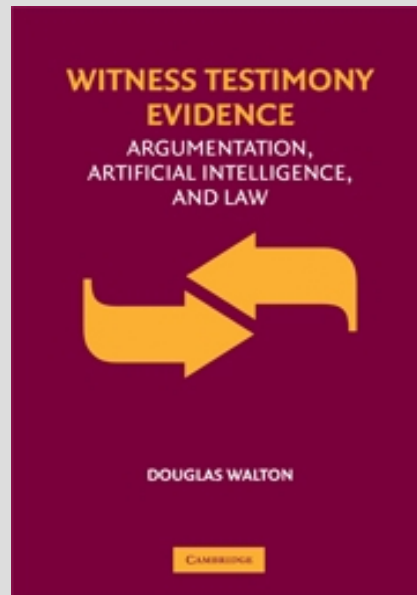


Dialectical Shifts Underlying Arguments from Consequences



Strategies in Argumentation
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Argument from Consequences

- Argument from negative consequences cites negative consequences of carrying the policy out, and uses that as a reason to argue against carrying it out. Such arguments are quite often reasonable.
- For example, your physician might recommend against your taking a certain medication by arguing, “Eating too much salt has the consequence of raising blood pressure; raising blood pressure is a bad consequence for you; therefore you should not eat too much salt.”

Aristotle, *Rhetorica* (1399a14-1399a15)

. . .since in most human affairs the same thing is accompanied by some bad or good result, another topic consists in employing the consequences to exhort or dissuade, accuse or defend, praise or blame. For instance, education is attended by the evil of being envied, and by the good of being wise; therefore we should not be educated, for we should avoid being envied; nay, rather, we *should* be educated, for we should be wise.

Note: argumentation from consequences is connected to argumentation from values.

Schemes (Walton, 1996, 75)

- *Argumentation Scheme for Argument from Positive Consequences*
- Premise: If A is brought about, good consequences will plausibly occur.
- Conclusion: A should be brought about.

- *Argumentation Scheme for Argument from Negative Consequences*
- Premise: If A is brought about, bad consequences will plausibly occur.
- Conclusion: A should not be brought about.

Scheme for Argument from Negative Consequences

- Premise: If *A* is brought about, bad consequences will plausibly occur.
- Conclusion: *A* should not be brought about.
- According to (Walton, 1996, pp. 76-77), three critical questions match the scheme.
- CQ1. How strong is the probability or plausibility that these cited consequences will (may, might, must) occur?
- CQ2. What evidence, if any, supported the claim that these consequences will (may, might, must) occur if *A* is brought about?
- CQ3. Are there consequences of the opposite value that ought to be taken into account?

Scheme for Practical Reasoning

- Major Premise: I have a goal G .
- Minor Premise Carrying out this action A is a means to realize G .
- Conclusion: Therefore, I ought (practically speaking) to carry out this action A .

Critical Questions

- CQ1: What other goals do I have that should be considered that might conflict with G ?
- CQ2: What alternative actions to my bringing about A that would also bring about G should be considered?
- CQ3: Among bringing about A and these alternative actions, which is arguably the most efficient?
- CQ4: What grounds are there for arguing that it is practically possible for me to bring about A ?
- CQ5: What consequences of my bringing about A should also be taken into account?

Scheme for Value-based Practical Reasoning

- Premise : I have a goal G .
- Premise 2: G is supported by my set of values, V .
- Premise 3: Bringing about A is a means for me to bring about G .
- Conclusion: Therefore, I should (practically ought to) bring about A .

Schemes for Argument from Values

Argument from Positive Value

- Premise 1: Value V is *positive* as judged by agent A (judgment value).
- Premise 2: The fact that value V is *positive* affects the interpretation and therefore the evaluation of goal G of agent A (If value V is *good*, it supports commitment to goal G).
- Conclusion: V is a reason for retaining commitment to goal G .

