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Valuing Validity as Reasonableness

Rationale for a Pragma-Dialectical Perspective¹

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I. Reasonableness and argumentation

Logicians are interested in studying patterns of reasoning. In this endeavour, they concentrate in the first place on examining the formal validity of specific argument forms. The interest of argumentation theorists is focused on determining the quality of argumentative discourse. They have a broader and more-encompassing conception of validity that equates validity with reasonableness. What is in this connection meant by reasonableness? And how can the conception of validity as reasonableness be valued? Let me first try to clarify the notion of reasonableness.

In everyday language the word *reasonable* is often used indiscriminately and interchangeably with the word *rational*, although these words have somewhat different meanings that are only partially related. When we are making clear what we mean by reasonableness we must start from these semantic realities and then provide a stipulative-lexical definition of the way in which we are going to use the term *reasonable*.² In everyday language the different meanings attributed to the words *reasonable* and *rational* are not always clearly delineated, nor do they need to be, but if we are going to use *reasonable* as a technical term its scope needs to be determined more precisely.

Colins Cobuild English Language Dictionary gives the following description of the word *reasonable*:

- 1 People who are *reasonable* behave in a fair and sensible way. [...]
- 2 Something such as a decision or judgement that is *reasonable* is fair and understandable because there are good reasons to suppose it is right. [...]
- 3 Something that is *reasonable* is quite good, but not very good. [...]

¹ This paper is based on van Eemeren and Grootendorst (1988).

² See for the notion stipulative-lexical definition Naess (1966: 48), although he does not make use of this term,

4 *Reasonable* prices are considered to be very fair and not too high. [...]

And this is their description of *rational*:

Someone who is *rational* is able to think clearly and to make decisions and judgements that are based on reason rather than emotions.

Webster's distinguishes the following meanings of the word *reasonable*:

- (1) able to reason; having the faculty of reason; endowed with reason; as, a *reasonable* being,
- (2) amenable, conformable, or agreeable to reason; just; rational,
- (3) not immoderate; not excessive; not unjust; tolerable; moderate; sensible; sane,
- (4) not expensive.

And Webster's description of *rational* is:

- (1) of, based on, or derived from reasoning; as, *rational* powers,
- (2) able to reason; reasoning; as, an infant is not yet *rational*,
- (3) showing reason; not foolish or silly; sensible; as, a *rational* argument,
- (4) in mathematics, designating a number or quantity expressible without a radical sign as an integer or as a quotient of an integer.

In spite of some minor differences, the Collins meaning distinctions are quite similar to Webster's. Disregarding aspects of meaning that are of no concern to us now, in the case of the meaning of the word *rational* Webster's distinctions (1) and (2) (and to some extent 3) agree with the Collins description. Although the agreement is less outspoken in the case of the meaning of the word *reasonable*, there is in both descriptions an extra element of normativity that is largely lacking in the descriptions of the word *rational*. Following on from this, I shall make a primary distinction between *rational* and *reasonable* by using *rational* in the first place to refer to the activity of using one's brain to reason and *reasonable* to refer to

and Copi (1976: 121, 1986: 142), who uses the term *precising definition*.

making use of reason in an appropriate way.³ In this way, I not only comply with a usage tendency, but also with the philosophical distinction that is traditionally indicated by the terms *Verstand* and *Vernunft*.⁴

In addition, I take into consideration that generally the term *reasonableness* is used in order to discuss the quality of the use of reason in a social context, more in particular a context of communication and interaction. When reasonableness is situated in this context, it is always to some extent an interpersonal and intersubjective (but not necessarily collectivist) matter.⁵ This means that the meaning of the use of reason in an appropriate way that is inherent in the term *reasonable* is related to a social context of use that is not presupposed in the term *rational*. In defining the meaning of the term *reasonable* more precisely I therefore stipulate that being reasonable involves the use of reason in a way that is deemed appropriate in view of the circumstances, the communicative situation. In this way a distinction has been made between reasonableness and rationality that is important to capture, however closely related the two notions may be in practice.

How can reasonableness be further substantiated? Because scientific proceedings are often considered to be the paragon of reasonableness, it seems sensible to establish how philosophers of science, including the humanities, define reasonableness. According to many, the scientific process can after all be characterised as the most pronounced form of a reasonable exchange of views and the prototype of a reasonable goal-directed discussion.⁶

Various philosophers of science and methodologists have attempted to give further substance to the concept of reasonableness by specifying rules and criteria that must be observed when resolving scientific problems. They assume that resolving a scientific problem may be regarded as conducting a scientific discussion.⁷ It transpires, however, that the problems confronted with in scientific research and scholarship cannot be solved through relying on infallible and clear-cut methodological rules. Such rules and criteria are in the end simply not available. The rules taken into account in a scientific discussion are based on

³ The need to distinguish a concept of reasonableness in such a way from the concept of rationality is also indicated in laments like Jarvie's: "If to be rational means no more than trying to apply reason to things, then a wide range of human actions can lay claim to rationality" (1976: 311).

⁴ Unfortunately, many academic authors also jumble up the meanings of *verständnis* and *vernünftig*.

⁵ See Popper (1971: 225-226).

⁶ All the same prominent philosophers of science such as Feyerabend (1975) and Kuhn (1962) stress that irrational impetus plays a major role in the process of discovery of scientific theories and this explains why irrational aspects play a part in the scientific process.

⁷ According to Habermas, the purpose of a scientific discussion is to reach an intellectual consensus.

intersubjective agreements and the conventions of scientific tradition. Of course, they can be formulated to some extent, but eventually they will have to be replaced by arguments that are cogent to what de Groot (1984) calls the Science Forum: in other words, by arguments that fulfil the validity criteria of the Forum. According to de Groot scientific methodology derives its reasonableness from the fact that *by means of argumentation* consensus of opinion is aimed for in a critical discussion in the Science Forum.

Because the Science Forum must establish which arguments are acceptable, this Forum functions as a monitor of reasonableness. Unfortunately, no one can tell exactly of whom the Forum consists. On top of that, some philosophers think it necessary to distinguish various forums associated with different kinds of questions or question types. Although this may seem a purely practical problem, combined with the fact that the Forum is a normative model that implies total openness, it is in fact also a theoretical problem. All the relevant experts should be able to participate in the scientific discussion and the quality of the Forum is supposed to be maintained by a process of self-selection. Only to an uncertain degree can the company that forms the Forum be said to consist of a clearly identifiable group of people. In fact, it appears that the Science Forum could better be characterised by approaching it the other way around: by first establishing which rules of discussion are taken into account, and then which scientists apply them.

