Investigations and the Critical Discussion Model

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1. Introduction: The alleged scope of the Critical Discussion model

This paper is an investigation of the scope of the Pragma-Dialectical theory of argumentation, and in particular of its ingredient concept of a Critical Discussion (see van Eemeren and Grootendorst 1984, 1992, 2004). The Pragma-Dialectical theory is explicitly designed to apply to argumentation aimed at the rational resolution of a difference of opinion, what Walton and Krabbe (1995) call "persuasion dialogues." On the face of it, there are other uses of argument besides attempting to resolve disagreements, for example, to inquire about what is true. But the proponents of Pragma-Dialectics seem either to regard that theory has having universal application or to regard all uses of argument as reducible to disagreement-resolution argumentation. The evidence for this claim is found in their application of a central component of their theory, the model of a Critical Discussion.

A "Critical Discussion," as that term is defined in the Pragma-Dialectical theory, is a technical concept—a term of art (hence here capitalized, as is 'Pragma-Dialectics' and its cognates, for the same reason). The Pragma-Dialectical Critical Discussion is an ideal model of a discussion between two parties with a difference of opinion who agree to use arguments and follow an instrumentally rational procedure in doing so to try to resolve their difference. The model aims to specify the conditions that an actual argumentative exchange would satisfy if the parties were orderly and reasonable. They would order their discussion in the way best designed to resolve their disagreement, and they would carry out their discussion according to norms that make it rational for them to agree to (or to decline to) make concessions and to accept (or to reject) alleged implications. In the end, one party would convince the other to withdraw the commitment or the doubt that started the discussion, or the parties would remain in disagreement.

The model of a Critical Discussion is introduced as applicable to argumentation exchanges aimed at resolving a difference of opinion, but it is taken to apply generally, as the following passage in van Eemeren and Grootendorst's latest statement of their theory (2004) makes clear:

> The aim of a pragma-dialectical analysis is to reconstruct the process of resolving a difference of opinion occurring in an argumentative discourse or text. This means that argumentative reality is systematically analyzed from the perspective of a critical discussion . . . .
> What exactly does such an analytic reconstruction of an argumentative discourse or text entail? . . . In the reconstruction, the speech acts performed

in the discourse or text are, where this is possible with the help of the ideal model of a critical discussion, analyzed as argumentative moves that are aimed at bringing about a resolution of a difference of opinion. (p. 95)

Notice the *glissement* that occurs in this text—not from one dialogue type to another (see Walton and Krabbe 1995, p.102)—but from one claim to another. The first sentence notes that a pragma-dialectical analysis focuses on the process of argumentation aimed at resolving a difference of opinion. But the very next sentence mentions subjecting "argumentative reality"—without qualification now—to analysis from the perspective of the Pragma-Dialectical model of a "critical discussion." So argumentation aimed at resolving a difference of opinion is quickly identified with argumentative reality in general. An argumentative discourse or text, the next paragraph declares, is to be reconstructed, using the ideal model of a critical discussion. And what the authors are referring to is a Critical Discussion—the ideal construct they designed expressly to model argumentation aimed at rationally resolving a difference of opinion. So any argumentation text or discourse is to be modeled as if it were argumentation aimed at bringing about a resolution of a difference of opinion.

The text quoted above makes clear the commitment of the proponents of the Pragma-Dialectical theory. It has two related aspects. One is to assimilate all argumentation to opinion-difference resolution argumentation. The other is to treat the ideal model developed as an element of that theory as applicable to any argumentation whatever. From a perspective internal to the theory, these are two sides of the same commitment, but they are two distinct claims, since it is in principle possible for either to be false while the other is true. It is in principle possible that not all argumentation functions to resolve a difference of opinion yet the critical discussion model can be usefully applied generally. And it is in principle possible that all argumentation does boil down to attempts to resolve differences of opinion rationally yet the critical discussion model is flawed and does not apply as neatly as its proponents believe it does.

2. Epistemic investigations

There is a type of argumentation transaction that is, on the face of it, different from one whose purpose is to resolve a difference of opinion. I will call it the use of arguments to conduct an *epistemic investigation*. I elsewhere have called this the use of argumentation to *inquire* (Blair 2005), but Walton (e.g., 1998) has used the term 'inquiry' to name a kind of proof-seeking dialogue, which is different; hence the need for a different name. The question of this paper can be raised in relation to epistemic investigations. Does the Critical Discussion model apply to them? If it does, then there is some basis for thinking that other uses of arguments besides its use to resolve a difference of opinion can be assimilated to persuasion dialogues. If it does not, then the Pragma-Dialectical theory's scope is more limited than its proponents claim.

