

# Criticism without Fundamental Principles\*

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**Abstract:** In this paper I develop and defend a form of argumentative normativity that is not based on fundamental principles. I first argue that research agendas that aim to discover (or claimed to have discovered) fundamental principles of ‘good’ argumentative discourse share one crucial weak spot, viz. circularity. I then argue that this weak spot can be avoided in a *pancritical* (Bartley, 1984) view of normativity.

**Résumé:** Dans cet article, je développe et défends une forme de normativité argumentative qui ne repose pas sur des principes fondamentaux. Je soutiens d’abord que les programmes de recherche qui visent à découvrir (ou qui prétendent avoir découvert) les principes de «bon» discours partagent un point faible, la circularité. Ensuite je soutiens qu’on peut éviter ce point faible en adoptant un point de vue désengagé des idéaux de l’argumentation.

**Keywords:** argumentation theory, criticism, idealizations, normativity, pragma-dialectics

## 1. Introduction

The assumption that some forms of argumentative discourse contravene established standards lies at the basis of many normative theories of argumentative discourse. Whether the standards are presented as standards of cognition, of communicative behavior or of logic, the basic spur is the same, and it might be roughly formulated as: *Not anything goes!*

It has been part of the explicit or implicit research agenda of the normatively oriented argumentation scholar to discover and formulate the standards that separate the “good” (rational, reasonable etc.) from the “bad” (fallacious, irrational, unreasonable etc.) in argumentative reality. Since the search for standards assumes the standards’ existence and discoverability, such an agenda can be characterized as being *idealist*. For example, Johnson and Blair (1987) define informal logic as a “branch of

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logic whose task is to develop non-formal<sub>2</sub> standards, criteria, procedures for the analysis, interpretation, evaluation, critique and construction of argumentation in everyday language” (p. 148). Similarly, Johnson (2000) notes: “The goodness I am after consists in those qualities that are necessary for the argument to achieve the goal of rational persuasion” (p. 189). Van Eemeren and Grootendorst (1984; 2004) also regard the normative endeavor as a quest for norms, more precisely those “norms of reasonableness” that good argumentative discourse “must satisfy” (2004, p. 10). It is this quest for rules, norms, criteria, or qualities that typifies the idealist research agenda in argumentation theory.

The step from the assumption that not anything goes to the idea that argumentative reality could and should be tamed by means of standards is a crucial one and it deserves more attention. The central aim of the present paper is to reexamine this step. In view of this reexamination, I will attempt to outline a form of normativity that maintains the basic assumption that not anything goes yet declines the need of pre-defined norms, rules, criteria or any other kind of normative pronouncements.

The present paper can be seen as an elaborate follow-up on a brief remark made by Govier at the end of her essay “What is a good argument?” (1992). Having examined various normative accounts, Govier remarks: “we are so far from having an account of argument cogency which is reasonable, reliable, and efficient that *we may have to re-examine the quest itself*” (p. 409, emphasis added). How can the quest itself be reexamined? Are there other ways to respond to the not-anything-goes assumption? Can we even speak of normativity and criticism without a solid system of standards beneath our feet? If so, what kind of ‘criticism’ would that be and what force would it carry? The present paper aims to approach these questions and, as such, Govier’s suggestion.

Since the discussion risks being overly abstract, it seems better to start with a more detailed example of an idealist agenda and take it as a case in point. In section 2, I outline the normative agenda as it is pursued in the pragma-dialectical theory of argumentation. In section 3, I defend the claim that idealist agendas, to the extent that they are built around a set of fundamental principles (rules, norms, criteria etc.) lead to circularity. In section 4, I outline a type of normativity that is not based on fundamental principles. For reasons that will be explained in due course, I refer to this following Bartley (1984) as *pancritical* normativity. I conclude in section 5 by explaining the place and function of the concept of “fallacy” in a pancritical normative agenda.

## 2. Idealist agendas—a case in point

The pragma-dialectical theory of argumentation is one of the most developed theories built around an ideal of good (“reasonable”) argumentative discourse. It is for this reason a very appropriate candidate for the purpose of this essay.

The ideal of reasonableness in pragma-dialectics is expressed in the form of a set of *rules for a critical discussion* (van Eemeren & Grootendorst, 2004, p. 131). Any real-life form of argumentative discourse that is in accordance with these rules is reasonable by the pragma-dialectical standards; argumentative discourse that goes against these rules is deemed fallacious (van Eemeren & Houtlosser, 2007, p. 63). The evaluation of a concrete instance of argumentative discourse consists of a comparison between the discourse under examination (to be more exact: a reconstructed version of the discourse under examination) and the rules for a critical discussion. Let me illustrate this comparison by with the help of an example. Consider the following excerpt that appeared in the concluding section of one of Daniel Dennett’s texts on the subject of Darwin’s theory of evolution (Dennett, 2013, p. 276).

This perspective [Darwin’s theory of evolution] is so widely unifying and at the same time so generous with detailed insights that one might say it’s a power tool, all on its own. Those who are still strangely repelled by Darwinian thinking must consider the likelihood that if they try to go it alone with only the hand tools of tradition, they will find themselves laboring far from the cutting edge of research on important phenomena as diverse as epidemics and epistemology, biofuels and brain architecture, molecular genetics, music, and morality.

(Dennett, 2013, p. 276)

A pragma-dialectical evaluation of this particular piece of argumentative discourse would proceed roughly as follows. The examiner begins by analyzing the excerpt based on the analytical model of a critical discussion. In the example above, the difference of opinion presumably concerns the acceptability of Darwinism: Dennett acts in favor of it, while, we may assume, some other scholars reject it. A full-fledged reconstruction of Dennett’s position and his discussion moves in this resolution process would take into consideration the situation in which the stretch of discourse was produced and would thereby place the quoted remarks into a larger institutional context. This more or less complex analysis would then produce an “analytic overview” of Dennett’s argumentative behavior (van Eemeren &

Grootendorst, 2004, pp. 118-122). The analytic overview is then taken as a basis for proceeding to the *evaluation* of Dennett's argumentative behavior.

