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The Conventional Validity of Pragma-Dialectical Theory: A Critical Assessment and a Suggestion for Theoretical Improvement

La validez convencional de la teoría pragma-dialéctica: Un acercamiento crítico y una sugerencia para su mejoramiento teórico

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Abstract: In their *Fallacies and Judgements of Reasonableness* van Eemeren, Garssen and Meuffels have made an important attempt to show the conventional validity of Pragma-dialectical Theory (PDT). This essay aims to enquire to which the extent this attempt is to be considered successful. In a first step (1) the authors' attempt is reconstructed. In a second step (2) the way how the study deals with the concept of reasonableness in the methodological layout of the empirical tests is analysed. The reflections laid out in this section will underline the tests' valuable contribution to showing PDT's conventional validity, but also highlight some methodological issues. A few suggestions follow as to how to improve the empirical proof. This aims to show a way to testing PDT's conventional validity in a fully convincing manner. Whereas section 2 concerns methodological issues, section 3 raises a theoretical question: can it be necessary to take into account the possibility that different standards of reasonableness apply in different contexts? This is, I believe, the most interesting question that emerges from the empirical tests: the importance to test and to account for the variability of judgements of reasonableness in different argumentative contexts. This results in an enquiry into the scope of the epistemic conditions of PDT.

Keywords: Pragma-dialectical theory, conventional validity, fallacies, reasonableness.

Resumen: En *Fallacies and Judgements of Reasonableness*, van Eemeren, Garssen y Meuffels han hecho un esfuerzo importante por mostrar la validez convencional de

la teoría pragma-dialéctica (PDT). Este ensayo busca investigar hasta qué punto este esfuerzo puede ser considerado exitoso. En el primer paso (1), el esfuerzo de los autores es reconstruido. En el segundo paso (2), se analiza la forma en que el estudio trata el concepto de razonabilidad desde el aspecto metodológico del test empírico. Las reflexiones obtenidas en esta sección apoyarán la valiosa contribución del test para mostrar la validez convencional de la PDT, pero también mostrará algunos problemas metodológicos. Algunas sugerencias siguen respecto de cómo mejorar la prueba empírica. Esto persigue mostrar un camino para testear la validez convencional de la PDT de una manera totalmente convincente. Mientras la sección 2 se relaciona con temas metodológicos, la sección 3 apunta a materias teóricas: ¿es necesario tomar en cuenta la posibilidad de diferentes estándares de razonabilidad que aplican en diferentes contextos? Esta es, creo, la pregunta más interesante que emerge de los test empíricos: la importancia del test y la explicación de la variabilidad de juicios de razonabilidad en diferentes contextos argumentativos. Esto resulta en un cuestionamiento al alcance de las condiciones epistémicas de la PDT.

Palabras clave: Teoría pragma-dialéctica, validez convencional, falacias, razonabilidad.

1. Putting PDT to the test

PDT is a *normative* theory inasmuch as it analyses oral and written communication against the background of a set of rules that aim to distinguish fallacious from correct argumentation. Its inventors define it furthermore as an *etic* theory in that it adopts an external point of view on argumentation as opposed to the speakers' own interpretations (van Eemeren and Grootendorst, 2004, p. 74; Van Eemeren, Grootendorst, Jackson and Jacobs, 1993, pp. 51-52). Although it aims to establish rules for correct argumentation, and is therefore not primarily about how discussants argue, but instead about how they *ought to* argue, PDT also claims *conventional validity*. Van Eemeren and Grootendorst (2004, p. 132) define conventional validity as "acceptability to the discussants". This is an important point, for the reasonableness of the pragma-dialectical rules for correct argumentation depend both on what van Eemeren and Grootendorst refer to as their "*problem validity", i.e. on "the possibility [they] create to resolve differences of opinion*", *and* on its conventional validity (van Eemeren and Grootendorst, 2004, p. 132).

Inasmuch as PDT is a normative theory, empirical data can neither falsify nor confirm its problem validity (van Eemeren, Garssen and Meuffels, 2009, p. 27), for the theory claims for itself the normative validity of an

"Ought", not the "correspondence to facts" of an "Is". It is not a prediction of how discussants argue, but a prescription of how they ought to argue.

