https://www.mdpi.com/journal/languages/special-issues/Pragmatics_Argumentation).

For citation purposes, cite each article independently as indicated on the article page online and as indicated below:

Lastname, Firstname, Firstname Lastname, and Firstname Lastname. Article Title. <i>Journal Name</i> Year , <i>Volume Number</i> , Page Range.

ISBN 978-3-0365-8912-1 (Hbk)

ISBN 978-3-0365-8913-8 (PDF)

doi.org/10.3390/books978-3-0365-8913-8

Cover image courtesy of Steve Oswald

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About the Editor

Steve Oswald

Dr Steve Oswald is a Senior Lecturer at the University of Fribourg, Switzerland. His research interests lie at the interface between discourse, language and cognition, and he has worked extensively on the role of influence in communication (e.g., when communication is non-cooperative, deceptive, persuasive or argumentative). His current research projects and publications are devoted to the role of pragmatic meaning in the processes of argumentation, which he approaches from both theoretical and empirical perspectives.



The Pragmatics and Argumentation Interface

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1. Pragmatic Insights into Argumentation: Some Pointers

It can be argued that linguistic aspects of argumentation have attracted scholarly attention ever since the foundation of rhetoric, which originally developed as the study of means of persuasion, and thus, to a fair extent, that linguistics plays an important role in the study of argumentation at large. Given that argumentation is a communicative activity which is predominantly verbal—even if multimodal aspects of argumentation are increasingly being recognised as playing a fundamental role in argumentative practices (see, e.g., [Kjeldsen 2015](#); [Tseronis and Forceville 2017](#); [Tseronis and Pollaroli 2018](#))—it is only natural for the study of verbal resources to be included in rhetoric and argumentation studies. This also means that, presumably, all areas of inquiry in linguistics are potentially relevant to the study of argumentation as well. This Special Issue focuses on one domain of linguistic inquiry, namely pragmatics, and on the various ways in which it has been interfaced with argumentation theory. As such, it showcases current work at this interface and fully contributes to what could be dubbed a *linguistic turn* in argumentation theory, which can be said to have found its first scholarly expression in the work of Oswald Ducrot, Jean-Claude Anscombe, and their colleagues ([Anscombe and Ducrot 1983](#); [Ducrot 1980](#); [Ducrot et al. 1980](#)). More contemporarily, an important number of monographs, collective volumes, and Special Issues published over the last decade testify to the growing importance of linguistic aspects of argumentation (amongst which, prominently, [Bermejo Luque and Moldovan 2021](#); [Boogaart et al. 2021](#); [Herman et al. 2018](#); [Herman and Oswald 2014](#); [Hinton 2021, 2023](#); [Lewiński et al. 2023](#); [Oswald et al. 2018, 2020](#); [Pollaroli et al. 2019](#)).

As a consolidated field of study, pragmatics, in its inferential tradition, owes a great deal to two foundational approaches: speech act theory ([Austin 1962](#); [Searle 1969](#)) and Grice's analysis of speaker meaning and conversation ([Grice 1975, 1989](#)). Austin was the first to try to develop a coherent theory to describe the praxeological nature of our talk exchanges (saying is *doing*) in his coining of the *performative* nature of communication, while Grice gave prominence to the idea that communication is a matter of intention recognition, with successful communication being described as the situation in which the speaker's communicative intentions are recognised by their addressees. Both approaches offer crucial insights into the nature of our communicative practices and supply theoretical and conceptual apparatuses that allow for descriptively and explanatorily complex accounts. Speech act theory has been developed not only to tackle what language users do as they communicate, but also to provide a principled account of the norms and conditions under which these undertakings are said to *conventionally* express meaning and to allow for successful communicative exchanges. Grice's account, to some extent, can be taken to adopt a similar perspective, as it also incorporates the idea that talk exchanges function according to some identifiable principles. However, Grice explores the way meaning is *intentionally* managed by conversationalists in terms of a form of cooperation and, more fundamentally, in a way that captures (and clearly articulates an account of) *linguistic underdeterminacy*, namely the fact that there is a gap between what speakers *say* and what they *mean*. Being rooted in 'ordinary language philosophy', both approaches are concerned with the reality of talk exchanges more than with abstract and formal systems of meaning, and this is also one of the reasons why both approaches have been so appealing to argumentation scholars.

Citation: Oswald, Steve. 2023. The Pragmatics and Argumentation Interface. *Languages* 8: 210. <https://doi.org/10.3390/languages8030210>

Received: 22 August 2023

Accepted: 3 September 2023

Published: 8 September 2023



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It is thus no coincidence that both of these foundational pragmatic approaches have played a fundamental role in the development of argumentation theory for the past half century (see Oswald 2023 for a detailed overview); not only do these approaches offer theoretical frameworks to construe human communication, they also supply an inventory of concepts to account for a variety of communicative phenomena. This makes available a set of descriptive, normative, and explanatory tools that can be readily exploited to account for any phenomenon qualifying as communicative, argumentation included. Speech act theory has therefore been used, amongst other things, to define what argumentation consists of and has been interpreted as a speech act in itself (Bermejo Luque 2011; van Eemeren and Grootendorst 1984); Grice's model has been used to assess the cooperativeness of argumentation (Goodwin 2001; Govier 2018; Walton 1998), to describe arguers' reliance on and management of commitments and presumptions (Kauffeld 2001, 2003, 2009; Lewiński 2017; Macagno 2012; Moldovan 2016), but also to contribute insights to rhetorical research questions related to the study of persuasion (Dascal and Gross 1999; Tindale 1992, 2015). Yet other frameworks of the inferential pragmatic blend have been solicited to contribute insights to the study of argumentation, notably in relation to the argumentative reconstruction of communicated material that arguers have left implicit (Becker 2012; Gerritsen 2001; Oswald 2016).

In the past five years, speech act theory has seen many new developments, as philosophers of language have started to use it as a framework to assess socially significant discursive phenomena such as deception, hate speech, and various discriminatory discursive practices. The framework's construal of communication as a practical unfolding in which principles and norms and are at play, with actual consequences in the real world in terms of social relationships, has turned it into an unavoidable theoretical resource to account for the abovementioned phenomena (see Fogal et al. 2018 for several examples of how speech act theory may be used in contemporary philosophy). It turns out that these developments are also extremely relevant when it comes to considering argumentative practices. A recent Special Issue of *Topoi* (Lewiński et al. 2023) showcases precisely the kind of fruitful insights that a pragmatic framework such as speech act theory may contribute to argumentation theory, through the analysis of various *normative* aspects of disputes and reasoning. In short, speech act theory is nowadays perhaps the most sought-after pragmatic companion to deal with specific argumentation theory concerns.

Other pragmatic frameworks have been recruited to address research questions in the field of argumentation theory, especially when it comes to analysing argumentation as a structured communicative activity. Two of the main assumptions of the *normative pragmatic* approach to argumentation (see, e.g., Goodwin and Innocenti 2019; Innocenti 2022; Jacobs 2000; Jacobs and Jackson 1982; Kauffeld 1998; van Eemeren et al. 1993; Weger and Aakhus 2005) are (i) that argumentative reality is emergent, that is, it is constituted through interaction, and that (ii) argumentative moves, even if they may be seen as individual, are the fruit of collaborative productions. Classical conversation analytic considerations (Sacks et al. 1974) are quite valuable in this endeavour to account for the reality of argumentative exchanges and offer useful methodological starting points to explore the way argumentative exchanges are sequenced and structured across talk exchanges and through various conversational moves.

The overlap between argumentation theory and pragmatics is, to say the least, significant: not only do they share similar objects of study (the set of argumentative practices is a subset of the set of communicative practices) and theoretical notions (inference, commitment, meaning, etc.), they also have been combined in argumentation scholarship, as seen in what precedes, to further our knowledge of argumentative practices (see also Oswald 2023). All this testifies to the overwhelming relevance of pragmatic theory for argumentation studies.

2. This Special Issue

It might be useful for readers to be aware of a number of considerations and challenges that emerged during the preparation of this Special Issue, in terms of both finding organisational principles to structure it content-wise and in terms of its significance for both scholarly communities, i.e., pragmatics and argumentation scholars.

Let me first address issues of structure. The seventeen contributions that appear in what follows all address the pragmatics and argumentation interface, sometimes from one single perspective, sometimes from various perspectives simultaneously, which makes it difficult to generate a satisfactory order of appearance justified beyond discussion. An obvious organising principle, given the theme of this Special Issue, would have been to split contributions according to the direction of the interface they chose to explore, as, indeed, some contributions tackle the way pragmatic research has contributed (or can contribute further) to argumentation studies, while others also make room for the reverse direction, which considers not only what pragmatics can do for argumentation theory but also what argumentation theory can do for pragmatics. However, such a division would have created structural imbalance, as thirteen papers could be considered to explore the first option (de Oliveira Fernandes & Oswald, Jacobs et al., Luginbühl & Müller-Feldmeth, Smolka, Schumann, Moldovan, Kauffeld & Goodwin, Godden, Casey, Tindale, Ilie, Popa, and Hautli-Janisz et al.), and only four (Macagno, Lewiński, Herman, Gobbo et al.) to explore to some extent the bi-directionality of the relationship between pragmatics and argumentation. Another option would have been to structure this Special Issue based on the specific aspect of the interface that is discussed, from methodological integrations to practical, conceptual, and theoretical ones. But there, too, the task proved to be overly challenging as many papers contribute to more than one of these levels. Rather than producing an artificial and ill-justified structure, I therefore opted for an alphabetical order of appearance. Incidentally, I believe that the difficulty I experienced in trying to identify a coherent and justified structure for this Special Issue is a direct reflection of the richness of the pragmatics and argumentation interface: the range of overlapping dimensions between the two disciplines, from methodological considerations to purely theoretical ones, demonstrates how much the two disciplines have in common, and it therefore comes as no surprise that virtually all contributors have addressed different aspects of the interface in their work.

Second, it may be useful for readers to get a sense of the kind of readership that might be interested in the contents of this Special Issue. Argumentation scholars are amongst the most obvious intended readers of the Special Issue, given that most contributions discuss chiefly argumentative phenomena (e.g., *ethos*, fallacies), contexts of argumentation (e.g., disagreement and conflict), and research questions (e.g., the persuasive nature of arguments). Yet, pragmatics are also catered for, as many contributions assess the argumentative implications, properties, and features of inherently pragmatic phenomena (such as commitment, authority, presumptions, various kinds of implicit meaning, reported speech, question–answer pairs, etc.). Thus, while the majority of contributions explore the interface by taking pragmatics as a starting point to deal with argumentation theory research questions, at the same time, the nature and scope of the discussions conducted in the papers forming this Special Issue will make pragmatics feel at home, specifically because all authors have been asked to provide some thoughts on the significance of their own contribution in the study of the pragmatics and argumentation interface.

3. Acknowledgements

Before I succinctly present each contribution, I would briefly like to express my gratitude to many colleagues whose work was essential in the completion of this Special Issue and to highlight one specific feature of the latter. After I issued the call for papers, I was fortunate to be contacted by Jean Goodwin, who is the literary executor of the late Fred Kauffeld, and who took on the task of submitting an unpublished manuscript of Fred's for consideration in this Special Issue. I am honoured to have had the opportunity to see this posthumous work appear here, and to have had the chance to pay tribute to Fred

Kauffeld's work by publishing another submitted contribution, by David Godden, who kindly took the opportunity to discuss Fred's work and scholarly engage with it, which, in a way, perpetuates Fred's thought. I would therefore like to express my heartfelt gratitude to Jean Goodwin for trusting me with this editorial project and for entrusting me with the responsibility of further disseminating Fred Kauffeld's valuable work at the pragmatics and argumentation interface. I would furthermore like to express my sincere gratitude to the authors of all contributions, who allowed me to showcase their work in this Special Issue and trusted me in the editorial process. I am also very indebted to the thirty-eight reviewers who kindly agreed to engage with all the submissions I received, whose thorough and objective input allowed us to guarantee the scholarly quality and academic rigour which characterises all contributions.¹ I am both utterly grateful for and incredibly humbled by the support that so many colleagues in my scholarly community have lent me, both as authors and as reviewers, in the preparation of this Special Issue.

4. Presentation of the Contributions to this Special Issue

In "Beliefs, Commitments, and *Ad Baculum* Arguments", John Casey offers an enlightening account of the *ad baculum* argument which considers that its effectiveness in argumentative settings only indirectly has to do with the threat it expresses; rather, its appeal is to be found in the downstream consequences of the *ad baculum* having been performed, and, crucially, on an audience that is different from the target of the threat. Casey's novel analysis of this particular fallacy is highly original in its consideration of a more global communicative picture in which "arguments are fundamentally meant to outlive our encounters". Under this view, while the target's *commitments* are affected by the *ad baculum* (they are adopting a (verbal) behaviour that is consistent with avoiding the negative consequence expressed in the threat), their *beliefs* are not, as no one can be compelled to believe something by force. Yet, crucially, the beliefs of the target's subsequent audience *down the line* may very well be affected by the target's constrained behaviour. This way, at this additional—and independent—conversational stage, a third party might take the target's commitments as evidence for something and end up forming beliefs based on the latter. On these grounds, the author of an *ad baculum* fallacy may be said to ultimately aim for a non-present audience that is different from the direct recipient of the threat. In his account, Casey offers a fundamental insight for the study of fallacies that are relevant to the pragmatics and argumentation interface: the complete communicative situation, including down-the-line repercussions on different audiences (and beyond merely propositional concerns), needs to be carefully considered in the way we account for argumentative phenomena.

Daniel de Oliveira Fernandes and Steve Oswald's paper explores the interface between pragmatics and argumentation by considering the impact of different types of implicit meaning on different types of rhetorical effects. On the rhetorical front and drawing on classical rhetoric but going beyond the Aristotelian rhetorical triangle (*ethos, logos, pathos*), their paper discusses an open list of rhetorical effects affecting speakers, audiences, messages, and the conversational flow of interaction. On the pragmatic front, the paper accounts for how specific features of different types of implicit meaning (presupposition, implicature, and back-door speech acts) are likely to trigger specific rhetorical effects. Drawing on different strands of research in rhetoric, cognitive science, linguistics, and pragmatics, the authors justify the rhetorical appeal of implicit meaning and highlight that an experimental study of rhetorical effects, as mediated by pragmatic meaning, has much to offer, as it has the potential to substantiate existing theoretical claims about the effects of various verbal resources (irony, metaphor, and more generally different types of pragmatic phenomena) with empirical evidence while simultaneously providing researchers with the tools to document the impact of linguistic manipulations on argumentative practices. All in all, this contribution seeks to consolidate already existing bridges between pragmatics and argumentation by exploring how experimental methodologies coupled with pragmatic accounts may assist the investigation of research questions in argumentation theory and rhetoric.

Federico Gobbo, Marco Benini, and Jean Wagemans's contribution is devoted to the way reported speech, a typically pragmatic object of study, can be used but also represented in argumentative discourse. The specificity of the model put forward, known as the framework of *adpositional argumentation*, lies in its ability to capture not only purely argumentative structures but also informative structures which are not part, strictly speaking, of the justificatory relationship between premises and standpoints, but which may end up playing a role in argumentative discourse in which participants voice other participants' views. The graphical representation of argumentative contributions in terms of adpositional trees developed therein furthermore allows the analyst to represent evidential information on sources of information to facilitate processes of commitment attribution at the analytical level. The model presented by the authors brings one clear methodological improvement to the table: it allows to trace, in a very precise way, where exactly differences in the interpretation of argumentative discourse are located, and thus to settle interpretative disputes based on a rigorous framework for argument representation. Accordingly, while the paper tackles the pragmatics and argumentation interface in terms of how reported speech (or *relata refero*) may be argumentatively exploited, it also explores the methodological implications of working at this particular interface through a systematic assessment of various types of reported speech and ways to graphically represent it.

David Godden's paper offers a carefully crafted discussion of the normativity of presumptions as they are managed by arguers in argumentative exchanges. For presumptions to play a fruitful role in argumentation, Godden notes, they need to be both well founded (i.e., they should be valid and methodologically adapted to argumentation) and effective (i.e., they should be accessible to arguers and have binding force over their conversational behaviour). However, two different perspectives are nowadays available regarding the relationship between the well foundedness and the effectiveness of these norms. While Whatelian accounts hold that norms governing the use of presumptions in argumentation derive their effectiveness from their well foundedness, the view articulated by Kauffeld reverses the order of explanation by holding that it is the binding force of extra-argumentative commitments (i.e., their effectiveness) that is used to generate normatively well-founded presumptive inferences. Under Godden's analysis, Kauffeld's account postulates the primacy of non-argumentative domains of normativity, while Whatelian accounts hold that there are argumentation-specific norms, and this is highly consequential on how presumptions are used, handled, and responded to in argumentative exchanges. Ultimately, Godden argues, Kauffeld's account stands out as the winner in the comparison because it is based on pre-existing normative structures of obligation, motivation, and accountability which are harnessed in particular ways when communicators engage in argumentative practices. This contribution constitutes yet another example in which pragmatic frameworks are likely to supply decisive insights meant to elucidate research questions with much currency in argumentation-theoretic domains.

The paper by Annette Hautli-Janisz, Katarzyna Budzynska, and Chris Reed starts from the assumption that many argumentative relations are implicitly conveyed and from the recognition that, despite their absence from the linguistic surface, implicit contents serve numerous purposes in argumentative exchanges, from structuring inferences to persuading audiences. Yet, as they are implicit, these contents are difficult to study via corpus and computational methods, which are bound to take the linguistic surface of text as input. To start exploring the realm of implicitness in argumentation, the authors thus chose to focus on the relatively understudied category of conventional implicatures (CIs), as the latter are indeed anchored on the linguistic surface and appear to be relatively stable meaning-wise. Specifically, the paper considers the way CIs can contribute to trigger, compose, and demolish arguments, both at the level of the text and at the (*ethotic*) level of arguers. What is at stake in this study is, accordingly, the particular role of CIs as a key resource for argumentative moves. While this paper stands out from the set of papers composing this Special Issue because of its computational focus, it meets the others and offers an original

take on the theme of the Special Issue as it relies, like others, on linguistic, pragmatic, and semantic resources to further investigate argumentative practices.

The intricate link between pragmatics and rhetoric is at the core of Thierry Herman's important piece on *ethos*, which, in a way, can be taken as prolonging some fundamental assumptions alluded to by Moldovan (see below), notably in what regards the idea that *ethos*, the image one has of a speaker, is the result of inferential work, and as such, it is amenable to a pragmatic treatment. Herman's starting point is that, while they are typologically very rich and detailed, existing accounts of *ethos* seldom offer explanations as to *how* speaker image is generated and conveyed through discourse. The originality of this contribution resides in its adoption of a cognitive pragmatic framework such as relevance theory (Sperber and Wilson 1995; Wilson and Sperber 2012) to account not only for the inferential nature of *ethotic* representations, but also for their various types and subtypes, which vary along their pragmatic embedding. Notably, and in relation to the question of whether *ethotic* assumptions are intentionally or unintentionally conveyed in talk exchanges, Herman highlights that while it would be problematic to classify inferences on *ethos* as straightforward conversational implicatures, their implicit nature together with their propensity to being triggered by discursive moves makes them ideal elements belonging to the "grey area" of pragmatics which contain various types of weak communication (such as weak implicatures). For Herman, *ethos* is the fruit of an inference which accordingly needs to be assessed in cognitive terms. Because it transposes the rhetorical study of *ethos* into pragmatic research, this novel approach to *ethos* is a perfect example of one way in which the pragmatics and argumentation interface can constitute a mutually fruitful integration.

In her contribution, titled "How to argue with questions and answers: argumentation strategies in parliamentary deliberations", Cornelia Ilie tackles a typically pragmatic phenomenon, namely question–answer pairs, and demonstrates the complex ways in which these may be used beyond their information-eliciting function at the pragmatic, argumentative, and rhetorical levels. From a pragmatic perspective, questions and answers are shown to be constrained by the speakers' commitments, beliefs, and by various contextual factors which explain their fundamental structuring role in the interaction they are part of. From an argumentative perspective, Ilie describes the argumentative potential of questions and answers, which are used to challenge, shift the direction of deliberation, refute claims, divert attention, etc., and which allow arguers to navigate different levels of argumentativeness as well as different points on the normative scale of argumentative fallaciousness. One interesting finding emerging from the analysis of her corpus is that while questions typically perform face-threatening functions, answers tend to remain either evasive or opportunities for counter-speech. Yet, beyond these tendencies, the analysis also reveals that, in terms of the relationship between form and function, the questions and answers used in UK parliamentary debate do not exhibit one-to-one correspondences: indeed, questions and answers are likely to fulfil different functions, what is more to varying degrees. All in all, this paper illustrates the richness of the pragmatics and argumentation interface through an analysis of the argumentative affordances of pragmatic phenomena.

The paper by Scott Jacobs, Sally Jackson, and Xiaoqi Zhang adopts a conversation analytic stance in its normative pragmatic analysis of a press conference given by Donald Trump, in which they show how the former PotUS is pressed by reporters to gradually construct a standpoint on the Charlottesville protests by neo-Nazis and White nationalists. Instead of assuming, like mainstream argumentation theory predominantly does, that standpoints and positions are well-defined and speaker-bound, they highlight how argumentative material can be negotiated in discourse throughout exchanges and emphasise the emergent character of argumentative structures and contents. Their analysis clearly showcases how even the formulation of a standpoint, which we could presume to be unproblematically identified, can end up being the result of an interactive dialogical and, what is more, argumentative process. With this detailed case study, the authors demonstrate that pragmatic research has much to say about the use of argumentative resources by arguers, provided the analysis makes room for temporal, dynamic, and interactional

processes deployed by arguers when they engage with these argumentative resources. This contribution thus clearly showcases the importance of pragmatic research in the study of research questions related to the field of argumentation.

In this posthumous article based on an unfinished paper and associated notes of the late Fred Kauffeld, Jean Goodwin offers an edited rendering of Kauffeld's thoughts on the way speech act theory may be harnessed to account for argumentative issues related to arguers' responsibilities, commitments, and obligations. This contribution is thus methodological in nature as it compares the merit of two distinct pragmatic takes on the speech acts involved in argumentation. Specifically, Kauffeld contrasts the rule-constituted view (inspired by classical Austinian work on illocutionary acts and their associated felicity conditions) and the pragmatic view of illocutionary acts (which includes a larger proportion of Gricean insights). With a full account of the advantages of the latter view, amongst which its ability to help designing better norms and assignment of responsibilities for improved real-life argumentative practices (which the rule-constituted view arguably cannot do), Kauffeld brings to the fore the important idea that any account of argumentation couched in a pragmatic framework (here heavily infused with the Gricean blend of pragmatics) must explain how important argumentative responsibilities and commitments are generated and why it is important to discharge them for successful argumentative interactions. In this piece, pragmatic frameworks are shown to provide fundamental insights for two properly argumentation-theoretic research purposes: (i) better understanding what is at stake in argumentative exchanges, and (ii) contributing to design better argumentative practices that *actually*—and *normatively*—work in our institutions.

Marcin Lewiński's pragmatic study of authority is a fine example of the recent revival speech act theory has started to undergo over the last five years (see Fogal et al. 2018), through which classical speech act-theoretic tools are harnessed to deal with public discursive phenomena beyond assertion, such as argumentation, hate speech, discrimination, deception, etc. With a pragmatic starting point rooted in speech act theory, Lewiński thus considers how the notion of authority is managed (i.e., established and challenged) in argumentative settings as a case in point. He draws a crucial distinction to better characterise the kind of argumentative options at the arguers' disposal in the negotiation of authority: arguments *to* authority (through which authority is established) should indeed be distinguished from arguments *from* authority (which draw the truth of some proposition from being uttered by an authoritative speaker). To show the connection between these two schemes, Lewiński links the argument *from* authority to the argument *to* authority through a presuppositional relation between the conclusion of the latter ('E is an expert') to one of the premises of the former ('Expert E says so'). One of the crucial advantages of this complex scheme is that it fully exploits the resourcefulness of pragmatic theory to explain the different ways in which authority may be challenged: that way, beyond locutionary and perlocutionary challenges, one can now identify *illocutionary* challenges that can be relevant to probe the authority of a speaker. In terms of the pragmatics and argumentation interface, this contribution clearly illustrates how a typically argumentation-theoretic research question (how can authority be challenged through arguments?) stands to gain from a pragmatic treatment (here drawing on speech act theory). The upshot of this kind of interfacing endeavour is quite appealing as well as it shows how argumentation theory, which is rigorously equipped to deal with inference, may be of assistance in the investigation of pragmatic inferential phenomena.

In their paper, Martin Luginbühl and Daniel Müller-Feldmeth conduct a corpus analysis of unsupervised peer discussions between schoolchildren to shed light on different pragmatically significant levels, aspects, and features of oral argumentation skills. Their conversation-analytic study highlights the eminently interactional and procedural nature of oral argumentation, whose study in turn requires a focus on the interactional skills displayed in argumentative encounters. These encompass phenomena like the negotiability of justificatory moves as well as, amongst others, processes of epistemic positioning and disagreement management. From the analysis emerges the idea that the personal and social

dimension of interaction is prominently at play in oral argumentation; this finding is drawn from the identification of various textualisation and marking strategies young arguers are shown to display. The authors also document the ability of children to display some awareness, and most importantly some practical knowledge, of the role of argumentation in the task that they are carrying out, as they are observed to make use of argumentative resources in their discussions. While the pragmatic import of the contribution is evident in the conversational–analytic treatment of argumentation as a process (which is structured, sequenced, interactional), its argumentative import lies in an enhanced description of the features of the argumentative product itself (i.e., the children’s conversations), a description which, as the authors note, can only be improved by incorporating concepts and tools from argumentation theory, thereby hinting at the complementary direction of fit embedded in the pragmatics and argumentation interface (i.e., from argumentation to pragmatics).

In “Ignoring Qualifications as a Pragmatic Fallacy: Enrichments and Their Use for Manipulating Commitments”, Fabrizio Macagno articulates a novel analysis of the *secundum quid et simpliciter* fallacy, which consists of ignoring qualifications that make a general statement inapplicable to a particular case. While the traditional logical and dialectical accounts have analysed the fallacy as an inductive error presenting qualified generalisations as universal ones, Macagno notes that these accounts do not cover relatively standard cases of the fallacy that are hardly interpretable in terms of hasty generalisation. Macagno articulates instead a novel pragmatic account of *secundum quid* which describes it as a fallacy of misrepresentation of speaker meaning, tampering with the inferential dimension of comprehension as well as with presumptive meanings of the utterance it misrepresents. In a nutshell, the *secundum quid* fallacy is characterised as a fallacy of commitment misattribution. Regarding the pragmatics and argumentation theory interface, Macagno’s contribution is two-directional. On the one hand, it draws on classical inferential pragmatic research on both explicature (saturation, modulation, narrowing, loosening, ad hoc concepts amongst others) and presumptive meanings to illustrate how pragmatics can be beneficial to exploring fully argumentative research questions such as the description of fallacies. On the other hand, it showcases how research in argumentation theory around the notion of presumptive reasoning can be exploited in accounting for interpretation, which is typically a pragmatic task.

Andrei Moldovan, in his article titled “Technical Language as Evidence of Expertise”, discusses a very specific type of argumentative move with *ethotic* significance, which consists of using technical jargon as evidence of one’s own expertise. Dubbed by Moldovan *nonaccommodative use of technical language*, this argumentative strategy has not received much attention in argumentation theory or in epistemology. In this contribution, the author discusses (i) its pragmatic nature, (ii) the quality of the evidence it supplies, and (iii) its persuasive power. The truly pragmatic import of the contribution lies in the first of these aspects, namely its ontological dimension, which essentially involves getting the addressee to infer that the speaker is competent. Now, Moldovan shows that, unlike most known types of implication (from semantic entailments to various types of implicature), this particular use of language cannot be equated with a speech act of arguing; instead, he argues that in some cases, namely those in which there is a manifest intention to have the audience recognise that the use of technical language is deliberate, the utterance can count as an argumentative move (though not as an argument *per se*). In cases in which this intention is not manifest, then the nonaccommodative use of technical language becomes merely a *persuasive* move. In so doing, Moldovan showcases how a Gricean analysis of speaker meaning, which layers meaning across different types of intentions, including a reflective intention, can play out in an account of conversational contributions with clear argumentative import. At the same time, this contribution brings to the surface evident links between pragmatic analyses of meaning and rhetorical phenomena, such as *ethos*.

Eugen Popa tackles one of the most fundamental assumptions of argumentation theory in his “Revisiting the relationship between arguing and convincing: towards a new pragmatic account”, by discussing whether arguing may indeed lead to convincing.

Popa identifies a paradox that would likely negatively answer this question, and which originates from the following two scenarios: (i) if arguers share *too much* common ground (i.e., their knowledge set is practically the same), then it is unlikely that they will ever disagree, and thus no change of mind is even possible through argumentation; (ii) if arguers share *too little* common ground, then it is unlikely that one party will convince the other, as this would represent too large a shift in the recipient's knowledge set (as in cases of *deep disagreement*). In order to move away from this paradoxical situation, Popa proposes that argumentation, instead of *resolving* a difference of opinion, serves to *reveal the presence of a disagreement*. Any change of mind, however, results not from any argumentative force, but from the awareness that arguers have joint experiences of mutually recognised facts being raised as the outcome of an argumentative exchange. In other words, awareness of joint commitments is what generates changes in opinion. This contribution showcases, albeit in a more philosophical vein, how pragmatic concepts such as the notion of commitment can be at the centre of our construal of what argumentation is.

Jennifer Schumann's paper, which reports on an experimental study on disagreement perception in the straw man fallacy, contributes to the theme of this Special Issue on two fronts: (i) it investigates one aspect of the straw man fallacy that has not been experimentally tested, namely its refutational dimension, and (ii) it contributes to methodological discussions on whether the way questions are worded in empirical research is likely to affect the participants' performance in the experimental task. Regarding the first aspect, Schumann convincingly demonstrates that people are sensitive to the fact that arguers who engage in straw manning disagree with their target, and that the misrepresentation they make manifest in their attack supports their disagreement. This also goes to show, quite reassuringly, that people are more likely to spot fallacies than not. From a methodological perspective, furthermore, Schumann shows that question wording (i.e., asking participants to what extent arguers agree vs. to what extent arguers disagree) does not seem to make any difference, given the similarity of the results obtained in both conditions. Overall, then, this paper is a prime example of the way methods in experimental pragmatics can be used to gain insights into the way argumentative phenomena (in this case the straw man fallacy) operate and are managed by arguers.

In her contribution, Jennifer Smolka tackles the interpretation of legal texts (together with its justification), which is a domain that is at the core of the interface between pragmatics and argumentation, given that the interpretations lawyers arrive at need to be *justified*, and, thus, argumentatively sound. More specifically, Smolka compares the different methods of interpretation used in statutory law and in international law and discusses how well suited neo- and post-Gricean approaches are when it comes to grounding these interpretations from an argumentative perspective. Through her analysis of the judges' ruling in an international law case, Smolka convincingly shows that a hierarchy of rules of interpretation, which may be seen as an instantiation of the neo-Gricean system of conversational maxims, does not appear to adequately account for what happened in the legal proceedings. Instead, she suggests that legal practices can best be accounted for by a post-Gricean account which advocates context-sensitive and relevance-bound mechanisms of interpretation (Sperber and Wilson 1995), which seem to better reflect what happens in the justification of interpretations under international law. Overall, thus, this contribution rigorously articulates a clear claim about the type of pragmatic framework that should be used to support reasonable interpretations in international law. In a way, Smolka's contribution illustrates how, in the domain of law and legal argumentation, pragmatic research may also fulfil practical purposes that are conducive to sound legal practices.

In the final contribution of this Special Issue, Chris Tindale takes us back to core aspects of pragmatic theory which are relevant to the study of argumentation by drawing some implications of Grice's foundational pragmatic work, particularly in what regards its cross-cultural aspects. The starting question Tindale explores is the following: if Grice is right in assuming that communication succeeds under the condition that an audience recognises the speaker's intention to mean something, how can we explain that communication can

also succeed when speaker and audience do not share enough common ground to even recognise that there is an intention to mean something (regardless of the actual content of the message intended by the speaker)? While this is obviously likely to happen in cross-cultural communicative settings, where contextual conditions for uptake are not necessarily met, the puzzle can be extended to standard cases of communication, where the possibility of misunderstanding nevertheless remains. Through a review of different strands of research at the interface of argumentation and pragmatics, Tindale then substantiates the claim that it is the common experience of being a communicator (i.e., having repeatedly both addressed and been addressed by others) that allows for the possibility of intention recognition in the long run, recognition being understood in Gricean terms. This theoretical discussion thus puts a particular kind of pragmatic account of speaker meaning at the centre of an account of successful argumentation, once again showing how pragmatic considerations may be fruitfully brought to bear in an account of argumentation.

Acknowledgments: The Guest Editor would like to express his most sincere gratitude to Rebecca Shen and Caitlyn Xi (editors), whose guidance and help in steering this publication project towards a fruitful completion has been invaluable.

Conflicts of Interest: The author declares no conflict of interest.

Note

¹ All papers were double-blind peer-reviewed in a rigorous reviewing process, and I want to express here my gratitude and appreciation for the invaluable reviewing work of Scott Aikin, Lilian Bermejo Luque, Patrick Bondy, Laura Caponetto, John Casey, Cristina Corredor, John Fields, Ad Foolen, José Ángel Gascón, David Godden, Jean Goodwin, Sara Greco, Kati Hannken-Illjes, Hans Hansen, Sten Hansson, Thierry Herman, Martin Hinton, Michael Hoppmann, Jos Hornikx, Beth Innocenti, Sally Jackson, Colin Guthrie King, Ralf Klabunde, Marcin Koszowy, Fabrizio Macagno, Vivana Masia, Karen McAuliffe, Dima Mohammed, Andrei Moldovan, Lucia Morra, Rosalice Pinto, Menno Reijven, Martin Reisigl, Chris Tindale, Serena Tomasi, Jan Albert van Laar, Jean Wagemans, and Sandrine Zufferey.

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Article

Beliefs, Commitments, and Ad Baculum Arguments

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Abstract: Typically, an ad baculum argument is one where an arguer threatens a respondent in order to induce them to adopt a standpoint. It is a fallacy, a common account goes, because the power to impose a standpoint is irrelevant to its truth or acceptability. However, fallacies, if they are to be anything, ought at a minimum to be persuasive, and it is hard to see how an ad baculum might persuade. Employing an ad baculum just underscores how terrible someone's reasons are. Despite this, cases of fallacious ad baculum arguments seem to exist, and this is a fact that requires some explanation. This paper offers an account where the real target of an ad baculum is an audience downstream from the initial ad baculum exchange. This means that the ad baculum consists of misrepresenting the quality of evidence by means of the forced adoption of a particular standpoint.

Keywords: ad baculum fallacy; appeal to force; fallacy theory; beliefs; commitments; Douglas Walton

1. Introduction

Suppose you and I are having an argument about whether *p*. You hold that *p*; I hold that not *p*. You adduce a series of arguments, so do I. Our disagreement is not shallow, so we get nowhere, but, because I am persistent, I say: "if you continue with this *p* business I'm going to punch you in the face." Were I a more subtle person, I might have achieved the same result by suggesting that continuing to assert that *p* might occasion the revelation of some embarrassing personal fact about you: "it truly would be a shame if the Dean found out that you've been skipping your office hours" (or something like that). If you have had some elementary logic or critical thinking classes, you will likely recognize that my arguments are ad baculum—appeals to force. In a standard picture, a fallacious ad baculum argument occurs when one arguer uses a threat to induce an interlocutor to draw a conclusion (Van de Vate 1975, p. 43; Walton 2014, p. 296). They are fallacious, so the story often goes, because the threat, or the power to make good on a threat, is irrelevant to the truth, advisability or acceptability of the conclusion. Sticks-and-stones objections notwithstanding, violence does often seem like an option in argument, especially if we include threats of things like doxing, which is the practice of revealing someone's personal information as a means of intimidation—presumably so that people more comfortable with the physical ad baculum show up at the target's house.

On reflection, however, maybe this is ridiculous, or so it seems to many scholars of argument. Would it not, after all, be blindingly obvious even to the least competent of arguers that no amount of force is going to make someone *believe* something or even think that the threat is good grounds for the truth of some proposition? To start with, beliefs, by most plausible accounts, are involuntary and do not respond to commands, bribes, or other inducements (Cohen 1995; Woods 1998, p. 496). Besides, the threat of force, even if it were subtle as my implicature above, would seem to call attention to the lack of rational grounds for the arguer's conclusion. Since fallacies are supposed, in some sense, to appear to be stronger arguments than they are (Hamblin 1970), it would be odd to have a fallacy where deception is not part of the picture. Indeed, there cannot be any, because if the threat is going to have any force as a threat, it needs to be recognized by its target for what it is. The problem, in other words, is not that the ad baculum is particularly uncommon, difficult to

Citation: Casey, John. 2022. Beliefs, Commitments, and Ad Baculum Arguments. *Languages* 7: 107. <https://doi.org/10.3390/languages7020107>

Academic Editor: Steve Oswald

Received: 14 January 2022

Accepted: 20 April 2022

Published: 27 April 2022

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employ or difficult to detect. The problem is that it seems that what makes something a threat is conceptually and psychologically incompatible with it not being taken as a threat.

To appreciate this problem, it would be useful to be clear on what a threat is. As a speech act, a threat is akin to promising in that it commits the speaker to a course of action. “I’ll take you to lunch when the semester is over” is a promise. “I’m going to take your lunch” is a threat. They both specify things that the speaker will do, so they are commissives. The threats of interest to ad baculum arguments also involve conditions, but in a particular way. “I’ll take you to lunch when I finish my paper” is a conditional promise; “When I get home, you’ll be sorry” is a conditional threat. Ad baculums, however, are also meant to *direct* the action of a target relative to the propositional content of the threat, and so they are what Blanco Salguero calls directive–commissive speech acts (Blanco Salguero 2010, p. 218). In addition to committing the speaker to a course of action (e.g., “I am going to get you”), threats of this type put the condition of the commissive on the target (e.g., “if you keep talking trash about me”). From all of this, it is pretty clear that, for a threat to make any sense as a threat, a few things need to be true: the target needs to understand (a) what the condition of fulfillment is (to stop talking trash in this case); (b) that the action is within their power to accomplish; and (c) that doing this action is the promised action of the one doing the threatening. It is fairly clear how threats work in the context of action, how they work in arguments is another matter.

One finds what I have above called “the standard picture” of the ad baculum in many popular critical thinking or introduction to logic texts. We will see one (Hurley and Watson 2018) in more detail below. By contrast, the comparatively extensive scholarly literature on the subject has essentially declared the standard picture to be dead; even the most ontologically generous accounts of the ad baculum barely leave it standing (Brinton 1992; Van de Vate 1975; Walton 2000). Many deny that the standard picture is any kind of argumentative scheme at all (or that, if it is a scheme, there is nothing *logically* wrong with it) (e.g., Wreen 1989). For pragma-dialectics, the ad baculum breaks a rule of comportment rather than any kind of logical rule (van Eemeren and Grootendorst 2004). More recently, Budzynska and Witek (2014) have made a more fruitful suggestion: we ought to look beyond the inference–schematic features of the ad baculum to appreciate it as a “complex rhetorical technique”, where the ethotic components of the person making the ad baculum argument are central to understanding how it works.

In this paper, I too plan to look beyond the inference–schematic features of the ad baculum to its ethotic features. My focus will differ from that of Budzynska and Witek. While they focus on the ethos of the speaker, I will instead focus on the ethos of the addressee of the ad baculum in an argumentative exchange. More specifically, given that something like ad baculum arguing is a common enough occurrence to merit investigation (i.e., people do use threats in arguments), my question is what makes it effective and therefore attractive as a move in argument contexts—i.e., where people are trying to get others to adopt standpoints (rather than, say, carry out actions). I will study examples of two main accounts: an informal–logical scheme account and Walton and Krabbe’s pragmatic account of the ad baculum as an instance of dialogue shifting (Walton and Krabbe 1995). The shortcomings of each approach point us in a different direction. Namely, the ad baculum is a curious case of intersection between two perspectives on the ultimate contents of arguments—commitments and beliefs. The ad baculum argument is a case where negotiated commitments can effectively be converted into reasons to believe something in an argument. We might call this *argument laundering*, because illegitimate reasons are effectively rendered clean to a clueless third party. Crucial to this is the understanding that the audience for an argument may not necessarily be present for the actual ad baculum exchange. In fact, in the particular ad baculum cases I shall be describing, they *cannot* be. So, two parties, A and B, have a dialogical exchange, where A induces B to refrain from speaking about p. For some further observer, C, at a later time, B’s not speaking about p *appears to be evidence* that p is not worth hearing. The ad baculum, therefore, is not exhausted in a dialogical exchange (as Walton had argued) between A and B, with A,

for example, shifting the dialogue from argument to negotiation. Rather, the ad baculum requires A to threaten B, and B to succumb to the threat by corrupting the quality of the evidence of that exchange downstream for C, who does not realize that the conclusions of the dialogue between A and B were negotiated. In short: in employing the ad baculum, you don't get someone to *believe* a conclusion, you get them to *adopt* it, so that other people believe it. My argument relies on the often-overlooked distinction (at least in argumentation studies) between beliefs and commitments (Paglieri and Castelfranchi 2006; Godden 2012, 2015). You can get someone to adopt a commitment through force because you adopt commitments voluntarily. Beliefs, by contrast, are involuntary, and mainly responsive to evidence. Understanding the difference between beliefs and commitments, then, shows how threats can be both understood and be successful in argumentative contexts.

2. The Ad Baculum as an Argument

I want to start with a well-known account of the ad baculum, Hurley and (new this edition) Watson's widely used *Concise Introduction to Logic*, as of 2018, in its 13th edition. It is noteworthy that this account of the ad baculum, which has changed little across its many editions, has already been subjected to detailed (and scathing) critique in the scholarly literature (Wreen 1989).¹ I do not mean to duplicate that work here. I think rather that there is something of value in Hurley and Watson's attempt that the critique has missed. Besides, I think that, given what I take to be the general failure of the standard informal logic approach to the ad baculum, this account is as good as any other.

Hurley and Watson begin their discussion of the fallacies of relevance with the argumentum ad baculum, or the "appeal to the 'stick'". This fallacy, they write,

occurs whenever an arguer presents a conclusion to another person and tells that person either implicitly or explicitly that some harm will come to him or her if he or she does not accept the conclusion. (Hurley and Watson 2018, p. 129)

People familiar with the Hurley and Watson text know that it views informal fallacies as commonly deceptive argument schemes where the premises do not provide adequate support for the conclusion. This means that they focus their analysis on the schematic features of the argument, how the premises fail or succeed in supporting the conclusion. This, I think, is part of the reason their account of the ad baculum is a mess. In the next section, we shall look at an alternative to this.

As Hurley and Watson describe the ad baculum, the reasons given for the conclusion are an implicit or explicit threat of some harm.² This brings us back to our key question: how can we *force* or *threaten* someone into *accepting* a conclusion? Their answer to this is somewhat surprising. First, the examples.

Child to playmate: *Sesame Street* is the best show on TV, and if you don't *believe* me, I'm going to call my big brother over here and he's going to beat you up.

Lobbyist to senator: Senator Casey, of course you support our bill to reduce inheritance taxes. After all, you wouldn't want the press to find out about all the contributions you receive from the Ku Klux Klan. (Hurley and Watson 2018, p. 129.)

Before adding other comments, it ought to be said that these examples are not completely ridiculous. In my day, kids used to fight over which kind of food tasted best (or worst in some cases). Kids are not all that great at argument, but adults do not necessarily fare much better. I was once threatened (certainly only rhetorically I hope) in an argument over who liberated Italy in World War II (I held that it was the combined allied armies; my interlocutor held that it was the Italians by themselves). Beyond this, I have heard slightly more subtle threats employed at faculty meetings. So, it is at least plausible that people threaten each other this way. The question, however, is what they want to achieve. One can see that there is something of a confusion in this account as to whether one forces another to believe or to accept, or, as in the last case, merely to do something. The conclusion of the second example is, or at least seems to be, an action: Senator Casey is meant to *do*

something by expressing support for some bill—probably voting or speaking in favor of it in the Senate Chamber. In contrast, the conclusion of the first example is that the playmate ought to *believe* something. These are certainly different things. They are also different from *accepting* something, which was mentioned in the introduction (more on this presently).

Now, let us turn to Hurley and Watson’s analysis. They write:

The appeal to force fallacy usually accomplishes its purpose by psychologically impeding the reader or listener from acknowledging a missing premise that, if acknowledged, would be seen to be false or at least questionable. (Hurley and Watson 2018, p. 129)

This is a puzzling claim. Their general analysis of a fallacy of relevance is that the premises are psychologically but not logically relevant to the conclusion (p. 129). Take, for comparison, the ad hominem fallacy. On a standard account, what makes an ad hominem fallacious is that the personal failings or bad character of some arguer is not relevant to the non-character-dependent arguments they make. We think it is relevant, in other words, when it is not. In the case of the ad baculum, however, the appeal to force *impedes* recognition of the questionable premise, rather than seeming or appearing relevant when it is not. Hurley and Watson, somewhat admirably, hereby offer an attempt to explain why someone would be duped by an ad baculum: they are duped because they are afraid. If they were not afraid, one might imagine, then they would notice how bad the argument is. Fallacies, if they are going to be fallacies, ought to be *deceptive*. I am going to argue a bit later that the ad baculum is indeed deceptive. It is just not deceptive here in the dialogue where it occurs. Additionally, it is not even supposed to be. It would not work if it were so. Let us look at the reconstruction:

If my brother forces you to admit that *Sesame Street* is the best show on TV, then *Sesame Street* is in fact the best show.

If I succeed in threatening you, then you support the bill to reduce inheritance taxes. (p. 130)

The reconstruction, they argue, makes it clear that the premise—which is the force—does not imply the conclusion. It is worth noting that the reconstruction is different in a few important ways from the original arguments. The original arguments had two different conclusions. In the first case, it was the belief that *Sesame Street* was the best show; in the second case, it was the willingness to support the inheritance tax bill.³ The term “support” is notoriously vague in this context. It can mean that one merely favors something (e.g., “I support the new President”) or that they will engage in certain actions (e.g., “I support my local animal shelter”). The ambiguity of the term makes this somewhat maddening. The first version of the *Sesame Street* case has the kid believing that it is the best show as the conclusion. I think, in other words, that Hurley and Watson have missed what is interesting about their cases. Part of the reason for this is their informal logic approach: the failure needs to be captured in a scheme, and the scheme is a sorry method for capturing this sort of failure. Another reason that they miss what is interesting about their cases is that they are unclear as to whether they mean to explain why ad baculum arguments are persuasive as a psychological matter, or how they fail as a logical matter. A successful account of the fallacy ought to explain why these failures match up—something that fails logically happens at the same time to psychologically succeed.

The main reason, however, is that they did not ask themselves what the cases are about. I mean, why would someone threaten someone in order that they believe something? That is psychologically impossible (or at least very difficult) and, as an argumentative matter, pointless. The *Sesame Street* bully, we have to imagine, must know this fact about beliefs and so have some *other* scope in mind. Given the limited nature of the example, it is hard to see what it might be. However, one thing that would make sense is that the addressee’s acceptance of the proposition has some kind of value. Even if the argument seems at one glance to be senseless, it is clearly the case that the *Sesame Street* bully is trying to *communicate* something. More than this, since threats are escalations, he is presumably

trying to communicate something important. The question is whether this particular kind of communicative act has anything to do with arguments. Again, a standard critique of examples such as these (e.g., Wreen) is that they are perfectly fine (well, logically fine, but not necessarily morally so) means–ends pieces of reasoning; to try to shoehorn this into argumentation theory fails to grasp what threats really achieve.

I think, however, that there is something argumentative about threats. Our interest, after all, in having our conclusions accepted by others is not limited to those with whom we directly interact. Argument is a great way to spread the word. What is curious about the ad baculum, as the present cases might have shown on a more subtle analysis, is that we can convert non-reasons (in this case threats, though the same strategy works for bribes as well) into reasons. Call it *argument laundering*, because, like money illegitimately earned, a multistep process of erasing its criminal origin makes it appear legitimate.⁴ This is clearly the case with Senator Casey. Given the Senator’s standing in the community (or given our polarized politics, his standing in certain communities), there is epistemic value in his action of supporting (or not supporting) something. In other words, the fact that the esteemed Senator Casey deems some bill worthy of his support is a fact that an onlooker might take into account when thinking about what to think about it. The ad baculum employed against Senator Casey uses his ethotic standing on an issue to increase the credibility of the target proposition. The same could be said of the *Sesame Street* case. Perhaps the addressee’s support for the superiority of *Sesame Street* has some significance to *Sesame Street* skeptics on the playground. Knowing (or rather believing) that the addressee is a supporter might make the difference in their deciding which children’s show to spend their valuable and limited screen time on. They, after all, will not know about the forced nature of the commitment, so little Bobby expressing that he likes *Sesame Street* seems like reasonable ethotic evidence.

3. The Ad Baculum in Dialogue Theory

The standard account of the ad baculum, or so I have called it, fails for a lot of reasons. The additional reason I have given here is that it does not offer a plausible explanation for why anyone would try it in the first place. I propose that this argumentative purpose is to make their view more acceptable in the minds of another audience. However, as we have seen, it is difficult to see this in a schematic account such as the one offered by Hurley and Watson. We get a better view when we examine how threats work in the context of actual conversations. Walton and Krabbe’s (1995) concept of dialogue shift offers an interesting way to represent what is going on dialectically and pragmatically with the ad baculum. On their view, dialogues are normative models for conversation, i.e., models for how conversations ought to go, as defined by their purposes. Fallacies occur within this normative framework when participants illegitimately (i.e., without permission or warning) shift from one kind of dialogue to another (Walton and Krabbe 1995, p. 2). Crucially, dialogue shifting also explains the success of the fallacy deployment. Because fallacious moves are sometimes legitimate, an interlocutor may be duped into taking them to be valid when they are not. They think they are having one conversation when they are really having another. Critically, in its fallacious use, the shift is *covert, unilateral, or not agreed upon*. The heart of the deception, for dialogue theory, is to shift the context of the argument in a way that the interlocutor does not notice. The deception of another dialogue participant, which is a central part of the traditional account, therefore retains its place in this dialogical account. The interesting thing about the ad baculum, I shall argue here, is the way it involves the blending and confusion of dialogue purposes over time and space. So, roughly, A and B have one kind of dialogue, then B and C have another, on the basis of the original dialogue.

An enlightening comparison case to the ad baculum is what Walton and Krabbe call the “Fallacy of Bargaining”. This happens when one attempts “to replace an offer for an argument” (p. 104). In a very general sense, the fallacy of bargaining occurs when a critical discussion illicitly slips into a negotiation. Given Walton and Krabbe’s broad

dialogical approach, the most direct way for this to occur is when one participant in a critical discussion demands of the other that they meet halfway, or compromise, on some standpoint. Walton and Krabbe's example is as hilarious as it is improbable:

A doctor recommends that her patient quit both smoking and drinking, giving medical reasons for the recommendation.

Patient: O.K., I'll quit smoking, as long as you allow a glass of wine once in a while. (p. 104)

The patient's offer to split the difference constitutes a dialogue shift. Their approach misunderstands or twists the purpose of a critical discussion, where the aim of each participant is to persuade the other of the truth or correctness of their position. In this case, the "medical reasons" signal that a critical discussion is at hand. The aim of the negotiation, in contrast, is to make a deal, and making concessions, such as the occasional glass of wine, is an example of that. Such moves would not be out of place in a negotiation over the price of something, such as medical care (at least in the United States). So, this seems like a clear instance in which an argument is suitable in one context but not in another.

While dialogue shifts by participants of dialogues within dialogues are certainly common, as we have seen, they are easily detectable by minimally competent participants. Such shifts are indeed often comically obvious, especially in this case. Imagine another medical case. This time, doctors Abel and Brava disagree about the correct diagnosis of a patient's condition. Dr. Abel maintains that it has a bacterial origin; Dr. Brava argues that it is neurological. They cannot just split the difference—they cannot agree that it is a bacterial form of cancer, if such a thing exists. The nature of the discussion precludes that. Now, imagine Dr. Abel offering Dr. Brava a new set of golf clubs to go with her bacterial account. Or perhaps, arguing that the bacteriology department has fallen on hard times, and it would be a real boost to their spirits to have a new patient. Such offers are certainly shifts, and they might indeed even be unilateral and unagreed upon, but they could hardly go unnoticed.

Now, let us see how this dialogue shift account might work in the case of an ad baculum. Take the following (fictional) exchange between Frank Forthright, chief of compliance department at the Globex Corporation, and Assistant Divisional Chief, Mr. Malafide.

Forthright: Mr. Malafide, I'd like to show you some of my lab results. As you can see from the chart, there is a high presence of estradiol—known to cause deformities in frogs—in our plant's waste water discharge. I have concluded that we are to blame for the recent deformities discovered in the frog population.

Mr. Malafide: I don't agree with your reasoning, Frank. Left out of your analysis are the deep cuts we will have to make to this department if we have to comply with the law. Further, you're not considering the financial hardship your family will face should this information get leaked to the public.

Malafide's attempted ad baculum is, like all ad baculums of this sort, a strategy to change what ought to be an epistemic question about the cause of frog deformity into a practical discussion of Forthright's future at Globex Corporation. What is crucial is that the success of this strategy *relies* on Forthright's recognition of the changing context. If he did not notice the shift, a clueless Forthright might puzzle over how Malafide means to offer a meaningful objection and fail to see that Malafide intends to coerce him to take a particular *course of action*. Far from being an unannounced shift in dialogue, with the intent to fool its victim into taking the bait, the ad baculum is a patently obvious shift in dialogue.

Another feature of the exchange that reveals the obviousness of the offer-for-an-argument ploy is the actual target of the offer. As the challenge for the informal logic account above was how to explain how threats might be evidence of the fallacious kind in an argument (they cannot), here, the challenge is to explain how someone might be tricked or duped into negotiating a propositional commitment. The surprising answer, though one not appreciated by Walton and Krabbe, is that they can (even though, again,

given the pragmatics of threats and promises, this is unlikely). Because, central to the conception of dialogue at issue here is the concept of *commitment*. Dialogues concern the commitments (or standpoints) of the participants. Commitments are not psychological entities and are freely adopted and abandoned, though they have logical properties, such as closure (Hamblin 1970, p. 264; Walton and Krabbe 1995, p. 21). According to Hamblin, once I have (voluntarily) incurred a commitment, I also acquire the commitments that are logically related to it (p. 264). Walton and Krabbe also remark that “[e]ach commitment implies many others”, which they call *subcommitments* (Walton and Krabbe 1995, p. 43). To cite their example, if one is committed to cooking dinner, then one is committed to cooking food (because all instances of dinner are instances of food, presumably) (p. 42). In terms of propositional commitment specifically, for example, if one is committed to the conjunction $p \ \& \ q$, then one is also committed to p and q separately (by conjunction elimination); similarly, if one is committed to a universal proposition, such as *all ducks are birds*, then one is committed to each individual duck being a bird (p. 43) (by subalternation). We can put this another way and say that commitments are closed under entailment. If I am committed to p , and p implies q , then I am committed to q .⁵ Without going too far into the weeds, there are several other interesting ways one can acquire commitments (and therefore subcommitments). These include the presuppositions required to ask an intelligible question (pp. 32–33). This would also include, though Walton and Krabbe do not note this, implicatures. If I ask where someone is from, I am bound by the implication that the answer is not obvious or is noteworthy. I also incur commitments by my affiliation with a well-organized group (e.g., political parties, unions, religious denominations, and so forth). Again, commitments are not psychological and so can be held corporately (p. 34). Commitments are central to the concept of a dialogue theory in part for this very reason. You can move them like pieces in a game. Most significantly for my purposes here, you can adopt commitments that you do not believe. In other words, the notion that commitments can be traded freely in an argument is a feature, not a bug, of dialogue theory.

By contrast, no party to a dialogue about *beliefs* is able to negotiate them, because beliefs are involuntarily held. While it is true that beliefs can be occasioned by deviant causal chains, where they are brought about indirectly, in general, beliefs track *reasons*, or at least *the appearance of reasons*. In trading an offer for an argument, one is not tracking reasons, and this is plainly obvious. Mr. Malafide knows that Forthright is not going to change his mind. It does not matter anyway, because all Mr. Malafide needs is that Forthright change his public commitments. This would mean that Forthright ceases to claim that the frogs have been poisoned by Globex and, among other things, that he stops using this claim as a premise in other reasoning (Cohen 1995, p. 4).⁶ The upshot of this is that, while Malafide cannot directly cause Forthright to change his belief with an inducement or threat (or a bribe—why did not he try that?), he can more directly control the beliefs of others further down the conversational chain. In the present case, it is likely that people who become aware of the Globex corporation’s malfeasance will respond accordingly. However, if Malafide deprives them of the opportunity to respond to the evidence, then he has effectively, though indirectly, affected their beliefs. In effect, Malafide’s *ad baculum* is not directed at Forthright so much as it is at other potential participants in their extended dialogue. It is directed at them by excluding them. Crucially, they are not observers or witnesses, as the *ad baculum* would then prove equally ineffective.

4. Conclusions

In this paper, I have approached what I take to be an underappreciated problem with the *ad baculum* fallacy, namely the fact that you cannot force an interlocutor to *believe* something. The persistence of *ad baculum* cases, however, cries out for some kind of explanation. I have argued that the *ad baculum* stratagem should be understood in light of the broader purposes of argument. This means that the *ad baculum* actually involves three parties: someone (A) who invokes a threat in the context of an argument; a respondent (B) to whom the threat is directed; and an audience (C), not present at the exchange between

A and B. While the respondent can never take force as inducements to *believe p*, they can take them as reasons to *commit* pragmatically to *p*. Additionally, it is not at all difficult or puzzling to see how B can accede to the threats in the first place, though it is difficult to imagine that they could be oblivious to them as threats. Their commitment to *p* may then be seen by their audience as evidence for *p*—the fact that Senator Casey supports the bill—or perhaps merely does not oppose it—is ethotic evidence to a certain audience that the bill is worthy of consideration.

This result tracks some recent work in fallacy theory. Consider, for example, the straw man fallacy, where one distorts the standpoint of another in order more easily to refute it. Here, too we have what seems to be an impossible argument strategy on an informal–logical or dialogue scheme account, since few would be convinced by a distorted version of their own view (Aikin and Casey 2022a; Stevens 2021). Like the ad baculum, the straw man may serve merely to make argument, with the straw manner being unpleasant, and so drive the target from the discursive space. However, there is more to straw manning (and the ad baculum) than this strategy of annoyance. In a paper on the empirical effectiveness of straw man arguments, Bizer et al. (2009) studied downstream audiences rather than parties to a debate. This is because the straw man is most often deployed as being for the benefit of an onlooking audience, and so it is there that we must look for its effectiveness (de Saussure 2018). While the ad baculum must be deployed in the second person, the real target of the ad baculum is a third-person, downstream audience whose total evidence will be constrained by the forced adoption of a commitment.

A second consequence is that force, threat and/or sanction are not operative features in this scheme. This three-party scheme works just as well with bribery or arguments ad carotam, as Bermejo-Luque has suggested (Bermejo-Luque 2008). The key fact is that someone can voluntarily trade their commitment to some proposition to avoid harm (in the case of the ad baculum) or for some gain (in the case of the ad carotam). This is why Walton and Krabbe assimilated the ad baculum arguments to “the fallacy of trading an offer for an argument”. Both of these schemes work by converting an illegitimately adopted commitment into evidence for some third party.

The expanded conception of the ad baculum has another consequence. The standard account of the ad baculum, as I have called it, focuses on the irrelevance of the threat of force to the truth or acceptability of some claim. This is certainly true in a very general sense, but the broader meta-argumentative goal of the ad baculum is to misrepresent the dialectical state of play. It means to give the impression that a certain standpoint has more (or fewer) true adherents than it actually does. A broader view of the ad baculum shows the inadequacy of the two approaches we have discussed to represent it. As Wreen has shown, if you consider the ad baculum as an argument scheme, you may miss what is attractive about it as a fallacy (see also Budzynska and Witek 2014). It will always turn up as a perfectly reasonable means–ends piece of reasoning. Walton’s dialogue approach fares no better at capturing it, because the real target of the ad baculum is not a party to the dialogue.

In the end, argument analysis in informal logic suffers oftentimes from what we might call methodological individualism. Even dialogue theory, with its deeper reach into the structure and purpose of persuasive communication, stops its analysis at the end of individual argument encounters. Argumentative exchanges are not necessarily exhausted when the addressee has received the message. To explain the effect of the ad baculum, it would have to construct a new encounter, where the defect is the insincere commitment—the ad hominem does just this. However, that does not do justice to the strategy of the one who employs the ad baculum. I think our arguments are fundamentally meant to outlive our encounters. Additionally, I do not think that this is unique to the ad baculum. Scott Aikin and Robert Talisse have made a similar case with regard to other fallacies (such as the ad hominem), arguing that even the dialogical model, itself an expansion, incompletely represents the dialectical situation (Aikin and Talisse 2019). With the straw man, for example, the purpose is to misrepresent the quality of an addressee’s argument to

an onlooking audience. In contrast to the ad baculum, however, it is most effective when the addressee is absent and so not able to defend themselves. For the ad baculum, a critical part of the strategy, however, is that the target audience is not there.

This expanded view of argumentation has one further feature, which I note in closing. Arguments can involve a complex interplay of different ways of conceiving of the fundamental objects of argumentation. As we have seen, pragmatic theories of argumentation, such as dialogue theory, tend to view arguments in terms of pragmatic commitments or speech acts. Informal logic, by contrast, typically understands arguments to concern propositional attitudes, or beliefs. I have argued here that neither of these approaches alone does justice to argumentative cases of the ad baculum fallacy. To explain how such a fallacy works, one needs to view argument from both perspectives at once.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Acknowledgments: I would like to thank Thierry Herman, Scott Aikin, and Steve Oswald for comments on previous drafts of this paper.

Conflicts of Interest: The author declares no conflict of interest.

Notes

- ¹ Their analysis of the ad baculum is not all that different from what one would normally encounter in general texts of this sort. I do not have the space for a thorough review of the relevant introduction to logic-type texts, so let this brief survey suffice. [Copi and Cohen \(2009\)](#), the ur-text for this kind of approach to fallacies, says, hesitantly, “it seems odd to suppose that one could hope to establish some proposition as true, or persuade some other person of its truth, by resorting to force” (p. 131), but then continues to give an account of it. [Baronet’s \(2013\)](#) definition is virtually identical: “the threat of physical harm, an appeal to force, can sometimes cause us to accept a course of action which otherwise would be unacceptable” ([Baronet 2013](#), p. 123). He puts the ad baculum in the fallacies of relevance, claiming that the threat is not “objective evidence” for the conclusion (p. 124). A very recent handbook to fallacies, *Bad Arguments: 100 of the Most Important Fallacies in Western Philosophy* replicates the same basic form: “An argument that appeals to force or fear attempts to make the audience feel fear at the threat or possibility of harm in order to get them to accept a conclusion” ([Wrisley 2019](#), p. 98). By contrast, scholars of argumentation, e.g., [Groarke and Tindale \(2008\)](#) and [Bailin and Battersby \(2016\)](#), tend not to include the ad baculum in their discussions of fallacies.
- ² I should note that much of the literature on the ad baculum has focused on the passive construction—some harm will come to him or her—makes this overly broad and so generates many obvious counterexamples. One such counterexample comes from arguments from consequences, which have the same threat structure as ad baculums: If you do x, something bad, b, will happen to you. For instance, one might assert: “if you drink water from Lake Michigan you’ll get sick.” Sickness in this case is the harmful consequence that will be visited upon their head. More pointedly, threats in the course of negotiation share a similar structure: “if you do not accept our demand that you raise salaries, you will face a strike.” Clearly, in this case, the pressure of the strike is the reason offered for accepting the conclusion (the higher wage). What makes these different is the threat, in the negotiation case, will be enforced by the person doing the threatening, whereas the first case the threat will be realized as a matter of fact: if you drink dirty water from the river, nature will enforce the threat and make you sick.
- ³ It has been noted by [Wreen \(1989\)](#) that neither of these so reconstructed are really arguments, at least according to the criteria laid out by Hurley and Watson; they are conditional propositions. The second example, moreover, such as it is, seems perfectly fine. If indeed they succeed in threatening the luckless Senator Casey, then he is going to support the bill. Supporting is an action, again, like voting, or uttering other sentences to the effect the bill ought to be passed. It is worth noting in passing that the first example, by contrast, makes a rather different claim from its reconstruction. The idea now is that *Sesame Street* is in fact the best show, not merely that the poor bullied kid must believe that.
- ⁴ A related notion is the argument overcharge (discussed in [Godden and Casey \(2020\)](#) and [Aikin and Casey \(2022b\)](#)) where one asserts a more extreme, and therefore less defensible version of one’s thesis in the hopes that onlooking third parties will split the difference, or otherwise find some negotiated solution.
- ⁵ To be fair, Walton and Krabbe seem to reject this stronger version of the closure principle. They do so, however, by pointing to a case in which someone could not possibly know the extent of their commitments. In the example, someone agreed to cook Christmas dinner with the presumption that they would buy the food from a particular shop. This seems reasonable at facevalue,

but it is hard to imagine the closure principle at work. A commitment to cook dinner involves, joking aside, a commitment to preparing food.

- 6 This passage captures the distinction between beliefs and commitments succinctly: “To accept the proposition or rule of inference that p is to treat it as given that p . More precisely, to accept that p is to have or adopt a policy of deeming, positing, or postulating that p —i.e., of including that proposition or rule among ones premises for deciding what to do or think in a particular context, whether or not one feels it to be true that p .” (4; emphasis added).

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Article

On the Rhetorical Effectiveness of Implicit Meaning—A Pragmatic Approach

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Abstract: This paper explores the interface between pragmatics and argumentation by considering the impact of different types of implicit meaning on different types of rhetorical effects. On the rhetorical front and drawing on classical rhetoric but going beyond the Aristotelian rhetorical triangle (*ethos, logos, pathos*), the paper discusses an open list of rhetorical effects affecting speakers, audiences, messages and the conversational flow of interaction. On the pragmatic front, the paper accounts for how specific features of different types of implicit meaning (presupposition, implicature and back-door speech acts) are likely to trigger specific rhetorical effects. In so doing, it discusses and justifies the need for and the feasibility of an experimental investigation of the rhetorical effectiveness of implicit meaning.

Keywords: pragmatics; rhetoric; rhetorical effect; insinuation; implicature; presupposition; back-door speech act; experimental methodologies

1. Introduction

During the 2016 presidential campaign, then-candidate Donald Trump made a habit of conveying disparaging and even legally reprehensible public statements.¹ Interestingly, these messages were all plausibly deniable—and Trump often did deny having meant them. For instance, he was accused of (i) insinuating, after the first Republican primary debate, that the moderator’s (Megyn Kelly) alleged aggressiveness towards him was due to the fact that she was menstruating, and (ii) inciting murder on his Democrat rival, Hillary Clinton, by pondering whether “2nd amendment people” could “do something” to prevent her from being elected. These messages shared two properties: they (i) fulfilled an argumentative function of support that was (ii) implicitly expressed. From a communicative perspective, these messages are problematic: while their sheer presence in discourse is controverted (since they are deniable), they distract attention from main issues and support sneaky forms of misinformation. In other words, implicit meaning (henceforth IM) seems to offer a range of advantages to arguers who can hope to trigger different types of rhetorical effects.

Argumentation theory, since its inception, has investigated a number of aspects of argumentative practices, covering, among others, its epistemic dimension (i.e., how argumentation contributes to establish truthful and justified conclusions), its dialectical dimension (i.e., how argumentative discussions are regulated), its rhetorical dimension (i.e., how argumentation influences others), its linguistic dimension (i.e., what kind of linguistic and verbal resources arguers draw on as they engage in argumentation), and its interpersonal dimension (i.e., how the practice of argumentation unfolds in social interaction). In seeking to account for these, argumentation scholarship has gradually constituted the field and allowed to develop complementary research directions meant to elucidate the phenomenon. Within this panorama, this paper narrows down the inquiry to the rhetorical dimension of argumentation, which is chiefly concerned with the effects arguments have on their audiences during argumentative encounters. Within the realm of rhetoric, it specifically focuses on the rhetorically significant possibilities different types of

Citation: de Oliveira Fernandes, Daniel, and Steve Oswald. 2023. On the Rhetorical Effectiveness of Implicit Meaning—A Pragmatic Approach. *Languages* 8: 6. <https://doi.org/10.3390/languages8010006>

Academic Editor: Julien Longhi

Received: 9 August 2022

Revised: 6 December 2022

Accepted: 16 December 2022

Published: 22 December 2022



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IM have to offer to speakers. That is, we will be concerned here with the way pragmatic research can illuminate rhetorical issues. These will furthermore be investigated along four dimensions: effects on the speaker, effects on the audience, effects on the message and effects on the conversational dynamics. In so doing, we pursue three goals: (i) we aim to show that IM is a rhetorically significant category of verbal meaning; (ii) we aim to provide an initial and principled compendium of types of rhetorical effects that are likely to be triggered by different types of IM; and (iii) we discuss the need for and the feasibility of an experimentally grounded study of the rhetorical effects of IM.

In Section 2, we start by considering rhetorical effectiveness through its classical Aristotelian roots and discuss their limitations while reflecting on additional types of rhetorical effects that classical Aristotelian categories do not seem to cover. Section 3 subsequently attempts to extend the notion of rhetorical effectiveness by making the case that pragmatic research is ideally suited to this purpose, first by recalling extant research in pragmatics that already tackles issues pertaining to the field of rhetoric and, second, through a theoretical justification of why rhetorical effects are to be considered, in the speech act-theoretic tradition, as perlocutionary effects. Section 4, in turn, explains why IM itself is inherently suited to be exploited rhetorically by examining evolutionary, psychological, and social strands of research which support this claim. With these justifications in mind, Section 5 then considers the features of three categories of IM (implicature, presupposition and back-door speech acts) and their associated rhetorical effects, while Section 6 draws their respective matrix of correspondences. Section 7 concludes the paper with thoughts on the experimental possibilities research at the interface between pragmatics and rhetoric is likely to generate.

2. The Classical Take on Rhetorical Effectiveness (and Associated Problems)

The first—and still probably only—systematic account of rhetorical effectiveness is Aristotle’s model of rhetoric, which treats persuasiveness as an effect of discourse at the confluence of three dimensions: *logos*, *ethos* and *pathos*.² In the next subsections, we briefly recall these classical Aristotelian categories and try to frame their study in a way that brings forward the relevance of approaching them with pragmatic tools.

2.1. Aristotle’s Triangle: *Ethos*, *Logos*, *Pathos*

Aristotle famously held that persuasion should not be restricted to the content of argumentation alone, as other parameters are deemed to influence the persuasiveness of a message:

“Of the modes of persuasion furnished by the spoken word there are three kinds. The first kind depends on the personal character of the speaker; the second on putting the audience into a certain frame of mind; the third on the proof, or apparent proof, provided by the words of the speech itself”. (Aristotle 1995, pp. 1356a1–1356a14)

Ethos is defined by the degree of institutional integration, credibility, reputation, and authority of speakers (Braet 1992; Gallez and Reynders 2015). The construction of *ethos* is not restricted to discursive features and can be extended to paraverbal and non-verbal cues (e.g., appearance and gestures; Gallez and Reynders 2015). The speaker’s history and reputation make up what Amossy (2001) calls the ‘prior ethos’:³ in the situation where their *ethos* has been tainted either personally (e.g., as a result of a court case) or institutionally (e.g., because of their affiliation with a political party with a bad reputation), speakers will aim to remove the prejudices the audience might hold against them throughout their speech to regain the trust of the audience and restore their trustworthiness. The displayed *ethos* during the debate should appeal to the demographic attributes of the audience (e.g., age and culture) as well as the *ethos* the audience expects or prefers (e.g., reputable, expert in her field and benevolent; Braet 1992). The audience will be more persuaded by a speaker’s discourse if the latter is recognised as expert, benevolent, and trustworthy.⁴ Modern accounts of *ethos*, such as Mayer et al.’s (1995) model of organisational trust, propose to precisely

circumscribe what *ethos* consists of, how it is shaped in discourse, and what language resources are available for its management. Experimental work conducted by Hovland et al. (1953) has furthermore assessed the credibility of the trustee with factors of expertise and trustworthiness, and found that integrity, ability, and benevolence could be singled out as key dimensions of trustworthiness. This three-fold description of trustworthiness, which incidentally resonates with the identification, by Aristotle, of three features “which inspire confidence in the orator’s own character”, namely “good sense, excellence, and goodwill” (Aristotle 1995), constitutes the foundation of Mayer et al.’s model of trust (1995).

In its Aristotelian conception, *logos* can refer to speech (and its verbal material, e.g., words, claims), myth (in the sense of ‘plot’), or rationality (or logic). In our discussion, we refer to the first of these and define *logos* in terms of the content of the message, which has to be clear, accessible and acceptable in order to be rhetorically effective, that is, to offer sound evidence for a given claim (Aristotle 1995). Because *logos* is given to us through the speaker’s choice of words, this is the persuasive dimension that best showcases the importance of wording in any persuasive endeavour. The content of a message, along with the stylistic choices implemented in its articulation, are directly responsible for the representation of the message that the audience will form—which in turn will trigger further perlocutionary effects. This is a clear indication that the study of rhetorical effectiveness, when focusing on *logos*, should incorporate a rigorous account of meaning, which pragmatics is able to offer.

Pathos refers to the affective ways in which the message will influence the beliefs, attitudes, and values of an audience. It aims to put hearers “into the right frame of mind” (Aristotle 1995): the judgement given by an audience to a speaker is assumed to be different when, for instance, the former are joyful and happy than when they are grieving and hostile. The most persuasive arguments are usually deemed to be those that resonate with the audience’s most deep-held values: the deeper the value raised by the discourse is held, the more the argument will be impactful on the audience in terms of *pathos*. With the rhetorical support of *logos*, *pathos* is not only limited to impacting an audience’s affects; its influence can extend to actual behaviour (e.g., votes, uprising, or discrimination), even in unconscious ways.⁵

2.2. Some Problems with the Classical Account

Illuminating as Aristotle’s rhetorical categories can be, they face two problems: (i) the problem of multiple rhetorical effects, and (ii) the problem of the irreducibility of some rhetorical effects to any of the three existing categories. (i) is a problem of descriptive adequacy, as it emerges when more than one appeal is found in the same argumentative move, which challenges not only descriptive models but also explanatory accounts of rhetorical effectiveness. (ii) is a problem of scope, in the sense that some dynamic rhetorical effects that arise in conversations do not seem to be about persuasion per se, but rather about ways of managing the interaction by implementing constraints on the conversational flow. Let us take two examples to illustrate these problems. The first is an alleged conversation between former boxer Muhammad Ali and a flight attendant:⁶

1. Just before takeoff on an airplane flight, the stewardess reminded Ali to fasten his seat belt. “Superman don’t need no seat belt”, replied Ali. “Superman don’t need no plane either”, retorted the stewardess.

In (1), the rhetorical effect of the flight attendant’s alleged retort is two-fold: on the one hand, it consists in ridiculing Ali by mocking him,⁷ which can be counted as a *pathotic* move, as it is destined to trigger the audience’s amusement and enjoyment at the expense of Ali. However, we should not underestimate the fact that the flight attendant’s response actually builds on Ali’s failure to draw relevant entailments of his own utterance, which is a reason to consider that the *logotic* dimension is present in (1) as well—indeed, as Superman can fly, he does in principle not need to embark on a plane to go somewhere. Finally, the flight attendant appears as a competent conversationalist, due to her ability to tip the rhetorical scales in her favour—an *ethotic* move if there is one. We see, thus, that one and the same utterance can simultaneously draw on all of Aristotle’s three rhetorical dimensions, with

the consequence that the classification of the example is problematic. Even if we could in principle consider that all three dimensions do co-exist and contribute to the rhetorical appeal of the flight attendant's utterance, which of the three is prevalent? How can we determine whether one is more fundamental to the rhetorical effect than the others? These are questions that the traditional Aristotelian account cannot answer.

Our second example comes from Sergiy Kyslytsya's address at the UN on 24 February 2022, right after Russia's invasion of Ukraine. The Ukrainian ambassador at the UN concluded his call to stop the war by addressing the president of the UN Security Council, who happened to be the Russian ambassador, in the following way:

2. There is no purgatory for war criminals. They go straight to hell, ambassador.⁸

Beyond the blatant *pathotic* appeal of the example, with this implicit personal attack against Russian leadership, the Ukrainian ambassador invites a reaction from his target—which comes under the form of a clarification (“(. . .) we are not being aggressive against the Ukrainian people but against the junta that is in power in Kiev”). Yet, what are the conversational options of his interlocutor? In principle, he could address the attack by trying to counter it or by acknowledging it (which is of course unlikely in such a context), or he could ignore it, for instance by opting out or evading. Coming back to Kyslytsya's attack, would we say that he has been persuasive in convincing viewers and audience members that Russian leadership members can be identified as war criminals? This is unclear, to say the least, but, crucially, this does not impact the rhetorical effectiveness of (2): it is indeed intuitively very clear that the Russian ambassador's choice is much less appealing, from a rhetorical perspective, than the Ukrainian ambassador's implicit attack—and thus, that there seems to be something rhetorical that is neither *ethotic*, nor *logotic* or *pathotic*.

The second of these issues (described in (ii) above), therefore suggests that other rhetorical effects, which are perhaps not systematically reducible to the categories of *ethos*, *logos*, or *pathos*, might be relevant to grasp the full measure of what the relatively vague notion of rhetorical effectiveness might denote. Indeed, an argument may be said to be rhetorically effective in a number of different scenarios, which are intuitively easy to identify, but which have not so far been systematically collected.⁹ For instance, an argument may be effective when (and this list is not exhaustive):

- its content is accepted as true or likely to be true by its audience
- it distracts the addressee from its argumentative flaws
- it fools the addressee into accepting the flawed argument
- it distracts the addressee from the course of the conversation and allows the speaker to change topic
- it allows the speaker to (plausibly) deny what they meant
- it allows the speaker to avoid reputational sanctions
- it makes the audience perceive the speaker as a trustworthy individual
- it silences the opponent
- it is able to weaken the reliability of opposing arguments
- forces an opponent to defend themselves
- . . .

While it seems straightforward to find *ethotic*, *logotic* and *pathetic* effects in this open list, not all of its members can be reduced to one of these three dimensions—the fact that an opponent is left speechless is arguably neither an *ethotic* phenomenon, nor a *logotic* or a *pathetic* one (even though it could be the consequence of some emotional state). Additionally, there are reasons to consider that some of the items on the list are related to each other—for instance, avoiding reputational sanctions can follow from the possibility of plausibly deny problematic contents, on behalf of the speaker—which might suggest that a more systematic classification may be possible. In fact, what this cursory look at the items on this list suggests is that some effects have to do with the conversational dynamics (i.e., what moves are permissible or likely in reaction to given moves), while some others have to do with classical persuasive dimensions (*ethos*, *logos*, *pathos*), and others with the

sheer management of information flow. It remains that all of the above seem to denote different rhetorical advantages a speaker can hope to gain through their contribution in an argumentative exchange. For the purposes of this paper, we will consider that the rhetorical effects of a given argumentative move can concern the speaker, the audience, the message and, crucially, the conversational dynamics (see Sections 3.2 and 6).

3. Pragmatic Insights into Rhetorical Effects

3.1. Some Pragmatic Insights into Ethos, Logos and Pathos

As seen above, example (2) seems to suggest that rhetorical effectiveness should perhaps not be a notion exclusively focused on persuasion, as non-persuasive, yet rhetorical, effects seem to exist and have already been studied. This is why we will propose to construe rhetorical effectiveness along the lines of *perlocutionary acts*, as defined in speech act theory (Austin 1962; Searle 1969; Oswald 2023). Should rhetorical effectiveness indeed be irreducible to either *ethos*, *logos* or *pathos*, then perhaps this should be taken as an indication that the very notion stands to gain from being tackled through a different framework. Based on recent work at the interface between pragmatics and argumentation, we argue that pragmatics can provide such a framework.

In his own account of *ethos*, Herman (2022, this volume) challenges classical accounts and argues that whatever audiences end up putting into the category of *ethos* is inferentially arrived at, and that a unified framework to account for these mechanisms should be a cognitive pragmatic one like relevance theory (Sperber and Wilson 1986, 1995; Wilson and Sperber 2012). Through a systematic survey of existing *ethotic* accounts, Herman shows that classical approaches fail to achieve explanatory adequacy, as they are limited to the identification of *ethotic* types and do not allow us to understand how audiences construct them. Moreover, with a relevance-theoretic analysis of a case study, Herman then convincingly shows how an investigation framed in terms of considerations of relevance can provide a cognitively plausible account of the actual *ethotic* effects of verbal utterances in their contexts of occurrence. Thus, cognitive pragmatics seems to be an apt framework to study rhetorical effects related to the management of speaker *ethos*.¹⁰

Recent work on relevance and emotions (Wharton et al. 2021) also seems to highlight a connection between cognitive pragmatic frameworks and the rhetorical dimension of *pathos*. In this work, the authors try to bridge the gap between the affective sciences and cognitive pragmatics by suggesting that the notions of relevance each field operates under have much in common, each being a subtype of goal relevance (Wharton et al. 2021, pp. 264–67). The gist of the discussion, which is relevant to the purpose of this paper, lies in the idea that accounting for communicative relevance is no different from accounting for emotional relevance: in other words, the mechanisms involved in figuring out what is emotionally relevant to an individual are likely to be similar to the mechanisms involved in figuring out what is communicatively relevant to an individual. From this, it follows that a relevance-theoretic framework is in principle equipped to account for emotional responses to communicative stimuli—i.e., for *pathotic* effects.

Logos has also been approached, although perhaps not in those terms, within cognitive pragmatics, for instance by Assimakopoulos (2021), Maillat and Oswald (2009, 2011), or Oswald (2016), who are interested in the persuasiveness of public messages in terms of their contents and ideological ramifications. To this effect, these authors provide an account of how the cognitive architecture of the mind, as described by relevance theory, makes it possible for messages to enter an addressee's cognitive environment—or, in other words, how the content of a message ends up being accepted by its audience. Oswald (2016), for instance, considers that a given argument is said to be persuasive when it has withstood critical testing or when no counter-evidence has been brought forward against it (assuming its content is compatible with the addressee's cognitive environment). The advantage of this construal of rhetorical effectiveness in terms of *logos* lies in its identification of specific conditions under which argumentative evaluation mechanisms unfold—namely epistemic strength and accessibility of information, which resonate with relevance theory's

extent conditions of relevance (Oswald 2016, pp. 264–68). Assimakopoulos (2021) adopts a similar viewpoint in his account of ideological effects that arise during interpretation, by extending the framework of relevance theory in order to cover ideological effects that are not necessarily intended by the speaker. The idea underlying both accounts is that verbal messages are likely to privilege—and, crucially, to constrain—the derivation of specific (ideological) representations. A relevance-theoretic analysis can then explain why these (ideological) representations are likely to be drawn by audiences, which, in the end, amounts to explaining their rhetorical effectiveness in terms of *logos*.

What this cursory look at some recent developments in cognitive pragmatics shows is that this particular strand of pragmatic research has much to offer to rhetorical scholarship. This idea is far from new: more than 20 years ago, Dascal and Gross (1999) attempted to provide a cognitive reading of Aristotelian rhetoric by describing persuasive interactions in terms of Gricean communicative causality. Over the years, the rhetorical account of Chris Tindale (1992, 2015, 2022, this volume) has consistently incorporated some key notions of both Gricean and relevance theory pragmatics, such as the notions of *cognitive environment* and of *relevance*, with the purpose of illuminating rhetorical phenomena. This work has, among other things, shed light on how the relevance of premises might vary from one audience to the next, on how irrelevance can turn into relevance, and shown how a pragmatic account of relevance can help in argumentative reconstructions. The thrust of Herman and Oswald's (2014) edited volume on rhetoric and cognition was precisely meant to illustrate that contemporary pragmatics has much to offer to both classical and modern rhetoric, in that their respective objects of study overlap to a great extent.

The overall conclusion, if there is one, of this brief overview is that the study of meaning comprehension, in verbal communicative exchanges, has much to offer to the study of persuasion—that is, pragmatics has been shown to have a great deal to offer to rhetoric.

3.2. Rhetorical Effects Are Perlocutionary Effects That Can Be Studied Experimentally

A closer look at our earlier, albeit superficial, list of possible rhetorical effects reveals that all of them can ultimately be thought of as effects on *the addressee*. Indeed, *ethotic* effects, even if they are about the speaker's perceived characteristics (competence, benevolence, integrity, etc.), are perceptions or representations that emerge as the result of the audience's inferential work (Herman 2022, this volume); the same goes for *logotic* effects, which arise based on the audience's processing of the verbal material contained in the speaker's utterance, and for *pathotic* effects, which hinge upon the audience's affective responses in the communicative event. The same also goes for effects on the conversational dynamics of the communicative event: these are audience-driven, insofar as they denote the range of possible follow-ups to a speaker's utterance, including argumentative moves like refutation, challenge, etc. All in all, these can be considered as consequences that the comprehension of a message has had on conversational participants and on the conversation itself; as such, it makes sense to construe them as *perlocutions*, consistently with the Austinian definition, according to which perlocutionary acts "produce certain consequential effects upon the feelings, thoughts, or actions of the audience, or of the speaker, or of other persons" (Austin 1962, p. 101). The category of perlocutionary speech acts can thus be said to make some room for the inclusion of rhetorical concerns in pragmatic models. Further evidence of this connection can be found in the way Grice formulated his Cooperative Principle and its associated maxims, assumed to regulate communication at large: "I have stated my maxims as if this purpose were a maximally effective exchange of information; this specification is, of course, too narrow, and the scheme needs to be generalized to allow for such general purposes as influencing or directing the actions of others" (Grice 1975, p. 47). What this shows is that effects that emerge in conversation alongside comprehension, but are linked to the latter, have been recognised as relevant in the characterisation of human communication, and that the field of pragmatics, specifically, already has some theoretical categories to account for this. Here we suggest that the rhetorical effects that we are interested in can

be accounted for as perlocutions, consistently with classical pragmatic theory (see also Oswald 2023, Section 2.3, for a discussion).

While perlocutionary effects have tended to be neglected by classical pragmatic research, and to the extent that their study has been recognised as controversial, to say the least (Gu 1993; Marcu 2000), they nonetheless remain effects that are intimately linked to the comprehension of locutionary and illocutionary speech acts—i.e., there is a strong relationship between the illocutionary act and the perlocutionary act, whether the latter is loosely denoted as a way of “influencing or directing the actions of others” or, more specifically, as a persuasive act (Marcu 2000). On this last point, it seems to us opportune to evoke the potentially very fruitful input that the field of *experimental pragmatics* (Noveck 2018; Noveck and Spotorno 2004) could provide in the study of perlocution. Initially developed as an empirical endeavour to lend support to theoretical models of meaning, experimental pragmatics has already made incursions into the study of some perlocutionary effects, as mediated by linguistic resources—see for instance Mazzarella et al.’s (2018) study of effects on trust and reputation based on explicit vs. implicit modulation of speaker commitment, or Weissman and Terkourafi’s (2019) empirical study of whether false implicatures qualify as lies. While experimental pragmatics is primarily focused on the study of meaning in context, it can also be recruited to provide better descriptions and explanations of perlocutionary effects and of the circumstances in which they are likely to be triggered. In other terms, the methods of experimental pragmatics are relevant and ready to be implemented to study the rhetorical effects of linguistic resources in argumentation.

Based on what precedes, we therefore circumscribe the types of rhetorical effects of argumentation we are interested in here into four categories, which we identify based on whom or what the message affects: (i) effects on the speaker (linked to *ethos*), (ii) effects on the audience (linked to *pathos*), (iii) effects on the message (linked to *logos*), and (iv) effects on the conversational dynamics (see also Table 1 below). Our next step, based on the salient feature of examples (1) and (2) above, is to reflect on the rhetorical effectiveness of *IM* as a communicative resource for meaning-making. In what follows, we develop some arguments that plead for such a study.

4. The Rhetorical Appeal of Implicit Meaning

Having established how rhetoric can benefit from pragmatic insights, we now narrow down our focus to discuss some rhetorical specificities of *IM*, which, we argue, constitutes a pragmatic resource of particular interest for rhetoric. In this sub-section, we thus develop four lines of thinking that highlight the appeal of *IM* in communication and how the latter is likely to be exploited rhetorically.

4.1. Evolutionary Bases for the Existence and Prevalence of *IM* in Human Communication

As Reboul (2017) suggests, implicit communication does not seem to be the most efficient means of linguistic communication, both at the production and at the reception end of the process. For speakers, choosing to convey a message implicitly might be riskier and more open to misunderstandings than choosing to do so explicitly, as part of the meaning is not linguistically given, but left to the hearer to infer. Moreover, although *IM* may be less cognitively costly for speakers, this is at the expense of hearers, who are required to perform additional inferential work. From the perspective of politeness, despite the claim, drawn from early accounts such as Brown and Levinson’s (1987) or Leech’s (1983, 2014), that indirectness (and so *IM*) is more polite than explicitness, it has also been suggested by Pinker (2007, p. 442) that indirect requests “can make the speaker sound devious and manipulative”, since they aim at protecting speakers rather than hearers from unpleasant contents. Thus, *IM*, at first glance, does not seem to be an advantageous option, in terms of both its processing when it comes to securing a successful exchange of meaning and its impact on the social relationship between speakers and hearers.

One of the criteria for successful manipulation—as for deception—is that speakers must prevent their targets from detecting their manipulative intention (Oswald 2010). If

this condition is met, the intention is hidden and can bypass the vigilance of its audience. If, however, the manipulative intention becomes public, not only will the manipulative attempt presumably fail, but negative reputational consequences might ensue for speakers. Interestingly, IM can mitigate this risk: speakers can cancel or deny having meant an implicature without this generating a contradiction in content—even if specific features of different types of IM might merely make denials merely *possible* instead of *plausible* (for instance, generalised conversational implicatures might be less plausibly denied than weak implicatures). Moreover, speakers can shift the responsibility of an incorrect interpretation of their utterance to hearers. IM thus offers a ‘way out’ (Pinker 2007; Pinker et al. 2008; Reboul 2017) because its associated content is conveyed *off the record*. In Reboul’s terms, IM allows “speakers to hide their ultimate intentions and to deny having them, while communicating content that is aimed at changing the addressee’s behaviour in such a way that these ultimate intentions will be satisfied” (2017, p. 206). IM, which many times appears in *off-record communication* (Gibbs 1999) is thus rhetorically appealing: it may be used to dissimulate or deny a speaker’s manipulative intentions, to allow speakers to avoid taking responsibility for a message conveyed and potentially shift that responsibility. All those benefits are related to the preservation of speakers’ *ethos*.

From this contrasted view, and given the stability of IM in human communication, it would therefore seem that its benefits outweigh its disadvantages. Thus, probably partly because of (the rhetorical advantages involved in the dissimulation of a speaker’s ultimate intentions and its positive impact on *ethos*, IM represents in principle a rhetorically attractive resource for arguers who seek to influence others.

4.2. Processing Advantages of IM for Rhetorical Effectiveness

The rhetorical appeal of IM can also be grounded in arguments about the way IM is cognitively processed. In particular, two facts of human psychology seem to plead for this claim: the extensively-discussed *confirmation bias* and *myside bias* (see Mercier 2016 for an overview) and our so-called *cognitive optimism* (Sperber et al. 1995).

The confirmation bias, which denotes our natural propensity to privilege confirmatory over falsificatory reasoning, has been famously studied through the Wason Selection Task (Wason 1968). More specifically, the confirmation bias has been defined as “the seeking or interpreting of evidence in ways that are partial to existing beliefs, expectations, or a hypothesis in hand” (Nickerson 1998, p. 175). While the reality of the confirmation bias has been called into question quite recently by Mercier, who proposes instead that the selection task gives evidence of the *myside bias*, namely the “tendency to find arguments that support one’s own views” (Mercier 2016, pp. 99–100), there seems to be experimental evidence that we have a strong tendency to stick to what we believe or assume to be the case in the face of contradiction or in reasoning tasks. In their own selection task study, Sperber et al. (1995) found that subjects set their mind on a hypothetical rule according to its accessibility and that they maintain it when the latter satisfies the expectations of relevance generated by the instructions of the task. However, more crucially for our purposes, they also found that subjects are not likely to re-check the output of their own inferences and dubbed this property of human cognition *cognitive optimism*.

Given that the comprehension of IM is a heavily inferential process (Grice 1989; Sperber and Wilson 1995)—insofar as a large portion of the meaning conveyed is not linguistically encoded but needs to be contextually worked out—it stands to reason that its derivation is also affected by the confirmation bias, or the *myside bias*, and that it is a cognitively optimistic process. That is, hearers are not only likely to consider that their interpretations of IM are accurate, but they are also less likely to submit them to critical scrutiny. As noted by Lombardi Vallauri and Masia, “discussing something that you have created yourself is much lesser a temptation than discussing something stated by someone else” (2014, p. 166)¹¹. Accordingly, IM is less likely to trigger critical reactions. This is particularly important to consider in the context of argumentation (Oswald 2020): as critical scrutiny seems to be lower, or less likely to be thorough, for IM, it stands to reason that arguers

might take advantage of it to communicate problematic contents, and to use it for rhetorical gain. In other words, IM is also rhetorically advantageous because of the way in which it is cognitively processed.

4.3. Social Advantages of IM for Rhetorical Effectiveness

In social interactions, the use of IM offers many advantages, both in dealing with opponents in a discussion or debate and in addressing an audience. In a study focusing on dyadic communicative settings (consisting of two interlocutors only) such as parent-child interactions, Bova (2011) investigated how parents use implicitness as an argumentative strategy with their children to achieve their goals during dinner conversations. He found that implicitness serves two purposes: it reduces the effectiveness of the child's standpoint by persuading them to retract it and it reinforces the strength of the parent's standpoint by anticipating possible consequences of the child's behaviour. Through implicitness, parents are also able to reduce the undesirable effects of explicit orders so as to facilitate acceptance. This last point, regarding acceptance, is incidentally echoed in the work of Lombardi Vallauri (2018), who claims that "[e]xplicit assertions reveal the intention of the source to convince the recipient, which triggers our willingness to meet it with critical judgment, rejecting any message that is not completely truthful." (p. 1, our translation). Under this lens, IM would presumably fare better than explicit meaning in terms of its rhetorical effectiveness.

Beyond dyadic configurations, the impact of IM may extend to triadic and multi-party conversational dynamics involving speakers and an audience who is not directly involved in the argumentative exchange as a participant. An empirical study on the modulation of commitment through explicit and implicit meaning has found that speakers who implied information that turns out to be false risk lower reputational and trust sanctions than speakers who conveyed the same information explicitly (through assertion), the latter being perceived as being more committed to the false information than the former (Mazzarella et al. 2018). The authors of this study explain that the difference of perceived speaker commitment depends on the type of content used by the speaker: people attribute lower commitment when a statement is implicit (i.e., implied) than when a statement is partially (i.e., presupposed) or fully explicit (i.e., asserted). This suggests that the use of IM is somewhat safer, as speakers who turn out to misinform are perceived as less at fault and receive lower reputational sanctions for implying the problematic statement than those who conveyed it more explicitly. This resonates with a previous study which found that greater commitment to the expressed proposition incurs greater reputational costs (Vullioud et al. 2017).¹²

Incidentally, further empirical data for these claims are now available. A recent corpus study of political speeches, which found that challengeable content types such as attacks and self-praises are more likely to be encoded implicitly as presuppositions, while less challengeable ones are more likely to be asserted (Masia 2020), resonates with the claims made here about the preference speakers would have for IM when it comes to conveying sensitive content that could backfire. Studies of propaganda such as Stanley's (2015) go in the same direction in their observation that IM is regularly used to distract hearers or readers from the ideologically problematic features of the message, which are embedded under implicit contents.¹³ In conjunction with the cognitive and evolutionary advantages previously mentioned, it therefore seems that the use of IM is also rhetorically appealing in terms of its *social* advantages, as it may be used to shield speakers from reputational sanctions and to lower their responsibility for conveying problematic or uncertain statements. Moreover, in addition to *ethotic* benefits, IM has *logotic* benefits: if IM is indeed likely to reduce the strength of the opposition's arguments (or even to discourage their presence altogether), then strategic speakers have much to gain in using it in contexts of argumentative disagreement. These are features that may come in handy in argumentative contexts where stakes can be high for participants.

4.4. Documented Impact of IM on Decision-Making

A fourth line of thought to support the idea that IM is rhetorically appealing has to do with its concrete, practical, impact on decision-making tasks, which has been empirically established in the study of different types of IM.

In a study on the influence of racial cues which do not mention race explicitly but can allude to it implicitly, in the vein of dogwhistles (Saul 2018; Witten 2014), Valentino et al. (2002) found that implicit racial cues embedded in political advertisements, especially those that reinforce negative racial stereotypes, can indeed prime racial attitudes, and thereby influence the outcome of political decision making. In a study on code words and dogwhistles, Hurwitz and Peffley (2005) showed that in comparison to ‘violent criminals’, the implicitly negative racist connotation of the noun phrase ‘violent *inner-city* criminals’ was sufficient to influence participants to opt for more repressive policies toward violent criminals. Although its implicit/explicit nature is still debated within pragmatics (see e.g., Carston and Hall 2012; Davis 2019; Tendahl 2009; Wilson 2011), metaphor also has a significant measure of implicitness in the contents it conveys; Thibodeau and Boroditsky (2015) have studied its effect on decision-making processes related to anti-crime measures. Interestingly, they found that a text describing crime as a *beast* ravaging the city was more likely to prompt participants to opt for repressive policies (e.g., an increase in street patrols) than for preventive policies. By contrast, a description of crime metaphorically framed as a *virus* was more likely to prompt preventive measures (e.g., reforms of educational practices, creation of after-school programmes) than repressive ones. These three studies thus converge towards the idea that IM is, *in fact*, a powerful resource to influence actual decision-making processes.

Perhaps some further elaboration on *whom* is meant to be convinced is relevant here; indeed, in political debates, for instance, debaters rarely aim to convince *their opponents*. Although proponents and opponents are the main parties that are active in the debate, persuasion is usually aimed at the *audience*, who is ultimately the participant with the most active role in persuasion: its members are responsible for inferring IM and for deciding on new policies through their vote. As evidenced by the studies described above, a linguistic subtlety—even an extra word—conveying IM can impact policymaking. Worse, even: audience members need not be aware of it at all for it to have an effect. This crucially calls for a better understanding of the problematic usages of IM. We argue, in what follows, that this is likely to happen once we better understand which rhetorical pole different types of IM are likely to affect. To cater for this need, in the next section we offer a characterisation of different types of IM that have been described in classical semantic and pragmatic scholarship in terms of their potential rhetorical significance in argumentative discourse.

5. Some Pragmatic Resources for IM and Their Associated Rhetorical Effects

We have seen that IM, owing to many of its features, is likely to be used for its rhetorical appeal. However, the story should be broken down more specifically, to the extent that not all types of IM share the same features. IM is, in a minimal sense, meaning that is conveyed but that is not encoded in the linguistic material that the speaker has used in their utterance. We will accordingly consider, quite loosely, that IM is meaning that is overtly conveyed, but not linguistically articulated, in the vein of Allott, who defines the central data for pragmatics as “cases in which a speaker, in making an utterance, conveys something more than, or different from, the meaning of the words she uses” (Allott 2010, p. 2). Crucially, there are different kinds of IM, depending on their features, and it is nowadays common knowledge that not all of them behave the same way in communication. Based on this, we hypothesise that not all of them will be conducive to the same perlocutionary effects. In what follows we first survey extant characterisations of some types of IM in order to highlight their rhetorical potential, which we then link to their likelihood to trigger specific rhetorical effects.

Ever since Grice’s distinction between what is said and what is meant, the interface between semantics and pragmatics has been explored with an eye to clarifying the boundaries

between both domains of meaning. While we do not wish here to contribute to that particular debate,¹⁴ we highlight that this line of research has yielded a whole range of different categories of IM. For the purposes of singling out general correspondences between types of IM and types of rhetorical effects, we decided to focus both on classical categories of IM like implicature and presupposition, and on two covert speech acts which have been discussed in terms of their strategic affordances in discourse, namely insinuation and dogwhistles. Below, we describe each of them and, based on these descriptions, theoretically justify which type of rhetorical effect they could be assumed to fulfil in argumentative discussions.

5.1. Implicature

In Grice's framework, the term *implicature* covers components of speaker meaning that are not said (i.e., they are not linguistically articulated) and that are left for the hearer to be inferred—while still being speaker-intended. Grice distinguished *conventional* from *conversational* implicatures based on the way they can be drawn: conventional implicatures are triggered by the use of certain expressions or words that carry them, and thus they remain context-independent. To take an example, in (3), the meaning of the word 'therefore' conventionally implies (4), which acts as the major premise of the inference (Grice 1975, p. 44):

3. He is an Englishman; he is, therefore, brave.
4. All Englishmen are brave.

To the extent that conventional implicatures seem intimately tied to linguistic forms, doubts about their truly implicit status have been raised (see e.g., Bach 1999), which is why will not examine them further here.

Next to conventional implicatures, Grice distinguished two kinds of *conversational implicatures*: generalised conversational implicatures (GCIs) and personalised conversational implicatures (PCIs). GCIs do not depend on particular features of the context, unlike PCIs. In the absence of any special circumstances, a GCI of saying an utterance *P* is one that is normally conveyed by saying that *P*. As for PCIs, they are not automatically triggered: they are context-dependent and their derivation, in the Gricean model, requires the operation of the conversational maxims, in the sense that they arise based on the speaker's observance or ostensive flouting of a maxim (and on the addressee's recognition thereof).¹⁵ For instance, as an answer to the question "Does Nina care for the environment?", an utterance like (5) can convey the GCI in (6) and simultaneously the PCI in (7): for the latter, the speaker is manifestly flouting the maxim of relevance, as the answer is not a simple yes/no answer which the format of the question was calling for:

5. Nina has two cars.
6. Nina has exactly two cars.
7. Nina does not care about the environment.

Beyond types of implicatures, some of their properties are important for our purposes here. As discussed by Grice, conversational implicatures are calculable and defeasible.¹⁶ These, we contend, are relevant to the success of strategic exchanges in rhetorical terms.

The *calculability* of implicatures relates to the fact that they are not linguistically given by the speaker: they require the addressee to draw on their background knowledge and on the context, meaning that the responsibility for their derivation heavily rests on the latter's shoulders. Consequently, there is a part of subjectivity in their derivation, and this makes them prone to being misunderstood, since an addressee might draw an unintended interpretation by failing to mobilise the contextual assumptions that the speaker meant them to mobilise. In turn, this means that a speaker who implies something can in principle deny the addressee's interpretation by alleging that the latter has followed an inferential path that was not the one the speaker intended the addressee to follow. Moreover, as *defeasible* (or cancellable) inferences, conversational implicatures are inferences to the best explanation (Allott 2010; Geurts 2010): they are non-demonstrative inferences the conclusion of which may have to be given up in light of new evidence. Defeasibility, therefore, is the key to

deniability: it is because an implicature can be cancelled by adducing new evidence that a speaker can effectively deny the interpretation that the addressee has reached. If we now look at defeasibility from the perspective of the addressee, there is a connection with the notion of *cognitive optimism* discussed above (see Section 4.2): given that the derivation of an implicature is a pragmatic inference, its conclusion not only might be biased by the addressee's own expectations, but it may also fail to be critically questioned by them. Strategic speakers might thus rhetorically take advantage of this property to shield their *ethos*, by circumventing the responsibility of getting some problematic meanings across and, thus, by benefitting from fewer reputational sanctions.¹⁷

As defined by Sperber and Wilson (1995), implicatures come in different degrees of strength. The strength of an implicature depends on the degree of evidence speakers provide for their conveyed intention. When the possibilities of interpretation of an utterance become wider because either the stimulus or the context for interpretation is ambiguous or vague, the implicature is said to be *weak*. This makes it possible for a speaker to deny weak implicatures more easily than strong implicatures, the derivation of which is constrained by the increased accessibility and univocity of the intended context of interpretation. Crucially, thus, speakers can not only deny a weak implicature but also suggest that they meant an alternative implicature with almost identical relevance. Unlike strong implicatures, which make one interpretation more salient and mutually manifest than others, weak implicatures offer a greater degree of deniability which is coupled with the possibility of suggesting plausible alternative interpretations (see also Mazzarella 2021 for a discussion of the link between deniability and strength of communication).

It is not difficult to see how the deniability affordances of IM can be rhetorically exploited: by using IM (and by taking advantage of its associated deniability if need be), speakers may escape the sanctions they would face for explicitly asserting problematic contents (e.g., offensive, dubious, or socially delicate contents), and being called out for it. They could also take advantage of deniability to shift the responsibility for an interpretation towards the addressee, who is then put in the position of someone who either misunderstood or intentionally misrepresented their words—which, from a rhetorical perspective, is an effect on the conversational dynamics of the exchange, as it might prompt for defence or counter-attack on behalf of the addressee.¹⁸ At the same time, because of the way they are processed, implicatures are rhetorically appealing in terms of *logos*, as they (i) decrease the chances of their content being subjected to critical evaluation (see Section 4.2), and (ii) are more likely to be persuasive than their explicit counterparts for their processing features.

5.2. Presupposition

A presupposition is a type of implicit content (i.e., not linguistically articulated by the speaker) “whose truth is taken for granted in the utterance of the sentence. Its main function is to act as a precondition of some sort for the appropriate use of that sentence.” (Huang 2007, p. 65). Presuppositions represent essential background information that is not at-issue; they are neither part of the speaker's intention, nor of the notional content of the message (Lombardi Vallauri and Masia 2014). Throughout the years, a semantic and a pragmatic account of presupposition have co-existed (see Saeed 2009, chap. 4.5): the former sees presupposition as being tied to the information a given sentence packages, while the latter sees it as having to do with the inferences that conversational participants may draw on the basis of what the speaker said. Semantic presuppositions have been discussed at length in classical accounts; as for pragmatic, discursive and persuasive presuppositions, they have received attention in more recent research.

