

Conductive Arguments. Towards a solution of the riddles

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Five kinds of dissent about Conductive arguments are presented, the dissent about the appropriate approach being the most fundamental. It can be resolved under a “dialectical-pragmatist approach” – a combination of dialectical and pragmatist philosophies. In the light of that approach three steps of conceiving the operation of “balancing (outweighing) considerations” are proposed: (a) Ranking instead of weighing, (b) Unification of perspectives, (c) Focus on a particular case.

KEYWORDS:

Allen, dialectic, Govier, particular case clause, Possin, pragmatism, unification of perspectives

1. INTRODUCTION

In his two books (Wellman, 1971, 1975) Carl Wellman had given a highly enigmatic definition of “Conductive Arguments” (hereafter: CA), together with some theoretical suggestions and extensive discussions of examples. Since then theorists of argumentation have forged ahead to come to terms with his ideas. The discussion was entirely shaped by the way in which Trudy Govier had apprehended the CA (Govier, 1987). Her pattern was accepted by a lot of followers but then also some criticism was uttered and with further theoretical endeavor a large field of controversial views emerged, partly elaborating and partly criticizing Govier’s treatment or even the whole idea of the CA.

We can identify five kinds of notorious disagreements about CA:

- Wellman-Exegesis (3 patterns, convergency, independence, particular case clause)
- Counter-considerations (premises, counter-arguments, internal vs. external parts of the argument)
- O-B Principle (Scheme for inference from Pros/Cons to conclusion, warrant)
- Assessment of CA (strength/ force/ importance of arguments,

- the mysterious operation of “outweighing” them)
- Appropriate Approach (product vs. process; monological vs. dialectical)

2. THE STRUGGLE ABOUT THE APPROPRIATE APPROACH

2.1 *Product vs. process approach*

“Product approach” means to conceive arguments as PPC- patterns:

Premise group – Inference – Conclusion

“Process approach” means to conceive arguments as sequences of moves in which (parts of) arguments, related to a thesis, are forwarded, considered and eventually lead to a conclusion.

Thesis – A_1 – A_2 – ... A_n – Conclusion

Product view and process view are *prima facie* opposing ways to conceive arguments. In fact, even in the process view each move is based on an evaluation of the respective (part of) argument; and can therefore be seen as a “product”. If, however, among those arguments there are some that are meant to “converge” (accumulate, summarize), then a transition to a final conclusion can be problematic (an inference scheme seems to be necessary – and is not at hand). If there are even some arguments that speak against the thesis, then the inference to a conclusion is, theoretically, a full-blown riddle.

In daily practice we are used to ignore that riddle and produce a conclusion via “outweighing” the pros against the cons. It is, however, not clear at all what kind of operation this is.

In Wellman’s work there are prominent traces of both approaches. He speaks about “outweighing”, even of a “heft-weight” that arguments may have; but at the same time he claims that only the “thinking trough” of the Pros and Cons (again and again) can make us feel the “logical force” (also: the “psychological force”) of the arguments – so that eventually a conclusion appears obvious.

Govier had shaped the discussion with naturally taking up a product view. Moreover, she used the “outweighing” operation in an intuitive way, appealing to the judgement forces of the arguers. This solution goes for everyday reasoning (take a taxi to be in time, even if it is very costly), but not for the serious questions of our life (abortion, euthana-

sia, economic inequality).

Govier's pattern was criticized, also as focusing on the product view. In the late 80ies and early 90ies several critical articles, notably by the author of the present paper, were published. In the late 90ies, Ralph Johnson, so far an adherent of the product approach, began to demand a "dialectical tier" for any argumentative endeavor.¹

And while Johnson was recognized by Govier and (at least partly) integrated², Wohlrapp was ignored and eventually misjudged as being an adherent of a pure process approach.³

2.2. *Monological vs. dialectical approach*

These two approaches are also *prima facie* opposing each other. In current argumentation theory "dialectical" means no more than "dialogical"⁴, viz. a setting with a proponent and a (critical) opponent. At the same time the concept of a dialogue is occupied by all kinds of "dialogue games" which are governed by prefabricated rules and, thus, a static setup (this began with Hamblin⁵, continued with Barth/Krabbe⁶, then Krabbe/ Walton⁷ etc.). In my opinion this kind of "dialogue" is of little use in the concept of CA.

