

# RHETORIC AND ARGUMENTATION IN THE BEGINNING OF THE XXI<sup>st</sup> CENTURY

EDITED BY

Henrique Jales Ribeiro



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## CHAPTER 1

### THE PERTINENCE OF TOULMIN AND PERELMAN/OLBRECHTS-TYTECA FOR INFORMAL LOGIC

John Anthony Blair\*

ABSTRACT: “Informal logic» is the name given to an approach to arguments and argumentation emerging in Canada and the United States in the 1970s and consolidated there for three decades. It developed initially independently of the influence of *The Uses of Argument* and *La Nouvelle Rhétorique*. Over the past decade especially, however, these works have become increasingly pertinent to informal logic theory. The paper begins with a brief foray into the history of ideas and the sociology of knowledge to partly explain the genesis, and hence the nature, of informal logic. Then it traces the focus of informal logic on defeasible reasoning and arguments to the difficulties fatal to the assumption that formal deductive logic provides adequate theory for the interpretation and evaluation of arguments. Turning to the influence of Toulmin, the most significant ideas for informal logic are his concepts of warrant interpreted as inference license, relevance conferrer, and argument scheme embodiment; of the field or topic dependence of backing; and of qualifiers and conditions of rebuttal interpreted as signifying the defeasibility of arguments employed in much argumentation. Perelman and Olbrechts-Tyteca’s rejection of formal logic as the theory of argumentation, their emphasis on the importance of audience, the dialectical features of their rhetoric, their concepts of particular and universal audience, and their empirical focus on argument schemes are all significant for the informal logic perspective on arguments.—The discussion of the influence of these two works is not historical for the most part, but rather reflects this author’s views about the significance of some of their doctrines for current theory at the beginning of the 21st century.

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\* University of Windsor, Sunset Avenue, Windsor, Ontario N9B 3P4, Canada.  
Professor Emeritus of Philosophy. Co-Director of the Centre for Research in Reasoning, Argumentation and Rhetoric. Co-Director of the Canadian Network for the Study of Argumentation.  
E-mail: tblair@uwindsor.ca

## 1. INTRODUCTION

Fifty years ago, Stephen Toulmin, in his 37th year, published his third book, *The Uses of Argument*. Chaim Perelman, in his 47th year, along with his colleague Lucie Olbrechts-Tyteca, published their second book, *La Nouvelle Rhétorique, Traité de l'Argumentation*. Disaffection with Logical Positivism or Logical Empiricism had begun to surface in Western philosophy following the Second World War. For most critics, it was the epistemology and metaphysics of the doctrine that they questioned. For the two philosophers whose landmark books are being justly celebrated, it was the assumptions about logic and its relation to argument and argumentation that motivated their critique. Toulmin's challenge was influenced by the later Wittgenstein. That of Perelman emerged from the confrontation he perceived between Frege's logic and his own observations of reasoning about values. The thinking of both men took an empirical turn, away from the *a priorism* of positivism. Toulmin looked at how arguments actually work, particularly in law. Perelman looked at how people actually reason about values. That they independently produced books about arguments and argumentation that were profoundly at odds with positivism's privileging of formal logic is thus not a surprise.

However, the privileging of formal logic was deeply engrained in Anglo-American philosophical thinking. Toulmin's challenge was brushed off and Perelman's, being in French, was scarcely read at all in the English-speaking world. So it is no surprise, looking back, that Toulmin's and Perelman and Olbrechts-Tyteca's work on argument and argumentation had to penetrate the Anglo-American continent through the avenue of other disciplines entirely, which as we know turned out to be speech communication and rhetoric.

As a result of the very limited influence of these two books on Anglophone philosophy at the time and for many years, what came to be called the informal logic movement, which began in the 1970s among a few philosophers in Canada and the United States, was not a consequence of Toulmin's or Perelman and Olbrechts-Tyteca's work on argument and argumentation. Instead, it was an independent outgrowth of the anti-Positivism rooted in the later Wittgenstein and in Oxford ordinary language philosophy, combined with social factors in those two countries: by the anti-establishment social attitudes of the 1960s and by the post WWII baby-boom-fuelled expansion of post-secondary schooling.

