

Presumption as a modal qualifier: Presumption, inference, and managing epistemic risk

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ABSTRACT: Standards and norms for reasoning function, in part, to manage epistemic risk. Properly used, modal qualifiers like *presumably* have a role in systematically managing epistemic risk by flagging and tracking type-specific epistemic merits and risks of the claims they modify. Yet, argumentation-theoretic accounts of presumption often define it in terms of modalities of other kinds, thereby failing to recognize the unique risk profile of each. This paper offers a stipulative account of presumption, inspired by Ullmann-Margalit (J Philos 80:143–163, 1983), as an inferentially generated modal qualifier, “presumably, *p*,” distinguishing it from other, particularly epistemic modalities, e.g., standing commitments, assumptions, assertions, suppositions, hypotheses, and defeasible claims. By avoiding the tranching of inferential instruments of qualitatively different bona fides and risk profiles, this account provides a more accurate risk-rating system that better manages epistemic risk in inference, as well as contributing to the normative theory of the operation of presumption in reasoning and argument.

KEYWORDS: assumption, epistemic modality, epistemic norms, hypothesis, inferential norms, modal qualifier, presumption, presumptive inference, qualifier

1 The Great Business of Life

John Stuart Mill once described inference as “the great business of life.” Undertakings in this great venture, whether individual or joint, are met with problems of at least two kinds.¹ The first kind of problem is practical: how do you get *to* where you are going, *from* where you are, *with* what you’ve got? The second kind of problem is epistemic: given what you’ve got and where you’re at, what moves are rationally permissible? And,

¹ Individual undertakings can be understood as acts of reasoning, while joint ventures, or acts of arguing, can be understood as undertakings of “reasoning together” (Campolo 2005: 38) where Pinto has described the offering of an argument as “an invitation to inference” (Pinto 2001: 37). For the remainder of the paper I will talk generally of argument, and the reasoning occurring in it, though I hold that analogous considerations apply in situations of individual reasoning.

how is the rational worth of where you got to, and how you got there, properly appraised?²

Notice at the outset the tension between the practical and the epistemic demands on inference. While lowering epistemic standards can facilitate inferential progress, the rational value of any progress made becomes increasingly suspect as the rational requirements for getting there are lowered. Conversely, inferential progress can be obstructed, if not stifled entirely, with the demand of inordinately high epistemic standards. So long as there is a gap between truth and justification (thereby allowing for a justified false belief), knowledge is gained only at some risk of intellectual failure. Thus, standards of acceptability and inferential connection should be fitted to situational goals, risk tolerances for error, ignorance and merely lucky true belief, and the demands of circumstance. In part, then, the challenge of setting standards and norms for rational inference is one of managing epistemic risk.

Presumptions lie at the intersection of these two problems, and have been proposed as a reasoning device that permits the effective and strategic navigation of these competing demands. It has been claimed that, in virtue of the reverse burden of proof that is commonly held to be a distinguishing characteristic of presumptions, their use permits inferential progress in otherwise informationally adverse or impoverished circumstances without epistemically compromising either the process of inference or its results. In view of these claims, a rigorous and sound understanding of presumption, as a modal qualifier, is called for. Yet, existing accounts have tended to obscure differences between presumptions and claims having the modalities of standing commitments, defeasible claims, assumptions, suppositions, and hypotheses.

1.1 Raising and rating inferential capital

Identifying and appraising the resources on hand is an important stage in any intellectual undertaking. Sometimes, we can unproblematically get to where we are going using only the inferential resources already at hand, and we can do so rationally. In doing so, we will typically rely upon standing, shared, background commitments, and defeasibly, rather than conclusively, supported claims inferred from our initial commitments. At other times, having taken an intellectual inventory, we find ourselves with insufficient resources to fund our inferential endeavors, and we need to locate new intellectual resources in order to get where we are going. In these situations, we must raise additional “inferential capital” if we are to proceed with our undertakings.

² Epistemology answers the first question by supplying a set of *guidance norms*, or rules that allow reasoners to navigate their inferential undertakings in ways that are reasonable or rational, and the second question with a set of *appraisal norms*, or standards for the rational evaluation of inferential undertakings (cf. Goldman 1980: 28). In order that reasoners are able to apply them to their own acts of reasoning, guidance norms must be expressed exclusively in terms of conditions and criteria that are accessible to reasoners themselves. Appraisal norms, by contrast, can make reference to criteria and conditions that are not accessible to the reasoner whose reasoning is being evaluated. In this way, epistemology can evaluate a position or move by saying that a reasoner was rationally responsible in getting to it, and is subjectively rationally entitled to, or justified in, the view, yet nevertheless find the view to be objectively problematic, unwarranted, or irrational.

This inferential “venture capital” can come from a variety of sources. On my counting, presumptions are among these sources. Importantly, though, there are a variety of other sources, including assumptions, suppositions, and hypotheses. Problematically, recent work on presumption has sought to explain it in terms of these other kinds of claims. This practice, which has resulted in an indiscriminate pooling of inferential capital, is inadvisable for at least two reasons.

The first is theoretical: defining or explaining presumptions in terms of claims of these other kinds would seem to provide a reductive account of them. Yet, if presumptions amount only to being a special class of assumptions, or nothing more than defeasible claims (e.g., claims for which a *prima facie* case has been made, or that are *prima facie* acceptable), then no special theory of presumption is required in the theory of evidence and argument. Moreover, since the presumptive status of a claim reduces to (the admixture of) some other status that claims can have, there is nothing distinctive about presumption as a modal status. By contrast, the account offered here seeks to preserve the idea motivating many theories of presumption—that presumptions have a unique discursive or epistemic status, characterized in part by a reverse burden of proof. Finally, since the other modalities used to explain presumption are themselves often vaguely used within these accounts—indeed they are often taken as undefined primitives—and are not consistently used across different accounts, it is not obvious that the characterizations given by these accounts are as informative as might be hoped. By contrast, the account offered here seeks to characterize each modality individually, and to classify each according to its epistemic *bona fides* and risk.

The second reason that theories allowing for this mixture of intellectual capital are inadvisable is epistemic: it makes for bad epistemic risk-management. Qualifiers can function as a kind of epistemic risk-rating system, marking the epistemic status, and attendant risks, attached to claims of different kinds. When used in this way, the inferential rules for the rational use of intellectual resources of different kinds can be designed so as to leverage their type-specific epistemic *bona fides*, and manage their distinctive epistemic risks. Mixing inferential capital undermines this epistemic risk-rating system. Just as it does with individual financial instruments, the practice of “tranching” together claims of different risk profiles not only obscures the unique risks associated with each individual claim, but it makes the epistemic appraisal of their overall (evidential) value especially difficult. And, unlike finance, epistemic inferential risk cannot be dispersed or mitigated through diversification. Rather, given the epistemic basing relationship at work in inference, the entire chain of reasoning, as well as any claims based on it, are only as secure as the weakest link in the chain. As a result, the failure to properly classify epistemic risk, resulting from practices of misrating individual claims or attempts to spread inferential risk across entire claim sets, jeopardizes the epistemic stability of inference as a system for knowledge acquisition, preservation, and communication.

In what follows, I seek to provide an epistemic risk-rating system that allows for the distinction of at least some of the different qualitative epistemic modalities that claims can have so as to better indicate and manage the different epistemic merits and risks associated with them. This involves developing a stipulative account of presumption as a qualifier, or inferential or discursive modality, and distinguishing it from other qualifiers, particularly those epistemic modalities that attach to background information, defeasible

claims, assumptions, suppositions, and hypotheses. The value of the account offered here stems not from its accordance with our ordinary linguistic or argumentative behavior when it comes to labeling claims. Epistemically speaking, claims can often be misleadingly labeled when introduced into a discourse, or become mislabeled as they are argumentatively transacted. Instead, I hope to supply a set of concepts that, if adopted and used as prescribed, could better allow for the rational management of inferential capital and epistemic risk.