On the other hand, empirical research can very well test PDT's conventional validity, i.e. investigate into how far "*ordinary arguers agree with the theoretically motivated norms*" (van Eemeren, Garssen and Meuffels, 2009, p. 1). An "ordinary arguer" is an arguer who is not schooled in argumentation theory, let alone in PDT (p. 58). Such an arguer may implicitly or explicitly apply norms that correspond or not with PDT rules (p. 27). It is to this effect that the authors have undertaken a series of empirical tests.

In these tests a material is put to the attention of the respondents that revolves around cases in which a specific pragma-dialectical rule is violated. The aim is to see whether respondents detect the violation and how well they set it apart from correct cases. The authors check the respondents' attitude to pragma-dialectical rules by confronting them with fallacious and non-fallacious argumentative moves. The authors took care that fallacious arguments would also violate a pragma-dialectical rule, since this is not always and necessarily the case (van Eemeren, Garssen and Meuffels, 2009, p. 57). In particular, responses to the "freedom rule" are analysed by means of pieces of dialogue that present fallacious and non-fallacious *argumenta ad hominem*,[1] responses to the "argument scheme-rule" are analysed in terms of *argumenta ad consequentiam*,[2] *ad populum*, etc., the "obligation to defend-rule" is analysed in terms of various forms of shifting or evading the burden of proof,[3] etc. The latter category comprehends a series of "PDT-specific" fallacies, i.e. of fallacies that have been introduced as a consequence of the establishment of pragma-dialectical rules.

Respondents are asked to assess the reasonableness of argumentative moves on a 7-points Likert scale that ranges from "very unreasonable" to

[1] The "freedom rule" states that "Discussants may not prevent each other from advancing standpoints or from calling standpoints into question" (van Eemeren and Grootendorst, 2004, p. 190).

[2] The "argument scheme-rule" states that "Standpoints may not be regarded as conclusively defended by argumentation that is not presented as based on formally conclusive reasoning if the defence does not take place by means of appropriate argument schemes that are applied correctly" (van Eemeren and Grootendorst, 2004, p. 194).

[3] The "obligation to defend-rule" states that "Discussants who defend a standpoint may not refuse to defend this standpoint when requested to do so" (van Eemeren and Grootendorst, 2004, p. 191).

"very reasonable". All in all, respondents assess rule violations in a sensibly differently way than cases of correct argumentation.[4]

2. Methodological problems with the measurement of "reasonableness"

In PDT terms, fallacies are rule violations (van Eemeren and Grootendorst, 2004, Ch. 7; Eadem, 1992, pp. 102-106), and reasonableness is therefore binary coded. In other words, a discussion move is either reasonable or unreasonable, for a speaker cannot breach a rule "more or less". The choice of a 7-point scale suggests, instead, that "reasonableness" is to be treated on a continuum from "very unreasonable" to "very reasonable". Is it possible that respondents have been thus involuntarily suggested to treat the concept differently than according to PDT?

The choice of a 7-point scale is justified inasmuch as PDT theorists may be assumed to concede that a rule breach may more or less seriously impinge on the resolution of a difference of opinion. Consider for instance the rule stating that discussants can perform the same speech act with the same role in the discussion only once, that they can only perform one move at the time and that their moves must fulfil a particular role in the discussion according to the list of speech acts differentiated per discussion stage (van Eemeren and Grootendorst, 2004, p. 154). It may well happen in a discussion that such a rule is broken, but if both discussants are arguing in good will and are ready to recognise a rule breach when they realise that one has occurred, this fallacy seems not to jeopardise the whole critical discussion.

Nevertheless, a move is strictly speaking either fallacious or not. The choice of a Likert scale may have instead misled respondents to treat the concept of reasonableness differently than according to PDT's acceptance. In order to make sure that the examples submitted to the attention of the respondents can be clearly distinguished in fallacious and non-fallacious, van Eemeren, Garssen and Meuffels have posed the same examples to the

[4] For more detailed reports see Zenker (2011), Navarro (2011), Bihari (2010), and Hample (2010).

attention of theorists schooled in PDT, who have assessed the cases on a binary scheme "fallacious/non-fallacious". The fact that the scale on which respondents had to assess the examples is different than binary signals the legitimate expectation that an assessment that is performed on the basis of a common linguistic and cognitive ability is somehow more complicated. The key question is therefore: what do ordinary arguers mean by "reasonableness"? Do they treat the concept as binary or as multidimensional?

