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A Pragma-dialectical Procedure for a Critical Discussion

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ABSTRACT: According to the pragma-dialectical ideal of reasonableness, in case of a difference of opinion the protagonist and the antagonist of a standpoint should attempt to find out by means of a critical discussion whether the protagonist's standpoint is capable of withstanding the antagonist's criticism. In this paper, the authors formulate the latest version of their basic rules for the performance of speech acts in the various stages that can be analytically distinguished in a critical discussion that can lead to the resolution of a single and non-mixed difference opinion.

KEY WORDS: argumentation, critical discussion, discourse analysis, (pragma-)dialectics, speech act

In a critical discussion that proceeds in accordance with a pragma-dialectical discussion procedure, the protagonist and the antagonist try to find out systematically whether the protagonist's standpoint is capable of withstanding the antagonist's criticism.¹ After the antagonist has expressed doubt or criticism, the protagonist puts forward argumentation in defense of the standpoint. When a positive standpoint is defended, the protagonist attempts to justify the proposition(s) expressed in the standpoint; when a negative standpoint is defended, the protagonist attempts to refute this proposition (or these propositions). If there is reason to do so, in both cases the antagonist reacts critically to the protagonist's argumentation. When the protagonist is confronted with new critical reactions on the part of the antagonist, the protagonist's attempts at legitimizing or refuting the standpoint may be continued by putting forward new argumentation, to which the antagonist can react in turn, and so on. The difference of opinion is resolved when the arguments advanced lead the antagonist to accept the standpoint defended, or when the protagonist retracts his standpoint as a consequence of the critical reactions of the antagonist.² In this perspective, the speech acts of the protagonist and the speech acts of the antagonist interact with each other in a way that is typical of the dialectical process of resolving a difference of opinion concerning the tenability of a standpoint by way of a critical discussion.

An argumentative interaction can, of course, only lead to the resolution of a difference of opinion if it proceeds in an adequate fashion. This requires



a regulation of the interaction that is in accordance with certain rules of critical discussion. It is the task of dialectical argumentation theorists to formulate these rules of critical discussion in such a way that together they constitute a problem-valid as well as conventionally valid discussion procedure.³ A procedure that promotes the resolution of differences of opinion must, in our view, consist of a system of regulations that cover all speech acts that need to be carried out in a critical discussion. This means that the procedure should relate to all the stages that are to be distinguished in a critical discussion aimed at resolving a difference of opinion: the confrontation stage in which the difference of opinion is developed, the opening stage in which the procedural and other starting points are established, the argumentation stage in which the argumentation is put forward and subjected to critical reaction, and the concluding stage in which the outcome of the discussion is determined.

Following our basic model of the distribution of speech acts in the different stages of a critical discussion as described in *Speech Acts in Argumentative Discussions* (van Eemeren and Grootendorst, 1984), we developed a pragma-dialectical theory of argumentation that includes a discussion procedure that satisfies the criterion of problem-validity. The rules of procedure that apply to the different stages of a critical discussion are problem-valid because each of them makes a specific contribution to solving certain problems that are inherent in the various stages of the process of resolving a difference of opinion.⁴ For the sake of simplicity, we start in presenting our discussion procedure from a consistently non-mixed, single discussion, in which one and no more than one standpoint is defended. The rules must specify in which cases the performance of certain speech acts contributes to the resolution of the difference of opinion. This makes it necessary to indicate for each discussion stage when exactly the parties are *entitled* to perform a particular kind of speech act, and if and when they are even *obliged* to do so.

In the confrontation stage of an argumentative discourse or text dealing with a non-mixed, single difference, a standpoint is externalized (by discussant 1), and this standpoint is called into question (by discussant 2). If there is no difference of opinion, there is nothing to resolve, and the argumentative discussion is superfluous. A difference of opinion that is only partly externalized, or not externalized at all, does not make having a discussion superfluous, but it does make it difficult. A dialectically regulated discussion, at any rate, is ruled out. After all, rules for a critical discussion bear on the speech acts performed by the discussants involved in the difference and the ensuing commitments. The importance of the externalization of differences of opinion is therefore evident. One of the first tasks in the formulation of rules for a critical discussion is thus to promote an optimal externalization. This means that the discussants must be able to put forward every standpoint and to call every standpoint into question. The guarantee that this is possible can be obtained by explicitly granting every

discussant the *unconditional right* to put forward or call into question every standpoint vis-à-vis every other discussant.

In principle, standpoints are expressed by means of assertives. The fundamental ability to put forward or to call into question any standpoint has the consequence that no special conditions apply to the propositional content of these assertives. The same is true of the propositional content of the negation of the commissive with which a standpoint is called into question. The unconditional right of discussants to put forward standpoints and to call them into question also means that no special preparatory conditions apply regarding the status or position of the speaker or writer and the listener or reader. It is not the might of the strongest that is decisive in a critical discussion, but the quality of the argumentation and criticism.

That differences of opinion may concern any standpoint and that all discussants have the unconditional right to put forward or call into question every standpoint, is expressed in the following rule:

RULE 1

- a. Special conditions apply neither to the propositional content of the assertives by which a standpoint is expressed, nor to the propositional content of the negation of the commissive by means of which a standpoint is called into question;*
- b. in the performance of these assertives and negative commissives, no special preparatory conditions apply to the position or status of the speaker or writer and listener or reader.*

Rule 1 applies to all the discussants that take part in a discussion. By virtue of this rule, discussants themselves are not only entitled to put forward and to call into doubt any standpoint, but they may also in no way prevent other discussants from doing the same either. It is perhaps superfluous to point out that rule 1 gives the discussants an unconditional right, but does not impose any obligation on them. Generally speaking, it is advisable to make use of the rights granted by virtue of rule 1. Anyone who wants a difference of opinion to be resolved will have to cooperate on the *externalization* of that difference.