2 Presumption

2.1 *Presumption as a modal qualifier*

The word ‘presumption’ is ambiguous; it can be used to refer either to the *act of presuming* (e.g., the allocution “Presumably, p ”), or to the *content of the act* (e.g., the proposition $\langle \text{Presumably, } p \rangle$), as well as to *what is presumed*, (e.g., the proposition $\langle p \rangle$). (Bermejo-Luque 2016). This ambiguity persists in theories of presumption that seek to explain the presumptive status of what is presumed. Some seek to provide an account of the act, others the content, and still others explain one in terms of the other. This ambiguity remains in the notion of a *modal qualifier* (Toulmin 1958/2003)—whose name connotes the two functions of such modifiers reasoning and discourse. As a *qualifier*, they are constituents of utterances and serve to modify a speaker’s commitment to some claim. As a *modal operator*, they are constituents of propositions and operate to indicate or modify the logical, epistemic, deontic, discursive, or other modal status of some other proposition.

In this paper, I am interested in presumptions understood as contents—as kinds of *claims*, rather than as kinds of *claimings*.³ Specifically, I am interested in presumption as a modal status (*presumably*) sentences (p) can have in reasoning and discourse. As a modal operator, I take ‘presumably’ to indicate the *presumptive status* of the claim presumed. When true, the sentence ‘Presumably, p ’ indicates the presumptive modal status of p , marking it as having a defeasible, but default and actionable acceptability. The correlative of a presumption’s default acceptability is a burden of proof born by any who would refuse to grant the presumption.

So understood, the *modality* of presumption functions to allocate probative entitlements and obligations along the following lines. Entitlement: The modal operator *presumably* grants a license to take the presumptively acceptable claim, p , to be the case in the absence of countervailing reasons, thereby permitting p to be used as a premise in further reasoning and discourse. Obligation: The modal operator *presumably* obliges deniers of any entitlement attached to the presumptively acceptable claim, p , to provide reasons against p ’s presumptive acceptability.

³ In this paper, I will use the terms ‘sentence,’ ‘claim,’ and ‘proposition,’ to denote *claims*, understood as content items, and the terms ‘utterance,’ and ‘allocution’ to refer to *claimings*, understood as acts. When mentioned or discussed in the text, allocutions will appear in double quotations, sentences in single quotations and, when distinguished from sentences, propositions will appear in angle brackets.

As Bermejo-Luque (2016) rightly points out, the challenge for content-based theories of presumption is to specify satisfaction conditions for sentences of the type ‘Presumably, *p*’ and hence for the modality *presumably*. In the positive account to follow, I distinguish the modal status of sentences of the form ‘*Presumably*, *p*’ from the modal statuses of standing commitments, assumptions (e.g., ‘*Assuming* that *p*,’ or ‘*On the assumption* that *p*’), suppositions (e.g., ‘*Supposing* that *p*,’ or ‘*On the supposition* that *p*’), hypotheses (e.g., ‘*Hypothetically*, *p*,’ or ‘*On the hypothesis* that *p*’), and defeasible commitments. (e.g., ‘*Defeasibly*, *p*,’ ‘*Probably*, *p*,’ or ‘*Plausibly*, *p*,’). I take it that these and other modal qualifiers (e.g., those occurring in ‘*Necessarily*, *p*,’ ‘*Possibly*, *p*,’ ‘*Certainly*, *p*,’ ‘*Perhaps*, *p*,’ etc.) have the dual function identified earlier. Not only can they be used to qualitatively express some qualified or other modal commitment to *p* on the part of the speaker, but they can also indicate the modal status of the proposition they modify and can thereby be used to track the different modal statuses of claims in discourse. The rational, or permissible, inferential uses of a claim will, at least in part, be a function of their modality in the discourse.

As a starting place for getting a handle on the concept of presumption, I will work with Pinto’s (2001: 3-4) definition (cf. Freeman 2005: 26-30):⁴

A proposition or statement has the status of a presumption at a given juncture of an interchange if and only if at that juncture any party who refuses to concede it is obliged to present an argument against it—that is to say, is obliged either to concede it or to make a case against it.

Although this definition does not give satisfaction conditions for sentences of the type ‘Presumably, *p*,’ I take it to capture several key distinguishing characteristics by which presumptions are standardly identified, and which I hope to preserve in the positive account to follow. And, while standard definitions of ‘presumption’ (like Pinto’s) express their definiens in terms of the dialectical or conversational burdens that presumptions serve, in part, to assign and manage, I maintain that these dialectical burdens are properly assigned according to the rational or probative entitlements and obligations that the modality of presumption serves primarily to indicate.

2.2 Presumptions as the products of presumings: Speech-act theories

The utterance “Presumably, *p*,” when a singular speech act, *asserts p*’s presumptive modal status while mitigating the speaker’s commitment to *p*. One might think, and speech-act theories tend to suppose, that the status a claim has in a dialogue is the result

⁴ I take this basic notion to have some prevalence in the contemporary literature, and to be roughly equivalent to the following definitions:

“A presumption indicates that in the absence of specific counterindications we are able to accept how things ‘as a rule’ are taken as standing, and it places the burden of proof on the adversary’s side.” (Rescher 1977: 30; cf. 2006: 14)

“A presumption is typically what you may take for granted about a particular issue, in default of reasons against so doing.” (Cohen 1992: 13)

of the felicitous execution of the speech act by which it is introduced into the discourse. For example, an assertion is just that because it was asserted; likewise, assumptions are the results of acts of assuming.

Such an approach can accurately monitor discursive commitments—i.e., record the attitudes different discussants take to various claims. Yet the success conditions for speech acts do not, typically, give satisfaction or acceptability conditions for the contents of those acts. Just as bets can be successfully made irrespective of whether they are winning or losing bets, assertions can be successfully made whether or not they are true or the assertor is rationally justified in making them. That is, ordinarily, claims do *not* gain whatever epistemic or other modal status they are claimed to have in virtue of their having been claimed to have it. For example, the felicity conditions for *knowledge claims* do not give the conditions for *knowledge*, and a knowledge claim can be successfully carried off and still be mistaken. The same is true of presumptions. Claims of the presumptive acceptability of *p* do not, typically, confer presumptive acceptability upon *p*. Rather, they can be mistaken.

Thus, speech-act approaches tend to be designed as, and well suited for, commitment-monitoring systems. Yet they are not *thereby* well suited to track the alethic, epistemic, or other modal statuses of claims in a discourse. Commitment management systems and epistemic risk management systems track different qualities of claims.

3 Tranching inferential capital: Existing accounts of presumption

As it stands, the argumentation-theoretic literature offers a fragmented and disjointed picture of the underlying nature and inferential operation of presumption. Rather than review this literature (much of which is surveyed in Godden and Walton 2007), I provide a sampling of positions that define, characterize, or explain presumption in terms of one or other of, or sometimes a mixture of, the other modal qualifiers listed in section 2.1 or discussed later in section 4. To the extent that this mixing of modalities occurs, theorists should recognize that modal qualifiers are not being used in a way that correctly rates, and responsibly manages, inferential epistemic risk.

3.1 Presumption as assumption

Several current accounts characterize and explain presumptions in terms of assumptions. For example, Macagno and Walton (2012: 272) hold that “a presumption in evidential reasoning is an assumption that a fact obtains, an assumption that can be made without proof in some situations.” They proceed to distinguish presumptions from assumptions (proper) and statements by reference to the reverse burden of proof attached to presumptions.⁵

⁵ On this point, Macagno and Walton (2012: 278) write “Presumptions can be distinguished from assumptions or ordinary statements because the respondent in a dialogue cannot simply reject them; in order not to make a commitment to a presumption, the interlocutor needs to provide a rebuttal (Walton 1993, 139-140).”