Van Eemeren, Garssen and Meuffels are indeed aware that more than one factor may exert its influence on judgements of reasonableness. They attempt to take this into account in that they consider the impact of the "politeness-value" of argumentation moves on judgements of reasonableness. This happens in particular with regard to the studies of *ad hominem* fallacies (van Eemeren, Garssen and Meuffels, 2009, pp. 59-62). Besides being correct or fallacious, argumentative moves can also be polite or impolite. "Politeness" is allowed to play no role in the pragma-dialectical concept of reasonableness, but it may be very well part of what people may be tempted to associate with the word "reasonable", and may therefore play a role in their judgement: exceedingly or unjustifiably impolite utterances may be seen as unreasonable (pp. 64-65; pp. 73-74). Since the empirical researches end up inquiring into the conventional validity of PDT's concept of reasonableness, on which all PDT rules finally rest, this is a relevant aspect and is to be filtered out of the results. The authors aptly attempt to achieve this by means of an analysis of co-variance (pp. 59-62).

Nevertheless, doubts persist as to whether respondents do intend the word "reasonable" in the same way as PDT does. Filtering out politeness-values may not be enough. Politeness is indeed only one of the elements that may impinge on a judgement of reasonableness. The authors are well aware of the complexity of the term "reasonableness" in common language use, so much so that they list themselves a series of "dimensions" that may shape its acceptance, such as "fairness" and "adequacy". "Ordinary arguers" may be tempted to see as unreasonable what is unfair, inadequate, cognitively unsound, etc. Consider for instance the following verbal exchange:

> *A: I think you should increase my allowance; all my friends get a lot more that I do.*
> *B: If you nag about that once more I'll box your ears*" (van Eemeren, Garssen and Meuffels, 2009, p. 87).

A respondent could think B's reply unreasonable in that:

a) a physical threat is unacceptable because of A's right to physical integrity ("unreasonable" inasmuch as in open violation of a universally accepted rule of moral interaction);
b) B's reply hinders A's bringing forward his/her own standpoint and represents therefore a violation of the freedom rule (PDT-unreasonable).

Consider furthermore the following case:

> "*A: I really do not think your promotion can go ahead; your research is well below par.*
> *B: You cannot do that to me. I have already invited my entire family and all my friends*" (van Eemeren, Garssen and Meuffels, 2009, p. 88).

A respondent could think B's reply fallacious in that:

a') A promotion is deserved or undeserved on reasons that are independent of whether B invited his/her friends and family to the examination (B's reply is therefore unreasonable in that it is normatively irrelevant);
b') B's reply means to put A under pressure and to make his/her standpoint non-viable (PDT-unreasonable).

In both cases, only b) and b') would confirm PDT's conventional validity, but the test does not make it possible to rule out that the respondent intended a).

The previous examples show that in common usage "reasonableness" can well be considered as a multidimensional concept, or at least as a concept that is subject to several, non-mutually excluding interpretations, and therefore flexible in its common usage. It seems difficult to reduce its multifarious meanings to a binary code, and Van Eemeren, Garssen and Meuffels seem indeed to concede that in common judgement "reasonableness" can partly be a matter of degree. The authors' studies offer themselves a suitable example of a certain cleavage between common judgement and PDT rules: respondents tend to judge the *tu quoque* variant of the *arguentum*

ad hominem as a sound argument. Van Eemeren, Garssen and Meuffels maintain that, as a matter of fact, "it may of course be expected of serious discussion partners" that their words and deeds "*show a certain degree of consistency*" (2009, p. 59). They accept in other words that ordinary judgements of reasonableness may take this into account. The question is therefore how far this should open the way to a non-binary modulation of "reasonableness".