The topic of this paper is the influence of Toulmin and Perelman and Olbrechts-Tyteca on informal logic. In order to develop that theme I need first to explain something about the origins and nature of the informal logic movement. However, to address the related theme of rhetoric and argumentation at the beginning of the 21st century, I will offer not so much a history of ideas as my own views about the continuing importance for informal logic of certain concepts emphasized by these two philosophers.

## 2. THE ORIGINS OF INFORMAL LOGIC: THE SOCIAL CONDITIONS

In the early 1970s, young academics who had received their post-graduate training in the United States during the exhilarating 1960s were sympathetic to

anti-establishment sentiments, having developed them themselves. It started in the 1950s with the birth of rock and roll music, for it was act of rebellion against the proscriptions of our parents to listen to it. Then, more seriously, it was the voter registration drives of African-Americans in the American south in the early 1960s, the Black Power movement in America in the mid-1960s, the anti-Vietnam war protests and the student power movement in the big universities in the mid-and late 1960s – all these anti-establishment vectors, in which many students participated, deepened our receptivity to contrarian ideas. So when we became junior members of the establishment ourselves as young university instructors, we were sympathetic when our students grumbled that the formal logic courses we were teaching had little value for their aim of becoming better able to reason and argue effectively about the social and political issues of the day (see Kahane 1971: vii). And when junior philosophy faculty (and some, such as Howard Kahane (1971) and Michael Scriven (1976), not so junior), began developing a new kind of practical logic course, one that approached the argumentation of daily life without formal apparatus, the enrolments in these courses grew enormously. At the same time, philosophy departments were losing enrolments to fields that students considered to be more socially relevant, such as sociology, political science, communication studies and psychology. Academic philosophy, as usual, was well behind the times. The new informal logic courses were tolerated or even encouraged by departmental administrators because they boosted the numbers of students enrolled in philosophy courses and thereby helped to justify maintaining or increasing the numbers of philosophy faculty members.<sup>1</sup> When, in 1978, Ralph Johnson and I organized the first conference on informal logic, we discovered that this phenomenon had been happening across the United States and Canada, more or less independently, throughout the decade (see Blair and Johnson 1980).

### 3. THE THEORETICAL ASSUMPTIONS THAT ORIGINATED INFORMAL LOGIC

The use of the term “informal logic” was as much a rhetorical tactic as an attempt at accurate description. The tradition it was a reaction against assumed that teaching students formal deductive logic was the way to prepare them to analyze and evaluate arguments. The new methods being developed were not formal, and the reasoning and arguments of interest to the informal logicians were not usefully formalized. But that did not mean we were uninterested in argument patterns or in systematic norms.

Two factors mitigate against the assumption that formal deductive logic provides the theory needed for the logic of arguments. Both of them relate to the analysis of arguments, and one of them also relates to the evaluation of arguments.

The first is that in order to bring the formal apparatus of symbolic logic to bear on the evaluation of the sorts of arguments found in public discourse – arguments about public policies, daily events, political affairs and so on – it is necessary first to

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<sup>1</sup> But they were disparaged by academic philosophers. Both Scriven (1976) and Johnson and Blair (1977) initially had their textbook manuscripts rejected for publication by the philosophers who served as the referees for their publishers.

paraphrase the discourse into expressions that are amenable to formalization, whether according to the conventions of some logical system. This operation faces three problems. In some cases, any paraphrase amenable to formalization changes the meaning of the original. In some cases it is controversial what the correct paraphrase is. And in any case, it takes more time to teach students how to paraphrase and formalize properly than to analyze the discourse using other, arguably more perspicuous methods.