Understand by an "epistemic investigation" an attempt to ascertain the epistemic standing of some proposition or group of propositions. I am using 'epistemic' in a broad sense. An epistemic investigation begins with a question about whether some judgement

is justified. By a judgement here I mean an attitude towards a proposition (e.g., that it is true, or that it is probable or that it is plausible to some degree), or a proposal (e.g., that an action should be performed or that a policy implemented), or an assessment (e.g., that something or someone has some instrumental, moral or aesthetic quality), and so on. Perhaps the standard philosophical connotations of 'epistemic' militate against this stretch of the term, for epistemology is paradigmatically occupied more narrowly with the grounds of knowledge and reasonable belief, and these are widely thought to have propositions as their objects—propositions in the sense of what are expressed by declarative sentences and that are true or false. Recommendations and evaluations are held by some not to have truth-values. However, they do have values. A proposal can be wise or foolish, correct in the circumstances or mistaken, good or bad. Similarly, an assessment can be accurate or mistaken, sound or wrong. We can be justified in such judgements as that a piece of advice was poor advice, if only in retrospect; we can similarly be justified in evaluative judgements. We can and do make such determinations based on reasons, and we act on them with more or less success and innocent of any conceptual blunder. So it seems useful to use 'proposition' in the wider sense and to allow the scope of epistemology to include such judgements within its domain.

There is a question about the epistemic standing of some proposition if there is some other proposition or group of propositions that, if true, imply that the epistemic standing of the proposition in question is different from what it is alleged to be, and there is some reason to believe one or more of the alternatives. This would be the case, for instance, if there are one or more incompatible propositions that have or seem to have an equal or higher epistemic standing, though that is just one type of argument supporting the conclusion that the proposition's epistemic standing is different from what it was claimed or seemed to be.

So one way to investigate the epistemic standing of a proposition is to look for arguments that go to support it and for arguments that go to undercut or block alternative possible claims about its epistemic standing, and also to look for arguments that go to refute it or support alternative possible claims about its epistemic standing, and then to assess how cogent those arguments are. This is what I mean by an epistemic investigation.

The attribution of burden of proof in an epistemic investigation is crucial, for some ways of assigning the burden of proof make the task of investigating the epistemic standing of a proposition an infinite one, and it is pointless to conduct such an investigation if there is no prospect of completing it. The following points may be made about the burden of proof in an epistemic investigation.

Beliefs or assertions or other commitments have a weak presumption in their favour. That is, there is a weak burden of proof to establish that the alleged epistemic standing of some proposition is open to question. Just questioning or doubting a proposition does not oblige anyone who asserts or is otherwise committed to it to support it, for otherwise, an infinite regress of challenge and response would be possible and in that case the epistemic investigation would have no prospect of ending. But the presumption is weak because it is easily overcome. For instance, it is enough that others are known to have incompatible beliefs or to be committed to incompatible propositions, for in that case the question as to which one is justified is legitimately raised. The existence of two or more plausible answers to a question about what is or ought to be the case (and so on) is

sufficient to impose a burden of proof on whoever would contend that one of them is true.

Thus, when someone is aware of two or more plausible answers to such a question, and one does not know which one to prefer or maintain, there exist the conditions for the beginning of an epistemic investigation. I will call a plausible answer to a question that gives rise to an epistemic investigation an *hypothesis*. (An hypothesis is plausible if it is consistent with current beliefs.)

For any simple argument in support of one hypothesis—call this a pro argument—there is, for the reason just given, again a presumption in favour of its premises and the inference from them to its conclusion. Similarly, for any simple argument against that hypothesis—a contra argument—there is a presumption in favour of *its* premises and inference. In neither case is there a burden of proof to support the argument in the absence of any reason to question or challenge it. However, if there are both a pro and a contra arguments relating to an hypothesis, or if there is a pro argument for one hypothesis and a pro argument for an incompatible hypothesis, then the presumptions are cancelled. For when there are two opposing arguments in one or another of these ways, then at least one of them must be mistaken, so there is a reason to require that it be shown of any of them that it is not the mistaken one.