From a semantic perspective, the fact that a presupposition needs to be true in order for the sentence that presupposes it to make sense is taken as an indication that presuppositions are used to express formal relations between statements (Saeed 2009). In a nutshell, presuppositions semantically point to information that is assumed to belong to the common ground—while new information is generally not presupposed. This in turn explains that

presuppositions usually remain true when the presupposing sentence is negated ('Laszlo's brother is tall' presupposes that Laszlo has a brother, just as the negated version of the sentence, 'Laszlo's brother is not tall', does). From a pragmatic perspective, presuppositions have been assumed to help manage the shared background (or informational common ground) between conversational participants, so that information is organised efficiently and for maximum clarity (Stalnaker 1974). This view also puts forward the fact that presuppositions can be accommodated: that is, a speaker who presupposes a piece of information that the addressee does not know can reasonably count on the latter's accepting it for the purposes of successful communication (Lewis 1979)—if we tell you that Laszlo's brother ran away, and you did not now Laszlo had a brother, you will presumably accommodate the existential presupposition to understand the utterance and automatically assume that Laszlo, indeed, has a brother. Discursive presuppositions (de Saussure 2013) behave somewhat similarly, but instead of being truth-conditional elements of meaning, they are *relevance-conditional* elements of meaning: they are preconditions for the meaningful relevance of statements. For instance, a sign reading 'No guns allowed' discursively presupposes that someone could find it relevant to wonder whether guns are allowed in the vicinity (assuming, for example, that the sign is at the entrance of the visiting area of a prison), that guns are dangerous/undesirable if carried in the vicinity, that guns may be allowed in other areas, etc. (adapted from de Saussure 2013, p. 179).

From a rhetorical perspective, presuppositions are appealing strategies in that they allow to point out that some information is (or should be) commonly shared, even when said information has not been verbally or linguistically encoded. Thus, the fact that the information is shared is not up for discussion, which may also decrease the chances of critical evaluation of its content. Since we have accepted this piece of information, why should we bother re-checking it? This can be particularly advantageous for manipulative purposes, for instance when speakers wish to convey doubtful contents without risking too much exposure—and it seems presupposition is able to do just that (Lombardi Vallauri 2016, 2021; Masia 2021). Thus, in terms of *logos*, presupposition might be well-suited to trigger two possibly related types of rhetorical effects: on the one hand, it could force the acceptance of doubtful contents, and on the other, because it conveys contents that are not at-issue (that is, contents which are not focal in establishing the contextual relevance of the utterance, but rather preconditions for it), it could decrease the chances of critical evaluation of doubtful information.

5.3. Back-Door Speech Acts

The survey of rhetorical effects conducted so far around implicature and presupposition is quite rudimentary. With back-door speech acts (Langton 2018; Witek 2021), the picture might get slightly denser, mainly because of their covert nature and polyfunctionality. Incidentally, it should be noted that their characterisation oftentimes acknowledges, albeit tacitly, their rhetorical appeal; this can be seen in Langton's brief description of back-door speech acts as "low profile speech acts, enabled by presuppositions and their ilk, that tend to *win* by default" (Langton 2018, p. 146, our emphasis). Here we discuss only two examples (insinuation and dogwhistles) for reasons of space, with the understanding that the line of argument defended would extend to other discursive phenomena falling into the category of back-door (or covert) speech acts.

5.3.1. Insinuation

Insinuations and innuendoes are classically defined as "non-overt intentional negative ascription[s], whether true or false, usually in the form of an implicature, which [are] understood as a charge or accusation against what is, for the most part, a non-present party" (Bell 1997, p. 36). While there is a classical and a modern take on insinuation, which differ in whether they consider that insinuated contents are meant to be recognised by addressees as meant to be recognised or not (i.e., whether they are R-intended, in Grice's sense, see Bach and Harnish (1979, chap. I.6)), a stable feature of insinuations is that they

are used to ascribe negative descriptions to their targets *while allowing the speaker to plausibly deny having meant the negative ascription* (Oswald 2022). In other words, the key feature of insinuation is that it is plausibly deniable, which means that any insinuated content is accompanied by an alternative plausible meaning that is both contextually relevant and socially innocuous. For instance, imagine a situation in which both Winston and Nina brought cake to Laszlo's party; imagine then that Laszlo joins them and utters (8)

8. Nina, your cake was absolutely fabulous!

in Winston's presence. It would be legitimate, for instance if we knew that Laszlo secretly dislikes Winston and never lets an opportunity to disparage him pass, to infer that Laszlo meant (9):

9. Winston is a bad cook

In other words, (8) can be used to insinuate (9). Crucially, if Winston retorts by calling the insinuation into question ('Do you mean I'm a bad cook?'), Laszlo can always fall back on an interpretation that makes the literal meaning of his compliment to Nina contextually relevant, for instance by saying 'No, I didn't mean that; I just told her that because I know she just started and felt she can use the encouragement to keep baking cakes.' Additionally, insinuations have been characterised as leaving reputational stains which, interestingly, are believed to remain even after the negative ascription has been denied (Bell 1997; Fraser 2001).

Insinuation is rhetorically appealing, and in a quite obvious way, within at least two rhetorical dimensions: *ethos* and *logos*. In terms of *ethos*, an insinuation usually takes the form of a plausibly deniable implicature; that is, the insinuator can disparage their target and still claim that the disparaging comment was not meant to be inferred and/or that they do not even believe that the disparaging comment applies (as in 'Of course I don't believe you're a bad cook, Winston'). This can be seen as a way of shielding the speaker's reputation, by denying malevolent communicative intentions and appearing to be non-committed to the latter. The *ethotic* advantage of insinuation therefore has to do with its shielding potential: the speaker can both deny malevolent intent and shift responsibility to others for having drawn the negative ascription. In terms of *logos*, the fact that insinuation is most of the time conveyed under the form of an implicature (a PCI in particular), i.e., through an inference the addressee is responsible for, makes the content less likely to be questioned (see Section 4.2). A straightforward consequence of this is that the content of the insinuation is more likely to be accepted as reflecting a state of affairs. We thus expect insinuations to be more persuasive in terms of *logos*. However, there is more, on at least two counts.

First, in terms of conversational dynamics, insinuation is likely to impose constraints on the responses the attacked party might have at their disposal. Because insinuation can function in argumentation as an *ad hominem* attack, the target is likely to either counterattack or to defend themselves. These argumentative moves are thus foregrounded as preferred, and they might in turn trigger a host of further audience attitudes that are decisive for determining which party has the advantage. For instance, seeing someone who has been attacked through insinuation defend themselves might give the impression that there was some truth in the attack, otherwise they would not even bother defending themselves; alternatively, if the target counterattacks with an exaggerated face threat towards the insinuator, they run the risk of coming across negatively. Additionally, in case the content of insinuation is called into question and subsequently denied by the insinuator, the target who has drawn the negative ascription runs the risk of doubling down on it in the eyes of the audience by addressing it. Thus, instead of having to justify the negative ascription, the insinuator can 'argumentatively' lay back and hope for their target to fail in their defence. In the process, an additional effect could be that the course of the conversation derails: the insinuator has thus much to gain, rhetorically speaking, from insinuating, because prompting a defence would likely affect the conversational flow and facilitate topic switches.

Second, the fact that insinuations are used to convey negative ascriptions can be rhetorically significant in terms of *pathos*. Many times, insinuations convey humorous contents, mainly because they appear as clever and cheeky off-record comments on someone's misfortunes or shortcomings. Consistently with the main claims of superiority theories of humour (see Attardo 1994; Ritchie 2014), which explain humorous effects as by-products of a situation in which those who experience humour do so because they feel superior to the target of the comment, insinuation may represent a pragmatic resource through which speakers and their addressees might laugh about others. Crucially, thus, humorous insinuations achieve their effect by relying on the audience's derivation of an implicit representation that simultaneously disparages its target and triggers a feeling of superiority. It consequently stands to reason that IM may be suited to trigger a rhetorical effect of target de-legitimation that arises through an affective response to mockery.

5.3.2. Dogwhistles

Dogwhistles “occur [] when a person or group sends a message which contains a second, coded interpretation meant to be understood by a select target person or group” (Witten 2014, p. 2). In politics, this strategy consists in conveying a controversial message to one part of the audience, who gets the coded message but not to another part of the audience, who remains unaware of the intended content (Saul 2018). For instance, to gather votes for a political initiative, a politician might say (10), where *family values* is understood as meaning *Christian values* (11) without alienating non-Christians or atheists, who could consider that this sentence denotes commonplace values as in (12).

10. Thanks to your votes, we will be able to *restore the family values* you hold dear.
11. Thanks to your votes, we will be able to restore *Christian values* (e.g., pro-life views, heterosexual-only marriage) you hold dear.
12. Thanks to your votes, we will be able to restore the importance of families in society (e.g., existence of family benefits, family holidays).

Dogwhistles are implicit because their meaning, which co-exists with an innocuous or neutral meaning, needs to be inferred, and the fact that they target selected subsets of audiences suggests that one of their main intended rhetorical effects has to do with the relationship between the speaker and the audience—which itself could be counted among *pathotic* effects. On the one hand, dogwhistles can foster inclusion and strengthen the bond between those who get the dogwhistle and the speaker, as the correct interpretation of the intended meaning is likely to translate into ideological alignment between the speaker and the subset of the audience that gets it, thereby allowing a feeling of belonging to the same community to emerge or to be reinforced. On the other hand, dogwhistles could foster exclusion by portraying the targeted community as irrelevant and undeserving of inclusion in the conversation in progress. Still on the *pathotic* dimension of discourse, one could claim that because dogwhistles activate stereotypes people have about given communities, they can also trigger emotional responses that are likely to affect the way the discourse is processed in a rhetorically relevant way. Think, for instance, of people who hold racist beliefs and attitudes, and who are exposed to a racial political dogwhistle targeting a specific community: their resentment, if not their anger or fear, may be assumed to drive their response to the message. Another possible rhetorical effect is similar to the effect insinuation can have on *ethos*: dogwhistles are plausibly deniable, just like insinuations, which is a conversational move that could be used to shield the speaker's image. In any case, it seems that the main rhetorical appeal of dogwhistles lies in their *pathotic* and *ethotic* affordances.

6. Towards a Matrix of Correspondences between IM and Rhetorical Effects

We started this paper by reflecting on the vagueness of the notion of rhetorical effectiveness, notwithstanding Aristotle's classical account of *ethos*, *logos* and *pathos*. We then tried to justify that the field of pragmatics could represent an interesting and profitable option to tackle the notion and attempt to elaborate more fine-grained descriptions of

types of rhetorical effects. We then narrowed down our inquiry to IM, first by justifying its rhetorical appeal and then by discussing the features of different types of IM in terms of the types of rhetorical effects these different types can be taken to be conducive to. Through our analysis, we can now offer a non-exhaustive, yet principled, typology of types of rhetorical effects, as triggered by types of IM (see Table 1 below), that can be experimentally operationalised.

Table 1. Possible rhetorical effects for different types of pragmatic meanings.

IM Types	Possible Rhetorical Effects			
	On Speaker	On Audience	On Message	On Conversational Dynamics
Implicature	<ul style="list-style-type: none"> - Speaker is more likely to successfully avoid reputational sanctions (=shielding <i>ethos</i>) - Speaker is more likely to be successful in denying commitment to an interpretation 	<ul style="list-style-type: none"> - Audience can be held responsible for an interpretation - Audience is less likely to critically evaluate the message - Audience can be prompted to defend or counter-attack - Audience can be distracted from the course of the conversation 	<ul style="list-style-type: none"> - Message is more likely to be compatible with more than one interpretation - Message is less likely to be critically evaluated - Message is more likely to be persuasive 	<ul style="list-style-type: none"> - Shifts in the burden of proof are more likely to be successful in the exchange - If speaker denies the implicature, challenging moves following speaker denial are increasingly likely - Likelihood of change of topic is increased
Presupposition	<ul style="list-style-type: none"> - Speaker is more likely to successfully avoid reputational sanctions (=shielding <i>ethos</i>) 	<ul style="list-style-type: none"> - Audience is less likely to critically evaluate the message - Audience is more likely to accept dubious or problematic contents when they are presupposed 	<ul style="list-style-type: none"> - Message is less likely to be critically evaluated - Dubious or problematic messages are more likely to be persuasive 	<ul style="list-style-type: none"> - Continuity of the exchange is likely to be preserved - Likelihood of challenging moves is decreased
Insinuation	<ul style="list-style-type: none"> - Speaker can plausibly deny malevolent intent - Speaker is more likely to successfully avoid reputational sanctions (=shielding <i>ethos</i>) - Speaker is more likely to be successful in denying commitment to disparaging ascription - Speaker is more likely to benefit from decreased argumentative load 	<ul style="list-style-type: none"> - Audience can be distracted from the course of the conversation - Audience can be held responsible for a disparaging interpretation - If audience = target, the risk of reputational stain (delegitimation due to mockery) increases - If audience = target and audience engages in challenge, the risk of justifying the reputational stain increases - If audience = target, the risk of increasing argumentative load increases 	<ul style="list-style-type: none"> - Message is more likely to be compatible with more than one interpretation - Message is less likely to be critically evaluated - Message is more likely to be persuasive 	<ul style="list-style-type: none"> - Likelihood of change of topic increases - Likelihood of challenging moves (e.g., when used as <i>ad hominem</i>) increases

Table 1. Cont.

IM Types	Possible Rhetorical Effects			
	On Speaker	On Audience	On Message	On Conversational Dynamics
Dogwhistle	<ul style="list-style-type: none"> – Speaker can plausibly deny malevolent intent – Speaker is more likely to successfully avoid reputational sanctions (=shielding <i>ethos</i>) 	<ul style="list-style-type: none"> – Emotional response more likely to be triggered – Complicit audience feels included in the same community as speaker – Unaware audience is excluded from the community of the speaker and complicit audience 	<ul style="list-style-type: none"> – Message is ambiguous (but only to part of the audience) 	

Table 1 summarises the discussion conducted in Section 5 by giving an overview of the different kinds of rhetorical effects we can expect different types of IM to be likely to generate. A first observation is obviously that there is some overlap among types of rhetorical effects across different types of IM. This is unsurprising, given the similarity of some features across types of IM—for instance, insinuation many times comes under the guise of implicature (Bell 1997; Fraser 2001; Oswald 2022). A second observation is that there seems to be some imbalance in the categories (for instance, no conversational effects are listed for dogwhistles, or more effects on audience than effects on the message are listed for insinuation). This follows partly from the fact that this is but a cursory exploration of rhetorical effects of IM—which calls for more scholarly work—and partly from the fact that different types of IM have different features, which in turn target different aspects of the communicative exchange. A third observation, which is perhaps more of a theoretical order, is that some of these effects seem to be closely related. For instance, for insinuation, the fact that the speaker can plausibly deny malevolent intent (or an intent to disparage) is a direct consequence of the fact that the message is likely to be compatible with more than one interpretation; in turn, the denial might license the attribution of the disparaging interpretation to the audience, who might then feel pressure to challenge this shift in the burden of proof at the conversational level. This means that establishing such a matrix of correspondences between types of IM and their associated rhetorical effects requires careful consideration of the dimension that is rhetorically significant. At the same time, it generates a form of dependency between rhetorical effects, which, even under the classical Aristotelian account, is in fact unsurprising, given the simultaneous operation of *ethos*, *logos*, and *pathos* in rhetorical enterprises. Be that as it may, we hope to have shown with this table that there are quite a few profitable directions to explore at the interface of pragmatics and rhetoric to assess the impact different types of IM can have on a speaker’s rhetorical plans.

7. Conclusions

In this paper, we have tried to justify the peculiar status of IM in terms of its rhetorical appeal and, simultaneously, to promote, at the scholarly level, the integration of pragmatic insights into rhetorical and argumentative inquiry. We have also tried to set the grounds for a systematic investigation of different types of rhetorical effects by defending the hypothesis that different types of IM are likely to be used for different rhetorical purposes. In so doing, we have been led to draw a tentative matrix of correspondences between types of IM and types of rhetorical effects. While we are far from claiming that this settles the issue, we do claim that this is a fruitful starting point for rhetorical inquiry, which takes us to our third, and probably most important, take-home message, which is to be found at the methodological level, namely the idea that all the rhetorical effects mentioned here can be experimentally investigated.

Rhetoric has always been about assessing how different aspects of a communicative encounter are likely to impact the way the speaker’s message is received. Here we have highlighted that this is most of the times mediated by the verbal choices speakers make to convey their meaning. In particular, as we have seen, IM seems to license a host of rhetorical advantages. Now, crucially, this makes research at the pragmatics and argumentation/rhetoric interface extremely prone to experimental research, simply because types of IM can be linguistically operationalised as variables for comparison (pretty much in the same vein as Bonalumi et al. 2020; or Mazzarella et al. 2018). IM types represent different ways of saying the same thing, which allows us to compare how different types of IM fare when put to use for different rhetorical purposes.¹⁹ This means that all the effects collected in Table 1 could, in principle, be experimentally investigated to determine whether the different types of IM postulated may trigger them or not.

The significance of this type of investigation, for argumentation scholarship, is high. First, the use of experimental designs to test rhetorical effects—even if limited, due to the necessarily constrained and reduced nature of the experimental material—may empirically document claims that were, so far, only made theoretically. Second, our understanding of verbal argumentation, and specifically our understanding of fine-grained linguistic subtleties that could appear to be inconsequential, can be improved by bringing to light evidence that linguistic manipulations can be impactful (see also the work of Schumann 2022, this volume; Schumann et al. 2019, 2021). Finally, the kind of methodological and theoretical integration advocated here represents an original, novel, and welcome empirical addition to the already fruitful pragmatics and argumentation interface.

Author Contributions: Conceptualisation, D.d.O.F. and S.O.; Funding acquisition, S.O.; Writing—review and editing, D.d.O.F. and S.O. All authors have read and agreed to the published version of the manuscript.

Funding: This research was funded by the Swiss National Science Foundation, grant number IZ-COZ0_198170.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Conflicts of Interest: The authors declare no conflict of interest.

Notes

- ¹ See <https://www.npr.org/2016/03/29/472232836/donald-trump-s-word-choices-parsed-by-fans-and-critics?t=1635275772684>. Last accessed 21 July 2022.
- ² We choose to focus on the classical Aristotelian rhetorical triangle here for the enduring widespread currency of its categories; however, we do acknowledge that rhetoric, as a whole, has developed in many directions that should not be reduced to its Aristotelian roots (see e.g., Brockriede 1966, 1975; Natanson 1955).
- ³ In his discussion, Aristotle (1995) conceptualises the reputation and history of the speaker as part of the *doxa*, not as part of *ethos*. The three facets we develop here (i.e., *ethos*, *pathos*, and *logos*) are *entechnoi* (litt., *in art*) that is directly attached to the ‘action of the speech’. On the contrary, the *doxa* is *atechnos* (litt., *out of art*) as it is already pre-existing.
- ⁴ For an inferential account of *ethos* that incorporates all these facets within a unified picture, see Herman (2022, this volume).
- ⁵ See for instance work on dogwhistles by Hurwitz and Peffley (2005) and Valentino et al. (2002), discussed in Section 5.3.2 below.
- ⁶ Whether the exchange actually took place or not is still debated, see <https://www.snopes.com/fact-check/back-ali/> (last accessed 28 June 2022), but our contention is that we do not need to have evidence that this really happened to appreciate the rhetorical appeal of the flight attendant’s retort.
- ⁷ We notice, in passing, that the gist of the mockery remains entirely implicit, which we think is a significant feature of this example, suggesting that more attention should be paid to implicit meaning in rhetoric.
- ⁸ See <https://www.youtube.com/watch?v=IWqR5vGU1W8>, last accessed 28 June 2022.
- ⁹ Fahnestock’s (2011) list of rhetorical devices associated to style constitutes an attempt at surveying different types of rhetorical effects, but, as such, is not meant as a compendium of the latter.

- ¹⁰ See also Herman and Oswald's (2022) recent work on *ethotic* straw men, which adopts a similar stance.
- ¹¹ We assume that the authors use the term 'discussing' in its confrontational meaning, which is similar to that of other terms like 'disputing', 'doubting' our 'calling into question'.
- ¹² Another experimental study on the relevance of promises (Bonalumi et al. 2020) found that more than the explicit/implicit nature of a message, it is its relevance (i.e., the extent to which the audience will rely on that promise) that modulates commitment attribution, with participants attributing speaker commitment independently of whether the message was implicitly or explicitly conveyed. In a study on whether people recall better explicit or implicit messages, Drai and de Saussure (2016) have shown that IM pretty much behaves as explicit meaning in terms of the memory traces it leaves. While these studies have theoretical implications for fundamental pragmatics and for our understanding of how explicit and implicit meaning are processed, they have relatively little to say on the rhetorical import of using explicit vs. implicit meaning, which is why we refrain for further discussing them.
- ¹³ See for instance Stanley's analysis of implicitly racist messages (Stanley 2015, chaps. 3 and 4).
- ¹⁴ See Stojanovic (2008), Turner (1999), Schlenker (2016) and Carston (1999, 2002), among others, for discussions on the semantics/pragmatics interface.
- ¹⁵ According to Grice, conversational implicatures are generated when speakers flout the maxims without violating the CP. In these situations, the hearer must understand that the linguistic content of the sentence alone is insufficient to convey the speaker's intention. As way of brief recall: the maxim of quantity regulates the amount of information supplied in the exchange and enjoins speakers to be as informative as (and not more informative than) required. The maxim of quality concerns the truthfulness of the content communicated and requires interlocutors not to communicate what they believe to be false or what they lack evidence for. The maxim of relation requires speakers' contributions to be relevant. Finally, the maxim of manner focuses on how the message is communicated and calls for clarity and perspicuity.
- ¹⁶ We leave aside other properties of implicatures like universality, indeterminacy, non-detachability and reinforceability, as we do not see them as directly relevant to our discussion on rhetorical effects.
- ¹⁷ This is also something that Mazzarella et al. (2018) have documented in their experiment about the impact of commitment modulation (through implicit vs. explicit messages) on reputational costs.
- ¹⁸ This type of effect would be typical of straw man fallacies (see, for instance, de Saussure 2018).
- ¹⁹ An ongoing experiment by the authors precisely tackles whether insinuation is more persuasive than assertion when used as an *ad hominem* attack in an argument.

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Article

More than *Relata Refero*: Representing the Various Roles of Reported Speech in Argumentative Discourse

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Abstract: Reported speech, or *relata refero*, although not always part of the argumentation *tout court*, can be an important element of argumentative discourse. It might, for instance, provide information on the position of another party in the discussion or function as part of the premise of an argument from authority. Whereas existing methods of representing argumentative discourse focus on arguments and their interrelations, this paper develops a method that enables the analyst to also include informative elements in the representation, focusing on reported speech. It does so by incorporating the notion of ‘voice’ into the representation framework of Adpositional Argumentation (AdArg). In particular, the paper explains how to formalize the constituents of this notion and illustrates its use in representing (1) an author’s report of the position of another party (including the supporting argumentation); (2) an author’s own position (including the supporting argumentation); and (3) source-based arguments such as the argument from authority, with an indication of the distance of the source from the author.

Keywords: argumentation; argumentative discourse; argument from authority; argumentation structure; Adpositional Argumentation (AdArg); complex argumentation; pragmatics; *relata refero*; reported speech; voice

Citation: Gobbo, Federico, Marco Benini, and Jean H. M. Wagemans. 2022. More than *Relata Refero*: Representing the Various Roles of Reported Speech in Argumentative Discourse. *Languages* 7: 59. <https://doi.org/10.3390/languages7010059>

Academic Editor: Steve Oswald

Received: 10 December 2021

Accepted: 22 February 2022

Published: 3 March 2022

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1. Introduction

When representing argumentative discourse, the analyst usually generates a so-called ‘argumentation structure’, i.e., a schematic overview of all the arguments (and their interrelations) the arguer has put forward in support of their main point of view—see Freeman (2011) or van Eemeren et al. (2014, pp. 21–24). Although providing such an argumentation structure may satisfy particular analytical aims, we observe two main points of improvement.

First of all, existing approaches conceive the argumentation structure as *monological* in that it only represents the argumentation of the ‘author’ of the discourse and leaves out what others might have contributed. Consequently, when reconstructing dialogues or polylogues (Aakhus and Lewiński 2021) for each party in the discussion, the analyst must provide a separate argumentation structure. This representation method may easily complicate matters, especially in cases where earlier contributions to a discussion are cited by other parties to subsequently refute it or for other argumentative purposes.

Second, an argumentation structure in general only pictures *relationships between statements* but does not provide information on the types of argument instantiated by these statements. Although scholars have described how explicit or anticipated criticisms regarding the argumentation influence its structure, their classification of these criticisms takes the complete statement as the unit of analysis and does not take into account any specific characteristics of the argument type(s) involved. As a result, the representation of the discourse in terms of its argumentation structure only consists of labeling two or more

statements as ‘linked’ (‘coordinative’), ‘convergent’ (‘multiple’), or ‘serial’ (‘subordinative’), the choice being based on whether the analyst thinks the arguer is anticipating abstract criticisms regarding the ‘relevance’, ‘acceptability’, or ‘sufficiency’ of the arguments they already put forward (Freeman 2011; Snoeck Henkemans 1992).

These two problems are especially salient when the discourse contains *relata refero*, i.e., a report of the point of view and sometimes also (part of) the supporting argumentation of any party that is not the author of the text. The usual implication of using this Latin expression is that the author takes no commitment to what is reported: *relata refero* means ‘I am (just) telling what I have been told’, regardless of whether I agree or disagree on what I reported. Following this interpretation, the analyst would have a reason for labeling this part of the discourse as ‘informative’ and thus for refraining from including it in the argumentation structure—on the difference between information and argumentation see, e.g., Govier (2018). However, if the reported speech contains the position of an opponent in a discussion, the analyst might also have reasons to hold the author committed to having provided a faithful report thereof; this may lead to the accusation of the so-called ‘straw man fallacy’—see, e.g., Aikin and Casey (2022); Lewiński and Oswald (2013). And if the reported speech contains a position of a third party, there is even a third possible interpretation, namely, that it functions as (part of) the premise of an argument from authority—see, e.g., Goodwin (1998); Wagemans (2011); Walton and Koszowy (2017).

In argumentative discourse then, reported speech can be more than *relata refero*: instead of being just a piece of information invoking no commitment on the part of the messenger, it can play various argumentative functions, each of which comes with different (types of) commitments. As we indicated above, current methods for representing argumentative discourse are centered around the notion of ‘argumentation structure’ and are therefore limited in scope. They are restricted to monological representations of complete statements functioning as arguments and depict the interrelations among these statements by using a narrow vocabulary of structural terms. In this paper, we aim to provide a much more refined method to represent argumentative discourse, particularly one that enables the analyst to also include (seemingly) informative elements of argumentative discourse such as reported speech. We do so by extending Adpositional Argumentation (AdArg) (Gobbo et al. 2019), a high-precision framework for representing pragmatic and linguistic aspects of argumentative discourse in so-called ‘adpositional trees’, with the notion of ‘voice’ mutated from linguistic and literary studies – in particular, Hoffmann (2017).

By extending the framework of AdArg in this way, we do not claim to give a novel interpretation of the notion of voice or the distribution of commitments in argumentative discourse, let alone to present a new method of interpreting argumentative discourse. Rather, we aim to facilitate the resolution of disputes about the interpretation of such discourse by contributing to the refinement of methods for representing it. AdArg enables analysts to discuss their interpretations at any level of detail they deem purposeful, showing or hiding in adpositional trees any of the linguistic and pragmatic elements or aspects of the discourse. Moreover, the clarity, transparency, and precision required for building the adtrees ‘forces’ the analyst, so to speak, to avoid unclear, ambiguous, and inaccurate representations of the discourse, thereby helping them to provide a scientifically sound justification of their interpretation.

The paper is structured as follows. We first provide, in Section 2, a formal account of the various constituents of the notion of voice so as to integrate it into the framework of AdArg. In Section 3, we illustrate through several exemplar analyses how to use the extended framework to represent reported speech performing various functions in the discourse. In Section 4, we conclude with a short reflection on the uses of the framework and the possibilities for further extensions and refinements.

2. The Concept of Voice in Adpositional Argumentation

The two building blocks of Adpositional Argumentation are the linguistic representation framework of Constructive Adpositional Grammars (CxAdGrams) developed by

Gobbo and Benini (2011) and the argument categorization framework of the Periodic Table of Arguments (PTA) developed by Wagemans (2016, 2019). In their joint work, Gobbo et al. (2019) show how both theoretical frameworks are put together under the form of adpositional trees (adtrees).

Within the adpositional paradigm, each pair of linguistic elements form an asymmetrical relation, i.e., one element is the ‘governor’ and the other the ‘dependent’, which is mutated from the corresponding pair ‘trajector’ and ‘landmark’ introduced by Langacker (1987) in cognitive grammar. Gobbo and Benini (2011, Appendix B) describe the linguistic and formal rules of CxAdGrams in full. CxAdGrams were already successfully applied to pragmatics, in particular to Searle (2010)’s modelling of the social world. For the purposes of this paper, we shall use a similar modelling that comprises linguistic, pragmatic, and argumentative levels of abstraction.

It is worth noting that, by working within the constructive paradigm, information is hidden but never lost; whereas Gobbo and Benini (2011) present the foundation of constructive linguistics, Floridi (2011) presented a coherent constructive framework for philosophical purposes, from epistemology to ethics and politics.

The Cambridge Dictionary defines an utterance as ‘something that someone says’. According to speech act theory, saying is an act, i.e., it has an expected effect into the world of reference. In order to take into account reported speech in the representation of any argumentative text or discussion, it is unavoidable to consider not only the mere linguistic material, but also to represent the source putting forward that material, being the author or speaker or any other party.

The concept of ‘voice’ is a central tenet of narrative studies (Gregoriou 2014, p. 165), and it is used as “an umbrella term, covering all theories and frameworks which authors employ to let readers experience the fictional world through the eyes or mind of a narrator” (Hoffmann 2017, p. 160). Because the concept of voice can be seen as consisting of a pair narrator/predication and their implicit relation, it can be faithfully represented as an adpositional tree with the ‘voice predication’ (S) as the governor, the ‘voice entity’ (m_x) as the dependent, and the adposition being marked as ϕ_x —see Figure 1 on the left. By ‘voice predication’ we mean to refer to any verbal form within the domain of ‘saying’, e.g., asserting, arguing, stating, referring, mentioning, reporting, and so on. By using the expression ‘voice entity’ instead of ‘narrator’, we aim to include the author, speaker, writer, arguer, narrator, and so on. The voice entity thus models the one who is putting forward an argument, the arguer, or the one to whom the author is referring, the source, or any other agents involved in the argumentative universe of reference.

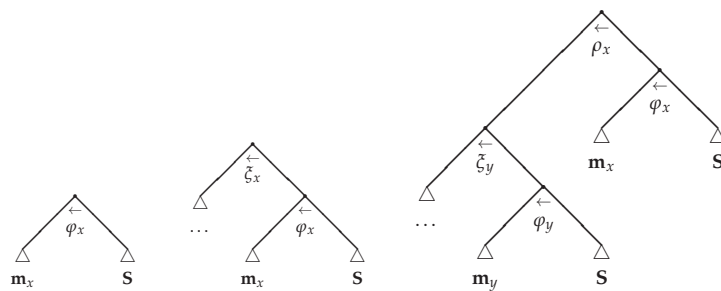


Figure 1. Abstract adtrees showing voice (left), viewpoint (middle), and reported speech (right).

If the discourse contains more than one voice, the voice entities (m_x) are listed in order of appearance: the Latin letter (m) follows the order of the alphabet, and the subscript (x) is a natural number indicating the degree away from the author, who is indicated as a_0 by convention. Regarding the representation of the utterances put forward by the voice, we distinguish between two cases. First, in Figure 1, in the middle, we pictured the case where the linguistic material functions as argumentation, i.e., as the voice’s own viewpoint

(including eventual argumentative support for its acceptability), which we shall indicate as ζ_x . Second, in Figure 1, on the right, we pictured the case where one voice, denoted by m_x , is reporting¹ the point of view (including eventual argumentative support for its acceptability) of another voice m_y , indicated by ρ_x ².

It is worth noting that subscripts appear also in voices (φ_x), viewpoints (ζ_x), and reported speeches (ρ_x), as the distance is a piece of pragmatic information affecting all these concepts. This double indexing system, by Latin letters and numbers, is needed to make clear which occurrence of the voice in the text is indicated (Latin letter), and whether it is directly referred to by the author or by another referred voice. In both cases, the voice governs the relation with the content expressed by the voice entity: it may be either argumentation or reported speech. As we are not making any assumptions about the content of the argumentation itself, in Figure 1 it is generically indicated with three dots. For an overview of all the symbols, please see the legenda in Table A1.

3. An Analysis of Voices in the Copernicus Plagiarism Case

3.1. Presentation of the Exemplary Text and Its Argumentative Fabric

The example we shall use in order to illustrate our representation method is chosen from a textbook on argumentation by van Eemeren et al. (2002, pp. 85–86). There, it functions as an exercise aimed at training students how to represent the ‘argumentation structure’ of a text belonging to the genre of argumentative discourse. The example runs as follows:

In his article “Plagiarism: A rich tradition in science”, editor John Lowell argues, referring to an article by dr. P. Smith, that Copernicus was also guilty of plagiarism: it appears that he “forgot” to mention that Aristarchos of Samos (310–230 BC) had already arrived at a heliocentric theory. It is, however, doubtful that Copernicus knew of this.

Kant spoke of heliocentricity as a Copernican revolution: it is directly contrary to “common sense” (after all, we can see that the sun rises in the east and sets in the west), and more importantly, to a centuries-old geocentric, Christian-scientific tradition. Copernicus needed all the support he could muster for his theory, and cited a great many classical writers to that end.

The fact that Copernicus did not refer to Aristarchos is not easy to understand, if he had, indeed, known him to be the intellectual author of heliocentricity. However, the best source for Aristarchos’ theory was Archimedes’ *Sand reckoner*, which did not “appear” until 1544, a year after Copernicus’ death. Another source, in which Aristarchos is vaguely cited, was possibly only consulted by Copernicus *after* he had already announced his hypothesis.

In conclusion, it can be said that the accusation that Copernicus committed plagiarism is at the very least doubtful and is probably incorrect. In order to avoid being justly accused of something similar, I will mention now that my most important source was: O. Gingerich, “Did Copernicus owe a debt to Aristarchos?” in *Journal for the History of Astronomy* 16, 1985.

The above exercise is interesting for our purposes for various reasons. First of all, the first paragraph introduces a *report* of the position of another party in the discussion. From a rhetorical point of view, it is to be expected that an argumentative text starts like this, for it provides the reader with the background information that is needed to understand the debate in which the author operates. Such a report, by the way, can also be used for less noble purposes: by representing the point of view of the opponent in a slightly different way, it might become easier for the author to attack it—a persuasive technique also known as the fallacy of the ‘straw man’ (see, e.g., Lewiński and Oswald 2013; Aikin and Casey 2022). Because the report, however, is not part of the argumentation *tout court*, it is usually left out of the representation of the argumentation structure of the text.

Second, the text contains an abundance of *voices*—in the sense defined above—which fulfill different argumentative functions: there is John Lowell, the opponent in the debate, and dr. P. Smith, an authority cited by Lowell to back up his claim, which is doubted by the author, who is also a voice. Then there are, in order of appearance, Copernicus, Aristarchos of Samos, Kant, Archimedes, and O. Gingerich. This might complicate the analysis in that it is not always clear who is on whose side regarding which issue, and, most importantly, how the commitments regarding the acceptability of the propositional content of the text are distributed among all these parties.

One of the main characteristics of our method is that it enables the analyst to chart, in a very precise way, *who* says *what*, as well as how this information is related to everything else that is said in the text. Instead of working with separate representations of parts of the text with different functions (e.g., information and argumentation) or of parts uttered by different voices, the argumentative adtree resulting from our analysis provides all elements of the text in one detailed overview.

Before we present our detailed analysis of the first three sentences of this text, let us provide a ‘quick and dirty’ analysis of the whole text. This not only gives the reader a first orientation of how the different paragraphs function within the bigger picture, but also provides some handles that function as a heuristics for the interpretation of the separate sentences.

As noted above, the first sentence contains a report on the opposite position in the debate, put forward by editor John Lowell in reference to dr. P. Smith. The report contains a claim, that Copernicus is guilty of plagiarism, and an argument in support of it, that he knew about Aristarchos. It is interesting to note that the author uses quotation marks in saying that Copernicus “forgot” to mention Aristarchos. Interpreting this typographical addition as a marker of ‘textbook or 180-degree irony’ (Hoppmann 2021), the utterance implies two things: (1) that he knew, and (2) that he did not mention him. If (1) is correct, it means that (2) was intentional, which complies with the legal definition of plagiarism. The second sentence makes clear that the author does not agree with (1) and, hence, not with the claim that Copernicus is guilty of plagiarism. But that the latter is the author’s main claim is only made explicit at the very end of the text, namely the first sentence of the fourth paragraph.

The overall strategy of the author is to provide arguments against (1). In the first sentence of the third paragraph, they do so by stating that if Copernicus knew about Aristarchos, he would have cited him, a claim that is supported by the main argument that heliocentrism is revolutionary theory, which is further supported by the arguments in the second paragraph. The third paragraph contains another argument against (1), namely that it is impossible or unlikely for Copernicus to have known about Aristarchos, which is supported by the two last sentences of that paragraph.

At the end of the text, the author provides a formulation of their main claim, followed by a half joking argument in support of their own trustworthiness, a persuasive technique that in rhetoric is labeled an ethotic argument or simply *ethos*.

3.2. A Representation of the First Three Sentences in Argumentative Adpositional Trees

After this general and informal overview of the argumentative fabric of the text, we now turn to projecting the elements of the first sentence of the text onto an adpositional tree. For brevity’s sake, we first provide an overview of the unique identifiers of these elements as they will appear on the leaves of the tree—see Listing 1.

The first sentence contains quite a lot of different voices, listed in Table 1. The sentence does not, however, contain any argumentation on the part of the author, which is why representations of argumentative discourse based on the notion of argumentation structure would leave it out.

Listing 1. The first sentence annotated for the purposes of the corresponding adtree.

[0] [the author writes]
 1.1.a.I In his article “Plagiarism: A rich tradition in science”,
 1.1.a.II editor John Lowell
 1.1.a.III argues,
 1.1.b.I referring
 1.1.b.II to an article
 1.1.b.III by dr. P. Smith,
 1.1.c that Copernicus was also guilty of plagiarism:
 1.1.d.I it appears that he “forgot” to mention
 1.1.d.II that Aristarchos of Samos (310–230 BC) had already arrived at a heliocentric theory.

Table 1. Voices introduced in the first sentence.

Entity Label	Voice Entity	Voice Predication
a ₀	[author]	[writes]
b ₁	editor John Lowell	referring
c ₂	dr. P. Smith	argues
d ₃	Copernicus	“forgot” to mention
e ₄	Aristarchos	arrived at

In contrast, our representation, which is pictured in Figure 2, does include such a report by the author φ_0 on the position of another party φ_1 by putting the symbol for reported speech ρ_0 with the subscript corresponding to the voice into the hook connecting that voice and what is said by it. Furthermore, given that the report about the position of the other party φ_1 contains yet another voice φ_2 in the premise of an argument from authority, we put the symbol ζ_1 for argumentation in the hook connecting the second voice φ_1 with the argument from authority containing the third voice φ_2 in its premise. In short, the first sentence follows the structure depicted in Figure 1 on the right, distinguishing between reported speech and argumentation put forward by different voices.

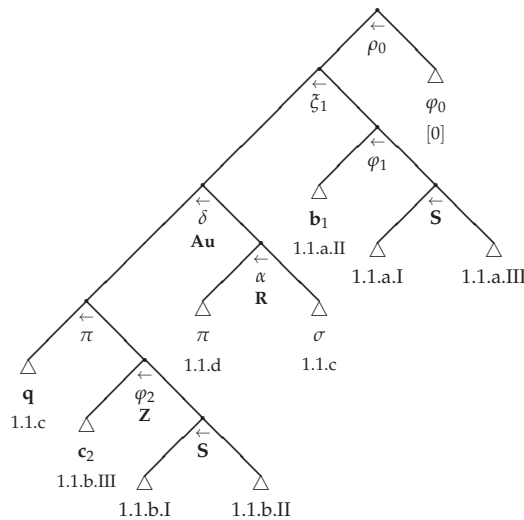


Figure 2. Argumentative adpositional tree of the first sentence.

Whereas the first sentence contains a report by the author of another party’s position, including the support for its acceptability in the form of two arguments, the second of which is from authority containing a third voice, the second sentence contains a claim. It contradicts one of the implications of the other party’s position, namely that Copernicus

knew about Aristarchos having arrived at a heliocentric theory—see the ‘quick and dirty’ analysis of the argumentative fabric of the text above. Again, we start with providing an overview of the unique identifiers of the elements of this sentence as they will appear on the leaves of the tree—see Listing 2.

Listing 2. The second sentence annotated for the purposes of the corresponding adtree.

[0] [the author writes]
 1.2.a It is, however, doubtful
 1.2.b.I that Copernicus knew of
 1.2.b.II this [anaphora of 1.1.d.II].

The main difference between the status of what is said by the author in the first sentence and what is said in the second one is that the latter contains the author’s own point of view on the matter. Put succinctly, it is only in the second sentence that the author of this piece of argumentative discourse becomes an *arguer*. For this reason, in the subtree pictured in Figure 3, we put the symbol ζ_0 for argumentation in the hook connecting the voice of the author φ_0 with the second sentence, which is a single claim and therefore by default a conclusion—see Gobbo et al. (2021). As we already provided the adtree of the first sentence in more detail above, we offer here a compacted version in which the linguistic and pragmatic information concerning the reported speech is hidden in the triangle above the symbol ζ_1 .

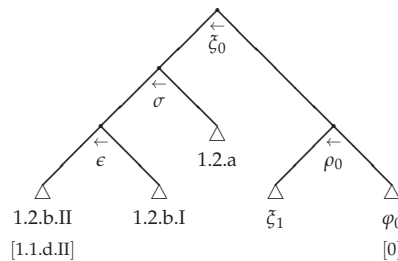


Figure 3. Argumentative adpositional tree of the first and second sentence.

For a final illustration of our method for representing argumentative discourse we will now turn to the third sentence, of which we provide the elements and their unique identifiers in Listing 3.

Listing 3. The third sentence annotated for the purposes of the corresponding adtree.

[0] [the author writes]
 2.1.a.I Kant
 2.1.a.II spoke of
 2.1.a.III heliocentricity as a Copernican revolution:
 2.1.b it is directly contrary to “common sense”
 2.1.c (after all, we can see that the sun rises in the east and sets in the west)
 2.1.d and more importantly, to a centuries old geocentric, Christian scientific tradition.

The sentence introduces another voice, Kant, who will be indicated with the Latin letter f_1 since the last voice was indicated by e_4 and Kant is at distance 1 from the author—see Table 2. The double indexing shows that the order of appearance does not necessarily correspond to the distance away from the author a_0 .³

Table 2. New voice.

Entity Label	Voice Entity	Voice Predication
f_1	Kant	spoke of

The corresponding adtree, which is shown in Figure 4, pictures how to deal with this voice, which occurs in the premise of an argument from authority within the author’s own argumentation. The author’s main point in this sentence is that heliocentricity is a revolutionary theory, which is depicted as a conclusion that is further supported on the main level by three premises: the ‘common sense’ premise, the ‘tradition’ premise, and an argument from authority with Kant as the authority.

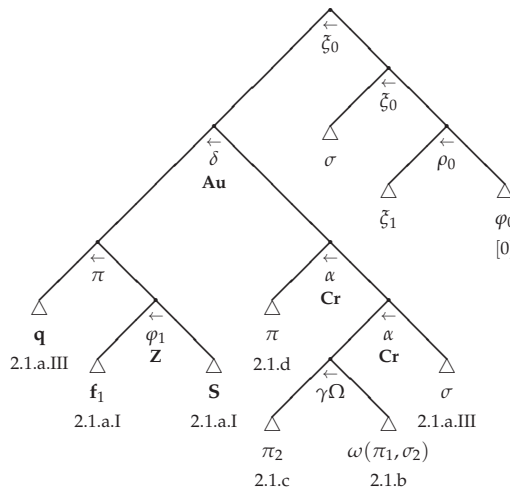


Figure 4. Argumentative adpositional tree of the first, second, and third sentence.

Below the argument from authority (Au) there is a complex argument that is convergent on the main level of the two arguments from criterion (Cr) and serial on the level below the ‘common sense’ premise. The seriality is found in element 2.1.b, which plays the double role of premise supporting the conclusion 2.1.a.III and conclusion supported by the premise 2.1.c. This double role is indicated by putting $\omega(\pi_1, \sigma_2)$ at the leaf and Ω in the hook—for further explanation of how to represent complex arguments see Gobbo et al. (2021).

4. Conclusions

In this paper, we set out to develop a method for representing the various roles of reported speech in argumentative discourse by incorporating the notion of ‘voice’ into the framework of Adpositional Argumentation (AdArg). First, we have provided a formalization of ‘voice’ as an adtree, indicated by φ , and of its constituents, the ‘voice predication’, indicated by S, and the ‘voice entity’, indicated by m_x . Subsequently, we have provided several exemplary analyses of parts of a single argumentative text in which multiple voices occur and reported speech plays different roles. In particular, by providing the adtrees of the first three sentences of this text, we have illustrated how the concept of voice can be used to represent: first, an author’s report of the position of another party (including the supporting argumentation); second, an author’s own position (including the supporting argumentation); finally, source-based arguments such as the argument from authority, with an indication of the distance of the source from the author.

The resulting argumentative adpositional trees (arg-adtrees) demonstrate how the analyst can accurately represent their interpretation of the discourse. In the adtrees provided

in Section 3, the difference between the author’s report of someone else’s position and their own viewpoints is reflecting the difference between information and argumentation as it is known in argumentation theory—see, e.g., Govier (2018). In contrast to existing methods of representing argumentative discourse based on the notion of ‘argumentation structure’, our method allows one to include the informative part of the discourse. Furthermore, the adtrees represent the author’s quotations of statements put forward by other voices—compare Figures 3 and 4, respectively. Here, our representation method can help the analyst in attributing the right (types of) commitments of the voices to what has been said.

In sum, AdArg allows one to go beyond the dichotomy of informative vs. argumentative elements in argumentative discourse by representing and differentiating both of them by means of appropriate symbols indicating their status. As a consequence, from a formal point of view, there is no a priori assumption on the logic being presumed by the different voices involved in the discourse; this reflects real-world argumentation, where the underlying logic is negotiated by the arguers. It is worth remarking how the representation based on adtrees emphasizes where the arguers’ commitment to the logic-in-use comes in, as already discussed in Gobbo et al. (2021).

As is clear from the analyses and figures presented in this paper, AdArg requires the analyst to get acquainted with a wealth of formal symbolisms as trees and tables. We acknowledge that this might increase their efforts in producing all of them and also might reduce the intuitive readability of the representation of the text under scrutiny. However, our constructivist approach does not multiply entities or put redundant formalisms onto the analyst’s shoulders. Moreover, we hold a strong belief that, by using the framework of AdArg, the analyst is forced to make decisions about the interpretation where they are unavoidable in the discourse, whereas elsewhere they can apply the procedure more or less effortlessly. A corollary is that, in case of disagreement among analysts on the same linguistic material with an argumentative purpose, it is much easier to find the exact point(s) of disagreement, comparing the respective arg-adtrees they produce.

In further work, we plan to enrich the representation framework with notions going beyond that of ‘argumentation structure’, focusing on formally eliciting elements that have remained implicit in the discourse or are subject to various interpretations, e.g., missing premises, figurative language, and ironical remarks. If, for instance, we frame verbal irony being “between the utterance of the speaker and the voice of [...] an antagonist”, following Hoppmann (2021), elaborating from Burke (1941) and especially Lausberg (1949, 1960), then irony is a relational concept that can be represented as an adpositional tree. A final possible direction of research is the application of the concept of voice in genres different from argumentative discourse. As this concept is well-known, for instance, in narrative studies, it would be worthwhile to explore how linguistic and pragmatic material convey commitment in fiction.

Author Contributions: F.G., M.B. and J.H.M.W. contributed equally. All authors have read and agreed to the published version of the manuscript.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Acknowledgments: We would like to thank the participants in the Intergroup meeting of the COST Action CA 17132: “European network for Argumentation and Public PoLiCy analysis” (APPLY) that was held at the University of Côte d’Azur on 28 October 2021 for their helpful comments on the framework of Adpositional Argumentation and its use for representing linguistic and pragmatic aspects of argumentative discourse, as well as the anonymous reviewers.

Conflicts of Interest: The authors declare no conflict of interest.

Appendix A

Table A1. Legend of the symbols used in all the adpositional trees shown here.

Symbol	Meaning
φ_x	voice
S	voice predication
m_x	voice entity
ρ_x	reported speech by x
ξ_x	viewpoint by the voice indicated by x
ϵ	linguistic-syntactic information
σ, π	statement function (respectively ‘conclusion’ and ‘premise’)
$\alpha, \beta, \gamma, \delta$	argument form
Ω	Omega-transformation
ω	statement with double function (‘conclusion’ and ‘premise’)
Δ	hidden subtree
q	subject of a Gamma or Delta argument
Z	predicate of a Delta argument
Au	argument from authority
Cr	argument from criterion
R	argument from requirement

Notes

- ¹ The ρ_x denotes who (m_x) is reporting what (the tree with root ξ_y), in which context (the tree with root ϕ_x).
- ² The Greek letter ϕ denotes the Greek *phoonè*, meaning ‘voice’, whereas the Greek letter ξ denotes the Greek *xagnanto*, meaning ‘viewpoint’. Finally, the Greek letter ρ refers to the Latin expression *relata refero*.
- ³ It is even possible to find the same voice entity (e.g., Kant) in two different voices at different distances; this is why the double indexing counts as a unique identifier of the voice.

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Article

On the Normativity of Presumptions: Contrasting Kauffeld's and Whatelian Accounts

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Abstract: On a Whatelian conception, a presumption is a “supposition . . . [that] must stand good until some sufficient reason is adduced against it.” This view may be understood as operationalizing a distinct quality of warrant for the acceptability of claims. Against this Whatelian conception, Kauffeld offers an account on which “ordinary presumptions are inferences based on suppositions regarding the risk of resentment persons face should they fail to live up to (often openly incurred) commitments.” On Kauffeld’s analysis, presumptions are distinguished according to a special kind of backing, or grounding, upon which presumed claims are based. This article contrasts these views according to the different accounts each provides of the normative mechanisms at work in, and underwriting, warranted presumption. Viable argumentative norms must be both objectively well-founded and effective in regulating the activity of argumentation. Whatelian conceptions seek to explain the effectiveness (specifically, the binding force) of presumptions in terms of an arguer’s recognition of their well-foundedness by providing an account of presumptions as particularly well-adapted to methodological features inherent in the activity of transacting reasons. By contrast, Kauffeld’s analysis reverses this order of explanation, explaining the well-foundedness (specifically, the validity) of presumption and presumptive inference in terms of its effectiveness (specifically its binding force) over agents. By identifying a class of presumptions that are inherently, and extra-argumentatively, binding upon agents in ways that can manifestly influence their behavioral calculations to make it the case that what is presumed is so, Kauffeld’s analysis of presumption normatively generates well-foundedness out of effectiveness. Thus, a distinctive and innovative feature of Kauffeld’s analysis of presumption is that it identifies a hitherto unrecognized dimension of normativity—namely, our extra-argumentative obligations and our reactive attitudes concerning them—as capable of underwriting warranted presumptive inference.

Keywords: argumentation; argument norms; burden of proof; Fred J. Kauffeld; presumption

Citation: Godden, David. 2022. On the Normativity of Presumptions: Contrasting Kauffeld’s and Whatelian Accounts. *Languages* 7: 261. <https://doi.org/10.3390/languages7040261>

Academic Editor: Steve Oswald

Received: 16 January 2022

Accepted: 19 August 2022

Published: 12 October 2022

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1. Introduction

1.1. Normative Problems for Argumentation

Argumentation is usefully understood as reasoning together (Godden 2019b): an interpersonal communicative activity wherein arguers transact reasons in order to collectively regulate their ongoing activities and achieve certain ends, whether shared or individual, such as managing disagreement. As such, normative theories of argument should supply norms of at least two kinds: *guidance norms*, i.e., rules by which reasoners can navigate their inferential undertakings such that they are conducted reasonably, and *appraisal norms*, i.e., standards specifying objective conditions of rational warrant.¹ And, these norms should have at least two qualities: they should be well-founded and effective. *Well-founded* argumentative norms should be *valid* and *methodologically adapted* to argumentation. A norm is *valid* in the case in which it is accurate, i.e., it reliably and counterfactually tracks whatever property, value, or end it is intended to be a measure of, or a criterion for. (I use the term “validity” here in a way common among scientists but not among philosophers. What I here call “validity” epistemologists typically call “reliability.”) For example, rational acceptability (rather than, say, truth) is a valid norm for premise

acceptability just in case it reliably tracks cogency in argument. A norm is methodologically well-adapted just in case it can properly be applied in the context of (i.e., conforms to or can be fitted to) the procedural conditions and constraints under which reasoning and argumentation, by their nature, take place. For example, while it might be claimed that the norm that any contested contention (assertion) may be challenged is valid in that it is properly connected to achieving reasonable agreement, it has been claimed that this norm is methodologically ill-suited for our—indeed any—practice of transacting reasons, since, in practice, reasons cannot be offered for every claim made in any argumentative episode. *Effective* argumentative norms must be *accessible* to arguers, i.e., the norm may only cite conditions and criteria that arguers can apply themselves in regulating their acts of arguing—and they must have *force* over arguers—i.e., they must be *binding* upon arguers such that they hold themselves and each other accountable to them (Godden 2010, 2014). While appraisal norms need not be effective in the way just described—they can reference criteria and conditions that are not accessible to the arguers whose reasoning is being evaluated and standards to which arguers themselves need not feel bound—the regulative function of guidance norms demands that they be effective.

Importantly, these two features of argumentative norms are independently satisfiable—which is to say, they can come apart. There can be cases where a norm has currency within a discursive community—which is to say that norm has force over its members; it is a norm to which they hold themselves and each other accountable—and yet, that norm does not track the properties that it ought to or is taken to. A practice that we deem superstitious is one we judge to be imbued with norms that are not well-founded yet are effective within the discursive communities practicing the superstition. In such cases, we would be inclined to say that those norms ought not to be binding upon, or have force over, the practitioners, because they are invalid. Moreover, in those situations, we would be inclined to say that other norms ought to have currency (i.e., be effective) in those discursive communities, precisely because we deem them to be well-founded. Very ordinary cases are ones where we recognize that a set of reasons were persuasive to some audience yet judge that they ought not to have been, and other cases where a set of reasons ought to have been persuasive to some audience but were not. So, there is no necessary or causal connection between the two dimensions of a reason's persuasiveness or force.

1.2. Presumptions: Whatelian and Kauffeldian

This paper considers the interplay of these two dimensions of normativity as they bear upon presumptions in argumentative discourse. Specifically, I contrast two accounts of presumption, Fred Kauffeld's and an account he called "Whatelian," according to how they prioritize these two dimensions of normativity. On the reading I present in what follows, Whatelian accounts of presumption base the normativity of presumptions on their methodological well-adaptedness—prizing this over the validity of presumptive norms—and subsequently seek to base the norms of effectiveness for presumptions on these norms of well-foundedness. By contrast, I contend, Kauffeld's analysis of presumption first seeks to explain the effectiveness of the normativity at work in the presumption, and subsequently seeks to base the well-foundedness of presumptions on their binding force on arguers.

As he engaged with traditions of theory and practice of forensic debate (e.g., Ehninger and Brockriede 2019; Goodnight 2019), the late Fred Kauffeld developed his innovative account of presumption in contrast to theories he labeled "Whatelian" (Kauffeld 1998). On a Whatelian conception, a presumption is a "supposition . . . [that] must stand good until some sufficient reason is adduced against it" (Whately [1846] 1963, p. 112). Kauffeld understood this Whatelian view as identifying presumption with a distinct quality of warrant for the acceptability of claims—namely one capable of shifting a burden of proof from a proponent (or assertor) to a respondent (or denier) of the presumed claim (Kauffeld 2019, p. 260). He took Whatelian views of presumption, and their accompanying account of burden of proof, to be widespread, predominant even, in argumentation theory. Proponents plausibly include Bermejo-Luque (2016, 2019), Bodlović (2017, 2020, 2021), Freeman (2005,

2019), Godden (2015, 2017, 2019a), Katzav and Reed (2004), Lewiński (2017), Macagno and Walton (2012), Rescher (1977, 2006), Walton (1993, 1996, 2001, 2008, 2014, 2019), Godden and Walton (2007), and Toulmin [1958] (Toulmin [1958] 2003). Yet, Kauffeld consistently, and throughout the course of his writing on the topic, judged such Whatelian approaches to our ordinary practices of presuming, and their accompanying account of probative burdens, to be descriptively wanting in ways that occluded salient normative dimensions of our reasons-giving practices (Kauffeld 2019, p. 260). For example, in an early critique Kauffeld concluded:

In sum, Whately’s legal model for the burden of proof has not enabled argumentation theorists to formulate empirically and critically adequate accounts of how probative burdens arise in deliberation, nor has that model supported satisfactory identification of argumentative standards which deliberating agents must satisfy in order to discharge their probative responsibilities. (Kauffeld 1998, p. 246)

Kauffeld offered his own account as a corrective to these theories. Against Whatelian conceptions, Kauffeld offered an account on which “ordinary presumptions are inferences based on suppositions regarding the risk of resentment persons face should they fail to live up to (often openly incurred) commitments” (Kauffeld 2013, p. 2). On his conception, presumptions are not to be identified with a distinct quality of warrant but are instead to be distinguished according to a special *kind of backing*, or grounding, upon which presumed claims are based. As one anonymous reviewer rightly highlighted, another distinctive feature of Kauffeld’s account is that, by contrast with Whatelian accounts, his decouples the notions of presumption and burden of proof.

This article offers a reading of Kauffeld’s work on presumption that seeks to explicate one feature of his analysis of presumption which I take to be particularly normatively salient and innovative. As mentioned at the outset of the Introduction, argumentative norms—particularly those serving as guidance norms by which arguers can regulate their own argumentative undertakings—must have at least the qualities of well-foundedness and effectiveness. Whatelian conceptions of presumption, those predominantly studied and theorized by argumentation theorists, seek to explain the effectiveness (specifically, the binding force) of presumptions in terms of an arguer’s recognition of their well-foundedness. Since presumptions are typically acknowledged to be of questionable validity (i.e., their evidential *bona-fides* are typically taken to be wanting), Whatelian accounts have gone to great lengths to provide accounts of the well-adaptedness of presumptions to methodological features inherent in the activity of transacting reasons. The hope is that the methodological well-adaptedness of presumptions will make up for their shortcomings of validity. The next step in accounts of this sort explains the effectiveness of norms of presumption—their binding force—by citing arguers’ recognition of the well-foundedness of the presumption.

Kauffeld’s analysis, I contend, reverses this order of explanation, explaining the well-foundedness (specifically the validity) of presumption and presumptive inference in terms of its effectiveness (specifically its binding force) over agents. I take this to be a central, and understudied, innovation of Kauffeld’s analysis—one that explicates how extra-argumentative domains of normativity may be leveraged into service to underwrite specifically argumentative and inferential norms. Kauffeld’s analysis of what he called our ordinary concept of presumption and practices of presuming begins by identifying a dimension of extra-argumentative normativity that is inherently binding upon agents—namely, our extra-argumentative obligations and our reactive attitudes concerning them—hitherto unrecognized by argumentation theorists. His analysis proceeds to show, often by way of detailed case-specific considerations, how those normative elements can be made manifest, and even discursively manipulated, so as to affect the motivational reasoning and behavioral calculations of agents to do as they are obliged or expected. As a result, one may cogently presume that an agent will do as they are obliged or expected, precisely because they are committed to those extra-argumentative norms. In this way, Kauffeld’s analysis of presumption normatively generates well-foundedness out of effectiveness. Thus, a

distinctive and innovative feature of Kauffeld’s analysis of presumption is that it identifies a hitherto unrecognized dimension of normativity capable of underwriting warranted presumptive inference. In so doing, it reverses the standard order of explanation between well-foundedness and effectiveness found in Whatelian accounts, instead explaining the well-foundedness of presumption and presumptive inference in terms of the effectiveness of those extra-argumentative norms upon agents.

I might add that, in the past, I have taken issue with Kauffeld’s account. Indeed, I still harbor reservations about it. Yet, this is not the occasion for pursuing those lingering doubts. Here, I set aside those critical misgivings, to instead recognize and explicate, albeit belatedly, what I take to be a distinctive, singularly innovative, and underrecognized feature of Kauffeld’s analysis of presumption. In so doing I hope to widen our perspective, and deepen our understanding, of the sources and operation of norms in argumentative discourse.

In outline, the article proceeds as follows. Section 2 introduces a Whatelian conception of presumption as a modal qualifier, and surveys two mechanisms, inferential and non-inferential, for generating the distinctive presumptive quality of warrant. Section 3 argues for the utility of Whatelian presumptions, locating their claim to well-foundedness in the answers they provide to three procedural problems in argumentation: getting started, keeping going, and commitment monitoring. Section 4 sets out Kauffeld’s alternative conception of presumption, on which it is characterized by a distinctive kind of inferential backing he identified as operative in our ordinary practices of presuming. Section 5 identifies the force of presumptive warrants as a problem for Whatelian conceptions of presumption, and reviews two contemporary accounts of their binding force. It is then shown how Kauffeld’s presumptions are uniquely conceived to answer this problem. Conclusions are offered in Section 6.

2. A Whatelian Conception of Presumption

Kauffeld applied the label “Whatelian” to a family of views of presumption and burden of proof that he characterized as follows:

At their core, Whatelian conceptions define presumptions in relationship to the burden of proof: a presumption, the conclusion draw[n] in an inferential act of presuming, stands good until rebutted by parties who undertake an obligation to provide substantiated objection to its acceptance. Finally, according to Whatelian views, presumptions are inferences which, in the appropriate circumstances and given the appropriate facts, relevant persons are *entitled* to draw; the burden of proof which falls on persons who refuse to accept a warranted presumption is in the nature of an obligation. (Kauffeld 2003, p. 134)

As such, “Whatelian” should here be understood as a label for the family of views set out in Section 2, rather than as characterizing the views of Archbishop Whately. Importantly, then, this paper does *not* aspire to present or engage with Archbishop Richard Whately’s view of presumption, and it should not be read as a contribution to Whately scholarship. Rather, it engages with a family of views of presumption labeled “Whatelian” by Kauffeld.

2.1. Presumption as a Modality

On a Whatelian conception, to accept a claim presumptively—i.e., to accept that presumably, p —is to take p to be the case in some qualified but actionable sense. As L. Jonathan Cohen (1992) writes: “A presumption is typically what you may take for granted about a particular issue, in default of reasons against so doing” (p. 13). Here, presumptions are characterized as a *modality* qualifying commitment to the presumed claim, marking it as having a default, actionable but defeasible acceptability (Godden 2017, 2019a). While many such accounts hold that presumptive *takings* may have a doxastic, cognitive, or alethically-oriented valence, Godden (2017, 2019a) follows Ullmann-Margalit (1983) in denying that presumptive acceptance is properly understood along these lines.

2.2. Presumption and Burden of Proof

The counterpart to Whatelian presumptions is burden of proof. Whenever there is a presumption in favor of any supposition “the *Burden of proof* lies on the side of him who would dispute it” (Whately [1846] 1963, p. 112). As Nicholas Rescher describes it: “A presumption indicates that in the absence of specific counterindications we are able to accept how things ‘as a rule’ [i.e., by default] are taken as standing, and it places the burden of proof upon the adversary’s side” (Rescher 1977, p. 30; cf. 2006, p. 14).

Presumptions and burden of proof, then, are dialectical creatures; they function to allocate discursive obligations and entitlements. Standardly, burden of proof is explained in dialectical terms, as a conversational obligation: to bear the burden of proof in an argument is to have the responsibility of making a case by giving reasons (whether pro tanto or demonstrative) for one’s view in order to establish its acceptability (Walton 1988). So described, burden of proof “represent[s] a *procedural or regulative principle of rationality* in the conduct of argumentation” (Rescher 2006, p. 19). Yet, following Aijaz et al. (2013) we may distinguish *attitudinal* from *dialectical* burdens, where attitudinal burdens are probative obligations to *possess* adequate support for one’s *commitments* (whether articulated or not) and dialectical burdens are discursive obligations to *provide* adequate support for one’s claims (261f.). So understood, presumption marks a positive attitudinal entitlement that affects dialectical entitlements and obligations. A commitment’s presumptive acceptability discursively manifests as the right to require of objectors, and their concomitant obligation to the same, that: prior to one’s offering any reasons for the *unqualified* (i.e., *non-presumptive*) *acceptability* of the claim, that others either concede the claim or make a case against it.

These two thoughts, that burdens of proof are the counterparts to presumptions and that burdens of proof manifest as discursive obligations, combine to yield Pinto’s definition of presumption:

A proposition or statement has the status of a presumption at a given juncture of an interchange if and only if at that juncture any party who refuses to concede it is obliged to present an argument against it—that is to say, is obliged either to concede it or to make a case against it. (Pinto 2001, pp. 3–4; cf. Freeman 2005, pp. 26–30)

2.3. Inferentially Generated Presumptions

Generally, positive attitudinal entitlement may be generated in two ways: inferentially and non-inferentially. Inferentially generated presumptions result from inferring presumably, *p*, on the basis of some other claim, *r*, by relying on some presumptive rule or warrant. Presumptive inference, then, has the following basic structure (cf. Ullmann-Margalit 1983, 147ff.; Hansen 2003, 3ff.; Godden and Walton 2007, pp. 331–32):

Presumptive inference (on a Whatelian conception)

(P1) Premise 1. *Presumption Rule or Warrant*: If *r*, then presumably, *p*, unless *d*

(P2) Premise 2. *Presumption-Raising Claim (Antecedent/Base Claim)*: *r*

∴ (C) Conclusion. *Presumed Claim (the Presumption)*: Presumably, *p*

On this view, presumptive commitment and reasoning is tentative rather than tenacious. Presumptive acceptability (i.e., commitment to presumed claims) is uncertain and retractable. This affects the way presumed claims may be relied upon in subsequent reasoning (Godden 2017, 2019a). The uncertainty of presumed claims is due, in part, to the inherently risky nature of presumptive inference. The standard of connection in presumptive inference is defeasible rather than deductive, plausibilistic rather than probabilistic, and tentative rather than convincing. Yet, it may sufficiently establish *p*’s qualified but default and actionable acceptability, and thereby shift a probative burden about *p* to an objector. In view of this distinctive standard of connection, Blair (1999) claims that “presumptive reasoning/argument represents a *sui generis* class of reasoning/argument” (p. 56). Schematic arguments (Walton 1996; Walton et al. 2008) have been offered as exemplifying the distinctive quality of warrant that characterizes presumptive inference.

2.4. Basic Presumptions

If presumptions are only produced inferentially, then no presumptions are properly basic. Inference can only generate acceptability on the basis of the *prior* acceptability of certain claims (inferential inputs) and rules (inferential warrants).

Recognizing this, [Freeman \(2005\)](#) uses the notion of presumption to non-inferentially establish the primitive, or basic, acceptability of claims. First, acceptability is defined in terms of presumption: very roughly, a claim is acceptable just in case there is a presumption in its favor (p. 32). Freeman then argues that basic beliefs may be presumptively acceptable so long as they are grounded in, or generated by, some suitable source, understood as a belief-producing mechanism (p. 41). Freeman recognizes three basic classes of non-inferential sources for presumptively acceptable belief: personal belief generating mechanisms (e.g., the senses, memory), external or inter-personal sources (e.g., testimony, common knowledge), and plausibility-based presumptions (e.g., normalcy, simplicity, uniformity) (p. 41). Relying on [Plantinga's \(1993\)](#) notion of warrant, Freeman contends that the presumptive acceptability of a basic belief may be source-based so long as the belief is properly warranted by the source. Here, proper warrant depends on four factors: (i) the proper functioning of the belief-producing mechanisms, (ii) its operation in a cognitive environment to which it is suited, (iii) the functional telos of the belief-producing mechanism is alethically-oriented (i.e., its functional purpose is to generate true beliefs), and (iv) the reliability of the mechanisms when operating in these conditions ([Freeman 2005](#), pp. 42–44, 53f.). In this way, the presumptive acceptability of basic beliefs may be established.

Because the warranting relation at work in presumption-generating sources is taken to have roughly the same probative strength as the inferential connection obtainment in presumptive inference—namely, it confers a default, actionable but defeasible acceptability upon the resultant commitment—it too may be marked by the qualifier “presumably” without ambiguity. In each case, the meaning of the qualifier, and the resulting effects on probative entitlements and obligations, are the same. Presumptive warrant may then be understood generically to include both inferential and source-based warrants.

2.5. Pragmatic Backing of Whatelian Presumptions

Although Whatelian conceptions give a fairly standard account of the quality of presumptive warrant, there is less agreement on the kind of backing underwriting them. Nevertheless, one characteristic idea is that presumptions are warranted, at least partly, by practical or methodological considerations. Typically, a presumptive license or warrant is presented as deriving from the practical or methodological need to move forward with reasoned discourse, whether initially or in getting past some subsequent impasse.

[Rescher \(2006\)](#), for example, argues that:

In the end all our presumptions are based on one fundamentally identical rationale of justification, namely functional efficacy in the particular context of operation in which the presumption figures. . . . The validity of a presumption accordingly pivots on two salient considerations: that a contrary presumption would be functionally impracticable, and that presumptive agnosticism would be counter-productive—that factual efficacy in respect to the project at issue would be gravely compromised if that presumption were dispensed with. . . . Thus what justifies our epistemic presumptions is a combination of utility with demonstrated effectiveness in serving the objectives of the correlative enterprise. (pp. 53–55; cf. 64)

Perhaps the clearest articulation of this pragmatic grounds for presumption view (cf. [Godden 2015](#)) is found in Douglas [Walton's \(1992, 2008\)](#) dialogical theory of presumption. He writes: “[A] proposition can be tentatively accepted as having the status of presumption even though the evidence supporting it at that present point in the dialog is insufficient for accepting it. The reason for accepting it [is] typically a practical one” (pp. 234–35). Adapting Walton's theory to the language of warrants adopted in this article, the last three conditions for a presumption that *p* might be stated as follows:

- i. p is not sufficiently warranted by the available evidence;
- ii. there is a condition (e.g., a presumptive inference rule) that supplies an appropriate practical warrant for p (in the circumstance);
- iii. when this practical warrant is factored in, p is sufficiently warranted to shift a local burden of proof to an objector.²

So understood, presumptions are not merely claims supported by a *prima facie* case based on inconclusive evidence. Were we to possess a merely tentative justification for our commitment, we might mitigate or moderate our commitment to it accordingly by, for example, apportioning our credence to the claim according to the strength of the evidence we have for its truth, without thereby claiming a presumptive, burden-reversing entitlement to it (Godden 2017). Rather, cases for the well-foundedness of Whatelian presumptions typically draw upon claims of their methodological well-adaptedness, together with an explicit concession that the validity of the presumption might be substandard. For example, there is no need to presume what we may defensibly claim to know. If the validity of what we presume could be established, there would be no need to rely on its methodological well-adaptedness in making the case for its rational acceptability. Yet, the advocate of Whatelian presumptions routinely seeks to leverage a presumption's methodological well-adaptedness against any deficiencies in its validity in making the case for its normative legitimacy. Walton, for example, routinely offered the need for making dialectical progress in some argumentative conversation as licensing the making of specific presumptions (see, e.g., Walton 2014, pp. 109, 115, 280). Against this, Godden argued that "the mere need to get on with things and bring an argumentative discussion to a close is not a good reason to distribute probative responsibilities one way rather than another" (Godden 2015, p. 102), particularly since allocations of probative entitlements and responsibilities "favor certain substantive outcomes" over others (Hahn and Oaksford 2007, p. 41). Thus, the well-adaptedness of a presumption is properly understood in relation to the outcome it favors rather than merely its procedural propriety or expediency. In view of these considerations, Godden (2015) took the dialectical expediency of Whatelian (in this instance, Waltonian) presumptions to come at the expense of their validity, thereby jeopardizing their normative well-foundedness. In other cases, the practical needs invoked to support the well-foundedness of some presumptive warrants are presented as procedural preconditions of inquiry or deliberation as activities of reasoning (e.g., Rescher 1977, 33ff, 2006; cf. Kauffeld and Freeman 2019; Freeman 2005, p. 14).

What should be emphasized at this juncture is that, on Whatelian accounts, the efficaciousness of presumptions—particularly their force over, or binding upon, discussants—is to be explained by the discussant's recognition of their well-foundedness. Failures in the efficaciousness of some presumption occur as a result of discussants either failing or refusing to recognize the well-foundedness of the presumption. For this reason, justifications for Whatelian presumptions typically appealed to some value, end, or principle shared by the discussants involved.

For example, Kauffeld (1998) argued that Whatelian accounts of presumption draw upon the codified and institutionalized use of presumption in the law, in a problematic effort to explain our ordinary practices of presuming in everyday discourse.

The codification of probative responsibilities in law is a procedural expression of underlying principles of fairness . . . Whately assumed that requirements of fairness, or closely analogous principles, also govern the distribution of probative responsibilities in deliberation [i.e., our ordinary deliberative discourse]. (p. 246)

As we will see in more detail in Section 4, Kauffeld found such accounts of the normative efficaciousness of presumptions, and of probative burdens generally, to be not only wanting (i.e., incomplete), but defective (i.e., mistaken). And, not for the reason just noted—that the well-foundedness of a presumption is suspect when its validity is forsaken for its methodological well-adaptedness in the form of dialectical expediency. Instead, as will be explained in Section 4, Kauffeld sought to recognize a different source of normative

legitimacy for presumptions. Rather than explaining the force of a presumption over a discussant—i.e., the obligations the conversant holds themselves accountable to concerning some presumption or norm of presuming—in terms of the discussant’s recognition of well-foundedness in a presumption, Kauffeld sought to explain how, in our ordinary practices of presuming, the well-foundedness of a presumption, specifically its validity, may rightly be explained in terms of—indeed may be founded upon—the force it has over the discussants.

2.6. Summary: *The Normativity of Whatelian Presumptions*

For now, let us summarize the basics of Whatelian presumptions, and review their discursive utility. The basic idea common to these theories is this: presumptions are conversational devices that facilitate the progress of argumentation, whether practical (deliberative) or theoretical (doxastic), in situations where the conclusion of an inference seems plausible, but the inference itself does not, on the applicable standard of evidence, sufficiently warrant drawing the conclusion on its basis. Should that conclusory claim promise to be of use in moving the argumentation forward, it may be presumptively concluded even in the absence of sufficient proof on the basis of the available evidence and in the absence of any evidence counting against the conclusory claim. Such claims enjoy a conversational status of presumptive acceptability: they become tentative commitments of the discussants, thereby allowing the argumentation to proceed and obliging objectors (including discussants who would subsequently retract their commitment) to the presumption to make a suitably compelling case against it. In this way, even if a claim is only minimally supported by the evidence, it may be tentatively accepted as a presumption, subject to retraction should information subsequently come to light indicating that the presumption is mistaken. Common to all such approaches is the thought that, in making a presumption, reasoners relax a burden of proof in order to allow argumentation to move forward, by lowering a standard of proof on an ad-hoc basis. When this happens, the presumed claim becomes a commitment with a “reverse” burden of proof for all discussants. Those seeking to deny the presumed claim or retract commitment to it are obliged to refute the presumption.

As we will see in more detail in Section 3, the well-foundedness of the norms of presumption on this type of account derive primarily from their methodological well-adaptedness rather than their validity. Indeed, the norms of presumption only come into effect when properly valid norms are inaccessible. Presumptions, and the norms licensing them, are satisficing argumentative devices rather than optimizing ones. The effectiveness of the norms of presumption, then, derive from practical need of discussants to get on with the task of argumentation, and their extra-argumentative projects that depend on the outcome of argumentation. The norms of presumption are inherently accessible to arguers, since they involve only the available evidence and projects and ends of argumentation itself. The norms of presumption are binding on arguers just to the extent that they are committed to the process and ends of argumentation, and the urgency of moving beyond whatever uncertainties are currently impeding its progress at the risk of being mistaken. That is, they have to prioritize getting on with things over getting it right—at least for the time being.

3. The Utility of Whatelian Presumptions

Whatelian presumptions have been presented as well-founded because they are methodologically well-adapted. That is, roughly, presumptions can solve three important problems for arguers in regulating their rational undertakings: (i) getting started, (ii) keeping moving, and (iii) commitment monitoring.

3.1. *Getting Started*

All argumentation must start from somewhere if it is to get anywhere. This procedural precondition requires a default, if defeasible, acceptability of at least some claims and warrants. As Rescher (1977) writes:

Clearly, if the burden of proof inclined against *every* contention—if there were an automatic presumption against every contention whatsoever—it would become in principle impossible ever to provide a persuasive case. The rule that each contention needs evidential support through the adducing of further substantiating contentions cannot reasonably be made operative ad indefinitum. (p. 33)

In our everyday acts of reasoning and argument, not every claim's acceptability can be based upon the prior acceptance of some set of supporting reasons. Thus, in practice it cannot be permitted that every claim is subject to challenge. Rather, on any particular argumentative occasion, some claims must be accepted, if only as starting places, on some other basis. Taking some claims to be presumptively acceptable addresses this procedural problem within the very activity of reasoning. Again, as Rescher (1977) writes:

The mechanism of presumption thus accomplishes a crucial epistemological task in the structure of rational argumentation. For there must clearly be some class of claims that are allowed at least pro tem to enter acceptably into the framework of argumentation, because if everything were contested then the process of inquiry could not progress at all. (Rescher 1977, p. 34; cf. 2006, p. 24)

In practice, we start from where we are, beginning with what we presently accept or what we agree upon. Yet, this descriptive criterion will not suffice for sound beginnings, since not everything that we accept or agree upon merits acceptance or agreement. As such, theorists like Rescher (2006) and Freeman (2005) seek to articulate the kinds of sources and considerations that can provide well-founded presumptive warrants for our basic, if tentative, beliefs. Were such an account to succeed, the hope, as Rescher (2006) puts it, is that "presumptively justified beliefs are quite sufficient to provide the raw materials for processes of rational deliberation" (p. 25).

3.2. Keeping Moving

Having identified the raw materials for their rational undertakings, arguers next face the potential problem of running out of inferential resources (inputs and rules) before getting where they need to go.

In purely theoretical endeavors, deficits of evidence or inferential license should deliver arguers to an indeterminate state where judgment is withheld until sufficient evidence is discovered to settle the matter. Yet, circumstances might require that, rather than pursue a search for determinative evidence, arguers bring their activities of deliberation or inquiry to a conclusion and arrive at some position or another, if only provisionally, so that further action can be taken. For Walton (2008): "It's precisely in this kind of case where the notion of presumption comes in" (Rescher 1977, p. 234; cf. Walton 1996; Godden 2015). Yet, the mere need to get *somewhere* does not license going one way rather than another. Rather, if presumptions are to favor any particular outcome over others, they should do so for principled reasons (Godden 2015, p. 102). There are at least two ways that arguers might proceed here, and Walton's account often seems indifferent between them.

One way is to act *only* on the basis of available evidence, however insufficient, and to proceed tentatively. Thus, thresholds of acceptability might be lowered to allow the acceptance of claims as conjectures rather than commitments. Here, inferential progress is made by relying on defeasible epistemic warrants, prima facie evidential cases, and the absence of contravening evidence, in ways that resemble the prescribed use of schematic arguments. Yet, proceeding in this way does not change the distributive mechanism, which remains exclusively epistemic, by which probative obligations and entitlements are allocated. What changes are the standards required to discharge epistemic obligations or gain epistemic entitlements. Local burdens of proof shift because local standards of evidence have been lowered.

An alternative way of proceeding in such circumstances is to invoke a new class of specifically presumptive warrants whose legitimacy at least partly derives from some non-epistemic goal of the endeavor (Ullmann-Margalit 1983; Godden 2017, 2019a). Reliance upon such warrants on some occasion may then be justified by the practical need for

resolution in evidentially under-determined cases. For example: the law prizes justice over truth; medicine prioritizes the ends of health and wellbeing over scientific knowledge; and, engineering aims at success in some environment over getting the facts exactly right. In endeavors like these, verisimilitude is an acceptable compromise to truth whenever some other legitimate goal is thereby achieved. Taking these goals into account can supply a new class of warranting principles, presumptive warrants, licensing a new set of warranted claims, presumptions. Invoking the non-alethic goals of a discursive activity thereby creates new distributive mechanisms for probative obligations over reasoners. Purely epistemic entitlements and obligations are allocated solely on the basis of evidential considerations. More broadly probative entitlements and obligations may be allocated on the basis of other overriding but non-epistemic ends. That a case for p satisfies some proper non-alethic aim warrants p 's presumptive acceptability, and obliges objectors, when beholden to that same end, to undertake probative burdens to which they would not otherwise be bound. Understood in this way, presumptions do not merely warrant the *shifting* of a local burden of proof by adjusting the criterial settings of a given standard. Rather, they affect a redistribution of probative obligations and entitlements according to a different set of standards that may reference entirely new norms, ends, values, conditions, and criteria.

3.3. Commitment Monitoring

A third benefit of Whatelian presumptions results from their role as modal qualifiers and speaks to the problem of tracking our differing entitlements and commitments to claims used in reasoning.

In defeasible theoretical (i.e., truth-oriented) reasoning, tracking the status of claims is important for at least two reasons best appreciated by comparison to cases of non-defeasible reasoning. In non-defeasible reasoning, claims are non-retractable (i.e., once a claim is introduced, as a premise or by proof, it is never withdrawn), and valid inferences are truth-preserving (i.e., not susceptible to counter example by new information consistent with stated premises). Under these conditions, once a claim is correctly inferred, that inference, and hence the conclusion drawn from it, will hold good come what may. Yet, in ordinary contexts of reasoning and argumentation neither of these conditions typically hold. Claims are retractable: we can learn that we were mistaken in believing something and withdraw commitment from it. And, inferences are defeasible: we can learn new information, consistent with our stated premises, which can defeat some previous inference, prompting us to withdraw commitment from the inferred conclusion. Indeed, ordinarily we reason with both kinds of claims (retractable and non-retractable) and inferences (defeasible and non-defeasible) simultaneously in complex inferential/argumentative acts or activities, and this makes tracking the statuses of the claims with which we reason, and the results of our reasonings, particularly important.

This picture is further complicated if it is allowed that claims can have attitudinal or discursive but non-doxastic statuses. If, for example, presumption is a defeasible deliberative, but non-epistemic, modality (licensing the use of presumptions in practical but not theoretical inference, as Ullmann-Margalit (1983) and Godden (2017, 2019a) suggest), then marking and tracking the presumptive and other modalities of claims in reasoning becomes all the more important.

In such contexts, marking the probative statuses of claims is vital for tracking how they were established and may properly be used. The modality “presumably, p ” indicates that p enjoys a limited, defeasible, yet actionable, acceptability which is contingent upon, and constrained by, the warrant for p , its undefeated standing, and the legitimacy of the non-epistemic ends backing the presumptive warrant.

3.4. Whatelian Well-Foundedness

In general, then, the justification of Whatelian presumptions as well-founded argumentative norms derives from their methodological well-adaptedness to the procedural preconditions and constraints of argumentation as an activity of reasoning. Further, insofar

as the warranting conditions of presumptions are accessible to arguers, presumptions also promise to play an important role in the effective regulation of the arguers' inferential undertakings.

4. Kauffeld's Analysis of Presumption and Presuming

4.1. A Difference in Normative Focus

Kauffeld (2003) characterized Whatelian presumptions not according to the distinctive quality of warrant upon which their acceptability is based, but according to the qualifier that subsequently attaches to presumed claims (136ff.). For Kauffeld, this focus on presumption as a commitment qualifier obscures the underlying structure of presumptive inference, as it is exhibited in our ordinary practices of presuming, by misleadingly directing our attention away from its properly distinctive feature: "the grounds and principles of reason that *generally* warrant presumptive inferences in the conduct of day-to-day thought and discourse" (p. 138). Rather than seeking a singular quality of warrant by which to identify presumptions, Kauffeld identified a singular kind of backing for presumptive warrantedness.

4.2. Presumption as a Distinct Backing for Inference

Kauffeld consistently presented his perspective as an analysis of our ordinary concepts and practices of presuming and presumption. To identify a distinctively presumptive kind of backing, Kauffeld (1995) distinguished "one broad class of inferences [that] are based primarily on the facts of the case and ... a second ... based primarily on facts and suppositions about the social context in which the inference is drawn" (p. 509). Within this second class, Kauffeld distinguished between assumptions and presumptions, claiming that both "characteristically operate where more substantive reasons for accepting a proposition, when available, leave us less than certain. If the facts of the case provide good and sufficient reason to believe that *p*, there would be little call to assume or presume *p*" (p. 509). For Kauffeld, "Both assumptions and presumptions may be evaluated in terms of whether they are reasonable, warranted, and justifiable, through considerations which make an assumption reasonable differ for those which warrant a presumption" (p. 509). Presumptions are then distinguished from assumptions as follows: while "*an assumption is something one takes upon oneself* in that typically one bears singular responsibility for the adequacy of what one assumes" (p. 509), by contrast "we regard presumptions as suppositions *to which we are entitled* because typically it is incumbent upon someone else to make them true" (Kauffeld 1995, pp. 509, 511; cf. 2003, p. 142). More specifically, Kauffeld (1995) contended:

To presume that *p*, ... a person must come to hold that *p* by reason of the supposition that some person has or will have made it the case that *p* rather than risk resentment for acting otherwise. ... Assumptions, on the other hand, are inferred on something like this basis: in the present circumstance *p* may (safely) be taken as being true because no relevant party is likely to raise compelling objections or doubts regarding *p*. (pp. 510–11)

Rather than consider presumptions in the abstract, Kauffeld's ordinary language methodology led him to resist abstract theorizing and instead take a more rhetorically-oriented approach (Kauffeld 2019; Kauffeld and Freeman 2019) that sought to analyze particular cases of presuming. These analyses led Kauffeld to identify a distinctive normative mechanism at work in our ordinary presumptive practices.

Analysis of our ordinary concepts and corresponding practices shows that presumptions ... come to hand by virtue of reasons that have a rather definite form. The superior presumes that his subordinate will comply rather than risk reprobation for disobedience. ... In each of these examples something is taken to be the case on the grounds that someone has or will have made that the case rather than risk resentment, criticism, reprobation, loss of esteem, or even punishment for

failing to do so. Here we find the defining mark of presumption. (Kauffeld 1995, p. 510; cf. 2003, p. 140; 2009a, p. 3; 2013, p. 5; 2019, p. 260)

Kauffeld consistently held this view of the conditions that “warrant the normative aspect of presumptive inferences” (Kauffeld 2019, p. 260) throughout his writings on the topic. Among his last published writings on the topic is his essay “A rhetorically oriented account of presumption and probative obligations” (Kauffeld 2019). There one finds Kauffeld to have written that “careful reflection on presumption itself reveals a core structure to this kind of inference [i.e., presumptive inference]. A presumption is an inference based on the supposition that someone will have made it the case that p [i.e., what is presumed], rather than risk criticism, resentment, punishment, etc. for failing to do so” (p. 260). In 2013 Kauffeld specified his analysis of presumption as follows:

I [Kauffeld] represent the minimal structure of presumptive inference as having three components:

1. the supposition that some agent (Ag) has an obligation or other commitment owing to some other agent(s) and/or to herself that Ag is to do x ;
2. the supposition that, Ag has made, is making, or will make it the case that Ag has done x , rather than risk resentment, retribution, etc. for failing to do x ; and
3. the inferred conclusion that Ag has done, is doing, or will do x . (Kauffeld 2013, p. 5; cf. 1995, p. 10; 2003, p. 140; 2009a, p. 3)

4.3. Possible Motivations for a Kauffeldian Account

Having noted the distinctive grounds that, on Kauffeld’s analysis, properly underwrite our ordinary practices of presumption and presumptive inference, the question remains: why the interest in this peculiar kind of warranting ground? Why focus on a putative source of inferential entitlement grounded in the obligations of others to do something (or make something the case), or risk resentment for failing to do so? Answers to these questions are, I suggest, best appreciated when seen in the context of a failure of Whatelian accounts of presumption.

5. Presumptions and Their Sources of Normative Binding

5.1. Binding and Deference: A Criticism of Whatelian Presumptions

Argumentative guidance norms must be binding upon arguers in order to effectively regulate their inferential undertakings. Yet, Whatelian presumptions have been accused of lacking adequate force in ordinary argumentative situations.

Charges along these lines were first brought against Whately’s own presentation of presumption, by Sidgwick (1884) in his *Fallacies*. There, Sidgwick charged that the normative force of presumptions over reasoners depends, on Whately’s account, too much on the institutional contexts in which Whately conceives of presumptions as being deployed. Those institutions do not merely provide the situational contexts in which reasoning and argumentation occurs. Rather, they embody highly regulated structures of procedure, authority, and discipline. Yet, those same structures are mere facades of normativity when invoked outside of their argumentative jurisdiction. Godden (2010) introduces the notion of the jurisdiction of argumentation in order to demarcate “the domain over which argumentative rules have normative force,” claiming that “that argumentative commitments are binding only within the jurisdiction of argumentation” (p. 412). Sidgwick wrote:

Convenient, however, as such a plan may be where there is an authority competent to frame the rules, it is obvious that outside certain artificial institutions, existing for some special purposes, no such authority exists. Argument in general cannot undertake to be bound by what this man or the other, or any body of men, may happen to consider a ‘fair presumption.’ (Sidgwick 1884, pp. 159–60)

When confined to institutional contexts, institutional normative mechanisms can have regulative force, but outside of those contexts that regulative force is lost. As such, if the binding force of presumptions derives at all from the structures of particular institutions, then those presumptions cease to be effectively binding on reasoners and arguers beyond the regulative walls of the institution. Hansen (2003) observes Sidgwick to have argued that: “outside the law, argumentation lacked the very stuff that makes the use of presumptions feasible within legal reasoning” (pp. 4, 6–7). As such, in the public spheres of ordinary, day-to-day argument, entitlements become requests and obligations become favors. Again, as Sidgwick wrote, in the unregulated—or, better, self-regulating—marketplace of reasons:

No penalty follows the misplacement of the burden of proof . . . except the natural consequence that the assertion remains untested, and the audience therefore (if inquiring) unconvinced. To lay the burden of proof on another, therefore, is not to demand Proof at the point of the sword, but rather to *request a favour*. There is no ‘obligation’ on any one to prove an assertion,—other than any wish he may feel to set an inquiring mind at rest, or to avoid the imputation of empty boasting. (p. 163)

So viewed, the source of the regulative authority of rational, argumentative norms is found in the psychology of individual audiences. As Sproule (1976) wrote: “The ultimate agency of assignment [with Whatelian presumptions] became, necessarily, the audience whose recognition was required for its successful application in dispute” (p. 122). And, according to Sproule, the ultimate ground on which such norms are cast is psychological: namely, the inclinations of individual audiences to defer to others by granting them authority in certain matters (p. 121). Whately [1846] (Whately [1846] 1963) himself characterized deference as “an *habitual* Presumption in favor of . . . the decisions or opinions [of some recognized authority]” (p. 118), writing that the grounds of deference tend not to be “the result of a judgment of the *understanding*” but instead depend on “often whimsical and unaccountable feelings” (p. 120). Yet, grounds (whether emotional or conceptual) whose nature is capricious and incorrigible hardly seem to provide suitable, let alone adequate, foundations for standards of argument that prescribe norms of justification in the pursuit of the true or the good, or even the prudent.

To the extent that this line of criticism is well placed, it poses a serious difficulty not merely for Whatelian accounts of presumption, but for any account of the normativity of reasons. To whatever extent argumentative norms depend upon particular institutional structures or authorities, the force of those norms will be limited by recognition those same structures or authorities garner. And, to whatever extent they are otherwise grounded only in capriciousness and incorrigibility, they are not deserving of the names “standards” or “norms” at all.

This, I suggest, is the problem space into which Kauffeld’s analysis of presumption is best situated in order to recognize its importance. Before turning to what I see as Kauffeld’s answer to these problems, I review two contemporary accounts of how Whatelian presumptions are binding on arguers.

5.2. Contemporary Explanations of the Binding Force of Presumptions

Section 3 noted that the methodological well-adaptedness of presumptions to argumentation as a rational activity is offered as a reason for their well-foundedness as argumentative norms. As to the binding force of presumptions, Walton et al. (2008) identify two possible accounts: burden of proof and relations of conveyance.

On the first, presumptive entitlement functions not to establish the acceptability of a claim, but to shift the probative obligation to provide reasons as to its (un)acceptability to an objector. Accordingly, establishing the presumptive acceptability of a claim shifts a local burden of proof, and this burden is taken to provide the source of binding. Walton et al. (2008) write:

it would seem that a cogent presumptive argument that meets all three criteria [of cogency, namely, premise acceptability and relevance, and inferential sufficiency]

in some form or other (especially depending on what is meant by the term ‘sufficient’) should put some pressure on the respondent to either accept the conclusion or give some good reason why he is not prepared to accept it. (p. 35)

The second account relies on the notion of a relation of conveyance (Katzav and Reed 2004), understood as “any relation in virtue of which, in the appropriate circumstances, one fact necessitates or makes it liable that another will obtain” (p. 244). Relations of conveyance are expressed in arguments as warrants (p. 253ff.), and thus the warrantedness of a conclusion is a function of the relation of conveyance at work in the argument supporting it. Using this notion, Walton et al. (2008) contend that cogent presumptive argumentation “imposes a relation of conveyance on the respondent,” namely “by putting pressure on the respondent to acknowledge the argument and respond in an appropriate way” (pp. 36, 37). Upon being given a cogent reason for the presumptive acceptability of a claim, an opponent must “deal with that” by either presumptively accepting the claim or presenting reasons to doubt it, “otherwise he is somehow being illogical or unreasonable, or failing to follow procedural requirements for engaging in rational argumentation” (p. 36).

These two accounts of presumptive binding are similar in that each relies on the quality of the warranting relation, and thus on features internal to presumptive inference itself, as the source of presumption’s binding force. As such, the effectiveness of presumptions as binding upon an arguer depends on the arguer’s prior commitment to the normative legitimacy of presumptive warrants as well-founded norms for transacting reasons that they are willing to hold themselves and each other accountable to. Yet, as the criticism of Whately’s own account intimated, there are argumentative circumstances in which this prior commitment cannot be generally presupposed.

5.3. Sources of Binding and Well-Foundedness for Presumptions on Kauffeld’s Analysis

The interpretive hypothesis ventured here is that Kauffeld’s analysis of presumptions is fruitfully understood as being addressed to the problem of how norms of argumentative discourse are binding upon arguers.

Specifically, I read Kauffeld’s work as being attuned to the problem of the force of argumentative norms, and as dubious about the adequacy of accounts of normative binding that presuppose an arguer’s commitment to things like: norms of institutions or authorities from which particularly arguers might feel alienated, or might not identify themselves with; putative standards of “Reasoning” or “Truth” which do not accord with a reasoner’s own views of what is true or reasonable; and finally, the internal standards or collective ends of the argumentative discourse itself, particularly when their particular communicative exchange is characterized as some roughly-hewn activity type in which they are putatively engaged (on this second point, see especially Kauffeld 2001). In cases where arguers can be counted on to hold *themselves* accountable to argument-internal norms, or where there are enforcement mechanisms to which arguers are answerable, there is perhaps little problem in arguers holding *each other* to account on argument-internal normative books. Yet, in public spheres—in the open bazaars of opinions and the unregulated, free-markets of reasons—the jurisdiction of argumentation can be markedly limited. Citing Sidgwick (1884), Kauffeld (2013) argued that any account of the binding force of argumentative norms tied to particular, or worse idealized, institutional contexts that structure or partly constitute the activity of arguing “raises serious and long recognized difficulty for the analysis of natural presumptions operating outside of the context of institutionally established regulation” (Kauffeld 2013, p. 4; cf. 2003, pp. 139–40). In many ordinary circumstances an arguer’s commitment to argument-internal norms may neither be presupposed nor relied upon—particularly if the (anticipated) result of argumentation is not to their liking. For example, Kauffeld (2001) found normative recourse to H. Paul Grice’s Principle of Cooperation, and its attendant pragmatic, conversational maxims, problematic at least in part because “some important kinds of talk exchange are patently non-cooperative” (Kauffeld 2001, p. 3; cf. 2007, 2009b). As such, non-cooperative participants would not feel bound by norms based on cooperative ends.

In place of either institutional-specific or argument-internal norms like these, I read Kauffeld as seeking out domains of normativity to which arguers are *already* committed prior to their argumentative undertakings, with the aim of harnessing those extra-argumentative norms into service as sources of well-founded argumentative normativity. Situationally, if arguers cannot count on their interlocutors to abide by specifically argumentative norms, then, in achieving their argumentative ends, arguers must leverage whatever kind of normativity is available and enforceable. I read Kauffeld's analysis of our ordinary practices of presuming as enlisting two related domains of normativity for this purpose: first, the ordinary extra-argumentative obligations agents have to do specific things or behave in certain ways, and second, the obligations undertaken when speakers make speech acts of certain kinds. The manifestness of those obligations, together with the risk of resentment or reprobation that an agent would face were they to fail to meet those obligations, underwrites the well-foundedness of presumptions, and presumptive inferences, drawn on these grounds.

In this way, Kauffeld's analysis reverses the ordinary, Whatelian, order of explanation between well-foundedness and effectiveness. On Whatelian conceptions, the recognition of a presumption's well-foundedness underwrites and explains its effectiveness—particularly its binding force on discussants. That is, the bindingness of a presumption is based on the presumer's recognition of the well-foundedness (whether its validity, methodological well-adaptedness, or both) of the presumption—specifically their endorsement of the presumptive warrant underwriting the presumption. (A related explanation would cite the presumer's deference to the institutional authority upholding the presumption.) By contrast, on Kauffeld's analysis, the well-foundedness of a presumption is grounded in, and explained in terms of, its effectiveness—specifically its binding upon discussants in some extra-argumentative domain of normativity, e.g., an extra-argumentative, though perhaps not extra-discursive, obligation, and the agent's manifest commitment to fulfil that obligation as exhibited by their unwillingness to risk resentment or reprobation should they fail to live up to the expectation to meet that obligation. In this way, a presumption's validity (i.e., its predictive accuracy) is underwritten by normative mechanisms located in the motivational reasoning of agents themselves. Let us explore this mechanism in more detail.

On Kauffeld's (2003) analysis, our entitlement to presumptions is grounded in another agent's obligation to do something (or make it the case), together with our supposition that they would rather fulfill that obligation than risk any resentment they might incur for failing to do so (p. 143). Kauffeld distinguishes two kinds of such presumptions: "(i) *standing presumptions*, which are generally available on the supposition that prudent associates will avoid occasioning foreseeable resentment, and (ii) *special presumptions*, which an agent deliberately generates by providing others with grounds to presume things favorable to that agent's ends and projects" (Kauffeld 2003, pp. 142–143; cf. 1995, p. 512; 2019, 261 ff).

"Standing presumptions," Kauffeld (2003) elaborated, "are based on shared beliefs about what constitutes right and proper conduct and on the supposition that our associates are mature and prudent persons" (p. 143). As such, the normativity at work in standing presumptions needn't be of a particularly argumentative nature. That is, it need not be based in specifically argumentative ends or distinctively argumentative values such as true belief, reasonable or justified commitment, or rational reconciliation; nor need it be especially well-adapted, methodologically, to activities of transacting reasons per se. Rather it can take the form of moral norms, social norms, norms of propriety, or prudence, or even norms of etiquette, or politeness. As such, these need not be intrinsically well-founded argumentative norms.

Nevertheless, given that adherence to such norms is shared, and collectively known to be shared, the norms themselves are readily accessible by arguers. Typically, the norm at work will be manifest, or arguers may make it so by calling attention to it. That an arguer is manifestly committed to the norm also accounts for its binding force upon them. An arguer's standing and manifest commitment to such a norm may be taken to ensure

their accountability to it—permitting others not only to hold them to account, but also allowing them to rely on the arguer to hold themselves answerable to it. At this point, suppositions about the “moral motivations” of the obliged arguer are factored in, such that “presumption . . . is an inference which depends on attributing to a person a practical calculation regarding the resentment that person might hazard [by not fulfilling their obligation]” (Kauffeld 1995, p. 512). On this picture, the reliability, or well-foundedness, of a presumptive warrant derives causally from its binding force upon the obliged arguer. As such, the strength, warrantedness, and validity of a presumption, is a direct function of its manifest binding force upon arguers.

Moreover, the binding force of a standing presumption can often be readily manipulated in ways that are both strategic and conspicuous, thereby effectively recalibrating the moral calculations obliged arguers make in deciding what efforts to make in meeting their obligations. For example, by demanding or offering a deposit on a borrowed item, the probative strength of the presumption that the borrower will return the item can be increased, since the cost to them of failing to return it has been increased in a way that is abundantly apparent to all concerned (Kauffeld 1995, p. 512; 2003, p. 143; 2009a, p. 8). Since the well-foundedness of a presumption, on Kauffeld’s analysis, is a function of its binding force over obliged arguers, altering the consequences of the (non-)performance of some obligation through a manifest structure of incentives and deterrents, rewards and punishments, also manipulates the probative strength of the presumption (i.e., the extent of risk involved in making the presumption, the warrantedness of the presumption as well-founded). Thus Kauffeld (2009a) wrote, “In general, presumptive inferences can be strengthened or weakened by modifying considerations relevant to the primary calculations of risk on which the presumed inference is based” (p. 8).

Special presumptions function similarly in all these respects. Their difference with standing presumptions can be found in their origin or design. Just as the force of an existing presumption can be strategically manipulated by the acts of arguers, new presumptions can be created in this way. For example, in making a promise, and thereby openly undertaking an obligation to do what is promised, a speaker can create the special presumption that they will do as they have promised. Having been created, the force of the presumption, and thus its probative strength, can be manipulated by overtly changing the stakes attached to non-fulfillment of the promise. “Special presumptions,” Kauffeld (2009a) wrote, “are engaged by strategies in which an agent explicitly modifies the basis for an agent’s risk-related calculations in order to induce others to attribute to that agent moral motivation upon which they can rely” (p. 9).

The Kauffeldian presumptions discussed so far arise from a domain of normativity inherent in the ordinary obligations, and their concomitant entitlements, transacted in the day-to-day interactions of social life. Yet, Kauffeld located a related domain of normativity within the very fabric of meaningful communicative activity. Drawing upon Gricean accounts of utterance meaning, Kauffeld (2001) identified a species of commitment incurred by speakers when making meaningful speech-acts. Consider that, on a Gricean account, the meaning of an utterance consists in a complex of communicative intentions speakers make manifest in using language. For example, saying that *p* involves the speaker’s intention that an audience recognize that, in saying that *p*, the speaker thereby intends to provide the audience with a reason for believing that *p* (p. 7). Since Kauffeld took this intention to be manifest in the speech act of itself, he held the speaker, in making the speech act, to incur an obligation to make it worth the while of their audience to take that reason seriously, or else incur the resentment of their audience. Thus, the communicative intentions that, on Gricean accounts, comprise speaker meaning provide the necessary ingredients for warranted presumptive inferences on Kauffeld’s analysis. Accordingly, audiences may, for example, rightly presume that *p* on the grounds of a speaker’s say-so. The manifest social expectations binding upon assertors and attestors may rightly be relied upon in judging the validity (here understood as accuracy or truth) or what is asserted or attested to.

Two points here deserve notice. First, since argumentation, as an interpersonal activity, is a communicative activity, an arguer's deliberate engagement in the activity of argumentation presupposes their commitment to the any obligations and entitlements involved in making speech-acts. So, if communication, or communicative meaning, itself has a normative dimension, arguers may properly be supposed to be committed to it in virtue of their making communicative, rather than specifically argumentative, acts. And, if these communicative norms (or norms of communicative meaning) can be harnessed as well-founded argumentative norms, then the effectiveness of at least some argumentative norms as binding upon arguers is *guaranteed* by the very structure of the meaningful communication that necessarily comprises any argumentative exchange. If correct, this account can provide a basis for at least some standing presumptions in *any* argumentative exchange.

Second, just as the ordinary obligations transacted in daily life can be leveraged into special presumptions, so can communicative obligations. For example, if a speaker, in saying that *p*, wanted to strengthen the grounds for presuming offered to their audience, they might overtly undertake additional obligations with respect to *p*'s acceptability by, for example, formally attesting that *p* by avowing their sincerity, and pledging to give reasons in support of *p* or answer doubts and objections if called upon to do so (Kauffeld and Fields 2003, 2005). On Kauffeld's analysis, by manifestly upping the stakes of resentment should they fail to meet their obligation to get it right that *p*, speakers thereby increase the warrantedness (i.e., the well-foundedness) of their audience's presumption that *p* made on this basis.

