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Convincing in Pragma-Dialectics: A Critical Reassessment

Eugen Octav Popa¹

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Abstract

What does it mean to convince? In the pragma-dialectical theory of argumentation, convincing is done by arguments. The perlocutionary act of convincing is fundamentally related to the illocutionary act of arguing. I propose a critical reassessment of this relationship. The arguing-convincing pair presents conceptual difficulties, I argue, both in the pragmatic description based on felicity conditions and in the dialectical one based on intersubjective procedures. To tackle these problems, I develop a proposal that takes the speakers' non-verbal interaction with *evidence*, as opposed to their verbal interaction with one another, as the basis for understanding the resolution of differences of opinion. The proposal is compatible with the pragma-dialectical theory, provided some methodological adjustments are conceded.

Keywords Pragma-dialectics · Argumentation · Convincing · Speech-act theory · Evidence

1 Introduction

The pragma-dialectical theory of argumentation is one of the most developed and most discussed theories in the field of argumentation studies (van Eemeren and Grootendorst 1984; Eemeren and Grootendorst 1992, 2004; van Eemeren 2010). At the core of this theory lies a speech-act theoretical account of the illocution of arguing and the associated perlocution of convincing. Both acts are initially defined in terms of their “felicity conditions,” that is, the conditions that govern their performance (Austin 1962; Searle 1969, 1979). Argumentation is defined as an attempt to “convince a rational judge of a particular standpoint” (1984: 18), and, in turn, convincing is “linked [...] to the performance of the illocutionary act complex argumentation” (1984: 49). In pragma-dialectics, therefore, when a speaker argues, we can justifiably ascribe to her the intention of changing a listener’s commitments through a rational consideration of the case presented – a change that constitutes the successful act of convincing (van Eemeren and Grootendorst 1984: 47).

Commitment change can, of course, also be induced through other means such as seduction, meditation, revelation, and violence. But for pragma-dialecticians a change of commitment only counts as convincing when it is triggered by the rational consideration of the argumentation advanced. The arguing-convincing pair constitutes the foundation of the pragma-dialectical model of a *critical discussion*, which centers on the question of how two ideal discussants – a protagonist and an antagonist – can resolve their difference of opinion through a regulated exchange of speech acts (van Eemeren and Grootendorst 1984: 151–175; 2004: 62–68). The model of a critical discussion contains a further elaboration of the mechanism of convincing through a specification of the different *intersubjective procedures* that the protagonist and antagonist can follow for the resolution of their difference of opinion.

Forty years after *Speech Acts in Argumentative Discussions* (1984) and twenty years after *A Systematic Theory of Argumentation* (2004), the moment is opportune for a critical reassessment of the relationship between arguing and convincing in pragma-dialectics. The anniversary of these two historic works, however, is not the only reason for such an undertaking. Two clues suggest that such a reassessment is worthwhile to tackle lingering conceptual problems.

First, the argue-convince pair has often been described in metaphorical terms. Argumentation convinces because it is a “defense” or an “attack” of a standpoint (van Eemeren and Grootendorst 1984: 86, 169; 2004: 46, 64, 118);

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because it “supports” a standpoint (van Eemeren and Grootendorst 2004: 46, 64, 118); because it has the “force” (2004: 117) – or merely the “potential” (1984: 50, 86, 88, 164, etc.) – to justify or refute a standpoint. These metaphors are apt, surely, but they cannot take the place of a theoretical explanation. Convincing may be likened to defending, supporting, or forcing, but this does not fully elucidate what is going on pragmatically or dialectically.¹

A second clue comes from a short study by Krabbe (2007) that lies at the origin of the thoughts developed in the present paper. Krabbe asks whether, in the pragma-dialectical theory, the arguments employed by one speaker must be accepted in advance by the other speaker. Pragma-dialecticians would like to answer this question positively, for how can arguments convince if they are themselves not accepted? But if the argumentative material is agreed upon in advance, Krabbe notes, it seems that “hardly anything is left” (2007, 239) for the actual argumentation. The two speakers seem to agree on all the propositions that were advanced in that discussion. This is once more a conceptual issue, not an empirical one. The problem is not that of describing real-life argumentative interactions, but that of modeling convincing as a change of commitment induced by argumentation.

These two clues, I will claim, are substantiated under closer examination. We do need a reassessment of the relationship between the illocutionary act of argumentation and the perlocutionary act of convincing in pragma-dialectics. The purpose of this paper is to undertake such reassessment. In Sect. 2, I discuss the speech-act theoretical characterization of the illocution of arguing and the perlocution of convincing in pragma-dialectics. In Sect. 3, I analyze the relationship between arguing and convincing within the dialectical model of a critical discussion with a focus – inspired by Krabbe (2007) – on the relationship between the opening stage and the argumentation stage. I must insist that the distinction between the ‘pragmatics of convincing’ (Sect. 2) and ‘dialectics of convincing’ (Sect. 3) is purely presentational to avoid inordinately lengthy sections. I discuss them stepwise, as they were introduced in the 1984 and 2004 monographs, not because they constitute two distinct accounts of convincing but because they raise different questions. I will highlight the fundamental link between the two in due course. In Sect. 5, I propose an evidence-based

account that is compatible with, but different from, the current pragma-dialectical concept of convincing. I hope to show that it can remove the problems identified in the previous sections. Finally, in Sect. 5, I provide a visual overview of ‘the realm of convincing’ and summarize my findings with an eye for future research.

2 The Pragmatics of Convincing

In pragma-dialectics, the perlocution of convincing can only result from a felicitous act of argumentation. How does argumentation produce such an effect? What is the ‘catalyst’ that transforms a discussant’s commitment set? This question is answered in pragma-dialectics starting with the felicity conditions for the act of argumentation. These are given as follows:

Preparatory Conditions for the Illocutionary Act of Arguing

1. *S* believes that *L* does not (in advance, completely, automatically) accept the expressed opinion *O*.
2. *S* believes that *L* will accept the propositions expressed in the statements $S_1, S_2 (\dots S_n)$.
3. *S* believes that *L* will accept the constellation of statements $S_1, S_2 (\dots S_n)$ as a justification of *O*.

Sincerity Conditions for the Illocutionary Act of Arguing

4. *S* believes that *O* is acceptable;
5. *S* believes that the propositions expressed in the statements $S_1, S_2 (\dots S_n)$ are acceptable;
6. *S* believes that the constellation of statements $S_1, S_2 (\dots S_n)$ as a justification of *O*.

