Commentary on Bodlović Structural differences between practical and cognitive presumptions

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Bodlović has clearly motivated distinguishing practical from cognitive presumptions. One relies on practical presumptions when there is insufficient evidence to decide -a case either way. To use his example, the weather report indicates that there is a 50% chance of rain this afternoon. Should one take one's umbrella when going out to keep an appointment one must keep? There is no cognitive presumption either that it will rain or that it will not. If one goes out with one's umbrella and it does not rain, then one encounters the minor inconvenience of taking this unneeded object along. But if one does not take one's umbrella and it rains, one will get wet and maybe soaked, and this is clearly a worse inconvenience. The practical presumption for taking the umbrella is clear. In general, then, practical presumptions arise where there is sufficient evidence neither for *p* or ~*p* and no time to gather additional evidence. One must act as if *p* or ~*p* were true. Both may have consequences one may wish to avoid. The practical presumption resides with the statement whose consequences are less unacceptable.

Bodlović now argues that cognitive and practical presumptions are distinct. Whether there is a cognitive presumption for *p* is a matter of the sources vouching for it. If there is a cognitive presumption for the statement, the proponent may introduce *p* without giving evidence for it, and a dissenting challenger who questions *p*, must present evidence against *p* strong enough to defeat *p*'s presumptive status. A cognitive presumption may serve as a starting point in a dialogue. By contrast, a practical presumption for *p* will allow a dialogue in progress to go forward, provisionally, towards a resolution, using *p* as a premise, should the dialogue become stuck, with no cognitive presumption for *p* or ~*p*. Bodlović now asks how does one recognize that there is a practical presumption for *p*. He points out that "Argumentation scholars typically reconstruct practical presumptions ... as conclusions of presumptive reasoning consisting of a 'basic fact' and a 'presumptive rule'." (p. 5) He adds that the presumptive rule is a conditional with a conjunctive antecedent and the claim that a statement is a presumption as the consequent. The first conjunct states the basic fact, while the

second conjunct expresses a "no defeater" clause, i.e. that all things *are* equal or that no fact defeats the inference from the basic fact to the practical presumptive claim. In a footnote, Bodlović admits that this reconstruction of presumptive reasoning conceals "the defeasible nature of presumptive reasoning," and is hence "theoretically controversial."

I believe that an alternative construal of the structure of presumptive reasoning may avoid the controversy. I find the characterization of the basic structure very reminiscent of Toulmin's initial representation of his model: The basic fact is the data, the presumptive rule is the warrant, and the practical presumption is the claim.

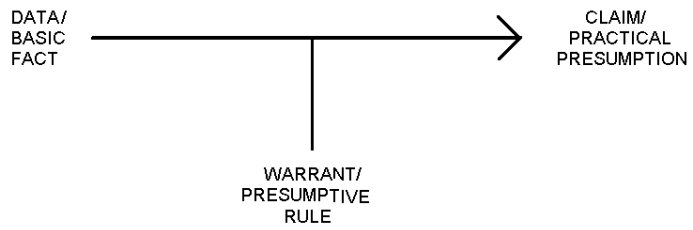

Figure 1 - Toulmin's model initial stage

Toulmin allows that warrants may be taken as inference rules, and I have argued for that construal as their proper classification, rather than as a conditional statement. Taking the presumptive rule as an inference rule has the following advantage, if we keep the Toulmin model in mind. Just the basic fact may constitute the data on this representation and not the conjunction with the no-defeater clause. Defeaters, either rebutting or undercutting, will be represented as rebuttals, in accord with Toulmin's layout. The arrow from data/basic fact to claim/practical presumption can be interrupted by a modal qualifier or modality. (This placement of the modality differs from Toulmin's. The modality here modifies the move from basic fact to practical presumption, rather than the practical presumptive claim itself.) One may use the modality "presumably" to claim explicitly that the argument is defeasible, addressing Bodlović's concern that the defeasible nature of the reasoning will be hidden. Also, the inference to the practical presumption is now represented as coming just from the basic fact and

not also from the presumptive rule, a structure resembling *modus ponens*. Instead of a single no-defeater conjunct, Toulmin's model allows representing defeaters, both rebutting and undercutting, as attached to the warrant arrow, taking the place Toulmin assigns to rebuttals. It is the move from basic fact to presumptive claim which is now modified by the rebuttal. This signals, perhaps more strongly than the placement of the modality, that the inference is defeasible.

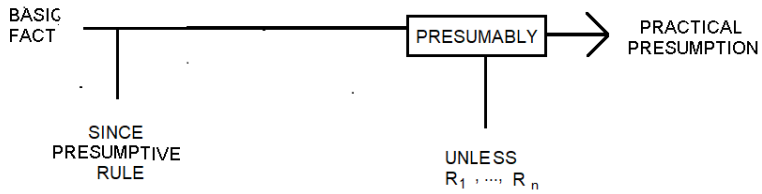

Figure 2 - Toulmin's model with modalities and rebuttals

We see this move as having a distinct advantage for evaluating presumptive reasoning. If reasoning is to be cogent, it must proceed from acceptable premises. Obviously, if a conjunction is to be acceptable, all premises must be acceptable. The no-defeater conjunct seems to be quite sweeping in its scope. Under what conditions will there be a presumption for the claim that there are no defeaters? By contrast, defeaters are questions or can be motivated by questions. If the proponent argues that from some basic fact we may take it (*ceteris paribus*) that a practical presumption holds, a challenger can question why some defeater does not render the claim questionable. The issue of a presumption for the question does not arise. One does not have to access their acceptability in assessing whether the presumptive reasoning is cogent. The Toulmin model also includes backing as an element, assuring that the warrant has "authority" and "currency." We may find backing also among Bodlović's considerations,