In summary, I read Kauffeld's analysis of the normativity of presumptions as initially oriented to the problem of normative binding. Kauffeld's answer to this problem, I suggest, has several key components. First, it harnesses a domain of typically extra-argumentative normativity to which arguers are already committed independently of their argumentative undertakings or any commitment to argument-internal norms. In prototypical cases, the warrantedness of a presumption, on Kauffeld's analysis, is backed by extra-argumentative obligations and entitlements of two sorts: (i) those transacted in the routine commerce of day-to-day exchange, or (ii) those embedded in the very fabric of communication, and communicative meaning, itself. The bindingness of those obligations on arguers is exhibited by the extent to which they are unwilling to face the resentment or reprobation of their interlocutors should they be found to fail to live up to those obligations. Thus, not only are these domains of normativity ones that may be taken to be binding upon arguers, in virtue of arguers' manifest, if unarticulated, commitment to them, but they are readily accessible to arguers who can both enforce and manipulate the force of these norms when demanding compliance either of themselves or others. Lastly, it is held that, at least sometimes, because of the normative motivational structures just mentioned, presumptions are causally related to the obtaining of presumed states of affairs, through the intentional actions of obliged arguers seeking to avoid risks of resentment. By this mechanism, Kauffeldian presumptions can underwrite warranted, well-founded presumptive inferences.

6. Conclusions

Argumentative guidance norms provide rules for arguers in regulating their inferential undertakings. Similar to appraisal norms, if they are to be well-founded, guidance norms must be objectively reliable (i.e., valid) and methodologically adapted to the procedural constraints and conditions under which argumentation, by its very nature, takes place. Additionally, effective guidance norms must also be accessible to, and binding upon, arguers.

Within argumentation theory, presumptions have been offered as providing a viable answer to (at least some of) these normative problems. Whatelarian presumptions, here presented as operationalizing a distinct quality of warrant for the acceptability of claims, seem to be primarily directed at the problem of normative well-foundedness. Their well-foundedness is held to derive from their methodological well-adaptedness to

constitutive features of reasoning and argumentation as activities, thereby providing presumptions a warrant whose basis is, at least partly, pragmatic. Indeed, this methodological well-adaptedness is offered as overcoming any shortcomings of validity from which the presumption might suffer. After all, were its evidential *bona-fides* not suspect, there would be no need to presume it at all. This methodological well-adaptedness is then taken to support the fitness of presumptive warrant as an appraisal norm which, since it is typically accessible to arguers themselves, can also serve as a guidance norm. Thus, the effectiveness of Whatelian presumptions—particularly their binding force over presumpers and presumptive reasoners—derives from, and is explained by, an agent’s recognition of the well-foundedness, or warrantedness, of the presumption. Yet Whatelian accounts of presumption prioritize the well-foundedness of argumentative norms over their binding force upon arguers, by presupposing that arguers have a prior commitment to the intrinsically argumentative norms that provide the basis for presumptive warrant, such that arguers can be supposed to hold themselves and each other accountable to them.

By contrast, I read Kauffeld’s analysis of presumption (our ordinary practices of presuming and presumptive inference) as relying upon a special kind of backing (or grounding) on which presumed claims can be based, which does not presuppose a prior commitment of argumentative actors to argumentation-specific norms. That is, it does not take the effectiveness of Whatelian presumptive warrants for granted. Instead, it first seeks to answer the problem of how norms of argumentative discourse are binding upon arguers, by seeking to identify distinctive kinds of commitments to which arguers are manifestly committed prior to, and independently of, their specifically argumentative acts. When strategically deployed in argumentative contexts, these extra-argumentative commitments can be harnessed and further manipulated by arguers to provide a normative basis for well-founded, warranted presumptive inferences.

Thus, on my reading, an innovative and hitherto understudied element of Kauffeld’s analysis of presumption is that it reverses the received, Whatelian, order of explanation between a norm’s well-foundedness and its effectiveness. The effectiveness of a Whatelian presumption derives from a presumer’s recognition of its well-foundedness. When a discussant fails or refuses to recognize the well-foundedness of a presumptive warrant, they will decline to grant the presumption. This can readily happen whenever the value, end, or principle appealed to by the presumptive warrant (or the authority issuing the presumptive rule) is not endorsed by a discussant. Moreover, when the substantive outcome favored by the presumption is not one favored by a discussant, they will be disinclined to endorse the presumptive warrant on precisely these grounds (cf. [Kauffeld and Freeman 2019](#), p. 188). That is, they will find reason to judge the presumption to be ill-founded precisely because it yields an outcome they do not countenance (i.e., it yields a commitment they decline). Importantly, in such cases, the presumption itself will misfire: it will not achieve its intended rhetorical force or normative effect. It will not be effective, since the discussant who does not recognize the well-foundedness of the presumptive warrant will not take themselves to be bound by the presumption. Consequently, any shift in probative burdens attending to the misfiring presumption will also fail to be binding.

By beginning from a domain of normativity to which arguers are already committed, prior to, and independently of, their specifically argumentative undertakings, Kauffeld’s analysis of presumptions overcomes the problems of effectiveness that encumber Whatelian presumptions. The challenge, on Kauffeld’s approach, is to show how these binding yet extra-argumentative norms, and the mechanisms by which they are transacted (e.g., undertaken, made manifest, recognized, manipulated, enforced, discharged, etc.) can operate so as to yield grounds for manifestly well-founded, valid, argumentative norms (norms of reasoning, inference, and argument). Kauffeld’s analysis of presumption does exactly this. By openly undertaking obligations, arguers make it incumbent on themselves to satisfy those obligations. They thereby take on the responsibility of making it the case that certain states of affairs, relating to the obligation, obtain. Moreover, having undertaken the obligation they not only supply for themselves a self-motivating reason

to, but they provide a mechanism of accountability to others whom they intend to rely on them. The validity presumptions, and the cogency of presumptive inferences, may thus be grounded in these normative structures of obligation, motivation, and accountability. Thus, Kauffeld successfully identified a hitherto unrecognized normative mechanism capable of grounding the well-foundedness of presumptions on their effectiveness. In so doing, Kauffeld reversed the order of normative explanation found in predominant, Whatelian accounts of presumption and presumptive inference.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Acknowledgments: I offer my sincere thanks to the two anonymous referees for their careful and thoughtful reading of the originally submitted essay, and for their constructive yet pressing comments, criticisms, and suggestions. The final paper has been materially improved by addressing and incorporating their remarks. I also extend my thanks to the guest editor of this special issue of *Languages*, for his welcome reception of my submission, his encouragement of my work, and his patience with me in composing the final version of the paper.

Conflicts of Interest: The author declares no conflict of interest.

Notes

¹ Cf. Goldman's (1980) distinction between *regulative justificatory principles*, which are "designed specifically to guide a cognizer in regulating or choosing his doxastic attitudes. Here the criteria of justification must be ones to which a cognizer can appeal in the process of making doxastic decisions," and *evaluative justificatory principles* which "specify the features of beliefs (or other doxastic attitudes) that confer epistemic status [irrespective of whether these features are available to actors or judges]" (p. 28).

² Walton (2008) presents the conditions in the context of presumption in argument, stating them as follows:

[i] The argument is not sufficiently strong, based only on the evidence supporting the ... premises to shift a burden of production to the respondent's side. [ii] The presumptive rule has a practical justification in line with the goal of the persuasion dialog. [iii] The argument is sufficiently strong, with the practical justification counted in, to shift a burden of production to the respondent's side. (p. 235)

The remaining conditions are not relevant to the point being made here.

See Bodlović (2017), for a critical survey of the development of Walton's account of presumption.

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Article

Conventional Implicatures in Argumentation

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Abstract: Despite the ubiquity of conventional implicatures in language and the critical role they play in argumentation, they have heretofore been almost entirely absent from theories of argument and the linguistic expression of reasoning. In this paper, we discuss conventional implicatures (CIs) as an interesting phenomenon at the interface of semantics, pragmatics and argumentation by harnessing research in semantics and pragmatics and extending an existing account for argument diagramming with this type of implicit meaning. In particular, we show that CIs are unlike enthymemes, which are extremely challenging to conceptualise and to specify precisely. Instead, CIs are anchored on the linguistic surface, trigger a largely predictable discourse contribution and are therefore more apt for argument analysis. By surfacing conventionally implicated material, we can unpack a wider variety of ways in which arguments are triggered by, composed of, and demolished by implicit discourse material, in particular inferential structures, conflicts and references to ethos. This also allows us to model the complex interplay between conventional implicature and argumentation, which in turn sheds new light on the interplay of meaning and argumentation in general.

Keywords: conventional implicatures; argument reconstruction; logoi and ethos-based arguments

1. Introduction

Implicitness is central in argumentation: not only is the vast majority of argument relations implicit—only 4% of arguments are signaled with explicit linguistic cues such as discourse markers (Lawrence and Reed 2015)—but implicitness can also serve specific discursive purposes: it can increase the rhetorical force of the argument, conceal its unsoundness and keep the listener’s attention (Hurley 2014), it can increase the possibility of gaining the listener’s agreement (Jackson and Jacobs 1980) and increase persuasion performance (Lombardi Vallauri 2021, among many others). It is therefore crucial to unpack implicit argumentative structure for identifying the subtle structure of a debate and the relations with which participants connect to the content under discussion and their interlocutors.

In this paper, we take a closer look at the role and function of conventional implicatures (CIs) in dialogical argumentation. Originally introduced by Grice (1975) as anything that is inferred from an utterance and not a condition for the truth of the utterance, CIs since then had a long and troubled history in the philosophy of language (Bach 1999; Grice 1975; Karttunen and Peters 1979; Potts 2005, inter alia). Potts (2005) establishes a number of clear-cut criteria as to their status in relation to other types of inferences such as presuppositions, entailments and conversational implicatures: CIs have an anchor on the linguistic surface, are characterised by a high degree of speaker commitment and are logically and compositionally independent of at-issue content. Originally, were introduced in connection with discourse connectors signalling argumentation—see Grice’s classic example with ‘therefore’ in (1) (Grice 1975, p. 44): Grice claims that while the information of being an Englishman and being brave is asserted—“or said (in the favoured sense)”

Citation: Hautli-Janisz, Annette, Katarzyna Budzynska, and Chris Reed. 2023. Conventional Implicatures in Argumentation. *Languages* 8: 14. <https://doi.org/10.3390/languages8010014>

Academic Editor: Steve Oswald

Received: 14 October 2022

Revised: 21 December 2022

Accepted: 26 December 2022

Published: 30 December 2022



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(Grice 1975, p. 45)—the consequence of being brave following from being an Englishman is “indicated, and so implicated”.

- (1) *He is an Englishman, he is, therefore, brave.*

CIs can also arise structurally, for example with fronted adverbial clauses as in (2-a) taken from (Potts 2005, p. 139) with ‘luckily’: Wilma’s assertion in (2-a) is that Willie won the pool tournament. With the CI triggered by the sentence-initial adverb ‘luckily’ she contributes a proposition along the lines of ‘Willie winning the pool tournament is positive’. By adding Bob’s reply in (2-b) (‘That’s not good though’), an argumentative structure arises: Bob’s assertion that Willie winning the pool tournament is not good in (2-b) is in conflict with Wilma’s conventional implicature in (2-a).

- (2) a. Wilma: Luckily, Willie won the pool tournament.
b. Bob: *That’s not good, though.*

Overall, the linguistic material that triggers CIs is highly varied: from expressives (e.g., ‘damn’, ‘fucking’) (Potts 2005), slifting verbs (‘Peter, I hope, will come today.’) (Scheffler 2009), utterance-modifying adverbs (‘Luckily, Peter won the pool tournament.’) (Jackendoff 1972; Potts 2005) to prototypical CI items such as ‘but’ and ‘even’.

Investigating the interplay of CIs and argumentation is interesting for a number of reasons: first of all, the majority of previous work in argumentation has looked at other types of implicit meaning, for instance enthymemes and conversational implicatures and their function in argumentation. However, these classes of implicit meaning are extremely challenging from the viewpoint of argument analysis due to their heavy reliance on context and common sense. CIs, on the other hand, are a promising type of implicit meaning, because they are anchored on the linguistic surface and make largely predictable discursive contributions. These properties are a prerequisite for identifying and reconstructing the subtleties of argumentation in the wild (c.f., Hinton (2019)).

Moreover, we are able to shed more light on the properties of CIs in naturally occurring data. CI triggers, e.g., fronted adverbials as in (2), are context-independent in the sense that whenever they occur, they yield conventionally implicated meaning. Either in the form of pieces of information that are used for argumentative purposes in the succeeding discourse or in the form of argumentative structures they yield themselves. This is not only the case for inferences, but also conflicts and references to ethos. However, the exact spellout of the conventionally implicated content seems to be vague, confirmed by the fact that Potts (2005) uses three different ways to describe the conventional implicature contributed by ‘damn’ in ‘I hate to mow the damn lawn.’, namely that ‘he is displeased with the obligation to mow the lawn.’ (p. 7), ‘he hates to mow the lawn’ (p. 7) and that ‘that the speaker must mow the lawn is what he seeks to disparage’ (p. 60). We do not find evidence so far that this variation has an impact on the argumentative structure, i.e., that depending on the reconstruction of the CI content, the argumentative function varies. We therefore assume that CIs are indeed context-independent, showcasing that CIs are at the interface of semantics (truth-conditional) and pragmatics (context-dependent) as well as pragmatics and argumentation (based on pragmatic inference we can spell out argumentative inference).

Thirdly, CIs present an interesting phenomenon at the interface of semantics, pragmatics and argumentation, in particular with respect to inference. In particular, we show that the approach by Oswald (2018), namely that pragmatic inference fuses argumentative inference, makes the correct predictions for CIs: the proposition corresponding to the implicature is the conclusion of an inference that took as input some of the explicit linguistic material plus some contextual information. This investigation therefore sheds more light on the interplay between linguistic structure and argumentation.

This paper shows that CIs present one type of implicit meaning that offers a promising way forward in equipping computational models of argument with the means to identify, reconstruct and incorporate implicit argumentative structure. We discuss the structures

that are licensed by CIs and the ways they argumentatively interact with other pieces of information in the discourse—a question that has so far gone largely unnoticed in the argumentation literature. We also make a first attempt at mapping out the ways that CIs are used to fuse argumentative structure, the first step in being able to build corpus resources that allow for a broader empirical investigation into a correlation of the types of CI structures with particular argumentative genres. We also equip a state-of-the-art framework for large-scale argument diagramming, namely Inference Anchoring Theory (Budzynska and Reed 2011), with an annotation layer for conventional implicatures. This layer draws from, but is not dependent on, core IAT annotation—the analysis of explicit arguments in dialogue. This modularised approach allows us to extend existing IAT corpora with the CI layer proposed in this paper.

The paper is structured as follows: We first introduce conventional implicatures and emphasise their difference to other types of inferences that have gained attention in argumentation, namely presuppositions, entailments and conversational implicatures (Section 2). We also show that given their anti-backgrounding restriction, CIs are not on a par with enthymematic structures. After a brief recapitulation of related work (Section 3), we present and discuss a set of novel examples that illustrate the workings of conventional implicatures at the interface of semantics, pragmatics and argumentation, in particular regarding conflicts (Section 4), inferences (Section 5) and ethotic structures (Section 6). We conclude with a discussion and outlook in Section 7.

2. Conventional Implicatures

2.1. What Are Conventional Implicatures?

The initialisation of the category of conventional implicatures by Grice (1975) has led to (a) a substantial discussion on the appropriate terminology and (b) a dispute on whether this type of meaning is situated in semantics or pragmatics. Bach (1999) uses the term ‘pragmatic presuppositions’ and situates them very clearly in realm of contextually-dependent implicit meaning, whereas Potts (2005) has added to this discussion by proposing a logic of conventional implicatures and devising linguistic tests that clearly situate CIs in semantics.

The defining features of CIs according to Potts (2005) are illustrated with the example in (2): Firstly, conventional implicatures are *anchored on the linguistic surface*, in contrast to conversational implicatures which are not explicitly encoded on the linguistic surface and ultimately depend on world knowledge and common sense. Looking at Example (2), the conventional implicature that Alice thinks that Willie winning the pool tournament is positive is triggered by the sentence-initial adverb ‘luckily’. It is those fronted adverbial phrases that consistently yield a conventionally implicated proposition, i.e., the presence on the linguistic surface is required in order to yield an instance of a CI.¹

Another property of CIs is that they are part of the *conventional meaning* of words and *arise independently of context*. Regarding the former, the lexical semantics of the trigger word (or construction) shapes the conventionally implicated content. The lexical semantics of ‘luckily’, irrespective of whether it contributes a CI in fronted adverbial position or regular, asserted content in “regular” syntactic configurations, contains the information that an event or circumstance is generally positive (synonyms by WordNet Online²: ‘fortunately’, ‘fortuitously’, ‘as luck would have it’, ‘by good fortune’). Used as a CI item, the speaker implicates her evaluation of an event or circumstance as being positive (though the exact referent is not a priori defined, i.e., whether it is the speaker, the hearer, a third person or an entity that the speaker feels positively about). In addition, the implicated content remains stable under context variation, for instance in examples like ‘Luckily, Bill did not survive the descent’, the CI remains one of positive evaluation (‘it is positive that Bill did not survive the descent’).

The key point in Pott’s logic of conventional implicatures is that CIs are *logically and compositionally independent of what is “said”*, i.e., they are independent of the truth-conditional (or asserted) content in the sentence. This can be tested by changing the truth conditions in the main clause, for instance with sentence-level negation, illustrated in Example (3). This

turns the meaning of the main clause into ‘Willie does not win the pool tournament’, but the CI contribution by ‘luckily’ as one of positive evaluation remains unaffected, showing that the meaning of the CI is independent from the asserted meaning. It is this characteristic that will find its way into our modeling of CIs in Inference Anchoring Theory in Section 3.2: Asserted material is kept separate from conventionally implicated content, despite it being triggered by lexical items in the same argumentative segment.

- (3) Alice: *Luckily, Willie did NOT win the pool tournament.*
 ~> It is positive that . . .

Lastly, CIs form *commitments which are made by the speaker of the utterance* and which give rise to entailments, i.e., they are not negotiable and not cancelable by the same speaker without sounding extremely incoherent. This is illustrated in (4): By way of ‘luckily’, Alice makes a commitment that she thinks Willie winning the pool tournament is positive. Retracting from that commitment, e.g., through negating the implicature in the subsequent sentence (‘His winning the tournament is problematic though’), is considered extremely incoherent. In contrast, having the same speaker cancelling the asserted content (‘Ah no, it was the golf tournament that he won’), as shown in (5), seems less incoherent. This leads Potts (2005) to the conclusion that the speaker commitment for the truth of the conventionally implicated proposition is entailed, not allowing them to be cancelled.

- (4) Alice: *Luckily, Willie won the pool tournament. #His winning the tournament is problematic though.*
 (5) Alice: *Luckily, Willie won the pool tournament. ?Ah, no, it was the golf tournament that he won.*

In sum, CIs exhibit characteristics that are fortunate from a corpus linguistic and argument analysis point of view: For one, they form meaning that is separate from asserted information, allowing us to clearly separate explicit from implicit argumentative material. Spelling out the implicit information in the form of propositions enables us to create a variety of argumentative structures with conventionally implicated content, making them antecedents and targets of conflicts, inferences and references of ethos. Their presence independent of contextual variation allows for a consistent identification, which is crucial from a theoretical as well as corpus-driven aspect of argument analysis.

Despite the clear-cut criteria that Potts (2005) establishes for CIs, let us briefly demarcate them with respect to other dimensions of implicated meaning frequently considered in argumentation theory, namely conversational implicatures and presuppositions.

2.2. How Are Conventional Implicatures Different from Conversational Implicatures and Presuppositions?

The key feature that distinguishes conventional implicatures from *conversational* ones is that the latter category is not anchored in the linguistic surface (in the form of lexical items or phrases). Instead, conversational implicatures arise out of Grice’s (1975)’s cooperative principle and the maxims of conversation; they solely depend on world knowledge, common sense and the common ground shared by the interlocutors. This context-dependency makes them generally difficult to reconstruct and susceptible to over-interpretation. An example is shown in (6) (taken from (Grice 1975, p. 43) and slightly modified):

- (6) a. Bob: *How is Alex doing in his new job?*
 b. Wilma: *Oh, quite well, I think. He likes his colleagues and he hasn’t been to prison yet.*

Wilma’s response can imply or suggest a number of things, e.g., that Alex previously had trouble with his colleagues. Or that his job as police officer usually requires him to transfer prisoners which he does not like. Or indeed that he usually yields to the temptations offered by his job and ends up in prison. From an argumentative point of view, all of these propositions are implicit premises, the conclusion being that Alex is doing quite well. Here,

in contrast to CIs, the breadth of possible interpretations needs to be calculated from and resolved through context entirely.

Semantically, conversational implicatures differ with CIs in that they are volatile under negation. For illustration compare examples (6) and (7): The removal of the negation cancels the conversational implicatures related to it, i.e., that his job as police officer usually requires him to transfer prisoners or that he usually yields to the temptations offered by his job and ends up in prison. Instead, Wilma now suggests that Alex enjoys his job because he collaborates with the prison, its inmates, etc. Therefore, negation (or the reverse, as in Example (7)) cancels conversational implicatures, in contrast to CIs which do not cancel them (c.f. Example (3)).

- (7) a. Bob: *How is Alex doing in his new job?*
 b. Wilma: *Oh, quite well, I think. He likes his colleagues and he has been to prison yet.*

Another type of implicit meaning which is frequently discussed in argumentation are presuppositions: Like CIs, they are triggered by the linguistic surface, e.g., 'Ali's brother' in (8-a) triggers the presupposition that Ali has a brother. Negation as in (8-b) does not have an effect on the presupposed material, the presupposition remains stable, making them similar to CIs. However, a speaker can retract from presupposed material without sounding extremely incoherent (compare with Example (4)), suggesting that the commitment of the speaker for presupposed material is lower than for conventional implicatures, where speaker commitment is entailed (Potts 2005).

- (8) a. *Ali's brother is bald.*
 b. *Ali's brother isn't bald.*
 c. *Ali's brother isn't bald: Ali doesn't have a brother.* (Green 2000)

Even with this brief discussion, one can see that demarcating different types of implicit meaning can be challenging. However, the properties of CIs, i.e., their presence on the linguistic surface, their behaviour under negation and the level of speaker commitment they exhibit, enable us to consider this subtype of implicit meaning for large-scale argument analysis, paving the way for a more systematic study of implicitness in argumentation. This also requires a more careful discussion of how CIs relate to enthymemes, which is done in the following section.

2.3. Are Conventional Implicatures Just Enthymemes?

As soon as there is implicit material in an argumentative context, it is inescapable that thoughts turn to enthymemes. So, are CIs (in argumentative settings) not simply a form of enthymemes? For one, for this to be so, every conventional implicature would have to trigger discourse material that is *argumentatively relevant*, i.e., in Aristotle's logical-dialectical theory, a premise-conclusion structure. However, this is not the case. Conventional implicatures can, as we will show later on, not only contribute implicit premises (and conclusions), but are also implicit material in conflicts and references to ethos. Or indeed contribute no argumentative material at all.

Moreover, there is a conceptual divide between conventional implicatures and enthymemes: Research in linguistic theory suggests that CIs "need not (and usually cannot) be assumed by the speaker to be part of the common ground" (Potts 2005, p. 38), i.e., conventionally implicated information is not shared knowledge between interlocutors when the sentence is uttered, making it new to the hearer. This is what Potts calls the 'antibackgrounding requirement', illustrated in the following: The content of (9) renders the continuation with (9-a) (in which the content of the CI exactly repeats the asserted content of (9)) infelicitous. This is due to redundancy: once information is asserted and as such established in the common ground, it seems incoherent to conventionally implicate that same piece of information. A continuation with additional information as in (9-b), however, is valid—the complement of the factive 'know' does not require an accommodation of the

information of its complement ('Mary is the least likely to come to the party') with the statement in (9).

- (9) Of all people under consideration, Mary is the least likely to come to the party.
- a. #Even Mary came to the party.
 - b. And most classmates know that Mary is the least likely to come to the party.

This is orthogonal to what is assumed for enthymemes, where the implicit component(s) of the argument and their relation are background knowledge and are shared between the interlocutors. Therefore, enthymematic information does not adhere to the antibackgrounding requirement that holds for CIs: Enthymemes are part of the common ground or background knowledge between interlocutors and are therefore left implicit. The modus ponens example in (10) illustrates this: The implicit premise in (10-b) is a conversational implicature which arises from world knowledge and common sense—it is in no way tied to the linguistic surface of either the premise in (10-a) or the conclusion in (10-c). Leaving the premise in (10-b) implicit renders the syllogism logically incomplete, though easily understandable.

- (10) a. Drunk driving hurts innocent people.
 b. (Hurting innocent people is wrong.)
 c. Therefore, drunk driving is wrong.

We therefore conclude that conventional implicatures contribute implicit argumentative structure (and indeed other discourse information) that is new to the hearer. This is in sharp contrast to enthymematic structures, which are assumed to already be in the common ground. Given this crucial difference and the property of CI to be anchored on the linguistic surface, there is a clear need for argumentation theory and pragmatics to spell out the types of argumentative structures conventional implicatures can give rise to. This is because conventionally implicated information is new (at least to some hearers) and it is therefore likely that it becomes subject to argumentation in subsequent discourse.

3. Background

3.1. Related Work

Argumentation is a mostly implicit phenomenon: only 4% of all instances of inference are signaled with explicit linguistic materials like discourse connectives (Lawrence and Reed 2015). The remaining argumentative structures are implicit—construed of either missing premises and conclusions and of support and attack relations that are not being overtly signalled. Previous work shows that leaving argumentative content implicit can serve multiple purposes: it can increase the rhetorical force of the argument, conceal its unsoundness, keep the listener's attention (Hurley 2014) and increase the possibility of gaining the listener's agreement (Jackson and Jacobs 1980).

In argumentation theory, it is mainly conversational implicatures that have attracted attention, e.g., van Eemeren and Grootendorst (2010) discuss the use of implicatures for argument reconstruction and Mackenzie (1990) incorporate implicatures in dialogue models (System 3). Macagno (2012) discusses how various implicatures can aid in retrieving speaker intention, Macagno and Walton (2013) illustrate the way in which conversational implicatures are triggered by conflicts of presumptions. Oswald (2016) uses relevance theory to identify unexpressed premises that arise out of conversational implicatures. The function of conversational implicatures are also investigated in the realm of illegitimate advertising (Jacobs 1995 2011). Boogaart et al. (2020) investigate conversational implicatures in defence strategies, for instance James Comey's testimony to the US Senate Intelligence Committee in 2017.

The discussion of conventional implicatures (or 'pragmatic presuppositions', according to the terminology suggested in Bach (1999)) are represented to a far lesser extent and commonly by way of the discourse connectors 'but' and 'therefore', two classic triggers of

conventional implicatures. However, CI constructions extend far beyond those two lexical items and cover a range of expressions and constructions, for instance expressives (e.g., ‘damn’, ‘fucking’) (Potts 2005), slifting verbs (‘Peter, I hope, will come today.’) (Scheffler 2009), utterance-modifying adverbs (‘Luckily, Peter won the pool tournament.’) (Jackendoff 1972; Potts 2005) and a category including prototypical CI items such as ‘but’ and ‘even’.

In semantics and pragmatics, conventional implicatures have a long and troubled history (see Zufferey et al. (2019) for an overview). Potts (2005) and his logic of conventional implicatures provides a set of properties of conventional implicatures and ways to identify them. In German, for instance, conventional implicatures are frequently triggered by discourse particles, a linguistic category that is highly frequent in natural speech but not confined to it (Coniglio 2011; Jacobs 1983 1991; König 1997; Gabelentz 1891). Overall, these particles are considered to the expressive content of an utterance (Karajosova 2004; Kratzer 1999; Zimmermann 2011, inter alia). However, due to their elusive pragmatic nature, analyses range from considering them as contributing conventional implicatures (Doherty 1985), adding felicity conditions (Kratzer 1999), being modifiers of illocutionary operators (Jacobs 1991; Lindner 1991) or being a modifier of sentence types (Zimmermann 2011). Despite the breadth of analyses, discourse particles are generally considered as conveying a speaker’s stance towards an utterance and situating the utterance in the web of information that comprises the discourse. These particles steer the discourse and express speaker stance towards uttered propositions—subtle pragmatic devices that are highly effective in natural communication.

Extending previous work, this paper showcases the breadth of argumentative structures that are invoked by conventional implicatures in natural argumentation across languages, going beyond the famous ‘but’, ‘therefore’ examples from Grice (1975). Conventional implicatures as one category of implicit information are, as we show in this paper, indeed crucial for understanding argumentative discourse. They also present a challenging type of meaning which lies at the interface of semantics, pragmatics and argumentation. By enhancing an existing framework for large-scale, dialogical argument analysis, Inference Anchoring Theory (see Section 3.2), with a systematic identification and reconstruction of conventionally implicated information, we do not only contribute to research on pragmatics and argumentation, but also on the more computational linguistic aspect of identifying implicit information in corpora and computational models of argumentation.

3.2. Argument Analysis and Diagramming

Inference Anchoring Theory (IAT) (Budzynska et al. 2014, 2016) provides a theoretical scaffolding to handle dialogue and argument structure, and the relations between them. In its core form, IAT incorporates underspecified models of dialogue, argumentation and pragmatics by way of three types of relations: (i) relations between locutions in a dialogue, called transitions; (ii) relations between sentences (propositional content of locutions); and (iii) illocutionary connections that link locutions with their content. Figure 1 illustrates the basic types of connections by way of Example (11), taken from one of our corpora on experimental discussions on whether or not to allow fracking in Germany³: Alex’s claim in (11-a) that he’d like to put out a word of caution about international comparisons in climate change policy is challenged by Nika with ‘Why?’ in (11-b), requesting justification from Alex which is given in (11-c) (‘Sweden doesn’t, in its climate change policy, take in its share of shipping or aircraft emissions’).

- (11) a. Alex: *I’d like to put out a word of caution about international comparisons in this kind of field*
 b. Nika: *Why?*
 c. Alex: *Sweden doesn’t, in its climate change policy, take in its share of shipping or aircraft emissions.*

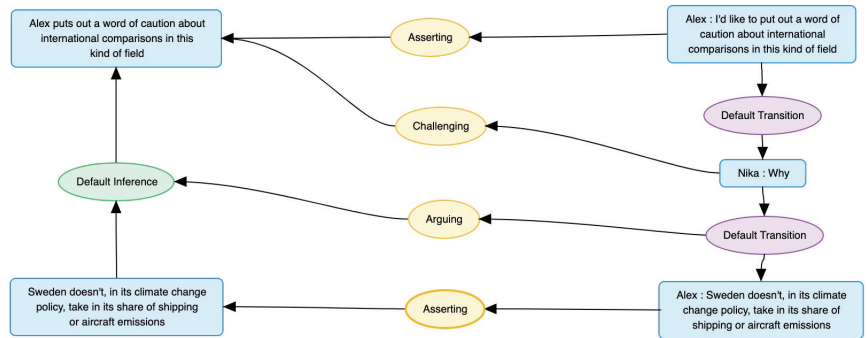


Figure 1. IAT diagram for Example (11).

The right-hand side of the diagram in Figure 1 represents the dialogical structure, consisting of the speakers' utterances, i.e., locutions, and the rules of the dialogue protocol. This structure captures which types of utterances can license or require the making of other utterances—the underlying motive for dialogue games, which specify a set of rules of the functional relations between moves ('dialogue protocol'). There is a rich variety of these dialogue games in, for example, philosophy (Mackenzie 1990; Walton and Krabbe 1995), jurisprudence (Prakken 2005) and AI (Reed et al. 2017). However, these dialogue games are rarely exhaustive in specifying the relationships between moves. Therefore, we leave the exact nature of the transition between locutions underspecified: We are neither interested in the details of the dialogue protocols nor the characterisation of the rules from which they are composed, so we label all instances of these dialogue rules simply as *Default Transitions*.

The second type of relation is connections between propositions: *Default Conflict* captures a conflict between propositions; *Default Inference* encodes an inference from a premise to a conclusion; and *Default Rephrase* marks a reformulation of previous content. All propositional structure is anchored in dialogue structure through the third type of relation, namely illocutionary acts founded upon the concept of illocutionary force (Searle and Vanderveken 1985). In core IAT, we assume ten illocutionary connections: 'Asserting', 'Agreeing', 'Arguing', 'Disagreeing', 'Restating', 'Questioning' ('Pure Questioning', 'Assertive Questioning', 'Rhetorical Questioning' and 'Challenging') and 'Default Illocuting' (see Hautli-Janisz et al. (2022) for an overview of the distribution of relations in QT30, the largest corpus of analysed dialogical argumentation to date). These connections can be either anchored in locutions, when the locution on its own is enough for the full reconstruction of the illocution and its content (e.g., the *Asserting* connection of the first move). Illocutionary connections related to propositional relations are anchored in transitions, because contextual information from the preceding discourse is involved (Budzynska et al. 2016; Janier and Reed 2015): In Figure 1, in the case of 'Default Inference' anchored via 'Arguing' in 'Default Transition', the argument is not only dependent on the locution but also the preceding context, i.e., without material before Alex's move 'Sweden doesn't, in its climate change policy, take in its share of shipping or aircraft emissions, there would be no argument. This is accounted for by anchoring the illocutionary act in the dialogical transition between locutions ('Default Transition') instead of the locution itself.

The rationale for using IAT to advance CIS in argumentation theory is three-fold: The framework is thoroughly rooted in philosophy and allows us to harness the latest results in semantics and pragmatics to incorporate conventional implicatures in a well-motivated framework for dialogical argumentation across languages. Secondly, IAT has been applied to almost 3 million words of argumentation and debate data across more than a dozen languages, complemented by significant argument technology infrastructure. In particular, there are mature tools for discourse analysis (OVA3, Janier et al. (2014)), for data management (AIFdb, Lawrence et al. (2012)), for corpus construction (Lawrence and Reed 2014)) and for their interoperability (Reed et al. 2017). Finally, IAT was the first framework

designed to function both for analysis in the face of linguistic underspecification, pragmatic ambiguity and veiled intentionality, whilst at the same time providing a theoretically robust underpinning for computational approaches for mining dialogical argumentation (Lawrence and Reed 2019; Stede and Schneider 2019). In the present paper, we set out the central properties of IAT^{CI}, an enhanced version of IAT, which incorporates conventionally implicated structures. The assumptions of IAT hold: explicit propositional structure is anchored in dialogical structure; illocutionary acts serve as the glue between propositions, argument structure and dialogical structure. The cornerstones of this added layer of analysis will be explicated in the next sections and lay the groundwork for empirical work on conventional implicatures and argumentation, in particular regarding structures of implicit conflict (Section 4), implicit inference (Section 5) and references to ethos (Section 6).

4. Conventional Implicatures in Conflict

One type of conventionally implicated argumentative structure is triggered by CIs that implicate conflicts, i.e., conflicts are not asserted with explicit material but conveyed with the help of conventional implicatures. The first subtype are conflicts in which the consequent, i.e., the target of the conflict relation, is conventionally implicated (Section 4.1). A second subtype of conventionally implicated conflicts occurs when the antecedent, i.e., the source of the conflict, is conventionally implicated (Section 4.2). A third subtype covers conventional implicatures in procatalepsis (Section 4.3), i.e., the refutation of anticipated objections.

4.1. Subtype I: Implicit Consequents of Conflicts

In subtype I, the consequent of the relation, i.e., its target, is conventionally implicated. An example of this structure was given in (2), reproduced here as (12): Alice's assertion in (12-a) is followed by Bob's assertion in (12-b). Bob's assertion is not in conflict with Alice's assertion, but it is the CI contributed by 'luckily' in (12-a) that it is conflicting with: 'that's not good though' targets 'it is good/positive that Willie won the pool tournament'.

- (12) a. Alice: *Luckily, Willie won the pool tournament.*
 b. Bob: *That's not good, though.*

To capture this interaction between asserted and implicated content, we use IAT's core relations of dialogue structure, propositional structure and illocutionary structure and add a fourth type of relation, namely implicature structure. The argument graph in Figure 2 shows how IAT^{CI} integrates this additional layer: the illocutionary structure in the middle ('Asserting') glue the dialog structure, i.e., locutions (right-hand side), to the propositional structure (left-hand side): Alice asserts that Willie won the pool tournament and Bob asserts that Willie winning the pool tournament is not good. The fact that Alice's locution not only triggers an asserted proposition ('Asserting') but also creates an implicated proposition ('S Implicating' for stating an implicature) which is captured by the extra propositional node which contains the content contributed by 'luckily'. Bob's reply is disagreeing yet now surfaced proposition. For this we use the regular 'Default Conflict' relation between his assertion and Alice's implicature. This conflict is anchored in the dialogue structure on the right via the relation of 'D Implicating' ('D' for its explicit counterpart of 'Disagreeing'). In parallel to the illocutionary connection 'Disagreeing' capturing conflicts between explicit propositions, 'D Implicating' is anchored in the transition between locutions, because the act of disagreeing is only conducted when preceding context is included in the interpretation, in this case Alice's locution. Neither Alice's nor Bob's locution on their own exhibit argumentative function, only their combination renders the argument complete.

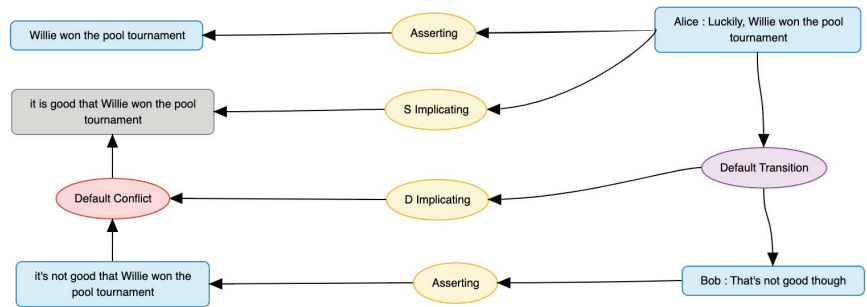


Figure 2. IAT^{CI} diagram for Example (12) with CIs.

With IAT^{CI} we go beyond the level of pragmatic information that was previously recorded in IAT argument graphs. In particular, we include a form of pragmatic inference, discussed in Oswald (2018) as input to argumentative inference: the conventionally implicated material is the conclusion of an inference that took as input some of the explicit linguistic material plus some contextual information. That is, the proposition ‘that Willie won the pool tournament is positive’ is inferred from ‘luckily’. This paper contributes to the discussion whether argumentative inference is input to pragmatic inference (the view held by Macagno and Walton (2013)) or the other way round (the view held by Oswald (2018)). At least with CIs, the case seems clear: pragmatic inference can be input to argumentative inference, but not vice versa.

This interplay between pragmatics and argumentation is also found in German (and in principle in all languages using conventional implicatures as types of inferences). The example, taken from Hautli-Janisz and El-Assady (2017), contains the particle combination *doch wohl* ‘lit. indeed probably’ which is used to reject the common ground between interlocutors, i.e., the speaker expresses a conflicting view which is shared knowledge between the interlocutors but has not been explicitly stated in the preceding discourse. The excerpt in Example (13) is taken from the arbitration in the context of Stuttgart 21 (S21) in the German city of Stuttgart, where a new railway and urban development plan caused a massive public conflict in 2010. As in Example (12), the consequent of the conflict, i.e., its target, is conventionally implicated. It is triggered here by *doch wohl* ‘even if that means I have to contradict you (lit. even probably)’.

- (13) a. Die Planfeststellungsverfahren zu S21 waren extrem schwierig.
the plan approval commissions for S21 were extremely difficult
‘The plan approval commissions for S21 were extremely difficult.’
- b. Das wird man *doch wohl* sagen dürfen.
that will one *indeed probably* say may
‘One may say so (lit. even if that means I have to contradict you).’

The argument graph is given in Figure 3: The second locution (right-hand side) generates an asserted proposition (‘Asserting’) and a conventionally implicated proposition (‘S Implicating’). The conflict holds between those two propositions, i.e., the implicated source and the asserted target, both originating in the same locution. As with “regular” conflict, ‘Default Conflict’ is anchored in the dialogue structure. Since in this case the conflict resides within a single speaker utterance, ‘D Implicating’ needs to be anchored in the locution and not in the ‘Default Transition’ between locutions.

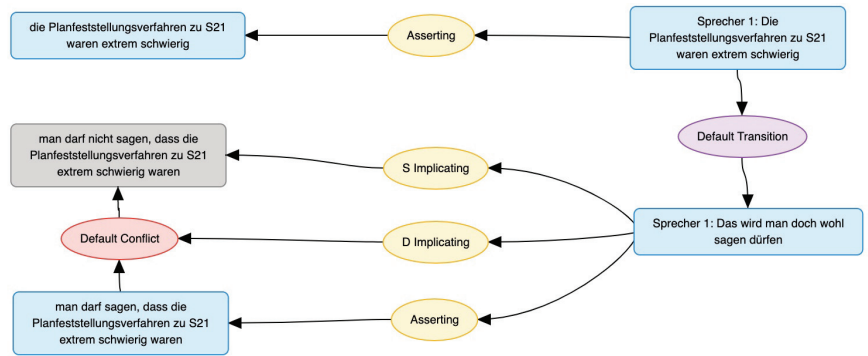


Figure 3. IAT^{CI} diagram for Example (13).

4.2. Subtype II: Implicit Antecedents in Conflicts

In the second subtype of conventionally implicated conflict, it is the antecedent, i.e., the source of the conflict, that is conventionally implicated. In order to illustrate this, we modify an example by Oswald (2016) by inserting the adverbial ‘interestingly’ in fronted position in (14). The CI content can be paraphrased as ‘Ashton Kutcher cannot be a good marriage counsellor’. This proposition is in conflict with the assertion preceding it ‘Ashton Kutcher has given marital counselling in the press’. The CI is also the conclusion of the content of the main clause ‘Demi Moore has just filed for divorce’, which we discuss in more detail in Section 5.

- (14) Ashton Kutcher has given marital counselling in the press. *Interestingly*, Demi Moore has just filed for divorce. (Oswald 2016)

The argumentative structure is captured in the IAT diagram in Figure 4: The CI ‘Ashton Kutcher can’t be a good marital counselor’ is anchored via ‘S Implicating’ in the locution and serves as the source for the conflict with the preceding assertion ‘Ashton Kutcher has given marital counseling in the press’. ‘Default Conflict’ is anchored via ‘D Implicating’ to capture its partly implicit nature of (instead of the illocutionary relation ‘Disagreeing’ if it was a conflict between two asserted propositions).

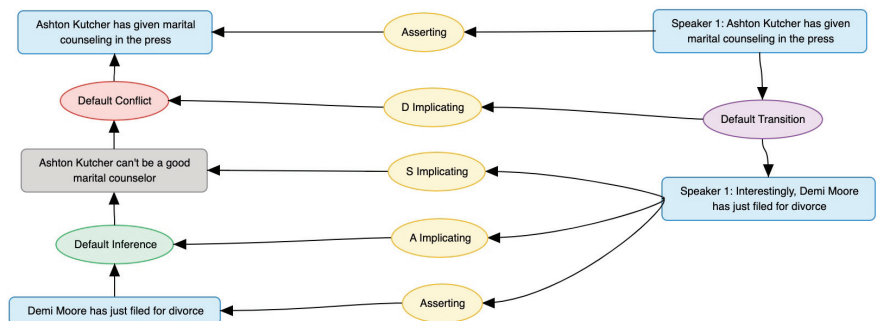


Figure 4. IAT^{CI} diagram for Example (14).

In principle, it is possible that both propositions in a conflict relation are conventionally implicated, for instance in a larger context where multiple people support or disagree with a conventionally implicated proposition. The analysis would be analogous to the one for conflict in general and subtype I and II in particular: the implicated propositions would be anchored with ‘S Implicating’ in the locutions and ‘Default Conflict’ would be anchored with ‘D Implicating’ in the transition between the locutions involved.

4.3. Subtype III: Procatalepsis

An interesting case of implicit conflict structure is found in procatalepsis, i.e., in the refutation of anticipated objections. In Example (15), taken from the Microtext corpus (Peldszus and Stede 2016) from a discussion on the new airport BER in Berlin and the problems surrounding its completion. The first assertion is that ‘BER should be reconceptualised from scratch’. The second assertion is that billions of Euros have already been invested in the existing airport project’. As such, they are not in direct conflict with each other—however, ‘even if’ triggers a CI along the lines of ‘it does not make sense to reconceptualize BER from scratch due to the amount of money already invested’. It is this material that is in conflict with the assertion in the main clause.

- (15) BER should be re-conceptualised from scratch, *even if* billions of Euros have already been invested in the existing airport project.

As shown in the argument graph in Figure 5, the implicature serves as the trigger of the conflict between both locutions (as the source) and also yields an implicated inference (as the target). Similar to Figure 4, without surfacing the implicated proposition in the middle, we would completely lose out on the underlying argumentative structure of the excerpt.

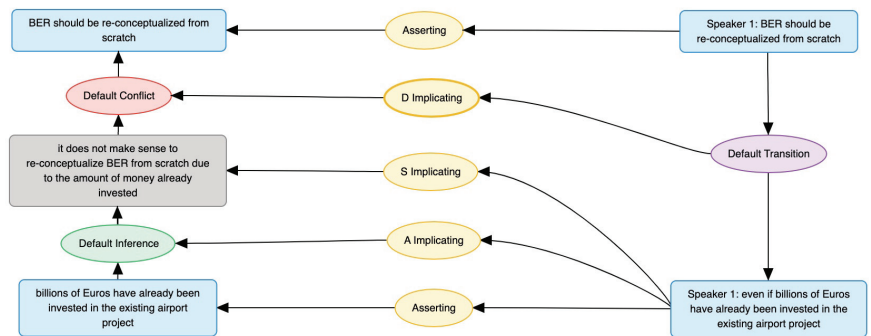


Figure 5. IAT^{CI} diagram for Example (15).

In addition to conventionally implicated material surfacing conflicts, CIs can also supply material for implicit inferential structures, as illustrated in Section 5.

5. Conventional Implicatures in Inference

In what follows, we discuss two subtypes of inferences that contain conventional implicatures. The first subtype subsumes those argumentative structures where the conclusion is conventionally implicated (Section 5.1). The second subtype covers structures where it is the premise that is conventionally implicated (Section 5.2).

5.1. Subtype I: Conventionally Implicated Conclusions

The second half of the Ashton Kutcher example in (14) with the graph in Figure 4 contains a conventionally implicated standpoint in an inference: The CI that ‘Ashton Kutcher can’t be a good marital counselor’ is supported by the assertion that ‘Demi Moore has just filed for divorce’. The criterium in IAT for a ‘Default Inference’ is the *why*-test: *why*-conclusion, *because*-premise (*why*-‘Ashton Kutcher can’t be a good marital counselor’, *because*-‘Demi Moore has just filed for divorce’).

Regarding the structure of the graph in Figure 4 above, again the conventionally implicated proposition is anchored via ‘S Implicating’ in the locution to mark that is generated in this locution alone (right-hand side). ‘Default Inference’ is anchored via ‘A Implicating’ in the dialogue structure (‘A Implicating’ is an analogy to the illocutionary

relation ‘Arguing’ which anchors ‘Default Inference’ between asserted propositions). The inference holds between two propositions originating in the same locution, therefore ‘A Implicating’ is anchored in the locution and not the transition: no more context than the locution is required to ‘understand’ the inference drawn.

5.2. Subtype 2: Conventionally Implicated Premises

In parallel to conventionally implicated conflict, a CI can also be the source of the inference, i.e., the premise. As shown in Section 2, these implicit premises are not enthymemes: they have an anti-backgrounding requirement, meaning that the information they contribute to the discourse is not yet shared knowledge. This goes against the assumption of enthymemes as pieces of information that are already shared between interlocutors and do not to be explicated.

In order to illustrate the workings of conventionally implicated inferences, we slightly adjust the example by Oswald (2016) used in (14) and use the CI item ‘surprisingly’ instead of ‘interestingly’ in fronted adverbial position. As shown below, this changes the argumentative structure of the whole excerpt: The information contributed by ‘surprisingly’ is one of ‘Ashton Kutcher was assumed to be an expert in marital issues’. This can be taken as support of ‘Ashton Kutcher has given marital counseling in the press’ (instead of the antecedent of the conflict as in Example (14)). It also means that the assertion of ‘Demi Moore has just filed for divorce’ becomes one of conflict, instead of the source of the conflict in Example (14).

- (16) Ashton Kutcher has given marital counselling in the press. *Surprisingly*, Demi Moore has just filed for divorce.

The argument structure is shown in the diagram in Figure 6: ‘S Implicating’ anchors the conventional implicature in the dialogue, the implicit ‘Default Inference’ and ‘Default Conflict’ is anchored via ‘A Implicating’ and ‘D Implicating’, respectively. The latter is anchored in the locution because it is a local structure, the former is anchored in the transition to mark the inclusion of context in the analysis.

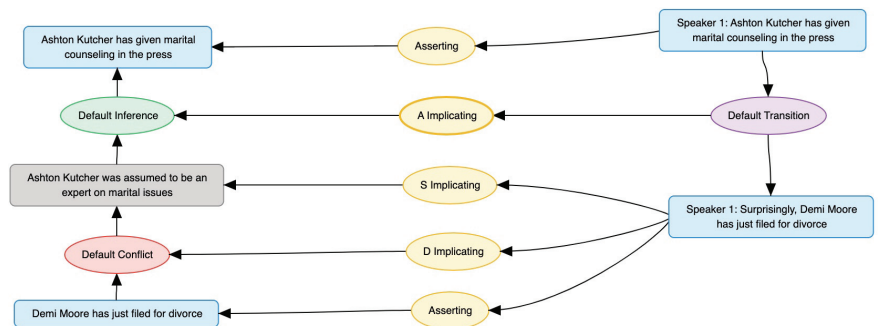


Figure 6. IAT^{CI} diagram for the implicit inferential structure in Example (16).

As for conventionally implicated conflicts, implicated supports can in principle also occur between two conventionally implicated propositions, rendering the whole argument conventionally implicated. This is most likely the case in long-distance relations, i.e., material that is far apart in the discourse, but argumentatively related.

6. Conventional Implicatures in Ethos

Apart from representing conventionally implicated conflict and inference in logos, IAT^{CI} also allows us to surface conventionally implicated conflict in ethos, i.e., implicit structures that speakers use for attacking and supporting each other on a personal level. One of those examples originates in a corpus of public deliberations on whether or not

to allow fracking. Example (17) illustrates the exchange between Ron and Beth where Ron’s assertion that ‘we pump water back in the earth with chemicals’ is followed by Beth’s assertion that ‘we don’t have untouched nature’. Beth then contributes what is known as a ‘biscuit conditional’ (Austin 1958): The defining property of biscuit conditionals is that—unlike in a hypothetical conditional—the truth of q is not contingent on that of p, i.e., the truth of ‘we don’t have untouched nature’ is independent of whether Ron look at the appropriateness of fracking realistically or not. Interestingly, the if-clauses in these conditionals are assumed to provide a constraint on the relevance of asserting the consequent (Bhatt and Pancheva 2006). To us, this construction shares some properties of the fronted adverbials that were discussed earlier: The content of the adverbial clause separated by the comma functions as a comment on the asserted content in the main clause. In example (17), this is supported by the fact that the tense in the consequent is the same as in the if-clause, adding the sense that the conditional is used to convey expressive content instead of a “true” conditional reading. As a consequence, we treat the clause ‘if you look at it [the situation] realistically’ as triggering a conventional implicature with the content that Ron is not looking at the situation realistically.

- (17) a. Ron: *In the third world, people don’t have water. And we pump it back in the earth with chemicals.*
- b. Beth: *If you look at it [the situation] realistically, we don’t have untouched nature.*

The analysis in Figure 7 follows the general guidelines for IAT and the more specific guidelines for ethos analysis proposed in Duthie and Budzynska (2018) and Koszowy et al. (2022). This includes a separate node on the left-hand side which records a person’s ethos in the argument graph (see the grey propositional box ‘Ron has ethos’ in Figure 7). The CI by Beth ‘Ron does not look at the issue realistically’ is attacking Ron’s ethos, signalled by ‘Default Conflict’ between the CI and the ethos node. Whereas Koszowy et al. (2022) use a more fine-grained distinction between types of ethotic attacks (‘Wisdom’, ‘Virtue’ and ‘Goodwill’), for the purpose of this paper, we remain underspecified with respect to the type of ethotic attack.

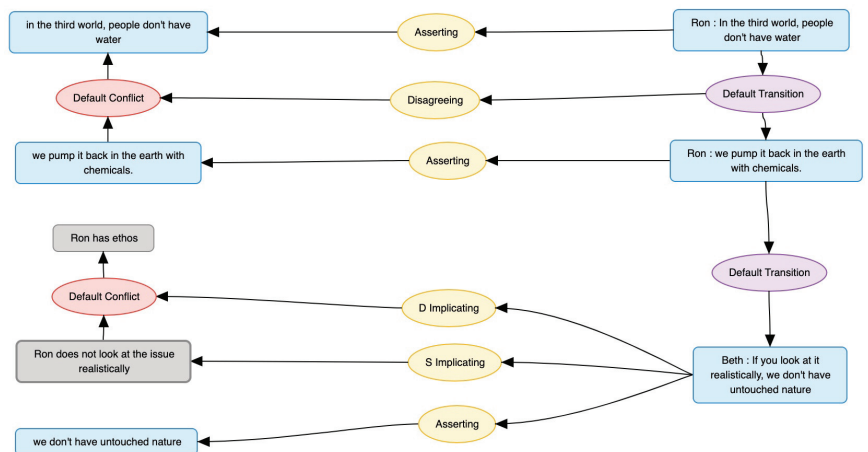


Figure 7. IAT^{CI} structure for the implicated ethos attack in (17).

There is some more implicit meaning contained in the example, but not in the form of CIs. For instance, the proposition that ‘pumping chemicals in the earth harms nature’ and ‘nature is precious’ and ‘the first world is careless with precious resources’ are all implicit, but are conversational implicatures, i.e., rendered from common sense and world knowledge entirely. These would all aid in rendering a more fine-grained argument analy-

sis, but go beyond what can be reliably identified—hence the focus on overtly signalled conventional implicatures.

7. Discussion and Summary

In this paper, we investigate conventional implicatures as a type of implicit meaning which has been largely unexplored in the context of argumentation theory. We present different types of conflicts, inferential and ethotic structures where surfacing CIs is crucial for identifying the underlying argumentative structure. With IAT^{CI} we do justice to the interplay of truth-conditional and contextual aspects of conventional implicatures: They are recorded on the linguistic surface in the dialogue structure, i.e., the locutions, on the right-hand side. Their contribution to the discourse is captured by propositional content that is added to the left-hand side of the diagram, the level of analysis where argumentative structure is also recorded. The implicated proposition is derived via pragmatic inference from the linguistic material in the locution to the content of the proposition. This allows us to incorporate conventionally implicated content in argument analysis and reconstruction, yielding a much more fine-grained analysis of the discourse without having to deal with common sense and world knowledge, as for instance with enthymeme reconstruction.

There is also practical merit in using IAT^{CI}: It provides for instance access to Argument Web infrastructure (Reed et al. 2017), makes CIs available for argumentation computation, e.g., as in TOAST (Snaith and Reed 2012), ArgSemSat (Giacomin et al. 2014), Tweety (Thimm 2017) and Argument Analytics (Lawrence et al. 2016). Having a solid and well-motivated representation of the interaction of CIs and argumentation also allows us to incorporate CIs for training mining algorithms (Budzynska et al. 2014; Gemechu and Reed 2019; Lippi and Torroni 2015), extending related work in the field of argument mining, where only a small number of approaches have dealt with the identification and reconstruction of implicit premises: Razuvayevskaya and Teufel (2016) manually reconstruct them in explicitly marked arguments, Feng and Hirst (2011) use argumentation schemes to identify them, Rajendran et al. (2016) differentiate between explicit and implicit opinions in order to surface them, Green (2017) reconstructs premises and conclusions in genetics research articles and Becker et al. (2020) use background knowledge for enthymeme reconstruction. Hautli-Janisz and El-Assady (2017) show that CIs can be identified automatically—the challenge remains in the exact spell-out of the implicated proposition. In our own previous work we use Natural Language Processing for measuring the vagueness of the implicated proposition. The results suggest that across levels of expertise, i.e., linguistic experts and lay people recruited through a crowdsourcing platform, judgements regarding the spell-out of the propositions vary; however the identification of CI propositions is reliable. Dealing with this kind of variation is in fact starting to become a topic of discussion in NLP, because for any subjective judgement, the field has so far assumed that a single label (e.g., derived by majority vote) is a good-enough approximation. The Perspectivist Manifesto (<https://pdai.info/> (accessed on 21 December 2022)) is tackling this issue by requesting that the individual judgements are kept and inform the training algorithm. Given this recent development, if reconstructions of CI content are vague, those structures would all be input to the training algorithm and therefore more realistically represent human judgement.

In sum, conventional implicatures are a type of linguistic structure that is highly relevant for uncovering argumentative structure in natural language, in particular in natural spontaneous debate. In this paper, we pave the way for a large-scale annotation of conventional implicatures in IAT corpora: we unpack a variety of ways in which arguments are triggered by, composed of and demolished by implicit material. We also illustrate how an empirically-driven approach to argument analysis and diagramming, IAT^{CI}, can benefit from the results of theoretical research in semantics and pragmatics. Given the limited empirical basis of this paper, we cannot make any claims as to how relevant individual CI structures are for argumentation, i.e., whether it is mostly fronted adverbials that are used for argumentative purposes. This we leave for future work, once more data are annotated

according to the criteria set out in this paper. By discussing this linguistic phenomenon at the interface of meaning and argumentation, the core concern of this Special Issue, we pave the way for a larger-scale investigation of conventionally implicated meaning and its function and effect in argumentation.

Author Contributions: Conceptualization, A.H.-J., K.B., C.R.; investigation, A.H.-J.; formal analysis, A.H.-J., K.B., C.R.; resources: A.H.-J.; writing—original draft preparation, A.H.-J., C.R.; writing—review and editing, A.H.-J.; funding acquisition, A.H.-J., K.B., C.R. All authors have read and agreed to the published version of the manuscript.

Funding: This research was funded by the Volkswagen Foundation under grants 92 182 ('ADD-up') and 98544 ('DeLab').

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: The German data is available at <http://corpora.aifdb.org/DEDD1> and <http://corpora.aifdb.org/DEDD2> (accessed on 21 December 2022).

Conflicts of Interest: The authors declare no conflict of interest.

Notes

- ¹ Example (2) shows all three classes of meaning. A possible conversational implicature in this example is that Willie won a pool tournament and no other tournament (given the information state in this exchange). One presupposition encoded in this dialogue is that both the speaker and the hearer know that there is someone who is clearly identified as 'Willie'. Usually there are more than one presupposition in a real-world discourse which are mainly irrelevant to the structure of the argumentation.
- ² <http://wordnetweb.princeton.edu/perl/webwn> (accessed on 21 December 2022).
- ³ The corpora are available at <http://corpora.aifdb.org/DEDD1> and <http://corpora.aifdb.org/DEDD2> (accessed on 21 December 2022).

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Article

Ethos and Pragmatics

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Abstract: *Ethos*, the speaker's image in speech is one of the three means of persuasion established by Aristotle's Rhetoric and is often studied in a loose way. Many scholars develop lists of self-images (*ethos* of a leader, modesty *ethos*, etc.), but few explain how one arrives at these types of *ethos*. This is precisely what the inferential approach described here intends to do. Considering, like many discourse analysts, that *ethos* is consubstantial with speech, this paper provides an overview of various types and subtypes of *ethos* and highlights how these can be inferred from the discourse. Mainly, we would like to point out that what the speaker says about him or herself is only a part of what has been called "said *ethos*": inferential processes triggered by what the speaker says about collectivities, opponents, or the audience also help construct an *ethos*. This tool will be applied to analyze a corpus of Donald Trump's tweets of 6 January 2021, the day of the assault on the Capitol. As the notion of inference is essential in creating *ethos*, the paper pleads for the integration of the study of this rhetorical notion in the field of pragmatics.

Keywords: *ethos*; discourse analysis; images; inferences; interpretation; rhetoric; pragmatics; Donald Trump's tweets

Citation: Herman, Thierry. 2022. *Ethos and Pragmatics*. *Languages* 7: 165. <https://doi.org/10.3390/languages7030165>

Academic Editors: Steve Oswald, Juana M. Licerias and Raquel Fernández Fuertes

Received: 17 January 2022
Accepted: 6 June 2022
Published: 1 July 2022

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1. Introduction: The Importance of *ethos* and *ethos* Types

Among the concepts invented by Greek and Roman rhetoric, the classical triad of the technical means of persuasion—i.e., *ethos* (character of the speaker), *logos* (speech and argumentation), and *pathos* (emotions of the audience)—is widely known, learned and still used today. For example, many studies in cognition and psychology are focused on the issue of the credibility of the source in the persuasion process (Chaiken 1980; Wilson and Sherrell 1993), and many studies in marketing (Ismagilova et al. 2020 for a meta-analysis). The credibility of the source is summarized in the latter article as the result of three different characteristics: expertise, i.e., "the extent to which a person can provide the correct information", trustworthiness, i.e., a "recipient's degree of message trust of the advice given by the information communicator", and homophily, i.e., "The degree to which two or more individuals who interact are similar in certain attributes (e.g., beliefs, education, social status)" (Ismagilova et al. 2020, pp. 2–3). In a certain way, these characteristics echo Aristotle's triad of "good sense, virtue, and goodwill" (Aristotle 1926, *Rhet.* 1378a), as good sense is a form of practical wisdom which highlights the competence of the speaker, virtue represents the moral qualities that may lead (or not) to trust, and goodwill implies a closeness between individuals, akin to the notion of "homophily". *Ethos* is a key component for the aim of persuasion. Indeed, many studies since Hovland et al. (1953) have shown that "we are more likely to be persuaded by sources we perceive to be powerful, in authority, attractive, likable, or similar to us than by sources we perceive as not possessing these traits" (Stacks et al. 2019, p. 262).

Even if the notion of "ethos" has lived for 2500 years, its relevance remains undisputed: its persuasive potential is proven powerful and central to many contemporary persuasion techniques. But what seems salient about all the sub-categories mentioned above—the character traits of "trustworthiness or goodwill"—is that they correspond to representations

that result from inferential processes. As O’Keefe (2016, p. 291; emphasis mine) pointed out: “Credibility (or, more carefully expressed, perceived credibility) consists of the judgments made by a perceiver (e.g., a message recipient) concerning the believability of a communicator”. As *ethos*, in principle, is “achieved by what the speaker says, not by what people think of his character before he begins to speak” (Aristotle 1926, *Rhet.*, 1355b10), speaking of “goodwill” or “degree of trust” is neither a pre-existing condition nor background knowledge. It is the conclusion of an inferential process, which can be described as an abduction (Eco 1992; Peirce 1932): the linguistic details and features of a text give rise to one or many tacit inferential process(es) whose conclusion is that the speaker ‘appears to be “trustworthy” or seems to be “benevolent”’. In other words, the study of *ethos* requires an understanding/analysis of how linguistic resources help speakers establish their character. “For example, speakers must not say ‘I am competent in international finance’, but should instead display such competence by quoting statistics or using specific lexicon as indexes of their knowledge and abilities. As has been frequently noted, *ethotic* indexes operate at different levels of analysis, ranging from prosody and lexical choices to grammatical structures and speech acts [. . .]” (Jacquin 2018)¹. Because it is the result of inference in a certain context, *ethos* is a construction that is, by nature, an issue of pragmatics.

This process of interpretation of signs poses a theoretical problem. It cannot, in principle, be understood as an implicature in a Gricean sense, since it is not essential to meaning nor to understanding what the speaker intends to communicate. Because this is an abductive process, the *ethotic* conclusion is logically invalid and fragile. At best, it could be a convincing interpretation of linguistic signs, which is not necessarily shared by all message recipients². Finally, this interpretation might even be not fully intended by the speaker in many cases. And yet, it could be considered an implicature because “any assumption communicated, but not explicitly so, [. . .] is an implicature” (Sperber and Wilson 1986, p. 182). The fact that the speakers are not forcefully committed to an intentional construction of their *ethos* (they might even be not aware of it) thus seems to belong to a gray area in pragmatics. A cover letter littered with spelling mistakes creates an *ethos* surely unintended by the writer, for example, and would not be considered an implicit assumption communicated by the latter—and, yet again, this is part of the writer’s *ethos*. Nonetheless, “relevance theory assumes that implicatures come in varying degrees of strength ranging from very strong implicatures to very weak ones, which shade off into entirely unintended contextual implications” (Clark 2013, p. 237). Could most *ethotic* interpretations be considered as very weak implicatures? I will come back to these theoretical considerations at the conclusion of this paper.

Neo-Aristotelian definitions of *ethos* insist that it is an *effect* of speech, implying that it is not a synonym for ‘speaker image’. “And, though the character is ‘revealed’ by speech, it is as likely to be ‘constructed’” (Baumlin and Scisco 2018, p. 202). While the notion of *ethos* is sometimes used in argumentation for what is called *ethotic* argumentation (Brinton 1986; Budzynska et al. 2021; Duthie et al. 2016; Walton 1999), it not only deals with the *ethos* of a speaker, but it also relates to other speakers’ images³. In the same way, *ethos* is often divided between “said *ethos*”, “shown *ethos*” (see more on these categories below), and “represented *ethos*” (Druetta and Paissa 2020), the latter being the representation of the *ethos* of a speaker by commentators or members of the audience. While it can be useful (insofar as the commentators are sincere) to see if the represented *ethos* confirms the analysis of said and shown *ethos*, it remains an image of the (former) speaker by someone else who is precisely building his or her own commentator *ethos*. Hence, the nature of *ethos* first and foremost as an inferential construction disappears and is often used as a synonym for a given “image”. To add to the confusion, prediscursive *ethos*, the image of a speaker before his or her speech, is not a construction: it is a preliminary image, more or less stabilized, on which the discursive *ethos* will capitalize. Nevertheless, it seems that widening the notion of *ethos* to the idea of “images of self and others” could be considered as the effect of the somewhat opaque nature of the cognitive process of construction of an *ethos*: the images, i.e., the *results* of the construction are often more highlighted than the *construction processes*

themselves in the literature. It is perhaps an effect of what Walton is pointing out here: “We make character judgments all the time anyway. These are judgments that large numbers of people make routinely. The problem is to gain insight into how they are made and how they should be made, and to carry out this task not in any arbitrary or God-like way but by understanding the kind of reasoning we already use and learning more about its structure” (Walton 2006, p. 4). I would like to precisely focus less on the results than on the process, i.e., highlight how *ethos* may be analyzed in its construction from a discourse analyst’s point of view (Sections 2 and 3). This process does not exclude other existing types of *ethos*, prior images of others, or the speaker in the analysis, nor argumentative strategies of ethotic attack, but attempts, if possible, to acquire an exhaustive tool for analyzing the image of a speaker as it is constructed in a speech.

Ethos is a concept that is not frequently used by English-speaking theories of Discourse Analysis and Argumentation theory, to the best of my knowledge. For example, recent handbooks on critical discourse analysis (Flowerdew and Richardson 2018; Wodak and Meyer 2016) mention *ethos* only in passing. Moreover, a recent computational study that attempted to mine *ethos* in political debate (Duthie et al. 2016) acknowledges the lack of studies on this subject, particularly artificial intelligence. Conversation Analysis, however, frequently uses the seminal works of Erving Goffman (1973) and Brown and Levinson’s (1987) face theory about self-presentation. And recently, an international network for the study of credibility, *ethos*, and trust (INCET) hosted at the University of Bergen has been created around rhetoricians, philosophers, and discourse analysts. This picture must also be tempered by the fact that several works written by philosophers of argumentation propose research on the notions of trust, credibility, and expertise. Trudy Govier (1997, 1998) examines various issues related to the unavoidable trust we need in human society: “When someone tells us something, and we accept the claim on his say-so, trust is involved. We presume the other person intends to tell us the truth and is sufficiently competent to do so” (Govier 1997, p. 57). Douglas Walton, on the other hand, examines how to judge the character of others, mainly in the legal field, highlighting the abductive process of this evaluation and the lack of strong evidence to do so (2006). Although they barely mention the rhetorical notion of *ethos*, the process of evaluation leading to the judgment of others is nothing less than ethotic evaluation⁴.

In contrast, the massive interest in *ethos* found in French Discourse Analysis (Amossy 1999, 2010; Bonnafous 2002; Cornilliat and Lockwood 2000; Doury and Lefebure 2006; Druetta and Paissa 2020; Errecart 2019; Herman 2001, 2005; Jacquin 2018; Krieg-Planque 2019; Lehti 2013; Maingueneau 2002, 2013, 2014; Sandré 2014 among others) come partly from one of the core ideas of Oswald Ducrot’s (1984, p. 201, my translation.) linguistic theory: *ethos* is shown and not said (“It is not the flattering statements that the speaker may make about herself in the content of her speech, statements that may, on the contrary, offend the listener, but the appearance is given by the delivery, the intonation, warm or dry, the choice of words, the arguments . . . ”. This is important because *ethos* ceases to be tied to a rhetorical genre or the rhetorical aim of persuasion only. For the French discourse analysts, *ethos* is *constitutive with speech*: “For discourse analysts, unlike traditional rhetoricians, *ethos* cannot be reserved for certain uses of speech, in particular oratory-type situations, whether deliberative, judicial or epideictic. As soon as there is enunciation, something of the order of the *ethos* is released: through the speech, a speaker activates the construction of a certain representation of herself for the interpreter. Her mastery over her speech is endangered, and the speaker must therefore try to control the interpretative processing of the signs she is sending” (Maingueneau 2013, §6, my translation). Such a posture may imply a strong hypothesis: the idea that an audience is constantly inferring something about the speaker’s image from what is said.

Given the importance of credibility in persuasion and the protohistoric and developmental need we have to trust some people and be cautious with others, it would come as no surprise that our cognition is always evaluating the message *and* the speaker simultaneously. The idea of a *constant* evaluation of the image of others could be frightening

concerning the representation we have of human and social relations in general, as if we were constantly spying on each other without being able to trust each other fully. However, Clément (2010, p. 544) showed, for example, that “we have seen that this latter [4-years-old children] do not swallow indiscriminately what is communicated to them. Nevertheless, if no contradiction with information already possessed is detectable and the speaker does not demonstrate signs of untrustworthiness, children will accept the communicated propositions and enrich their stock of belief”. This observation about young children shows that they develop quite rapidly a form of epistemic vigilance (Sperber et al. 2010), which itself suggests that background interpretative inferences about *ethos* (“who to trust?”) are probably mechanisms that can be activated in situations in which we have reasons to gauge the speaker’s trustworthiness. Moreover, this also suggests that it is important for human beings to be able to make these interpretative inferences and to interpret the environment based on different clues (past experiences, etc.). While evaluating the *ethos* of a speaker may not be a constant conscious process, which can be more salient only when our epistemic vigilance is on alert, it also seems possible to imagine that activating our epistemic vigilance is an effect on the evaluation of the credibility, the trustworthiness or the benevolence of a speaker when this background evaluation is giving rise to suspicion. Finally, regardless of when this evaluation process takes place, its importance is not deniable.

This evaluation process remains extremely complex, multifactorial, and underexplored in the linguistic literature on *ethos* in the field of discourse analysis, which more often unsystematically highlights lists of different traits or linguistic marks⁵. The aim of the present paper is precisely to address, in a more systematic way, the “inferential complex” underlying the calculation of the speaker’s *ethos*, paying particular attention to the notion of “said *ethos*”, which has always been the weakest or least examined category in recent research in the field. The ambition of this article is to provide a methodological tool that allows us to offer an answer as complete as possible to the question: “What is *ethos* and how is it constructed?”. More precisely, I contend that *ethos* is the result of multiple inferences that are drawn from many sources, which are summarized in Figure 1 below.

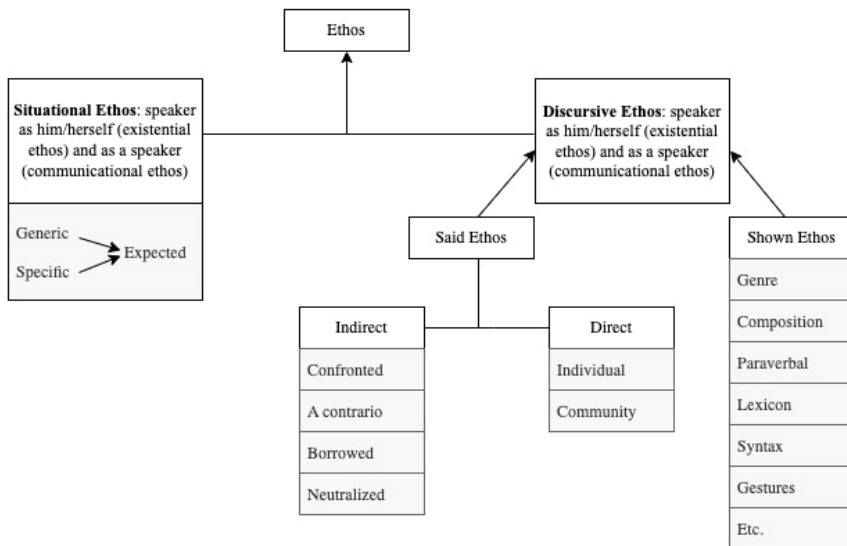


Figure 1. *Ethos* types.

In this figure, *ethos* is shown as the result of the confrontation between what is called *situational ethos*, i.e., the image of the speaker before they utter the first word in the current situation, and *discursive ethos*, i.e., the image that is constructed through their speech. This

first distinction separates what is given, a preliminary image, and what is constructed in situ. The *situational ethos* builds on two information sources: 1. a more or less extensive and more or less intimate knowledge of the people who are going to speak; 2. stereotypical expectations triggered by some aspects of the speaker (his/her clothing, age, occupation, nationality, etc.). *Situational ethos* is elsewhere described as a prediscursive or prior *ethos* (Amossy 2010, for example), as opposed to discursive *ethos*, which is much closer to the original Aristotelian definition (an effect of the speech and not a prior image). The generic, specific, and expected subtypes seem to cover the main prior prediscursive images, from stereotypes to actual knowledge about the speaker and from expectations in general and expectations within the situation (see Section 2).

For the discursive *ethos*, I use two subtypes that are often found in the literature about *ethos*: what has been semantically said about the image of the speaker and what is shown through many communicational clues (prosody, gestures, tone, rhythm, syntactic and lexical choices, etc.). I adopt a distinction already made by Ducrot between said *ethos* and shown *ethos*. Still, I refine the first of the two through various *ethotic* stagings about which little has been written and which are particularly interesting for the inferences processes they trigger (see Section 3.2). The stagings cover the cases in which the speakers says something about themselves, individually or within a community, they are in (direct *ethos*). They also cover cases when a speaker gives images of others, for example, the audience (indirect *ethos*). Whereas shown *ethos* can be expressed through a multitude of signs, said *ethos* is based on a relatively closed list of possibilities of self-expression.

It should be noted that I also distinguish two “targets” in *ethos* construction: the image of the speaker as the manager of his or her discourse (*communicational ethos*) and the image of the speaker as his or her personality, his or her being⁶ (*existential ethos*)—these targets are only mentioned in Figure 1 because it would be too confusing to represent them and their interactions. Let us say that the *ethos* of anyone who speaks refers to a *double* role held simultaneously: the role of the speakers and that of their public function. The communicational *ethos* is metadiscursive and targets the image of the speakers in their communicative activity: what is their role in this communicative situation? Do they seem confident in their speaking activity? What do their communicative choices mean about their communicative strategy? All are questions that could be tackled under this label.

I will explain in the following pages how I justify Figure 1. More specifically, in Section 2, the *situational ethos* will be described as an *ethos* based on prior knowledge about the speaker, i.e., an *ethos* that is not “in the technique” and therefore rejected by Aristotle. In contrast, many contemporary works on *ethos* recognize the importance of prior impressions in the persuasion process (Amossy 1999). *Shown ethos* will be detailed in Section 3.1. In Section 3.2, I will discuss the notion of *said ethos*, whose inferential nature has not been considered until now. The typology will be illustrated by analyzing Donald Trump’s tweets on 6 January 2021, the day protesters walked down to the Capitol, encouraged by Trump’s speeches. In conclusion, I return to the problematic theoretical issue related to the type of pragmatic implicit meaning *ethos* may correspond.

2. Situational ethos

While many discourse analysts adopt the label of “prediscursive” or “prior” *ethos*, I chose the label of “situational *ethos*” to highlight that everything until the last second before a speech can be considered as building this “prediscursive” *ethos*, even some contextual parameters of the speech: time, location, type of the audience, etc. It is probably a detail, but the idea here is to point out the state of the speaker’s *ethos* at a given point in time.

I propose considering three subtypes of situational *ethos*: generic, specific, and expected. The idea is to cover stereotypical inferences and actual knowledge about the speaker. *Generic ethos* is an *ethos* set by default. Imagine that you do not know the speaker who is just introduced on stage as Marcus Rhein, a German physicist who got a prize for his scientific research. Probably, you are already inferring different images from stereotypes about Germans, men, physicists, scientists, prize-winners, and so on. Moreover, you are

also comparing the stereotypes and the figure standing on stage: is he exactly as you imagined? Are you surprised by his rock star looks? Our cognition loves to compare stimuli with some standards: “Whenever we interact with others, we judge them, and whenever we make such judgments, we compare them with ourselves, other people, or internalized standards” (Kedia et al. 2014, p. 1255). Experiments have shown that we form impressions of others even when relevant information is scarce (Corcoran et al. 2009).

In the case of Donald Trump, we cannot say that his *generic ethos* is especially relevant since the whole planet knows him at the time as the President of the United States, as a former businessman, and as a former TV star. Nevertheless, this does not mean that *generic ethos* is not relevant in a comparative way: our cognition probably compares the stereotypes of the President, businessman, and media personality with what Trump had shown in the past. *Communicational ethos* about a generic user of Twitter is probably also present in the background. *Generic situational ethos* may not be salient, but it can be activated in the background as a comparison point. It is the same with different stereotypes about seventy-year-old white and rich males, about Republicans, about Americans, about New York or Florida inhabitants, about golfers, and so forth. Whether these stereotypes are accurate or not is not the problem for a discourse analyst. Still, this question does lead to a methodological problem: to what extent is a discourse analyst aware of these stereotypes? As I am not an American citizen, it is difficult for me to represent these stereotypes. For example, if I study a speech from 1848 written by Victor Hugo, I will not have access to the specificities of the public opinion about the realities he is denouncing. I would therefore recommend extreme caution in the interpretation of this kind of *ethotic* background.

Specific ethos can be more documented. This situational *ethos* subtype contains everything we know about the speaker before the time of speech. The more we know about a speaker’s history, the more *specific ethos* will be enriched. Since Donald Trump’s life is largely public, much is known about him. Breaking all the standards of a “normal” presidency, Trump’s *ethos* of a maverick and a populist leader is obvious on 6 January 2021. He is even known, at the time, as the first President who did not accept that he lost the election. The *ethos* of a speaker as a Twitter user has moreover already been discussed in studies that describe a break with presidential communication on social networks: “However, with President Donald Trump, a new type of Twitter use has emerged that is reflective of a move towards what Enli (2017) terms ‘de-professionalization. Since emerging as a prolific tweeter during his 2016 election campaign, Trump has demonstrated an ongoing tendency to author his tweets through his personal Twitter account in a display of ‘gut-feeling’ and impulsive tweeting (Enli 2017, p. 55) that is significantly different than professional, focus-group-tested tweeting” (Ross and Caldwell 2020, pp. 13–14). It would be well beyond the scope of this paper to determine all the parameters that are relevant to the notion of *specific ethos*. Still, it is part of the discourse analyst’s job to imagine what can be known about the speaker at the time of communication to identify the risks and challenges of a speech, for example.

Donald Trump’s trustworthiness is completely polarized: media like the *Washington Post* have counted 30,573 false or misleading claims during Donald Trump’s presidency⁷, but many Trump supporters are still convinced by what he says, mainly, for the corpus we analyze, by the fact that the election was a fraud, even though Trump lost not only the electoral college by 306 against 232 electoral votes but also the popular vote by more than 7 million. The public image of Trump is often depicted, among many other judgments, as a “textbook narcissist”: “Identifiable negative traits of narcissists include sensitivity to criticism, poor listening skills, lack of empathy, intense desire to compete, arrogance, feelings of inferiority, need for recognition and superiority, hypersensitivity, anger, amorality, irrationality, inflexibility, and paranoia. Some of these traits seem to fit Trump”⁸. On the other side, it seems that supporters of Trump are still considering him as someone who is shaking the system, “draining the swamp” and who gives hopes of change to a lot of people who are resentful⁹. The problem for a discourse analyst, here, is to figure out not

what the specific *ethos* of Donald Trump is on the morning of 6 January 2021, but what the specific *ethoses* for different parts of the audience are¹⁰.

Finally, *expected ethos* is a sub-category that is closely connected to the context of the situation: it can be summed up as what we are expecting from the speakers *at the time* they will talk. This category seems useful to me since the stakes of the speech or the context preceding it are surely important data for the discourse analyst, and thus, the need to adapt the generic or the specific *ethos* to a precise situation seems necessary to me. On 6 January 2021, Trump's *expected ethos* could be the same as the preceding days: a man who refuses to accept that he lost the election and will fight against the electoral process. After the assault on the Capitol, however, his *expected ethos* is far more difficult to predict: will he portray himself as a peacemaker to avoid violent outbursts, which is expected by many witnesses, or will he conform to the specific *ethos* he has always shown: that of a fighter refusing half-measures or compromises, which risks setting the world on fire if this has not already happened? A 180-degree turn in his communication would probably not be credible. Besides, the two tweets calling for de-escalation this day are stylistically different from the other tweets of the day. *Expected ethos* is by far the most difficult category for the discourse analyst because of its cognitive reality within short periods: we cannot be sure of it, and very weak inferences are drawn based on a convergence of a given situation, with its typical and atypical aspects, and the speaker whose *generic* and *specific ethos* have been outlined. The result of this "convergence" creates an *expected ethos* which can then be compared to actual *discursive ethos*: whether it confirms or invalidates the *expected ethos* will be one of the questions to be asked.

Moreover, the violation of what could be expected in the situation is also a way of building the speaker's *ethos*. While many TV commentators, politicians, and members of the Trump family expressed their expectations that Donald Trump would intervene quickly to stop the assault on the Capitol¹¹, the latter reacted rather late (over two hours after the breach) in a televised message showing no firmness towards the assailants, calling for peace but reiterating his claims of election fraud and concluding it by: "we love you, you're very special." Multiple violations of a president's *expected ethos* in such situations may form a basis on which the audience infers that President Trump is unworthy of his office, for example.

While the latter category suggests inferences made by the discourse analyst, nothing here really concerns pragmatic aspects of *ethos*: it is more a way of representing the contextual background of the image of a speaker that helps create rhetorical *ethos*. Indeed, it can be argued that this background can serve as a premise on which *discursive ethos* can be built, as I have just shown by comparing *expected ethos* and violations of these expectations. *Situational ethos* will guide the inferences that could be drawn from the text—it functions as a cue on which the inference that seems the most relevant can be drawn from the linguistic resources in the speech.

3. *Discursive ethos*

Ethos gradually built as discourse unfolds can be either shown or said. *Discursive ethos* is thus more the result of an inferential process based on different "symptoms" or cues in a text (*shown ethos*) than a self-portrait of the speaker (*said ethos*). In the latter category, *direct ethos* can be defined as covering cases of self-images that are personally ("I") or collectively ("we", "scientists"—when the speaker is one of them) conveyed. *Indirect ethos* covers cases where inferences—akin to weak implicatures (Wilson and Carston 2019)—may be derived from how other people or groups are referred to. Interestingly, *indirect ethos* can be created from the image given of others in one's discourse, as has already been shown (Herman 2005).

The methodological processes involved both in the analysis of *ethos* and in identifying its outcome are complex. On the one hand, the analysis of *ethos* sometimes has to resolve potential tensions generated by a discrepancy between *said ethos* and *shown ethos*. On the other, the analyst should also decide whether *ethos* should be reduced to a character

trait (“he looks anxious”), to a social role (“she marks her leadership”), or to a prototypical figure (“she embodies a form of Solomon’s justice”). Maingueneau considers three different dimensions:

- “1. The ‘categorical’ dimension covers many things. They can be discursive roles or extra-discursive statuses. Discursive roles are those linked to the activity of speaking: host, storyteller, preacher, etc. Extra-discursive statuses can be of very varied natures: father, civil servant, doctor, villager, American, bachelor, etc.;
- 2. The “experiential” dimension of *ethos* covers stereotypical socio-psychological characterizations associated with the notions of incorporation and the ethical world: the common sense and slowness of the countryman and the dynamism of the young executive.
- 3. the ‘ideological’ dimension refers to positions in a field: feminist, left-wing, conservative or anticlerical in the political field, romantic or naturalist in the literary field, etc.” (Maingueneau 2014, p. §7, my translation).

However, Maingueneau points out that these dimensions can interact. Charaudeau (2005) also proposes a list of *ethotic* figures: the *ethos* of virtue, provocation, intelligence or humanity, etc. The list could be infinite and, again, highlights more the result of an *ethotic* evaluation than *the process* leading to this result. I submit that an inferential approach to *ethos* is methodologically simpler and more fruitful in terms of its explanatory power. It would avoid the limits of an unnecessary proliferation of categories involved in list-making. Such an approach would consider that we all have stereotypical *ethotic* repertoires in our cognition against which a given *discursive ethos* can be assessed, but that, crucially, the selection of one or more elements from this repertoire should be made according to a *principle of relevance*. The number and qualitative importance of the elements identified by the analysis of *discursive* and *situational ethos* make it possible to make one or more types of *ethos* salient and relevant among the repertoire of possible types. For example, in the following tweet by Trump (“Get smart Republicans. FIGHT!”, 12:43 a.m., 6 January 2021), one can probably infer the *ethos* of a sports coach or an army chief—and this difference is precisely at the core of the legal problem we face in the assessment of these tweets (see below). The main question is *why* these types of *ethos*—and not others—are extracted from the repertoire. And it is this issue we will now tackle.

3.1. Shown *ethos*

The main problem with shown *ethos* is that complete cartography of *ethos* indexes is impossible: non-verbal, paraverbal, and verbal cues alike can be used to interpret the speaker’s *ethos*. For example, the following tweet (6 January 2021, 8:17 a.m.): “States want to correct their votes, which they now know were based on irregularities and fraud, plus corrupt process never received legislative approval. All Mike Pence has to do is send them back to the States, AND WE WIN. Do it Mike, this is a time for extreme courage!”. Because of the textual nature of the tweet, non-verbal communication is not relevant here, but capital letters and exclamation marks do contribute to the construction of an *ethos* of a man speaking loudly, giving an order, who seeks support to restore justice; therefore, Trump’s *ethos* is that of a victim who will not accept his unjust fate. He is also showing himself as dependent on Pence’s goodwill: while this can be interpreted as a sign of loss of control or loss of power, this *ethos* is counterbalanced by the pressure he exerts on the Vice-President. Trump portrays himself as potentially even more defrauded if the person defending him, Mike Pence, in this case, does not do what he asks: by insisting on the simplicity and obviousness of the process (“all Mike Pence has to do”), Trump is already portraying Pence as a coward, or even a traitor if he does not comply with this simple request¹², which will amplify an *ethos* of the victim abandoned by his people. The first sentence is also asserted as a fact (despite the lack of evidence for the claim, which is considered a lie by fact-checking websites); the disjointed syntax could be a sign of irritation; the change from a third person pronoun to a second person interpellation further increases the pressure on Pence: these signs highlight the victimization of Trump, who is now supported only by the lay people, assuming that Mike Pence’s support is already put to the test. In constructing an *ethos* of

the victim of the political maneuvers made by what he called the swamp, Trump is already dropping his vice-president (he is very probably informed that Mike Pence does not have the legal power to do what he asks of him) and positioning himself as someone calling for help from the street.

This analysis is founded on many different signs of shown *ethos*: capital letters, syntax, choice of lexicon, etc. I could also use intertextuality since many tweets from the election show Trump as increasingly isolated, abandoned by his closest supporters in the Senate, and so on. Amongst the *ethos* repertoire, the *ethos* of the victim of the “swamp” seems relevant and salient here, especially as it is obvious that he has few illusions about what Mike Pence will do, to whom he offers no way out except by the impossible, illegal, and unconstitutional act that he demands of him. While this should not come as a surprise, such an *ethos* is interesting because it highlights that hope can no longer come from politicians but only from the unconditional supporters of the Trump presidency, from the street, which seems to me to be an explanatory factor for the assault on the Capitol that will take place a few hours later.

Now, this process of interpretation is typical of a critical stylistic approach to discourse (Gibbons and Whiteley 2018; Jeffries 2010), for which the analyst is mostly responsible. Can we really say that the *ethotic* proposition “I am unfairly victimized by political blows” is a (weak) implicature of this text? I think so and I interpreted this tweet like this, but I am aware of the interpretative fragility. Nevertheless, part of the interpretation here is closely dependent on Trump’s image of Mike Pence. This could be a key to assessing *said ethos*.

3.2. *Said ethos*

In the literature about *ethos*, *said ethos* is probably under-represented. First and foremost, because speakers rarely speak about themselves, seeing as this is arguably not persuasive: showing your expertise by mastering some jargon seems more efficient than saying you are an expert, which can, incidentally, display an *ethos* of arrogance. Nevertheless, besides individual *ethos*, many other subtypes are possible and interesting to analyze. The main idea in these subtypes is that giving an image of others is also an important way of building one’s own *ethos* through inference. When Trump says in his 10:44 a.m. tweet: “These scoundrels are only toying with the @sendavidperdue (a great guy) vote”, the image of the persons in charge of the counts of the vote in Georgia (“scoundrels”) as well as the qualifying adjective (“great”) about senator David Perdue are building an *ethos* of Trump too, through the persons he (dis)likes. This is one of the reasons I try to maintain a difference between image(s) and *ethos*, the latter being inferred by the former in the following subtypes.

The six sub-categories of *said ethos* are supposed to cover all possible cases that can be roughly summed up by the personal pronouns and the position taken in the relationship to others (positive, negative, or neutral), as manifested on the semantic level: I (individual *ethos*), you (confronted), we (community), he/she/they considered as allies (borrowed), as opponents (a contrario) or as third parties (neutralized). The interest of the closed list is not the multiple labels of subtypes but the fact that it is closed and helps to identify different *ethotic* strategies without creating *ad hoc ethos* types.

The second subtype of a direct *ethos* is *community ethos*, i.e., the *ethos* of a community in which the speaker evolves. *Community ethos* can be associated with the pronoun “we” but is not necessarily tied with this pronoun: the speaker may use allegories or adopt the *ethos* of a spokesperson. The implicit meaning used in this case is not founded on an implicature but an entailment first: if I say that “US citizens need it” and I am a US citizen, it implies that I support the same view. Let us take two examples in the corpus. “THE REPUBLICAN PARTY AND, MORE IMPORTANTLY, OUR COUNTRY NEEDS THE PRESIDENCY MORE THAN EVER BEFORE [. . .]” (6 January 2021, 8:32 a.m.). This tweet in capital letters is interesting since Donald Trump seems to be distant: instead of “me”, which, even for him, might sound outrageously narcissistic, he stated “the presidency”,

disengaging in some way from his involvement. The sentence becomes a truism, and ‘the presidency’ hardly disguises the “me” intended here.

Nevertheless, Trump tries to hide his personal aspirations behind higher aspirations: those of his party and his country. Where *individual ethos* might threaten Trump’s face, *community ethos* (of the country or the Republican Party), from which *individual ethos* is derived by entailment, avoids creating an image of a power-hungry loser, for example. In the second example, “us” and “we” are clearly used in the same way: “1:00 a.m.: If Vice President @Mike_Pence comes through for us, we will win the Presidency” (6 January 2021, 1:00 a.m.). Trump’s *individual ethos* merges with his movement as if the individual victory were a collective victory. Of course, ‘we’ and “us” entail ‘I’ and “me”, which, for politeness reasons, are routinely dispreferred. This first implicit inference (an entailment) may follow the weak implicature based on the rhetorical strategies observed here. That is to say, an implicature founded on the fact of using the plural rather than the singular form may find its relevance in building a particular *ethos*: the *ethos* of a winner supported by Mike Pence and the voters’ movement, in this case.

Confronted ethos is a label that I propose to use when a speaker’s *ethos* is derived from the image of his/her addressees (you); therefore, *ethos* is *indirectly* built from the images of others. By implication, giving the image of a “you” is always dissociated from the image of “I” (if the image had been similar, the use of a *community ethos* would have been more relevant)—the assessment of this difference is crucial in this subtype. In the last (and soon deleted) tweet of this day, after the assault on the Capitol, Trump uses a very provocative *confronted ethos*: “These are the things and events that happen when a sacred landslide election victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long. Go home with love & in peace. Remember this day forever!” (6 January 2021, 6:01 p.m.). While a large part of his audience is qualified as “great patriots” in the third person (they), the last two sentences (and orders) are clearly addressed to the protesters (you) and exhibit *confronted ethos*. He flatters the patriots who stormed the Capitol and creates an image of paternal (or paternalistic) love¹³, expressing pride about the action of his supporters and eager for these patriots to remember this day as a glorious one, for it is hard to imagine in such a context that ‘remember this day forever’ would be interpreted as a day of shame. *The ethos* of a protector (“in peace”) acting like a proud father (“go home”) does not show an ounce of regret for actions that have just shaken American democracy to its foundations; moreover, he is justifying the violence against institutions. This tweet is shocking in the context of the violation of democratic foundations; one of the reasons is, of course, that the *ethos* of a POTUS is supposed to be, prominently, to defend US institutions and democracy: Trump rejects the *expected ethos* of a president and unveils once more the lack of respect for the institutions that elected him, thereby reinforcing the image of outsized egocentricity and of a president who is unlike any other, a maverick who does not share the codes, customs, and values that come with political power. Trump does not show a hint of regret for unprecedented action, showing himself as being unaware of the symbolic gravity of the event. His tweet begins by denying any responsibility, as he conveys something along the lines of “you had it coming”. One hour later, Twitter removed Trump’s tweets from the day and shut down his account for 12 h before suspending it permanently. The lack of empathy for people (mainly his supporters) who died in the riot is obvious, and the *ethos* of Trump-as-president is more fragile than ever, as the expectations of what any president should have done in such a situation are violated. As these multi-faceted *ethos* (Trump as himself, Trump as President of the US states) are no longer superimposable, it becomes clear that by reinforcing one, he weakens the other; by flattering his unconditional supporters, he scandalizes and probably further alienates most citizens, who look at his lack of action, his lack of empathy, and his lack of political sense in disbelief. Is this intended? This question is crucial since the intention is important in contemporary mainstream pragmatics. It is scientifically impossible to answer this question, as one cannot ascertain the presence of an intention in a speaker’s mind. Still, the effect of the decisions made by Trump—giving an image of the supporters, silencing the

death of people in the Capitol, and forgiving the actions of his supporters—does serve to ground (weak) inferences regarding Trump’s *ethos*, not only for a discourse analyst but also for citizens who follow the events as they unfold. Of course, in rhetoric, *ethos* is consciously built by the speaker to persuade it, but “the ability to see what is possibly persuasive in every given case” (according to Aristotle’s famous definition of the rhetoric) doesn’t imply strategically controlling these means.

A *contrario ethos* and *borrowed ethos* are indirect ethoses associated with the pronouns he/she/they, that is to say, people who are not in the interaction but are evoked in the speech. If the quoted or mentioned person appears to be neutral or opposed to the speaker, I label it as a *contrario ethos*; if the person is shown as supporting the speaker’s words, I label it as *borrowed ethos*. In the latter case, the endorsement of stars in advertisements is a way of building the *ethos* of a brand through the image of the endorsing person, for example. *Prosopopeia* is a rhetorical device typically associated with *borrowed ethos* while quoting out of context or using the straw man fallacy will often be associated with a *contrario ethos*. We have already analyzed an example of a *contrario ethos* based on Mike Pence’s image in Trump’s latest tweets. Asking Mike Pence to perform an act of extreme courage is apparently building a *contrario* the image of Trump as potentially proud of his vice-president, confident of Pence’s loyalty and sense of self-sacrifice. When, later, Pence did not do what he was expected to do (according to Trump’s vision), the President treats him as a coward violating his sense of duty: “Mike Pence didn’t dare to do what should have been done to protect our country and our Constitution, giving States a chance to certify a corrected set of facts, not the fraudulent or inaccurate ones which they were asked to previously certify” (6 January 2021, 2:04 p.m.). A *contrario*, Trump’s *ethos* is that of a betrayed man, accompanied by a weakling, probably disappointed in the lack of support from his right-hand man, and who feel reinforced in his *ethos* of being treated unfairly. *Community ethos* of the country and the constitution, “not protected”, allows him to avoid the image of a personal quest for power and instead highlights the image of a man motivated by an ideal: the country he is supposed to protect.

It should be noted that this last image is not consistent with the rest of his messages from that afternoon, where the fate of the institutions was of little importance to him. A *contrario ethos* is frequently used in Trump’s tweets, as the former President is known for his offensiveness (Grimminger and Klinger 2021). In the corpus, he is taunting, for example, the NBC journalist Chuck Todd: “Sleepy Eyes Chuck Todd is so happy with the fake voter tabulation process that he can’t even get the words out straight. Sad to watch!” 6 January 2021, 08:45 a.m.). Nicknaming opponents is a trademark of President Trump: “Donald Trump regularly used nicknames to deride his opponents’ appearances, demeanors, beliefs, or personal histories” (Johnson 2021). One can infer from this nickname of “Sleepy Eyes” his propensity to publicly mock the physical characteristics of people he dislikes, in the same way that he mocks a form of stammering in this tweet. He shows an *ethos* of shamelessness in judging people, resorting to *ad personam* attacks while ignoring ethics or respect for people. He also confirms an *ethos* of breaking with the language expected of presidents; the fact that he says what he is thinking is often praised by the President’s supporters¹⁴.

Borrowed ethos is rarer in the corpus. A very paradoxical *borrowed ethos* can be found in the corpus when Trump “praises” Mexico: “Even Mexico uses Voter I.D.” (6 January 2021, 09:36 a.m.). While it must be technically considered a *borrowed ethos*, because he praises a country with a more advanced electoral protocol than the American one, it is only half-hearted praise: “Even Mexico” presupposes (in a classic conventional implicature) that Mexico was the least supposed to be more advanced than US: Trump confirms here a prior *ethos* of despising against Mexico and Mexicans which was obvious in his famous announcement speech¹⁵. Added to the contempt for Mexico is a form of dismay at the American electoral system, described in another tweet, a quarter of an hour earlier, as “worse than that of third world countries!” (6 January 2021, 09:00 a.m.)—which again reinforces the *ethos* of American superiority and contempt for less developed countries. The only unequivocal example of *borrowed ethos* from the corpus is the following one, already

mentioned above: “[. . .] @sendavidperdue (a great guy)”. Mentioning people we like is also a way of building *ethos*: the values, actions, and other speeches of the person being praised can be seen as close to the person who praises. Now, confronting this discursive *ethos* with the situational one, it can be noted that this is not the first time that Trump has used the phrase ‘great guy’ in his tweets. And, when it comes to the American political celebrities, Trump regularly mentions, they are first and foremost very loyal supporters of Donald Trump. Such an attitude is another clue that confirms the narcissistic *ethos* that many psychologists diagnosed¹⁶. Praising people whose adulation for Trump is manifest reduces the value or the authenticity of the praise. Again, we cannot suspect that Trump intended to confirm the narcissistic *ethos*. It is only the confrontation I made as a discourse analyst between intertextuality and this tweet that gives some substance to this interpretation.

Finally, the neutralized *ethos* is that of third parties quoted without any speaker’s judgment about it. The journalist delivering facts or the scientist describing findings are typically inclined to use this ethotic form. The absence of involvement on the part of the speaker does not imply, however, that the speaker’s image is not created, still according to the hypothesis that *ethos* is consubstantial with the act of saying. It may be an *ethos* that marks a certain seriousness, or that aims to let facts or truth speak for themselves without the need to take sides for the speaker. By default, raw assertions are considered facts (Reid 1970) and give a connotation of probity to the speaker. Thus, one might be legitimately troubled when Trump asserts in a factual mode: “They just happened to find 50,000 ballots late last night” (6 January 2021, 9:00 a.m.) or “The States want to redo their votes” (6 January 2021, 9:15 a.m.)—two facts that turn out to be false or, at least, never substantiated. But Trump is in a position to know these kinds of facts, and stating them may be believable, despite his reputation as a serial liar. The neutralized *ethos* of a messenger may fuel the anger of people who still believe that the election was stolen, that “a sacred landslide election victory is [. . .] unceremoniously & viciously stripped away from great patriots” (6 January 2021, 6:01 p.m.). The image of an unfairly treated president, despite the alleged existence of “facts” that are supposed to prove that the election was rigged can be strengthened by the rhetorical strategy of a neutralized *ethos*.

4. Conclusions: A Fragile Tool for Pragmatics, an Interesting Tool for Discourse Analysis

In these lines, we see that a multi-faceted *ethos* (i) is built through probably intended rhetorical strategies or unintended effects of what has been said, (ii) can be built thanks to an entailment (“we are proud” implies “I am proud”) or to a weak implicature, (iii) can be founded on different ostensive signs (verbal or non-verbal communication, prosody, etc.). This may give rise to an impression of a catch-all category. My response will be two-fold, alluding to the two keywords of this special issue: argumentation and pragmatics.

First, regarding pragmatics, I would like to show how the *ethotic* construction responds to different principles of relevance theory, in my view (I do not consider myself an advocate of this theory, but I am convinced by the inferential model based on the idea of a degree of manifestness of what has been communicated). Then, regarding argumentation, I would like to discuss some results of this methodological proposition.

Wilson (2012, p. 78) states some assumptions which are essential to my eyes for the issue of analyzing *ethos* (I underline the crucial aspects of this quotation): “a. The communicator’s informative intention is an intention to *modify the audience’s cognitive environment*—that is, their possibilities of thinking—rather than directly affecting their thoughts. b. In recognizing the communicator’s informative and communicative intentions, the audience must necessarily *go beyond them*. c. Communication is not a yes-no matter but a *matter of degree*. d. In the case of weak communication, much of the *responsibility for constructing a satisfactory interpretation falls on the audience’s side*.”. The highlighted elements are completely congruent with what has been done here. The *ethos* of a speaker is a specific cognitive environment devoted to or specialized in assessing a speaker and fed by different inferences—weak or strong, intended or not, established by comparison or not with previous contexts or social stereotypes. The responsibility of the discourse analyst

is to justify how relevant the *ethos* that they bring out of the observed text is, according to a principle exposed by Wilson (2012, p. 72) in the same paper: “What relevance theory aims to do is not to produce better interpretations than actual hearers or readers do, but to explain how they arrive at the interpretations they do construct”.

The notion of weak communication is particularly useful in literary or stylistic interpretation since, as shown by Mazzarella (2021), the responsibility for drawing weak implicatures is more on the hearer’s (or the analyst’s) side, making them optional and not necessarily foreseeable by the speaker.

In this sense, a theoretical conclusion of this paper is to defend that the inferential processes depicted here are weak implicatures and belong not only to the rhetorical sphere but also to the pragmatic sphere in the broad sense, which, to my knowledge, has never been stated in these terms.

Analyzing *ethos* may appear as opening Pandora’s box, especially since the typology shown in Mazzarella (2021), may already appear to be overwhelming. I intended to compartmentalize different aspects of what constitutes the speaker’s image in order to have a better vision of what it covers and also to describe a tool that I hope is encompassing enough to cope with different texts. This does not exclude interpretations that are sometimes fragile, personal, and possibly debatable, but the approach taken here to analyze Donald Trump’s tweets during the assault on the Capitol is always aimed at highlighting why it seems *relevant* to interpret the image of the American President in this way. Regarding argumentation, the process highlighted here is indeed highly inferential since it tries to show how one could conclude a judgment on the speaker’s character. But the fact that this process falls completely on the audience’s side—to quote Wilson—is not plainly within the realm of argumentation, classically defined as a “set of claims in which one or more of them—the premises—are put forward to offer reasons for another claim, the conclusion” (Govier 2013, p. 1). The conclusion and the major premise are implicit in the ethotic evaluation of the speaker: the audience takes the situational *ethos* they inherit and merge it with the discursive *ethos* of the occasion, observing the shown *ethos* and the said *ethos* to arrive at an ethotic conclusion about the speaker¹⁷. In this respect, it is more an ethotic *reasoning* whose existence is only cognitive than an argumentative reconstruction of a text. The cognitive nature of this reasoning is why it could be interesting to develop some experimental studies from what has been sketched here, even if the diversity of parameters will be hard to master for an experimental design. I wonder if it could be interesting to test the difference between individual and community ethos or between borrowed and neutralized ethos, for example. More research on the process of the character judgment that interested Douglas Walton could be done: since we all easily judge other people—it could be considered as a claim or a conclusion—and since this judgment is grounded in some communicational clues—functioning as premises or data—it is the warrant in Toulmin’s (Toulmin 2003) terms which is at the center of the inquiry. And this warrant can look like a black box—mainly because I’m not sure that we are very aware of its importance: it takes one-tenth of a second to judge someone according to psychological studies of first impressions (Willis and Todorov 2006). And I think that many persons asked to justify their judgments about a character would explain it by their “feelings” or “intuitions”. A dialog with such works in psychology and social cognition can lead to fruitful further research about the formation of a judgment of trust: I tried to shed some light on this black box as a discourse analyst, but it is probably only scratching the surface of different problems that only interdisciplinarity research could better tackle.

Funding: This research received no external funding.

Informed Consent Statement: Not applicable.

Conflicts of Interest: The author declares no conflict of interest.

