The McCarron Lectures*

Lecture 9: The Rhetoric of Everyday Arguments: The Philosophy of Stephen Toulmin

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Abstract
Lecture 9 tackles the notion of persuasion when using formal and informal arguments. Based on inductive reasoning, informal arguments aim to persuade listeners of their truth by the sheer weight of the reasons the presenter can mobilize. Unlike formal arguments, informal arguments are precisely the sorts of arguments that are wedded to the idea of truth. They are the kinds of arguments where rhetoric is most called for.

Résumé
Le cours 9 traite de la notion de persuasion dans des circonstances où l'on a recours à des arguments formels et informels. Basés sur un raisonnement inductif, les arguments informels tentent de persuader l'auditeur de leur vérité par la simple force des raisons que le présentateur peut rassembler. Contrairement aux arguments formels, les arguments informels représentent précisément le type d'argument qui adhère à l'idée de vérité. Ils sont le type d'argument où la rhétorique peut être le plus utile.

Keywords / Mots clés : Rhetoric; Philosophy; Stephen Toulmin; Formal/informal argument / Rhétorique; Philosophie; Stephen Toulmin; Argument formel/informel

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Introduction
In 1978, political activist Jerry Mander (1978) published his popular and controversial book *Four Arguments for the Elimination of Television*. Three of Mander's arguments concern the medium's cultural and political impact, including its inherent biases, its "colonization" of everyday experience, and its role as an intermediary force separating people from actual life. The remaining argument deals with research alleging television's effect on our cognitive and emotional well-being—in other words, its negative impact on health. In support of this latter argument, Mander cites medical research purporting to show that prolonged viewing can result in physiological and emotional symptoms commonly seen in people classified as addicts. Thus, Mander concludes that

television should be eliminated because it dulls the mind, undermines health, destabilizes democracy, and alienates us from authentic experiences.

I used Mander's book in an undergraduate course for several semesters shortly after its publication. My students liked the book because of its polemical tone and because it contained plenty of information conducive to animated debate. They further appreciated the fact that while they could engage in animated discussions about Mander's criticisms of television, the personal stakes were rather low. They could leave the seminar pleased that they had made a solid representation of their position on Mander's book, but confident that there was no actual danger of losing their televisions.

Students occasionally raised questions about the implications of Mander's book as it might be applied more broadly in an increasingly technological world. When the seminar headed in this direction, the students learned that the communication technologies they took for granted had important though often overlooked material histories. They discovered that many of the technologies they regarded as essential in everyday life had been fiercely contested when first introduced, and that despite arguments to the contrary, technology is not neutral. This realization could be disquieting for those who had not previously reflected on the processes by which technologies are adopted and how their incorporation into the social fabric usually comes at a price. Thus, Mander's book provided my students with an opportunity to think more critically than they might have been accustomed to about things—such as television—they had conventionally taken for granted. More important, they came to appreciate that controversial arguments, including those they disagreed with, can be valuable and informative.

Shortly after I started using the book, one of my students raised a question about the practical implications of Mander's overall argument. Grappling with the possibility that Mander might be right—the prospect that we *would* be better off without television—she asked if I thought Mander's arguments were *good* arguments. It took a few moments to understand what she was driving at, but it became clear that she wanted to know whether the quality of Mander's four arguments had any bearing on their moral force. If we found Mander's arguments were good arguments, she wondered, what actions should we take? If we agree with Mander because we find that his arguments cannot be refuted, are we obligated to go the next step and abolish television?

Her question was interesting from a rhetorical point of view since arguments are among the most common procedures people use to convince others of their positions, their points of view, their politics, and so on. People often explain their beliefs by saying things such as, "Well, I would argue that such-and-such," or, "I think the best argument in favour of X is the following," or "I think a stronger argument in this case would be something like this." In a sense, we "argue" all the time. So, what does it mean when people ignore the suasive power of a so-called good argument? Indeed, what is a good argument? For that matter, what is an argument?

The word *argument* is most frequently used in an informal sense to refer to a claim or a proposition whose truth we might hope to convince others of. We use the argument form—as it is colloquially understood—to persuade people of the positions we believe in.

For instance, I might declare that Samuel Taylor Coleridge was the greatest of the English romantic poets, arguing this claim with one or more reasons to support that position. Whether I would succeed with my argument on this issue is an entirely separate matter, for while I might have what I regard as strong supporting reasons, my audience is under no obligation to agree with the conclusion I draw from those reasons. In other words, no matter how powerful our reasons supporting an informal argument might be, it is neither necessary nor inevitable that our audience will agree. True, some people might be persuaded to come around to our way of thinking, but many more will judge the argument as unproven. An informal argument can be persuasive, but it cannot be determinative.

Things are different when the word *argument* is used formally. Logicians talk of arguments in terms of premises and conclusions linked by a process of inviolate deduction. Indeed, the key difference between the informal and the formal notion of an argument turns on this idea of deduction, the fact that the conclusion is contained in, or deduced from, those premises. Thus, a formal argument is judged as valid based on its form. This differs considerably from the way informal arguments are assessed. Informal arguments persuade by accumulating reasons for their conclusion where the goal is to persuade the listener of the argument's truth. If I want to gain your assent to my argument concerning Coleridge's greatness, I will present all the reasons I can summon that make my argument as strong as possible. Based on inductive reasoning, informal arguments aim to persuade listeners of their truth by the sheer weight of the reasons the presenter can mobilize. Unlike formal arguments, which are "not concerned with the soundness [truth] of arguments" (Kahane, 1986, p, 11), informal arguments are precisely the sorts of arguments that are wedded to the idea of truth. They are the kinds of arguments where rhetoric is most called for.

To explain these ideas further, consider how I could support my argument about Coleridge's status among the romantic poets. I might claim:

1. The best-known English romantic poem is *The Rime of the Ancient Mariner*.
2. Coleridge wrote *The Rime of the Ancient Mariner*.
3. Therefore, Coleridge is the greatest English romantic poet.

This is clearly an informal argument. While my argument may not be convincing—many lovers of William Wordsworth would disagree—it is in a legitimate argument form insofar as it involves a claim supported by at least one reason. It is not a deductive argument, of course, for the conclusion is not contained in two premises. It might even be a weak argument, but in the land of everyday argumentation it is a common way of presenting a claim.

What more could I do to corroborate my claim about Coleridge? In fact, there is no way to "prove" my claim about Coleridge beyond a shadow of a doubt. To make my argument as persuasive as possible would require far more premises (or reasons) than merely mentioning the popularity of his most beloved poem.[1] Even this would prove inadequate, however, for no matter how much I multiply the reasons in an informal argument, I will never prove the truth of my claim—at least, I will never prove my argument from the point of view of deductive logic. Whereas two premises will suffice for a formal argument, this would be insufficient to the task of proving an informal

argument. Dozens or hundreds of premises in the form of evidence might strengthen my argument about Coleridge, but never to the point where I could say with absolute certainty that my case has been proven. Informal arguments are not, in the logician's sense, provable. They can be made more persuasive with the addition of intelligible reasons, but they will never be deductively true.