S = speaker.

L = listener.

(van Eemeren and Grootendorst 1984: 44)

If *S*’s argumentation is to trigger its associated perlocutionary effect of convincing, this must be based on what *L* already accepts. I want to note first the *prima facie* intuitiveness of such an answer. Argumentation is convincing because it is, in some sense, already accepted by the discussants involved. How could *L* be convinced by propositions she does *not* accept? “Where there is no agreement on premises or on rules of demonstration”, Bacon wrote, “there is no place for argument” (*New Organon*, I, § 61, see Bacon 2000). It will not surprise us therefore that many other theories in the field of argumentation theory operate

¹ The terms “justification”/“justificatory” (1984: 72, 84, 117, etc.), as well as the terms “refutation”/“refutatory” (2004: 144), do not help more in this regard since they are defined by reference to the same metaphorical language, e.g., “[A] series of utterances constitute an argumentation only if these expressions are jointly used in an attempt to justify or refute a proposition, meaning that they can be seen as a concerted effort to *defend* a standpoint in such a way that the other party is convinced of its acceptability”. (van Eemeren and Grootendorst 2004: 3, italics added)

with some variation of this intuitive answer (Hamblin 1970: 245; Johnson and Blair 1977; Johnson 2000; Dutilh Novaes 2021; Walton 1996).

Under closer inspection, however, the conditions above do not specify circumstances for correct performance but rather *the speaker's beliefs about such circumstances*. The conditions depend entirely and exclusively on what *S* believes to be the case about *L*, making *L*'s actual commitments immaterial to the correctness of *S*'s act. This cannot be right. By letting preparatory conditions depend exclusively on what *S* believes to be the case, pragma-dialecticians are forced to draw strange conclusions regarding non-fulfillment. For example, they claim that if the first condition is not met, i.e. when *S* does not believe that *L* rejects *O*, or she believes *L* actually accepts *O*, the performance is “a waste of time and effort and both *S* and *L* know beforehand that it is” (1984: 45). But this is not true. If the first condition is not fulfilled, we can only say that the act fails because *S* believes it to be pointless, but not that the act actually is pointless and certainly not that *L* knows this. After all, *L* might reject *O* even if *S* believes otherwise. The first preparatory condition bars insincerity – specifically, the insincerity of arguing a point you believe to be already accepted – yet even insincere attempts can end up convincing if the speaker's beliefs are in fact false. For example, *S* can argue in favor of raising taxes while knowing that *L* already supports raising taxes – this is the non-fulfillment of the first condition, and it is a form of insincerity. But if *S* is wrong and *L* in fact supports lowering taxes, then *S*'s (insincere) argumentation might achieve the effect of convincing despite *S*'s insincerity. The first preparatory condition thus regulates the sincerity of the act, not its point or lack thereof.

The same applies, *mutatis mutandis*, to the second and third preparatory conditions. Yet the nonfulfillment of the second condition brings up a specific problem. We are told that if the second condition is not met, i.e., if *S* does not believe that *L* will accept the premises, the act “is pointless from *S*'s point of view.” The infelicity is now described correctly as pertaining to “*S*'s point of view,” clearly marking insincerity, but then we come across a most surprising remark:

whether it [the argumentation] is really pointless is determined by the correctness of [*S*'s] assumption, and that depends on *L*. (van Eemeren and Grootendorst 1984: 45)

In other words, when *L* does not accept the propositions contained in the argumentation and *S* knows it, the act is “really pointless.” Defending an unaccepted claim with unaccepted arguments is indeed pointless, but pragma-dialecticians will repeatedly contradict this stance later in the theory when

they insist that restricting *S* exclusively to propositions already accepted by *L* would be an “undesirable limitation” (1984: 67). This is nothing but Krabbe's dilemma in disguise. If *S* can only use accepted premises, her act is “undoubtedly limited”; if not, her act is “really pointless.” How can *S* ever hope to convince? I will have to return to this issue in the next section where I investigate how this problem plays out in a dialectical context.

There is another obstacle, possibly more serious. There are multiple concepts of ‘acceptance’ running through these conditions. In the first condition, to accept a proposition means to have that proposition within one's set of commitments, to possess it as one might possess a belief or a conviction. Let us use ‘*accept*_{POS}’ for this meaning. The first condition simply tells us that (*S* believes that) *L* does not *accept*_{POS} *O*, meaning that *O* is not among *L*'s commitments or, to use a familiar phrase, that *O* is not in *L*'s “commitment store” (Walton 1998).² In the second condition, to accept a proposition means to actively *add* it to one's commitment set, to behave in response to the proposition being proposed by an interlocutor. Let “*accept*_{ADD}” be this second sense of accepting. The second condition tells us that (*S* believes that) *L* will *accept*_{ADD} the propositions expressed in the argumentation, meaning that *L* will grant those propositions once proposed, adding them to her previous commitments. Thus, in the first condition, *acceptance*_{POS} is the description of a *state* – the state of *L*'s commitments; in the second, *acceptance*_{ADD} is a description of an *act* – the act of modifying *L*'s commitments. These two are not synonyms. They are, in fact, logically independent of one another. *L* might *accepts*_{ADD} *p* because she already *accepts*_{POS} *p*, but this need not be the case. *L* can *accept*_{ADD} a proposition *p* for any number of reasons including the Aristotelian *pathos* (*p* awakens positive emotions) and *ethos* (*S* is particularly charming and trustworthy). Epistemologists have expressed their dissatisfaction with such on-the-spot acceptance during a critical discussion since it seems unwarranted in a strictly dialectical sense (Siegel and Biro 1997). That might very well be, but *accepting*_{ADD} without previously *accepting*_{POS} is surely a possibility. We *accept*_{ADD} propositions in this way all the time when we recognize the other party to be in a position of authority and we allow ourselves to be taught or swayed by them. Informally we might even use the term “be convinced” for this on-the-spot acceptance, but it will not coincide with the pragma-dialectical sense of convincing because it is not based on argumentation but

² Note that this would explain the modifiers employed in describing the two acts: “in advance, completely, automatically” for pro-argumentation and “for the time being, in whole or in part, more or less” for contra-argumentation (van Eemeren and Grootendorst 1984: 44). They are there to direct our understanding towards *acceptance*_{POS}. To “accept in advance” is indeed to *accept*_{POS}.

it is rather a psychological response to just the proposition being advanced.