Thus, it seems that the controversy between a monological and a dialectical view ("dialectical" in this sense) is indeed a variant of the opposition between product and process approach.

A new proposal to see CA in a dialectical (viz: dialogical) form stems from Yu/ Zenker. They seem to be determined to conceive CA as a process; but what they propose in the end is indeed a pattern for a

¹ Johnson (2000), pp. 164ff: "Rethinking the Nature of Argument".

² Govier (1999), Chap. 12: "Becoming dialectical. Two tiers of argument appraisal?"

³ See Govier (2017), pp. 213ff, see Blair (2017), Part 7.2. Blair's criticism is obscure, because he was the editor of Wohlrapp (2017). There, in Part III, contradicting Govier, there is a long explanation of why a combination of product and process approach is necessary. The latest example for erroneously ascribing Wohlrapp's theory a pure process view is Yu/ Zenker (2019), p. 36.

⁴ „Pragmadiialectics“ is a combination of a dialogical setting with speech-act pragmatics. It lacks profound dialectical thinking as well as profound pragmatist thinking; see my criticism in Wohlrapp (2014), LIII-LVIII.

⁵ Hamblin (1970).

⁶ Barth/Krabbe (1983).

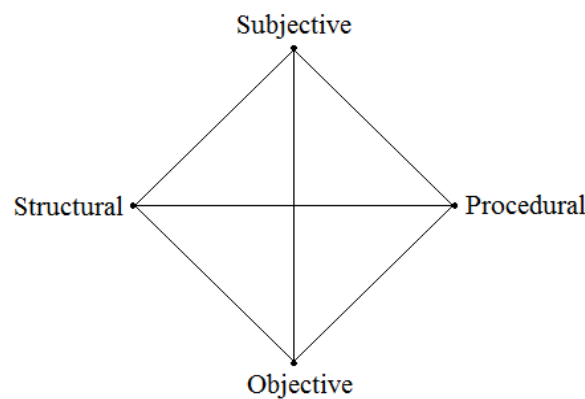
⁷ Krabbe/ Walton (1995) (Commitment in Dialogue)

product, reached in a way whose exact comprehension, they believe, „goes beyond what *argumentation* scholarship should offer“⁸.

2.3. Dialectical-pragmatist approach

This approach has been developed in the building of a philosophical foundation of argumentation theory. It is a combination of elements of dialectical with pragmatist philosophy. Compared with the most influential schools (Informal Logic and Pragma-dialectics) it covers two fairly understated sides of argumentation practice, namely dynamics and subjectivity. Argumentation practice is then to be seen in two pairs of polar dimensions.

Diagram: Square of dimensions:



My claim is now that with thinking in terms of this approach the problems of CA can find a reasonable solution. In order to show this, I will start with very shortly characterizing that approach. Due to the necessary terseness, I will here confine myself with two invitations to adopt a certain thought style (more is in Wohlrapp, 2014).

Pragmatist feature:

Anchor the reliability of all theoretical results (their correctness, truth, appropriateness) in action faculties! Knowledge is verbally stylized action potential. Thus, argumentation is a verbal practice embedded in non-verbal activities of human life. It aims at maintaining our orientation in the world beyond established knowledge.

Dialectical feature:

Be aware of the reflective character of all human intellectual activity! Reflection is not simply self-reference but it is the awareness of one-self

⁸ Yu, S./ Zenker, F., A (2019), p. 61.

as being able to increasing levels of self-reference and to, thus, becoming a self-conscious subject (an individual). Dialectical thinking in argument leads to considering theses and arguments in a true dialogue (with oneself and/or others) in which all concepts, rules, views, and persons are kept open to change (as far as possible).

3. CONCEPTION OF CONDUCTION

This part is concerned about the consequences of the Dialectical-Pragmatist-approach for the conception of the CA. The most prominent consequence is:

3.1. Reconsideration of product-process distinction

The common confrontation of the two separated views is erroneous, both are necessary and interdependent phases of argumentative practice. As such they deserve proper designations.

My terms are here:

Process phase: "Discussion"; Product phase: "Inferential Setup".

I will shortly characterize both.