It is worth mentioning that the authors are aware of how problematic their mono-dimensional interpretation of "reasonableness" actually is, but deny that a multiple scaling method would have better suited their purpose (2009, p. 210). As a reason they adduce the fact that the results match the hypotheses, especially with regard to *ad hominem* fallacies. Indeed, hypothesis 2 of the study of *ad hominem* fallacies (2009, p. 60) is based on the consideration that fallacies that are perceived as a gross insult would be found less reasonable than "softer" kinds of fallacies. It is nevertheless exactly this kind of consideration that could have motivated the authors to expect respondents to embrace a multi-dimensional interpretation of "reasonableness", for according to PDT a move is fallacious or not independently of the loss of face it may involve for the speaker who suffers the attack. Therefore, if the hypothesis is confirmed, "loss of face" is but a further dimension in the respondents' interpretation of "reasonableness". Moreover, the studies show in a seemingly reliable way that the results are not substantively determined by the variable "politeness", so that the question arises as to the correct theoretical explanation of the findings that indeed match hypothesis 2. What is it that actually determines the differences in the responses given to the different fallacies if not only the soundness of the argument?

A hypothesis worth testing would be as follows. The instructions that the authors give to respondents mirror the expectation that the latter may be likely to expect different argumentative behaviour in different contexts. The authors' test sentences regard indeed argumentation in varying domains, such as for instance in a scientific discussion among scholars, in a simple conversation among friends or family, etc. For instance, people may indeed be thought to give greater "epistemic" importance to the integrity of the arguer in a scientific rather than in a familiar context, and

judge the same fallacies in a (slightly) different way according to context. This would explain the respondents' different reactions to the *tu quoque*.[5] In other words, the question emerges as to how far-reaching this difference in judgements of reasonableness is from context to context and how to test such a difference. Is it possible that ordinary arguers give a different meaning to the multidimensional concept of reasonableness according to the communicative domain they find themselves in?

The authors deny this possibility in that they maintain that the term "reasonableness" is very clearly defined in PDT, and exactly this meaning of reasonableness is what ought to be tested (van Eemeren, Garssen and Meuffels, 2009, p. 211). However, this remark does not dispel all doubts as to the *measurement* of "reasonableness", for the question if not so much whether the concept is theoretically well-defined, but rather whether respondents use it or not in the same way as PDT understands it, and how constant this use turns out to be.

In this respect, the authors are aware of a certain ambiguity in the empirical results. Thus, they introduce additional tests in order to see what may actually influence the respondents' judgements of reasonableness. For instance, they test how far responses vary according to the consensus that a standpoint enjoys and find that, indeed, fallacies are judged differently according to the *plausibility of the content* of what is said (van Eemeren, Garssen and Meuffels, 2009, pp. 155-157). Although judgements do not tail off so much as to delete the difference between fallacious and non fallacious cases, the relation between *plausibility of content* and reasonableness could indeed be worth of further inquiry (some further reflections on this point will be laid out in section 3).

One of the reasons of the emerging methodological difficulties may be due to the choice of testing the conventional validity of PDT rules by confronting respondents with fallacies. The choice precludes a clear answer to the question as to why respondents judge a move as fallacious: is it because it breaks a pragma-dialectical rule or for some other reason? Unless the

[5] Minor methodological objections come to mind when considering the hypotheses regarding judgements of reasonableness in different domains (van Eemeren, Garssen and Meuffels, 2009, p. 61). The instructions given to the respondents (66) seem apt to prestructure their expectations as to the incidence of fallacies and the acceptability of impoliteness. However, this is all but a key-issue in the context of the overall enquiry.

studies conducted allow to conclude that respondents answer as they do because they implicitly or explicitly acknowledge the validity of PDT rules, respondents may just identify a fallacy without our knowing exactly why they do so.[6] The examples administered to respondents hide several ambiguities in this respect.

Thus, some argumentative moves seem to be fallacious in that they rest on a *cognitive failure*. For instance, if I assume that an assertion is wrong because, if it were true, it would lead to unpleasant consequences, the fallacious nature of the argument is due to the fact that the truth value of the assertion is epistemically independent from its practical consequences. I may be also breaching a pragmatic rule, as PDT has it, but respondents may be tempted to detect a fallacy inasmuch as the inference is wrong. Likewise, the *argumentum ad ignorantiam*, used to test Rule 8, besides breaching a pragma-dialectical rule, is also a logical failure.[7] Respondents may therefore judge these moves as fallacious due to their *cognitive inconsistency*. In order to sat that the conventional validity of PDT has been effectively tested we ought to be sure that the reason why respondents detect a fallacy is that the argumentative move in question is not conducive to the resolution of a dispute, and therefore unreasonable. Otherwise the tests allow us to say that respondents' judgements may be due to their adopting PDT rules, to some other reason, or to both (or even to none of these options).