The meaning of acceptance changes once more in the third condition. Acceptance of propositions is left aside and replaced by the acceptance of a *speech act as constituting a certain kind of act*. The phenomenon is also quite familiar. Assertives can be functionally ambiguous between slightly different readings – or “degrees of strength” (Holmes 1984) – meaning that the same assertive can count as justifying, clarifying, illustrating, interpreting, educating, explaining, etc. (Searle 1979: 5). Let “*accept_{REC}*” be this third kind of acceptance as recognition. The third condition tells us that (S believes that) *L* will *accept_{REC}* $S_1, S_2 (\dots S_n)$ as a justification of *O*. This meaning of acceptance is closer to *accept_{ADD}* since it is a type of response, but it is not identical – it concerns not the propositions themselves but their illocutionary force writ large. For argumentation, the authors insist, the statements $S_1, S_2 (\dots S_n)$ need to be recognized as a justification of *O* and not, say, an illustration of how *O* could be defended or an explanation of why *O* came to be believed by *S*. This is, therefore, a separate concept of acceptance.

The adjective “acceptable” adds another layer of complications. The suffix ‘-able’ suggests capacity or capability for accepting, so we are invited to distinguish between “*O* is acceptable” and “*O* is accepted.” The distinction can be reinforced by pointing out that the utterance “Yes, *O* is acceptable, but as it happens, I do not accept it myself” seems pragmatically in order – if rather ostentatious. The result of all this is that the sincerity conditions introduce a new (fourth) notion of acceptance – not about what *S* accepts but what *S* sees as capable of being accepted by others. Epistemologists might insist that we must *accept_{ADD}* only propositions that we *accept_{POS}*, and that we must *accept_{POS}* only propositions that actually are acceptable because they are based on acts *accepted_{REC}* as justifications (Biro and Siegel 2006). For present purposes, the fact that the previous sentence makes sense is enough to show the different meanings of accepting employed in the pragma-dialectical conditions.

Finally, I want to briefly discuss the preparatory conditions for the perlocution of convincing to highlight one last meaning of acceptance – this time, one that was left out. The conditions are given as follows:

Preparatory Conditions for the Perlocution of Convincing

7. *L* accepts *O*;
8. *L* accepts the propositions of $S_1, S_2 (\dots S_n)$;
9. *L* accepts the constellation $S_1, S_2 (\dots S_n)$ as a justification of *O*.

(van Eemeren and Grootendorst 1984: 73)

We can observe, using the distinctions introduced above, that these three conditions all employ the *accept_{POS}* variant. *L* now *accepts_{POS}* everything that *S* advanced. The untidiness of the previous two sets of conditions is avoided but notice that the conditions fail to cover an essential component. *L*’s commitment change toward *O* is not described as *resulting from S’s argumentation* but only as following it. The difference of opinion is indeed resolved since *S* and *L* now share the *acceptance_{POS}* of both *O* and $S_1, S_2 (\dots S_n)$. But the *momentum crucis* is missed. There is nothing in the pragma-dialectical conditions for convincing requiring that this change results from *S*’s argumentation. *L* is allowed to change her commitments for any number of reasons that have nothing to do with *S*’s argumentation. As long as this change *follows* the act of argumentation, it counts as a successful instance of convincing according to these conditions. The reader is encouraged to fill in the blanks. The act of *acceptance_{ADD}*, we are told somewhere else, must be “dependent on rational considerations on the part of the listener” (1984: 28). However, what these “rational considerations” are and how they connect argumentation and convincing remains unspecified.

The use of these related but distinct concepts of acceptance constitutes in my view a serious theoretical problem. Conceptual untidiness aside, they prevent a clear theoretical expression of that initial intuition that convincing is a change of commitment resulting from a transfer of acceptance. Because of these issues, the arguing-convincing pair remains fuzzy, at least on a speech-act theoretical level, and students must rely on the metaphors mentioned in the previous section (defending, supporting, etc.) for understanding what pragma-dialecticians had in mind. Could it be that speech-act theory was not the appropriate framework for describing the mechanism of convincing? With its Gricean background, speech-act theory focuses on the relation between utterance, context, and intention, not on the dynamics of commitment change (Grice 1957; Searle 1969, 1979). Do the dialectical elements of the ideal model – the ‘dialectics’ in ‘pragma-dialectics’ – manage to fill this gap? To this I now turn.

3 The Dialectics of Convincing

The speech-act theoretical definitions of arguing and convincing provide a pragmatic starting point for developing the famous pragma-dialectical model of a *critical discussion* (van Eemeren and Grootendorst 1984: 151–175; 2004: 62–68). The model defines two dialectical roles (protagonist and antagonist), divides the resolution process into four dialectical stages (confrontation stage, opening stage, argumentation stage, and concluding stage), and specifies

stage-specific discussion moves (1984: 85; 2004: 57–62). In developing their model, pragma-dialecticians did not focus exclusively on representing the *successful* resolution of a difference of opinion. This was a smart choice since it broadened the model's applicability to reconstruction-worthy discussions that happened to remain unresolved. Nevertheless, the route of "successful defense" (1984: 170) is arguably the most interesting one, at least for the present purposes. In modeling this route, pragma-dialecticians appear to follow the same basic intuition observed in the previous section, namely that convincing is commitment change based on some transfer of acceptance. Yet, once more, this intuition seems to resist straightforward modeling.

For argumentation to convince, both the propositional content and the illocutionary force of the act must be accepted. This much is clear, for how could one be convinced by premises that one does not accept? But now for the thorny question: must this acceptance of premises be reached in advance? To put it in pragma-dialectical terms, must the protagonist and antagonist agree on premises in the opening stage for the argumentation stage to result in a resolution? Far from being some philosophical perplexity, this is a basic question of dialectics with only two possible answers. The protagonist and antagonist must either achieve such preliminary agreement or else choose not to. Yet on precisely this point, the authors prevaricate.

Let us start here. We are told that when a proposition "appears on the list of accepted propositions," the discussants will "not cast doubt on the proposition concerned," and the agreement lasts "for the duration of the discussion" (1984: 166). The maxim is: Once on the list, always on the list. Under these conditions, convincing would involve getting the right propositional content on the list of accepted propositions. This suggestion is reinforced when we are told that failing to do so, i.e., advancing argumentation containing "statements some or all of which do not appear on the list of statements expressing accepted propositions", is a "mistake" and that the antagonist makes the "converse mistake" if she refuses propositions that were accepted in advance (1984: 186). All this would seem to suggest that what a protagonist needs to do in the opening stage is pin the antagonist down to the right kind of propositional content that the protagonist can use later on in the argumentation stage.

