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The Account of Warrants in Bermejo-Luque's *Giving Reasons*

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ABSTRACT: This paper highlights the difference between Lilian Bermejo-Luque's account of warrants with the quite different accounts of warrants offered by Toulmin, Hitchcock, and myself, and lays out some of the reasons why I think a "Toulminesque" account of warrants captures crucial aspects of arguing more adequately than her account does.

Keywords: Grice; Hitchcock; inference claims; logical dimension of argumentation; material conditionals; modal qualifiers; relevance; Scriven; Toulmin; warrants

RESUMEN: *Este artículo subraya la diferencia entre el análisis de los garantes que nos propone Lilian Bermejo-Luque con los de Toulmin, Hitchcock y el mío propio. Presento algunas razones por las que pienso que un análisis toulminiano de los garantes capta mejor que el suyo algunos aspectos cruciales de la argumentación.*

Palabras clave: *Grice; Hitchcock; afirmaciones inferenciales; dimensión lógica de la argumentación; condicionales materiales; calificadores modales; relevancia; Scriven; Toulmin; garantes.*

1.

Giving Reasons by Lilian Bermejo-Luque (henceforth GR and LBL) is a significant contribution to the literature on argumentation. It offers a unique, unified account of argumentation (as well as inference) in which logical, rhetorical and dialectical dimensions are jointly essential to argumentation conceived of as the attempt to justify a claim being argued for. LBL develops her view on the basis of a careful reading and criticism of prominent strands in the recent literature – paying especially close attention to pragma-dialectics, to Ralph Johnson's version of informal logic and to Perelman's version of a rhetorical account (as interpreted by Tindale), while drawing on the work of Toulmin, Rescher and a host of others.

I will not attempt to summarize or to evaluate LBL's overall perspective on argumentation. For one thing, that perspective depends crucially on a series of individual points too numerous to deal with in the space I've been allotted. For another, any significant evaluation of LBL's approach would turn, not on the tenability this or that technical point, but on the *fruitfulness* of her approach in comparison with other, competing approaches – a task too large to attempt in a paper of this length.

In what follows I want to highlight the difference between LBL's account of warrants with the quite different accounts of warrants offered by Toulmin, Hitchcock¹ and myself,² and to lay out some of the reasons why I think a "Toulminesque" ac-

¹ For a summary of Hitchcock's views on warrants, which traces their development from 1958 through 2005, see Pinto 2006, 288-292.

² For my view of the nature of warrants and their role in the evaluation of arguments and inference – a view which relies heavily on aspects of Hitchcock's view in one respect and on aspects of Toulmin's view in another – see Pinto 2006, esp. pp. 295-301. The view developed in that paper as a whole



count of warrants captures crucial aspects of arguing more adequately than LBL's account does.

2.

On its surface, the discussion of “the logical dimension of argumentation” in chapter IV of *GR* purports to unpack that “logical dimension” in terms of something like Toulmin's account of argument in *The Uses of Argument* (henceforward *UA*). As we shall see shortly, that chapter harks back to the account of acts of arguing in chapter III. It draws on the crucial role played by “inference-claims” in that chapter's characterization of argumentation or acts of arguing.³ Thus LBL says (*GR*, p. 60)

In the case of argumentation, which is a second order speech-act complex, not one but two constatives, *R* and *C* (whether directly or indirectly performed, literal or non-literal) become the acts of adducing (a reason) and concluding (a target-claim). This occurs because of their relationship to each other by means of an implicit inference-claim whose propositional content is “if *r*, then *c*.”

On p. 61 she goes on to say,

...in order to interpret a speech-act as an act of adducing, as an act of concluding or as a complex act of arguing, we will have to make a presumption concerning the relationship between *R* and *C*. This presumption amounts to attributing to the speaker an implicit assertion *I*, whose content is “if *r* (the content of *R*), then *c* (the content of *C*)”:

Argumentative Presumption (AP): The mutual belief for *H* and *S*⁴ that *S* has implicitly asserted *I*.

