University of Windsor
Scholarship at UWindsor

Jun 6th, 9:00 AM - Jun 9th, 5:00 PM

Commentary on Bermejo-Luque

James B. Freeman
Hunter College of The City University of New York

Commentary on Lilian Bermejo-Luque: "Second Order Intersubjectivity: The Dialectical Aspect of Argumentation"

JAMES B. FREEMAN

Department of Philosophy
Hunter College of The City University of New York
New York, NY
USA 10021
jfreeman@hunter.cuny.edu

Prof. Bermejo-Luque's paper treats of a number of themes. One theme is core, however, and provides sufficient material for these comments. The theme develops the connection between recursivity, second order intersubjectivity, the dialectical nature of argument, and objectivity. Those familiar with Rescher's account of formal disputation in *Dialectics* (1977) should appreciate her project. I want to commend Prof. Bermejo-Luque for reminding us of Rescher's *Dialectics*. Johnson and Blair recognized the importance of this work in their presentation at the second Windsor conference, and I have found the work to be both insightful and tantalizing. I believe Bermejo-Luque's points will be more accessible if we have certain concepts of Rescher's account explicitly before us. A formal disputation is an exchange between a proponent and an opponent (I would prefer to say a challenger) before a rational adjudicator. Three moves are fundamental:

(1) Categorical assertion: $!P$ "*P* is the case."
Only the proponent may make categorical assertions.

(2) Cautious assertion: $†P$ "*P* is the case for all you have shown." "Please show *P* isn't the case."
Only the challenger may make cautious assertions.

(3) Provisoed assertion: P/Q "*Ceteris paribus*, given that *Q*, *P*."
Either propoponent or challenger may make this move.

A formal disputation may begin when a proponent makes a categorical assertion that *P*, the challenger replies through a cautious assertion of the denial of *P*, and the proponent responds by categorically asserting reasons for *P* together with the provisoed assertion that these *are* reasons for *P*:

1. Proponent: $!P$
2. Challenger: $†\sim P$
3. Proponent: $(P/Q_1 \ \& \ !Q_1) \ \& \ ... \ \& \ (P/Q_n \ \& \ !Q_n)$

We can already appreciate the recursive nature of this exchange, generated through asking for and giving of reasons. The challenger's cautious assertion, asking for justification, together with the proponent's reply, advance the nascent disputation.

Even at this early stage (step 3) of the disputation, we may further begin to appreciate what Bermejo-Luque means by "second order intersubjectivity." As she points out, a mere assertion of a statement, as long as it genuinely communicates the assertor's belief to an interlocutor, involves what she calls first order intersubjectivity. Here there is at least a shared understanding between proponent and challenger. But when the

Freeman, J.B. (2007). Commentary on Lilian Bermejo-Luque: "Second order intersubjectivity: The dialectical aspect of argumentation." In H.V. Hansen, *et. al.* (Eds.), *Dissensus and the Search for Common Ground*, CD-ROM (pp. 1-5). Windsor, ON: OSSA.

proponent responds to the challenger's cautious denial †~*P* with one or more provisoed assertions *P/Q* together with the categorical assertion of *Q*, he is not merely making some additional categorical assertion !*Q*, but is asserting by means of the provisoed assertion *P/Q* that *Q* is a reason for *P*. Rescher makes clear that '/' is in the same category of expressions as '⊢.' Hence, Bermejo-Luque's point that giving reasons, understood to involve at least tacitly provisoed assertions, involves second order intersubjectivity is well taken, for '*P/Q*' like '*Q*⊢*P*' is a metalogical or metalinguistic assertion.

Merely to proffer a reason is not thereby to give a good reason, as Bermejo-Luque recognizes. The challenger may require justification for the justifying material the proponent puts forward, either for the categorical assertion or the provisoed assertion in *P/Q* & !*Q*. Obviously, once the proponent presents justification for this material, e.g. *Q/R* & !*R*, the proponent may ask for justification for this further material, for *Q/R* or !*R*. This may continue further; as she points out, it is recursive. This "recursivity express[es] the way argumentation is able to test its own cogency," what she calls "the dialectical dimension of argumentation." (p. 3)