There are more reasons why the reasonableness problem is not solved by relying on the philosophy of science. It is nowadays broadly acknowledged that there is more than one scientific methodology. The suggestion that a set of methodological rules can be compiled that is reasonable in an absolute sense is linked with an ideology that suggests the existence of a final point in a scale of reasonableness, a suggestion that is heavily contested. All the same, it is still too readily assumed that everything would be solved were the problem of methodological rules and criteria transposed to rules of discussion and criteria for sound argumentation.

The state of the art in argumentation theory, however, shows clearly that this transposition of the problem by no means automatically results in its solution.⁸ While on the one hand modern philosophers of science seem to place excessive trust in the problem-solving potential of argumentation theory, on the other hand they seem to underestimate its scope. This is connected with the *parti-pris* of many philosophers (and others) that a fundamental distinction should be made between factual judgements and value judgements,

⁸ For an overview of the state of the art in the study of argumentation, see van Eemeren et al. (1996).

and that the latter cannot be the subject of a reasonable discussion because interests, wishes, preferences, and other value judgements would be based only on subjective preferences and conflicts of interests. It is precisely to remedy this misunderstanding that the founding fathers of modern argumentation theory, Perelman and Toulmin, set out to develop their theories of argumentation. Restricting the bounds of reason in such a way, as the positivists do, that discussions on interests, wishes and preferences do not fall under any standard of reasonableness, makes these discussions seem of secondary importance and gives a free hand to those, *in politicis* or elsewhere, who do not give a second thought to reasonableness.

I see no purpose in excluding goals, wishes, and other value judgements *a priori* from a reasonable discussion. Aside from cognitive reasonableness, which scientists tend to concentrate on and which pertains to the state of the world, the analytic tradition also recognizes desiderative reasonableness connected with wishes, goals and norms and practical reasonableness connected with action. Without committing themselves to exactly this classical tripartition, critical rationalists such as Albert (1975) in his *Traktat über kritische Vernunft* stress that any topic on which a regulated discussion can be carried out, can be dealt with reasonably. It is basically not important whether the viewpoint central to the discussion refers to facts, ideas, actions, attitudes or evaluations. We need an argumentation theory that makes clear what the conditions are that argumentative discourse must meet in order to comply with the reasonableness standard of using reason in a way that is appropriate in view of the circumstances.

2. Conceptions of reasonableness in argumentation theories

In spite of the development of other theoretical approaches in recent years, the approaches to argumentation developed by Toulmin and by Perelman and Olbrechts-Tyteca in *The Uses of Argument* (1958/2003) and *La nouvelle rhétorique* (1958/1969) respectively are still the most prominent in the study of argumentation.⁹ Both the Toulmin model of argumentation and the new rhetoric have been severely criticised and various amendments are proposed, but these two works, as they are, are still the most widely used sources of reference. I shall therefore base my characterisation of the most influential views on reasonableness in the field on the

⁹ It should be noted that from the fact that modern logic is based on a reasonableness standard which is expressed in the formal validity criterion, it should not be automatically concluded that all logicians support the

principle works of these authors.

In their conceptions of reasonableness, Toulmin as well as Perelman and Olbrechts-Tyteca react against (modern, formal) logic. To start with, I shall therefore make some comments on the ‘geometrical’ line of approach these authors attribute to logicians.⁹ In *Knowing and Acting* Toulmin defines the geometrical view as follows:

We ‘know’ something (in the full and strict sense of the term) if-and-only-if we have a *well-founded belief* in it; our belief in it is well-founded if-and-only-if we can produce *good reasons* in its support; and our reasons are really ‘good’ (by the strictest philosophical standards) if-and-only-if we can produce a ‘conclusive’, or *formally-valid* argument, linking that belief back to an *unchallenged (and preferably unchallengeable) starting point* (1976: 89).

This is a reduction of the notion of reasonableness that renders it applicable only to artificial demonstrative argument forms. Consistent maintenance of this standard leads to epistemological scepticism that is linked to foundational ‘justificationism’ (Albert 1975). However, it is not the case that all logicians automatically equate the soundness of argumentation with the formal validity of reasoning that departs from an unchallenged starting point. Some point out that the reasons that are used should be *relevant* to the viewpoint defended in the argumentation. Naess (1966), for one, has emphasised the importance of the relevance criterion. The logician Kahane is another example (1973: 231; 1976: 6).

Precisely because of their formal inclination, logicians concern themselves in principle only with the truth of the premises of an argument insofar as this truth depends on the form of the ‘assertives’ in which the premises are expressed. They regard an argument form as valid only if it can have no substitution instances with true premises that produce an untrue conclusion. This, however, does not mean that they are interested in ‘truth values’ as such, let alone that they support the ideal model of knowledge referred to by Toulmin as ‘the Eternal City of well-founded truths’. If it is nevertheless said that many logicians favour the geometrical approach, then this assertion is not completely accurate, although in view of Toulmin’s tripartition the chosen categorization would indeed be the most obvious one.

In general, logicians do not opt for a ‘anthropological’ view of reasonableness, as this would mean that the validity criterion would be substantiated on purely empirical grounds.

geometrical view of reasonableness, let alone the geometrical view as it is defined by Toulmin.

Then reasonableness would be linked to Wittgensteinian 'Lebensformen' (Passmore 1972: 427). It was once not unusual for logicians to regard logic as a descriptive science, but as Haack points out in *Philosophy of Logics*, after Frege's devastating criticism of the psychologistic view of logical principles as 'laws of thought', an empirical approach to logic has become virtually obsolete (1978: 238). If an anthropological approach is chosen, one of the consequences would be that in certain cases formal fallacies could be regarded as valid arguments. In fact, logic as we know it today (whether it is dialogical or not), abstracts from most factors that are regarded as crucial in the anthropological conception of reasonableness, such as the role of the discussants and the subject of the argumentation.

Some logicians show a distinct preference for a 'critical' view of reasonableness, albeit that they take the concept critical somewhat differently from Toulmin, identifying it with attempts to refute. Along with Toulmin, they acknowledge that a geometrical as well as an anthropological approach eventually leads to a dead end (scepticism and relativism, respectively), but they certainly do not agree to the foundational basis of his classification, which links reasonableness exclusively to *justification*. As Jarvie observes in 'Toulmin and the rationality of science', Toulmin continually overlooks the fact that logic in addition to being conceived of as a theory of justification or proof can also be interpreted as a theory of criticism (1976: 329). Jarvie summarizes the quintessence of this Popperian criticism as follows:

But [...] besides transmitting truth from the premisses to the conclusion, the theory of valid inference also includes the rule of transmission of falsity from the conclusion to the premisses, and this can be regarded as (an important element in) a theory of criticism (1976: 330).