This implicit claim *I* corresponds to the inference-claim that is constitutive of any act of arguing. Normally, it is the fact that the speaker has used some epistemic qualifier (like “probably,” “necessarily,” “evidently,” etc.) or an expression like “so,” “therefore,” “since,” “consequently,” etc., that authorizes us to make this presumption, that is, that authorizes us to interpret the speaker's performance as an act of arguing. For, as D. Hitchcock (2007) has pointed out, inference-claims generally stand for the “so,” the “therefore,” the “consequently,” etc., of ordinary acts of arguing.

She takes these inference-claims to be *material* conditionals, having the content of the reason adduced as its antecedent and the content of the conclusion drawn as its consequent.⁵ She points out (p. 61) that, in addition to epistemic qualifiers, the reason and conclusion are typically put forward with “ontological qualifiers” – such as “*p* is true,”

turns on the idea that the principal virtue of arguments and inferences is not that they be truth-preserving, but that they be “entitlement-preserving.” Though Hitchcock's 2011 OSSA Keynote Address is not yet available in printed form, there were hints in the latter part of his oral presentation that he may have come around to a variant on that idea – that arguments must move from *acceptable* premises to *acceptable* conclusions.

³ Later, in discussing reasoning (p. 75ff.), LBL insists that just as the sort of conditional statements she calls “implicit inference claims” must be present for something to count as an act of arguing, a conditional belief or judgment that she calls an “inference-motivation” – whose content is a strictly analogous to the content of an inference-claim – is required if what prompts an “indirect judgment” is to count as a reason for that judgment.

⁴ *H* and *S* are the hearer and speaker, respectively.

⁵ For more on this point, see section 5 below. There has been controversy between Hitchcock (2007) and Bermejo-Luque (2007) on this point, which surfaced again in Hitchcock's 2011 OSSA keynote address (not yet in print). Though my sympathies lie in Hitchcock's direction, I don't want to enter into that controversy in this paper.

“*p* is (more or less) probable,” “*p* is (more or less) acceptable,” “*p* is (more or less) plausible,” “*p* is necessary,” “*p* is possible,” etc. – whose precise nature she doesn’t consider in detail until much later in chapter VII.⁶

3.

In chapter IV (p. 81), she rejects formal logic as a “as a tool for evaluating natural language argumentation” and opts instead for a conception of logic that “is best represented in Stephen E. Toulmin’s *The Uses of Argument*.” However, the conception of logic she develops differs from Toulmin’s conception is at least one crucial respect – namely, in the conception of warrant it adopts. LBL’s conception – in which warrants are equated with the inference-claims introduced in chapter III – is argued for in the section entitled “*The Conception of Warrant*” on pp. 105-108.

She begins that section by noting (GR, p. 105) that

Toulmin defines warrants as “general, hypothetical statements which can act as bridges (between datum and claim) and authorize the sort of step to which our particular argument commits us”...

She adds in a footnote that Toulmin

considers that the proper way to make them explicit is as follows: “Data such as D entitle one to draw conclusions, or make claims, such as C”⁷

She does not quote or acknowledge a somewhat later passage in which, drawing a contrast between a warrant and its backing in one of his examples, Toulmin is even more explicit about the *normative* content of warrants as he conceives them:

Though the facts about the statute may provide all the backing required by this warrant, the explicit statement of the warrant itself is more than a repetition of these facts: *it is a general moral of a practical character, about the ways in which we can safely argue in view of these facts* (2003/1958, 98 – italics mine).

One can see immediately from these passages that on Toulmin’s account warrants must have two features which LBL’S inference-claims need not (perhaps cannot) have: (a) warrants must be *general* statements and (b) when stated explicitly they are

⁶ The inclusion of these “ontological qualifiers” – especially the ontological qualifier of the inference-claim as a whole, which determines the *epistemic* qualifier “correctly” attached to the conclusion – appears to be essential for one aspect of LBL’s overall account which is out of step with much current thinking about non-deductive inference. She insists (p. 132) that “acts of arguing are monotonic, i.e., if the reason and the inference-claim are correct, then the addition of further correct claims cannot defeat the correctness of the conclusion.” And she indicates on p. 133 that she can handle non-deductive inferences without treating them as defeasible precisely because “[a]s we will see in more detail in Chapter VII, my account of non-deductive inference draws on Toulmin’s account of modal qualifiers.” I take it she has in mind the section that occurs on pp. 170-174. Whether she can avoid acknowledging the defeasibility of such inferences with this strategy is a technical issue that lies beyond the scope of this paper. It is not at all clear to me that her approach is consistent with the “requirement of total evidence” and the fact the conclusions qualified by ‘probably’ are not detachable.