The only cases to which this reflection seems not to apply are those fallacies that the authors see as generated by PDT in the first place. These are fallacies that revolve around the avoidance of confrontation on a standpoint. The reason why the former objections seem less likely to apply is that the cases posed to the respondents' attention revolve specifically around

[6] It is important to notice that van Eemeren, Garssen and Meuffels (2009, p. 71) are well aware of this difficulty.

[7] The same applies to at least some cases of direct and indirect personal attack. See for instance the following one (van Eemeren, Garssen and Meuffels, 2009, p. 65): "A: I believe you have acted extremely unethically, you did not tell your patients in advance what they would be exposed to. B: What do you know about ethics? You are no doctor at all". B's move may be seen as fallacious just because her assertion is wrong: can we expect only doctors to know that patients have the right to be informed of the side-effects of treatments? If this is so, and if we can expect that both A and B know that this is so (as seems reasonable to assume), then B is using an openly unconvincing, and in this sense unreasonable, argument, which seems to boil down to a plain offence.

pragmatic failures. Indeed, results seem promising at least with regard to the conventional validity of the freedom rule, but the test does not yet seem to be decisive, for the dialogues presented to respondents consist in cases in which a confrontation is abruptly denied *without any apparent reason* (if not just bossiness or contrariness). As the next section will attempt to show, this may make a consistent difference. Hereby we move to a different, not only methodological, but specifically theoretical and potentially more interesting terrain. The question is how to appropriately test pragma-dialectical rules in order to bring to the fore their specifically pragma-dialectical content.

3. Rule-breaching and the validity-scope of PDT

The thesis defended in this section is that a proper way of testing PDT is to attempt to falsify it rather than seek for confirmation in the respondents' attitudes. Can we in other words imagine of cases in which respondents may be likely to have *reasons* to judge as correct a move that PDT would see as fallacious? This looks like the key-question to answer when testing the conventional validity of PDT rules. Indirectly, this may have consequences for the theory itself, for what is actually at stake is the *scope of the second-order conditions for a critical discussion*, and thus the scope of the entire PDT.

Van Eemeren and his collaborators have repeatedly attempted to demarcate the scope of PDT's application. To this effect they have listed the conditions that have to apply for a critical discussion to be possible. There are indeed "reasonable limits to entering into a resolution-oriented argumentation" (van Eemeren, Grootendorst, Jackson and Jacobs, 1993, p. 143).

Abiding by the rules is a pretty obvious *first-order condition* for having a critical discussion. *Second-order conditions* are more complex. They include the absence of emotional restraints and personal pressure (van Eemeren and Grootendorst, 2004, p. 189). Most important, before entering into a discussion we must already have agreed on certain standards. A certain "epistemological agreement" must already be present for a reasonable discussion to be possible. Wherever "comprehensive disagreement"

reigns, argumentation is impossible (van Eemeren, Grootendorst, Jackson and Jacobs, 1993, p. 159). Thus, if we disagree on any consistent standard for evaluating the quality of an argument, the plausibility of the premises, the rules for a correct inference, etc., a critical discussion will hardly be possible. *Third-order conditions* are social, and concern the presence of power and authority relations among participants. Thus, the ideal model of critical discussion assumes that speakers do not entertain a hierarchical relationship with one another (van Eemeren, Grootendorst, Jackson and Jacobs, 1993, p. 33).

These conditions, but in particular the second-order conditions, highlight the "*epistemological limits to the scope of the problem validity and intersubjective validity of critical discussion as a method of dispute resolution*" (van Eemeren, Grootendorst, Jackson and Jacobs, 1993, p. 167). The scope of this epistemological agreement may be indeed the most suitable object of enquiry in order to test PDT's conventional validity.[8] Two questions seem worth being delved into: a) whether the strength of a (tacit or explicit) premise may justify a rule breach; and b) whether specific domains of communication may be subject to different rules resp. allow for expectations from PDT rules. The following cases may illustrate these points.

