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COMMENTS ON ROBERT J. YANAL, "ARGUMENT AND CONVICTION"

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This paper has a lot more in it that I have time to talk about, but I believe its central concern is with the norms governing argumentation. Yanal correctly observes that many people, philosophers especially, believe that these norms require that good arguments and nothing else are to figure in argumentation. Yet, as he also correctly observes, good arguments often fail to convince. He sees this a problem the solution to which lies in adopting less restrictive norms which would permit the use of three 'ancillary devices' of rhetoric as supplements. Roughly speaking, these devices are linguistic 'decoration', manipulation of emotion and establishing credibility.

I am inclined to go along with this suggestion, but I think we must first draw some distinctions and impose a limitation.

First we must distinguish between two *types* of norm: *epistemic* norms and *ethical* norms. *Epistemic* norms govern the rational and responsible formation of belief; Yanal is referring to an epistemic norm when early in the paper he cites his 'maxims of argumentation' to the effect that we ought to be convinced by an argument if and only if it is good. This norm applies to the receivers of an argument and requires that they first determine whether or not the argument is good and then form their belief accordingly.

Ethical norms, on the other hand, govern what people are to *do*, and in argumentation they apply to the argument senders. When Yanal suggests at the end of the paper that argument senders should sometimes be allowed to persuade at least partly through the use of the ancillary devices he is discussing an ethical norm.

But in argumentation norms of the two kinds are closely interrelated, and to see how it will be helpful to invoke my second distinction which is between two different social practices, *argumentation* and another, simpler practice which I call *reporting*.

In reporting I simply tell you something and ask you to take my word for it. There is an epistemic norm here which requires that you be persuaded by my report if and only if I am reporting reliably, and so worthy of trust. This means that you must first determine whether or not this is so and then form your belief accordingly. Your assessment will have two main dimensions: the likelihood that in my report I am really expressing my belief and the likelihood that I formed this belief in accordance with appropriate epistemic norms.

A corresponding ethical norm applies to me as sender and requires that I see to it that my reporting is reliable. This requires that I first apply epistemic norms myself to determine the truth of the matter, form my belief accordingly, and then express this belief in my report. The source of this ethical norm lies in the function which the social practice of reporting serves; this is, I suggest, to enlarge the cognitive powers of the receiver by adding to them the powers of the sender. When I make a reliable report *you* are able to use *my* rational belief forming powers to form *your* own rational beliefs about matters on which you would otherwise have to remain agnostic.

Argumentation is in some ways similar, but now the message sent is an argument and the need for trust, and so for assessing the sender's credibility, is no longer present; you don't have to take my word for anything since you have the argument and can evaluate it yourself.

The corresponding ethical norm for the argument sender requires that the argument sent be good, which means that the sender must determine the argument to be good before sending it, this determination itself being governed by epistemic norms. This again flows from the function of the practice which, I believe, is again to enable the receiver's cognitive powers to be enlarged by addition of the sender's, only now in a different and reduced way. In arguing, all I do is to refer you to certain propositions and their logical relationships, these being items which perhaps haven't occurred to you before, but then you take it from there. For this practice to work, however, I must be referring you to propositions which do make up a good argument. Hence the ethical norm.

So in both reporting and argumentation there are ethical norms applying to senders as well as epistemic norms applying to both senders and receivers. The receivers must epistemically assess what is sent; the senders must do an epistemic assessment to decide what to send.

But even when the senders are doing their jobs the receivers may still not be persuaded. This can happen even when the receivers are also properly doing their epistemic jobs since conforming to epistemic norms guarantees neither truth nor unanimity, the results being partly dependent on background beliefs which may differ from person to person and may lead even the epistemically competent into error. Persuasion in such a case will require modification of those beliefs.

However, the non-persuasion can also be due to a failure on the part of the receiver to his epistemic job properly. This is the case that concerns Yanal; you are not persuaded by what I say because some cognitive inadequacy is preventing you from properly evaluating what I have sent. In such a case, Yanal is suggesting, judicious use of the ancillary devices may appropriate.

Perhaps the problem is that you do not understand, or misunderstand, some aspect of the report or argument. Then a bit of linguistic decoration may facilitate comprehension. Or perhaps some strong passion is getting in the way. Then some manipulation of emotion may be in order.

In the case of a report, the trouble may be that you unreasonably doubt my word. Then the credibility establishing device may be used. I could add, "Cross my heart and hope to die!" or lay my hand upon a Bible. I could allude to my past record, asking "Have I ever lied to you?." And so on.

It might seem, though, that there could be no room for this device in the case of argumentation since that practice does not depend on trust. And indeed there is no room for it in what we might term *pure* argumentation. But most, perhaps all, argumentation is impure, being really a mix of argumentation and reporting. For example, in presenting the argument "P therefore Q," I may also be *reporting* the premise P, asking you to take my word for *that*. To the extent that the argumentation includes reporting elements, there will be room for the credibility establishing device.

But the key point in all these cases is that these rhetorical extras are to be added *only* for the purpose of assisting the receiver in his epistemic assessment; they are not to exert any independent persuasive force. The point of both practices is that they enable receivers to use the thinking of others in forming rational and responsible beliefs; they won't be doing this if they are being swayed by rhetoric. This is the limitation I mean to impose.

In closing, and by way of illustration, I'll say a word about linguistic decoration, which presents the problem that it is often difficult to decide whether it is merely serving to enhance comprehension or whether it is adding its own persuasive force.

Consider the notorious example in which William Jennings Bryan argued that it would be better for the money of a country to be based on both gold and silver than on gold alone (Democratic convention in Chicago, 1896). He decorated his argument with the words:

You shall not press down upon the brow of labor this crown of thorns.

You shall not crucify mankind upon a cross of gold.

This seems to me to go too far. But Socrates, I think, does not go too far when, later on in the *Meno* (381e), after Moose has been sent home, he helps Meno to understand the argument for the superiority of knowledge to true belief by decorating it with the comparison to the statues of Daedalus, which are so very useful when present but will run away if not tied down.

So I conclude, with Yanal, that the ethical, though not the epistemic, norms of argumentation can reasonably be extended to allow the use of the ancillary devices, but, I add, always subject to the limitation mentioned.

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