

The Contextual Tier of Argumentation in Public Debate

Introduction

The ideas presented in this paper originate from a case study I did as a part of my exam in a course on rhetoric and argumentation theory in the fall of 2006. Today I will present a summary of the study; but I will be focusing on the more general, theoretical ideas it has produced.

I have organized my paper and the main argumentation in it in three parts. In the first part, I will argue that when it comes to analyzing and evaluating argumentative discourse, argumentation theorists such as informal logicians, rhetoricians and pragma-dialecticians seem to agree that we should study two things: First of all the arguments in themselves and secondly how the persons arguing relate to each other and each other's arguments. In the second part, I will present my case, a debate from Danish television about rejected asylum seekers, and my analysis of it. Finally, in the third part, I will discuss how the results of my case study might bear on the existing theory of argumentation. I will argue that when it comes to argumentation in mediated public debates – e.g. debates on television, on the radio or in newspapers – the two foci that current argumentation theorists recommend are not enough to ensure an adequate analysis and especially an appropriate evaluation of the argumentative discourse. In such cases we have to consider how the context of the debate – i.e. the way the debate has been set up by journalists – is fused into the argumentation and the likely perception of it. We have to consider what I propose could be called the contextual tier of argumentation.

Part 1: Current argumentation theorist's recommendations in respect to the analysis and evaluation of argumentative discourse

There are without a doubt many serious and deep disagreements among argumentation theorists. But as I said in my introduction, they seemingly agree that criticizing argumentative discourse is in very broad outline a matter of critically investigating two levels of the discourse: One level where we analyze and evaluate the arguments themselves and a second level where we analyze and evaluate how the arguments relate to other arguers and their arguments. In other words, argumentation theorists recommend that we examine these two levels when we want to determine whether a given example of argumentation is acceptable or not.

According to informal logician Professor Ralph Johnson, the purpose of argumentation is 'rational persuasion'.¹ To fulfil its purpose, argumentation must have both an 'illative core' and a 'dialectical tier' and be 'manifest rational'.² The illative core "consists of the reasons the arguer has advanced in support of the conclusion";³ the dialectical tier is where the arguer addresses "alternative positions, and standard objections."⁴ So according to Johnson, an arguer is obligated to advance reasons for his or her claims *and* to take opposing viewpoints and counterarguments into account.

My instructor Professor Christian Kock has made use of Ralph Johnson's thinking in his continuous efforts to empower journalists to make politicians adhere to the obligations they are under when they engage in public political debate.⁵ Kock has argued that sometimes objectionable behaviour in public debate can be traced back to the 'level of argument' – e.g. if a politician does not advance

¹ Johnson 2000 p. 159

² Ibid. p. 164-165

³ Ibid. p. 165

⁴ Ibid.

⁵ Kock 2006c p. 105-106

any arguments at all.⁶ But in practice, the criticisable behaviour is, in Kock's experience, especially related to the 'dialectical level'⁷: According to him, political debaters ought to acknowledge or refute counterarguments; but unfortunately, "what we tend to find in public political debates to an increasing degree is that debaters avoid doing *either* of these two things."⁸ So in broad outline, Professor Christian Kock seconds Professor Johnson's notion of good argumentation because he insists that argumentative discourse can only be good insofar as it is good on the level of argument as well as on the dialectical level.

As a third and final example of how the suggested consensus among argumentation theorists manifests itself, I will mention the thinking of the Dutch pragma-dialecticians. Their normative standards for argumentative discourse are reflected in the ten pragma-dialectical rules.⁹ These rules can roughly be sorted in two groups (with some of them belonging to both groups): One group of rules that set standards for the arguments in themselves and another group of rules that aim to regulate how the arguers relate to each other and each other's arguments.¹⁰ If we take rule no. 4 – "A party may defend a standpoint only by advancing argumentation relating to that standpoint"¹¹ – I would say that this belongs to the first group; and if we take rule no. 2 – "A party that advances a standpoint is obliged to defend it if the other party asks him to do so"¹² – I would say it belongs to the second group. So the pragma-dialecticians also seem to recommend that we interpret and evaluate actual cases of argumentative discourse in the light of normative standards that concern two levels of the argumentation, namely an inferential one and a dialectical one.¹³

Part 2.1: Presentation of case and motivation of case study

I will now move on to the second part of my paper and present the case I have studied and explain what initially motivated me to do a study of it.