If one wants to ascertain the correct or best hypothesis among alternatives on a question about what is or ought to be the case (and so on), then one has a motive for conducting an epistemic investigation.

3. Elements of an epistemic investigation

An epistemic investigation will begin, then, with the following situation: There is a question that has two or more possible plausible but incompatible answers or hypotheses—that is, if any one hypothesis is correct or true (etc.) then the others are mistaken or false (etc.), and either (a) for each of two or more hypotheses there is at least one person who seriously supports it, or (b) for each hypothesis there are considerations that support it, or (c) for at least one hypothesis there are one or more considerations for it and one or more considerations against it—and at least one person wants to ascertain which hypothesis is best or correct.

An epistemic investigation will proceed by one or more parties completing the following elements. (I speak of "elements" of the procedure rather than of stages, because there is no "right" temporal ordering to these elements, and 'stages' carries temporal connotations.) In general, evidence must be gathered, assessed, revised in various ways (with a view of strengthening it by addition, modification or subtraction), and its upshot judged. The objective is to make a judgement about the epistemic status of the proposition in question—the hypothesis—on the basis of weighing the best case that can be made in favour of it against the best case that can be made against it, and comparing the upshot to similar assessments of the alternative hypotheses. I use 'evidence' in a broad way to include any considerations, not just empirical data, relevant to the truth of a hypothesis. Such considerations can be expressed as arguments pro or contra the hypothesis.

(1) Evidence-gathering element. Set out the pro and contra arguments for each hypothesis, seeking to produce a complete inventory of the arguments that have historically been given and also that imagination and further research can devise.

(2) Evidence assessment element. (2.1) Seek out or construct critical arguments—arguments for doubting or for rejecting the premises of the evidentiary arguments or for doubting or rejecting the justificatory force of the evidentiary arguments. (2.2) Assess the critical arguments by seeking plausible replies to (i.e., arguments against) the critical arguments on behalf of the evidentiary arguments and assess the merits of those replies (i.e., those arguments).

(3) Evidence revision element. Revise the evidentiary arguments in light of the assessment. Some might have to be abandoned because they have been refuted; some might be amenable to repair by altering them to avoid objections or by finding additional evidence as required by the assessment; and some might survive unchanged.

(4) Hypothesis revision element. Should there be strong evidence that an hypothesis as it was initially formulated is false, but that a reformulated hypothesis would not be subject to those objections, then that hypothesis may be revised and the investigation continued into the merits of the revised hypothesis.

Elements (1) to (4) can have as many iterations as resources allow.

(5) Concluding element. Decide, on the basis of the assessments of the strengths of the pro and contra arguments, on the epistemic standing of the hypotheses under investigation.

4. Are epistemic investigations Critical Discussions?

Such an investigation can be modeled as a two-party dialogue, or as a group of nested dialogues. A dialogue is a conversation between the occupants of two roles. One role can be conceived as the questioner or critic and the other as the answerer or proponent. In an epistemic investigation, all investigators occupy both roles in turn, since the goal is to test each hypothesis as thoroughly as possible and not for one role occupant or the other to prevail. Are these roles identical to the roles of antagonist and protagonist in the Pragma-Dialectical theory's ideal model of a Critical Discussion? Does the Critical discussion model apply to epistemic investigations?

From the point of view of the purpose and nature of an epistemic investigation, it seems not to fit the Critical Discussion model. An epistemic investigation has a different starting point and a different objective from a persuasion dialogue. There are not two sides or parties who disagree; neither party is trying to convince the other of anything; all parties take both a pro and a contra perspective, seeking both to find arguments that support an hypothesis and to refute the very arguments that they have just found.

In addition, it seems that the discussion rules for the two enterprises will differ in many ways. An investigation does not get started by incompatible commitments, but by an absence of commitment on an issue on which the parties all want to decide what commitment is justified. In a critical discussion, the burden of proof is asymmetrical: who asserts must defend; who questions has no obligation to defend. In an investigation, the burden of proof is complicated. The investigators have an obligation to seek both pro and contra arguments, but once any argument has been formulated, the burden of proof