Yet we are also told, in quite the opposite direction, that the "performance of an illocutionary act complex argumentation in defense of a point of view is always a *provisional* defence" (1984: 164, my italics), because a party is "obliged to accept the propositional content" only if the parties "agree, at the opening stage of the discussion, *how they will decide* on the acceptability of the propositional content" (1984: 165, my italics). This changes the scenario

in two ways. First, the conditional "if" suggests that even in the ideal model a preliminary agreement on premises is not obligatory; and second it introduces the idea that agreement on premises requires a meta-agreement on how to agree on premises. The simple maxim above becomes: Once on the list, always on the list, except the list is provisional and invalid without an agreement on how to add propositions to the list. There are reasons to believe that this is not a slip of the pen or an unfortunate formulation. This opposite suggestion is itself reinforced later when the authors insist that limiting the protagonist only to "propositions about which agreement had already been reached at the outset" would be an "undesirable limitation" and that the protagonist should be allowed to bring in "new information" (1984: 167).

All this theoretical zigzagging can be explained by the fact that neither of the two answers to the question above is satisfactory from a pragma-dialectical perspective. This is the "too limited vs. really pointless" predicament I promised to return to in the previous section. Let us take a closer look.

If the first option is taken and an arguer uses all, and nothing but, the agreed-upon premises, then assuming the justificatory force is in order, the "opening stage threatens to settle matters beforehand and thus put the argumentation stage out of business" (Krabbe 2007: 233). Put differently, if the two agree on all the premises and nothing but all the premises are advanced in the argumentation stage, it is not clear whether the act of arguing contributes with anything to the resolution process. If we have two lists of propositions and yours is apparently different from mine but a quick check reveals that the two are indeed identical, where does argumentation fit in? Convincing under these circumstances resembles the more mundane act of reminding about a previously existing agreement. The antagonist was not convinced through the rational consideration of the merits of a case; she was just reminded of her agreement with propositions she already accepts. The difference of opinion is in this case dissolved, and so is the magic of a rational change of commitment that takes place in the argumentation stage. The discussants appear to be doing nothing more than repairing small acts of amnesia and thus reverting to a previous state of agreement.

The second option is not much better. If pragma-dialecticians allow an arguer to use premises other than the ones agreed upon in the opening stage, the dissolution of disagreement is avoided, but at a cost. To start with, amnesia is still part of the picture. What other reason could the protagonist have for *not* checking in the opening stage whether the premises are indeed accepted? Is the protagonist playing her cards close to her chest or aiming for a surprise element? Perhaps in real life, but remember we are now discussing an ideal dialectical situation. More problematic still is that, since the arguer can successfully use unvalidated

propositional material, convincing appears as a species of *politique du fait accompli*, of using “new information” as if it is old – put differently, a species of using non-shared premises as if they are shared. But this way of changing commitments, quite apart from being described as a “mistake” in other parts of the theory (1984: 186), bears too much of a resemblance to the fallacy of begging the question (Hamblin 1970: 224 – 30). Indeed, pragma-dialecticians’ own definition of begging the question is the almost literal description of this scenario – the arguer “uses a statement which, as he should or may have known, does not appear on the list of statements expressing jointly accepted propositions” (van Eemeren and Grootendorst 1984: 190).

This is why neither of the two answers is satisfactory. The former is dangerously close to reminding, and the authors must explain why the protagonist has such a bad memory; the latter is dangerously close to begging the question and the authors must explain why the antagonist has such a bad memory.

This delicate situation was navigated in pragma-dialectics by interposing a series of four *intersubjective procedures* through which the discussants can still reach an agreement on material that is ‘new’ in the argumentation stage (i.e., not agreed upon in the opening stage). What happens in the ideal model when the antagonist does not immediately recognize the propositional content as being part of the “jointly shared starting points” agreed upon in the opening stage (1984: 165)? Must the two conclude that the defense was unsuccessful because the argumentation was incorrectly performed and abandon the resolution process? No. Apparently, the protagonist can insist that the missing proposition is, in fact, on that list and invite the antagonist to “check” that this is the case. This act of checking takes place in what is called an *intersubjective identification procedure* (IIP). The procedure is described as follows:

If the antagonist casts doubt on only the propositional content of this act complex, the protagonist can point out to him, if he believes it to be the case, that the proposition concerned is one that appears on the list of propositions jointly accepted. Protagonist and antagonist must then carry out *a check to establish whether this is indeed the case*. If it is, the antagonist is then obliged to retract his doubt about the proposition and accept the illocutionary act complex argumentation. The protagonist has then successfully defended himself against the antagonist’s attack. (van Eemeren and Grootendorst 1984: 166, my italics)

Before analyzing IIP more closely let me briefly repeat that we are encouraged to factor in a certain degree of amnesia. The protagonist in this scenario forgot what was on the

list of shared premises, so now both need to go back and “check” that list. A positive result of the IIP means that the protagonist was right – all the necessary agreements had indeed been established in the opening stage. The absent-minded antagonist had somehow forgotten their agreement. An ideal dialectical model is not supposed to capture such glitches, so the entire episode appears as the insertion of a relatable episode of human fault that is methodologically out of place.

The more pressing problem, in my view, is that “checking lists” and “carrying out a check” are never defined as parts of the resolution process. The authors appeal to our informal understanding of what such checking would entail. Worse still, not only is “checking” not defined as part of the model, but it is not even a *verbal* activity. Checking is directed observation; it is signal processing. This is problematic because convincing is characterized in pragma-dialectics as an “illocutionary perlocution realized *on the basis of the understanding of an illocutionary act*” (1984: 27, my italics); it cannot rest at its decisive moment on the sensory (visual?) examination of poorly memorized records of propositions.