But these difficulties aside, the enterprise assumes that all arguments are, or are intended to be, formally deductively valid. That assumption is also mistaken, for two reasons. (a) First, there are materially deductively valid arguments – that is, arguments the truth of whose premises is incompatible with the falsehood of their conclusions that are not formally valid, without the addition of some new premise (see Sellars 1980, Brandom 1994). For example, "This book's cover is red" deductively entails "This book's cover is coloured" but the inference from the first to the second is not formally valid. Its validity derives from the meanings of the concepts "red" and "coloured", not from the syntax or logical form of the expressions. (b) Second, and more significantly, there are logically cogent arguments that are not deductively valid according to any known calculus.<sup>2</sup> That is to say, it would be unreasonable to reject their conclusions, given their premises, yet the truth of those premises is compatible with the falsehood of those conclusions. For instance, there are non-deductively valid arguments that are inductively strong – that is, arguments the premises of which consist of evidence from which their conclusions follow with a high degree of probability. For example, arguments in which a generalization about properties of a population is derived from the evidence of the properties of a relatively small but carefully selected sample of that population are deductively invalid, but can be strong arguments none-the-less. Advertisers and politicians rely on them, spending a lot of money on the basis of their track record. Arguments in which the effects of various drugs on humans are inferred by analogy from their effects on animals can be very strong arguments, although their evidence is consistent with the falsehood of their conclusions. Such arguments are used regularly in pharmaceutical and medical research and relied on for successful medical prophylaxis and treatment.

In fact there are all sorts of non-deductively valid yet cogent arguments, not just those that are conventionally labeled "inductively strong" generalizations.

Prescriptions and commendations provide examples. Here is a prescription: "You promised your daughter you would read her a bedtime story, so you should do so even though it means giving up watching the opening half of the football game on television". That is a cogent argument, although the premise does not entail the conclusion, for if the house catches fire you should save your daughter rather than keep your promise. Here is a commendation: "Albert is a good student, for his examination results are excellent, his research papers are of unusually high quality, he contributes positively to class discussions and he is open to learning". Once again, the premises strongly support the conclusion, but they do not entail it: it could be false although

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<sup>2</sup> Caution is necessary in making this point. Gerald Massey (e.g., 1975a, 1975b) has argued that it is not possible to prove that an argument is (deductively) invalid. Maurice Finocchiaro and others (see Finocchiaro 1992) have contested Massey's claim. I wish my formulations of the point here and below to be interpreted as not begging questions about which side is right about this matter.

they were true, for perhaps Albert cheats on his examinations and buys the research papers he submits as his own from someone else; perhaps the standard being used is low or the comparison class is of unrepresentatively low quality; perhaps a halo effect is producing higher grades than Albert's work actually deserves.

I keep calling these "cogent" arguments and by that I mean that they are arguments whose premises provide good or strong reasons for accepting their conclusions. In some cases it would be unreasonable or even irrational to deny their conclusions while accepting their premises. The existence of materially but not formally deductively valid arguments and of cogent but non-deductively valid arguments is a problem for the assumption that the best way to learn how to analyze and evaluate the arguments of public discourse is to learn some formal logic and apply it to public discourse arguments. First, the attempt to impose on those arguments the assumption that they are intended to be formally valid or that they should be analyzed as if they were intended to be formally valid risks distorting them. Second, for the ones that are cogent even though non-deductively valid, their failure of deductive validity clearly cannot serve as the basis for a negative evaluation of their logical merits. Some other basis for their evaluation is at work.

It was these conclusions that motivated what was called "informal logic". Reacting against what was then the hegemony of formal deductive logic in teaching about arguments, we believed new tools were needed for the analysis of arguments, and we believed new criteria were needed for the logical assessment of arguments.

#### 4. THE INFLUENCE OF TOULMIN AND OF PERELMAN AND OLBRECHTS-TYTECA: INTRODUCTION

By the late 1970s and early 1980s, several of those who identified with informal logic were beginning to scan the literature and to think about theoretically grounded bases for these new tools for analysis and new criteria for evaluation. It was only then that we encountered *The Uses of Argument* and *The Treatise on Argumentation* – the latter by then translated into English. The first reaction was a sense of validation. Scorned by our colleagues for teaching what they derided as "baby logic" and, as junior academics, unsure of ourselves, we were encouraged to find that views recognizably similar to ours had been formulated 20 years earlier by two highly respectable philosophers. The theoretical influences, however, did not really take hold for another 15 years. Unlike in the speech communication community in the United States, the famous "Toulmin model" for analyzing arguments did not become widespread in philosophy instruction. We did not know what to make of Toulmin's "warrants", which looked like unexpressed premises to us at first. Perelman and Olbrechts-Tyteca's distinction between argumentation and demonstration was more or less accepted early on, but informal logicians tended to read their accounts of argumentation schemes and of the practice of argumentation either as descriptive rather than normative (and we wanted to be normative) or else as unacceptably relativistic. More recently, however, the situation has changed, and for the past decade there has been a re-examination by many informal logicians of the classic works by these authors as well as a development in new ways of several of the concepts they introduced or emphasized much earlier.