must lie with the "critic," not the "proponent"—the argument stands until some further argument establishes a weakness in it, for otherwise there would be a vicious infinite regress, a requirement of arguments supporting arguments *ad infinitum*. At the same time, however, all the investigators have an obligation to seek such critical arguments. Thus no investigator consistently occupies the role of protagonist or of antagonist, as must occur in a Critical Discussion. Also, unlike in a Critical Discussion, the investigators do not agree independently about what may constitute premises or legitimate kinds of support. In an investigation, any grounds that can be found may be put forward and their appropriateness, relevance, and strength of support are subject to critical examination as part of the assessment element. As well, revisions to arguments and, indeed, to hypotheses, are permissible throughout an investigation, since the object is not to maintain one's initial position, but to follow the evidence to the truth. So two enterprises of epistemic investigation and disagreement resolution seem to be quite different. And finally, there is no philosophical assumption of Popperian rationality. It is an open question whether there are objective truths or whether the best "truth" available just is what investigators agree to at the moment, subject to future disagreement.

On the other hand, from the point of view of the inner workings of an epistemic investigation, the Critical Discussion model does seem to have application. Consider any single hypothesis being investigated. It can be thought of as a standpoint that has been asserted by its protagonist. The requirement to produce arguments in its favour can be treated as an obligation incurred by the questioning of that standpoint by an antagonist. The arguments produced against it are like the argumentation required of an antagonist in a multiple dispute (see van Eemeren and Grootendorst 1984, p. 80). The assessments of those arguments can be conceived as the argumentation of sub disputes (*ibid*., p. 89). The revision of any argumentation is like a concession, and the revision of any hypothesis can be treated as the defeat of the original hypothesis, and any examination of the revised argument or hypothesis can be treated as a new discussion occasioned by the new argument or new hypothesis. So it seems that an epistemic investigation can indeed be analysed as if it were a series of Critical Discussions.

What has happened? It seemed clear that an epistemic investigation is a different use of argumentation from the use of argumentation to resolve a difference of opinion. And yet it also seemed clear that the model of a Critical Discussion developed for the analysis and assessment of argumentation aimed at the resolution of a difference of opinion applies equally well to the argumentation of an epistemic investigation. This is the puzzle.

The solution I propose is to regard the ideal model of a Critical Discussion is a chameleon. When it is at home in the Pragma-Dialectical theory, it is applied to the argumentation designed to resolve a difference of opinion, and it accommodates the Popperian epistemology underlying the Pragma-Dialectical theory. But when is applied to other uses of argumentation, it changes its coloration. It models simply the interchange of pro and contra argumentation, including meta-argumentation (arguments about the arguments). It is neutral with respect to any particular epistemology. It does not require that the role-occupiers be committed to the initial positions that occasion the exchange of arguments. It is not committed to the four stages of the Pragma-Dialectical account While it does, as any model of argumentation must, allow only for the interlocutor's contributions to any particular exchange of arguments, it does not require the assumption

that there is no basis for claims or arguments apart from what the interlocutors agree to. In other words, the accretions belonging to the Pragma-Dialectical approach to argumentation are dropped.

This equivocation of the critical discussion model can be treated either as a weakness or as a strength. On the one hand, there is sleight of hand at work in the suggestion that precisely as formulated as part of the Pragma-Dialectical approach to argumentation, the Critical Discussion model applies to any argumentation whatever. On the other hand, if the model or a critical discussion (now spelled with lower-case first letters) is detached from all the Pragma-Dialectical philosophical assumptions and expressed in general terms (so that its Pragma-Dialectical version is a special case), then it is plausible to think that it applies to any argumentation. For any argumentation will have the generic properties identified by the general features of the critical discussion model. Any argumentation will have different components—what Pragma-Dialectics calls "stages" and what I have called "elements." There must be some initiation and some conclusion to the argumentation exchange. There must be argumentative roles assigned, and burdens of proof distributed. There must be regulatory rules specifying the conditions of a well-ordered argumentative exchange, rules for turn-taking, commitments and concessions, and so on.

This generalizing of the Critical Discussion model is, in effect, what Walton and Krabbe (1995) have already done, although they continue to call the model a critical discussion. But they introduce a crucial modification of the Pragma-Dialectical theory's formulation of a Critical Discussion, and in so doing they effectively generalize the model. They write, "in our usage, the term dispute will stand for a type . . . of dialogue rather than for a type of conflict" (69). This switch from conflict type to dialogue type makes all the difference, because they are now modeling the argumentative exchange and not the motivating problem—such as a disagreement between two parties as distinct from a puzzle about what stand to take on some vexed question. The type of dialogue they model is one in which at least two incompatible propositions are in competition for endorsement, acceptance or belief, and that is the situation when two or more hypotheses are mooted as plausible positions to take on some problematic issue. There are not two (or more) parties in dispute; there are two or more positions up for consideration.