The second intersubjective procedure functions as a second backup in case IIP renders a negative result. It can, therefore, happen that the protagonist is wrong in saying that the contested proposition was on the list. (The protagonist is now the one suffering from amnesia!) In this scenario, the discussants can engage in the *intersubjective testing procedure* (ITP). The prescribed order is “first the IIP, then (if necessary) the ITP” (1984: 168). But arrived at this point, it turns out that the protagonist’s use of unvalidated propositions, far from being a mistake or a glitch, is simply relying on a normal and necessary dialectical provision. One can simply use propositions that are not on the list! Remember that preventing the protagonist “from defending his point of view by using propositions which had not been raised in any way whatsoever when the discussion began” is described as an “undesirable limitation” (1984: 167). But now the entire point of making lists is lost and the succession of procedures becomes strange. If pre-validation is neither necessary nor obligatory, why make a list of pre-validated propositions in the first place? And assuming the two made such a list for the fun of it, if pre-validation is not necessary, why check the list of propositions when discovering disagreement on one? The protagonist’s response when one of her premises is called into question should not be to “point out” that the proposition is in fact on the list (something which turns out to be false in the ITP scenario but I leave that aside), her response should be to say that being on the list doesn’t matter. Using only listed premises is, after all, an undesirable limitation.

But let us assume that we turn a blind eye to these incongruencies and arrive at the point where the protagonist and antagonist get to business with the tests that characterize ITP. What do these tests comprise? The testing is done by “consulting oral or written sources (encyclopedias, dictionaries and other works of reference)” or by “the joint conduct of observations or experiments” (1984: 169). We are back to the same non-verbal checking activity described in the IIP, except now, instead of going back to their own list of accepted propositions the discussants “consult” other sources. From a pragmatic viewpoint, such differences are immaterial. “Checking,” “consulting,” and “conducting observations” are not forms of verbal behavior and are less still forms of verbal interaction. It turns out, therefore, that the ITP is just IIP done with other resources.

I have focused exclusively on the procedures pertaining to the propositional content of the argumentation advanced. But everything applies *mutatis mutandis* to the other two intersubjective procedures pertaining to the justificatory force, i.e., the intersubjective explicitization procedure or IEP (1984: 168–69) and the intersubjective reasoning procedure or IRP (1984: 169). The dialectical problems identified here will arise in the same way whether the proposition to be agreed upon is “The cat is on the mat” (a ‘material starting point’) or “Arguments are to be made explicit according to such-and-such procedure” (a ‘formal starting point’). Whether the agreement concerns propositions to be used as premises or propositions expressing (inference) rules, the same predicaments arise since these propositions will be either accepted in advance or not. We can conclude that in the dialectical component of the theory, the original notion of convincing as commitment change based on a transfer of acceptance is not fully illuminated. It ends up being reduced to non-verbal acts of checking and considering that take place outside a dialectical model based on verbal acts.

4 Being Convinced by Evidence

There is a way to model convincing as the transfer of acceptability without running into the theoretical problems highlighted in the previous two sections. I cannot propose a full-fledged theoretical model, similar to the pragma-dialectical model of a critical discussion, but rather show, through a recognizable example, that there exists a concept of convincing that is both familiar and usable. For the present, I am borrowing an imaginary scenario introduced in Popa (2022) and developed further in Popa and Cârlan (2024). In a simplified form, the scenario brings forth a situation where two parties jointly participate in a procedure that leads to convincing. In the two mentioned papers, the conclusions

drawn from the scenario pertain to deductivist theories of “rational persuasion” and to fallacy theory, respectively. Here, the scenario is brought to bear on the pragma-dialectical intersubjective procedures. The aim of this section is to highlight the complications involved in assimilating the examination of evidence within the pragma-dialectical framework.

Mary and John are talking to each other at a party. According to Mary, the party is a great success. According to John, the party is not a great success. How would convincing occur? In the pragma-dialectical model, convincing must occur through the illocution of argumentation – although, as explained, modeling this process turns out to be more difficult than expected. But Mary and John could also take a different path. Suppose the exchange of arguments fails to produce a convincing argument. In that case, the two might discover that although they disagree on some things, such as the success of the party, they also agree on others, such as a mutually recognized criterion for evaluating the success of a party. The existence of disagreement on a standpoint does not necessarily imply that the parties accept different methods for arriving at that standpoint. For the sake of simplicity, let us assume that Mary and John come to discover, through an exchange that might include but is not limited to acts of argumentation, that despite their disagreement, they both agree on the following criterion: “If there are ten or more guests at the party, the party is a great success – otherwise it is not.” I will refer to this as the *decision criterion*. Let me highlight that the actual content of this criterion is immaterial here. We might imagine alternatively that the party’s success is allowed to depend on the quality of the music, the food served, the people present, etc. Any criterion would do for the present purposes as long as two regular individuals can set about testing the property in question through joint observations.

Mary and John can always continue their argumentative exchange. Still, it seems more pragmatic – indeed, more *rational* – that if there is a feasible method to examine the available evidence, they should engage in it. Let Mary and John agree that a simple headcount around the house does the trick. If there are ten or more guests at the party, Mary’s standpoint is deemed true; otherwise, John’s standpoint prevails – the party is not considered a success. The two carry out the headcount, and there are indeed, let’s assume, more than ten guests present. At this point, John might try to find fault with the counting procedure. For example: Are they sure all the rooms were checked? Should the process not take place later when everyone has arrived? Do family members count as guests? Many other valid questions could be conceived. However, such questions can be handled separately, and the counting could be executed under a new procedural agreement. Eventually, if Mary and John manage

to operationalize their decision criterion satisfactorily, the presence of more than ten guests at the party will compel John to abandon his initial standpoint. In this example, John is convinced *by evidence*, not by argument – indeed, not by any speech act at all. There is a sense in which Mary is also convinced (anew) by the same evidence since even if she had done the counting beforehand, there is nothing quite like seeing the evidence (again) with your own eyes.

To discuss the relation of this example to the pragma-dialectical model, I will employ the terminology introduced by Popa and Cărlan (2024): “Evidence” refers to the objects or events that Mary and John agree to see as decisive for their disagreement; “evidentiary procedure” to the rules that Mary and John agree to use for handling (collecting, examining and accepting) evidence, and “evidentiary process” to refer to the actual process of handling evidence. The evidentiary procedure includes the specification of the decision criterion, viz., “If there are ten or more guests at the party, the party is a great success – otherwise, it is not.”

The relation between evidence and argument can be quite complex, as will soon become apparent, but the line between the two is theoretically and philosophically clear. Evidence is a species of ‘natural meaning’ while the speech act of argumentation is an instance of ‘non-natural meaning’ (Grice 1957). Handling evidence involves making empirical observations in a regimented evidentiary process; handling argument (and other speech acts) involves interpreting communicative intentions. In real-life cases of resolving disagreement, natural and non-natural meanings co-exist, but they remain distinct phenomena.