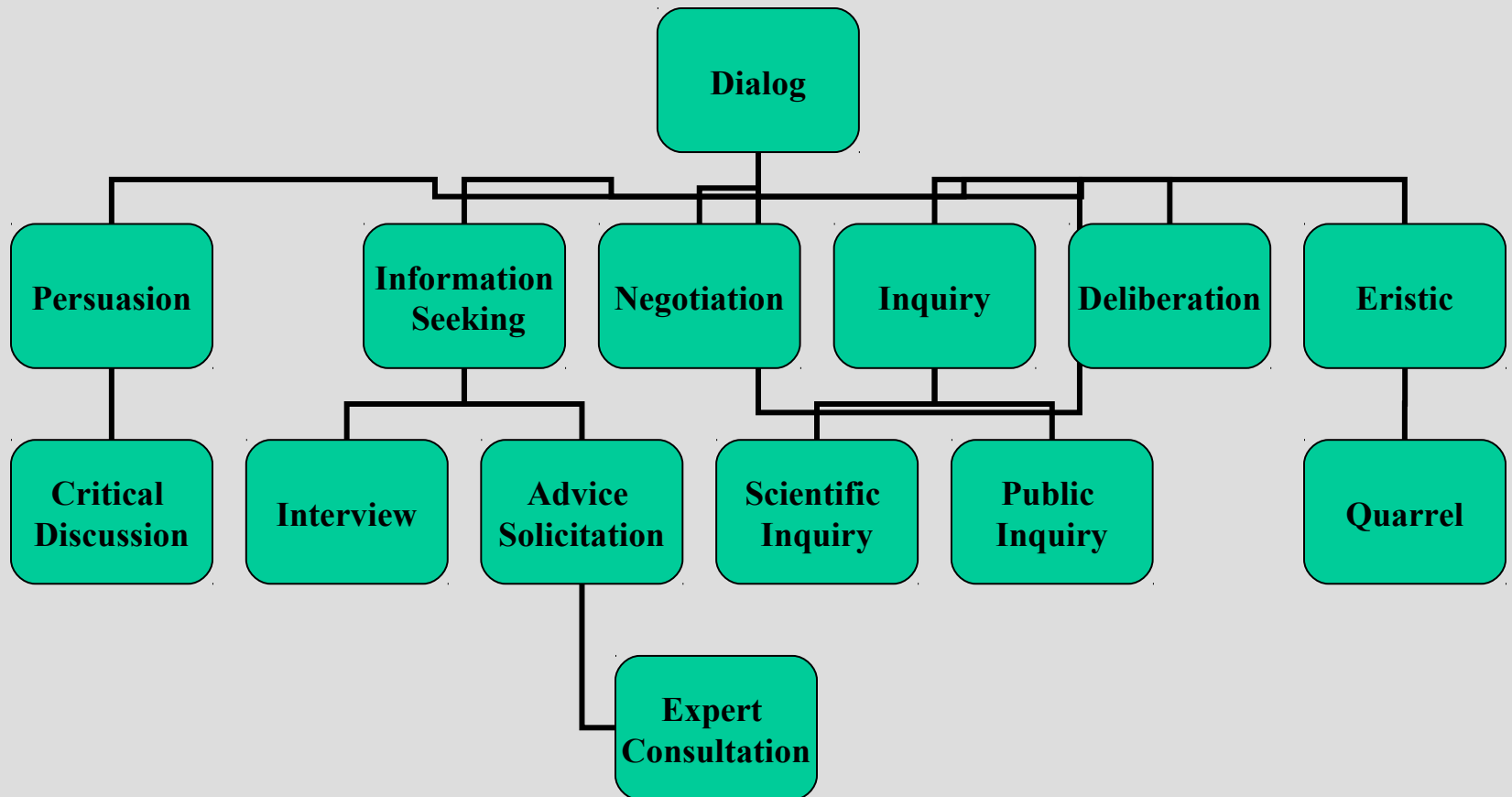
Argument from Negative Value

- Premise 1: Value V is *negative* as judged by agent A (judgment value).
- Premise 2: The fact that value V is *negative* affects the interpretation and therefore the evaluation of goal G of agent A (If value V is *bad*, it goes against commitment to goal G).
- Conclusion: V is a reason for retracting commitment to goal G .