It is important to recognize that “informal logic” does not name a school, a doctrine, or a theory. The term is more like a flag of convenience, often flown with some hesitation or qualification, by fairly like-minded but also quite independent-minded philosophers. Toulmin and Perelman and Olbrechts-Tyteca influenced different informal logicians differently, in both manner and extent. So I need to emphasize that in the following remarks I can speak only for myself.

## 5. THE INFLUENCE OF TOULMIN

For me, the most significant ideas from Toulmin are related to his concepts of warrant, backing, qualifiers, and conditions of rebuttal, and to his contention that warrants are field-dependent.

I follow David Hitchcock’s interpretation of the Toulmin warrant as the generalized associated conditional that licenses the inference in any argument from the grounds offered to the claim adduced on their basis (Hitchcock 2002; see also 2005). According to Hitchcock, Toulmin’s view was that any time anyone reasons or argues that a claim is justified by a group of reasons or data offered in support of it, there is an appeal, either explicitly mentioned or as an assumption, to a generalization roughly of the form, “from such reasons or data it is permissible to infer a claim of this sort”<sup>3</sup>. Some might think that Hitchcock’s reading of Toulmin is not accurate, even though Hitchcock defends it carefully with detailed references to Toulmin’s text. However, even if it is not an accurate representation of Toulmin’s concept of a warrant, it is thoroughly Toulminian in inspiration, and it has the merit of being true.

Such warrants play a role both in the identification and in the evaluation of arguments in argumentation. When reading or listening to a text of discourse with the writer or speaker unavailable to answer questions, a person may try to identify and evaluate any arguments that might be present. All sorts of syntactic, semantic and pragmatic clues for the presence of arguments and their interpretation have been catalogued and discussed in the literature, and these of course should be relied on when they are present. If it has been determined that an argument seems to have been made, it follows that some judgement must have been made about its details, that is, about what is being claimed and what is being offered in support of that claim. One element of such a judgement is that the writer or the speaker made or invited an inference from that data to that claim. In the absence of decisive syntactic and pragmatic evidence identifying the argument, a crucial semantic clue is that an inference from some set of the information expounded in the discourse to the claim in question would be a reasonable inference; that is to say, it would be warranted – justified by a warrant that is at least plausible. As interpreters, we judge that it would make sense – it would be plausible – for the writer or speaker to argue from those grounds to that claim. This test picks out some information as belonging to the argument and sets aside other

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<sup>3</sup> To be precise: “... the warrant is semantically equivalent to some generalization of the reasoning’s associated conditional ‘if  $p_1$  and ... and  $p_n$ , then  $c$ ’, where  $p_1, \dots, p_n$  stand for premiss and  $c$  for the conclusion (with qualifiers and rebuttals removed)” (Hitchcock 2005: 384).

information expressed in the discourse as not belonging to the argument. In other words, the warrant attributed to the author or speaker functions to identify what is relevant in the discourse as support for the claim, and to exclude what is irrelevant. Therefore, the warrant, as the inference license attributed to the author, serves as a relevance filter. Data in the discourse will count as relevant to the argument if and only if its generalization can serve as a part of the antecedent of a conditional which has the generalization of the claim as its consequent and that is plausible, or would be considered plausible by the writer or the speaker.

Once it has been established that an argument has been made and its contents have been identified, the next interpretive task is to assess it. Does it provide the reader or listener with a good reason for accepting the claim at issue? One of the questions to ask in evaluating the argument is whether, on the assumption that the data are acceptable, one would be justified in inferring the claim from them. In other words, is the warrant the arguer employs acceptable? Thus, besides being useful in the identification of the argument, the warrant serves as a focus for part of its evaluation. There are actually two distinct questions that may be asked in assessing the warrant. One question asks whether *the author's* warrant is acceptable. This is a question about the author's argument as it stands. The other question asks whether there is *any* acceptable warrant licensing an inference from the data provided to the claim at issue. This is a question about whether the claim in question might be justified by parts of the author's argument, or by parts of the author's argument along with additional supporting data that might be available.

