

**Frans H. van Eemeren and Bart Garssen**, editors, *Scrutinizing Argumentation in Practice*. John Benjamins Publishing Company, 2015, 334 pp., \$149.00 (hbk), ISBN 9789027211262.

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### 1. Introduction

*Scrutinizing Argumentation in Practice* is an anthology of papers taken from the proceedings of the 8<sup>th</sup> Conference of the International Society for the Study of Argumentation, which was held in 2014 at the University of Amsterdam in the Netherlands. As you might expect of a selection of conference papers, the volume is a potpourri of papers ranging in topic and quality. The program for the conference was extremely broad, covering most of what is called “argumentation studies.” However, the selection for this volume is narrower, with many of the contributions relating in some way to the “pragma-dialectical” approach to argumentation associated with the late Rob Grootendorst and the first editor of this collection, Frans van Eemeren. In addition, as the title of the volume indicates, each paper scrutinizes examples of real-life argumentation.

Before proceeding to the individual contributions to this volume, a few remarks about the pragma-dialectical approach to argumentation may be in order. This book is not an appropriate starting point for those who are completely unfamiliar with the approach, since many of the papers apply it, and the brief Foreword does not introduce it to the unschooled reader. A better starting place would be van Eemeren and Grootendorst’s book *A Systematic Theory of Argumentation*.

“Dialectical” refers to dialectic, or argumentation as it occurs in a dialogue between two or more people. The prefix “pragma” refers to pragmat-

ics, that is, the study of the practical purposes and effects of a practice, in this case the goals pursued in reasoned dialogue and the effects thereof. The word “argumentation” refers to extended reasoning in dialogue form, as distinct from the logician’s use of the word “argument” to refer to a unit of reasoning usually produced by a single arguer.

The pragma-dialectical approach includes ten rules that govern dialogues with the purpose of settling a disagreement of opinion on the merits. I will not list all ten rules here, but one that will play a role later in the discussion of one of the papers from this book is the first rule, also called “The Freedom Rule”, which states that the participants in a dialogue must not prevent each other from advancing “standpoints” or criticizing the “standpoints” of their opponents (Van Eemeren and Grootendorst, 2004, pp. 191-192)—I shall say more about the notion of “standpoint” later.

## **2. Summary of Chapters and Discussion**

Turning to the book, it is divided into six parts, the first five of which are based on what type of argumentation is scrutinized:

1. The first part, on scientific argumentation, consists of a single paper by Jeanne Fahnestock, about which I will have more to say after this synopsis.
2. The second part has three papers focused on political argumentation. The first examines from a sociological perspective “face threats” in campaign debates in three countries; the second compares argumentation in Chilean newspapers and “blogs”; and the last the implicit argument of Lincoln’s Gettysburg Address, which I discuss below.
3. This part contains three articles focusing on legal argumentation in judicial contexts. The first scrutinizes arguments given by the Italian constitutional court in defense of its decisions; the second also examines pragmatic argumentation in a general judicial context; and the third the importance of transparency in judicial argumentation.
4. Four articles address argumentation in educational contexts in this part, the first of which examines arguments of schoolchildren, the second advancing in age to adolescents, and the third looking at argu-

mentation as a part of learning in groups. The final article of this section critiques the widespread use of the Toulmin model of argumentation in the teaching of writing, and argues in favor of the pragma-dialectical approach. I will have something to say about the Toulmin article later.

5. This part contains five papers concerning argumentation in everyday communication. The first examines the way in which arguers attribute psychological motives to disagreement; the second the effect that acquaintanceship has on online argumentation—I will look at the first two papers in more detail later. The third paper looks at a particular type of argument in which an accusation is deflected based on implausibility, the fourth discusses the use of argument from analogy by migrants, and the fifth and final paper of this part considers the importance of argumentation in a medical context.
6. The final part of the book contains three papers applying the notion of “strategic maneuvering” to corporate responsibility reports, the *ad baculum* fallacy, and the first internet election in Japan. I will discuss both the concept of “strategic maneuvering” and the paper on the *ad baculum* later.

As mentioned, the first section of the book, on scientific argumentation, consists of a single paper by Jeanne Fahnestock, who takes a rhetorical look at three scientific debates: the controversy, about a decade ago, over the alleged discovery of surviving ivory-billed woodpeckers; the claim, about five years ago, of the discovery of arsenic-based bacteria; and, finally, the supposed discovery of “hobbits”, that is, a race or species of humans about half the height of modern humans. Fahnestock scrutinizes how each of these controversies played out in both scientific journals and the popular press. Unlike many of the other papers in this volume, this article makes no use of the pragma-dialectical approach, only mentioning it in passing, and instead uses traditional notions from rhetoric, such as genres and stases (issues). While Fahnestock’s discussion of the three scientific controversies is fascinating, the main result seems to be that the rhetoric of scientists does not differ much from that of non-scientists, but then why should it?