Scheme for Argument from Threat

- Premise 1: If you bring about A , some cited bad consequences, B , will follow.
- Premise 2: I am in position to bring about B .
- Premise 3: I hereby assert that in fact I will see to it that B occurs if you bring about A .
- Conclusion: Therefore you had better not bring about A .

Dialog Typology



Burden of Proof

- Prakken and Sartor (2006) call the burden of proof set at the opening stage of a legal dialog, like that of a trial, the burden of persuasion. This burden contrasts with the evidential burden that needs to be met to back up a claim made during the argumentation stage. The question arises whether burden of persuasion only applies in persuasion dialogue, or whether it applies in other types of dialogue as well, like deliberation.

Burden of Persuasion

- In a persuasion dialog, one participant puts forward a thesis to be proved to the other, and the other puts forward an opposed thesis, or expresses doubt about the first party's thesis. The goal of the dialog is to resolve this conflict by rational argumentation (Prakken, 2006). The overarching principle of burden of persuasion is that he who asserts a thesis must prove it, as set at the opening stage of the dialog.
- Burden of persuasion is determined by three factors.
- (1) What strength of argument is needed to win the dialog for a participant at the closing stage (standard of proof)?
- (2) Which side bears the burden?
- (3) What kind of argument is required for this purpose.
- To win, a party must produce an argument that is stronger enough than the opponent's argument to meet his/her burden of persuasion.

Eight Stages of a Deliberation Dialog

- **Open:** In this stage a governing question is raised about what is to be done. A governing question, like ‘Where shall we go for dinner this evening?’, is a question that expresses a need for action in a given set of circumstances.
- **Inform:** This stage includes discussion of desirable goals, constraints on possible actions that may be considered, evaluation of proposals, and consideration of relevant facts.
- **Propose:** Proposals cite possible action-options relevant to the governing question
- **Consider:** this stage concerns commenting on opposes from various perspectives.
- **Revise:** goals, constraints, perspectives, and action-options can be revised in light of comments presented and information gathering as well as fact-checking.
- **Recommend:** an option for action can be recommended for acceptance or non-acceptance by each participant.
- **Confirm:** to participant can confirm acceptance of the recommended option, and all participants must do so before the dialog terminates.
- **Close:** The termination of the dialog.
- (McBurney, Hitchcock and Parsons, 2007, 100).

Dialectical Shifts

- Two people are deliberating on how to hang a painting on a wall. They decide to hammer a nail into the wall, and hang the painting on the nail.
- Problem: they don't have a hammer or a nail, and these items are hard to find.
- Solution: they negotiate an agreement that if one will get the hammer, the other will get the nail.

The Mexican War Example

- The United States had justice on its side in waging the Mexican war of 1848. To question this is unpatriotic, and would give comfort to our enemies by promoting the cause of defeatism.