Evaluating a warrant entails second-order argumentation, namely possible arguments objecting to the legitimacy of the warrant and possible arguments against those objections or in direct support of the warrant. The last, that is, arguments that directly support the warrant, are what Toulmin labeled the «backing» of the warrant.

What has any of this to do with informal logic? The connection is straightforward. As Toulmin conceived them, warrants are not necessarily laws or theorems of formal deductive logic. To be sure, such logical laws as *modus ponens* or *disjunctive syllogism* can function as warrants. However there is no requirement that all justified warrants must have the analytic force of the laws of logic. To put the point another way, in Toulmin's view a warrant can be justified even though the inference it licenses, unlike any deductively valid inference, is defeasible. He is quite explicit on this point, for this is the implication of his notions of argument qualifiers and argument conditions of rebuttal. An inference can be warranted, Toulmin contends, even if the claim follows only probably, or only plausibly; and it can be warranted if it only holds other things being equal even if it cannot be known for sure that other things are equal in the case at hand. This is exactly the point informal logicians were trying to enunciate in their own way when they argued that there can be logically good arguments that are not deductively valid. So Toulmin provides a conceptualization of arguments consistent with that of the informal logicians. And, by the way, he anticipates by some years the very same points arrived at independently by theorists in artificial intelligence (AI) and by some theorists in epistemic logic, who from the outset took it as a given that not all reasoning and argument is monotonic (that is, if valid, cannot be undermined by additional information), and as a result took it as obvious that logics for various kinds of defeasible reasoning are needed (e.g., Pollock 1970; Reiter 1980).

Another implication of Toulmin's analysis of argument that connects with informal logic is his notion of the field-dependence of warrants. Toulmin does not clearly explain his concept of a field, and the difficulty of doing so led some informal logicians to reject or at least to resist this feature of his theory (see, e.g., Johnson 2000). Perhaps the most prominent and insistent advocate of its importance among informal logicians has been Mark Weinstein and I think Weinstein has been right (see Weinstein 1990, 1992, 1994, 1995a, 1995b, 2003, 2005). Once it is accepted that warrants do not have to be laws of logic – in other words, that there can be justified inferences that are not deductively valid according to any known system – and once the inference – licensing function of warrants defended by Hitchcock is appreciated, then the way is clear to acknowledge that warrants can vary from subject-matter to subject-matter, and arguments backing them can in principle rely on the knowledge of specialized fields as well as on common knowledge. That you ought to read a bed-time story to you daughter given that you promised her you would is reasoning warranted by an understanding of the ethical concepts of promising and obligation, which might be considered part of common knowledge, at least in some cultures. That a new star has been discovered given a series of observations on a high-powered research telescope would be an inference warranted by an understanding of astronomy beyond my capacity even to describe in general terms. That I should lose some weight because my physician advised me to is an inference warranted (in my culture) by a physician's areas of expertise and role in his or her patients' health support. In short, in order to assess the merits of the inferences made or invited in arguments, we might, depending on the subject-matter, need ourselves to have specialized knowledge, or to consult someone who has it. This specialized subject-matter is normally not formal logic but some other field of knowledge, often (though not necessarily) it is a particular science or a specialization within a science. Thus Toulmin provides an explanation, long after the fact, for something informal logicians experienced in the 1970s. When they tried to help their students better to analyze and assess the arguments about the political and social policies of the day, they found that, in addition to needing a general understanding of how arguments work, their students needed to be educated about the politics and social policy issues of the day.

Yet another feature of warrants that merits discussion is that each warrant used in an argument represents an argument scheme. The connection between warrants and argument schemes has been noticed, but not well analyzed. In an excellent brief survey of approaches to argument schemes, Bart Garssen begins with the following observation, (using the terminology of the Pragma-Dialectical argumentation theory):<sup>4</sup>

Someone who advances argumentation presupposes, in principle, that the advanced premise will be seen as an acceptable proposition and that this premise is linked, in an adequate way, to the standpoint he wishes to defend. The link

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<sup>4</sup> Argument schemes play an important role in the Pragma-Dialectical theory formulated by Frans H. van Eemeren and Rob Grootendorst (1984, 1992, 2004). My focus in this paper happens to be on informal logic.

between the argument and the standpoint is adequate if the acceptability of the premise is “transferred” to the standpoint by means of the “argument scheme” that is being used. The premise and standpoint can be linked in several ways. This explains why argumentation theory is concerned with distinguishing various argument schemes.