A consequence of the unconditional rights that are granted the discussants under rule 1 is, for example, that a discussant who has just lost a discussion in which he or she defended a particular standpoint against another discussant reserves the right to put forward *the same* standpoint to *the same* discussant again. This even applies to a discussant that has first successfully defended a particular standpoint and then proceeds to call it into question or to defend the opposite standpoint. Of course, it is

debatable whether the other discussant will be prepared to begin a new discussion with such an idiosyncratic or unpredictable discussant, and also whether it is reasonable to expect him to or her do so. We shall return to the latter question in discussing the rules of the opening stage.

In the *opening stage*, after discussant 1 has accepted discussant 2's challenge to defend his or her standpoint, the discussants decide to hold a discussion, and they make agreements on the allocation of roles and the discussion rules. The rules for a critical discussion must indicate when discussant 2 is entitled to challenge discussant 1, when discussant 1 is obliged to take up this challenge, who assumes the role of the protagonist, who assumes the role of the antagonist, what the shared premises are, which rules apply in the *argumentation stage*, and how the discussion is to be concluded in the *concluding stage*.

The right to challenge

We propose to grant the right to challenge a discussant to defend his standpoint unconditionally to any discussant that has called this standpoint into question in the confrontation stage. Since, by virtue of rule 1, every discussant also has the unconditional right to call every standpoint of every other discussant into question, this means that in principle there is no restriction on challenging any discussant on any standpoint by any discussant. This unconditional right is laid down in rule 2:

RULE 2

The discussant that has called the standpoint of the other discussant into question in the confrontation stage is always entitled to challenge this discussant to defend his or her standpoint.

The right enshrined in rule 2 may be an unconditional right of a discussant who has called a particular standpoint into question, but it is never an *obligation*. Challenging the other discussant to defend his or her standpoint, after all, must be regarded as a challenge to enter into discussion of this standpoint; if the other discussant accepts this invitation, the challenger is bound by it. However, it is possible to imagine cases in which a discussant has good reasons not to enter into a discussion with this other discussant even though he or she does not accept the standpoint. One can think here of the idiosyncratic and unpredictable discussant whom we mentioned in our explanatory comments on rule 1. It therefore suffices to grant discussants the unconditional right to do this by virtue of rule 2, whether they are prepared to make use of this right or not.

The obligation to defend

It follows from the preparatory conditions of the assertive with which a discussant has expressed a standpoint that he or she is obliged to put forward proof or argumentation in defense of this standpoint when asked to do so. It should immediately be added, however, that it is debatable whether this obligation should apply under all circumstances, in all situations and to every challenger. As a rule, a discussant that has been challenged is always obliged to defend the standpoint, and this obligation can only be removed by a successful defense of the standpoint or by retraction of the standpoint. A discussant that has successfully defended a standpoint is not subsequently obliged to defend *the same standpoint again according to the same discussion rules and with the same premises against the same discussant*. This would only lead to a repetition of the discussion that has already been conducted. It therefore seems reasonable to us to apply the legal principle of *non bis in idem* to a critical discussion too.

This principle does not apply to discussions either with a *different* challenger, or with the same challenger but with *different* premises, or *different* discussion rules. In any of those cases, the challenged discussant is obliged to defend the same standpoint again. Unlike a legal dispute, an argumentative dispute can in principle never be settled once and for all. The discussion can always be reopened. After all, it is quite possible (and very normal in practice) that new light can be thrown on the case, for example, on the basis of other premises. The rules for a critical discussion must encourage this, not rule it out.

It should be noted that the cessation of the obligation to defend through a successful defense does not affect the unconditional right to challenge a discussant as laid down in rule 2. Anyone who puts forward a standpoint can be challenged to defend this standpoint, even if he or she has already successfully done so. The obligation of the challenged discussant to accept the challenge does not hold only if he or she has successfully defended the same standpoint against the same discussant with the same premises and the same discussion rules. It is not unreasonable to keep on challenging somebody, but it is not unreasonable to refuse to accept every challenge either.

As long as a discussant has not yet successfully defended his or her standpoint (against any discussant whatsoever), the obligation to defend it holds fully (assuming that he or she has not retracted the standpoint in the meantime). There is only one exception to this general rule. A critical discussion is impossible without certain shared premises and without shared discussion rules. Discussants who cannot agree on the premises and the discussion rules are not in a position to resolve a difference of opinion, and are therefore advised not to start a discussion. A challenged discussant cannot be obliged to defend a standpoint against a discussant that is not prepared to accept certain premises and discussion rules.

The general obligation to defend and its crucial exception are laid down in rule 3:

RULE 3

The discussant who is challenged by the other discussant to defend the standpoint that he or she has put forward in the confrontation stage is always obliged to accept this challenge, unless the other discussant is not prepared to accept certain shared premises and discussion rules; the discussant remains obliged to defend the standpoint as long as he or she does not retract it and as long as he or she has not successfully defended it against the other discussant on the basis of the agreed premises and discussion rules.