3.1.1 Discussion

A thesis (Th) is doubted or contested and dialogue partners (P and O, not necessarily two persons) utter arguments ($A_1 \dots A_n$) to justify it (Pros) or to criticize it (Cons). All Arguments have the form:

$$A_m \text{ (if correct/acceptable/true)} \Rightarrow \text{Th is (not) c./a./t.}$$

Example:

You promised to take your son to the movies \Rightarrow you should do so.

Sometimes the material implication (\Rightarrow), is not sufficiently based.

(This example: Are promises really categorical commitments – even if the situation has considerably changed?).

If so, we may mobilize further arguments. This may lead to the problem of convergence (accumulation) of arguments. In my opinion its solution has to be seen in an improvement of the theoretical basis about the contested matter – yet, this is not treated in the present paper.

Discussion process exhibits some remarkable features:

a) "Retroflexive structure"

In the process the arguments are not simply collected and listed, but considered (how is this justified?) and confronted with their possible

counterparts. This may encourage or even necessitate all kinds of modifications (incl. droppings) of arguments; and even of the thesis itself: Thus, we get a continuous forwards and backwards reasoning in which (1) the relevant arguments are identified and given an appropriate form and (2) an appropriate variant of the thesis may be found.

b) “Frame” differences

Frames have not only a rhetorical, they also have an epistemological meaning – as they raise bounds and limits for the consideration (even the perception) of any issue. The contents of Pro/Con arguments can often come in different frames – a difference that has to be overcome⁹.

c) “Maieutic function”¹⁰

In discussion we can become aware of what we “really believe”. In a sense we could not know it before: Because I have my beliefs on my personal background system and I do not know how they look in your perspective which I now get confronted with. Thus, in discussing I can learn to see my beliefs in a new and more comprising way.

3.1.2 Inferential Setup

At any move of the discussion a break is possible and we can ask: What is the present state of the discussion (what is its product so far?)– can we summarize what we have achieved until now?

This “state of discussion” consists of a list of Pros and Cons – not of any possible arguments, but of only the germane ones, that have withstood the discussion so far. Now a judgement is queried if from these arguments the thesis is attainable – maybe in another modified version – as a conclusion.

(Distinction: “Thesis” is the vantage point, “Conclusion” the wanted result)

T
P/C
C

Realistically observed, the cases are rare in which a unified conclusion shows up. Usually we hang around with certain Pros and Cons. What is mostly produced then is not a materially derived conclusion but it is a “decision” – be it authoritative (parent, teacher, boss) or democratic

⁹ See Wohlrapp (2014), Chap. 5.

¹⁰ Walton, D. /Krabbe, E. C. (1995)

(majority vote).

Very often this kind of decision is then proclaimed as being the result of “carefully outweighing” all the arguments, yet, nobody could tell what this refers to. Theoretically this is a complete riddle.

4. TOWARDS A SOLUTION OF CONDUCTION

My proposed solution for the riddle of conduction has three elements:

- Ranking instead of weighing
- Unification of perspectives
- Focus on particular cases

4.1. *Ranking instead of weighing*

“Outweighing” arguments is affiliated to speaking about a “weight” (strength, force, importance) of arguments. This is clearly a metaphor but its signal is, that there is some mystical unit (Hitchcock: “graviton”¹¹) or standard against that we can come to an answer about which argument can trump which other argument.

Wellman, in some of his attempts, spoke about “heftweighing” the arguments as a preparation of their outweighing.

Tom Fisher has tried to take this literally¹². He refers to the fact that for many issues we use “non-numerical, comparative quantitative categories” (e.g. the weight of a thing: light, medium heavy, very heavy etc.) At least he is confident, that they might function more or less as degrees.¹³ From here, I think, one step further could lead us to a tenable answer.

I was inspired for that step by Fred Kauffeld. He argues that there is no weight (strength, force, relevance etc.) “in” the arguments by which we could compare them. Still, we are often able to ranking them according to our preferences: We use to have “paramount concerns” that, by their very nature, “dominate other considerations”.¹⁴

The striking difference between the two modes of comparing is this: Ranking does not involve a *metrical* comparison, but *only a topological* one.

¹¹ Hitchcock (2016): Chap. 8 “Weighing”.

¹² Fischer (2011).

¹³ Govier had asked „What are these degrees anyway? There is no answer.” See Fisher (2011), p. 89.

¹⁴ Kauffeld (2011), 166

The latter relation is closer than the former to what we are really “doing” when we search for a “balance of considerations”. Thus, pragmatic thinking is the door-opener for this replacement.