Taking these ideas about formal and informal arguments into account, how did I respond to my student's question about Mander's book? Although Mander's four arguments are compelling, I explained, his conclusion cannot be derived deductively from his premises; therefore, she was not logically bound to accept his conclusion, nor obligated to throw out her television. The information Mander presents, and the studies he cites, might certainly be true. However, from a logical perspective, his argument is not unequivocally convincing. He may be correct about the problems and dangers of television; however, many counterpoints could also be cited, and thus it is perfectly legitimate to reject his conclusion.

What is the point of an argument such as the one made by Mander? Should we bother ourselves about informal arguments at all? Indeed, we should be very interested in the field of informal argumentation, if for no other reason than we are exposed far more often to informal arguments than we are to logical syllogisms. Although informal arguments are liable to using informal fallacies, this should serve as a caution to be wary and not as the basis for denying all informal arguments a fair hearing. Important modes of discourse such as literary analysis, political speeches, and theological presentations are almost exclusively found in the province of informal argumentation, and it would be ridiculous to dismiss all such practices for failing to meet the standard of deductive reasoning. Informal arguments are important despite their eschewing of deductive logic. This lecture will discuss informal argumentation in more detail by looking at the way informal arguments are organized and how they are supported by different sorts of claims and reasons. Because informal arguments are not deductively valid, the issue is not whether I can persuade you to agree that Coleridge was the greatest of the English romantic poets—I probably could not—but to focus on the procedures I would use in making my case. Everyday arguments are not successful in every instance, and none of us can boast of a perfect record in our attempts to persuade others of our opinions and points of view. Still, it is important to understand how rhetorical persuasion is employed in these arguments as this will provide further insight into the nature of rhetorical practices.

The British philosopher Stephen Toulmin contributed considerably to this subject. Toulmin's work ranged from the philosophy of science to studies of modernity, but it was his interest in everyday arguments coupled with his critique of formal logic that made him a significant figure in modern rhetorical theory. This recognition surprised Toulmin, who had not expected his work would be of interest to rhetoricians. He regarded his studies of argumentation as contributing to ongoing debates in logic rather than as contributing to rhetorical theory, especially as he conceded he knew little about rhetoric. Nevertheless, although he may have been a novice in rhetorical studies when he first turned his attention to the study of arguments, Toulmin's name now appears in most accounts of the history of rhetoric.

Arguments and argumentation

Before looking at Toulmin's work, it will be helpful to touch on a few points about the nature of arguments. The first point is that argumentation is often said to be about convincing people with logic, whereas rhetoric is often described as taking the opposite approach—or, perhaps, the complementary approach—by focusing on the way a rhetor seeks to persuade an audience using both rational arguments and emotional appeals. This distinction between convincing with appeals to rational arguments and persuading with appeals to emotion is known as the *conviction/persuasion duality*.[2]

Scholars have considered the distinction between conviction and persuasion mainly in two ways. In its most conventional interpretation, the conviction/persuasion duality says that whereas persuasion relies mainly on symbolic strategies that trigger the emotions, conviction relies on strategies based on logical proofs that appeal to intellect and reason. Expressed in normative terms, therefore, we could say that conviction relies on the subject's rationality, whereas persuasion relies on the subject's irrationality. This is an oversimplification, of course, but it is also true that seeing conviction as rational and seeing persuasion as irrational captures the essential spirit of the conviction/persuasion duality rather neatly.

The rhetorical scholar Chaim Perelman offers a second and related way of formulating the conviction/persuasion duality. According to Perelman, both persuading and convincing belong to argumentation, but accomplished rhetors will keep the constitution of their audience in mind when determining whether to aim their discourse at persuasion or conviction. In other words, Perelman engages an audience-response approach in explaining this duality. Perelman's argument is somewhat convoluted, so I will only offer a brief overview.

In Perelman's view, the strength of persuasion is *particularity*. That is, persuasion is useful in helping with what he calls a *particular audience*, focused on a particular topic, the members of which have gathered in a particular time and place to be party to a particular discursive event. By contrast, the strength of conviction is that it appeals to a *universal audience*, independent of subject matter, and formed without regard to time and place. A so-called particular audience assembles for a purpose, which the rhetor must address in accordance with the specific issues at hand. A universal audience, by contrast, is composed of an imaginary assembly of persons. As a general statement, then, a particular audience is one that requires persuading, whereas a universal audience is one that requires convincing.

A particular audience is a collection of persons specific to a time and place; a universal audience is an abstract audience that can theoretically be composed of all rational adult persons. Because a universal audience cannot be specified in time and place, it is defined as hypothetical, and the prospect of a purely rational argument (conviction rather than persuasion) makes sense in the context of dealing with such a hypothetical grouping. A hypothetical universal audience can apply perfect rationality to the matter and can thereby be convinced of the presenter's argument. A mathematics textbook aims to convince a hypothetical universal rational audience, and thus it contains no persuasion of a traditionally rhetorical variety. There are few if any adverbs and adjec-

tives needed when the point is to convince of the validity of formulae and theorems. By contrast, a history textbook might use numerous adjectives and adverbs to describe particular events, for the point might be to exhort the audience rather than convince by demonstration. The differences may seem subtle, but they are important in seeing how conviction and persuasion are distinct discursive tasks.

One of the problems that interested Perelman was that in using persuasion to present one's case before a specific audience, one risks abandoning the general principles of reason and logic that would be acceptable in trying to convince a hypothetical universal audience. In other words, Perelman recognized that while a good speaker or rhetor considers the dispositions of a so-called particular audience in framing their argument, the particularity of that audience can lead the speaker to ignore the universal truths in general principles of logic and rationality. Why? Because a particular audience will likely have specific qualities and dispositions that can be managed by particular forms of appeal that are not necessarily comprised of solely logical movements. To speak before a group of young adults, for instance, may mean invoking images and ideas that are part of the cultural (and sub-cultural) world familiar to that audience. The examples a lecturer chooses to make a point must be suitable examples that the audience understands. Thus, a skilled rhetor might reference popular cultural icons to make a point, knowing that the audience will respond to comments about a popular actor, for instance, and thereby quickly understand the point. Perelman endorsed the theory of an epistemological division between the self-evident truth of conviction and the merely probable truth of persuasion. And he argued that the best presentations, the ones that we should accept as exemplary models of appropriate argumentation, were those arguments that were abstract, independent of the particularities of time and place, and based entirely on the universality of logical principles.

About Stephen Toulmin

In 1958, Toulmin (1958) published *The Uses of Argument*, the book that brought him to the attention of rhetorical scholars and made his contributions to what is called argument theory (or argumentation), an essential aspect of rhetoric. Toulmin's main contribution to rhetoric is his claim that purely logical arguments are not, strictly speaking, arguments at all. As Toulmin sees it, syllogistic presentations are statements of fact, not arguments.[3] They are definitions and are only called arguments in deference to a philosophical tradition that is more concerned with deductive reasoning than with trying to understand how one might draw a conclusion that entails, but is not included in, the argument's premises. For Toulmin, an argument can be called an argument when a change is brought about, a change in the knowledge condition of someone who weighs the issues in considering the argument. Aristotle's focus on form is interesting, Toulmin allows, but it hardly guarantees that one is in the presence of an argument— or a useful argument—if the point of the syllogism is simply to reaffirm in the conclusion what is stated and contained in the premises. Toulmin's goal was to better understand the practical dimensions of arguments as they took place in the real world. A great deal of his philosophical work could be characterized as a desire to find the practical bases abstract theories are founded on.