Explicit mention of this dialectical dimension brings Bermejo-Luque to distinguish Dialectic, a discipline, and dialectics, a procedure whose constitutive rules Dialectic furnishes. These rules prescribe "the development of a certain activity whose goal ... is ... truth," (p. 5) which activity she elaborates as involving testing the cogency of antecedently stated claims. (p. 6) She maintains that because of its recursivity, argumentation has a dialectical nature. She sees dialectics as involving three types of "movements." "The constitutive conditions and consequences of these movements would determine dialectical rules." (p. 6) The first movement is "subjecting an assertion to a certain condition, i.e. making a *proviso*." (p. 6, italics in original) As should be evident from our exposition, Rescher's formalization of dialectic is illuminating here. Where to the challenger's cautious denial †~*P* the proponent responds with *P/Q* & !*Q*, the categorical assertion !*Q* is being subjected to the condition, i.e. proviso *P/Q*. Dialectical rules, then, would permit questioning the proviso, †~(*P/Q*) and permit regarding a categorical assertion of *P* to be considered justified upon accepting *P/Q* & !*Q*. (Note that Rescher's account in (1977) of dialectical moves does not include the possibility of the challenger's attacking any of the proponent's provisoed assertions through a cautious denial, †~(*P/Q*). However, he points out that he does not include such a move "for simplicity." (1977, p. 8) But, of course, one could be mistaken about evidential relationships.)

The second movement is suggesting a *defeater*. This move is directed against the !*Q* in *P/Q* & !*Q*. The challenger can either give a cautious denial of *Q*, i.e. †~*Q*, or a provisoed denial, ~*Q/R* & †*R*. In the latter case, the challenger has injected a new element which might properly be called a defeater. In formal dialectic, the challenger can respond to the categorical assertion with a cautious denial †~*Q* ("Please show Q.) As Rescher points out, she may also respond with a provisoed denial, ~*Q/R* & †*R*, where *R* here seems to play the role of defeater explicitly. I believe Bermejo-Luque's statement of the dialectical rules connected with defeaters needs clarification and revision, however. If the first rule "Question whether condition [*Q*] has been met" is interpreted as a permissive rule and not an injunction to question every categorical assertion, we have a legitimate dialectical rule. But her formulation of the second rule is problematic: "If making a defeater is an acceptable move, i.e. if we do not have reasons to accept that condition [*Q*]

has been met indeed, the supposition that it has been met and its consequences, are to be dismissed." (p. 6) The problem is that the acceptability of making a cautious or provisoed denial, their being formally legal moves, is not the same as not having reasons to accept that the condition has not been met, a material condition. (See Rescher 1977, p. 23.) The challenger may question claim Q even if there is a presumption for Q. This will be a desperation move on her part, but need not be illegal formally. Her doing so might be the reason, or part of the reason why the rational adjudicator would award the disputation to the proponent, and a winning strategy on his part might be to drive the challenger to raise such questions. (Compare Rescher 1977, p. 24.)

Also, the injunction that in the material absence of reasons to accept Q, we should dismiss Q and its consequences, seems too harsh.[1] First, the challenger may cautiously assert †~Q because she sees that the burden of proof is on the proponent to justify Q. But only if the proponent were unable to discharge this burden should the challenger need to dismiss Q and its consequences. Even then, it is not clear that all the consequences should be dismissed, for some may be supported by convergent lines of reasoning. True, the line involving Q is not successful, but there may be other lines. This second rule seems not to be a constitutive dialectical rule but a normative rule for the rational adjudication of the disputation. There is one last problem with Bermejo-Luque's characterization of a defeater. Not only may we have defeaters against conditions or premises, but also against the initial claim of a disputation, the original categorical assertion that !P. As Rescher points out, a challenger's first move may be a provisoed and not a cautious denial. It is crucial to recognize this point, for in doing so we may integrate much of Johnson's insights on the dialectical tier of argumentation. (See Johnson 2000, pp. 164-73.)

Bermejo-Luque calls the third movement in dialectics a *confuation*. It is questioning a provisoed assertion that *P/Q* upon not having a reason for accepting that Q is positively relevant to P (p. 6). As with defeaters, two dialectical rules are associated with confutations. Again, if the rule: Question that Q is positively relevant for P, i.e. question whether *P/Q*, is interpreted permissively, it is unproblematic. But the rule: If we do not have reason to accept that Q is positively relevant to P, *P/Q*, the proviso *P/Q* "and its consequences, are to be dismissed," (p. 6) is again too harsh.[2] The challenger may lack reason to accept *P/Q* and for this very reason may challenge it with a provisoed denial, †~(*P/Q*). But that she should dismiss the consequences of that *P/Q* antecedently developed in the dialogue is premature, until the proponent has presented reasons for *P/Q*. An outright dismissal might seem called for only if the proponent could give no