Each argument scheme represents a specific principle of support. (Garssen 2001: 81)

Although Garssen does not make note of the connection in this article, such a “principle of support” is precisely what Toulmin, at least on Hitchcock’s interpretation, means by a warrant.<sup>5</sup> I agree with Garssen that there is an analytic connection between an argument scheme and a “specific principle of support”, which I identify as a warrant. Each argument scheme does represent a warrant, for it contains or includes a warrant; and each warrant or “principle of support” represents an argument scheme.<sup>6</sup> An argument scheme itself is a generalization, a pattern or form of argument. It will include, in addition to the warrant, placeholders for the grounds (the evidence or reasons adduced – in other words, the premises) and for the conclusion or standpoint.

This is not the place to elaborate in detail on argument (or argumentation) scheme theory. But there is a tight connection between the views of Toulmin and Perelman and Olbrechts-Tyteca and argument scheme theory, and argument scheme theory has become a significant element of the work of some informal logicians. Warrants may be regarded as the genus of which both laws of deductive logic and principles of non-deductively valid inference are species. Correspondingly, argument schemes are the genus of which patterns of deductively valid argument forms and schemes for defeasible arguments are species. Some of the recent theoretical work in informal logic and its applications, especially by Douglas Walton, has focused on the study of various argument schemes, on the connection between argumentation schemes and informal fallacies, and on the application of argument scheme theory to legal reasoning and to artificial intelligence (see Walton 1996, 2008; Blair 1999, 2000, 2001; Pinto 1999, 2001; Godden and Walton 2007; and Walton, Reed and Macagno 2008). The concept of argument schemes is also something that connects Toulmin with Perelman and Olbrechts-Tyteca, and to a discussion of their influence on informal logic I now turn.

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<sup>5</sup> In my opinion, Garssen errs in reading Aristotle’s specific topics as premises: “Basically, these specific topics [of Aristotle] consist of general statements that can be directly used as premises in the discourse, which serve as inference licenses linking premises to theses” (*ibid.*: 82). An inference license cannot be a premise without initiating a vicious regress, for each premise set including the inference license would require a further inference license to warrant inferring the conclusion from those premises, *ad infinitum*.

<sup>6</sup> It is true that (as Garssen also notes) at least one theorist, Manfred Kienpointner (1992), has distinguished between “warrant-using argumentation schemes” and “warrant establishing argumentation schemes” – a distinction that would correspond to Toulmin’s own distinction between warrants and their backing. That distinction suggests that warrants and argument schemes are distinct. But by Toulmin’s own reasoning, the backing for a warrant – a warrant-establishing argumentation scheme, to use Kienpointner’s terminology, would at the same time require a warrant of its own (see also Hitchcock 2005 for a similar point).

## 6. THE INFLUENCE OF *TRAITÉ DE L'ARGUMENTATION*

Informal logicians found in Perelman and Olbrechts-Tyteca a reaffirmation of their judgement that not all good arguments must be deductively valid. They did not, however, agree that demonstration, that is deductive proofs and quantitatively probabilistic proofs, are to be excluded from argumentation. But this disagreement did not undermine the more basic agreement that there can be and are cogent arguments that are non-deductively valid or strongly quantitatively probabilistic, and that the latter domain had been largely unexplored in recent philosophy and deserved serious scholarly attention.

It is Perelman and Olbrechts-Tyteca's emphasis on the role of the audience in argumentation that has probably had the greatest influence on informal logic, especially recently. Informal logicians had tended to focus on arguments as products of argumentative presentations or interactions (see Johnson 2000). More particularly, they took the texts of arguments and attended to the questions of how to analyze the structure of the reasoning at work in them and of what criteria to use in assessing that reasoning. A rereading of *A Treatise on Argumentation* and the rest of Perelman's works on argumentation has emphasized the importance of analyzing the intended audience of argumentative discourse in interpreting the meaning of that discourse in the first place. One informal logician, Christopher Tindale (1999, 2004), has embraced Perelman's views with considerable sympathy, though not uncritically. Tindale has written (2006: 342):

I believe that Perelman's work shares many important themes with the projects of informal logic, such that they both have points of value to contribute to each other. Moreover, the value of what Perelman's work promises lies exactly in these two areas of concern: the positive treatment of rhetoric in argumentation, and [the] central role of audiences with its important associated historical sense of rationality.