The obligation to defend as formulated in rule 3 is a (conditional) obligation to defend *in principle*. This means that the obligation to defend always applies (provided the conditions laid down are satisfied). However, there may be reasons or causes that make it impossible to comply with this obligation immediately *in practice*. For example, the discussant who is obliged to defend may not have the time to engage in a discussion with the challenger, or it may be the case that upon reflection he or she is no longer so certain of his case and wants to document or prepare it thoroughly first. However, this at most may lead to a *postponement* of the discussion (that sometimes leads to its cancellation), but this does not alter the obligation to defend. This obligation holds fully until the discussant has complied with it or has retracted his or her standpoint.

By recognizing the obligation to defend as laid down in rule 3 and by accepting the challenge of the other discussant, the discussant that has put forward the standpoint indicates his or her *preparedness to discuss*. The discussant that has challenged him or her can in turn indicate his or her preparedness to discuss by agreeing to shared premises and discussion rules. Rule 3 is thus aimed at externalizing the willingness to engage in discussion that may be expected of discussants that are involved in a dispute.

Allocation of the burden of proof

Rule 3 also regulates how the onus of proof with regard to a standpoint is distributed. Whoever puts forward a standpoint and does not retract it again bears the onus of proof for this standpoint once he or she is challenged (in accordance with the conditions as specified in rule 3) to defend this standpoint. The onus of proof in a discussion thus lies with the discussant that has the obligation to defend a standpoint in accordance with rule 3. In the case of *non-mixed* differences of opinion, which is what we are assuming

here, the problem of allocating the onus of proof is dealt with, we believe, by rule 3. In the case of *mixed* differences of opinion, which are common in practice, the situation is more complicated. Each party may have called the other's standpoint in question and challenged the other party. In this case, the question of who bears the onus of proof is, in principle, not problematic either. The answer is simply that both discussants are obliged to defend their own standpoint in accordance with rule 3, and therefore that they both bear the onus of proof for their respective standpoint. The question is thus not that of who bears 'the' onus of proof in the discussion, but of who defends his or her standpoint first.⁵ The allocation of the onus of proof in a mixed discussion does not raise *problems of choice*, but instead a *problem of order*.⁶

The discussants will have to consult among themselves to reach agreement on who defends his or her standpoint first. If they are unable to do so, the discussion will probably not take place, but the obligation to defend remains in force in relation to both standpoints. In the traditional view of the allocation of the onus of proof, in a dilemma of this kind a decision is forced by proposing that the person who attacks an established opinion or an existing state of affairs must begin the defense (if he or she is not the only person to bear the onus of proof according to this view). The conservative character of this view has been pointed out from various perspectives. Moreover, it is often problematic to determine what 'the established standpoint' is.⁷

Allocation of the discussion roles

The first agreement that the discussants must make before they begin the argumentation stage concerns the allocation of roles in the discussion. The question is: Who will assume the role of protagonist, and who the role of antagonist? The answer to this question seems fairly obvious: the discussant who has put forward a standpoint in the confrontation stage must assume the role of the protagonist, and the discussant who has called this standpoint into question must assume the role of the antagonist. This is how things will normally proceed in practice, but it is not necessarily the case. It is quite possible for the roles to be reversed.

Although in practice the discussants will often pass over the question of the allocation of roles in silence, the discussant who has put forward a standpoint will almost automatically act as protagonist, and the discussant who has called this standpoint into question will do the same for the role of antagonist, we propose to leave it up to the discussants themselves to act otherwise if they prefer to do so. One condition is that both discussants agree to the allocation of roles and that they maintain the agreed allocation of roles throughout the whole discussion.

RULE 4

The discussant that in the opening stage has accepted the other discussant's challenge to defend his or her standpoint will fulfill the role of protagonist in the argumentation stage, and the other discussant will fulfill the role of antagonist, unless they agree otherwise; the distribution of roles is maintained until the end of the discussion.

In the *argumentation stage* the discussant that has assumed the role of protagonist tries to defend the initial standpoint against the discussant that has assumed the role of antagonist. The question is how the protagonist can defend the standpoint and how the antagonist can attack the standpoint. A further question is when these attempts at defense and attack are successful, in other words, when has the protagonist *successfully defended* the initial standpoint and when has the antagonist *successfully attacked* the initial standpoint.

Agreements concerning the discussion rules

Attacking and defending a standpoint takes place in a critical discussion in accordance with shared rules of discussion. We shall discuss a number of these discussion rules for the argumentation stage. As mentioned earlier, these discussion rules must be understood as proposals that only come into force in a discussion once they have been accepted by the discussants that fulfill the roles of protagonist and antagonist. This means that the discussants in question have declared their readiness to conduct the discussion in accordance with shared rules. If the discussants that take part in a discussion have done this, the rules acquire the status of *conventions* by which the parties are bound during the discussion and to which they hold one another. In fully externalized discussions, this takes place explicitly. In practice, however, discussants often tacitly assume that they accept more or less the same discussion rules. Unlike in the case of explicitly agreed rules, in this case the discussants assume that they are bound by *conventions*.

The difference between explicit agreements and conventions need not necessarily have serious consequences for the course of the discussion. If both parties consistently abide by the rules, there is not even any difference at all. The advantage of explicitly agreed rules only emerges if there is disagreement on the *force* of a rule applied by the other party or on the correctness of the *application* of a rule in force. Explicit formulation makes it easier to reach a decision on the force or application of the rule that is at issue.