Toulmin had a conventional, almost bookish scholarly career. He was born in London in 1922 and died in Los Angeles in 2009. He took undergraduate degrees at Cambridge University in mathematics and science in 1942 before serving in World War II with an assignment as a scientific officer in radar research and development. Later in the war, he served in intelligence work. When the war ended, he took a masters and a PhD, both in philosophy, at Cambridge. After the completion of his doctorate, he held a wide range of academic positions, first at Oxford University and subsequently at several American universities, including New York University, Brandeis University, Michigan State University, and the University of Chicago, where he spent twenty years. He finished his academic career at the University of Southern California, moving to the West Coast in 1995. In 2009, at the age of 87, he suffered a fatal heart attack.

The philosopher Ludwig Wittgenstein was among those who influenced Toulmin's intellectual development during his time at Cambridge. Although Wittgenstein did not serve on Toulmin's doctoral committee, his influence can be found in Toulmin's ideas about language and in his claim that validity in reasoning comes in different forms, depending on context.[4] Toulmin's notion of multiplicity with its focus on context is also at the centre of his work in ethics. Toulmin's notion of multiple forms of validity underlines the way in which his principal focus was on the practicalities of everyday behaviour, even when this put him in conflict with philosophers more concerned with metaphysical abstractions than practical details.

Indeed, in addition to work in the philosophy of language and the philosophy of science, Toulmin also wrote important works on moral philosophy and ethics. He authored books in the history of Western thought, including *An Examination of the Place of Reason in Ethics* (Toulmin, 1950), a critique of Cartesian rationalism that suggested the importance of overcoming our dependence on the idea that there is a single, universal form of validity in all human situations. This theme—conceptualizing validity as plural rather than singular—appears in several of his works, including *Return to Reason* (Toulmin, 2003), in which he advises that we must awake from the dream that universality is uncontested, the dream that unites "certainty, necessity, and rationality into one single philosophical package" (pp. 205–206). According to Toulmin, different kinds of rationality shape our experiences of how truth is constituted. This idea that there are multiple ways of conceptualizing truth in everyday discourse also shaped the way that Toulmin approached moral philosophy, and here he drew from the philosophical tradition of casuistry, the theory that the individual merits of a moral problem should be considered along with whatever universal principles the ethicist believes apply.[5] Casuistry is not highly regarded by most ethical philosophers today, though it has found a home in bioethics, where its core insights continue to be debated (Cudney, 2014). Toulmin revived casuistry because he felt it matched his interest in the practicalities of everyday life. In other words, because Toulmin (1981) was concerned with overcoming the "tyranny of principles" and wanted to focus more on everyday forms of reasoning and argumentation, casuistry seemed a workable solution for the approach he wanted to develop. In his book *Cosmopolis: The Hidden Agenda of Modernity*, Toulmin (1990) explains in detail his penchant for casuistry, arguing that important writers such as Michael Walzer, who distinguished between just and unjust wars, proved the value of casuistry, or case-based ethics.[6] Walzer's concept of a just war

showed that some absolute principles, such as "all war is wrong," reflect the moral "tyranny" to which Toulmin was opposed.

Because Toulmin (1958) trained in formal logic, his critique of analytic philosophy was a source of contention for some of his colleagues. Indeed, *The Uses of Argument* was undoubtedly his most controversial work insofar as his contemporaries in logic were concerned. It was greeted with skepticism and even mild rebuke from colleagues and former teachers, many of whom thought Toulmin had sold out. Some British philosophers referred to it as Toulmin's "anti-logic book," and his graduate advisor, the influential philosopher Richard Braithwaite, refused to speak to Toulmin for twenty years following the book's publication. Perhaps Toulmin's claim that analytic philosophy had become somewhat imperialistic was proven right by the responses his book received.

Why was *The Uses of Argument* (Toulmin, 1958) upsetting to philosophers of logic? Was there something fundamentally flawed about Toulmin's argument regarding arguments? How did the book help turn Toulmin toward the subject of rhetoric?

The answer to the first question is straightforward. Toulmin was dissatisfied with the way that analytic philosophy, specifically logic, approached the subject of arguments. According to Toulmin, the philosophical tradition took for granted that the study of arguments should be restricted to formal logic. He believed this was unwise, and thus Toulmin (1958) undertook the study of everyday arguments in *The Uses of Arguments*, believing that the views expressed in that book gained in credibility as the years passed. "By the twentieth century," he wrote, "it may have become possible to question the connection, and some would perhaps want to say that 'logical demonstration' was one thing, and the establishment of conclusions in the normal run of life something different" (p. 2). As he saw it, the problems he raised had meaning

> only when one withdraws oneself for a moment from the technical refinements of [the science of logic], and inquires what bearing the science and its discoveries have on anything outside itself — how they apply in practice, and what connections they have with the canons and methods we use when, in everyday life, we actually assess the soundness, strength and conclusiveness of arguments. (pp. 1–2)

From these passages, it is clear Toulmin believed that the problems of everyday argumentation could be solved from outside the domain in which the formal procedure of assessing arguments had taken root: the domain of logic. Getting outside of logic was essential, he said, to understand what everyday people mean when they talk about arguments. If you remain "inside" logic, you will only ever see the idea of an argument in terms of its convertibility into predicate and inferential reasoning. Toulmin worried that if logical operations dominate your understanding of all forms of human communication, then you will be unable to attend to the very things that make communication so rich and so rewarding.

Toulmin regarded logic as a closed system that had little bearing on matters outside of the system of logic.[7] This does not mean that he repudiated logic or the value of logical

reasoning. Quite the opposite. While he saw logic as a kind of self-contained world that had grown increasingly distant from the real world, it still possessed remarkable power when applied to specific sorts of cases. Toulmin was also enthusiastic about logic as an essential part of modern philosophical practice. He was prepared, however, to point to the limitations of logic as he understood them, and thus while Toulmin never ceased to regard himself as a logician, he wanted to explore the matter of arguments from a perspective outside of logic. Indeed, the idea of argument, the giving of reasons in search of conclusions supported by evidence, was exactly the sort of everyday experience he thought logic could contribute very little to. No wonder, then, that many logicians were upset, especially as they had counted Toulmin as one of their own.