In order to carry out an evaluation, the pragma-dialectician must make two very important decisions. First, she must choose to carry out the evaluation on the basis of a specific ideal, viz. the ideal of a critical discussion. I will refer to this as the *primary normative decision*. Second, she must choose a set of conditions that specify, in the context at hand, what needs to be the case in order for the evaluator to decide that a rule has been violated. These latter are referred to as "soundness conditions" (van Eemeren, 2010, p. 202). I will refer to this as the *secondary normative decision*.

In the case of Dennett's acts, the pragma-dialectician will, let us imagine, find two points of focus: (1) Dennett's description of those who oppose Darwinism as being "strangely repelled by Darwinian thinking" and (2) Dennett's claim that scholars who reject Darwinian thinking "will find themselves laboring far from the cutting edge of research." A relevant dialectical rule that might apply to both acts is Rule 1 of the code of conduct, the so-called Freedom Rule: "Parties must not prevent each other from advancing standpoints and casting doubt upon standpoints" (van Eemeren and Grootendorst, 1992, p. 208). On the surface, (1) looks very much like an *ad hominem*, the fallacy by means of which a discussant portrays the opponent as being unworthy of participating in the argumentative discussion, while (2) seems like a candidate for an *ad baculum*, the fallacy of trying to prevent the other party from doubting a standpoint because of negative consequences that are connected with this rejection.

Having selected the rule, and having surmised the possible rule violations, the evaluator proceeds to the secondary normative decision and asks: Concerning (1), under what conditions is characterizing a fellow scholar as being "strangely repelled" by one's own view (Darwinism) a reasonable form of argumentative behavior and are these conditions fulfilled in the case at hand? Concerning (2), under what conditions is the mentioning of futile scholarship reasonable and are these conditions fulfilled in the case at hand? The answer to these questions will be given based on a set of soundness conditions. These will allow an evaluator to decide, in case of (1) and (2), whether the ideal of reasonableness has been observed or violated. These soundness conditions form "the theoretical basis for formulating systematic and workable criteria for determining whether the norms of reasonableness incorporated in the rules for critical discussion have been satisfied" (van Eemeren, 2010, p. 268). It is thus by com-

paring (the reconstructed version of) Dennett's discourse in (1) and (2) with the soundness conditions that apply in this context that the judgment of reasonableness will be made.

For the present purposes, we can leave aside the actual result of the evaluation of Dennett's discourse. Important in the just-outlined procedure are the two normative decisions. Any theory that develops its normative agenda around a set of fundamental principles will have to make these normative decisions in one way or another. The evaluator must decide to work with a certain ideal and must decide in which way the ideal is to be implemented.

### 3. Circularity in idealist agendas

The idealist needs to vindicate the primary and the secondary normative decisions because, unless these decisions are in some way separated from the scholar's personal convictions, the whole idea of normativity seems to turn into an endless discussion about incompatible personal attachments. By vindicating these decisions, the scholar elevates her normative pronouncements from "*Some people think ... is reasonable*" or "*I think ... is unreasonable*" to pronouncements of the form "*... is unreasonable.*" This elevation presents no particular problems in everyday life. A set of rules is given the status of *summum bonum* because the state, the judge, the doctor, the parent etc. enjoys the authority to stipulate them into place. The academic, however, enjoys no such authority. Her pronouncements must be elevated in some other way. How does this elevation take place?

In the absence of authority, the two normative decisions are vindicated through methodological criteria. The decisions are vindicated by showing that they are in accordance with a set of criteria that separate 'good' evaluation methods from "bad" ones (or the "better" ones from the "worse"). I will illustrate this, first, with regard to the primary normative decision.

Pragma-dialecticians have vindicated the primary normative decision by showing that the rules fulfill the criterion of *problem (solving) validity*. The criterion of problem validity measures rules' capability to solve a set of problems and thus their "capability to 'do the job' they are designed to do" (van Eemeren, 2010, p. 32). It must be briefly mentioned that the criterion of problem-validity is usually accompanied by another criterion, the criterion of intersubjective validity. This latter criterion measures the rules' alignment with what language users regard as reasonable argumentative behavior (van Eemeren & Grootendorst, 2004, p. 132; van Eemeren, 2010, p. 32). Howev-

er, intersubjective validity can be left aside for the present purposes since it is not presented as a *sine qua non* criterion. As van Eemeren, Meuffels and Verburg note: “The soundness of the pragma-dialectical rules is first and foremost based on their problem validity” (2000, p. 418). Similarly, van Eemeren, Garsen and Meuffels note: “If the respondents in our studies prove to apply norms that diverge from the pragma-dialectical discussion rules [i.e., if the rules turn out *not* to be inter-subjectively valid], it cannot be deduced that the theory is wrong” (2009, p. 27).

Focusing thus on the criterion of problem-validity, I want to argue that its use gives rise to circularity. This circularity becomes apparent if we look more closely at the problems whose resolution conferred the pragma-dialectical rules their problem validity. Notice that these problems must have been specified in advance, given that the rules were “designed” (van Eemeren, 2010, p. 32) to solve these problems. If a test consists of seeing whether an object can “do a job,” the job must be specified in advance.