Still, an attempt to produce a ranking between several arguments (especially Pros against Cons) results in a more or less subjective conclusion. This is *prima facie* not really satisfying, because, as Tom Fischer is rightly reminding: argument “constitutes par excellence the process of moving from subjectivity to objectivity” (Fischer, 2011, p. 101)). The intention to fulfill that demand leads me to the second element of the present proposal.

4.2. *Unification of perspectives*

In the discussion about arguments – and their possible conduction – we participate on the basis of our subjective systems. There is no other possibility. Why: Even the most serious attempt to judge objectively is done on the basis of a (subjective) conception of “objectivity”.

Insofar, an argument with its ranking over/under other arguments is always an “argument for me”. The predicate “argument” appears to be a triple relation:

Argument A – for/against thesis Th – considered by subject S

As I said above, the ranking refers to a “preference system”. This is a term established e.g. in decision theory. For our theorizing about subjectivity in argument we should, however, be aware, that a person usually does not have such a thing. We are not able to say in a general way if we prefer X over Y – e.g. a safer car over a faster or a more beautiful one. (The *ceteris paribus* clause is an illusion.)

Concerning the possession of an elaborated preference system: For one this is at best in some cases so but not in all. For the second we do not know it precisely, even if we can make an ad-hoc decision. And for the third: its details heavily depend on the particular case (see below).

I have said above, under the heading of the “maieutic function” that in discussion we may get to know better, what we believe – and, thus: who we are. Particularly the debate over an important question (organ donation, climate politics) can contribute to greater self-knowledge and stabilization of the subject system.

What is needed here: A unification of the subjectivities of the arguers in the light of a disputed question. As long as this unification is not achieved, the rankings of the participants remain private and more or less tentative.

Let me consider two examples about the achievement of that kind of unification:

Movie example:

You should take your son to the movies.

Pro: You have promised it.

Con: Your lawn needs to be cut urgently.

A resolution may be found because a sound family, by its internal cohesion, is sufficiently united to find a solution for their dissent; e.g. the son is promised to be taken *two times* to cinema at the next occasion, or the wife is promised that the lawn will definitely be cut *before the weekend*....

Grading example:

Christian Kock (Kock, 2011, p. 70) speaks about problems, when a team among his academic colleagues had to decide about a grading for a student's exam. There were arguments Pro (richness of information, originality) and arguments Con (bad organization, bad spelling). Yet, the discussion showed that their impact on the grade was differently judged. E.g. for one the bad spelling was vital, while his colleague was nearly not fussed about it.

I think one has to look closer into the circumstances of the case. Maybe an agreement about preferences could be found; e.g. of putting the spelling below the originality of the content: if the candidate was a foreigner.

(In my university the uses are, that, if no agreement is attainable, a third judge is asked and then the majority decides.)

Result: If a unification of the subject is available, a preference relation is either at hand or it can be established by cooperative deliberation. If not, then "conductive argumentation" is *no more an argumentative endeavor*. Then a "decision" is necessary (authoritative or via majority vote).

4.3 Focus on "the particular case"

This is, in my opinion, the most important element in a reasonable treatment of conduction. Insofar, it is a sad or ironic fact, that Trudy Govier, at her very start with that topic, had firmly refrained from this "particular case clause". (I will not discuss her reasons for this, I think they were somehow shortsighted. For criticism and some hints about a different view on that clause see Possin (2016). Still, I think that his differentiation between type and token is only one hint to a more adequate treatment of that clause.)

In the subsequent endeavor of argumentation scholars it was, again and again, put aside, and even those who made “case studies” about conduction (Allen, Kauffeld, Walton), were not necessarily aware of the role of the particular case clause. Allen had at least clearly stated that assessing conductions for reaching a juridical verdict “requires judges to remain rooted in the particularities of the case at hand”¹⁵.

The reason why we need the reference to a particular case is this: In a reasonable discussion we do not simply collect the arguments and then ponder the group of Pros against the group of Cons, but we consider each single argument of one side and ponder it against arguments of the other side, trying to find out which ones are supported or restricted or even refuted by any other argument. If there are massive contradictions between Pros and Cons, we have to investigate deeper and deeper into how it could be possible to believe in their correctness (acceptability/truth). Like this the thesis will gradually show its full embedment in the subject systems of the participants. There, its acceptance or rejection will be justified with generic sentences and, the deeper we come, with ever more foundational principles.