What of the second question? Was there something fundamentally flawed about Toulmin's argument regarding arguments? The essential answer is that Toulmin (1958) had never previously expressed any interest in rhetoric, and *The Uses of Argument*, which guaranteed his place in world of contemporary rhetoric, was not intended for a readership of rhetoricians. In the preface to later editions of the book, Toulmin (2004) conceded that "the last thing I intended to do was produce a theory of rhetoric" (p. 111). He regarded the book as focusing on problems of logic rather than problems in logic. Thus, Toulmin (1958) took up the task of analyzing everyday arguments in *The Uses of Argument*—not so that he could add the study of rhetoric to his portfolio but so that he might highlight an existing gap he felt separated the abstract world of analysis from the flesh-and-blood world of routine arguments.

When favourable reviews of his book appeared in journals of rhetoric and communication studies, Toulmin (1958) was rather surprised. He was pleased to discover that although the study of practical argumentation had largely been abandoned in analytic philosophy, where it was supposed to be at home, it had been kept alive in university departments of communication and rhetoric. As favourable reviews of *The Uses of Argument* continued to appear in the academic press, one piece stood out for its framing of Toulmin's work as an important contribution to modern rhetorical thought: a review article by Wayne Brockriede and Douglas Ehninger (1960) in the journal *Quarterly Review of Speech*. In their review, Brockriede and Ehninger, both major rhetoric scholars, offered a comprehensive overview of Toulmin's model—though it was not yet called Toulmin's model—and established its kinship to Aristotle's work. For example, they highlighted that Toulmin's approach referenced ideas that paralleled the distinction Aristotle had drawn between artistic and inartistic proofs. They also extended Toulmin's work to show that it could be applied to a range of problems in contemporary argument and rhetoric. Although they called Toulmin an "outsider" in the field of rhetoric, they also saw his work as providing "a contemporary methodology" (p. 53) that surpassed more traditional rhetorical approaches. Brockriede and Ehninger listed seven reasons why Toulmin's approach was important in the analysis of practical arguments. I am not going to mention all of them here, but I will cite the seventh reason:

> Whereas traditional logic is imperfectly equipped to deal with the problem of material validity, Toulmin makes such validity an integral part of his system, indicating clearly the role which factual elements play in producing acceptable claims. (p. 47)

In other words, Brockriede and Ehninger said that traditional logic does not go beyond the idea of the correctness of form in quest for validity, whereas Toulmin is concerned to include factual elements as important to everyday procedures of argumentation. Aristotle's discovery that "correct form" in a syllogistic argument guarantees validity was becoming something of a problem for rhetoricians who wanted to know about truth, not only validity. Toulmin, they argued, provided a way to get past this problem. "The traditional logical system of syllogisms, of enthymemes, of middles distributed and undistributed, may have had its attraction in medieval times," Brockriede and Ehninger (1960) suggested, but it is now time to find a "method which would have some application in the dynamics of contemporary affairs" (p. 53). This search, they suggested, had reached an important milestone in the work of Toulmin. In Toulmin's analysis they believed that they had found someone of sufficient ethos—he was, after all, a professional logician—who could speak to the problems that arise when all argument types are reduced to mere syllogisms. Toulmin's argument regarding arguments, they said, was an important next step in modern rhetoric.

THE USES OF ARGUMENT

As mentioned, Toulmin's (1958) *The Uses of Argument* first introduced his ideas about arguments, warrants, evidence, and rhetoric. I will begin my account of this book by discussing Toulmin's claim that arguments are built from specific components, the view that arguments tend to be constructed on similar though not identical foundations. Toulmin follows a structuralist approach in noting that there are underlying principles or structures that constitute arguments. He does not present himself as dedicated to structuralism as an intellectual position, but the essential features of this perspective are present in his work, nonetheless.

Toulmin says that some argument components can be found in every argument form, and he calls these *field-invariant* topics. Other components are specific to local arguments, and Toulmin calls these *field-dependent* topics. In making this distinction, Toulmin is close to recapitulating the distinction drawn by Perelman between universal and particular audiences. The distinction between field-variant and field-invariant topics also resonates with Aristotle's ideas about general and particular topics. Indeed, that the word *topics* is used to describe the two types of components (dependent and invariant) is important in explaining why Toulmin later wrote that he had unwittingly "rediscovered" the basic structure of Aristotle's treatise *Topics*. As with Aristotle, Toulmin understood that arguments involve a three-part structure that moves from a material premise to a particular claim or conclusion, and that this claim or conclusion is supported by a warrant that is sometimes explicit, but at other times operates in an implied and even universal sense.

Toulmin's analysis of an argument's components has been especially important in rhetorical critique because it allows us to see how the rhetor has supported a claim, and whether the supporting premise is specific to the field in which the argument is located—whether it is field-invariant or field-dependent. Arguments are offered in all walks of life and knowing what passes as an acceptable demonstration of evidence is crucial to adjudicating the merits of the argument and determining its rhetorical force. If you cite a religious text to support an argument when speaking to an unbeliever, you

will likely find your argument is unpersuasive since you have used a field-dependent topic in a situation where the parties diverge in their understanding of relevance. Thus, conventions have arisen in domains such as academic writing that specify what kinds of evidence will be considered acceptable—that is, what sorts of evidence will be field-independent. This means that there are many standards to invoke and adjudicate in the sphere of informal argumentation, some less credible than others. Gossip, for instance, constitutes evidence in some situations, though most would regard it as unreliable in most cases. Internet memes are taken as acceptable evidence by some people, but you would be advised to avoid using them as evidence in university essays. Indeed, unlike formal arguments found in logic, informal arguments can be assessed according to criteria that logicians would rarely, if ever, consider. For instance, you might tell a friend that her argument is irrelevant to the issue at hand. This is a common reply to an everyday argument where the expectation of relevance is highly valued. However, it is a criticism that would have no place in the evaluation of a formal argument where relevance would be entirely out of place. Criteria of evaluation for informal arguments are rooted in culture, not in logic.[8]

Legal proceedings offer another example of the difference between field-invariant or field-dependent topics. It is important to know what level of certainty (or probability) must be established to prove a case. In civil matters, a case is decided based on the preponderance of the evidence, while in a criminal case, the standard is higher, and proof of guilt must be beyond a reasonable doubt. Different fields have different kinds of arguments, and these different kinds of arguments require different kinds of backing or support. "Preponderance of evidence" is a lower standard than "beyond reasonable doubt." This means that although civil courts and criminal courts are both judicial settings, they are different argument fields in Toulmin's terms. Therefore, the support or backing for evidence in these two judicial situations puts different burdens and responsibilities on the jurors and judges. In one context, they must determine which litigant's argument has been proven in a civil proceeding. In the other, they must decide whether the prosecution or the defence has prevailed in a criminal trial.

Another way to think about this concerns evidential modality. In a civil court, the concept of probability plays an important role, but it is entertained to a lesser extent in criminal proceedings, where the stakes are higher and the determination of guilt closer to absolute. As Toulmin suggests, logic deals poorly with modalities such as *probably*, *possibly*, *presumably*, and even *cannot*. These are modal conditions that we apply in everyday life and even consider as foundational in commonplace arguments. In everyday life, we argue from foundations that are sometimes uncertain, using the weight of probability in some circumstances to "prove" our case. Determining that someone is "probably right," and that this might be good enough in an informal situation, is an illustration of a probable argument being taken as sufficiently persuasive. It might be adequate to persuade a particular audience, too. But modal conditions such as *probably*, *presumably*, and *possibly* are problematic in many logical formulations.[9] In formal logic, the presumption is made that "If A, then B" cannot mean, "If A, then probably B." Logical arguments are based on certainty, not probability.