Notes

- ¹ See also (Budzynska 2013) about the circularity of sentences like “I am credible”.
- ² Note that Allott (2018) considers that conversational implicatures are inferences to the best explanations (or abductions). It goes along with the idea I develop later: *ethos* can be considered as a form of implicature, in a non-Gricean sense though.
- ³ “An ethotic argument does not establish the ethos of the author of this argument, but it aims to use other speakers’ ethos to infer the content of what they said or to infer that the content should not be accepted” (Budzynska et al. 2021, p. 523).
- ⁴ I thank one of my reviewers for the references that were not mentioned in the first version of this paper.
- ⁵ In “Identité et discours” Hatano-Chalvidan and Lemaître (2017) offer a methodological approach to discursive *ethos* which can be considered as a tool to guide the interpretation of *ethos*, based on different theories and sources, whereas my approach is more focused on the interpretative process itself.
- ⁶ This partially echoes Oswald Ducrot’s (1984) distinction between L et λ , the speaker as a human being and the speaker as a speaker. For him, shown *ethos* is associated to L (as the speaker) while said *ethos* is about λ (the human being about whom L is talking). This theory is called into question here (see Section 3).
- ⁷ <https://www.washingtonpost.com/politics/2021/01/24/trumps-false-or-misleading-claims-total-30573-over-four-years/> (accessed on 5 June 2022).
- ⁸ <https://theconversation.com/trumps-dangerous-narcissism-may-have-changed-leadership-forever-151184> (accessed on 5 June 2022).
- ⁹ news.berkeley.edu/2020/12/07/despite-drift-toward-authoritarianism-trump-voters-stay-loyal-why/ (accessed on 5 June 2022).
- ¹⁰ Note that speakers may occasionally refer to multiple specific *ethoses*. For example, these words of a physician in a TV interview: “I’m a little embarrassed to answer you: either I answer you as a citizen, or I answer you as a doctor” (my translation: <https://www.programme-television.org/news-tv/Michel-Cymes-sur-le-suicide-assiste-Je-suis-un-peu-embete-pour-vous-repondre-VIDEO-4677528>) (accessed on 5 June 2022).
- ¹¹ <https://www.nytimes.com/2021/12/13/business/media/fox-news-trump-jan-6-meadows.html> (accessed on 5 June 2022).
- ¹² Which is, by the way, legally and constitutionally impossible.
- ¹³ He already concluded a video during the events by “We love you. You’re very special”.
- ¹⁴ <https://www.bbc.com/news/av/election-us-2016-36493678> (accessed on 5 June 2022).
- ¹⁵ “When Mexico sends its people, they’re not sending their best. [. . .] They’re sending people that have lots of problems, and they’re bringing those problems with us. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people” (16 June 2015) (<https://www.washingtonpost.com/news/the-fix/wp/2017/06/16/theyre-rapists-presidents-trump-campaign-launch-speech-two-years-later-annotated/> (accessed on 5 June 2022)).
- ¹⁶ <https://www.independent.co.uk/news/world/americas/us-politics/donald-trump-narcissistic-personality-disorder-mary-trump-john-zinner-bandy-x-lee-a9665856.html> (accessed on 5 June 2022).
- ¹⁷ This summary must be attributed to one of the anonymous reviewers of this paper. I thank them both for their careful reading and their precious suggestions.

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Article

How to Argue with Questions and Answers: Argumentation Strategies in Parliamentary Deliberation

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Abstract: While apparently designed to request information, parliamentary questions are the most challenging and face-threatening acts, used argumentatively by opposition members of parliament (MPs) to confront and attack government MPs, and especially the Prime Minister (PM) in the notoriously adversarial Prime Minister's Questions (PMQs). By contextually, discursively and rhetorically articulating varying degrees of relevance and persuasiveness, questioning and answering practices serve as basic debating tools for MPs, whose main parliamentary role and responsibility consist of holding the government and the PM accountable. The aim of this paper is to explore how argumentation/counter-argumentation strategies and persuasive/dissuasive techniques are shaped through the co-performance of MPs' questioning and the PM's answering practices in PMQs. To better capture the effects of the shifting dynamics of polemical question-answer exchanges between political adversaries, the present analysis is based on the cross-fertilization of pragma-rhetoric and argumentation theory. The commonalities and complementarities of these approaches have been used to identify and problematize the higher or lower degrees of argumentation at the question-answer interface in terms of valid or fallacious reasoning patterns in three categories of strategic questions: yes/no questions, wh-questions and disjunctive questions.

Keywords: question; answer; argumentation; pragma-rhetoric; parliament; Prime Minister; member of parliament; yes/no question; wh-question; disjunctive question

Citation: Ilie, Cornelia. 2022. How to Argue with Questions and Answers: Argumentation Strategies in Parliamentary Deliberation. *Languages* 7: 205. <https://doi.org/10.3390/languages7030205>

Academic Editor: Steve Oswald

Received: 15 March 2022

Accepted: 25 July 2022

Published: 3 August 2022

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1. Introduction

Jim Hacker: Opposition's about asking awkward questions.

Sir Humphrey: And government is about not answering them.

—Yes, Minister, "Open Government" (British Sitcom 1980–1988)

As a result of the new and complex challenges of national and super/trans-national politics, including liberal and illiberal policies, as well as extremist political movements, parliaments have acquired a renewed importance as a purposefully designated political forum for the legitimate enactment of dissensus by arguing for the pros and cons of political issues. In general, the role of the political opposition is to constantly criticize the government, while the government will seek to discredit the opposition's views and alternative solutions. This confrontation between adversaries is what constitutes the 'agonistic struggle' that is the very condition of a vibrant democracy (Mouffe 2016). According to Palonen (2016), dissensus is the *raison d'être* of parliaments, and the debate over every issue is the cornerstone of parliamentary procedure. The very essence of parliamentary confrontation lies in its polemical nature, according to which political adversaries have to be proved wrong or at least be neutralized by challenging their standpoints, disputing their solutions and/or attacking their decisions.

In democratic political systems, the scope of confrontational antagonism varies across different parliamentary models. In some systems, political actors strive towards consensus by seeking to bridge conflicts and act on common ground (e.g., the Swedish Riksdag), while actors in other systems (e.g., Westminster-type parliaments) embrace conflicts and display

them openly. Parliamentary debates in the latter category of political systems, especially in Westminster-type parliaments such as the UK Parliament, often display high levels of conflict fueled by issue-based disagreement, difference of opinion, incompatibility of positions and/or diverging goals (Ihalainen et al. 2016; Waddle et al. 2019). The confrontational practices of parliamentary interaction are enacted by means of the MPs' competitive spirit, agonistic behavior and polemical discourse underlying the polarization of political power (Bates et al. 2014; Bevan and John 2016).

Across varying configurations, parliamentary debates shape the ways in which politicians exercise power not only through the antagonistic struggle between political parties, but also through interpersonal contest conducted by means of questioning and answering practices. Many parliaments display parliamentary question-answer sessions as institutionally established practices for overseeing the executive and controlling the government and its administration (Martin and Rozenberg 2012). Parliamentary questions, oral and written, serve as basic interactive tools used by parliamentarians to exert their main parliamentary role and responsibility in holding the government accountable (Franklin and Norton 1993). In performing multiple functions, the prominent role of parliamentary questions goes beyond a simple request or exchange of information. Thus, by asking questions, Members of Parliament (henceforth MPs) are challenging government members, exposing inaction or ineffective policies and ventilating public discontent. Rather than requesting information, MPs use questions to elicit varying kinds of responses, such as answers of confirmation, clarifying explanations or commitment to a line of action. A prototypical category of questions asked by MPs is represented by follow-up questions (Ilie 2015a) which allow both questioning MPs and the responding Prime Minister (henceforth PM) to negotiate and re-negotiate not only issues and policies under debate, but also their status, role and power positions.

2. Argumentative Questions and Answers in PMQs

In Westminster-type parliaments such as the UK Parliament, the process of polemical deliberation is normally unfolding as a rhetoric of dissensus driven by pro and con argumentation (Ilie 2021a; Reid 2014). Deliberation consists of examining, discussing and assessing reasons for and against a course of action from several perspectives based on divergent opinions, interests and values. Parliamentary deliberation deals with the inherent value-based dilemmas in controversies on legislative matters or government policies and aims to achieve the critical goal of reasoned judgment through structured discussion and debate. When focusing on parliamentary deliberation processes, a conceptual differentiation needs to be made between internal deliberation that takes place backstage in parliamentary committees on specific legislative matters and government policies, and external deliberation in the frontstage parliamentary deliberation that takes place in the plenary chamber (Ilie 2017, p. 309). A prototypical form of adversarial interaction in parliament is enacted in Prime Minister's Questions (henceforth PMQs), which is a cornerstone of the British parliamentary system. PMQs normally start with a routine question from an MP about the Prime Minister's engagements. This is known as an 'open question' and means that the MP can then ask a supplementary question on any subject. Following the answer, the MP then raises a particular issue, often one of current political significance. The Leader of the opposition (henceforth LO) then follows up on this or another topic, being permitted to ask a total of six questions. PMQs display, in addition to the question-answer confrontation between opposition MPs and the PM, and the question-answer interaction between government MPs and the PM, a ritualistic duel between the main party leaders (the LO and the PM) driven by questions on issues of the LO's choosing. The LO uses the PMQs as a unique platform to make the case against the PM and to set the agenda of the parliamentary debate (Hazarika and Hamilton 2018). When asking questions of the PM, the LO is trying to push the political debate onto the opposition's territory through the goal-oriented choice of issues and arguments.

The default argumentation-oriented debating tools in PMQs are questions and answers. It is incumbent upon MPs to enact the questioning role, and upon the PM to assume the answering role. The confrontation between the LO or opposition MPs and the PM through co-performance of argumentation and counter-argumentation strategies underlying the questions and answers attracts much attention from the media and the public at large (Franklin and Norton 1993; Kelly 2015). While apparently designed to request information, questions asked during the notoriously polarized PMQs are often face-threatening or face-damaging acts, used by the LO and opposition MPs as argumentation strategies to challenge and attack the PM. When asking questions during PMQs, a major goal of opposition MPs is to generate publicity and score points by pursuing particular agendas and raising inconvenient issues to force government members to react (Bates et al. 2014; Franklin and Norton 1993; Ilie 2015b, 2021b). The role of these questions is to scrutinize and evaluate the Prime Minister's and the government's statements and actions, expressing criticism and/or accusations, challenging their opinions and position-taking on matters of public concern, or prompting commitment to a particular line of action. The questioning MPs are not necessarily expecting their questions to receive accurate, relevant or complete answers, but rather to embarrass, challenge and/or push the responding PM to make uncomfortable, damaging or self-revealing declarations (Bevan and John 2016; Ilie 2015b, 2017; Kelly 2015).

The interplay of parliamentary questions and answers highlights the agonistic intersection of competing party-political commitments and ideological beliefs, on the one hand, and the collision between the MPs' divergent positionings and standpoints, on the other (Ilie 2015a, 2021b). This interplay reflects the dynamic between macro-level interaction practices and micro-level debating strategies. On a macro-level, the adversarial interaction practices originate in deep-rooted political opposition regarding divergent or irreconcilable visions and values, and the questioning strategies are institutional discursive tools for scrutinizing government policies, exposing abuses and seeking redress (Franklin and Norton 1993). On a micro-level, the parliamentary questioning strategies are driven by a range of specific disagreements and incompatible positionings, as well as interpersonal dissensus and discrepancy of interests (Norton 1993; Wiberg 1995). Correlating the micro- and macro-levels of analysis to examine the polemical argumentation by means of questioning and answering in PMQs enables a deeper understanding of parliamentary discourse practices, professional roles and relationships.

In terms of argumentation, PMQs, and political debates, in general, display patterns of practical reasoning articulated through an exchange of arguments and counter-arguments. The questioning MPs and responding PM are arguing more about *what to do* rather than about *what is true*. As was pointed out by Kock (2017, p. 3), the arguers' claims in a political dispute are not "about what the world *is* like, but about what they want the world to *be* like". While both sides may provide reasons for their standpoints, they are normally aware that there are also reasons against their positions. However, they differ in one important respect: they assign different weights to these reasons, in the sense that reasons in favor of their respective positions will weigh more than reasons against their respective positions. This constitutes their basic disagreement, the scope of which may and does change during the argument-driven deliberation process as a result of the rhetorical confrontation, personal experience or situation-related factors.

3. Data and Research Questions

The present investigation is based on empirical data taken from the House of Commons Hansard archives, which contain official transcripts of the parliamentary debates in the House of Commons of the UK Parliament. For the present analysis of argumentation strategies in parliamentary deliberation, a random selection of PMQs has been made from among the Hansard transcripts covering the January 2020–November 2021 period. The selection process has been guided by considerations of socio-historical timeliness, high levels of parliamentary confrontation and recurrent argumentation and counter-

argumentation patterns. The present investigation is based on the cross-fertilization of pragma-rhetoric and argumentation theory.

Pragma-rhetoric (Ilie 2018) is an integrative analytical approach at the interface of pragmatics and rhetoric. This approach is particularly suitable for the analysis of political discourse in that it provides systematic tools for a multi-dimensional analysis of the discursive mechanisms of political power struggle and of the metadiscursive framing of question-answer political confrontation. The challenges of political discourse genres that display increasing heterogeneity, multiple goal settings and more diverse audiences can be effectively addressed through an integration of a fine-grained, multi-layered pragmatic analysis (e.g., face-threatening/enhancing speech acts, interactive role shifts, context-driven and intertwined discursive/meta-discursive strategies) with the tools of rhetorical analysis (e.g., rhetorical appeals, attacking/counter-attacking techniques, dialogic argumentation patterns). In the present investigation, the pragma-rhetorical analysis relies primarily on the pragmatic criteria for the classification of questions and their usages and on the rhetorical design of argumentative strategies conveyed by questions and answers. The strategies enacted by questioning and answering practices in PMQs will be appropriately accounted for through a combined pragma-rhetorical and argumentative approach. This approach provides the means to understand the interplay between questions and answers in terms of their varying degrees of argumentativeness. It also helps to establish to what extent questioning and answering strategies are correlated argumentatively or counter-argumentatively. The present investigation has been driven by the following major research questions:

- In what ways and to what extent do the institutional and discursive roles of debating MPs (re)shape the co-performance of questioning and answering practices in PMQs, and/or are (re)shaped by them?
- How can the argumentation strategies enacted by questioning and answering practices in PMQs be accounted for through a combined pragma-rhetorical and argumentative approach?
- What types of questioning practices in PMQs are likely to display a higher degree of valid or fallacious argumentativeness and have a stronger impact on the respondents' answering strategies?
- In what ways and to what extent do answering strategies in PMQs function argumentatively or counter-argumentatively?

4. Pragmatic, Rhetorical and Argumentative Functions of Parliamentary Questions

In PMQs, interpersonal relations and the power balance between the LO (or opposition MPs) and the PM are managed to a large extent through the dynamics of question-answer practices. A number of pragmatic factors are linked to answer adequacy: a display of both the questioner's and the answerer's state of knowledge and beliefs, identities and roles, the power relation between the questioner and the answerer, the questioner's explicit or implicit goals, the informative value of the answer and the relevance of the answer to both questioner and answerer.

While parliamentary confrontations—typically enacted through question-asking and question-answering strategies—belong mainly to the deliberative rhetorical genre, they also display features of the epideictic and forensic rhetorical genres. This explains why parliamentary questions and answers perform multiple pragmatic, rhetorical and argumentative functions, which may be overlapping or complementary in varying degrees.

Within the framework of syntactic analysis, the best known is Quirk et al.'s (1985) classification of questions into three main categories: *yes/no questions* (whose appropriate answer is "yes" or "no"), *wh-questions* (marked by an interrogative word, e.g., "what", "why", "when", "where", with a wide spectrum of more than one answer) and *alternative/disjunctive questions* (a restrictive version of yes/no questions, offering a closed choice of two mutually exclusive answers). While the number of syntactic types of questions is relatively limited, the range of questioning (and answering) strategies in actual interactions is practically

endless, as demonstrated by a significant body of multidisciplinary and cross-cultural research (e.g., de Ruiter 2012; Freed and Ehrlich 2010; Goody 1978; Ilie 2021c; Martin and Rozenberg 2012; Walton 1989).

The purpose of the present investigation is to make use of the commonalities and complementarities of approaches pertaining to pragmatics, rhetoric and argumentation theory to reach a better understanding of the varying degrees of adequacy, relevance and persuasiveness displayed by questioning and answering strategies in PMQs.

Within the framework of pragmatics, a basic distinction can be established between *standard questions*, defined as straightforward answer- or information-eliciting questions, and *non-standard questions* (Ilie 1994), which are strategically used by speakers to perform a range of activities, such as conveying a challenge, proposal, reproach, complaint, warning, threat, objection, protest or accusation (Ilie 2015b, 2022b). Typical examples of non-standard questions are *rhetorical questions*, *leading questions*, *hypothetical questions*, *expository questions* and *echo questions*. Depending on the discursive and situational context, non-standard questions are multi-functional since they are contextually able to elicit a great variety of different types of answers and/or responses, such as speech acts of permission-granting, suggestion acceptance, retraction, refutation or disclaiming. Identifying questions as speech acts in a range of contexts and situations enables a multi-level analysis of questioning and answering strategies in terms of goal-oriented, interpersonally performed and interactively shaped practices of verbal confrontation. To get a better understanding of these usages, a very helpful analytical tool is based on Austin's distinction between three different kinds of speech acts: locutionary acts, illocutionary acts and perlocutionary acts (Allan 1994; Clark and Carlson 1982).

Within the framework of rhetoric, a significant number of non-standard questions have been systematically identified and defined: e.g., *erotema* (strongly affirming or denying a point), *epiopsis* (rebuking or shaming), *anacoenosis* (appealing to common interests), *anthypophora* (asking a question and immediately answering it), *pysma* (asking multiple questions successively). Actually, one of the major distinctions between rhetorical and pragmatic approaches to non-standard questions consists in the fact that, while rhetoric-based approaches are oriented towards mapping categories of questions according to purposefully performed functions, the pragmatic approaches start from the assumption that there is no one-to-one match of form to function, and aim to explore not categories, but usages of questions (Ilie 1994, 2022b). In classical rhetorical scholarship, each type of question is specifically defined through one overarching characteristic or function and primarily from the speaker's intention and goal. Accordingly, these questions are aimed to foster/inhibit particular ways of thinking and reasoning, strengthen/undermine particular beliefs and opinions, and reinforce/contest institutional policies and actions.

The antagonistic exchanges enacted in PMQs are prototypical instantiations of *eristic dialogue* (Walton 1998), where each of the participants aims to defeat the other by any means, by claiming to have the strongest argument. At the same time, the ulterior motive of each of them is to appeal to the public at large so as to sway the opinions of voters. Parliamentary dissent in PMQs is mostly manifested in the form of divergent political visions expressed through pro et contra argumentation articulated by means of questions and answers. Within the framework of argumentation theory, non-standard questions and corresponding answers have been found to perform *argumentation* and *counter-argumentation* functions by supporting or refuting the relevance and/or validity of claims about standpoints under discussion. Both questioning LO or opposition MPs and the responding PM are using (rational and/or emotional) arguments to challenge opposite political standpoints and negotiating divergent versions of events in an attempt to make a significant impact on a multi-layered audience, including fellow MPs and the public at large.

In dialogic argumentation, we frequently encounter arguments with implicit conclusions or premises based on common knowledge rather than fully displayed arguments. Such an argument or chain of argumentation with one or more implicit (non-explicit) premises or conclusions is referred to in traditional logic as *enthymeme* (Govier 1992;

Hitchcock 1985; Walton 2008). A common basis for many enthymemes is found in propositions that are relied on as acceptable assumptions that need not be explicitly stated because they can be taken for granted as holding on the basis of common experience or common understanding of the ways things normally work in familiar situations. These are referred to by Walton (2001) as *plausible inferences*. A classic example is the following inference: ‘All men are mortal’; ‘Therefore, Socrates is mortal’, where the non-explicit premise ‘Socrates is a man’ is expected to be plausibly inferred. Through argumentatively loaded questions and answers, PMQs display various instances of enthymematic reasoning, as will be shown later in this article.

Dialogic enthymemes derive from patterns of reasoning belonging to our common cognitive storage, and theoretically conceptualized as *topoi* (Breitholtz 2020; Ilie 1994; Jackson and Jacobs 1980). According to Ducrot (1988), *topoi* are commonly held notions, in the sense that they are assumed or taken for granted in a community. The validity or acceptability of enthymematic inferences relies on underpinning by a relevant *topos* as a warrant to be retrieved by addressees and audience. Some *topoi* are general to any situation, some in a particular speech event. In PMQs, general and particular *topoi* are often intertwined, and a recurring type of argument is the personal attack, or *ad hominem argument*, involving blaming and shaming. When the use of such an argument is not relevant or justified, it cannot be regarded as a valid argument, but as a *fallacy*. More often than not, *ad hominem* arguments are combined with other context-related arguments, such as *ad baculum* (‘appeal to the stick’, involving intimidation through the threat of harm) and *ad populum* (seeking acceptance for one’s view by arousing relevant emotions in the audience) arguments. Another frequent argument is the *straw man* tactic (creating a distorted or simplified caricature of the opponent’s argument, and then arguing against that) which is used in PMQs to advance evidence and/or arguments meant to make the other side look bad and lose credibility.

5. Multi-Layered Approach to Parliamentary Questions and Answers

As mentioned earlier, in PMQs, political adversaries seek to convince not so much one another, but a third party—the wider audience of onlookers, constituency members, TV-viewers—who will serve as ultimate judges of their verbal performance (Walton 1998). Amossy’s (2014) notion of the rhetoric of dissent is “an accurate description of parliamentary polemical deliberation enacted through pro and con argumentation” (Ilie 2021a, p. 240). Enacting a ritualistic confrontation of political rivals, the parliamentary debate can be seen as a crossbreed between eristic or polemical dialogue (Ilie 2016) and deliberative dialogue. A prototypical example is instantiated in PMQs, where questions and answers are essential debating and argumentation tools. The LO’s and opposition MPs’ questioning strategies have an agenda-setting function in that they put forward standpoints based on specifically relevant or strategic *topoi* that are regarded as commonly shared in order to advance their goal-oriented argumentation.

Each of the following three sections will illustrate with typical examples how a multi-layered analysis at the interface of pragma-rhetoric and argumentation theory can identify and explicate the ways in which the shifting dynamics of argumentation and counter-argumentation strategies used by the LO (or opposition MPs) and the PM is conveyed by the interplay of particular usages of questions and answers. In Section 5.1, the distinction between the usages of standard and non-standard yes/no questions in PMQs is discussed with a focus on their degree of argumentativeness. The use of higher or lower degrees of argumentation in wh-questions and corresponding answers in PMQs is problematized in Section 5.2, with a focus on varying perlocutionary effects of wh-questions, and especially why-questions. Section 5.3 features a context-based comparative analysis of the degrees of fallacious reasoning in argumentative disjunctive questions serving as false dilemmas.

5.1. Distinguishing Argumentative from Non-Argumentative Yes/No Questions in PMQs

When asking questions with a particular syntactic structure (yes/no-questions, wh-questions or disjunctive questions), the intention is to obtain a particular perlocutionary effect. By choosing one or the other form, the questioner seeks to control the type of answer they want to receive. Yes/no questions, as illustrated in this section, are often used with the intention to prompt unequivocal answers (e.g., acknowledging/confirming or refuting/disconfirming something).

Having explained, in Section 4 above, how standard and non-standard questions can be distinguished from each other, it is also imperative to specify that they are not necessarily, or not always, discrete categories, but rather instantiations of questions on a continuum. This specification acquires particular significance in PMQs, where the boundary between standard and non-standard questions may sometimes be sharper, and sometimes blurred, often depending on their degree of argumentativeness (Ilie 2022a). In this respect, it is important to point out that the question-response exchange in PMQs features, apart from the argument-supported confrontation between the LO or opposition MPs and the PM, friendly questions—aka *partisan* or *planted questions*—from MPs belonging to the government party (Ilie 2015b), which are meant to help increase the chance of expounding upon government-gratifying subjects. An example of such a question (marked in bold) is illustrated in excerpt (1) below.

(1)

Chris Grayling (Epsom and Ewell) (Con)

[. . .] I know that he [the PM] shares my concern about the loss of biodiversity around the world. I have seen at first hand how it is possible to turn a palm oil plantation back into a fast-recovering rainforest full of wildlife. While we are already doing good work on restoring environment around the world, **will he ensure that we step up our work through the Department for International Development to restore biodiversity, and in doing so, help to tackle climate change?**

The Prime Minister (Boris Johnson)

My right hon. Friend raises an exceptionally important point. That is why it is vital that we have a direct link between the Chinese COP summit on biodiversity and our COP26 summit on climate change.

(Hansard, 29 January 2020)

Conservative MP Chris Grayling's yes/no question is a typical planted question, formally functioning as a standard, confirmation-eliciting question and, at the same time, serving as a face-enhancing act intended to reinforce the positive image of PM Boris Johnson and of the Department for International Development. By emphatically associating the PM's presumed policies "to restore biodiversity" with the goals allegedly pursued by the government "to tackle climate change", the aim of this question is obviously to argue in favor of the PM as a leader with a progressive political agenda. Faced with such a face-enhancing question, the PM's positive answer comes as no surprise. The situation is quite different when the same issue, i.e., tackling the climate emergency, is raised in a question asked by an opposition MP, as illustrated in excerpt (2) below.

(2)

Zarah Sultana (Coventry South) (Lab)

This week, it was revealed that fossil-fuel companies, interest groups and climate denialists had donated £1.3 million to the Conservative party and its MPs since 2019. **So, a simple question, no waffling or dodging the issue: on the eve of COP26, will the Prime Minister demonstrate that he is serious about tackling the climate emergency by paying back that money and pledging that his party**

will never again take money and donations from the fossil-fuel companies that are burning our planet? Yes or no?

The Prime Minister (Boris Johnson)

All our donations are registered in the normal way. I would just remind the hon. Lady that the Labour party's paymasters, the GMB*, think that Labour's policies mean that no families would be able to take more than one flight every five years and that they would have their cars confiscated.

(Hansard, 27 October 2021)

*GMB = shortened form of the General, Municipal, Boilermakers' and Allied Trade Union (GMBATU)

While the Conservative MP framed his question on a positive note in (1), the Labor MP Zarah Sultana starts, not surprisingly, with an incriminating revelation about the PM, followed by accusatory questions that lay the blame on the PM. In both excerpts, the questions asked of the PM are yes/no questions and concern the policies pursued by the government to tackle climate change. However, the two questioners' assessments of the PM's policies could not be more divergent. The PM is credited by the fellow Conservative MP for "good work on restoring environment around the world", whereas the opposition MP Sultana accuses the Conservative party, and primarily the PM, of receiving payments from "fossil-fuel companies, interest groups and climate denialists". Opposition MP Sultana's question is formally designed as a confirmation-eliciting yes/no question, just like the Conservative MP's question. If she had simply asked "will the Prime Minister demonstrate that he is serious about tackling the climate emergency?", the question would probably have served as a standard confirmation-eliciting question. However, she does not stop there, and prompts the PM to take action in two embedded questions whose presuppositions consist in contesting the PM's integrity and credibility, and also in action-eliciting, whereby the PM is urged to "demonstrate" his seriousness in two steps: "pay back that money" and pledge "that his party will never again take money and donations from the fossil-fuel companies".

By providing details on the corruption charges regarding the PM and his party, for which a redress (to pay back) and a promise (to never again take money from fossil-fuel companies) are elicited, Sultana's question is instantiating an *ad hominem* argument. Hence, it is not a standard confirmation-eliciting question, but a strategically designed argumentative non-standard question, whereby the questioner requests more than just a simple confirmation.

Since there are normally neither formal markers nor syntactical features that can distinguish standard from non-standard questions, contextualization cues, institutional roles and interpersonal relations between questioner and respondent can help to do that.

In spite of the precisely targeted question, the opposition MP Sultana is left to whistle for an appropriate answer since the PM's reply does not address the issue raised in the question and provides instead unsolicited information ("All our donations are registered in the normal way") aimed as a face-saving act (underlined in the excerpt). Obviously, the warning launched by the questioning Labor MP did not reach the expected perlocutionary effect in the PM's response. The PM's non-answering tactic reinforces the perception that the question is a non-standard question that challenges and elicits a commitment, rather than a simple answer. Different techniques used by politicians to evade direct answers to challenging or embarrassing questions were discussed by Wilson (1990). These include questioning the question, attacking the questioner, or stating that the question had already been answered. As in other institutional settings, in PMQs, the questioning MP exercises power over the respondent by initiating the questioning strategy and choosing the types of questions to ask. At the same time, however, the responding PM chooses to avoid giving a proper answer. In (2), in spite of the Labor MP's strongly targeted question, the PM chooses to dodge the uncomfortable question in an attempt to downplay the force of the complex questioning speech act.

Pragmatically, the second part of the PM's response is a threatening speech act that serves as a counter-accusation expressed in Boris Johnson's typical hyperbole-ridden rhetorical style, with obvious exaggerations: "no families would be able to take more than one flight every five years and [that] they would have their cars confiscated". By way of argumentation, he uses in his response an *ad baculum* or *fear appeal* argument (Walton 1996), normally meant to arouse emotions of fear by depicting a frightening outcome. However, since it is not supported by evidence or reason, this is not a relevant, but a fallacious argument, or *fallacy* (Walton 2003). Focusing on the context of dialogue, Walton defines a fallacy as a conversational move, or sequence of moves, that is supposed to be an argument that contributes to the purpose of the conversation but in reality, interferes with it.

5.2. Degrees of Argumentativeness of Wh-Questions in PMQs

Asking wh-questions requires answers that provide a specified type of information, which in the case of standard questions is information unknown to the questioner. However, when the information allegedly requested is actually known by the questioner, as is often the case with questions asked in PMQs, the speech act of asking has an ulterior motive, such as to get an on-record acknowledgment/confession of the already known information or to prompt a self-revealing or self-incriminating response, rather than to simply test the knowledge of the addressee (which is the case in examination questions). Depending on the degree of argumentativeness of the question, the responding PM feels more or less constrained to answer within a framework of assumptions set by the questioner when framing the question. Consequently, wh-questions can, just like yes/no questions, function on a continuum from standard to non-standard questions, depending on pragmatic and rhetorical factors that are interconnected, institutionally-rooted and context-specific.

According to Harter, "the wh-words are presuppositional because if you are asking *how*, *when* or *why* something happened, you are presupposing that the event did, in fact, happen" (Harter 2014, p. 22). The category of why questions stands out among wh-questions since they usually rely on pre-established and unverified presuppositions that tend to transfer the burden of proof from the questioner to the respondent. Examining the semantics and pragmatics of *why-questions*, Hintikka and Halonen (1995) consider that they stand out as a more complex type of question than other wh-questions and conclude that an answer to a question of the form 'Why X?' is closely related to an explanation of the fact that X. For them, the answer to a why-question is the explanation of the ultimate conclusion rather than the ultimate conclusion itself. On asking a why-question, the addresser is looking for the argumentative bridge between initial assumptions and the given ultimate conclusion, in other words, for an *explanandum* rather than for an answer. In a more recent study, Schlöder et al. (2016) propose an analysis of why-questions in terms of enthymematic reasoning, given its widespread use in natural dialogue.

While the distinction between the standard and non-standard yes/no questions in Section 5.1 was rather easy to grasp, especially given the party-political adversarialness between the two questioning MPs—government MP vs. opposition MP—understanding the distinction between complementary (standard and non-standard) usages of the why-questions in excerpts (3), (4) and (5) below will need a more fine-grained analysis.

(3)

Ed Davey (Kingston and Surbiton) (LD)

Ambulance response times are now the worst ever, people are waiting for ambulances longer than ever [. . .] Waiting times are not statistics; they are about people—people often in great pain and in danger—**so why are this Government closing ambulance stations in parts of our country? Why is the West Midlands ambulance service closing up to 10 community stations, including in Rugby, Oswestry and Craven Arms?** With this health crisis for our ambulance services and in our A&Es, injured, sick and elderly people are being hit. **When will the Prime Minister deal with this health crisis?**

The Prime Minister (Boris Johnson)

I appreciate that ambulance crews and ambulance services are doing an amazing job, particularly at this time of year, and I thank them for what they are doing. We are supporting them with more cash. Another £450 million was awarded to 120 trusts to upgrade their facilities, and as the right hon. Gentleman knows, we are putting another £36 billion into dealing with the backlog, which is fundamentally affecting the NHS so badly at the moment, through the levy that we have instituted, **which I do not think he supported.**

(Hansard, 17 November 2021)

Why-questions are generally perceived as more challenging than yes/no questions, especially in confrontational dialogue, where they often seek not simply an explanation, but a cessation of a troublesome state of affairs. This dual targeting is noticeable in (3), where the why-questions (in bold) asked by the opposition MP Ed Davey (member of the Liberal Democrats) are meant to be understood as partly explanation-eliciting (standard questions) and partly action-eliciting (non-standard questions). This dual function (whereby the questioner pretends to ask what he/she calls into question) is actually the default function of questions in PMQs. Apparently, these questions are simply eliciting an answer/explanation, as they ask the PM to provide the reason(s) why the government closed “ambulance stations in parts of our country”. However, they convey a further underlying meaning, derived from the statements prefacing the questions which place the responsibility on the government, and implicitly on the PM as head of government, for the distressing emergency situation: ambulance response times are now the worst ever”, people are often “in great pain and in danger”, “with this health crisis for our ambulance services and in our A&Es, injured, sick and elderly people are being hit”. The successively asked questions (in bold) are an instantiation of the rhetorical figure *pysma*, which consists of a sequence of questions meant to forcefully convey complaints, provocations and insults (Peacham 1971/1577, Silva Rhetoricae <http://rhetoric.byu.edu/> last accessed on 20 May 2022). These questions would normally require a complex response (i.e., more than one single response). Jointly, these why-questions articulate an appeal to the PM to take measures so as to put an end to an unacceptable situation.

This set of multiple questions ends with a *rhetorical question*: “When will the Prime Minister deal with this health crisis?”, whose implied short answer is “never”, but whose underlying message calls into question the PM’s capacity to deal with the health crisis, by indirectly pointing to his passivity and inaction. Like many parliamentary questions, this *rhetorical question* is multi-functional, and consequently lends itself to a combined pragmatic, rhetorical and argumentative approach. Pragmatically, questions like this one cannot be regarded as *categories of questions*, but as *uses of questions* that “are neither answerless, nor unanswerable questions, and that display varying degrees of validity as argumentative acts” (Ilie 1994). A rhetorical question does not elicit an answer, but “is skewed toward a certain possible answer” (Rhode 2006, p. 147). Its distinctive feature consists in contextualizing multi-functional and multi-layered speech acts that display a dual illocutionary force (a question-supported statement) through a mismatch between its interrogative form and its assertive function. Rhetorical questions have “the illocutionary force of a question and the perlocutionary effect of a statement” (Ilie 2009). Rhetorically, a rhetorical question pertains to the category of *erotema* (or *erotesis*), a question that “implies an answer but does not give or lead us to expect one” (Lanham 1991, p. 71), as well as to the category of *epiPLEXIS* (Lanham 1991, p. 69), a figuratively designed question that is asked “in order to reproach or upbraid” rather than to elicit information” or answer. Argumentatively, the inferable answer of a rhetorical question (or any question used rhetorically) is expected to be strongly supported by presuppositions assumed to be commonly shared by both addresser and addressees/audience. In the overall intervention culminating with the rhetorical question, the questioning MP Davey is actually showing that he is strongly committed to a set of values and convictions in relation to a state of affairs, and that his primary goal is not

to question, but rather to challenge, accuse and/or attack the addressee by providing or alluding to fact- and/or evidence-based arguments.

The argumentative force of the challenging questions asked by the LO or opposition MPs in PMQs derives from commonly shared topoi underlying recognizable patterns of reasoning aimed at criticizing and/or attacking the PM's statements, policies, actions and/or behavior. For obvious reasons, a default argument is, in such cases, the *ad hominem* argument, whose relevance arises from common sense expectations of citizens about the credibility and trustworthiness of politicians and parliamentarians (Walton 2000). This is why an *ad hominem* argument is most effective when it raises doubts about a politician's personal credibility and reliability. While this argument is often treated as a fallacy, it can nevertheless be valid in certain settings and situations, especially in political and parliamentary debates, where the issue of character is at stake with regard to democratically elected political representatives and leaders. In the case illustrated in (3), the *ad hominem* argument is juxtaposed with the *ad populum* argument. A major difference between the two is that whereas the *ad hominem* is directed toward one individual, the *ad populum* consists of appealing to popular opinion and is directed toward the whole audience and the public at large, on behalf of whom MP Davey is making an argument. Furthermore, "there is a difference of orientation in that the *ad hominem* is negative in its intent to discredit the individual, whereas the *ad populum* is positive in its intent to win the approval of the group" (Walton 1980, p. 266). A major goal of *ad populum* arguments is to synchronize the beliefs and commitments of the questioning MP and the wider audience.

In his question, the LD MP Davey depicts a disheartening picture of the shrinking capacity of the ambulance services in parts of the UK, for which he holds the PM responsible, and, at the same time, he requests a response and an explanation. However, his request is largely ignored by the PM, who, in his response (underlined), circumvents the question, trying to bring about a rhetorical shift of the debate agenda from the crisis caused by the closing of ambulance services toward a positive evaluation of ambulance crews and ambulance services: "I appreciate that ambulance crews and ambulance services are doing an amazing job, particularly at this time of year, and I thank them for what they are doing". Instead, the PM brags, through a face-enhancing strategy, about awarding important sums of money for facility upgrades and for reducing the NHS backlog. Moreover, he does not miss the opportunity to counter-attack (in bold and underlined) Ed Davey for failing to support the levy instituted by the government.

The why-question in (4) below differs in important respects from the why-questions in (3) discussed above. In both cases, the questioner is attacking the PM on account of the detrimental consequences for the citizens due to his and his government's decisions. But, while, in excerpt (3), the why-questions are formulated in semantically neutral terms, in excerpt (4) below, the why-question (in bold) contains a semantically biased term, i.e., the verb "to hammer", which is used in an emphatically figurative way.

(4)

Keir Starmer (Holborn and St Pancras) (Lab)

[. . .] Some 2.5 million working families will face a doubly whammy: a national insurance tax rise and a £1000 a year universal credit cut. They are getting hit from both sides. **Of all the ways to raise public funds, why is the Prime Minister insisting on hammering working people?**

The Prime Minister (Boris Johnson)

We are proud of what we have been doing throughout the pandemic to look after working people. We are proud of the extra £9 billion we put in through universal credit. [. . .]

(Hansard, 27 October 2021)

The argumentative force of the LO Keir Starmer's why-question (in bold) is intuitively perceived as higher than in (3), which is due partly to the precise statistical evidence provided, and partly to the figuratively used verb "to hammer", whose suggestive meaning

here is “to hurt someone or something by causing them a lot of problems” (*Longman Dictionary of Contemporary English Online* 2018). Moreover, the mixed descriptive-expressive denotation of this verb is enhanced by the repeatedness implied by its progressive form. Pragmatically, the intention of the LO is to trigger a strong perlocutionary effect by emphasizing the detrimental and distressing effect of the PM’s “insisting on hammering working people”. Rhetorically, his question functions as an *epiplexis*, which is a variety of rhetorical questions asked in order to rebuke or reproach rather than to elicit answers (*Lanham* 1991). In a broader sense, epiplexis is a form of argument in which a speaker attempts to shame an opponent. In this case, the LO resorts to an *ad hominem* argument that is valid since his claims about the PM’s anti-popular actions are relevant from a rational (providing concrete data) and an emotional (invoking hurt feelings) standpoint. At the same time, through rhetorically emphasized reference to people’s suffering caused by the government’s hurting measures, the LO seeks to enhance the rhetorical force of his argumentation by an *ad misericordiam* appeal targetting the opponent’s feelings of guilt, on the one hand, and the audience’s feelings of sympathy, on the other.

Why-questions, like the ones in (3), are understood as argumentative because they not only question the actions or behaviors of the respondent, but also call into question the respondent’s reasons for having acted or behaved inappropriately, inefficiently or simply wrongly. However, the LO’s why question in (4) displays an even higher argumentative force since, over and above calling into question the PM’s reasons for an ostensibly wrong decision, it also conveys an additionally loaded negative evaluation articulated by resorting to a deeper emotional layer through the implicature of the working people feeling deeply hurt by the PM’s ‘hammering’. Using the verb “to hammer” figuratively as an emotional trigger, the LO puts increasing moral pressure on the PM.

A diversion strategy frequently used by the PM is to shift the attention from the LO’s criticism and accusations by providing a face-saving response whereby he indirectly refutes the presuppositions of the question. While deliberately failing to address the issues raised by the LO, the PM attempts to re-direct the topic at hand by lifting up the allegedly efficient measures taken by his government, and he moreover declares himself proud of the government’s record on the coronavirus (underlined). Thereby he avoids reacting to the LO’s embarrassing and critical question, which condemns the PM’s anti-popular pandemic-related policies.

By way of comparison with the argumentative why-questions in excerpts (3) and (4), which convey partial enthymemes, the why-question in (5) below (in bold) displays a higher degree of argumentativeness, due partly to its more explicitly confrontational formulation, but especially to its use as a whole enthymeme.

(5)

Ian Blackford (Ross, Skye and Lochaber) (SNP)

Brexit is hitting the economy hard, but the Prime Minister cannot even give a coherent speech to business. The Prime Minister’s officials have lost confidence in him, Tory MPs have lost confidence in him—the letters are going in—and the public have lost confidence in him. **Why is he clinging on, when it is clear that he is simply not up to the job?**

The Prime Minister (Boris Johnson)

I might ask the right hon. Gentleman what on earth he thinks he is doing, talking about party political issues when all that the people of Scotland want to hear is what on earth the Scottish national Government are doing. They are falling in the polls.

(Hansard, 24 November 2021)

In (5), SNP MP Ian Blackford precedes his question with negative evaluations about the PM’s public speaking skills (which represent a major prerequisite for a political leader) and about the alleged loss of confidence in the PM shown by his officials, Tory MPs and the public. Targetting the PM’s inadequate communication competence and declining credibility, these evaluations carry the premises of an *ad hominem* argument, which is most effective

when it raises doubts about an arguer's credibility so that their argument is discounted. While this argument is typically treated as a fallacy, it is often reasonable, especially in political debates, where the credibility of politicians is at stake. The face-damaging speech act involved in the why-question disqualifies Boris Johnson as a suitable holder of the PM position. Underlying the question is an enthymeme built on a recognizable topos according to which a person should quit if they are not able to carry out a job satisfactorily. For this topos to function argumentatively, it has to be not only recognized, but also acknowledged by both interlocutors, as well as by the onlooking audience. As this is a commonly shared topos, the question acts rhetorically, implying its own answer, which is easily retrievable: "There is no reason why he should be clinging on".

Rhetorical questions are regarded in speech act theory (Searle 1969) as indirect speech acts: by asking a question without expecting an answer, the speaker violates the sincerity condition for questions and gives rise to a conversational implicature that conveys a forceful statement. This was further confirmed by Blankenship and Craig (2006), Ilie (1994) and Kraus (2009), who found that the persuasive force of arguments is strengthened by their formulation as rhetorical questions, which do not elicit information, and whose illocutionary function is to make statements or exhortations. Moreover, the results of Ioussief et al.'s (2021) investigation show that rhetorical questions are used to articulate enthymematic arguments and facilitate linking together parts of arguments over several utterances. In the why-question in (5), the enthymematic argumentation chain of inference is the following: "If you are not up to the job, you should quit and not cling on"; "It is clear that he [the PM] is simply not up to the job"; "Hence he [the PM] should quit and not cling on".

While dodging questions in PMQs is a practice that is often resorted to by PMs, PM Boris Johnson is particularly renowned for dodging uncomfortable questions and for equivocating. In his response, he disregards Ian Blackford's question and counter-attacks (underlined) by calling into question the relevance of the issues he raised and accusing him of ignoring the real needs of the people of Scotland. However, unlike Blackford, who provides actual motivation, the PM is not able to provide any concrete evidence to back his claims. His repeated use of an 'unparliamentary' expression—"what on earth"—can hardly make his accusatory statements more convincing but reveals, instead, a PM under pressure. To divert the attention from Blackford's critical attack and to sidetrack the debate agenda, the PM chooses to discredit his political adversary, resorting to a *tu quoque* argument (Walton 1998). This is a type of ad hominem argument based on an evasive strategy in which an accused person turns an allegation back on their accuser, rather than refuting the truth or validity of the accusation, thus creating a logical fallacy of relevance.

5.3. How Disjunctive Questions Are Used Argumentatively in PMQs

Disjunctive questions represent a particular category of questions structured according to a binary paradigm where the disjunction is rooted in contrastive alternatives. A major goal of the questioner is to control the possible answers by ruling out the option of a third alternative. The respondent to such a question is faced with a choice between two overtly mentioned alternatives. When neither alternative is acceptable to the respondent, the disjunction "may embody a tactic in dialogue of trying to force a respondent into an unfairly restrictive choice of required answers" (Macagno and Walton 2010, p. 255). In such cases, the argumentative reasoning underlying the disjunctive question is logically fallacious, with a deliberately deceptive effect. This type of fallacious reasoning is grounded on two premises that are highly controversial or incompatible and is referred to as a *false dilemma* (Copi 1986; Hurley 2014; Macagno and Walton 2010). A false dilemma frames any argument in a misleading way, obscuring rational and consistent debate. When targeting an adversary, the false dilemma fallacy serves to indicate that of the two alternatives, one leads to unwanted consequences. Unlike in a genuine dilemma, the deck is stacked in favor of a preferred option, which is implicitly delineated as the only one worth choosing.

Question-driven argumentation is often used in PMQs to formulate challenging problems as false dilemmas where only one option is presented as acceptable. The following excerpts illustrate the impact of strategic disjunctive questions that use a false dilemma tactic in argumentative questioning directed to the PM by opposition MPs. A pragma-rhetorical and argumentation-based analysis of disjunctive questions in excerpts (6) and (7) below shows how and to what extent contextual, discursive, institutional and interpersonal factors contribute to a higher or lower degree of argumentativeness.

(6)

Ian Blackford (Ross, Skye and Lochaber) (SNP)

[. . .] We have had the year of Tory sleaze, but now we have the year of Tory squeeze for family budgets. Economists have warned that UK living standards will worsen in 2022, with the poorest households hit hardest by Tory cuts, tax hikes and soaring inflation driven by his Government’s policy. Under this Prime Minister, the UK already has the worst levels of poverty and inequality in north-west Europe. Now the Tories are making millions of families poorer. In Scotland, the SNP Government are mitigating this Tory poverty crisis by doubling the Scottish child payment to £20 per week. **I ask the Prime Minister this: will he match the Scottish Government and introduce a £20 child payment across the UK, or will the Tories push hundreds of thousands of children into poverty as a direct result of his policies?**

The Prime Minister (Boris Johnson)

The right hon. Gentleman is talking, I am afraid, total nonsense. This Government are absolutely determined, as I have said throughout this pandemic, to look after particularly the poorest and the neediest. That is what the Chancellor did: all his packages were extremely progressive in their effect. When I came in to office, we ensured that we uprated the local housing allowance, because I understand the importance of that allowance for families on low incomes. We are supporting vulnerable renters. That is why we are putting money into local authorities to help families up and down the country who are facing tough times. The right hon. Gentleman’s fundamental point is wrong. He is just wrong about what is happening in this country. If we look at the statistics, we see that economic inequality is down in this country. Income inequality is down and poverty is down, and I will tell you why—because we get people in to work. We get people in to jobs. That is our answer.

(Hansard, 5 January 2022)

In (6), the SNP MP Ian Blackford attacks the PM with forceful accusations for “the worst levels of poverty and inequality” in the UK under his government, arguing that the situation continues to deteriorate. By contrast, he proudly foregrounds the caring and effective measures taken by the SNP Government in Scotland to mitigate “this Tory poverty crisis by doubling the Scottish child payment to £20 per week”. Under the pretext of requesting a piece of information, Blackford reinforces his attack by resorting to a false dilemma, whereby the PM is confronted with an argumentative disjunctive question (in bold) that offers a conflicting set of choices, i.e., two mutually exclusive alternatives that cannot be true at the same time. This false dilemma rivets the target audience’s attention on the first alternative of the binary choice as the only valid one, dismissing the second as causing a devastating outcome. By manipulating the pragmatic paradigm of two possible answers that are mutually incompatible, the opposition MP is forcing the PM to choose the first alternative and thereby accept a presupposition that he is not committed to. However, in this particular case, the false dilemma argument underlying the disjunctive question turns out to be a fallacy due to the fact that, in reality, the terms of the two alternatives are neither mutually exclusive nor exhaustive. Thereby, other possibilities are excluded. In other words, regarding the first alternative, there may be more constructive options than the one suggested by Blackford; regarding the second alternative, it overdramatizes

the situation by ascribing to the government party (the Tories) a deliberate overall policy of pushing “hundreds of thousands of children into poverty”, and thereby inducing a disproportionately negative picture of governmental plans of action.

Blackford’s accusations acquire a stronger illocutionary force as the argumentative value of the false dilemma fallacy gets intertwined with a *slippery slope* fallacy. The most common variant of the slippery slope argument is, according to Jefferson (2014), the empirical slippery slope argument, which predicts that if we do A, at some point, the highly undesirable B will follow. The slippery slope argument suggests that a certain initial action or inaction could lead to a situation with dramatic or extreme results. When the claimed links between actions or events are unlikely or much exaggerated, slippery slope arguments are fallacious, as in (6) above. Here, we find an instance of a precedential slippery slope, which is usually combined with all-or-nothing thinking and often starts by assuming a false dichotomy between two options—in juxtaposition with a false dilemma fallacy.

Avoiding answering the opposition MP’s biased question head-on, the PM refutes the accusation (underlined) by accusing Blackford of talking nonsense and implicitly dismissing the presuppositions of the false dilemma and of the slippery slope fallacies. Moreover, he counter-attacks the critical questioner, “He is just wrong”. He also explicitly contradicts the facts presented in the question (“Income inequality is down and poverty is down”), motivating the overall improvement of the social and economic situation through the effectiveness of government policies.

The examination of the biased argumentativeness and strategic speech act performance displayed in the enactment of the disjunctive question in (6) provides evidence that, in political discourse in general, and in parliamentary debate in particular, the false dilemma fallacy is a manipulative tool designed to polarize the audience, promoting one side and demonizing the other. This false dilemma argument or fallacy is often used in PMQs to produce face damage to the PM and prompt him to commit a face-restoring act when answering tricky and embarrassing questions like the one in excerpt (7).

(7)

Dr Philippa Whitford (Central Ayrshire) (SNP)

This session shows how much of a distraction the Prime Minister’s behaviour has been. After a recent survey showed that 37% of small businesses felt totally unprepared for the introduction of import controls, rules of origin and the upcoming sanitary and phytosanitary checks, **will he listen to the Federation of Small Businesses and introduce financial and technical support for those small businesses, or is he just too busy drinking in his garden?**

The Prime Minister

What we are doing is offering financial and technical support to businesses, which are responding magnificently. As we come out of the pandemic, as I said to the House earlier, we are seeing record numbers of people in work and youth unemployment at a record low.

(Hansard, 12 January 2022)

By juxtaposing two entirely disparate and incompatible options—“will he listen to the Federation of Small Businesses and introduce financial and technical support for those small businesses, or is he just too busy drinking in his garden?” (in bold)—opposition MP Philippa Whitford seeks to achieve a double perlocutionary effect. On the one hand, she performs a face-damaging act to seriously embarrass the PM by revealing a negative record of his government regarding small businesses, and, on the other, she seeks to undermine his authority and diminish his credibility in a sarcastic tone in front of a multi-layered audience of MPs, Hansard reporters and the public at large. When a questioning opposition MP wants to ensnare the PM into making a commitment to take action, the PM is expected to answer questions that rely on presuppositions that may be detrimental to him personally. Such loaded questions may involve presuppositions that the PM may have to reject. In this particular case, a false dilemma is generated by the disjunctive question,

which falsely dichotomizes the issue at hand by treating two unrelated events as equivalent alternatives. The first alternative of the disjunction addresses directly the issue at hand, but the second—“or is he just too busy drinking in his garden?”—does not and may need further explanation: Boris Johnson was accused of participating in a wine-and-cheese garden party at 10 Downing Street in May 2020 during the time of COVID-19 restrictions when British people were ordered not to go out and stay home, thereby violating the very lockdown imposed by his own government. While Boris Johnson’s transgression was found by legal investigators to be a very serious breach of legal regulations (still under legal investigation), it nevertheless cannot be treated on par with the first alternative that concerns a concrete political course of action, namely the PM’s commitment to provide, or not, financial and technical support for those small businesses.

The false dilemma generated by the disjunctive question in (7) is meant to constrain the PM to assume responsibility for both past and future actions by taking the necessary measures to redress a troublesome situation. False dilemma arguments, whether incorporated in a statement or a question, can be evaluated based on the strength of the claimed links between the two juxtaposed events. If those links are weak, then the argument is likely to also include further fallacies. As was shown in the discussion of excerpt (6) above, false dilemmas often occur in combination with other arguments or fallacies, which magnify their rhetorical effect. In (7), the false dilemma is juxtaposed with an *ad hominem* argument, whose force derives from the ironical rhetorical question used by the opposition MP to attack the moral character of the PM. A moral character is a central prerequisite for a politician in general and for the holder of the prime-ministerial office in particular. In political and parliamentary debate, more than in other types of debate, the *ad hominem* argument has often proved to be valid and legitimate since it calls into question a politician’s credibility by throwing doubt on his character and raising concerns about the justifiability of public trust in that person. This excerpt displays an instance of circumstantial *ad hominem* argument which “essentially involves an allegation that the party being attacked has committed a practical inconsistency, of a kind that can be characterized by the expression “You do not practice what you preach”. (Walton 2000, p. 106). These arguments activate the Grice (1975) implicature according to which the PM says one thing but does another (“actions speak louder than words”), which is meant to have a strong emotional effect on the audience.

The PM avoids answering MP Whitford’s embarrassing question (underlined), which raises serious doubts about his credibility and the consistency of his behavior. Hence, he performs a face-saving act as he tries to show commitment and give assurance about “offering financial and technical support to businesses”. The persuasiveness of his response is certainly impacted by the emotional uptake of the *ad hominem* argument invoked in the question.

As already mentioned, argumentative questions display different degrees of argumentativeness, some being more argumentative than others. The argumentative questions asked of the PM by opposition MPs in (6) and (7) share a number of common features, such as the form of a disjunctive question, the use of a combination of valid and invalid (fallacious) arguments and the adversarial relation between questioner and respondent. At the same time, they differ in several respects: they feature combinations of different types of arguments, e.g., false dilemma and slippery slope fallacy in (6), and false dilemma and *ad hominem* argument in (7); the scope and target of the disjunctively articulated arguments concern primarily the main issues under debate in (6), whereas in (7) they are primarily directed at the credibility and trustworthiness of the PM as basic prerequisites for successfully performing the prime ministerial duties. Moreover, the ironical tone underlying the second option of the disjunction in (7) is meant to produce an emotional response in the audience, which is likely to increase the degree of argumentativeness.

6. Conclusions

In parliamentary deliberation, more than in other types of institutional deliberation, the interplay between questions and answers acquires varying degrees of argumenta-

tiveness since MPs negotiate not only the pros and cons of the issues under discussion, but also their party-political roles and power positions (Ilie 2021b). While the questions asked in PMQs can be very challenging, accusatory and compelling, they are often responded to with evasive replies, irrelevant answers, justifications or counter-questions. The questions asked during the notoriously polarized PMQs are rarely information-eliciting, but often face-threatening or face-damaging acts used by the LO and opposition MPs as argumentation strategies to challenge and attack the PM.

The aim of this paper was to explore how argumentation strategies and persuasive techniques shape and are shaped through the co-performance of questioning and answering practices during parliamentary interaction in PMQs. A multi-layered analysis at the interface of pragma-rhetoric and argumentation theory has focused on three categories of questions: yes/no questions, wh-question and disjunctive questions. The impact of these particular types of questions in PMQs results primarily from the context-specific interplay of questions and their corresponding answers. Significant distinctions have been discussed regarding the usages of standard and non-standard yes/no questions with a focus on their degree of argumentativeness. The use of higher or lower degrees of argumentation in wh-questions and their corresponding answers has been problematized, with a focus on varying perlocutionary effects of wh-questions, in general, and why-questions, in particular. A context-based comparative analysis has been carried out regarding the degrees of fallacious reasoning in argumentative disjunctive questions acting as false dilemmas.

To better capture the effects of the shifting dynamics of the polemical question-answer exchanges between political adversaries, the present analysis is based on a cross-fertilization of pragma-rhetoric and argumentation theory. The commonalities and complementarities of these approaches have been used to identify and explore the varying degrees of adequacy, relevance and persuasiveness displayed by a range of questioning and answering strategies in PMQs.

From the perspective of a pragmatic approach, the present investigation has shown that the parliamentary question-based confrontational interaction is not just a mere chain of independent speech acts, but rather speech acts interrelated with each other argumentatively in a wider institutional discourse context. The pragmatic analysis has revealed that the parliamentary question-answer interplay is impacted by multiple factors: the questioner's and the answerer's commitments, beliefs, identities and institutional roles, the power balance between questioner and respondent, the questioner's explicit and implicit goals, the informative value and the relevance of the answer to both questioner and respondent.

In an argumentation-based approach, questions endowed with argumentative force and responses displaying counter-argumentative force seek to challenge the agenda-setting, shift the direction of the polemical deliberation, reinforce a viewpoint, introduce a new focus on the debated issue(s), refute a standpoint, divert the attention from the issue at hand and/or establish/reinforce the connection with multiple audiences.

A combination of pragma-rhetorical and argumentation approaches has provided the analytical tools needed to examine and understand the interplay of parliamentary questions and answers in terms of their varying degrees of argumentative validity or fallaciousness. The findings show that parliamentary questions and answers perform multiple pragmatic, rhetorical and argumentative functions, which may be overlapping or complementary in varying degrees.

The results show that in default questions asked in PMQs, the questioning LO or opposition MPs pretend to ask what they actually call into question. Questions with a higher degree of persuasiveness have been found to convey a strongly assertive illocutionary force and to trigger strategic answers in an attempt to shift mindsets. The pragma-rhetorical analysis of parliamentary questions illustrated with excerpts from the Hansard transcripts of the UK Parliament reveals that there is no one-to-one match of form to function and that questions are multi-functional, with varying degrees of context-specific relevance and persuasiveness. Argumentatively the interactive force of questions derives partly from

underlying patterns of reasoning aimed to challenge the PM's statements, policies, actions and/or behavior, and partly from audience-targeted emotional triggers.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Conflicts of Interest: The author declares no conflict of interest.

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Article

What Was the President's Standpoint and When Did He Take It? A Normative Pragmatic Study of Standpoint Emergence in a Presidential Press Conference

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Abstract: In contrast to views that treat positions and standpoints as defining the scope of argumentation, our normative pragmatic approach sees positions and standpoints as interactionally emergent products of argumentative work. Here, this is shown in a detailed case study of a question-answer session in which former US President Donald J. Trump was pressed by journalists to express and defend his standpoint on the Charlottesville protests by neo-Nazis and White nationalists. Trump repeatedly evaded efforts to pin down his standpoint; however, with each of his answers to the questions, his built-up position circumscribed the range of *possible* standpoints he could take. To the end, he avoided backing down from any prior statement expressing his standpoint, while also preserving a degree of maneuverability regarding what his standpoint amounted to.

Keywords: argumentation; commitments; conversational interaction; disagreement management; implicature; interactional emergence; press conference; standpoints; normative pragmatics

Citation: Jacobs, Scott, Sally Jackson, and Xiaoqi Zhang. 2022. What Was the President's Standpoint and When Did He Take It? A Normative Pragmatic Study of Standpoint Emergence in a Presidential Press Conference. *Languages* 7: 153. <https://doi.org/10.3390/languages7020153>

Academic Editor: Steve Oswald

Received: 7 February 2022

Accepted: 6 June 2022

Published: 20 June 2022

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1. Introduction

The possibility of disagreement is ubiquitous in human interaction, and its management is a constant concern. Elsewhere, we have described argumentation as a very abstract set of resources for managing disagreement, grounded in the pragmatics of communication and overlaid with situated norms of reasonableness (van Eemeren et al. 1993, p. 2; Jackson 2019; Jackson and Jacobs 1980; Jacobs 1999; Jacobs and Jackson 1989). Along with other communication scholars (e.g., Innocenti 2022; Kauffeld and Goodwin 2022; Weger and Aakhus 2005), we have embraced ‘normative pragmatics’ as a label for our approach. Though informed and influenced by other contemporary argumentation theories, normative pragmatics is distinctive in asserting that both the structure and the substance of argumentative discourse emerge from interaction, meaning that what participants in argumentation end up producing as positions and standpoints are collaborative productions.

‘Standpoint’ and ‘position’ are important but problematic theoretical terms. ‘Standpoint’ is often used interchangeably with claim or conclusion (usually the highest-order node in a complex case), and ‘position’ is a body of supporting arguments—a case—that justifies or undermines a standpoint. Argumentation that elaborates positions may proceed after standpoints have been formulated (for example, in formal policy debates). However, acknowledged standpoints are not a prerequisite to argumentation. Arguments occur without them. Even when put on the record, getting a standpoint clearly formulated can be an arduous task.

A more fundamental and general pattern in argumentative discourse is what Musi and Aakhus (2018) dubbed the target-callout sequence, where the callout problematizes something about another conversational act (the “arguable” in Jackson and Jacobs 1980). A targeted arguable can itself be a standpoint, something from which a standpoint could be

derived, or something only very loosely connected with what might emerge as a standpoint (Jackson 1992). A *position* may be built up around a field of possible standpoints, without a commitment to any one in particular. In addition, the meaning of any standpoint that is expressed depends upon its location in its context of occurrence, much of which is discursive.

This study examines a high-profile case of standpoint emergence that allows us to display the precarity of notions such as standpoint and position. The case concerns former US President Donald J. Trump and his standpoint regarding events that took place in August 2017, after a White nationalist rally in Charlottesville ended in violence and death. Trump issued two statements in the days following this event and these, together with a hijacked press conference, remain objects of political controversy. We will trace the emergence of Trump's putative standpoints through the two statements and his answers to hostile questioning during the press conference. The analytic question of this study echoes a Watergate-era meme: What was the President's standpoint and when did he take it?¹

This case is unusual, but not because it involves standpoint emergence. Standpoint emergence, even absence, is completely commonplace in ordinary language interaction and discourse. This case is unusual because it makes the *work* involved in standpoint emergence so evident. Here, standpoint emergence is the interactional achievement of reporters trying over and over to pin down the President's standpoint, circumscribing what it possibly could be and inferring it from the position he builds. It has already been shown that in situations like this, questioned politicians may covertly resist questioning through various tactics of evasion (Clayman and Heritage 2002, chp. 7). They often look for an equivocal non-answer that still looks like an answer and that allows them to "leave the field" of the agenda set out by the question (Bull 2008; Jacobs 2016; Polcar and Jacobs 1997). We will see this pattern in many of Trump's responses. In this case, journalists in their collective follow-ups "pursue a standpoint" in a way akin to how single interviewers can "pursue an answer" (Romaniuk 2013).

This case is also unusual because it reveals departures from the norms for interactional formatting in a presidential press conference. American presidential press conferences operate conventionally as a question-answer inquiry conducted in a "neutralistic" manner (Clayman 1988, 1992; Clayman and Heritage 2002). Reporters are not supposed to argue with the interviewee. Asking questions, introducing assertions as reports of other people's views, and positioning assertions as prefaces to questions are all practices that work to avoid the appearance of arguing. Since the 1960s, the questioning of presidents has become markedly more aggressive and adversarial (Clayman et al. 2006; Heritage and Clayman 2013), coming to more closely resemble the thinly veiled argumentativeness of Prime Minister's Question Time in the UK Parliament (Mohammed 2018). However, the question-answer format remains in force. Even in their notoriously confrontational news interview, Dan Rather and George H. W. Bush collaborated to maintain the question-answer structure (Schegloff 1988). Still, everyone knows that the questions in these cases are not simply information-seeking acts. Both sides calculate the argumentative consequences of their questions and answers. All parties orient to the possibilities for a would-be debate lurking in the background. The participants play, as it were, one kind of language game on the board of another. Question-answer becomes a "functional substitute" for open argumentation (van Eemeren et al. 1993, chp. 6; Jacobs 1989, 2002), a way to fashion and probe argumentative positions without openly disagreeing and debating. The case analyzed here is illuminating precisely because the pretense of a purely information-gathering activity could not be sustained as the journalists broke into open, direct, bald-on-record disagreement and counterargument.

2. Methods

The case materials were various records of discourse produced in early- to mid-August of 2017; the anchoring texts consisted of two statements issued by President Trump on 12 August and 14 August and a press conference held on 15 August. Working from

these anchoring texts, we compiled other contextual data to position them within ongoing argumentative discourse in news and social media. The statements were brief comments on a White nationalist rally that occurred in Charlottesville, Virginia, on 11 and 12 August and were based on written scripts but delivered orally at events organized for other purposes. The press conference was called to introduce a new infrastructure initiative. The President's prepared presentation was excluded when preparing a technical transcript of the question-answer period. Video recordings and vernacular transcripts were available from various news organizations (ABC News, Associated Press-New York Times, C-SPAN, CNN, FOX News, NBC News, POLITICO, and the White House). The technical transcript with video links (Jacobs et al. 2022) contained features and content omitted from journalistic transcriptions. Each recording allowed differential access to what was being said, especially during overlapped shouting by journalists reacting to Trump's answers or bidding for the floor.

We examined the two statements and the press conference using the microanalytic methods typical of our earlier work (Jackson 1986; Jacobs 1986, 1988, 1990); however, we also drew on external discourse for further context. Political speech has taken on a complexity Mohammed (2019) termed "networked open-endedness". Any individual utterance in modern political discourse both draws on and contributes to assumed broader discourses. We treated the two statements and the press conference as if they contained pointers to this mutually understood context. These anchor texts (especially the press conference) contained many references to prior events and phrases suggesting shared background knowledge; we used these as query strings for systematic searches of prior discourse. For the retrieval of news content, we used LexisNexis. For the retrieval of social media content, we used a bundle of natural language processing tools known as the Social Media Macroscope (Yun et al. 2020). The results from these queries were analyzed both quantitatively (e.g., content volume and topical themes) and qualitatively (e.g., argument reconstruction). In this way, we were able to work backwards in time to aid our analysis of the three anchor texts. Using the same methods, we were able to work forwards in time to check certain interpretations against uptake in subsequent discourse (analogously to the "next turn proof procedure" used in conversation analysis; see Sidnell 2013).

3. Results and Discussion

As a starting point for analysis, we treated President Trump's two statements on Charlottesville as conveying his nominal standpoint. Both statements were glossed (Garfinkel and Sacks 1970) as condemnations of what happened in Charlottesville; however, both permitted multiple interpretations of exactly who or what he was condemning and even doubt about whether any condemnation was made at all.

3.1. The Two Statements on Charlottesville

The first statement was delivered from a written script late Saturday afternoon at an unrelated bill-signing ceremony. Video recordings captured a moment in which Trump appeared to go off-script (C-SPAN 2017; see Holan 2017 for full statement). The ad-libbed portion is underlined in the following excerpt:

But we're closely following the terrible events unfolding in Charlottesville, Virginia. We condemn in the strongest possible terms this egregious display of hatred, bigotry and violence on many sides, on many sides. It's been going on for a long time in our country. Not Donald Trump, not Barack Obama, it's been going on for a long, long time. It has no place in America. What is vital now is a swift restoration of law and order and the protection of innocent lives.

The "terrible events unfolding in Charlottesville" occurred during a rally instigated by Unite the Right (a movement embraced by ultra-right-wing organizations, including self-identified Nazis and White nationalists), nominally to protest the removal of a statue of Robert E. Lee, the iconic general for the Confederate army during the American Civil War.² The rally was planned for Saturday, 12 August, but the organizers called protestors to an

impromptu Friday night march to the statue. In a surreal echo of 1930s newsreels, newscasts showed lines of protestors, clad in white sport shirts and khaki pants, carrying tiki torches and chanting racist slogans (e.g., “Jews will not replace us!”, “Blood and soil!”, “Into the ovens!”, “Blacks will not replace us!”, and “White lives matter!”). Counter-protestors gathered, and shouting back and forth led to fighting (mostly shoving and hitting). Injuries were reported on both sides.

Early Saturday morning, both sides reassembled and resumed hostilities. Before noon, the Governor of Virginia declared a state of emergency and law enforcement ordered the crowds to disperse. The violence seemed to have ended. However, around 1 p.m., a neo-Nazi protestor ploughed his car into a crowd of dispersing counter-protestors, causing multiple injuries and the death of Heather Heyer. Videos of the attack appeared almost immediately on television news and social media.

Trump’s statement was most plausibly motivated by the killing. His notice of the protest was minimal until Heather Heyer’s death. Despite being a prolific tweeter, Trump sent out nothing about Charlottesville prior to 12 August. As the violence escalated, Trump began tweeting; seven of his eight 12th August tweets referred directly or indirectly to Charlottesville (Brendan n.d.). Beginning around 1 p.m. he tweeted that “we must ALL be united” against hate, that Charlottesville was “sad,” that “swift restoration of law and order” was needed, that “we are watching developments,” and finally, hours after the killing, “condolences”. In the days surrounding the event, he tweeted nothing about racism and bigotry, nor anything condemning the protestors.

The ad-libbed “on many sides” phrase in the Saturday statement was widely interpreted as an interjection to avoid denouncing the protestors. For the next two days, Trump’s statement drew fierce criticism for blaming all sides and for failing to even name the right-wing hate groups who organized the rally and fostered the views of the killer. Queries on the phrase “on many sides” retrieved over 13,000 tweets (not including retweets). Substantively, the attention paid to “many sides” was negative. Figure 1 shows a burst of commentary soon after the statement along with a classification of the topical content. These “topic waves” reveal what significance tweeters found in the phrase “many sides”. The figure shows (roughly) what was being said on Twitter: not “Trump condemns racism,” but “Trump blames both sides”. The news coverage was similar, treating his focus on the violence as a way to include both sides in his condemnation and to avoid condemning racism. Over 2000 stories were retrieved from LexisNexis in the days just following the statement, and “many sides” often appeared in the headlines, attesting to the significance attached to this phrase.

Others in Trump’s administration quickly named the killing an act of domestic terrorism, and many critics demanded that Trump do the same. Trump issued a stronger statement on Monday, 14 August, again reading from a prepared script. This time, he named specific groups (passage underlined; see Rubin 2017 for the full statement):

As I said on Saturday, we condemn in the strongest possible terms this egregious display of bigotry, hatred, and violence. It has no place in America. And as I have said many times before, no matter the color of our skin, we all live under the same laws; we all salute the same great flag; and we are all made by the same almighty God. We must love each other, show affection for each other, and unite together in condemnation of hatred, bigotry, and violence. We must discover the bonds of love and loyalty that bring us together as Americans. Racism is evil, and those who cause violence in its name are criminals and thugs, including the KKK, neo-Nazis, white supremacists, and other hate groups that are repugnant to everything we hold dear as Americans. We are a nation founded on the truth that all of us are created equal. We are equal in the eyes of our creator, we are equal under the law, and we are equal under our constitution. Those who spread violence in the name of bigotry strike at the very core of America.

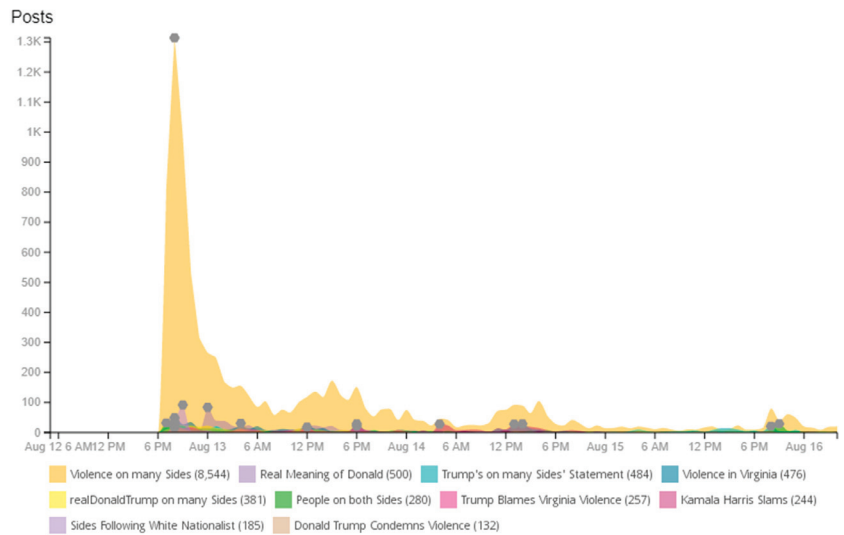


Figure 1. Topic waves following Trump’s Saturday statement. (Crimson Hexagon).

The inclusion of “other hate groups” in the list introduced an ambiguity that could not be explored by the press, since Trump took no questions; however, many people treated the statement as the kind of condemnation they were calling for.

Tuesday morning, Trump invited strong suspicion that his Monday “racism is evil” statement was disingenuous, read only grudgingly because his staff insisted that he do so. He re-tweeted a cartoon image headed “FAKE NEWS CAN’T STOP THE TRUMP TRAIN,” depicting a train running over a person with the CNN logo for a head and torso as railroad ties fly to both sides of the track (Figure 2). The visual resemblance to the widely circulated video of the neo-Nazi car ploughing through flying counter-protestors was obvious, and although the tweet was deleted within minutes, it was captured and discussed on social media and in the mainstream press (e.g., Sullivan and Haberman 2017).

Going into the press conference on 15 August, President Trump was on record as having condemned “in the strongest possible terms this egregious display of hatred, bigotry, and violence”. However, exactly what (and whose) egregious display he had condemned, and whether he had done so authentically, was very much in doubt. Whether and how his statements expressed his standpoint would depend on the position he developed subsequently and which parts of the statements he adhered to under questioning.



6:40 AM · Aug 15, 2017 · Twitter for iPhone

Figure 2. Tuesday morning Trump train retweet.

3.2. *The Press Conference*

The press conference was called by the President to announce a new infrastructure initiative, which he did while flanked by three Cabinet members. However, reporters largely ignored that agenda. After concluding his prepared remarks, Trump invited questions. From the very first reporter's question, and throughout the session, Trump was called on to answer for his standpoint on Charlottesville. In response, Trump developed his position. In this section, we will show how reporters' questions and challenges shaped the standpoint Trump wound up defending as he built up his position.

3.2.1. Overview of the Question-Answer Period

Figure 3 displays a visual overview of how Trump's position developed over time. We preserved the proportionality and distribution of different themes by stripping out reporters' turns. Under persistent questioning, Trump produced several lines of argument. We identified six, for which we have provided glosses. Going into the press conference, Trump was committed overtly to the first line (Nazis are bad, and I condemned them) and conjecturally to the fourth (the alt-left was also violent) and fifth (both sides are to blame), depending on whether the Monday statement counted as a withdrawal of the ad-lib comments on Saturday.

01 DT: If you have any questions uh please feel free to ask.

03 DT: Because they're () not taking their job () seriously as it pertains to this country. And we want jobs. Manufacturing in this country. If you look at some of those people that you are talking about, they're outside of the country. They're having () a lot of their product made outside if you look at Mercedes as an example. Take a look (where: Excuse me. Excuse me.

05 DT: Take a look at where their product is made. It's made outside of our country. We want products made in the country. Now I have to tell you, some of the folks that will leave, they're leaving out of embarrassment. Because they make their products outside. And I've been lecturing them, including the gentlemen that you are referring to, about you have to bring it back to this country. You can't do it necessarily in Ireland and all of these other countries. You have to bring this work back to this country. That's what I want. I want manufacturing to be back into the United States so that American workers can benefit.

10 DT: [didn't wait] []

12 DT: [didn't wait] []

14 DT: [didn't wait] []

16 DT: [didn't wait] []

17 DT: [didn't wait] []

18 DT: [didn't wait] []

19 DT: [didn't wait] []

20 DT: [didn't wait] []

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198 DT: [didn't wait] []

Figure 3. Trump's major lines of argument (color coded) distributed over time. Dark blue: Nazis are bad, and I condemned them. Green: My statements were good. Red: I had to wait for the facts to make a full statement. Light blue: The alt-left was also violent and should be blamed. Purple: Both sides are to blame. Yellow: Some of the protestors were very fine people with legitimate reasons to protest that should not be condemned.

The color coding lets us see a major pivot point about halfway through the press conference. Before the pivot, Trump developed lines of argument that could excuse the equivocality of his Saturday statement as merely waiting for the facts required to make an unequivocal and superseding condemnation of the protestors on Monday. The dominant themes early in the interaction were that his statements were good (highlighted in green) and that he had to wait for the facts before making a full statement (highlighted in

red). After the pivot, Trump developed lines of argument that were clearly inconsistent with a plain condemnation of the protestors, including reaffirmation that both sides held blame (highlighted in purple), condemnation of the alt-left (highlighted in light blue), and excluding some alt-right protestors (the “very fine people”) from any share of the blame (highlighted in yellow).

As he responded to the series of questions and challenges, the position Trump developed changed the sense that could be made of his earlier statements. They remained condemnations of *violence*, but they could no longer be heard as condemnations of racism and White nationalism, at least not in the way that many press conference reporters would accept. The statements could no longer be heard as condemnations of Nazis alone or of all the protestors. In addition, a sense of excuse seemed to mitigate the condemnation. Trump never openly withdrew or contradicted any of what he said; he just reframed it all.

3.2.2. Initial Questions and Argument Development

In this and the following sections, we will show the reporters’ contributions to Trump’s position-building and the emergence of his standpoint. The development of Trump’s position was reactive: it emerged from answers to questions posed by journalists, whose loosely coordinated but persistent efforts seemed to have been designed to force Trump (DT in the transcript) into either unmistakably condemning the Charlottesville protestors or openly refusing to do so.

The first question (02, Figure 4)³ comes from ABC’s Mary Bruce (R1). The open-ended WH-question is in line with the characteristically deferential stance press reporters take toward the President. It is already tinged with combativeness.⁴ The question about business leaders may appear to be loosely related to infrastructure, but it is not. It is about Trump’s Charlottesville statements, and everybody knows it. The question presumes that Trump knew who “these CEOs” were, and knew why they were resigning. And Trump did know. He had been tweeting back at a series of resignations by CEOs announced after his second statement on Charlottesville. Trump must hear that the point of the question was to address the criticisms those resignation announcements were raising. However, Trump resists the implicit agenda behind the question, evading the point by attributing their motive to not doing their jobs and not bringing jobs back into the country.

Bruce’s next question (06/08 in Figure 4) presses the point, making it clear that Trump has not really answered the question by prefacing her follow-up with “Let me ask you (a different way)”. She then, in effect, formulates the CEOs’ reason for resigning: “Why did you wait so long to (blast) neo-Nazis?” This accusatory formulation (Clayman 2010) signals that Trump waited longer than normal (“so long”) and also implicates (in alignment with the CEOs) that a president should “blast neo-Nazis”. It is a call to account. Trump seemingly accepts the implicature that he should “blast neo-Nazis” by failing to deny it, but; however, he rejects waiting too long (10), defiantly repeating “I didn’t wait long” (12, 14) as Bruce cuts in to baldly refute his claim (13, 15). Already, the press conference has taken on an unusually aggressive and confrontational tone that has slipped far outside the neutralistic circle (Heritage and Clayman 2010, p. 240). Trump’s turn 16 (Figure 4) offers a justification for waiting: he needed to “know the facts”. This line of argument will be reiterated and developed throughout the first part of the press conference.⁵

01 DT: If you have any questions uh please feel free to ask.
 02 R1: Why do you think these CEOs are leaving your manufacturing council?
 03 DT: Because they're (.) not taking their job (.) seriously as it pertains to this country. And we want jobs. Manufacturing in this country. If you look at some of those people that you are talking about, they're outside of the country. They're having (.) uh- a lot of their product made outside if you look at Merck as an example. Take a look [where- Excuse me. Excuse me.]
 05 DT: Take a look at where their product is made. It's made outside of our country. We want products made in the country. Now I have to tell you, some of the folks that will leave, they're leaving out of embarrassment. Because they make their products outside. And I've been lecturing them, including the gentlemen that you are referring to, about you have to bring it back to this country. You can't do it necessarily in Ireland and all of these other places. You have to bring this work back to this country. That's what I want. I want manufacturing to be back into the United States so that American workers can benefit.
 06 R1: Let me ask you [[a different way]] why- why did you=
 08 R1: =wait so [long to (blast) neo-Nazis?]
 09 R4: [Wh- Why do Nazis like you?]
 10 DT: I didn't wait long.
 11 R4: Wh- Why[do Nazis] like you?=
 12 DT: [I didn't wait [long.]
 13 R1: [two days] =two days
 14 DT: I didn't wait [long.]
 15 R1: [You waited]forty eight hours= [(That's pretty)long time]
 16 DT: =I wanted [to make suRs::e.] unlike most politicians, that what I said was correct. Not make a quick statement. The statement I made on Saturday, the first statement, was a fine statement. But you don't make statements that direct unless you know the fact. It takes a little while to get the facts. You still don't know the facts. (.) And it's a very, very uh important process to me. And it's a very important statement. So I don't want to go quickly and just make a statement for the sake of making a political statement. I wanna know the facts.

Figure 4. Transcript excerpt 01–16.

Wanting to have facts before making public statements is not unreasonable. However, the reporters refuse to accept this as accounting for the difference between the two statements. While Trump is still talking, an unknown reporter (R7) shouts out a question that was partly undecipherable but clearly meant as a rhetorical question, challenging the need to know any facts other than that the protestors were White nationalists (17, Figure 5).

17 R7: Do you have [to () (to defy)] White supremac[ists?
 18 DT: [If you go back to my- in fact-] [I brought it. I brought it.
 19 R2: Was it terrorism?
 20 DT: I brought it.
 21 R2: Was it terroris[m?
 22 R1: [What did you bring?
 24 R1: (what is) it-
 25 DT: As I said on, remember this, Saturday, "We condemn in the strongest possible terms this egregious display of hatred, bigotry and violence. It has no place in America." And then I went on from there. (.) Now here's the=
 27 R1: =[and on many s:i:des]
 28 DT: =[thing. As to- Ex]cuse me. Excuse me. Take it nice and easy. Here's the thing. (.) When I make a statement, I like to be correct. I want the facts. This event just happened. In fact, a lot of the event didn't even happen yet. As we were speaking. This event just happened. Before I make a statement, I need the facts. So I don't want to rush into a statement. So making the statement when I made it was (.) excellent. In fact, the young woman, who I hear is a fantastic young woman, and it was on NBC,
 29 Rx: Have you called [()]?
 30 DT: [HER MOTHER] wrote me (.) and said (.) through, I guess Twitter, social media, (.) the nicest things and I very much appreciated that. I hear she was a fine, really actually, an incredible young woman. But her mother, on Twitter, thanked me for what I said.
 31 R1: But- White nat[ionalists ()]
 32 DT: [And honestly] if the press were not fake and if it was honest, the press woulda said what I said was very nice.

Figure 5. Transcript excerpt 17–32.

Trump was keenly aware of the background controversies motivating Bruce's and other reporters' questions and challenges. This is evidenced in by the fact that he reads aloud a written version of his initial Saturday statement that he pulled from his pocket (18/20, Figure 5). Trump's quote in (25, Figure 5) is apparently offered as proof that his first statement "was a fine statement" (16, Figure 4). However, he omits the portion he had ad-libbed on Saturday. He reads up to that point and then continues, "And then I went on from there". Almost immediately in objection, Bruce interjects "and on many sides" (27),

implicating that the incendiary phrase was the reason for public outcry. However, as he will continue to do later on when Bruce again brings up the phrase (75), Trump ignores her. He just continues to develop his rationale for making a second statement on Monday and then defends the Saturday statement as nevertheless “excellent” (28) and “very nice” (32).⁶ By this point, Trump has not offered any defense of his “many sides” statement, but neither has he openly backed down from it.

A chaotic exchange follows (see Figure 6). Reporter R4 asserts “Nazis were there” then twice shouts out the taunt “Why do Nazis like you?” (36, 39, 41; see also his prior taunts in 09 and 11, Figure 4). When Trump angrily shouts back, “They don’t. They don’t. They don’t” (42), the reporter baldly rebuts the denial without asking any question (43, 45). In turns 44 and 47, Trump asks for “a coupla infrastructure questions” and then looks at Mary Bruce, whose mention of “the CEO of Walmart” (40) may have seemed the most promising among bad alternatives.

34 DT: But [unlike you and unlike-
 36 R4: [Nazis- () [that Nazis were [there]
 37 DT: [Excuse me. (.4 sec) Unlike you and unlike the media,] before I
 make a statement, I like to know the facts.
 39 R4: Why do the Nazis like you?
 40 R1: The CEO [of Walmart ()
 41 R4: [Why do Nazis like you ()
 42 DT: [They don’t. [They don’t. (.) They don’t.
 43 R4: [If you look (his) was (right where they were) [() Richard-
 44 DT: [Listen, how’bout-
 [how ’bouta couple of-
 45 R4: [Richard Spencer has prai[sed you, David Duke was [there
 46 R2: [Mr.- [Mr. Trump, was it terrorism, that event?]=
 47 DT: [How’bout a coupla infrastructure questions]
 48 R2: =[Was that terrorism?]

Figure 6. Transcript excerpt 34–48.

Bruce’s question (49, 51, Figure 7) turns out to pursue the issue behind her opening and follow-up questions regarding the CEO resignations—not the infrastructure agenda Trump had called for. As in his prior response (03/05, Figure 4), Trump steers the issue to the economy (52). However, he understands the reason for the CEO’s criticism: when asked by the next reporter if he had to do “it” all over again, how would he do “it” (54), Trump takes “it” as referring to his Charlottesville statements, not to the economic policies he had just raised (56). The question at least lightly calls for some acknowledgement of error.

However, Trump will have none of it. He would “do it the same way” (56), and he reiterates his line that he wanted to make sure his statement was “correct,” that he “had to see the facts,” and that Saturday was too “early” (58, 60).

This defense meets immediate resistance from the reporters. In (59), a reporter (Rx₂) accusatorily repeats Mary Bruce’s earlier criticism (13/15, Figure 4): why did Trump wait two days? Reporter R4 repeats his unanswered rebuttal that “David Duke was there” (62) and that “Nazis were there” (65). Mary Bruce shouts out a bald refutation: “You said a lot of reporters were there. They’re not just lying” (64/66). Another reporter asserts, “There was violence out there” (69). Finally, after Trump denies that he knew David Duke was there (67) and reiterates that he wanted to know all the facts and needed time to make a statement “with knowledge” (67, 70/71, 73), Mary Bruce calls out of the clamor, “whyd’ju (say) many sides” (75).⁷

49 R1: [The CEO of Walmart] said you missed a [critical opportunity
50 DT: [Say it. What? ((looking at R1))
51 R1: The CEO of Walmart said you missed a critical opportunity to help bring the country together. Did you?
52 DT: Not at all. I think uh the country- Look. You take a look. uh I've created over a million jobs since I'm president. The country is booming, the stock market is setting records, we have the highest employment numbers we've ever had in the history of our country. We're doing record business. We have the highest levels of enthusiasm. So the head of Walmart, who I know, he's a very nice guy, was making a political statement. I mean-
54 Rx₁: If you had to do it all over again how would you do it?
56 DT: I'd do it the same way. And you know why?
57 Rx₂: (If you had to do it) all over again?
58 DT: Because I want to:: (1.2) make sure, when I make a statement, that the statement is correct.
59 Rx₂: Why [did you (wait two)
60 DT: And there was NO WA:::y, (1.3 sec.) There was no way of making a correct statement that early. I had to see the facts, unlike a lot of reporters
62 R4: David Duke, David Duke was there, (Mr. [President)
63 DT: [unLIKE a lot of reporters]
64 R1: [(You said) a lot of reporters] [were there]
65 R4: [Nazis]were there=
66 R1: =They're not [just lying
67 DT: [I DIDN'T KNOW David Duke was there. I wanted to see the facts. And the facts as they started coming out, were (.) very well stated. >In fact everybody said,< his statement was beautiful. If he would've made it sooner, that would have been good. I couldn't 've made it sooner because I didn't know all of the facts. Frankly, people still don't know all of the facts.
69 Rx: (There was violence [out there)
70 DT: [It was VERY IMPORTANT- Excuse me. Excuse me.
71 DT: It was very important to me to get the facts out. >And correctly.< Because if I would've made a fact statement and the first statement was made, (.) without knowing much other than what we were seeing. The second statement was made after- with knowledge, with great knowledge.
73 DT: There's STILL THINGS- Excuse me. (.) There's still things that people don't know. I wanna make a statement with knowledge. I wanted to know the facts. Okay (.)
75 R1: whyd'ju (say) many sides

Figure 7. Transcript excerpt 49–75.

Trump will not use this line of argument again. He will not assert again that his statements were of high quality. He will drop the argument that his need to know the facts and desire to make a correct statement were the reasons for the difference between the Saturday and Monday statements. However, he never actually backs down or withdraws those arguments.

However, *New York Times* reporter Maggie Haberman (R2) is still after an answer to her terrorism question, which she shouted out four times before (19, 21, Figure 5; 46, 48, Figure 6). The question indexes the widespread criticism of Trump's failure to denounce the Charlottesville protestors in terms he readily applied to acts of violence by non-Whites.⁸ When Trump gives her the floor (Figure 8), she adds a second question about Steve Bannon. Both questions present Trump with difficult dilemmas. For the first, to answer no would expose sympathy for racist White supremacists; to answer yes would offend these same groups. Thus, Trump dodges the question, treating it as just a matter of semantics. Although he clearly condemns the killing of Heather Heyer, he neither affirms nor denies that it was terrorism.

77 R2 Was this terr- Two questions. Was this terrorism? And can you tell us how you're feeling about your chief strateg[ist, Stephen Bannon?]
78 DT: [Well, I think the] (0.5) driver of the car (1.0) is a disgrace to (0.3) himself, his family, and his country. (1.1) And that is::: - you can call it terrorism. (0.7) You can call it murder. (1.2) You can call it whatever you want. (0.5) I would just call it as::; the fastest one to come up with a good verdict. That's what I'd call it. Because there is a question, is it murder? Is it terrorism? And then you get into legal semantics. (.) The driver of the car (1.2) is a murderer. (0.5) And what he did was a horrible, horrible, inexcusable thing.

Figure 8. Transcript excerpt 77–78.

Haberman's second question may seem unrelated, but is in fact closely tied to the first. The question references an article Haberman had published the day before (Haberman and Thrush 2017). The article highlighted Bannon's association with the alt-right, along with his efforts to dissuade the president from "antagonizing a small but energetic part of his base" by criticizing alt-right activists. It portrayed the president as wanting to distance

himself from Bannon but being unable “to follow through”. Trump’s ambivalence toward Bannon was portrayed as a tension between “a foxhole friendship forged during the 2016 presidential campaign and concerns about what mischief Mr. Bannon might do once he leaves”. The two questions are really one: was Trump’s seeming reluctance to condemn the protest in Charlottesville or to call the murder terrorism because his “chief strategist” had warned him not to do so? Expressing confidence in Bannon might bolster this suspicion.

At first, Trump dodges the Bannon question. Rather than answer Haberman’s follow-up repeat of the second question (81, Figure 9), Trump calls on another reporter (82). In an unusual tag-team move, that reporter (R5) uses his opportunity to pursue an answer to “Maggie’s question” (83).

81 R2: [Can you tell us how you’re feeling about your chief strategist, Mr. Bannon?
 Can you [talk about that?
 82 DT: [Go ahead ((pointing at R5))
 83 R5: I wou- I would echo Maggie’s question. Uh- Steve Bannon has [come under
 84 DT: [I never spoke to Mr. Bannon about it.
 85 R5: (But) can you tell us broadly what your v- Do you have- still have confidence in [Steve?
 86 DT: [Well, we’ll see and,
 Look. Look. (.) I like Mr. Bannon. He’s a friend of mine. But (.) Mr. Bannon came on very late. You know that. I went through: seventeen senators, governors, and I won all the primaries. Mr. Bannon came on very much later than that. Uh and I li:ke him: He’s a good man. Uh, he is: not a racist, I can tell you that. He’s a good person. He actually gets a very unfair press in that regard. (.) But, we’ll see what happens with Mr. Bannon. But, he’s a good person and I think the press treats him frankly very unfairly.
 88 R4: (Have you) called on the ([])
 89 R2: [Do you have confidence in [him?

Figure 9. Transcript excerpt 81–89.

When Trump says in turn 84 that he never spoke to Mr. Bannon about it, what is “it”? There is no clear prior referent in either (81) or (83). However, “it” can be linked to “this” in “was this terrorism?” In the question about Bannon, Trump hears suspicion that Bannon was advising him to not call the Charlottesville murder terrorism. The Haberman and Thrust article reported that “Mr. Bannon consulted with the president repeatedly over the weekend as Mr. Trump struggled to respond to [Charlottesville]”. Trump’s subsequent, evasive response (86) leaks his awareness of this article. Haberman and Thrush reported that his advisor was seen as “the mastermind behind the rise of a pliable Mr. Trump,” “the real power and brains behind the Trump throne,” and the reason for Trump’s election. Trump mentions that Bannon joined his campaign “very late,” after Trump had “gone through” seventeen primary opponents on his own. Trump also claims, without prompting, that Bannon “is not a racist”—another suggestion from the article (Trump: “He actually gets a very unfair press in that regard”). However, while Trump hears what Haberman’s second question is driving at, he does not really answer it, not even when she repeats her follow-up (89).

3.2.3. Candidate Standpoints at Midpoint

At this point in the analysis, it is worth taking stock of where things stand and how Trump and the reporters got there. First, the focal arguables in this press conference were the Saturday and Monday statements. Possible glosses of Trump’s position (“My statement was a good one,” “I needed to know the facts,” and “I could not make the Monday statement sooner”) are all subordinate considerations, arguments that responded to not-so-latent criticisms of his statements (such as “You did not condemn Nazis,” “You waited too long,” and “You should have called the killing terrorism”). The question-answer interaction explored the disagreement space around the speech acts of condemning and criticizing.

Trump himself characterized his two statements as condemnations. That label was used in the part of his Saturday statement that he re-read (25, Figure 5).⁹ All of Trump’s subordinate standpoints and arguments seemed to be designed to defend that speech act. Whether the reporters were challenging the felicity of the condemnations or challeng-

ing their very characterization *as* condemnations is somewhat obscure. However, their questions clearly signaled their negative assessments of Trump’s Charlottesville statements.

Second, the questioning by reporters amounts to a loosely coordinated effort to implement a remedial interchange (Goffman 1971) that would get Trump to admit and repair wrongdoing in his statements (e.g., failure to forcefully condemn the protestors, to do so in a timely manner, and without reluctance or equivocation), otherwise risk exposing himself as a fascist and racist sympathizer. In the face of Trump’s resistance, the reporters have repeatedly broken the pretense of disinterested inquiry. Their lapses into open objection and counterargument come off as acts of censure.

Nevertheless, Trump appeared to concede ground and adopted a less provocative position (and corresponding standpoint) in the early unfolding of the question-and-answer period. In important ways, his argumentative position in the press conference seemed to commit him to a refashioned, more circumscribed and unequivocal, less qualified sense of condemnation. At midpoint, Trump has defended his Saturday and Monday statements in a way that even more strongly committed him to those statements *as* the kind of condemnations of the protestors that the reporters seemed to want to hear. He accepted the implicature in Mary Bruce’s early follow-up question that he should “blast” neo-Nazis. By omitting the “on many sides” ad-lib, his revisionary re-reading of the Saturday statement could implicate that he no longer blamed both sides. In addition, his defense of his statements could be taken as at least implicating that he would now denounce the Charlottesville protestors for racism, lay the blame on them for the violence and Heather Heyer’s death, and more generally disavow the racist agenda of the White supremacist alt-right. Still, Trump had not said or done any of this openly and directly.

3.2.4. The Pivot

Halfway through the question-answer interaction, at around turn 97 (Figure 10), a pivot point is reached. Trump begins demanding answers from his questioners, interrogating *them*. In addition, he will respond to further questions and objections with new lines of argument. Those new lines of argument change the force and significance of all that he had externalized thus far.

90 R6: [Senator McCain has called on you to defend
your National Security Advisor, H. R. McMaster, *against* th()s attacks.]
91 DT: [I’ve already done it.] I did it the last time.
92 R6: And he called on (it) again, linking the
[[saying]] it’s the alt-right, and [saying he’s (the-)] [Yesssssss]
93 DT: [Senator McCain?] [Senator McCain?] You mean the one [who voted] against uh
Obamacare?=
94 R6: =And he said [that
95 DT: [Who is Senat- you mean Senator McCain who voted
against (0.6 sec) [us] getting (.) good healthcare? [Yeah]
96 R6: S[en] Senator McCain [said] that the alt-right is
behind these attacks, and he *linked* that same group to those who perpetrated the attack in
Charlottesville. [So (you)]
97 DT: Well, [I-] I don’t know. I can’t tell you. I’m sure Senator McCain must know
what he’s talking about. Uh but when you say the alt-right, uh define alt-right to me. You define it. Go
ahead.=
98 R6: =Well, I’m (sayin’) as [Senator
99 DT: [No, define it for me. Come on let’s go. De[fine it for me.]
100 R6: [Senator] McCain
defined them as the same groups. [that were behind the attack in Charlottesville]
101 DT: [Okay, what about the alt-left that came charging at] us. Excuse me.
What about the alt-left that came charging at the, as you say, the alt-right? Do they have any (.)
semblance of guilt?
102 Rs: [[[ONGOING CLAMOR]]
103 Rx: [But sir- sir ()
104 R6: [This is [Senator McCain’s statement
105 R7: [Are you equivocating here?
106 DT: What if- Let me ask you this. What about the fact that they came charging- that they came charging
with clubs in their hands, swinging clubs. Do they have any (1.0) problem, >I think they do.<

Figure 10. Transcript excerpt 90–106.

Trump calls on reporter R6 rather than answering Haberman's follow-up about his confidence in Steve Bannon (89, Figure 9). R6 reports Senator John McCain's call for Trump to defend his National Security Advisor against attacks (90, Figure 10). The topic would seem to be a new one, but R6 never gets to her question. Trump cuts her off, dismissing McCain's call (91), and interrupting again to attack McCain for casting the decisive vote that blocked the repeal of Obamacare (93/95). When R6 announces that McCain linked McMaster's "alt-right"¹⁰ attackers to those "who perpetrated the attack in Charlottesville" (96), Trump aggressively demands that she "define alt-right" (97, 99). In turns 98 and 100, R6 adopts the neutralistic footing of a reporter (Clayman 1992), offering McCain's definition: he "defined them as the same groups". The lurking agenda is brought close to the surface: would Trump side with his advisor, McMaster, against the same alt-right attackers behind Charlottesville?

Before R6 completes "that were behind the attack in Charlottesville," Trump cuts her off again. To the audible gasp of the press corps, he blurts out: "What about the alt-left that came charging at us. Excuse me. What about the alt-left that came charging at the, as you say, the alt-right? Do they have any semblance of guilt?" (101). The stunned press corps erupts (102). Then, as if to double down on the force of what he has just done, over the din of the reporters, Trump amplifies his "what about" challenges with more rhetorical questions: "What about the fact that they came charging . . . with clubs in their hands, swinging clubs? Do they have any problem?" He rapidly spits out his own answer: "I think they do" (106). The significance of what Trump has done is apparent to everyone—as captured by an unknown reporter screeching out over the clamor: "Are you equivocating here?" (105). Perhaps not equivocating, at least not any longer, but he certainly is escaping the net of commitments toward which the press corps had been channeling him.

Trump's introduction of the term 'alt-left' is a telling indicator of his alignment with the protestors. This is not just a matter of contrasting semantics, but one of social positioning. Trump could have asked, "What about the counter-protestors?" but instead chose a term that, at the time, was used *exclusively* by the far right. 'Alt-left' was not widely known or used prior to the press conference. Trump's use placed him among those few who were using the term and showed the intimacy of his knowledge of that social world. Figure 11 shows the results of a search (using Crimson Hexagon) for Twitter mentions of 'alt-left'. Few tweets used the term before the press conference, and a qualitative review of its earlier use shows use primarily by alt-right sympathizers to describe their opposition. 'Alt-right' was invented as a term of self-reference; 'alt-left' was coined as an epithet. Trump's argument that "the alt-left" also engaged in violence was an act of alignment with those alt-right users.

An even clearer signal of Trump's alignment can be found in turn 101, where Trump appears to say the alt-left came charging at "us". Our transcription is open to challenge: All other published transcripts show this as "em" (or as indecipherable). "Us" appeared at first in Politico's transcript; however, they amended it after White House objections. After listening repeatedly to all the recordings posted by news organizations, we believe that Politico had this right the first time. Trump utters a monosyllabic word that begins with a vowel and ends with "s". The video shows no lip closure required for "m". In addition, it does not sound like he cut off "em" and slid into an elided "e- -scuse me" (if that is even phonologically possible). A slip of the tongue, "us," would explain the subsequent repeat repair. After a hitch and parenthetical marker, "us" in the prior sentence is reformulated as "the alt-right": "What about the alt-left that came charging at **the- as you say, the alt-right?**" (hitch, marker, and replacement underlined in bold; see [Kitzinger 2013](#), pp. 234–36). Trump signals that he misspoke.

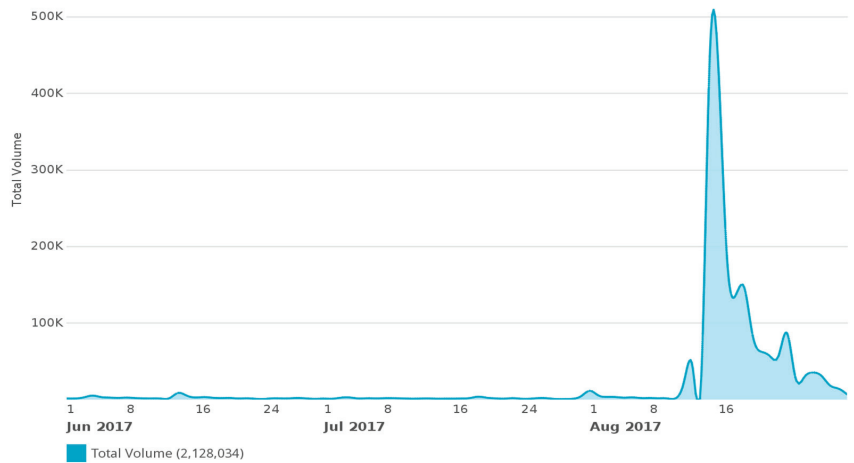


Figure 11. Tweets mentioning ‘alt-left’ before and after the August 15 press conference.

Before the pivot, Trump seemed willing to shed the “on many sides” ad-lib and all that it implicated. Now, at the pivot point, Trump openly defends the alt-right—not for their attacks on McMaster, but for their violence in Charlottesville. Rather than backing down from the Saturday ad-lib apportioning blame, he bolsters it. He has now mitigated, even *excused*, alt-right violence.¹¹ This line of argument will be reiterated and developed throughout the remainder of the press conference.¹²

3.2.5. Trump Leans into Opposition

Trump’s new position received a flurry of calls to, in effect, take it back (“Are you saying?” “You’re not putting”). Figure 12 contains what we could make out from reporters close enough to a microphone during the uproar. Even interrogative sentences (108, 123) sound incredulous. From here on, while Trump continues to call on and receive questions, many reporters simply move into an openly oppositional argument of a kind not found in any previous reports of Presidential news interviews or press conferences.

107 Rs: [[[ONGOING CLAMOR]]
 108 R6: [Sor[ry are you saying (sir)]
 109 Rx: [Mr. Trump]
 110 DT: [So, you know, as far as] I’m concerned, that was a horrible, horrible [day]
 111 R3: [(But you’re)not putting
 the [() on the same level as the Neo-Nazis and White supremacists.] Sir.
 112 DT: [Wait a minute. I’m not finished. I’m not finished. Fake news.]
 113 DT: That was a horrible day, [((IS CUT OFF BY CLAMOR--looks off to the side))]
 114 Rs: [[[ONGOING CLAMOR]]
 115 R3: You’re saying- you’re not putting these protestors on the same level
 [as neo-Nazis and White supremacists
 116 R4: [Is the alt-left as bad as White supremacy?
 117 DT: I will tell you something. I watched those very closely, much more closely than you people watched it.
 And you have uh y- you had a group on one side that was bad, and you had a group on the other side
 that was also very violent. And nobody wants to say that. [But I’ll say it right now.
 118 Rx: [you’ll say (who’s perpetrated)()]
 119 R3: That’s [one ()]
 120 DT: [You had a group- You had a group on the other side that came charging in, without a permit,
 and they were very, very violent.
 121 Rs: [[[ONGOING CLAMOR]]
 122 Rx: [Well how [do you ()]
 123 R1: [Are you saying the left is the same as the () with White supremacy? Are you saying
 () is
 124 R4: [() is behind this.
 125 R3: [() all of this happened- all of this happened [because the ()]
 126 Rx: [The [() started this.

Figure 12. Transcript excerpt 107–126.

The clamor at this point is so loud and unrelenting that, after trying to shush the mob, Trump stops talking altogether and simply looks away (112/113). His “both sides” comments (117, 120) incite more clamor.

When Trump calls on Mary Bruce (Figure 13), he develops another new line of argument that leaves the reporters perhaps even more exasperated and bewildered. When asked if he thinks that the alt-left “is the same as neo-Nazis” (128), Trump affirms that he had condemned neo-Nazis and “many groups,” but denies that all the Charlottesville protesters were neo-Nazis or White supremacists “by any stretch” (129). Two implicatures are worth unpacking. First, by failing to disagree with the direction of Bruce’s question, Trump tacitly accepts the equivalence. Second, he excludes many protestors from condemnation by denying that they all were neo-Nazis or White supremacists.