One consequence – as mentioned earlier – of explicit agreement on the discussion rules is that the discussants are *bound* by these rules (at least for the duration of the discussion). This implies that the discussion rules

themselves may no longer be raised for discussion during the discussion itself. The rules apply as long as *this* discussion between *these* discussants continues. The only question concerning the rules that may be raised during the discussion is whether they are correctly applied. Of course, this does not mean that the rules may not be raised for discussion *after* the discussion has taken place or *before* the start of a new discussion. It certainly does not mean that there are rules that may never be raised for discussion. Without any exception, *all* rules can be called into question by any discussant who sees fit to do so. The rule then acquires the status of a proposition on which different standpoints can be adopted (cf. rule 1). The discussion that arises on the rule, if one does, is a *meta-discussion*.

RULE 5

The discussants who will fulfill the roles of protagonist and antagonist in the argumentation stage agree before the start of the argumentation stage on the rules for the following: how the protagonist is to defend the initial standpoint and how the antagonist is to attack this standpoint, and in which case the protagonist has successfully defended the standpoint and in which case the antagonist has successfully attacked it; the rules in which this is laid down apply throughout the duration of the discussion, and may not be called into question during the discussion itself by either of the parties.

Attacking and defending standpoints

Three types of speech acts are performed in the argumentation stage: by means of assertives, the protagonist performs exclusively the complex speech act of *argumentation*, while the antagonist accepts this argumentation by performing the commissive *acceptance* or declines this argumentation by performing the negation of this commissive; the antagonist can then perform the directive *request* to elicit a new *argumentation*. These are the *only accepted* ways of attacking or defending standpoints in a critical discussion. They represent a right of the protagonist and the antagonist that is in principle unrestricted. The antagonist may attack every argumentation advanced by the protagonist in this way (and in no other way), and every argumentation that is called into question may be defended in this way (and in no other way).

Putting forward argumentation in defense of a standpoint is always a *provisional* defense. The protagonist has not defended a standpoint definitively until the antagonist has fully accepted the argumentation. The acceptance of an argumentation implies that the propositions expressed in the argumentation are accepted and that the constellation formed by the argumentative utterances is regarded as legitimizing (pro-argumentation) or refuting (contra-argumentation) the proposition to which the standpoint

pertains. The antagonist who does not accept the argumentation of the protagonist can thus call its *propositional content* into question, but he or she can also call into question its *force as a justification or refutation*.

RULE 6

- a. *The protagonist may always defend the standpoint that he or she adopts in the initial difference of opinion or in a sub-difference of opinion by performing a complex speech act of argumentation, which then counts as a provisional defense of this standpoint;*
- b. *the antagonist may always attack a standpoint by calling into question its propositional content or the force of the argumentation as a justification or refutation;*
- c. *the protagonist and the antagonist may not defend or attack standpoints in any other way.*

The discussion rules for the argumentation stage must explicitly lay down in which case the defense of the protagonist is to be regarded as successful. The rules must indicate when the antagonist is obliged to accept the argumentation put forward by the protagonist as an adequate defense of the standpoint. Then and only then, when the protagonist has defended a standpoint in accordance with these rules and the antagonist is obliged to accept the defense in accordance with these rules, may the protagonist be said to have *successfully defended* his or her standpoint. If the protagonist fails to do so, the antagonist has *successfully attacked* the standpoint (assuming, of course, that he or she has observed the other discussion rules).

We shall first concentrate on the regulations that apply when (part of) the propositional content of an argumentation is called into question. By calling the propositional content of an argumentation into question, the antagonist creates a new point of contention. Since the protagonist has adduced the argumentation in support of the standpoint, he or she will adopt a positive standpoint with regard to this proposition and is obliged (by virtue of rules 3 and 4) to defend it again. Beside the *initial* dispute, bearing on the *initial standpoint* of the protagonist, a *sub-dispute* then arises, bearing on this positive sub-standpoint. A whole chain of sub-disputes, sub-sub-disputes, and so on can arise in this way. In this case the argumentation of the protagonist is subordinatively compound.

In which case is the antagonist obliged to accept the propositional content of an argumentation? This question can only be answered if the discussants that are to fulfill the roles of protagonist and antagonist agree in the opening stage on how they will decide on the acceptability of the propositions advanced by the protagonist in his or her argumentation. To this end they must explicitly lay down both *which propositions they both*

accept and how they will decide together on the acceptability of other propositions.

The intersubjective identification procedure

The propositions that are accepted by both parties may concern facts, truths, norms, values or value hierarchies. The discussants are completely free to draw up a list of propositions accepted by both parties. All of the propositions that they both accept may be included. The only restriction is that the list must be consistent. It may not contain any propositions that contradict other propositions. Otherwise it would always be possible to defend successfully any arbitrary standpoint against any attacker, which inevitably renders the resolution of a difference of opinion impossible. That a proposition is included in the list of accepted propositions means only that the discussants are agreed that the proposition in question may not be called into question during the discussion. In other words, they may treat this proposition in the discussion as though they accept it, whether or not this is actually the case. The list specifies which propositions have been accepted by the discussants for the duration of the discussion and can therefore be regarded as their *shared premises*.