Turning to political argumentation, Lincoln’s Gettysburg address is an excellent choice for close examination since it is both familiar and short

enough to be manageable. Of course, the speech was given during a ceremony to dedicate a cemetery at Gettysburg, which is an occasion and type of speech that one would not expect to be argumentative. However, the author of the paper, David Zarefsky, claims that it argues for the conclusion that the audience should devote themselves to the cause of the Union so that the soldiers whose graves Lincoln was dedicating would not have died in vain.

Zarefsky reconstructs Lincoln's argument using standard tools of analysis, including an argument diagram showing the logical relationships between the premises and conclusion. In the latter part of the paper, he uses the pragma-dialectical notion of "strategic maneuvering" to explain some of the rhetorical strengths of the speech. I find the argument reconstruction persuasive, but the later rhetorical claims less so. The argument itself, while implicit in Lincoln's speech, is apparent once pointed out.

The notion of "strategic maneuvering", which is a relatively new addition to the pragma-dialectical program, describes some of the rhetorical moves familiar to students of debate (Van Eemeren and Houtlosser, 2006, pp. 381-392). While there is no doubt that debaters do indeed use such tactics, there does not appear to be much gain made by renaming them, and they do not seem a natural extension of the pragma-dialectical approach. In general, pragma-dialectics analyzes argumentation on the basis of a normative ideal of how a disagreement should be rationally resolved by discussion. This ideal is modeled by the previously mentioned rules of discussion, the breaking of any of which constitutes the commission of a "fallacy" that threatens to "derail" the discussion (Van Eemeren and Grootendorst, 2004, pp. 160 & 162).

Rhetoric, in contrast, is usually concerned with persuasiveness rather than rationality. From a rational point of view, what matters is that the side with the best case "wins" the debate; whereas, from a rhetorical point of view, what matters is that *my* side wins the debate. Despite the fact that philosophers and logicians, starting with Plato, have tended to look askance at "mere" rhetoric, there is nothing inherently wrong with arguing persuasively. If it is permissible to argue at all, then it is permissible to argue effectively. The philosopher's knock on rhetoricians was always that they taught how to make the weaker argument seem the stronger, that is, how to make the logically weaker argument the rhetorically stronger one.

However, there is no necessity that effective argumentation should be fallacious argumentation, which is why we should not be shocked that scientists use rhetoric in their argumentation.

Turning now to educational contexts, the last article in that section of the book is a criticism of the use of the Toulmin model of argument structure (Toulmin, 1983, pp. 94-145) in argumentative writing instruction in the United States. The author argues against using this model, offering as an alternative basis for instruction the pragma-dialectical approach.

According to the author, the Toulmin model has been widely adopted by English departments in the United States, which seems odd since Toulmin receives little if any attention in either logic or critical thinking textbooks. This well-written paper makes a good case that the pragma-dialectical approach would be a better tool for teaching students of writing how to construct arguments. This is at least partly because the Toulmin model of argument is static, and thus better at analyzing an existing argument than constructing a new one. However, I'm not convinced that the Toulmin model is of much value even for argument analysis, and I expect that any dialectical or debate-oriented approach would be better for teaching argument construction. So, the paper's argument that pragma-dialectics would be an improvement over Toulmin is convincing, but are there other alternatives?

The next part of the book is likely to have the widest interest, since we all have experience with the kind of argumentation that occurs in everyday life. The first paper in this section concerns *ad hominem* attacks that use psychiatric terms, such as "paranoid" and "hysterical." This is a familiar phenomenon, especially in the context of political arguments, and this paper could just as well have been included in the part of the book on political argumentation, as all of the examples the authors discuss come from political debates.

The authors consider three different types of psychiatric disorder attributed to opponents in argumentation: hysteria, paranoia, and autism. Of course, accusations of hysteria or paranoia have been around for a long time, but attributions of autism must be a new phenomenon due to its higher public profile in recent years. That said, the authors are French and all of the examples come from French argumentation, where the notion of autism seems to be quite different from that in the United States. For instance, in one of the examples, the arguer states: "Ce gouvernement est

autiste de son oreille gauche” (“this government is autistic in its left ear”) (pp. 228-229). In American English, this is literal nonsense and does not make much sense even as a metaphor. The authors include a lengthy definition of autism, with a long list of characteristics, none of which includes deafness (p. 230). I cannot recall encountering any use at all of autism as an *ad hominem* accusation in American argumentation, let alone one conflating it with deafness.