One evening in the late fall of 2006 the Danish television channel DR2 televised a series of programmes under the common headline *Trapped as refugee – children of asylum seekers in Denmark*¹⁴. The topic of the evening was and still is a controversial one in Denmark. The problem in question is that Danish asylum centers house hundreds of asylum seekers whose applications have been rejected but who refuse to leave Denmark. Since the Danish authorities cannot force them to leave, often due to the unsettled state of their native countries, the net result is a deadlock. Many of the rejected refugees have been in the centers for years. Typically, families live in a single room which is 12, 16, 20 square meters large. Often one or both of the parents in these families are or become mentally or physically ill during their stay. And due to their legal status as rejected asylum seekers, none of the adults are allowed to work or do any formal studies.

The evening's series of programmes ended with half an hour's debate about the rejected asylum seekers and especially their children. The host touched upon the question that was up for debate when he began his introduction of the evening by asking: "What should be done to the asylum

⁶ Ibid. p. 109

⁷ Ibid.

⁸ Kock 2006a p. 103-104

⁹ Ibid. p. 132-133

¹⁰ The first group consists of rule no. 4, 5, 6, 7, 8 and 10; the second group of rule no. 1, 2, 3, 5, 9 and 10.

¹¹ Eemeren et al. 1996 p. 284

¹² Ibid. p. 283

¹³ According to the pragma-dialecticians and many others, such critical analysis is the *raison d'être* of the study of argumentation (Eemeren et Houtlosser 2002 p. 131).

¹⁴ *Fanget som flygtning – asylbørn i Danmark*

seekers that Denmark has said no to but who stay here for years anyway?”¹⁵ Later he also stated that the final debate was [quote:] “about the sad fate of the children of asylum seekers and about the possibilities of changing that fate.”¹⁶ The four participants in the debate were the Minister of Refugee, Immigration and Integration Affairs, a member of parliament representing the nationalistic, anti-immigrant Danish People’s Party, another member of parliament representing the liberal center party the Danish Social Liberal Party and finally the secretary general of the Danish part of the International Save the Children Alliance.

I saw the debate that evening and the one and a half hour of relating television programmes that preceded it. Afterwards I was left with a feeling that there was something sly about the debate. It rubbed me the wrong way. Contrary to what the title of my paper might signal, what initially motivated me to do my study was not to point out the inadequacies of a theory but to explore and explain this sensed problematic nature of the debate.

Part 2.2: Summary of the results of the analysis

Before I present the results of my case study, I will comment briefly on the theoretical framework I used for my analysis.

An important source of inspiration was Perelman’s theory of argumentation as he presents it in *The New Rhetoric*. In the book he, among many other things, presents ‘the principle of formal justice’.¹⁷ Furthermore, he argues that argumentation is the act of advancing categories and establishing categorizations in accordance to the principle of formal justice through the ‘association’ and ‘dissociation’ of ideas.¹⁸

Another important source of inspiration was Professor Christian Kock’s thoughts on argumentation in political debate. One of Kock’s basic assertions is that the relative relevance and weight of the different and often opposing arguments in political debate cannot be determined objectively.¹⁹ To illustrate and explain this, Kock has introduced the concept ‘multidimensionality’.²⁰ According to Kock, the arguments in political debate often belong to different dimensions²¹, e.g. “legality, moral justice, compassion, national economy, social harmony, partisan strategy, and possibly others”.²² The axes in the argumentation’s multidimensional system of co-ordinates cannot be translated into one another due to the absence of a common measure.²³ They are incommensurable.²⁴ Because of this, in stead each individual has to weigh the arguments on his or her inner pair of scales.²⁵ This is a subjective process and its outcome depends on the values of each individual and how he or she prioritizes those values.²⁶ In sum, in political debate debaters will often advance arguments

¹⁵ “Hvad skal der ske med de asylansøgere, som Danmark har sagt nej til, men som bliver her i årevis alligevel?” (trans. l. 6 – here and below I am referring to my own transcript of the debate).