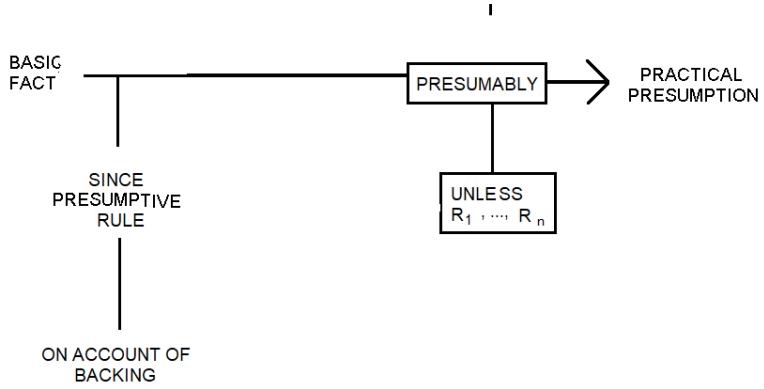

Figure 3 - Toulmin's model with backing

Does this representation facilitate answering Bodlović's question: What can defeat practical presumptions? If evaluating the basic fact is a question of basic premise acceptability, evaluating the presumptive rule requires first asking about its backing. According to Bodlović, this information concerns a hierarchy of values. What values are to be conserved and what is the relative importance of those values? I claim that the ranking of these values involves a defeasible *a priori* judgment. We may recognize *a priori* that one value is more important than another, subject to exceptions.

Given that the presumption rule has been backed, the question of whether the practical presumption has been justified is a question of the defeaters which may rebut the inference from the basic fact to the practical presumption. In general, given a defeasible inference, there may be a number of conditions consistent with the premises, which would rebut the move to the conclusion. If one has made a promise, we may catalogue a number of conditions for why there is no obligation to keep it. Evidence that a potential rebutting defeater does not hold strengthens the presumptive argument. We call such evidence a counterrebuttal.

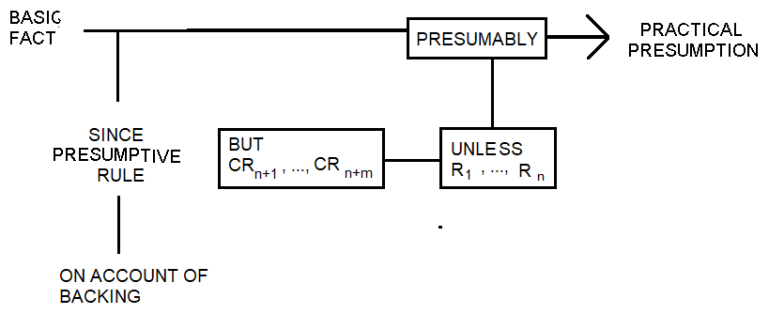

Figure 4 - Toulmin's model with counterrebuttals

What recommends this approach over Bodlović's is that instead of calling for a blanket no-defeater premise, specific potential defeaters may be recognized and ideally be countered.

Bodlović contrasts cognitive and practical presumptions on several further grounds. Cognitive presumptions may serve as starting points in a dialogue, elements in the opening stage. Practical presumptions arise in the course of a dialogue when cognitive resources are not available or sufficient to establish a point from which to reason. If the consequences of *p* are more in line with one's value preferences than those of ~*p*, there is a practical presumption for *p* and one can reason forward from that presumption. Since one can reason from practical presumptions, they may be elements in the argumentation stage of a dialogue. A further contrast distinguishes cognitive from practical presumptions over undercutting defeaters. Both are subject to rebutting defeaters, but only cognitive presumptions are subject to undercutting defeaters. This is easily seen. Consider: There is a cognitive presumption for personal testimony. So if Anne testifies that *p*, there is a presumption for *p* given this evidence. But if one learns from Jim that Anne, ordinarily reliable, is mistaken in this case and one is justified in regarding Jim here as more reliable, Anne's testimony no longer establishes a cognitive presumption for *p*. The inference from Anne testifies that *p* to *p* has met an undercutting defeater. By contrast, Bodlović is skeptical of the ability of undercutting defeaters to defeat a practical presumptive argument. Suppose the radio says there is a 50% chance of rain this afternoon. So rain is uncertain; I do not want to get wet; and therefore I presume that it will rain and I take my umbrella. Now suppose that just before going out, I find that the weather reports of the station are highly inaccurate. But that rain this afternoon is still uncertain. Bodlović sees these considerations showing that undercutting defeaters are irrelevant to practical presumptions.

To conclude, Bodlović has made an excellent case that practical and cognitive presumptions are different. We have reviewed his arguments for some of these differences. We have suggested that arguments for practical presumptions may be reconstructed in a structurally simpler way by using resources from the Toulmin model. It remains to test our suggestion.