Ad a).

> *A: I think white people are more intelligent than black people. Research has proved that this is true.*
> *B: Oh, stop that racist twaddle. That subject is unmentionable here!* (van Eemeren, Garssen and Meuffels, 2009, p. 98).

> *A': Our party is of the opinion that the present policy on euthanasia is antiquated. Many people still suffer unnecessarily.*
> *B': My party will not even discuss the matter. Euthanasia is strictly taboo for us* (van Eemeren, Garssen and Meuffels, 2009, p. 99).

[8] Thus far, the question has been particularly debated with regard to legal argumentation. See Feteris (2000, p. 119; 2002), Damele (2007, pp. 128-129), Sartor (2005), and Alford (2002, pp. 277-279).

Although according to PDT both lines of discussant B contain a fallacy, respondents assess only the latter as unreasonable. The authors hypothesise that this cleavage is due to a cognitive dissonance between what respondents perceive as fallacious and what they perceive as correct in content. If respondents strongly disagree with A's standpoint, they may be impervious to B's fallacy inasmuch as they conversely agree with B's statement, whereas the opposite applies to the statements made by A' and B'.

However, this hypothesis presupposes that respondents spontaneously apply the pragma-dialectical rules and should therefore find both lines unreasonable. This seems, however, a "post hoc ergo propter hoc" reasoning. What if respondents may actually have specific reasons to align themselves with B? If they really think that A's line is nonsensical, evidently wrong, and dictated by a racist feeling to such an extent as not to be worth discussing in the first place, they may consequently judge it as "unmentionable" just as B does in the example. In this case there would not even be a cognitive dissonance, for they would see themselves justified in not applying the pragma-dialectical freedom rule due to the unacceptability of A's line.

In order to dispel doubts on the conventional validity of PDT it could be worth enquiring into whether the cognitive value (or lack of value) that respondents ascribe to different statements takes any influence on their willingness to apply the pragma-dialectical rules. If this were the finding the question would raise as to whether respondents do not subject the *content* of utterances to judgements of reasonableness before, rather than, or even instead of, the pragmatic "behaviour" of discussants.

Ad b).

A further attempt at falsifying PDT would be to check whether respondents are ready to subject different domains of communication to different rules or, if they can be said to "spontaneously" apply PDT rules, to make any exceptions to the latter, for instance whenever the achievement of domain-specific goals is at stake. Consider the following example: In a discussion on TV among representatives of different political parties, speaker A says what follows: "M*y adversary seems to be interested in discussing how our*

coalition ruled the country in the past legislature, but this is a local election and I'd rather discuss what is good for our town. I hope you don't mind if I go on developing my own argument without replying to hers." Imagine, furthermore, that the speaker's adversary insists on the relevance of her remarks, to which speaker A gives no further explanation of her attitude and goes on illustrating her platform, instead. Speaker A may be taken to violate (at least) the obligation-to-defend rule. According to PDT, this attitude is not conducive to the resolution of a difference of opinion and therefore fallacious. Can we hypothesise any valid reasons why speaker A may behave the way she does?

Possible reasons may refer to the intentions of speaker A and her assessment of the communicative situations she finds herself in. If she has taken into account that:

a) Speaking time is limited;
b) Opportunities to address her potential voters are scarce;
c) Her main task is b) as well as to attract attention to the points she finds relevant for gathering consent;
d) her adversary's remarks would take her too far away from c);

and furthermore that:

e) participating in a critical discussion is secondary to these goals;

then the choice would clearly be between two different rules of conduct: either getting involved in a critical discussion or pursuing "strategic" goals of political communication.

Respondent's reactions to such a case may be expected to depend on how they assess the specificity of the communicative situation vis-à-vis the importance they ascribe to pragma-dialectical rules. Moreover, reactions are likely to be different depending on the audience that is being interviewed: designers of a political campaign could well be expected to give different answers than non-involved "ordinary arguers". This is likely to be an effective test for (different kinds of) respondents' willingness to apply or not to apply PDT rules to different domains of communication.