In the discussion of logic that accompanies both Toulmin's and Perelman and Olbrechts-Tyteca's contributions to argumentation theory, no attention is paid to this possibility of applying *modus tollens*. This is no longer surprising, however, when one realises that Toulmin's attack on logic only applies to syllogistic logic, and that in the introduction to *La nouvelle rhétorique* Perelman and Olbrechts-Tyteca present logic as a completed whole which is no longer open to new developments and which will certainly not generate insights that may be practical to the development of argumentation theory. These authors link logic without any further ado to the approach to reason *more geometrico*. For the

same reason they automatically believe it to be inadequate or irrelevant, if not both.

In Toulmin's argumentation model as well as in Perelman and Olbrecht-Tyteca's new rhetoric the soundness of argumentation is linked to certain critics, but in answer to the question of who are these critics, the paths of these theorists diverge. Perelman and Olbrechts-Tyteca consider argumentation to be sound if it succeeds with the audience for whom it is intended. This means that they have a rhetorical concept of reasonableness in which soundness is in some way or other equated with effectiveness. The consequence of this is that argumentation which is sound in one case need not be so in another. Its soundness depends on the criteria that an arbitrary judge consisting of a more or less indiscriminate group of people employs in its assessment. This means that an extremely relative standard of reasonableness is chosen and that, in principle, there could be just as many types of reasonableness as there are language users (or even more, in view of the fact that language users can change in the course of time).

The introduction of the possible restriction that argumentation is reasonable only when deemed sound by the 'universal audience',¹⁰ ultimately results in no limitation at all. After all, each individual is free to choose who he will include in the universal audience, which leaves the standard of reasonableness no less arbitrary and relative, the only difference being that the variation is attached to the speakers and not to the listeners. In effect, he who argues may now decide by himself whether or not his argumentation is sound. He is free at any time to imagine a fictitious audience with views on reasonableness akin to his own – which he then regards as a universal audience.

It is clear that in their new rhetoric, Perelman and Olbrechts-Tyteca opt for a sociological point of departure and apply an anthropological criterion of reasonableness. In Toulmin's argumentation model it is less clear what type of reasonableness standard is applicable. Wenzel (1979: 85) believes that Toulmin's "revolution" in logic still fits in with the logical perspective, but I think that Toulmin makes it clear enough that his reasonableness criterion is not geometrical. Nor is his standard of reasonableness in *The Uses of Argument* of the critical variety, as one might have expected in view of his confirmed preference in his (much later published) *Knowing and Acting* (1976). Toulmin's conception of reasonableness could instead be characterised as anthropological. For that matter, from his more recent contribution to the study of argumentation in *An Introduction to Reasoning* (1979), written

¹⁰ In his Forum Theory of Scientific Learning de Groot (1984) distinguishes between an abstract Forum, which resembles Perelman's universal audience, and more concrete forums of expert opinions, which act as particular

with Rieke and Janik, one gets the distinct impression that meanwhile he has adjusted his position: in this book, the critical function of argumentation plays an important role.

Although in *Knowing and Acting* and especially in the earlier *Human Understanding* (1972), Toulmin is not only opposed to the geometrical conception of reasonableness but also to the anthropological view, we believe that in *The Uses of Argument* his views still show strong signs of being anthropological. Ultimately, he deems the soundness of argumentation to be dependent on the particular criteria by which a specific group of discussants believes the argumentation should be assessed, albeit that this group is not arbitrary, as with Perelman and Olbrechts-Tyteca, but consists of experts in the field of argument concerned (whatever this exactly may mean).¹¹ The analogy between Toulmin's experts and de Groot's Science Forum is striking. It is probably not sheer coincidence that Toulmin later refers to his experts as *forum* (Toulmin, Rieke and Janik, 1979). Toulmin connects the role of the experts with the central position that according to his model of argumentation is taken by the *warrant*. For it is the expert's task to decide whether the warrant enjoys sufficient backing. Of course, this can only be established by those who are familiar with the field of argument to which the warrant belongs, and this field-dependent evaluation gives Toulmin's conception of reasonableness a relativistic and anthropological character. Toulmin's inclination to relativism is also observed by others, such as Burleson (1979: 115), and his defence of an empirical approach to argumentation at the end of *The Uses of Argumentation* seems to lend further confirmation to this interpretation of his position:

We must study the ways of arguing which have established themselves in any sphere, accepting them as historical facts; knowing that they may be superseded, but only as the result of a revolutionary advance in our methods of thought. In some cases these methods will not be further justifiable – at any rate by argument: the fact that they have established themselves in practice may have to be enough for us (1958/2003: 257).

audiences.

¹¹ The way Toulmin uses the term *field of argument* is confusing, especially because he uses another undefined term (*logical type*) to indicate what he means by field of argument. From the examples in *The Uses of Argument*, one gets the impression that statements of facts, moral judgements, and predictions each belong to different fields of argument. In his account of the field-dependency of the backing to the warrant, however, Toulmin suggests that the term *field of argument* is to him synonymous with subject or specialty. A weather forecast and an economic forecast would then belong to different fields of argument.

A further examination of the ‘warrant’ as the crucial element in his model makes it clear that Toulmin’s relativistic view of reasonableness is unwarranted and stems from a confusion of logical inference rules and premises. Toulmin freely equates logical inference rules with the major premise of syllogistic logic. This also explains his remarkable claim that logicians concern themselves with the ‘soundness’ of arguments, and it helps to understand why he so readily ascribes a geometrical view of reasonableness to logicians.

