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Abstract

In this paper, techniques that have been recently developed in informal logic (argumentation theory) are used to give an analysis of the normative structure of a case study. It is shown how a case study has a purpose, and how it has a method or "logic" that is properly used to fulfill this purpose.

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Methods of argumentation theory (informal logic) are used in this paper to give an analysis of the concept of a case study. The view is put forward that a case study is a critical discussion, of the sort analyzed by van Eemeren and Grootendorst (1984; 1987). The normative structure of certain key aspects of the case study as a distinctive type of argumentation are analyzed through the concept of a dialogue logic, as developed by Hamblin (1970) and Barth and Krabbe (1982).

A case study is analyzed as having several stages--first, a conflict of opinions is posed by a given situation, and then a critical discussion uses argumentation to look at the reasoning on both sides. Finally a maieutic stage brings to light the lessons revealed by the discussion. *Maieutikos* (skill in midwifery) is the Socratic idea that a leader in a discussion can assist the participants to bring new ideas to light--ideas that originate within the participants themselves.

Although, it is argued, the goal of the argumentation in a case study is to resolve a conflict of opinions, the maieutic insight gained by both participants and listeners (readers) is of key importance. However, in order to realize these goals, the argumentation in a case study needs to be regulated by maxims of polite conversation.

As Toulmin and Jonsen (1988) have shown, the origins of the case study method lie in Aristotle's concept of ethical judgment as practical wisdom in studying an issue in a particular case (*phronesis*). Casuistry was developed into a refined method of studying moral issues in medieval and renaissance treatises on ethics, building on this Aristotelian basis. But then, satirized by Pascal as "laxism" and moral relativism of a debased kind, casuistry fell into a "pariah" state where it was shunned by academics generally, and especially in philosophy.

In recent times, the case study method has made a strong comeback, particularly in the fields of medicine and business. In these fields, it has become a leading, even dominant method, both in teaching and research.¹

Philosophy, however, has been slow coming back to use of the case study method. Until quite recently, for example, ethics has been portrayed as a highly abstract discipline with a gap between 'ought' and 'is.' In treatises like G. E. Moore's *Principia Ethics* (1903), it was not felt to be useful or necessary to even have much in the way of discussion of anything like realistic cases, or even examples. This attitude didn't begin to change until the advent of medical ethics as a serious subfield within philosophy.

The use of the case study method was explicitly introduced into philosophy in medical ethics, and following that, it became commonplace in other fields of applied ethics like business ethics. However, the case study method had long been implicitly in use in the field of informal logic, where examples of informal fallacies had long been a staple of the curriculum in the logic textbooks. Typically however, these were short examples where much of the context was left to the reader's imagination. It wasn't until the advent of the informal logic movement in recent years that many exponents started advocating and using longer examples and cases, with more context explicitly given. Indeed, it was

this movement away from the shorter, simplistic examples of the Standard Treatment of fallacies - see Hamblin (1970, chapter 1) - that showed the growing maturity of informal logic as a field to be taken seriously.

In this paper, techniques that have been recently developed in informal logic (argumentation theory) are used to give an analysis of the normative structure of a case study. It is shown how a case study has a purpose, and how it has a method or "logic" that is properly used to fulfill this purpose.

The main charge against the use of the case study method in philosophy has always been that it involves a bad kind of relativism. It will be shown how the analysis presented here can successfully be defended against this kind of charge.

1. NORMATIVE STRUCTURE OF A CASE

The use of case studies has become fairly standard now in medical ethics, business ethics, and other areas of applied ethics. In informal logic, the case study approach has begun to come in with the growing realization that the short examples of fallacies traditionally used in the textbooks need to be expanded, and evaluated in a context of discussion.² But so far, there appears to be little in the way of deep or extensive analysis of what is involved in the use of case study techniques as a philosophical method.

A case is a pedagogically good one to the extent that it contains a decision, problem or dilemma that turns on a conflict of opinions that the audience to whom it is presented can rightly be expected to have. The presentation of the case, in other words, contains a "live" issue, and invites the audience to take up positions, or argued and committed points of view, on both sides of that issue. The case, in other words, poses a question, in context, to the audience to whom it was addressed.

But the case study is not just the provoking of an interesting question or issue. It must also articulate the issue, refine it, and add some qualifications to the theses stated on both sides. This is the confrontation stage of the critical discussion that should be part of the presented of a case study.

The case study should also bring out the most cogent and powerful arguments on both sides, and monitor the interaction of this argumentation. How does the opposing side react to the argument on the other side? How does the opposing side react to the criticisms of its position posed by those who doubt or question that position? These are the kinds of questions to be answered during the argumentation stage, where the issue is discussed.