Diagram 1 of the Mexican War Example

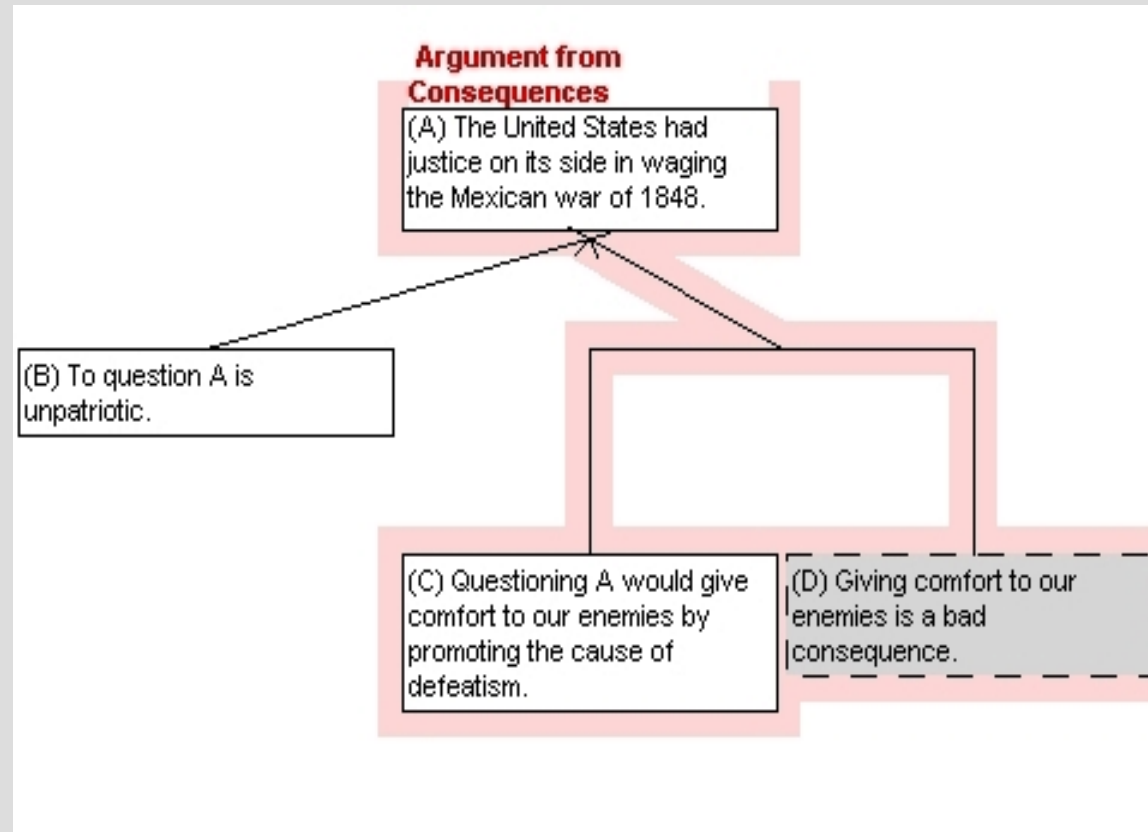
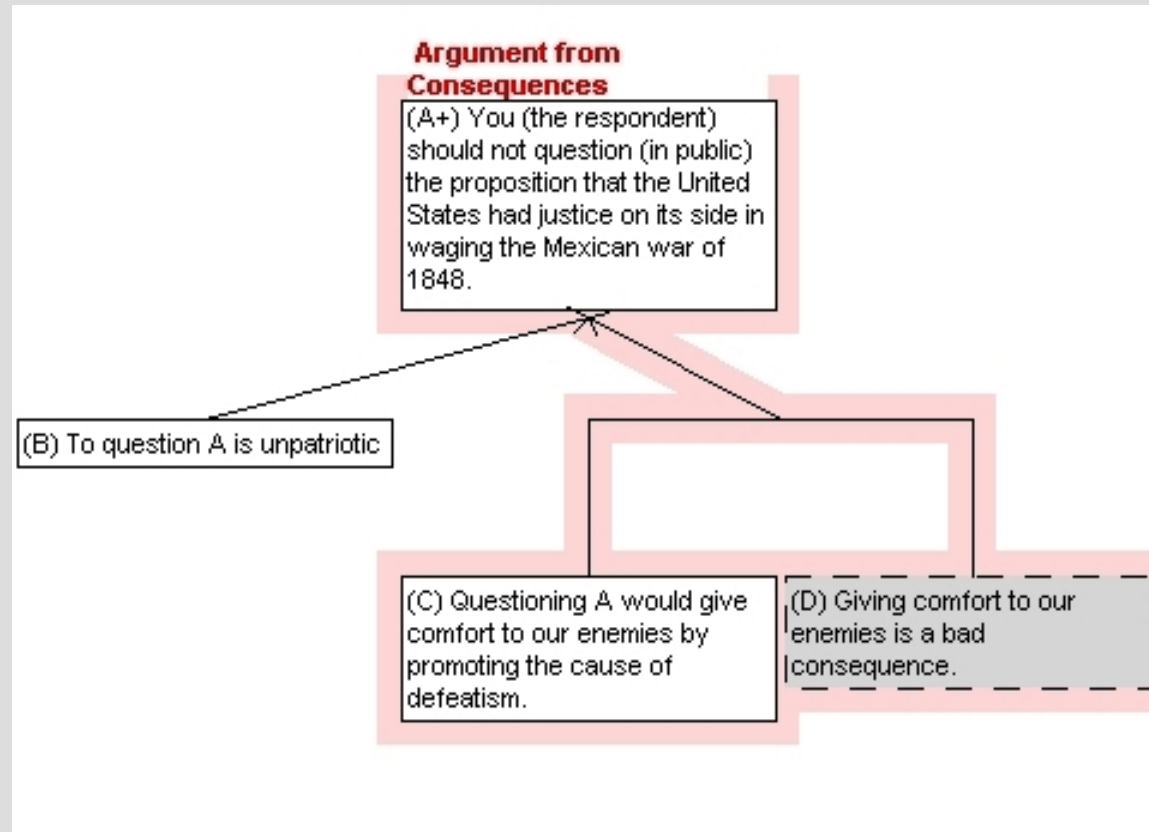