Tindale has argued that the rhetorical perspective is the fundamental one in argumentation theory, with the logical and dialectical perspectives depending on it. He also holds that rhetorical arguments are a distinct type of argument and that the concept of the "universal audience" is illuminating both in constructing and in evaluating arguments. However, Tindale and others who follow Perelman as far as he does, are so far in a minority among informal logicians.

While I do not go so far in embracing Perelman's influence as Tindale does, there are certainly dimensions in which *The New Rhetoric* does in my opinion enrich the theoretical interests of informal logic. So my view is that Perelman's influence is of salutary value to the particular theoretical tasks informal logic sets itself, but it has its limits.

*The New Rhetoric* for the most part considers arguments and argumentation from the perspectives of the arguer (that is, the person composing and delivering the argument) and of the historical analyst (that is, the person interpreting and assessing arguments that have been offered in the past). The importance of considerations about the audience, including the universal audience, and

the importance of emphasizing the situatedness of arguments arise from these perspectives. Over two decades ago, in an article that appeared in the first issue of the journal *Argumentation*, Johnson and I sketched a standard for establishing the acceptability of an argument's premises that owed more than we appreciated at the time to Perelman and Olbrechts-Tyteca's concept of universal audience. We wrote (Blair and Johnson 1980: 50):

... in the paradigm case of argumentation, those occupying... dialectical roles conceive themselves as trying to satisfy the demands of a community of interlocutors characterized by features which establish certain standards of objectivity as a goal in the argumentative interchange.

Although our particular formulation has come under criticism (Tindale 1999:115-117; Freeman 2005: 33-35), and Johnson (2000) has since backed away from it somewhat, I am still sympathetic to what I see as Perelman and Olbrechts-Tyteca's attempt to find in a balance of historical situatedness and universality the measure of objectivity needed to avoid pernicious relativism in the criteria for argument assessment.

However, what tends to be left out or under-emphasized in the perspective that Perelman and Olbrechts-Tyteca take is that of the person who listens to or reads an argument either as someone to whom it is explicitly addressed, whether as the individual interlocutor of the arguer or as a member of a larger audience, or else as someone who encounters it and chooses to consider its thesis. This person does not think in terms of being moved by the argument or of adhering to its message. The careful recipient of the argument asks such questions as the following. Ought I to accept the grounds offered in support of the claim being put forward, and do those grounds establish that the claim is true or that it is reasonable for me to believe it? Do the reasons advanced show that the action being recommended is the right or best thing for me to do in the circumstances, and are those reasons themselves true or reasonable for me to believe? Does the evidence adduced show that the policy being recommended is the best policy available, and is that evidence reliable? Undoubtedly, a savvy assessor will raise questions about the rhetorical choices that have been made by the arguer. Is the way issue is framed in the argument the appropriate way to frame it? Are the analogies and other figures appropriate? Does the terminology used carry argumentative weight and if so is that justified? Is there some attempt to manipulate judgement and avoid the presentation of sound and convincing reasons or evidence? However, such questions will be raised with a view to clearing away obfuscation and deciding carefully about whether to believe, or believe more strongly, or act or judge for the reasons offered, and about whether the reasons themselves are sound. The fundamental question asked by the person so considering the argument is, "Am I justified in accepting that claim on those grounds?"

The answer to this question will depend first on whether the reasons carry any *prima facie* supportive force, and second on whether there is any reason not to accept the claim on the grounds offered. Is there some reason to doubt the grounds? Is there some reason to question the support that those grounds provide for the claim

in question? If the reasons are *prima facie* probative and if the answer is negative to both critical questions, then the person is justified in accepting that claim on those grounds. But these issues are not about the argument's rhetorical properties or the rhetorical situation in which it is offered.