And yet, the problems solved by the pragma-dialectical rules come into sight only as negations of the rules themselves. In other words, the “problematic” character of the situations in which the rules are violated seems to consist of the fact that the rules are being violated. It is essential in this regard to note that the criterion of problem validity does not measure the rules’ capability of bringing about resolutions of differences of opinion *simpliciter*. As van Eemeren and Grootendorst explain, “the rules cannot offer any guarantee that discussants who abide by these rules will always be able to resolve their differences of opinion” (2004, p. 134). Rather, the criterion measures the rules’ capability of bringing about resolutions *that are up to standards*. We are told for instance that unless a certain rule is followed, the difference of opinion is not “*truly* resolved” (van Eemeren et al., 2014, p. 542) or that if another rule is not followed, the resolution would not proceed “in an *adequate* fashion” (van Eemeren & Grootendorst, 2004, p. 134). Here are some other examples:

It is only when a dispute has *fully* come to light that it becomes possible to make *systematic* attempts at resolving it.

(van Eemeren & Grootendorst, 1992, p. 107, emphasis added)

If a shift takes place in the proposition with respect to which standpoints are advanced, doubt is expressed and

attacks and defenses are carried out, the discussion can, at best, lead to a *spurious* resolution.

(1992, p. 125, emphasis added)

The fallacy committed by using nonargumentative means of persuasion is that a *real* resolution of the dispute is prevented.

(1992, p. 133, emphasis added)

Importantly, these last three excerpts are taken from *Argumentation, Communication and Fallacies*, the work in which “the authors established the problem validity of the pragma-dialectical discussion procedure” (van Eemeren, 2010, p. 32). In more recent works, references have been made uniform and the expression “on the merits” is used to refer to these up-to-standards resolutions (van Eemeren, Meuffels & Garssen, 2009, p. 27; van Eemeren, 2010, p. 1; van Eemeren et al., 2014, p. 542). It becomes clear that the rules and the problems are two sides of the same coin when van Eemeren et al. (2014) explain that the expressions ‘on the merits’ and ‘reasonably’ are coextensive: resolving differences of opinion on the merits “is exactly what ‘resolving in a reasonable way’ in pragma-dialectics means” (p. 595).

But if the problems and the rules are two sides of the same coin, we are effectively back to square one. The test passed by the rules appears to be that of safeguarding “real,” “adequate,” “systematic,” “non-spurious,” “on the merits” resolutions of differences of opinion. But since such terms were never separately defined, and since in the exceptional situation when they were defined the authors pointed back to the same ideal whose status is at issue (the case of “on the merits”), one can conclude that the rules came to solve problems they could not have failed to solve. Put differently, the criterion of problem-validity is circularly defined as the rules’ capability to prevent unreasonable argumentative behavior in an approach where unreasonableness is understood as violations of the very rules whose status is at issue.

In other works, a way out of this circularity is suggested (van Eemeren & Grootendorst 1987; 1994). The authors claim to have indicated “precisely which classical fallacies can be controlled through these rules” and go on to explain that “methodically speaking, this seems to us the best test to the problem-validity of the dialectical system of rules presented” (van Eemeren & Grootendorst, 1994, p. 23). According to this interpretation of the problem-validity criterion, the history of argumentation theory brings a set of “classical fallacies” to the theorist and the theorist undertakes to develop rules for resolving those tradi-

tional fallacies, now identified as problems. The circularity is thereby broken since the traditional fallacies obviously existed before the pragma-dialectical rules.

However, the tradition famously failed to deliver a clear set of problems and pragma-dialecticians were among the pioneers in argumentation theory to note this failure and try alternative routes. As many authors have observed, the pragma-dialectical theory has many advantages over other approaches to fallacies (e.g., Hitchcock, 2006). But such advantages derive precisely from the theory's claim to present, in the authors' own words, an "alternative" to other approaches (van Eemeren & Grootendorst, 1992, p. 104). This alternative was created through a three-fold *redefinition*. First, the concept of fallacy was redefined:

In our pragma-dialectical conception, the term 'fallacy' is reserved for speech acts which hinder in any way the resolution of a dispute in a critical discussion. Thus this term is systematically connected with the rules for critical discussions, and our treatment of fallacies is linked to a particular theoretical approach to argumentation.

(van Eemeren & Grootendorst, 1987, p. 284)

Second, labels of fallacies that already existed in the Standard Treatment were also redefined, e.g., *petitio principii* was redefined in terms of the pragma-dialectical concept of 'material starting point' (van Eemeren & Grootendorst, 1992, p. 153). And third, new fallacies were defined, e.g., the fallacy of *declaring a standpoint sacrosanct* (van Eemeren & Grootendorst, 1992, p. 216). These redefinitions confer the theory an increase in systematicity and, as such, notable advantages over other theories. But whatever connection remained between the problems identified by pragma-dialecticians and the ones that worried Aristotle and his followers, it is all but irrelevant for the rules' problem validity. In fact, van Eemeren and Grootendorst stress explicitly that if "one or more of the traditionally listed fallacies could not be analyzed pragma-dialectically, this would not automatically mean that there is something wrong with the theoretical apparatus. *It would be a mistake to treat the traditional list as a sacrosanct gift from heaven*" (1992, p. 105, emphasis added). In the same vein, Grootendorst criticized "buttercup approaches" to fallacies for disregarding the fact that "*fallacy is a theory dependent concept*" (1987, p. 335).

If problem-validity had been understood as the capability to eliminate a concrete set of predefined ("classical") fallacies, the circularity would have indeed been avoided. But this is not how problem-validity was eventually conceptualized, nor, prac-

tically speaking, how it could have been conceptualized, given, first, the aforementioned three-fold redefinition and, second, the plurality of not always compatible and coherent approaches that made up “classic” fallacy theory from Aristotle to the Woods-Walton studies.