4. Conclusions

The former examples are of course artificial and tentative formulations of cases in which several factors may be at work in determining a judgement of reasonableness, and are not meant to be tested as such. As examples they hopefully show what could be most interestingly inquired into, which is the *scope of PDT rules* and the possible exceptions that "ordinary arguers" may be ready to make due to factors – such as the plausibility of opinions and their epistemic implicatures – that the selfsame results of van Eemeren, Garssen and Meuffels' research bring to light.

This is all the more worthwhile testing inasmuch as van Eemeren, Garssen and Meuffels' respondents seem in most cases unable to indicate the *reasons* why the perceive something as fallacious. Indeed, their answers to the qualitative part of the authors' research are not encouraging with regard to PDT's conventional validity. Correctly, the selfsame authors underline this finding (van Eemeren, Garssen and Meuffels, 2009, pp. 220-222). Nevertheless, they repute the conventional validity of PDT rules to be demonstrated by the quantitative results of their tests thanks to the fact that fallacies are distinguished from correct cases to a significant degree. However, this consideration hardly seems to solve the problem as to the *reasons* that lie behind the responses, so that we still do not know if the respondents have seen as unreasonable what does not help overcome a difference of opinion. The former reflections suggest that different factors may be at work in judgements of reasonableness.

All in all, we still cannot conclude that the conventional validity of PDT rules has been convincingly shown. It could furthermore be asked whether domains of communication exist in which the application of pragma-dialectical rules could be *a choice among others*, as in the example on political communication. PDT can only be said to be conventionally valid if respondents give priority to its rules in case of conflict.

Beside impinging on PDT's conventional validity, this may have important theoretical implications for the theory itself. In fact, if respondents (any set of respondents) turns out to apply or not apply the rules according to the argumentative and communicative domain at hand, an additional task grows out for PDT. In order to say when a fallacy is being committed PDT should in the first place show that its rules *ought to* be followed. If the

notion turns out to be correct that the pragma-dialectical ideal of a critical discussion is a set of rules that may conflict with others, reasons have to be put forth to show that discussants are to apply the first in case of conflict. This would be an interesting topic for further research.

Works cited

Alford, Roger. "Improving the judicial review of Common Law argumentation." In F. van Eemeren (Ed.), *Advances in Pragma-Dialectics* (pp. 271-87). Amsterdam: Sic Sat, 2002.

Bihari, Judit. "Review of van Eemeren, Garssen and Meuffels (2009)." *Argumentum* 7 (2010): 37-42.

Eemeren, Frans van and Rob Grootendorst. *Argumentation, Communication, and Fallacies. A Pragma-Dialectical Perspective.* Hillsdale/NJ: Erlbaum, 1992.

Eemeren, Frans van and Grootendorst, Rob. *Systematic Theory of Argumentation. The Pragma-Dialectical Approach*. Cambridge: CUP, 2004.

Eemeren, Frans van, Garssen, Bart, and Meuffels, Bert. *Fallacies and Judgements of Reasonableness*. Dordrecht: Springer, 2009.

Damele, Giovanni. "Dialettica, retorica e argomentazione giuridica." *Analisi e diritto* 2006: 115-36.

Feteris, Eveline. "A dialogical theory of legal discussion: Pragma-dialectical analysis and evaluation of legal argumentation." *Artificial Intelligence and Law* 8 (2000): 115-35.

Feteris, Eveline. "Pragmatic Argumentation in Legal Context." In F. van Eemeren (Ed.), *Advances in Pragma-Dialectics* (pp. 243-59). Amsterdam: Sic Sat, 2002.

Hample, Dale. "Review of van Eemeren, Garssen and Meuffels (2009)." *Argumentation* 24 (2010): 375-81.

Navarro, María. "Review of van Eemeren and Garssen, Controversy and Confrontation." *Informal Logic* 1 (31) (2011): 69-74.

Sartor, Giovanni. "Dialoghi e ragionamento giuridico." *Analisi e diritto* 2004: 183-214.

Zenker, Frank. "Review of van Eemeren, Garssen and Meuffels (2009)." Forthcoming.