Structural differences between practical and cognitive presumptions

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The contextual differences between practical and cognitive presumptions are repeatedly stressed in the literature. I argue that the differences are even deeper. Practical and cognitive presumptions are different dialogical entities for four (additional) reasons: they belong to the different dialogical stages, perform different dialogical functions, have structurally different foundations, and, typically, can be defeated by different kinds of evidence. Thus, two classes of presumptions merit distinct treatment in argumentation theory.

KEYWORDS: Burden of proof, cognitive presumption, dialogical regress, evidential uncertainty, Nicholas Rescher, practical presumption, undercutting defeater.

1. INTRODUCTION

Suppose Anne and Jim are meeting a friend on a cloudy winter day. They are just about to leave the apartment and start to deliberate whether to take an umbrella. They are aware that their decision should partly depend on whether it will rain—if it is (significantly) more likely that it will rain, they should take the umbrella; if it is (significantly) more likely that it will *not* rain, they clearly should do the opposite. Anne quickly looks through the window and estimates that the chance of rain is, roughly, a half. Then she checks (usually reliable) weather forecast site only to learn that the likelihood of rain is indeed 50%. Anne ends up just where she started from—in a state of evidential uncertainty—but the pressure of making a decision, however, is forced upon her. Jim and herself need to decide whether to take an umbrella, and they need to do it immediately (otherwise they will be late).

Now suppose that Mark is an epistemically responsible agent who looks through the window and sees that his neighbor is fixing the

fence. Thus, he makes a public commitment by saying "The neighbor is fixing the fence." However, Mark's wife is a radical sceptic. She challenges Mark's commitment and, in a good cartesian fashion, remarks that Mark cannot rule out the possibility of perceptual deception. From her sceptical perspective, "The neighbor is fixing the fence" is an evidentially uncertain proposition. Still, some (cognitive) pressure seems to remain. As an epistemically motivated agent, Mark needs to decide whether he, in principle, trusts his senses (and thus accepts "The neighbor is fixing the fence"). Perception is a rather fundamental source of information, and Mark can hardly postpone a decision whether to trust her senses for very long.

The previous examples (may) appear similar in two respects. First, they seem to begin with a similar problem: both Anne and Mark need to make decisions based on claims that are, in some sense, uncertain. However, the evidential uncertainty does not necessarily entail that they should choose their actions by flipping a coin—by following the policy of *avoiding costly errors* both Anne and Mark are entitled to continue deliberations by making non-random decisions. This appears to be a second similarity between the previous examples. Not only do Anne and Mark face similar kind of trouble, but they can also use a similar policy to get them out of trouble.

By following the policy of avoiding costly errors, Anne and Mark base their actions on *presumptions*—tentative propositions that are primarily accepted on pragmatic (instrumental) and normative grounds (Ullmann-Margalit, 1983; Godden & Walton, 2007). Of course, different kinds of goals and values may lie at the bottom of the pragmatic rationale. For instance, Anne will presume that it *will* rain based on non-epistemic goals and values (staying dry and healthy) and the policy of avoiding a costly error. By contrast, Mark will presume that the neighbor *is* fixing the fence based on the epistemic goals and values (e.g., acquiring justified beliefs) and the policy of avoiding a costly error. Following Nicholas Rescher (2006, p. 27), I shall call Anne's "It will rain" a *practical presumption* and Mark's "The neighbor is fixing the fence" a *cognitive presumption*.

Practical and cognitive presumptions are different in some respects. They belong to different contexts, involve different goals and values, and include qualitatively different foundations (Rescher, 2006; Godden & Walton, 2007). This is not a matter of dispute. But once we set the contextual and qualitative considerations aside, do practical and cognitive presumptions operate in the same way? Are they the same tool (or mechanism) applied for similar purposes in the different contexts or, rather, they represent different tools (mechanisms) altogether? Put simply, do cognitive presumptions follow "their own

logic" or are they, as Rescher (2006, p. 23) seems to suggest, "the epistemic analogue[s] of 'innocent until proven guilty'"?

In this paper, I will explore how practical and cognitive presumptions operate in dialogical contexts. I will argue that they are, in fact, different dialogical entities for (at least) four reasons: practical and cognitive presumptions (1) perform different dialogical functions, (2) might belong to the different stages of the dialogue, (3) have structurally different foundations, and, typically, (4) can be defeated by different kinds of defeaters. Thus, two classes of presumptions merit distinct treatment in argumentation theory. Although at some level of theoretical abstraction, they may share enough features to jointly form the class of entities called "presumptions," the analysis in this paper focuses on dialogical (pragmatic) differences rather than the conceptual (theoretical) similarities.

I first outline a standard dialogical approach to practical presumption (Sect. 2). After presenting its traditional features, I focus on the notion of cognitive presumption (Sect. 3) and discuss their difference along the way (Sect. 3.2—3.4). In Sect. 4, I provide a summary of the most relevant results.