In sum, although the pragma-dialectical rules are problem-valid, the criterion of problem validity is circular because the “problematic” character of the prohibited forms of behavior is only spelled out as the negation of the very rules whose status is at issue. Put differently, the unreasonableness of a fallacy does not derive from the fact that it hinders the resolution of a difference of opinion; rather, its unreasonableness derives from the fact that it hinders the resolution of a difference of opinion *on the merits*, where these merits are identified with the pragma-dialectical rules. The unreasonableness of a rule-violating act derives from its violating the rules.

The discussion of the circularity involved in vindicating the primary normative decision applies, *mutatis mutandis*, to the vindication of the secondary normative decision. I will go into it more briefly. As explained, the secondary normative decision is the choice for a set of soundness conditions for applying a selected rule in a concrete institutional context. Say we want to apply the following rule from the pragma-dialectical code of conduct (van Eemeren & Grootendorst, 1992, p. 208):

Rule 1: *Parties may not prevent each other from advancing standpoints or casting doubt upon standpoints*

The crux of this rule is the term ‘prevent.’ In evaluating, the scholar must ask: What does it mean for a discussant to “prevent” her collocutor from putting forward standpoint or doubt? In order to answer such a question one needs a soundness condition. This will take the form of a new statement that contains a new rule for separating *actual* acts of prevention from *apparent* ones. Say we formulate the following soundness condition for an imaginary institutional context:

Soundness condition for the application of Rule 1 in context  
C: *An act counts as ‘preventing the other party from putting forward standpoint or doubt’ if it amounts to a characterization of the other party as being unworthy of participating in the discussion.*

Now the category “a characterization of the other party as being unworthy” is a newly introduced category. A new form of set-membership becomes at issue. The analyst now asks: Under

what conditions do I properly apply the label “characterizing someone as being unworthy”? But this raises the need for a new criterion, a criterion for the application of the above-given soundness condition. This criterion will be *added* to the ones already under discussion. This is what Popper described as a snowball effect: “with every single step you take, the need for further steps increases in snowball-like fashion” (Popper, 1963/2002, p. 29).

Of course, the evaluator cannot afford this *ad infinitum* proliferation of criteria or else the normative judgment is never produced. Also, stopping this proliferation cannot be arbitrary—she cannot decide to stop after a random number of set-memberships have been dealt with. The only way the secondary normative decision can be made is through a circular movement. The choice for a certain soundness condition (i.e., the secondary normative decision) can only be vindicated by pointing out that the thus-specified rule identifies unreasonable behavior, where ‘unreasonableness’ is again understood as violation of the thus-specified rule whose application is at issue. The evaluator must substitute terms *salva rationem*, so that reasonableness is preserved, without any independent and indisputable criterion for checking whether the substitution preserves reasonableness. Circularity is the only way in which the need for new criteria is brought to a halt.

This kind of circularity does not surface in textbook treatments of “bad” argumentative discourse. In such treatments, scholars typically take the second course, i.e., stop at an arbitrary point. For example, both Walton (2006) and Tindale (2007) set out to devise evaluation methods under the aegis of methodology. They both present lists of categories of fallacies and exemplify the identification of fallacies in one or two cases per each category. Yet this only goes so far. We learn, for example, that there are *ad populum* arguments, which are defined as “illicit” appeals to popularity (Tindale, 2007, p. 105). Popularity in itself is not bad, but we “need to consider carefully what grounds the popularity and how it is related to what is being claimed” (p. 105). However, in view of the self-imposed goal of teaching the student “how to identify fallacies” (p. 13), the discussion ends disappointingly soon. The identification of each fallacy turns out to depend on the answering of one or more critical questions. For the *ad populum*, these are:

1. Is the appeal to a popular belief or practice so *widely known* to be correct that the burden of proof would lie with anyone who questioned it?

2. If not, and the burden lies with the arguer, has the popularity been *adequately supported* or explained (by a poll, for example)?
3. Is the popularity *relevant* to the claim made in the conclusion?

(Tindale, 2007, p. 108, emphasis added)

How will the student know whether the italicized terms are properly applied to a case under consideration? Or, to put it differently, how can the teacher using Tindale's textbook check whether the student has indeed learned "to identify fallacies"? The teacher presumably needs some measurement. Yet no such measurement is given. Having been acquainted with a set of critical questions and with some examples, the student is invited to generalize the application of the italicized categories and its criteria all the way down.

#### 4. A pancritical view of criticism

In this section I want to present an alternative to idealist normative agendas. If criticism understood as comparison with an ideal engenders circularity in the way the previous section has argued, then Govier's remark that "the quest itself" needs to be reexamined is as pertinent as ever.

The idea that one can be critical without fundamental principles is anything but new. Its *locus classicus* remains Bartley (1984), from which I borrow the term "pancritical" for the present purposes. In his treatise, Bartley makes a compelling case for the strong claim that commitment to a particular normative ideal leads to a "crisis of integrity" (p. 7). This crisis of integrity arises from the fact that the normatively oriented scholar is actively critical with regard to other individuals' acts, goals, and deeds yet regards his own ideal as a matter "ultimate [i.e., uncriticised] commitment" (p. 71). This ultimate commitment is in fact a free pass for an endless use of *tu quoque* arguments in which one scholar holding an ultimate commitment responds to critique by reminding the critic that "people who live in glass houses should not throw stones" (p. 78), that is, by reminding the critic about her own commitment to the ideal on the basis of which the critique was advanced.

In order to escape this situation, the idea of criticism must be revamped. Bartley warns that such a shift must not be "just another refrain of the song, 'You must be critical', which has been in the philosophical litany from the pre-Socratics to Socrates himself, through Descartes and Kant, to Nietzsche, to the

latest enthusiastic student of philosophy” (p. 113). As an alternative to this “old story” (p. 113), Bartley proposes to abandon the idea that criticism *needs* to come in the form of a comparison with a “rational criterion or authority” (p. 115). In a pancritical environment, the critic cannot carry out such a comparison for she is “committed, attached, addicted, *to no position*” (1984, p. 118).