127 DT: [Go ahead. ((pointing to R1))]
 128 R1: Do you think that the- what you call the alt-left is the same as neo-Nazis?
 129 DT: I uh those people- all of those people- Excuse me. I've condemned many different groups. But not all of those people were (.) neo-Nazis believe me. Not all of those people were White supremacists, by any stretch.
 130 R1: (They) were White national[ists]
 131 DT: [Those people (.) were also there because they wanted to protest the taking down of a statue Robert E. Lee. So
 132 Rx₁: Should that statue be taken down?=
 133 DT: =Excuse me. If you take a look at some of the groups, and you see- and you'd know it if you were honest reporters, which in many cases you're not. But many of those people were there to protest the taking down of the statue of Robert E. Lee. So. This week it's Robert E. Lee, I noticed that Stonewall Jackson's coming down. I wonder, is it George Washington next week and is it Thomas Jefferson the week after. You know, you all- You really do have to ask yourself, where does it stop?
 134 Rx₁: Should they take it down?
 136 Rx₂: [()](Jews will not replace us)]
 137 DT: [But they were there to protest-] Excuse me. You take a look, the night before they were there to protest the taking down of the statue of Robert E. Lee=Infrastructure question. Go ahead.
 138 Rx₃: Should statues of Robert E. Lee stay up?
 139 DT: I would say that's up to a local (.) town, (.) community, or the federal government depending on where it is located.

Figure 13. Transcript excerpt 127–139.

In (130), Bruce denies the basis for immunity (“They were White nationalists”). Perhaps in response to her contradiction, Trump interrupts to retort that “those people were also there (. . .) to protest the taking down of a statue [of] Robert E. Lee,” implicating a difference from protesting in favor of White nationalism.¹³ He then develops a slippery slope argument for their protest that nominally has nothing to do with White nationalism and that he himself seems to endorse (133).

The slipperiness of implicated commitments and standpoints, and the difference between what someone actually says and openly acknowledges and what someone is only projected to commit to is neatly illustrated when a reporter presses Trump to explicitly confirm his agreement with the protestors (138). Trump adopts a weaker kind of alignment, in now characteristically equivocal fashion (139). When pressed, he is noncommittal to the protestors’ demand that the statue remain in place. In effect, he only commits to the protestors having a legitimate rationale.

Dodging a more pointed follow-up (“Are you against the Confederacy?”; 141, full transcript in (Jacobs et al. 2022)), Trump took a more general question about race relations (143, full transcript), which he used to return to the press conference’s infrastructure theme, saying the “millions of jobs” he “brought back into the country” would have “a tremendous impact on race relations” (144, full transcript). However, reporters again ignore the infrastructure theme. In turn 147 (Figure 14), Mary Bruce all but repeats her questions from turns 123 (Figure 12) and 128 (Figure 13). This time, she draws out an inferential consequence: Trump has put the alt-left and White supremacists on the same moral plane (cf. Clayman 2017). Trump denies this and restates “what I’m saying” (148). Trump’s answer still does not satisfy the reporters. In (152) Bruce’s line is recycled.

147 R1: Mr. President, are you (putting _____) Mr. President are you putting what you're calling the alt-left and White supremacists on the same moral plane?
 148 DT: ((looking at R1, arm extended with palm facing her)) I'm not putting anybody on a moral plane, what I'm saying is this. You had a group on one side and you had a group on the other, and they came at each other with clubs and it was vicious and it was horrible and it was a horrible thing to watch. But there is another side. There was a group on this side. You can call them the left, you've just called them the left, that came violently attacking the other group. So you can say what you want, but that's the way it is.
 150 Rx: [Mr. President your words
 151 DT: ((DT looks left and points to a different reporter))
 152 Rx: (_____) on both sides, sir. You said there was hatred, there was violence on both sides. Are- Are [(you saying)(_____)I'm trying)
 153 DT: [Well I do think there's blame. Yes, I think there's blame on both sides. [You look at-] You looks at=
 155 DT: =both sides, I think there's blame on both sides. And I have no doubt about it. And you don't have any doubt about it either.

Figure 14. Transcript excerpt 147–155.

More clamor follows Trump's insistence on putting "blame on both sides" (155, Figure 14). He is again shouted down with baldly assertive counterarguments (Figure 15). Mary Bruce simply exclaims "Both sides!" (160) and then shouts out, "They killed a person. Heather Heyer died". On the recordings, other reporters can be heard shouting "But own-only the Nazis took a life" (156) and "But they're Nazis" (159). CNN's Jim Acosta objects: "Neo-Nazis started this thing. They showed up at Charlottesville. They star- They showed up at Charlottesville to protest the removal of that statue" (161). In response to this wave of counterargument, Trump cuts in to retort, "They didn't put themselves down as neo-Nazis" and this time asserts that not only were there "some very bad people in that group, but you also had people that were very fine people, on both sides" (162). Then he reiterates the Robert E. Lee statue motive for the protest (166).

156 R4: [(But own-) [only the Nazis [(_____) took a [life
 157 DT: [And [And. [And [And if you reported it accurately, you would say.
 159 Rx: But (they're)[Nazis
 160 R1: [Both sides![((pause)] [They killed a person. Heather Heyer died]
 161 R3: [Neo-Nazis [started this thing. They showed up at] Charlottesville. They star- They showed up at Charlottes[ville (_____) to protest [the removal of that statue]
 162 DT: [Excuse me,] [Excuse me. They didn't put themselves down as Neo-Nazis. And you had some very bad people in that group, but you also had people (_____) that were very fine people=On both sides. You had people in that group- [Excuse me. Excuse me.] I saw=
 164 DT: =the same (_____) pictures as you did.
 166 DT: You had people in that group that were there to protest the taking down of, to them, a very, very important statue and the renaming of a park from Robert E. Lee to another name.

Figure 15. Transcript excerpt 156–166.

Trump's position and standpoint is finally clear to the reporters, and is clearly unacceptable to them. In the ongoing clamor that initiated the talk shown in Figure 16, Trump cuts off CNN news reporter Jim Acosta, who is still openly counterarguing against Trump's slippery slope argument from turn 133 (Figure 13).

168 Rx: [(_____) White nationalist event?]
 169 R3: [George Washington and Robert E. Lee are not] the same [because-]
 170 DT: [Well no,] George Washington was a slave owner. (_____) Was George Washington a slave owner?
 171 Rs: [(_____) ONGOING CLAMOR (_____)]
 172 R3: [He was a slave owner.
 173 DT: [So will George Washington now lose his status? Are we going to [take down- Excuse me,]
 174 Rx: [_____] symbols (of oppression)
 175 DT: Are we going to take down- Are we going to take down statues [to George Wash-?]
 176 Rx: [(_____)]
 177 DT: How about Thomas Jefferson? What do you think of Thomas Jefferson? You like him?
 178 R3: I do love Thom[as Jefferson]
 179 DT: [Okay, good.] Are we going to take down the statue? because he was a major slave owner. Now, are we going to take down his statue?
 181 DT: So you know what, it's fine. You're changing history. You're changing culture. And you had people, and I'm not talking about the neo-Nazis and the White nationalists, because they should be condemned totally. But you had many people in that group other than neo-Nazis and White nationalists, okay? And the press has treated them (_____) absolutely unfairly.
 183 DT: [Now, (_____) in the other] group also, you had some fine people. But you also had troublemakers. And you see them come with the- with the (_____) black outfits and with the helmets, and with the baseball bats. You got- you have a lotta of bad- you had a lot of bad people in the other group [too.

Figure 16. Transcript excerpt 168–183.

set of arguments at the beginning of the press conference developed Trump’s position, the sense of his statements as a condemnation took on one appearance. As he added new lines of argument later, the nature of that “condemnation” radically changed. Callouts often test not only the grounds for a standpoint, but what, if any, standpoint is being taken. Probed by the press corps, Trump appeared to be searching for his standpoint.

We maintain that this is how even “normal” argumentation works. If argumentation is a language game played with a scoreboard of commitments (Lewis 1979), players keep a running score in smeary chalk. Managing to get things put “on the record” is no easy task, and its accomplishment at one moment may be undone in the next. It is especially difficult to play two games at once, all the more so when one team of players (here, the reporters) must make piecemeal contributions, unplanned far down the line, their chance at a turn dependent on selection by an evasive respondent. Perhaps a standoff should count as a win in this kind of game.

This study of argumentation, carried out from the vantage point of pragmatics, proved to be revealing. It placed at center stage the properties of argument that the mainstream studies of argument downplay—its communicative and interactional foundations. Students of language use have long recognized the importance of context in providing meaning to utterances (cf. Garfinkel and Sacks 1970; Grice 1989; Sperber and Wilson 1986). Literal propositional meaning invariably underspecifies and leaves open-ended the meaning that is conveyed. Likewise, the temporal unfolding and interactional production of the elements of argument (e.g., standpoints and positions) reveal their social existence and functional design. These are not methodological problems to be overcome through reconstruction or incidental preliminaries to be erased through analytic reduction. They are essential properties to be captured and incorporated into the analysis of argument.

Author Contributions: Conceptualization, S.J. (Scott Jacobs), S.J. (Sally Jackson) and X.Z.; methodology, S.J. (Scott Jacobs), S.J. (Sally Jackson) and X.Z.; investigation, S.J. (Scott Jacobs), S.J. (Sally Jackson) and X.Z.; writing—original draft preparation, S.J. (Scott Jacobs), S.J. (Sally Jackson) and X.Z.; writing—review and editing, S.J. (Scott Jacobs), S.J. (Sally Jackson) and X.Z. All authors have read and agreed to the published version of the manuscript.

Funding: This manuscript received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Jacobs, Scott, Xiaoqi Zhang, and Sally Jackson. 2022. Transcript of Press-Trump Exchange from the Podium, Trump Tower lobby, 15 August 2017. [PDF document deposited for open access at IDEALS: Illinois Digital Environment for Access to Learning and Scholarship.]. Available online: <http://hdl.handle.net/2142/114175> (accessed on 9 June 2022).

Conflicts of Interest: The authors have no conflicts of interest.

Notes

- ¹ During Senate hearings on a White House coverup of a break-in at Democratic party headquarters in the Watergate Hotel, Republican Senator Howard Baker famously asked, “What did the President know and when did he know it?”
- ² Confederate monuments had become contested as symbols of White supremacy (Pereira-Fariña et al. 2022).
- ³ Numbers in parentheses indicate turn.
- ⁴ Many transcripts circulated by news outlets begin R1’s question with the customary deferential address form, “Mr. President”. No initial address form is audible on any recording.
- ⁵ Six times Trump says something to the effect that he did not want to make a “quick” statement (turn 16), “to rush” into a statement (28, Figure 5), or to make a “fast statement” (71, Figure 8); that Saturday was too “early” (60, Figure 8); and that he could not have made his Monday statement sooner (67, Figure 8). He says he waited until Monday so that he knew “the facts” and what he said was “correct” (16, Figure 4). Four other turns (28, Figure 5; 58, 60, and 71, Figure 8) repeat that he wanted to make sure that what he said was correct. The importance of knowing the facts is mentioned thirteen times in the first five minutes of questioning (four times in turn 16, Figure 4; then twice in 28, Figure 5; again in 37, Figure 6; and 60; three times in 67; and finally, in 71 and 73, all in Figure 7). See red color coding in Figure 3.

- 6 That line will be reiterated as “very well stated” and “beautiful” (67, Figure 7). See green color coding in Figure 3.
- 7 Oddly, reporters never directly asked what new facts led to the Monday revisions or what Trump thought he knew at the time to justify his Saturday statement.
- 8 (Bump 2019) compiles Trump’s well-known history of making “fast” condemnations of violence by non-Whites, often labeling them as terrorism, while remaining silent on violent acts by Whites.
- 9 Trump will maintain this line of argument throughout the press conference: “I’ve condemned neo-Nazis. I’ve condemned many different groups” (117, Figure 12) and “the neo-Nazis and the White nationalists . . . should be condemned totally” (181, Figure 16). See dark blue coding in Figure 3.
- 10 As the editor of *Breitbart News*, Steve Bannon openly proclaimed, “We’re the platform for the alt-right” (Posner 2016).
- 11 He has also made moot the standing of the argument that he needed facts and time to make a correct statement.
- 12 Twice, he will describe “one side” and “the other side” as “very violent” (117, 120, Figure 12). He will later say, “you had a group on one side and you had a group on the other” who “came at each other with clubs” and “a group on this side (. . .) the left, that came violently attacking the other group”. It was “horrible” and “vicious” (148, Figure 14). Still later, he will assert that the counter-protestors “also had troublemakers” and “a lot of bad people”. He will point out their black outfits, helmets, bats, and clubs (183, Figure 16). See light blue color coding in Figure 3.
- 13 Trump will make this distinction five times (131, 133, 137, Figure 13; 166, Figure 15; 186, Figure 17). See yellow highlighting in Figure 3.
- 14 Notice Trump’s stance here allows the same slipperiness and strategic equivocality as with the prior version of the argument (139, Figure 14).

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Article

Two Views of Speech Acts: Analysis and Implications for Argumentation Theory

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Abstract: Argumentation theorists need to command a clear view of the sources of the obligations that arguers incur, e.g., their burdens of proof. Theories of illocutionary speech acts promise to fill this need. This essay contrasts two views of illocutionary acts: one, that they are constituted by rules, the other, that they are constituted by paradigmatic practical calculations. After a general comparison of the two views, the strength of the pragmatic view is demonstrated through an account of the illocutionary act of making an accusation. It is shown that the essential conditions of ACCUSING revealed by conceptual analysis are just what is practically necessary to manage a routine, but complex, communicative problem. The essay closes with remarks on the implications of the pragmatic view of speech acts for argumentation theory generally.

Keywords: argumentation; pragmatics; illocutionary acts; probative obligations; burdens of proof; accusing

1. Introduction

[This essay was left incomplete at the untimely death of the lead author in 2017. I have edited the manuscript for clarity and length; any extended interventions appear within square brackets—J.G.]

Argumentation theorists need to command a clear view of the sources of the responsibilities and obligations arguers incur. These include the arguer's responsibilities for the truthfulness of what she says, for the relevance of argumentation, and for such probative or dialectical obligations as she may undertake, etc. Such obligations determine important norms related to the quality of the arguments which may be demanded of an advocate, they fix limits for what may be demanded of an arguer, they play critically important roles in determining the pivotal issues in much argumentation, and they are related to the persuasive forces that at least some kinds of argumentation may acquire. Indeed, if Ralph Johnson (2000) is correct, understanding arguers' dialectical obligations is required to comprehend the rationality of argumentation.

Arguing is a communicative activity, even when one argues with oneself, and some of the critically important obligations arguers incur are engaged in connection with the communicative acts—the speech acts—performed in the course of argumentation. It is apparent that obligations are engaged in some speech acts. PROMISING is frequently analyzed as an example of an act in which the promisor generates an obligation to do what she says she will do. However, the phenomena of commitment, in which a speaker undertakes a responsibility or an obligation, can be observed across a wide range of speech acts. In seriously saying and meaning something, a speaker commits herself to the truthfulness of what she says. Additionally, in a wide range of speech acts performed in and by seriously saying something—acts belonging to the class J. L. Austin called illocutionary acts—speakers incur various argumentatively significant obligations. This makes a subset of illocutionary acts of paramount interest to students of argumentation—a fact recognized

Citation: Kauffeld, Fred J., and Jean Goodwin. 2022. Two Views of Speech Acts: Analysis and Implications for Argumentation Theory. *Languages* 7: 93. <https://doi.org/10.3390/languages7020093>

Academic Editor: Steve Oswald

Received: 10 December 2021

Accepted: 24 March 2022

Published: 7 April 2022

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by, among others, the pragma-dialectical approach to the study of argumentation (e.g., [van Eemeren and Grootendorst 1983](#)).

This paper treats two contrasting views of illocutionary acts. Both views recognize that speakers commit themselves to responsibilities and obligations in performing illocutionary acts and in that connection potentially generate corresponding illocutionary forces. The oldest of the two views, initially formulated by Austin himself and famously elaborated by John Searle, holds that illocutionary acts are constituted by rules; the second, growing out of criticism of the first by P. F. Strawson, G. J. Warnock, Dennis Stampe, and others, holds that illocutionary acts are constituted by paradigmatic practical calculations. The first of these views (which I will refer to as the rule-constituted view) has been widely received and, in spite of considerable criticism, continues to influence studies of argumentation. The second of these views (the pragmatic view) is less well known outside the philosophy of language and is, in comparison to the first, less well elaborated. I am of the view that the second holds the far greater promise for understanding argumentation and the cultures that support it. In this essay, I would like to exhibit the quality of the second in terms of its capacity to elucidate an illocutionary act of major interest to argumentation theory, ACCUSING, and to lay out this capacity in contrast to the older, rule-constituted view. Necessarily, the essay has a methodological focus. The superiority of the newer approach can best be appreciated in terms of the way it positions students of argumentation to understand the genesis of argumentatively important responsibilities and, also, to see the practical value of discharging them, whereas the rule-constituting view tends to shroud the genesis of such obligations and fails to clarify the nature of their corresponding forces.

2. Preliminary Comparison of the Two Views

Regarded in fairly general terms, the rule-constituted view and the pragmatic view of illocutionary acts share certain important similarities and are, at the same time, marked by several very deep differences. It will be useful to begin with a broad comparison of the two views.

First, both views start with J. L. Austin's seminal identification of the illocutionary act. [Austin \(1962\)](#), it will be recalled, identified three broad classes of what he calls speech acts: *locutionary acts* or acts of saying things, *illocutionary acts* or acts performed in saying things, and *perlocutionary acts* or acts performed by saying things. The major discovery in this taxonomy turns out to be the illocutionary act. According to Austin, in performing an illocutionary act, a speaker says a few appropriate words, e.g., "I promise to be home by seven", speaking in conformity with the appropriate conventions and therein producing a promise, which has the illocutionary force of committing her to do what she has said she will do. Subsequent work shows Austin's conception of illocutionary acts to be deeply flawed, and both of the approaches in question amend it. However, both take Austin's work as their starting point.

In this connection, we should notice that the rule-constituted view stays closer to Austin's original conception than does its pragmatically oriented cousin. Austin's work on speech acts started with work on what he called *performatives*, i.e., acts on the order of CHRISTENING, MARRYING, etc. Acts of this kind are plainly constituted by conventions. In many Western societies, persons marry each other by following a conventional rule which requires that each says "I do" in response to a question along the lines of "do you take so and so to be your lawfully wedded spouse?". Answering "I do" in the appropriate circumstance dramatically alters the relationship between these parties. When Austin turned his attention to the broader array of speech acts that includes PROMISING, APOLOGIZING, COMMANDING, ADVISING, PROPOSING, and ACCUSING, etc., he thought of these illocutionary acts as being similar to the performatives with which his inquiry had started, and so he conceived of illocutionary acts in general as acts constituted by conventions.

When [Searle \(1969\)](#) initiated a research program elaborating Austin's work, he (and others) retained the idea that illocutionary acts are constituted by rules, and he included

Austin's performatives within the broad category of the illocutionary act. Searle does not retain the idea that illocutionary acts are strictly conventional acts (although he is not very clear about the status of the rules that he alleges constitute illocutionary acts). Searle, it will be recalled, works with a distinction between rules that govern acts, e.g., rules that regulate parking cars in municipal lots, and rules that constitute acts, e.g., the rules for playing football or chess. The former "regulate antecedently or independently existing forms of behavior", whereas constitutive rules create or define new forms of behavior" (p. 33). In Searle's view, the illocutionary act of PROMISING, to use the only example of an illocutionary act that he explores in depth, is constituted by rules closely analogous to the rules that constitute games. He holds, moreover, that the rules constituting a kind of illocutionary act are encapsulated in semantics of the corresponding illocutionary verb; thus, the rules that constitute PROMISING inhere in the semantics of the verb *promise* (this latter point has been much criticized and so will claim little of our attention here; see [Stampe 1975](#)).

In contrast, the view that illocutionary acts are constituted by underlying practical calculations grants that Austin's performatives are constituted by conventions but denies that the larger array of illocutionary acts is either constituted by conventions or for the most part by rules of any sort. Strawson initially articulated this view. In his famous essay on "Intention and Convention in Speech Acts", he maintains:

It seems . . . clear that . . . there are many cases in which it is not as conforming to an accepted convention of any kind (other than those linguistic conventions which help to fix the meaning of the utterance) that an illocutionary act is performed. It seems clear, that is, that there are many cases in which the illocutionary force of an utterance, though not exhausted by its meaning, is not owed to any conventions other than those which help to give it its meaning. Surely there may be cases in which to utter the words "The ice over there is very thin" to a skater is to issue a warning (is to say something with the force of a warning) without its being the case that there is any storable convention at all (other than those which bear on the nature of the locutionary act) such that the speaker's act can be said to be an act done as conforming to that convention ([Strawson 1964](#), pp. 443–44).

As Strawson includes within the scope of the term "convention" all social and institutional rules which constitute games and institutionalized procedures, his argument involves a rejection of the claim advanced by Searle that illocutionary acts, such as games, are constituted by rules. This position has been elaborated in an array of important essays in the philosophy of language, to which we will recur over the course of the present discussion. These subsequent developments regard central kinds of illocutionary acts as constituted not by rules, but by paradigmatic practical calculations about what can be done by the speaker in conjunction with saying and meaning things.

A second broad area for comparison lies in the use that each view makes of H. P. Grice's analysis of utterance-meaning. Shortly after the publication of Austin's discovery of the illocutionary act, H. P. Grice offered an analysis of what is essential to the production of utterances that have meaning in the sense associated with the symbols, gestures, etc., used in communication. This analysis of utterance-meaning had an immediate impact on studies of illocutionary acts. Without taking up all the details, important as they are, the connection between Austin's work and Grice's work is easy to grasp. Although Grice's conception of utterance-meaning is designed to embrace a broad array of gestures, signals, and figures, etc., and is not limited to utterances using linguistic structures, still, it is fair to say that Grice's work on utterance-meaning offers the skeleton of the primary communicative act of seriously saying and meaning something—the act to which we ordinarily refer in so-called indirect speech reports of the form speaker (*S*) says that *p*, where *p* is what *S* means by her utterance. One would expect, then, that Grice's analysis of utterance-meaning would illuminate at least part of the structure of acts performed *in and by* saying something, i.e., Austin's illocutionary acts. Since Grice's analysis, though not without its difficulties, is quite robust ([Avramides 1989](#)), both the rule-constituted and the pragmatic views of illocutionary

acts have tried to incorporate Gricean insights into their accounts, and both have also introduced major modifications into Grice's initial analysis, albeit their amendments are strikingly different.

According to Grice's (1969) initial analysis of utterance-meaning, it will be true that a speaker (S) has said that *p*, only if S produced an utterance (*u*) with the following complex intention (or at least acting as if she were speaking with the following):

S's primary speaker-intention (I_1): *S* intends₁ that *A* respond (*r*) that *p* (or at least acts as if *S* intends₁ that *A* *r* that *p*);

S's second speaker-intention (I_2): *S* intends₂ that *A* recognize *S*'s primary speaker-intention (or at least acts as if *S* intends₂ that *A* recognize I_1);

S's third speaker-intention (I_3): *S* intends₃ that *A*'s recognition of I_1 provide *A* with at least part of *A*'s reason for *r*ing that *p*.

According to this analysis, Mary will have said that Uncle Bill is ill, only if she produced an utterance semantically equivalent to "Uncle Bill is ill," and if she deliberately (I_2) gave her addressee to believe that she is speaking with the intention (I_1) that her addressee believe that Uncle Bill is ill, and if she at least acts as if she intends (I_3) that her addressee's recognition of her primary speaker-intention provide her addressee with a reason for believing Uncle Bill is, indeed, ill.

Grice's initial analysis provides important insight into the primary communicative act of seriously saying and meaning something, but subsequent considerations show that it is not quite complex enough. Counterexamples generated by Strawson, Stampe, and others indicate that S not only deliberately gives her addressee to believe that she is speaking with her primary (I_1) intention but that she also openly intends (new I_3) that her addressee recognizes her secondary speaker-intention (I_2), and this complex recognition of *S*'s intentions is to provide *A* with a reason for responding as *S* primarily intends.

To return to the two views of speech acts, Searle (1969) elaborates his rule-constituted view in terms of Grice's analysis of seriously saying things. Searle maintains, however, that Grice errs in two important respects. First, he holds that Grice's analysis "does not show the connection between one's meaning something by what one says, and what that which one says actually means in the language" (p. 43). Second, Searle holds that Grice mistakenly takes perlocutionary effects as the primary response aimed at in a speaker's communicative efforts, whereas a proper analysis would recognize that a speaker's illocutionary efforts can only directly achieve such communicative outcomes as involve an understanding of what the speaker is saying and the intentions with which she is speaking. Other ends such as inducing belief, alerting persons to danger, and securing sympathetic assistances—aims which do animate speakers—lie, according to Searle, outside the scope of the speaker's immediate illocutionary act.

By contrast, the pragmatic view of speech acts builds on Grice. Grice's analysis raises the troublesome question of how *A*'s recognition of *S*'s complex speaker intentions could provide *A* with a reason for responding as intended (MacKay 1972). Dennis Stampe has made an important contribution by providing a highly plausible and well-defended account of how Gricean reflexive speaker intentions do their work (Stampe 1967, 1975). Stampe's account turns on the truism that a person is responsible for her intentional acts. Accordingly, when *S* deliberately and openly gives *A* to believe that she is speaking with the primary intention (I_1) of inducing *A* to, e.g., believe that *p*, she openly takes responsibility for her primary communicative effort. By thus openly accepting responsibility for her primary communicative effort, Stampe argues, *S* warrants a presumption of veracity on behalf of what she says. Her addressee is entitled to reason that *S* has manifestly put herself in a position from which she cannot subsequently deny responsibility for trying to get *A* to believe that *p*, and this is something, *A* may reasonably suppose, *S* would not do, as a prudent and reasonable agent, were she not advancing a proposition that she sincerely believes, on the basis of some acceptable effort to ascertain its truth and rational adequacy.

Stampe's account of how Gricean speaker intentions work opens important possibilities for the pragmatic explication of illocutionary acts. Strawson suggests that some of the differences among illocutionary acts may arise from complexity in how the speaker hold her primary intention, and to this important idea we may add the possibility of complexity in the speaker's primary intention itself. So, in the case of simple belief-inducing utterances, as might be the case with *stating* something, S does little more than say that p, thereby generating a presumption of veracity on behalf of what she says. However, in the complicated case of *warning*, we might plausibly conjecture that S would deliberately and openly speak with the primary speaker-intention of alerting A to some impending danger, and in this case, the content of the presumption that she is speaking truthfully would relate specifically to her self-imposed responsibility for causing A to be alarmed.

It is this possibility of mapping a larger pattern of speaker responsibilities and obligations, including probative obligations, that warrants special interest in the pragmatic view of illocutionary acts on the part of students of argumentation. Unlike rule-constituted views, this account does not invite sheerly taxonomic speculation. Instead, it is a conjecture that can be best be explored by the careful explication of specific kinds of illocutionary acts.

3. The Pragmatic Constitution of ACCUSING

Our attention now turns to explicating the illocutionary act of making an accusation. [This act is noteworthy for argumentation theory in that it is a clear case of an illocutionary act that creates significant probative responsibilities, i.e., the accused's responsibility to defend his conduct, and the accuser's burden of proof.] Although a pragmatic view hopes to penetrate to the practical calculations that underlie and constitute our concepts of speech acts of this kind, our inquiry starts with an analysis of the concept itself. Our analysis focuses on the semantics of the verb "accuse" and its cognates. By starting (in Section 3.1) with a strictly conceptual analysis of ACCUSING, we may (given several substantive assumptions) arrive at a picture of the components of that act, which are practically necessary and sufficient for potentially efficacious, paradigmatic performances of that speech act in favorable circumstances. From that picture, we can adduce (Section 3.2) a plausible conjecture about the practical constitution of ACCUSING and eventually (Section 3.3) explain in practical terms the necessity for those conditions, which are essential to our conception of this illocutionary act.

3.1. Analysis of the Ordinary Act of ACCUSING

To unearth the pragmatics of the paradigm act of ACCUSING, which undergirds and constitutes our concept of this kind of illocutionary act, our investigation begins with an analysis of our ordinary conception of this speech act. This analysis enables us to determine what is conceptually necessary for a speech act to qualify as an illocutionary act of the kind we call "accusing". On the substantive assumptions that we do commonly in truth identify appropriate speech acts as accusations and that, as well-established practices, those speech acts are coherent and potentially successful, identifying the truth conditions for our concept of ACCUSING will at the same time identify the means, which are practically necessary and (*ceteris paribus*) sufficient for the performance of this kind of act in paradigm cases.

Two conditions are conceptually necessary and sufficient to make an accusation: (1) the accusation-making statement with the accuser's implied negative evaluation; (2) the intention with which the accuser openly speaks.

3.1.1. The Accusation-Making Statement and the Accuser's Implied Negative Evaluation

If it cannot be reported in truth that the speaker *said that* the accused did thus and such, the speaker will not have made an accusation. Were Smith to say "I accuse Jones of breaking Aunt Maude's lamp; mind you, I am not saying that he broke it" in an apparent effort to speak seriously and literally, we would be inclined to suppose that she did not know the meaning of the word "accuse". Correspondingly, a person cannot be accused of doing one thing by a speaker saying that he did some related thing. Suppose one member

of a band of conspirators says that another member has been talking to a policeman. If saying this makes an accusation, then the second has been accused of talking to a cop. He has not, however, been accused of betraying the conspiracy; to make the latter accusation, the first must say that the second gave their cause away.

The accuser must also imply that she believes what the accused did is wrongful, blameworthy, or reprehensible in some sense. That implication cannot be cancelled and an accusation still have been made. Mary cannot accuse Jack of damaging her good name by saying “your jokes are ruining my reputation, though I see nothing wrong with that”, despite the second clause being a perfectly candid expression of her beliefs. She could say this and mean exactly what she has said—she might be musing about the state of her relationship with Jack. However, clearly, she cannot say this and thereby accuse Jack of ruining her reputation. Likewise, the description of what the accused is alleged to have done, as set out in the accusation-making statement, cannot be readily modified in ways that vitiate an implied adverse evaluation of the accused’s behavior. A person cannot be accused of justifiably or rightly doing something. The accuser’s evaluation of the accused need not be expressed by what the speaker says in making her accusation. That is, what the accused is alleged to have done may, but need not, be described as wrongful or unjustifiably harmful in the accusation-making statement.

Related to these differences in the mode of expression for an accuser’s beliefs, there is an important difference in the way she may be presumed to hold them. In making an accusation, a speaker purports, not merely to believe, but to believe with some certainty—even to know—that the accused did the deed alleged. The accusation-making statement must be categorical. An accusation cannot be made by saying, e.g., that Jones probably broke Aunt Maude’s lamp. On the other hand, the accuser does not have to purport to be certain in her evaluation of the accused. She may be, but there is nothing odd about saying, e.g., “I accuse Jones of breaking the lamp; I want to know if there is any justification for the harm he caused”.

While a statement describing what someone did and an implied evaluation of that conduct are necessary, they do not suffice to make an accusation. Speaking quite seriously and meaning just what she says, Smith might protest “Jones broke Aunt Maude’s lamp, and I don’t think that there is any justification for what he did. However, I am not accusing him of breaking that lamp. I am not going to argue about it, and I am not interested in what he has to say. I just want him to know that his actions did not go undetected”. [Thus, it is necessary to add an additional condition to the analysis: the intention with which the accuser speaks.]

3.1.2. The Intention with which the Accuser Speaks

A natural and theoretically attractive view would be that the intention with which an accuser says, e.g., that Jones broke the lamp, is the intention that the addressee believe that Jones did break the thing. However, this intention cannot be necessary to making an accusation. Where accusations are addressed directly to the accused, it must be assumed that the accuser believes that her addressee already knows what the accuser is telling him.

With what intention, then, does the accuser necessarily speak? She speaks with, or as if with, the intention of securing certain communicative responses from the accused. Specifically, the accuser wants, or at least purports to want, to secure an answer from the accused—whether an admission that the accused did what he is alleged to have done, an attempt to justify or to excuse what he did, or an attempt to deny the allegation. This intention resembles the purposes speakers have in asking questions and raising objections. Questions are asked and objections are raised in order to get someone to say something, i.e., to obtain an answer. Likewise, when an accusation is made, the speaker at least purports to want an answer from the accused.

Like questions and objections, accusations can be *pressed*. Except in cases where questions are used figuratively or abusively, it would be odd to ask a question and not stay around for the answer. While not automatically irrational, one would be forced to look

for some special explanation to make sense out of the speaker's apparently contradictory conduct. Likewise, the behavior of someone who makes an accusation and does not stay around for an answer is mildly odd; it seems that she is first acting with one intention and then with a contrary plan in mind. The fact that in such cases an explanation for apparently odd behavior must be found indicates that at least acting as if an answering response were sought is an essential part of making an accusation.

Of course, it is not necessary that an answer be sought as a direct and immediate conversational sequel to the accusation. Nor need the accuser necessarily purport to want the answer herself; she might want some third party to try to secure the answer, perhaps hoping the accused will be eventually punished.

The (purported) intention of securing an answer from the accused distinguishes ACCUSING from other speech acts that use similar locutionary means. By saying, e.g., "you destroyed Aunt Maude's lamp," Smith might be ACCUSING Jones, CONDEMNING his conduct, CRITICIZING his behavior, REPRIMANDING him for what he did, or REBUKING him. It seems that in performing each of these kinds of speech acts a person speaks with a distinct, more-or-less overt intention. Thus, in condemning someone's conduct, a statement of what the offender did would be produced with the intention of telling the addressee what one is going to hold against the offender or otherwise punish him for doing. In criticizing conduct, one says what was done in order to call attention to the merits or defects of that act or its products. In reprimanding a person, one states what that party did so that he will know what one expects him to avoid doing in the future; reprimands seem to be close to warnings in this respect. Additionally, in rebuking a person, one describes his conduct with the intention of shaming him. The full exposition of these differences would require a lengthy discussion. However, enough has been said to make it apparent that ACCUSING differs from neighboring speech acts, at least partly, in the accuser's (purported) effort to secure an answering response from the addressee.

There are various strategies for inducing confessions that resemble, but are not, instances of ACCUSING. In order to rule out these cases, it is necessary to recognize that in ACCUSING a speaker *deliberately* and *openly* gives it to be believed that she is speaking with the intention of securing an answer from the accused; moreover, the accuser must at least act as if her communicative efforts are calculated to provide the accused with reason to respond to her charge. An outraged wife, who punishes her husband by castigating him, may both state what an awful thing he did and intend that her husband confess, but his recognition of this intention is incidental to her attempt to browbeat him into submission. This type of case can be excluded by noticing that the accuser must intend₂ that her addressee recognizes her primary intention to secure an answer to her allegations. There are also cases in which a speaker tells a third party that, e.g., Jackson has been stealing funds, expecting Jackson to overhear the conversation and to recognize that the speaker wants him to confess. Here, the speaker does not openly manifest her intention to secure a confession, and such cases can be ruled out by requiring that the accuser openly intend₃ that the addressee recognize her secondary intention₂. There are also cases in which the speaker openly confronts a culprit with a statement of the offense, telling the latter to turn himself in and confess or the speaker will herself go to the authorities. Such cases fail to be accusations in that it is the speaker's threat and not her openly manifest intentions that is to provide a reason for the offender to confess.

We have seen, then, that a speaker *S* will have accused some party *P* of doing *X* if the following conditions are satisfied: (1) *S* says that *P* did *X*; (2) *S* implicates that she believes it was wrong of *P* to *X*; (3) *S* deliberately and openly gives it to be known that she intends that *P* answer in the way of a denial that *P* Xed, of an admission of having Xed, or of a justification or an excuse for having Xed; and (4) *S* intends or acts as if she intends that conditions (1)–(3) provide *P* with a reason for answering as indicated in condition (3).

The logical sufficiency of these conditions regarding the truth of a report that an accusation has been made is strongly suggested by the unequivocally accusatory character that certain tag-like expressions give to an utterance of the form "he did thus and such".

Where a person seriously and literally says, e.g., “you broke the lamp”, she may be making an accusation, but the illocutionary identity of her utterance is not apparent from what she says. Nor does her utterance necessarily become more clearly accusatory if she also makes known her adverse evaluation of the lamp’s destruction. However, if a person says “you broke the lamp, surely you don’t deny doing that?” and implies an adverse evaluation of what she says was done, her utterance quite explicitly makes an accusation. A speaker, it seems, could not say and imply all that and still deny having accused somebody of breaking the lamp. From this evidence, it seems that the conditions we have adduced as necessary to make an accusation are also sufficient.

3.2. *The Practical Rationale Underlying ACCUSING*

Why, it should now be asked, is the accused supposed to respond to the charges leveled against him? What reason is he expected to have for answering his accuser? Additionally, how is he supposed to arrive at that reason, given what is done in making the accusation? These questions address the pragmatic rationale underlying ACCUSING. They inquire into the practical calculations that constitute this illocutionary act.

In response, I will argue that the accused is expected to answer the allegation because he is under an obligation to do so; accusations characteristically issue from attempts to impose that obligation on the accused or on his representatives. This is a plausible speculation about ACCUSING in that (1) it is continuous with an account of the way obligations are incurred in a wide range of human affairs, and (2) it affords a practically satisfying view of the rationale underlying ACCUSING.

3.2.1. The Obligation the Accused May Have to Explain His Conduct

One commonly incurs an obligation to explain one’s behavior where one has caused harm or otherwise given offense. In general, we believe that a person responsible for causing harm has the burden of rectifying the unhappy state of affairs he brought about, insofar as it is reasonably in his power to do so. We include among the redressable damage resulting from a person’s behavior those beliefs, attitudes, and doubts, etc., which may foreseeably arise in parties aggrieved by his conduct. Thus, if Jones breaks Aunt Maude’s lamp, Smith may be angered, outraged, upset, or disturbed, etc., by the fact that Jones destroyed the treasured possession. These states of disequilibrium are themselves harmful. If the offender has something to say in the way of an explanation or an apology that would redress that harm, then he will, under certain circumstances, have an obligation to provide his explanation or apology.

The concept of obligation has been analyzed by Warnock (1971), who argues convincingly that at least some kinds of obligation are incurred where: (1) it is foreseeable that others will suffer or will continue to suffer harm in the event the obliger does not act; (2) others are counting on his acting in order to avert, prevent, ameliorate, or rectify that harm; and (3) he must so act in order to avoid speaking or having spoken or even having acted *falsely*. A person thus naturally incurs an obligation to explain his behavior where: (1) his conduct causes another to be angry, upset, or disturbed, etc.; (2) the party taking offense is forbearing retribution, revenge, and so forth, while relying on the offender for an explanation of his conduct; and (3) responsive to the requirements of veracity, it can be said that the offender committed the offense. When these conditions are satisfied, an offender will often acknowledge that he does have an obligation to explain his behavior. However, it does happen that parties believed to have given offense sometimes, predictably, refuse to acknowledge that they have this burden. In that event, those taking offense may try to impose an obligation to explain the deed on the unresponsive suspect.

An obligation can be imposed in the face of resistance by actions which are calculated to ensure that the conditions under which it would obtain are satisfied. We impose assignments taxes and all sorts of obligations on persons who would resist or evade the imposition. My claim is that ACCUSING is calculated to ensure that the obligation to explain behavior is in place in spite of a rather specific deficiency that may be created, or be

anticipated, in the conditions under which that burden naturally would be incurred, viz., the deficiency that is created when an offender denies that he did whatever gives offense. Suppose Smith asks Jones why the latter broke Aunt Maude's lamp, purporting thereby to have an explanation coming from Jones. Jones may well be disinclined to respond candidly to the question; he may doubt whether an angry Smith will treat him fairly or he may have something to hide. Disinclined to try to explain the matter, Jones may respond, e.g., "I don't owe you an explanation for that, I did not break your lamp". By saying that he did not break the lamp, Jones generates a presumption of veracity on behalf of his denial. As long as that presumption stands, it is also to be presumed that Smith's beliefs about Jones' conduct are not the truth; the obligation to explain why Jones broke the lamp, which Smith believes Jones has, would then be void.

Accusations are designed to remedy this deficiency by impugning the accused's conduct. The accuser, that is, tries to call the accused's conduct into question by generating a presumption of veracity, which would counteract the accused's (anticipated) denial. Even though a person did not do what he is believed to have done, he still may fall under an obligation to explain his conduct if a responsible effort to determine the truth could not but be expected to find that he committed the offending act. Exploiting this possibility, the accuser would have it presumed that she has made a responsible effort to determine the truth of his allegation, so that even if the accused denies the charge, he would nevertheless fall under an obligation to at least explain the facts that give rise to the impression that he committed the offense. If Smith secures the presumption that she has made a responsible effort to determine that Jones broke Aunt Maude's lamp, then Jones' denial would merely avert the burden of explaining why he broke it and would still leave him the burden of explaining the facts that cause Jones to be upset.

However, such efforts to impose an obligation to explain behavior by impugning a person's conduct contain a potential and crucially important source of embarrassment to the accuser. Calling someone's behavior into question causes him harm; it would be odd to speak of harmlessly impugning a person's conduct. When Smith's allegation raises a question about the veracity of Jones' denial, we recognize that Jones has suffered an injury about which he is likely to complain. This harm is a potential source of difficulty for the accuser because it is liable to be interpreted as a form of retribution or revenge, while the obligation she is trying to impose will only hold if she refrains from such injury to the accused. Were Smith just to impugn Jones' conduct, Jones could evade the obligation to explain his behavior by complaining that Smith's allegation damages Jones' good name.

To avoid this potential embarrassment, I hold, the accuser also tries to have it presumed that she is making an effort to treat the accused fairly and, thus, is forbearing more serious injury while affording the accused an opportunity to explain, justify, or muster an excuse for his behavior. In my view, then, accusations are designed to impose an obligation on the accused by impugning his conduct while having it presumed that the accuser, nevertheless, is exercising forbearance in an effort to treat the accused fairly.

Whatever other merits this conjecture may have, it at least provides an account of how the accused would come to owe an explanation for his conduct—an account which is broadly continuous with a larger view of how obligations are incurred across a wide range of human endeavors. The obligation to explain behavior, we have seen, conforms to the larger analysis of obligations offered by Warnock, and its imposition by an accuser is, on my account, simply a matter of seeing to it that deficiencies in the conditions under which that burden naturally arises do not render it void.

3.2.2. The Accuser's Practical Problem and Its Solution

A second argument for the plausibility of my view is that it attributes a coherent practical calculation to the accuser. That is, it posits a workable solution to a problem that accusers recurrently face.

There can be little doubt that where a person is believed to have committed an offense, it is often necessary to contend with the fact that he may have a stronger reason to falsely

deny having done the deed than he has for speaking the truth. Accordingly, where one wants or needs to afford an offender the opportunity to explain his behavior, one may well need means for imposing that burden that are impervious to his denial.

The stringent test of whether my conjecture posits a workable practical strategy is: Can that calculation be implemented in favorable circumstances by doing no more than is minimally necessary to make an accusation? We have seen reason to believe that the accused will have an obligation to explain his conduct, even though he denies the allegation, if: (1) it is to be presumed that the accuser has made a reasonable effort to ascertain the truth about the accused's behavior; (2) it may be supposed that those beliefs disturb or upset the accuser; and (3) the accuser is forbearing retribution, revenge, etc. I consider now how these conditions may be brought about by doing no more than is logically necessary to make an accusation.

To make an accusation, we have seen, a speaker must at least say that the offender did whatever it is that causes the accuser to be upset or disturbed. Generally, according to Stampe's account of seriously saying and meaning something, where a speaker says that P, she incurs responsibility for having made a reasonable effort to ascertain P's truth, and by incurring that responsibility, she generates a reason to presume that he has made the required effort. The primary presumption needed to counter a denial by the accused is simply part of the presumption of veracity; in principle, this presumption can be engaged by making an appropriate statement.

The analysis also shows that an accusation will have been made only where it is evident that a speaker judges, perhaps tentatively, that what she believes the accused did is in the nature of a wrongful act. Where it may be supposed that a person believes something was done, which that person judges, albeit tentatively, to be on the order of a wrong or an offense affecting herself or her fellows, it may reasonably be inferred that this person is upset, disturbed, or angered, etc., as a consequence of those beliefs. Thus, the accuser's implied evaluation of the accused's conduct can reasonably be expected to secure the supposition that he is disturbed or upset by what he alleges was done.

But how do the conditions necessary to make an accusation afford reason to believe that the accuser is exercising forbearance when her statements impugn the accused's conduct? Recall that the analysis shows that the accuser must, at a minimum, openly give it to be believed that she wants an answering response from the accused. By making that intention apparent, she can have it presumed that she is making an effort to treat the accused fairly and, hence, is waiting retribution or punishment on the accused's explanation. Here, as is everywhere the case when a person gives it to be known that she is trying to secure a certain response, the speaker overtly incurs responsibility for her effort and for its foreseeable consequences. When the accuser gives it to be known that she wants an answer from the accused, she makes herself vulnerable to criticism for unfairly causing harm to the accused should she receive an apparently adequate answer and nevertheless persist in her resentment of the accused's behavior. Thus, it may be inferred that, rather than inescapably subject herself to such criticism, the accuser is following a course of forbearance.

In short, the conditions shown in Section 3.1 to be necessary to make an accusation, enable a speaker to deal, at least in favorable circumstances, with the prospect that an offender may falsely deny having committed an offense. By giving it to be known that she wants an answer from the accused, where it is evident that the speaker is upset, angered, etc., by what she believes to be the accused's conduct, a speaker can see to it that the conditions under which the accused has an obligation to explain why he acted as believed are satisfied. Additionally, by saying that the accused committed the offense, the speaker can ensure that if the accused tries to deny the offense, the latter still will be under an obligation to answer for his conduct. Since the problem that speakers can resolve in this way is in fact a recurrent practical problem that accusers encounter, it is plausible to suppose that ACCUSING is, at base, calculated to cope with the possibility of false denials.

3.3. *The Necessary Features of This Speech Act Explained*

The preceding speculations about the nature of ACCUSING not only provide a plausible conjecture about the practical strategy that constitutes this illocutionary act (Section 3.2), they also serve to explain the conditions that are conceptually necessary to make an accusation (Section 3.1). Moreover, the explanation provided is both continuous with a broadly Gricean theory of statements and borne out by the kinds of criticism that can be leveled at defective accusations. A discussion of these claims will first treat the accusation-making statement and then will take up the accuser's overt desire for an answering response.

The analysis shows, it will be recalled, (1) that an accuser must say that the accused did the offending deed and (2) that it must be evident that the accuser judges, perhaps tentatively, that what the accused is alleged to have done is wrong. We will consider in turn the explanation our account provides for each of these facts.

The necessity for an accusation-making statement is explained by the accuser's practical need to have it presumed that she has made a reasonable effort to determine the truth of his beliefs about the accused's conduct. As per conjecture, an alleged offender will have an obligation to explain his behavior if the accuser believes the culprit did something that is in the nature of an offense. In order to see that this burden is in place, even if the offender denies responsibility for the offense, the accuser needs to make known the relevant belief such that she manifestly takes responsibility for having made a reasonable effort to determine its truth. As we observed in Section 2, Stampe's account of the speech act of saying something seriously provides a good reason to hold that wherever a person gives it to be believed that she believes that *p*, and thereby openly takes responsibility for the truth of *p*, it will be true that she has said that *p*. Thus, in conjunction with a broadly Gricean analysis of statements, our hypothesis explains the logical necessity for an accusation-making statement in terms of the fact that to impose on an offender the obligation to explain his conduct one must do those things that make it true that one has said he committed the offense.

This account of an accuser's responsibility to the truth not only conforms to our general account of presumptions of veracity but can also be corroborated by the judgments we do make concerning the consequences of an accusation. We would not consider an accusation harmless just because there was little or no chance that it would be believed, but we would be inclined to regard one in that light if it failed to impugn the accused's conduct, e.g., if the charge made were so preposterous or so trivial that it raised no question about the accused's behavior. Similarly, we would not be inclined to overlook a false accusation because it stirred up a beneficial discussion of issues. In either event, one would have to contend with the harm the thing does to the accused. Additionally, it is, I think, a commonplace fact that where a person has been falsely accused of something, our concern lies primarily with the harm he suffers and less so with those who might have believed the accusation. Of the latter, we are inclined to believe that they should have recognized that in making the accusation, the speaker only produced an allegation.

With the support of a few rather unobjectionable premises, our hypothesis also explains the remaining features associated with accusation-making statements.

First, the fact that an accuser must at least purport to be certain that the accused acted as alleged can be explained by the fact that an offender will have an obligation to explain his behavior, should he deny committing the offense, only if a reasonable effort to ascertain the truth cannot but lead to the conclusion that he did what he is said to have done. Since, as our account suggests, the accuser would have it believed that she cannot find grounds for doubting that the accused committed the offense, she must at least act as if she is certain that the latter did the offensive deed.

Second, the fact that it must be evident that the accuser believes, perhaps tentatively, that what the accused did is wrong can be explained by the fact that an obligation to explain behavior is in force only where what one person does causes another to be upset, angry, or disturbed, etc. Generally, the fact that a person has done something is not by itself sufficient cause for another to be upset. It must also be the case that what he did is wrongful or reprehensible, or at least there must be some possibility that what was done is in the nature

of a wrong. Thus, where, e.g., one person is upset because another turned out the lights, one might ask “I don’t see what you are so upset about, there’s nothing wrong in what he did?”. If an accuser is to impose an obligation to explain behavior, it must be evident that she is upset or angry about what was done, and that will be evident only if it is also plain that she believes there is at least some possibility that what the accused did is wrong.

Third, the fact that an accuser need not be certain that what the accused did is wrong can be explained by the fact that one may be upset by a person’s conduct even though one is not certain that what this person did is reprehensible. Believing that Jones broke Aunt Maude’s lamp, Smith may be upset by the *possibility* that Jones inflicted this damage carelessly or maliciously. Thus, to impose on Jones the obligation to explain the damage, Smith need not even act as if she were certain that breaking the lamp was wrong.

To return to the analysis, recall that it further shows that (3) an accuser must give it to known that she wants an answering response from the accused. This is explained on our account by the accuser’s need to provide reason to believe that, in spite of impugning the accused’s conduct, she is forbearing retribution and punishment. To generate such reason, I have suggested, an accuser engages a presumption of fairness by giving it to be known that she wants an answer to his charge. This account has two very substantial virtues.

First, within the limits of commitments one can undertake conversationally, an openly manifest desire for an answer responding to the accuser’s charge seems to be, not only an efficacious means for generating a presumption of fairness, but also to be the bare-bones minimum commitment capable of engaging that presumption. In many cases, of course, an accuser would explicitly commit to treat the accused fairly, pledging that commitment in language which spells out her intention to treat the accused fairly, to afford him an opportunity to clear up the matter, or to defend his good name, etc. However, the heart of such elaboration is the accuser’s commitment to seeking an answering response from the accused. Minus that commitment, she could, in conjunction with impugning his conduct, hardly purport to be trying to treat him fairly.

Second, the power of that minimal commitment is reflected in the force excuses have as responses to an accusation. [In an extended argument omitted here, Kauffeld argues that the strength of the accuser’s “minimal commitments” is demonstrated by the fact that should the accused successfully put forward an excuse, the accuser is obligated to walk-back the accusation.] To satisfy the demands of fairness, she may thus have to reduce the charge to negligence or carelessness. The accused, as it were, gets out of the fire into the pan.

4. Conclusions and Implications

If the preceding explication of ACCUSING is correct,¹ several observations about the constitution of this and similar illocutionary acts are in order. Some thoughts about the development of cultures supporting argumentation can also be offered.

First, it should now be apparent that ACCUSING is constituted by practical calculations, not by rules.² The account I have given for ACCUSING makes no appeals to rules that might be thought to constitute this kind of speech act, beyond those rules of syntax and semantics, which enable speakers to say things. Where it might be thought to invoke something like a rule, as in Warnock’s analysis of obligation, the rule in question (if it is a rule at all) is not specific to the speech act of ACCUSING. That is not to say one cannot formulate rules for making accusations; in fact, the rules governing judicial proceedings in courts of law do have rules for making accusations. However, these are regulative rules, not constitutive rules. They govern a kind of action that can occur independent of the rules. [We should thus be wary of continued reliance on the rule-constituted view of speech acts to provide a framework for the study of argumentation.]

Second, and of particular relevance to argumentation theory, it should now also be apparent that in connection with ACCUSING—and with other illocutionary acts, though by very different routes—that a speaker incurs a specific argumentative burden—a burden of proof. As a consequence of the accuser’s commitments, the accused is in a position to

demand that the accuser substantiate her charge if the accused purports to be innocent. [ACCUSING thus has the capacity to rope two perhaps unwilling participants into an exchange of arguments governed by specific norms: the accused obligated to explain his conduct, the accuser obligated to be fair and if her accusation is denied, provide arguments in support. In short, the account of ACCUSING given here provides an explanation of the genesis of argumentatively important responsibilities as well as the practical value of discharging them.]

This brings us to my first point about the pragmatics of illocutionary acts and larger argument cultures. In order to have cultures that support productive argumentation in public and institutional forums, one needs appropriate norms, rules, structures for recognition and reward, and supporting modes of education and training. A careful explication of the pragmatics of those illocutionary acts that are constituted on the basis of underlying practical calculations (and I would reserve the term “illocutionary” for those), puts us in a position to address design questions related to shaping supportive cultures for argumentation. Our own study of ACCUSING enables one to better appreciate why the courts need rules that assign the burden of proof to parties bringing an accusation. Where accusations are outside the courtroom and in the absence of rules, the accused can, by protesting his innocence, impose a burden of proof on the accuser, but this requires a complicated maneuver beyond the competence of many. So, establishing an institutional rule that allocates the burden of proof to the accuser ensures fairness in a practice that otherwise is very vulnerable to abuse. I suggest that a pragmatic view of speech acts puts us in a better position to design rules and rewards, etc., than a rule-constituted view that does not show us what is practically necessary for communication to *work*. A rule-constituted approach may claim to provide a systematic account of the different kinds of functions that language might be used to perform (i.e., utterance forces) and the conditions under which an utterance can be used to perform those functions. However, there is no claim to identifying the ends-means practical calculations that enable the act to thus function; one just gets the conditions under which the rule can be invoked, the procedure for invoking it, and what the rule mandates. This masks the pragmatics [of what can be challenging interactions].

Second, accounts of illocutionary acts in terms of the pragmatics of commitments enable argumentation theorists to comprehend how discursive practices accommodate variations in circumstances and in argumentative strategy. Scott Jacobs has identified a propensity for rule-constituted views of speech acts to gloss over “the way in which the functions of utterances are subtly fitted to the particular circumstances of their placement and finely attuned to the nuances of their expression” (Jacobs 1989, p. 351). Such a tendency inheres in any rule-constituted view of communicative acts. Rules are formulated for the standard case, and the protasis for a rule rather rigidly fixes its range of application. Searle’s account of illocutionary acts would have its best chance of success in a world in which every serious utterance was expressed with a linguistically articulated illocutionary force, e.g., “I hereby promise that I will be home by seven.” As Strawson points out, that would be an intolerably rigid world, far different from our own. When we see illocutionary acts constituted pragmatically, we see a world in which enormously more variation and flexibility is possible and exercised. Illocutionary force depends upon the criticisms speakers openly risk, and such criticisms vary with the commitment speakers undertake by openly manifesting their intentions. This is a kind of process open to enormous adaptation and variation. [Kauffeld next recaps the argument he made elsewhere (Kauffeld 2009) about the structure of Martin Luther King’s “Letter from a Birmingham Jail,”] King here openly undertakes a commitment and generates a rationale for audience participation in his address; we have no canonical illocutionary act for what he is doing, but I think King performed one. If we recognize the pragmatic constitution of illocutionary acts, we will be in a better position to understand and deal with the variation and nuance of practices necessary to a healthy argumentative culture.

Author Contributions: Conceptualization, F.J.K.; methodology, F.J.K.; investigation, F.J.K.; writing—original draft preparation, F.J.K.; writing—review and editing, J.G. All authors have read and agreed to the published version of the manuscript.

Funding: This research received no external funding.

Conflicts of Interest: The editor declares no conflict of interest.

Notes

- ¹ [According to Oswald (2021), a comprehensive theory of the pragmatics of argumentation should aim to develop *descriptive*, *normative*, and *explanatory* accounts. In the present essay, Kauffeld provides an account of how the *norms* governing arguers (the addressee’s obligation to answer, the speaker’s probative responsibilities if her accusation is denied) are generated in the act of ACCUSING. This account also *explains* the pragmatic force of the act—why accusations work (see also Godden 2022 in this issue). In a related essay (Kauffeld 1994), Kauffeld completes the theory by demonstrating the power of his account in providing a description of sophisticated argumentative practice structured by ACCUSING. In short, Kauffeld’s accounts of argument-relevant speech acts provide a unified theory worthy of being called a normative pragmatics of argumentation.]
- ² The same may also be said of PROPOSING (Kauffeld 1998), PRAISING and ADVISING (Kauffeld 1999), and of a large array of illocutionary acts [including TESTIFYING (Kauffeld and Fields 2005) and EXHORTING (Kauffeld and Innocenti 2018)]. Each is constituted and individuated by the contours of the intentions with which the speaker acts and thus also the commitments she undertakes and the practical rationale for a response she provides to her addressee.]

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Article

Challenging Authority with Argumentation: The Pragmatics of Arguments *from* and *to* Authority

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Abstract: Authority is both a pragmatic condition of much public discourse and a form of argumentative appeal routinely used in it. The goal of this contribution is to propose a new account of challenging authority in argumentative discourse that benefits from the interplay of the resources of recent speech act theory and argumentation theory. Going beyond standard approaches of the two disciplines, the paper analyzes nuanced forms of establishing and, especially, challenging discourse-related authority. Can Donald Trump advise his own scientific advisors on potential COVID-19 treatments? Addressing questions like this, the paper identifies various paradoxes of authority and the forms of authority discussed in the literature. It then distinguishes between argument *from* authority (or expert opinion) and argument *to* authority (or expert opinion) and argues that this rearranged structure mutually benefits the pragmatic account of speech act theory and the schematic account of argumentation theory in the task of better understanding and critiquing discourses such as Trump's.

Keywords: advice; argument from expert opinion; argumentum ad verecundiam; authority; expertise; illocution; speech act theory

Citation: Lewiński, Marcin. 2022.

Challenging Authority with Argumentation: The Pragmatics of Arguments *from* and *to* Authority. *Languages* 7: 207. <https://doi.org/10.3390/languages7030207>

Academic Editors: Juana M. Licerias, Raquel Fernández Fuertes and Steve Oswald

Received: 8 February 2022

Accepted: 21 July 2022

Published: 3 August 2022

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1. Introduction

As early as in his *Rhetoric*, Aristotle (2007, p. 39, 1356a) claimed that *ethos*, the character of the speaker, is “the most authoritative form of persuasion”. In turn, contemporary speech act theory demonstrates how for virtually all speech acts to be felicitously performed, the speaker needs to be in a position of an *epistemic* (theoretical) or *deontic* (practical) authority (Austin 1962; Searle 2010).¹ However, while fundamental in understanding how authority functions in discourse, these classic approaches have a specific, and somewhat limited, focus. Aristotle looked exclusively into the speaker's “entechnic” authority, which was established explicitly in discourse. By contrast, speech act theorists typically draw on what Aristotle would call an “atechnic” authority, namely one that is pre-established and formally recognized in terms of the “deontic powers” of speakers.

In this paper, I turn instead to more nuanced forms of establishing and, especially, challenging discourse-related authority. This is in line with recent work in speech act theory, which has defended a subtler account of various “authoritative illocutions” (Langton 1993) extending beyond institutional contexts to common speech acts, such as ranking someone or something. Inspired by insights from Austin (1962) and Lewis (1979), this work highlights how authority can be negotiated on the fly as conversation develops. In its turn, argumentation theory has successfully examined the details of various forms of argument from authority, and of argument from expert opinion in particular.

The goal of this contribution is to propose a new account of challenging authority in argumentative discourse that benefits from the interplay of the resources of recent speech act theory and argumentation theory. The guiding question is, accordingly: In which ways can the authority of the speaker be challenged for argumentative purposes? To address this question, I first present, in Section 2, an interesting case of (ab)using authority in public discourse: an April 2020 press conference during which Donald Trump remarked

that UV light and bleach can eliminate coronavirus from the human body. Is there any authority involved in his comments and, if so, how can it be challenged? This case reveals various difficulties, indeed paradoxes, of authority and expertise in public discourse, something I turn to in Section 3. Here, the varieties of authority discussed in the literature are presented as possible ways out of the paradoxes. Further, in Section 4, I first briefly recount how argument from authority is treated in argumentation theory as one of the argument schemes with associated critical questions aimed at testing its quality. I then present my own proposal that distinguishes between argument *from* authority (or expert opinion) and argument *to* authority (or expert opinion). Finally, in Section 5, I show how this rearranged structure mutually benefits the pragmatic account of speech act theory and the schematic account of argumentation theory in the task of better understanding and critiquing discourses such as Trump's.

2. Can a President Advise His Advisors?

Donald Trump's presidency has been a continuous source of inspiration for research interested in the tricky, and often outright harmful, pragmatics of public argument (Beaver and Stanley 2019; Herman 2022; Herman and Oswald 2021; Jacobs et al. 2022; Khoo 2017, 2021; Neville-Shepard 2019; Ryan Kelly 2020; Saul 2017, 2021; Tirrell 2017). One of the presidency's fascinating twists came on 23 April 2020, during one of the daily press conferences Trump's White House organized in the early days of the COVID-19 pandemic. Earlier that day, the US government's COVID task force met to discuss the preliminary scientific data on the impact of various conditions (light, temperature, humidity, and disinfectants) on the persistence of the new coronavirus on surfaces and airborne aerosols. Trump did not attend that meeting; instead, he was later briefed about it by his aides. However, "it was clear to some aides that he hadn't processed all the details before he left to speak to the press" (McGraw and Stein 2021, online). The memorable moment of that conference came when Trump spoke after William N. Bryan, the acting undersecretary for science and technology at the U.S. Department of Homeland Security. Bryan briefly presented some of the tentative findings discussed by the task force on how sun's UV light and some disinfectants could quickly and effectively eliminate the coronavirus on surfaces such as counters or door handles. Trump then took the floor to say the following:

THE PRESIDENT: Thank you very much. So I asked Bill a question that probably some of you are thinking of, if you're totally into that world, which I find to be very interesting. So, supposing we hit the body with a tremendous—whether it's ultraviolet or just very powerful light—and I think you said that that hasn't been checked, but you're going to test it. And then I said, supposing you brought the light inside the body, which you can do either through the skin or in some other way, and I think you said you're going to test that too. It sounds interesting.

ACTING UNDERSECRETARY BRYAN: We'll get to the right folks who could.

THE PRESIDENT: Right. And then I see the disinfectant, where it knocks it out in a minute. One minute. And is there a way we can do something like that, by injection inside or almost a cleaning. Because you see it gets in the lungs and it does a tremendous number on the lungs. So it would be interesting to check that. So, that, you're going to have to use medical doctors with. But it sounds—it sounds interesting to me.

So we'll see. But the whole concept of the light, the way it kills it in one minute, that's—that's pretty powerful.²

There has been an immediate backlash against Trump's remarks, widely described as "crazy", "surreal", or "shocking" (McGraw and Stein 2021, online). One line of attack was straightforwardly factual, based on the not-so-hard-to-verify observation that Trump parted his way with medical truth. In the words of science writer, David Robert Grimes (holder of a PhD in medical ultraviolet radiation): "No, you cannot inject UV light into your body to cure #COVID19—neither biology or physics work that way."³ Another group of

critical responses focused instead on the possible harm caused by Trump’s words, especially if some of the president’s listeners seriously considered the idea of injecting, ingesting, or inhaling disinfectant. Alarmed by the hazards of such plausible reactions, various experts (toxicologists, pulmonologists, physicians, and public health officials) called this idea “irresponsible”, “extremely dangerous”, and “frightening”: “There’s absolutely no circumstance in which that’s appropriate, and it can cause death and very adverse outcomes.”⁴

Trump’s comments were thus criticized for being incorrect and potentially harmful. These two forms of attack can be precisely grasped within Austin’s (1962) speech act theory. In his seminal work, Austin posited that “the total speech act in the total speech situation” (1962, p. 147) consists of three analytically distinguishable aspects: *locution* (the performance of an act of saying something with a certain meaning, that is, with a certain sense and reference: *She said “x”*), *illocution* (the performance of an act in saying something, the conventional force or function for which locution is used: *She argued that x*), and *perlocution* (the performance of an act by saying something, that is, “consequential effects upon the feelings, thoughts, or actions of the audience, or of the speaker, or of other persons”: *She convinced me that x*) (Austin 1962, Lectures VIII-IX; see Sbisà 2013, pp. 230–233). Criticizing Trump for being at odds with scientific knowledge amounts, most directly, to rejecting the *locutionary* content of his comments.⁵ Challenging his remarks for being potentially harmful amounts to objecting to their pernicious *perlocutionary* consequences—i.e., “upon the feelings, thoughts, or actions of the audience”. In this way, health experts and commentators engaged openly in public argumentation against Trump’s comments. They did so by exploring the *disagreement space*—“the entire complex of reconstructible commitments [. . .], a structured set of opportunities for argument” (Jackson 1992, p. 261)—in its two pragmatically salient ways. They pointed out falsehoods of his locutions—injecting UV light into the body is *not* an interesting option to test, for scientists already know it does not work—and their detrimental *perlocutionary* effects.

Conspicuously absent from the larger public controversy was attention to the *illocutionary force* of Trump’s remarks: the obvious but missing link between his locutions and perlocutions. The central question of the Austinian, speech act-based pragmatics—what did he *do* with his words?—has remained unasked, even though it has been unreflectively answered, one way or another. Yet, by concentrating on the question of illocutionary force one can inquire into a distinct, and often crucial, way of challenging Trump’s, and any other similar, discourse. Since this is precisely the focus of this paper, we then need to ask: So, what did Trump do?

Above, I have been very circumspect in denoting Trump’s words simply as “words”, “remarks”, or “comments”—otherwise, I would have given off what is to be investigated. Various media reporting and commenting on the event have been more direct about characterizing his speech acts as “musings” (*The Guardian*), “wonderings”, or simply “assertions” used while Trump was “eagerly theorizing about treatments”; indeed, Trump resorted to “a science administrator to back up his assertions” (*The New York Times*).⁶ All these illocutionary acts belong to a broad class of “assertive” or “representative” speech acts (Searle 1975a; cf. Green 2009; Witek 2021b). Other commentators have instead identified the president’s comments in terms of “suggesting”, “recommending”, or “advising” to test bleach or UV light as a coronavirus therapy. These belong to a notably distinct class of speech acts, namely that of “directives” (Searle 1975a).⁷ In contrast to assertives, which sit firmly in the realm of theoretical (epistemic) reasoning, directives such as proposals and pieces of advice are characteristic conclusions of practical arguments (Corredor 2020; Gauthier 1963; Lewiński 2021b). A speaker considers various means to be taken under given circumstances—vis-à-vis the goal to be achieved and the values to be observed—and concludes by means of, among other things, suggesting, recommending, or advising that X should be done. Significantly for the context under discussion, standard medical procedures inevitably combine the two classes of speech acts and, more broadly, epistemic and practical authority. The expert assertions making up a medical diagnosis, an exercise

of epistemic authority, form the basis for practical reasoning that issues in “medical” or “health advice”, which is an exercise of practical authority (Bigi 2018; Van Poppel 2019).

Donald Trump, however, is not a medical doctor and this was not a medical consultation. Still, it was an official press conference organized to report and discuss preliminary scientific data on possible COVID-19 treatments. Is there any sense in which Trump could be taken to issue health advice to his own advisors or even to American citizens at large? The details of the communicative situation, and a better grasp of the authority conditions behind speech acts, are needed to answer this question.

The White House press briefing was a par excellence *polylogical* communicative situation, one that involves a complex constellation of speakers and hearers (Lewiński 2021a, 2021c). In his remarks, Trump comments on the results of medical studies his scientific advisors discussed earlier that day. He is directly addressing Bryan (and later also Dr. Deborah Birx, the White House coronavirus response coordinator present at the briefing) in what can be understood as interrogative mood.⁸ Arguably, the surface grammar of Trump’s expressions is that of a declarative mood (hence some of the commentators rightly reported his speech in terms of “assertions”); he basically states or reports things, including his own discourse (“I asked”, “I said”). Nonetheless, the prosody of the spoken discourse, Trump’s gestures (inquisitive head nods, widening eyes), and confirmation-seeking pauses indicate an overall interrogative construction, not unlike in tag questions (even if the “Isn’t it [the case]?” bit is merely implicit here). There is a curious progression in Trump’s discourse. Ostensibly, at first he is merely reporting on an exchange he has just had with his science advisors: “So I asked Bill a question [. . .] and I think you [Bill] said that [. . .] And then I said [. . .]” In the public context of the press conference, he is now seeking an on-record confirmation of the “very interesting” idea of testing light as a coronavirus therapy, a confirmation which Bill Bryan eagerly provides (“We’ll get to the right folks who could [test it.]”); however, it has been clear to most anyone that Trump is not merely reporting on “ask[ing] Bill a question”, contrary to his disingenuous disclaimer right at the beginning of the fragment. The second part, right after Bryan’s keen interjection, takes on a decidedly more prospective, rather than retrospective, stance:

THE PRESIDENT: Right. And then I see the disinfectant, where it knocks it out in a minute. One minute. And is there a way we can do something like that, by injection inside or almost a cleaning. Because you see it gets in the lungs and it does a tremendous number on the lungs. So it would be interesting to check that. So, that, you’re going to have to use medical doctors with. But it sounds—it sounds interesting to me.

Here, Trump abandons the reported speech format and directly presents his assessment of the situation (“it gets in the lungs and it does a tremendous number on the lungs”), followed by an evaluative judgment that “it would be interesting to check that.” It is unclear, however, whether this in any way continues his report on the prior conversation with advisors or rather directly presents the president’s independent “talent” (see below).⁹ This strategic ambiguity at the illocutionary level (see Lewiński 2021a) is part of the potential manipulation and lets Trump plausibly deny any sincere commitment to either the assertoric (“it does”) or directive (“check that”) force of his words. Yet, these are precisely the commitments critical commentators took him to task for. Given the official capacity he is speaking in, he can be reasonably taken to be *requesting*, *advising*, or even *commanding* his administration’s officials that some potential treatments be “tested” or “checked.”¹⁰ Such an official request presupposes that such treatments are worthy of serious scientific testing, something Trump directly reinforces by labeling them “very interesting” and “pretty powerful.” Noticeably, then, in contrast to the earlier case of the antimalarial drug, hydroxychloroquine, Trump didn’t openly *advocate*, let alone *mandate*, the use of bleach or UV light to cure the new coronavirus. All the same, he clearly *suggested*—in one of the possible illocutionary readings of the verb “to suggest”¹¹—that using them is a potentially effective way of treating COVID-19.

All this happened in the presence of other White House staff (including the vice president, Mike Pence), accredited journalists, and American, indeed global, audiences. The already complex illocutionary picture gets even more complex. Trump might be intentionally and conventionally performing plural illocutionary acts in his intervention (see Lewiński 2021a, 2021c). On the one hand, by addressing his officials he seems to be clearly *directing* them via *request*, *advice*, or even *command*, once the veil of reported speech drops. On the other hand, simultaneously addressing American and global audiences, Trump can be taken to *suggest*, *recommend*, or *advise* the general public, via the journalists present, to “try this at home”; in his words: “to check” how a “disinfectant [. . .] injection [. . .] does a tremendous number on the lungs.” Again, any such illocutionary intention can be, and has been (see below), disavowed by Trump. If he knew speech act theory, he could say that “trying this at home” can at most be a mere distal perlocutionary effect of his words on some reckless people, an effect for which he bears no responsibility. Whether the harm was potential and perlocutionary, or direct and illocutionary, some institutional actors felt compelled to avert it. This included Reckitt Benckiser, the manufacturer of globally distributed disinfectant brands, who issued an official statement. Again, the reported speech (“RB has been asked whether . . .”) complicates interpretation here, but it is clear some people took up Trump’s remarks, under whichever illocutionary force, as legitimizing the use of disinfectants as a potential coronavirus treatment.

Due to recent speculation and social media activity, RB (the makers of Lysol and Dettol) has been asked whether internal administration of disinfectants may be appropriate for investigation or use as a treatment for coronavirus (SARS-CoV-2).

As a global leader in health and hygiene products, we must be clear that under no circumstance should our disinfectant products be administered into the human body (through injection, ingestion or any other route). As with all products, our disinfectant and hygiene products should only be used as intended and in line with usage guidelines. Please read the label and safety information. (<https://www.rb.com/media/news/2020/april/improper-use-of-disinfectants/> accessed on 8 February 2022)

One key feature in answering questions of the illocutionary force of someone’s speech acts are the authority relations implied in the felicity conditions for such speech acts. A key idea behind speech act theory, as originally formulated by J. L. Austin (1962), was that for various important speech acts to be “felicitously” performed, the speaker needs to be in a position of authority: only a judge can *announce a verdict* and only a general can *command* an army. Early speech act theory thus paid special attention to institutional forms of authority that are constitutive of various *exercitive* and *verdictive* (Austin 1962) or *directive* and *declarative* (Searle 1969, 1975a) speech acts. More recently, philosophers have defended a more nuanced account of such “authoritative illocutions” (Langton 1993). Many of the common speech acts, from entitled requests to harmful rankings typical of pornography and hate speech, similarly appeal to a speaker’s authority that can often be passively accommodated, thus giving the speech its authoritative force (e.g., Langton 1993, 2015, 2018a, 2018b; Bianchi 2019; Kukla 2014; Lance and Kukla 2013; Maitra 2012; McDonald 2021; McGowan 2019; Sbisà 2019; Witek 2013, 2021a). A speaker’s authority can be used for good or ill; in the latter case, speech can constitute and cause harm precisely because it is authoritative. Harmful speech would neither constitute subordination of its targets nor cause their distress (etc.), were it not for the pre-existing or accommodated authority of the speaker. A practical task is to devise various ways of blocking (Langton 2018a), defying (Lance and Kukla 2013), or otherwise undoing (Caponetto 2020) the force of such speech.

In our case, since this was the President of the United States speaking, Trump’s “questions” were hardly ever treated as just questions or mere “musings” or “wonderings.” Most commentators quite directly responded to what they took up as public “recommendation” or “advice.” The disinfectant producer, Reckitt Benckiser, might even be playing the game

of taking Trump seriously by responding as if he was officially committed to recommending that “internal administration of disinfectants may be appropriate for investigation or use as a treatment for coronavirus.” In this context, it is startling to see that, contrary to most critics’ focus on the locutionary error and perlocutionary harm, Trump himself skillfully manages the *illocutionary* indirectness and ambiguity of his words. Indeed, he was uncharacteristically circumspect about the content of his words. Once questioned on-the-spot by the journalists attending the press conference over the possibly dangerous consequences of his remarks, he responded, “I would like you to speak to the medical doctors to see if there’s any way that you can apply light and heat to cure. Maybe you can, maybe you can’t. Again, I say, maybe you can, maybe you can’t. I’m not a doctor.” However, when further pressed by a *Washington Post* reporter, he retorted, “I’m the president and you’re fake news . . . I’m just here to present talent, I’m here to present ideas.”¹² The following day, when again asked about his discourse, Trump doubled down on this by claiming, “I was asking sarcastically to reporters just like you to see what would happen.”¹³ That is to say, while he was quite evasive about—even hedging—the content of his words, Trump was very clear on the authority conditions behind his discourse. In his words, he is “not a doctor” to adjudicate and advise on medical details (although, of course, he can significantly influence health policies in the US), but he is the POTUS and in a position “to present talent” and “ideas”—both his own and his scientific advisors’, one might surmise. By the superior powers of the president who summons media to listen to him, he can also fool the “fake news” journalists and bleach producers by sarcastically asking questions “to see what would happen.”

This is all about the illocutionary force of what happened, and especially about POTUS’s entitlement to perform certain speech acts that others, such as journalists and even his scientific advisors present at the meeting, cannot perform (at least with the same illocutionary force). Once this becomes the focus of attention, the more nuanced questions that link pragmatic and argumentative analysis emerge. Given that authority is both a pragmatic condition of much public discourse and a form of argumentative appeal routinely used in it, one key question is how these two perspectives reinforce each other in the task of understanding how authority can be challenged. Such understanding will let us see in more detail how questionable public statements, such as Trump’s, can be criticized beyond their locutionary content and perlocutionary harm.

3. Paradoxes of Authority

Authority is an unlikely hero both within the tradition of argumentation theory and speech act theory. It constrains our free intellectual enterprise and fetters public argument. Moreover, when it enables various forms of communication—as is the case with Aristotle’s successful persuasion—these can be bad or insidious forms. Yet, we so badly need it that it is here with us to stay and to be recognized, as there is no prospect of wiping it entirely from argumentation and communication. This predicament engenders various *paradoxes of authority*.

The first of the paradoxes is well-recognized within argumentation theory (Bachman 1995; Goldman 2001; Goodwin 1998; Jackson 2008; Willard 1990). On the one hand, the argument from authority becomes the fallacious *argumentum ad verecundiam*, as it stifles the independent examination of reasons, thus endangering one of the basic principles of rationality. Indeed, if autonomous, unfettered, and unbiased weighing of reasons is what rationality consists of, then reliance on external authority with its prêt-à-porter judgements undercuts reason. Blind obedience to religious authority of any creed and epoch is a specimen of the grave offence to reason committed by appeals to authority.¹⁴ On the other hand, in the complex world we live in, there is only so much we can learn via direct, first-hand perceptual experience and individual reflection. A vast majority of our knowledge is second-hand knowledge, derived from the testimony of others in the position to know—i.e., eyewitnesses, experts, educators, public authorities, etc. (Lackey 2008). We simply cannot reason without arguments from epistemic authority, be them arguments from expert

opinion, from testimony, or otherwise from the position to know. Hence the first paradox: authority both appears to be an unreasonable form of argumentation and its very condition of possibility.

The second paradox has been identified in the speech act literature as “the authority problem” (Bianchi 2019; Langton 2018b; Maitra 2012). Some form of authority is needed for a successful performance of many, if not all, speech acts.¹⁵ Institutional performatives are an obvious case here: only “a proper person” under “appropriate circumstances” can name a ship or baptize a baby (Austin 1962; see Langton 2018b; Searle 2010). However, if such institutional authority is a necessary felicity condition for powerful speech acts that modify our social world—by creating new institutional facts, (de-)legitimizing actions, commanding others, etc.—then “ordinary”, “low-status” speech seems seriously constrained in what it can achieve. In particular, it cannot constitute *subordination*—a complex speech act that ranks others as inferior, deprives them of rights, and legitimizes discrimination (Langton 1993)—via hate speech, pornography, or some other variety of harmful discourse. Lacking the power to do harm, ordinary discourse appears forever innocuous. However, the harm is there. Given this, we arrive at the second paradox: recognized authority seems to be a necessary condition for performing powerful speech acts, including those that subordinate and harm others; however, while this condition is by definition absent from most ordinary discourse, the power and the harm are still there.

As one would expect from philosophical work, these paradoxes can be solved via conceptual effort, mostly by distinguishing various forms of authority. There are at least three forms of response to the first paradox. One might deny that deference to the authority’s judgment is presumptively reasonable to start with—experts too can be mistaken or biased (Duijf 2021; Mizrahi 2018). The polar opposite is to maintain that deference to authority has not just a presumptive but indeed a *pre-emptive* status (Raz 2006; Zagzebski 2012). Since experts are experts precisely because they know better, consistently following their judgements is, overall, an epistemically better strategy than trying to correct their judgments with one’s inexpert reasons; the latter are thus effectively pre-empted. Finally, one can argue that an argument from (an expert’s) authority, while *presumptively* good, should be demoted to but one of the elements in the overall mix of reasons we weigh (Jäger 2016; Lackey 2018; cf. Steward 2020). Apart from non-experts’ own understanding of the topic, this mix includes means that they have to reasonably assess the expertise of experts, without becoming experts themselves—i.e., they can verify experts’ institutional credentials, check if there are particular interests biasing what they say, compare their past predictions with what actually happened, or see how experts fare in public discussions with other experts (Goldman 2001, 2018; cf. Collins and Weinel 2011; Fuhrer et al. 2021; Goodwin 2011).¹⁶ On such a view, authority is an ubiquitous but also tamed phenomenon of human rationality. Important for the discussion here, Lackey (2018) theorizes this view as “the expert-as-advisor model”—rather than pronouncing authoritative judgements, expert advisors offer guidance which should be adjusted to the advisee’s beliefs and concerns via interactively constructed arguments and explanations. The question thus turns to the shape and quality of argumentative activities.

The second paradox can be solved by examining different sources of authority (Maitra 2012; see also Bianchi 2019; Langton 2015, 2018b). What Austin and other early speech act theorists envisaged was a *basic (positional) authority*, granted in virtue of occupying an institutionally recognized position—that of a president, judge, priest, army general, or ship captain, for example. However, this authority extends to various forms of delegation of authority, such as when the captain officially delegates the mate to run the ship as he sleeps. Maitra (2012) calls this *derived (positional) authority*. Importantly, derived authority can be given actively, as in our captain’s case, or passively, via omission rather than action. The mate can instead be bossing around the deck without prior conferral of the captain—but if the captain turns a blind eye to this, the mate is presumed to be acting on the captain’s blessing. Finally, such tacit acceptance of authority by virtue of simply going along with someone’s initiative can also be granted by people without superior positional authority at

all. The captain and the mate both drown in a shipwreck, and so a private crew member takes to distributing tasks among the survivors on the desert island: “go and pick up wood”, do this, do that. If their directives are followed, however reluctantly, by others, the entrepreneurial survivor becomes the boss of the island. Maitra calls this *licensed authority*, which in a way magically pops up, *ex nihilo*, without prior chain of command, as it were.¹⁷ It is precisely via such licensing that ordinary discourse can become authoritative, thus resolving the second paradox.

On top of these distinctions, the first paradox can be understood as a paradox of *epistemic* authority, while the second one is largely a paradox of *deontic* authority. The former—also called theoretical, cognitive, *de facto*, or know-that authority—is an authority to perform reliable assertions, grounded in knowledge or expertise within a specific field. The latter—also called practical, administrative, executive, *de jure*, or know-how authority—is instead an authority to issue commands, based in a recognized entitlement to direct others. A superbly trained lieutenant can be an epistemic authority to an uninstructed major, but it is the latter who, by his military rank, has deontic authority over the former (Bocheński 1965; see Brożek 2013; Koszowy and Walton 2019; Langton 2015, 2018b; Raz 2006). Bocheński’s distinction is powerful, as it mirrors “two main classes of utterances”: declaratives and imperatives, the former having the *word-to-world direction of fit*, the latter having the *world-to-word direction of fit* (Searle 1975a, 2010). However, there are complex cases that attract scrutiny, such as a doctor’s imperatives (“take two of these each morning”) or a master dancer’s instructions, which are both epistemically and deontically grounded (Goodwin 1998; Langton 2015).¹⁸

In this way, the picture of authority has gotten murky. We have two broad classes of authority (epistemic and deontic), three forms of authority (basic, derived, and licensed), and two basic perspectives to understand their impact (as pre-emptive or presumptive reasons). And there is more, as will shortly become apparent. Nonetheless, these distinctions are instrumental in understanding the complex dynamics of authority in much public discourse.

Returning to the Trump example, it becomes apparent that he takes an argument from an (ostensible) epistemic expert (Bill Bryan), and then couches it in his deontic authority of the president. Thus, an expert’s consideration of preliminary scientific results morphs, rather too hastily and surreptitiously, into an official directive, whether it was a suggestion, request, recommendation, or advice. Given this, anyone listening would be best advised not to treat Trump’s words as reasons pre-empting other reasons, for instance those of the producer of Lysol and Dettol who in the most direct words possible disclaimed the use of these disinfectants for COVID treatment. Others, such as the Democratic Senate Minority Leader, Charles E. Schumer, called out Trump for being “a quack medicine salesman.”¹⁹ Such critical moves prevent Trump from gaining a derived epistemic authority, quite enthusiastically given by Bryan (“We’ll get to the right folks who could [test the light and bleach treatments]”), and rather implicitly by the quiet Dr. Deborah Birx, the White House coronavirus response coordinator, who sat right by the president but failed to protest his “musings.” They also point to the question of the basic structure of arguments from authority and their fallaciousness—rightly the domain of argumentation theory, to which I now turn.

4. Arguments from and to Authority

4.1. Arguments from Authority in Argumentation Theory

As already mentioned, argumentation theory has a long tradition of examining arguments from authority. The key question is a normative one: under which conditions and in which forms are such arguments reasonable? There is no space to discuss this tradition here even briefly (see Zenker and Yu Forthcoming, for a recent, comprehensive account). Instead, I immediately turn to a standard approach that relies on *argument schemes*, recognized forms of inference derived, one way or another, from Aristotle’s *topoi* (Rigotti and Greco 2019). A good example of this approach is Walton’s proposal, which

was recently revised in [Koszowy and Walton \(2019\)](#); see also [Walton et al. 2008](#)). For Walton and his colleagues, the basic argument from (expert’s epistemic) authority consists of a straightforward syllogistic structure:²⁰

Major Premise: Source *E* is an expert in subject domain *S* containing proposition *A*.

Minor Premise: *E* asserts that statement *A* is true (false).

Conclusion: *A* is true (false).

The inference rule warranting the step from premises to the conclusion—“generally, but subject to exceptions [. . .] if an expert states that a statement *A* is true, then *A* can tentatively be accepted as true”—is, according to Koszowy and Walton, merely optional, as one of the “several ways” the simple scheme “can be expanded” (2019, p. 291). Nonetheless, it is this inference rule that reveals the defeasible character of arguments from authority (mind the “generally, but subject to exceptions” clause). More specifically—something that Walton’s approach is well-known for—it is “subject to defeat by the asking of appropriate critical questions” ([Koszowy and Walton 2019](#), p. 292), namely:

Expertise Question: How credible is *E* as an expert source?

Field Question: Is *E* an expert in the field *F* that *A* is in?

Opinion Question: What did *E* assert that implies *A*?

Trustworthiness Question: Is *E* personally reliable as a source?

Consistency Question: Is *A* consistent with what other experts assert?

Backup Evidence Question: Is *E*’s assertion based on evidence?

These questions seem to be standard considerations in appraising epistemic authority. Indeed, Goldman’s list of “five possible sources of [argument-based] evidence” for evaluating experts by novices captures an almost co-extensive set of elements:

(A) Arguments presented by the contending experts to support their own views and critique their rivals’ views. (Cf. consistency and backup evidence question)

(B) Agreement from additional putative experts on one side or the other of the subject in question. (Cf. consistency and expertise questions)

(C) Appraisals by “meta-experts” of the experts’ expertise (including appraisals reflected in formal credentials earned by the experts). (Cf. field and expertise questions)

(D) Evidence of the experts’ interests and biases vis-à-vis the question at issue. (Cf. trustworthiness question)²¹

(E) Evidence of the experts’ past “track-records” (Cf. backup evidence and expertise question)

([Goldman 2001](#), p. 91)

Another approach to an argument scheme from an expert opinion is to drain the scheme from any such substantive considerations and instead focus on the barebones of the inference itself. [Wagemans \(2011\)](#) is one exponent of such a minimalistic approach, which is grounded in the pragma-dialectical approach to argumentation (note the conclusion-on-the-top convention). According to him, the scheme can be limited to the following elements:

1 Opinion *O* (*X*) is true or acceptable (*Y*). [conclusion]

1.1 Opinion *O* (*X*) is asserted by expert *E* (*Z*). [premise]

1.1’ Being asserted by expert *E* (=Z) is an indication of being true or acceptable (=Y). [linking premise aka the inference rule]

This scheme is inferentially correct, as it includes the necessary inference rule as indeed necessary, rather than optional. It can further be extended to include various substantive considerations, such as those above. Indeed, [Wagemans \(2011\)](#) offers one good way of doing it, resorting to the concept of subordinative (aka serial) argumentation, whereby one

of the two premises (1.1 or 1.1') is further supported by more precise sub-arguments with substantive content regarding the quality of expertise.

4.2. Relation between Arguments from and to Authority

The scheme below (see Figure 1) is a simple way of organizing the tradition of investigating appeals to authority in terms of an argument scheme.

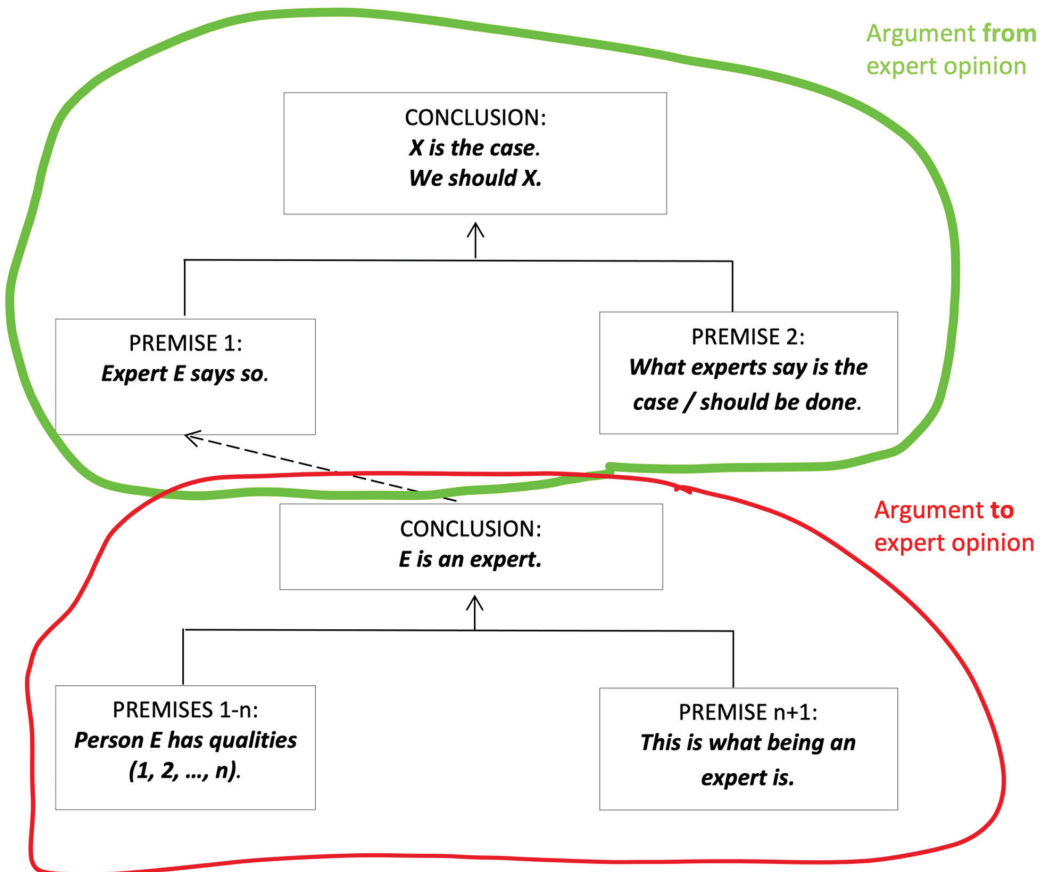


Figure 1. Arguments from and to expert opinion.

The scheme includes most of the elements recognized in the argumentation literature but rearranges them. It assumes informal arguments are composed of two premises, not unlike Toulmin’s (1958) *Data* (Premise 1) and *Warrant* (Premise 2).²² (Each of these can be further supported, e.g., via Backing the Warrant: see Wagemans 2011.) It is formulated so as to include both the *epistemic* (*x* is the case) and *deontic* (*we* should do *x*) authority of experts.²³ However, here is the difference with an approach like Wagemans’s: nothing like the subordinative argumentative support is yet present here. Instead, there are two different arguments linked by an obvious semantic presupposition (the line between Conclusion of an argument *to* expert opinion and Premise 1 of an argument *from* expert opinion is dashed to indicate presuppositional rather than argumentative support). On top, there is the argument *from* expert opinion—an expert says something and we argue *from* this that it is the case/should be done. The inference rule (Premise 2) states that what experts say is the case/should be done. Being a presumptive rule, it can be controverted on a

case-by-case basis via an all-things-considered judgement, much in the way Goldman (2001, 2018), Lackey (2018), or Rescher (2006) theorize it. However, it can also be objected to *as a rule*: *Are experts really to be revered and followed?* (cf. Duijf 2021; Mizrahi 2018). That would be the only critical question to the argument scheme *as a scheme*. Strange as it may sound, it is of course the question many skeptics, including populists resorting to cheap anti-science skepticism, ask. Premise 1 can be questioned too, but in a manner of an empirical, rather than inferential, question: perhaps expert *E* just never said *X*?

Importantly, a simple semantic presupposition of Premise 1 of the argument *from* expert opinion is that *E* is (indeed) an expert. Are they? Once we start critically examining this issue, it becomes a to-be-defended conclusion of the argument *to* expert opinion. How do we defend that someone is an expert? Goldman's (2001) and Koszowy and Walton's (2019) considerations nicely capture what expertise is in the social world we live in.²⁴ An arguer can thus offer a set of premises (1, 2, . . . , *n*) that defend the status of the expert in question. This, again, opens a set of *empirical* questions: Did they really publish in top peer-reviewed journals? Are they a PhD in the discipline under discussion? Are they acknowledged in that discipline? Did they "get things right" in the past? Even if so, are they not biased this time round? etc. Finally, the inference rule (Premise *n* + 1) states that the set of qualities adduced is sufficient to identify someone as an expert. This too can be challenged: perhaps being *against* the consensus within the discipline is what being a *real* talent is (as the 19th-century "solitary genius" myth would have it), or having a strong, partial interest is an inherent quality of expertise?²⁵

This layout linking arguments *from* and *to* authority—and, in particular, the epistemic authority of an expert—brings about a number of advantages. It seems to strike the right balance between the somewhat baroque schemes of Walton and colleagues and the minimalistic scheme of Wagemans. It incorporates all chief elements recognized by them in a novel order that rearranges and clarifies the critical questions that can be asked when authority is to be challenged. Perhaps most surprisingly, it puts all but one of Walton's critical questions as targeting the argument *to* rather than *from* authority.²⁶ Further, these are questions against the empirical rather than the inferential premise of the scheme (against Toulmin's *Data*, rather than *Warrant*). They are thus doubly removed from what a critical question against a scheme of reasoning should be. The rationale behind this relegation is quite straightforward: if we are not dealing with experts to start with, we can hardly have an argument *from expert* opinion. (Mind you, even if there is a genuine expert/authority invoked, an argument *from* their opinion can still go wrong—an expert can be misrepresented, or expertise can be in-principle challenged.)

In this way, the layout organizes the ways of challenging authority.

5. Authority Challenged with Arguments

In her account of how authority can be accommodated and challenged, Langton concludes the following: "Hearers can sometimes respond to harmful speech by arguing against it; and sometimes, in a quite different way, by blocking the conditions of its success" (Langton 2015, pp. 28–29). Langton's *blocking* (see also Langton 2018a; Lewiński 2021a) centers on hearers' refusal to accommodate certain conditions of felicity of various speech acts, notably the condition of authority constitutive of various *exercitive* and *verdictive* (Austin 1962) or *directive* and *declarative* (Searle 1969, 1975a) speech acts. She treats such an *illocutionary* challenge (see also Caponetto 2020) "in a quite different way" than a *locutionary* challenge, that is, arguing against something. "I don't take orders from you" or "you're not entitled to give me orders"²⁷ are thus radically different from saying, "We should first find fire, and only then go pick up wood", or, "Wood? On a *desert* island!?"

On the account presented here, this is a false dichotomy—"blocking the conditions of [a speech's] success" is arguing too, if one adopts a sufficiently pragmatic notion of argumentation. I have defended such a notion here,²⁸ focusing on the argument *from* and *to* (epistemic) authority. What remains to be done is to fill out some important details of this account.

Langton's view on what "arguing against" is reflects a general philosophical inclination to limit argumentative justification and challenge to the propositional content of what is said. Pollock's (1987) account is one good instance of this inclination. Pollock famously distinguished between two ways of attacking a *prima facie* reason: a *rebutting defeater*, an argument for a conclusion that contradicts the conclusion defended by the other arguer, and an *undercutting defeater*, an attack on the inferential link (warrant) between a premise and the conclusion adduced. Both are obviously forms of locutionary challenge, which are limited to questioning the propositional content of the conclusion ($\neg C$) or the inference rule warranting the move from the premise to the conclusion ($\neg(P \rightarrow C)$). However, current argumentation theory offers a much richer understanding of what a critical *argumentative* reaction to someone else's discourse can be (see esp. Krabbe and van Laar 2011). While there is no room here to fully benefit from this work, I focus on how a discourse such as Trump's can be challenged, relying on the discussion in the previous two sections. In doing this, I hope to show how the pragmatic and argumentative perspectives reinforce each other in the task of understanding how authority can be challenged.

As discussed in Section 2, Trump's (implicit) conclusion that "bleach can be a powerful way of treating COVID-19" can, and has been, questioned on locutionary and perlocutionary grounds. By way of a direct rebutting defeater ("under no circumstance should [...] disinfectant products be administered into the human body") or some critical question ("Are you sure?", "How can it ever work?", "Isn't it dangerous?"), the conclusion of the argument *from* authority (see Figure 1) can be challenged. Further, the scheme's Premise 2, which expresses the inferential rule, can be defeated by some undercutter (but it has not been; to the contrary, it has been quite strongly defended by critical commentators). Curiously, the examination of Premise 1—what Trump, the purported authority, actually said—took on a decidedly illocutionary character. While some commentators criticized Trump for "asserting" falsehoods, others downgraded his remarks to "musings" or "wonderings." Most, however, understood him to be "suggesting", "recommending", or "advising" the use of bleach and UV light. These directive speech acts turn our attention to the authority-based felicity conditions and thus to the argument *to* authority.

The first obvious objection here is that Trump is not an expert at all. As discussed earlier, there is an interesting ambiguity here between him possessing the supreme deontic authority, that of the President of the United States, and him not possessing satisfactory epistemic authority. Despite this ambiguity, the conclusion of the argument *to* authority has been unambiguously challenged, most explicitly by those who called him "a quack medicine salesman" (see Section 3). Further, more precise details of the authority in question can be challenged (see Premise 1 – n of the argument *to* expert opinion in Figure 1). Trump is quite obviously *not* trained in any field remotely close to medicine or epidemiology. He does not even possess minimal, isolated, second-hand knowledge, as he did not attend the meeting of the coronavirus taskforce, nor did he make any effort to listen to his scientific advisors trying to brief him on their deliberations (on that particular day, or as a general practice; see McGraw and Stein 2021). Importantly, while the advisors' silence as he was delivering his remarks might be seen as a form of derived authority, it can only improve his credibility in the eyes of the clueless audience, but not his proper epistemic expertise. Contrary to credibility, knowledge cannot be supplied by one's audience (Langton 2015). However, even credibility has been undermined, given the ample and immediate disclaimers by most any expert taking to public or social media. Further, Trump can also be accused of ideological bias, with the track-record of his advocacy for hydroxychloroquine providing a good counterargument here. Finally, Premise n + 1 of the argument *to* expert opinion can be challenged; perhaps it is enough for Trump, to count as an expert, to "present [his] talent" rather than engage in academic hairsplitting?

In this way, various illocutionary forms of blocking of what seems dangerously misfired advice are reinterpretatable as explicit argumentative challenges to various elements of a clearly laid-out scheme that links an argument *from* expert opinion to an argument *to* expert opinion.

Two important remarks are in place, both concerning the possible authority bestowed on Trump by his hearers.²⁹ First, the fact that Trump’s advisors present at the meeting—notably Dr. Deborah Birx, the White House coronavirus coordinator—did not directly object to or block his suggestions demonstrates a general interpretative difficulty for any approach based on tacit approval. It *can* be a silent act of licensing or accommodating someone’s authority; however, it can also result from inherent communicative and social obstacles. Birx and Bryan could, and likely would, be immediately fired for challenging their commander-in-chief. Yet, even less intimidating circumstances can be hard for potential authority challengers. As a linguistic activity involving doubt, disagreement, even confrontation, interpersonal argumentation in general is socially and psychologically costly and potentially dangerous (Paglieri and Castelfranchi 2010). Similarly, blocking is fraught with several systemic barriers (Langton 2018a, pp. 159–161): it requires wit and courage that not everybody can muster in the spur of the moment. But then again, is being “a person that is hard to challenge” not one of the inherent features of being in a position of authority to start with? Second, even if Trump’s hearers, from his expert advisors to “the general public”, somehow granted him authority out of their own will, what kind of authority would that be? As discussed above, deontic authority can be established by collective, even if tacit, recognition (see esp. Langton 2015; Maitra 2012; Witek 2013)—and so it can be removed by voting someone out of office or otherwise dismissing them. Epistemic authority comes with social recognition too, but that does not mean it is socially constructed *all the way down*. At its core lies knowledge and expertise that, on a mainstream interpretation, is independent of someone else’s appraisal (see esp. Goldman 2018). All the same, successful argumentative interactions potentially contribute to knowledge while failed ones gradually hack away at it (anything from the Socratic dialogues to our back-and-forth exchanges with peer reviewers attests to it). Herein lies the power of challenging purported experts with various forms of counterargumentation presented here: while some of it can be as immediate as Langton’s blocking, other forms can well rely on patient reflection and persistent communicative engagement.

6. Conclusions

The paper set out to address the following question: In which ways can the authority of the speaker be challenged for argumentative purposes? To address this question, I examined details of a much-debated event of public discourse, Trump’s apparent “advice” to use bleach and UV light as a COVID-19 treatment. This led me to, however briefly, discuss some of the broader theoretical questions of authority in public argumentation. While engaging in this discussion, I hope to have showed how nuanced, yet fundamental, problems of public discourse identified by speech act theorists and social epistemologists can become an inspiration and an object of study for argumentation theorists. Likewise, in turn, how argumentation theory can feed back into a broad pragmatic study of discourse thanks to its developed framework of concepts and methods for understanding and evaluating forms of inference, such as arguments *from* and *to* authority. All this is largely unsurprising, given that authority is a complex pragmatic and argumentative phenomenon of public discourse. I hope the proposal of this paper can advance our understanding of its mechanisms.

Funding: This work was funded by national funds through the Portuguese Foundation for Science and Technology (FCT: Fundação para a Ciência e a Tecnologia) under the project UIDB/00183/2020.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Acknowledgments: I would like to thank audiences at the University of Neuchâtel, Autonomous University of Madrid, University of Granada, University of Sorbonne Nouvelle, and the Nova University Lisbon for precious comments and criticisms of the earlier drafts of this work. My

special thanks go to Steve Oswald and the two anonymous reviewers for their detailed, constructive criticisms of the manuscript.

Conflicts of Interest: The author declares no conflict of interest.

Notes

- 1 I follow the original terminology introduced by Bocheński (1965; see Brożek 2013; Koszowy and Walton 2019), while acknowledging the theoretical-practical distinction as perhaps more standard (Raz 2006; see Langton 2015), although potentially confusing too (Langton 2018b). Here, I use the epistemic interchangeably with the theoretical, and deontic with practical, without any firm conceptual commitments.
- 2 Official transcript from: <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-31/> (accessed on 8 February 2022). For a video recording of the fragment in question, see <https://www.nbcnews.com/politics/donald-trump/it-s-irresponsible-it-s-dangerous-experts-rip-trump-s-n1191246> (accessed on 8 February 2022).
- 3 As quoted in *The Washington Post* report “Trump claims controversial comment about injecting disinfectants was ‘sarcastic’” available at: <https://www.washingtonpost.com/nation/2020/04/24/disinfectant-injection-coronavirus-trump/> (accessed on 8 February 2022).
- 4 In the words of the former Food and Drug Administration commissioner Scott Gottlieb cited in *The Washington Post* report “Trump claims controversial comment about injecting disinfectants was ‘sarcastic’” available at: <https://www.washingtonpost.com/nation/2020/04/24/disinfectant-injection-coronavirus-trump/> (accessed on 8 February 2022). See also *NBC News’* article “It’s irresponsible and it’s dangerous’: Experts rip Trump’s idea of injecting disinfectant to treat COVID-19” available at: <https://www.nbcnews.com/politics/donald-trump/it-s-irresponsible-it-s-dangerous-experts-rip-trump-s-n1191246> (accessed on 8 February 2022) and *The Guardian’s* piece “Coronavirus: medical experts denounce Trump’s theory of ‘disinfectant injection’” at <https://www.theguardian.com/world/2020/apr/23/trump-coronavirus-treatment-disinfectant> (accessed on 8 February 2022).
- 5 As pointed out by an anonymous referee, it can also be an indirect way of challenging Trump’s presupposition of expertise. When commentators such as Dr. Grimes call out Trump’s falsehoods—“No, you cannot inject UV light into your body to cure #COVID19—neither biology or physics work that way”—they simultaneously suggest that Trump knows nothing about biology and physics.
- 6 As reported in: <https://www.nytimes.com/2020/04/24/health/sunlight-coronavirus-trump.html> (accessed on 8 February 2022).
- 7 See however Searle’s reservations on treating “suggestion” in terms of a separate illocutionary act to start with: “I can insist that we go to the movies or I can suggest that we go to the movies; but I can also insist that the answer is found on page 16 or I can suggest that it is found on page 16. The first pair are directives, the second, representatives. [. . .] Both ‘insist’ and ‘suggest’ are used to mark the degree of intensity with which the illocutionary point is presented. They do not mark a separate illocutionary point at all. [. . .] Paradoxical as it may sound, such verbs are illocutionary verbs, but not names of kinds of illocutionary acts” (Searle 1975a, p. 368). (Note that a similar illocutionary ambiguity between (weak) assertives and directives applies to “wondering.”) This point, while broadly correct, is inconsequential to the analysis in this paper; for consistency, I treat suggestion in its directive sense throughout.
- 8 Indeed, Trump clearly turns his gaze and attention to Bryan while also addressing him several times via “you”, as in “I think you said that that hasn’t been checked, but you’re going to test it.” See: <https://www.nbcnews.com/politics/donald-trump/it-s-irresponsible-it-s-dangerous-experts-rip-trump-s-n1191246> (accessed on 8 February 2022).
- 9 For a detailed analysis of the argumentative functions of reported speech see Gobbo et al. 2022). One such function is, quite expectedly, to construct an argument from authority (see Section 4 below), while an important challenge is to precisely dissect the various voices reported, thus pinning down the speaker’s own commitments.
- 10 Asking a question—itself a directive speech act—has long been recognized as a vehicle for a wide array of other, *indirect* speech acts, notably requesting (Searle 1975b). While “can you pass me the salt?” is the standard, idiomatic example of it, “is there a way we can do something like that[?]” would function analogously. But given the official authority of the president over his advisors, it can even be understood as a command, with “yes, sir!” being the most appropriate response here, as well shown in Bryan’s earlier “We’ll get to the right folks who could”.
- 11 See Note 7 above.
- 12 As reported in *The Guardian’s* piece “Coronavirus: medical experts denounce Trump’s theory of ‘disinfectant injection’” at <https://www.theguardian.com/world/2020/apr/23/trump-coronavirus-treatment-disinfectant> (accessed on 8 February 2022). For a detailed case study exposing Trump’s skill of evading efforts to pin down his standpoint by inquisitive journalists during press conferences, see Jacobs et al. 2022).
- 13 See, e.g., <https://www.nytimes.com/2020/04/24/health/sunlight-coronavirus-trump.html> (accessed on 8 February 2022); <https://www.snopes.com/fact-check/trump-disinfectants-covid-19/> (accessed on 8 February 2022). In her study of *figleaves*—linguistic techniques meant to mask harmful content of a speaker’s message—in political discourse, Saul (2021, pp. 170–171) singles out the “I was only joking” or “I was being ironic” response as one common way of disingenuously denying the seriousness of some prior, harmful speech act.