According to Toulmin, the analytic and universal validity criterion of logic should be replaced with substantial and field-dependent evaluation criteria. These criteria refer to the backing of the warrants (usually implicit) used in argumentation, and are established by the experts in the relevant field of argument. In this way, however, logical inference rules and the connected valid argument forms, such as the (non-syllogistic) *modus ponens*, are wrongly regarded as (hidden) major premises in the arguments.¹² According to Toulmin, any argument can be rendered formally valid by adding a warrant that guarantees the validity of the argument. By attributing the warrant with the status of a (major) premise as well as that of a logical inference rule, he ignores the crucial difference between the two of them. By doing so, he robs the concept of validity of its contents while substituting it with an unclear, relativistic soundness criterion. Jarvie (1976: 314) complains that Toulmin unwittingly opens the door to astrologists who claim that their judgements are every bit as reasonable as those of scientists.¹³

3. A dialectical interpretation of critical reasonableness

Justificationism, whatever its make, can never escape from the *Münchhausen trilemma*. This term is used by Albert (1975: 13) to indicate the problem that justificationists are eventually

¹² In *Objective Knowledge*, Popper has pointed out that logical rules of inference are statements about statements. Therefore, unlike premises, they are always of a meta-linguistic nature. Among the other differences Popper sums up, the following difference is of particular importance as far as Toulmin is concerned: “The rules of inference are never used as premises in those arguments which are formulated in accordance with them; but the corresponding formulae are used in this way. In fact, one of the main motives in constructing logical calculi is this: by using the ‘logician’s hypotheticals’ (i.e. those hypothetical truisms which correspond to a certain rule of inference) as a premiss, we can dispense with the corresponding rule of inference” (1972: 203).

¹³ For more extensive reviews of the contributions to argumentation theory by Perelman and Olbrechts-Tyteca and by Toulmin, see van Eemeren et al. (1996: ch. 3, 4).

forced to choose between three unacceptable options: an infinite regress, a logical circle, or breaking off the justification process at an arbitrary point. Usually, they choose the last option, so that the process of *Begründung* is at some point abandoned. This boils down to dropping the foundation requirement. The (local) claim at the point where the process of justification is interrupted is then given the status of a more or less axiomatic basic assumption that requires no further foundation because its truth is evident on the grounds of intuition or experience. In this way a certain starting-point is rendered immune to criticism and serves as an *a priori* or even as a dogma of reasonableness. In one form or other, such a justificatory starting point plays a part in both the geometrical and the anthropological conception of reasonableness.

I believe that it is necessary to keep the justificationism of the geometrical and anthropological conceptions of reasonableness at a firm distance and to opt for a critical approach to reasonableness. In this respect, I agree with Albert who warns in his *Traktat über Kritische Vernunft* against any form of ‘revelation model’ of the truth (1975: 15 ff). The geometrical conception of reasonableness leads to a form of justification which Popper and Albert refer to as ‘intellectualism’ or (Cartesian) ‘rationalism’, and the anthropological conception of reasonableness leads to ‘empiristic’ justificationism (British empiricism).

What does the replacement of geometrical and anthropological reasonableness by critical reasonableness mean? If one adopts the viewpoint of a Popperian critical rationalist, one pursues the development of a reasonableness model that takes the fallibility of human reason explicitly into account, and elevates the concept of systematic critical testing in all areas of human thought and action to the guiding principle of problem solving. This critical rationalist ideal requires the promotion of *dialectics* in the Socratic (or actually pre-Socratic) sense of the word. By adhering to such a conception of being critical, the dialectical idea of having a regulated critical discussion is made the basic principle of reasonableness.

The idea of choosing Socratic dialectics as a model for reasonableness is emphatically promoted by Popper. Meanwhile, it appears that an increasing number of authors are adopting the same viewpoint (although they do not always draw the necessary conclusions). Albert stresses that the dialectical method allows for a ‘all-embracing critical rationalism’ which is not subjected to restrictions. According to him, the methodology of rational testing by critical discussion is applicable to any form of conviction – not only to statements of a factual kind, but also to normative viewpoints and value judgements. In a discussion of

values too, reasonableness knows only those boundaries established by the participants themselves (Albert, 1967). Lakatos (1963-64) believes that the concept of a Socratic dialectic is applicable even to mathematics, which is often thought of as a class of its own. Eventually Perelman also seems to have come to terms with Socratic dialectics. In *Justice, Law and Argument* he describes argumentation as “the technique that we use in controversy when we are concerned with criticizing and justifying, objecting and refuting, of asking and giving reasons”. He believes that aside from logic as a formal proof theory, an argumentation theory should be developed: “This enlargement would complete formal logic by the study of what, since Socrates, has been called *dialectics*” (1980: 108).

In contradistinction to the geometrical logical approach, opposed by Toulmin and by Perelman and Olbrechts-Tyteca, and the anthropological rhetorical approach to which these authors’ own principle works on argumentation theory can be attributed, protagonists of a critical dialectical approach regard argumentation as part of a procedure for solving problems by means of discussion with regard to the acceptability of viewpoints. In this discussion procedure, elements from the logical and the rhetorical approaches are also taken into account. Following Barth and Krabbe (1982: 21-22), I believe that the process derives its reasonableness from a two-part criterion: *problem-solving validity* and *intersubjective or conventional validity*. This means that the argumentation rules which together form the procedure put forward in a dialectical argumentation theory, should on the one hand be checked for their adequacy regarding the resolution of disputes, and on the other for their intersubjective acceptability for the discussants. With regard to argumentation this means that validity should be measured against the degree to which the argumentation can contribute towards the resolution of the dispute, as well as against the degree to which it is acceptable to the discussants that wish to resolve the dispute.

The logical approach to argumentation traditionally concentrates on argumentation as a product, whereby attention is primarily directed towards the validity of arguments in which from one or more premises a conclusion is derived. The rhetorical approach tends to concentrate on argumentation as a process and stresses the effectiveness of the successive steps taken in the argumentation with a view to the gaining of acceptance for a standpoint. In the dialectical approach, the product-oriented and process-oriented approaches to argumentation are combined. The purpose of the dialectical approach is to establish how discussions should be carried out systematically in order to critically test standpoints. Wenzel, a supporter of this approach, believes that argumentation in the dialectical sense

should be regarded as “a systematic management of discourse for the purpose of achieving critical decisions” (1979: 84).

In a critical discussion, the protagonist and the antagonist of a particular viewpoint try to establish jointly whether this viewpoint is tenable to critical responses. The protagonist advances pro-argumentation or contra-argumentation to defend his positive or negative viewpoint, respectively. In the former case, he makes an attempt at justification and in the latter case an attempt at falsification. In both cases, the antagonist can respond critically to the argumentation of the protagonist. This may result in the protagonist continuing his justification or falsification attempt with fresh argumentation pro or contra. Here again, the antagonist can respond critically, and so on. In this way, an interaction takes place between the speech acts performed in the discussion by the protagonist and those performed by the antagonist. This interaction is characteristic of a dialectical process of convincing. It can, however, lead to the resolution of the dispute that forms the main issue of the discussion only if the discussion is adequately regulated. This means that a dialectical argumentation theory should provide rules for the conduct of an argumentative discussion, and these rules should together constitute a problem-valid and conventionally valid discussion procedure, thus guaranteeing the appropriate use of reason required for a critical discussion to be carried out.