How can the protagonist make use of the list of agreed propositions in defending the argumentation that he or she has advanced? If the antagonist only calls the propositional content of the argumentation into question, the protagonist can point out that, according to him or her, the proposition in question appears in the list. The protagonist and the antagonist must then check to determine whether this is actually the case. If so, the antagonist is obliged to retract his or her objection to the proposition(s) in question and to accept the argumentation. The protagonist has then successfully defended himself or herself against the attack of the antagonist. This method of defense by the protagonist thus consists of participating in *joint scrutiny*, at his or her request, to determine whether the propositions that have been called into question really are *identical* to the propositions in the list of propositions accepted by both parties. We refer to this method as the *intersubjective identification procedure*. If the application of this procedure yields a positive result, the antagonist is obliged to accept the propositional content of the argumentation put forward by the protagonist. If the application of this procedure yields a negative result, the protagonist is obliged to retract this argumentation.

The earlier remarks on the conventional status of the rules for the argumentation stage also apply to the propositions accepted by both parties. In fully externalized discussions it is explicitly determined in advance which propositions are accepted by both parties, but in practice these propositions regularly function as mutually presupposed shared background knowledge. As long as both parties are in tacit agreement that a particular proposition

belongs to the shared background knowledge, it makes no difference. As soon as disagreement arises, however, neither of the parties can appeal to the other party's commitment, and both parties can easily (rightly or wrongly) deny that they are committed to certain propositions.

Of course, the protagonist must also be allowed to make use of propositions on which *no prior agreement* has been reached. Otherwise the protagonist would only be able to defend a standpoint by making use of propositions that had already come up at the start of the discussion. This is an undesirable restriction. The protagonist must therefore be able to make use of *new information* in his or her defense.

In order to make use of new information in a critical discussion, it is necessary for the discussants to agree in the opening stage on how they will determine whether a proposition should be accepted or not. The methods agreed on may consist of consulting oral or written sources (encyclopedias, dictionaries, reference works) or of joint perception (by way of experiment or not). As in the case of the list of propositions accepted by both parties, both discussants must consider the method chosen to be adequate.

In addition to carrying out the intersubjective identification procedure, the discussants can also decide in the opening stage to allow for a *sub-discussion* to be conducted in which it is determined whether the proposition on which agreement was first lacking can be accepted in the second instance. The protagonist will then have to take a positive *sub-standpoint* with regard to the proposition concerned and defend it against possible objections and criticisms of the antagonist. This sub-discussion has to be conducted in accordance with the same premises and the same discussion rules accepted in the original discussion.⁸

The consequences of the recommended regulations of the protagonist's opportunities for defense are laid down in rule 7:

RULE 7

- a. *The protagonist has successfully defended a complex speech act of argumentation against an attack by the antagonist with regard to its propositional content if the application of the intersubjective identification procedure yields a positive result or if the propositional content is in the second instance accepted by both parties as a result of a sub-discussion in which the protagonist has successfully defended a positive sub-standpoint with regard to this propositional content;*
- b. *the antagonist has successfully attacked the propositional content of the complex speech act of argumentation if the application of the intersubjective identification procedure yields a negative result and the*

protagonist has not successfully defended a positive sub-standpoint with regard to this propositional content in a sub-discussion.

The intersubjective inference procedure

As laid down in rule 6, the antagonist may call an argumentation into question not only for its propositional content, but also for its force of justification or refutation. How can the protagonist successfully defend himself or herself against an attack on the force of justification or refutation of his or her argumentation, and in which case is the antagonist bound to accept? Before they embark on the argumentation stage, the discussants must agree in the opening stage on how this will be determined.

If the protagonist adopts a positive standpoint, the question can be raised of whether the reasoning ‘*propositional content of the argumentation, thus proposition to which the standpoint refers*’ is valid as it stands. If the protagonist adopts a negative standpoint, it is necessary to determine whether the reasoning ‘*propositional content of the argumentation, thus not proposition to which the standpoint refers*’ is valid as it is. The validity of the reasoning in the argumentation needs to be judged only if this reasoning is completely externalized and the protagonist can be regarded committed to the claim that the soundness of the argumentation depends on its *logical validity*.

Being able to check whether the arguments of the protagonist are logically valid calls for *logical rules*, such as the dialogue rules of the Erlangen School, to evaluate the validity of the arguments. This makes it possible to examine whether a contended proposition is defensible in relation to the premises (viewed as a concession) that constitute the argumentation. Since checking the validity of the arguments is a matter of determining whether the protagonist’s inferences are acceptable, we shall refer to this procedure as the *intersubjective inference procedure*.

The intersubjective explicitization procedure

If the reasoning in the argumentation is *not* completely externalized – and for that reason cannot be valid as it stands – the question will be whether the argumentation makes use of an argument scheme that is considered admissible by both parties and that has been correctly applied. As a rule, the argument scheme employed in an argumentation is not made explicit in the discourse or text, but has to be reconstructed. To this end, the antagonist and the protagonist should jointly carry out an *intersubjective explicitization procedure*. This procedure can be based on similar principles as the procedure that we have developed for rendering unexpressed premises explicit. It must lead to agreement between the discussants on the kind of argument scheme that is used in the argumentation. When the reasoning in the argumentation of the protagonist is incomplete, and thus

cannot be valid, it is in the interest of the protagonist that the intersubjective explicitization procedure is carried out. It must therefore be carried out at the request of the protagonist.