⁷ The italics are mine – they do not occur in either Toulmin’s text or LBL’s quotation from Toulmin’s text – and are added to call attention to both the generality and the normativity built into Toulmin’s conception of warrant. These words, as well as those quoted from the footnote, occur on p. 91 of the Updated Edition.

practical statements about what we may “safely” do or what we are *entitled* to do. These two features help explain why Toulmin says that (UA, p. 91)

- (i) the role that warrants play requires “propositions of a rather different kind: rules, principles, inference-licences or what you will, instead of additional items of information”, and
- (ii) that warrants “correspond to the practical standards or canons of argument referred to in our earlier essays [i.e., chapters of UA].”

LBL recognizes (p. 106) that for Toulmin

unlike data, warrants can be implicit in arguments and, unlike both data and backing, they function as rules. Hence, it seems that generality and implicitness would be the key features that distinguish warrants from data and from backings according to Toulmin.

while conceding that “most interpreters have stressed rule-likeness while ignoring implicitness.”

In opposition to Toulmin’s account, LBL (p. 107) equates warrants with the inference-claims or inference-motivations described in chapter III. She insists that those inference-claims “represent the inferential step that lies behind any act of arguing or reasoning” and implies that nothing further is required to link reason and conclusion or to “justify” the step from reason to conclusion. As far as I can make out, it is possible to discern in this section three arguments for this claim – none of which I find especially convincing.

(a) The first (which I extract from her criticism of D. Hample) is that what marks the distinction between the data of an argument and its warrant (conceived as an inference-claim) is “not a functional difference” between them but merely the fact that the warrant of an argument *must* (appearances notwithstanding) be *implicit*, whereas the data must be explicit. And her ground for saying that the inference-claim must be implicit is this (p. 107)

[W]hen we make explicit the warrant of an argument, we are actually generating a new argument having another warrant, i.e., a formal one as it corresponds to a formally valid argument – namely, an instance of *modus ponens* – which is, again, implicit in it.

To my mind, this consideration settles nothing. For one thing, it simply raises the question of whether LBL’s account doesn’t itself reduce to a form of deductivism in which every argument (and every inference) becomes deductively valid since it contains an “implicit assumption” which renders it an instance of the deductively valid rule *modus ponens*. For another, it in effect begs the question of whether when made fully explicit warrants have the form that Toulmin thinks that have (i.e., are rule-like statements laying out what we are *entitled* to do, “given” certain data), or whether they are straightforward material conditionals that simply embed reason and conclusion as antecedent and consequent.

(b) A second argument can be extracted from her criticism of Hitchcock’s attempt to maintain there is a “functional distinction” between data and warrant. On p. 107 she quotes Hitchcock as having proposed

the warrant is the person’s justification for inferring the claim from those grounds. [By contrast] a challenger may ask for justification of the warrant, to which the answer will be a proposed backing for the warrant.

To this she replies,

[...] if warrants justify the inferences, they should be reasons for the corresponding inference-claims or inference-motivations. However, if warrants “justify” our inference-claims in this sense, every argument would contain another argument, namely, the argument “warrant, so inference-claim”: after all, justifying is arguing well.

And this, she implies, would give rise to an infinite regress. However, it seems to me quite arbitrary to suppose that the only way an inference rule can justify the inference from p to q is as a ground for the material conditional ‘if p , then q ’. If a rule says (as in standard logics most inference rules are thought to say) “Given something of the form F , you may (i.e., are *entitled* to) conclude something of the form G ”, and you know that you have been “given” something of the form F , invoking that rule is a way of *showing* you are *entitled* to conclude something of the form G . If “justifying” the drawing of a certain conclusion amounts to showing that one is *entitled* to draw it, then under appropriate conditions a rule of the form just indicated enables one to justify such a conclusion. Moreover, ever since Lewis Carroll’s “What the Tortoise said to Achilles” it has been recognized that it is precisely by distinguishing between premises (or “data”) and permission-granting rules that one can *avoid* the infinite regress Carroll’s essay described.⁸