Common ways of speaking contain many kinds of conventions and expressions that make clear the problem Toulmin highlights. For instance, consider the modal conditions attending to a common phrase such as, "You cannot." I might say, for example, "You cannot pass this course without doing the readings." This likely makes sense to you since the claim is based on an expert's experience. On the other hand, a parent might say, "You cannot go out before your homework is finished," and this is another modality—not one of likelihood or probability, but one of permission. In one case, you cannot do what is so difficult that few if any have done it. In the second case, you cannot do that which is forbidden. On top of that, these everyday uses are different from the way *cannot* would be used in a formal argument. In that situation, I might say that you cannot add two positive numbers and get a negative number. This claim differs from my statement about not passing the course because different modalities are involved. Although I use the same formulation—you cannot—each expression entails a different meaning. One is based on experience and probability: if you do not do the work, you cannot (i.e., probably will not) pass the course. Another is based on parental authority: if you do not complete your homework, you will not be permitted to go out with your friends. And the third is based on logical impossibility: no matter how many times you try, you cannot ever get an odd number by adding two even numbers. The word *cannot* has variable meanings in everyday arguments. Toulmin's essential point is that in real life arguments, we deal with the modality of possibility, while in strictly logical arguments we deal with absolutes.

Toulmin does not lament the fact that real-world arguments deal in modalities of probability rather than absolutes, explaining that appealing to absolutes is not only difficult but it often backfires in everyday situations. One of the central problems with trying to use absolute or universal principles in informal arguments is that they can forestall progress by putting positions ahead of interests.[10] For example, when people debate divisive subjects such as abortion or capital punishment, they will reach an impassible roadblock if each side sticks to an absolutist position. If your principle is that no one has the right to kill another person regardless of the situation and my principle is that someone who has committed murder has forfeited their right to live, then there is little room for negotiation, virtually no wiggle room for a productive argument. Hence, Toulmin's claim that his work can be understood as emancipating practical arguments from the tyranny of principles. Whereas logicians might conceptualize arguments as beholden entirely to absolutes, this approach can be counterproductive in the everyday world of actual conversations. If someone asserts the unassailability of their position—sticking to the principles of Parmenidean permanence—then nothing will persuade them. This shows that productive dialogue requires a willing openness to be moved by an opposing point of view, and that what first appears as strength, for example, "Here I stand, you cannot persuade me otherwise," might ultimately be unproductive dogmatism. Recall Robert Ivie's (2005) claim that if dialogue is to be meaningful, we must not see others as sheer enemies but as rhetorically viable. Though Toulmin understood that the criterion of absoluteness was indispensable for logicians, he believed that it played a limited role in the everyday practices of discourse and argument. His goal was to find an accommodation between these extremes, a way to liberate us from the tyranny of principles, or absolutes.

Substantial and analytic arguments

Toulmin also drew a distinction between substantial (practical) and analytic (theoretical) arguments. This distinction repeats some of what has been addressed here, but it helps to understand him more fully because it gives us a visual map of his work. The distinction is also important in Toulmin's moral philosophy.

According to Toulmin, we can note an important difference between an argument that is abstract and concerns itself with form and one that is practical and concerns itself with content (see Table 1).

Table 1: Toulmin's distinction between analytic and practical arguments

Analytic/theoretical argument	Substantial/practical argument
Evaluated on form	Evaluated on content
Defined by invariability	Defined by contextual factors

Toulmin says that an analytic/theoretical argument is adjudicated based on its form, whereas a substantial or practical argument is evaluated based on its content. An analytic argument is independent of its subject matter and depends on achieving the proper form, as in the case of a syllogism. What is important in the analytic/theoretical argument is that it follows precisely the formal properties that guarantee validity, regardless of what is being talked about. Such an argument might say that all unicorns are beige; George is a unicorn; therefore, George is beige. The argument is valid because it is in the appropriate form, regardless of the content of the individual premises.

A practical argument is concerned with the subject matter under discussion independent of the form in which that material is organized. This argument might say that Bill claims all unicorns are beige. But I know from wide experience that there are no unicorns. Therefore, Bill is deluded. This argument is concerned not with the form in which it is presented but with the truth-value or content of its individual premises. Context rather than invariable principles are what count here.

There are many arguments that simply cannot be settled by determining that the argument is in the proper form. Arguments that defy the abstract principle of form are arguments that deal with substantial matters, such as those that come up in legal settings, moral debates, and political contexts. It is probably not surprising that Toulmin found this distinction between substantial/practical arguments and analytic/theoretical arguments useful to sort out the way that people offer arguments in the field of moral philosophy. Some people will argue for an ethical proposition by grounding their claim in a principle they regard as uncontested or absolute, while others will say that resolving ethical problems requires a detailed analysis of the social context. If you believe moral questions are resolvable by the application of a universal principle, it is likely you will present your argument in an analytic/theoretical frame. And, naturally, if you think of moral problems as practical issues, you will present arguments of the substantial/practical variety. This means that people trying to resolve moral questions will often choose an analytic form of argument when it seems the best avenue to follow and a

practical mode when that strikes them as likely to be more persuasive. As Toulmin said, these different accounts of arguments are the foundation of

> two very different accounts of ethics and morality: one that seeks eternal, invariable principles, the practical implications of which can be free of exception or qualifications, and another that pays closest attention to the specific details of particular moral cases and circumstances. (Toulmin cited in Foss, Foss, & Trapp, 2002, p. 120)

Toulmin's point explains why the distinction between analytic and practical arguments is important when looking at the way that people adopt moral positions. An analytic/theoretical argument is rooted in unchanging, absolute, and invariant principles, the form of the argument. These are the sorts of moral positions adopted by people who might be iterating their commitment to a religious dogma or other absolutist doctrine. Practical or substantial arguments are concerned with the substance of the situation and focus on probability. These are the moral positions taken by people who adopt a more fluid and contextual perspective. Analytic arguments entail the application of principles that themselves go unquestioned; practical arguments deal with the specific circumstances of individual cases, namely the content of the argument, and are, therefore, liable to contextual adjustment. I would try to *convince* you with an analytic/theoretical argument, but my goal would be to *persuade* you with a substantial/practical argument.

What is interesting in describing these two approaches is that we are not always consistent when organizing an ethical argument. In some cases, we might choose to go with the particularities of the case at hand, a substantial/practical argument, while at other times, we might choose to opt for universal principles, an analytic/theoretical argument. For example, I might be opposed to capital punishment as an unbreakable rule, but I might be more willing to be practical about the matter if I happen to be on trial. I might adopt the absolutist principle that a single fatality is one death too many when expressing my opposition to existing gun laws, only to argue during wartime that we have made the right ethical decision if relatively few people perish. In fact, not only are people often inconsistent depending on circumstances but they occasionally blend these approaches. I might believe, for example, that theft is unethical, but I might be willing to be lenient in cases where someone steals to survive. We say that there can be no exceptions to the law when we are in an absolutist mood, only to later admit that compassion might require us to apply the law less stringently based on an individual's circumstances.