The intersubjective testing procedure

Once the argument scheme that is employed in the protagonist's argumentation has been reconstructed by means of the intersubjective explicitization procedure, it must be determined whether this argument scheme can be considered admissible by both parties and has been correctly applied. In order to check that the argumentation of the protagonist is based on an argument scheme that is admissible, it is necessary that the protagonist and the antagonist have first jointly determined which argument schemes may and may not be used. In principle the discussants are free to decide on this, provided the decision is based on mutual consent. In special cases, however, there may be specific (institutional) conditions in force that prohibit the use of certain schemes. For example, in some countries the use of argumentation by analogy may be inadmissible in certain criminal law disputes. Of course, discussants may also conclude that it is better to exclude certain forms of argumentation without such conditions being in force. For instance, they might decide not to use argumentation based on authority because the subject under discussion does not lend itself for that, or they might decide not to draw any comparisons because as a rule they do not constitute a decisive argument.

Only when agreement has been reached on the nature of the argument schemes to be used does it make sense to determine which applications of the schemes adopted are or are not admissible. For example, the discussants may appeal to certain conditions for making causal or other connections between different types of propositions. They may also determine which critical questions the different argument schemes are expected to answer.⁹ For instance, they may agree that a comparison is in principle an admissible form of argumentation, but that argumentation of this kind will only be regarded as decisive if no single relevant difference can be demonstrated between the cases under comparison.

Since checking the acceptability of the argument scheme is concerned with determining how to scrutinize the contents of the step from the proposition that is expressed in the argumentation to the proposition that is expressed in the standpoint, we shall refer to this procedure as the *intersubjective testing procedure*.

RULE 8

- a. *The protagonist has successfully defended a complex speech act of argumentation against an attack by the antagonist with regard to its force*

- of justification or refutation if the application of the intersubjective inference procedure or (after application of the intersubjective explicitization procedure) the application of the intersubjective testing procedure, yields a positive result;*
- b. if the application of the intersubjective inference procedure or (after application of the intersubjective explicitization procedure) the application of the intersubjective testing procedure yields a negative result, the antagonist has successfully attacked the force of justification or refutation of the argumentation.*

Attacking and defending standpoints conclusively

On the basis of the above, and by virtue of rules 7 and 8, we can now indicate when the protagonist has *conclusively* defended an initial standpoint or a sub-standpoint by means of argumentation and when the antagonist had *conclusively* attacked this standpoint. For a *conclusive defense* of a standpoint, the protagonist must have defended both the *propositional content* of the argumentation (as prescribed in rule 7) and its *force of justification or refutation* with regard to the proposition on which the standpoint bears (as prescribed in rule 8). For a *conclusive attack* on a standpoint, the antagonist must have successfully attacked either the *propositional content* of the argumentation or its *force of justification or refutation* (as prescribed in rules 7 and 8). The antagonist may try to do both (by virtue of rule 6), but for a conclusive attack on the standpoint it is sufficient to succeed in one of the two attempts. This is laid down in rule 9:

RULE 9

- a. The protagonist has conclusively defended an initial standpoint or sub-standpoint by means of a complex speech act of argumentation if he or she has successfully defended both the propositional content called into question by the antagonist and its force of justification or refutation called into question by the antagonist;*
- b. the antagonist has conclusively attacked the standpoint of the protagonist if he or she has successfully attacked either the propositional content or the force of justification or refutation of the complex speech act of argumentation.*

If the protagonist manages to defend the initial standpoint in the prescribed manner, this standpoint is thereby at the same time conclusively defended. A conclusive defense of a sub-standpoint, however, does not automatically mean that the initial standpoint is thereby conclusively defended. To defend the initial standpoint conclusively, it is necessary by virtue of rule 9 that the force of justification or refutation of the first argumentation is

also successfully defended (as prescribed in rule 8). The same applies, *mutatis mutandis*, to the defense of sub-standpoints with the help of sub-sub-standpoints, and so on.

Optimal use of the right to attack

Rules 7, 8 and 9 refer to attacking and defending standpoints, but of course the antagonist need not necessarily call into question *everything* that the protagonist puts forward in the discussion. By virtue of rule 6, the antagonist is entitled to call into question both the propositional content and the force of justification or refutation of each of the protagonist's argumentations, but of course he is not *obliged* to do so. It is quite possible, however – and very common in practice too – that in the course of the discussion the antagonist may suddenly realize that he or she was wrong in accepting the argumentation without objection. It may also happen that he or she has in the first instance only called into question the propositional content of an argumentation, but not its force of justification or refutation, and regrets this upon reflection. The antagonist must be given the opportunity to make use of the opportunities that he or she has allowed to slip by. That opportunity can be given to the antagonist by allowing him or her to make use of the right to which he or she is entitled by virtue of rule 6 *throughout the entire discussion*. This addition to rule 6 thus offers the antagonist the opportunity to make optimal use of his or her right of attack and it is therefore conducive to the resolution of a difference of opinion.

RULE 10

The antagonist retains throughout the entire discussion the right to call into question both the propositional content and the force of justification or refutation of every complex speech act of argumentation of the protagonist that the latter has not yet successfully defended.