2. PRACTICAL PRESUMPTIONS: THE STANDARD VIEW[1]

Philosophical scholarship offers many incompatible accounts of the nature, function, justification, and the overall importance of presumptions. Nevertheless, the so-called practical characterization of presumptions, influenced mainly by legal traditions, is well established within this fragmented picture.[2] Let us, thus, begin with two legal examples.

The most famous example is the *presumption of innocence*. It is based on the rule of criminal law requiring that the accused should be treated as innocent until or unless she is proved guilty. This presumption serves to resolve what Ullmann-Margalit (1983) and Godden (2017) call a "deliberation problem"—when it is (a) evidentially uncertain whether the accused is innocent or guilty and (b) a legal decision needs to be made, we should "try to minimize the conviction of innocent persons, even at the cost of letting guilty persons go free [because] the former is judged the greater injustice" (Walton, 1988, p. 244). Another well-known example is the *presumption of death* where the person who has been absent (without any explanation) for more

[1] Paragraphs and sections of this paper, which present typical features of practical and cognitive presumptions are mostly based on Bodlović (2019).

[2] For the presentation of various approaches to the presumption in law see Gama (2017). For a similar presentation within the scope of argumentation theory see Godden & Walton (2007) and Lewiński (2017).

than *x* years is presumed dead until proven otherwise. Although this presumption has some epistemic support (unlike the presumption of innocence), it is primarily a means to achieve the non-epistemic end—typically, it enables the distribution of the missing person's estate when there is no sufficient evidence indicating whether the person is dead or alive (Ullmann-Margalit, 1983, p. 146; Rescher, 2006, p. 27).

Paradigmatic examples are useful, but what, exactly, are presumptions? What are their central features? The standard approaches define presumptions as appropriately qualified claims—proposition *p* counts as a presumption if and only if *p* is introduced (explicitly or implicitly) with the modal operator (status, qualifier) "presumably" (see Ullmann-Margalit, 1983; Hansen, 2003; Rescher, 2006; Godden & Walton, 2007; Walton, 2014; Godden, 2017; cf. Bermejo-Luque, 2016). What does the operator "presumably" stand for?

The usual answer to the latter question places presumptions in a dialogical framework where parties exchange arguments in order to resolve a difference of opinion. Within this setting, the operator "presumably" has unique deontic implications. On the one hand, the presumptive status of *p* entitles the proponent to use *p* in an argument without providing reasons—when *p* gets challenged, she is *not* obliged to argue in favor of *p*. On the other hand, if the opponent is unwilling to accept *p* as the (shared) commitment, she *is* obliged to offer reasons which should be strong enough to defeat the presumptive status of *p* (see, e.g., Pinto, 2001; Rescher, 2006; Walton, 2014; Godden, 2017). The practical presumption of innocence nicely illustrates this asymmetrical distribution of dialogical obligations—the defense is (ultimately) *not* obliged to prove the defendant's innocence, whereas the prosecutor *is* obliged to prove the defendant's guilt. This asymmetry is supposed to apply to cognitive presumptions, as well (Rescher, 2006).

2.1 The pragmatic function of the practical presumption

With this characterization in place, what is the ultimate function of practical presumptions? By shifting the burden of proof, what do they do *for* the dialogue?

The typical function of practical presumptions is to enable dialogical progress.[3] Suppose that the argumentative dialogue seeks to resolve an urgent issue before a particular deadline.[4] Suppose that the deadline is approaching, that there is a pressure to resolve the issue and

[3] The main advocates of this purpose of (practical) presumptions are Ullmann-Margalit (1983), Godden (2017) and, occasionally, Walton (1988, 2008, 2014).

[4] Legal dialogues provide good examples. After all, they cannot last forever—at some point, a decision needs to be made. And, usually, it needs to be made even when the evidence is far from conclusive.

that the resolution depends on whether *p* is the case. Suppose further, however, that *p* is uncertain, i.e., that, in the present circumstances, there is no sufficient evidence to believe *p*. In these circumstances, we are facing the so-called "deliberation problem" (Ullmann-Margalit, 1983, p. 152; Godden, 2017, p. 505) and the obligation to provide sufficient reason for *p* will get the dialogue stuck. Since we cannot afford this due to the urgency of the matter, we need an effective means to "unlock" the dialogue. The presumptive status of *p* is just that—it shifts the burden of proof to the opponent and allows us to proceed tentatively as if *p* is the case.

2.2 Practical presumptions and presumptive reasoning

By shifting the burden of proof, practical presumptions enable the progress of deliberation. But on what grounds do they do this?