In his (1993) Walton defined presumption as “a distinctive kind of speech act half way between assertion and mere assumption (supposition)” that expresses “provisional commitment” to the presumed claim (125). Around that same time, in his (1992) *The Place of Emotion in Argument*, Walton characterized

Similarly, Bermejo-Luque (2016, pp. 11, 10-11) defines presumption in terms of assumption, claiming, “When we put forward a presumption that p in an argumentative exchange, we contend that it is reasonable to assume that p ,” and “As a constative, a presumption that p will be semantically correct if and only if p is a reasonable assumption indeed—that is, if it is reasonable to assume that p ; ... Consequently, justifying a presumption that p will be giving reasons showing that it is actually reasonable to assume that p .”⁶

3.2 *Presumption as supposition*

Kauffeld (1995, 2003, 2009) rejects the notion that presumptions are akin to, or properly explained as, assumptions, though he holds that “a good taxonomy of inferences would classify ... [them] as very close neighbors” (2003: 138-139). Rather Kauffeld takes each to be “subsets of the larger class of suppositions grounded (partially) on contextual considerations” (2003: 139). “Assumptions and presumptions both rest directly on suppositions about social context and not exclusively on the substantive grounds for the truth of the conclusions drawn” (1995: 509). Consequently, on Kauffeld’s account,

presumption as a “commitment *request*” (56, emphasis added), and explained its dialogic operation as follows (58, emphasis added, numbers for discursive stages removed; cf. 60-61):

At some particular point in the dialogue the proponent brings forward a proposition as an assumption that is useful for her argument, *asking* the respondent to adopt it as a provisional commitment. *The respondent has the choice of rejecting it*, but if he does not, the proposition is immediately inserted into the commitment sets for both participants, subject to rebuttal. If the respondent is now to successfully rebut the presumption, that is, avoid commitment to it, he must bring forward sufficient positive evidence or reasoning. Rebuttal now has a ‘cost.’ Later on, at any subsequent point in the dialogue, if either party wishes to reject the presumption, he or she can do so by bringing forward evidence against it. If new evidence becomes available in the dialogue, the presumption can be rebutted or altered, according to this evidence. The presumption stays in place during the dialogue until such time as it is rebutted by the agreement of both parties ... Once in place in the dialogue, it stays in place until retracted. The presumption can be used as a premise, carrying the commitment of both parties, in the argumentation of either party during the course of the dialogue, as long as it has not been rebutted ...

Two points are of particular interest for present purposes. First notice that the presumption does not come with a reverse burden of proof if the respondent has the initial option to reject it (or withhold commitment), a point which does not come through as clearly in later accounts. Second the basis of the reverse burden of proof here (the “cost” of rebuttal) is a result of the *conversational* status of the claim, not its *epistemic* status. Yet, it is epistemically mistaken to introduce something to a dialogue on the support of an assumption (e.g., with agreement but without support) and then arbitrarily, or by dialectical fiat, assign to it some other epistemic standing.

In (2001) Walton characterized presumptive inference as like abductive inference in its “provisional” nature. “Both types of inferences are *hypothetical* in nature, and have to do with reasoning that moves forward in the absence of complete evidence. ... Presumption, according to the dialectical analysis, is comparable to assertion as a move in dialogue except that the burden of proof is reversed” (155, 157, emphasis added).

⁶ Bermejo-Luque (2016: 10) takes this account to distinguish the speech act of presumption from assumptions because “assumptions ... are not speech-acts but mere *takings as true*.”

supposition would seem to be the basic claim status (or perhaps inferential device) used to explain, and provide the inferential basis for, both assumptions and presumptions.⁷ Here is a small but representative sampling of Kauffeld's characterizations of presumption, and ordinary practices of presuming:

we regard presumptions as *suppositions* “we are entitled to” because it is incumbent on someone else to make them true. (2003: 142, emphasis added)

To presume that *p*, in the ordinary sense of the term is to infer that *p* on the *supposition* some agent has made, is making, or will make it the case that *p*, rather than risk criticism, retribution, etc. for failing to do so. We ordinarily identify such *suppositions* based on an agent's commitments as “presumptions.” (2009: 3, emphasis added)

3.3 *Presumption as default entitlement*

Some theories take the fact of acceptance (or agreement) to confer a *presumptive status* to claims in an initial commitment set, such that they are *presumptively acceptable*. Such a view might be dated back at least to Whately ([1846] 1963: 112), who wrote that presumption involves “a *pre-occupation* of the ground, as implies that it must stand good till some sufficient reason is adduced against it.”

Present proponents of this view might include Rescher (1977, 2006). Citing considerations like those discussed later (in section 4.1), Rescher (1977: 56, emphasis changed; cf. 34 ff.) writes the following:

What one must do in all rational inquiry is pull oneself up by one's own bootstraps. We begin by provisionally accepting certain theses whose initial status is not that of certified truths at all, but merely that of plausible postulations, whose role in inquiry is (at this stage) one of regulative facilitation. ... In the first instance, these *presumptions* have a merely provisional and regulative standing, though in the final instance they attain a suitable degree of factual-constitutive substantiation.

This basic picture remains largely unchanged in the more detailed account Rescher offered in (2006, see e.g., 24-25), where he distinguishes (29-30) between presumption, assumption, and hypothesis, writing:

Presumption is not the same as assumption ... To be sure, in presuming something we assume (or suppose) it to be so: a presumption is an assumption (or supposition). But the reverse is not the case ... We can assume something to be so for the sake of discussion or argument or deliberation. But here the result is a mere hypothesis while

⁷ Recent correspondence with Kauffeld has not produced a definitive answer to the question of what, precisely, he takes a supposition to be. Indeed, our discussions at the recent (2016) conference “Presumptions, Presumptive Inference, and Burden of Proof,” in Granada, Spain suggest that, for Kauffeld, suppositions might not be propositional attitudes, as in ‘on the supposition that *p*,’ since their cognitive contents need not be conceptually articulated so as to be truth-apt.

a presumption is something we actually accept. The prime difference between mere hypotheses and presumptions lies in the difference between IF and SINCE. One's stance toward hypotheses is noncommittal and experimental: we undertake hypotheses to see what happens if. But our stance towards presumptions is committal—even if only provisionally. We accept them until such time (if ever) when impeding obstacles arise.

While more examples of this kind or mixing of epistemic modalities might be found, having observed that misappraisal and mismanagement of inferential epistemic risk is occurring in the literature, I now turn to a positive account, where I propose a qualifier- or modality-based risk rating system for claims in reasoning.

4 Risk Rating Inferential Capital

4.1 *Standing commitments*

All reasoning, including the reasoning used in argument, starts somewhere. Since the acceptability of an inferred claim is based upon the prior or independent acceptability of those claims from which it is inferred, unless some claims are initially taken as acceptable, there will be nothing from which any inference can be drawn. Similarly, unless some inferential rules are initially accepted, no inferential moves will be possible even given an initial claim set. In a dialectical context, the very space of argumentation presupposes common points of initial agreement; if these are lacking, there will be nothing for arguers to draw upon as reasons in their acts of argument.

While it is circumstance, rather than logic, that compels us to begin where we are—with whatever information is available—and work with what we've got—within the limits of whatever cognitive resources we have—compelled we are, just the same. Even if it is possible, in principle, to support every claim with a reason, on any particular occasion this strategy cannot be used without hopeless regress. Thus, in our everyday acts of reasoning not every claim relied upon can owe its acceptability to some set of reasons offered in its support. Rather, in the context of any given argument or piece of reasoning, some claims must be accepted—if only as starting places—on some other basis. These claims can be called the *basic premises* of an argument.⁸

⁸ A strict epistemic foundationalism, on which there are primitively justified claims (sometimes called “basic beliefs”), faces the following challenge (BonJour 1978, 1985: 31). A justifier is something *on the basis of which* the acceptability of a claim is founded. So, unless justification can be circular and claims can justify themselves, justifiers must be something *other* than the claim being justified. Primitively justified claims are those that, while being justified, lack justifiers of this sort. Rather, they “wear their justification on their sleeves” as it were, being somehow intrinsically, rather than inferentially, justified. Suppose now that the strict foundationalist asserts that beliefs (of kind), B, are basic. How can the strict foundationalist consistently answer the following question (known as the problem of the criterion): on what basis have you selected *these* (kinds of) beliefs, B, rather than *those*, B*, as primitively justified? Answering the problem of the criterion—at least in a non-arbitrary way—seems to require *justifying* one's answer. Yet, any account that involves any claim *other* than B in an effort to establish *that* B is primitively justified is *prima facie* evidence that B is *not* primitively justified.

Our present commitments represent our available fund of inferential capital—our store of inferential natural resources and the accumulated fruits of our intellectual labor. Even our projects of inquiry—our efforts to acquire new information, and our decisions about whether, when, and how to go about doing so—can only be informed by the information available and the resources at hand.