What is the relationship between evidence and argument in the case described above? To begin with, Mary and John discover their agreement on the decision criterion through an episode of verbal interaction containing unconvincing acts of argumentation (‘unconvincing’ because a proposition that is implicitly presented as accepted_{POS} is, in fact, not). The acts in question are marked with ‘*’ in the dialogue below:

Mary: This party is a great success!

John: I don’t really think so.

*Mary: But the music and the food are so great!

*John: Not really relevant. What matters is that there are only nine guests here....

Mary: That’s not true. There are certainly more than ten!

John: If there were ten guests, I would gladly agree that this party is a success. But there are surely less than that.

Mary: Should we go count?

John: Sure!

The conversation is dialectically quite complex. To begin with, there are two unconvincing acts of argumentation. In the first, Mary wrongly assumes that she and John share a criterion that she leaves implicit in her argumentation, viz., “If the music and the food are great, the party can be called a great success!” In the second, John suggests that the party was not a great success because there were only nine guests present. This is based on a different criterion that appears, implicitly again, as “Since there are only nine guests at a party, the party cannot be called a great success.” Mary accepts this criterion (implicitly) but not the factual claim about the number of guests. This leads to the following simple opposition:

John: There are only nine guests at the party

Mary: There are ten or more guests at the party

At this point, the two agree to engage in an evidentiary process following an implied evidentiary procedure described as “counting”. They agree that this process can resolve *both their disagreement regarding the number of guests at the party and, in virtue of the criterion they accept, resolve their disagreement regarding the party’s success*. The fundamental intuition that convincing comes from a preliminary agreement is hereby served. Convincing occurs when the parties accept_{ADD} the results of the evidentiary procedure and transfer this acceptability by accepting_{ADD} the proposition under test. This agreement does not threaten the reality of the disagreement, as we saw happening in the ideal model of a critical discussion, because Mary and John can simultaneously agree on the decision criterion and disagree on its predicted outcome. The interplay between agreement and disagreement presents no theoretical problems: both disagreements (on number of guests and on the party’s success) are real; both were revealed through unconvincing acts of argumentation; both are made to relate, through agreed-upon evidentiary procedure, on the results of the evidentiary process.

How would this scenario be handled in pragma-dialectics? Some passages suggest that pragma-dialecticians would reconstruct the use of evidence as implicit acts of argumentation. For example:

A person showing another person a set of fingerprints in order to justify, to that person’s satisfaction, the expressed opinion that a certain person is guilty of some crime, will in principle be attempting to convince the other person with the (unexpressed) argumentation ‘These fingerprints were left by the culprit, they are X’s fingerprints, therefore X is the culprit’ (or a variant of this). Showing the fingerprints is not, in itself, sufficient to convince the other person. He will

only be convinced when he links his observation with an interpretation corresponding to the argumentation just reconstructed (van Eemeren and Grootendorst 1984: 49).

I believe this reconstruction is untenable. Showing the fingerprints is indeed not sufficient to convince the other person, but showing the fingerprints *in the context of an evidentiary process* is. In fact, neither Mary's "showing" nor her "pointing" is essential for John to be convinced. It is the evidence that does the job. If Mary points to the tenth guest and utters, e.g., "Behold, the tenth guest!" John's commitments are changed by seeing the tenth guest, not by Mary's exclamation. That speech acts are unnecessary is easy to demonstrate by imagining a slightly modified scenario in which John sees the tenth guest before Mary does. Since John accepts as part of the evidentiary procedure the decisiveness of the tenth guest, we must conclude that John was convinced by the evidence before (and thus without) any of Mary's verbal or gestural contributions.

An alternative reconstruction could be advanced in the spirit, if not the letter, of the passage above. One might concede that John's commitments *regarding the number of guests* are changed by seeing the tenth guest but the proposition expressing the number of guests is just a lower-level proposition (a 'premise') in Mary and John's interaction on the party's success. This reconstruction appears to be a compromise that pragma-dialecticians might come to accept. Evidence is the one that changes John's commitment regarding the number of guests, but it is the argument that eventually changes John's commitment regarding the party's success. One problem with this reconstruction is that once the number of guests has been established (through evidence), no residual disagreement remains for Mary to address through argumentation. In the case presented, Mary and John agreed that the party's success depends on the number of guests and jointly established the number of guests. So the extra steps that Mary might take verbally afterward can only count as reminding John of his previous agreements, not as argumentation. (This would be pragmatically equivalent to a scenario discussed above when John is reminded of his previous agreements). Mary's acts would not even be truly required to finalize John's change of commitment. If John counts the tenth guest several minutes before Mary then if John indeed *agrees*_{POS} that ten guests make up a successful party, he will have been convinced so many minutes before Mary's verbal contribution. Once the evidentiary procedure has produced conclusive results, as in the case described, the two have neither the need nor the requisite material to advance an act of argumentation.

My insisting that the pragma-dialectical model cannot cover the described situation is perhaps surprising because

the evidentiary procedure seems similar to the intersubjective procedures discussed in the previous section. Even the intuitive 'First IIP, then ITP' rule seems to hold. Mary's infelicitous argumentation is similar, at least on a theoretical level, to a 'negative' result from the IIP, while the ITP is similar to the head-counting. However, given their commitment to building a *pragmatic* model of argumentative reality, I suspect pragma-dialecticians will hesitate to allow non-verbal acts to play a crucial role in the process of convincing. They might agree that the evidentiary process described here is phenomenologically 'cleaner' since it lacks inexplicable episodes of amnesia, but the need for non-verbal interaction with evidence will prove to be an insurmountable problem. Now, the theory's commitment to tackle argumentative reality with the tools of pragmatics, a promise confirmed by the very name of the theory, might be renounced or reconceived through a broader understanding of what it means to do pragmatics (which, incidentally, might solve the problem of all the non-verbal acts of "checking," "seeing," and "consulting" that are now part of the theory). Disciplinary commitments can change. A more serious barrier, however, is that from a pragma-dialectical standpoint, deciding disagreements based on evidence must be regarded as an instance of *settling* the dispute as opposed to *resolving* it. This is clear from the distinction between settling and resolving introduced as follows:

The resolution of a difference of opinion is not the same as the settlement of a dispute. A dispute is settled when, by mutual consent, the difference of opinion has in one way or another been ended – for example, by taking a vote or by the intervention of an outside party who acts as a judge or arbitrator. Of course, reaching a settlement does not mean that the difference of opinion has really been resolved. A difference of opinion is only resolved if a joint conclusion is reached on the acceptability of the standpoints at issue on the basis of a regulated and unimpaired exchange of arguments and criticism (van Eemeren and Grootendorst 2004: 58).