(c) A third argument (presented on p. 108) employs an example from Michael Scriven to illustrate the point that there can be several different imaginable rules that might be invoked in an attempt to “justify” a given argument or inference. Scriven’s (1976, 166) example was: “She’s red-haired, so she’s probably quick-tempered.” LBL writes,

As Scriven observes, the general rule “if a person is red-haired, then that person will probably be quick-tempered” is not the only one that could justify the argument’s inference-claim: for example, “if a woman is red-haired, then she will probably be quick-tempered” could do it as well. [Several additional imaginable generalizations follow these two.]

Actually, in the passage cited Scriven was not talking about “rules” that might justify an argument or inference – and was certainly *not* talking about justifying “inference-claims” in LBL’s sense that term. He was talking about the difficulties in supplying an appropriate or fair “missing premise” to the argument in question, and urging that to be fair one ought to select the “minimum plausible” missing premise (which in this case he took to be “Most people with red hair are quick-tempered”). However, in a

⁸ LBL references the Lewis Carroll problem on GR, pp. 97ff., citing a point that Wayne Grennan has made. There she says quite correctly (p. 98) that the warrant or “inference claim” cannot be added to the argument as a *premise*. That of course is correct and is akin to the moral generally drawn from Carroll’s argument. But from the fact that the warrant can’t be added to the argument as a *premiss* it simply doesn’t follow that it cannot be *explicitly* mentioned – not as a premise but as a *rule* which licenses the move from premiss to conclusion. Think of the way in which derivations are standardly laid out in logic textbooks – the first column contains line numbers, the second premises and conclusions, and in a third column justifications are supplied for lines derived from earlier lines: the justification for line n will cite the earlier line(s) from which line n is derived, together with the *rule* which licenses the derivation of line n from those earlier lines. It is often difficult if not impossible to “follow” what is going on in a derivation if such justifications are not made explicit. I have personally witnessed the confusion and misunderstanding that can result when a justification cites earlier lines but doesn’t bother to mention the rule which licenses deriving line n from those earlier lines.

long series of papers Hitchcock (see esp. Hitchcock 1985 and 1998) has resisted the temptation to construe such arguments as enthymemes, and has suggested instead that generalizations like those that Scriven might have supplied be considered rules or warrants, after the manner of Toulmin. Such a view does not require that there be one and only one “covering generalization” which is “the” warrant. His more mature view – see for instance 1998, 27 – is that that a conclusion “follows from” its premises as long as *some* (at least one) such covering generalization is *true*. In light of this, I fail to see how the fact that for Scriven’s example many such generalizations can be imagined poses any sort of problem for a view like Hitchcock’s.

4.

Let me leave aside for the moment the details of LBL’s account, and return to what motivates Toulmin’s introduction of the concept of warrant in his initial account of the “layout” of arguments.

He begins his account (UA, 90) by imagining someone challenging a claim that we have made. Toulmin supposes our first response to such a challenge will cite facts “which we can point to in support”. He refers to such facts appealed to as *data*. He then points out (pp. 90-91) that

[e]ven after we have produced our data we may find ourselves being asked further questions of another kind. We may now be required not to add more factual information to that which we have already provided, but rather to indicate the bearing on our conclusion of the data already produced... To present a particular set of data as the basis for some specified conclusion commits us to a certain step, and the question is now one about the nature and justification of that step.

To see why there is a question about the *nature* of that step, we need only reflect on the example from Scriven cited in the preceding section. Where the “step” in the argument is *from* a reason expressed by ‘she has red hair’ *to* a conclusion expressed by ‘she is hot-tempered’, it is not immediately clear which *features* of the reason are supposed to link it to the conclusion – that is to say, the *bearing* which the reason is supposed by the arguer to have on that conclusion is not immediately clear. Is the premise supposed to support the conclusion because it says of a *person* that that person has red hair? Or is it supposed to support the conclusion because it says of a *woman* that she has red hair? The *nature* of the step, and the bearing of the reason on the conclusion, is not clarified by pointing to an “inference-claim” which merely embeds reason and conclusion in a material conditional.