The very idea of lack of commitment can perhaps be mistaken for an irresponsible and unqualified ‘anything-goes’ attitude. Indeed, terms such as “eclecticism” (Lakatos, 1970), “dadaism” (Feyerabend, 1993), and “disorder” (Dupré, 1993), while positively or at least neutrally intended, are often associated with some man-against-man situation in which nothing matters. As the studies of Kekes (1993) and Lassman (2011) have shown, the concept of “value pluralism” has had precisely such a faith in moral and political philosophy.

Yet the absence of fundamental principles need not mean abandoning the normative project. It just means approaching it in a different way. For the purposes of this essay, and with the risk of some oversimplification, the pancritical agenda can be reduced to the following three theses.

- (i) The critic regards all ideals of ‘good’ argumentative discourse as traditions of equal value. None is a *summum bonum* and no scholar has privileged access to an Archimedean point from which other traditions can be judged.

A pancritical research agenda in argumentation theory will be fundamentally different from the quest for ideals discussed in §2-3. To the pancritical scholar, the many ideals out there, within argumentation theory and in other institutional contexts, are traditions of equal value. These traditions are formed naturally in contexts where individuals need to coordinate their argumentative behavior (e.g. courts of law). They are all “ethnomethods,” to revive Garfinkel’s term, in which circularity is inescapable. The question of whether Reason (the ideal) should model or should be modeled by Practice (the argumentative reality) vanishes once their “mutual involvement” is brought to surface (Albert, 1985, p. 102). For “even the most perfect standards or rules are not independent of the material on which they act” and “even the most disorderly practice is not without its regularities” and, as such, we are brought to conclude that “what we call ‘reason’ and ‘practice’ are [...] two different kind of practices” (Feyerabend, 1978, p. 26).

- (ii) There are two ways in which one can be said to “criticize”: either by making a comparison between the tradition under investigation and one’s own tradition or by finding anomalies in one and the same tradition. The pancritical agenda seeks to develop the second.

The pancritical critic works (not *with*) but *on* principles of “good” argumentative discourse. She shares with the idealist the quest for ideals, yet she undertakes this with anthropological, rather than methodological, verve. The pancritical scholar seeks ideals of good argumentation because of her self-imposed task to find anomalies and internal inconsistencies that have in the past been kept at arm’s length by the traditions’ self-defense mechanism. In looking for anomalies, the pancritical scholar highlights problems that can be employed as a point of departure for improving the tradition in question, for any anomaly suggests the possibility of an alternative account. Those interested in maintaining that tradition can follow this suggestion and “process” the anomaly.

Yet, in a more fundamental sense, the pancritical critic is just being true to form. Because, in looking for anomalies, she is effectively looking for anomalies and internal inconsistency *in her own agenda*. Should she discover an ideal that is beyond critique, an ideal which is perfectly coherent and for which no anomaly can ever be discovered or imagined, she must admit defeat and acknowledge that, as far as that particular ideal is concerned, (i) has been refuted.

- (iii) There is neither a pre-defined definition of anomaly, nor any pre-defined method for finding anomalies or checking “objectively” whether some discovery constitutes an anomaly. One must judge on a case-by-case basis.

Albert refers to the intellectual exercise of the critic as the “search for contradiction” (1985, p. 54) and as “thinking in alternatives” (p. 66). Feyerabend adds that it involves a form of “backward movement” (1993, p. 114) to an earlier stage in the development of the tradition under study and that “one way of criticizing standards is to do research that violates them” (1978, p. 39). For Bartley, it is the asking of the question “Under what conditions would this theory be false?” (1984, p. 176). Such remarks are perhaps inspiring, but they overfly the main point, which is this: the pancritical exercise is an exercise of imagination and it is completely *context-dependent*. There is no hope of specifying in advance what counts as an anomaly simply because there is no pre-defined situation in which the proponents

of a certain tradition decide to abandon one tradition and embrace another one. The only advice one can give is the anti-advice to improvise—i.e., to take no advice too seriously. One is thereby encouraged to mix and match, fluctuate, reinterpret, ridicule, rearrange, shuffle, magnify, play down, change focus, forget, exaggerate and redo. And there is no guarantee that either of these would work until you notice that it does work.

Unlike the idealist critic, who can determine the correctness of the critique within the confines of her own tradition, the pancritical critic is in a very disadvantageous position. The success of her endeavors is determined by those who participate in a certain tradition. Namely, she must attempt to convince those involved in a certain tradition to not only accept a situation as anomalous, but to accept it as an anomaly worth corroborating (to accept it as a signal of *crisis*, to use Kuhn's terminology). This is an unfavorable position not because those involved in that tradition have psychological and institutional reasons to keep the tradition unchanged (although this might at times play a role), but because the tradition itself will typically have in-built mechanisms for keeping anomalies at bay. This is what Lakatos referred to as the "protective belt" of research programs, viz. the set of auxiliary hypotheses that shield the "hard core" of that program from crisis (1970, p. 133). Without being unfair or *ad hoc*, without being what Popper called "conventionalist stratagems" (Popper, 1935/2002, p. 61), these auxiliary hypotheses do make the life of a critic harder. As Albert put it, such claims, which are typically developed in anticipation rather than in response to critique, give "the prevailing theoretical conception such an advantage over other possible—and possibly still undeveloped alternatives that they are scarcely considered as rivals" (Albert, 1985, p. 66). This "tenacity" (Lakatos, 1970, p. 102) of a research program is not a blemish or a form of irrationality; it is a natural consequence of the scholar's decision to work within a certain tradition. The same conclusion is reached by Feyerabend (1993) who, after a detailed study of the dispute between Galileo and his contemporaries, notes that "while the pre-Copernican astronomy *was in trouble* (was confronted by a series of refuting instances and implausibilities), the Copernican theory was in even greater trouble (was confronted by even more drastic refuting instances and implausibilities)" (1993, p. 105, italics in original).