That some claim is among our existing doxastic commitments indicates that we find it to be acceptable. Yet, for fallible and finite knowers, this initial commitment set can include both good and bad information. Indeed our epistemic position, at any point, might be entirely unenviable and other epistemic positions entirely preferable. Moreover, there is no epistemic “dry dock” in which our doxastic ship can be suspended, free from the world, such that its reliability and structural integrity can be objectively inspected. Rather, like crewmembers on Neurath’s ship, we must make our repairs only as the voyage is already under way, relying on other parts of our epistemic ship to keep us afloat as we do so.

This situation would seem to prescribe an attitude of moderate *epistemic conservatism* towards our existing commitments, according to which we should treat them as acceptable by default until such time as we have cause to question their acceptability. As well, for the most part, we should treat our commitments as subject to defeat as refuting evidence comes to light. Since our epistemic hold on claims is *defeasible*, our commitment to them should be *retractable*.

4.2 Initial (default) acceptance versus presumptive acceptability

As already mentioned, some theories take the fact of acceptance (or agreement) to confer a *presumptive status* upon claims in an initial commitment set, such that they are *presumptively acceptable*. I find, though, that there are important epistemic and discursive differences between the default acceptability of our present, shared, or background commitments, and the presumptive status of claims.

Standing commitments are claims that are *in fact* accepted at the beginning of some inferential undertaking. *Shared* background commitments are claims that are not *at issue* at some particular discursive juncture.⁹ Yet, the fact that a claim is, or has been, accepted

⁹ In this respect, shared background commitments are similar to Stalnaker’s (1999) *pragmatic presuppositions*. While a semantic presupposition is a sentence that must be true in order for some other sentence to have a truth value, pragmatic presuppositions are propositional attitudes, introduced as follows:

the common background is defined by the possible situations which I intend to distinguish among with my assertions, and other speech acts. Propositions true in all of them are propositions whose truth is taken for granted. ... This notion of common background belief is the first approximation to the notion of pragmatic presupposition that I want to use. A proposition *p* is a pragmatic presupposition of a speaker in a given context just in case the speaker assumes or believes that *p*, assumes or believes that his addressee assumes or believes that *p*, and assumes or believes that his addressee recognizes that he is making these assumptions or has these beliefs. (49; notation for variables changed)

Here, pragmatic presuppositions are described as “assumptions” or (manifestly shared) beliefs “whose truth is taken for granted.” As discussed later (Section 4.4), assumptions do not enjoy the reverse burden of proof (falling upon objectors) characteristic of presumptions. The situation is similar with respect to tacit, unchallenged standing commitments, as I argue later in this section (4.2).

is not, by itself, a reason for its acceptability. Similarly, that a claim is not disputed or under critical examination is not, by itself, reason that it ought not be disputed or critically examined. So, the fact that some claim is implicitly accepted or tacitly undisputed should not make it presumptively acceptable – it should not confer a default entitlement upon those tacitly agreeing with it, nor a burden upon those disagreeing with it.

The distinguishing feature of presumptions is that they have a reverse burden of proof. Objectors to presumptions must *show cause*—that is, some *reason* must be adduced that counts against the presumption. By contrast, no reverse burden of proof attaches to claims taken to be acceptable by default. Rather, all that is required to challenge entitlement to the claim is to call it into question, to raise doubt, to ask for reasons, to withdraw commitment, any of which may be done without bringing negatively relevant evidence to bear. Reasons for challenge are not required; rather it may simply occur to us to critically evaluate the status of the claim.

And, when this occurs—against stronger versions of epistemic conservatism—that *we already accept the claim should not count as a reason in favor of its acceptability*. Instead, using Aijaz, McKeown-Green, and Webster’s (2013) distinction, it can be said that, given that background commitments enjoy a discursive status of shared and unchallenged commitment, while there may not, at the time, be a *dialectical burden* of “being required to *provide* sufficient evidential support for one’s position as part of a deliberative process” (262, emphasis changed), there remains an *attitudinal burden* of “being required to *possess* sufficient evidential support for one’s position” (261, emphasis changed; cf. 262 ff.). In the case of background commitments, the standing attitudinal burden entails that the attendant dialectical burden has not shifted to an objector but rather remains squarely with those agents committed to the position.

The situation with presumptions is, I take it, quite different. Here, their presumptive status is taken to have been established. That is, some initial dialectical burden has already been met, satisfying an attitudinal burden that the claim should be presumed, and demonstrating the acceptability of the claim as a presumption (i.e., of the presumed status of the claim). The reverse burden of proof attaching to presumptions is a result of previous inferential accomplishment within the discourse itself, rather than a status that the claim begins the discourse having. It is because some previous dialectical burden has already been met that the presumed claim comes to enjoy the status of a reverse burden of proof.

On that point, often the fact of acceptance or agreement is not the only thing standing or shared commitments can have in their probative favor. Additionally, if we take our past epistemic practices to be generally reliable and responsibly undertaken, we may take it that we had some sufficient reason to accept or agree upon the claim initially. Yet, in these cases, the (shared) acceptance of the standing commitment is taken to be based, in part, on a *principle of sufficient reason*. That is, the standing commitment does not enjoy a default acceptability merely in virtue of being (mutually) accepted. Rather, its acceptability derives, in part, from the tacit claim that we take ourselves to have good reason for our present commitments – we take ourselves to have reliably and responsibly come to them. Yet, insofar as *this* is a commitment of ours, we have an attitudinal burden with respect to *it* that we may be called upon to produce dialectically. As such, we ought to be in a position to demonstrate our entitlement to the principle of sufficient reason

(with respect to standing commitments of the relevant sort). Unless the probative support offered to our standing commitments by the principle of sufficient reason is to be vacuous or viciously circular, the claim of sufficient reason cannot be a bare assumption, but must itself be supported by some reason we have for our view that we (generally or with respect to claims of the relevant sort) tend to undertake changes in our view reliably and responsibly. Again, while we may not be called upon to produce this warrant, we nevertheless must possess it and be in a position to produce it if called upon to do so.

So understood, our epistemic attitude to our standing or shared commitments might better be described by what Brandom (1994) has called “the default and challenge structure of entitlement,” which he describes as follows:

The model presented here has what might be called a *default and challenge structure* of entitlement. Often when a commitment is attributed to an interlocutor, entitlement to it is attributed as well, by default. The *prima facie* status of the commitment as one the interlocutor is entitled to is not permanent or unshakable; entitlement to an assertional commitment can be challenged. When it is *appropriately* challenged ... the effect is to void the inferential and communicative authority of the corresponding assertions (their capacity to transmit entitlement) unless the asserter can vindicate the commitment by demonstrating entitlement to it. (Brandom 1994: 177-178)

On this account as I interpret it, rather than being earned, one’s entitlement to a standing or shared commitment is something that is tentatively and revocably conferred upon, or granted to, them by their interlocutors, which (in cases of reasoning or shared commitments) may include themselves. So understood, default entitlement is not a probative right one has to some claim. Instead, its initial acceptability derives from the fact that discursive others have elected not to exercise their own right to challenge, to refuse or withdraw commitment, or to demand reasons, at this time. Rather than a positive probative entitlement, it is better understood as a reprieve from fulfilling a standing probative obligation. Importantly, such a reprieve does not create concomitant obligations on detractors. Since the reprieve is revocable, typically objectors needn’t *show cause* in order raise challenge. Nor may claimants typically respond to challenges by demanding reasons against their standing commitment. (This situation can, of course, change if, for example, during the course of the reasoned discourse positive reasons supporting the standing commitment come to light that thereby generate or demonstrate probative entitlement to it.) Instead, challenge may properly come in the form of an expression of doubt, a retraction of commitment, or exercising a hitherto deferred right to demand reasons, etc. As such, no reverse burden of proof, characteristic of presumptive acceptability standardly understood, attaches to standing or shared commitments accepted by default.