If a Pro/ Con setting turns out to be justified with contradicting basic principles in the subject systems of the participants, then the only way out of that “deep disagreement” is to differentiate the principles with regard to the particular case (that gave rise to the struggle about the thesis). Still, there is never a guarantee that enough differentiations are found or constructed so that the principles can become *compatible with regard to the particular case*. Even though, this is, I think, the only reasonable way for overcoming the split of the subjectivities and, thus, eventually produce a unified conclusion. I will illustrate what I mean, first, again, with the movie example; and then, very shortly, touch Derek Allen’s meritorious analysis of a conductive argumentation for a judgement of Canada’s Supreme Court.

4.3.1 Movie-example

Thesis: You should take your son to the movies.

P1: You promised it.

P2: You have nothing better to do.

P3: The movie is ideal for children.

C1: The lawn needs cutting.

C2: The boy has not yet made his homework for school.

¹⁵ Allen (2011), p. 189

A discussion of these arguments may discover the following general rules being used in their justification:

P1: Promises have to be kept.

P2: We should fill empty time with valuable activities.

P3: The film was recommended by school (school recommendations are good).

C1: The lawn has to be cut regularly, it's high time already.

C2: Homework has to be made right after lunch.

As I said before, the usual internal cohesion of a sound family provides some basic *unity of perspectives* to the extent that it should be possible to find differentiations with regard to this case and, thus, mitigate the rigidity of any of those rules. If the family can agree that the condition of the lawn is urgent and that homework has already been treated too carelessly last week, then the two Con arguments will clearly trump over the three Pro arguments in the following way:

The general rule which underlies P1 can be enriched with the possibility of exceptions for relevant changes of the situation. After this, the miserable condition of the lawn could be accepted as a relevant change. The second Pro proves flatly invalid with regard to the lawn urgency. And the third Pro will be refuted by the consideration, that, under the given circumstances, homework is more important than a movie (and also a recommended one).

4.3.2 Supreme Court example

Derek Allen has published an article in which he analyses a very important and interesting case of argumentative conduction in a judgement of Canada's Supreme Court¹⁶. In 1984 the Albertan school teacher James Keegstra was convicted for communicating anti-semitic propaganda to his students. The legal basis of the verdict was the "hate law" (s. 319(2)). Keegstra then appealed to the Supreme Court claiming that the *Canadian Charter of rights and freedoms* (under s. 2 (b)) guarantees his freedom of expression and that this right was infringed by the condemnation. Thus, the Court had to reconsider and prove the constitutional validity of the "hate law".

Allen now shows meticulously (and, of course, with far more details than I can display here) how the Court is arguing "conductively": The principle of freedom of expression had to be reconsidered. Yet, the reconsideration had to be done not in a general, abstract manner, but

¹⁶ Allen (2011).

with regard to the particular case, i.e. to the “free” expression of Keegstra’s highly problematic teachings.

It is by no means self-evident that utterances which are heavily disturbing for others do not enjoy the protection of the *Charter*. Thus, *prima facie* there is a big Pro argument for Keegstra’s complaint and one of the judges indeed saw the hate law in principle infringing the *Charter*’s guarantee (of s. 2(b)). The leading question was “whether the expression prohibited by the hate law is closely linked to the values underlying the *Charter* guarantee of freedom of expression” or not (Allen, 2011, p. 179).

Therefore, a re-examination of those values was provided: “attainment of truth and the common good; individual self-fulfillment and human flourishing; participation in social and political decision making” (Allen, 2011, p. 180). Surprisingly, this re-examination allowed to build an even more specific Pro argument for Keegstra’s case because his teachings were seriously meant to encourage political participation of the students. But then the character of the incriminated utterances was characterized as standing in “a most extreme opposition to the idea that members of identifiable groups (here: Jews, H.W.) should enjoy the self-fulfillment aspect of the free expression guarantee” (Allen, 2011, p. 180).

Despite the unanimous evaluation of those utterances the hate law’s constitutionality was differently judged (against the requirement of the “Oakes test”), so that the Court finally concluded (in a 4-3 decision) “that the hate law was constitutionally valid” (Allen, 2011, p. 175). Keegstra’s appeal was quashed.