Inspired by legal tradition, argumentation scholars typically reconstruct practical presumptions ("presumed facts") as conclusions of presumptive reasoning consisting of a "basic fact" and a "presumptive rule" (Ullmann-Margalit, 1983; Hansen, 2003; Rescher, 2006; Godden & Walton, 2007; Walton, 2014; Godden, 2017). The basic fact is an elementary or a complex statement that gives rise to the presumption and represents the first conjunct of the complex antecedent of the presumptive rule. The presumptive rule is a conditional that expresses a policy and *prescribes* the course of action (Ullmann-Margalit, 1983; Rescher, 2006). Defeasibility is the essential feature of a presumptive rule, and it is sometimes represented by the so-called "no-defeater clause." The no-defeater clause is the second conjunct of the complex antecedent of a presumptive rule. It indicates that the rule is operative only in the absence of evidence which would suffice to defeat the presumptive status of a conclusion.[5]

Although this explains why practical presumptions are not stipulations, it still leaves presumptions somewhat arbitrary. It remains unclear why we should follow one presumptive rule rather than the other. For instance, in "umbrella case," Anne reasons in the following way.

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[5] What I call the "no-defeater clause" has been labelled differently in the literature, for instance, "rebuttal clause" (Ullmann-Margalit, 1983, p. 149) and "default proviso" (Rescher, 2006, p. 33). For the sake of making different aspects of presumptive reasoning more apparent, I reconstruct a "no-defeater clause" as a premise that acts as a conjunct of the complex antecedent of a presumptive rule. I am aware that this reconstruction is theoretically controversial since it would, in fact, conceal the defeasible nature of presumptive reasoning.

1. If (basic fact) the weather forecast suggests that it might rain and (no-defeater clause) the deliberating agent is not aware of evidence that it will not rain (which is sufficiently strong to defeat the presumptive status of "It will rain"), then, all else being equal, the deliberative agent should act on "It will rain" [Presumptive rule].
2. (basic fact) The weather forecast suggests that it might rain and (no-defeater clause) Anne is not aware of evidence that it will not rain (which is sufficiently strong…) [Antecedent]
3. Therefore, Anne should act on "It will rain" (= "Presumably, it will rain'") [Consequent/Conclusion/Presumption].

But is there a reason why she should follow *this* presumptive rule? Why shouldn't she select an alternative no-defeater clause "There is no sufficient evidence that it *will* rain," follow an alternative presumptive rule and draw the contrary conclusion?

We can answer this question by extending the previous, core structure of presumptive reasoning. In the complete formulation, the presumptive reasoning involves various considerations that (directly or indirectly) support the presumptive rule. Although no-defeater clauses represent "the epistemic conditions under which [presumptive rules] come into effect" (Godden, 2017, p. 506), presumptive rules are primarily supported by normative considerations. Thus, one can select the rule on the grounds of safety, by appealing to the "principle of tutiorism" (Walton, 1988, p. 247) or the "principle of precaution" (2014, p. 214). Of course, safety is just one among many non-epistemic goals and values that can provide normative support for a presumptive rule. According to Bermejo-Luque (2016, p. 12), presumptive rules can also promote honesty and politeness, protect the value of human life or increase the efficiency of some process/procedure.

Crucially, when the ultimate normative goal is in place, one selects the presumptive rule in line with the policy of avoiding a costly error in deliberation. According to this policy, one shall presume *p* (act upon *p*, proceed on *p*) if proceeding on *p* is potentially less costly than proceeding on ~*p*, i.e., if there is the "*expected utility imbalance* with respect to *p*" (Aijaz et al. 2013, p. 270). Thus, among possible alternatives, Anne should follow the presumptive rule which safeguards her actions in the special circumstances of risk and uncertainty. Let us explain the reasoning in the "umbrella case" more systematically.

First, Anne realizes that two errors are possible—either she takes the umbrella and it does not rain or, otherwise, she does not take the umbrella and it rains. After identifying these errors, Anne estimates and compares potential costs. The first error will cause only a slight discomfort—Anne will carry around a cumbersome object without any

need. The second error, however, might cause greater harm—Anne will probably get wet and, in the worst-case scenario, she may even catch a cold. Thus, Anne *presumes* "It will rain" and proceeds by taking the umbrella. Given that Jim shares Anne's values and has a similar take on the risks involved, he should either concede Anne's presumption or provide (an additional) evidence that it will *not* rain.

Let us now present the complete scheme of presumptive practical reasoning.[6] Here, *A* stands for the deliberating agent (Anne); *p* ("It will rain") and ~*p* ("It will not rain") stand for propositions that can be acted upon; *C1* (carrying an umbrella) and *C2* (getting wet/catching a cold) stand for the potential consequences of acting erroneously on either *p* or ~*p*; and *G1* (health) and *G2* (comfort/pleasure) stand for basic goals (values) that underlie Anne's deliberation.

Figure 1 – The complete scheme of presumptive practical reasoning

[6] The following scheme is an extended version of the "negative practical reasoning scheme," proposed by Walton, Reed and Macagno (2008, p. 100). Authors characterize the scheme as "subspecies of the *ad ignorantiam* scheme" (p. 99). It was made by using the software *Rationale*, made by *Critical Thinking Skills BV*.