- 14 Unsurprisingly, the critique of appeals to authority undergirds the secular Enlightenment mindset, as epitomized in Locke's denouncement of the *argumentum ad verecundiam* in his *Essay Concerning Human Understanding* (1690) (see Bachman 1995; Goodwin 1998; Hamblin 1970).
- 15 Work on epistemic authority and epistemic injustice (Fricker 2007) has brought attention to the fact that also Austinian *constatives*—and not merely *performatives*—are in the end warranted by authority. See also Austin (1962, p. 137) on (not) having the right / (not) being in a position “to state” something as parallel to (not) having the right “to order”.
- 16 It is not hard to see that the possibility of non-expert assessment of experts solves a well-known version of the first paradox of authority that runs as follows. We need experts because we cannot have sufficient knowledge on all the things in the world; reliance on such experts is only reasonable if we appeal to the right experts; to select right experts, we need to evaluate their reasons on substantive grounds; but to do so, we should be experts ourselves. Yet this directly contradicts the first premise, that we need to resort to the judgement of experts *precisely because* we ourselves cannot be experts. Goldman's (2001) argument removes the evaluation on substantive grounds premise, thus avoiding the paradox. See Fuhrer et al. (2021) and Moldovan (2022) for further discussion.
- 17 The desert island example with the “go and pick up wood” imperative is due to Austin (1962, p. 28) and has been recently discussed, among others, by Langton (2015, 2018b) and Witek (2013, 2021a) as an original example of accommodated authority, that is, authority tacitly provided by other parties to a conversational situation. See Lewis (1979) for an influential account of “the rule of accommodation”.
- 18 Already in his *Elements of Logic* (1826) and *Elements of Rhetoric* (1828), Richard Whately distinguished between the authority of an expert's “example, testimony, or judgment” (*auctoritas*) and the authority of those in a position of power (*potestas*) (Hansen 2006). (Modern languages such as Polish similarly use *autorytet* for *auctoritas* but *władza* for *potestas*.) While the deference to the former might be presumptively reasonable, it might also be usurped by the latter, thus leading to the fallacy of authority (*argumentum ad verecundiam*), not unlike in our Trump's case.
- 19 As reported by *The Washington Post* in “Trump claims controversial comment about injecting disinfectants was ‘sarcastic’”: <https://www.washingtonpost.com/nation/2020/04/24/disinfectant-injection-coronavirus-trump/> (accessed on 8 February 2022). For an analysis of the epistemic status of the authority of a “quack doctor”—whose gullible disciples can only present with credibility, but never the knowledge-based expertise—see Langton (2015).
- 20 This scheme directly concerns the epistemic authority of an expert. Parallel schemes for deontic authority can be found in Koszowy and Walton (2019).
- 21 Here is another well-known paradox of epistemic authority, which Guerrero (2021) has recently analyzed as the “Interested Expert Problem.” On a standard view, experts should possess impartial knowledge, free of contaminating vested interests and selective biases (hence conditions such as Goldman's and Walton's). Real experts are impartial experts. All the same, expertise is intricately intertwined with interests: particular interests can motivate knowledge, result from knowledge, or develop simultaneously with knowledge. A climate activist can become a maritime biologist, a maritime biologist can become a climate activist, or both activities can grow in parallel from experiencing the radically changing oceans (see Guerrero 2021, for illuminating examples and broader theoretical analysis). This might be a feature common enough to identify an “impartial” or “disinterested expert” as a contradiction in terms. For argumentation scholars, this paradox explains the perplexing features of the “circumstantial” *ad hominem* fallacy, a form of attack whereby an arguer's interests and biases, rather than arguments, are challenged (e.g., van Eemeren and Grootendorst 1992). Since via such attacks, given the bias identified, the attacker is effectively “claiming that the other party has no right to speak”, they amount to “offences against a fundamental norm for argumentative discourse”, the freedom rule (van Eemeren and Grootendorst 1992, p. 153). All the same, as identified by Walton and others, such attacks are reasonable challenges to authority-based arguments. See Zenker (2011) for further discussion.
- 22 I am aware that in the context of the lively debates in argumentation theory this representation seems, at best, careless. Freeman (2011, p. 88) argues that Toulmin's warrants representing inference rules “are not parts of arguments” and, as such, “should not be included in diagrams of argument texts”. Similarly, Hitchcock chastises the practice of presenting warrants as premises as being “radically misconceived”: “The claim [conclusion] is not presented as following from the warrant; rather it is presented as following from the grounds [data] in accordance with the warrant. A warrant is an inference-licensing rule, not a premiss.” (Hitchcock 2017, pp. 83–84, italics in the original). While this dispute is not *merely* verbal, nothing I say here rests on any particular theoretical commitment in this respect. Premises or not, warrants contribute to any argument by licensing its inference. As such—precisely in the spirit of Toulmin's (1958) original analysis—they should be “laid out” for our critical inspection. And this is my intention here.
- 23 As such, it excludes the “purely” deontic authority of non-experts, such as the authority of Bocheński's (1965, p. 167) “rather unintelligent and uninstructed major” over “a lieutenant who is highly skilled in military science” (see p. 8 above). But the scheme can easily be tweaked to include this variety of authority too. Argument *from* authority: Premise 1: Deontic authority A says: Do X!; Premise 2: Deontic authorities should be followed; Conclusion: We should X. Argument *to* authority: Premise 1 – n: Person A has qualities (1, 2, . . . , n) (e.g., is a formal boss, a delegated superior, or an informally recognized leader); Premise n + 1: This is what being a deontic authority is; Conclusion: A is a deontic authority. Thus, a set of critical challenges to such a purely deontic authority is organized similarly to the scheme *to* and *from* expert authority in Figure 1.

- ²⁴ For simplicity, I gloss over the question of whether the characteristics of expertise laid out by Goldman and Koszowy and Walton are ontological or epistemological, that is, whether they *constitute* expertise to start with or rather let us *identify* pre-existing experts (see Goldman 2001, 2018, and Lackey 2018, for discussion). My formulation might suggest the former—a kind of conceptual definition to be filled in—but it works equally well with the epistemic reading. See also Croce (2019) and Scholz (2018).
- ²⁵ See Croce (2019); Fuhrer et al. (2021); Goldman (2018); Moldovan (2022); Scholz (2018) for a recent discussion “on what it takes to be an expert”.
- ²⁶ The only straightforward exception being the “opinion question” targeting the *empirical* Premise 1 of argument *from* authority (as such, also not a proper inferential scheme question). The “consistency” and “backup evidence” questions are ambiguous between addressing Premise 1 of the argument *from* authority and one of the Premises 1-n of the argument *to* authority. Yet, the latter reading seems to take precedence: saying something consistent with other experts and properly backed up (e.g., by scientific results) is a general characteristic of an expert, rather than a contingent feature of one assertion.
- ²⁷ Austin’s (1962, p. 28) original examples discussed by Langton (2015).
- ²⁸ See Lewiński (2021c); Lewiński and Aakhus (2022) for further details.
- ²⁹ And both indicated by anonymous reviewers as challenging problems.

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Article

Oral Argumentation Skills between Process and Product

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Abstract: Oral argumentation skills have become a ‘hot topic’ within pragmatic language acquisition research as well as didactical research. In this study, we first discuss characteristics specific to oral argumentation which, compared to written argumentation, has its own mediality and therefore specific requirements. To reconstruct different levels of oral argumentation skills of school children in grades 2, 4 and 6, we collected a corpus of 180 peer discussions without adult supervision and analyzed them based on conversation analysis. In our case study we compare two conversations in terms of different modalizations and epistemic stances in positionings and justifications and briefly show how the use of modalizations can shape both the character as well as the argumentative structure of a conversation. We argue that process-related and stylistic conversational aspects beyond structural aspects in a narrow sense shape oral argumentation to a high degree and therefore belong to the core aspects of oral argumentation skills.

Keywords: conversation analysis (CA); oral argumentation; conversational competence; pragmatic language acquisition; modalization

1. Introduction

There is a broad consensus that oral argumentation skills are a core competence in informal and formal, in public as well as private, contexts (Lordanou and Rapanta 2021; Quasthoff et al. 2019; Rapanta et al. 2013; Arendt et al. 2015; Baines and Howe 2010). Therefore, the topic has also gained increasing attention in educational standards over the last two decades—e.g., in the American National Science Education standards, the European Parliaments recommendations, the KMK-standards (Germany), or in the HarmoS-Konkordat (Switzerland) (Rapanta et al. 2013, p. 484; Hauser and Luginbühl 2017, p. 89) and in research on argumentation and education (Schwarz and Baker 2017; Muller Mirza and Buty 2015; Jadallah et al. 2011; Muller Mirza and Perret-Clermont 2009; Felton et al. 2009). It has been pointed out in this strand of research that oral argumentation is not only a learning objective (‘learning to argue’), but also a way of acquiring knowledge (‘arguing to learn’, see Asterhan and Schwarz 2016; Garcia-Mila et al. 2013; Walker and Sampson 2013; Baker 2009)—this finding further underscores the relevance of oral argumentation skills. In order to develop didactic concepts to train and evaluate oral argumentation skills, an adequate conceptualization and a description that differentiates different age levels is necessary. As a first step towards this goal, it is necessary to identify and describe aspects of argumentation skills that are specific for oral argumentation. In this paper, we show how handling process-related and stylistic aspects constitute a crucial facet of oral argumentation skills.

Research on oral argumentation skills is at the intersection of argumentation studies and conversation analysis. As with all conversation, oral argumentation in face-to-face communication is sequentially organized, interactively processed, and the status of each turn within an (argumentative) interaction has to be negotiated by the participants who are directly responding to each other (Sidnell and Stivers 2013; Clift 2016). This negotiation relates not only to its literal content, but also to the conversational and argumentative status of the turn (as rhetorical means and argumentative discourse elements, see (Heller 2012;

Citation: Luginbühl, Martin, and Daniel Müller-Feldmeth. 2022. Oral Argumentation Skills between Process and Product. *Languages* 7: 139. <https://doi.org/10.3390/languages7020139>

Academic Editor: Steve Oswald

Received: 15 January 2022

Accepted: 12 May 2022

Published: 30 May 2022

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Schwarze 2010), its facework and relationship work value, etc. (Arundale 2010; Becker-Mrotzek 2009; Spiegel 2006), including questions of epistemic stance, positioning and affiliation (Morek 2020; Stivers et al. 2011; Stivers 2008; Du Bois 2007). This entails that every turn has to be fitted into and adapted to the current situation, including its participants. The analysis of oral argumentation skills thus needs not only to focus on argumentation in aspects of logical forms, argument schemes, topics, and single argumentative moves, but also on the interactive processing of arguing and the co-construction of arguments in the mediality of oral face-to-face conversation.

Key questions from a linguistic perspective are: what differentiates oral argumentation from written argumentation?; how can oral argumentation skills be analytically described and empirically assessed? In the following, we will shortly discuss the first question, we will then present main characteristics of oral argumentation skill conceptualizations (with a focus on English and German literature), and finally present our own approach based on an empirical analysis of oral argumentations of elementary school children.

2. Oral Argumentation Skills

2.1. Oral Argumentation and Oral Argumentation Skills

Oral argumentation differs in important ways from written forms of argumentation (see Morek 2020; Hannken-Illjes 2018, pp. 164–72; Heller 2012; Grundler 2011; Nussbaum 2011; Spiegel 2011; Deppermann and Hartung 2006). Oral argumentation is not only about converting a disputable position into a non-disputable one by weighing up reasons (and supporting them by warrants, backings, etc.), as it is often defined (e.g., Kienpointner 2008, p. 702 or Pullman 2013, p. xx). Neither can it be reduced to the instantiation of Toulmin's structural argumentation parts (which often occurs in analyses of oral argumentation in didactic contexts, as, for example, Rapanta et al. 2013; Nussbaum 2011; Hannken-Illjes 2004, pp. 159–61 point out). Oral argumentation in face-to-face-conversation has (as with written argumentation) its own mediality and therefore its own characteristics and challenges; oral argumentation not only uses different material signs than written argumentation (spoken instead of written language), but there are also fundamental differences in the way these signs are and have to be processed (Jäger 2015).

First, oral argumentation is interactively processed. Participants are under constant influence of one another and have to coordinate their actions in an incremental way. Therefore, single turns are always interactive products; planning, reception, and production take place simultaneously and the sequencing, i.e., the organization of the turns and the entire conversation, has to be dealt with (Sidnell 2013; Becker-Mrotzek 2009; Fiehler 2009; Auer 2007; Deppermann 2006). Therefore, all turns must be fitted continuously to the local context and argumentations tend to become more dynamic, including frequent *quaestio* shifts. Second, oral communication is multimodal, including gaze, head and body movements, gestures, aspects of voice and prosody, etc. (Bose and Hannken-Illjes 2020; Heller 2021; Mondada 2016; Jacquin 2015). It is another peculiarity of oral argumentation, in comparison with its written instantiation, that the adequate use of these resources has to be mastered.

Compared to written argumentation which results in a final product prototypically by one person, oral argumentation emerges in situ in a joint action, given its interactivity and processuality. Therefore, taking part in oral argumentation does not only require only knowledge and abilities regarding argumentation in a more structural sense that includes finding good arguments, taking positions, giving justifications, claiming validity, reconstructing implied premises, detecting weaknesses in arguments given, etc. It also requires knowledge and abilities regarding the processing of oral conversations in general and knowledge of specific practices related to argumentation: When is which action relevant and how do I give an appropriate account of it? How do I apply an argumentative strategy, such as cornering someone or co-construct an argument with someone else? How do I prevent an escalation in case of dissent? Thereby, single turns must always be contextualized, situated, and designed for a very specific audience and the current

conversational situation, i.e., the design of turns must be sensitive to context. Unlike in written argumentation, arguments can be developed, elaborated, and contested in an incremental manner in the course of conversations. Given these characteristics—high degree of situatedness, co-constructedness, and often seemingly disorderly development of arguments—single turns in oral argumentations often remain deficient if assessed by argument-structure related competence criteria alone, as they often do not constitute a complex argumentation, nor even a clearly recognizable argumentative move.

In view of these features of oral argumentation, the question of oral argumentation skills becomes crucial, especially within an educational context. The questions of how these skills can best be described, and which criteria can serve for assessments are discussed in many studies (to name just a few: Kuhn 1992; Felton and Kuhn 2001; Kuhn and Udell 2003; Kuhn et al. 2013; Andrews 2005; Quasthoff et al. 2019; Arendt 2019; Grundler 2011; Heller 2012; Krelle 2014; Spiegel 2006). In their review of almost 100 studies, Rapanta et al. (2013) propose three general modes in which argumentation (be it oral or written) is assessed:

- A metacognitive mode (*know what*; knowing (complex) argumentative structures, establishment of some sort of validity and of argumentative coherence);
- A metastrategic mode (*know how*; understanding the task, manifested in the presence of specific argumentative discourse elements, such as warrants, backings, counterarguments, rebuttals, examples, etc., implementation of argumentative strategies, such as two-sidedness, theory-evidence coordination);
- An epistemological mode (*know be*; knowing of qualities of arguments related to relevance, sufficiency, and acceptability and to the achievement of pragmatic goals).

Regarding the ability to argue, all three aspects are relevant—and are intertwined. However, argumentation skills usually—as Rapanta et al. (2013, p. 510) conclude—are viewed as metastrategic skills.¹ This focus on metastrategic skills often comes together with a focus on arguments as products, i.e., a focus on the form of arguments—and here again analyses applying Toulmin’s categories prevail (ibid., pp. 500, 509). As mentioned above, assessing oral argumentation skills must also include a process-related perspective, which is missing in the three modes above; in conversations, arguments as products can only be analyzed in retrospect, and we can critically ask what the contribution of single speakers to an argument is (which corresponds to the definition of oral competence by Quasthoff 2009, p. 86). Here, specific skills are required, such as fitting conversational turns into the global structure (in the course of a complex conversational activity, such as arguing) and into the local structure (e.g., recognizing conditionally relevant second actions after a first action), interactively producing complex arguments in terms of co-constructions, taking into account face work, etc. In the following, we will shortly comment on three models of oral argumentation skills.

One of the models describing oral skills in this way is the GLOBE model² (Hausendorf and Quasthoff [1996] 2005) that has been adapted for oral argumentation by Heller (2012) and that focuses on global and local relations of single turns. Based on conversation analysis, conversational ‘jobs’ to which participants are oriented are reconstructed. These jobs, such as ‘establish dissent’, ‘establish an obligation to justification’, ‘justify’, and so on (Heller 2012, pp. 67–102) are interactively produced and serve as *tertium comparationis* in the comparison of argumentative practices. Not only the repertoire of rhetoric means to complete these jobs is related to argumentative competence, but also the linguistic forms that are used in the context of the rhetoric means. Developing oral argumentation skills is manifested in recognizing and being able to contribute to the single jobs, acquiring different rhetoric means and linguistic forms and to use them according to context. Therefore, “contextualization competence” (ability to embed and shape a global unit, such as arguing or explaining, in a particular context), “textualization competence” (ability to produce utterances according to genre specific patterns, such as making something controversial or giving reasons) and “marking competence” (ability to mark an utterance with suitable linguistic forms according to structures and purposes of the global unit) are part of oral skills (Erath et al. 2018, p. 165).

Grundler (2011) analytically divides oral argumentative competence in four dimensions: personal dimension (awareness of own perspectivity), social dimension (relationship work), cognitive dimension (knowledge on argumentative structures and on integration of factual knowledge), and conversational competence (initiative and responsivity, completion of communicative jobs). Spiegel's 'management' tasks (Spiegel 2006; see also Krelle 2014) that have to be coped with in a conversation are similar: topic management, conversation management, linguistic management, identity and relationship management, and management of non- and paraverbal aspects. Developing oral argumentation skills is manifested in these models in conversational actions that can be related to a growing awareness or growing knowledge respectively with regard to these dimensions.

In our case study, 'modalization' (Morek 2020; Grundler 2011, pp. 293–309) will be an important concept. By 'modalization' we capture all linguistic, para- and nonlinguistic means that index the degree of negotiability for the positionings taken or the justifications and examples given, whereas utterances can index a high degree of negotiability or non-negotiability (strong/multiple modalization, reinforcing (non-)negotiability), or a low degree (weak modalization). Thereby, modalization can refer to different aspects. On the one hand, it can be related as epistemic modalization to the question "whether a statement conveyed to them is taken to be factually true, possibly valid or simply hypothetical" (Morek 2020, p. 118). Epistemic modalizations attenuate or reinforce the speaker's commitment to a positioning, a justification, an example, etc. Grundler (2011, pp. 293–309) differentiates mono-perspective contexts from multi-perspective contexts of modalizations. In mono-perspective contexts, speakers underscore the facticity of their statement, they refrain from restrictions and do not index any consciousness for other perspectives. In multi-perspective contexts, speakers tend to modalize their statements, be it by modalizing the propositional content, the specification whether a proposition is presumed to exist or to be imagined, or the instruction to a recipient on how to understand the proposition (Morek 2020; Redder 2009). Depending on the modalization, the claim to factuality can be reinforced, or the positioning can be perspectivized, taking other perspectives into account (Grundler 2011, pp. 293–309; Schwitalla 2012, pp. 168–72). Grundler (ibid.), on the other hand, also observes next to epistemic modalization something that probably could be called 'dissent modalization': dissenting statements can be modalized in order to reinforce dissent (and index non-negotiability), but they also can be modalized by mitigating the dissent and thereby indexing negotiability.

Some ways of marking negotiability that we referred to as 'modalization' can be related to the concept of 'mitigation' (Fraser 1980; Schneider 2010). While we use modalization to describe to what extent (non-)negotiability is indexed, mitigation means a reduction of responsibilities and risks that come with an utterance and have the potential to threaten the faces of interactants, making "an utterance as acceptable as possible to the interlocutor without the speaker having to give up his or her standpoint" (Schneider 2010, p. 255). A mitigated positioning is therefore an utterance with a modalization that marks (more or less high) negotiability, e.g., by using subjunctive, modal verbs, mitigating modal particles, etc. Instead, our concept of modalization also includes cases where non-negotiability is reinforced.

A more empirically based approach can be found in the works of Kuhn and collaborators (Felton and Kuhn 2001; Kuhn and Udell 2003): single turns are coded based on a scheme that categorizes each turn in relation to the preceding turn (e.g., requesting evidence for a preceding claim, agreeing or disagreeing, continuing own argumentation by ignoring preceding utterance of partner, see Felton and Kuhn 2001, p. 141). Differences in the frequency of single codes are then related to changing argumentation skills, which are discussed by addressing two forms of development. First, an enhancement in understanding the goals of argumentative discourse (getting the partner to accept certain premises, support one's own claims and undermine the partner's position) and second, a progress in strategic performance, whereas these forms of development are interdependent.

In sum, there are many works suggesting elaborated criteria to assess argumentative competence. Some of them are theoretically based, some of them empirically. The ones based in conversation analysis especially point out that next to aspects of argumentative structures, conversational aspects have to be taken into account too when assessing oral argumentation skills. It is not only the argumentative product (i.e., justifications, warrants, examples given, the complexity, the plausibility of the argumentations etc.), but also the argumentative process within conversations that has to be mastered.

In our analysis, we focus on the following interdependent aspects of oral argumentation skills:

- The ability to initiate and end global conversational units (e.g., justify and weighing up a position), both locally fitting and situated.
- The ability to produce semantically coherent argumentative turns with adequate rhetorical means and linguistic forms (e.g., giving a justification or problematize a position), again locally situated, with regard to the face of the other discussants, including the ability to modalize a position (e.g., by subjunctive, modal verbs, mitigating modal particles).
- The ability to produce or contribute to complex argumentations, also by co-constructions, including the ability to create a mutual relation between turns (e.g., by doubting, agreeing, conceding, insisting etc.) and strategic maneuvers.

A special challenge lies in the fact that skills are individual, and they describe the potential of an individual, while conversations are a joint achievement and always unique performances. Speaking of argumentation skills, we mean the “factual competence” (Deppermann 2004, p. 20, our translation), i.e., the observable behavior of a person. In order to develop a grip of oral skills, we have to analyze the same person in different situations or lots of comparable persons in similar situations, focusing on the individual contributions to the oral argumentations. In our project, we have opted for the second option and collected peer discussions of 720 elementary school children in total, 240 children each in grades 2, 4 and 6.

2.2. Empirical Findings

While there are many empirical studies on preschoolers, junior high and high school students, there are only a few studies on oral argumentation skills of elementary school children. Rapanta et al. (2013, p. 499) also point out in their meta study that not many studies analyze argumentation of children aged 7–11, and they find even less studies analyzing *oral* argumentation in that age (4 out of 97, see *ibid.*, supplemental material, figure 2). This is confirmed by looking at other studies focusing on oral argumentation: most studies conducted in this area are concerned with preschoolers on the one hand, and middle and high school students on the other (preschoolers: Arendt 2019; Bose and Hannken-Illjes 2018; Zadunaisky Ehrlich and Blum-Kulka 2014; Baines and Howe 2010; Komor 2010; middle and high school students: Morek 2020; Quasthoff and Kluger 2020; Kuhn et al. 2013; Krelle 2014; Heller 2012; Grundler 2011; Andrews 2009; Spiegel 2006; Vogt 2002; Felton and Kuhn 2001; Goetz and Shatz 1999).

From these studies we know that children already produce reasons and counterarguments at the age of three (Arendt 2019; Stein and Albro 2001; Stein and Miller 1993), but do not maintain topics through collaborative discussions (Baines and Howe 2010), while some studies showed that preschoolers used justifications and counterarguments for persuasion in contexts of disputes (Arendt 2019; Howe and McWilliam 2006; Stein and Albro 2001). Preschoolers thus do argue in conversations, but they do not yet verbalize arguments in an elaborate way and do not use them strategically.

Preschoolers and elementary school children start to give justifications initiatively, i.e., without someone requesting a justification (Baines and Howe 2010; Komor 2010), they use counter-arguments (Clark et al. 2003), they ask for justifications and thereby establish dissent (Rauch 2014; quoted in Kreuz 2021, p. 54), but they also start using justifications in more diverse contexts, such as non-persuasive, consensual ones (Komor 2010, p. 168;

Hannken-Illjes and Bose 2019; see also Kyratzis et al. 2010, p. 138). This happens more often in the case of elementary school children (Goetz and Shatz 1999, p. 744). In addition, they recognize conditional relevancies for justifications and how elaborate they must be (ibid., p. 746), and they use forms of imitating and repeating in a strategic manner (Kreuz 2021). In the data of Anderson et al. (1997), fourth graders usually did not produce very complex arguments, i.e., with long focused chains; instead, they used vague expressions, implicit conclusions and therefore usually did not use explicit warrants. These were however easily inferable from the previous discussion, making most arguments formally sound, coherent, and meaningful. Vogt (2002) looks at five lessons of elementary school students (grades 4) and five lessons of grades 5–7. He observes—on the topic level—a tendency towards arguments on a low level of abstraction and a preference for what he calls standard argumentative formats (claim + justification; ibid., p. 258). In our research, we could show in a quantitative analysis that there is a significant increase in the use of modalizing means (use of subjunctive forms combined with mitigating modal particles) between grades 2 and 4 (ages of about 8 and 10), that over time more justifications are given, and that children with increasing age discuss the same topic in longer and longer sequences (Luginbühl et al. 2021).

At levels *after* elementary school, more elaborated counterarguments and rebuttals have been observed, as can be seen in the works of Kuhn et al. (Felton and Kuhn 2001; Kuhn and Udell 2003; Kuhn et al. 1997). In their data of eighth graders, they mostly observed expositions, but only a small proportion of challenges or two-sided arguments, while adult college students used ‘stronger’ argumentation strategies aimed at weakening the partner’s argument (asking for clarifications of an argument in order to elicit a weak argument, paraphrasing an argument or disagreeing and at the same time criticizing an argument). These strategies have often been observed within longer strategic sequences extending across several turns. Such a higher complexity of young adults’ argumentation has also been observed by Grundler (2011), Spiegel (2006), Kelly et al. (1998), or Means and Voss (1996).

On a methodological level, research settings used in most of the German studies on oral argumentation skills have been within a school context and including an adult usually structuring the conversations to a high degree (e.g., Spiegel 2006; Krelle 2014), e.g., with role plays (e.g., Grundler 2011; Krelle 2014). Often teachers or other adults take part in the conversation themselves. We therefore know rather little about oral argumentation skills of elementary school children in peer groups without direct adult supervision (but see for informal settings (Arendt 2019; Morek 2014, 2015)). As several studies indicate, peer groups are an important context not only for learning oral skills, but also as a “double opportunity space” (Blum-Kulka et al. 2004, p. 308) for the emergence and elaboration of peer culture (see Arendt et al. 2015; Cekaite et al. 2014; Farnsworth 2012; Mercer 2009). Only in the context of peer groups can we observe how children argue independently, without an adult’s guidance (Jadallah et al. 2011, p. 195).

2.3. Research Interest

Our approach aims at a better understanding of elementary school children’s (i.e., age about 7–12) oral argumentation skills in peer discussions within a school context, given the limited knowledge about skill levels for teaching, exercising, and assessing oral argumentations in conversations at school. In order to see how the school children act independently from an intervening adult or direct prior instruction, we are interested in peer interaction without adults, where argumentative moves are not prepared in advance, but emerge during conversation. Analyzing school children’s peer talk, we combine in our approach a look at argumentative products (argumentation) and argumentative procedures in conversation (arguing orally). In order to gain a better understanding of skill levels, we analyze a bigger corpus and combine qualitative with quantitative analysis (see Luginbühl et al. 2021).

Argumentation is often defined as an interaction between persons trying to persuade one another by giving justifications if there is a difference of opinion (e.g., Kienpointner 2008,

p. 702; van Eemeren and Grootendorst 2004, p. 59). However, in our data (see Section 3), the children in our tasks not only justify positions in argumentative episodes with an enduring, overt dissent, but also in consensual sequences, while only supporting one another, or in more explorative sequences where they weigh up different pro- and con-justifications without fixed positions and a stable consent or dissent (for similar observations see, e.g., Greco Morasso et al. 2015; Iannaccone et al. 2019). In the latter case, dissent may occur in the form of different positions, but it remains mostly covert and is only temporal. Here, we follow the distinction between persuasive or competitive argumentation (which has been the main concern of studies in argumentation for a long time) and consensual or “explorative” (Ehlich 2014) argumentation (see for this distinction Hannken-Illjes and Bose 2019). Referring to the second type, Mercer (2009, p. 184) speaks of “exploratory talk”, “in which partners engage critically but constructively with each other’s ideas. [. . .] Proposals may be challenged *and* counter-challenged, but if so [sic!] reasons are given and alternatives are offered.” (Emphasis in original). We therefore do not see an overt dissent as a necessary condition for an argumentative way to treat a topic, but we understand oral argumentations as interactions, in which open questions, facts, and positions with different validity claims are marked as disputable (be it dissenting or explorative) and in which reasoning is crucial in order to make claims or positions plausible.

Our analysis of oral argumentation has its main focus on the procedural side of argumentation, we are interested in arguing as a “social discourse activity” (Felton 2004, p. 35), in which argumentative moves as proposals, establishing dissent, initiating, oppositional or validating justifications, requests, etc., but also related moves, such as clarifications, explanations, questions, conclusions, revisions, etc., are interactively produced, negotiated, sometimes co-constructed (Baker 2009; Kreuz 2021), and sequentially processed (Rapanta et al. 2013; Heller 2012). At the same time, we are interested in structural aspects of argumentation of another kind, namely the argumentation schemes (see, e.g., Kienpointner 1992; Rigotti and Morasso 2010) children produce in their conversations. Here, a focus lies on the question of how broad and deep an argumentation is, i.e., to what extent multiple/compound and subordinative argumentations are provided. In multiple or compound argumentations, many different arguments are produced to support a position and the argumentation is developed ‘horizontally’; in a subordinative argumentation, single arguments are differentiated in regard to their support (by naming rules, examples and so on) and developed ‘vertically’ (Grundler 2011, p. 177). In the following case study (Section 3) we will however focus on procedural aspects and just provide some hints to aspects of argumentative products.

3. Materials and Methods

Looking at oral argumentation skills, it is crucial to look at the product *and* the process of argumentation; these two perspectives are interdependent (see Section 1). While research on argument schemes usually neglects the sequentiality of turns, adds implicit moves, and deletes some turns (e.g., repetitions in the context of insisting), it can be crucial for oral argumentations in which order, with which rhetoric means and linguistic forms, and with which multimodal resources a turn is produced. The turn’s status as an argumentative move depends on its sequential context and its concrete form.

As oral argumentation skills are potentially influenced by and correlate with many factors (general language skills, sociodemographic and socioeconomic family status, etc., see (Wild et al. 2012) that can hardly be controlled in all their details, we decided to compose a rather large corpus for each grade in order to minimize the influence of the mentioned factors in the overall analysis. In addition, oral skills cannot be reconstructed within the paradigm of conversation analysis as competencies in the sense of an individual based, cross-situational and normative (competent vs. incompetent) capability (Deppermann 2004).³ What can be reconstructed is the aforementioned “factual competence” (Deppermann 2004, p. 20, our translation): conversation analysis is interested in systematic patterns of interaction in conversations as always already sensible solutions (ibid.).

The corpus we collected, as well as the methods we use, both aim at an empirically broadly supported study of the factual competence of elementary school children’s oral argumentation skills (see for a detailed discussion [Luginbühl et al. 2021](#)). To reach that aim we collected data that are as natural as possible, but at the same time rich and comparable (cf. [Quasthoff 2021](#)). In order to keep the conversations as natural as possible, we developed exercises that were similar to existing exercises in schoolbooks, did not give argument specific preparations (such as preparatory exercises, lists of possible argument, etc.), and let the children discuss with only two cameras present, but no adults in the room taking part in the conversation. In order to collect rich data, we developed two tasks that made oral arguing highly expectable and therefore delivered data in sufficient breadth, and, as we kept the task stable over all groups, the data is methodologically comparable.

The basis of our data are two different tasks that the students had to discuss in groups of four (formed by lot). In the first task (called “Robinson task”), the children were asked to imagine that they were stranded on a deserted island and had to select three objects out of a list of twelve to ensure their survival on the island. In the second task (called “donation task”), the children had to rank four (real existing) donation options according to their preference on a four-step ‘winners’ podium. This task has been varied: half of the groups were asked to imagine that they had 50 Swiss francs, the other half actually received 50 Swiss francs as a class, which were subsequently donated for real for the projects chosen. For both tasks, the children were told that the aim was for the group to reach an agreement, but we did not mention the concept of argumentation. We however mentioned related terms during instruction, such as ‘discuss’, ‘talk to each other’, etc., in order to make sure that not only an agreement was to be reached, but to ensure that they understood it as discussion task.

Overall, we collected 180 conversations, 20 conversations for every task (20 Robinson, 20 donation with imagined money, 20 with real money) for grades 2, 4 and 6 each, which corresponds to ages of about 7–12 in the Swiss elementary school. Collecting the data, we visited schools from different German speaking Swiss cantons, some in more rural, some in urban locations. The conversations have a duration of 873 min in total; the conversations last from 25 s to 22 min, 3.5 min on average in grade 2, and 5.5 min in grades 4 and 6.

The conversations have then been transcribed with EXMARaLDA⁴, following the GAT 2 conventions ([Selting et al. 2009](#)). These transcripts have then been coded on several levels, first with a focus on justifications as argumentative moves but in consideration of their local conversational context. On a first level, we coded activities that have the potential to trigger justifications (‘thematizing an object/donation possibility’, ‘positioning for’, ‘positioning against’, ‘multiple relations’); on a second level justifications and their interactive embedding (‘initiating’ an argumentation, ‘oppositional’ or ‘validating’ a prior positing, ‘multiple relations’ to prior positionings); on a third level lexical markers of justifications and the logical relations they rely on (‘causal’, ‘conditional’, ‘final’, ‘others’).

4. Results (Case Study)

As [Walton et al. \(2010\)](#) point out, an argument needs to be “analyzed and evaluated not only by identifying the logical form of an argument in abstraction from its context of use, but also by paying attention to the purpose for which an argument was supposedly used in a conversational setting” ([Walton et al. 2010](#), p. 210). In our data, the conversational setting can be characterized as a “deliberation dialogue” (*ibid.*): the interactants share a common problem—reach a consensus upon the selection of objects or donation projects. Thus, the general framing of the discussion is a cooperative one, rather than a persuasive, agonal, or competitive one. However, the dimension of cooperative or competitive framing does not only depend on the general setting or a particular quaestio, but is interactively performed by the participants ([Hannken-Illjes and Bose 2019](#), p. 475). Having this in mind, we will next describe and analyze sequences from two conversations of 2nd grade children, both discussing the Robinson task. We selected two conversations (internal designations: Ro_K2_SA_G1a, Ro_K2_WB_G2a, see Supplementary Materials) that differ notably with

regard to the extent that agonal behavior can be observed. We will focus on the question of how the sequential processing of conversational jobs is performed, what rhetoric means, and which linguistic forms are used. We will show how modalization is a crucial aspect for the argumentative dynamic of the conversations (next to the completion of argumentative jobs, such as giving relevant, plausible, and valid justifications) and demonstrate how these processes crucially shape the argumentative structure and the character of the conversation. In addition, we will relate our observations to aspects of argumentation skills and show that in our two examples the children do not call up all skills to the same degree. We will start with the analysis of Ro_K2_SA_G1a, and then proceed by comparing particular sequences of the two conversations.

4.1. Marking (Non-)Negotiability in Positioning and Dissent

The first conversation (Ro_K2_SA_G1a) is the only one of the 180 conversations where the children do not reach a consensus. The group consists of three girls, Valerie (VAL), Marianne (MAR), Nora (NOR), and one boy, Ricardo (RIC). At the very beginning of the conversation, Ricardo excludes himself from the group (“I’ll discuss it with myself”), sets gender as a relevant parameter (“I’m the only boy?”), and leaves the table. Thus, the cooperative framing of the setting is challenged from the very start. After a while, the girls move closer together, and start the discussion among each other (segment numbering is according to the transcripts provided in the Supplemental Materials):

- 37 NOR: Ich glaub ich WEISS was man brAuchen kann;
 ein
 TELEfon [(zum) Anrufen?]
I think I know what one can need;
a phone. [(to) (make a)
call]
- 39⁵ VAL: [WAS für?]
 [what for?]
 NÄI: de wäi, ^h döt hEts jo uf dene äInsame Insle
 hets jo käi STROM.
No: because, there is on such deserted islands
there is no power.

In 37, Nora positions herself, proposing the (mobile) phone. Using an operator-scopus-structure (Barden et al. 2001)—a structure typical for oral communication (Grundler 2011, p. 295)—“ich glaub ich weiss” (*I think/believe I know*), she characterizes the mental state of the proposition in the scopus, both expressing confidence (*I know*), while simultaneously modifying it as a negotiable opinion (*I think*). The scopus entails the verb “brauchen” (*need*), implying an understanding of the task as determining ‘what is needed’. Using “man” (*one*) as an unspecified subject presents the proposal as being based on common knowledge. The modal verb “kann” (*can*) again signifies some degree of uncertainty. Only after this introduction, the phone is proposed, complemented with a reference to its purpose (*to make a call*). Although specifying the purpose is not a full-fledged finality-based justification, it at least adds some support compared to a bare positioning. Adding the reasons for the choice already indicates sensitivity to the requirements of the discursive context: it supports the position and simultaneously provides the basis to respond to it in an informed way. Note, however, that the link between the ‘needs’ and ‘making a call’ is left implicit (why is making a call helpful on a deserted island?) but can be reasonably reconstructed as ‘call for help to get off the island’.

Valerie interrupts Nora by asking a question (39), thereby establishing an obligation to justify the proposal. Her question ‘*what for*’ seems to ask for a specification of the purpose (it is not entirely clear if Nora’s addition of the purpose is already a response to Valerie’s question). However, Valerie then proceeds by establishing dissent with an explicit statement of disagreement “Näi” (*no*). Immediately after expressing disagreement, the

causal marker “de wäi” (*because*) is added, thus signaling that the obligation of giving reasons which comes with disagreement is taken up. After a pause, this obligation is met by providing the counterargument: there is no power, so the phone will be useless. Thus, Valerie does not deny that making a call would be helpful but highlights that under the given circumstances the phone will not fulfil its purpose. The factual framing of the premise without any modalization presents the proposition as being based on (assumed) common knowledge about deserted islands and is marked explicitly as a justification with the causal marker. The move is complemented by connecting the premise of ‘no power on desert islands’ to Nora’s proposal:

- 43 VAL: <<whispering> aso wle chömmmer denn mit eme HENdi aa(lüte),>
so how can we then (make a) call with a mobile
- 44 MAR: JÄ.
Yes.

With the conjunction “aso” (*so/therefore*), the turn is marked as a conclusion, but is formulated as a question, thus marking the conclusion as obvious, while at the same time adding some openness.

Within this short sequence, all crucial jobs described in the GLOBE model (see Section 2.1) are completed: Nora *positions* herself, including an (although partial) justification by referring to the purpose of the phone, thus *establishing an obligation to justification* by instantiation (Arendt 2019, p. 239). Valerie *establishes dissent* by direct disagreement, responds to the obligation of justification by *giving a reason* for her divergent position, and completes her objection by explicating the link between the premise and Nora’s position by formulating a conclusion. Although the episode is not explicitly concluded, at least Marianne signals approval in 44, and Nora does not further justify her position, which can be interpreted as implicit acceptance, thus rendering the episode as *completed*.

Thus, participants display the skill to complete the crucial jobs of an argumentative sequence, and also master different means to mark negotiability. On the one hand, Nora presents her position as a negotiable proposal by modalization and explicitly marking the epistemic stance. Valerie, in contrast, does not modalize but signals only little space for negotiability by providing a justification for her disagreement, and by linking her argument explicitly to Nora’s proposal, thus providing a transparent argumentative chain that could be subject to further discussion. By formulating the conclusion as a question, she also manages to signal negotiability and mitigates her positioning.

During this episode, Ricardo is still away from the table. After an intervention of the experimenter, he nevertheless returns to the table. The following sequence starts directly after Ricardo has just returned:

- 60 VAL: und Aso,
and alright,
- 63 ICH würde sAgen (.) [wir brauchen.] ein ZELT zum schlAfen,
I would say (.) [we need.] a tent for sleeping
- 64 NOR: <<quietly> [ein FEUer-]>
[a fire-]
- 69 RIC: nä..-
No
- 70 NOR: <<quietly> und ein FEUerwerk>
and (a) firework(s)⁶

After Valerie has argued against the phone, she proposes the tent instead (63). Similar to Nora, Valerie marks her utterance as a proposal by using an operator-scopus-structure (*I would say*), marking it as her alternative by stressing “ICH” (*I*). As with Nora, she also uses the verb “brauchen” (*need*), thus staying with Nora’s instantiation of the task as ‘what is needed’, and, at the same time, contrasting her own proposal by referring to the same underlying line of justification. As with Nora before, Valerie adds the purpose of the object (*for sleeping*) as a minimal justification. However, by supplying a different purpose,

she also introduces a different criterion that should guide the decision process: while the mobile phone refers to ‘getting help to get off the island’, ‘for sleeping’ rather refers to the topic of ‘surviving on the island’. While Nora uses the unspecified subject “man” (*one*), Valerie uses first person plural in ‘*we need*’, thus construing the need as one of the whole group. Valerie also uses an operator-scopus-structure with the operator “*ich würd sagen*” (*I would say*), but, in contrast to Nora’s turn, the scopus is produced as a factual sentence with no obvious modalization.

In 69, Ricardo signals dissent, although it is not clear at this point if he is in opposition to Valerie’s proposal of the tent (63) or to Nora’s proposal of fireworks (64), or both. Now, Marianne also puts a proposal on stage:

- | | | | | |
|----|------|---------------------------------------|---|------------------------------------|
| 72 | MAR: | und ich würd | [sÄge dass me (-)] | dass mir au e DEcki brUUche, |
| | | and I would | [say that one] | that we also need a blanket |
| 73 | VAL: | | [NÄi,] | |
| | | | [no,] | |
| 75 | RIC: | NÄI (-) decki BRUUche mir nlt; °hh | | |
| | | NO (-) we don’t need a blanket | | |
| 76 | MAR: | DOCH | [gäll vAlerii.] | |
| | | Yes we do, [don’t we, Valerie] | | |
| | | ((looks at VAL)) | | |
| 78 | RIC: | [ähm (-) nÄI.] | döt uf de insle (.) hets doch Palme. | |
| | | [uhm no.] | there on this island (.) there are palm trees | |

Marianne proposes the blanket (72), repeating Valerie’s formula ‘*I would say*’ as well as her reference to ‘*need*’, and even repairs her utterance from using “*me (man)*” (unspecified subject *one*) to “*mir*” (*we*), thus establishing a strong link to Valerie’s turn (for repetitions see Goodwin and Goodwin 1987; Arendt 2019). The proposal is marked as a supplement of Valerie’s proposal with “*au*” (*also*). Thereby, she implicitly agrees with Valerie and, by recycling Valerie’s format, instantiates a cooperative act of ‘putting things on the list one by one’. However, Ricardo does not take part in this game, but disagrees with Marianne’s proposal of the blanket (75). He also refers to “*brauchen*” (*need*), thus lexically linking his utterance to the previous turn, and implicitly agreeing upon ‘what we need’ as a valid criterion, but explicitly denying the truth of Marianne’s statement by negating the proposition. Ricardo, in contrast to Valerie in 39, does not express disagreement by a question, nor does he mark the statement as his opinion, (e.g., by signaling a mental state with ‘*I think*’ or similar) but represents it as unnegotiable fact (*we don’t need*). Marianne insists on her position but instead of responding to Ricardo’s disagreement by justifying her proposal, she seeks support from Valerie, using a tag question directly addressing Valerie in 76. In the next turn, Ricardo provides a justification for his rejection—however, it comes too late: his direct und unmitigated negation of Marianne’s proposal, which basically signals: ‘You are wrong!’ rather than ‘I have a different opinion’ is a face-threat Marianne feels obliged to react to immediately. His factual statement of disagreement also lacks any markers that could signal that a justification is about to follow (as, for example, in Valerie’s equally direct negation in 39, which is however, directly followed by ‘*because*’ and a justification and where the conclusion only follows after the justification).

What have we observed thus far: Nora, Marianne and Valerie mark their statements as negotiable, using operator-scopus-structures that specify the epistemic stance of their statements. By exploiting similar linguistic structures, the conversation is framed as a cooperative and explorative rather than a persuasive setting (Ehlich 2014). Ricardo, however, states his disagreement in 75 as an unnegotiable fact and thus does not comply to the locally established norm of signaling negotiability. As a reaction, Marianne does not act within the rules of the argumentative game when confronted with Ricardo’s counterargument: neither does she defend her position, nor does she accept the counterargument, thus ignoring the conditional relevance of justifying one’s position in face of disagreement. Instead, she attempts to build a coalition with Valerie. This also demonstrates the aspect of timing as a crucial skill in oral conversation: Ricardo’s attempt to justify his rejection comes

(maybe only milliseconds) too late, and thus fails to render his rejection as acceptable on the personal level. Thus, already in this early phase of the conversation, the cooperative framing is considerably distorted.

Later in the conversation, Ricardo proposes the pocket knife—again without modalization:

- 180 RIC: s WICHTigscht °h äh wo s (.) brUUcht (.) isch (.) s !SACK!mässer.
The most important uhm that (.) is needed (.) is (.) the pocket knife.
 ((tips on pocket knife))
- 183 °h s SACKmässer brUUcht me zum (-) °h d bÄum absÄÄge,
The pocket knife one needs to cut down trees.
- 186 °h und denn kA me e FLOSS bAue;
 ((tips on pocket knife two times))
And then one can build a raft
- 187 MAR: °h Aber [me bruucht (.) schlO-]
But [one needs (.) sleeping (bag)]
 ((points at sleeping bag))
- 188 VAL: [jä SACKmässer brUUcht me ganz] sicher.
[Yes pocket knife one needs for] sure
 ((points at pocket knife))

Marianne neither responds to Ricardo’s proposal, nor to the implicit change of criteria (getting away from the island) but again proposes the sleeping bag, while Valerie agrees with Ricardo. On the one hand, crucial argumentative jobs are completed—positioning plus justification, establishing dissent, stating agreement. However, none of the turns entail any markers of negotiability, and the repeated use of ‘need’ + unspecified subject construes all propositions as non-debatable facts. In contrast to the earlier episodes, where the repetition of operator-scopus structures (37, 63, 72) construes a cooperative framing, here the repetition of the syntactic pattern contributes to hardening frontiers by copying the factual and non-negotiable style. A further detail is important within this section: Marianne initiates her proposal of the sleeping bag (187) with ‘but’, which, on first view, indicates disagreement. However, her turn misses any link to the content of the previous turns: the sleeping bag is not a functional alternative to the pocket knife. To promote the sleeping bag as the better choice would require a rather complex argumentative chain. The ‘but’, however, could also signal not dissent, but rather initiate an additional proposal, thus implicitly agreeing on the pocket knife as in: ‘YES, but we ALSO need a sleeping bag’. Thus, it would not function as a marker of dissent, but rather state that the sleeping bag is equally important. However, Marianne does not link her proposal to Ricardo’s previous turns, nor does she provide independent arguments that would qualify it as an additional proposal. Thus, the content does not reflect the argumentative expectation the linguistic form (*but*) elicits. Marianne’s turn can either be interpreted as indicating her inability to link her proposal adequately to previous turns, i.e., a lack of textualization and marking competence (Quasthoff 2009). However, given the rather agonal character of the conversation in this phase, ignoring Ricardo’s argumentative approach is more likely signaling that Marianne is not willing—rather than not being able to—to react within the “argumentative game”, bringing dissent without justifications to the fore and thereby reinforcing it further.

Instead of providing reasons, Marianne looks at Ricardo and suggests the sleeping bag, implying that this would be of his best interest (*I would take a sleeping bag if (.) I were you.*). Again, Ricardo states his disagreement in a factual form (*sleeping bag not necessary*), thus not responding to the ‘perspective’ move, but denying the implied importance of the sleeping bag. Shortly after, Valerie attempts to summarize the (assumed) intermediate state of the decision process: ‘*So we have a tent [her proposal] and a pocket knife [Ricardo’s proposal] so far*’. Marianne complements Valerie’s summary by adding her own proposal, the sleeping bag, thus implicitly ignoring Ricardo’s objections. Ricardo disagrees loudly, and reinforces his disagreement by beating on the table:

202 RIC: <<loudly and annoyed> nÄ:i zÄlt isch (.) !UN:NÖ::TIG!->
No tent is (.) unnecessary!
 ((beats the table))

Again, his statement is framed as a fact and this time also without an attempt to justify the disagreement. Interestingly, he does not signal disagreement with Marianne’s proposal (sleeping bag) but with the tent proposed by Valerie. However, it is nevertheless Marianne who opposes:

207 MAR: NÄ::I::;
no
 209 RIC: UNnötig;
unnecessary
 210 NOR: nä:ä:i;
no;
 211 MAR: nÄ:i [(.) e] zÄlt isch Super;
no [(.) a] tent is super;
 212 RIC: [UNnötig;]
[unnecessary]
 214 MAR: zum SCHLOOfē [denn het mes wEnigschtens (-)] e bitz bequE::m.
for sleeping [then one is at least] a little bit comfortable
 215 RIC: [!UN!nötig-]
[unnecessary-]

In this sequence, there is only one justification given (214, comfort of the sleeping bag), in all other turns only rudimentary positionings (*no—unnecessary*) are exchanged in a form of what Knoblauch has called a ‘change of service’ (Knoblauch 1995, p. 122, see also Morek 2015) that makes dissent harden. Now, also Nora and Valerie enter the stage, arguing for the tent and against Ricardo.

This conversation is revealing in a variety of aspects, including processes of inclusion and exclusion, building coalitions, and the use of multimodal resources. Here, however, we focus on the way positions are stated and justified and to what extent the statements are mitigated by modalization. While at the beginning, the girls tend to modalize their positions, marking them as negotiable, Ricardo produces both his standpoints and arguments as factual statements and even reinforces their non-negotiability (he only once in the whole conversation uses a modal verb to mark a proposal), thus making them hard to be treated as negotiable proposals. This kind of dissent modalization is then also partially reproduced by the other interactants. During the first part of the conversation, Ricardo mainly attacks Marianne’s proposals. Marianne, rather than responding to his arguments, seeks to gain support from the other girls. When he also attacks Valerie in the same fashion, Ricardo finally ‘looses’ Valerie as well and his arguments—rather independently of their complexity or soundness—are not considered anymore.

What does that tell us about argumentative competence? It is evident that, in several dimensions, Ricardo shows a high level of argumentative skill: he is able to develop rather complex argumentative relations, he is also quite good at immediately addressing counterarguments, and backing up his own standpoints where needed. Although a detailed structural assessment of his argumentative products is beyond the scope of this paper, it is evident from the data that he masters argumentation on a metacognitive dimension (Rapanta et al. 2013) which is reflected in rather complex argumentative chains of consistently connected statements. Regarding the epistemological dimension, his arguments in general fulfil criteria of relevance and acceptability. Moreover, on a metastrategic dimension, he is able to articulate and place counterarguments and manages backing and defending his statements. However, he presents his proposals and arguments in a way that render them virtually impossible to be discussed in a cooperative way, or to accept them without losing face—an aspect that proves to be highly important for the way the discussion is conducted but which is not captured by, for example, the modes of Rapanta et al. (2013). This can be better described in Grundler’s (2011) terms (see Section 2.1). On the personal dimension, he does not express the perspectivity of his statements, reflected in a consistent

lack of markers of epistemic stance. We have also seen that timing plays a crucial role: in oral communication, and probably in peer group conversations in particular, participants have to constantly track their standing within the group, and will not only defend their opinion, but also their face. If this is not taken into account at any time, particularly in stating disagreement, the game can change. In the analyzed conversation, this is evident in Marianne's strategy change as a reaction to Ricardo's delayed justification. Instead of defending her position by argumentative means, she immediately seeks support and aims to build a coalition—which can fundamentally change the character of the conversation: the individual goal of 'winning' (persuasive argumentation) starts to interfere with the goal to arrive at the best possible solution (explorative argumentation). The dynamic that we describe here can be also be related to the GLOBE categories mentioned before (contextualization, textualization, marking). While the children all show an adequate contextualization (i.e., they all relate to the global unit 'argumentation'), the individual goal of winning starts to produce problems on the level of textualization (e.g., objection without giving a reason, contradicting without clear reference) and marking (e.g., unclear use of 'but').

On the social dimension, Ricardo's repeated reference to "brauchen" (*need*) as a stated fact implies that the opponents lack the competence to judge what is needed and what is important. At the end of the conversation, he explicitly denies the competence of the others ('*you don't understand deserted island*'), complemented with a direct insult ('*you are so mean/stupid*'). However, this epistemic hierarchy has already implicitly been established earlier and prevented a fruitful cooperation, especially by the lack of any kinds of modalizations in Ricardo's turns from the very beginning. This can be related to Grundler's social dimension of oral skills (see Section 2.1), as Ricardo seems not to anticipate the face threat inherent to his utterances, intensifies dissent and finally insults the three girls.

The reproach of not understanding the deserted island highlights a further crucial aspect of oral argumentations skills—or rather, the lack of it within this discussion. The reproach can be reconstructed partly as the view that the others do not use the right criteria for their decision—what is really important if you are stranded, what are our goals? This is also mirrored in Ricardo's frequent references to necessity. However, these criteria—what is necessary, and why—are never discussed, explicated, or questioned during the conversation by any of the participants. Thus, apart from the missing epistemic marking that we observe (for Ricardo, but to an increasing degree during the entire conversation also for the other participants), the skill to overcome dissent by stepping back and trying to identify differences in implicit premises, or to clarify the commonly shared basis for the decision process seems to be missing for all participants (see Greco et al. 2018, for an analysis of implicit premises in adult-child interaction as a potential source of misunderstandings). The confrontative character and, finally, the inability to arrive at a commonly shared decision can be at least partly attributed to the fact that these skills are not fully developed. All participants manage to develop positions, justify these positions, and attack other positions by argumentative means. Linking and evaluating arguments by considering their underlying assumptions, however, can be observed only at a very rudimentary level. We should note, however, that both aspects are intertwined—the increasing agonality we observe in the course of the conversation may itself make it more difficult to 'step back', and, on the other hand, the differences in underlying assumptions may make it more likely that positions are perceived as disparate.

This conversation is very suited to point out that argumentative competence in oral conversations cannot be analyzed and described by focusing on the 'content' and the structure of arguments brought forward alone. Even if a 'rational' analysis of the arguments would lead to favor a position, argumentative complexity and soundness is not of much worth if a position is brought forward in a way that prevents interactants from considering it without losing their face. The interdependency of the different dimensions of oral argumentative competence thus also implies the importance of considering them when analyzing oral argumentation and argumentative competence. We have also seen that

aspects that are specific to oral communication are relevant, such as exact timing, typically oral structures (such as operator-scopus), or interruptions, to name just a few.

4.2. Comparison of Positionings and Statements of Disagreement

We will now examine another conversation (Ro_K2_WB_G2a), again with second graders but with a rather different way of discussing. In this conversation, two boys, Sven (SVE) and Björn (BJÖ) and two girls, Cecilie (CEC) and Lara (LAR) also discuss the Robinson task. We will focus on the production of selected positionings and statements of disagreement in comparison to conversation 1 and relate the differences to the general character and course of the conversation.

Already at the very beginning of conversation 2, the cooperative framing of the conversation is marked in CEC saying:

- 1 CEC: was SÄge mEr?
what do we say?
 ((looking at LAR and Bjö.))

The first object is proposed by Sven:

- 2 SVE: aso ich glaub ich WÄISS wa mer drIngend müend usenÄÄ;
so I think I know what we need to take out urgently;
 5 s FÜÜRwerch.
the fireworks
 ((points at the flares))

While the reference to knowledge “ich WÄISS” (*I know*) as well as the modalizing (reinforcing) adverb “dringend” (*urgently*) underline Sven’s commitment, the use of “ich glaub” (*I believe*) at the same time marks this proposal as negotiable. In contrast, see Ricardo’s proposal of the pocket knife:

- 180 RIC: s WICHtigscht °h äh wo s (.) brUUcht (.) isch (.) s !SACK!mässer.
The most important uhm that (.) is needed (.) is (.) the pocket knife.

While both of them stress the importance of the proposed object, Sven’s proposal is marked as his opinion by using an operator-scopus structure where the operator refers to the mental state, while Ricardo is just stating a fact. In addition, Sven links his statement to the group by using first person plural ‘we need’, while Ricardo even enforces the factualness of his proposal by adding the passive structure ‘that is needed’. Thus, although both proposals are comparable with regard to the supposed importance of an object, the interactional framing and, in consequence, the conditional relevance for possible continuations differ remarkably. This difference can not only be observed in the way proposals are produced, but also in the way dissent is expressed: in general, proposals, but also acts of disagreement within the second conversation are almost always modalized in some way. For example, when Cecilie disagrees with Lara’s proposal of the mosquito net:

- 29 LAR: ja DAS dAs <<quietly> und das (-) oder dAs>.
Yes that that and that (-) or that.
 ((points to flares, first-aid kit, mosquito net and tent))
 31 CEC: NÄI.
no.
 32 mosKItonetz bruuche mer ja nÖd umbedingt.
we don’t necessarily need the mosquito net
 33 °h wlll das (chönn) ja AU (1.7) schÜtze;
°h because that could as well (1.7) protect;
 ((points to tent and looks at LAR))

Cecile starts with a negation (31), however, the disagreement is immediately mitigated by “nicht unbedingt” (*not necessarily*) in 32, and the complementing justification (33) is construed as a possibility rather than a fact by using the subjunctive form “könnt” (*could*). The

objection itself (that the tent is sufficient for protecting against mosquitos, and, hence, the mosquito net is not necessary) is rather similar to the one observed in the first conversation:

- 129 NOR: °h [Oder dAs damit me] nit chrAnk wird wä::g (-) de mUcke?:
 °h [or this so one does] not get sick because of (-) the mosquitos
 ((points to mosquito net on the worksheet))
- 130 MAR: [J:Ä::;]
 [yeah::;]
- 134 RIC: nÄ::i das BRUUCHT me nit;
 No, one does not need that
- 136 VAL: mh?mh;
 mh?mh;
- 138 zÄlt cha me jo zUemache denn SINN käini mUcke dÖte,
 one can close the tent then there are no mosquitos there
- 141 NOR: jo-
 yeah-

However, both the statement of disagreement (conversation 2: lines 31/32 vs. conversation 1: 134) as well as the complementing justification (conversation 2: 33 vs. conversation 1: 138) are stated as facts in conversation 1 and are even both presented as common knowledge by using the unspecified subject “man” (*one*) and the “jo” in 138 marks it as obvious. In conversation 2, in contrast, the statement of disagreement is using first person plural ‘we don’t need’, signaling reference to the group and is mitigated by “nicht unbedingt” (*not necessarily*), both establishing a cooperative framing. The justification includes a modal verb in subjunctive form “chönn” (*could*), and the stressed “AU” (*also*) can even be interpreted as signaling a concession such that the original proposal is based on a reasonable basis (purpose of protection) but that this purpose may be met by an alternative device. Thus, while the second instance implies shared premises (protection is a viable criterion for choice), the first instance rather denies competence of the opponents.

To sum up, in conversation 2, interactants exploit various means to mark both their proposals as well as statements of disagreement as negotiable options, thus establishing a cooperative framing that allows interactants to react to proposals and arguments in an explorative rather than competitive way. In contrast, in conversation 1, proposals and statements of disagreement are frequently produced factually which tends to lead to a hardening discussion, characterized by acts focusing on support of others and instantiates a competitive aspect that often also prevents careful weighing of the arguments brought forward. This difference in character is also mirrored in the observation that, while longer argumentative chains do exist in both conversations, they are rather monological in conversation 1, while in conversation 2 we can observe several co-constructed episodes where multiple interactants cooperatively explore the pros and cons of particular objects and discuss alternative solutions for a given problem which is one of the crucial features of exploratory talk (Mercer 2009, p. 184). In conversation 1, Ricardo also presents functional alternatives several times (e.g., using palm tree leaves instead of a blanket), thus displaying rather elaborated cognitive skills—however, he presents his arguments merely as facts, and although the other discussants react to his thoughts, these reactions do merely consist of counterarguments (which often mirror the factual character), but are rarely taken up as proposals that are worth being further elaborated on.

Our case study comparing two conversations of the same age group both demonstrate the importance of adequately framing positionings to constitute a cooperative discursive context (see also Grundler 2011, p. 293ff) as a crucial aspect of oral argumentative skills. The analyses reveal considerable individual differences with regard to different aspects of oral argumentative skills. In both conversations, participants manage to produce crucial structural elements of argumentative practice, develop elaborated arguments and in general are able to grasp the conditional relevances of argumentative practice. Under Grundler’s (2011) view, they show similar cognitive and conversational skills. However, at the level of personal and social skills, individual participants display considerable differences in their ability to produce their contributions in a way that renders them acceptable on the

personal level. In other words, participants are merely skilled to fit their contribution in the global and local conversational context. However, taking into account the personal and social level by coping with the subtle issues of face-work (e.g., by mitigating and modalizing positions and disagreement) is a crucial skill, where we observed considerable individual differences in our qualitative analyses. The structure and size of our data, however, also allow us to back up these qualitative observations with quantitative analyses. As we have seen, modalizing turns out to be a crucial element within the factors that constitute oral argumentation skills. The analysis over the entire corpus (for details, see [Luginbühl et al. 2021](#), p. 201ff) reveals that, for example, frequency of use of subjunctives in both positionings and justifications increases with grade. Similarly, the proportion of positionings and justifications that entail both a subjunctive form and a mitigating modal particle, increases significantly with grade. These results signify that between grades 2, 4, and 6, an important building block of oral argumentative competence is acquired.

5. Discussion and Conclusions

Many textbook exercises on oral argumentation skills are designed to have the individual student express, more or less monologically, complex, relevant, plausible, and valid arguments, to be produced in the context of persuasive discussions (mostly pros and cons) (cf. [Mundwiler et al. 2017](#)). In recent years, however, several studies emphasize the importance of further skills that play a crucial role in argumentation, e.g., the linguistic means for epistemic modalization (e.g., [Morek 2020](#); [Grundler 2011](#)), dissent modalization ([Grundler 2011](#)), and more generally the personal and social dimension of oral argumentation (*ibid.*), that includes rhetoric means and linguistic forms related to this dimension and according textualization and marking competences ([Erath et al. 2018](#); [Heller 2012](#)). In line with these studies, our case study with conversations from a corpus of non-prestructured peer conversations shows that other aspects of argumentation skills are equally relevant, such as the personal and social dimensions ([Grundler 2011](#)), which are absent in the modes reconstructed in the literature review from [Rapanta et al. \(2013\)](#) and which come with specific oral skills of textualization and marking. These aspects are not directly related to propositional content or the complexity of argumentations but are closely related to the mediality of oral conversations. Of course, these dimensions play a role in written argumentation as well, but the concrete forms as well as the common organization of argumentation and thus the situatedness and negotiation of meaning of individual turns, etc., are specific to the mediality of oral conversations (including prosody and multimodal resources).

A special challenge in oral argumentation lies within the fact that conversations have to be organized collectively in real time and that interactants have to immediately respond in an appropriate way to the always changing local conversational context. This also results in the fact that timing is a crucial factor, since for example, as we showed in our analysis, a perceived face-threat can lead to an immediate reaction, and can change the character of an interaction considerably. Thus, taking into account this aspect at any moment is a crucial skill in oral conversation, and, in particular, in oral argumentation as a communicative practice where potentially confrontative acts as rejecting proposals and articulating disagreement are constitutive elements.

These skills can best be observed and analyzed within peer interaction, where interactants have to organize the entire conversation all by themselves and offer each other learning opportunities (see [Arendt 2019](#)). For example, the ability to ‘step back’ and reflect on implicit premises as potential sources of hardening conflict, but also coordinative tasks as intermediate summaries (which are present in both conversations analyzed here but with different success) are tasks that in adult–child interactions are typically taken on by adults ([Spiegel 2006](#)). While adult–child interaction is crucial for the acquisition of oral argumentation skills, children (or adolescents) have acquired oral argumentation skills in full only when they are able to use them without adult support.

The children in our data show that they have contextualization competence, i.e., they are able to embed the global unit of argumentation. However, our case study also shows a big challenge for elementary school children: the ability to put one's own position into perspective and the ability to modalize statements. These are crucial skills when it comes to argue in a face-saving way, especially within a deliberate discussion. Here, the local context of the conversation plays a central role, because framing seems to be relevant especially for statements in which a previous positioning is rejected. The corresponding skills that are part of textualization and marking competences, are—as our quantitative analyses across the entire corpus indicate—still significantly less present in children at the age of eight than at the age of 10 or 12. At the same time—as our case study also shows—there are of course large individual differences. The reconstruction of skill levels thus remains a future task, but a combined methodology of qualitative analysis, as in our case study with quantitative analysis, which is based on argumentative and conversation-analytic codes (Luginbühl et al. 2021), seems a promising way.

In our paper, we mainly focused on pragmatic aspects of argumentation. Of course, for a comprehensive description of skill levels, it is equally crucial to analyze the argumentative products: identify age-typical moves and argument schemes, evaluate individual arguments with regard to soundness, relevance, and complexity, or identify implicit premises (Greco et al. 2018)—in other words, applying concepts and tools from argumentation theory, which allows for the grasping of hierarchical and logical relations between argumentative elements. As we have argued in this paper, however, we miss crucial aspects of 'argumentation' as an essential conversational practice if we leave aside the process of production. In particular for oral argumentation, the linear and sequential relations in time, the joint production and negotiation as well as the social relations that are established during this process, are an integral part that has been taken into account when trying to gain a better picture of what 'argumentation' amounts to, and which skills are prerequisite to be able to master this practice. In our analysis, we have shown that these aspects are tightly interwoven, and that the products can differ considerably depending on the interactional process. A thorough integration of the various aspects that jointly constitute what we consider as 'argumentation' remains an important and challenging scientific endeavor where we hope to have contributed to with our paper.⁷

Supplementary Materials: The following are available online at <https://www.mdpi.com/article/10.3390/languages7020139/s1>, transcript1_Ro_K2_SA_G1a.pdf; transcript2_Ro_K2_WB_G2a.pdf.

Author Contributions: Conceptualization, M.L. and D.M.-F.; methodology, M.L. and D.M.-F.; data curation, D.M.-F.; writing—original draft preparation, M.L. (Sections 1, 2 and 5) and D.M.-F. (Sections 3–5); writing—review and editing, M.L. and D.M.-F.; project administration, D.M.-F.; funding acquisition, M.L. All authors have read and agreed to the published version of the manuscript.

Funding: This research was funded by the Swiss National Science Foundation, grant number 100015_192377.

Informed Consent Statement: Informed consent was obtained from all parents or legal guardians of the subjects involved in the study.

Data Availability Statement: Data of the entire corpus can be inspected via an interactive website: <https://argcomp.shinyapps.io/baselargVis/> (11 May 2022). The (anonymized) transcripts, video and audio materials of the entire corpus will be made available in cooperation with the RISE-unit at the University of Basel (<https://rise.unibas.ch/en/>, 11 May 2022).

Acknowledgments: Thanks to Charlotte Odermatt and Anna Püntener for helping finalizing the paper, Oliver Spiess for anonymizing the corpus, and Tamara Koch and Chantal Wanderon for helpful discussions, and to the two anonymous reviewers for their careful reading of our manuscript and their many insightful comments and suggestions.

Conflicts of Interest: The authors declare no conflict of interest.

Notes

- ¹ In educational contexts, metacognitive criteria of quality (complexity of structures, conceptual depth) also become important.
- ² GLOBE literally translates «Globalität und Lokalität in der Organisation beidseitig-konstruierter Einheiten», globality and locality in the organization of mutual constructed units. Units of discourse are conceptualized on a local and global level, as the local moves are oriented at a global aim.
- ³ It is possible though to analyze norms of the participants themselves, e.g., what kinds of premises, inferences and claims are accepted or not. This can help in the reconstruction of peer cultures (Hauser and Luginbühl 2015).
- ⁴ EXMARaLDA is a free software tool for managing and analyzing spoken language data, see <https://exmaralda.org/de/> (accessed on 16 May 2022).
- ⁵ For reasons of space and readability, in some examples not all segments are displayed or referred, which sometimes results in gaps in the numbering. See the transcripts provided in the Supplementary Materials for the full transcripts.
- ⁶ Nora refers to the flare on the object list as “fireworks”.
- ⁷ In addition, our data provide a rich data source for this endeavor, and we are happy to share them with anyone who attempts to use them.

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Article

Ignoring Qualifications as a Pragmatic Fallacy: Enrichments and Their Use for Manipulating Commitments

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Abstract: The fallacy of ignoring qualifications, or *secundum quid et simpliciter*, is a deceptive strategy that is pervasive in argumentative dialogues, discourses, and discussions. It consists in misrepresenting an utterance so that its meaning is broadened, narrowed, or simply modified to pursue different goals, such as drawing a specific conclusion, attacking the interlocutor, or generating humorous reactions. The “*secundum quid*” was described by Aristotle as an interpretative manipulative strategy, based on the contrast between the “proper” sense of a statement and its meaning taken absolutely or in a certain respect. However, how can an “unqualified” statement have a proper meaning different from the qualified one, and vice versa? This “linguistic” fallacy brings to light a complex relationship between pragmatics, argumentation, and interpretation. The *secundum quid* is described in this paper as a manipulative argument, whose deceptive effect lies in its pragmatic dimension. This fallacy is analyzed as a strategy of decontextualization lying at the interface between pragmatics and argumentation and consisting of the unwarranted passage from an utterance to its semantic representation. By ignoring the available evidence and the presumptive interpretation of a statement, the speaker places it in a different context or suppresses textual and contextual evidence to infer a specific meaning different from the presumable one.

Keywords: pragmatics; argumentation; enrichment; fallacy; ignoring qualifications; manipulation; decontextualization

Citation: Macagno, Fabrizio. 2022. Ignoring Qualifications as a Pragmatic Fallacy: Enrichments and Their Use for Manipulating Commitments. *Languages* 7: 13. <https://doi.org/10.3390/languages7010013>

Academic Editor: Steve Oswald

Received: 23 June 2021

Accepted: 4 January 2022

Published: 12 January 2022

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1. Introduction

The fallacy of “*secundum quid et simpliciter*”, or ignoring qualifications, is commonly defined as a deceitful “logical” strategy consisting of neglecting the qualifications that would invalidate the use of a general proposition in a particular case (Walton 1990a, p. 113). In the modern and contemporary approaches to fallacies advanced by logical textbooks, this ancient sophism has been analyzed as a fallacy related to the use of generalizations, and more specifically the “application” of a general “rule” to a specific case characterized by special features. A classic example is the following case (a) (Engel 1986, p. 129):

- (a) *Everyone has a right to his or her own property. Therefore, even though Jones has been declared insane, you had no right to take away his weapon.*

As Morris Engel observes, in our ordinary life, we do not normally deal with universal generalizations; rather, rules, principles, and laws are subject to exceptions. When we ignore such exceptions, we draw a conclusion from a rule that “is not understood properly,” as in the example above. Other logical approaches reduce the fallacy to the other component of an argument, the “minor” or factual premise to which a generalization applies. In this view, the *secundum quid* becomes a fallacy of suppressing evidence: the speaker does not mention a piece of evidence that would entail a very different conclusion (Hurley and Watson 2018, p. 171). The fallacy would be committed in our example above if the speaker failed to mention Jones’ insanity, hiding a piece of information that would lead to a different application of the implicit warrant.

The logical view has influenced contemporary approaches to *secundum quid* in argumentation theory, leading to accounts that provide explanations based on the problem of defeasibility of the warrant (building on Mills' perspective, see Mill (Mill 1981), *A system of logic*, bk V, vi, §4, pp. 805–6) or regard it as an inductive fallacy (called “hasty generalization”) (Copi 1961, p. 64; Copi et al. 2014, pp. 136–37). A prototypical example of the current treatment of this fallacy is the following case (Walton 1990a):

- (b) *Since horseback riding is healthful exercise, Harry Brown ought to do more of it because it will be good for his heart condition.*

Like (a) above, this case involves a generalization, which is, however, not explicitly qualified as absolute. The fallacy consists in taking a premise that is normally accepted as a plausible generalization (“normally horseback riding is healthful”) as a universal one, admitting no exceptions. This explanation is exhaustive in the cases above; however, if we look at how this fallacy was analyzed in the dialectical tradition, we find examples that can be hardly accounted for in terms of hasty generalization:

- (c) (1) *Chimaeras do not exist. Therefore, it is false that a chimaera fought against Bellerophon.*
 (2) *A chimaera attacked Bellerophon. Therefore, chimaeras exist/chimaeras can attack us.* (from Aristotle, *Sophistical Refutations* 167a 1–2—Aristotle 1955)
- (d) (1) *A black Indian has white teeth. Therefore, a black Indian is white*
 (2) *An Indian is black. Therefore, an Indian has black teeth.* (Aristotle, *Sophistical Refutations* 167a 3–9; Aristotle, *Topics* 115b 27–8—Aristotle 1991)
- (e) *I bought raw meat yesterday. Therefore, I am eating raw meat today.* (Whately 1867, *Elements of logic*, 131)

The modern, purely logical treatment of the ignoring qualification fails to explain these classical cases. However, this modern perspective on the fallacy mirrors a reductive attitude towards the relationship between argumentation and meaning, which tends to overshadow an essential component of argument and argumentation, i.e., its pragmatic dimension. Both in the logical textbooks and in the contemporary argumentation theories, generalizations and premises are regarded as propositions—namely representations of meaning—almost ignoring the essential inferential step from an utterance to its meaning. In this sense, the perspective underlying the modern approaches neglect the very object that defines the field of argumentation theory, namely discourse (Van Eemeren and Grootendorst 1984, p. 1; Walton 1990b; Van Eemeren and Grootendorst 1992, p. 20), which need to be interpreted (or understood) to result in specific and determined propositional forms. An approach to fallacies that fails to consider this dimension can provide only a partial solution to the problems that they pose, which risks being insufficient for explaining how the expression of reasons through verbal means can be deceitful.

The fallacy of “*secundum quid et simpliciter*” is an emblematic case in which the relationship between utterances, context, and meaning becomes essentially relevant to logical considerations. If we go back to the dialectical tradition, we notice that analyses nowadays called “pragmatic” played a central role in the explanation of this sophism (Macagno, forthcoming). In the *Sophistical Refutations*, Aristotle described a fallacy caused by the “the use of an expression not in its proper sense [*κρῖσις*] but with validity [*λέγεσθαι*, said] in respect only of a particular thing or in a particular respect or place or degree or relation and not absolutely [*ἀπλῶς*]” (180a 23–4, Forster’s translation). The contrast between absolute and in respect became the essence of this fallacy in its Latin translations, and in the Middle Age the *secundum quid* was considered as a crucial test for assessing the explanatory power of logical theories, as it concerned the complex relationship between propositions and texts. However, in most of the modern and contemporary approaches to fallacies, the conflict between the “proper sense” of an expression (or its “default” use, see Van Ophuijsen 2014, p. 212; Lewis 1991, p. 204) and its unduly, either generalized or qualified “validity”, was lost.

This paper intends to provide a pragmatic account of this fallacy focusing on what arguments are primarily parts of a discourse that need to be interpreted to be represented

as “propositions”. The *secundum quid* will be shown to be a pragmatic fallacy, whose cause of decept and apparent acceptability do not result from a generalization incorrectly used, but from the misinterpretation of what the speaker says.

2. The *Secundum Quid* in Contemporary Argumentation Theory

The contemporary interest in the study of sophistical reasoning started with Hamblin’s monograph *Fallacies* (1970), in which he reviewed the standard treatment of sophisms in the most popular logical textbooks of the time. After showing how an account based only on the notion of invalidity cannot explain many types of fallacies, he proposed to extend the boundaries of formal logic to include dialectical contexts. In this perspective (called “formal dialectics”), an argument is assessed not only considering logical principles, but also rules of dialogue and rules governing the operations on the interlocutors’ commitments or determining the victory of a dialectical game. Thus, a fallacy is committed when a rule of the formal dialogue is breached.

In the “standard treatment,” the *secundum quid* was commonly regarded as caused by taking qualified generalization as it were a universal one—which led to it being analyzed as an inductive fallacy (hasty generalization) (Hamblin 1970, pp. 28–31). However, Hamblin underscored very clearly that any utterance in natural language is unspecific and in many cases incomplete, in the sense that leaves some necessary qualifications unexpressed. Thus, any claim expressed in natural language can potentially lead to a *secundum quid*, as a statement can carry potentially infinite qualifications that are left implicit (Hamblin 1970, p. 213). For example, commenting on the classic example (*d1*) above, Hamblin observes that the problem lies in the ambiguity of attributing the predicate “to be white” to an object without specifying whether it is wholly or partly so (Hamblin 1970, p. 210).

The relationship between ambiguity and *secundum quid* is the core of Hamblin’s attack on formal language, as any formal system that avoids this fallacy (by providing specific semantic rules) necessarily creates a language that is essentially different from the natural one (Hamblin 1970, p. 213). Against this unrealistic and paradoxical approach, he proposed a system of rules of dialogue, among which a crucial role is played by presumptions—a concept that he defines as “methodological.” On this approach, a proposition is considered as accepted in lack of contrary evidence, and until a stronger reason to the contrary is provided. Thus, the problem of equivocation—which includes the problem of the “incomplete predicates” and the unstated qualifications that characterize natural utterances—can be addressed considering the presumptions of meaning (Macagno 2011). As Hamblin maintains, as long as there is a presumption that an expression *W* is used with a specific meaning (meaning constancy), it is possible to conclude that *W* bears that meaning in the given specific use (Hamblin 1970, p. 295).

Hamblin’s proposal influenced the whole field of study in argumentation theory. However, the revolutionary implications of his treatment of *secundum quid* were underestimated by the following interpretations, which diluted, rather than developed, them. Woods regarded the *secundum quid* as a macro-fallacy and defined it in the most general way as an invalid argument, which does not contain a qualification *Q* that if included would make the resulting argument *Q(A)* either valid or transparently invalid (Woods 2004, p. 308). In contrast, the identification of *secundum quid* with hasty generalization (originally proposed by Mill) was maintained in practically all the other theories. The cause of this undue generalization was found in a logical (and psychological) principle (Woods et al. 2000, pp. 236–39) or a rule of dialogue concerning the use of logical principles (Van Eemeren and Grootendorst 1992, p. 189). The only noticeable exception is Powers’ inquiry into the sources of equivocation, which led him to bring to light types of contextual ambiguity that he regarded as underlying the fallacy of ignoring qualifications (Powers 1995).

Walton’s approach provides the only attempt to follow Hamblin’s intuitions, building on the insightful distinction between absolute generalizations and generalizations that are “for many purposes true” (see for this distinction, Joseph 1906, pp. 548–49). Walton ap-

proached the *secundum quid* by distinguishing three types of generalizations, the universal, the inductive, and the presumptive (or defeasible), each characterizing distinct types of dialogue. Thus, deductive reasoning based on universal generalizations applies to specific types of scientific inquiries, but it is neither common nor useful in persuasion dialogues or decision-making contexts (Walton 1990a). In this framework, the *secundum quid* is conceived as the use of a generalization inappropriate to the given case: paraphrasing Walton's view, the proponent draws out the conclusion presenting the argument as based on a universal or an inductive generalization when in the given context the generalization commonly accepted is only a presumptive one (Walton 1990a). Thus, the *secundum quid* is classified as a fallacy of hasty generalization, namely using a generalization stronger than the one appropriate to the context of dialogue. While maintaining a perspective coherent with Mill's view, Walton developed it in a pragmatic sense, considering the dialogical contexts in which arguments are used and, more importantly, the premises that are accepted by the interlocutors in the specific discussion.

3. A Pragmatic Perspective

The natural uses of language—and with them, the multifaceted cases of *secundum quid*—evade the boundaries of formal explanations, even when they are proclaimed to be pragmatic or dialogical. However, in the case of ignoring qualifications, the formal explanation can only account for very specific cases, leaving the classical instances unaddressed and inexplicable. To provide a more comprehensive analysis, a different approach is needed, which can both explain the cause of the *secundum quid*, and bring to light the reason why this sophism, in its different manifestations, is not acceptable.

3.1. The Pragmatic Insights of the Tradition

The starting point can be found in Aristotle's definition: for him, this fallacy is committed when an expression is not used "in its proper sense," and blurs the distinction between its qualified and its absolute use. In our reading of Aristotle, the *secundum quid* is characterized by two dimensions, namely (1) a semantic difference between what is said according to a specific respect and absolutely, and (2) a pragmatic imbalance between the meaning an expression is generally used to express, and the meaning resulting from its interpretation in the fallacy. In the Aristotelian and dialectical tradition, the *secundum quid* was analyzed primarily as a problem of meaning, involving a conflict between the standard definition of a term and its contextual meaning, or rather between a view of compositionality as a sum of the definitions of the single constituents, and a representation of meaning based on a deep structure of the utterance.

A pragmatic approach to arguments needs to start from the dimension that the logical and argumentative theories take for granted, namely the semantic representation. This aspect was never neglected in the tradition. For instance, Abelard's modulation of meaning (translation) (Mews 2005, p. 93; Rosier-Catach 1999; Pinzani 2013, vol. 51, pp. 141–43) and the XIII century theories of reduction or modification of the *ratio significandi* (Klima 1996, p. 303) were advanced to account for this difference between the abstract and fixed meaning of terms and their use in utterances. Ockham distinguished between the utterances and the mental language used for representing their meaning. In this mental language, the "qualification" ignored in the fallacy was expressed as a relevance relation between premise and conclusion—as a clause that expressed the implicit respect under which a predicate (to be white) was attributed to a subject (the teeth or a man) (Bäck 1996, p. 171; Ockham, *Summa Logicae* III-3.6—Ockham 1974). Argumentation theory partially tried to go back to its dialectical origins, with the pragmatic revolution hinted at by Hamblin, who underscored how interpretation is related to presumptions and reasoning in lack of evidence, highlighting not only the pragmatic dimension of arguments, but the logical structure of interpretation of their components. Walton followed this challenge only partially, but introduced another crucial aspect of interpretation, namely its relationship with the context of dialogue, or rather, the dialogical goal of an utterance. These theories, with

different terminology and different backgrounds, acknowledged the pragmatics of argument. They were pragmatic theories in the sense that they proposed approaches to meaning by virtue of, or dependent on, the use of language (Huang 2014, p. 2; Jaszczolt 2018, p. 134; Kecskes 2013, p. 21), considering the ways in which the linguistic context determines the proposition expressed by a given sentence in that context (Stalnaker 1970, p. 287), or (as Walton) the relationship between meaning and social acts.

As mentioned above, in Aristotle's view, the *secundum quid* is a pragmatic fallacy for two reasons. First, it involves an interpretation, which can explain a qualified utterance has a meaning different from the unqualified one; however, this seems to be the effect rather than the cause of the fallacy reductively known as "ignoring qualifications." The cause can be found in the second fundamental dimension of the Aristotelian definition, namely the difference between the proper use of an expression and its "non-default" one. This second aspect hints at the argumentative face of pragmatics.

3.2. The *Secundum Quid* through the Pragmatic Glasses

Aristotle's two dimensions of the *secundum quid* can be explained and analyzed by acknowledging that argumentation is essentially pragmatic, and in pragmatic theories, it is possible to find the theoretical insights needed for interpreting the complexity of arguments, in particular the notions of "explicature" and default interpretation.

The first notion mirrors one of the challenges in pragmatics, namely explaining the relationship between "what is (explicitly) said" and the context. Grice noticed that what is said by uttering a sentence is closely dependent on the conventional meaning of the words constituting it; however, the compositional meaning is not enough. As Grice pointed out, some operations are involved in the determination of the proposition expressed, which depend on contextual considerations (Grice 1975, p. 44):

Suppose someone uttered the sentence *He is in the grip of a vice*. [...] One would know that he had said, about some particular male person or animal *x*, that at the time of the utterance (whatever that was), either (1) *x* was unable to rid himself of a certain kind of bad character trait or (2) some part of *x*'s person was caught in a certain kind of tool or instrument (approximate account, of course). But for full identification of what the speaker had said, one would need to know (a) the identity of *x*, (b) the time of utterance, and (c) the meaning, on the particular occasion of utterance, of the phrase in the grip of a vice [a decision between (1) and (2)].

Disambiguation, reference assignment, fixing the deictic parameters, together with ellipsis unpacking and narrowing generalities (Levinson 2000, pp. 171–74) are thus operations that are needed for retrieving the semantic representation of an utterance. However, such operations involve inferential mechanisms—which Levinson equated with the ones involved in the determination of speaker's meaning (see also Horn 1984). In lack of contrary contextual evidence, such inferences are drawn by default (they are, in this sense, generalized conversational implicatures), namely based on the intuitions about "a preferred or normal interpretation" (Levinson 2000, p. 12).

Levinson's framework can be extremely useful for the analysis of the *secundum quid*, as it captures the two dimensions that the dialectical literature acknowledged, namely an inferential dimension of the interpretation of what is said, and a contrast between a default interpretation and a possible one, but unwarranted by the linguistic evidence and the customary use. The operations described by Levinson, however, are strictly intended to capture the "minimal" proposition expressed (Levinson 2000, p. 258). In the literature in pragmatics, the inferential reconstruction of what is said has been addressed to include a broader range of "processes" (which we will refer to generally with the term "explicatures," departing from Levinson's terminology and regardless of the theoretical implications underlying this term, see Bezuidenhout 1997; Carston 2005, pp. 116–18; Recanati 2004, chp. 3; Sperber and Wilson 1995, pp. 176–83) and from distinct perspectives (for an outline

and the related problems, see Borg 2016). In particular, Recanati distinguished the broad notion of explicature in two categories (Recanati 2004, 2012):

- Saturation. It is a linguistically mandatory operation consisting in completing an utterance semantically incomplete by assigning values to the variables left free. These variables are thus “filled” contextually. For example, “John is ready” requires contextually specifying the value “for *x*”; similarly, the classical examples of *secundum quid* based on the predicate “to be good” are utterances that need to be saturated by specifying the function which is performed well (Vendler 1963).
- Modulation (or free enrichment). It is an optional and context-driven operation and consists of the addition of elements—drawn from the context—to the interpretation of the utterance that are truth-conditionally relevant. Some of the most important types of modulation are the following:
 1. Bridging inference (“Mary took out her key and opened the door” leading to the enrichment that the opening of the door was [with the key mentioned in the first conjunct]);
 2. Narrowing (“John drinks [alcohol] too much”);
 3. Loosening (“The ATM swallowed [in the sense of rapidly withdrew without returning] my credit card”);
 4. Ad hoc concepts (Carston 2010) (“My lawyer is a shark [predatory, aggressive, tenacious entity]”);
 5. Predicate transfer (Nunberg 1995, p. 113; Recanati 2012) (“I [in the sense of my car] am parked out there;” “The dead man [in the sense of the body of a deceased man] is there”)
 6. Supplementing the overt expression with implicit elements (“There is a [statue of a] lion in the square;” “France is [roughly speaking] hexagonal;” “Medicines are good [when you are sick];” “Batman has saved New York [in the movie]”).

Regardless of the differences between the distinct theories, the pragmatic perspective adds another view on the *secundum quid*, which provides a mirror image of the analysis of the logical consequences of “ignoring” a qualification. From a pragmatic point of view, some “qualifications” are simply left unexpressed, as they are not necessary in a given context of dialogue (loose talk vs. legal discussions, for example) or not convenient for a specific goal. The explicatures needed for determining what is said can be provided, in lack of an explicit qualifications, by (for example) narrowing, transferring, or loosening the meaning of an expression according to its ordinary—or presumptive—modulations or saturations. This pragmatic view of the fallacy was clearly outlined in the dialectical tradition. In the XII century, the deceptive aspect (or source of the deceit) of the *secundum quid* was identified in the difference between the “contents” that are left implicit by the speaker in an utterance (an operation called *subintellectio*, see Maclean 1992, p. 120) and the ones that are “mentally supplied” by the hearer (*Fallacie Londinenses*, pp. 673, 11–4; see De Rijk 1967):

This fallacy can be generated by different qualifications of place, as if in a discussion the following is claimed “It is good to kill one’s own father” by mentally supplying a specific place, and in the same discussion the following is attacked “It is not good to kill one’s father” by mentally supplying a different place.

According to this view, the *secundum quid* does not result from the “suppression” or “ignoring” of explicit qualifications or evidence (which was classified normally as a fallacy of *ignoratio elenchi*); rather, it is committed when an implicit qualification is reconstructed in a way that was not intended and could not be presumed (*Fallacie Londinenses*, pp. 25–7, 673). Thus, the utterance “A German is white” is normally enriched as “[in the most extended external and visible covering of the body],” but “The German turned white” would be enriched differently ([in his face]); similarly, “The eyes are white” can be enriched differently in the context of a physical examination [in the sclera], or a coroner examination [in their visible part].

The second dimension of the *secundum quid* concerns the “proper use” of an expression. In pragmatics, this can be explained through the concept of presumptive meaning. Implicit qualifications are characterized by the fact that they are stereotypical, presumptive, and thus defeasible (Atlas and Levinson 1981; Levinson 2000, p. 258). The context determining the explicature can be the one accessible (in which the utterance is used) or the stereotypical one, resulting in implicit qualifications that are more or less defeasible. For example, the same utterance “I have 20 euros” can result in defeasible enrichments when there is a lack of any additional contextual information ([exactly 20], [at least 20]; [approximately 20]; [not more than 20] . . .); however, when specific contextual information is provided, the enrichment can be hard to challenge, such as when it is used as a reply in the following contexts (Blutner 2007):

- How much money have you brought with you?
- Have you got some money that I can borrow?
- How much money did you raise today?
- Who has less than 20 euros?

Thus, the *secundum quid* can be provoked not only by the omission of an explicit qualification but also by non-presumptive enrichments. This case was clearly underlying Walton’s idea of *secundum quid* as a hasty generalization: in loose talk, a generalized statement of the kind “X’s are Y” or “X is a liar” is normally interpreted as a presumptive generalization (“X’s are [generally] Y;” “X [has a tendency to lie in certain circumstances]”), but can be mischievously enriched as a universal one (“X’s are [always] Y;” “X [always lies]”).

Wearing pragmatic glasses, the *secundum quid* can be regarded as a fallacy consisting in the manipulation of the default, presumptive (Thomason 1990) interpretation, either omitting or suppressing elements that would act as semantic markers, manifesting a non-preferred interpretation (Lyons 1977, pp. 305–12; Levinson 1983, pp. 307–8; Zipf 1949, chp. 3), or placing the utterance in a different dialogic context than the one made manifest by the discourse. An utterance used in a specific dialogue or discourse can be decontextualized, allowing an interpretation based on the context provided by the common previous experience of use (Kecskes 2008; Kecskes and Zhang 2009; Stubbs 2001, pp. 3–4; Kecskes 2013). Since every utterance is perceived by the hearer already in some context, the omission of the information characterizing it leads to supplying a context resulting from the previous experience (Raskin 1985, p. 63).

4. The Argumentative Dimension of Pragmatics—The *Secundum Quid* as Presumptive Reasoning

The possibility of explaining the different phenomena that Aristotle identified as the fallacy of *secundum quid* in terms of explicature and implicit qualifications shows the central role of pragmatics in argumentation. The *secundum quid* does not only highlight the pragmatics of argumentation, but also the argumentative dimension of pragmatics. The qualified or absolute interpretations are fallacious because they are different from the “default,” “salient,” or more generally “plain” meaning (Aristotle defines it as “*kýrios*,” i.e., main, principal, plain). However, the source of the fallaciousness lies not only in the conclusions that can be drawn from an unduly enriched representation of an utterance, but also in the reasoning that led to such an expanded representation.

To this purpose, Hamblin’s idea of analyzing equivocation in terms of a breach of the presumptions underlying an interpretation can provide a criterion for distinguishing acceptable qualifications from potentially mischievous ones. Building on Grice’s maxims (Grice 1975), the literature in pragmatics developed different types of communicative and interpretative heuristics that are grounded on the concept of common ground, in turn, represented as a set of presumptions in a given context. The broadest formulation of these heuristics are given by Atlas as meta-linguistic presumptions, focused not on the content of a speech act, but on the speaker’s or hearer’s linguistic behavior (Atlas 2005, p. 91):

Speaker-centered: *Do not say what you believe to be highly noncontroversial—that is, to be entailed by the presumptions of the common ground in context K.*

Hearer-centered: *Take what you hear to be lowly noncontroversial—that is, consistent with the presumptions of the common ground in context K.*

These two principles are further specified by Levinson, who develops them by distinguishing a quantity and an informativeness principle, both with a speaker’s and a hearer’s variant (Levinson 2000, pp. 76, 114–16):

Quantity (Q):

Speaker’s maxim: *Do not provide a statement that is informationally weaker than your knowledge of the world allows unless providing an informationally stronger statement would contravene the I-principle. Specifically, select the informationally strongest paradigmatic alternate that is consistent with the facts.*

Recipient’s corollary: *Take it that the speaker made the strongest statement consistent with what he knows (for example, inferring, in cases of scalar predicates, from the choice of an informationally weaker expression the falsity of a stronger statement)*

Informativeness (I):

Speaker’s maxim (Maximization): *Say as little as necessary, that is, produce the minimal linguistic information sufficient to achieve your communicational ends (bearing Q in mind).*

Recipient’s corollary (Enrichment): *Amplify the informational content of the speaker’s utterance, by finding the most specific interpretation, unless the speaker has broken the maxim of Minimization by using a marked or prolix expression (for example, assume the richest temporal, causal, and referential connections between described situations or events, consistent with what is taken for granted).*

These principles—and in particular the hearer’s or the recipient’s variants—govern the passage from an utterance to the enrichment of its semantic representation. However, in both cases these rules or heuristics are based on the consistency of an enrichment or interpretation with the common ground, either in general terms (presumptions of common ground) or specifically (what is considered as more specific or informative, or stereotypical). In both formulations of the interpretative principles, the fundamental dimension is the presumptive and meta-discursive nature of the conclusion, which correlates two types of behavior—the speaker’s behavior and the interpretative one.

Underlying both Hamblin’s and the Radical Pragmatics approach represented by Levinson and Atlas is the mechanism of presumptive reasoning. The “default” or “proper” interpretation can be conceived as based in part on linguistic decoding (which is seen in terms of non-monotonic and defeasible conclusions drawn from generic lexical presumptions, as the pragmatic processes of disambiguation and meaning modulation show), in part on other types of presumptive inferences, drawn from premises concerning what the interlocutor can know or can accept (Rescher 2006; Walton 1995; Macagno and Walton 2014, chp. 5). Such presumptive conclusions are based on defeasible rules of inference (Thomason 1990), of different levels of generality, which are characterized by a common form, called “presumptive reasoning” that is represented by Rescher as in the following Table 1 (Rescher 2006, p. 33):

Table 1. Presumptive reasoning.

Premise 1:	<i>P</i> (the proposition representing the presumption) obtains whenever the condition <i>C</i> obtains unless and until the standard default proviso <i>D</i> (to the effect that countervailing evidence is at hand) obtains (Rule).
Premise 2:	Condition <i>C</i> obtains (Fact).
Premise 3:	Proviso <i>D</i> does not obtain (Exception).
Conclusion:	<i>P</i> obtains.

The function of presumptive reasoning is to establish a *prima facie* interpretation, which can be then confirmed or rebutted by further evidence (Dascal and Wróblewski 1988;

Patterson 2005). Presumptive conclusions shift the burden of proof in the sense of constituting a reason for acceptance unless the conclusion is rebutted by the interlocutor. The notion of presumptive, default, or “plain” interpretation in the sense of specification of an utterance can be thus regarded as grounded on a type of reasoning that can be manipulated.

In this type of reasoning, the presumptive conclusion is distinguished from the rule of presumption. The former is drawn from the use of a rule of presumption, which can be of different types. In the Radical Pragmatics approaches (coherently with Grice’s maxims), the rules of presumption concern communicative behaviors—a relationship between a communicative behavior and a communicative intention that is mirrored in utterance interpretation. These “macro” presumptions, however, tell little about how a specific interpretation is reached, unless they are combined with presumptions of other types, or rather levels (Macagno 2017; Macagno et al. 2018).

Thus, it is possible to identify a first type of presumptions that can be considered as meta-discursive (Level 0), correlating (communicative, dialogical, or linguistic) behaviors and interpretations (Kissine 2012, chp. 2.5; Mustajoki 2017, pp. 61–65; Clark and Carlson 1982, pp. 343–46; Kecskes and Zhang 2009; Kecskes 2008). The second type (Level 1) includes presumptions related to the use of linguistic elements and structures. For instance, dictionary or shared meanings of lexical items represent presumptions of meaning-constancy among the speakers of a language (“Usually ‘soldier’ means a member of the army”) (Hamblin 1970; Macagno 2011), which, however, are defeasible (Walton 2011), namely they hold tentatively, but can be defeated in case the context requires a different interpretation (such as in case of metaphors, see Giora 2003, p. 60). The third level of presumptions (Level 2) concern encyclopedic knowledge, such as facts, stereotypes, common connection between events or behaviors and habits that are considered as shared. Finally, the last kind of presumptions (Level 3) includes presumptions about the possible criteria of evaluation and choice. The following diagram illustrates the distinct levels of presumptions (Figure 1).

The rules of presumption falling under these categories can be more or less related to the specific communicational context—in the sense that they can be more or less qualified defeasible generalizations, incurring a higher or lower risk of being subject to default (Clark and Brennan 1991; Clark 1996, chp. 4).

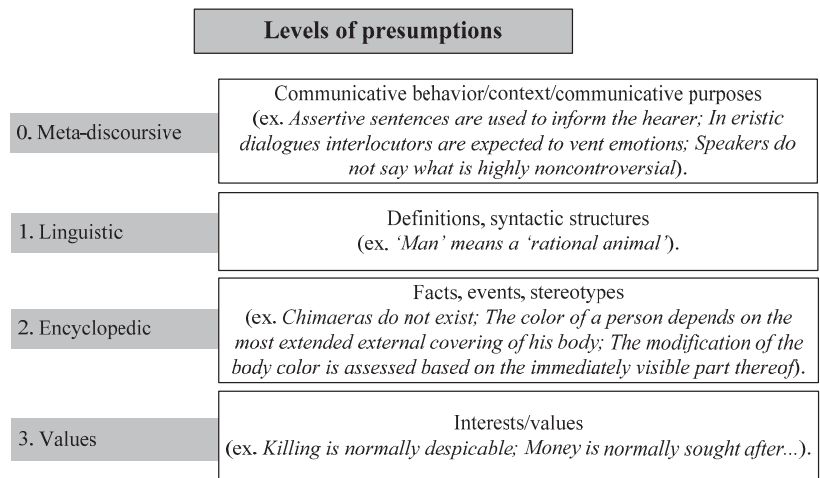


Figure 1. Levels of presumptions.

5. The *Secundum Quid* as Non-Presumptive Enrichment

The *secundum quid* can be defined as a fallacy of manipulation of the presumptions used for enriching the meaning of an utterance. The fallacies that Aristotle explained as

instances of this sophism can be explained according to these two dimensions of pragmatic enrichment. For example, we consider Aristotle's (adapted) arguments (c1) and (c2) above in their enriched representations (signaled as c1' and c2'; the qualifications in between brackets are part of the presumable enrichments when the sentences are uttered):

- c1'. *Chimaeras do not exist* [in the actual and present world]. *Therefore, it is false that a chimaera fought against Bellerophon* [in the Greek mythology].
 c2'. *A chimaera attacked Bellerophon* [in the Greek mythology]. *Therefore, chimaeras exist/chimaeras can attack us* [in the actual and present world].

(c1) and (c2) require qualifications that need to be presumptively highly non-controversial, namely coherent with the common ground (a meta-discursive presumption). The absence of qualifications is a presumption of commonly shared qualifications: the "simple" claim of non-existence presumes an indication of the present and actual circumstances based on a meta-discursive presumption of informativeness, while the qualified statement triggers an explicature grounded on the encyclopedic presumptions about the Greek mythology.

The incompatibility between the enriched representations of the premise and the conclusion in both c1' and c2' needs to be analyzed considering the two dimensions that constitute dialectics, namely the "logical" and the pragmatic (discursive) one. The factual presumptions used for the enrichments (concerning what a chimaera is, and in what stories they exist) lead to unacceptable—or rather not-presumable—warrants (what occurred in the Greek mythology can occur in our present world as well; actual states of affairs affect the mythological ones). In this sense, the unacceptability of the warrant is what constitutes the unrelatedness between the enriched statement and the conclusion, as some authors in the dialectical tradition indirectly hinted at (De Morgan 1847, pp. 251–52; Sidgwick 1883, pp. 295–96; see Macagno, forthcoming, for a detailed analysis of these positions). According to one of the meanings of "relevance," conceived as the unacceptability of the link or warrant results between a premise and a conclusion (Walton 2004; Macagno 2018), the *secundum quid* is a type of fallacy of irrelevance.

The incompatibility, however, results from presumptions and consists in a conflict between presumptions. The explicatures of the unqualified statements are provided based on a context commonly associated with the use of this expression (to exist): since no further information is provided, the hearer concludes that the expression shall be taken as stereotypically used, namely in the context of present days and the actual world. By providing a different context—for example, the context of researchers debating the role of chimaeras in ancient mythology—the explicature would be different (*Chimeras exist* [in the Greek mythology]). Clearly, also the explicature of the qualified statement is based on factual presumptions that in a different context can be assessed differently: a different culture in which myths are regarded as historical events, there would be no problem in accepting the reasoning. From a pragmatic perspective, the *secundum quid* is a fallacy of decontextualization—a strategy consisting in omitting contextual information, thus leading the interlocutor to enrich the meaning based on the presumptions and inferring a specific semantic representation incompatible with the conclusion. In this sense, this fallacy represents a strategic use of the recipient or audience design (Sacks et al. 1974, p. 727; Clark and Carlson 1982), aimed at exploiting argumentatively the difference between the speaker's proposition expressed and the one that can be presumably recovered by the hearer (Kecskes 2010, p. 64).

A similar analysis applies to the cases (d1) and (d2) above:

- d1'. *A black Indian has white teeth. Therefore, a black Indian is white* [in the most extended external and visible covering of the body].
 d2'. *An Indian is black* [in the most extended external and visible covering of the body]. *Therefore, an Indian has black teeth.*

The "unqualified" statement needs an enrichment, which is provided by relying on a meta-discursive presumption (if not otherwise indicated, the information is not

controversial/stereotypical). This meta-presumption leads to the factual presumption concerning how individuals are normally classified according to colors. Again, from a logical point of view, the enriched statements constitute an argument with a warrant that cannot be taken for granted, as non-presumable (the teeth are not commonly considered as one of the most extended external and visible covering of the body).

The conflict of presumptions can explain the sophisms related to the use of utterances semantically incomplete, such as in the following case (drawn and adapted from Aristotle, *Topics* 115b11-23):

- f1'. *This doctor is good* [in performing the functions] *as a father. Therefore, this doctor is good* [in performing his medical function/in pursuing virtues].
- f2'. *This doctor is good* [in performing his medical function/in pursuing virtues]. *Therefore, the doctor is good at repairing houses.*

The incomplete utterance is saturated by relying on the meta-discursive presumptions and the linguistic presumption concerning the meaning of “good” (requiring a function performed well) and the factual presumptions concerning what is commonly considered the function of doctors, builders, or fathers (or men). In this case, the absence of the specification of the variable of the predicate triggers presumptive reasoning that results in an unacceptable warrant (people excelling in parenting normally excel also in medical activities) (Vendler 1963).

In all these cases, the unacceptable warrant is the result of purely presumptive reasoning, as the speaker does not state the qualifications that generate this outcome. They are enrichments provided based on the absence of a specification and more importantly a context that blocks the use of presumptions triggered in standard, stereotypical contexts.