Although welcoming their modification, I am suggesting a somewhat different analysis than that proposed by Walton and Krabbe. They assume that a critical discussion, or what they prefer to call a "persuasion dialogue," is the most fundamental kind of argumentative dialogue, although during critical discussions, other types of dialogues, such as negotiations and quarrels, occur as well (1995, p. 7). If the present argument is correct, the persuasion dialogue understood in Pragma-Dialectical terms is not the most fundamental kind of argumentative dialogue, however important it might be. There is at least one other important kind of argumentative dialogue, namely, the epistemic investigation.

To see the distinction more clearly, consider what we are modeling. Is it a type of argumentation (distinguished by its purpose) or is it the exchanges that occur within any type of argumentation? Any type of argumentation entails arguments pro or contra (plus at least the possibility of arguments on the other side). But not every type of argument entails one person attempting to persuade another, or one party differing in opinion from

the other, for an epistemic investigation entails the possibility of one or more person with no opinion (and hence nothing to differ from) attempting to discern what opinion to take.

Proponents of the Pragma-Dialectical theory might try to assimilate these two uses of argument. One person trying to decide what to believe or what position to take, they might say, is someone with two (or more) minds about a question, and so is, in effect (and from a modeling perspective, identical to), two (or more) people disagreeing with one another. But that is not the case. The person in this situation does not have two or more opinions; *ex hypothesis*, the person has *no* opinion. The metaphor of "being of two minds" does not indicate having two opinions; it indicates being undecided as between two (or more) alternatives, seeing the *prima facie* merits of two incompatible positions, and being unable to choose between them. In fact, it is impossible to disagree with oneself. (One can at a given time disagree with one's position at an earlier time, but that is changing one's mind, not disagreeing with oneself.) Being undecided as between which of two alternatives to believe or commit to is not the same as believing or maintaining both of them; quite the contrary, it is being committed to neither of them. Rather than a single-person epistemic investigation being a just a variant of a multi-party investigation, it's the other way around: a multi-party epistemic investigation is no different from a single-person investigation, except that it has more resources.

It is true that the single investigator must formulate pro and contra arguments, and so can be said to have to occupy two roles—the roles of protagonist and antagonist. This is what makes an investigation a dialectical enterprise. But the investigator, unlike the persuader, occupies *both* roles (and if there is more than one investigator, they all occupy both roles). It is certainly possible to speak of the pro or the contra arguments "winning" and the arguments on the other side "losing." But that is strictly a metaphor borrowed from debate, a short-hand way of referring to the fact that the arguments on one side are more compelling, on balance, than those on the other, and that the position they support merits (more or less qualified) endorsement. It becomes thereby a (relatively) justified opinion, and the investigator now has a reasonable basis for disagreeing with anyone who rejects or refuses to accept that opinion.

Finally, notice that so-called "strategic maneuvering" (van Eemeren and Houtlosser 1999, 2000a, 2000b, 2002a, 2002b, 2003) has no place in an epistemic investigation. The selection of how the topic is framed ("topical potential"), the adaptation of the arguments to be responsive to "audience demand," and the use of the most effective "presentational devices" that characterize rhetorical choices within the Critical Discussion framework are all aimed at prevailing in a competitive, zero sum argumentative discussion. In an epistemic investigation, there is no motivation for such maneuvering, since the goal is not to persuade an interlocutor, not to "win" for one's opinion, but to get as close to the truth of the matter as possible.

5. Conclusion

The conclusion that emerges from these considerations is that there are two concepts of the model of a critical discussion. There is the special model of a Critical Discussion that applies within the Pragma-Dialectical theory to argumentative discussions aimed at a rational resolution of a difference of opinion. And there is the general model of a critical

discussion that applies to other kinds of dialectical argumentation. I would speculate that it applies to any exchange of arguments that has their critical assessment as an essential property. The scope of the Pragma-Dialectical theory and its special model of a Critical Discussion are overstated. At the same time, that overstatement is understandable, because the special model can be generalized, and when it is, it has broad application.

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