Admittedly, this scheme may render practical presumptions more complicated than they intuitively seem. However, it is necessary to explain in some detail both the circumstances where practical presumptions operate, as well as their normative foundations.

2.3 What can defeat practical presumptions?

We have just seen how practical presumptions come to life. But how are they put to rest? Godden (2017) identifies four general defeating strategies:

1. The opponent may criticize the *tenability* of any component that gives rise to a presumptive status (such as a basic fact or a presumptive rule);[7]
2. The opponent may *undermine* the presumptive reasoning (by showing that the presumptive rule is not correctly applied on a given occasion or by introducing the *undercutting defeater*);
3. The opponent may *override* presumptive reasoning (by questioning the proponent's goal preference and, usually, proposing an alternative course of action based on different axiological grounds);
4. Finally, the opponent can *rebut* the conclusion "Presumably, *p*" by showing that *p* is (or could be) false (see Godden, 2017, pp. 506-507).

For the most part, this provides an accurate picture of defeating strategies. But can the so-called undercutting defeater usually defeat a practical presumption? In my view, the undercutting defeater might (usually) be an entirely useless (irrelevant) tool for attacking a practical presumption. To see why we must briefly explain the notion of the undercutting defeater.

According to Pollock's (1987, p. 485) famous account, an undercutting defeater is a piece of evidence *u* that attacks the reliability of the connection between the premise *q* and a conclusion *p*. Although it significantly weakens the supporting force of the evidence *q* and, consequently, renders the belief *p* evidentially uncertain (unjustified), *u* is consistent with both the premise *q* and a conclusion *p*. Pollock's paradigmatic example might help: once it becomes known that red

[7] Here, Godden talks about the rebuttal of "the inferential conditions giving rise to the presumption" (2017, p. 506). Although this is correct, I find it useful to make a terminological distinction between showing that the premise is false and showing that the "presumed fact" is false. Hence, following van Laar and Krabbe (2013), I shall use the "premise tenability criticism" for the former and, following Pollock (1987), "rebuttal" for the latter.

lights illuminate X (*u*), "X looks red to me" (*q*) ceases to be a reliable indication that X is, in fact, red (*p*). The undercutting defeater *u* renders the color of X evidentially uncertain, and this makes it reasonable to adopt an agnostic stance towards the belief "X is red."

The reason to be reserved on whether undercutting defeaters can usually defeat practical presumptions is quite straightforward. Namely, practical presumptions are, by definition (!), tools for *overcoming* evidential uncertainty: by presuming *p* we already acknowledge that *p* is evidentially uncertain. So, by showing that the evidential connection between *q* (basic fact) and *p* is unreliable (and, consequently, that *p* is evidentially uncertain) undercutting defeaters seem to generate conditions that, typically, bring practical presumptions to life rather than generating conditions that put them to rest.[8] If proposition *p* acquires a presumptive status precisely *because* it is evidentially uncertain, how can *p* lose the presumptive status for the very same reason? And if we presume *p* even though the connection between *q* and *p* is unreliable, how can *p* lose the presumptive status due to the connection's unreliability?

"Umbrella case" illustrates that, usually, it is difficult to make sense of this. That weather forecast estimates the 50% chance of rain was not a reliable indicator that it *will* rain (practical presumption) to begin with—the evidential connection is not reliable from the very start. Since an undercutting defeater seeks to attack the reliability of the evidential connection, and there is no reliable evidential connection to be attacked, it becomes useless. It is a weapon without a target.

In summary, while Godden is right that "[practical] presumptions are defeasible in many of the usual ways," there are some reasons to remain sceptical whether they can be usually defeated "through the discovery of undercutting defeaters" (2017, p. 506). Undercutting defeaters indicate that, as reasonable epistemic agents, we should suspend the *belief* in *p* (as well as the belief in ~*p*) but admitting that *p* is evidentially uncertain belief is entirely compatible with proceeding on *p* in line with the policy of avoiding a costly error. After all, as practical tools for overcoming evidential uncertainty, practical presumptions would hardly be of any use if evidential uncertainty *were* sufficient to put them out of function.

As we will see, the (ir)relevance of an undercutting defeater is important for the primary purpose of this paper—exploring similarities

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[8] This is made transparent in our complete scheme of practical presumptive reasoning: *evidential uncertainty* (premise 4B-b) is one of the key conditions of presumptive reasoning and represents a constitutive element of the *deliberation problem* (premise 3B-a).

and differences between practical and cognitive presumptions. Let us now examine the latter class of presumptions.

3. COGNITIVE PRESUMPTIONS, AND HOW THEY RELATE TO PRACTICAL PRESUMPTIONS

Although presumptions originally belong to the context of practical deliberation, we can also find them in epistemic (cognitive) contexts. Freeman and Rescher have been leading the way to the epistemic study of presumptions.