In summary, no matter what our undertaking, we start out with a set of beliefs. That we have these beliefs gives them a default acceptance, but not a presumptive acceptability. Certainly, we should revisit our commitment to them whenever we discover countervailing reasons or evidence to the contrary. But, we should also be in a position to provide satisfactory answers to “Why *p*?” questions about *any* of those beliefs, whether coming from ourselves or from others. As such, standing commitments do not enjoy the reverse burden of proof distinctive of presumptions proper, since not only is

evidence to the contrary suitable cause for challenge, but so is the expression of doubt, or disagreement with an interlocutor, over its acceptability. When answering such challenges or doubts, that we already accept the claim does not count as a reason for its acceptability.

More generally, the acceptability of our commitments is established by their standing at the *end* of our argumentative undertakings and projects of critical inquiry—not at the beginning. As already noted, we should recognize that some claims in an initial commitment set might be unacceptable according to any relevant standard of acceptability. The problem, at the outset, is that we’ve no idea which ones! The hope is that the projects of inquiry, argumentation, critical examination, and rational assessment will help sort things out by weeding out the bad claims in the initial commitment set. So, that some claim is accepted by an arguer is a reason for it to be a starting place in argumentation, although it is not on its own a reason (even a *prima facie* reason) for its acceptability. Rather, the acceptability of a claim is determined by how well it survives the process of argumentation, not where it stands at the beginning.

4.3 Defeasible acceptability and retractability

Working from our fund of existing informational capital, we are normally able to reap inferential returns arising from them. These dividends come in the form of the conclusions of inferences based on our standing commitments and licensed by existing rules of inference. In turn, these dividends may yield further inferential returns if they are “rolled over,” or reinvested as venture capital for additional inference.

As with the claims on which they are based, inferential returns of this sort can come in a wide variety of risk categories. These gradations of risk can be expressed qualitatively or quantitatively, and can typically be “benchmarked” to some situationally appropriate index of risk tolerance specifying thresholds of acceptability or action-ability. For example, these benchmarks can specify different thresholds for necessity, certainty, conclusiveness, belief (or unqualified commitment), plausibility, feasibility, and possibility. Since partial commitment to a claim probabilistically entails a complementary, partial commitment to its contradictory, these thresholds can often be expressed as judgements of relative possibility between a claim and its contradictory. Alternately, these risk-rating thresholds can sometimes be operationalized in terms of retractability, such that claims of which we are certain we take our commitment to be unretractable, while as we become increasingly uncertain of a claim we are increasingly willing to retract our commitment to it based on increasingly less countervailing evidence.

Within this system of risk-rating, presumptions are sometimes said to be claims that do not meet an acceptability threshold of either unretractable or unqualified commitment, yet which nevertheless meet some standard of defeasible acceptability that is sufficient to shift a burden of proof for some claim thereby making it acceptable, and actionable, at least for the time being. Thus, for example, Walton (e.g., 1996) has proposed schemes of presumptive inference, where the conclusions of such inferences are said to have a presumption in their favor.

While I find this to be a feasible and worthwhile account of presumption and of presumptive inference, it is not one that requires a special theory of presumptive inference or a special theory of presumption. On such an account, the modality

presumably, amounts to something like *defeasibly*, or *probably*, or *plausibly*, or (*for the time being*) *we may take it that*. As well, an explanation of presumption along these lines does not fulfill one of its advertised benefits, namely that of providing additional resolution resources to an argumentative dialogue that has otherwise reached an impasse because its existing inferential capital is already spent (e.g., Walton 2014: 109).

Having inventoried the inferential resources available to reasoners at the outset of their inferential endeavors, I now move to consider new informational capital that can be leveraged to advance our inferential ends. As already mentioned, sometimes reasoners are able to rationally get where they are going solely on the basis of the informational resources, and any returns or dividends arising therefrom, available to them at the outset of their inferential endeavors. When this is not possible several other devices, such as assumptions and hypotheses, are available. It is to these that I now turn.

4.4 Assumptions

Sometimes the word ‘assumption’ is used to denote a subset of background beliefs that have some specific bearing on the reasoning at hand. Assumptions of this kind can fill the inferential gaps in enthymematic argument or provide the contours of the situational or cognitive contexts within which reasons are articulated. As background beliefs, such assumptions are often unarticulated and taken for granted rather than supported by specific reasons or chains of inference. When shared, they represent a natural resource for further argumentation; when controversial, they locate dialectical vulnerabilities; and when unwarranted or erroneous, they mark points of inferential unreliability.

Prior to offering reasons for their claims, arguers might flag particular assumptions as claims on which the reasoning to follow specifically depends, and for which they will not (presently) argue, but will instead take for granted in an effort to frame or limit the present scope of debate. While the entrance of such assumptions into particular argumentative exchanges occurs without any offerings of (epistemic) support, the assumption’s status as a background belief suggests that it is not wholly unsupported but rather that support for it will not be offered on this occasion. As such, assumptions of this kind lack neither an attitudinal nor a dialectical burden of proof. Rather, like assertions, their burden of proof rests with those who are committed to them. By withholding challenge to such assumptions arguers express either their own commitment to them (thereby sharing in the burdens), or their willingness to defer any collection on the assessor’s burden at least for the time being.

For the purposes of appraising, classifying, and managing intellectual risk, I suggest that ‘assumption’ be used to demarcate something else—namely new but unsupported intellectual venture capital. Assumptions are made when the informational resources already on hand are not sufficient to complete or further our proximate inferential tasks. As such, assumptions are inferentially instrumental; the aptness of their use on some occasion is a function of their utility in advancing the reasoning at hand—typically by freeing up, or making apparent, other informational resources to which we are epistemically entitled. Understood in this way, assumptions are not the conclusions of previous inferences, and no assumption is any more or less reasonable (in the sense of justifiable) than any other. Rather, the judgements of the reasonableness of assumptions are entirely instrumental, and properly pertain to the act of making the assumption (or

some particular assumption rather than any other); some such acts are especially apt and useful, while others are futile or redundant, and still others inept or question-begging.

To illustrate, consider some standard inferential uses of assumptions in logic: indirect proofs, conditional proofs, and proofs by cases (e.g., constructive dilemma). While an indirect proof will always be possible whenever a direct proof is, the reverse is not always so (consider, e.g., proofs from no premises). Indirect proofs begin with the assumption of the negation of the claim to be established. On such an assumption, proving that a contradiction or known falsehood follows as a consequence demonstrates that the assumption is false. Hence its contradictory, the claim in question, is true. Having been established, this truth can now be used as the basis of further inference. Conditional proofs begin with the assumption of the antecedent condition of the conditional to be proved. If, from this assumption, the consequent condition can be derived, then the conditional itself—if [antecedent] then [consequent]—has been established and can be used as a premise in further inference. While such an argument proves neither the antecedent nor the consequent, it does establish the conditional relationship between the antecedent and consequent, and thereby provides new informational resources to further our intellectual undertakings. Finally, proof by cases combines several conditional proofs with a disjunctive premise where each disjunct supplies the initial assumption of each conditional proof. If, from each disjunct of a known disjunction, some single consequence can be shown to follow, then that consequence has been established—it follows no matter which way the disjunction turns out. In each of these uses, two points deserve notice: first, each assumption-initiated proof method results in *establishing*, not asserting, new claims not previously available in the reasoning—claims that are *not* dependent on the assumptions at work in their demonstration; and second, typically, the acceptability of these new claims could not have been established without having made the assumptions used in their demonstration.

It would seem, then, that assumptions, understood as new and wholly unsupported informational capital, offer tangible inferential benefits. Yet, clear and catastrophic intellectual risks also attend to unregulated practices of assuming. Most obviously, assuming the claim at issue, or some other contested or controversial claim for which the claim at issue follows, is rightly considered fallacious, viciously circular reasoning. Similarly, introducing contradictory assumptions risks wreaking havoc in most inferential domains. The question is, how are these risks properly managed? Given that assumptions are wholly unsupported, they should not be load-bearing structures in inference. Given that their veracity is unknown, risk of their failure should be contained.