In this paper, the thesis is put forward that the use of the case study as a type of argument presupposes a background structure of dialogue or discussion of a certain type. The presentation of the case, according to this theory, can be evaluated as successful to the extent that it fulfills or contributes to the goal of this context of dialogue in which it was put forward as argumentation.

In Walton (1984), the participant's goal in *persuasion dialogue* is to bring forward arguments based on premises that are commitments of the other party in

the dialogue, having conclusions that are relevant to proving the thesis of that first participant. The goal of the dialogue as a whole (as a structure, collective institution, or "game") is for the deeper positions (or dark-side commitments) on both sides to come to be revealed as reasoned propositions based on arguments. In van Eemeren and Grootendorst (1984), what appears to be the same type of dialogue is called the critical discussion. Its purpose is to resolve a conflict of opinions, and it is said to have four stages: an opening stage, a confrontation stage, an argumentation stage, and a closing stage.

Whether we call this type of dialogue a persuasion dialogue or a critical discussion, the important thing is that it should be seen as a normative model of dialogue, a goal-directed, rule-governed structure in which argumentation takes place. Argumentation as used in a particular case can then be judged as correct or incorrect, successful or not, insofar as it contributes to the goal of the dialogue.

This pragmatic and dialectical approach to argumentation gives us the basic materials for an analysis of case study method. The case poses a genuine issue or conflict of opinions which needs to be resolved by the audience who must confront that case. What is important, however, is not that the conflict be decisively resolved, in the sense that one side is proven right and the other side proven wrong. What is important is that the positions on both sides be articulated and that the strongest arguments on both sides be put to the test of argument.

Typically then, a good case study presentation not only poses a real issue for the audience, but also provokes, and to some degree even analyzes the arguments that begin to emerge on both sides. This kind of presentation guides the audience along by allowing them to raise their own questions and judge the issue in relation to how they feel about it. Thus a good case study has an open quality to it. It provokes questions, and guides argumentation, but in many cases, may not close the issue, or force anyone to yield to one side or the other, beyond doubt.

In a good case study presentation then, there is a dual structure of dialogue--one context of dialogue inside another. The primary, initial participants, at the first level, are the two parties or sides in the audience, representing the *pro* and *contra* points of view. It is this opposition that needs to be brought out by the case. But at a higher level, it is the presenter of the case who needs to structure the presentation in order to successfully bring out this first-level opposition. The presenter must put the case in such a way that it successfully persuades proponents of both sides to take up the challenge of defending the positions they are committed to.

The case presenter can best be seen as a sort of interlocuter who has the *maieutic function* (from the Greek, *maieutikos*--"skill in midwifery") of helping the primary participants in the dialogue to "bring their ideas to birth," to express their previously "dark" or inexplicit commitments on the issue.³ The initial situation in a good case is that both sides have strong "gut feelings" or deeply held commitments that have not been explicitly articulated by them as clearly expressed arguments. The function of the case presenter is to make the nature

of the conflict more explicit, deepening the insight or "self-knowledge" of both participants on why they hold to the commitments they already have on this particular issue. What is yielded is not strictly "knowledge," but a personalized insight into why one holds a view.

A case study is usually written up in some form, but may also be presented verbally to a class or audience. The written case should define the conflict of opinion and channel the arguments on both sides, to some extent. But during a verbal presentation, further questions will be raised. But how much of the case is verbal or written is not crucial. The main thing is that the case is used as a tool to provoke argument that will have a maieutic effect for both sides. Whether this goal is realized in a given case, must depend on the primary participants as well as the presenter.

2. RULES FOR A CRITICAL DISCUSSION

A critical discussion is not supposed to be a free-ranging quarrel. It must conform to rules of procedure or conversational maxims, following the cooperative principle of Grice (1975, p. 67): "Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged." Various ways of trying to attack your dialogue partner's arguments unfairly by impolitely going against the conversational maxims are associated with the traditional informal fallacies.

The set of rules, given by van Eemeren and Grootendorst (1987), is suitable for the type of dialogue called the critical discussion. Each party has a *standpoint* or *point of view*. The standpoint of the proponent (protagonist) is to prove a proposition designated as his thesis. The standpoint of the respondent (antagonist) is to critically question, or throw doubt upon the standpoint of the proponent. At least this represents the basic case of the simple conflict of opinion.

Each participant uses argumentation schemes to argue for his point of view, or critical questions to respond to arguments. The failure to follow a rule of dialogue in making these moves in argumentation corresponds to one of the various fallacies, according to van Eemeren and Grootendorst. The ten rules of persuasion dialogue for van Eemeren and Grootendorst (1987) are listed below.

Rule 1: Parties must not prevent each other from advancing or casting doubt on standpoints.