Diagram 2 of the Mexican War Example



Wrong Conclusion Fallacy

- What could be called the fallacy of arguing to the wrong conclusion is an argument fitting the following pattern (Walton, 2004, 35): the arguer is supposed to prove conclusion A, but he puts forward an argument for conclusion A⁺, a proposition that looks like (or appears to be the same as) A.
- Aristotle seemed to have something like this fallacy in mind when he made the following remark about what he called the fallacy of misconception of refutation: “When the argument stated is a demonstration [*apodeixis*] of something, if it’s something other than that leading to the conclusion, it will not be a syllogism about that thing.”(*Topica* 162a13-162a16; quoted from the translation in Walton, 2004, 35).

Failure of Relevance

- Rescher (1964, 82) categorized the fallacy as a failure of relevance.
- The argument could be relevant if the dialog type was a deliberation. In a war, giving comfort to enemies would be a negative consequence, because it might lead to loss of life for the soldiers on our side.
- But suppose the initial dialog is a persuasion dialog, of the kind one might have in a history class or an ethical. In this context, the very same argument would be irrelevant, because the discussion is supposed to be about the historical issue of which side “had justice on its side”.
- Relevant arguments in such a persuasion dialog would be historical facts like who started the conflict, what were the territorial claims of each side, and so forth. Only these kinds of argument can fulfill the original burden of persuasion.

Two Levels of Analysis

- The prudential argument may be seen as a fallacious inference when diagrams 1 and 2 are compared.
- But there are two levels of analysis that need to be considered – an inferential level and a dialectical one.
- The dialectical analysis depends on how the notion of relevance is defined.
- An argument should be judged to be dialectically relevant in a case only if it is part of a connected sequence of argumentation leading to the ultimate goal set for that type of dialog [like lifting the burden of persuasion].

The Riots Example

- If the defendant is acquitted, there will be riots. Therefore, he should be found guilty.

What's Wrong in the Riots Example?

- This argument is very similar to the Mexican war argument, and is fallacious for much the same reasons.
- It is a clear instance of argument from negative consequences, but there has been a dialectical shift from a persuasion dialog to a prudential argument about matters of public safety and damage caused by riots.
- The burden of persuasion in the trial to show the defendant is not guilty of the crime he was charged with.
- Acquitting the defendant for the practical reason that there will be riots in the streets, while being in principle a reasonable argument from negative consequences, is not relevant to the conclusion.