Whereas those who favour invariant universal principles in making ethical determinations seem to be following the Platonic notion of an ideal, perfect realm, those who focus on particularity rather than universality can be placed below Plato's dotted line. Hence, the search for moral absolutes is really a search for an acceptable form in which arguments can be properly represented. But practical argumentation is preoccupied with content, as it is dependent on what is being considered at the material level. Rather than search for moral absolutes, substantial arguments deal with particularities.

The structure of arguments

Toulmin's account of the structural components of arguments is presented in many ways in books, articles, and online presentations, but they focus on the same substantive features. Figure 1 shows the most elementary example.

Figure 1: Toulmin's model
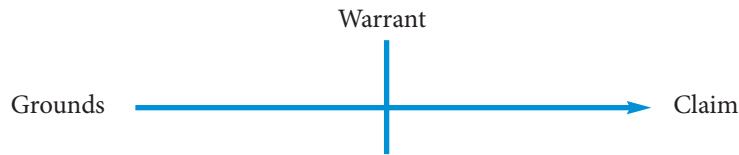
This figure simply says that whenever someone makes a claim, they must have grounds for making that claim. There must be a good reason, in other words, for making an assertion if it is to be persuasive. Toulmin also recognized, however, that we need what he called a warrant, something that justifies making the move from the grounds to the claim.

For instance, I might make the claim that I am a doctor. My grounds for saying this are that I have a PhD. However, what if someone unfamiliar with the accreditation system in universities does not know that this is how things in the academic world work? In that case, I might be required to provide some warrant, something that "proves" or "warrants" my claim. The warrant would be the additional statement to the effect that the holders of doctorates, PhDs, are referred to as doctors (see Figure 2).

Figure 2: Toulmin's argument structure
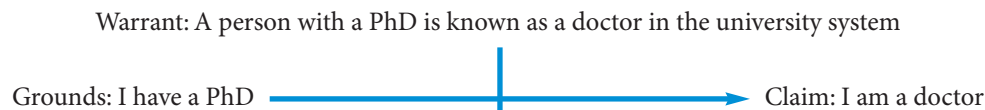
Now, when you look at this arrangement you might note that it is effectively a syllogism. It states that people with a PhD are called doctor; I have a PhD; therefore, I am a doctor. So, it appears that Toulmin has done little more than provide the standard argument form in a slightly altered format. Indeed, Toulmin quite deliberately commences his discussion of the compositional nature of arguments in this way to show how practical arguments and analytic arguments are both derived from a common form of communication.

So Toulmin's first representation is an analytic argument that guarantees validity if its form is correct, an illustration of syllogistic reasoning. But you will remember that Toulmin is interested in placing analytic (or theoretical) arguments in opposition to substantial (or practical) arguments, and so that is the next step. The second representation is Toulmin's arrangement of the constituent elements of arguments according to the inclusion of several comments already discussed, including modality and backing.

Recall that in an analytic argument, there is no need to provide backing for a major premise that is regarded as universally true. But in practical arguments, backing is often very important. Imagine someone tells you that something you are planning to do is not legal. This may well constitute a good warrant in most cases, but you might be

dubious and demand to see the actual statues or regulations involved; you might want to support, or back up, the warrant. Similarly, in a logical argument, there is rarely any consideration of modality. Hence Toulmin demonstrates what happens in a range of practical arguments in relation to the way the rhetor seeks out support in the form of grounds, warrants, and backing.
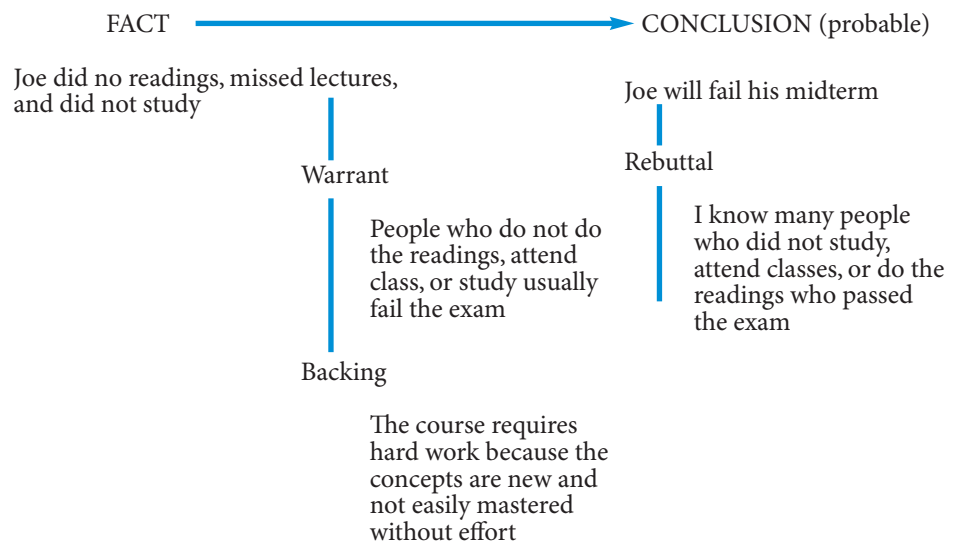
Imagine that I make a reasonable claim—a conclusion—that is based on probability, as is the case with substantial or practical arguments generally. My conclusion is that Joe is going to fail his midterm exam. Or to be more precise, I argue that Joe is *probably* going to fail his exam. I make this argument because Joe did very little studying for his exam and did not bother to attend class or do the readings. My conclusion is based on known facts (see Figure 3).

Figure 3: Toulmin's model, 2

FACT ⟶ CONCLUSION (probable)

Joe did no readings, missed
lectures, and did not study

Joe will fail his midterm

Someone might rebut my conclusion because of facts known to them. So, let me add the rebuttal and a warrant, a reason for my having arrived at the conclusion I am drawing. I will also include additional information to back up my warrant (see Figure 4).

