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Patterson, S. W., "Commentary on T. Herman's "Revising Toulmin's Model: Argumentative Cell and the Bias of Objectivity"" (2016). *OSSA Conference Archive*. 152.

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Commentary on T. Herman's "Revising Toulmin's Model: Argumentative Cell and the Bias of Objectivity"

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1. Introduction

In this paper Herman, building on insights from Plantain, Hitchcock, and others, undertakes an expansion of the Toulmin framework in order to address what he sees as four problems. These problems, as he sees them, are: 1) that Toulmin's conception of Data as facts is overly restrictive, 2) that the nature of the Backing in Toulmin's writings is in need of further development, 3) that Toulmin's conception of the Rebuttal does not comport with natural argumentation practices, and 4) that the Toulmin model needs expansion in order to deal with more complex argument structures. The task of addressing these four problems leads to an expanded conception of the "argumentative cell". Along the way to this solution Herman also identifies what he calls the "bias of objectivity". In what follows I will offer some thoughts, and what I hope will be some helpful suggestions regarding both the project of expanding the argumentative cell and the idea of a bias of objectivity.

2. Expanding the "argumentative cell"

The four problems Herman identifies deal with the elements of Data, Backing and Rebuttal respectively followed by problems concerning complexity in argument structure. In the interest of brevity I will focus my remarks on the first two of these. Before passing on to my remarks on Data and Backing as considered in Herman's paper I will simply say that I find the "argument square", Herman's linguistically-oriented model of argument structure, to be an interesting one. It would be an interesting, if perhaps exhausting, exercise to compare and contrast this model with others more focused on pragmatics and communication, different conceptions of dialectic, or logic of various types. Much might be learned from such a project, but it is too large scale an undertaking for these brief comments.

2.1. Data

Herman begins his expansion of the argumentative cell by drawing on the work of Freeman (2005) and others to expand Toulmin's idea of Data. In real world examples of argumentation, Herman tells us, speakers called upon to produce Data "do not use facts, but evaluative statements and interpretations as Data for an (evaluative) statement in the Claim" (p. 7). To better reflect this practice, Herman recommends an expansion of the concept of Data to include

two kinds of opinion in addition to facts. The question Herman rightly raises as always pertinent when dealing with Data is “where do the facts come from?” This is a question that Toulmin himself recognized would be in play in some arguments:

...if the claim is challenged, it is up to us to appeal to these facts, and present them as the foundation upon which our claim is based. Of course, we may not get the challenger even to agree about the correctness of these facts, and in that case we have to clear his objection out of the way by a preliminary argument: only when this this prior issue or 'lemma', as geometers would call it, has been dealt with, are we in a position to return to the original argument. (Toulmin 2003, p. 90)

It is easy to imagine a suspicion that opinion is being presented as Data as the sort of thing that might indicate the need for one of Toulmin's “lemmas”. It is in this section of the paper that Herman describes what he calls the “bias of objectivity”, but as I shall deal with this in the next section at length I will forego discussion of it for now.

2.2. Backing

Toulmin has little to say about the sort of argument needed to establish the correctness of the Data when the Data is challenged. It is for this reason that Herman's suggestion that there might be a separate form of Backing, grounded in the linguistic phenomenon of evidentiality is one of the most helpful contributions of this paper. For, in the absence of such a suggestion, the challenge to a datum could only be answered by a second argument in which the evidence given in the original was treated as the Claim to be shown. This process, naturally, could iterate with further challenges and very quickly become difficult to analyze—Herman explicitly considers such cases in setting out his model of the argumentative cell. The notion that evidentiality might be brought in to establish a separate sort of Backing for Data is therefore an elegant and promising alternative to have on hand. Additionally, it is worth pointing out that Herman's suggestion that there is an implicit commitment to back up information by giving its source—a commitment importantly different from the commitment to support a claim—is a very helpful one. “Always be prepared to give your sources.”, is perennial advice. Herman's account of the need for Data to have a Backing helps us explain *why* it is good advice.