¹⁶ “[O]m asylbørnenes triste skæbne og om mulighederne for at ændre den skæbne” (trans. l. 39).

¹⁷ “[F]ormal justice is a principle of action, according to which beings of one the same essential category must be treated in the same way” (Perelman 1990 p. 1082).

¹⁸ *Ibid.* p. 1082 et 1089-1090

¹⁹ Kock 2006a p. 2

²⁰ Kock 2006b p. 250

²¹ Kock 2006a p. 2

²² *Ibid.* p. 4

²³ Kock 2006b p. 250

²⁴ *Ibid.*

²⁵ Kock 2006a p. 2

²⁶ *Ibid.*

belonging to different incommensurable dimensions and they will often represent different ways of ordering these and as a result different, incompatible proposals for action.

I will now turn to my case study. The most important results of my analysis can be summed up in two main points.

First of all, the four participants in the debate roughly form two opposite sides and represent two basic categorizations of the rejected asylum seekers.

One side – representing the government and its supporting party – argues that the asylum seekers are ‘*rejected*’ asylum seekers’ and therefore ‘persons who are subjects to Danish law and who should respect that law’. The Minister says: “If your application for asylum has been rejected, then your future *is* in your native country” and “we don’t need the asylum system if it is the case that you can define by yourself just by staying here that you have a residence permit”.²⁷ The Member of Parliament who agrees puts it this way: “They have been rejected, that means they must go home” and “one has to maintain that Danish rules actually do apply”.²⁸ In order to establish their categorization, both debaters especially advance arguments that create associations of ‘succession’,²⁹ e.g. by arguing that ‘If we do not uphold the law, we will bypass the asylum system – we will be surrendering – or it will be like giving 20 million refugees the right to come to Denmark’. These two debaters’ categorization means that the Danish government and the Danish people treat and should continue to treat the rejected asylum seekers in accordance to their legal status. The asylum seekers are subjects to Danish law and they are treated like all other persons who are subjects to that law. Consequently, they are treated justly because they are treated in accordance to the principle of formal justice.

The other side – representing the political opposition and a non-governmental organization – argues that the children in the asylum centers are ‘children like all other children in Denmark’ and therefore ‘children for whom the state has a special responsibility’. The secretary general says: “Why should these children live in conditions that we wouldn’t allow any other children in Denmark to live in?” and “each and every state [must] take special care of children and protect children no matter where they reside”.³⁰ The Member of Parliament who agrees says: “[I]f we see this in the surrounding society, we don’t just say, yes, that’s child abuse and that’s for the parents to deal with. Then we as a society, as a state have an obligation to intervene and take care of those children”.³¹ Both debaters especially seek to establish their categorization by invoking an argument from ‘analogy’:³² The relation between children of asylum seekers and the way they are treated (the ‘theme’³³ of the analogy) is or ought to be comparable to the relation between Danish children and

²⁷ “[H]vis man har fået afslag på asyl, så *er* fremtiden i ens hjemland” (trans. l. 287). “[V]i behøver jo ikke asylsystemet, hvis det er sådan, at man selv kan definere bare ved at blive her, at man har opholdstilladelse” (trans. l. 291).

²⁸ “De har fået afslag, dvs. de skal rejse hjem” (trans. l. 169). “[M]an må fastholde, at det er faktisk danske regler, der gælder” (trans. l. 477).

²⁹ Perelman 1990 p. 1091

³⁰ “[H]vorfor skal de børn leve under nogle vilkår, som vi ikke ville byde nogen andre børn i Danmark?” (trans. l. 371). “[E]nhver stat [skal] særligt (..) tage sig af børn og beskytte børn, uanset hvor de opholder sig henne” (trans. l. 373).

³¹ “[H]vis vi ser det ude i det omkringliggende samfund, så siger vi jo ikke bare, ja, det er børnemishandling, og det må forældrene tage sig af. Så har vi jo som samfund, som stat en pligt til at gribe ind og tage os af de børn” (trans. l. 104).

³² Perelman 1990 p. 1092

³³ Ibid.

the way *they* are treated (the ‘phoros’³⁴ of the analogy). According to these two debaters, we have to change the conditions of the rejected asylum seekers and their children because if we do not we will continue to treat members of the same category, i.e. children, differently and therefore violate the principle of formal justice.