Let me end on a more positive note. As I hinted earlier, Perelman and Olbrechts-Tytecas's account of *loci* of arguments and also of a great variety of argument types may be understood as an catalogue of argument schemes and therefore, of warrants. It is a fair criticism that there are problems with the classification scheme they propose (see van Eemeren, Grootendorst and Kruiger 1987), but given that the examples were found in historical texts, not invented, and given the sheer quantity of examples in *The Treatise on Argumentation*, there can be no doubt that they have demonstrated that a great many patterns of reasoning and argument have been employed historically.

Some have seen it as a shortcoming of Perelman and Olbrechts-Tyteca's repository that although it contains schemes that have been used, it provides no basis for determining their frequency of use or their effectiveness (again, see van Eemeren, Grootendorst and Kruiger 1987). Moreover, while they describe how people have actually argued, that does not tell us how people ought to argue; it does not tell us whether instances of these kinds of argument have merit, have weight, or are probative – instead of being weak or even fallacious.

On the other hand, Robert Pinto (1999, 2000) has argued that the idea of a probative argument scheme that is a kind of an analogue of a deductively valid argument form is misconceived. According to Pinto the normative question is whether a given use of an argument scheme is cogent on that occasion, not whether there are argument schemes with normative force. However, Walton (1996) had earlier contended that any instance of a defeasible argument scheme creates a presumption in favour of its conclusion, which implies that argument schemes do have normative force. The resolution of this disagreement, it seems to me, lies in the middle ground (see also Godden and Walton 2007). I would argue that what makes a pattern of reasoning or argument a scheme is, perhaps *inter alia*, that it carries to some degree *prima facie* normative force, and this is what makes it possible for argument schemes to establish presumptions. But particular instances have *actual* normative force, that is, those particular arguments are probative to some degree, only when they can stand up to criticism. The presumption provided by an instance of a scheme is strengthened or weakened depending on whether there can be found arguments that override it by attacking its conclusion – what Pollock (2008) calls “rebutting defeaters” – and by whether there can be found arguments that undermine it by challenging its premises or the inference from them to the conclusion – what Pollock calls “undercutting defeaters” – and on how good those defeating arguments are. The lists of critical questions that have been associated with argument schemes since at least Hastings (1962) function to point in the directions in which to search for such defeaters (see van Eemeren and Grootendorst 1992: 98ff; Walton 1996, e.g., Ch. 3). Thus catalogues of argument schemes collected from historical arguments will be useful to the proponent and opponent alike, as starting points for argument, challenge and response. And from that perspective, *The New Rhetoric* provides a treasure trove.

## 7. SUMMATION

The critique of formal deductive logic as sufficient provider of the tools needed to identify, analyze and evaluate arguments and argumentation and the search for alternative tools for those purposes that occurred in Canada and the United States beginning in the 1970s became known as informal logic. It was not an outgrowth or development of Toulmin's *Uses of Argument* or of Perelman and Olbrecht-Tyteca's *Traité de l'Argumentation*. Nevertheless, these two works served in due course to deepen and enrich the informal logic project. Each in its own way offered a new perspective from which to understand the critique of applications of standard modern logic that had arisen independently. Beyond that, informal logic has borrowed theoretical elements from both.

*The Treatise on Argumentation* supplied an appreciation of the situatedness of arguments in particular local and historical contexts, and of the importance of audience as part of that context. Partly under its influence, informal logic began to shed the abstraction from surrounding text, audience and purpose that had been a vestige of its origins in formal logic. *The Uses of Argument* supplied a theoretical model for defeasible arguments. The notion of a warrant offered a conception of the consequence relation in arguments that is also at once a principle of probative relevance and a key to the probative function of argument schemes. *The Treatise on Argumentation's* repository of historical argument schemes presented a puzzle for informal logicians that only began to be solved with the application of Toulmin's concept of a warrant. It can now be recognized that Perelman and Olbrechts-Tyteca's schemes are patterns of argument that provide actual probative support only when an associated warrant can go unchallenged.

It would be a mistake to regard these two works or others by these authors as the only influences on the directions informal logic theory has taken. I have not touched on the influence of the Pragma-Dialectical theory and other normative pragmatic theories or that of other philosophical figures and theories. However, it is unquestionable that the ways informal logicians have developed their views about arguments, and the directions their theorizing has taken especially in the last decade, would be very different indeed if those two books had not been written fifty years ago.

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