One key to mitigating these inferential risks involves rigorously isolating assumptions from other claims in the discourse. In logical systems, assumptions are not only articulated but bracketed—they are segregated from other claims in a proof, as are consequences dependent on the assumption. Assumptions, then, should not become part of the general stockpile of commitments in the store. Nor should they be tranced together with commitments of other kinds in an effort to distribute epistemic or discursive risks across the bunch. Rather, they should be closely inventoried and kept, as it were, on a separate set of argumentative books together with any inferred claims dependent on them. Additionally, their discharge should be similarly monitored and recorded. And reliance on them should be relatively short-lived, after all gains made on

the books of assumptions are, for the most part, incapable of being transferred onto the register of actual argumentative advances.

Keeping a separate ledger for assumptions and derived claims depending on them allows greater latitude when it comes to their other argumentative aspects. It provides a risk-controlled means for reasoners to introduce claims into reasoning and argument without first establishing rational entitlement to those claims, without incurring a burden to do so, without securing commitment (endorsement, concession, or agreement) from interlocutor(s), and indeed without undertaking a commitment to them themselves. That assumptions can be used to advance reasoning in epistemically sound ways should warrant their relatively unrestricted use. For the most part, assumptions, at least insofar as they are prudently made and of some apparent inferential utility, should be granted (i.e., their introduction should be permitted) “for the sake of argument.” Yet, because assumptions are entirely unwarranted, their use, while not excessively limited, should be highly regulated. Assumptions should bear no probative weight in inference and neither they nor any consequences dependent on them should be dispersed into a commitment store. Reasoners are insulated from exposure to epistemic risks arising from making assumptions by rigorously separating them, and the consequences dependent on them, from other claims in the discourse.

4.5 Hypotheses

Hypotheses are like assumptions in some respects but not in others. Like assumptions, at the time they are introduced into a discourse hypotheses tend to have very little going for them, evidentially speaking. A pure hypothesis, one that has yet to be tested and either confirmed or disconfirmed, is one that has no direct evidence in its favor. Unlike assumptions, hypotheses tend to be the products of prior inferences. For example, there are minimal conditions that plausible hypotheses should meet, such as being consistent with all of the evidence (deemed to be reliable) already on hand, and being capable of generating new, testable consequences. As well, even initially, competing hypotheses can often be ranked, if only approximately, according to their relative plausibility by considering such features as their antecedent probability given the total available evidence, or their general coherence with accepted theory. In this way, it might be determined, for example, which hypotheses should be deemed viable, or suitable for experimental testing. That a hypothesis meets these initial conditions can be established by abductive inference, and its ranking among other, competing hypotheses can be established by inference to the best explanation.

Another similarity is that both assumptions and hypotheses are introduced with a proximate inferential aim of generating new consequences not otherwise available. Yet, the purpose of hypothesizing is not the same as assuming. The observable consequences derived from hypotheses are generated for the purpose of confirming or confuting the hypothesis itself. As the observable consequences of hypotheses are accumulated, the hypotheses themselves are taken to be inductively confirmed, thereby accumulating reasons in their own support. Hypotheses are introduced into a discourse so that they might, eventually and following successful testing and confirmation, *themselves* be admitted into the set of discursive commitments. By contrast, the job of assumptions is to generate new consequences, *not* involving or dependent on the assumption itself, that can

subsequently be admitted into the set of discursive commitments. So, hypotheses aspire to the discursive status of full (if defeasible) commitment by accumulating evidence in their own favor, while assumptions have no such discursive aspirations.

Given this admittedly rudimentary account of the inferential operation of hypotheses, some advice can be given as to their proper inferential management. Firstly, regarding their introduction into dialogue: like assumptions, discursive actors should be tolerant of the introduction of hypotheses. Also like assumptions, the initial introduction of a hypothesis into a discourse should not come with an onerous burden of proof. After all, the promise of a hypothesis is that it will accumulate its evidential merit along the way and, failing that, that further commitment to it will be abandoned. That said, a meta-dialogue is permissible (and may be epistemically prudent) in which the initial admissibility of a hypothesis is examined and critically evaluated, where the initial conditions and prospective viability of competing hypothesis can be reasoned about, perhaps in an effort to determine which should be tested.

Secondly, regarding their inferential operation in dialogue: since hypotheses arrive with very little in the way of epistemic bona fides, very little inferential weight should be placed on them. Instead, their inferential use should be limited to deriving observable consequences that might provide empirical, inductive evidence to the end of their own confirmation or disconfirmation.

Lastly, regarding their elimination in reasoned discourse: hypotheses are eliminated in one of two ways. Either they are refuted, in which case, as disconfirming evidence accumulates, the hypothesis is eventually modified or abandoned in favor of alternative, more viable contenders. Or, the hypothesis is confirmed through observation such that, eventually, as sufficient inductive evidence is accumulated in its support, the hypothesized claim loses its hypothetical status and becomes part of the theory to which it was introduced. At this point, the hypothesis freely intermingles with the other constituents of the accumulated theory.

4.6 Defeasible acceptability revisited: Speculative hypotheses

According to one standard interpretation (e.g., Walton 1996) presumptions represent a particular species of defeasible claim on which the support for the claim, while not conclusive, is sufficient to shift a burden of proof. Such claims meet a threshold of acceptability less than certainty but appropriate to the situation. In Section 4.3, I argued that such claims properly have a modality like *defeasibly* or *probably*, since these qualifiers accurately convey the epistemic risks and bona fides of such claims. (And we might well decide to call such claims ‘presumptions’ to mark that the burden of proof for them has shifted to their objectors; yet doing so has the consequence that we need no special theory of presumption, or presumptive inference, other than whatever is required for defeasible argument generally.)

Now, the situation might arise where, having taken a full stock of all such defeasible claims presently available, we still lack the informational resources we require to get on with things. This was the circumstance in which specifically presumptive inference was advertised to come into play. In such circumstances, it may be prudent (both practically and epistemically) that our subsequent inquiries proceed on an even *more* tentative basis than that marked by the minimum threshold of acceptability or action-ability in effect in

the discourse. For example, we might have a mass of evidence supporting some claim that, nevertheless, falls short of the relevant acceptability threshold. To get any further, we might have to act on that information, if only to determinately rule it out or confirm it by finding further evidence to either bring it up to the operative standard of acceptability or exclude it from further consideration. Thus, we might temporarily lower the threshold of acceptance in order to act on some plausible but presently unacceptable claim, on a limited basis, within the context of further inquiry.

At times Walton's account of presumption seems to resemble something quite like this (e.g., 2008: 234). While such a policy may be entirely reasonable, such a practice effectively treats the claim as a speculative hypothesis until such time as it is either confirmed or confuted. Thus, while such claims might be called 'presumptions,' the epistemic status they have (with respect to their epistemic bona fides and risk) is that of a speculative hypothesis, and they should be treated accordingly. Specifically, instead of being load-bearing structures in inference going forward, and used to advance reasoning by serving as the premissory bases for new commitments, epistemically speaking such weakly supported "presumptions" should, like hypotheses, only be used to generate testable consequences to the inferential end of accumulating inductive evidence in their support or refutation.

5 Presumptions

By contrast with standing commitments, defeasible claims, assumptions, and hypotheses, I suggest that, if they are at all unique, presumptions are inferential instruments of a different epistemic stripe. As such, and to the extent that I have already accounted for many of the common usages of 'presumption' presently in circulation, I further suggest that presumptions might be a rather rarer and more discourse-specific inferential device than has previously been contended.

In view of the foregoing considerations, we may narrow down the description of presumptions so as to get a clearer view of their nature and, thereby, their workings. If presumptions are not among our standing commitments or their consequences, presumptions are a kind of new inferential capital. Yet, if they are to enter discourse, ready-made with a presumptive status, this status must somehow be warranted. So, in agreement with Ullmann-Margalit's (1983) and Hansen's (2003) accounts, I contend that presumptions are the conclusions of a special class of presumptive inferences. Thus, presumptions are inferred from presumption-raising facts and presumptive rules. Yet, presumptions are just as much characterized by their independence from truth as they are by their reversing burdens of proof (Bermejo-Luque 2016).

What sorts of rules, then, should properly confer presumptive status upon their conclusions? To answer this, consider that presumptions serve to redistribute burdens of proof, and thus rational, argumentative responsibilities, in a-symmetric ways. As Hahn and Oaskford (2007: 41) point out, such redistributions "favor certain substantive outcomes" and thereby materially affect the results of rational argumentation. As such, "their placement ought to occur as the result of weighty, if not insuperable, considerations" (Godden 2015: 101). Yet what, other than truth (whose conveyance is

captured in the logical rules for rational inference), might count as such an insuperable consideration on which it is reasonable to warrant favoring such substantive outcomes?