In *Speech Acts in Argumentative Discussions*, Grootendorst and I introduced a dialectical procedure for conducting a critical discussion (van Eemeren and Grootendorst, 1984). In *A Systematic Theory of Argumentation* (2004), we presented an amended version of this theoretical model and summarized the most important elements in a practical code of conduct for reasonable discussants that want to resolve their differences of opinion by means of argumentation. Instead of stating all the rules that are to be taken into account in a critical discussion, this code of conduct lists the basic requirements for reasonable argumentative behaviour by prohibiting all fallacious moves that hinder the resolution of a difference of opinion. Each requirement represents a norm or principle that is a component of the more-encompassing pragma-dialectical notion of argumentative validity: (1) allowing freedom to express any standpoint or doubt, (2) defending one’s standpoint when necessary, (3) concentrating one’s attack on the standpoint at issue, (4) using argumentation that is relevant to the standpoint, (5) taking responsibility for unexpressed premises, (6) sticking to the accepted starting point, (7) avoiding logically invalid reasoning, (8) using appropriate argument schemes and using them correctly, (9) abiding by the outcome of the discussion, (10) being as clear and perceptive as necessary.

4. Rationale for the pragma-dialectical code of conduct

Following the lines of Popper, critical rationalists place great emphasis on the consequence of the fact that an assertive and its negation cannot both be acceptable at the same time: one of these assertives must be withdrawn. They equate a dialectical testing of assertives with the detection of contradictions (Albert, 1975: 44). In *From Axiom to Dialogue*, Barth and Krabbe (1982) proposed a method designed to establish whether a certain viewpoint is tenable in relation to certain concessions: in other words, that there is no contradiction.

As in the dialogue logic of the Erlangen School of Lorenzen *cum suis*, in Barth and Krabbe's formal dialectics a situation is taken as point of departure that is different from the ordinary starting point in argumentative practice. The starting point adopted by Barth and Krabbe in 'regimenting' dialogues forms a stage in the resolution of a dispute that does not arise until the protagonist has advanced his arguments to defend his viewpoint, and he and the antagonist together decide to establish whether this viewpoint is tenable on the assumption that the arguments are acceptable. This means that the protagonist and the antagonist have then decided to check whether the conclusion contained in the viewpoint indeed follows from the premises contained in the argumentation. The antagonist has then agreed to act as *opponent* and to do so while having the argumentation of the protagonist as a *concession* added to his own account of commitments. In the everyday discussions of ordinary discourse this situation could be created later on in the discussion if so desired, but it is highly improbable that it will arise in the initial stage. In the pragma-dialectical theory of argumentation we therefore propose to include a corresponding procedure, the 'intersubjective inference procedure', among the devices we developed for checking the quality of the discussion: the intersubjective *identification* procedure, the intersubjective *inference* procedure, the intersubjective *explicitization* procedure, and the intersubjective *testing* procedure (2004: ch. 6). These devices can be used in a later stage of the discussion or in a joint evaluation of the discussion.

Because an argumentation theory should in our view first and foremost relate to ordinary discussions in everyday language, in pragma-dialectics we assume that initially one discussant (the protagonist) advances a viewpoint on which doubt is cast by another discussant (the antagonist). Argumentation is then advanced, followed by a possible critical

response, and so on. The difference of opinion is resolved when the antagonist accepts the protagonist's viewpoint on the basis of the arguments advanced or when the protagonist abandons his viewpoint as a result of the critical response of the antagonist. This means that a dialectical regulation of discussions in everyday language in a procedure which furthers the resolution of differences of opinion should not be limited to the (inference) relation between premises interpreted as 'concessions' and a conclusion representing the viewpoint but cover all speech acts performed in attacking and defending the issues at stake. It also means that the pragma-dialectical concept of inconsistency should cover not only formal inconsistencies that are known as logical contradictions, but also pragmatic inconsistencies that have incompatible consequences in the real world. The promise "I shall pick you up in the car", for instance, does not logically contradict the statement "I don't know how to drive", but making this promise in ordinary conversation is pragmatically inconsistent with having it followed by this statement. This can be explained by referring to the felicity conditions of the speech act concerned, in this case the speech act of promising, and taking into account the commitments undertaken in performing this speech act.

The resolution of a difference of opinion requires a dialectical procedure that proceeds in a number of stages. In any of these stages things may occur which do not favour the resolution process. The basic requirements for reasonable behaviour that I mentioned earlier relate to these various discussion stages and their different aspects. The problem validity of the pragma-dialectical code of conduct as a whole can be rendered plausible only by illustrating that each requirement fulfils a specific function in connection with furthering the resolution of a difference of opinion. As we have shown in *Argumentation, Communication and Fallacies* (van Eemeren and Grootendorst, 1992), it is possible to indicate in each case precisely which classical fallacies can be controlled through this code. Methodically speaking, this seems to us the best test to the problem validity of the code of conduct.

It may be a convincing illustration of the problem validity of the code of conduct we presented in *A Systematic Theory of Argumentation* if I can indicate in which ways the various requirements can assist in the resolution of a difference of opinion. Requirement 1 is that discussants may not prevent each other from advancing standpoints or from calling standpoints into question. This so-called 'freedom rule' is designed to ensure that standpoints and doubt regarding standpoints can be expressed freely.¹⁴ It is a necessary requirement for

¹⁴ Requirement 1 is instrumental to complying with rules 1, 6b and 10 of the pragma-dialectical discussion

resolving differences of opinion, because a difference of opinion can never be resolved if it is not clear to the parties involved that a difference of opinion exists and what that difference entails. In an argumentative discourse or text, the parties must therefore have ample opportunity to make their positions known. In this way, in those parts of the discourse or text in which they express the difference of opinion, they can make sure that the confrontation stage of a critical discussion is properly completed. According to the code of conduct for reasonable discussants, putting forward a standpoint and calling a standpoint into question are both basic rights that all discussants must accord each other unconditionally and without reservation. Among the fallacies that are avoided if the freedom rule is fully observed are declaring standpoints sacrosanct or taboo, *ad baculum*, *ad misericordiam*, depicting the other party as stupid, bad or unreliable, and the abusive, circumstantial and *tu quoque* variants of *ad hominem*.