3. The “bias of objectivity”

In his discussion of the Data, Herman suggests the following (his emphasis):

Data can appear to be shared arguments that are external to any discussion about them. So, it can be a strong rhetorical move to impose them when there are in fact debatable. In the same way, I consider that facts working as the starting point of argumentation are supposed to be true. It is also a strong rhetorical move if these facts are unknown or even false. This is where I can locate what I call an *objectivity bias*: the idea is that opinions appear to be already shared starting points of argumentations or that facts appear to be true. (p. 8)

Upon reading this one might be put in mind of Rule 6 of the pragma-dialectical framework: “A

party may not falsely present a premise as an accepted starting point nor deny a premise representing an accepted starting point” (van Eemeren and Grootendorst 2004). What Herman calls the objectivity bias sounds in many ways just like a violation of Rule 6—in order to gain argumentative advantage something is asserted as Data, as factual, when in fact it isn't. In the pragma-dialectical model violations of Rule 6 are typically explained in terms of a protagonist's attempt to gain advantage by shifting the burden of proof by asserting or implying that her standpoint is “shared by all right-thinking people”, or by packaging it in such a way as to insert it as a presupposition that has to be accepted in order to be responded to in dialogue (van Eemeren and Grootendorst 1992, pp. 151-157) .

There are some slight differences between what Herman is calling the objectivity bias and violations of Rule 6 however. Perhaps the most apparent of these is that Rule 6 applies to standpoints, which better analogize to Claims in the Toulmin model than to Data. The objectivity bias comes in to play with Data, as Herman has it—occurring when Data is imposed on an audience either by strong assertion of its factual nature or by refusal to supply an appropriate Backing for it. Still another difference is that Herman does not describe the effect of the objectivity bias in terms of a shifting of the burden of proof. Instead, he describes it as “a sort of authoritarian assertion by the speaker” that plays on the apparent facticity we expect from Data to generate an “obviousness effect” that insulates the Data from criticism. This effect is amplified by our epistemic and practical need to start from some sort of commonly shared propositions when arguing (p. 9).

Might the phenomenon Herman describes also generate the same sort of burden-of-proof shifting effects as a violation of Rule 6? It seems perfectly possible to me that it might. In fact, it seems to me that something like Herman's “obviousness effect” might be at work in some variations of the *ad vericundiam* or *ad populum* fallacies too. This leads me to one problem I have with Herman's idea of an objectivity bias: The phenomenon Herman has identified here is an important one, but I am unpersuaded that there is a single, unified bias to be identified. Instead, it seems to me far more helpful to think in terms of what Herman calls the “obviousness effect” that results from the objectivity bias. In addition to contributing to perspicuous analyses of what's going on in a range of cases like the ones I have mentioned above, it seems to me that shifting away from the language of bias to the language of an effect might have other advantages. Firstly, it makes Herman's insight generalizable in a way that enables its use across models of argumentation instead of restricting it to variations of the Toulmin model. Secondly, and no less importantly, it avoids problems that stem from the ambiguous and unsettled nature of the word 'bias'. Are we talking about a cognitive or a moral failing? A predictable blind spot in someone's thinking or a bad argumentative habit? Without more discussion of what is implied by 'bias' here, it is difficult to know which of these possibilities among the many others Herman might intend. Better—and far more useful, it seems—is the language of the “obviousness effect”. One indication of that usefulness is that empirical testing could be constructed to identify and measure the obviousness effect in audiences without much further refinement to the concept. I am not sure the idea of the objectivity bias is quite as serviceable in its present form.

4. Conclusion

Herman's expansive paper has much to recommend it, particularly as regards interesting and potentially fruitful ways of expanding the Toulmin model to better capture insights and evidence from linguistics and the study of argumentation that might not have been available when

Toulmin initially wrote *The Uses of Argument*. While I am somewhat less convinced that there is a need to coin a new, singular bias called the bias of objectivity, it seems to me a very worthwhile instinct to explore the role of the “obviousness effect” in the family of mistakes, fallacies, and cognitive biases that have a false perception of facticity as their focal center. For these reasons I look forward to future expansions of the work Herman has begun here.

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