A notable failure to adhere to this rule is the *argumentum ad hominem* (p. 285), described as performing a personal attack on your opponent by depicting him as stupid, bad, unreliable, and so forth, by casting suspicion on his motives, or by pointing out an inconsistency between his ideas and deeds. We might parenthetically note here that while it is a great advance to see that the *argumentum ad hominem* can be a fallacy (like other fallacies, as well), in virtue of

its violation of this rule of a critical discussion, much more remains to be said about how the *ad hominem* works as a fallacy.⁴

The next rule expresses the principle of the burden of proof.

Rule II: Whoever advances a standpoint is obliged to defend it if asked to do so.

Failures here often have to do with illicitly evading or shifting a burden of proof. As we have seen, many of the fallacies are fallacies because of illicit shifting of a burden of proof.

The third rule relates to what has been called the arguer's position in Walton (1985).

Rule III: An attack on a standpoint must relate to the standpoint that has really been advanced by the protagonist.

Failures to meet this rule relate to the *straw man fallacy* of unfairly representing an opponent's position in an argument. As shown in Walton (1985), however, this failure also relates to some instances of the *ad hominem* fallacy, especially the circumstantial variety.

The fourth rule applies to the argumentation stage, and is a kind of negative rule that excludes certain kinds of non-argumentative, inappropriate moves.

Rule IV: A standpoint may be defended only by advancing argumentation relating to that standpoint.

This move excludes arguments that are irrelevant, or other kinds of moves that are not really arguments at all, like appeals to emotion. Rule IV corresponds to the Gricean rule: Be relevant!

A fifth rule relates to commitments in argumentation that are implicit rather than explicit concessions.

Rule V: A person can be held to the premises he leaves implicit.

It is shown in Walton (1985) how failures to meet this rule can also come under the heading of the *argumentum ad hominem*, because an arguer's non-explicit commitments--expressed, for example, by his actions--often play an important role in evaluating whether a charge of circumstantial inconsistency can be justified or not.

The sixth rule turns out to be especially important in relation to the *argumentum ad verecundiam* and the *argumentum ad ignorantiam*, because it relates to the *common starting points* of facts or values that both parties can agree to the outset as being acceptable commitments.

Rule VI: A standpoint must be regarded as conclusively defended if the defence takes place by means of arguments belonging to the common starting point.

The so-called *fallacy of many questions*, exemplified by the question, "Have you stopped beating your spouse?" can often be partly explained as a failure of this rule, on the grounds that the presuppositions of the question may not be part of the common starting point of a dialogue.

The seventh rule relates to the use of argumentation schemes⁵ to defend a point of view.

Rule VII: A standpoint must be regarded as conclusively defended if the defence takes place by means of arguments in which a commonly accepted scheme of argumentation is correctly applied.

One kind of violation of this rule is to use an unsuitable argumentation scheme, another is to apply an argumentation scheme inappropriately. Note however, that there are many ways of carrying out both of these kinds of violations.

Rule VIII has to do with the adding of unexpressed premises, and Rule X bars vague and ambiguous formulations. Rule IX requires that both participants abide by the outcome of a dialogue.

Rule IX: A failed defence must result in the protagonist withdrawing his standpoint and a successful defence must result in the antagonist withdrawing his doubt about the standpoint.

An especially notable kind of fallacy excluded by Rule IX is what van Eemeren and Grootendorst (1987, p. 291) call *absolutizing the success of a defence*--concluding that a proposition is true simply because it has been defended against the other party's opposition. The fault is a kind of confusion between absolute and relative proof which was shown in Walton (1985), to relate in a significant way to the basic *ad hominem* fallacy.

One thing to notice about this set of ten pragma-dialectical rules for persuasion dialogue is the contention of van Eemeren and Grootendorst that the violation of each rule corresponds to certain traditional informal fallacies. We noted, however, that several of the rules involve violations can be identified with species of the *ad hominem* fallacy. It seems then that this set of rules is not, by itself (nor was it perhaps intended to be) sufficient to provide analyses of the informal fallacies that are rule-violations, in the sense that a fallacy corresponds (one-to-one) to a violation of a rule.

Another limitation of these rules is that the fallacies often involve dialectical shifts from persuasion dialogue to other types of dialogue (the *ad hominem* especially). Also, some fallacies, like the *ad verecundiam*, involve contexts of dialogue, like advice-giving dialogue, that are different from persuasion dialogue. These fallacies are not simply violations of a rule of a critical discussion. They are techniques of antilogic, sophisticated devices that are used to actively subvert and exploit rules of dialogue in various ways.

Rule-violations of reasonable dialogue can be of different types. A weak argument might be a failure to line up to the requirements of a rule. A blunder could be an inadvertent rule-violation that weakens an arguer's own case. A fallacy, however, is a special kind of rule-violation. It is a systematic tactic of deception which should be subject to strong refutation because it aggressively subverts the rules of reasoned dialogue.