The Drinking Example

- You should stop drinking unless you want to die young like your father.

What's Wrong in the Drinking Example?

- We can critically question the premises and implicit assumptions in the drinking argument. Did his father really die young, and if so was it because of his drinking? How similar is the case of the father to that of the son? Maybe there was some difference, for example, in how each individual reacted to alcohol, or in how much alcohol each one was drinking.
- But failure to substantiate a premise of an argument, whether explicit or implicit, should not be sufficient reason to judge it fallacious. Here we have a prudential argument that does present a reason for the conclusion, based on alleged negative consequences. It is not a fallacious argument from consequences.

The Free Will Example

- A professor and a student are discussing the issue of free will versus determinism in a philosophy seminar, and the professor says, “You had better stop using that argument or I'll give you a failing grade in this course!”

What's Wrong in the Free Will Example?

- In the free will example, even though the dialectical shift is implicit, the illegitimate nature of the move in argumentation is obvious to everybody. It is seen as shockingly inappropriate.
- It meets both general requirements for the speech act of making a threat as a dialog move (Walton, 2000, 113-114).
- The proponent of the threat warns the respondent that something that negative consequences may happen to him.
- The proponent also indicates to the respondent that she (the proponent) will see to it that these negative consequences come about, unless the proponent complies by carrying out (or omitting to carry out) some designated action..

Levels of Dialog in the Free Will Example

- In the free will example there is a shift to a different level of dialog when the professor puts forward his counterargument to the student.
- The student began, in the discussion of the issue of free will versus determinism, by putting forward an argument for determinism. The professor, and his next move, does not put forward a relevant opposing argument for free will. Instead, he makes a remark about the students advocating the argument for determinism, by giving a reason why the student should stop advocating that argument.
- This move by the professor can be seen as a dialectical shift to a meta-dialog (Krabbe, 2003, p. 83). The reason is that the professor is now discussing the original dialog, a persuasion dialog, and telling the student to stop it, or he will give him a failing grade in the course.

The Firebombing Example

- The last person who didn't buy protection from our association was the victim of an unfortunate accident. Therefore, it would be prudent for you to buy our protection insurance in order to prevent such unfortunate consequences of not having it.

Firebombing Example: Indirect Threat

- In the free will example, the threat is an explicit one, and it is clear to everyone that it is inappropriate in relation to the critical discussion that the professor and student are supposed to be engaging in.
- In contrast, in the firebombing example, the “insurance salesman” is making an indirect threat. An indirect threat is meant to be recognizable to the respondent as a threat, but is also an implicit speech act that leaves room open for plausible deniability.

The Jury Intimidation Example

- In a case of jury intimidation, a jury member realizes quite well that a motorcycle gang's threat to kill him is irrelevant as legal evidence that should be considered in the trial. But he asks to be taken off the jury because he fears for his life.