In this framework, the relationship between hasty generalization and *secundum quid* appears to be much different from the perspective proposed by the modern tradition. For example, we consider the aforementioned classical textbook example (e), frequently explained in terms of generalization. Reducing the fallacy of ignoring qualifications to a hasty generalization cannot explain the puzzling relationship between “buying raw meat” and “eating raw meat:” the warrant would be “I eat today what I bought yesterday,” which cannot explain why the argument is fallacious. Rather, the explanation needs to be found in how the statements are normally enriched. It is possible to outline two different interpretations of this argument.

The first consists of an enrichment of the premise and the conclusion. In the first statement, working as the premise, the adjective is non-restrictive (or “appositive”), and the specific semantic representation can be something like *e'*: “I have bought [from . . .] [a quantity X of] *meat* [that clearly happened in that specific moment to be] *raw yesterday*.” However, we discover that this relationship is different when we read the conclusion. While we enriched the first statement in a presumptive (ordinary) way (“to be raw” indicates an accidental property that may not apply in a different circumstance), in the conclusion we realize that the speaker wanted us to take the adjective-noun relationship as a restrictive, namely indicating a characteristic that defines the meat itself (Rocci 1996; Rigotti and Cigada 2004, p. 234). While we accepted the premise considering our presumptive explicature *e'*, we realize that the enriched representation the speaker committed us to was *e''*: “I have bought [from . . .] [a quantity X of] *meat* [defined by its essential characteristic of being] *raw yesterday*.”

The second possibility is to compare the presumptive warrant with the one that is required by the relationship between the premise and the conclusion. Again, by considering the presumptively enriched premise, and a “material cause” warrant (“I cannot eat what I do not have”), we can reach a specific warrant of the kind *e'*: “I eat today what I bought yesterday [after cooking or processing it],” based on the encyclopedic presumption that generally people eat food prepared with raw materials—and not raw materials directly. However, the conclusion provided by the speaker takes for granted a different specific warrant *e''*: “I eat today what I bought yesterday [without changing/processing it in any ways],” based on an unacceptable presumption that everyone eats their food in the

same condition in which they buy it—obviously false for some or most foods. In both interpretations, the *secundum quid* cannot be reduced to a hasty generalization; rather, it is a matter of non-presumable enrichments.

The logical tradition and the recent argumentation theories focused mostly on specific examples to prove the relationship between hasty generalization and *secundum quid* (Engel 1986), such as the cases (a) and (b) above. This analysis, however, is simply hiding the problem, not solving it. A clear case is (b). Even if universally generalized, the proposition expressed by the statement (“Horseback riding is [always] *healthful exercise*”) could be acceptable (it is possible to agree that it is *healthful* anytime it is done), but this cannot explain why the conclusion does not follow. The speaker is leaving many specifications and constituents (Recanati 2002) tacit, which need to be provided to reach the enriched propositional form that is used for representing the argument.

From a pragmatic perspective, in (b) the speaker is relying on two interpretative processes. The first is the presumptive one, which makes the premise acceptable to the hearer, which we refer to as *b'*: “[Amatorial/calm . . .] horseback riding is [generally] *healthful exercise* [for the legs/etc.]” The second is the non-presumptive one, which is taken for granted as accepted and justifies the conclusion, which we call *b''*: “[Any kind of] *horseback riding is [always] healthful exercise [for any part of the body] [under any condition and circumstance]*.” The problem is not in the generalization, but in what is generalized. In lack of further indications, the meta-dialogical presumption leads to an enrichment compatible with the encyclopedic presumptions, which include not only the qualification of the generalization but, more importantly, the respect for which horseback riding is *healthful*.

The problem in the determination of the generalization expressed in what is said also underlies case (a) (“*Everyone has a right to his or her own property*”). In this case, however, the problematic contextual interpretation concerns the meaning of “to have a right,” which can be presumptively enriched (in the legal context) as [an unqualified/absolute] or as [a qualified] right (Raz 1984). In the given context (considering the other similar rights), the presumptive interpretation is the second (which, like many similar rights, excludes categories of people and circumstances from the enjoyment of the right), but the first one is used to draw an only apparently reasonable inference.

As these last two examples show, *secundum quid* can happen to involve non-presumable generalizations. However, the unacceptable quantification is just a possible type of manipulation of enrichments. The *secundum quid* is a more complex phenomenon, which involves an implicit manipulation of the interlocutors’ commitments. In the passage from an utterance to its specific, determinate semantic representation, the speaker plays a strategic and deceitful game between the presumable enrichments and the non-presumable ones. The hearer accepts a claim completing it in the way it is normally understood (e.g., *b'*), incurring a specific commitment. However, the speaker distorts this commitment without modifying the utterance in any way. He or she simply draws a conclusion from a semantic representation (e.g., *b''*) that is quite different, even though possible. However, this discrepancy is used for manipulating the interlocutor’s commitments: now the hearer has the burden of retracting what has never been accepted. In this sense, the *secundum quid* is a strategy of manipulation of commitments (Walton and Macagno 2010; Macagno and Walton 2017).

6. *Secundum Quid* and the Strategic Uses of Presumable Explicatures

The *secundum quid* fallacy is pervasive in political debates and everyday argumentation, as it represents an extreme of the continuum of the strategic expression and interpretation of arguments. Leaving a qualification implicit is clearly a necessity of natural discourses, but also a strategic element that can be used by the speaker for allowing the audience to infer content that is not fully explicitly communicated. The speaker can make a statement that in the given context can be presumed to be specifically qualified but can be enriched differently by the audience (as a different enrichment is more salient or available). Thus, the speaker can suggest an interpretation that he can later deny, such as in the following debate. In the 2012 Republican primary debates, the candidates confronted the views on

immigration policies, and a heated exchange followed between Newt Gingrich and Mitt Romney on the topic of illegal immigration (Friedersdorf 2012). In addressing Romney's position on the status of illegal immigrants, Gingrich described his opponent using an underspecified statement:

MODERATOR: *I just want to make sure I understand. Is he still the most anti-immigrant candidate?*

GINGRICH: *I think, of the four of us, yes.*

ROMNEY: *That's simply inexcusable. That's inexcusable. And, actually, Senator Marco Rubio came to my defense and said that the ad was inexcusable and inflammatory and inappropriate. Mr. Speaker, I'm not anti-immigrant. My father was born in Mexico. My wife's father was born in Wales. They came to this country. The idea that I'm anti-immigrant is repulsive. Don't use a term like that. You can say we disagree on certain policies, but to say that enforcing the U.S. law to protect our borders, to welcome people here legally, to expand legal immigration, as I have proved, that that's somehow anti-immigrant is simply the kind of over-the-top rhetoric that has characterized American politics too long.*

This exchange represents a clear illustration of the strategic uses of the *secundum quid*. Gingrich's statement (Romney is the most anti-immigrant candidate) is left unspecified both concerning the comparison group of the superlative (most . . . [of/in . . . ?]) and the qualification of "immigrant" ([legal and illegal/illegal]). In the context of a political debate concerning illegal immigration, the enrichment of this statement can be defended based on contextual evidence and meta-discursive presumptions. However, the audience can enrich the statement differently, based on different, more common, and less contextual meta-discursive and linguistic presumptions ("anti-immigrant" is normally an accusation of xenophobia; "anti-immigrant" is used to attack the interlocutor). Such presumptions are more accessible (more common), and not prevented by the speaker's statement. Thus, Gingrich leaves open the possibility of inferring a different enriched representation of his claim (*Romney is the [politician] [who is] the most anti-[legal or illegal]immigration [in general]*)—defaultive in a stereotypical context, and only partially blocked by the qualification "of the four of us." In this sense, Gingrich allows the audience to "straw-man" his own claim (Lewiński and Oswald 2013; Macagno and Walton 2017), suggesting the conclusion that "Romney should be condemned as xenophobic."

Romney, however, plays the qualification game against him. Romney makes explicit the enriched representation that Gingrich suggests, this time straw manning the latter. Romney's interpretation is reasonable, as backed by commonly accepted presumptions and not prevented by sufficient explicit specifications. Moreover, he increases the burden of retraction by playing the indignant role—the victim. The attack on Gingrich places the latter in an extremely hard position, making it almost impossible to correct the presumable but perhaps not fully contextually grounded enrichment.

7. Conclusions

The relationship between the meaning, context, and reasoning underlined the debate on arguments and fallacies in the tradition (Macagno, forthcoming). The fallacy of ignoring qualification was one of the most evident theoretical challenges in which the pragmatic dimension of argumentation came to light. In the dialectical tradition, the *secundum quid* was considered as a crucial test for any theory of argument (or rather, of logic) (Macagno, forthcoming). The modern approaches developed in argumentation, however, seem to draw more from the formal logic perspectives than the dialectical ones, in which the linguistic (or "pragmatic," using a contemporary category) dimension was intertwined with the logical one. The *secundum quid* is normally analyzed as concerning the kind of generalization used and its purpose, its exceptions and defeasibility, and the passage from the evidence to plausible or universal generalization. All such theories—including the ones that involve a dialogical dimension—take for granted that the unit of analysis is a proposition, namely not a part of discourse, but a formal and mostly unjustified representation of its meaning. This approach is not only reductive, ignoring the process of interpretation between a statement and its enriched semantic representation; it risks equating an utterance

with its representation, and a general statement (such as a law, a moral principle, or a regulation) with the most prototypical (whether universal or defeasible) generalization (the rule) (Tarello 1980).

Argumentation is an interface between pragmatics and logic, and the *secundum quid* is a litmus test for capturing how an argumentation theory can account for this twofold nature. The fallacy of ignoring qualifications was explained in this paper as a manipulatory strategy that shows not only the pragmatic dimension of arguments, but also the argumentative dimension of pragmatics. The *secundum quid* was shown to consist in the strategic use of the process of pragmatic enrichment, through which “what is said” by an utterance is retrieved through an inferential process from different sources, such as lexical and semantic information, textual and contextual evidence, and cultural stereotypes. This fallacy can be conceived as a pragmatic manipulative tactic in which a statement is enriched by considering presumptions different from the one that the hearer relies on, and which are contextually and presumptively justified. The outcome is a semantic representation that is possible, but not presumptively acceptable in the given context.

The “ignoring” of the qualifications can be regarded as the purposeful use of the difference between the presumptive passage from an utterance to its specific representation, and an unacceptable or simply non-presumable one, in which temporal, spatial, relational specifications, *inter alia*, are modified, added, suppressed, or generalized. The contrast between what is said specifically and absolutely or vice versa (“*secundum quid et simpliciter*”) is only the outcome of the manipulation of the presumptive enrichments of a statement.

Funding: This research was funded by the Fundação para a Ciência e a Tecnologia, grant number PTDC/FER-FIL/28278/2017, EXPL/FER-FIL/0276/2021, and UIDB/00183/2020.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: No new data were created or analyzed in this study. Data sharing is not applicable to this article.

Conflicts of Interest: The author declares no conflict of interest.

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Article

Technical Language as Evidence of Expertise

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Abstract: In this paper, I focus on one argumentative strategy with which experts (or putative experts) in a particular field provide evidence of their expertise to a lay audience. The strategy consists in using technical vocabulary that the speaker knows the audience does not comprehend with the intention of getting the audience to infer that the speaker possesses expert knowledge in the target domain. This strategy has received little attention in argumentation theory and epistemology. For this reason, the aim of the present paper is not to reach any definitive conclusions, but mainly exploratory. After introducing the phenomenon, I discuss various examples. Next, I analyse the phenomenon from an argumentative perspective. I discuss the pragmatic mechanism that underlies it, the quality of the evidence offered, and its capacity to persuade.

Keywords: technical jargon; theoretical language; expertise; expert knowledge; novice; appeal to authority

1. Introduction

The distribution of expert knowledge in modern societies is essential to the advancement of science and technology and, ultimately, to social progress. However, as it has often been pointed out, this distribution of expertise leads to a complex epistemic problem for everyone, given that expert knowledge is relevant to virtually all the practical decisions that we need to make on a daily basis, ranging from the decision to buy a particular type of food to the decision to get a particular vaccine or not. In his discussion of the problems that expert knowledge raises, Alvin Goldman (2001, p. 85) introduces “the novice/expert problem” to refer to the epistemic question that a layperson faces when evaluating the testimony of experts, especially in those cases where different putative experts disagree on a particular topic. The novice is someone who does not have knowledge or even an opinion on a particular topic, or has an opinion but does not have enough confidence in it to use it in evaluating the disagreement between rival putative experts. There seems to be an agreement in the literature dedicated to this problem that novices need to proceed indirectly, by first identifying which one of the persons making claims in the target domain is a genuine expert. As Collins and Evans put it, people make “social judgments about *who* ought to be agreed with, not *scientific* judgments about *what* ought to be believed” (Collins and Evans 2007, p. 47). It is not claims that novices evaluate, but the source of those claims. In turn, this puts pressure on experts and institutions to give evidence of their expertise on a particular topic. As Sarah Sorial notes, “persons with expertise thus typically appeal to audiences to accept their views by emphasising *who* they are, rather than what they say” (Sorial 2017, p. 292).

Indicating one’s own expertise in a particular topic plays a significant role in boosting one’s credibility and offering support to the assertions one makes. Although experts do not usually build explicit arguments in support of their claims on the basis of their own level of expertise, they might invite audiences to infer that their assertions are correct on this basis. For that purpose, they might convey, in direct or more indirect ways, that they are experts in a particular topic. A direct way might involve asserting that one is a specialist in a particular topic, showing a track record of research results, giving one’s Hirsch index or

Citation: Moldovan, Andrei. 2022. Technical Language as Evidence of Expertise. *Languages* 7: 41. <https://doi.org/10.3390/languages7010041>

Academic Editor: Steve Oswald

Received: 2 December 2021

Accepted: 8 February 2022

Published: 21 February 2022

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other quantitative indicators of research impact, using the name of one's profession ("Prof. Taylor"), qualifications ("PhD in Microbiology"), prizes, etc., or the name of the institution one is affiliated to ("London Research Institute", "University of ..."). These might be mentioned either by the speaker themselves or by someone introducing the speaker (when, for instance, a television channel conducts an interview with an expert, and the interviewee is presented to the public in advance as an expert). One's status of expert in a topic might be conveyed in less direct ways. A speaker might rely on cues, either nonverbal or verbal, to signal their expertise. Nonverbal cues might include details of the scenario (e.g., setting an interview in a science laboratory) or clothing (e.g., wearing a white coat or having a stethoscope hanging on one's neck). Verbally, one indirect way in which a speaker might give clues of their expertise consists in displaying their competence with the vocabulary of a particular field of specialised inquiry. In addressing a lay audience, a speaker might *intentionally* use technical jargon that they know is incomprehensible to the audience. This strategy is the focus of this paper.

There is, as far as I can tell, no extended discussion of the phenomenon in the literature devoted to argumentation theory and epistemology.¹ For this reason, the aim of the present paper is not to reach any definitive conclusions, but rather to offer a first grasp on the phenomenon and make a few tentative suggestions in the way of analysing it from an argumentative perspective.

The phenomenon of using language that is (partially or totally) inaccessible to an audience has been discussed in communication studies from a more descriptive perspective as part of an approach called Communication Accommodation Theory. This approach introduces a useful distinction between speech that is *accommodative*, when speakers make an effort to achieve common understanding, and speech that is *nonaccommodative*, when speakers, purposefully or unintendedly, do not pay sufficient attention to the cognitive needs of audiences. Jessica Gasiorek notes that "Adjustments that make a message more difficult to understand (e.g., speaking a language an interlocutor does not know, using unfamiliar jargon, speaking quickly) are considered nonaccommodative moves, in terms of interpretability" (Gasiorek 2016, p. 87). A display of technical language in order to impress the audience and present oneself as possessing knowledge of a particular topic is a kind of nonaccommodative behaviour. "Using the language of science," Krieger and Gallois write, "although it is essential for certain occupational tasks, is often criticized in the public sphere for being inaccessible to nonexperts, disempowering them ... " (Krieger and Gallois 2017, p. 2). Rice and Giles note that scientific language and information "can be interpreted as accommodating (relevant) or nonaccommodating (distancing through scientific terminology and not human scale)" (Rice and Giles 2016, p. 9). The nonaccommodative use of technical language that I discuss in this paper consists of cases in which the speaker or writer does not make an effort to simplify the language, avoid unnecessary technical vocabulary, or define the terms with which the audience is unfamiliar. I focus on cases in which this is used as a strategy to establish one's expertise or epistemic credibility concerning a particular topic.

Nonaccommodative speech involving technical language in an interaction with a novice might have different causes and motivations. The speaker might be unable to convey the information in simple nontechnical language, or they might simply not be willing to make the effort to accommodate. In other cases, they might believe that in the given context a precise formulation in the language of the theory is required. A teacher might use the language of a particular theory in class in order to familiarise students with it. Sophisticated technical vocabulary might be used to emphasise social differences, for instance, as a way to remind the interlocutor that the speaker is the professor, and the interlocutor is the student. Convoluted technical language might be used to avoid giving a straightforward answer to a question asked. A physician might appeal to this strategy to end a conversation with a patient that asks too many questions, giving an answer that confuses the latter and leaves them with no reply. The kind of strategy I focus on in this paper is different from all the

above: the speaker intentionally uses technical jargon that they know is incomprehensible to the audience in order to convey evidence of their own expertise in the target domain.

To sum up, two conditions must be met for the use of technical language to be of the kind considered here:

- (C1) the use is intentionally nonaccommodative (the speaker/writer uses technical jargon that they know the audience does not understand);
- (C2) technical language is used with the intention to persuade the audience that the speaker/writer possesses expert knowledge of the target domain.

Notice that it is not a necessary condition that the speaker have real linguistic competence with the technical jargon. In some of the examples that I discuss below, the speaker only fakes competence with the technical jargon or genuinely but falsely believes they have it.

2. Examples

Let us consider now various plausible instances of the strategy characterised in the previous section. The first one is a fragment from an advertisement for “Fractional Neck Lift Concentrate” from the October 2009 edition of the magazine “Wallpaper”:

“Y-42 FRACTIONAL NECK LIFT CONCENTRATE More than fractional treatments. For less than fractional treatments. In simple terms: neck therapy as its avant-garde finest. Protein fractions maximize fibrillin synthesis and minimize the inevitable, irreversible degradation of elastic tissue. Discovered-on-Mars iron rose crystal comes from effusive magma rock to increase prolyl hydroxylase activity by 381% and boost collagen production. Our new tetrapeptide-9 from France, as well as a next-generation tripeptide-10 citrulline and a bi-blinked dipeptide from Switzerland, to stimulate Laminin V, Collagen IV, Collagen VII, Collagen XVII and Integrin. A new tetrapeptide-11 from France also comes to the rescue to stimulate Syndecan-1 synthesis and reinforce epidermal cohesion.”

Meibauer (2016, p. 73) characterises this fragment as an “authentic piece of bullshitting”. I will not commit here to this claim but want to point out a different (albeit not totally unrelated) feature of the text: the way in which technical language is used with the purpose of impressing the audience. Condition C1, concerning the nonaccommodative character of the use of the language, is fulfilled. There is no reason to suppose that the average reader of a style and design magazine is capable of understanding the data provided and their relevance to the quality of the product. Is “bi-blinked dipeptide from Switzerland” better than bi-blinked dipeptide from other places? Is it good for your skin to “increase prolyl hydroxylase activity by 381%”? Do other skin care creams contain the same components or other? The average audience is not likely to have any clue how to answer these questions. Most probably, the readers have never heard of tripeptide-10 citrulline, Laminin V and tetrapeptide-11 “from France”. The authors of the advertisement know this very well, so they are not using this language in order to convey information. The only plausible explanation is that their purpose is not to inform, but to impress. Given that the ultimate aim of a commercial advertisement is to persuade the audience to buy the product, the text seems designed to show the company uses complex scientific research and sophisticated procedures in creating its products and that the company (referred to as “we” later on in the text of the advertisement) has expertise in that topic and, therefore, is to be trusted when it comes to skin care products. Hence, condition C2 is fulfilled. Moreover, it is fulfilled in a manifest way, in the sense that the authors of the advertisement openly invite the audience to draw the conclusion that the company is an expert in the science behind products such as the one advertised. We will see in what follows that C2 is not always so manifestly fulfilled.

The next two examples are from Alan Sokal and Jean Bricmont’s 1999 book *Fashionable Nonsense—Postmodern Intellectuals’ Abuse of Science*. The book focuses on texts written by postmodern philosophers who, according to Sokal and Bricmont, are “masters of language and can impress their audience with a clever abuse of sophisticated

terminology—nonscientific as well as scientific” (Sokal and Bricmont 1999, p. 8), especially from mathematics and physics. The authors discuss several quotes from Jacques Lacan’s work in which theorems and concepts from geometry are mentioned in connection to the discussion of certain mental phenomena. One of the fragments analysed is as follows:

“A geometry implies the heterogeneity of locus, namely that there is a locus of the Other. Regarding this locus of the Other, of one sex as Other, as absolute Other, what does the most recent development in topology allow us to posit? I will posit here the term “compactness.” Nothing is more compact than a fault [*faille*], assuming that the intersection of everything that is enclosed therein is accepted as existing over an infinite number of sets, the result being that the intersection implies this infinite number. That is the very definition of compactness.” (Lacan 1998, p. 9)

According to the authors, Lacan uses words from the mathematical theory of compactness, but he combines them “arbitrarily and without the slightest regard for their meaning. His “definition” of compactness is not just false: it is gibberish” (Sokal and Bricmont 1999, p. 23). This and other fragments are given as examples of a display of “superficial erudition by shamelessly throwing around technical terms in a context where they are completely irrelevant. The goal is, no doubt, to impress and, above all, to intimidate the non-scientist reader” (Sokal and Bricmont 1999, p. 31). What is relevant to our purpose is not so much whether the text is gibberish from a mathematical point of view, but the latter comment the authors make: that the technical terminology is used to *impress* a particular audience which is not sufficiently familiarised with the concepts from geometry used, and thus to enhance the speaker’s epistemic status as a sophisticated and knowledgeable author. Hence, conditions C1 (nonaccommodation) and C2 (intention to impress) are fulfilled.²

Sokal and Bricmont also analyse various fragments of a text from Julia Kristeva’s writings on poetic language and arrive at similar conclusions. Here is one such fragment:

“Having assumed that poetic language is a formal system whose theorization can be based on set theory, we may observe, at the same time, that the functioning of poetic meaning obeys the principles designated by the axiom of choice . . . The notion of constructibility implied by the axiom of choice associated to what we have just set forth for poetic language, explains the impossibility of establishing a contradiction in the space of poetic language. This observation is close to Gödel’s observation concerning the impossibility of proving the inconsistency [contradiction] of a system by means formalized within the system.” (Kristeva 1969, pp. 189–90)

The metalogical concepts are not used metaphorically here, but, according to Sokal and Bricmont, with their literal meaning. The authors argue that Kristeva’s comments about the axiom of choice and Gödel’s theorem are not only incorrect, but way off the mark, and that they show a poor understanding of the metalogical theorems invoked (Sokal and Bricmont 1999, p. 46). More significantly, Kristeva uses these concepts “without bothering to explain to the reader the content of these theorems” and that she tries to “impress the reader with technical jargon” (Sokal and Bricmont 1999, pp. 44–45). If this is correct, the fragment quoted is a good candidate for an instance of the nonaccommodative use of technical jargon intended to enhance the writer’s epistemic status.

Admittedly, these fragments from Lacan and Kristeva are not straightforward examples of the strategy we are considering. The strategy, as introduced, requires that the speaker or writer use nonaccommodative technical language (condition C1) with *the intention* that it be taken as evidence of their expertise in the topic under consideration (condition C2). However, it is not always easy to identify such an intention, in part because writers tend not to be open about it. Intellectual modesty requires that the author of a study such as the ones quoted above try to convince their readership on the basis of the merits of the arguments provided and not on the basis of a superficial appearance of sophistication. Theoretical sophistication must be a natural consequence of the intricate development of

the discussion and must not appear to be added for the sake of impressing the reader. For this reason, authors like Lacan and Kristeva, if they have the intention to impress, would most likely hide it and, if questioned, deny that they use the language of the formal sciences with that intention. Is there a good reason, then, to conclude that Lacan and Kristeva had this intention at all? Is there a good method applicable to any similar case to determine whether the speaker has the intention to present themselves as an expert?

This is a very delicate matter and I do not have a definitive answer. It seems correct to postulate the intention to impress the audience in those cases in which there are reasons to believe a writer who uses technical language suspects (or knows) their use of this language is wide off the mark. In those cases, the writer cannot be using technical language simply with the intention to convey correct information. A different intention must be at play, and the intention to impress is a plausible explanation for the use of technical vocabulary. On the other hand, people are generally not in a position to assess correctly their own competence with a particular topic and the corresponding vocabulary because they tend to overestimate it.³ This cognitive bias is known as the Dunning–Kruger effect (Kruger and Dunning 1999), according to which, people generally tend to assume they are competent with a particular vocabulary or theory even when they are not. This fact makes it more difficult to find cases in which the speaker clearly intends to impress but not to inform. Indeed, Lacan and Kristeva might genuinely think they are informing correctly. Their intention to impress is in this case secondary or not present at all. Therefore, we can only tentatively suggest that the confusing use of badly understood theoretical language in Lacan’s and Kristeva’s texts is aimed at impressing the audience and maybe at gaining for their own theories a little bit of the prestige the formal disciplines invoked therein have.

I turn now to the fourth and last example. This one belongs to the pseudoscientific literature, which includes texts in which pseudoexperts misuse the language of a particular science or mix the vocabularies of various sciences producing meaningless technobabble, either out of ignorance or as a strategy to gain the reader’s trust. Many such cases are analysed in the study by Garrett et al. (2019), which focuses on a variety of Internet health scams currently active in Canada. By researching the major databases such as PubMed and MEDLINE and by relying on a panel of medical experts, the authors identified 112 types of such activities. One such scam is DNA manipulation, also known as ThetaHealing, which is meant to address a supposed health concern related to DNA damage and provide other benefits as well as teach clients how to “repair” their own DNA (Garrett et al. 2019, p. 234). The study classifies the risk of deception in this case as high. One of the criteria they use to test the risk of deception is whether the text which describes and advertises the service or product resorts to “pseudotechnical language”, which the authors define as “uses [of] new words (neologisms), repetitive and tautological statements, or jargon to explain how it works” (Garrett et al. 2019, p. 231). The study concludes that this is one of the most common persuasive techniques employed in Internet health scams, together with the use of authority and social influence (including celebrity endorsement) (Garrett et al. 2019, p. 232).

On the ThetaHealing official webpage, it is stated that this meditation technique, invented by Vianna Stibal in 1995, has the capacity to “wake up our DNA to our highest potential”. The following characterisation of the technique is also given in the same webpage:⁴

“You don’t have to be a scientist to do this technique, but you should know that the Pineal Gland is located exactly in the center of the brain; directly down from the crown and directly back of the third eye . . . Within the Pineal Gland is what is called the Master Cell, and it is this cell that is the operation center for all the other cells in the body. The Master Cell is the beginning point of healing for many of the functions that the body performs. Within this Master Cell is the chromosome of DNA that is the heart of the DNA Activation. Inside the Master Cell is a tiny universe all its own that is a master-key to our function. It runs everything in the body, from the color of our hair to the way we wiggle our feet. All parts of the

body are controlled by the Program in the chromosomes and the DNA. Inside the Master Cell is the Youth and Vitality Chromosomes [. . .]”

In what follows, Vianna Stibal goes on to introduce the meditation technique for “Activation of the Youth and Vitality Chromosomes”, which involves making the command, “Creator of All That Is, it is commanded that the activation of the youth and vitality chromosomes (state client’s name) take place on this day.”, etc.

The fragment starts with the sentence: “You don’t have to be a scientist to do this technique, but you should know that . . . ”. This sentence invites us to think that what follows is scientific information. Although the fragment includes scientific terminology (chromosomes, DNA, the pineal gland), the author combines it with made-up vocabulary (“Master Cell”, “Youth and Vitality Chromosomes”) and fantastic claims about the functioning of the human organism and the healing powers of the mind, for which no evidence is given. Her misuse of scientific terminology shows a lack of understanding of the relevant scientific knowledge and disinterest in getting things right. Pieces of pseudoscientific texts such as this one are plausible examples of the phenomenon we are considering: in addressing a lay audience, the author uses the vocabulary of science; (C1) the text is nonaccommodative, as the technical notions are left unexplained (albeit less nonaccommodative than the other cases discussed above); (C2) her intention is to impress and not to inform, mimicking scientific discourse in order to gain an appearance of scientific respectability. Evidence for the latter point is that she does not employ scientific terms correctly and shows manifest disregard for scientific method and rigor, which is incompatible with an honest intention to understand science and contribute to scientific knowledge.

3. An Argumentative Approach

The examples of the phenomenon discussed above are all problematic, in the sense that they do not constitute good evidence of the speaker’s expert knowledge in the target domain. I adopt in what follows a—very broadly conceived—argumentative approach to the phenomenon introduced, in the sense that I take the notion of *fallacy* as a theoretical guide to the study of the phenomenon. A fallacy is usually defined in argumentation theory by identifying the three components distinguished by Hansen (2002). These are: the *ontological* component: it is an argument, “a pattern of argumentation” (Johnson and Blair 1994, p. 54), “or at least something that purports to be an argument” (Walton 1995, p. 255); the *logical* component: it is bad, or at least worse than it seems (Hamblin 1970, p. 39; Hansen 2002, p. 152); and the *psychological* component: it seems to be good, or at least better than it is. Methodologically, this distinction allows us to divide the analysis of the phenomenon into three parts, corresponding broadly to the three dimensions identified above. I address in what follows the following questions: what kind of phenomenon is it? What is the quality of the evidence provided? How persuasive is it?

3.1. The Ontological Dimension

Given that the phenomenon considered is, broadly speaking, a communicative one, the best perspective to take in order to answer the question is a pragmatic one. A naïve reconstruction of the use of technical language to provide evidence of expertise might involve the following inference: *I am competent with (the relevant) technical vocabulary. Therefore, I possess expert knowledge of this topic.* From a pragmatic perspective, making assertions with this content counts as realising a speech act of arguing. This is usually defined as a “complex speech act” (van Eemeren and Grootendorst 1984, p. 43) or a “secondary speech act” containing various first-order speech acts, which can be classified in two categories: acts of *adducing* premises and acts of *concluding* (Bermejo-Luque 2011, p. 60). Now, obviously no such speech acts were performed in our case: the speakers did not explicitly argue or assert the premise and the conclusion of the above inference.

An alternative account could suggest that what we have here is an act of arguing *indirectly*. Both the premise and the conclusion of the above inference are, it might be suggested, conveyed as the content of a conversational implicature. The mechanism which

explains the generation of this implicature might involve a violation of the maxim of manner at the level of what is said. Consider the following pair of sentences:

- a. You seem to have caught a cold.
- b. You have symptoms of a viral infectious disease of the upper respiratory tract.

Assuming that the two sentences express the same semantic content relative to the context of utterance (which might be a too farfetched assumption, to begin with), choosing (b) over (a) constitutes a violation of the Maxim of Manner, which, among other things, requires the speaker to be brief and clear. The best explanation of this behaviour is (at least in those contexts where no better alternative explanation is available) that the speaker intends to convey that they are competent with the relevant technical vocabulary.

Again, this account cannot be right. One problem is that it is not possible to find for every sentence formulated in technical jargon a way to convey the same content in plain language. An even more important one is that the nonaccommodative use of technical jargon is noncooperative. Lepore and Stone (2014) discuss cases in which speakers purposefully use technical language that is incomprehensible to the listener and argue that they are noncooperative uses “where interlocutors are not even committed to reaching mutual understanding” (Lepore and Stone 2014, p. 221). If the speaker/writer’s contribution violates the Cooperative Principle, the framework in which conversational implicatures are postulated is not an option.

To sum up, the phenomenon cannot be accounted for as a speech act of arguing, and the conversational implicature approach does not seem more promising either. Nevertheless, it is plausible to think that, with nonaccommodative use of technical language, when C1 and C2 are fulfilled, the speaker *implies*—in some sense—that they are an expert in the topic. This implication, however, is of a different kind than conversational implicatures, conventional implicatures, semantic entailments or other forms of known implications.

In order to get a better grasp of the phenomenon considered here, we might start with the observation that the use of technical language is a communicative phenomenon in the wide sense of the term. However, not all communicative phenomena are of the same kind. Just like one’s accent in speaking a language (e.g., Scottish, Irish, Russian, Cockney, Hindi, etc., for English), using a particular vocabulary is something that comes with an utterance and carries all kinds of information. This information is not always something that the speaker wants to convey. However, given the way in which we circumscribed the phenomenon we focus on here with the help of conditions C1 and C2, in the cases considered, technical language *is* used with the intention to convey certain information. It is both intentionally nonaccommodative as well as aimed at persuading the audience that the speaker is knowledgeable of the topic considered. The presence of these intentions suggests that Grice’s (1957, 1969) analysis of speaker meaning might be a useful theoretical approach at this point. I make use of it in what follows but, as I hope it will become clear, the conclusions reached with the help of Grice’s proposal do not presuppose that this is ultimately a correct analysis of speaker meaning. Actually, I argued below that the kind of the phenomenon we considered is *not* an instance of speaker meaning. For this reason, it is not necessary to invoke a sophisticated version of the analysis, one that might have better chances of being ultimately correct. A simple formulation of the analysis will suffice for the present purposes.

According to Grice (1957, p. 384), “A [a speaker] means something by *x*” is roughly equivalent to “A uttered *x* with the intention of inducing a belief by means of the recognition of this intention.” A more detailed presentation of the analysis distinguishes three conditions. A speaker means *p* when they utter a sentence if and only if (1) A intends to induce a belief in *p* in the audience, (2) A intends the former intention to be recognised and (3) the recognition is intended by A to be a reason for the audience to form the belief. Grice (1957) draws our attention to cases that the analysis must rule out. There are, for instance, cases for which conditions (1) and (2) are fulfilled (the speaker has the intention to induce a belief, and the intention is manifest), but not condition (3). One such case is that of a child who, feeling faint, lets his mother see how pale he is, hoping that she may draw her own

conclusions and help. The child *manifestly* presents evidence of a fact but does not intend the mother to draw the conclusion on the basis of recognising his intention, but instead on the basis of seeing the degree of paleness. Such cases might be characterised as *inviting the audience to draw the inference* that the fact obtains.

Using technical language to provide evidence of expertise, when this is performed in a manifest way (e.g., the skin care lotion cream advertisement discussed above), is very similar to the case of the sick child: the first two conditions of the Gricean analysis are fulfilled, but not the third. The speaker/writer manifestly shows the audience evidence of their expert knowledge of the target domain and invites the audience to infer that they have expert knowledge on the basis of the evidence provided. That is, the implication we are trying to characterise is a form of *inviting an audience to draw an inference from the evidence shown* to that proposition which the speaker takes the evidence to be evidence of.⁵

A different kind of cases is that in which the intention to provide evidence of one's expertise is *not* manifest. That is, condition C2 is fulfilled but not in a manifest way. In those cases (the fragments from Lacan and Kristeva might be of this kind), the above characterisation in terms of an invitation to make an inference does not seem to be adequate. No invitation to draw an inference is made, assuming that an invitation is necessarily a manifest act. In fact, no implication of any kind is conveyed. Only condition (1) of the Gricean analysis is fulfilled, but not (2) and (3). The speaker offers evidence of their expertise and intends the audience to form the belief that they are an expert on this basis but does not want the audience to detect this intention. These are cases of showing evidence with the purpose of inducing a particular belief in the audience but without manifesting this intention in any way.

To sum up, the nonaccommodative uses of technical language aimed at providing evidence of expertise might be of two kinds: those in which the intention to provide evidence is manifest and those in which it is not. Only the former might be correctly characterised as involving an invitation to draw an inference. Consequently, only in these cases the strategy might be said to be an *argumentative move*, assuming that for something to be an argumentative move it must be a move in an argumentative discussion that is manifest, i.e., perceived as such by all interlocutors. A case in which the intention is present but not manifest is better characterised as a *strategy to persuade* but not as an argumentative move. There are reasons to expect that cases of the latter kind are more common than the former in practice, given that speakers normally do not want to be perceived as using technical language just for the sake of showing their linguistic competence, as opposed to using the language because rigor and precision require it in the context. On the other hand, when the intention to persuade is not manifest, it is difficult to determine whether it is present at all, that is, whether condition C2 is fulfilled or not. We have seen that Lacan's and Kristeva's texts raise this kind of questions.

3.2. The Epistemic Dimension

The examples introduced in the second section, especially the latter ones, share a certain negative feature to a lesser or higher degree: they are all cases in which we might suspect that the writer aims to mislead the audience into believing that they possess expert knowledge about the topic under consideration, when in fact this is not the case. However, not all nonaccommodative uses of technical jargon are designed to mislead the audience. The *intention* to mislead is not a necessary condition of the phenomenon as we have characterised it, nor is it a condition that the speaker *believe* that they lack expert-level knowledge of the topic. A real expert in the field of metalogic or human biology might make a nonaccommodative use of technical jargon with the intention of giving a clue of their expertise in the topic, but without any intention to deceive.

This brings us to the following question: is the evidence that the speaker provides by displaying their use of technical jargon good evidence that they have expert-level knowledge of the target domain? This is an important question, given that identification of genuine experts is an essential step in identifying reliable sources of expert knowledge.⁶

Collins and Evans (2007) do not discuss the kind of potential evidence of expertise the present paper focuses on, but what they say seems to imply a negative answer to our question. The authors propose a classification of levels of knowledge of a particular topic that one might have. The highest level of knowledge is what the authors call “specialist expertise”. This can be of two kinds: *interactional* expertise and *contributory* expertise. The former is “expertise in the *language* of a specialism in the absence of expertise in its *practice*” (Collins and Evans 2007, p. 28). Contributory expertise is the ability to correctly perform an activity that requires special training. In the case of scientific investigation, contributory expertise “enables those who have it to contribute to the domain to which the expertise pertains” (Collins and Evans 2007, p. 24). Contributory expertise is superior to interactional expertise, and it presupposes the latter (Collins and Evans 2007, p. 36). The authors also introduce what they call the *Principle of Downward Discrimination*: “only the downward direction is reliable, the other directions tending to lead to wrong impressions of reliability” (Collins and Evans 2007, p. 28), that is, only a person with a higher level of expertise could be a reliable judge of someone’s knowledge of a particular topic. It follows that a speaker’s competence with technical language is not good evidence to a layperson of the speaker’s expertise in a topic simply because nothing is. The *Principle of Downward Discrimination* entails (at least if we take it literally) that there is *no* solution to the problem that novices face when they need to decide who is an expert in a particular topic. However, Collins and Evans seem to think that not all criteria are equally bad, and some are more reliable than other. For instance, credentials are not a good criterion (Collins and Evans 2007, p. 67) but evaluating the putative expert’s experience within the domain is a much better one (Collins and Evans 2007, p. 68). However, the scepticism their principle expresses relative to the possibility of obtaining good evidence of expertise clearly suggests a negative answer to our question.⁷

Goldman’s (2001) approach to “the novice/expert problem” rejects full-fledged scepticism (Goldman 2001, p. 86) and instead offers five possible sources of evidence that a novice might appeal to in deciding whether to trust an expert or not. Goldman considers a scenario in which two putative experts disagree and a novice needs to decide which one to trust. The five sources of evidence identified are as follows: (i) the arguments presented by the contending experts to support their own views and criticising their rivals’ views; (ii) the existence of agreement with the claim made among additional putative experts; (iii) appraisals by “meta-experts”, including credentials earned by the experts; (iv) evidence of the experts’ interests and biases relative to the question at issue; (v) evidence of the experts’ past “track-records”.

Goldman does not consider use of technical language as a possible source of evidence of expert knowledge. However, the considerations he offers concerning point (i) are relevant to our discussion. In this respect, Goldman distinguishes direct and indirect argumentative justification. With *direct* argumentative justification, the hearer becomes justified in believing the conclusion of an argument by becoming justified in believing the premises and that they offer support to the conclusion. With *indirect* argumentative justification, the hearer obtains justification to believe the speaker has expertise about the topic under consideration indirectly, on the basis of their argumentative performance. Novices are not in a position to obtain direct argumentative justification as they do not have the resources to directly evaluate the quality of the arguments the putative experts provide. However, they could obtain indirect argumentative justification by making an inference to the best explanation from the speakers’ argumentative performance to their respective levels of expertise (Goldman 2001, p. 96). They could form an impression of the quality of the speakers’ performance by considering their display of dialectical abilities in a contradictory dialogue, their capacity to formulate arguments and objections and respond to objections and criticism. Goldman adds that “additional signs of superior expertise” may come from other aspects of the debate, such as “the comparative quickness and smoothness” with which a speaker responds to objections and challenges, which suggests that they are already familiar with them and prepared counterarguments well in advance of the debate.

Quickness and smoothness in defending one's claims suggest "prior mastery of the relevant information and support considerations".

However, Goldman does not consider these pieces of evidence as reliable. He notes that "dialectical superiority may reasonably be taken as an indicator of [the speaker's] having superior expertise on the question at issue" but adds that it is an "(non-conclusive) indicator" (Goldman 2001, pp. 95, 96). Concerning quickness and smoothness, he notes that they are "problematic indicators of informational mastery". This is because "Skilled debaters and well-coached witnesses can appear better-informed because of their stylistic polish, which is not a true indicator of superior expertise. This makes the proper use of indirect argumentative justification a very delicate matter" (Goldman 2001, p. 95).

Similar considerations apply to the case of the fluency and smoothness with which a speaker appears to be using technical vocabulary. Goldman (2001) does not treat this as a potential source of evidence of the speaker's expertise, but the similarity with the case of indirect evidence of debating skills invites a parallel conclusion: it is an indicator of expertise, but a problematic and nonconclusive one. Cases in which the speech or text is a genuine instance of a correct use of technical jargon are to be distinguished from cases in which the speaker or writer misuses the terminology and only mimics correct use (as in some of the examples introduced above). In a sense, the cases of the former type do offer good evidence of expertise, while the cases of the latter type do not. However, the problem here is that novices cannot discriminate between the two. By definition, the use of technical language we considered fulfils condition (C1), which means that the use is intentionally nonaccommodative. Therefore, novices are not in a position to distinguish correct use of genuine technical language from apparently sophisticated but actually incomprehensible language that includes technical vocabulary and which the speaker uses fluently and with confidence. As in the case of dialectical skills with arguments and objections, the only evidence that is available to novices is the *appearance* of quickness and smoothness but not actual ability. The ability to use a particular theoretical vocabulary with confidence, giving the impression of being competent with it, is extended among purveyors of pseudoscience. As Blancke et al. (2017, p. 87) note, pseudoexperts "explicitly use scientific publications, language and typical features such as graphs and formulas, to convince people that they are dealing with genuinely scientific and thus reliable information." Mimicking scientific language is a strategy consciously assumed by pseudoexperts in order to gain the trust of lay audiences: "pseudo-scientific claims dress up so to look reliable, often by mimicking superficial features of science" (Briciu 2021, p. 641). It is an instance of precisely the phenomenon I discuss in this paper, the nonaccommodative use of technical language with the intention of providing evidence of expertise. The fact that pseudoexpertise is such an extended phenomenon is a reason to conclude that the *appearance* of linguistic competence with technical language is insufficient evidence to establish the conclusion that the speaker is an expert in the topic. A further reason that adds to our scepticism is that, even if a person has minimal mastery of a certain vocabulary (in the sense of avoiding making nonsensical and absurd claims), that does not mean they are a reliable source of information on the topic under consideration.

Two final comments concerning this point are in order. The first one is that saying that the evidence in question is not sufficient to establish that the speaker is an epistemic authority is not to say that it is not good evidence in any context whatsoever. However, it is not good evidence *for* the particular audience we considered, one composed of laypersons that are not able to distinguish between a speaker that is competent with the vocabulary of a theory and a speaker that only appears to be. The second one is that the scepticism I defend concerns the quality of the evidence of expertise the nonaccommodative use of technical language provides considered *independently* of any other possible source of evidence. However, the appearance of competence might contribute to providing good reasons for the speaker's expertise in a particular topic if considered in conjunction with other kinds of evidence, such as the speaker's credentials or their past track record. When such alternative evidence is available, their capacity to articulate claims using technical vocabulary might

correlate with the rest of the evidence available and contribute to establishing their status as an epistemic authority.

3.3. Persuasiveness

The third one of the dimensions of fallacy is the psychological one, consisting in its ability to *seem* a good argument or argumentative move, that is, to be persuasive, at least to a certain extent. This is an empirical question, and there is empirical evidence—albeit not much—that nonaccommodative use of technical language does indeed have the effect of boosting the speaker’s credibility. Although, according to [Sorial \(2017, p. 304\)](#), there are no specific studies of this phenomenon, related phenomena have been the focus of empirical investigation. In their literature review, [Zaboski and Therriault \(2020\)](#) mention studies that showed that presenting a text in a scientific format—that is, using references, citations, a discussion of methods, and using passive voice—makes the information transmitted more credible. Even small linguistic changes influence the way in which lay audiences interpret texts that purport to convey factual knowledge. For instance, hedging is common in scientific literature and viewed as a mark of academic writing, while sensational and extraordinary claims (e.g., “a revolutionary treatment” or a “cure”) indicate “an overzealousness to persuade a reader” ([Zaboski and Therriault 2020, p. 14](#)). What is directly relevant to our focus here on technical language is that the studies have shown that those factors that increase the perceived scientificity of a text also increase their perceived credibility ([Zaboski and Therriault 2020, pp. 10–12](#)). The two variables tend to be strongly associated and highly correlated, both in other studies mentioned by Zaboski and Therriault and in their own study. It is, therefore, to be expected that the use of scientific jargon to increase the perceived scientificity of a text or speech also increases its credibility. However, the effects on readers vary depending on their own knowledge and training. Thus, the authors write that “jargon may increase the scientificness of a claim, but it may not persuade readers enough to accept a pseudo-scientific claim” ([Zaboski and Therriault 2020, p. 4](#)), in case the latter is disguised in technical language. The use of scientific (or, in general, technical) jargon might serve to boost the credibility of the speaker, even if this does not mean that the audience is prepared to accept any claim the speaker makes. It is safe to assume that many factors influence the listener’s disposition to accept the speaker’s claim, such as whether the claim seems plausible or extraordinary.⁸

4. Conclusions

In the previous section, we reached several (tentative) conclusions concerning the nonaccommodative use of technical vocabulary with the intention of providing evidence of expertise. I argued that the strategy in question is not an argument (in the speech act sense of the term), is not to be accounted for as a conversational implicature, and does not necessarily involve an implication of any kind. Nevertheless, a subclass of cases, those in which the intention to provide evidence of expertise is manifest, might be correctly characterised as involving an invitation to draw an inference and as an argumentative move. There are also cases in which the intention is present but not manifest, which might be characterised as strategic moves aimed to persuade. [Grice’s \(1957, 1969\)](#) analysis of speaker meaning has proven helpful in accounting for the difference between the two.

Concerning the epistemic dimension, I argue that it does not constitute a reliable source of evidence of expert knowledge. Moreover, there is empirical evidence suggesting that the strategy is actually persuasive. Going back to the concept of fallacy, which I took as a theoretical guide for the discussion, the tentative conclusion we seem to have reached is that the strategy is unreliable. When used as an argumentative strategy by which the speaker invites us (or aims, in less manifest ways, to get us) to infer a certain conclusion concerning their level of expertise, the argumentative move is deceptive to the extent that the evidence is not conclusive but potentially persuasive.

The discussion that led to these tentative conclusions made use of resources from both pragmatic theory (e.g., [Grice’s analysis of speaker meaning](#)) and argumentation theory

(e.g., the concept of fallacy, which I used as a guide to analyse the phenomenon under consideration along various dimensions). I hope that this might serve as an indication of how these resources might be profitably combined to advance our understanding of certain phenomena that belong to what might be called “the pragmatics/argumentation interface”. One such phenomenon, which has received little attention so far, is the kind of nonaccommodative use of technical language that I focused on here.

Funding: The research that led to this paper was partially funded by the I+D+i Project Expercitec, PID2019-105783GB-I00, financed by MCIN Spain.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Acknowledgments: A previous version of this paper has been presented at the conference “Understanding II”, organized by Andrei Mărășoiu (University of Bucharest), and at one of the project meetings of the Research Project “Expercitec” at the University of Salamanca. I am indebted to the audiences of the two talks, especially to Andrei Mărășoiu, Dan Zeman, Obdulia Torres, Ana Cuevas, and Carmen Fernández Juncal for their comments and suggestions, as well as to the three anonymous reviewers for this journal. I am particularly grateful to Steve Oswald for his editorial work for this issue, as well as for carefully reading the paper and offering valuable comments.

Conflicts of Interest: The author declares no conflict of interest.

Notes

- ¹ An insight into this phenomenon might be gained by taking a rhetorical perspective, like the one developed by [Lyne and Howe \(1990\)](#). The authors discuss some of the rhetorical strategies that experts use in persuading a lay audience, including metaphors, analogies and other rhetorical figures that function as “instructions” for the public on how to read a scientific text. The authors focus mostly on uses of technical language that are meant to be comprehensible to a lay audience, cases in which the expert is sensitive to the audience’s level of understanding of the topic considered. For this reason, their analysis is not directly relevant to the present discussion, which focuses precisely on cases in which this does not occur. See also [Tindale \(2011\)](#) for a rhetorical approach that considers the role the expert’s *ethos* plays in persuading a lay audience.
- ² A different yet related topic is that of obscurity. Lacan’s fragment that I quoted might be characterised as obscure. However, this is not because the vocabulary is too technical for the audience. The fact that an author is nonaccommodating and the intended readers fail to grasp the meaning of the words used does not make the text obscure. The text might be perfectly comprehensible and clear to someone familiar with that vocabulary. Instead, Lacan’s text is obscure because the author chose to use the vocabulary in ways that are nonstandard and confusing even to the specialists in the field (topology, in this case). For a discussion of how obscurity might be used by pseudoexperts and gurus to impress audiences and create the impression that the speaker has something profound and important to convey, even when no one can really say what it is, see [Sperber \(2010\)](#).
- ³ I am grateful to an anonymous reviewer for pointing this out.
- ⁴ The address of the website is as follows: <https://www.thetahealing.com/thetahealing-dna-activation.html> (accessed on 2 December 2021).
- ⁵ [Pinto \(2006, p. 309\)](#) famously characterised arguments as invitations to draw an inference. However, this characterisation, and the modified version that Pinto subsequently proposed, is insufficient to distinguish arguing from other kinds of speech acts ([Moldovan 2012, pp. 303–4](#)). The strategy we discuss here is an example of an invitation to draw an inference which, nevertheless, is not an argument.
- ⁶ Consider, in this sense, the critical questions that [Walton et al. \(2008\)](#) developed as a tool that arguers can use to evaluate arguments that appeal to expert opinion. Among these questions we find: “How credible is E as an expert source?” and “Is E an expert in the field that A [the target claim] is in?” ([Walton et al. 2008, p. 310](#)) The arguers who need to appeal to expert opinion are novices in the field to which A belongs.
- ⁷ In any case, in this framework, fluency with the vocabulary of the theory could only amount to evidence in favour of interactional expertise, but not contributory expertise. The former is not a guarantee of possessing knowledge of the field, the capacity to solve problems or put theoretical knowledge into practice.
- ⁸ An anonymous reviewer made the interesting comment that a novice who is persuaded by this strategy might be said to provide an example of a derivative Dunning–Kruger cognitive bias. The classic Dunning–Kruger effect concerns the fact that people usually do not recognise that they are not in a position to make object-level judgements in a particular field of technical inquiry. The derivative version might refer to the case of someone who, while aware that they lack competence in a particular field, does

not realise that they are *thereby* not in a position to make the meta-level judgements about a speaker's competency in using technical jargon.

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Article

Revisiting the Relationship between Arguing and Convincing: Towards a New Pragmatic Account

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Abstract: How do individuals change their minds as a result of argumentation? It is generally assumed the speech act of argumentation can trigger a change of mind in the other party—the perlocutionary act of convincing. This means that a discussant changes her commitment relative to the proposition under scrutiny when the other party presents argumentation that is in some way *convincing* or *persuasive*. I challenge this received view by showing that argumentation cannot trigger this change of commitment in the way that scholars commonly assume. Convincing cannot be triggered by assertives that are already in the listener’s commitment set, nor can it be triggered by assertives that are newly introduced in the discussion. Using the notion of “joint commitment” I propose an alternative account according to which change of mind is the result of two speakers jointly experiencing facts as stipulated by a joint commitment. I conclude the paper by sketching the impact of such an approach in the study of argumentation and provide suggestions for further developments.

Keywords: argumentation; convincing; joint commitment; rational persuasion

Citation: Popa, Eugen Octav. 2022. Revisiting the Relationship between Arguing and Convincing: Towards a New Pragmatic Account. *Languages* 7: 227. <https://doi.org/10.3390/languages7030227>

Academic Editors: Steve Oswald, Juana M. Licerias and Raquel Fernández Fuertes

Received: 26 January 2022
Accepted: 18 August 2022
Published: 1 September 2022

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1. Two Problems

The Fourth International Colloquium in the Philosophy of Science was held in July 1965 at Bedford College, London. Anybody who was anybody attended, including Karl Popper, Thomas Kuhn, Imre Lakatos, Alan Musgrave, Stephen Toulmin, Paul Feyerabend, and many others. Owing to the fundamental differences between the views held by these philosophers, the resulting discussions must have been thrilling. It was in such an atmosphere that Thomas Kuhn exclaimed:

How am I to persuade Sir Karl, who knows everything I know about scientific development and who has somewhere or other said it, that what he calls a duck can be seen as a rabbit? How am I to show him what it would be like to wear my spectacles when he has already learned to look at everything I can point to through his own. (Kuhn 1970, p. 3)

Kuhn’s remarks were not related to any specific puzzle in the philosophy of science. Rather, they constituted a more general expression of the difficulties involved in setting off a *gestalt switch* within the confines of a relatively short exchange during a colloquium. In argumentation-theoretical terms, what Kuhn is deploring is the predicament that himself and Popper share *too much* common ground. How can Kuhn produce any change of mind in someone who practically *knows everything he (Kuhn) knows*? Convincing under conditions of too much common ground seems difficult because there is hardly any asymmetry from which the change of mind can originate.

However, convincing might seem difficult to achieve also from an opposite scenario. For if there is *too much* common ground, there can also be *too little*. This is highlighted in the following passage from Keke’s discussion of fundamental differences between social groups:

For what can a right-to-life advocate say that would persuade a militant feminist, a gay liberationist to a moral majoritarian, a champion of law and order to a

lawyer specializing in getting criminals acquitted on technicalities, a Mormon to a hippie, a marine to a transcendental meditator, or, for that matter, a philosophy professor to a junkie? The moral sensibilities of these people are so far apart that there is no common ground for one even to explain to the other his or her position. (Kekes 1993, p. 7)

Here we have the opposite problem: the parties involved share too little common ground in order for one party to have a genuine chance of convincing the other. In fact, as Kekes points out, the parties are so far apart it hardly ever comes down to individuals engaging in an argumentative discussion. Epistemologists and argumentation theorists sometimes refer to this as *deep disagreement* (Popa 2022; Lavererio 2021; Ranalli 2021). We thus have two problems related to the notion of convincing: there can be too much common ground (situation described by Kuhn) or too little (situation described by Kekes). In both cases, the changing of the mind implied in the term convincing, the change in dialectical commitments, seems to be impeded.

However, do these problems touch upon the notion of convincing itself, conceptually speaking, or are they just extreme cases? Do these situations say something about how minds are changed, or can we simply shrug our shoulders and conclude that convincing is just not going to happen *in those specific situations*? Intuitively, one is perhaps inclined to go for the latter explanation. After all, we do not typically experience problems with the phenomenon of convincing in our day-to-day interactions. Convincing someone of a point of view, or being convinced ourselves, seems to come naturally. If it does not happen, then the arguments were not up to par, or the process was somehow disturbed, but convincing itself, as a perlocutionary act, is possible and it is connected to the act of argumentation. When people disagree, they can argue their way to agreement. No pragmatic conundrums are involved.

In this paper, I want to take a closer look at this traditional pragmatic connection between the speech act of argumentation and the perlocutionary effect of convincing. I will not deny the obviously correct observation that people actually change their minds (commitments) relative to propositions as a result of interacting with others. This phenomenon is pervasive and unquestionable. What I want to challenge is that this change is an effect of the act of argumentation, that it follows somehow from the act of being “convincing” or “persuasive”. The predicaments experienced by Kuhn and Kekes are real and relevant, and they suggest that we must reconsider our traditional account of how arguments change minds. I will propose an alternative pragmatic reading of the situation in which speakers change their minds as a result of joint experiences. In this account, the act of argumentation serves to discover the disagreement (rather than resolve it) and resolution comes through joint experiences of mutually recognized facts.

2. Convincing as an Effect of Argumentation?

The claim that arguments can convince forms the cornerstone of much work in argumentation theory, informal logic, rhetoric, and other disciplines concerned with rational communication between individuals (Johnson and Blair 1994; van Eemeren et al. 2014; Walton 2008). The act of convincing is characteristically seen as the effect of argumentation, the two standing in an illocution–perlocution relationship to one another (van Eemeren and Grootendorst 1992; van Eemeren and Snoeck Henkemans 2016). Of course, not *all* arguments are equally suited to achieve the effect of convincing. However, some are. Additionally, a central challenge in the pragmatic study of argumentation has been to understand the conditions under which an argument possesses this quality of being convincing.

How does this illocution–perlocution relationship between argumentation and convincing actually work? Assuming that argumentation is characteristically achieved through the speech-act category of assertives, how does performing assertives lead to changes in the other party’s commitment? The general answer seems to be this: an argument is convincing, that is, rationally persuasive, when the hearer’s change of commitment is triggered by *the propositional content* of the assertives employed and not by other pragmatic features that

these assertives might have (see e.g., Blair 2012; Dutilh Novaes 2021; Johnson 2000; Lynch 2012; van Eemeren and Grootendorst 2004; Woods and Walton 1982). This means that, in order for convincing to occur, the change of mind must be based on *what* the arguer is saying not on *how* she is saying it. In putting forward argumentation, I might sway you with my baritone voice or my charming body language such that you change your mind, but then no convincing has occurred in the strictest sense.

It will be useful from this point onwards to work with a case in point. In her recent study of rational persuasion, Dutilh Novaes (2021) asked the basic question that I am tackling here, namely, “What does it take for a Skeptic to be persuaded by a proof?”. After surveying the many different answers that have been given to this question, Novaes concludes that convincing (or rational persuasion, as she calls it) must be understood in a dialogical framework as a discussion between a Prover and a Skeptic. Her answer to the question is as follows:

- To become convinced of the conclusion of a proof, the Skeptic must accept its premises.
- He must not be in possession of counterexamples, either global or local.
- He must also deem each step in the proof/argument to be individually perspicuous and convincing (Dutilh Novaes 2021, p. 52).

Dutilh Novaes later explains this game between the Prover and Skeptic in more detail:

[. . .] assuming Skeptic does grant the premises proposed by Prover and no global counterexample is found, then Prover proceeds to put forward a sequence of further statements that she claims follow necessarily from what Skeptic has already granted. If Prover is right that these statements follow necessarily from what has been granted, then Skeptic is indeed committed to them [. . .] and thus may not refuse to grant them. If eventually the intended conclusion is reached through successive inferential steps that were not questioned or refuted by Skeptic, or if Skeptic’s objections and requests for clarification have been dealt with satisfactorily, then Prover will have succeeded in her goal of persuading Skeptic of the conclusion. (Dutilh Novaes 2021, p. 53)

The problem is that the Kuhn-problem appears in this definition of convincing. For if the Skeptic does indeed accept all the premises employed by the Prover as condition 1 stipulates, *how can there still be disagreement between the two and how can the Prover be said to have changed anything in the Skeptic’s commitment set?* Contrariwise, if the Skeptic does not accept the premises as condition 1 stipulates, then by the same definition there is certainly no convincing involved—in which case we arrive at the Kekes-problem.

Let us give a general formulation of this two-pronged situation in order to pinpoint more concretely how the problems arise. We start with two parties disagreeing on a proposition.

Step 1. Prover and Skeptic disagree on p .

The disagreement between Prover and Skeptic can differ in scope and intensity. What matters here is simply that Prover and Skeptic do not have the same commitments relative to p . The Skeptic, we can imagine, would say “No” when asked whether she agrees that p , while the Prover would say “Yes”. Next, the Prover needs to make sure that the statements she is about to employ in her argumentation are granted by the Skeptic (otherwise the disagreement increases instead of being resolved). We know that, in real-life situations, parties tend to skip this step and jump to the argumentation part directly—implying as it were that the premises employed in the argumentation should be acceptable to the other party. Yet in order to make all components of the convincing process visible, this explicit route will be necessary. Thus, with φ as the collection of statements making up the Prover’s premises, we have the next step:

Step 2. Prover asks Skeptic to grant a set of statements φ .

The formula φ stands for what we normally call “the argumentation” (or “the defense”) advanced by the Prover. It is at this stage not necessary to say more about how the statements in φ are interconnected. The structure within φ can be as simple as that of

the age-old syllogism and as complex as any argumentation structure we come across in everyday interactions (Snoeck Henkemans 2000). In fact, the reader is free to substitute φ with any definition or representation of an argument in any formal or non-formal language available (deduction, induction, abduction, defeasible logics, etc.). The argumentation does not have to be of a certain kind in order to count as argumentation, or, as Hamblin put it, “The actual logical relation between premises and conclusion of an argument may be anything at all” (Hamblin 1970, p. 230). However, it is important that φ includes both the propositions (e.g., q, r, s) and what we would see as inference rules from those propositions to p (e.g., $q \& r \& s \rightarrow p$).

This is then the crucial moment, for it all comes down to the Skeptic’s position relative to φ . Following Dutilh Novaes’ account, in order for the Skeptic to be convinced, the following would have to occur:

Step 3. Skeptic grants φ , is in no possession of counterexamples and finds all steps conspicuous and convincing.

Sure enough, there is a version of this condition in just about any account of argumentation that is based, more or less loosely, on some logical or dialectical model of convincing. However, are we to conclude that the Prover “will have succeeded in her goal of persuading Skeptic of the conclusion” (Dutilh Novaes 2021, p. 53)? As agreed, persuading involves a *change* of commitment, a transformation of conflict into consensus. Yet this is not the situation we are looking at. For the Skeptic already grants φ without the Prover advancing anything in defense for φ or indeed performing any other additional speech act relative to φ . It seems more natural to say that the Skeptic was already convinced of p or, put differently, that the Prover and Skeptic *simply discovered that there was not any disagreement between them after all*. In natural language, their conversation could have developed as follows:

Prover: You should close the door (p)

Skeptic: Why should I?

Prover: Do you agree that it is your turn to close the door and that in all cases where it’s your turn, you should close it? (φ)

Skeptic: I agree with all that (φ)

Prover: So, there you have it! (p)

Skeptic: You’re right (p)

In such a situation we would not normally describe the Prover as having *convinced* the Skeptic, but rather as having *reminded*, or in some other sense made the Skeptic (more) *aware* of their already-existing consensus. Notice that the Prover does not do more than offer φ for assent and φ is immediately accepted (as the Dutilh Novaes account requires). It is therefore the information asymmetry, not the disagreement, that the Prover eventually solves by her act. The Skeptic does not have less knowledge or different commitments than the Prover, she just does not remember her commitments as much (or as fast) as the Prover does. Now, there is, of course, change involved in reminding someone of something: the Skeptic is at t_1 in a state of mind that is different from her state of mind at t_0 in that, roughly speaking, the Skeptic was aware of her commitment to p at t_1 but not at t_0 . Yet this is not the kind of commitment we want to associate with the perlocutionary act of convincing. After all, when one is convinced, it is not the *awareness* regarding p that needs to change, but the acceptability of p . The other possibility at Step 3 is, of course, that the Skeptic does not agree with φ . In this case, it is uncontroversial that no convincing has taken place.

To sum up, we can formulate the problem presented here as a dilemma. After the Prover presents the Skeptic with φ , then we have to ask ourselves what the status of φ is in the Skeptic’s commitment. Two scenarios are possible, neither of which incorporates the traditional conception of convincing:

Scenario 1

The Skeptic already agrees with φ , in which case there was no disagreement involved after all because both φ and p are accepted by the Skeptic. Through assertives, the parties

discovered that they were in fact in agreement. No convincing took place because there was too much agreement on starting points.

Scenario 2

The Sceptic already disagrees with φ . By advancing φ , the Prover increases the disagreement from p to $(p \ \& \ \varphi)$. No convincing takes place because there is not enough agreement on starting points.

The reader will have noticed that Scenario 1 corresponds to the Kuhn-problem (“How can A convince B of something when each knows everything else the other does?”) and Scenario 2 corresponds to the Kekes-problem (“What can A say to B when the two are fundamentally different in their starting points?”). In some models of argumentation such as the pragma-dialectical one, scholars have insisted that the parties should be allowed to introduce *new* starting points halfway through the discussion (van Eemeren and Grootendorst 1982, 2004). However, we see that this amounts to an exchange of one horn of the dilemma for the other. For now, regarding the newly introduced starting points, we have to ask: does the other discussant agree with these starting points or does she not? If she does, then there was not any disagreement after all, and we are in Scenario 1; if she does not the disagreement is now increased, and we are in Scenario 2. There seems to be a mismatch between the easily recognizable social practice of convincing and the many models of convincing that are somehow resulting from the combination of logic (conclusion being derived from the premises) and dialectic (premises being granted by the other party).

3. Changing Minds and Joint Commitments

When our models tell us that some practice we seem to observe everywhere is in fact impossible, there are two ways out. Either we give up our interpretation of that practice as falling within the scope of that model, or we give up our models. I started this paper with the assumption that people do change their minds (i.e., their commitments) as a result of argumentation, so for the present paper, the first option is not available. Regarding the second option, I want to propose a model based on the notion of *joint commitment* (Gilbert 2000, 2014). Joint commitments as defined by Gilbert have many interesting features but the most basic one relevant here is that a joint commitment is a form of answerability that involves two or more people and that cannot be created or rescinded unilaterally (Gilbert 2014, pp. 40–42). The situations we typically associate with individuals being convinced by arguments are, I will argue, better understood in light of joint commitments.

In situations falling under Scenario 1 above, there is already a joint commitment between the Prover and the Sceptic, and the Prover reminds the Sceptic of this joint commitment.

- 1 Prover: You should close the door (p)
- 2 Sceptic: Why should I? (φ)
- 3 Prover: Do you agree that it is your turn to close the door and that in all cases where it's your turn, you should close it? (φ)
- 4 Sceptic: True, I forgot that we agreed to that (φ)

Of course, forgetting a joint commitment is one of the many explanations for the Sceptic's reply in line 2. The Sceptic might, e.g., want to check whether the Prover is herself remembering their agreement, or which joint commitment she selects in this situation. There are plenty of reasons to have your discussion partners clarify the joint commitment to which they are appealing. Of course, it can take a while before the two actually find the joint commitment that is needed coordinate actions. For example:

- 1 Prover: You should close the door (p)
- 2 Skeptic: Why should I? (φ)
- 3 Prover: Do you agree that it is your turn to close the door and that in all cases where it's your turn, you should close it? (φ)
- 4 Skeptic: Is it my turn? (φ)
- 5 Prover: Well, it's Wednesday! (β)
- 6 Skeptic: Is it Wednesday? (β)
etc.

These are all situations falling under Scenario 1 where there is no convincing because there is no actual disagreement (Kuhn-problem). The exchange of arguments serves to discover the joint commitment that the two need to coordinate their activities—whether it is closing the door or something else.

Let us now turn to Scenario 2. The notion of joint commitment can also be employed to explain how minds can change in Scenario 2 where there is no sufficient agreement on the acceptability of propositions (Kekes-problem). Here as well we have to move away from the idea that argumentation itself triggers the change of mind. Nevertheless, the argumentation can lead to the establishment of a *new joint commitment* on the basis of which one of the parties can change their mind regarding p . Crucially, however, this new joint commitment cannot pertain to the acceptability of a proposition or set of propositions φ —for otherwise we would land right back into Scenario 1 in which the parties discover that the apparent disagreement was just a misunderstanding regarding a forgotten joint agreement. Instead, this new joint commitment must pertain to an outside test, authority, or judge to which both parties agree to delegate the resolving of the disagreement. What I have in mind is a situation such as the following where the Prover and the Skeptic formulate a joint commitment to undertake a “fact-checking” procedure:

- 1 Prover: You should close the door (p)
- 2 Skeptic: Why should I? (φ)
- 3 Prover: Do you agree that it is your turn to close the door and that in all cases where it's your turn, you should close it? (φ)
- 4 Skeptic: Is it my turn? (φ)
- 5 Prover: Well, it's Wednesday! (β)
- 6 Skeptic: Is it Wednesday?
- 7 Prover: We can check the calendar!
- 8 Skeptic: Let's do it!
- 9 [Prover and Skeptic check the calendar and it is indeed Wednesday]
- 10 Skeptic: I'll go close the door!

In the past, scholars have sometimes stipulated that such situations fall outside the scope of convincing—that in such situations the dispute is *settled* rather than *resolved*. For example:

The resolution of a difference of opinion is not the same as the settlement of a dispute. A dispute is settled when, by mutual consent, the difference of opinion has in one way or another been ended—for example, by taking a vote or by the intervention of an outside party who acts as a judge or arbitrator. Of course, reaching a settlement does not mean that the difference of opinion has really been resolved. A difference of opinion is only resolved if a joint conclusion is reached on the acceptability of the standpoints at issue on the basis of a regulated and unimpaired exchange of arguments and criticism. (van Eemeren and Grootendorst 2004, p. 58)

According to this view, then, creating a joint commitment (“by mutual consent”) regarding an outside intervention in the dispute is not a form of resolving the disagreement. In other words, if we agree to the joint commitment of consulting the calendar or the rabbi then we are abandoning our rational pursuit since we quite leave the dispute to these external parties, the calendar or the rabbi. However, given that in Scenario 2 the Prover

and the Skeptic do *not* share enough starting points to do anything else, then the stipulated distinction is rather unfortunate. Without any past joint commitments to reveal that the apparent disagreement was just a misunderstanding, the *only* way for the Prover and the Skeptic to do something about their disagreement is to try to tackle it through a new joint commitment regarding an outside intervention (see also Popa 2022). In fact, in the example where they disagree on what day of the week it is, the *only rational approach* is to create a new joint commitment that the dispute is to be decided by looking at the calendar. If two discussants argue back and forth about what day of the week it is, we hardly praise them for keeping to the process of an “unimpaired exchange of arguments and criticism”. This is then how a new joint commitment “Let us check the calendar on this” can lead to the parties undertaking the action mentioned in the commitment and the result of that action can lead to one of the parties having changed their mind. Of course, the two might discover that the joint commitment is insufficiently clear and that they need to specify their joint action further. However, once such issues for extracting the evidence have been decided, and assuming the evidence is not in some sense inconclusive, one of the two will have changed their mind. The Skeptic will have been convinced, not by the Prover, but by the “facts” that were observed according to their joint commitment.

To sum up, if the parties find themselves in Scenario 1 (Kuhn-problem), then argumentation can lead to the discovery of a (forgotten or overlooked) joint commitment in which case the parties revert to an earlier form of agreement. No disagreement, hence, no convincing. If the parties find themselves in Scenario 2 (Kekes-problem), then argumentation can lead to the discovery that no such joint commitment exists in which case the parties can create a new joint agreement pertaining to an outside intervention that can decide the matter. The disagreement was real, and, if the evidence was conclusive, one of the parties will be convinced. However, in neither of the two cases is the act of argumentation itself the one triggering the effect of changing a discussant’s mind.

4. Discussion

The account presented here raises several important questions regarding the relationship between argumentation and convincing. While it is not the purpose of the present paper to work out all the methodological consequences of the change of perspective proposed, some of the more urgent issues deserve immediate consideration.

First, we should take seriously the possibility that the Kuhn-problem and the Kekes-problem are not the only two available options for convincing, as I suggested in the beginning, but rather extreme points on a continuum of options between sharing too many and too few starting points. A typical in-between case would be one in which the Prover asks the Skeptic to grant *some* (not all) of the starting points needed to reason from one granted premise to the conclusion. Then the Prover adds some new starting points and in this way the convincing occurs on the middle ground between no shared starting point and too many shared starting points. One could perhaps insist that the Prover is still *reminding* the Skeptic of her commitment to p since the “new” starting points are indeed accepted by the Skeptic right away, but as the logical distance between p and φ grows, this becomes increasingly implausible. Let me explain.

In the simplest case, or nearly so, φ simply consists of one proposition (q) and the claim that this proposition implies the conclusion ($q \rightarrow p$). Together, these two propositions (“ q ” and “ $q \rightarrow p$ ”) make up φ . However, with φ being so structurally simple, we are clearly facing the Kuhn-problem now: if the Skeptic does indeed accept φ consisting of those two statements, how can she ever be said to disagree on the acceptability of p ? Yet as the defense φ becomes more complex, that is, when there are many propositions and inference rules between q and p , then there is presumably a connection that the Skeptic does not “see” or “know” right away, and the argumentation can be said to perform this step. In this case, indeed, it would be something of a stretch to insist that this still falls under the heading of remembering. Plato famously advanced this surprising explanation in *Meno* where Socrates does not *teach* the slave how to double the area of a square, but

he (Socrates) merely *reminds* him of it. The calculations needed to solve the problem are presumably carried out by working with nothing, but premises are known to the slave. This explanation is possible in a Platonic theory of knowledge because of the notion of an immortal soul which acquires knowledge before we were born and is only reminded of this knowledge during our lifetime. Yet I take it that we have to explain the relationship between argumentation and convincing within a simpler ontology. The point, therefore, remains valid: when there is a great distance between q and p (e.g., $q \rightarrow r \rightarrow s \rightarrow t \rightarrow w \rightarrow p$), it becomes increasingly implausible (as it is in *Meno*) to say that the Skeptic is simply being reminded of her commitments. For example:

- 1 Prover: President Jones will not run for a second term (p)
- 2 Skeptic: Why is that?
- 3 Prover: Because there have been so many shootings lately (q)
Skeptic: I don't see the connection . . .
- 4 Prover: Well, the president is a conservative (t)
- 5 Skeptic: And?
- 6 Prover: Conservatives support gun rights (s)
- 7 Skeptic: So?
- 8 Prover: Well, these gun rights are why you have so many shootings (r)
- 9 Skeptic: So?
- 10 Prover: Can't you see? The president is in favor of a policy that is nowadays responsible for so many shootings. He would never risk face-loss by running for a second term knowing that people would oppose him just for his gun activism and have him lose etc. (w)
Skeptics: I see your point and I agree Jones will not run for a second term (p)

In such examples, the complexity of the relationship between q and p makes it implausible to maintain that the Prover is simply reminding the Skeptic of her commitment to φ , i.e., her commitment to " $q \rightarrow r \rightarrow s \rightarrow t \dots \rightarrow p$ ". There is, at least intuitively speaking, more going on. Nevertheless, given that the Skeptic accepts all the Prover's assertions without the Prover arguing for them, there is still a sense in which the Skeptic *accepted* those assertions before the Prover presented them (otherwise, if she had not, then the Prover's asserting should not do much to alter their status). Perhaps then remembering is not the right pragmatic description of what is going on, but nevertheless, the Skeptic was in a real sense already on board with p because she was already committed to φ . On the continuum between the Kuhn-problem and the Kekes-problem, this is in any case closer to the former.

Second, it could be argued that the account of convincing advanced here restricts the concept's application to the admittedly limited cases in which the Kekes-problem occurs (i.e., there is actual disagreement) *and* it can be solved by a joint commitment to facts. This restriction does indeed occur, but it is less harmless than it might seem. For two parties the term "fact" can in practice cover a wide range of external interventions: the calendar, the rabbi, the latest statistics, the Internet, the dictionary, the university professor, the math textbook, etc. Furthermore, some disputes might not need an external authority of this sort to decide the matter. If the Prover and the Skeptic disagree on whether the Prover can do twenty push-ups, then there is little left to do but to decide the matter by doing the twenty push-ups. Indeed, there is hardly any restriction on what two individuals can consider to be deciding "facts of the matter" given the wide variation in *epistemic cultures* (Knorr-Cetina 1999) that we see throughout institutions and cultures. This is not to say, of course, that there is no rationality in perception and that experience cannot be *hijacked* (Siegel 2017).

What happens when the Kekes-problem is encountered but there are no such facts? Does the present account fail in the case of *deep disagreements* (Popa 2022; Lavorerio 2021; Ranalli 2021)? As I have argued elsewhere, deep disagreements do not form a separate category of disagreements but rather occur whenever the Kekes-problem does occur (Popa 2022). It follows that our most complex and divisive social issues regarding constitutional rights, social problems, political issues, and moral dilemmas do not constitute a phenomenon qualitatively different from the versions of the Kekes-problem discussed here (e.g., where the Prover and the Skeptic cannot agree on the day of the week). The main difference is this:

whereas the Prover and the Skeptic in the examples given here could rely on a calendar to decide the issue, and quite naturally do so through a new joint commitment, there are no corresponding agreed-upon procedures for individuals disagreeing on questions of power, liberty, justice, and other values. Convincing is unlikely to occur on those issues and thus the concept does not really apply to those situations, because if the Kekes-problem is indeed discovered through well-directed acts of argumentation as in our examples, it is unlikely that the parties could formulate a joint commitment for an *experimentum crucis* of the kind given in the example with the calendar.

5. Conclusions: Towards a New Pragmatic Account of Argumentation

Let me sum up the points made above before I flesh out some of the consequences of this perspective. I started with the observation that the illocutionary act of argumentation is saddled with a perlocutionary act it *prima facie* cannot perform—the perlocutionary act of convincing. Why is this particular illocution–perlocution relationship problematic? Argumentation that is based on already-accepted starting points cannot convince because if the starting points are indeed already accepted, there is no disagreement to begin with. I referred to this as the “Kuhn-problem”. By contrast, argumentation that is based on starting points that are *not* accepted cannot convince because there is no acceptability to transfer from the starting points to the conclusion. I referred to this as the “Kekes-problem”. Because of these two problems, I concluded that there must be something different underneath that social practice we can surely take for granted, namely that individuals do change their minds as a result of argumentative interactions with others.

As an alternative account, I proposed that what discussants are doing in argumentative interactions where a change of mind occurs is one of two things. Either they arrive at a joint commitment they already have, thereby discovering that the apparent disagreement was no disagreement after all; or they arrive at a dead-end from which they can be saved by a new joint commitment regarding a decisive test (unless, of course, they decide to abandon the whole thing and move on despite their disagreement). In both cases, the exchange of arguments serves to discover, define (and *refine*) the parties’ positions relative to one another. The positions are in this sense “interactionally emergent” (Jacobs, Jackson, and Zhang, this volume). The parties do not start with a fully formed difference of opinion, they start with a bit of apparent misalignment, and they seek, through an exchange of arguments, to find the origin of this misalignment. Convincing, then, in the sense of a radical switch from A to non-A in one’s commitment set, only occurs in the case of a Kekes-problem solved by a joint commitment relative to external facts. This is when the parties *do something together* that decides the matter.

While this conclusion goes against standard argumentation-theoretical work in which resolving and setting a dispute are distinguished as two pragmatically different phenomena (van Eemeren and Grootendorst 2004), I do not think the idea itself is particularly new. In fact, this train of thought can be easily traced back to Plato’s *Euthyphro*, where it is noted that at least *some* discussions are such that they can only be settled by a joint experience of facts rather than through discourse:

SOCRATES: Let us look at it this way. If you and I were to differ about numbers as to which is the greater, would this difference make us enemies and angry with each other, or would we proceed to count and soon resolve our difference about this?

EUTHYPHRO: We would certainly do so.

SOCRATES: Again, if we differed about the larger and the smaller, we would turn to measurement and soon cease to differ.

EUTHYPHRO: That is so.

SOCRATES: And about the heavier and the lighter, we would resort to weighing and be reconciled.

EUTHYPHRO: Of course.

SOCRATES: What subject of difference would make us angry and hostile to each other if we were unable to come to a decision? Perhaps you do not have an answer ready but examine as I tell you whether these subjects are the just and the unjust, the beautiful and the ugly, the good and the bad. Are these not the subjects of difference about which, when we are unable to come to a satisfactory decision, you and I and other men become hostile to each other whenever we do?

EUTHYPHRO: That is the difference, Socrates, about those subjects. (Plato, Euthyphro, 7b–c).

In the same way, Perelman and Olbrechts-Tyteca (2013) delineated the realm of rhetoric as pertaining to those discussions that could not be settled through an appeal to empirical observations or the demonstrative sciences such as mathematic or formal logic. Of course, by the time Perelman and Olbrechts-Tyteca were writing, this observation served to *broadening* the by-then restricted realm of rhetoric so as to include many fields not normally assigned to it, fields such as science, law, politics, business, etc. However, perhaps without realizing it, they were continuing a tradition that supports the distinction between discussions settled by discourse and those settled non-discursively, by the joint experiences of seeing, doing, hearing, etc. Once the distinction was in place, however, argumentation theorists largely focused on the former category—understandably so, given that argumentation theorists are trained, broadly speaking, as analysts of *discourse*. However, the result of this focus had the surprising effect of restricting the field of argumentation to cases where the dispute cannot be decided (“settled”) through an *experimentum crucis*. Why is this surprising? If the Prover and the Skeptic disagree on, e.g., how many chairs there are in the next room, then if they decide to walk to the next room and decide the dispute through the joint experience of counting chairs, the event will be of little or no interest among argumentation theorists, rhetoricians, informal logicians, and the like. However, if they keep at it, through a “regulated and unimpaired exchange of arguments and criticism” (see Section 2), then the interaction is suddenly argumentation-theoretically relevant. However, surely the two are variants of the same phenomenon, namely attempting to do something about our disagreements.

Although I have not attempted to provide a full-fledged pragmatic notion of argumentation here based on this reunification of discursive and non-discursive approaches to disagreement, I think that the Kuhn–Kekes dilemma forces us to widen our perspective on argumentative interaction to include situations where it is ultimately the experience of facts, of what the parties agree to regard as “facts”, that triggers changes of mind. Yet I am afraid that even this is an old idea in philosophy. This is essentially the conclusion at which Augustine arrives in his dialogue *The Teacher*, namely that one “learns not from words but from the things themselves and his senses” (12.39, 15). The perlocutionary act of convincing thus can only be consistently related to the experience of the “things themselves”, those which the parties agree, through joint commitment, to see as decisive facts. The argumentative interaction preceding this experience is only the preparatory work.

Funding: This research received no external funding.

Data Availability Statement: Not applicable.

Acknowledgments: I would like to thank two anonymous reviewers for many useful comments on an earlier version of this paper.

Conflicts of Interest: The author declares no conflict of interest.

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Article

Do People Perceive the Disagreement in Straw Man Fallacies? An Experimental Investigation

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Abstract: So far, experimental studies on the straw man have targeted the misrepresentational dimension of this fallacy. In order to provide a more detailed understanding of the way the straw man is perceived, the focus of this paper lies on the refutational dimension. In two experiments, I will assess (1) if people are sensitive to the underlying disagreement expressed through the use of a straw man and (2) if question wording plays a role for the perception of disagreement. The results of the experiment show that participants indeed notice easily that the person performing a straw man disagrees with his opponent. It also emerges from the experiment that the difference between a positive or negative formulation of the experimental questions does not affect the perception of disagreement in the straw man. The underlying disagreement in the straw man is thus perceived either way.

Keywords: straw man; disagreement; wording effect; fallacies; empirical validation

Citation: Schumann, Jennifer. 2022. Do People Perceive the Disagreement in Straw Man Fallacies? An Experimental Investigation. *Languages* 7: 111. <https://doi.org/10.3390/languages7020111>

Academic Editors: Steve Oswald, Juana M. Licerias and Raquel Fernández Fuertes

Received: 15 January 2022

Accepted: 27 April 2022

Published: 3 May 2022

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1. Introduction

The straw man fallacy is commonly defined on the grounds of two fundamental factors: the misrepresentational and the refutational aspect (e.g., Aikin and Casey 2016; Oswald and Lewiński 2014). Whereas the misrepresentational dimension of the straw man is mainly oriented towards the form, the refutational dimension is more concerned with the function (e.g., Lewiński 2011). For there to be a straw man, two conditions have to be met. It is necessary that some type of misrepresentation of the opponent's position takes place. But this misrepresentation also has to fulfil a specific goal, which is to refute the views of the opponent. The distortion of the content thus serves as the basis of the attack that is carried out on an adversary position. Since the aim of the straw man is to refute the opponent's position, it becomes clear that the person uttering the straw man does not agree with the person they attack. A straw man fallacy thus expresses some sort of disagreement between two parties.

The straw man has mainly been investigated from perspectives adopting a theoretical angle (see e.g., Aikin and Casey 2016; de Saussure 2018; Lewiński 2011; Oswald and Lewiński 2014), but empirical approaches to the topic are increasing (Bizer et al. 2009; Schumann et al. 2019, 2021; Schumann 2022). In this paper, I address the straw man from an experimental point of view, and the aim is twofold. First, I provide an analysis of two factors in relation to the refutational dimension of the fallacy. More specifically, I investigate the perception of disagreement in straw men on the one hand and the wording effect in relation to the questions asked in the experimental design on the other hand. Second, I show how research on fallacies can benefit from more empirically oriented studies as presented in this paper.

This paper is structured as follows: Section 2 discusses the notion of disagreement in relation to argumentation in general and the straw man fallacy more specifically. Section 3 elaborates on the importance of positive and negative formulations of experimental questions and their potential impact on the way the disagreement is perceived. The experiment investigating the perceived refutational dimension of the straw man fallacy will be presented in Section 4. After a short introduction to the experiment, a detailed presentation of

the participants, the materials, the procedure, the analysis, and the results will follow, as well as a discussion of the results. I will conclude this paper with some general remarks in Section 5.

2. Disagreement in Argumentation and the Straw Man

Disagreements can be found everywhere. People disagree over political opinions, over scientific studies, and over things that are as casual as what to eat for lunch on a Monday. A disagreement can take place in written and oral form, in private and public space, in person and online, in large and small groups, and so on. When arguing, people's views and opinions diverge; they realize that part of the position they hold is incompatible with the suggestions uttered by the opposing party. In pragma-dialectical terms, argumentation is about people having a conflict of opinion, a disagreement that the parties involved in the argumentation seek to resolve in a critical discussion (e.g., [van Eemeren and Grootendorst 1992, 2004](#)). On the grounds of a disagreement, the arguers thus proceed to an argumentative exchange, acting on and reacting to the opponent's respective position and arguments. The disagreement is therefore crucial for the establishment and process of an argumentation. During a critical discussion, the argumentative exchange passes through four different stages, namely the confrontation stage, the opening stage, the argumentation stage, and the concluding stage ([van Eemeren et al. 2002](#); [van Eemeren and Grootendorst 2004](#)). Each stage entails different functions. In the first stage, i.e., the confrontation stage, the disagreement between the parties becomes apparent. This is where the parties realize that they have conflicting opinions. The expression of a disagreement is, however, not limited to the first stage of the critical discussion. According to [Tseronis \(2021\)](#), a disagreement is considered as an argumentative move that can take different forms and can occur in all stages of the critical discussion. A disagreement is initially noticed in the confrontation stage, then arguers share their disagreement with the starting points in the opening stage, exchange arguments which can be challenged and disagreed on in the argumentation stage, and they might still disagree on the outcome of the argumentative exchange in the concluding stage. As the pragma-dialectical model (see e.g., [van Eemeren and Grootendorst 2004](#)) and [Tseronis \(2021\)](#) show, disagreement is at the core of argumentation. However, there are instances of argumentation where an argumentative exchange arises for other reasons. Sometimes, people are more concerned with maintaining an agreement instead of resolving a disagreement. In these situations, the expressed arguments reinforce shared views. In regard to the straw man, [Talisso and Aikin \(2006\)](#) and [Aikin and Casey \(2022\)](#) argue that the straw man is a particularly effective argumentative move when the audience already shares the impression that the target of the straw man attack is weak. But as the works of [van Eemeren and Grootendorst \(2004\)](#) and [Tseronis \(2021\)](#) also illustrate, the presence of a disagreement does not necessarily always mean that the argumentative exchange is unreasonable. On the contrary: in an ideal case, an argumentation emerging from disagreement follows principles of reasonableness. In this line of thought, the ideal model for critical discussion provided by the pragma-dialectical framework describes an approach where normative principles such as the rules for critical discussion are required for the argumentation to remain reasonable. This entails that any violation of the principles leads to fallacious argumentative moves. In real argumentative settings, arguers seek to defend their point of view, and when the willingness to win the argumentative exchange prevails, the risk of being unreasonable increases. When arguing, the people involved always balance on a fine line between remaining reasonable and being effective. This balancing act is described as strategic maneuvering in the extended version of the pragma-dialectical framework ([van Eemeren and Houtlosser 1999](#)). Arguers derail into fallacious argumentation when they are more concerned with the rhetorical effectiveness of what they say, rather than remaining within the scope of reasonable argumentation. This goes to show that a disagreement is not unreasonable in itself, but the argumentative exchange that emerges from it can be, in cases where the arguers are driven by rhetorical effectiveness. One example for such an occurrence of unreasonable argumentation is the use of fallacies to bring across a point.

Through the use of a fallacy such as the straw man, the already existing disagreement between the parties can be highlighted or reinforced. The misrepresentation of the opponent's position serves as a basis for the refutation of said position, showing that the attacking party is in disagreement with the target of the original position. From this point of view, the refutational dimension of the straw man fallacy expresses an attack directed towards the opponent. Much like disagreement in general, the straw man fallacy is not linked to a specific stage of the critical discussion. This fallacy does not have a specific form or structure that makes it difficult to perceive it as an argument scheme, contrary to other fallacious arguments, e.g., the appeal to authority (see e.g., [Walton et al. 2008](#)). The reason behind this lies within the fact that the straw man is a fallacy operating on somebody else's argument, rather than being an argument on its own (see also [Oswald and Lewiński 2014](#)). This means that arguers can perform a straw man at any given time during the critical discussion. As a consequence, any point of view or argument uttered by the opponent can be refuted at any stage of the argumentative exchange. Seen from a pragma-dialectical perspective, fallacies hinder the continuation of a reasonable exchange and ultimately the resolution of a conflict of opinion ([van Eemeren and Grootendorst 1992](#)). When a speaker performs a straw man, they distort the original argument uttered by their opponent and use this distorted version as an attack, discrediting them and their argument in order to refute the initial position. Through this refutation, the speaker of the straw man puts the target into a position of weakness. In fact, as de Saussure describes ([de Saussure 2018](#)), they present themselves as having superior rhetorical competences compared to their opponent. In doing so, the person uttering a straw man creates an obstruction because the opponent now has to justify how the speaker of the fallacy has misrepresented their position. As a consequence, performing a fallacy on someone hinders the continuation of a reasonable critical discussion aimed at resolving the disagreement. In fact, through the refutational dimension of the straw man, the disagreement between the parties involved becomes even more apparent. The attacking person, i.e., the speaker of the straw man, shows that they do not endorse the same position by refuting what has been said initially. In other words, a disagreement between two parties can be highlighted through the use of a straw man fallacy because the refutational dimension makes the attack more explicit and increases the visibility of the arguers' conflicting opinions.

Using a straw man constitutes one of many possibilities to signal disagreeing positions in argumentative discourse. Generally, when thinking about disagreement, one of the first characteristics that comes into mind is the presence of diverging opinions. But even when people disagree and endorse two different positions, they do so with a sufficient number of elements that both interlocutors have in common ([Aikin and Talisse 2020](#), chp. 8). In other words, two persons may have opposing views, but they can generally agree on the required terms for successfully resolving their conflict of opinion, e.g., to be reasonable, to remain truthful, to verify information that has been shared. They share the same background knowledge and principles. Consider the following scenario: Erin and Melissa talk about their favorite movie director, namely Quentin Tarantino. They disagree over the year in which Tarantino's recent movie, *Once upon a time in Hollywood*, was released. Erin defends the position that the COVID-19 pandemic had already started, whereas Melissa is convinced that the movie was in theatres the year before the pandemic. After exchanging arguments for a while and not reaching an agreement, they turn to the Internet Movie Database (© Imdb.com Inc., Seattle, WA, USA) in order to verify the date of release. Through the information provided by this platform, they are able to find out the precise release date and reach an agreement in the discussion. In this case, the disagreement can be resolved because both persons involved in the critical exchange turn to an independent source of information through which they are able to access the facts. Sometimes, however, the frontiers between both parties are more extreme and the disagreement rips a deep gap between the arguers and their positions. For [Shields \(2018\)](#), a deep disagreement arises when two parties have a fundamentally different understanding of the same concept. This entails that the argumentative exchange around it is construed

on different principles. Consequently, there is no apparent solution to the disagreement as a general consensus on the background of the concept (e.g., the exact release date of a movie, as mentioned above) is lacking. Aikin and Talisse (2020, chp. 8) approach the notion of deep disagreement from a similar perspective and consider that such a type of disagreement arises when the people involved in an argumentation do not only disagree on the arguments and opinions expressed in the argumentative exchange, but also on the factors that determine the disagreement. In these cases, it becomes difficult to find common ground, and the people arguing are often not willing to make concessions or to accept opinions diverging from their own. Yet, the depth of a disagreement has to be seen as a scalar notion, as Aikin (2019) explains. Some disagreements might be deeper than others. However, even during the deepest of disagreements, parties agree on one aspect, namely the fact that they disagree. Consequently, a disagreement cannot reach an absolute depth (Aikin 2019; Aikin and Talisse 2020). They can, however, reach depths where the arguers deviate from reasonable argumentation. The persons involved in the argumentative exchange are not always able to successfully defend their position, which can lead them to use arguments that are dialectically flawed and thus more oriented towards the pursuit of rhetorical gains and effectiveness. Fallacies can be a product emerging from these circumstances. Consequently, using fallacies to express a disagreement can be a manifestation of its depth. The deeper the disagreement becomes, the more difficult it gets to find reasonable arguments that are accepted by the opponent. For this reason, one might be tempted to commit a fallacious reasoning in order to get their views across. Fallacies such as the straw man can therefore arise from a context of deep disagreement and can be used to express and reinforce these types of diverging opinions. This fallacy is based on a misrepresentation of the opponent's position in order to more easily refute it (see e.g., Aikin and Casey 2016; Oswald and Lewiński 2014). Through the refutational dimension, the attacking party shows that they disagree with the position expressed by the opponent. The issue with fallacies such as the straw man is that they do not only express a disagreement, but they do so in an erroneous way. The fact that the straw man distorts the opponent's initial viewpoint in the argumentative exchange hinders a rational continuation of the discussion and hinders a resolution of the disagreement. It does so by opening room for a discussion on the principles of reasonable argumentation. The argumentative exchange is thus not exclusively focused on factual aspects anymore, but has the potential to deviate into a discussion about the elements required for sound reasoning and argumentation. It can become meta-argumentative, resulting in an argument about the argument (Finocchiaro 2011; see also Oswald and Lewiński 2014 for their discussion of the straw man's meta-discursive aspect). The problem with the use of fallacies such as the straw man in argumentative exchanges is that they are not a tool for resolving a difference of opinion. On the contrary: they might actually deepen the disagreement even further.

The perception of disagreement in the context of straw man fallacies has not been tested so far. Even though experiments such as those conducted by Schumann et al. (2019, 2021) have shown that participants easily spot fallacious statements, they never explicitly tested whether participants also detected the underlying disagreement between the interlocutors. Consequently, it remained unclear whether people were sensitive to the disagreement underlying the straw man. However, as the fallacious nature of the straw man was always perceived more negatively (see Schumann et al. 2019, 2021), it seems probable that the participants noticed the underlying disagreement between the person uttering the straw man and the target. To remove the room for speculation and to provide solid answers, an experiment aimed at the refutational characteristic of the straw man was in order. The aim of this paper is therefore to focus in-depth on the more function-oriented side of the straw man, showing that participants are aware of the disagreement between the interlocutors when straw men are used.

3. The Role of Question Wording for the Perceived Agreement

One aspect that must also be considered when conducting experimental studies is the way the experimental questions used in a survey are formulated. A number of studies (e.g., [Kaltan et al. 1978](#); [Kamoen 2012](#); [Rugg 1941](#); [Rugg and Cantril 1942](#); [Schuman and Presser 1977](#)) have investigated the role of question wording in polls targeting public opinion. These studies were interested in the way the wording of the selected questions may influence the attitude people have towards a certain aspect. Questions can be formulated with a positive wording or a negative wording (e.g., *agree/disagree*, *allow/forbid*, *yes/no*, etc.). Studies on question wording assess if and how the type of formulation affects the attitudes reflected in the participants' answering patterns. The results of these studies have been mixed: whereas some studies have found an effect (e.g., [Rugg 1941](#)), showing that negative question wording leads to stronger impacts on attitudes, others have not found any effect at all (e.g., [Bishop et al. 1988](#)).

In recent studies, [Kamoen \(2012\)](#) and [Kamoen et al. \(2011\)](#) have provided extensive work in order to understand the cognitive underpinnings of the question wording effect. They assessed the processes that conduct to different answering patterns for positively and negatively formulated questions. In an eye-tracking experiment, [Kamoen et al. \(2011\)](#) investigated the cognitive processes that are activated when answering attitude questions by assessing at which stage of the process—the comprehension-retrieval stage (understand and combine information) or the mapping stage (selecting an answer)—the wording effect takes place, as well as the role of different words pairs and scale size on the effect. To comprehend how question wording influences the responses given by a person, it is important to understand how the processes of the first stage impact the formation of a judgment and consequently the answering choice in the second stage. The aim was therefore to assess whether the wording effect takes place during the first or the second stage. The researchers designed two versions of the same experiment working with 4 question-clusters that included either a 2-point scale with the options *yes* or *no* or a 5-point scale with *agree* and *disagree* at both extremes, as well as positive and negative wording of different words pairs ([Kamoen et al. 2011](#)). This enabled them to test for the influence of scale size and word pairs on the attitudes. The results showed that the wording effect had an impact on both versions, but they also highlighted that the effect is much stronger in the case of 2-point scales and less consistent for 5-point scales ([Kamoen et al. 2011](#), pp. 369–75). In respect to the processing time, the researchers did not find any significant difference between the reading times either for positive and negative wording in the questions or for the answers on either scale ([Kamoen et al. 2011](#), pp. 369–75). However, [Kamoen et al. \(2011, pp. 369–75\)](#) found that people were more likely to reread a question that was formulated in a negative manner, which led to the conclusion that answering was more difficult on negative questions, leading to an increased difficulty in the mapping stage. Overall, the eye-tracking experiment by [Kamoen et al. \(2011\)](#) showed that the wording effect is not unequivocally proven. There are some aspects that point towards its existence, notably in the case of 2-point scales, but the results cannot be generalized. The data have shown that there are no processing differences when it comes to the comprehension-retrieval stage as reading times were comparable, but the effect seems to be more associated with the mapping stage.

Question wording has been shown to be a factor contributing to the perception and evaluation of content in surveys for the most part. So far, the experimental studies on the straw man (see [Bizer et al. 2009](#); [Schumann et al. 2019, 2021](#)) have not assessed the role of question wording in relation to the perception of the fallacy. As the effect cannot be generalized, I decided to investigate how question wording affects the perception of disagreement in straw men. This paper focuses on the perceived disagreement in straw man fallacies, i.e., the people's ability to spot that the speaker of the straw man does not endorse the same opinion as their target. Asking about the perceived disagreement represents a negative formulation. To assess a possible wording effect, the results needed to be compared to a more positive formulation targeting the perceived agreement.

4. Experiments Testing the Perceived Refutational Dimension

This section presents two experiments that specifically targeted the refutational dimension of the straw man: one experiment investigated the perceived agreement between the speaker and the target of the straw man, and one experiment assessed the perceived disagreement between both interlocutors. The aim of the experiment was to show that participants are able to spot the disagreement between the interlocutors and to investigate whether the wording of the questions guides the evaluation of the perceived disagreement.¹ As the previous experiments of Schumann et al. (2019, 2021) have demonstrated, participants are sensitive to straw man fallacies, as they always attributed lower scores when asked about their degree of agreement with the person who uttered the misrepresentation. Given this result, I argue that the detection of fallacies may also be related to the people's competence in detecting an underlying disagreement between the interlocutors. The experiments described in this section investigate the hypothesis that participants detect the disagreement between the interlocutors, leading to lower scores for fallacious compared to non-fallacious items.

The second aspect investigated in the experiments is the role of question wording for the perception of disagreement. Using a positive or negative formulation for the questions may also potentially affect the perception of disagreement in the context of fallacious argumentation. If the wording effect obtains in the case of straw man fallacies, the questions targeting the perceived disagreement will lead to lower scores than the questions targeting the perceived agreement.

Taken together, these two dimensions will provide an empirically grounded insight into the refutational dimension of the straw man fallacy. It will demonstrate that people are not easily fooled, and that they are able to detect a disagreement between two interlocutors. In order to assess these elements, the following sub-sections will provide an overview of the experimental design and discuss the results obtained from the studies.

4.1. Participants

For the experiment targeting the perceived agreement, I recruited 37 French-speaking participants (14 female and 1 non-binary, mean age: 31, age range: 18–62) on the crowdsourcing platform Prolific© (Prolific, Oxford, UK). Each participant was rewarded £1.88 for their participation. At the beginning of the study, the participants were asked to give their informed consent. On average, participants completed the task in 20 min. For the experiment aiming at the perceived disagreement, 38 French-speaking participants (16 female, mean age: 30, age range: 18–55) were recruited via the crowdsourcing platform Prolific© (Prolific, Oxford, UK). All participants received £1.88 for participating in the study. Each participant was asked to give their informed consent before starting with the experimental task. Participants needed 21 min on average to complete the study.

4.2. Materials

The materials for both experiments consisted of the same 40 dialogues that Schumann et al. (2019, 2021) used for their previous studies. Each dialogue contained two turns: the first, illustrated in 1., was expressed by Barbara and remained unchanged through all experimental conditions.

1. Barbara: Il est crucial de mieux soutenir les jeunes parents parce qu'avoir un enfant signifie beaucoup de charges financières.

Barbara: It is crucial to better support young parents because having a child means having a lot of financial responsibility.

Barbara's statement always introduced a standpoint in the first segment "It is crucial to better support young parents" and an argument in the second segment "having a child means having a lot of financial responsibility". The argument was linked to the standpoint via the causal connective *parce que* (*because* in English).

The second turn of the dialogue, illustrated in 2. to 5., was always expressed by a person named Alexandre and could appear in four different conditions. The first condition in 2. constitutes a case of straw man, where the fallacious argument is introduced with the causal connective *puisque* (closest to *since* in English).

2. Alexandre: Augmentons les allocations familiales *puisque* on ne pense qu'à l'argent.
Alexandre: Let's raise the family allowance since it is only about the money.

In the first segment, "Let's raise the family allowance", Alexandre introduces a possible consequence of the argument provided by Barbara. This segment remained identical throughout all experimental conditions. The second segment, "it is only about the money", represents a distorted argument based on Barbara's initial argument. The second segment constitutes a fallacious reformulation, resulting in an exaggeration and thus amounting to a straw man. The same sentence was used for the second condition, which therefore also represents a case of straw man, but this time, as illustrated in 3., the fallacious argument was presented without a connective, indicating the causal coherence relation between the segments.

3. Alexandre: Augmentons les allocations familiales. On ne pense qu'à l'argent.
Alexandre: Let's raise the family allowance. It is only about the money.

The third experimental condition, illustrated in 4., is a non-fallacious reformulation of the argument expressed by Barbara.

4. Alexandre: Augmentons les allocations familiales *puisque* les parents sont sous pression économique.
Alexandre: Let's raise the family allowance since the parents are under economic pressure.

Again, the first segment remains unchanged. The critical element is located in the second segment, in this case a possible reformulation introduced with a connective explicitly marking the causal coherence relation. The fourth condition, illustrated in 5., is the same sentence as presented in 4., but the segments are juxtaposed instead of linked with a connective.

5. Alexandre: Augmentons les allocations familiales. Les parents sont sous pression économique.
Alexandre: Let's raise the family allowance. The parents are under economic pressure.

The four experimental conditions were attributed to four different lists using a Latin square design, so that every participant only saw one of the conditions per item. The participants were asked to read 10 items per condition, amounting to 40 dialogues in total. The experiments on the perceived agreement and the perceived disagreement took place separately, meaning that participants only responded to questions targeting either the agreement or disagreement between interlocutors.

4.3. Procedure

The experiment was set up on the Qualtrics© (Qualtrics LLC, Provo, UT, USA) platform and distributed to the participants through a weblink on the crowdsourcing platform Prolific© (Prolific, Oxford, UK). At the beginning of the experiments, the participants received some general information on the study: they were told that were about to read forty dialogues of various contents between two persons named Barbara and Alexandre and that they would be asked four questions for every dialogue. The participants were instructed to carefully read the dialogues and to respond spontaneously to the questions, as there were no right or wrong answers. After giving their informed consent to participate in the study, some socio-demographic questions (gender, age, native language, place of residence) followed. To familiarize the participants with the experimental task, they were shown two exemplary dialogues. The explanations to the examples not only provided specification on how to read the dialogues, but also introduced the concepts of proposal and reason that were used to formulate the questions. From there, the participants moved

on to the experiment part, during which they read forty dialogues about various topics. The dialogues appeared in a randomized order, and the participants were asked to evaluate each of them on the basis of four questions. The answers were given on a 6-point Likert scale ranging from “non, pas du tout” (i.e., ‘no absolutely not’) to “oui, tout à fait” (i.e., ‘yes, absolutely’). It was also possible to select an additional option, namely “je ne sais pas” (i.e., ‘I don’t know’), if the participants were not able or did not want to give an answer.