5.1 *Presumptions and epistemic priority*

The answer, I suggest, is to be found in the institution of law, where presumptions found their original discursive home. As Laudan (2006) and Dare and Kingsbury (2008) observe, the law rightly prizes justice over truth. Because of this, it rightly favors certain discursive ends over others, and truth needn't be the primary or preeminent end. Nor is the law the only such discourse where this may be the case. Many discourses may have pragmatic ends, such as effectiveness or success in the world, that *for their purposes* are satisfactory alternatives to getting it right. Examples can be found in many applied sciences. Clinical medicine, for instance, might rightly take curing a patient as an acceptable alternative to getting things exactly right. Similarly, engineering might count the structural integrity of its constructions as a success despite the incorrectness of some of the claims that informed their design. That different discursive institutions can *rightly* accept qualitatively specific outcomes in place of truth indicates that reasoning in those domains is properly governed and adjudicated by rules that are not purely epistemic. These rules may provide the warrants for presumptive inferences and form the basis for the presumptive status of claims in that discourse.

Put differently, the thesis of *epistemic priority* holds that epistemic values trump all other values when it comes to appraising the rational acceptability of claims. That is, values other than truth can play a normative role in reasoning *only* among evidential equals, after all the epistemic work has been done. Yet, in many discursive domains, the epistemic priority thesis is false. Specifically, whenever a reasoner may appropriately answer the objection that their view is false or unjustified by saying "I don't care that my view isn't true (justified) so long as it _____" (where the blank is completed with some success condition for their alternate goal), the epistemic priority thesis seems to be false in that case.

5.2 *An example*

To give the basic idea of the account, consider the following example reminiscent of the famous case of Buridan's ass. Suppose that we are trying to get to our destination (a party at a friend's house, let's say), and we come to a fork in the path. This fork is not marked on any of the maps we have, and we have no reason to suppose that our friend's house is down one of the paths rather than the other. As such, we have no *epistemic* reason to believe that the right, or correct, path goes one way rather than the other; likewise we have no evidence counting against either path as being the correct one. In such a situation, our epistemic, or doxastic, attitude about which is the right path should remain neutral: we should withhold judgment. Nevertheless, our goal of getting to the party demands action and supersedes our goal of learning the truth about the right way to get to the party—since our goal of learning the truth about the right way to get to the party is valued only instrumentally, as a means of our overarching goal of getting to the party.¹⁰

¹⁰ This divergence between the demands of theoretical and practical rationality marks the primary similarity between this example (and cases of presumption generally) and the case of Buridan's ass. While epistemic

(Were we not trying to get to the party, or get to our friend's house for some other reason, we wouldn't make the effort to settle the question as to what was the right way to their house.)

One option here, of course, is to inquire further into the matter, perhaps by consulting some other information source in order to determine which path we should take—i.e., the correct path. We might, for instance, call our friend and ask for additional directions. Let us suppose that no such options are available—that paths of further inquiry are closed. Instead, to achieve our goal, we must select one of the paths.

In this circumstance, we should indeed proceed down one, or other, of the paths at least until we can determine whether it leads in the right direction. As such, we should simply select one of the paths at random and proceed down it *as though* it were the correct path to our friend's house. That is, we will *act as though* one of the paths is the correct path, or *tentatively take it to be the case that* one of the paths is the correct one. This *action policy* occurs *independently* of any change in our *doxastic attitudes*—which properly remain unchanged—about which path is the correct one. On my account, this is to presume that one of the paths, rather than the other, is the correct one. So understood, *presumably* is not an alethic or epistemic modality, but a pragmatic or instrumental one, and 'presumably' properly marks a commitment status not a doxastic status (Godden, 2010).

5.3 Sources of the proposed account

Importantly, I make no claim to originality concerning the account of the nature of presumption just proposed. The view advanced here—that *presumably* is not an epistemic modality but one belonging exclusively to practical reasoning—is due to Edna Ullmann-Margalit (1983), who takes presumption to be “concerned not so much with ascertaining the facts as with proceeding on them, ... Presumption rules belong to the realm of praxis, not theory. Their point is to enable us to get on smoothly with business of all sorts, to cut through impasses, to facilitate and expedite action” (147).

Indeed, Ullmann-Margalit incorporates three specific features into her account to prevent the mislabeling and bad epistemic risk management that can result from an indiscriminate application of the modality *presumably*. First, she explicitly requires the warranting conditions of presumptions to include overriding, non-evidential factors. “Where one has reasons for belief sufficient for grounding the action, there is no deliberation problem: it is to pave the way to action in default of such reasons that presumption rules come about” (152). The account just proposed follows Ullmann-Margalit exactly on this point. Second, she explicitly restricts presumptive entitlement, and their correlative obligations, to the domain of practical reasoning, writing: “The [presumption] rule entitles one to hold *q* as true for the purposes of concluding one's practical deliberation on the impending issue; it neither requires nor entitles one to believe that *q*” (149). Again, this feature is echoed in the account just offered. Third, Ullmann-Margalit assigns “rule subjects” to presumption rules such that the latter are “directed to any person who is engaged in a process of practical deliberation whose

rationality demands that we withhold judgment (form no opinion as to the truth of the matter), practical rationality demands that we act so as to satisfy our non-alethic goal.

resolution depends, among other things, on an answer to the factual question of whether q is or is not the case” (147). In this way, the entitlements and obligations generated by presumptive inference are limited to those committed to the non-alethic discursive goals backing the presumptive rule, and only insofar as they are acting so as to fulfill those goals. While not explicitly mentioned, such a restriction is entirely within the spirit of the account proposed here, as it contributes significantly to the proper management of epistemic risk.

I submit, then, that an account of the modality *presumably* developed along the lines Ullmann-Margalit proposes allows presumptions a distinct role in reasoning and argument, while significantly managing the epistemic risks that can arise from mislabeling the epistemic status of claims in reasoned discourse. Here I have sought to motivate such an account, by demonstrating the need for such a modality and by illustrating some of the benefits that can accrue from, and the costs that can be avoided by, its adoption.

5.4 *Shifted burden of proof and defeasibility*

A requirement of any viable theory of presumption is that it give some explanatory account of two standard, pre-theoretical characteristics of presumptions, that they act to shift the burden of proof to objectors and that they are typically, but perhaps not always, defeasible. The proposed account satisfies both of these desiderata.

That presumptions shift a burden of proof is explained by two of their features. First, they are the conclusions of presumptive inferences. As such, they shift the burden of proof in ways similar to any inferentially supported claim. What is distinctive about presumptive inferences is that they are warranted by presumptive, rather than epistemic, rules (e.g., rules of prudential, rather than theoretical, reason), which are in turn backed by non-alethic or non-epistemic discursive goals. The second feature has to do with the backing of presumptive warrants and the epistemic conditions under which they come into effect. Here this shift in burden of proof is explained by a combination of two things: (i) the appropriateness, or propriety, of the non-epistemic discursive goals for the activity, and (ii) the lack of countervailing reasons or evidence that count against the presumed claim. In combination, these license an action-policy of proceeding as though something, p , were the case, at least until evidence counting against p is brought to light.

That presumptions are generally defeasible, and the grounds on which they are susceptible to defeat, are also explained by the proposed account. First, since the presumption itself (i.e., the proposition $\langle \textit{Presumably}, p \rangle$) is the conclusion of a defeasible, presumptive inference, presumptions are defeasible in many of the usual ways (cf. Hansen 2003: 3; Prakken 2004: 41-42). Presumptions can be defeated when any of the inferential conditions giving rise to the presumption (e.g., the presumption-raising fact, or the presumption rule) are rebutted. They may also be defeated when the presumptive inference is undermined (e.g., by an incorrect application of the rule on some occasion, or through the discovery of undercutting defeaters to the presumptive inference), or overridden (e.g., because some other discursive goal trumps or offsets the one by which the present presumptive warrant is backed). Lastly, the presumption itself (i.e., the presumed claim, or conclusion of the presumptive inference) can be rebutted. Here, since what is at issue is not the claim itself, but the presumed status of the claim,

typically the conditions required for the defeat of the presumption that p fall well short of establishing that not- p . Particularly since the presumptive acceptability of p does not, by hypothesis, rest on evidential considerations, often all that is required is some modicum of evidence against p to defeat its presumptive status, returning it to the realm of plausibility or probability. In the example just discussed, for instance, the presumptive status of the claim that this is the way to our friend's house might be defeated if *any* countervailing evidence were discovered. Indeed such evidence might well give us an epistemic reason for thinking that the other path was the correct one, prompting us to turn back and proceed down the other path instead.