The examples examined in this paper are interesting, but the analysis is shallow. For instance, one of the examples is from a debate in the French parliament in which one member accuses another of “hysteria” (pp. 222-223). Apparently, the accused member was a male homosexual, and replies by accusing the accuser of homophobia, on the grounds that “hysteria” is an illness associated historically with women, and to accuse a man of a woman’s illness is to accuse him of being homosexual (pp. 223-224). The authors neglect to note that the accusation of homophobia has a similar psychiatric character as that of hysteria, since a phobia is a psychiatric condition. Thus, the accused was replying to an *ad hominem* attack with an *ad hominem* counterattack, which is a tactic that I will have more to say about later.

The next paper in this section is an empirical social science study examining the role played by personal familiarity between arguers in online discussions. A common complaint about online argumentation is that the lack of personal relationships, aggravated by frequent anonymity and the use of pseudonyms, often leads to hostile and unproductive discussions. However, a related issue is that we may avoid expressing disagreement in online forums for fear of offending others, and perhaps provoking the kind of attacks that seem all too familiar. The authors experimentally examined the effects of a brief “get to know you” session before an online discussion. The only statistically significant effect observed was an increase in the number of disagreements, that is, it appears that strangers are less willing to raise objections than those with even a minimal personal relationship.

In the final section on strategic maneuvering, the editors together with Bert Meuffels examine what they call a “disguised *ad baculum* fallacy.” The *argumentum ad baculum* fallacy, of course, is the argument to the stick, that is, one that makes use of force or the threat of it. *Ad baculum* has always been a difficult fallacy to account for in standard logical terms, since

the actual use of force is not an argument under the usual logical definition. If someone responds to a claim by punching the claimant in the nose, that act of violence is not an argument and thus, *a fortiori*, not a fallacious one.

Nonetheless, it is clear that something has gone wrong in such an exchange, not just in ethical terms, but in terms of rationality. To return briefly to Abraham Lincoln, in a speech during his senatorial campaign against Stephen Douglas, he explained what is wrong with the *ad baculum*:

I am informed that my distinguished friend [Douglas] yesterday became a little excited—nervous, perhaps—and said something about fighting, as though referring to a pugilistic encounter between him and myself.... I am informed, further, that somebody in his audience, rather more excited or nervous than himself, took off his coat, and offered to take the job off Judge Douglas's hands, and fight Lincoln himself.... Well, I merely desire to say that I shall fight neither Judge Douglas nor his second. [A] fight would prove nothing which is in issue in this contest. It might establish that Judge Douglas is a more muscular man than myself, or it might demonstrate that I am a more muscular man than Judge Douglas. But this question [is not at issue]... (Jamieson, 1988, p. 9).

In general, argumentation is meant to be a rational substitute for force, and to settle disputes with violence or threats is to abandon the attempt to settle them on the merits. In my view, the greatest achievement of the pragma-dialectical approach is to make sense of the *ad baculum* and some other fallacies, such as straw man, which cannot be accommodated under the traditional logical definitions of “argument” and “fallacy.” As mentioned above, the first rule of pragma-dialectics is the Freedom Rule, that is, that arguers must be free to present their positions and criticize those of their opponents. According to the pragma-dialectical approach, the *argumentum ad baculum* is a fallacy because it violates this rule.

However, some *ad baculum* attacks may not fall under this definition—I am here applying to the *ad baculum* the distinction between attack and fallacy developed by Robert Fogelin for the *ad hominem* (Fogelin, 1978, p. 89). For instance, in a notorious incident during a political debate during the Democratic Party convention in 1968, conservative columnist William F. Buckley Jr. threatened to “sock” his opponent, leftist writer Gore Vidal, in the face (Hertzberg, 2015). This was a clear *ad baculum* attack, but was it a fallacy?

What prompted Buckley's threat was Vidal's insinuation that Buckley was a "crypto-Nazi", a clear *ad hominem* attack. Buckley threatened the act of violence if Vidal repeated the *ad hominem* accusation, so the *ad baculum* was a counterattack to an *ad hominem* attack.

How does this example fit into the pragma-dialectical approach? Was Buckley trying to prevent Vidal from advancing a standpoint and, if so, what was the standpoint? Unfortunately, I have not been able to find an explicit definition of "standpoint", but it appears to mean a position on the issue under debate (Van Eemeren and Grootendorst, 2004, pp. 2 & 63). Thus, in a debate on capital punishment, "pro" and "con" would be two standpoints. In formal debates, the resolution under debate would represent the standpoint of the affirmative side, while the negative side's standpoint would be either the negation of the resolution, or an inconsistent alternative to it.

Buckley's threat was specifically aimed at stopping Vidal's *ad hominem* attacks, rather than preventing Vidal from advancing his own standpoint or criticizing Buckley's. Does the claim that Buckley was a crypto-Nazi count as a "standpoint"? If not, then there was no standpoint that Buckley was preventing Vidal from advancing.