Applying this to the situation at hand, we see that if evaluation is understood as comparison with an ideal, the ideal itself cannot be constantly under discussion. To a considerable extent, then, the success of the idealist's project depends on her securing the "tenacity" of the ideal. This places the pancritical

critic in a particularly unfavorable position for she must criticize the ideal as a whole, viz., its hard core together with its protective belt. I will illustrate this in the following section. Before I proceed to this illustration, I want to deal with two possible objections.

First, one might still feel the need to have something solid below one's feet and reply that there is no *basis* on which the pancritical evaluator develops her critique. The lack of basis in the sense of a pre-defined criterion is indeed, as explained, a feature of the pancritical criticism. But in the way this reply is typically formulated it suggests that the criticism is thereby not worthy of being taken into consideration. This reply subtly brings to the table the assumption that change (institutional change, including, but not restricted to, academic change) is only worthwhile if it is compatible with, principles that are already in place. The reply is thus a veiled way of asking "OK, but what reasons do *I* have to agree with the critique?" If pressed, the pancritical critic must admit that no such reasons can be given. Nevertheless, while erratic in an assumed way, the criticism might in fact carry more weight due precisely to its lack of positioning. In any case, the "You have your Archimedes' lever, I have mine" is not a way out for the proponent of the criticized tradition. Thus, while strictly speaking baseless, pancritical critique might in fact be more effective and more easily adopted by those committed to certain paradigms since, again, anomalies are indirect promises that a certain tradition can be improved.

Second, one might reply that the commitment to ideal is just replaced with a commitment to the tenets (i), (ii) and (iii), or a more developed version thereof. This reply is tantamount to saying that the pancritical critic is just as committed to her pancritical style of normativity as the idealist is to hers. As in the first case, this reply correctly identifies a feature of the pancritical style of normativity: there is commitment involved in both the pancritical and the idealist agendas. However, the *tu quoque* does not hold any more, unless one glaringly equivocates on the term 'commitment.' The idealist is committed to a certain ideal of argumentative discourse; the pancritical critic is committed *to avoiding commitment* regarding particular ideals of argumentative discourse. The word 'commitment' can be perhaps used for both sentences, but it hardly means the same. The two agendas are both identifiable as normative agendas and as such involve a commitment to the not-anything-goes assumption, how the issue is managed from that point onwards is crucial. This second reply is a bit like accusing the person who is not addicted to any substances that she is addicted to her lack of addiction. The crucial difference is that the idealist critic cannot carry out her norma-

tive tasks without a set of pre-defined principles; the pancritical critic can (and must).

### 5. A brief illustration

The outline given in the previous section can be clarified by means of a brief illustration. Since I have already introduced it above, I will employ Rule 1 of the pragma-dialectical code of conduct as a case in point. According to this rule it is unreasonable to “prevent” the other party “from advancing standpoints or casting doubt upon standpoints.” The first question to ask is: What counts as an anomaly in this case?

Roughly speaking, an anomaly in this case would be a situation in which an obvious violation of Rule 1 is not obviously unreasonable—or, worse, it is obviously reasonable. Notice that the pragma-dialectician cannot really reject such observations as impossible on principle. She cannot say: “What you want to discover *cannot exist* since I define reasonableness precisely as alignment with the rules.” Such a reply would mean that reasonableness is solely a matter of definition and it would raise doubts as to the instrumentality of the pragma-dialectical agenda as a whole. The reply: “Well, you have your definitions, I have mine” is not available because the pragma-dialectician needs a point of attack on the argumentative reality. She cannot, thus, completely ignore anomalies.

On the other hand, and this is where the unfavorable position of the pancritical critic becomes apparent, the pragma-dialectician can neither accept such claims as “falsifications” of the normative system. The “hard core” of the pragma-dialectical agenda is also protected. The protective belt in pragma-dialectics is formed by the *higher-order conditions*. The idea of such conditions goes back to Barth and Krabbe (1982) and is developed in van Eemeren and Grootendorst (2004, p. 189) and van Eemeren (2015, pp. 835-839). These higher-order conditions function as a protective belt because only if they are satisfied can a critic claim to have discovered an anomaly. Thus, with the rules themselves seen as *first-order* conditions, the *second-order* conditions “concern the internal states of arguers: their motivations to engage in critical discussion and their dispositional characteristics as to their ability to engage in critical discussion” (van Eemeren, 2015, p. 838). These second-order conditions assume “skill and competence” on the arguers’ part but also their “willingness” to follow the rules of reasonableness (2015, p. 838). On a yet higher level, the *third-order* conditions concern the “surrounding socio-political context of equality” in

which ideals such as “non-violence” and “freedom of speech” are accepted and lived by (2015, p. 838).

A critique of Rule 1 cannot thus consist of a simple claim of the form “Aha! This piece of argumentative discourse is obviously unreasonable. And yet it is perfectly in line with Rule 1.” Had the first-order rules operated alone, such a discovery might count as a weaker or stronger critique, depending indeed on the ‘obviousness’ of the discovered anomaly. But with the higher-order conditions in place, the critic still has an immense burden of proof on her shoulders. She must additionally show that, in the situation at hand, the discussants were willing and able to be reasonable and that the socio-political context is such that the reasonableness was allowed and lived by. The most relentless of critics would shy away from such a challenge. And even if she does accept the challenge, it is not clear under what conditions her results would be acceptable. For how can it ever be established that individuals are truly willing and able to be reasonable? How can it ever be established that the context is truly one of freedom and equality? The critic’s task is made all but impossible. The hard core is protected and thus isolated, to some extent, from anomalies.