Figure 4: Toulmin's model with warrants

FACT ⟶ CONCLUSION (probable)

Joe did no readings, missed lectures,
and did not study

Joe will fail his midterm

Warrant

Rebuttal

People who do not do
the readings, attend
class, or study usually
fail the exam

I know many people
who did not study,
attend classes, or do the
readings who passed
the exam

Backing

The course requires
hard work because the
concepts are new and
not easily mastered
without effort

This argument says that Joe will (probably) fail his midterm because he did not put in the required effort by doing the readings, attending the lectures, and so on. The conclusion, however, is only probable (even if highly likely); therefore, someone might say that they know of similar cases where people passed courses even after putting in minimal effort. I can back up my warrant by refuting the rebuttal and point out that perhaps the difference between those cases and Joe's situation is that he is taking a course with demanding, novel concepts that require sustained study. This is clearly a practical argument in that it relies on probabilities, expectations, assumptions, and experience. In

that respect, it is unlike an analytic argument for it is a thoroughly ordinary argument. There are other dimensions to practical and analytic arguments worth noting. Also, note that my warrants, evidence, and backing must be relevant to the argument's conclusion. That the midterm exam is on Tuesday is irrelevant to Joe's success or failure. That the course is difficult, however, is highly relevant.
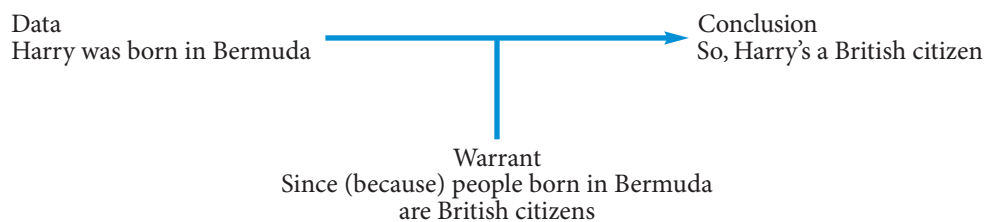
Toulmin says that in practical arguments, claims are appealed to explicitly and warrants are appealed to implicitly. This is obvious in looking at the examples, where the underlying warrants are taken to be presumptions, assumptions, or presuppositions that claims are based on and that, therefore, do not need explicit expression. To use a well-known example taken directly from Toulmin, consider the argument in Figure 5.

Figure 5: Toulmin's data/warrant model

D ———————————————→ So, C

Since W

This argument says that given certain data (D), a conclusion (C) is drawn based on the warrant (W). Putting it into everyday English, he suggests that the argument structure maps a simple argument such as that in Figure 6.

Figure 6: Toulmin's data/warrant model, 2

Data
Harry was born in Bermuda ———————————————→ Conclusion
So, Harry's a British citizen

Warrant
Since (because) people born in Bermuda
are British citizens

Toulmin's point is simple. Data are given explicitly because they are the facts before us; warrants are given implicitly because they must be exposed in the context of debate or discussion as modes of proof—in this case, an inartistic proof according to Aristotle. I explicitly claim British citizenship for Harry because I know, but do not necessarily state, the underlying warrant that Bermudan natives are British citizens. If someone points out that Harry sought citizenship in another country after reaching legal age, I will have to deal with this with additional or different warrants, claims, and backing. I might even have to alter my conclusion. This example shows us that arguments are layers of reasonable claims. It also indicates why our persuasive efforts can fail if people get lost in the details of the argument. A hierarchy of relations is entailed by practical arguments, and this also makes them different from syllogistic arguments.

We can say that data leads to a conclusion but that sometimes a warrant is required to make the argument convincing. However, which warrant applies in which case? Are there warrants that you would use that I would ignore or fail to consider? If we are in a heated debate concerning a moral question, are the assumptions you make, the implicit

warrants that underlie your attempt to persuade me, different from the implicit warrants I entertain? Toulmin suggests as a solution a good reasons model, the idea that we set aside the mistaken notion that there are absolute states of goodness and evil, and we focus on the provision of reasons that are well-argued, relevant, and properly applied. However, therein lies another difficulty, for the ability to apply good reasons (or warrants) with the consistency and confidence that many rhetoricians advise is far from simple. This, however, is the entire point of rhetoric in Toulmin's conception: we apply data, warrants, and good reasons to problems that are complex, confounding, and, to all appearances, often intractable. The point of rhetoric is that it enables us, somehow, to make progress through communication toward a better understanding of problems.

Toulmin's problem and the good reasons model

In taking a critical stance regarding absolutism—the tyranny of principles—Toulmin is an appealing and somewhat anti-establishment thinker. But it is equally apparent that his approach opens the door to a potential problem. After all, if you reject absolute arguments and rail against the tyranny of principles as he does, are you not forced to find shelter in relativism? Toulmin certainly recognized this problem, and he sought a third approach between absolutism and relativism that would help him manage the tyranny of principles while avoiding the relativity that follows from trying to escape those principles. The solution, which he settled rather early in his career in his PhD, is what he called the *good reasons approach*.[11]

If I want to persuade you that something is good, I might try to persuade you that the reason it is good is because it is good in an absolute sense. That is, I may tell you that goodness is a property of the thing in question in the same way that, say, blue is a property of some people's eyes. The thing in question is just good, no questions, no doubts, no reason to dispute. I might tell you that charity is good because it is always good to be charitable, and that we should, therefore, adopt policies that encourage people to be more charitable. An argument in which someone proclaims that something is inherently good is known as the argument of *intrinsic value*. Because this argument maintains that something is good simply because it is intrinsically good, it has problems when applied to practical arguments, for there will always be reasons to challenge the inherent goodness of something. By changing the circumstances only slightly, we often find that what we thought was an absolute principle is not absolute at all. Critics of the intrinsic value approach say that nothing is absolutely, invariantly, and indisputably good, and that the claim that something is good relies not on intrinsic value but on historical, contextual, and cultural factors. Charity, critics have pointed out, can lead to dependency, exacerbate laziness, and maybe even lead to what was once called a culture of poverty. These arguments are not themselves necessarily convincing, but that does not matter. The point is that when we think something is good, it is usually because we have collectively come to the decision that it is good; it not the case that things are proclaimed good in an invariable and eternal sense.

The intrinsic value approach is objective in that it is advanced on behalf of an imaginary, objective point of view. Because it fails to apply in every instance, I might opt for a different approach, a subjective approach, and try to convince you that I am arguing for

a thing's goodness because it is something I approve of. This is the sort of argument preferred by people, such as Donald Trump, who rely on their instincts to make difficult determinations. "I just feel that way," or, "I have a gut instinct about this," are the sorts of propositions offered by followers of the subjective approach. The main underlying supposition is that one's view is a norm that can be generalized to the entire community. However, the subjective approach clearly runs headlong into contrary opinions, so it does not take us very far either. My opinion may mean nothing to you for any number of reasons. Hence, both the argument from intrinsic value and the argument from personal approval are doomed. In Toulmin's understanding of how we should seek to support our arguments, then, we must reject absolute principles as these appear in the intrinsic value approach, just as we must reject the relativist principles of the subjective approach. So where do we turn?

Toulmin's solution is to suggest that we should adopt a good reasons approach, an approach that avoids the pitfalls associated with both objective, or absolutist, and subjective, or relativistic, approaches. He says that we should provide reasons that are good, explaining that *good* is not the same as *absolutely good*. Toulmin wants to argue for an idea of good that is produced out of democratic procedures. In seeing the dangers of construing goodness as either a universal property independent of human input or as deriving entirely from the predispositions of an individual judge, we fail to adequately explain what is so good about the thing—the plan, belief, or policy—we are proposing. We say it is a good thing, but still have not explained what it derives its goodness from.