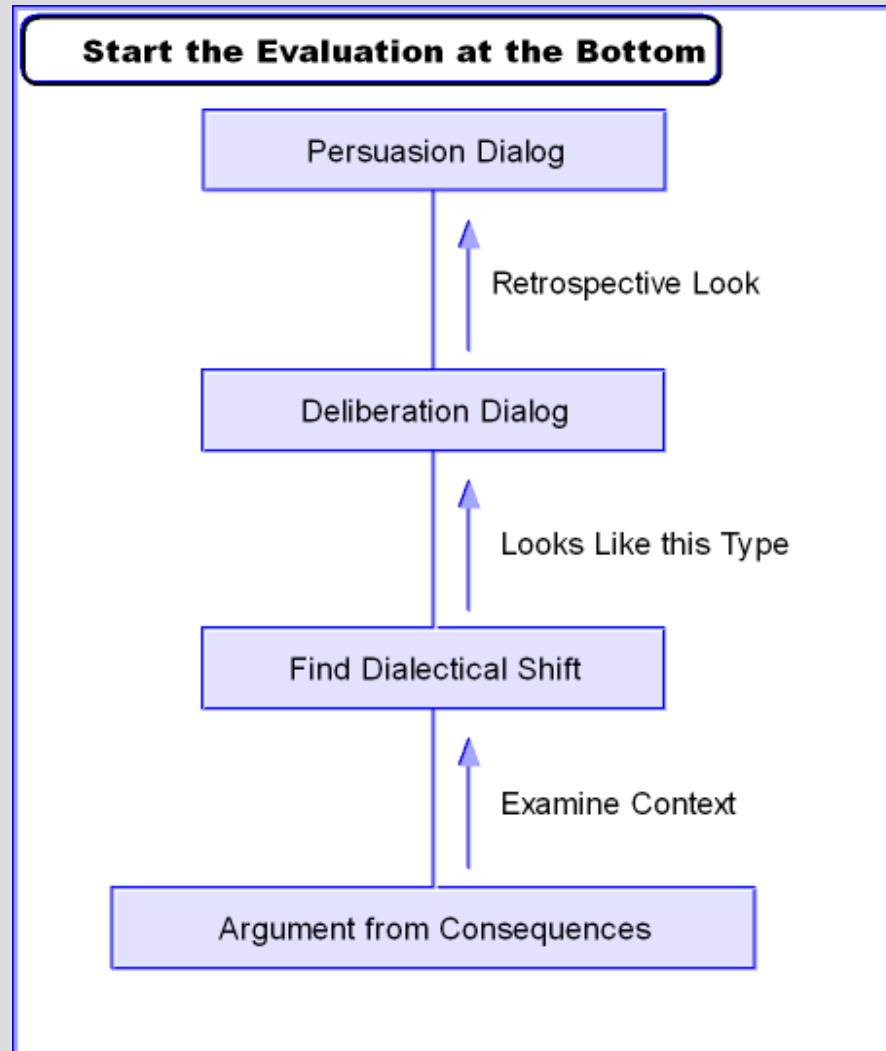
What's Wrong in the Jury Intimidation Example?

- Has the motorcycle gang committed a fallacy?
- You could argue not, on the ground that a fallacy always requires deception, and all parties might clearly recognize that the tactic used is wrong. Also, it could be prudentially justified for the jury member to respond to the threat,
- But the threat does not meet the burden of persuasion in the trial. As in the other examples, there has been an illicit dialectical shift.