One must therefore look for anomalies that circumvent, in one way or another, the higher-order conditions. Let me attempt, for illustrative purposes, such an exercise. In each of the following three examples, an assumption regarding Rule 1 is confronted with an anomalous situation, that is, a situation that produces a tension between two parts of the pragma-dialectical evaluation procedure.

### *Situation 1*

A first anomalous situation arises when a discussant taking part in an argumentative discussion prevents the other party from advancing an act that is itself unreasonable. We are led to the question: is it unreasonable to prevent someone from advancing a standpoint if the advancement of that standpoint is itself an unreasonable move? As we know, within the pragma-dialectical ideal, some standpoints can constitute fallacious forms of argumentative behavior. Take for instance standpoints that suggest the other party has taken the opposite position when this is in fact not the case (violations of Rule 3 or *straw men*) or standpoints whose formulation counts as an evasion of the burden of proof (violation of rule 2 or *immunizations*). What if the preventive act prevents such standpoints? Will two wrongs make a right? It seems that the discussant is in a bind, with the rules offering no way out: If the prevention is successful, Rule 1 is

broken; if the prevention fails or if it does not occur, Rules 2 or 3 are broken.

This first example brings to surface a possible tension in simultaneously defining unreasonableness as a “violation of a rule” and as “the hampering of a procedure.” The two categories may coincide, and we might even assume that they typically do, but they need not. The tension is brought to surface by imagining a situation in which the violation of the rule does not hinder the resolution process but in fact safeguards it.

The tension seems to suggest that the pragmatodialektician cannot concurrently maintain the procedural and the prescriptive aspects of the rules for a critical discussion. If the rules stipulate how the resolution must be carried out, then everything depends on whether the procedure is maintained—irrespective of whether, independently judged, a particular move violates a pre-defined norm. If the rules stipulate what moves are *not* to be carried out, then everything depends on whether the prohibited move is performed—irrespective of whether, judged in relation to the procedure, the move in question hampers or safeguards the procedure.

### *Situation 2*

Suppose we discover an act that fits all the requirements of a threat, including the fact that the perlocutionary intention is to have the other party desist from putting forward a standpoint or doubt. In short, imagine the perfect, most indisputable *ad baculum*. Can such an act be judged by the rules that govern the resolution process?

Of course, such an act will affect the resolution process and it allegedly does so in a bad way, but it seems that the speaker can always escape these allegations by showing that, by the very rules the evaluator is employing, such an act is not the kind that can occur in a resolution process. So, presumably, the discussants share an understanding that jokes, threats, coughs, yawns, miscommunications, asking for the time etc. are not to be seen as part of the resolution process even though they do constitute departures from that resolution process. They might be said to hinder the resolution process in an *innocuous* way. How can we then still judge the perfect *ad baculum*, which consists of a threat—an act by definition *not* part of a critical discussion—by using the rules of a critical discussion? Isn't the very perfection of the *ad baculum* a feature that sets it outside the resolution process and thus outside the jurisdiction of the rules for a critical discussion?

The second example brings to surface a possible tension

between the two implicitly separated categories of argumentative behavior that does not contribute to the resolution process: innocuous hindrances and fallacious hindrances. The tension is brought to surface by magnifying the concept of innocuous hindrances (yawns, coughs, scrambled turn-taking, irrelevant interventions etc.) so as to include fallacies. Given their non-contribution to the resolution processes, the example suggests all fallacies are like yawns and fall outside the rules' jurisdiction.

### *Situation 3*

A third and final example: If a fallacy "gets through" then the act by means of which the fallacy is committed must in some sense be accepted *as an act*. But this seems to suggest that it is ultimately the other party's acceptance of the act that makes it fallacious. I am borrowing this idea from Jacobs and Jackson (2006). The authors, however, discuss it less as an anomaly *within* the pragma-dialectical system and more as a basis for an alternative account. They write: "Move and countermove are equally implicated in anything that goes wrong; together they make up flow. Derailment [fallaciousness] always occurs in at least two steps. A bad move of some sort is made and then, rather than taking corrective action of some sort, the move is allowed to pass and to take effect" (p. 126). Although my discussion seems in line with theirs, I am not sure to what extent Jacobs and Jackson would agree to the consequences I draw from the observation that "it takes two to tango."

Take again the case of the perfect *ad baculum*. If the abused party rejects the threat and puts forward her standpoint anyway, the resolution process is not derailed. The two can consider that threat a slight pause in the resolution process (akin to a yawn) and can continue their discussion. It is only when the abused party *accepts* the threat and desists from advancing her standpoint on account of the threat that the fallacy occurs. But if this is the case, isn't the abused party the one who is guilty of derailing the resolution process? And if this is the case for the *ad baculum*, isn't it the case for all fallacies? In other words, can fallacies that "go through" not be seen as resulting from some inter-subjective "agreement" on the move's admissibility? And if the parties inter-subjectively agree with it, isn't this sufficient reason to assume the higher-order conditions are not met—in other words, isn't this sufficient to assume that the discussants are *not* trying to follow the pragma-dialectical procedure for a critical discussion but some other 'ethno-method'? It seems that the success of a fallacious move within a discussion creates the

paradoxical situation in which the scholar has good reasons not to apply the very standards by which that move can be judged fallacious.