---

[1] Bermejo-Luque has pointed out to me in conversation that dismissing the supposition that Q has been met and its consequences is not the same as dismissing Q and its consequences. Her distinction is certainly justified. One could hold that we do not have reason to accept Q but suspend judgment completely on whether or not Q is true. But now I do not understand the difference between dialectical rules 1 and 2 for defeaters, especially in light of Bermejo-Luque's claim that the main condition of a defeater of Q is "lacking reasons for accepting that condition [Q] has been actually met." (p. 6) In that case, what is the difference between questioning Q and dismissing the supposition that Q has been met? If a challenger lacked reason to accept Q, when would she make a supposition that she had reason to accept Q, which supposition is now to be dismissed?

[2] Bermejo-Luque says that questioning whether Q is positively relevant to P and questioning *P/Q* are the same. Hence it does not appear that she is making here the distinction between dismissing the supposition that a statement holds and dismissing the statement itelf.

satisfying reason for *P/Q*. Again, an evaluative rule for the rational adjudicator seems to be presented as a constitutive dialectical rule. An analogous caveat for convergent structure applies here also.

There is another possible challenge to provisoed assertions within formal disputation which needs to be recognized under confutation. That *P/Q* (when occurring as a conjunction of the proponent's provisoed assertion *P/Q* & !*Q*) can be challenged with what Rescher calls a weak distinction:

~*P/(Q & R)* & †(*Q & R*).

In asserting such a weak distinction, a challenger is not questioning the relevance of *Q* to *P*, i.e. the truth or verisimilitude of the claim that *ceteris paribus*, given that *P*, one may take it that *Q*. Rather the challenger, to use Toulmin's terminology, is presenting a rebuttal. Although all things being equal, if *Q*, then *P*, all things are not equal, namely *R*. Here the challenger is questioning the ground adequacy of *Q* for *P* in this circumstance, mooting *R* as a realistic possibility. Again, through such a confutation the challenger is inviting a further response from the proponent, i.e. such a challenge and response are part of the recursive nature of argumentation. Rescher points out that the proponent can counter a weak distinction with two moves: He may attack the cautious assertion †(*Q & R*) either through a categorical counterassertion †~(*Q & R*) or a provisoed counterassertion ~(*Q & R*)/*S* & !*S*, or he may attack the provisoed assertion ~*P/(Q & R)* with a strong distinction (the move open to the proponent corresponding to the challenger's weak distinction):

P/(Q & R & S) & !(*Q & R & S*).

The former replies with what I have called a counterrebuttal in (1991, pp. 161-65). The latter replies with a rebuttal to the challenger's rebuttal. In either case, the proponent is responding to the challenge to the ground adequacy of *Q*. We should then also have a dialectical rule: Question whether *Q* is an adequate ground for *P* in light of the possibility of *R*.

Bermejo-Luque concludes by seeing in the recursive and dialectical nature of argumentation an assumption of objectivity. Should one be able ultimately to justify a claim through the recursive process of giving reasons in response to dialectical challenges, one could hold that one had justified that claim objectively. However, as she points out, in most cases the argumentation might be continued with the challenger presenting further provisos, defeaters, and confutations, calling for further argumentation. I do not see the second feature of argumentation counting against the first. The open or ongoing nature of argumentation accords very well with Perice's conception of truth: "The opinion which is fated to be ultimately agreed to by all who investigate, is what we mean by the truth, and the object represented in this opinion s the real." (1955, p. 38) That, in some cases, perhaps in many, the end point of argumentation is an ideal point, does not gainsay that the process of argumentation may attain ever greater objectivity or objective verisimilitude. Thus we can see how recursivity, second order intersubjectivity, the dialectical nature of argument, and objectivity are connected, and we can commend Prof. Bermejo-Luque for bringing these connections before us.

link to response   link to paper

REFERENCES

Freeman, J.B. (1991). *Dialectics and the Macrostructure of Arguments: A Theory of Argument Structure*. Berlin and New York: Foris Publications.
Johnson, R.H. (2000). *Manifest Rationality: A Pragmatic Theory of Argument*. Mahwah, NJ and London: Lawrence Erlbaum Associates.
Peirce, C.S. (1955). *Philosophical Writings of Peirce*. Ed. J. Buchler. New York: Dover Publications, Inc.
Rescher, N. (1977). *Dialectics: A Controversy-Oriented Approach to the Theory of Knowledge*. Albany: State University of New York Press.