The authors go on to delineate *dialectics* as concerned with modeling precisely this "regulated and unimpaired exchange of arguments and criticism." Consequently, from a pragma-dialectical perspective, Mary and John have already given up the resolution process and have taken up a settling process. Observing, checking and consulting, the type of acts carried out by the two in the scenario (as well as in the ITP) are precisely this type of settling. The dispute is *settled* by counting. And if Mary and John agree to trust a third party, they can simply send her to do the counting and then trust her report. The handling of evidence is, therefore, bound to

fall outside the pragma-dialectical model, either because it does not count as doing pragmatics or because it does not count as doing dialectics.

5 The Realm of Convincing

The pragma-dialectical model remains undoubtedly a very solid point of departure, yet both the speech-act theoretical description of the arguing-convincing pair (the pragmatics) and the dialectical description of protagonist-antagonist interaction (the dialectics) pose serious problems. The expression “convinced by an argument” is on shaky grounds – it can either mean that the antagonist is reminded of a previously *accepted_{POS}* proposition or that she is convinced by evidence construed as an implicit argument. I suspect the former is not acceptable within the standard pragma-dialectical theory, and I have expressed my doubts about the latter. How can the situation be remedied? To answer this question, it will be expedient to draw together the different scenarios discussed above and construct a new picture of the realm of convincing.

Let us start with the set of propositions “ARG” that constitute the act of argumentation advanced in a context of an expressed difference of opinion “D.O.” I will follow Krabbe (2007) in distinguishing between the scenario in which ARG is discussed in advance and that in which ARG is not discussed in advance.

- (1) If ARG is *accepted_{POS}* in advance, then the difference of opinion is only apparent. The argumentation has the effect of reminding the antagonist of a pre-existing *acceptance_{POS}*.
- (2) If ARG is not accepted in advance, the argumentation is defective in a different way, it is a “mistake,” as pragma-dialecticians called it (1984: 186). The material that is supposed to be accepted by the other party was not accepted or even rejected. The difference of opinion is real in this case, but still no convincing is involved.

We might say that in these two cases convincing did not take place in the first case because there is *too much common ground* (there is no real difference of opinion) while in the second case it did not take place because there was *too little common ground* (there is not enough agreement to build upon).

In a second scenario, the argumentative material is not discussed in advance. Here too we can distinguish two possibilities. Either the antagonist will reject the advanced argumentation on the spot, or she will *accept_{ADD}* it.

- (3) If the new material is rejected, the difference of opinion is real, but there is no change of commitment involved and thus no convincing. We are in a similar situation with number (2) above. In both cases, the protagonist and the antagonist disagree on both the first expressed proposition (“standpoint”) and on ARG.
- (4) If the new material is accepted on the spot (i.e., *accepted_{ADD}* without having been *accepted_{POS}*), then what appeared to be a difference of opinion is nothing but an instance of information asymmetry. The equality required for the fulfillment of discussion roles in an argumentative exchange is abandoned (Walton 1998: 126–47). The antagonist accepts that the protagonist has more knowledge on the matter and allows her to introduce information without preliminary validation. “Oh! I actually didn’t know that. Thanks for teaching me!” is an appropriate reply for the antagonist.

We are thus left with two cases in which the difference of opinion is real but remains unresolved – cases (2) and (3). In these cases, the parties can agree to test the acceptability of ARG (more specifically, to test the proposition in ARG on which they do not agree). This opens up the possibility of resolving the disagreement through an evidentiary procedure. There are indeed interesting epistemological discussions on how parties should arrive at an agreement on evidentiary procedure and on what, in the last analysis, constitutes a rational procedure in particular contexts (Freeman 2006; Lumer 2010; Siegel and Biro 1997). But I must bracket such discussions for the present purposes. Obviously, the evidence need not always be of the kind I employed in the imaginary scenario. Yet some form of direct or indirect interaction with evidence needs to take place. For example, if Mary and John restate their disagreement to depend on, say, a specific paragraph in a book taken to be authoritative on the matter and if this paragraph is checked through some form of joint examination, then the investigated text constitutes the evidence that can resolve the disagreement. But if Mary advances the argument “*p* is the case because the book says so” then this constitutes an act of argumentation. Indeed, it is precisely the act of argumentation that, if unconvincing, would lead the two towards the examination procedure, assuming that the book can be accessed and jointly examined.

Thus, assuming an agreement on the details of the evidentiary procedure, we are left with only two cases: either the two find conclusive evidence, or they do not.

- (2 cont.) If the parties find the evidence convincing the antagonist’s commitment change is the most viable candidate for an act of convincing. In the scenario introduced above, we would simply say that the facts

proved John wrong. Of course, the protagonist is also reinforced in her commitments. The ‘facts’ proved Mary right.

(3 cont.) If the parties do not find the necessary evidence, neither will have been convinced. Further, since both agree that the issue was to be decided by evidence and that this evidence is unavailable, their

new state can best be described as the suspension of judgment.

In two of the routes, namely (1) and (4), the perceived difference of opinion was only apparent, so argumentation is unconvincing because there is nothing to resolve; in the other two, namely (2) and (3), the difference of opinion was real but the perceived common ground was only apparent