Van Eemeren (2010) touches upon this last point when he notes, “a party that commits a fallacy in argumentative discourse might in principle still be regarded as upholding a general commitment to reasonableness that involves an obligation to obey the rules for critical discussion” (p. 200). Van Eemeren makes a comparison with the Gricean Cooperation Principle, which is also upheld before violations. However, the two situations are completely different. The Gricean principle is upheld because the analyst is able to show that what *appears to be a violation* on the surface is *not* a violation after all—what appears to be miscommunication is in fact indirect communication. But in our example, the discussant’s fallacy is a fallacy and remains a fallacy under evaluation.

The third example brings to surface a tension between characterizing fallacies as violations of rules and considering them felicitous speech acts. The tension is brought to surface by giving extra prominence to the role of the hearer in the felicitous performance of the fallacious act. In this way, fallacious acts appear, just as non-fallacious acts, to be in some sense *admitted* by both parties. And if the fallacious act “goes through” in this way (i.e., if the threat achieves its effect, if the unsound argument is accepted, if the shift in burden of proof is accepted etc.), then the evaluator has two good reasons to refrain from applying the rules, namely, both discussants contributed to the fallacious move in a way that suggests they are not playing the game of the critical discussion.

It is not my intention to suggest that these three anomalous situations, either separately or together, spell out crisis for the pragma-dialectical project. Their success as points of critique depends, as explained, on whether the description of the anomalous situation offers ways out or compels the pragma-dialectician to consider a revision of the ideal. It was rather my intention to illustrate the kind of exercise involved in a pancritical approach. In each case, the critic replicates the proposed evaluation procedure for situations that might give rise to procedural glitches. The nature of the glitch—what counts as an anomaly and what is merely a quickly resolvable puzzle—is dependent on the tradition under study. In the case of Rule 1 of the pragma-dialectical code of conduct, three types of situations appeared to be anomalous: situations in which a piece of discourse is both unreasonable and necessary for maintaining the resolution process on track (example 1); situations in which a piece of discourse falls both within and outside the jurisdiction

of the rules (example 2); and situations in which the identification of a certain fallacy (*ad baculum*) depends on the parties' agreement on the move which constitutes the fallacy, an agreement that seems to suggest the inapplicability of the rules in the case at hand (example 3).

## 6. Conclusion

In this paper, I took up Govier's suggestion that argumentation scholars might have to reexamine the quest for an ideal of "good" argumentative discourse. This re-examination appeared necessary in view of the circularity created within idealist normative agendas, a circularity that is a "weak spot" given the scholars' self-imposed aim of vindicating the primary and the secondary normative decisions, i.e., separating them from one's personal preferences. By taking pragma-dialectics as a case in point, I have explained how the need to vindicate the primary and the secondary normative decision leads to circularity. I have then outlined and illustrated an alternative route, a form of criticism that is not based on predefined ideals of "good" argumentative discourse. Following Bartley (1984), I have referred to this as *pancritical* normativity. The essence of the pancritical view lies in the realization that "criticism" and "commitment" need not be fused. The other party's commitments—together with an assumption that not anything goes, an assumption without which normativity would be completely abandoned—form a sufficient basis for undertaking a search for anomalies. In such a view, criticism is understood as the finding of anomalies where the concept of "anomaly" is context-dependent and requires case-by-case judgment. I have then illustrated this search for anomalies with three brief examples.

This reexamination of the quest for ideals in argumentation theory has therefore led to a rejection of the question "What is a good argument?" This question begs an answer in the form of an ideal. If criticism and commitment to ideals are separated, the question to ask is "Under what conditions would this particular tradition of 'good' argumentative behavior run into trouble?" Good forms of argumentative behavior and bad ones separate themselves, in a variety of ways, within a multitude of traditions. The pancritical scholar admits to having absolutely no basis (or need) for carrying out this separation herself. But she acknowledges that not anything goes, so she maintains the normative stance. Her attention is then directed at the ideal of good argumentative discourse that is active within the tradition, and, with an understanding of what counts as an "anomaly" in that

particular tradition, proceeds to seek situations (in real-life or in imagination) that could be characterized as anomalous situations. Any discovered anomaly is a suggestion and an incentive to attempt a replacement of that tradition with a better one, a new tradition that is at least capable of “corroborating” the discovered anomaly.

In this new understanding of criticism, the study of fallacies can be expected to grow in importance, albeit the nature of this study might change. This study will focus on *fallacy accusations* as signals that a certain act has violated the norms of “good” argumentative behavior conventionalized within a certain tradition. If moral indignation is, as Merton put it, “a signpost announcing the violation of a social norm” (Merton, 1973, p. 292), then fallacy accusations, as forms of “argumentative indignation” are a signpost announcing the violation of norms of argumentative behavior. This introduces a significant degree of pluralism in the pancritical agenda. Fallacies do not “exist only in the mind of the interpreter” as Finocchiaro put it (1981, p. 15), but they are also not universal categories of ‘bad’ argumentative behavior. Fallacies are tradition-bound: they exist only as category-labels for what within a particular tradition is recognized as “bad” argumentative behavior. A fallacy is akin to a lie: there is a sense in which everybody lies and a sense in which no two lies are the same. But these senses are determined only within and relative to concrete socio-historical traditions. Weber’s oft-quoted remark about moral ideals becomes particularly relevant: “the highest ideals, which move us most forcefully, are always formed only in the struggle with other ideals which are just as sacred to others as ours are to us” (Weber, 1949, p. 57).

Ideals of how one should behave in cases of conflict grow everywhere. Argumentation theorists follow a particular ideal, biologists follow another one, soccer players, jazz musicians, theologians and many other groups follow their own ideals. If there is something bringing these categories together it is the normative drive itself, the idea that not anything goes. Beyond this minimal agreement *pro forma*, there is a remarkable diversity of ideals, a diversity that cannot be tamed based on one unifying standard.

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