For an example of how important it can be in certain stylized contexts to provide warrants consisting of generalizations that take the form of rules, see the comments at the end of note 8 above.

5.

In chapter III’s account of what is required to ascribe an act of arguing to a speaker S who has performed two constatives R and C, LBL claims in effect that it suffices to attribute to the S “an implicit assertion I, whose content is ‘if r (the content of R), then c (the content of C)’.” LBL says (p. 61) that she favors a “truth-functional inter-

pretation of indicative conditionals as regards the interpretation of inference-claims” and that “following Grice, [she] will deal with the semantics of the inference-claim by equating it with the corresponding material conditional.” In other words, she construes the semantic content of that implicit assertion as equivalent to ‘either not r or c ’.

However, she had conceded that this initially seems problematic, since (p. 60) “there is a sense of ‘following’ in conditionals that the truth-functional account does not seem to capture.” Her solution to this dilemma (p. 61) is to follow Grice in maintaining that

the sense of “following” of ordinary conditionals is a result of assuming, when interpreting the speaker’s utterance, that she is fulfilling the Maxim of Quantity of the Cooperative Principle.

She adds (a few sentences later, on p. 61),

In fact, to determine which is the proper ontological qualifier of the material conditional – i.e., the ontological qualifier that we should use when putting it forward – under these conditions is tantamount to determining the degree of positive relevance of the antecedent for the consequent, and in order to accomplish this task, general rules as much as general statements of fact can be of help in providing reasons for such conditional claims and deciding on the pertinent degree of positive relevance.

In this passage, LBL appears to be conceding that we can establish degree of relevance of reason to conclusion only by appealing other statements – which (according to this passage) *may* be general statements. In a much later passage (p. 177), she refers to “backings” which “would represent reasons adduced to support our inference-claim, i.e., general facts appealed to in order to justify the corresponding conditional claim,” thereby conceding that it always is in fact general claims that “stand behind” inference-claims. Having equated warrants with a material conditional in which reason and conclusion are embedded, she equates such “general facts” with the backing of the warrant.

But now suppose that the “backing” which shows the inference-claim to be true does so simply by showing that its consequent is true, without appealing to any aspect of the content of the antecedent. Backing of such a character could hardly be said to exhibit the degree to which the antecedent is *relevant* to the consequent. It is difficult, therefore, to see how what LBL calls the “backing” of the inference-claim could differ significantly from the sort of generalization which Toulmin wants to call a warrant. In short, Toulmin-type warrants seem to have reappeared in LBL’s story – though in her story they sneak back in under the name “backing”.⁹

These considerations lead *me* to reconsider the introduction of inference-claims and inference-motivations in chapter III with a much more skeptical eye. Let us concede for the sake of argument that it is initially plausible to suppose that what “constitutes” two constatives as components of an act of arguing is that a speaker implicitly asserts ‘if r , then c ’. But if that does seem initially plausible, it may be only because we are supposing either that (i) ‘if r , then c ’ asserts that c follows from r , or that (ii) by a

⁹ Moreover, where those generalizations are not analytic or “self-evident”, there will have to be backing for the backing – which will turn out to be just the sort of thing that *Toulmin* thought of as backing for *warrants*.

Gricean Maxim or Quantity it “implicates” that *c* follows from *r*. In that event, what we would be supposing in order to construe two constatives elements of an act of arguing is that the speaker thinks that the content of one of them is “positively relevant to the other” – that is to say, provides a *reason* for accepting the content of the other. But if *that* is right, the “implicit assertion” which entitles us to interpret the speaker’s performance as an act of arguing is *not* captured by the material implication ‘if *r* then *c*’. Rather, that implicit assumption will have to be – or include – something very much like ‘Data such as *R* entitle one to draw conclusions, or make claims, *such as c*’.¹⁰ The “implicit assumption” which constitutes an act of arguing will turn out to be or include the very sort of thing that Toulmin calls a warrant.

An arguer who adduces *r* as a reason for concluding that *c* is, of course, *committed* to the material conditional ‘if *r* then *c*’. But, I submit, that is only because such an arguer is committed to both *r* and *c*, from which the truth-function conditional ‘if *r* then *c*’ follows as a logical consequence. But, if my intuitions are right, *that* commitment is a mere byproduct of the act of arguing; it is not what turns the assertion of *r* followed by the assertion of *c* into an act of arguing.