Requirement 2 is that discussants who advance a standpoint may not refuse to defend this standpoint when requested to do so. This ‘obligation to defend rule’ is intended to ensure that standpoints put forward and called into question in an argumentative discourse or text, are defended against critical attacks.¹⁵ A difference of opinion remains stuck in the opening stage of a critical discussion and cannot be resolved if the party who has advanced a standpoint is not prepared to fulfil the role of protagonist. According to the code of conduct, someone who puts forward a standpoint therefore automatically assumes the obligation to defend that standpoint if requested to do so. The most important fallacies that are banned if the burden of proof rule is fully observed are shifting and evading the burden of proof.

Requirement 3 is that attacks on standpoints may not bear on a standpoint that has not actually been put forward by the other party. This *standpoint rule* is primarily designed to ensure that attacks – and consequently defences by means of argumentation – really relate to the standpoint that is indeed advanced by the protagonist.¹⁶ A difference of opinion cannot be resolved if the antagonist actually criticizes a different standpoint and, as a consequence, the protagonist defends a different standpoint. A genuine resolution of a difference of opinion is not possible if an antagonist or a protagonist distorts the original standpoint in any way whatever. The third rule of the code of conduct, together with the fourth, are intended to ensure that the attacks and defences carried out in those parts of an argumentative discourse

procedure and is also relevant to rules 2, 3 and 14.

¹⁵ Requirement 2 is instrumental to complying with rule 3 of the pragma-dialectical discussion procedure and is also relevant to rules 2, 4 and 12.

¹⁶ Requirement 3 is primarily instrumental to complying with rule 2 of the pragma-dialectical discussion

or text that represent the argumentation stage of a critical discussion are correctly related to the standpoint that the protagonist has advanced. An important fallacy that is avoided if the standpoint rule is fully observed is the straw man.

Requirement 4 is that standpoints may not be defended by non-argumentation or argumentation that is not relevant to the standpoint. The ‘relevance rule’ is designed to ensure that the defence of standpoints takes place only by means of relevant argumentation.¹⁷ If the argumentation stage of a critical discussion is not properly passed through, the standpoint at issue will not be assessed on its merits. The difference of opinion that is at the heart of an argumentative discourse or text cannot be resolved if the protagonist does not put forward any argumentation, but substitutes only rhetorical devices such as *pathos* or *ethos* for *logos* instead, or advances arguments that are irrelevant to the defence of the standpoint that has been advanced but pertain to some other standpoint that is not at issue.¹⁸ Crucial fallacies that are avoided if the relevance rule is observed are *ignoratio elenchi* and the pathetic and ethical fallacies.

Requirement 5 is that discussants may not falsely attribute unexpressed premises to the other party, nor disown responsibility for their own unexpressed premises. This ‘unexpressed premise rule’ ensures that every part of the protagonist’s argumentation can be critically examined by the antagonist as part of the argumentation that is advanced in a critical discussion – including those parts that have remained implicit in the discourse or text.¹⁹ A difference of opinion cannot be resolved if the protagonist tries to evade his obligation to defend an unexpressed premise, or if the antagonist misrepresents an unexpressed premise – for example, by exaggerating its scope. If the difference of opinion is to be resolved, the protagonist must accept responsibility for the elements that he has left implicit in the discourse or text; and in reconstructing as part of a critical discussion what the protagonist has left unexpressed, the antagonist must try as accurately as possible to determine what the protagonist can be held to. If the unexpressed premise rule is fully observed the fallacies of magnifying and denying an unexpressed premise will not occur.

Requirement 6 is that discussants may not falsely present something as an accepted

procedure and is also relevant rules 14c and 15.

¹⁷ Requirement 4 is instrumental to complying with rule 6, and especially its subsections (a) and (c), of the pragma-dialectical discussion procedure and is also relevant to rule 8.

¹⁸ This is, of course, not to say that advancing argumentation cannot be combined with, or even include, the use of *pathos* and *ethos*, or that relevant arguments cannot be suggested by, or even implied in, apparently irrelevant arguments.

¹⁹ Requirement 5 is instrumental to complying with rules 8 and 9 of the pragma-dialectical discussion procedure.

starting point or falsely deny that something is an accepted starting point. The ‘starting point rule’ is aimed at achieving that when standpoints are being attacked and defended, the starting point of the discussion is used in a proper way.²⁰ In order to be able to resolve a difference of opinion, the protagonist and the antagonist must know what their common starting point is. A protagonist or an antagonist may not present something as an accepted starting point if it is not. Neither may a party deny that something is an accepted starting point if it is so. Otherwise it is impossible for a protagonist to defend a standpoint conclusively – and for an antagonist to attack a standpoint successfully – on the basis of agreed premises that can be viewed as concessions made by the other party. Fallacies that are avoided by fully observing the starting point rule are falsely denying an accepted starting point, making unfair use of presuppositions in making assertions, many questions, and *petitio principii* or begging the question.

Requirement 7 is that reasoning in an argumentation is presented as formally conclusive may not be invalid in a logical sense. This ‘validity rule’ is aimed at ensuring that protagonists who resort to formal reasoning in resolving a difference of opinion use only reasoning that is valid in a logical sense.²¹ It is possible for the antagonists and protagonists to determine whether the standpoints that are defended in a discourse or text do indeed follow logically from the argumentation that is advanced only if the reasoning that is used in the argumentation is expressed in full. If not every part of the reasoning has been fully externalised, a reconstruction of the implicit elements is called for in an analysis of the argumentative discourse or text.²² When such a reconstruction is carried out, however, in certain cases the logical validity rule may prove not to apply because in view of the communicative situation at hand a further, and more drastic, reconstruction is required that involves adding an unexpressed premise that goes beyond the ‘logical minimum’ and renders requirement 7 irrelevant. Fully observing the logical validity rule avoids the fallacies of

²⁰ Requirement 6 is primarily instrumental to complying with rules 5 and 7 of the pragma-dialectical discussion procedure.

²¹ Requirement 7 pertains to rules 8 and 9 of the pragma-dialectical discussion procedure. Of course, what is meant by valid in a logical sense can be interpreted in different ways, depending on the logical theory that is taken as the starting point. It is an interesting academic question what logical theory provides the best starting point, but we cannot deal with this question in the context of this discussion of a practical code of conduct.

