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

Commentary on Reygadas & Guzman

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Commentary on P. Reygadas and J. Guzmán: "The Mexican Elections: Legality vs. Legitimacy"

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1. INTRODUCTION

One of the main theoretical claims made by Reygadas and Guzmán is that, in order to understand how reason and argumentation works in the public sphere, it does not suffice to examine the prevailing standpoints and the arguments that support them. They emphasize that standpoints and argumentation can only be understood after having a clear grasp of, what they call, the global *positions* of the parties and the *sociopolitical topology* of the debate. Reygadas and Guzmán carefully situate the argumentation that went on during and following the Mexican elections of 2006. With them, I am convinced that in order to understand and assess a public discourse from an argumentative perspective, we should examine the argumentative context in detail.

In my comment, I would like to contribute to this view by emphasizing the importance of a theory with which to take contextual matters into account. The context sketched by the authors is intricate. There is a complicated sequence of political events; there is a wide range of political parties pressing forward standpoints; the participants perform divergent speech acts such as pressing charges, making complaints, blaming, threatening and also arguing; and these utterances can be understood as contributing to different kinds of conversational goals, such as arriving at a legal decision, making a deal, or resolving a difference of opinion. A way to deal with such complexities is to choose a methodological perspective from which to reconstruct and understand the argumentation. Such a choice is not so much determined by the actual features of the public debate, as it is by research interests. Depending on research interests, we can study the discourse from the perspective of adjudication, of negotiation, of deliberation, etc.

Reygadas and Guzmán point out the importance of one such possible perspective: that of the eristic dialogue. Following Walton and Krabbe, I take that to be the kind of dialogue where the participants have ample room for venturing blames and grievances and where the common goal is to arrive at a provisional accommodation between them (1995). I will use this opportunity to elaborate on Walton and Krabbe's notion of an eristic dialogue by understanding it as an argumentative activity type, as explained by

Van Eemeren and Houtlosser (2005). Concurrently, I will discuss some parts of the Mexican debates, as discussed by Reygadas and Guzmán, from the perspective of this activity type.

2. THE MEXICAN DEBATES FROM THE PERSPECTIVE OF AN ERISTIC DIALOGUE

Van Eemeren and Houtlosser (2005) point out the importance of distinguishing between argumentative activity types and the normative model for critical discussion. The normative model is a general procedure that specifies how parties are to proceed in a conversation in order to enable and facilitate the resolution of differences of opinion. An argumentative activity type, on the other hand, is a theoretical account of an institutionalised type of context for argumentation, characterised by conventions that influence participants when advancing and understanding argumentation. A model for such an activity type contains normative components in that it includes the conventions that participants in such a practice impose on each other. But, different from the rules for critical discussion, these conventional rules do not necessarily guarantee reasonable discussion solely aimed at resolution, even if they govern clearly argumentative moves. Examples of argumentative activity types that Van Eemeren and Houtlosser examine are negotiation, mediation and adjudication.

I hold that most of the dialogue types examined by Walton and Krabbe (1995) can also best be seen as activity types, rather than as normative models. Among the main kinds of dialogue they include persuasion dialogue, negotiation dialogue and eristic dialogue. They are not very clear on the issue whether such dialogue types are activity types or normative models. Their detailed models for persuasion dialogue are clearly normative in nature, while many remarks on the other types apply only to conventionalised activity types.

Walton and Krabbe characterise dialogue types by stating the initial situation, the participants' aims and the main goal. I will focus on eristic dialogue. An eristic dialogue starts from an antagonism. Each party aims at defeating the adversary. The main goal is a provisional accommodation between the participants (Walton and Krabbe, 2005, pp. 76-79). Often the antagonism is burdened with great interests and high emotions. That the parties seek to defeat each other in such a loaded situation brings the risk that they no longer are aiming at any shared conversational goal. As soon as that happens, the exchange can no longer be called a called a conversation of the eristic type. But of course, eristic dialogues can be brought to a happy end where the result is an accommodation that is, at least temporarily, agreeable for the parties.

In principle, the notion of an eristic dialogue can be developed in two directions. First, we can develop normative models for eristics. We could develop the rules and norms that would further the main goal of reaching mutually acceptable accommodations. (The normative rules that would deal with argumentation would only deal with it as an instrument for defeating the adversary without blocking the main goal of a arriving at a provisional accommodation. The implicit appeal to reasonableness that is inherent in bringing forward argumentation cannot be taken into account by such a normative model. So, we would still need a model for critical discussion for the purpose of reconstructing and evaluating argumentation.)

Second, and that is the route I am interested in here, we can develop a theory about eristic dialogue as an conventionalised activity type. In so far as we are interested in argumentation within eristic contexts, we can take up Van Eemeren and Houtlosser's proposal to specify such an activity in an analogous way to the normative model for critical discussion. That is, in an eristic dialogue we can expect there to exist conventions for advancing the initial positions (providing a sort of confrontation stage), conventions for reaching agreement about material and procedural starting points (providing a sort of opening stage), conventions for exchanging arguments and criticisms, even if they only have a perfunctory role to play (providing a sort of argumentation stage) and conventions for determining the outcome of the dialogue (providing a sort of concluding stage). Moreover, the theory should include the individual aims of the participants: that of defeating, outmanoeuvring and outsmarting the adversary. Empirical research, for example of the kind that Reygadas and Guzman have carried out, should inform us about the nature of these conventions and about cultural varieties of such activity types.

The result of such an undertaking would be a kind of descriptive model that provides a context within which argumentation can be studied. The descriptive model would enable us to generate expectations of the kinds of strategic choices that will be made by the participants. In the discourse, then, we know what to look for. In order to evaluate such argumentatively relevant conversational moves, in the sense of finding out whether they are consonant with the idea of reasonable argumentation, we are to apply the norms for critical discussion.