Both scholars agree that (cognitive) presumptions arise from epistemic sources and provide tentative starting points in the dialogue. However, unlike Freeman, Rescher repeatedly stresses that presumptions are ultimately based on pragmatic policies of an epistemic nature (2006, p. xii; p. 38; p. 46; p. 48) that are, in turn, evaluated on "economic" grounds—in terms of their epistemic costs and epistemic benefits (p. 54). This renders Rescher's account of cognitive presumption much closer to the concept of practical presumption and, thereby, a more suitable starting point of our investigations.

3.1 Rescher's account of cognitive presumption

Rescher's cognitive and practical presumptions (seemingly) share some essential features, but their ultimate goals are different. Whereas practical presumptions guide "our decisions regarding actions," cognitive presumptions are "made for the sake of answering our questions and filling gaps in our information" (p. 27). Thus, two classes of presumptions belong to different contexts and serve different goals.

Starting from this explanation, one may come to believe that cognitive and practical presumptions are materially rather than formally different. Contextual differences, by themselves, hardly indicate any difference in the formal conditions of presumption's justification, or, perhaps, defeat. I will argue against the latter intuition—namely, there are *also* significant structural differences. For the most part, cognitive presumptions are tools that operate differently and come with the different "instruction manual."

How do cognitive presumptions look like? What cognitive policies do we have at our disposal? Here are two paradigmatic examples. First, we should trust our senses and memory. In the introductory "fence case," Mark should proceed with his cognitive matters by taking "The neighbor is fixing the fence" as true until its presumptive status gets defeated by a sufficiently strong

counterargument.[9] Second, our prospects of acquiring information are better if we trust other people. In the absence of definite proof, trusting people is simply a better cognitive policy than always doubting their competence, reliability, and honesty. So, if somebody asserts *p*, we should presume *p* and move forward with our cognitive matters unless we have good reasons to think that *p* is either false or unjustified. Trusting our senses, and trusting declarations of other people are, in the long run, economically rational policies—their cognitive benefits outweigh their cognitive costs (Rescher, 2006, pp. 48-52).

But what are cognitive presumptions? Rescher defines them as "truth-candidates, data that are no more certified *truths* than candidate-presidents are certified presidents" (2006, p. 37). However, the presumptions are not only truth-candidates but "the most plausible" truth-candidates.

> Presumption favors the most *plausible* of rival alternatives—when indeed there is one. This alternative will always stand until set aside (by the entry of another, yet more plausible, presumption). (Rescher, 2006, p. 39).

Two things are especially important here. First, Rescher's concept of presumption is "singulary" (Freeman, 2005, p. 26). This means that different cognitive rules may operate simultaneously and generate different incompatible truth-candidates but, at each particular point, only the most plausible proposition becomes presumption. Second, cognitive presumptions are defined in terms of "plausibility." This is a complex philosophical notion but, for the present purposes, it suffices to note that the degree of plausibility depends on the reliability of the source that vouches for a proposition (Rescher, 1976, pp. 10-11).

On the one hand, Rescher explains "reliability" in terms of "probative solidity," "trustworthiness" and "authoritativeness" of the source (1976, pp. 6-7; 2006, p. 39). It is a broad construct which *cannot* be reduced to statistical considerations concerning the previous track record. On the other, he explains the concept of "source" by two different types of considerations: "evidentiation" and "principles" (2006, p. 40). To say that proposition is evidentiated is to claim that the proposition is prima facie supported by a standard epistemic source (in a narrow sense), such as sense-perception, memory, testimony, expert-testimony, or common knowledge. By contrast, "principles" render

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[9] By proceeding with the cognitive matters, I basically mean that Mark should feel free to derive (tentative epistemic) conclusions on the basis of this presumption. For instance, he should feel free to derive "(I know that) the neighbor is not watching the news at the moment" or "(I know that) the neighbor's wife is not fixing the fence."

propositions plausible on the grounds of simplicity, uniformity or normality. The most usual and paradigmatic cognitive presumptions, however, are based upon evidentiation. In the next sections, I focus exclusively on the paradigmatic evidential presumptions and call them *typical cognitive presumptions*.

3.2 What is the pragmatic function of cognitive presumptions?

How do cognitive presumptions distribute dialogical obligations? Do they reverse the burden of proof? Rescher seems to think so. In his view, "burden of proof and presumption represent correlative conceptions inevitably coordinate with one another throughout the context of rational dialectic" (2006, p. 25). They are "opposite sides of the same coin" (p. 14).

So why does Mark's contention reverse the burden of proof? Intuitively, this is because we are naturally inclined to trust the visual perception, as well as the testimony of other people (given that the circumstances are usual and the epistemic situation is simple). In everyday argumentation, we rarely doubt the reliability of standard epistemic sources. By refusing to concede "The neighbor is fixing the fence" Mark's wife is making an unusual move, both epistemically and dialogically—she is refusing to concede a highly plausible proposition apparently for no case-specific reason. There is a strong intuition that, in ordinary circumstances, she should not be allowed to do this and that her move requires justification.