²² For the pragma-dialectical analysis of unexpressed premises, see van Eemeren and Grootendorst (1992: 60-72). According to this method, identifying an unexpressed premise involves first validating the reasoning as an intermediary heuristic step in the reconstruction procedure and then determining the ‘pragmatic optimum’ that may in the context concerned be regarded as the unexpressed premise (which can result in an argument that is, strictly speaking, not logically valid). As a matter of fact, in describing the reconstruction procedure in this way, and in phrasing requirement 7 in the way we did, we deviate in some respects from recent descriptions as given in van Eemeren, Grootendorst and Snoeck Henkemans (2002: ch. 4).

denying the antecedent, affirming the consequent, and division and composition.

Requirement 8 is that standpoints may not be regarded conclusively defended by argumentation that is not presented as based on formally conclusive reasoning if the defense does not take place by means of appropriate argument schemes that are applied correctly. The ‘argument scheme rule’ is aimed at ensuring that standpoints can indeed be conclusively defended by arguments that are not presented as logically valid if the protagonist and the antagonist are agreed on a method to test the soundness of the types of arguments concerned.²³ A difference of opinion can only be resolved if the antagonist and the protagonist agree on how to determine whether the protagonist has adopted appropriate argument schemes and has applied them correctly.²⁴ This implies that they must examine whether the argument schemes that are used are, in principle, admissible in the light of what has been agreed upon in the opening stage, and whether they have been correctly fleshed out in the argumentation stage. Fallacies that are avoided by fully observing the argument scheme rule are *ad populum*, *ad consequentiam*, *ad verecundiam*, *secundum quid*, false analogy, *post hoc ergo propter hoc* and the slippery slope.

Requirement 9 is that inconclusive defences of standpoints may not lead to maintaining these standpoints and conclusive defences of standpoints may not lead to maintaining expressions of doubt concerning these standpoints. The ‘concluding rule’ is aimed at ensuring that the protagonists and the antagonists correctly ascertain the outcome in the concluding stage of the discussion.²⁵ This is a necessary, though sometimes neglected, part of analysing and evaluating argumentative discourses or texts as a critical discussion. A difference of opinion is resolved only if the parties are in agreement that the defence of the standpoints at issue has been successful or has not been successful. A discussion that seems to have run without any hitches is still unsatisfactory if at the end a protagonist unjustly claims to have successfully defended a standpoint, or even that he or she has proved that the standpoint is true. The discussion ends in an equally unsatisfactory manner if an antagonist unjustly claims that the defence has not been successful, or even that the opposite standpoint is now proven. Fallacies that are banned by fully observing the closure rule are refusing to retract a standpoint that has not been successfully defended, concluding that a standpoint is true because it has been defended successfully, refusing to retract criticism of a standpoint that has been successfully defended, and *ad ignorantiam*.

²³ Requirement 8 pertains to rules 8 and 9 of the pragma-dialectical discussion procedure.

²⁴ See van Eemeren and Grootendorst (1992: 94-102).

Requirement 10 is the ‘language use rule’, which says that discussants may not use any formulations that are insufficiently clear or confusingly ambiguous, and they may not deliberately misinterpret the other party’s formulations. Problems of formulation and interpretation are not confined to a specific stage in the resolution process; they can occur at any stage of a critical discussion. Requirement 10 is designed to ensure that misunderstandings arising from unclear, vague or equivocal formulations in the discourse or text are avoided.²⁶ A difference of opinion can only be resolved if each party makes a real effort to express his intentions as accurately as possible in a way that minimizes the chances of misunderstanding. Equally, a difference of opinion can only be resolved if each party makes a real effort not to misinterpret any of the other party’s speech acts. Problems of formulation or interpretation may otherwise lead to a ‘pseudo-difference’ of opinion or a ‘pseudo-resolution’ of a difference of opinion. These problems are not confined to a specific stage in the resolution process; they can occur at any stage of a critical discussion. Fallacies that are avoided by observing the usage rule are unclarity and ambiguity.

Having thus explained the dialectical rationale for the claim to *problem* validity for this code of conduct,²⁷ it may now be possible to make it clear why the pragma-dialectical norms may also lay claim to *intersubjective* acceptability, which would lend them conventional validity.²⁸ The claim of acceptability that we attribute to the requirements that constitute the pragma-dialectical code of conduct is not based in any way on metaphysical necessity, but on the instrumentality of the various rules for doing the job they are intended to do: resolving a difference of opinion. The norms concerned do not derive their acceptability from some external source of personal authority or sacrosanct origin; their potential acceptability rests on their effectiveness. Because the rules are designed precisely to serve the purpose of resolving differences of opinion, they should in principle be optimally acceptable to those whose first and foremost aim is to resolve a dispute. This means that the rationale for accepting these dialectical norms is, philosophically speaking, *pragmatic*.²⁹ It is interesting to

²⁵ Requirement 9 is instrumental to complying with rule 14 of the pragma-dialectical discussion procedure.

²⁶ Requirement 10 is instrumental to complying with rule 15 of the pragma-dialectical discussion procedure and is also relevant to rule 13.

²⁷ For a more detailed exposition of the underlying dialectical procedure for conducting a critical discussion, and the specific requirements of problem validity that go with it, I refer to van Eemeren and Grootendorst (2004).

²⁸ Barth and Krabbe would probably call this *semi-conventionality*, since the company of discussants did not make any explicit agreement about the rules of discussion in advance (1982: 22, 38ff).

²⁹ Pragmatists judge the acceptability of norms on the extent to which they appear successful in solving the

note, by the way, that experimental empirical research carried out during the past decade has shown that the pragma-dialectical norms are indeed to a large extent acceptable to the arguers because they are congruous with norms they have internalised anyway (van Eemeren, Garssen and Meuffels 2000a, b, c; 2002a, b; 2003a, b, c; 2004, van Eemeren, Meuffels and Verburg 2000).

Whoever wants to resolve disputes and judges resolution procedures primarily on instrumental grounds, with the main purpose being that joint cooperation achieves an optimally satisfactory result for as many as possible of those who are involved (and not, for example, as much personal gain or enjoyment as possible), can be characterised as *utilitarian*.³⁰ A person with a utilitarian attitude in a discussion strives for a satisfactory resolution of the dispute for both the protagonist and the antagonist, irrespective of whether the solution results in gain for the protagonist or the antagonist. Bearing in mind Popper's plea on behalf of falsification, we consider a 'negative' variant of the basic principle of utilitarianism to be more effective here than 'positive' utilitarianism:³¹ a system of argumentation rules which encourages discussants to pronounce their doubts and to work out how far the disagreements ensuing from such expressions of doubt can be resolved, is preferable to a system of argumentation rules which seeks to ensure agreement.³² As a matter of fact, this is a good illustration of how in the conception of reasonableness upheld in the pragma-theoretical theory of argumentation philosophical insights of utilitarian pragmatics and critical-rationalist dialectics conjoin.