Optimal use of the right to defend

By virtue of rule 9, for a conclusive defense of the initial standpoint, the protagonist is obliged to defend himself or herself against all attacks by the antagonist on an argumentation that he or she has put forward. However, it is possible that the antagonist has called into question both the propositional content of an argumentation and its force of justification or refutation, and that the protagonist has in the first instance only defended himself or herself against the first attack by conducting a new argumentation. The antagonist may then call this new argumentation into question, and if the protagonist defends himself or herself against this attack, this does not mean

that the first argumentation has thereby been conclusively defended. The protagonist must be given the opportunity to defend it conclusively at this point. This opportunity can be offered by allowing him or her to defend every argumentation that is attacked throughout the whole discussion against the attacks of the antagonist. This gives the protagonist the opportunity to make optimal use of his or her right of defense, and this too, like the optimal use of the right of attack by the antagonist, is conducive to the resolution of a difference of opinion.

RULE 11

The protagonist retains throughout the entire discussion the right to defend both the propositional content and the force of justification or refutation of every complex speech act of argumentation that he or she has performed and not yet successfully defended against every attack by the antagonist.

Another way of enabling the protagonist to make optimal use of the right of defense is to give him or her the opportunity to *retract* an argumentation that has already been put forward once. It may happen that the protagonist in the first instance considers that he or she can defend the initial standpoint or sub-standpoint conclusively by means of this argumentation, while later he or she realizes that this is not the case. By retracting an argumentation, the protagonist withdraws his or her commitment to it and thus also the obligation to defend it. In this way the protagonist can correct himself or herself in the course of the discussion. He or she may replace the retracted argumentation with another, which he or she considers able to be defended successfully. Protagonists should have the opportunity both to withdraw an argumentation on their own initiative without its being called into question by the antagonist, and if the antagonist has called the argumentation into question. Since the obligation to defend the argumentation ceases when it is retracted, protagonists may still be able to satisfy the requirement formulated in rule 9 for a conclusive defense of initial standpoints.

RULE 12

The protagonist retains throughout the entire discussion the right to retract the complex speech act of argumentation that he or she has performed and thereby to remove the obligation to defend it.

The orderly conduct of the discussion

The addition at the end of rules 10 and 11 means that the antagonist may not carry out attacks on an argumentation that the protagonist has already successfully defended and that the protagonist does not have to defend (and is not even allowed to defend!) himself or herself against attacks that he or she has already successfully parried. These provisions prevent the discussion from being endlessly held up by repetitions of identical attacks or defenses. Such repetitions are pointless because they are in no way conducive to a resolution of the difference of opinion. The legal principle of *non bis in idem* – already mentioned in connection with rule 3 – is applicable here as well.

A critical discussion must not only not contain any pointless repetitions of identical speech acts; it must also proceed in an orderly fashion. This requires provisions that are conducive to the rapid and efficient resolution of differences of opinion. These provisions taken as a whole form a sort of set of *regulations for the orderly conduct of a critical discussion*. The provisions contained in rule 13 can be regarded as an important part of such a set of regulations on orderly conduct.

RULE 13

- a. *The protagonist and the antagonist may only once perform the same speech act or the same complex speech act with the same role in the discussion.*
- b. *The protagonist and the antagonist must perform speech acts or complex speech acts in turn.*
- c. *The protagonist and the antagonist may not perform more than one speech act or complex speech act at one time.*

In the *concluding stage* the discussant that has carried out the role of protagonist in the argumentation stage either does or does not retract the initial standpoint, and the discussant that has carried out the role of antagonist in the argumentation stage either does or does not maintain the calling into question of the initial standpoint. The discussants close the discussion together by determining the final outcome (that may or may not lead them to start a new discussion). The only point that calls for explicit regulation in the concluding stage is to determine in which case the protagonist is obliged to retract the initial standpoint on the basis of the attacks carried out by the antagonist during the argumentation stage, and in which case the antagonist is obliged to retract his or her calling the initial standpoint into question on the basis of the defense carried out by the protagonist. These regulations are embodied in rule 14:

RULE 14

- a. *The protagonist is obliged to retract the initial standpoint if the antagonist has conclusively attacked it (in the manner prescribed in rule 9) in the argumentation stage (and has also observed the other discussion rules);*
- b. *the antagonist is obliged to retract the calling into question of the initial standpoint if the protagonist has conclusively defended it (in the manner prescribed in rule 9) in the argumentation stage (and has also observed the other discussion rules);*
- c. *in all other cases the protagonist is not obliged to retract the initial standpoint, nor is the antagonist obliged to withdraw his or her calling into question the initial standpoint.*

There is no rule needed to determine in which case the protagonist *may* retract the initial standpoint or in which case the antagonist *may* retract his calling into question of the initial standpoint. Both the protagonist and the antagonist are entitled to do so at every stage of the discussion. If one of them makes use of this entitlement, the difference of opinion is thereby immediately removed and the discussion is over. Of course, this conclusion to the discussion cannot be regarded as a resolution of the difference of opinion that is the *outcome of the discussion*.

The reason for not laying down this right of retraction on the part of the protagonist and the antagonist in a discussion rule is that this right follows immediately from the *premise* on which all the discussion rules are based. After all, all discussion rules assume that the discussants can never be obliged or forced to put forward or to call into question a standpoint. On this premise, discussants who put forward standpoints or call them into question do so of their own free will, and this means that they are also entitled to withdraw these standpoints or expressions of doubt of their own free will as well.

Neither is a rule necessary to indicate in which case the protagonist *may continue* to maintain the initial standpoint and in which case the antagonist *may continue* to call that initial standpoint into question. The reason for this is that it is already implied by rule 14. If the antagonist is obliged to retract his or her calling into question the initial standpoint, then the protagonist automatically has the right to continue to maintain the initial standpoint, and if the protagonist is obliged to retract the initial standpoint, the antagonist automatically has the right to continue to call that initial standpoint into question. The protagonist and the antagonist must themselves decide whether they wish to make use of this right or not.