But what do cognitive presumptions achieve by putting the dialogical pressure on the opponent? The function of cognitive presumptions is closely linked to the place they occupy in the structure of reasonable dialogue. That is, scholars usually interpret cognitive presumptions as dialogical starting points—a set of shared premises tentatively accepted by (reasonable) interlocutors. This interpretation is proposed by Rescher (1977, 2006), Freeman (2005), van Laar and Krabbe (2013), pragma-dialecticians (van Eemeren and Houtlosser 2002) and, occasionally, Walton (2014). All these scholars believe that presumptions are available to interlocutors from the very beginning of the argumentative exchange.

Practical presumptions are different in these respects. In Godden's view, they are not "the inferential resources already at hand" but rather "additional inferential capital" or "new intellectual resources" used to "proceed with our undertakings" (2017, p. 487). This picture is fully compatible with the view that (some) practical presumptions are not dialogical starting points and, thereby, do not belong at the opening stage of deliberation. Practical presumptions may (also) come in handy during the later stages of dialogue (perhaps at the argumentation stage)

when the evidential resources cease to provide guidance for reasonable decision-making. Since two classes of presumption can belong to different dialogical stages, we can expect that they can also serve different dialogical functions.

Rescher occasionally claims that cognitive presumptions enable the progress of dialogue and one may come to believe that two classes of presumptions, then, have a comparable function. To see why this is hardly true, let us examine the following quote.

> There must clearly be some class of claims that are allowed to be at least provisionally accepted within the framework of argumentation, because if everything were contested, the process of inquiry could not progress at all. (Rescher, 2006, p. 24)

What Rescher means by "enabling the dialogical progress" is preventing the famous problem of a *dialogical regress*. The problem of dialectical regress is based on the proponent's inability to defend the standpoint in the face of the "persistent interlocutor."[10] The persistent interlocutor is the opponent who challenges every reason offered by the proponent (without offering anything in return). So, suppose that every proposition introduced in the dialogue can be challenged and, if challenged, needs to be defended by the proponent. This allows the persistent interlocutor to sabotage the proponent's aim of rationally persuading her by challenging the proponent's claims *ad infinitum*. In principle, this situation can happen although both parties are "playing by the dialectical rules."

One natural solution is to change the rules. Rescher contends that the burden of proof rule can make sense only if there are exceptions to it, i.e., if some propositions do not require defence once they are challenged (see Rescher, 1977, p. 33; 2006, p. 30). This is where cognitive presumptions provide their assistance. By shifting the burden of proof, they make the proponent immune to the opponent's unusual challenge and prevent the dialogue from collapsing into an endless chain of reasons and challenges.

This contribution to dialogue is in many respects different from the contribution of practical presumptions. Cognitive presumptions are often portrayed as dialogical tools for fighting scepticism (see Rescher, 2006; Rescorla, 2009) and they seek to resolve a problem that, in a stronger reading, does not arise in practice. As finite beings, we will hardly ever meet an interlocutor that challenges our reasons *ad infinitum*. However, in a weaker reading, the problem of dialogical regress may represent an extreme theoretical version of a usual

[10] The term originally belongs to Adam Leite. I borrow it from Rescorla (2009, p. 47).

practical problem—a problem related to a type of dialogue where the interlocutor is too persistent for the circumstances at hand. In this type of dialogue, the opponent automatically requests additional reasons for every reason offered by the proponent, without offering anything in return.

Cognitive presumptions can prevent persistent interlocutors from winning the argument by using this annoying strategy. That is, once the proponent introduces a cognitive presumption, the opponent cannot request the reason without offering something in return. Thus, cognitive presumptions boost our immunity towards a persistent interlocutor. In addition to being an "active dialogical cure," I believe that cognitive presumptions are *also* a normative "means of prevention"—by limiting the "winning potential" of the persistent interlocutor's strategy, cognitive presumptions may discourage many interlocutors to become persistent in the first place, thereby stopping the dialogical regress before it even arises. By contrast, practical presumptions usually resolve the problem when it, in fact, arises. They do not spare us the trouble of making decisions under uncertainty but rather provide default solutions when we find ourselves in this kind of trouble. To stick with the metaphor, practical presumptions appear to be (only) an "active dialogical cure" for a usual deliberation problem.

Of course, cognitive presumptions have a more mundane function. They enable the dialogical progress by providing a set of mutually accepted (or reasonably acceptable) premises. However, this function is again different from one attributed to practical presumptions. To see this, let us remember that cognitive presumptions belong to the class of the available epistemic (dialogical) resources and that available resources cannot move the dialogue forward once it becomes stuck. By contrast, practical presumptions perform their function precisely when the available epistemic resources cannot provide sufficient guidance. So, "[i]f the dialogue became blocked despite the fact that *p* was [cognitively] presumed, then introducing *p* once again can hardly make the dialogue move forward" (Bodlović, 2017, p. 522). Cognitive and practical presumptions appear to have different dialogical potentials.