The second main point of my analysis is related to these categorizations and has to do with the different incommensurable dimensions of the case and different ways of weighing them. The side representing the government and its supporting party acknowledges that “it can be very rough for children to live in an asylum center”³⁵ [unquote the Minister] and that their existence “surely isn’t pleasant”³⁶ [unquote the Member of Parliament who agrees]; but nonetheless, they attach more weight to the legal considerations, i.e. the dimension *legality*. On the other hand, the Member of Parliament who represents the political opposition acknowledges that [quote:] “it is quite clear that if your application for asylum has been rejected then your future isn’t in Denmark”³⁷; but he and the secretary general of Save the Children both feel that it is more important to consider the conditions that the rejected asylum seekers and their children live in, i.e. that in *their* view the dimension *moral justice* has more weight. As expected, the four debaters advance different incommensurable dimensions of the case, weigh them differently and hence argue for different proposals for action, namely on the one hand, a journey home and help in the native country,³⁸ and on the other hand, improved living conditions and a temporary residence permit.³⁹

Part 3: Proposed revision of the recommendations in Part 1

In sum, my analysis shows that the participants in the debate *do* advance arguments and *do* relate to each other’s argumentation. They establish categorizations by advancing arguments, especially associative ones, and in several instances they explicitly acknowledge or refute each other’s arguments. In other words, there are no really serious problems on the inferential or the dialectical level of the argumentation in the debate. So if I were to follow the recommendations of current argumentation theorists as I outlined them in the first part of my paper, I would at this point have to conclude that the debate was indeed acceptable. Seemingly, my reservations about it were unwarranted. But if I widen the scope of my investigation and include more than just the debate itself, problematic features of the evening begin to come into focus.

The debate was preceded by three other television programmes. First, a documentary about three children living in Danish asylum centers. In one scene a little girl shows how she keeps her toys beside the bed where her mentally ill father lies seemingly without paying any attention to her. In another scene a boy bursts into tears when he cannot go on the annual outing because his father has to stay at home and take care of the boys’ mentally ill mother. And in yet another scene, a 13 year old Iraqi girl who has lived in Denmark for five years says: “I don’t want to go home (..) We don’t have a place to live there.” This first programme was followed by another documentary about Denmark’s treatment of refugees since the end of World War II. Half a minute’s clip from the programme was shown in the introduction of the evening. In it an old woman who was put in a Danish camp for German refugees after World War II looks out over a graveyard with tears in her eyes and says: “I must have had a guardian angel since I survived.” The third and final programme

³⁴ Ibid.

³⁵ “[D]et kan være meget barskt for børn at leve i et asylcenter” (trans. l. 122).

³⁶ At deres tilværelse “da ikke er rar” (trans. l. 394).

³⁷ “[D]et er klart, at har man fået et afslag på asyl, så er ens fremtid ikke i Danmark” (trans. l. 343).

³⁸ E.g. trans. l. 56 og 169.

³⁹ E.g. trans. l. 145 og 338.

before the debate was a documentary about 600 rejected Iraqi asylum seekers living in a Danish asylum center. It was a picture filled with ailment, anger and apathy.

In addition to taking these preceding programmes into account, it is also relevant to observe how they were introduced that evening and how they were referred to during the debate. In his introduction the host refers to the fate of the asylum seeking children as sad.⁴⁰ [Quote:] “[They are] stuck between authorities, parents in disintegration and the prospect of returning to a country in which they might never have been”.⁴¹ According to him, through the years, Danes have either welcomed or turned their back on refugees.⁴² [Quote:] “We *can* be both warm and have open arms but indeed also be ice cold and unsympathetic depending on who knocks outside and how we ourselves happen to feel”.⁴³ During the debate only the host and the two debaters who attach most weight to the dimension moral justice refer to the preceding programmes, typically in reference to the living conditions of the asylum seekers and their children. E.g. after a short break in the debate where a minute’s clip from the first documentary has been shown, the host asks the Minister: “[A] child who feels responsible for her sick and, in the case of the father, mentally ill parents, they live in one room for months, years. That’s fine, you think?”⁴⁴ Finally, it is worth mentioning that the headline of the debate was the rather charged rhetorical question *Ought we be ashamed of ourselves?*⁴⁵