From a general point of view, the topic of the debate was not Buckley's political views, but the presidential election of 1968, and specifically the Democratic convention and its nominee. Thus, Vidal's charge appears to fit the definition of an *ad hominem* fallacy as a type of irrelevance. This means that Buckley's threat was retaliation against a fallacious attack, which raises the neglected issue of how an arguer should deal with such personal attacks. Based on my experience, it appears that the usual way of doing so is to respond in kind. Does an *ad hominem* attack in retaliation against an *ad hominem* fallacy count as a fallacy itself? Ideally, we might expect that such fallacies would be rebuked by a moderator or judge, or perhaps by the debate audience. However, few critical discussions between individual people have either a moderator or audience. In the Buckley/Vidal case, there was a moderator, journalist Howard K. Smith, who attempted to stop the name-calling, but the exchange of *ad hominem* and *ad baculum* was so quick that no effective intervention was possible.

This highlights a general problem for the pragma-dialectical approach, namely, how are the pragma-dialectical rules of critical discussion to be enforced? This is a special problem for interpersonal disputes in which

there is neither a judge nor an audience to appeal to in order to enforce the rules of conduct. Of course, one can attempt to reason with one's opponent by explaining why an argumentative move is fallacious, but what if the opponent persists? In that case, one could walk away from the dispute or remain silent, but this is awkward in disputes between people in close relationships, such as spouses or relatives. Van Eemeren and Grootendorst specifically condemn threats as an inappropriate speech act for a critical discussion (Van Eemeren and Grootendorst, 2004, pp. 164-165), but this seems to leave silence or violence as the only possible responses to rule violations. A threat to refuse to continue the dispute seems preferable to abruptly walking away or punching one's opponent in the face. If every interpersonal discussion in which personal attacks or other fallacies intrude is to be ended, we will not have much argumentation on such subjects as politics or ethics.

Just as we make an exception for self-defense to moral rules against violence, we might want to make exceptions to the definition of fallacies for self-defense. Thus, an *ad hominem* attack, or perhaps even an *ad baculum* one, in response to such an attack might not count as a fallacy. Just as those who initiate the use of violence are held morally responsible, those who initiate the use of such attacks would violate the rules, but those who fight fire with fire would not. The purpose of such a rule would be a regulative one. For the interpersonal debate that lacks a moderator empowered to enforce order, or an audience with the power to do so, how else is the rule to be enforced than through the fear of retaliation?

Perhaps on the self-defense theory, Buckley would have been justified in retaliating against Vidal's *ad hominem* attack with one of his own if the debate had been a private rather than public one. However, he did not merely answer a personal attack with one of his own, but escalated the attack from an *ad hominem* to an *ad baculum*, that is, from a personal insult to a threat. Doing so threatened to turn a debate into a physical fight, which would surely derail it in the worst way. This objectionable aspect of the Buckley *ad baculum* is not captured by the pragma-dialectical account of the fallacy, nor by any other current theory of which I am aware.

To return to the specifics of the van Eemeren-Garssen-Meuffels paper, the authors draw an interesting distinction between a standard and a disguised *ad baculum*. An explicit threat, such as that made by Buckley against

Vidal, is a standard *ad baculum*; a disguised *ad baculum* occurs when the threat is only implicit, for instance, by being offered as a piece of friendly advice. Consider the protection racketeer who tells a business owner: "Nice place you have here; it would be a shame if anything happened to it." This statement is not a direct threat to firebomb the store if protection money is not paid, but it may be understood as an implicit threat to do so by the store owner.

Such disguised threats can be explained in Gricean terms, specifically by invoking the Maxim of Relevance (Grice, 1989, pp. 27 & 87). Why does the racketeer call attention to the possibility of something happening to the store? How is that relevant unless he is threatening to bring it about? Some such train of thought is likely to go through the store owner's mind.

The authors' hypothesis is that a disguised *ad baculum* would be judged as more reasonable than an undisguised one, and this is indeed what their study seems to show. Specifically, students who were asked to evaluate the reasonableness of disguised and undisguised *ad baculum* examples judged the undisguised ones as unreasonable, whereas the disguised ones were judged as neutral, that is, neither reasonable nor unreasonable. Thus, the bad news is that disguising the *ad baculum* actually works to a degree, so that the racketeer seems to know what he is doing. However, the good news is that the students did not go so far as to judge even the disguised *ad baculum* to be a reasonable move.

However, it should be noted that whether people recognize such threats as unreasonable does not affect a normative judgment about them one way or the other, nor do the authors claim otherwise. The fact that people seem to rate the disguised *ad baculum* as more reasonable than the undisguised does not mean that it is so.

In conclusion, I would recommend this volume only for those who are already familiar with the pragma-dialectical approach as well as its strategic maneuvering extension, and have a strong interest in the application of these methods to real-world arguments as opposed to textbook examples. Others may find some of the particular papers that I have discussed above of interest.

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