3.3 Cognitive presumption and presumptive reasoning

Just like practical presumptions, cognitive presumptions are tentative conclusions drawn from basic facts and defeasible presumptive rules (Rescher, 2006, p 33). Rescher emphasizes that the presumptive rule is precisely that—a rule, an imperative, an instruction on how to proceed with our (cognitive) matters. Once we establish the basic fact, the presumptive rule prescribes a particular action—acting, in a cognitive

domain, as if a particular claim is true. Cognitive and practical rules share the same kind of instrumentalist (pragmatic) justification (avoiding costly errors).

> … an epistemic policy is closely analogous to the *prudential* principle of action—that of opting for the available alternative from which the least possible harm can result. (Rescher, 2006, p. 39)

So, in "fence case," Mark takes the sceptical remark seriously and starts to deliberate whether to accept "The neighbor is fixing the fence." He identifies two potential errors—either he will falsely accept "The neighbor is fixing the fence" or, otherwise, he will adopt a sceptical stance towards a true proposition. Mark realizes that the second error will generate more serious consequences. Adopting a sceptical stance toward this proposition, for no case-related reason (!), would mean that he no longer trusts his senses and, consequently, must suspend judgment on other empirical propositions. For a responsible epistemic agent, this is way too costly. Thus, Mark decides to err on the side of a lesser evil, presumes that the neighbor is (in fact) fixing the fence and, as a matter of cognitive policy, continues to trust his senses.

Are the "complete schemes" of practical and cognitive presumptive reasoning, then, identical? I think they are not. To see why let us reconstruct the complete scheme of presumptive cognitive reasoning. In the scheme below, *A* stands for the epistemic agent (Mark); *p* ("The neighbor is fixing the fence") and ~*p* ("The neighbor is not fixing the fence") stand for propositions that can be acted upon; *C1* (adopting some epistemically unjustified propositions) and *C2* (suspending judgment on many empirical propositions) stand for the potential consequences of acting erroneously on either *p* or ~*p*; *q* stands for the condition that epistemically justifies *p* ("Mark sees that the neighbor is fixing the fence"); and *G1* (acquiring epistemically justified beliefs) and *G2* (avoiding epistemically unjustified beliefs) stand for basic goals (values) that underlie Mark's deliberation.

Figure 2 – The complete scheme of presumptive cognitive reasoning

The main difference between the practical and cognitive presumptive reasoning is the following: usually, cognitive presumptions are not triggered by the (genuine) evidential uncertainty. Although Rescher (2006) suggests that they arise in "situations of incomplete information" (p. 37) and operate "in the region of uncertainty" (p. 166), by this he only means that cognitive presumptions lack conclusive support.[11] By presupposing the conclusive standard of evaluation, Rescher renders cognitive presumptions uncertain, but this *academic uncertainty* is quite different from the *genuine evidential uncertainty* (associated with practical presumptions). This calls for the first, weaker conclusion: practical and cognitive presumptions are different because

[11] They are not "outright" (Rescher, 2006, p. 32) or "certified truths" (p. 28) that come with "categorical guarantees" (p. 31) or hold "with categorical assurance" (p. xi). They are not "absolutely certain or totally self-evidencing theses" (p. 20).

their foundations (usually) include different kinds of evidential uncertainty.

However, one may also draw a stronger conclusion. Namely, once we leave the academic heights and move towards ordinary contexts (where cognitive presumptions usually take place), the conclusive standard of evaluation becomes inadequate. Although a radical sceptic might find cognitive presumptions (academically) uncertain, Rescher defines them as the most evidentiated truth candidates, and it is usually misleading to interpret the most evidentiated truth candidates as evidentially uncertain (in the sense of genuine uncertainty). In fact, cognitive presumptions seem to call for the opposite epistemic evaluation: given that they belong to the non-deductive region of human cognition, usually, cognitive presumptions are usually *as certain as they can possibly be*.[12] This leads to the second, stronger conclusion: practical and cognitive presumptions are different because the foundations of typical cognitive presumptions, unlike the foundations of practical presumptions, do not include the premise concerning any evidential uncertainty.

What makes the academic standard of certainty inappropriate is not (only) that sceptical contexts are, for the most part, rare and theoretical but (also) that cognitive presumptions are, by definition, inconclusive. Hence, suggesting that they are epistemically deficient because they do not meet the academic standard of (conclusive) certainty comes very close to committing a categorical mistake. Of course, calling cognitive presumptions uncertain makes them look similar to practical presumptions. But we should not get deceived by the "looks" here—I believe that the apparent similarity rests on the somewhat counterintuitive and misleading choice of the evaluation standard. Once we evaluate cognitive presumptions by the appropriate (plausibilistic) standard, they typically cease to be evidentially uncertain.