Whereas the items remained the same, the questions changed between both experiments. This choice was made to compare the effect of a more positive formulation of the questions, targeting the degree of agreement between Barbara and Alexandre, with the impact of a more negative formulation, targeting the degree of disagreement between both speakers. In the first experiment, the participants were asked about the perceived agreement between the interlocutors. The first question illustrated in 6. targeted the perceived agreement of Alexandre with the standpoint, i.e., the first segment of Barbara’s initial statement.

6. Selon sa réponse, est-ce qu’Alexandre semble en accord avec la proposition de Barbara?

Based on his response, does Alexandre seem to be in agreement with Barbara’s proposal?

The second question presented in 7. aimed at the perceived agreement of Alexandre with Barbara’s argument expressed in favor of the standpoint, i.e., the second segment of the initial standpoint.

7. Selon sa réponse, est-ce qu’Alexandre semble en accord avec la raison donnée par Barbara ?

Based on his response, does Alexandre seem to be in agreement with the reason given by Barbara?

The results of the study presented in [Schumann et al. \(2019\)](#) illustrated that the degrees of acceptability for straw men based on a misrepresentation of the standpoint were lower compared to the acceptability of straw men construed on the basis of a distortion of the argument. In other words, the participants were more inclined to accept a misrepresentation of the argument, as it only reflected a doubt of the argument supporting a position and not the position in itself. The experimental design in the present paper takes this distinction into account by asking specifically for the perceived agreement between Alexandre and Barbara’s standpoint, as shown in 6., or the argument, as shown in 7. In the second experiment, the participants were asked about the perceived disagreement between the interlocutors, Barbara and Alexandre. As can be seen from the first question illustrated in 8., the wording remained the same, with the exception that the word *agreement* was replaced with the word *disagreement*. Again, the first question targeted the perceived disagreement between Alexandre’s and Barbara’s point of view.

8. Selon sa réponse, est-ce qu’Alexandre semble en désaccord avec la proposition de Barbara?

Based on his response, does Alexandre seem to be in disagreement with Barbara’s proposal?

The question shown in 9. is the negative counterpart to the question presented in 8. Here, the focus lies on the perceived disagreement between Alexandre and Barbara’s argument.

9. Selon sa réponse, est-ce qu’Alexandre semble en désaccord avec la raison donnée par Barbara?

Based on his response, does Alexandre seem to be in disagreement with the reason given by Barbara?

As discussed above, it has been shown in [Schumann et al. \(2019\)](#) that a misrepresentation of the argument, which in this case was based on a less plausible rephrasing of the initial content, is better accepted than a misrepresentation based on a standpoint. In a first scenario, the perceived disagreement with the standpoint could lead to higher scores,

meaning that people have stronger attitudes towards the disagreement when it comes to their perception of the overall position. As a disagreement with the standpoint entails a higher rupture with the original position, it could result in more visibility and thus lead to a stronger impact on the attitudes expressed in relation to the perceived disagreement. In other words, the disagreement could become more visible. In the second, more probable scenario, people could react more strongly when the experimental questions aim at the argument. In this case, the overall position is not negated, and the disagreement focuses on the element linked to the initial position. The disagreement with the opponent’s argument thus appears to be more tangible and less invasive rather than a disagreement with the opponent’s standpoint. However, people are expected to detect the disagreement in straw men in either case, i.e., with the standpoint or the argument.

4.4. Analysis and Results Targeting the Perceived Agreement

The analysis was performed with a $2 \times 2 \times 2$ mixed ANOVA with two within-subject factors, i.e., the type of argument (fallacious vs. non-fallacious) and the use of *puisque* (present vs. absent), as well as one between-subject factor (agreement vs. disagreement).² Only answers given on a scale from 1 to 6 were included in the data, as the additional option ‘I don’t know’ was treated as missing data.

The scale used for the experiment on the perceived disagreement was the same as the one used for the experiment on the perceived agreement. As a consequence, the polarity of the highest and lowest point of the scale regarding the agreement was inverted compared to the same scale targeting the disagreement. In other words, if participants were convinced that Alexandre agrees with Barbara, they should respond ‘yes, absolutely’ to the question ‘Based on his response, is Alexandre in agreement with Barbara’s proposition’, but because of the reverse value due to the negative wording, they should respond ‘no, absolutely not’ to the question ‘Based on his response, is Alexandre in disagreement with Barbara’s proposition’. For better comparison between the experiments, I thus converted the scores obtained in the experiment, targeting the perceived disagreement. I used ©SPSS Statistics (IBM Corp., Armonk, NY, USA), applying the rule shown in 10:

$$10. \text{ Converted Score} = 7 - \text{Old Score}$$

To compute the new score, the old score is subtracted from a value that is 1 higher than the highest value of the scale (6-point scale, thus 7).

Table 1 contains the means and standard deviations for the experiment that targeted the perceived agreement and disagreement between Barbara and Alexandre.

Table 1. Means and SD of the perceived agreement/disagreement between the interlocutors.

	Agreement		Disagreement	
	Mean	SD	Mean	SD
Question 1: Proposition				
Fallacious argument with <i>puisque</i>	4.48	0.74	4.29	0.66
Fallacious argument without <i>puisque</i>	4.48	0.69	4.43	0.68
Non-fallacious argument with <i>puisque</i>	4.73	0.59	4.56	0.65
Non-fallacious argument without <i>puisque</i>	4.68	0.69	4.63	0.63
Question 2: Reason				
Fallacious argument with <i>puisque</i>	4.05	0.71	3.87	0.79
Fallacious argument without <i>puisque</i>	4.22	0.73	4.00	0.72
Non-fallacious argument with <i>puisque</i>	4.75	0.67	4.46	0.74
Non-fallacious argument without <i>puisque</i>	4.76	0.69	4.63	0.59

On the first question targeting the agreement between Alexandre and Barbara’s proposal, the results showed a significant effect for the type of argument. Participants perceived higher agreement scores between the interlocutors for non-fallacious statements (M = 4.65) compared to fallacious statements (M = 4.42) [$F(1, 74) = 27.41, p < 0.001$]. For the second

factor, i.e., the role of the connective *puisque* as a marker of disagreement, no effect emerged [$F(1, 74) < 1$]. Additionally, the analysis did not return any significant effect for the between-subject factor, namely the question wording [$F(1, 74) < 1$]. Furthermore, the analyses did not reveal any type of interaction between any of the following factors: type of argument * wording [$F(1, 74) < 1$], connective * wording [$F(1, 74) = 1.74, p = 0.191$], type of argument * connective [$F(1, 74) < 1$], type of argument * connective * wording [$F(1, 74) < 1$].

For the question aiming at the agreement between Alexandre and Barbara's reason, the pattern is similar to the previous question. Participants attributed higher agreement scores in cases of non-fallacious statements ($M = 4.65$) compared to their fallacious counterparts ($M = 4.04$) [$F(1, 74) = 110.79, p < 0.001$]. The results of the connective *puisque* show that arguments were better accepted when they were simply juxtaposed to the previous segment ($M = 4.4$) instead of being introduced with a connective ($M = 4.28$) [$F(1, 74) = 4.12, p = 0.046$]. As for the between-subject factor, namely question wording, no effect emerged [$F(1, 74) = 2.41, p = 0.125$]. As for the first question, no interaction effects were found between any of the following factors: type of argument * wording [$F(1, 74) < 1$], connective * wording [$F(1, 74) < 1$], type of argument * connective [$F(1, 74) < 1$], type of argument * connective * wording [$F(1, 74) = 1.34, p = 0.251$].

4.5. Discussion

Before I discuss the results of the experiments presented in this paper in detail, I briefly recapitulate the two main findings. The results of the experiment targeting the perceived agreement between the speaker and the target of the straw man fallacies demonstrated a significant effect between statements containing a straw man and statements containing a non-fallacious reformulation. For both experimental versions (i.e., the between-subject factor, namely agreement and disagreement), participants attributed higher scores on the agreement-scale when there was no straw man present. The effect obtained on both questions. Overall, both questions on both versions of the experiment clearly demonstrated that the diverging opinions of the interlocutors in the dialogues were perceived more strongly in cases of fallacious arguments.

The results of the between-subject factor did not show any significant effects. There was no notable difference between the score relating to the type of argument (fallacious or non-fallacious) in the agreement and the disagreement version. Overall, this means that the question wording did not lead to significantly different results.

The results of the experiments presented in this paper were able to demonstrate that people are sensitive to the disagreement expressed through the use of a straw man fallacy. Throughout both experimental versions, participants were more likely to notice a disagreement when the speaker performed a straw man fallacy on their opponent. The fact that people actually notice the presence of a disagreement, and that they are aware of the fact that a straw man entails some kind of attack, supports previous findings. With the experiments in this paper, it has been shown that the people's preference for non-fallacious statements as shown in Schumann et al. (2019, 2021) also reflects their general capability of more easily detecting a disagreement when the speaker performs a straw man on his opponent. This result is due to the structure of the straw man itself, as the refutational dimension is expressed through the misrepresentational aspect (Aikin and Casey 2016; Oswald and Lewiński 2014). The fact that the attacker distorts the original content indirectly conveys their disagreement with the original position at the same time. In addition, a misrepresentation of the opponent's position puts an emphasis on the disagreement, as it not only shows that the interlocutors do not endorse the same position, but it also entails a critique towards the original position. Using such a fallacy has negative repercussions on the target of the straw man attack, as it conveys the impression that the target is less competent (see also de Saussure 2018; Oswald and Lewiński 2014). Through the refutation of the target's stance, the disagreement is further deepened, as it is implied that the position held by the target does not take into account an important aspect that is brought forward

by the misrepresented position of the attacker. Therefore, the results of the experiments indicate that the disagreement between the interlocutors might be perceived as deeper in cases of straw men compared to non-fallacious versions. It also emerged from the experiment that the overall agreement scores for the fallacious formulations were relatively high. In other words, people perceive that the person committing a straw man disagrees with their target, but they still attribute high scores on the agreement scale. This aspect might be related to the fact that the straw man fallacy appears to be effective in the sense of a winning argumentative move (see [de Saussure 2018](#)). The overall high agreement could therefore reflect the rhetorical competences of the speaker of the fallacy. However, in order to gain more insight into this aspect, it would be necessary to include a measure focusing on the reason why participants attribute such high agreement scores in cases of fallacious arguments. In sum, the experiments demonstrate that people are not only sensitive to manipulations concerning the misrepresentational dimension of the straw man fallacy as illustrated in previous work, but also to the refutational dimension of the straw man.

The experiments performed and presented in this paper were not able to replicate the effects of question wording in the context of perceived disagreement in straw man fallacies. The positive or negative wording of the experimental question did not lead to significant differences in perception. Different explanations for this result are possible. People's opinions might depend on the solidity of their mental context, which is based on three aspects: the standard of judgement, the frame of reference, and the attitude ([Cantril 1941](#); [Rugg and Cantril 1942](#)). According to the explanation offered by [Rugg and Cantril \(1942\)](#), people with a solid standard of judgement and frame of reference, i.e., people with a strong set of values and rigid principles, are less likely to be influenced by the wording of questions when asked about their attitudes towards the topic at stake. In these cases, their own attitudes are more strongly based on higher values that are less permeable to external influences such as the positive or negative orientation of questions.

Another aspect that might explain the lack of effect found for the wording of the questions in the present experiment could be anchored in the design of the scales used to evaluate the statements. The evaluation was based on 6-point Likert scales, which ensured that participants had the possibility of giving a more nuanced opinion. Overall, this enabled more variability across the responses. The results obtained from the experiments presented in this paper can be linked to previous studies that considered the scale-size in respect to the question wording, such as [Kamoen et al. \(2011\)](#). From their results (see Section 3), it appears that a larger scale leads to more nuanced effects compared to binary scales. This would explain why the wording effect did not emerge in the experiment using 6-point Likert scales.

A third aspect that might explain the absence of an effect can be found in the experimental task. The participants were asked to evaluate the agreement or disagreement between two interlocutors. This means that it was not about the participants' own opinions and attitudes towards an expressed content, but that they were asked to judge the attitude of someone else. Typically, the studies conducted by [Cantril \(1940\)](#) or [Kamoen \(2012\)](#) targeted the participants' own attitudes towards the presented content. In the experiment presented in this paper, the participants were not personally involved in the opinion-building but had to evaluate the opinion built by the person performing a straw man and the attacked person. The provided explanations give us some direction as to how to interpret the lack of wording effect in the experimental context discussed in these experiments, but further investigations need to be conducted in order to more accurately explain the obtained results.

5. Conclusions

In conclusion, this paper has shown that people are aware of the refutational dimension of the straw man. The results clearly indicate that people notice the disagreement between the interlocutors when a speaker misrepresents their opponent's position and performs a straw man fallacy on them. The experiments presented in this paper have shown that people

perceive disagreement regardless of the way the experimental questions are formulated. Even when the formulation of the questions was oriented in a more positive way, focusing on the perceived agreement between the interlocutors in the dialogue rather than the disagreement, people were aware of the underlying attack and noticed the disagreement between both parties. This demonstrates that people notice the underlying function of the straw man, which is one of attack and refutation. This finding is reassuring and illustrates that people perceive the dichotomous characteristics encoded in a straw man fallacy. People are therefore not easily fooled and more perceptive than one might presume (see also Mercier 2020). On a more general level, the experiments conducted in this paper provide a more complete picture of the straw man. They show that, in addition to the people's ability to detect the presence of straw man fallacies and the importance of the linguistic formulation for their acceptability, there is an awareness linked to the refutational dimension as well. It thus demonstrates that both characteristics of the straw man can be tested in experimental settings. However, the experiments on the refutational dimension of the straw man also illustrate the need for further investigations into aspects such as the role of question wording for the refutational dimension of the straw man fallacy.

On a more general level, research as presented in this paper shows that approaches combining methodologies from experimental pragmatics and argumentation can be fruitful for a better understanding of the way fallacies such as the straw man are perceived. This type of study provides a more fine-grained analysis of specific factors such as the perception of disagreement or the wording effect on the basis of empirical data. It shows that a variety of aspects can be put to the test for empirical validation. Overall, this paper contributes to the research on straw man fallacies and shows the immense potential of experimental approaches to the study of fallacies in general.

Funding: This research received no external funding.

Institutional Review Board Statement: Ethical review and approval were waived for this study, due to the non-invasive nature of the study and the resulting absence of risks.

Informed Consent Statement: Informed consent was obtained from all subjects involved in the study.

Data Availability Statement: The data presented in this study are available on request from the author.

Conflicts of Interest: The author declares no conflict of interest.

Notes

- ¹ The experiment also targeted a third variable, namely the role of the causal connective *puisque* (closest to English *since*) as a linguistic marker highlighting the disagreement. In Schumann et al. (2019, 2021), using *puisque* to introduce a fallacious argument raised the awareness towards the fallacious content and consequently led to lower acceptability rates for straw men. In addition, this connective conveys a tacitly negative attitude (Schumann et al. 2021; Franken 1996; Zufferey 2014). On the basis of these aspects, I argued that *puisque* could reinforce a disagreement expressed by straw men. The results of the experiments did not support this assumption. Since this variable was part of the experimental design, the materials and the means of all conditions including this dimension will be presented in order to provide a complete picture of the study, but it will not be discussed further in the analysis or the discussion.
- ² This section reports the means and standard deviations for all conditions, but only the type of argument and the wording will be addressed further.

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Article

Argumentation in the Interpretation of Statutory Law and International Law: Not *Ejusdem Generis*

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Abstract: This contribution bridges three fields—pragmatics, argumentation, and law. Arguments can be seen as the verbal formulation of inferences that articulate justificatory relationships, meaning that behind every argument is at least one argumentative inference. As an argumentative activity and verbal practice, legal discourse has gaps to be filled by pragmatic inference. Neo- and post-Gricean frameworks can thus tentatively be used for its analysis. Based on these frameworks, this contribution asks whether argumentation in the interpretation of statutory law is the same as in international law. More precisely, it looks at judges' legal interpretations, which function as justifying arguments because they are constrained by rules/canons of interpretation. It is shown that neither a pragma-dialectical hierarchy of statutory canons nor a hierarchy of related presumptions carries over to international law where there is no such hierarchy.

Keywords: pragmatics; neo-Gricean pragmatics; relevance theory; argumentation; pragma-dialectics; legal interpretation; international law; rules of interpretation; statutory law

1. Introduction

This contribution bridges three fields—pragmatics, argumentation, and law—thereby adding to the growing literature on this threefold interface (e.g., [Feteris 2017](#); [Feteris et al. 2009](#); [Macagno et al. 2018](#); [Skoczeń 2013](#); [Walton et al. 2021](#); [Walton et al. 2016](#)). From this perspective, “arguments can be seen as the verbal formulation of (cognitive) inferences which articulate various kinds of justificatory relationships” ([Oswald et al. 2018](#), p. 11). This means that behind every argument is at least one argumentative inference (*ibid.*, p. 11). Many researchers agree that the law has gaps that need to be filled by pragmatic inference ([Capone 2015](#), p. 387; see also, e.g., [Carston 2013](#); [Giltrow and Stein 2017](#); [Skoczeń 2019](#)).

Several authors in the field of legal interpretation and argumentation conceive of the law as an “argumentative activity” ([Feteris 2017](#), p. 18). Argumentation is typically a verbal practice; reliance on linguistic or pragmatic approaches is thus, in principle, legitimated ([Oswald et al. 2018](#), p. 11). In other words, since argumentation is one particular type of communication, neo-Gricean ([Skoczeń 2019](#)) and post-Gricean frameworks can tentatively be used for pragmatic ([Carston 2013](#); [Smolka and Pirker 2016](#)) and rhetorical analysis ([Oswald 2007, 2016](#), p. 25). This contribution takes a descriptive perspective and looks at argument acceptability, effectiveness, and persuasiveness ([Oswald et al. 2018](#), p. 11) in legal argumentation. In this context, it assesses the merits of different pragmatic approaches to argumentation in legal interpretation, identifies problems with neo-Gricean approaches in international law, and suggests a post-Gricean account as an alternative.

The contribution compares argumentation in statutory law—with an illustrative focus on U.S. law—to international law because the latter is often either neglected in favor of the former (see e.g., [Carston 2013](#); [Feteris 2008](#); [Macagno et al. 2018](#); [Skoczeń 2019](#)) or viewed through a national law lens ([Slocum and Wong 2021](#)). A focus on particular fields of law is important because different fields use specific methods of interpretation ([Feteris 2017](#), p. 14). There are, however, two reasons why the focus of this contribution cannot be entirely reduced to specific jurisdictions or courts. First, this contribution assesses two prominent

Citation: Smolka, Jennifer. 2022. Argumentation in the Interpretation of Statutory Law and International Law: Not *Ejusdem Generis*. *Languages* 7: 132. <https://doi.org/10.3390/languages7020132>

Academic Editor: Steve Oswald

Received: 30 November 2021

Accepted: 7 May 2022

Published: 24 May 2022

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pragmatic approaches to argumentation in statutory interpretation: pragma-dialectics (PD) and the approach developed by Macagno, Sartor, and Walton (see e.g., [Walton et al. 2021](#)). These approaches both draw on [MacCormick and Summers \(1991b\)](#), who—while highlighting differences between (national) jurisdictions—inferred, from the practices of legal justification in several countries, a “universalist” ([Feteris 2017](#), p. 12) preferred order for the use of forms of interpretative arguments. Second, the aforementioned prominent pragmatic approaches to argumentation in statutory interpretation refer, at times, to different international legal orders, such as EU law, and courts, such as the ECJ, to which this contribution responds as part of its assessment. While international legal orders—such as the EU legal order, the United Nations legal order, or the Eurasian Economic Union (EAEU) legal order—are inherently different, they all, in some instances, use the rules of interpretation provided by the Vienna Convention on the Law of Treaties (VCLT).¹ These rules may be regarded as similarly “universalist”—in the sense that these methods are accepted by an “overwhelming majority” of international courts, including the ICJ, and are deemed to “apply to *all* sources of international law” ([Ammann 2020](#), pp. 192–93). Furthermore, these methods are congruent with methods of statutory interpretation (*ibid.*, p. 195). While some authors argue that selected regimes of international law are governed by methods that depart from the VCLT, other authors point out that what varies “is not the method *per se*, but the type of interpretative material that is available in different regimes of international law” (*ibid.*, p. 197). This contribution, therefore, compares the rules of interpretation of the VCLT with the aforementioned preferred order of rules of interpretation in statutory law (with an illustrative focus on U.S. law). For reasons of space, only one illustrative example from the ICJ is discussed.

This contribution looks at communication between the international lawmaker and the court which must decide a specific case by applying the applicable legal rules.² This legal context of communication is twofold. First, it equals in the terms of pragma-dialectical argumentation theory the communication between the international lawmaker and the court. Second, it equals “the *concluding* stage in which the judge establishes the *final result* of the [critical] discussion by giving a reasoned decision” ([Feteris 2017](#), p. 217). This decision is also called the judge’s interpretation ([Feteris and Kloosterhuis 2009](#), p. 318). In it, the judge “establishes which party is justified in maintaining its position in the dispute”; that is, whose claim is justified on the basis of the law ([Feteris 2017](#), p. 223). The judge has multiple audiences which consist of not only the parties but also of higher judges, other lawyers, and the legal community as a whole ([Feteris and Kloosterhuis 2009](#), p. 322). In order to persuade this audience of the acceptability (*ibid.*, p. 321) of his or her interpretation, the judge will present arguments in support of this decision (*ibid.*, p. 322).

Legal interpretations thus function as “justifying arguments” ([MacCormick and Summers 1991a](#), p. 532) because they are constrained by the methods of interpretation or, in international law, by the so-called “rules of interpretation” (for an overview, see [Pirker and Smolka 2017](#), pp. 250–53).³ Section 2 introduces prominent rules of interpretation in international law and asks whether the claim by PD that there is generally a hierarchy of (statutory) rules of interpretation ([Feteris 2017](#), p. 231) applies to international law.

The rules of interpretation are explicitly formulated but, for the most part, are not graded or hierarchically organized (cf. [Gardiner 2010](#), p. 141), and often, they are not explicitly referred to; that is, judges need not enter into every claim—or may not refer to a rule by its name (cf. [Baetens 2019](#), p. 143)—nor formulate their reasoning directly or explicitly, “provided that the reasons on which the judgment is based are apparent” ([Protz 1991](#), p. 309). Due to this similarity to (neo-)Gricean maxims, Section 3 discusses whether the rules of interpretation in both international and statutory law can be translated into such maxims. Section 4 asks whether [Macagno et al.’s \(2018\)](#) claim that one type of maxim is to be considered a meta-maxim (*ibid.*, p. 103) to which all other maxims are subordinated (*ibid.*, p. 108) holds in international law—and, by extrapolation, in the field of law as a whole. Section 5 briefly presents an international law example and the tentative conclusion: Argumentation in the interpretation of statutory and international law is not the same, at

least from a theoretical normative standpoint. Due to its more ambiguous nature (Tumonis 2012, pp. 132–33), international law might be better modeled by a relevance-theoretic framework than a neo-Gricean framework.

The most important insight this contribution delivers is—as its title indicates—that prominent pragmatic theories of argumentation do not neatly apply to international law. Secondary to this finding is that this particular field of law might, therefore, be better modeled by a different pragmatic theory. For reasons of space, a few principled considerations of why the prominent post-Gricean framework of relevance theory (RT) appears more suitable in this context must suffice. RT claims that (neo-)Gricean maxims are somewhat superficial manifestations of the twofold relevance-theoretic principle of “relevance”, that is, first, the claim that human cognition is oriented towards maximizing relevance, and second, that utterances create expectations of optimal relevance (Carston 2013, pp. 16, 28). Optimal relevance refers to “an implicit guarantee the utterance is the most relevant one the speaker could have produced, given her abilities and preferences, and that it is at least relevant enough to be worth processing” (ibid., p. 28). As the rules of interpretation appear to be plausibly translatable into (neo-)Gricean maxims, it appears possible that they may be integrated into RT as additional, institution-specific (or context-specific) constraints on relevance and interpretation.

(Neo-)Gricean approaches do not aim to provide an account of “the processes of on-line utterance comprehension”, but to offer principles or maxims to account for utterance comprehension (Carston 2005, p. 305). RT, by contrast, aims to build a psychologically plausible (Wilson 2017, p. 81) pragmatic theory of meaning and utterance interpretation in context (Sperber and Origgi 2012, p. 331). (Neo-)Griceans and post-Griceans agree that the utterance comprehension is “achieved by means of (defeasible) inferential processes, which are constrained, but not determined, by the linguistic evidence” (Carston 2013, p. 13). However, while prominent neo-Griceans claim that, although defeasible, inferences as to what an utterance means are drawn by default—or in default contexts (Carston 2013, p. 13; Horn 2009, p. 22), RT claims that there are no defaults: every communicative situation is particularized (Noveck 2018, p. 27); that is, the drawing of inferences is always context-sensitive (for an example, see Section 3), guided by the principle of relevance.⁴ Which maxim—or rule of interpretation in Article 31(1) VCLT—is applied thus depends not on any hierarchy or defaults, but on its relevance (in RT’s technical sense) to the case.

2. Rules of Interpretation in International Law—Is There a Hierarchy?

There has been growing interest in legal argumentation, not least of all because of the peculiar role and tasks of the judge in legal decision making and justification. Since the 20th century, it has been recognized that the legislator (or international lawmaker) cannot foresee all possible cases and new developments in society, and will thus generally formulate general rules. As a result, legal rules are considered to have an open texture, and they can be indeterminate in a given case. Therefore, a judge’s legal reasoning cannot be characterized as mere subsumption and the drawing of a syllogistic conclusion, but rather as the reasoned solution of interpretation problems in applying legal rules (Feteris and Kloosterhuis 2009, pp. 307–8). The mere fact that the judge’s arguments or, in other words, the rules of interpretation, are part of a legal system and thus authorized by the conventions of this system cannot suffice as a justification for their use. If this were the case, it would be almost impossible to bring legally relevant criticism against a judge’s legal reasoning. Instead, interpretative arguments may be viewed as more or less appropriate (or persuasive) ways to achieve legal determinations. Such arguments can be assessed according to the outcomes that are obtained through their use, relative to the legal and social values at stake. Interpretative arguments may be supported by reasons and subject to criticism, both of which may, in turn, be relevant to the legal use of such arguments (Walton et al. 2021, p. 50).

The role of the judge varies in different forms of legal procedure (Feteris 2012, p. 235). This contribution concentrates on general public international law, that is, the field of

international law in general, which designates “the set of norms resulting from legal acts that govern interstate relations” (Ammann 2020, p. 58), rather than any specific subfield such as international criminal law, and compares it with statutory interpretation with a focus on U.S. law. A judge in public international law will normally be one of a group of judges belonging to an international court—such as the International Court of Justice (ICJ) or the European Court of Justice (ECJ)—or an ad hoc arbitral tribunal that typically decides by predetermined majorities. Of course, both the structure of international courts and the structure of international legal orders in which these courts operate differ from one another. For instance, the EU legal order is a highly integrated order of supranational law, which creates rights and obligations for individuals as well as member states, whereas the UN legal order, in which the ICJ operates, functions more like general public international law, which is more focused on rights and obligations of states. While the ECJ generally follows the VCLT (to the extent that it represents customary international law; see below), it “has rejected the proposition that the VCLT applies to the EU’s founding treaties”; its use of the VCLT is thus only comparable with that of other international courts—and is thus only of interest to this contribution—with regard to international agreements or treaties (and not with regard to EU Treaties or EU law) (Odermatt 2015, p. 122). This contribution’s perspective is similarly applicable to other regional integration courts, such as the Court of the EAEU (EAEU Court).

Two more examples illustrate the comparability of the VCLT application between international courts despite their differences. The first example concerns the EAEU Court. Founded in 2015, its mission is to ensure the uniform interpretation and application of EAEU law (Diyachenko and Entin 2017, pp. 54–55). In a similar fashion to the ECJ in the past when the ECJ deemed traditional methods of interpretation (i.e., those of classical international courts) insufficient, the EAEU Court must now develop its own methods of interpretation (Diyachenko 2019, pp. 77–78). Notwithstanding this need, according to its Statute the Court must apply customary international law, that is, the relevant rules of the VCLT (*ibid.*, p. 80). The second example concerns the ECJ. At first glance, the ECJ’s use of the VCLT rules appears to strictly observe international law (Odermatt 2015, p. 122). However, objections might be raised as to what the two courts do in practice. The EAEU Court’s practice shows that it most often uses the literal, or textual, method of treaty interpretation (see below) (Diyachenko 2019, p. 81). The ECJ’s approach to the application of the VCLT is, in turn, highly influenced by its approach to EU law. Its emphasis on examining the “object and purpose” of a treaty (see below) at the expense of other methods of treaty interpretation “mirrors the approach in EU law that favours more teleological reasoning” (Odermatt 2015, p. 122). This contribution is, however, only concerned with the application of the rules as they are enshrined in the VCLT—a sociological analysis of how court composition or functioning influence the application of the VCLT, or even lead to an occasional divergence or departure from it, would be beyond its scope.

In the introduction, the relating communication was described as being twofold: between the legislator or international lawmaker and the court or judge, and between the judge and a legal audience consisting of the legal parties, other lawyers and judges, and the legal community in general. However, international law has no legislature (only state and international organizations creating, e.g., treaties, i.e., the international lawmaker) and there are fewer checks and balances on international courts than on domestic ones (Tumonis 2012, p. 132). This distinction is much less applicable in the context of European Union law with its considerably higher degree of institutionalization.

A judge’s interpretation of a given treaty justifies the way he or she applies it in a given case, and he or she, therefore, has to justify this interpretation by appropriate (or convincing or persuasive) arguments (MacCormick and Summers 1991a, p. 511). In legal justification, a judge must also show that the interpretation/ruling/decision is consistent with certain legal norms, such as treaty provisions, and is supported by certain legal values and principles that have preferably been authoritatively stated by courts or tribunals (cf. for national law e.g., MacCormick 2005).

In the field of international law, authoritative rules for treaty interpretation have been provided by the 1969 VCLT in its now widely accepted Articles 31 and 32 (Klingler et al. 2019, p. xxv). According to Article 31(1), a treaty “shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose”. The three main elements are the *text*, its *context*, and the *object and purpose* of the treaty in question. The title of Article 31 emphasizes that the process is a *unity*—a *single, closely integrated rule* (Yearbook of the ILC 1966 II, pp. 219–20).⁵ This “general rule” refers to a holistic approach and does not establish any hierarchical or chronological order (Dörr 2012, p. 541).

The textual element consists in looking for the “ordinary meaning” of a term (Aust 2013, p. 209), although it is generally admitted that there typically is no such thing as one single ordinary meaning (Gardiner 2010, p. 480). Interpreting agents often use dictionaries or specialist books to find a definition (*ibid.*, p. 164). The contextual element is defined in Article 31(2) and, to put it very briefly, requires an interpreter to take into account the treaty as a whole with the preamble and the protocols, its systematic structure (Dörr 2012, pp. 534, 535), certain agreements relating to the treaty, and certain instruments made in connection with the treaty (Aust 2013, pp. 210–12). According to the object and purpose of a treaty, the interpreting agent must assess the aims of the treaty, for example, by looking at the title, the preamble, or special clauses on the objectives of the treaty (Dörr 2012, p. 546) and attempt to promote them during the interpretation of the treaty’s terms (Gardiner 2010, p. 190). Article 32 states that if the interpretation process based on Article 31 leaves the meaning of a term “ambiguous or obscure” or leads to a “manifestly absurd or unreasonable” result, recourse may be had to supplementary means of interpretation “including” the preparatory work of the treaty or the circumstances of the treaty’s conclusion. Article 32 thus establishes a relationship between its elements and those of Article 31, that is, a hierarchy in which Article 32 is subordinate to Article 31.

Articles 31 to 33 VCLT (Article 33 relates to treaties authenticated in several languages, which will not be discussed due to lack of space) are considered to reflect the general rules of customary international law. This means that international courts and tribunals apply them even when the parties in dispute have not ratified the VCLT. The rules also apply to any written texts establishing international legal norms, for example, resolutions of international organizations or other soft law instruments (Pellet 2019, pp. 5–6). The elements of these articles are binding, even though they leave a wide margin of appreciation to the interpreter (*ibid.*, pp. 6–7).

The VCLT makes no reference to canons of interpretation, as they are referred to in other fields of legal interpretation such as statutory or contractual interpretation and which were relied on in treaty interpretation prior to the VCLT’s adoption. While the VCLT gives priority to the rules enshrined in its Articles 31 to 33, the canons may still be referred to and provide guidance (Klingler et al. 2019, xxv). However, international tribunals rely on them without resorting to the underlying domestic origins (Waibel 2019, p. 29). Examples of canons are *expressio unius est exclusio alterius* according to which the express mention of a term or terms implies the exclusion of others (Klingler 2019, p. 74), and *eiusdem generis* according to which a general word is to be interpreted by reference to surrounding specific words (Baetens 2019, p. 145).

Although canons are not expressly mentioned, it can be argued that some of them may be implicitly encompassed or referred to, especially by Article 31(3)(c), according to which the interpreter shall take into account “any relevant rules of international law applicable”, and by Article 32, according to which “supplementary means of interpretation” may be used (Pellet 2019, pp. 7–8). It must, however, be noted that while canons may subsidiarily assist the interpretation based on the provisions of the VCLT, they cannot be applied to reverse or undermine such interpretation (Dörr 2012, p. 242). Canons are thus in a lower normative category than—or hierarchically subordinate to—rules (Pellet 2019, p. 10). The canons which should be considered predominant cannot be decided in general, but only in context (Yearbook of the ILC 2006 II Part Two, p. 178),⁶ i.e., on a case-by-case basis.

There is thus a hierarchy between rules of interpretation in international law. But is this particular hierarchy reflected by the hierarchy between legal rules of interpretation, as modeled by PD, one of the most influential representatives of argumentation theory (Oswald 2007, p. 179)?⁷ PD considers legal argumentation as a specific institutionalized form of argumentation, and legal procedure as a specific institutionalized form of a critical argumentative discussion in which the parties and the judge use arguments to resolve a dispute or difference of opinion about the application of a particular legal rule in a specific case (Feteris 2017, p. 221; Feteris and Kloosterhuis 2009, p. 322). PD highlights that in adjudication, it is not the parties themselves who terminate their dispute but the judge as a third party who will make a reasoned decision on who is wrong and who is right according to a set of rules. The parties, in turn, readjust their roles from trying to persuade each other to trying to convince the judge (Van Eemeren and Houtlosser 2006, p. 384). The judge anticipates the critical reactions which may be put forward by institutional antagonists: the party who may want to appeal the decision, the judge in an appeal procedure (Feteris 2017, p. 219)—which, in international law, is quite rare—or the legal community as a whole.

Judges have discretion as to how to apply the law. They, therefore, normally account for the decision in the form of a justification—although, unlike PD claims (cf. *ibid.*, p. 224), they are not obliged to do so. PD describes the decision as a speech act in the form of an assertive declaration, and the justification as a complex speech act of argumentation in which the acceptability of the decision is defended on the basis of the decisions about the facts and the applicable law (*ibid.*, p. 224). The fact that judges are not obliged to justify decisions explains why, as PD notes, judges' reasons are not always explicit, clear, and well ordered, and they may not give an account of all considerations underlying the decision which would be necessary for a complete justification (e.g., because they consider it obvious), or may adduce arguments *obiter dicta* that are superfluous to the justification of their decision (Feteris and Kloosterhuis 2009, p. 308). This fact can also be attributed to the strategic nature of legal argumentation, or what PD calls strategic maneuvering. In the presentation of the justification for their decision, judges often try to present their decision as a self-evident result of the application of the law to the facts of the case. However, this application is often less self-evident than it is presented to be (*ibid.*, p. 326). Judges are thus trying to reconcile certain standards of reasonableness with their own rhetorical goals, that is, with resolving the dispute in their favor or, more precisely, according to their own points of view (Van Eemeren and Houtlosser 1999, p. 481) about the law as it ought to be (Kloosterhuis 2009).

PD reconstructs the judge's often implicit justification via prototypical argumentative patterns (Feteris 2017, p. 225 ff.), that is, specific types of legal argument schemes that are characteristic for the resolution of different types of legal disputes in different fields of law (*ibid.*, p. 352). PD introduces a hierarchy of rules of interpretation which are mainly based, among others, on MacCormick and Summers (1991b), who inferred a "universalist" (Feteris 2017, p. 12) preferred order for the use of various forms of interpretative arguments from the practices of legal justification in nine countries (Summers 1991b, p. 3) with comparable legal cultures (on the similarities between common and civil law see Summers and Taruffo 1991, pp. 508–9; Müller 2000). The hierarchy of legal arguments adopted by PD on this basis is as follows. First, judges are to look for grammatical or *linguistic arguments* referring to the meaning of the words and expressions used in the rule. If such an argument offers no acceptable solution, a judge may look for *systematic arguments* referring to the position of the rule in the legal system and its relation to other rules (i.e., context). If systematic arguments do not offer an acceptable solution, a judge can look for *teleological–evaluative arguments* which refer to the goals (or purposes) and values the rule is intended to realize (Feteris 2016, p. 63; see also Feteris 2017, pp. 12–14; MacCormick and Summers 1991a, p. 531). This hierarchy clearly runs counter to the aforementioned hierarchy in international law in which those three types of arguments, that is, the *text*, its *context*, and the *object and purpose*, form a single, closely integrated rule without any hierarchical or chronological

order. While some authors speak of a “logical progression” by which the three elements are to be examined (Aust 2013, p. 208), starting with the text, this does *not* imply any hierarchy.

It is sometimes noted in PD that the mentioned hierarchy pertains to the interpretation of national laws, for example, that this hierarchy in which the linguistic interpretation rule has the highest position exists “in many legal systems” of common or civil law tradition (Feteris 2017, p. 231); however, this is not always made explicit. For instance, regarding EU law and international law, it is only mentioned that the VCLT leaves courts “a certain latitude in interpreting and applying the law” (Feteris 2017, p. 14), yet the absence of a hierarchy in the VCLT between what PD calls linguistic, systematic, and teleological-evaluative arguments is not discussed. In addition, it is mentioned that the ECJ has developed its own interpretative culture in which the “traditional” rules of interpretation, such as linguistic/grammatical/textual interpretation, do not suffice and, for this reason, “supranational” rules of interpretation are used, such as autonomous and consensus interpretation (*ibid.*, pp. 9–10, 15). However, the latter rules are arguably not “specific” to EU law but exist under other names in other fields of law. It can thus be argued that international law is not taken into consideration in this “universalist” hierarchy. It can also be argued that international law is, in fact, an “important” (*ibid.*, p. 14) field of law that has become so pervasive that it cannot and should not be ignored from the perspective of national law. Moreover, a truly universalist hierarchy of legal rules of interpretation should not content itself with taking into account differences between common and civil law—or limit itself to the interpretational practices of “higher courts” in these traditions (Summers 1991b, p. 2)—and thus take a Western-centric viewpoint, excluding other legal traditions. This critique does not, however, imply that PD’s prototypical argumentative patterns which reflect the aforementioned hierarchy cannot be used in international law. It may well be the case that such a hierarchy arises in a given case; the present critique just means that one cannot in the abstract assume such a universalist hierarchy.

This lack of consideration of the rules of interpretation of international law may also be due to the fact that a certain focus on statutory interpretation exists in research on the interface between pragmatics/linguistics and legal interpretation/law (e.g., Busse 2017; Capone and Poggi 2016; Carston 2013; Giltrow and Stein 2017; Poggi 2011, 2013; Skoczeń 2013, 2016, 2019; Slocum 2017), although this focus is not as pronounced (see, e.g., Kjær and Lam 2022). Due to its high degree of institutionalization, EU law may be an exception to this focus (e.g., Solan 2009; Tiersma and Solan 2012; Vogel 2019); it must, however, be noted again that the VCLT applies not to intra-EU law, but only to treaties the EU concludes with third parties.

3. Can Rules of Interpretation Be Translated into (Neo-)Gricean Maxims?

In Section 2, it was highlighted that interpretation in law can be characterized as essentially argumentative. Since arguments are essentially instances of language use, argumentation and pragmatics are two related fields (Walton et al. 2021, p. 7) and research on this joint interface with the law seems worth pursuing. This section discusses elements of (neo-)Gricean pragmatics but does not primarily look at how utterances are comprehended. Instead, it looks at how a certain understanding of utterance meaning is justified (*cf. ibid.*, p. 10). As discussed, legal arguments which justify an interpretation can be classified into different types. The question in this section is: Can these justificatory argument types be translated into (neo-)Gricean maxims or principles/heuristics?

The idea that such a translation is possible appears to have emerged from Llewellyn’s famous critique of canons of construction (i.e., U.S. rules of interpretation, which this contribution focuses on as an illustrative example of statutory interpretation) in relation to the interpretation of statutes (Llewellyn 1950, p. 401). Llewellyn noted that there were typically *two opposing maxims* on almost every issue; canons were thus not determinate and could be used by judges to justify outcomes that were driven by motivations other than neutral application of the law, namely their own political, cultural, or moral preferences (Murphy 2019, p. 15).

Llewellyn extracted a list of 24 canons from U.S. cases and paired them with 24 canons in opposition. He noted that the canons are a conventional vocabulary of argument (1950, p. 401); that is, shorthand for expressing a complex logical claim (Murphy 2019, pp. 16–17). A case outcome could simply depend on the canon a judge selected from each pairing (ibid., pp. 15–16). Murphy (2019, pp. 16–17) showed that this exercise can be similarly undertaken for rules, canons, and principles of international law, for instance, opposing ordinary or “plain meaning” and “intentions”.⁸

Due to Llewellyn’s critique of the nature and operation of the canons, U.S. academics and, to a certain extent, U.S. courts have moved toward resolving textual ambiguities within statutes by other means, namely the legislature’s intent or purpose on the basis of, in large part, a statute’s legislative history (Murphy 2019, pp. 17–18). It must be stressed, however, that the U.S. interpretation in light of the statutory purpose is normally only accepted if ordinary (or technical) meaning arguments cannot be generated due to ambiguity or vagueness (Summers 1991a, p. 441). In other words, favoring strong evidence of legislative intent/purpose over credible ordinary meaning to the contrary is a maxim the U.S. Supreme Court seldom applies or even allows (ibid., p. 439). As indicated in Section 2 and explicitly stated by the Court, this is due to the fact that “general statements of overall purpose contained in legislative reports cannot defeat the specific and clear wording of the statute” (*St. Martin Lutheran Church v. South Dakota*, 451 U.S. 772 [1981], p. 786).⁹ By contrast, the rules in international law may be understood as mediating without favoritism (Yearbook of the ILC 1966 II, pp. 219–20)¹⁰ among the three approaches to treaty interpretation (text, context, and purpose) (Murphy 2019, p. 19)—while the preparatory work of a treaty, which roughly corresponds to a statute’s legislative history, is hierarchically subordinate to these three approaches.

Taking up Llewellyn’s critique, Miller stressed that the reason such rules of interpretation may stand in tension with each other is simply a matter of competing inferences drawn from the evidence. The evidence may be ambiguous but that does not mean that the inferences themselves are useless (Miller 1990, p. 1202). Miller showed that insights from Grice’s system of maxims—consisting of the cooperative principle which, in turn, generates a set of maxims classed under quantity, quality, relation, and manner and their respective submaxims (Grice 1989)—for interpreting language in conversational settings, i.e., Grice’s theory of implicatures, “appear[s] remarkably similar in form to many of the leading maxims of statutory interpretation” (Miller 1990, p. 1182). Miller also stressed that while there is no perfect equivalence of maxims of interpretation across legal systems, there is sufficient continuity to suggest that the maxims reflect some relative universal principles for interpreting statutes (ibid., p. 1182). Like Gricean maxims, legal maxims in many cases will not yield a single unambiguous result since competing inferences are involved (ibid., p. 1202).

Take the following examples. *Expressio unius* can be characterized as an instance of the third Gricean submaxim of manner, that is, “be brief”. In a list of grouped terms followed by a general term, this particular submaxim would be flouted (i.e., intentionally or blatantly not observed) by the legislature if it intended to convey, for example based on context, that the general term should be understood in its broadest sense because this would make the other words in the list superfluous. Besides the maxim of manner, *expressio unius* corresponds to the first submaxim of quantity, that is, “make your contribution sufficiently informative” (ibid., pp. 1195–96, 1226–27). Its opposite canon, *eiusdem generis*, corresponds to the second submaxim of quantity, that is, “do not make your contribution excessively informative” (ibid., pp. 1199–200, 1226). If cats, dogs, and other animals are barred from a public park, can a mounted policewoman enter the park? While plain—or ordinary—meaning would bar her because her horse is an animal, this would also flout the second submaxim of quantity, for if all fauna were covered, “cats” and “dogs” would provide more information than necessary. Compliance with the maxim is re-established if the reference to cats and dogs modifies the term “animals” to only like animals (ibid., p. 1200). Similar to *expressio unius*, ordinary meaning corresponds to the first submaxim of quantity, as well as to the first and second submaxims of manner, that is, “avoid obscurity” and “avoid

ambiguity” (ibid., pp. 1226–27). Plain meaning in U.S. law also refers, albeit inexactly, to a pragmatic process of weighing competing considerations: “the clarity of the statutory language, its consistency with the underlying legislative purposes and whether the costs of resort to extrinsic aids to interpretation (such as legislative history) are likely to outweigh whatever benefits might be realized from such an enterprise” (ibid., p. 1224). Finally, purpose corresponds to the maxim of relation, that is, “do not say anything irrelevant” (ibid., p. 1227) to the purpose of a statute (or treaty).

Several other authors have stated that rules of interpretation (with some provisos or modifications) can also be considered as similar to or instantiations of neo-Gricean—especially Hornian (Horn 1984) and Levinsonian (Levinson 2000)—principles (e.g., Carston 2013; Skoczeń 2019; Slocum 2016); many of them show that Horn’s Q- and R-principles are “clearly mirrored by the legal canons *expressio unius est exclusio alterius* and *eiusdem generis*, respectively” (Poggi 2020, p. 1201). According to Horn’s (1984, 1995) account, the principle of sufficiency (Q), “Make your contribution sufficient; say as much as you can (given R)” combines Grice’s first quantity submaxim with his first two manner submaxims, while the principle of least effort (R), “Make your contribution necessary; say no more than you must (given Q)” combines Grice’s second quantity submaxim with his relation maxim and his third and fourth manner submaxims.

Carston noted that the ordinary meaning rule not only bears considerable similarity to Grice’s manner maxim, but also to the neo-Gricean I-principle (which is similar to Horn’s R-principle) and its heuristic, which licenses hearers to interpret unmarked linguistic expressions in an ordinary stereotypical way (Carston 2013, p. 19; Levinson 2000, p. 37), as well as to the Q-principle and its corresponding heuristic, “What isn’t said, isn’t the case” (Carston 2013, pp. 13–14; Levinson 2000, p. 31).¹¹ Carston (2013, p. 16) illustrated that the correct application of the two maxims is highly context sensitive. For instance, in *Smith v. United States* (508 U.S. 223 [1993])¹² the neo-Gricean principles lead to exactly contradictory results regarding the ordinary or plain meaning of “use of a firearm”: The Q-principle leads to the interpretation of using a firearm as a weapon. By contrast, the I-principle leads to the interpretation that any use of a weapon falls within the scope of the provision (Carston 2013, pp. 21–23; see also discussion in Skoczeń 2019, p. 114). The contradictory result illustrates that while rules of interpretation are general rules for the use of language, they also make use of general terms which themselves require interpretation (Hart 2012). Carston concluded that neo-Gricean principles may be “somewhat superficial manifestations of some other deeper or more general principle underlying all pragmatic inferences”, that is, the relevance-theoretic principle of “relevance” (Carston 2013, p. 16; see also Section 5).

Macagno et al., in turn, built on Levinson’s (Macagno et al. 2018, pp. 69, 72) and Atlas’ neo-Gricean approach in order to develop “a framework of linguistic interpretation within the structure of an inference to best explanation” among legal arguments for or against a given interpretation (Macagno et al. 2018, pp. 69–70) which may be presented when different possible interpretations are available and doubts arise (ibid., p. 74).¹³ In legal theory, the term “interpretation” is used in two ways. In a broad sense, it includes both the process and the result of determining the actual meaning of a legal source (see, e.g., Tarello 1980). In a more restricted sense, it only concerns cases in which reasonable doubt or a conflict is raised concerning the *prima facie* understanding of the meaning of a text. According to Macagno et al. (2012, pp. 64–65), the *prima facie* meaning is arrived at by attributing a default context or rule to the source statement, that is, an unchallenged presumptive meaning which is very similar to how ordinary language interpretation is modeled by Levinson (and by Horn). The notion of presumption can be linked to the idea that we have preferred or default—or presumptive—pragmatic interpretations or inferences (Levinson 2000, pp. xiii, 1, 372).¹⁴ Since (neo-)Gricean conversational heuristics are defeasible, that is, defeated by stronger assumptions concerning the goal of the cooperative activity, they can be used to capture the presumptions which guide the process of legal interpretation, as well as to calculate and support a given interpretation in a legal interpretive dispute (Macagno et al. 2018, pp. 86–87).

Macagno et al. focused on *hard cases* in which there was a difference of opinion about the correct interpretation of the rule. Unlike in *easy cases*, a linguistic argument cannot function as a decisive argument because there are different views with respect to the exact meaning of the rule. The reason a linguistic argument may suffice as a justification in an easy case is that according to the “universalist” preferred order of rules of statutory interpretation mentioned in Section 2, reference to the clear intention of the legislator as it appears from the wordings of the law must be taken as the starting point for the application of the law (unlike in international law). In hard cases, other sources are necessary to establish the intention of the legislator (Feteris 2009, p. 3). In Macagno et al.’s model, the best interpretation is one that best fits both the shared background presumption in the context and the communicative intention attributable to the speaker in the light of “what he has said” (Atlas and Levinson 1981, p. 42). The best interpretation is thus less controversial or less subject to defeat by conflicting propositions in the common ground (Macagno et al. 2018, p. 83). As it is less controversial, the best interpretation is the more informative one and thus corresponds to the pragmatic principle of informativeness (Atlas and Levinson 1981, pp. 40–41) which, in turn, closely corresponds to Levinson’s I-heuristic (Birner 2013, p. 83) or, in other words, to the R-principle (cf. Walton et al. 2021, pp. 109, 141). In conclusion, justificatory legal arguments can be translated into (neo-)Gricean maxims/principles/heuristics. It seems that the neo-Gricean idea of a default context or rule may help model *prima facie* understanding in both easy and hard cases due to the primacy of ordinary meaning in statutory interpretation, whereas a post-Gricean/relevance-theoretic perspective (Sperber and Wilson 1995) might better reflect the fact that which rule of Article 31 VCLT is to be preferred depends on the context.

4. Based on Their Translation into (Neo-)Gricean Maxims, Can Rules of Interpretation Be Translated into a Hierarchy of Presumptions Which Guide Legal Interpretation?

Section 3 has shown that both neo-Gricean and legal maxims or canons on their own “provide little ground for assessing which interpretation is the best one” (Macagno et al. 2018, p. 90) in hard cases. So what, if anything (apart from the hierarchies described in Section 2) gives legal argument types (or schemes) priority over others (on a case-by-case basis)?¹⁵ This section focuses on Macagno et al.’s framework, as it serves to order interpretive legal arguments (or canons or maxims) hierarchically (ibid., pp. 69–70) and, to this end, “translate[s]” legal arguments of interpretation into argumentation schemes (Macagno et al. 2012, p. 70).¹⁶ Argumentation schemes are based on Toulmin’s notion of warrant, that is, “general, hypothetical statements, which can act as bridges, and authorize the sort of step to which our particular argument commits us” (Toulmin 1958, p. 91), and they aim to represent the combination between a semantic principle—for example, classification, cause, consequence, authority—and a type of reasoning—for instance, deductive, inductive, or abductive reasoning. They provide abstract patterns of legal argumentation which represent types of arguments that carry probative weight for supporting or attacking a conclusion but are—in the most typical instances—defeasible (Macagno et al. 2012, p. 68). Argumentation schemes and (neo-)Gricean maxims are similar in that they can be viewed not as providing an interpretation, but rather as providing reasons to support it (Slocum 2015, pp. 203–7; Walton 2002, p. 191).

The argument schemes into which pragmatic maxims/heuristics and their corresponding legal rules of interpretation are translated are largely based on sets of interpretive arguments by MacCormick and Summers (1991b) as well as Tarello (1980), for instance, the analogy or absurdity argument (Macagno et al. 2018, p. 91 ff.; Macagno and Walton 2017, pp. 49–52). For example, plain meaning corresponds to the argument from natural meaning; purpose corresponds to the teleological argument (Macagno et al. 2018, pp. 91–94). Contextual interpretation according to the VCLT appears to correspond to the systemic argument, and, like purpose, it thus corresponds to the Gricean maxim of relation (ibid., pp. 94, 96). Like its national law counterpart—called contextual harmonization in U.S. law (Summers 1991a, pp. 413–14), and which serves as an illustrative example of statutory

interpretation in this contribution,—contextual interpretation according to the VCLT may also correspond to *a contrario*, *a simili*, and the economic argument (Macagno et al. 2018, p. 98), and thus with *a contrario* to the first quantity submaxim and the third manner submaxim, with *a simili* to the second quality submaxim, and with the economic argument to the second quality submaxim and the third manner submaxim.¹⁷ Macagno et al. stress that all interpretive arguments may be rebutted by contrary arguments based on the same maxims or rules of interpretation and supported by contrary contextual evidence (ibid., p. 98). The success of one argument over another is thus not a matter of the nature of the legal rule of interpretation itself, but of the whole argumentation brought for and against the interpretative conclusions (Walton et al. 2021, p. 151).

Macagno et al. (2018, p. 86; see also, e.g., Macagno and Walton 2013) state that conversational maxims/heuristics are defeasible in the sense that they are defeated by stronger assumptions relating to the goal of the cooperative activity; therefore, Gricean maxims need to be ordered and analyzed together with other types of presumptions governing conversation, the foremost of which is the purpose of the dialogue in the sense of Grice's definition of the cooperative principle: "Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted *purpose or direction* of the talk exchange in which you are engaged" (Grice 1975, p. 45, emphasis added). The authors note that Grice's notion of "direction" represents a dialogical intention to which the meaning of single speech acts needs to be linked. Since the purpose of a statement of law is often retrieved by taking into account "the whole co-text of the provision in which it occurred", the authors conclude, first, that the mechanism of retrieval of the speakers' intention in the Gricean sense applies to statutory interpretation,¹⁸ and second, that the "purpose of the law" is a presumption to which all other presumptions must be subordinated (Macagno et al. 2018, p. 106).

Purpose which is thus grounded on a meta-presumption is the first—or highest or most fundamental (ibid., p. 103)—presumption (level 0). This presumption type can be called pragmatic as it connects the illocutionary force of a speech act to its presumed intention. The second type (level 1) refers to the conventional presumptive meaning of lexical items (ibid., p. 107). The third type (level 2) concerns expectations about relations between facts or events that can be used to interpret a specific content or action (ibid., p. 107), for example, "Weapons are usually used to commit violent crimes" (ibid., p. 109). The last type (level 3) consists of contextual "rebuttable interpretive assumptions", for example, "Usually words are used with the same meaning within a statute", and co-textual information, that is, other statements of law (ibid., p. 109). The four levels are contextually ranked according to their respective possibilities of being subject to default—that is, how easily they can be rejected by relying on more contextual information (ibid., p. 108)—depending on the accessibility of information (e.g., mutual information concerning specific contexts is more accessible than encyclopedic information about events/facts) (ibid., p. 107). Levels 1 to 3 are ordered based on their degree of context dependence (ibid., p. 109).

Macagno et al. claim that arguments from purpose, that is, teleological arguments, are more complex as they presuppose linguistic, co-textual/contextual, and factual presumptions yet directly refer to overarching pragmatic presumptions (ibid., p. 101).¹⁹ According to the authors, presumptions which determine the legal purpose are more general/basic or fundamental to the legal system (ibid., p. 97), for example, the "law needs to be understood, address relevant social problems, etc." (ibid., p. 109). However, according to MacCormick and Summers (1991a, p. 538), on whom the authors rely, it is a misunderstanding that basic values (or presumptions) are directly deployed only in arguments of the teleological/evaluative type, as the justificatory force of all argument types depends on fundamental legal-constitutional and political values; there should thus be an equilibrium between the different values expressed by different arguments. For instance, natural meaning arguments express the values of democracy, separation of powers, rule of law (ibid., p. 534), and systemic—not purposive—arguments appear to primarily express values of intelligibility of the law to citizens (ibid., p. 535).

MacCormick and Summers also stress that it is not necessary in every interpretational situation to go deeply into purposes (*ibid.*, p. 540), and that in some legal systems, proceeding to the level of purpose or teleological argumentation is not appropriate unless considerable weight is ascribed to the purposes or values at stake (*ibid.*, p. 531). In civil law systems, the notion of literal meaning is frequently evoked as a self-sufficient entity at the theoretical level as a guardian of the law's certainty and predictability (Skoczeń 2016, p. 627). Based on MacCormick and Summers' hierarchy discussed in Section 2, the ordinary language scheme should be taken as the default setting unless there are superior reasons to interpret the expression as fitting one of the other schemes. Macagno, Sartor, and Walton, however, consider all interpretative canons as defaultive,²⁰ even if claims based on some canons can only be raised under specific conditions (Walton et al. 2016, pp. 62–63; Walton et al. 2021, p. 290).

The goal of these authors is for their framework to “transcend [. . .] the narrower jurisdictional issues” and to thus be applicable on a “worldwide” basis (Walton et al. 2021, p. 6), that is, to be applicable to statutory interpretation in both common and civil law (Macagno and Walton 2017, p. 47). The authors' other goal is to test their framework on arguments used in “problem cases” of statutory interpretation (Walton et al. 2016, p. 52), declaring, for instance, the aforementioned *Smith v. United States*²¹ case a “crucial case for analyzing the presumptions and levels of presumptions” underlying statutory interpretation which “can be applied to the analysis of other cases” (Macagno et al. 2018, p. 97). The issue with such problem cases seems to be that if purpose “overcomes” other presumption types, especially plain meaning (*ibid.*, p. 104), this is due to an exception. As discussed in Section 3, there are only “few cases in which the U.S. Supreme Court makes an exception to the standard meaning of a statutory rule” in light of its purpose (Feteris 2016, p. 62), which the authors do not seem to discuss apart from noting that all mentioned rules of interpretation are defaultive—or defeasible or subject to exceptions (Sartor 2009, p. 21). The other issue with problem cases is that they are often quoted or are (in)famous precisely because the judges' interpretation/decision is perceived as controversial, unlike the authors appear to claim. For instance, according to Macagno et al., in *Smith*²² the purpose of avoiding drug-related crimes and in particular any association between drug selling and weapons “easily” undercuts the linguistic presumption that “to use a firearm” means “to use a firearm as a weapon”; the latter should, therefore, be interpreted as *any firearm use, as long as it is related to drug trafficking* (Macagno et al. 2018, pp. 98, 109). Contrary to the authors' assertion, the Court's decision may lead to a high degree of legal uncertainty—just think of the average person reading this law and having to predict this meaning to be able to abide by it.

Another problem with purpose is that it invites the—“hotly disputed”—question of “whose purpose should govern, and what evidence should be consulted as to purpose” (MacCormick and Summers 1991a, p. 519). The disputing parties may advance contrary purposes between which a judge has to decide. Macagno et al.'s hierarchy of presumptions offers a hierarchy of competing purposes in the sense that, first, the more global/basic purposive or pragmatic presumptions which are directly related to the basic principles of the relationship between the lawmaker and the citizens are the strongest presumptions (Macagno et al. 2018, p. 111), and, second, presumptions relative to a more specific context (factual/level 2 and contextual/level 3) provide the strongest grounds for reconstructing a specific pragmatic presumption (*ibid.*, p. 110). In *Smith*,²³ Macagno et al. appear to argue that the context of the statute (drug trafficking) overcomes more basic pragmatic or purposive presumptions, that is, the law cannot be unjust or absurd (*ibid.*, p. 98) and should be understood by citizens (*ibid.*, p. 101); or, at least, they appear to argue that the defendant's argument grounded on the former basic presumption should not count as such (*ibid.*, p. 98). The question appears to be one of conflicting interpretations of what, for example, “unjust” means. It thus seems that the proposed presumption hierarchy does not lead to clear-cut results in controversial cases.²⁴

The authors' focus is on statutory interpretation. From the perspective of the present contribution, it is not clear that such a hierarchy of presumptions is applicable to international law, in which at the theoretical level, the means of interpretation of Article 31

VCLT are considered a “single combined operation” in which all elements applicable to a case are “thrown into the crucible, and their interaction [will] give the legally relevant interpretation” (Yearbook of the ILC 1966 II, pp. 219–20).^{25,26} Thus, the proposed hierarchy of presumptions might well reflect what judges in international law may sometimes *de facto* do, but it appears difficult to reconcile with the existing normative legal categories.

5. An International Law Example and a Tentative Conclusion

To give an example of a hard case in international law, let us briefly consider the judges’ ruling on preliminary objections in the ICJ case *Ukraine v. Russian Federation* (2019).^{27,28} The judges had to decide whether the procedural preconditions of Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) were met in order to decide whether the Court had jurisdiction. The Court sided with Ukraine’s interpretation that the ordinary meaning of “or” in the phrase “not settled by negotiation or by the procedures expressly provided for in [CERD]” is disjunctive, not conjunctive (although from a pragmatics perspective, one might argue that inclusive interpretations are preferred or stronger in negative contexts; see [Noveck et al. 2002](#), p. 304). The disjunctive reading was supported by the Court’s interpretation in light of the context—which “does not support” a cumulative reading—and “also” of the object and purpose of CERD, that is, “to eradicate racial discrimination effectively and promptly”, which would be more difficult to achieve if the procedural preconditions under Article 22 were cumulative, that is, under a conjunctive reading of “or”. It may be argued, however, that this purpose may not necessarily be more quickly achieved by a court procedure than by other negotiation/conciliation procedures provided for in CERD and that one may give more weight to the ordinary meaning of the provision at issue. For instance, Russia pointed out in its preliminary objections (2018, pp. 188–89)²⁹ that in another international law case, the ordinary meaning of “or” under negation was interpreted as cumulative/conjunctive. Russia’s interpretation of Article 22 CERD was seconded in *Qatar v. United Arab Emirates* by the U.A.E.’s preliminary objections (2019, p. 77 ff.)³⁰ based on the same interpretation by five judges’ joint dissenting opinion (2011, p. 156)³¹ in *Georgia v. Russian Federation*.

This example serves to illustrate the points made in Sections 2–4. First, while the “universalist” hierarchy of the three rules of interpretation focused on in this contribution does not in theory apply to international law, it has arisen in this case—yet no critical legal discussion rule would have been violated if it had not; neither has strategic maneuvering with linguistic argumentation derailed in this case because the standards of reasonableness and conditions for an acceptable use of such argumentation appear to be met (cf. [Feteris 2009](#); [Van Eemeren and Houtlosser 2006](#)). Second, while it appears in this case that purpose, with the help of context, has overcome ordinary meaning, there is no such theoretical notion of “overcoming” in international law in this context, as ordinary meaning, context, and purpose are considered a single general rule. It thus seems more difficult than in national law to view presumptions which determine the legal purpose as more general/fundamental—perhaps pointing to a risk of making “superficial comparisons” or transfers of legal concepts to other areas of argumentation ([Gama 2017](#), p. 557) or pragmatics. This contribution suggests that arguments in national and international law are—at least in theory and despite the fact that both can be translated into (neo-)Gricean maxims—not exactly the same. In other words, this contribution has assessed the merits of different pragmatic approaches to argumentation in legal interpretation, identified problems with neo-Gricean approaches in international law, and suggested a post-Gricean account as an alternative. According to RT, the drawing of inferences is always context-sensitive, guided by the principle of relevance. Which maxim—or rule of interpretation in Article 31(1) VCLT—is applied thus depends not on any hierarchy or defaults, but on its relevance (in RT’s technical sense) to the case. More generally, international law should not be overlooked by argumentation theory despite its focus on statutory interpretation, as states must use the interpretative methods of international law to honor their international obligations ([Ammann 2020](#), pp. 191–92).

To pull the strands of pragmatics, argumentation, and legal interpretation further together, one might attempt to explain the perception of legal decisions as controversial by an alternative to strategic maneuvering. Under a post-Gricean/relevance-theoretic perspective, the rhetorical persuasiveness of legal interpretations/arguments may be grounded on how far-fetched they are given the explicitly stated meaning (see [Smolka and Pirker 2021](#)). Since which rule of interpretation will prevail likely depends on the preferred outcome, which likely depends on policy ([Tumonis 2012](#), p. 133), cultural, or moral preferences ([Murphy 2019](#), p. 15), it may be interesting under a relevance-theoretic perspective to experimentally test how strong—or contextually relevant ([Oswald 2016](#), pp. 25, 30)—such considerations are (see [Pirker and Skoczeń 2022](#)).

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Acknowledgments: I would like to thank Izabela Skoczeń, Steve Oswald, and Benedikt Pirker for helpful comments and suggestions.

Conflicts of Interest: The author declares no conflict of interest.

Notes

¹ Vienna Convention on the Law of Treaties, 1155 United Nations Treaties Series p. 331.

² Due to its focus on international law, this contribution uses terms such as “international lawmaker” and “applicable legal rules” alongside corresponding national law terms such as “legislator” and “enacted regulation” (cf. terms used in [Skoczeń 2013](#), p. 53).

³ Legal arguments in judicial contexts can be divided into evidentiary arguments concerning the reconstruction of the facts relevant to the case and interpretive arguments concerning the applicable legal norms, that is, rules, standards, or principles, stated in authoritative texts or precedents ([Canale and Tuzet 2019](#)). This contribution focuses on the latter.

⁴ The relevance-theoretic comprehension procedure follows a cost–benefit logic, with processing effort as costs and cognitive effects—e.g., a change to the set of assumptions an individual entertains—as benefits. Put very simply, the greater the effects—and the smaller the effort, the greater the relevance. Comprehension, or interpretation, follows a path of least effort ([Wilson 2003](#), p. 282 ff). It must be noted that researchers in pragmatics and law express reservations against the use of RT because of “the kind of conscious effortful scrutiny a legal text may be subjected to” ([Carston 2013](#), p. 32); legal interpretation is, therefore, not oriented at processing that requires least effort ([Skoczeń 2019](#), p. 62). More generally, “legal pragmatics is not interested in the kind of psychological approach proposed by RT” (*ibid.*) due to its conception of the notion of intention, which merits discussion in a separate contribution. For lack of space, suffice it to say that the central role of subjective mental states in the form of intentions may be difficult to map onto legal notions of intentions in the sense that, in legal interpretation, it may be preferred to substitute such an internal intention with external, public cues found in the context (*ibid.*, p. 135). For arguments against this reservation as well as other common reservations against the applicability of pragmatic theories to legal interpretation, see [Pirker and Smolka \(2017\)](#).

⁵ United Nations. 1967. Yearbook of the International Law Commission 1966 Volume II. New York.

⁶ United Nations. 2012. Yearbook of the International Law Commission 2006 Volume II. New York/Geneva.

⁷ For a placement of PD within argumentation theory, see [Feteris and Kloosterhuis \(2009\)](#); [Hinton \(2019\)](#).

⁸ The intention rule of interpretation merits discussion (though not explicitly mentioned in Articles 31 to 33 VCLT); it is, however, left aside due to lack of space.

⁹ *St. Martin Lutheran Church v. South Dakota*, 451 U.S. 772 (1981).

¹⁰ See note 5 above.

¹¹ Carston appears to conflate Horn’s and Levinson’s accounts, e.g., Horn’s Q- and R-principle and Levinson’s Q- and I-heuristic. She notes that there are small differences in the formulation of their heuristics and other more substantial differences in outlook—Levinson believes in “default” interpretations, Horn does not—but that none of these are significant for their application to legal interpretation ([Carston 2013](#), p. 13). Due to lack of space for discussion, this position is adopted in this contribution.

¹² *Smith v. United States*, (508 U.S. 223 [1993]).

¹³ According to [Allott \(2010](#), p. 17), an inference to the best explanation is a variety of abductive inference, which, unlike deductive inference, is non-demonstrative or, in other words, uncertain, and open to revision. In abductive inference, an individual thus “reasons from a fact that is to be explained to an explanation for that fact”—and this explanation will be the one that, based on the individual’s knowledge of the speaker, the conversational situation, and the world more generally (*ibid.*, p. 94), appears to be the best, although possibly mistaken, explanation to this individual (*ibid.*, p. 17).

- 14 Macagno et al. stressed that their concept of presumption used in the context of legal interpretation does not correspond to the legal one (2018, p. 108), but to “an assumption that a fact obtains, an assumption that can be made without proof in some situations”, or “a statement that is accepted in law even though it does not meet the burden of proof that would normally be required for the statement to be acceptable to a standard of proof appropriate in a framework of legal evidence” (Macagno and Walton 2012, p. 272). Their concept, however, appears similar to the idea that legal principles in U.S. law “sometimes appear in the clothing of ‘presumptions’ of legislative intention” (Summers 1991a, p. 414). For a representative discussion of the status of presumptions in argumentation theory, see Kauffeld and Goodwin (2022, this volume) and Godden (2022, this volume).
- 15 Of course, some argument types may be inapplicable in certain cases (MacCormick and Summers 1991a, pp. 511–12), so it must be established whether a given form or type of argumentation is correctly chosen (Feteris and Kloosterhuis 2009, p. 325). For example, in international law historical interpretation based on Article 32 VCLT, i.e., the “preparatory work of the treaty and the circumstances of its conclusion”, is not allowed if interpretation using the elements of Article 31 reaches a reasonable result.
- 16 Skoczeń proposed a strategic super-maxim of selectivity: “pursue your goal by selecting conforming implicatures/enrichments” (2019, p. 117) to help account for whether the Q- or R-principle prevails in a given case, given the strategic nature of legal discourse (ibid., p. 29 ff.). Due to lack of space and the other authors’ greater focus on argumentation, only their framework is discussed.
- 17 Macagno et al. appear to refer at different times, without making it explicit, (Macagno et al. 2018, pp. 89, 95–98, 102, 104, 109) to different recognized elements of contextual harmonization according to which the meaning of a word in an act is to be understood with reference to the words in the same sentence, words in the rest of the paragraph or section, words elsewhere in the statute, words in title or section headings, sections of closely related statutes, etc. (cf. Summers 1991a, pp. 413–14). These elements slightly differ—or differ in granularity—from the elements of context as defined in Article 31 VCLT, which comprise “in addition to the text, including its preamble and annexes: (a) any agreement relating to the treaty [. . .]; (b) any instrument which was made by one or more parties [. . .] as an instrument related to the treaty”.
- 18 Other researchers in law and language agree that in legal interpretation, one has to work with some kind of intention to give meaning to signs in the sense that—based on Grice’s (1989) view that meaning is an intentional phenomenon—there is no meaning without at least the presupposition of intentions (Poscher 2015).
- 19 Macagno et al. appear to distinguish between different levels of the purpose of the law, i.e., “generic or specific” (Macagno et al. 2018, p. 103), although this does not seem reflected in the notion of argument from the purpose of the statute in U.S. law (cf. Summers 1991a, pp. 415–16). Nor does the VCLT distinguish any levels of purpose.
- 20 This response might be influenced by MacCormick’s suggestion that the primacy of ordinary meaning is “not really a ‘rule’”, but rather “a maxim of practical interpretative wisdom, indicating how the various type of argument may be handled in cases of real interpretative difficulty arising from conflicts among relevant arguments” (MacCormick 1995, p. 478).
- 21 See note 12 above.
- 22 See note 12 above.
- 23 See note 12 above.
- 24 For this reason, Skoczeń (2019) argued that a game-theoretic approach to hard cases is more descriptively accurate.
- 25 See note 5 above.
- 26 Ordinary meaning, context, and purpose according to the VCLT cannot “be ordered in hierarchies depending on the specific legal context” (Walton et al. 2021, p. 319) because there is no hierarchy among them.
- 27 *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, Preliminary Objections, Judgment, I.C.J. Reports 2019, p. 558.
- 28 For a linguistic analysis of U.S. law cases, see e.g., Solan (1993). Among other things, Solan discusses examples with “or” (ibid., pp. 45–55). It must be noted that in U.S. law there are linguistic rules covering the use of “or” (as well as “and”). The linguistic rules amount to subordinating ordinary meaning to purpose (ibid., p. 45) (i.e., an exception to the primacy of plain/ordinary meaning), although their “application is very difficult to explain in terms independent of the results achieved” (ibid., p. 55) in the sense that judges “are using linguistic principles to accomplish an agenda distinct from the[se] principles” (ibid., p. 62). These linguistic rules are applied in cases like that of the ICJ example used in this section in which “the connector (*and or or*) is within the scope of some logical operator, such as a negative” (ibid., p. 46), presumably because “the relationship between conjunction [and disjunction] is a potential source of confusion” (ibid., p. 49)—although the overall frequency of their application appears to be “miniscule compared to the number of times that statutes and other legal documents use conjunction and disjunction” (ibid., 45). However, these linguistic rules have no equivalent in the VCLT. More precisely, such rules fall under the category of canons of interpretation, which, in the VCLT, are hierarchically subordinate to the rules of interpretation (see Section 2). This contribution limits itself to comparing the use of the VCLT rules with congruent canons of statutory interpretation, which, based on MacCormick and Summers (1991b), have been identified by prominent pragmatic approaches to legal argumentation as forming a universalist preferred order for the use of forms of interpretative arguments in the field of law.

- ²⁹ International Court of Justice, *Case Concerning the Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, Preliminary Objections Submitted by the Russian Federation, Volume I, 12 September 2018.
- ³⁰ International Court of Justice, *Case Concerning the Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)*, Preliminary Objections of the United Arab Emirates, Volume I of IV, 29 April 2019.
- ³¹ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Georgia v. Russian Federation)*, Preliminary Objections, Judgment, I.C.J. Reports 2011, p. 70, Joint Dissenting Opinion of President Owada, Judges Simma, Abraham and Donoghue and Judge *Ad Hoc* Gaja.

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Article

Utterer Meaning, Misunderstanding, and Cultural Knowledge

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Abstract: All versions of Grice's theory of utterer meaning couch success in terms of stressing the hearer's ability to recognize what is intended. This ties naturally to the cooperative principle and the maxims of conversation. A later additional maxim of manner emphasizes that one should always facilitate the audience's response in one's communication. Meaning communication is successful with the right "uptake", whether seen in the desires or beliefs that Grice addressed in the audience, or the achievement of understanding or comprehension that critics identified. In retrospective reflections, Grice saw the latter necessitated by the former. The point remains that if Grice is correct in requiring audience recognition for the successful communication of meaning, then this poses serious challenges for scholars working in argumentation. It provides, for example, an additional problem when exploring cross-cultural argumentative exchanges where societies have had no prior experience of each other, their norms, or shared beliefs. Moreover, the conditions that it requires makes misunderstanding a central concern. These problems are explored in the paper, beginning with an initial assumption that Grice is correct about meaning, with a view to considering whether there is need for modifications to Grice's theory.

Keywords: Grice; cross-cultural argument; psychological context; recognition; utterer's meaning

Citation: Tindale, Christopher W. 2022. Utterer Meaning, Misunderstanding, and Cultural Knowledge. *Languages* 7: 172. <https://doi.org/10.3390/languages7030172>

Academic Editors: Steve Oswald, Juana M. Licerias and Raquel Fernández Fuentes

Received: 14 December 2021

Accepted: 14 June 2022

Published: 5 July 2022

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1. Introduction

The intersection of Pragmatics and Argumentation Theory captures the common interest both have in firm understandings of the ways language operates in argumentation and argumentative communication operates in pragmatics. This interest is probably most vividly captured in the importance both fields accord to speech act theory. The work of J. L. Austin (1962) and John Searle (1969) features prominently in the work of pragmatics, and their analyses are fundamental to theoretical approaches to argumentation such as that promoted by the pragma-dialecticians (van Eemeren and Grootendorst 1984) and, to a lesser degree, informal logicians (see Tindale, forthcoming). While less frequently referenced, Paul Grice's logic of communication, with its related theory of utterer's meaning, has also played an important role in the work of argumentation theorists (Tindale 2015, chp. 6), and it is this work that will be the focus of attention here.

Argumentation theorists are well aware of the foundational importance of Grice's work on language. His theories of conversation and utterance meaning laid the ground for such diverse subsequent models as Deidre Wilson and Dan Sperber's relevance theory (Wilson and Sperber 1981); Norman Fairclough's critical discourse analysis (Fairclough 1985); and even the normative pragmatics of American rhetoricians such as Jean Goodwin and Fred Kauffeld (2009). While the influence is there, a full appreciation of some of its consequences is still in process.

The problem addressed in this paper is one that emerges if we take seriously Grice's work on utterance meaning. Through the various iterations of the formula Grice (1989) used, one of the constants that ensured the correct communication of meaning by an utterer was the hearer's recognition of the utterer's intention to mean something. This is a prerequisite for even asking what the actual meaning is. We see Grice make this point, for example, in the simplest and most complex versions of the account.

“*U* meant something by uttering *x*” is true iff, for some audience *A*,
U uttered *x* intending:

- (1) *A* to produce a particular response *r*
- (2) *A* to think (recognize) that *U* intendeds (1)
- (3) *A* to fulfill (1) on the basis of his fulfillment of (2). (Grice 1989, p. 92)

And:

- “*U* utters *x* intending *A*
- (1) to produce *r*
 - (2) to think *U* intends *A* to produce *r*
 - (3) to think *U* intends the fulfillment of (1) to be based on the fulfillment of (2)” (Grice 1989, p. 105)

The bulk of Grice’s work presupposes this possibility. Let me make clear that what I take to be interesting here is not just the specific intention *U* has in any particular situation, but *that U* intends anything at all. Over the seven pages of text in which Grice reformulates his account of meaning intention, various *rs* are used in examples. A shopkeeper, for instance, recognizes in *U*’s (non-linguistic) act of putting down the exact amount of money for *U*’s usual packet of cigarettes that *U* means they want to buy the cigarettes, and the shopkeeper responds by providing them. Grice’s maxims of conversation, while directing the activities of the speaker, all presuppose an environment in which the speaker and hearer share enough of a common background for such intentions to be recognized. In the additional maxim of manner provided in the paper “Presupposition and Implicature”, Grice makes it explicit:

“I would be inclined to suggest that we add to the maxims of Manner which I originally propounded some maxim which would be, as it should be, vague: “Frame whatever you say in the form most suitable for any reply that would be regarded as appropriate”; or, “Facilitate in your form of expression the appropriate reply.” (Grice 1989, p. 273)

This presupposes without question that such utterers know their audiences well enough to design their messages in terms that will be understood because they are recognized as meaningful. But how well should we trust such a presupposition? Moreover, while we can trace this understanding to Grice, he is not alone in holding this position. Generally, meaning communication is successful with the right “uptake”, whether this is understood in terms of the desires or beliefs that Grice addressed in the audience, or the achievement of understanding or comprehension that critics such as Searle (cited in Grice 1989, p. 351) and Strawson (1964) identified.

If indeed audience recognition of a speaker’s intentions (including the intention to be understood) is necessary for the successful communication of meaning, then this poses a layer of complexity for scholars working in argumentation as they consider the range of contextual conditions that need to be in place if argumentative acts are to be recognized as such. It also poses particular challenges for cross-cultural argumentation, where the absence of such contextual conditions makes difficult the possibility of such recognition. It is the implications of this problem for argumentation theory that are of particular concern in this paper. Martin Hinton (2020, p. 35) observed that argumentation theorists have not paid sufficient attention to Grice’s work. Even here, however, Hinton is referring to just the theory of implicature and not the theory of utterer’s meaning. Indeed, there has been useful work conducted on whether or not there are argumentative implicatures (see Moldovan 2012).¹ It is with the theory of utterer’s meaning, however, that the problem addressed here arises, and it assumes a circumstance that appears before implicatures can even begin to have an effect.²

What is at stake, it seems, is not so much *what* we mean when we communicate, but, as I. A. Richards (1936) pointed out some time ago, *how* we mean. The next section explores Richards on this point and the ways it is addressed throughout his work.

2. How We Mean

In work that certainly operates on the pragmatics/argumentation border, I. A. Richards (1936), as noted, shifted the attention from what a word means to *how* it means, focusing rather on the processes involved in meaning communication. With C. K. Ogden (Ogden and Richards 1923), Richards explored the fault lines of meaning in a way that may lead readers to wonder how it is we ever communicate.

Indeed, this concern for miscomprehension was a question that occupied Richards in a series of studies in which he puzzled over the problems involved with understanding. Along these lines, he had defined “rhetoric” as the study of misunderstanding and its remedies (Richards 1936, p. 3). Setting aside the unusual nature of such a definition,³ it is the promise of remedies that attracts the eye here. “Surely”, he writes elsewhere, “it should be possible to go directly to the root of the trouble, to study verbal misunderstanding, its nature and cause, deeply enough to find and apply a cure?” (Richards 1942, p. 18). Here, he is considering the reading of texts, but we might suggest something similar can hold for the comprehension of other types of utterances in spite of the very different situations involved.

A further decade on, in “Toward a Theory of Comprehending”, Richards explores how utterances are conveyed in order to retain the intended meaning. The focus here is on the meaning and not the intention to mean something, but he brings the speech situation into the discussion in a way that allows a broader consideration. Speaking of the “fields” of comparison that permit translation of meanings, he says “Let the units of which these comparison fields consist be *utterances-within-situations*” (Richards 1955, p. 23, emphasis in the original). Utterances arise within speech situations. Around the same time, J.L Austin was insisting that what matters most in the approach to speech acts was understanding “the total speech situation” (Austin 1962).⁴

In his account of utterances-within-situations, Richards cites the earlier work he had done with C. K. Ogden (Ogden and Richards 1923), and a review of this material is insightful. The relevant discussion is that of interpretation, the contexts of which are deemed to include past occurrences of a similar nature (p. 53). “Interpretation”, they suggest, “is only possible thanks to these recurrent contexts . . . To say, indeed, that anything is an interpretation is to say that it is a member of a psychological context of a certain kind. An interpretation is itself a recurrence” (pp. 55–56). Such contexts involve both external and psychological factors. It is the latter that is of greater interest. The former—the external factors—are those features of context that mark a situation as involving communication. It may invoke the history of the communicators on the issue in question and on other issues. The psychological context, however, involves “a recurrent set of mental events peculiarly related to one another so as to recur, as regards their main features, with partial uniformity” (p. 57). Related to one another how? Through experience, without which no recognition (or inference for that matter) would be possible. The psychological contexts are connected with external contexts “in a peculiar fashion”.⁵ Where no connection pertains, “we are said to be mistaken” (p. 57). Hence, the attention in Richards’ work to misunderstanding and its remedies. Thus, to return specifically to the utterance-in-situation of Richards’ later work, comprehending involves now a “nexus”—a term that has replaced context—that has been established through occurrences of similar utterances in similar situations (Richards 1955, p. 23). By extension of this, what hearers recognize in a speaker’s utterance is a similar context of communication. The conditions involved are parallel, and successful comprehension presupposes recognition of an intention to be comprehended.

When Austin invoked the total speech situation, he seemed to be thinking along similar lines, although he is less forthcoming on what “total” might entail. Austin insisted that the “total speech act in the total speech situation is the *only actual* phenomenon which, in the last resort, we are engaged in elucidating” (Austin 1962, p. 148, again, the italics are in the original). Earlier in *How to Do Things with Words*, he explains that:

“in order to see what can go wrong with statements we cannot just concentrate on the proposition involved (whatever that is) as has been traditionally done.

We must consider the total situation in which the utterance is issued—the total speech act—if we are to see the parallel between statements and performative utterances, and how each can go wrong.” (p. 52)

It is interesting to note the concern that Austin shares with Richards about what can go wrong (further suggesting some influence between them). Of course, Austin assigns additional senses to “going wrong” beyond miscomprehension. Nevertheless, the account fits into our general interest in how communicators recognize the intentions involved. As we will see below, with respect to argumentation the issue goes beyond just understanding what can go wrong; we want equally to understand what can go right in order to improve our practices. Also, in situations where communicators encounter each other in new cultural environments, we want to understand what it is that is going on; to identify argumentation in unfamiliar contexts.

The depth of Richards’ study of utterances is seen in the functions of language that he believes are involved. He identified seven: 1. Indicating; 2. Characterizing; 3. Realizing; 4. Valuing; 5. Influencing; 6. Controlling; 7. Purposing (Richards 1955, p. 26). There is no constant logical order to these. He proposes that any “full utterance does all these things at once, and invites all of them in the comprehender” (p. 27). There is something of interest to be explored in each of these “functions”, but it is Realizing that is relevant to the current discussion.⁶ There are two relevant senses of “realized”: one has to do with achieving what one sets out to achieve; the other with recognizing how something would be taken. It is the second that concerns Richards (and us). Within this sense, two lines of interpretation arise: person A imagines “vividly and livingly” how person B would feel, and person A “foresaw” how person B would act (Richards 1955, p. 32). These meanings come close to the kind of anticipation Grice advocated in his additional maxim of manner: they amount to facilitating the reply from the hearer. The reply is a response that presupposes a matching realization on the part of the hearer—that of being addressed.

How we mean, Richards suggests, depends on the shared nexuses in which we operate, nexuses built through utterances in similar situations.

3. The Challenges of the Cross-Cultural

The importance of such nexuses can be tracked in cognate fields such as anthropology. There, we find debates around a pair of terms and their associated meanings, introduced by Kenneth Pike (1966), namely “etic” and “emic”.⁷ They address different ways in which the linguistic anthropologist might approach interpretation: “analyses from the etic standpoint are “alien” in view, with criteria external to the system” (Pike 1966, p. 153). In etic reports, “the human element brings in great differences” (p. 163), according to the background of a particular observer. The emic standpoint studies behavior from inside the system of a specific culture. Obviously, it would be judged the preferred approach, issuing from within the group and capturing the perspective of the subject. That, at least, is the hope. The problem, however, quickly shifts to the *how* of achieving results that are emic in nature.⁸ The problem is compounded by the observation that emic criteria “require a knowledge of the total system to which they are relative and from which they ultimately draw their significance” (p. 154). Once again, misunderstanding is all too likely. Still, approaches to argumentation of all kinds need to keep the emicist’s understanding in mind if the goal is to retrieve the live situations in which argumentation has been experienced.

Admittedly, this is not the aim of all argumentation theorists (at least not all the time). Erik Krabbe (2021), for example, provides a graphic illustration of the etic perspective at work in his analysis of a complex argument in one of Plato’s dialogues. He specifically allows that his reconstruction was not aimed at capturing Plato’s intentions, noting that “Generally, the purpose of argument analysis is not to reconstruct the intentions of the arguer, but the way the argument is best understood . . . Often the aim is to grasp the way the argument would have been generally understood in the culture and the context in which it has been presented” (p. 182). That is the hope “generally”. However, there is a tension here between not reconstructing the intentions of the arguer and capturing how the

argument would have been understood. On the terms we have derived from Grice, the latter depends on the former.

Krabbe specifically states that “the purpose of the reconstruction was to get a better understanding of the argument *as it appears today*” (p. 182). He does this by applying a modern-day formal system (predicate logic). His interest is then in what the argument has to tell us, today, rather than to try to recover how it might have been received by an audience in Plato’s time. To do the latter, we would need to work with a completely different set of understandings, one that involved the belief systems of fifth-century Athens and the assumptions of Platonic thought. This would be the minimal expectation if we wanted to evaluate argumentation from the perspective of Grice’s theory of implicature (Hinton 2020; Moldovan 2012), let alone his theory of utterer’s meaning. Krabbe’s approach here illustrates that not all argumentation theorists will be particularly concerned by the problem that motivates this discussion. There are important reasons, however, why theorists should be interested in reconstructing argumentation as it is intended, recognized, and experienced. That is, that they should adopt something of the emicist’s perspective across situations within their own communities and in exchanges with others. An anthropological appreciation of how we argue and have argued in the past is of value here. How else can we study the ways in which argumentation has modified the environments in which we think and act, improving the societies in which we live?

4. Argumentation at the Borders

Fabrizio Macagno (2012) approaches the speaker’s meaning by looking at common knowledge (as a central feature of context) and implicature. He proceeds this way in order to address “one of the most controversial topics in linguistics” (p. 234), namely the relationship between context and meaning. While his interest is largely in implicatures and Grice’s associated theory, there are several parts of his discussion that bear on our concerns. He draws attention, for example, to the relationship between speaker’s meaning, utterance meaning, and hearer’s meaning, noting that any utterance has a goal and its success depends in part on whether or not it can be achieved (p. 245). In order to proceed, the speaker must rely on presumptions that govern the situation. How can the speaker know what the other knows, that the other is interested in what the speaker says, and shares the necessary information to understand? “The speaker can only *presume* that some pieces of information are shared, or that the hearer is interested in some facts, entities or events and that [the hearer] shares some specific values” (p. 246). Of course, not knowing what the hearer knows, the speaker must look for clues in the context. The speaker is constrained by time to act “in conditions of lack of evidence” (p. 248) and can only presume the hearer’s response.

This is addressing the right kind of questions and offering plausible suggestions for approaching a situation similar to hearer recognition of the speaker’s intention as the Gricean formula proposed it. Macagno includes under a heading of “implicit knowledge”, for example, that the hearer knows basic logical rules and basic encyclopedic information (p. 250). Such shared information, we might allow, presumes a shared cognitive environment that licenses a number of inferences on the part of the speaker, inferences required for communication in situations of uncertainty. In the sphere of argumentation, Macagno draws on the tools offered by relevant argumentation schemes,⁹ most particularly, the scheme that expresses reasoning to the best explanation. Depending on the situation and the facts involved, different explanations can account for phenomena of interest. The scheme identifies the explanation that is best from among those most plausible. The reasoning involves two steps (captured in the premises of the scheme): “the abduction of an explanation, and the comparison between the explanations” (p. 255). Importantly, the explanation promoted in the conclusion is plausible, not guaranteed. Conclusions of such reasoning are deemed to be defeasible, that is, they have a strong provisional acceptability but remain open to revision in light of further evidence coming to light, immediately or in

the future. Again, these proposals, transferred to the current, related discussion, begin to offer the right kind of useful advice, and draw on argumentation theory in doing so.

The tools Macagno employs flow from the conception of argumentation as a type of communication operating in contexts of dialogue. While argumentation *theory* actually comprises different accounts of how it operates, there is general agreement that it is a communicative activity (Willard 1989, p. 38; Tindale 2015, p. 22) even if not at the simple sentence level (van Eemeren and Grootendorst 1992, p. 29). In this way, accounts will share understandings of arguments as means of expression, often through utterances, intended to modify states of affairs.

Arguments

Talk of shared environments may divert attention from a central feature of many arguments that will be of interest to us: they are events of disagreement.¹⁰ Without the differences of view involved, there would be no issue, disagreement, problem, and so forth. Thus, a rhetoric of argument has as one goal to address differences. Roland Barthes (1978) focuses on the distancing involved in argumentative situations in providing a preliminary definition: “*Argumentum* . . . instrument of distancing” (p. 5). It is this distancing that gives rise to the possibility of misunderstanding. Hence, some accounts of rhetoric, such as that of I. A. Richards (1936), study misunderstanding and its remedies, and others how the distance between arguer and audience is negotiated (Meyer 2017).

In the kinds of pragmatic contexts of interest here, arguing is judged a complex speech act, involving the acts of asserting reasons and the act of concluding (Corredor 2021). One of the most influential theories of argumentation that has endorsed a speech act approach on its own terms is the pragma-dialectical theory of the Dutch school. Its originators, Frans van Eemeren and Rob Grootendorst, observe that people generally strive to communicate in ways that expedite understanding, and so when they perform speech acts, they adopt rules that facilitate this. Underlying such rules is a general principle—the Principle of Communication—that, they claim, is similar to Grice’s Co-operative Principle (van Eemeren and Grootendorst 1992, p. 50). As far as is apparent, this is the closest they come to addressing the “recognition problem” identified in Section 1 above. A speaker needs to formulate communications in a way that allows the hearer to identify “its communicative function”, and “if identity conditions are not met, the speech act is incomprehensible” (p. 50). The speech acts involved are, importantly, interactional (House and Kádár 2021, p. 105).

In spite of this endorsement, the pragma-dialectical account falls short of what we need here on at least two fronts: (i) As Cristina Corredor (2021) observes of the approach: “for pragma-dialectics, a complex speech act is an act of arguing provided that, and to the extent that, the listener grasps the attempt by the speaker to convince them (of the acceptability of a viewpoint)” (p. 461). On this interpretation, the argument lies in its reception. Corredor does not “share the underlying intuition that the communicative (illocutionary) dimension of argumentation consists of the listener’s understanding the speaker’s attempt, and that the interactional aspect is constrained to the perlocutionary effects” (p. 461). (ii) To this we might add that, similar to Grice’s basic account, the pragma-dialectical account is vulnerable to the charge that it is culturally specific, and thus, actually insulated from the wider appreciation to which it aspires. It exhibits, argues Carlos Gomez, a mono-cultural nature (Gómez 2012, pp. 156–64).¹¹ That is, a number of the rules and the expectations associated with them reflect the argumentative behavior of certain groups of people and are not necessarily relevant to (or recognizable by) other groups.

A more promising approach, offering ideas that can be added to those collected above, is the rhetorical model of Charles Willard (1989). Among other things, he asserts and defends the initially surprising claim that complete common ground is not necessary for successful communication. Willard has long been recognized for his criticism of the “standard” version of speech act theory, and particularly the direction it took post-Austin under Searle’s direction (see Tindale 1999, p. 82ff). Most importantly, what Willard has done

is expand the field of “argument” to include what might not normally be captured under “utterance”. Or, as he would say, he expands not so much the definition of argument but “the definition of the sphere of relevance” (p. 92). He will include, paralinguistic, gestural, and facial cues, features which, if not part of some argumentative communications, are certainly preliminary to them insofar as their meaning facilitates the understandings that are active in argumentative situations.

An example of this expanded sense of argument may serve us here. In June of 2020, one of the leaders of the opposition parties in the Canadian parliament, Jagmeet Singh, was removed from the parliament building for “unparliamentary behavior”. What had he done? He had called one of the members of the Bloc Québécois (another opposition party) a racist. That member had voted against a motion that would have addressed systemic racism in the Royal Canadian Mounted Police force (RCMP). What angered Singh in particular was that the member in question had made a dismissive gesture. He had flipped his hand “like someone trying to brush off a fly”.¹² As Singh interpreted that gesture, it was argumentative, conveying a position that had a particular meaning within the context: “In that gesture, I saw exactly what has happened for so long. People see racism as not a big deal, see systemic racism and the killing of Indigenous people as not a big deal, see Black people being the subject of violence and being killed as not a big deal, and in the moment I saw the face of racism”. Strictly speaking, the Bloc member had said nothing, but he had implicated a lot, and his gesture constituted a meaningful argumentative act, understood as such by the audience. The dismissive gesture had clear cultural currency and would be interpreted by anyone in the relevant culture in the same way that it was interpreted by Singh. As an example, it not only illustrates what Willard had in mind when referring to a sphere of relevance and drawing on “what everybody knows” (Willard 1989, p. 97), it also illustrates Michael Gilbert’s (1997) visceral mode of argumentation.

Influenced by Willard, and understanding argumentation as a subspecies of the general category of human communication, Gilbert identified three modes of argumentation reflecting conceptually distinct sources beyond the traditional logical mode. In addition to modes that capture the emotional and the intuitive, Gilbert’s visceral mode captures arguments that “are primarily physical and can range from a touch to classical nonverbal communication, i.e., body language, to force” (Gilbert 1997, p. 84). Gestures fit this mode. Recall Grice’s example of the cigarette purchaser who conveys his intention to buy by offering the correct change. While all gestures communicate, some communicate arguments, and Singh’s case shows how this happens. Drawing on cultural meaning, Singh *saw* in the gesture of his parliamentary colleague an argument for a position he recognized as racist. There is a necessary level of interpretation here, and it would be difficult to “reduce” the argument to propositional form (premises and conclusion), but the core meaning is clear and would be recognized by anyone sharing Singh’s cultural background.

This is the point we take away from the example: that hearers (or readers) recognize more than the utterance of discourse, and intentions cannot be limited in that way. By expanding the category of argumentation to include “non-traditional” reasons, we expand the argumentative situation and the sphere of interaction between communicators.

5. Recognizing Reasons

I turn now to Willard’s other challenging thesis: the denial “that communication requires common ground” (p. 258). This needs to be appreciated in the context of his “interactionist” model.¹³ In this account, while speakers must realize they are interacting, that is about the limit to any parity involved. Participants are generally unequal in terms of the information they possess or any position of power they may hold (pp. 50–51). Willard does believe in the *reciprocity of perspectives* drawn from ethnomethodological thinking, where two people assume that if they changed places they “would see the encounter similarly” (p. 58). That is, an emicist view can supplant the etic. This is the only hint of a shared expectation. Clearly, Willard’s sense of what is shared here falls short of the full understanding of common ground that is at stake. Inequality between participants,

however, does indicate the difficulty of understanding involved. Norman Fairclough (1985), for example, observes that Grice's theory of conversation assumes interaction between equals, or at least those capable of equal contribution (p. 757).

Rather than common ground, Willard shifts attention to common interests, which he believes are best captured by talking of "positions". Two senses are put forward, and it is the second—more rhetorical—sense that is instructive. One sense of "position"—position₁—involves a public stance; the other sense—position₂—involves "a personal stance, one's analysis of the coherence between one's beliefs, attitudes, and intentions and one's public message or public stance" (p. 263). With position₂ a person is translating their intentions into messages and strategies, searching for the available means to communicate, transferring what is private into something communicable. Now, arguably, what Grice imagines for hearer recognition must be along these lines when we recall the additional maxim of manner: "Frame whatever you say in the form most suitable for any reply that would be regarded as appropriate"; or, "Facilitate in your form of expression the appropriate reply" (Grice 1989, p. 273). Granted, Grice assumes a considerable amount of shared understanding, especially of the conventions involved. However, what the emphasis encouraged by Willard provides is a direction that does not necessarily assume that ground of commonality. Thus, Lilian Bermejo-Luque's gloss of Grice on this point is useful: "Grice progressively refined his definition of speaker's meaning, but the core idea is that it is what we understand when we recognize the communicative intention of the speaker, where this recognition is possible thanks to the way the speaker has shaped her utterance in order to enable her addressee to recognize her communicative intention, given the features of the context that are salient for both speaker and addressee" (Bermejo-Luque 2011, p. 152, my italics). "*U* meant something by uttering *x*" is true iff, for some audience *A*, *U* uttered *x* intending *A* to produce a particular response *r*, and so forth, where *U*'s intention involves the facilitation of the recognition. That is, the utterance is directly audience-considered in its composition and delivery. Recognition depends not so much on the audience grasping the intention as on the intention arresting the audience in the right way (a way that involves the grasping of the intention secondarily).

We are able to address others in this nuanced way, argumentation theory tells us, because our ability to *communicate* (not just to issue utterances) is predicated on our understanding of what it means to be addressed. Being-in-audience is a way of being in the world that we share (Crosswhite 1996, pp. 139–40). It is an expression of our rhetorical nature. Aristotle (2007) observed as much when he defined rhetoric itself as the "capacity to see the available means of persuasion" (*Rhet.* 1355b26). This capacity (*dunamis*) is a potentiality that is actualized in rhetorical situations. It is just such a structure that seems captured in Richard Lanham's (1976) identification of *homo rhetoricus* (set in contrast to *homo seriusus*), for whom such social situations are the lowest common denominator of life (p. 4).

The argumentative theory of reasoning of more recent interactionists, Mercier and Sperber (2017), defends the thesis that reason has evolved in humans in order that we can justify our decisions to ourselves and others, and evaluate the reasons of others. Their model also assumes the rhetorical nature of humans identified in the last paragraph. "As communicators", they write, "we are addressing people who, if they don't just believe us on trust, check the degree to which what we can tell them coheres with what they already believe on an issue. *Since we all are at times addressees*, we are in a position to understand how, when we communicate, our audience evaluates what we tell them" (p. 194, my emphasis). The echo of this idea, thus, repeats enough for it to be taken seriously as part of the solution to our problem.

Several threads spun earlier start to weave together here. Fabrizio Macagno explored the importance of certain types of contexts and meanings for argumentation with a valuable emphasis on the presumption that must be involved, and his input gains substance from the richer ideas on psychological context provided by I. A. Richards. This particular kind of speech situation—his utterance-within-situations—alerts us to the kinds of things relevant to meaning intentions. In the model of psychological context, Richards adopts

the emicist's desire to understand the other's feelings, imagining "vividly and livingly" how another person would feel and act (Richards 1955, p. 32). Gilbert's modes help here, especially an understanding of the emotional mode. However, in cross-cultural argumentation that "recurrent set of mental events peculiarly related to one another" that constitutes psychological context (Ogden and Richards 1923, p. 57) needs to be set in process. The clues that inform a first interaction are highly susceptible to misinterpretation and misunderstanding threatens success. This, suggests Richards, is the unavoidable condition of such communicative events, and misunderstanding and its remedies the fitting subject for the rhetorically minded theorist of argumentation.

Indeed, understanding can only have evolved out of serious and serial misunderstanding, as people's experiences of each other expanded to accommodate the nexuses necessary for shared meaning. Building on the experience of being addressed within one's own community, and thus, recognizing others as addressable, early encounters sought the available means to communicate in spite of the absence of a common ground. The privacy of one culture is laid open to another; the emicist perspective becomes possible.

6. Conclusions

It might have been that Grice was simply wrong. Several components of his theory of communication have been criticized and modified (Wilson and Sperber 1981) and his theory of utterance meaning has certainly not escaped challenge. On utterer's meaning, however, there are reasons to judge him correct. It follows from this, drawing out the maxim(s) of manner, that meaning is a shared accomplishment, even when the participants cross cultures. Like trust, recognition is something that depends on the audience rather than the speaker to provide it. However, also similar to trust, recognition depends on how the speaker combines features of the context in the construction of the utterance.

Having argumentation manifest itself in different cultures is no surprise. In this respect, it simply joins many other activities and practices. It is this underlying experience (rhetorical in nature) that makes viable the success of cross-cultural argumentation, in spite of the tendency towards misunderstanding more often than not (particularly in earlier encounters). The common experience of addressing and being addressed, however, sets the foundation for recognition, in the way I have described it, to be successful. Moreover, this success is, plausibly, success as understood on Gricean terms.

Wayne Brockriede (2006) insists that an argument is only an argument if and when it is perceived by another as an argument. "Human activity does not usefully constitute an argument until some person perceives what is happening as an argument" (p. 4). This is recognition from a different direction, but it is recognition nonetheless. It also makes possible the study of the remedies of misunderstanding that a full appreciation of communication (and argumentation) requires.

Funding: This research received no external funding.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Not applicable.

Data Availability Statement: Not applicable.

Conflicts of Interest: The author declares no conflict of interest.

Notes

- ¹ Moldovan does consider whether argumentative implicatures, should they exist, are part of speaker meaning. The norms at issue, however, are judged to not be norms of communication (Moldovan 2012, p. 310).
- ² Two further argumentation theorists, Fabrizio Macagno (2012) and Lilian Bermejo-Luque (2011), do address more directly the issue of retrieving the speaker's meaning. I consider relevant remarks from their accounts later in the paper.
- ³ McCloskey notes "rhetoric is a word like democracy or freedom, a complicated matter not easily put onto a 3" × 5" card" (McCloskey 1994, p. 273), and then proceeds to compare it to the proverbial elephant, which appears very differently depending on which part is being described.

- 4 The “utterances-within-situations” (as well as the functions of language, below) have their origins in the account of *The Meaning of Meaning* (Ogden and Richards 1923), and so might be judged to have “anticipated aspects in . . . the ordinary language philosophy of J. L. Austin” (Russo 1989, p. 137).
- 5 It is a linguistic habit of the times and the culture (English academics) to refer to what is “peculiar”. This particular peculiarity is elaborated upon in an Appendix on contexts (Ogden and Richards 1923, pp. 263–65).
- 6 Bearing in mind that Richards’ concern in this essay is with problems of translation. Thus, when two utterances are deemed similar, the utterances involved are in different languages with supposedly parallel meanings.
- 7 He derived the terms from the words ‘phonetic’ and ‘phonemic’.
- 8 The etic viewpoint is not dismissed out of hand by Pike. He lists several ways in which it remains important, not least being the practical need to begin somewhere. It remains something of a necessary evil, “even the specialist, coming from one culture to a sharply different one, has no other way to begin its analysis than by starting with a rough, tentative (and inaccurate) etic description of it” (Pike 1966, p. 156).
- 9 Argumentation schemes are regular patterns of plausible reasoning that have a common usage. The patterns involve a series of sentential forms with variables that are replaced in actual arguments by the specifics of a case. Some scheme theorists, such as Macagno, strive to achieve an objective standard of evaluation through the identification of a set of critical questions associated with each scheme.
- 10 “Events” because such arguments capture complex situations that involve more than the propositions of which they consist. Furthermore, similar to other communication devices, they have different goals, and so not all will be marked by difference or disagreement. Arguments are instrumental in processes of inquiry, for example.
- 11 By employing a typology of speech acts that includes both the interactional and relational, House and Kádár (2021) address the criticism that speech act typologies tend to exhibit a Western bias (p. 106).
- 12 Singh’s remarks were reported by the Canadian Broadcasting Corporation: <https://www.cbc.ca/news/politics/ndp-jagmeet-singh-rota-racist-therrien-1.5616661> (accessed on 19 June 2020).
- 13 While generally reluctant to endorse a definition of argument, Willard’s focus on interaction offers the following: “*argument is a kind of interaction in which two or more people maintain what they construe to be incompatible positions*” (Willard 1989, p. 42, italics in the original), a definition that Willard adopts from his earlier book (Willard 1983, p. 21).

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ISBN 978-3-0365-8913-8