The point I am trying to make is that when we in addition to the debate itself consider the preceding programmes, the way they are introduced and the way they are referred to during the debate, it becomes clear that the debate and the evening as a whole reflects a very one-sided view and biased account of the problem in question. This is counterproductive to the purpose of the debate because according to Professor Christian Kock [and I quote] “political debate should (..) equip each audience member as well as possible to make his individual assessment of the relative relevance and weight of the arguments on *both* sides”.⁴⁶ *Before* a single argument has been advanced and *before* any of the debaters have had a chance to relate to the other debaters and their arguments, the debate has been compromised. Not by the debaters but by the journalists who have facilitated it. The parameter within which the debate is to take place is one-sided and biased. In other words, the most problematic features of the debate in question – and I do not think that the debate I have studied is exceptional – are not to be located on the inferential or the dialectical level of the argumentation but on a third level which I propose could be called the *contextual tier* of the argumentation. This level has to do with how journalists set the scene for public mediated debates. Critical investigation of this level of the argumentation implies that we ask questions like: What information is presented before and after a given debate? What viewpoints are presented before and after? Who are chosen to participate in the actual debate? What questions are up for debate and how are they posed? And so on. If we fail to consider these questions, we are likely to neglect the important role journalists play as facilitators and moderators when it comes to the argumentation in public mediated debates.

⁴⁰ Trans. l. 39.

⁴¹ “[I] klemme mellem myndigheder, forældre i opløsning og udsigten til at vende hjem til et land, som de måske aldrig har været i” (trans. l. 14).

⁴² Trans. l. 26.

⁴³ “Vi *kan* nemlig være både varme og have åbne arme, men så sandelig også være iskolde og afvisende, alt efter hvem der banker på derude, og hvordan vi selv lige går og har det” (trans. l. 20).

⁴⁴ “[E]t barn, der føler sig ansvarlig for sine syge, og i farens tilfælde psykisk syge, forældre, de bor på ét værelse i måneder, i årevis. Det er fint, synes du?” (trans. l. 119).

⁴⁵ *Kan vi være det bekendt?*

⁴⁶ Kock 2006a p. 6 (The italics are mine.)

References

Eemeren, Frans H. van; Houtlosser, Peter (2002): Strategic Maneuvering: Maintaining a Delicate Balance. In: Eemeren, Frans H. van; Houtlosser, Peter (ed.): *Dialectic and Rhetoric: The Warp and the Woof of Argumentation Analysis*. Dordrecht: Kluwer Academic Publishers, p. 131-159.

Eemeren, Frans H. van et al (1996): Pragma-Dialectics and Critical Discussion. In: Eemeren, Frans H. van et al: *Fundamentals of Argumentation Theory. A Handbook of Historical Backgrounds and Contemporary Developments*. Mahwah: Lawrence Erlbaum Associates, p. 274-311.

Johnson, Ralph H. (2000): Excerpt from *Manifest Rationality: A Pragmatic Theory of Argument*. Mahwah: Lawrence Erlbaum Associates, p. 159-169.

Kock, Christian (2006a): Dialectical obligations in political debate. Paper. In print.

Kock, Christian (2006b): Multiple Warrants in Practical Reasoning. In: Hitchcock, David; Verheij, Bart (ed.): *Arguing on the Toulmin model: new essays on argument analysis and evaluation*. Dordrecht: Springer, p. 269-280.

Kock, Christian (2006c): Journalisten som udspørger og ordstyrer – bag om offentlige debattørers snyd og manipulationer. In: Svith, Flemming (ed.): *At opdage verden. Research – Fra akademikere til journalister*. Århus: Forlaget Ajour, p. 105-125.

Perelman, Chaïm (1990): The New Rhetoric: A Theory of Practical Reasoning. In: Bizzell, Patricia; Herzberg, Bruce (pub.): *The Rhetorical Tradition: Readings from Classical Times to the Present*. New York: St. Martin's Press, p. 1077-1103.