The consequences of the stronger conclusion are straightforward. The complete schemes of practical and cognitive presumptive reasoning cannot be identical. On the one hand, the practical scheme (unlike the cognitive one) always includes premises concerning evidential uncertainty and a deliberation problem. On the other hand, the cognitive scheme (unlike the practical one) usually includes a basic fact (evidence or epistemic source) that indicates the epistemic plausibility of the presumption. Finally, two schemes of

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[12] This interpretation, I believe, explains the fact that scholars describe cognitive presumptions as dialogical (epistemic) starting points more successfully than the alternative, "academic" interpretation.

presumptive reasoning have different no-defeater clauses which indicates that different kinds of evidence can defeat practical and cognitive presumptions. Let us explain this in some detail.

3.4 What can defeat cognitive presumptions?

Generally, the opponent can try to defeat a cognitive presumption in many of the usual ways. But should we allow the opponent to use an undercutting defeater as a reasonable defeating strategy? I believe we should.

In Sect. 2.3, I argued that, usually, undercutting defeaters cannot defeat practical presumptions. However, the suggested line of argument does not apply to typical cognitive presumptions for the obvious reason: since the function of cognitive presumptions is to gain information, justified belief or knowledge, a proposition should lose the presumptive status once it becomes evidentially uncertain. As a rule, typical cognitive presumptions, unlike practical ones, are and should be susceptible to undercutting defeaters. Rescher also recognizes this standard picture.

> When, after a careful look, I am under the impression that there is a cat on the mat, I can (quite appropriately) base my acceptance of the contention "There is a cat on the mat" … on my visual impression. The salient consideration is that there just is no good reason (in *this* case) that one should not indulge one's inclinations to endorse a visually grounded belief of this kind as veridical. (*If there were such evidence—if, for example, I was aware of being in a wax museum or a magician's studio—then the situation would, of course, be altered.*) (Rescher, 2006, p. 22, emphasis added)

Once we know that we are in a magician's studio, our visual impression of a cat on the mat ceases to be a reliable indication that there is, indeed, a cat on the mat. Our visual appearance can be explained by an alternative, *equally plausible* explanation of a magician playing visual tricks with us. As a result, there are two equally plausible truth-candidates ("The cat is on the mat" and "It is not the case that the cat is on the mat") and, thereby, by definition, there is no cognitive presumption.

It is crucial to appreciate the importance of this difference—it shows that different evidential circumstances can produce the structural differences in the burden of (dis)proof. Surely, presumptions (can) place the burden of proof to the opponent's side, but the structure of this dialogical burden, usually, seems to depend on a type of a presumption. In many theories of presumption, the burden of proof is considered to be a central, defining notion. If this is indeed the case, it

could be worth exploring whether the difference above entails serious conceptual consequences for the notion of presumption.

4. CONCLUSION

In Rescher's view, practical and cognitive presumptions are very much alike. In this paper, I tried to show that, despite their apparent similarity, there are important structural differences in a way they operate in a dialogue.

1. Usually, two classes of presumptions occupy different positions in the structure of dialogue. Whereas cognitive presumptions belong to its opening (preparatory) stage, practical presumptions can also belong to some later (e.g., argumentation) stage of the dialogue.
2. Two classes of presumptions have different dialogical functions. On the one hand, in their attempt to stop the (infinite) dialogical regress, cognitive presumptions seek to *block* a particular type of dialogue. Their function is also to enable the dialogue to reach its *starting points*. On the other hand, in their attempt to overcome evidential uncertainty in deliberation, practical presumptions *unblock* the dialogue. Their function is to enable the dialogue to proceed towards its *conclusion*.
3. Usually, two classes of presumptions involve structurally different foundations. Unlike the scheme for presumptive practical reasoning, the complete scheme of presumptive cognitive reasoning does not include premises related to making decisions under (genuine) uncertainty.
4. Usually, two classes of presumptions are susceptible to different kinds of defeaters. Whereas we can hardly defeat practical presumptions by undercutting defeaters, we can easily defeat typical cognitive presumptions. As a result, two classes of presumptions usually entail the structurally different burdens of (dis)proof.

Practical and cognitive presumptions share many conceptual features and, taken together, these features might still be enough to separate presumptions from many other phenomena, such as presuppositions, suppositions, assumptions (stipulations), assertions (claims), or hypotheses (see Godden 2017). However, this paper is concerned with the questions of a dialogical application, and here practical and cognitive presumptions are different in many respects.

To use a metaphor, the proponent who would use the "Practical Presumption Instruction Manual" while operating with a cognitive

presumption might get in all sorts of trouble. Due to (1), she might get seriously disorientated in a dialogue. Due to (2), the proponent might forget what she was trying to achieve in the first place. Also, the proponent might misjudge her reasoning options, due to (3), and get the wrong picture of when her presumption gets defeated, due to (4)

This paper aims to get this imaginary proponent out of trouble—to provide some brief and provisional instructions on how to deal with practical and cognitive presumptions in ordinary dialogues.

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