That said, many (particularly legal) theories of presumption recognize indefeasible, or "irrebuttable" presumptions (Macagno 2010; Macagno and Walton 2012: 280), where the presumption (meaning the presumed status of the claim) is indefeasible, irrespective of the existence, or even abundance, of evidence against the claim. (Examples include presumptions that human beings under a specified age are legally incapable of giving consent or committing criminal acts.) It might be objected that these cases are not properly presumptive in that the warranting rules admit of no exceptions and hence the reasoning involved in using such rules is strictly deductive. Without taking a position on whether the reasoning relying on such rules is properly presumptive, I want to demonstrate the account offered herein can accommodate ordinary cases of such "irrebuttable" presumptions.

Consider two examples. First, the presumption that any firearm is loaded—i.e., the action-policy that, whenever handling a firearm, one should treat it as though it were loaded.¹¹ Typically, firearm safety courses instruct that, whenever handling a firearm, one should first ensure that it is safe—i.e., that it is unloaded and that the breech and barrel are unobstructed. Yet, even having completed such a task such that one is convinced that the firearm is safe, one should still, nevertheless, act as though the firearm were loaded. (This involves doing things like controlling the direction of the muzzle such that it is never pointed at any individual, and keeping one's fingers away from the trigger such that it cannot be accidentally engaged.) The rationale for this policy might be understood as twofold: first is safety and second is trust, both of which are overarching goals of the safe practice of handling firearms. For safety's sake, given the potentially fatal consequences—to oneself and others—of being mistaken about whether a firearm is loaded, one should always proceed on the basis that it is, even when one is convinced that it isn't. Relatedly, having convinced oneself that the firearm one is handling is safe, one's community needn't *thereby* be so convinced, thus raising the issue of trust. Thus, when handling a firearm one wants to demonstrate that one is worthy of the trust of one's community, and doing so involves conspicuously handling firearms responsibly.

A second, related example of an indefeasible presumption is that there is something (or someone) in one's blind spot—i.e., the action-policy that, when driving, one should always act as though something is in one's blind spot, e.g., by shoulder-checking before executing a lane change or similar maneuver. The rationale for this policy is similar to that of the previous example, and similarly germane to the goals of safe driving. Given the potentially catastrophic consequences of being wrong on this point, one should

¹¹ This example is due to Douglas Walton, who offered it at the recent (2016) conference "Presumptions, Presumptive Inference, and Burden of Proof," in Granada, Spain.

always shoulder-check even if one is convinced that they are driving on an empty road, or that the adjacent lane is clear (because, e.g., they have been tracking the traffic around them).

The importance of these cases to the account offered here is only to demonstrate that the strength of presumptions can be set and variegated according to the importance of the non-alethic discursive goals warranting them. As such, the account offered here is consistent with, and can accommodate, both the position that there are, and that there are not, irrebuttable presumptions, properly understood.

5.5 *The force of presumption as a modal qualifier*

To summarize, presumptions, on this account, are those claims drawn on the basis of non-epistemic warrants—warrants that are backed by, or grounded in, those non-epistemic values or goals proper to the discourse. On this account, to presume that *p* is to, in the absence of sufficient or determinative evidence that *p* is the case, and in the absence of any countervailing evidence against *p*, *proceed as though p were the case*, at least until evidence to the contrary comes to light. That is, ‘*Presumably, p*’ means, in the absence of countervailing reasons or evidence to the contrary, one may (perhaps tentatively), and for partly non-epistemic reasons, *proceed as though p were the case*, or *act as if p were the case*, in a limited domain of deliberation and action. To reiterate, this *action policy* occurs independently of any change in our doxastic attitudes about the truth of *p*. Relatedly, presumings that *p* do not involve commitments to *p*’s truth or assertions—even qualified or tentative assertions—that *p*. If the presumption that *p* is defeasible, once countervailing reasons are discovered—be they evidence against the truth of *p*, or conditions undermining *p*’s pragmatic, presumptive warrant, or conditions overriding the goal-based backing of the presumptive warrant, etc.—*p*’s presumptive status is lost, and claims that *p* return to the arena of (qualified or tentative) assertion and (defeasible) evidential support.

On this account, the presumptive status of a claim is quite different from any of the other discursive and epistemic statuses previously discussed. In particular, while presumptions (like assumptions and hypotheses) serve to generate new inferential consequences, those inferred claims, and the presumptions on which they are based, are load-bearing (unlike assumptions and hypotheses), albeit in limited ways. As such, presumptions and presumptive inference may move forward a discourse that has otherwise become “stuck” or run out of inferential capital. While the bona fides of a presumption are typically independent of the evidence for (or against) the truth of the presumed claim, the reasonableness of acting on them, and the consequences that follow from them, are warranted by the legitimacy of the non-epistemic discursive goals that warrant the presumption itself.

The inferential risks attached to presumptions are managed both by the ways in which presumptions are permitted to be load-bearing in inference, and by the conditions allowing for the defeat of this status. On the first point, recall that, since presumptions are action-policies rather than doxastic attitudes, *presumably* is *not* an *epistemic* modality. As such, in inquiry, and theoretical or otherwise truth-directed inference, presumptions, and the consequences following from them, should be treated as inferentially inert. Although presumed claims should be allowed to serve as premises in practical inferences whose

goals are relevantly related to the discursive ends underwriting the initial presumption, when other discursive ends (such as truth) are at issue (e.g., in theoretical inference), the presumptive status of the claim should grant it no inferential bearing or weight. On the point of the defeating conditions for the presumptive status, to the extent that the non-alethic discursive goals underwriting the presumption are mitigated or trumped by the truth of the presumed claim, evidential considerations will provide defeating conditions for its presumptive status. To the extent that those non-alethic discursive goals are independent of, or trump, the epistemic status of the presumed claim, so too will its status as a presumption.

5.6 Benefits of the proposed account

Although the view here proposed might make presumptions rather more uncommon than they appear to be on other accounts, the proposal on offer has the virtue of recognizing a modality that has hitherto received less theoretical recognition than it deserves—one where proceeding as though something were the case is warranted not by evidence but by some overarching non-epistemic goal of a discursive practice or institution. And the account distinguishes presumption as a modal qualifier from other, particularly epistemic, modalities with which it is often conflated in the literature. Further, on this account, presumptions retain many of their distinguishing pre-theoretical features: their discursive and epistemic effect is to shift a burden of proof to an objector; they are able to advance reasoned discourse that has otherwise reached its informational and inferential limits; and their status as presumptions is defeasible and not based on solely evidential considerations. Perhaps most importantly, the proposed account provides a way of categorizing and managing the epistemic risks associated with them.

6 Conclusion

In this paper, I have proposed an account of presumption as a modal qualifier, inspired by that of Ullmann-Margalit (1983), on which it is categorically different from the epistemic status held by standing commitments, defeasible claims, assumptions, and hypotheses. The presumptive status of a claim, p , marks it as one that, in the absence of determinative evidence that not- p , may be acted on as though it were the case for the purposes of deliberation and action in a limited domain, on the basis of a warrant grounded in some overarching non-epistemic goal of the discourse, until such time as countervailing evidence is discovered. While stipulative, this account of presumption occupies a place in a larger system of modalities that promises to better categorize and manage epistemic risk than many competing accounts which, in characterizing presumption in terms of other, distinct epistemic modalities, tend to misclassify and thereby mismanage the epistemic bona fides and risks of claims as they occur in reasoning and argument.

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