Walton and Krabbe distinguish between two subtypes of eristic dialogue: the quarrel and the sophistical dialogue (Walton uses the term *sophistical dialogue*, 1998; Walton and Krabbe use the term *eristic discussion*, 1995). In short, in a sophistical discussion a party tries to win a discussion by clever arguments and by showing that he is the party who is best skilled in debate. The main goal is to arrive at new intellectual order or hierarchy. In a quarrel, parties are expressing grievances and the main goal is to arrive at a new social order or hierarchy. The quarrel is the most relevant subtype for understanding the Mexican public debates. I will try to characterise the quarrel as an argumentative activity type by specifying what kinds of argumentative contributions can be expected in the four stages of a quarrel.

In the *eristic confrontation* of a quarrel, an emotionally loaded antagonism is put into words. The parties are expected to make it clear in what way and to what degree they are emotionally engaged when adopting their position. So, for example, standpoints are put into words using highly loaded language, with a clear bias towards their own side, and conveying, more or less implicitly, *ad hominem* charges against the adversaries. For example, Obrador advanced the standpoint that "they [Calderon and his National Action Party] robbed us of the election" (McKinley, 2006b), both making it clear how he and his people have been harmed as well as conveying the badness of the people who are responsible for the harm done.

A party can be expected to disqualify unwelcome standpoints by attacking their proponents. Similarly, a way to make one's own standpoint to appear more agreeable is to brush up one's own ethos. Such manoeuvres are fully in line with the individual aim of defeating one's adversary as well as with the collective goal of finding a new status quo based on understanding each others grievances. According to Obrador, Calderon is installing a new socialist kind of dictatorship, as Mexico had during the long lasting reign

of the Institutional Revolutionary Party, while he presents himself as someone who is listening to what the people really want. According to Calderon, Obrador is supposed to install a dictatorship in the manner of Hugo Chavez from Venezuela, while he himself is trying to save democracy by upholding its laws and institutions.

In the *eristic opening* of a quarrel, parties have the opportunity to state their common ground, that is, the material and the procedural starting points. For example, in the Mexican elections, the parties did accept the election laws. (Even though there did arise a dispute over the issue whether these laws are outweighed by the constitution.) Similarly, all parties subscribed to the ideology of having democratic elections. These common starting points enabled the parties to construct arguments that had some bearing on the other side.

In the *eristic argumentative exchange* argumentation can serve a number of purposes. Parties may want to offer some, more or less perfunctory, support for the correctness of their own accusations and for the incorrectness of the counter accusations. By doing so they appeal to reasonableness, but the main point of the arguments is not so much to get the other party persuaded after having thoroughly tested the argumentative defence, but rather to get the other party to back off after understanding how strongly the proponent feels about the issue.

Furthermore, argumentation can be instrumental for getting what you want. A quarrel is closely linked to the negotiation dialogue where parties are trying to resolve differences of interest by making deals. (Sophistical dialogue is closely linked to persuasion dialogue, but gives priority to the semblance of reasonableness at the expense of reasonableness itself.) One characteristic of a quarrel is that a party makes it clear how seriously he is concerned about the issue, that is, in getting what he wants. That itself is an instrument for conveying the thought that it is best for the other party to lower his demands on him. One special way of making it clear to the opponent that some good is of great importance is to assert that the peaceful relationship between the parties will come to an end if the opponent will not give in. So, in quarrels we can expect to find threats of that kind. Obrador, for example, makes some implicit threats to terminate the peaceful relationship between on the one hand himself and his Party of the Democratic Revolution and on the other hand Calderon and his National Action Party. He threatened to stop acknowledging the state institutions, by saying "to hell with the institutions." And he even threatened, although implicitly, to use violence, by saying "[w]e don't want to generate problems, but they have to understand for once and for all, we are going to defend the democracy of this country. We have always acted in a responsible manner, but understand me well, everything has its limit" (McKinley, 2006b). From the side of the National Action Party suggestions were made to abolish the Party of the Democratic Revolution. The leader of the Chamber of Deputies stated that "[t]he Democratic Revolution Party should lose its party registration because they don't respect institutions" (McKinley, 2006b). By these means, the parties create a situation where the argument "lower your demands on me, because that is to your own advantage" can be successful.

Such purely eristic manoeuvres can be expected to occur together with substantial argumentation. One possible way to win an eristic dialogue is by offering sound arguments. In the Mexican debate, serious argumentation has been advanced on both sides. For example, Obrador's standpoint has been that the elections were illegitimate. First, a law had been broken that states that the president of Mexico is not allowed to

participate in the campaigns of his own party that precede general elections. President Fox had done so. Second, a law has been broken that states that companies are not allowed to contribute to the elections. Some companies, however, implicitly but clearly, had campaigned against Obrador. Third, the elections were a fraud due to the alleged fact that the counting machines contained an algorithm that guaranteed a win for Calderon and due to some irregularities that favoured the National Action Party and disfavoured the Party of the Democratic Revolution.

In an *eristic concluding stage*, attempts are made to close the discussion, to make it appear that one has won and the other one has lost. One nice example is the show of hands by which a rallied crowd, a so-called *National Convention*, denies that Calderon has won and affirms that it is Obrador who is the legitimate president (McKinley, 2006a).

3. CONCLUSION

In order to reconstruct and evaluate argumentative discourse, we need (descriptive) models for argumentative activity types, in addition to the normative model for critical discussion. One of the virtues of the paper by Reygadas and Guzmán is that it can guide us when developing theoretical accounts of such activity types. In this commentary, I have reflected on eristic dialogue as one such type that is of importance for understanding the public discourses about the Mexican elections.

link to paper

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