After the discussants have concluded the discussion by jointly determining who has won the discussion in accordance with rule 14, they can decide to conduct a new discussion or not. This new discussion, for example, may concern a different initial standpoint with regard to the same

proposition, a statement that formulates a proposition from the list of accepted propositions (i.e., a premise of the previous discussion), or a previously accepted discussion rule (so that a *meta-discussion* arises). Of course, it is for the discussants to decide whether they want to begin a new discussion (and if so, what its subject is). If they decide to do so, the rules for conducting a critical discussion will apply to the *new* discussion as well.

Rights and obligations regarding usage declaratives

It is already in the confrontation stage of a critical discussion very important that the discussants understand each other's speech acts. This naturally holds for the other stages of the discussion as well. If a discussant is unclear in formulating his or her standpoint or in calling a standpoint into question, or if the other discussant misinterprets the formulations, there is a high probability that they will speak at cross-purposes. It is also not inconceivable that no discussion will arise at all, since in view of the formulation the other discussant sees no grounds for calling the standpoint into question. The rules for a critical discussion must therefore not only be conducive to the externalization of differences of opinion, but they must above all be externalized *optimally*. To this end, discussants must formulate optimally and they must also interpret optimally. Although it is not easy to determine when a formulation or an interpretation is optimal, the formulations and interpretations must at any rate not obstruct the resolution of a difference of opinion in a critical discussion. The consequence of this is that a discussant must choose formulations that are comprehensible to the other discussants, and that these other discussants must interpret the formulations in accordance with their assumptions about the first discussant's intention. Moreover, where necessary, all discussants must be prepared to replace their formulations and interpretations by better ones.

Aiming for optimal formulations and optimal interpretations does not, unfortunately, automatically mean that these aims are attained. To be on the safe side, discussants who doubt the clarity of their formulation do well to replace it by a formulation that they consider to be clearer, and discussants who doubt their interpretation do well, to be on the safe side, to put it to the other discussant and to ask for an amplification, specification or other usage declarative.

The resolution of differences is furthered, we believe, if the discussants have the opportunity, either of their own accord or at the request of others, to provide an amplification, specification, explanation or definition. If the discussants consider it desirable, they may therefore always perform such usage declaratives in a discussion and they may also always request other discussants to perform a usage declarative. The latter right entails an obligation for the other discussant to accede to a request of this kind. The rights and obligations of discussants in relation to the performance of usage

declaratives or to requesting the performance of usage declaratives are laid down in rule 15:

RULE 15

- a. The discussants have the right at every stage of the discussion to request the other discussant to perform a usage declarative and to perform one themselves.*
- b. the discussant who is requested to perform a usage declarative by the other discussant is obliged to do so.*

Our proposals for rules for a critical discussion come to an end with rule 15. Each of the rules formulated here, we consider, makes it possible to satisfy a necessary condition for the resolution of a difference of opinion. As a whole, the rules are conducive to the resolution of a difference of opinion by means of argumentative discussions. The rules do not guarantee that differences of opinion can always be resolved in practice by means of these rules. That naturally requires more.¹⁰

NOTES

¹ This article, based on van Eemeren and Grootendorst (2003), presents an amended version of the pragma-dialectical procedure for conducting a critical discussion proposed in van Eemeren and Grootendorst (1984).

² The logical starting point that an assertion and its denial cannot both be true at the same time has a consequence for the discussion that one of the two assertions has to be withdrawn. Some critical-rationalists concluded from this predicament that the dialectical scrutiny of claims in a critical discussion boils down to the exposure of contradictions. Barth and Krabbe (1982) have developed a dialectical method for detecting contradictions that entails examining whether a particular thesis does not lead to contradictions with certain concessions, i.e., is tenable in the light of these concessions. If simultaneously maintaining the standpoint and the concessions leads to contradictions, either the standpoint or one or more of the concessions must be abandoned.

³ The reasonableness of the procedure is derived from the possibility it creates to resolve differences of opinion (its *problem validity*) in combination with its acceptability of the discussants (its *conventional validity*). See Barth and Krabbe (1982, pp. 21–22).

⁴ In fact, the pragma-dialectical rules aspire to comply with the more specific norms implicitly posed by Barth and Krabbe (1982) such as systematicity, realism, thoroughness, orderliness, and dynamism.

⁵ In the case of a mixed dispute, it is thus not the case that the onus of proof has to be conferred on one of the two discussants; both discussants bear a particular onus of proof.

⁶ See Hamblin (1970) and van Eemeren and Houtlosser (2002).

⁷ See van Eemeren and Houtlosser (2003).

⁸ The following explanation might be didactically helpful. At this stage, the discussants have not yet reached full agreement on all the premises that, apart from the premise at issue, are to be accepted, and the discussion rules that are to be applied. The sub-discussion that is required, of course, cannot be conducted effectively until such an agreement has been reached.

⁹ See van Eemeren and Grootendorst (1992, pp. 92–102).

¹⁰ We refer here not only to further elaborations, specifications and above all operationalizations that are called for, but also to fulfilling the ‘higher order conditions’. See van Eemeren, Grootendorst, Jackson and Jacobs (1993, pp. 30–34) and van Eemeren and Grootendorst (2003, ch. 8).

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