Toulmin says that in making this distinction between goodness as either absolute or subjective, we are making a further and important distinction between practical and analytic arguments. In taking note of this distinction, we may be on the path to resolving our difficulty. In practical arguments, good reasons will most usually come in the form of justifications, whereas in analytic arguments good reasons will largely be inferential. In practical arguments, in other words, we try to persuade by justifying the position we are advocating: we state our point of view and then offer reasons (justifications) for why this position should be accepted. In a sense, then, practical arguments are backward looking, moving from conclusions to reasons that seek to justify the position. On the other hand, analytic arguments do not use justification but follow the rules of inference. Rather than being backward-looking, then, analytic arguments are forward-looking, moving inexorably from premises to conclusions. They are self-contained.

In practical arguments, we usually come to tentative conclusions and then engage in debate aimed at justifying our position. It is a largely transactional process, rather than an analytic process. We ask others for their opinions and subject those opinions to scrutiny to determine their value. We label some ideas as possibilities, others as probabilities, and still others as unlikely. An analytic argument, however, has no need for negotiation, no reason to weigh up probabilities. You might debate with your friends about a favourite film but not about whether lengths of three, four, and five always produce a right-angled triangle.[12] An analytic argument's certainty is found in the unassailability of its internal logic. Toulmin says that while analytic arguments are good and important in many ways, they simply do not match the usual experiences of everyday people trying to sort through a mass of information and competing claims to arrive at

an acceptable conclusion. Whereas practical arguments may eventually achieve an acceptable conclusion, an analytic argument will never resolve this way; it will instead come to the conclusion, the *correct* conclusion, not an *acceptable* conclusion.

As Toulmin makes evident, it does not make sense to say that four is the *acceptable* conclusion when adding two and two. Four is not acceptable; it is universally true. With analytic arguments, there is one and only one conclusion. No justification for accepting it as the one and only conclusion is required. Things are different with practical arguments. Here, it does make sense to say that the conclusion should be acceptable to the parties involved. This is not because it is the one and only conclusion but because it is a conclusion we have agreed to. If the question is how many books students should read in an upper division seminar, we will come eventually to a result that is acceptable when the parties agree. Moreover, whatever number of books is chosen is not the only number that would be satisfactory. A different number might have been arrived at that would have been acceptable to a different group of students studying different material. There is no single answer, then, to practical arguments, no inevitable conclusion. There are multiple answers and a range of acceptable conclusions that can be reached by the application of good reasons. Once again, this is because practical arguments are settled with persuasion, and analytic arguments settled by conviction. The outcome of practical arguments is also frequently invariably tentative. This is an entirely different standard from what is required by analytic arguments, though we intuitively know this standard has some merit. When we cannot achieve absolute truth, Jacques Derrida (2001) once said, we must settle for noble bargains. The good reasons approach aims for a noble bargain.

In practical arguments, we seek good reasons, a concept that led Toulmin to be regarded as a reactionary to conventional logic philosophers. We might well recognize the tentative nature of those reasons, but then perhaps we are unconcerned about the issue of satisfying universal truths in practical arguments anyway. Though abstract arguments are going to be true independent of the shifting whims of culture and society, practical arguments—and their supporting good reasons—are tied to such considerations. The good reasons approach is very simple in a sense, but it does suggest that everyday negotiations require sustained work to remain viable. They are also thoroughly grounded in time rather than outside of time, as is the case in analytic arguments. In one respect, in seeking to emancipate practical arguments from the tyranny of principles, Toulmin is also seeking to ennoble the idea that arguments can be good rather than perfect, and in being merely good, they are still important to us. We might understand him as saying that whereas perfect knowledge would be good in every case, we cannot achieve absolute knowledge of every situation in a practical setting and must rely, perhaps, on faith. In short, Toulmin makes a value out of tentativeness, rather than seeing it as a failing. In this, he very much resembles Aristotle.

"The earliest rhetorical theorists," writes Christian Kock (2005), "knew that practical reasoning has several dimensions, which is why decisions cannot be found [based] on a merely rationalist basis" (p. 277). In making clear that reason is but one of many possible ways of approaching arguments and persuasion, Toulmin helped to show the value of closely studying the structure of arguments.

Notes

1. It would also entail explaining how popularity equates to greatness, a dubious but common strategy used in debates in the popular arts. The algorithm used by the popular IMDb (n.d.), for example, currently ranks *The Shawshank Redemption* as its top film of all time, thereby proving that popularity is rarely a good metric of quality.

2. A discussion of the conviction/persuasion duality that places the concept in its historical context can be found in Frans van Eemeren, Bart Garssen, Erik C.W. Krabbe, A. Francisca Snoeck Henkemans, Bart Verheij, and Jean H.M. Wagemans' (2014) *Handbook of Argumentation Theory*.

3. As A.J. Ayer (1985) writes, "the true propositions of logic are all tautologies" (p. 18).

4. Toulmin's co-authored book with Allan Janik (Janik & Toulmin, 1973) is a work in cultural history chronicling the influence of Viennese society on Wittgenstein and his philosophical work.

5. For instance, a casuist would say that while lying is wrong from a universal perspective and each of us should do our utmost to avoid it, there may be times when telling a lie is the lesser evil.

6. "This revival of 'case ethics' is not the only sign of recognition by contemporary philosophers of the need to avoid concentrating exclusively on abstract and universal issues, and to reconsider particular concrete problems arising, not generally, but in specific types of situations" (Toulmin, 1990, p. 188). Toulmin's reference to Michael Walzer is to Walzer's (1977) book *Just and Unjust Wars: A Moral Argument with Historical Illustrations*.

7. Toulmin (2004) addresses this point in some detail in his article "Reasoning in Theory and Practice."

8. The expectation that what is said in a conversation will be relevant to that conversation is an example of a *conversational implicature*, as defined by the famed linguist Paul Grice (1989). Grice believed that conversations proceed according to the cooperative principle, our desire to understand and be understood. To adhere to this principle, Grice said that we tend to observe four maxims when engaged in conversation: we say enough of what needs to be said to be informative (maxim of quantity); we speak of what we know to be true (maxim of quality); we say what is relevant to the issue (maxim of relevance); we speak clearly about the topic and avoid ambiguity (maxim of manner). We violate one or more maxims as when we are deliberately being sarcastic, humorous, or ironic.

9. Of course, the field of modal logic was developed precisely to deal with modal conditions. Ordinarily, logicians move from formal logic (Aristotle) to sentential logic (the logic of truth functions), to predicate logic, and finally to modal logic.

10. This idea is based on the distinction between principled and positional negotiation, as developed by the Harvard Law School's (n.d.) Program on Negotiation.

11. I am going to deliberately steer clear of entering the complicated debate over the meaning of "good reasons" beyond what I offer here. In addition to being complicated philosophically, the notion of good reasons is guaranteed to produce confounding opinions and arguments. Indeed, even to argue in favour of a particular interpretation of this approach requires subscription to an acceptable theory of good

reasons. One needs a theory of good reasons, in other words, to explain what one means by good reasons! For this reason, good reason theories are frequently described as tautological, or circular. A good summary of this problem is presented in rhetorician Walter Fisher's (1978) article "Toward a Logic of Good Reasons."

12. They do.

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