5. Higher order conditions for the pragma-dialectical code of conduct

problems they wish to solve. In fact, to them a norm *is* a norm only if it performs a function in the achievement of objectives set by the pragmatist. Cf. William James's (1907) maxim "A difference which makes no difference is no difference".

³⁰ This kind of utilitarianism stems from Jeremy Bentham (1838-1843) and John Stuart Mill (1863), but it is also connected with the eudaemonic ethics rehabilitated in modern times by William Kamlah (1973). Unlike the pure egoist or hedonist, the utilitarian, hedonist or not, strives for optimal results for all concerned.

³¹ This means that instead of the maximization of agreement, the minimization of disagreement should be aimed for, thus altering the perspective by a U-turn. Broadly speaking, negative utilitarianism means that instead of the maximization of happiness, the minimization of suffering is sought. In this respect, the critical attitude we advocate corresponds with this preferable starting point. Cf. Popper in *The Open Society and Its Enemies* (1971: Ch. 5, n. 6).

³² Although Habermas's ideal of consensus (1971) in a speech situation of communication unimpaired by power relations rests on philosophical starting-points which are different from our own, in some respects his ideal is not dissimilar to ours, albeit that in view of our conception of intellectual doubt and criticism as the driving force of progress, it is eventually not consensus that we are after but rather a continual flux of ever more advanced opinions.

The pragma-dialectical code of conduct is based on an ideal model of critical discussion that provides those who are prepared to act as reasonable discussants with general and vital guidance for their conduct. Surely, the course of a discussion which is meant to be critical cannot be completely planned out in advance any more than the realization of other ideal constructions, but in the piecemeal engineering which is necessary to gradually increase control over widespread discussion faults, such a model is an indispensable reference point. What sort of persons will be willing to adopt the required discussion attitude, thus guaranteeing the conventional validity of the dialectical rules? Starting from the code of conduct a general profile can be sketched. They are persons who accept doubt as an integral part of their way of life and use criticism towards themselves and others to solve problems by trial and error. They use argumentative discussions as a means to detect weak points in our viewpoints regarding knowledge, values and objectives, and eliminate these weaknesses where possible. Such persons are opposed to protectionism with regard to viewpoints and to the immunization of any kind of viewpoint against criticism, and they reject all forms of foundational justificationism (*Letztbegründung*).

Whoever shares these profiling characteristics, whether he be an existentialist or a realist, can be regarded as a member of Popper's *Open Society*. A member of the Open Society is anti-dogmatic and anti-authoritarian, and anti-*Letztbegründung* – in other words against monopolies of knowledge, pretensions of infallibility, and unfaltering principles. As these are linked, via personification and reification, with essentialism, holism and predestination-minded conspiracy theories, a member of the Open Society has prohibitive objections to such forms of 'hard determinism' as Marxism and fundamentalism.

To a certain extent, each individual himself can, if he wishes, fulfil the prerequisites to a reasonable discussion attitude and become a member of the Open Society. His freedom to do this, however, is often restricted by factors beyond his control, generally referred to as *compulsion*.³³ Adhering to Barth and Krabbe, we consider these external conditions for a reasonable discussion attitude as conditions of a 'higher order' which must be fulfilled in order to be able to satisfy the prerequisites of a reasonable discussion attitude and to get around to complying with the dialectical rules of the discussion itself. The rules for conducting a critical discussion are then called *first order* conditions, the internal

³³ Although existentialists like Sartre seem to suggest otherwise, in our opinion there is nothing paradoxical about behaviour being free from compulsion but nevertheless 'caused'.

characteristics which specify a reasonable discussion attitude are *second order* conditions, and the external requirements of the circumstances in which the discussion takes place are *third order* conditions.³⁴

For example, in order to fulfil the first order requirement 1 that parties must not prevent each other from advancing viewpoints or casting doubt on viewpoints, the persons concerned must, among other things, possess a second order discussion attitude that involves the willingness to express their opinions and to listen to the opinions of others. In order to be able to adopt this attitude, the psycho-social reality in which the individuals operate should be such that it fulfils the third order condition that everyone has the right to advance his view to the best of his ability. And in order to fulfil the first order requirement 4 that a standpoint may be defended only by advancing argumentation relating to that standpoint, the second order condition must be fulfilled that a person is actually willing to advance arguments for his standpoint, and the third order condition that he has a real voice on the subject and is not, for example, totally dependent on the compassion of the person whom he is addressing.

The first order conditions are constitutive elements of a code of conduct aimed at the resolution of differences of opinion.³⁵ The second order conditions imply a plea for quality education and instruction in argumentation that stimulates reflection. The third order conditions make it clear that for argumentation theoreticians there is also an important indirect political responsibility in striving for individual freedom, non-violence, intellectual pluralism, and institutionalised safeguards for rights and means to obtain information and pass criticism. Only insofar as a pragma-dialectical argumentation theory takes into consideration which conditions must be fulfilled at each of these three levels, can it provide a socially as well as theoretically interesting clarification of the concept of reasonableness.

³⁴ It might even be useful to distinguish also fourth order conditions which relate to normal input and output conditions (as John Searle calls them), specifying among other things that for analytical purposes in the basic model of a critical discussion situation it is started from the assumption that the people taking part in the discussion are not infants, deaf or insane people, and so on. However, non-fulfilment of these conditions would affect communication in general, not just argumentation, and therefore these conditions can be left out here. It should be noted that the first order rules corresponding to the first order conditions, are not foolproof algorithmic rules, but informal rules of conduct which can only be used by people who reflect upon the circumstances in which the discussion takes place. This is also why we cannot do without second and third (and possibly even higher) order conditions.

³⁵ It should be noted that the first order rules of the dialectical procedure corresponding to the first order conditions are not foolproof algorithmic rules, but informal rules of conduct that can only be used by people who reflect upon the circumstances in which the discussion takes place. This is also why we cannot do without second and third (and possibly even higher) order conditions.

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