The structure of the case is the following:

Two laws – the guarantee for freedom of expression and the prohibition of hate speech – are seemingly contradicting each other in view of this particular case. Thus, the possibility arises that the “hate law” be constitutionally invalid – and Keegstra’s attorney tries to defend the respective thesis. There are arguments for and arguments against this thesis. But then two closer investigations are undertaken. First, the right of freedom of expression is examined with regard to the specific values that it is supposed to represent; and second, the incriminated expression is reconsidered to find out if it is compatible with those values. The answer was, that it is not.

We should clearly see that in the Court’s judgement the Charter freedom of expression is not restricted. Rather it is reformulated in a more differentiated manner so that it becomes evident: Mr. Keegstra’s kind of expression is not protected by the Charter right.

It is important to consider the nature of the decision and to correctly

assess the relationship between the general normative outline of the Charter right on one hand and the prohibition of Keegstra's teaching on the other:

It was not James Keegstra's individual expression, but the "kind of" his expression, which was judged as not being protected. Nevertheless, it is clear, that the "balancing of considerations" which led the Court to its verdict, depended strictly on the particular case.

5. CONCLUSION

Some of the main problems of the CA have been designated. The dispute about the appropriateness of approaches (product-process-dialectical) could be mitigated or even overridden by offering a dialectical-pragmatist approach, that enables the inclusion of two additional dimensions of argumentation (dynamics and subjectivity).

After this, the approach was applied to the riddles of conduction. It consists of three elements:

- Replacement of "weighing" with "ranking",
- Unification of subjective perspectives
- Differentiations in view of the particular case.

If these considerations are respected a satisfying elucidation of the dubious "conductive argument" should come into reach.

REFERENCES

- Allen, D. (2011). Conductive Arguments and the Toulmin Model: A Case Study, in: Blair/ Johnson (2011), 167-190.
- Barth, E. /Krabbe, E. (1982) *From Axiom to Dialogue. A philosophical study of logic and argumentation*. Berlin/ New York: de Gruyter.
- Blair, A. (2017). In Defence of Conduction: Two Neglected Features of Argumentation. In: Proceedings of ECA, Zürich 2016
- Blair, A./ Johnson, R. (eds.). (2011). *Conductive Argument. An overlooked type of defeasible reasoning*, London: College Publications.
- Fisher (2011): Tom Fisher, Weighing considerations in Conductive Pro and Con Arguments. In: Blair/ Johnson (2011), 86-103.
- Govier, T. (1987). Two unreceived views about reasoning and argument. In: Govier, T., Problems in Argument Analysis and Evaluation, Dordrecht: Foris, pp. 55-80.
- Govier, T. (1999). *The Philosophy of Argument*, Newport, Virginia: Vale
- Govier, T. (2017). Issues on Logicism and Objectivity. In: *Informal Logic* 37, 3 (2017), pp. 211-222.
- Hamblin, C. L. (1970). *Fallacies*. London: Methuen.

- Hitchcock, D. (2016). All things considered. In: D. Mohammed & M. Lewiński (eds.), *Argumentation and Reasoned Action: Proceedings of the 1st European Conference on Argumentation, Lisbon, 2015*. London: College Publications, Vol. I, pp. 165-180.
- Kock, Ch. (2011). Why argumentation theory should differentiate types of claim. In: Blair/ Johnson (2011), 62-73.
- Possin, K. (2016). Conductive Arguments: Why is this still a thing? In: *Informal Logic* 36,4 (2016), pp. 563-593.
- Walton, D. /Krabbe, E. C. (1995). *Commitment in Dialogue*, New York: SUP
- Wellman, C. (1971). *Challenge and Response: Justification in Ethics*, Carbondale, ILL: Southern Ill. U.P.
- Wellman, C. (1975). *Morals and Ethics*, Englewood Cliffs: Prentice Hall.
- Wohlrapp, H. (2014). *The Concept of Argument. A philosophical foundation*, Dordrecht: Springer.
- Wohlrapp, H. (2017). Replies to Commentators on *The Concept of Argument*. In: *Informal Logic* 37, 4 (2017), pp. 211-222.
- Yu, S./ Zenker, F. (2019). A Dialectical View on Conduction: Reasons, Warrants, and Normal Suasory Inclinations, in: *Informal Logic*, 39, 1 (2019), pp. 32-69.