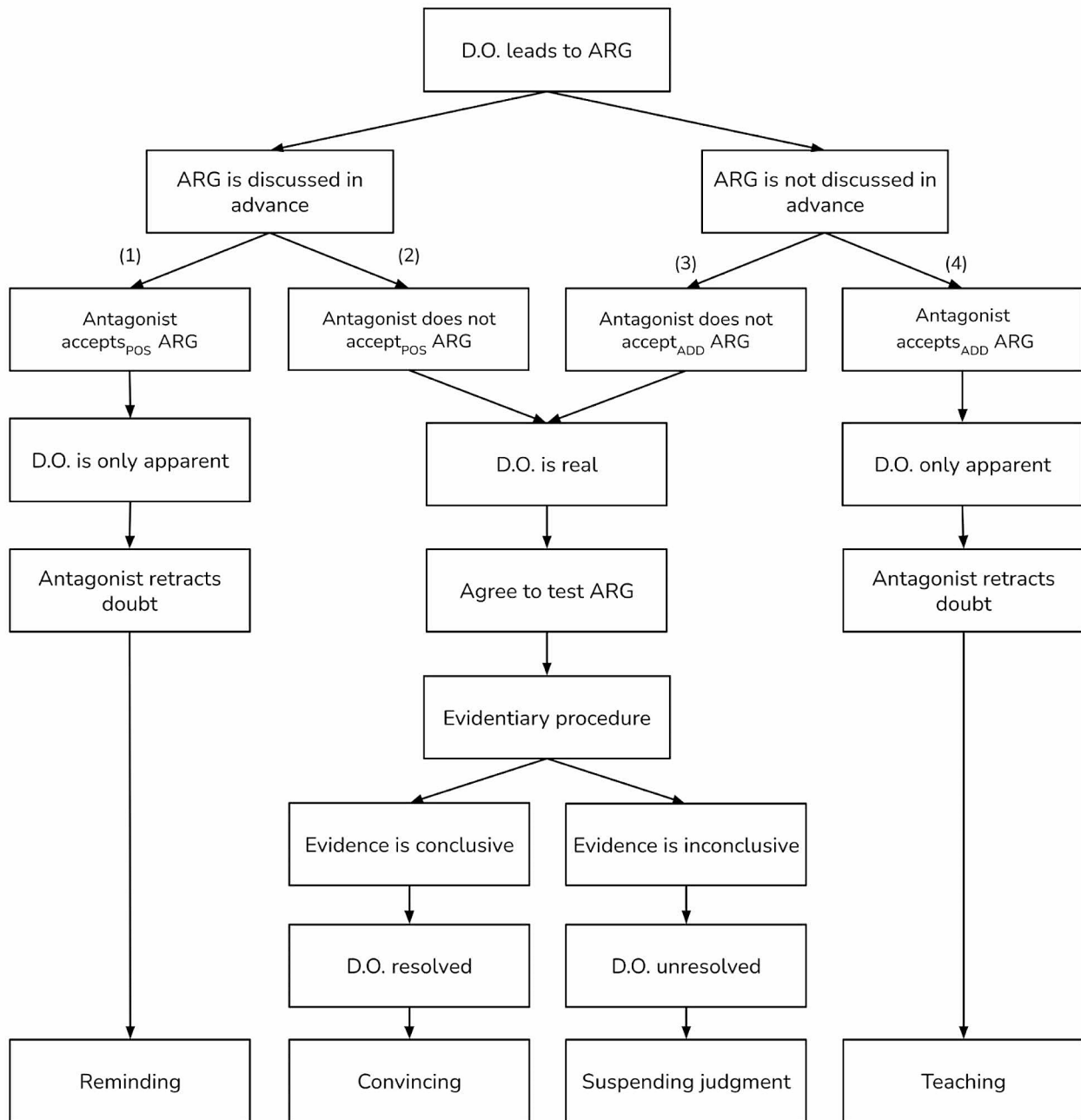


Fig. 1 Four outcomes after a difference of opinion (D.O.) leads to argumentation (ARG) ARG=argumentation (propositional content and illocutionary force); D.O. = difference of opinion; Accept_{POS}

ARG=have ARG in one’s commitment set; Accept_{ADD} ARG=add ARG to one’s commitment set

so argumentation is infelicitous because there is nothing to work with. The four routes are simplified (and only in this sense ‘idealized’) descriptions of actual discussion routes. They constitute a map, a simplified description of a far more complex territory of dealing with disagreement.

The scheme in Fig. 1 above reserves the label of convincing for situations where the disagreement is real and commitments are changed (i.e., the second route from left to right). The metaphors identified at the beginning of this paper still apply, but they now characterize the interaction between participant and evidence: we can speak of evidence as having justificatory or refutatory potential, as forcing one to admit defeat or boast victory, as offering *support* or *demolishing* one’s case. As for Krabbe’s dilemma, it is completely dissolved since both horns are portrayed as separate routes: if parties agree on the evidentiary procedure, the “work” is done by the observational efforts during the procedure, if they do not agree on the evidentiary procedure, no convincing occurs.

How does the pragma-dialectical theory stand after this critique? Arguing remains a central element in the management of disagreement, yet the function of arguing must be reconceived. Participants argue to test their disagreement, whether it is real or just apparent; they use evidence to test their claims, whether they are acceptable or not. Through argumentation, they seek to determine whether the difference of opinion is indeed rooted in opposing commitments in a psychological mishap. Through evidence, they seek to test whether claims are rooted in acceptable evidence or a simple psychological inclination. In both cases, participants seek to go beyond the immediately apparent. Pragma-dialecticians have attempted to assimilate the latter within the former, that is, to assimilate the examination of evidence within the broader framework of the argumentative discussion. However, such a theoretical attempt could only be successful at great costs. The curious result was that, in its most crucial moments, the argumentation stage became a non-argumentative (because non-verbal) endeavor in all but name. We can now explain why. Examining evidence and exchanging arguments, while similar in that they are broadly speaking forms of testing, are not reducible to one another. I aimed to contribute to the recognition of this irreducibility through the distinctions proposed in Fig. 1. How to attend to this irreducibility in a pragma-dialectical theory – or, more broadly, a pragma-dialectical spirit – is a marvelously interesting question that goes beyond the scope of this paper.

A final note on our shared methodology. The two monographs celebrated in this special issue constitute an approach to the study of argumentation that I have followed here in method on a fundamental level, despite my critique. “Here are conditions for the correctness of this speech act,”

pragma-dialecticians said, quite innovatively, in 1984. “This (account) cannot be right,” I replied here. But whose correctness are we debating? Whose felicity? That of the language user. Yet the view of the language user was never empirically scoped, either in their proposal or in mine. To supplant this lack of empirical grounding, our ideas have drawn upon linguistic intuitions of diverse origins, such as observed argumentative behavior, theoretical postulates, intuition, patterns of language use, and culture. That may very well be, but since we have not spelled out the origin of our proposals, each attempt must be salvaged by practice. Forty years later, I have offered my proposal in the same spirit.

Declarations

Conflict of interest The author declares that he has no conflict of interests (financial or non-financial) to disclose and has received no external funding for this research.

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