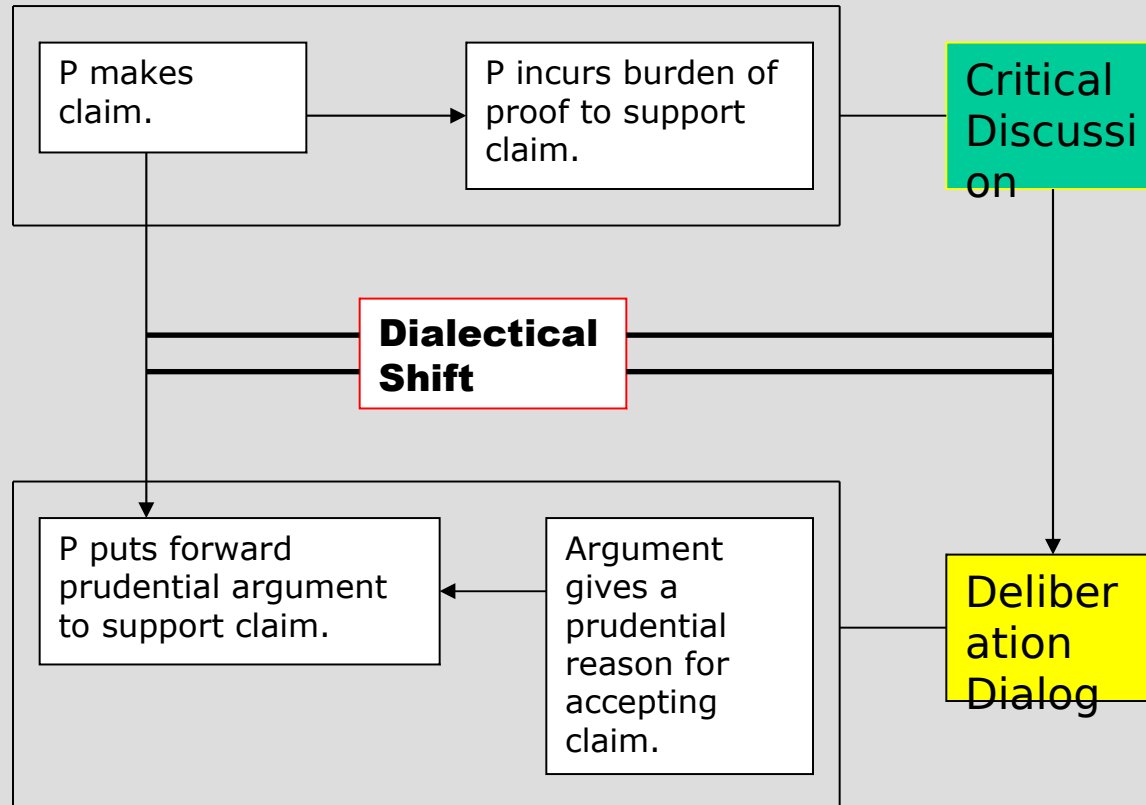
The Two Levels Again

- The remaining problem is how one should approach a particular case, like the examples presented in section 1, where it appears evident to a reader of the example that argument from consequences may be involved.
- The initial piece of advice would be to look to see if the argument has the wrong conclusion. But how could one be expected to know or to prove that it has the right conclusion or the wrong conclusion?
- The next required step is to make some determination of what type of dialog the argument is supposed to be contributing to.

Retrospective Evaluation



Shifting from Burden of Proof



8 Characteristics of Fallacious Argument from Consequences

- First, there was a shift from persuasion dialog to deliberation dialog.
- Second, the deliberation dialog did not help the original persuasion dialog move forward towards realizing its goal.
- Third, there was no agreement made between the parties that the shift to the second type of dialog was acceptable to both.
- Fourth, no rule that allows such a shift was followed.
- Fifth, the argument put forward has a different conclusion from the one that the arguer was supposed to prove.
- Sixth, there was a shift to a meta-dialog. In the Mexican war example, proposition A+ is about questioning proposition A in public.
- Seventh, the argument put forward in the deliberation dialog does not fulfill the requirements for meeting the burden of persuasion.
- Eighth, a structural characteristic that holds for all the examples studied in this paper is that the shift is from a persuasion dialog to a deliberation dialog.

The Domestic Insurgency Example

- D'Sousa denounced America as having sunk into decadent moral values, he argued that by religious fundamentalists, with some justification, judged America as the worst civilization for decadent values. Examples of decadent actions he cited include widespread use of intoxicants, gambling, and fornication. He argued that the attempts to promote gender equality in the developing world can be seen as promoting values considered disgusting and deviant by traditional cultures. He named more than a hundred left-leaning politicians, celebrities and activists whose actions, he argued, were responsible for the causing the hatred of the terrorists because of their attempts to promote these decadent moral values and impose them on the rest of the world. He did not accusing them of being terrorists themselves, or of even of actively working to promote the interests, of the terrorists. However, he argued that because of the consequences of their actions, they were taking part in a “domestic insurgency” that was, in effect, “working in tandem” with Osama bin Laden to defeat George W. Bush.
- *The Enemy at Home*, Dinesh D'Sousa (*Newsweek*, Feb.5, 2007, 46).

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