6.

LBL insists, quite correctly I think, that modal qualifiers must be attached (prepended) to the antecedent and consequent of any warrant, as well as to the warrant or inference-claim as a whole. She distinguishes between epistemic modals and what she calls “ontological modals” – the latter are first mentioned on p. 60 (see the last sentence of section 2 above) and discussed in more detail on pp. 170-174. She insists that, except for the expistemic modal occurring at the beginning of the conclusion of an argument,¹¹ the crucial qualifiers are ontological modals rather than epistemic modals. The account of warrants in Pinto 2006, whose basic ideas I still subscribe to, maintains that the crucial modals qualifying both antecedent and conclusion in a warrant are *epistemic* qualifiers which take the form “it is reasonable to adopt attitude *A* toward propositional content *p*.”¹² I am therefore not sympathetic to LBL’s view that they are ontological modals.

In the space of this very short article I can only indicate very briefly two of the reasons why I find LBL’s account of the role and nature of ontological modals to be problematic.

- 1) LBL wants to say that the *epistemic* qualifier modifying a conclusion depends *solely* on the *ontological* qualifier of the inference-clause. This means that it is unaffected

¹⁰ Lying behind this claim is the core idea, developed at in much greater detail in Pinto 2009, that *R* is a reason for holding that *Q* if and only if being entitled to hold that *R* would make one entitled to hold that *Q*.

¹¹ Which itself simply reflects the ontological modal qualifying the inference-claim as a whole.

¹² Where the attitudes – such as being certain that, expecting that, presuming that, being inclined to believe that or suspecting that – are type-identified by their functional role in our cognitive lives.

by the epistemic status of the reason or premiss. Moreover, she maintains (p. 171) that

a representation that is in fact true – or false – cannot be ontologically probable: ontological probability is mainly related to the representative value of a representation at a given moment with respect to a non-actual state of the world.

Consider now a deductively valid inference from data we have accepted on evidence which renders it no more than epistemically *probable* – e.g. the inference from “The person over there in the tuxedo is actually John’s sister” (accepted on the testimony of someone who is usually but not always right about such things) to “The person over there is a female.” The appropriate ontological qualifier of the inference-claim as a whole is surely ‘Necessarily.’ But to phrase the conclusion as “The person over there *must* be a female’ seems wrong; given that the premise is not completely certain. We ought rather to say, “The person over there in a tuxedo is *probably* female, since that person is *probably* John’s sister.”¹³

- 2) On what basis can LBL say the inference-claim of an inductive inference is merely probable, in cases where both the reason *r* and the conclusion *c* are each either true or false? Her suggestion (p. 171) about such a case is that

the inference-claim “if John’s car is outside and he is not in the living-room, then he is in his room” seems to us only probable – in the ontological sense we are assuming its degree of (ontological) probability could be determined, for example, as the relative frequency of John being in his room when his car is outside and he is not in the living-room.

For technical reasons, this simply cannot work as a way of assigning an objective probability to a conditional. To do so would be to equate the probability of ‘if *p* then *q*’ with the conditional probability of *q* given that *p*. But it has been conclusively demonstrated that it is a mistake to equate or confuse these two.¹⁴ I personally cannot see any permissible way of assigning an objective probability to an inference claim to such cases that is consistent with LBL’s overall view. Yet it seems obvious to me (as it does to her) that inductive arguments like this one can only render their conclusions epistemically probable.

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¹³ To be fair, in the chapter on the dialectical dimension of argument, LBL does explicitly recognize the importance of the epistemic status of premises – thus she says (p. 135), “After all, if our reason and inference-claim are correct, the target-claim has to be correct; however, if nobody knows that they are correct, putting them forward will not be a means to *show* this target-claim to be correct.” However, she takes this aspect of argumentation into account only in discussing its dialectical dimension.

¹⁴ The demonstration of this point, which derives from David Lewis, is set out by Jeffrey’s (2004, pp. 15–16) in his discussion of the relationship between conditional probabilities and the probability of conditionals.

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