However, in making these distinctions, it is crucial to know what the context of dialogue is, and how the rules are stated. Rule II says that whoever advances a standpoint is obliged to defend it, if asked to do so. This is a rule which defines the obligation of a participant in argument - in effect, it states the basic principle of burden of proof. Violation of this rule could constitute an error, blunder, or other weakness of argumentation in some circumstances, while in other (more aggravating) circumstances it could amount to a fallacy having been committed by the violator.

But Rule I is expressed in a different manner. Rule I requires that parties must not "prevent each other from advancing or casting doubt on standpoints." This rule is expressed in a stronger fashion. It does not ban weak arguments or blunders that are failures to advance or cast doubts on a standpoint. It bans parties from "preventing each other" from advancing arguments or critically questioning them. What this rule really forbids then is the use of overly aggressive tactics used to prevent one's opponent from advancing argumentation or posing critical questions in response to argumentation. Thus Rule I is a mixture of the *de facto* type of exclusion forbidden by Rule II and a tactical kind of exclusion which forbids a party from using some kind of forceful technique to prevent the other party from even engaging in reasonable argumentation at all in a dialogue. What this means is that we are really dealing with two different kinds of rules here.

A violation of Rule I is not necessarily a fallacy. Violating Rule I could be simply a case of a weak or unsupported argument which fails to meet the requirement of burden of proof. For example, it could be a failure to respond appropriately by replying to your opponent's asking of critical questions appropriate for this argumentation scheme.

Hence committing a fallacy implies more than just violating a rule of reasonable dialogue. It is a special kind of violation involving the misemployment of an argumentation scheme in a systematic tactic of deception.

For example, Rule I is not a win-loss or strategic rule of dialogue. It really expresses (in a very general way) a kind of rule designed to exclude certain kinds of tactics which could involve various fallacies. It combats the *antilogic*

rule, "Prevent your adversary from advancing his standpoint or casting doubt on yours." Now there are many ways of attempting to carry out this imperative, and each of them corresponds to an informal fallacy. Thus the antilogic rule tells an arguer how he might illicitly proceed if he cannot advance his own argument any further, or if his adversary asks critical questions that he (the proponent) can't answer. In this situation, where one is in danger of losing the argument, the antilogic rule tells you to react aggressively and try to prevent your opponent from further argumentation. And how can one do this? The answer is to adapt various legitimate argumentation tactics, like the *ad hominem*, or the appeal to expert opinion.

These two kinds of argumentation can be used properly as reason-able argumentation schemes in the course of a dialogue. But they can also be used as antilogic tactics to get the best of an opponent in argument, in contravention of the appropriate rules of reasonable dialogue. When misdeployed in this eristic fashion, they are unfair tactics, designed to subvert the goals of dialogue by replacing real arguments with fallacies or trick arguments that may nevertheless be effective against a less skilled opponent.

At any rate, we can now see that there are rules for a critical discussion, and that certain kinds of argumentation (identified with fallacies) are not to be allowed (or, at any rate, should be criticized) in this type of dialogue. A case study, as a critical discussion, is not any kind of unregulated argumentative exchange of opposing points of view. To achieve its goals, a case study must follow certain rules of cooperative argumentation. Otherwise, a rational discussion that throws light on the issue will not be realized.

3. ARGUMENT IN A CASE STUDY

In some cases suitable for a case study, a practical decision needs to be made, posing a dilemma that is of a kind that has policy implications. The following is a brief sketch of a case, useful as an illustration.

Case 1: George is a cancer patient in an intensive care unit. He has decided he wants all treatment to be withdrawn, including the ventilator. His family agrees, and all the physicians are ready to accede to his request, except for one, a cancer specialist who has been called in as a consultant. This physician is of the opinion that George has a good chance for survival and good quality of life, if he keeps up with the treatment.⁶

In this case, there is a practical conflict of opinions on what is a good (prudent) course of action. The physicians are experts, and so the kind of argumentation known as appeal to expert opinion is involved in the case. If the case were expanded in more detail, a lot of medical testimony, as well as particular facts about George and his situation, would be relevant. The case poses an

interesting dilemma because many other people could be in a situation similar to George's, calling for a similar kind of decision.

To extend the case to include the outcome, it could be added that what happened was that George was kept on the respirator, and recovered to go on with a happy life for several more years. The "maverick" opinion of the consultant turned out to be right, in this case. The lesson is that care needs to be taken in weighing the *pros* and *cons* in this type of case, even if there appears to be near-unanimous agreement to withdraw treatment. The lesson underscores the importance of the role of the physician's expert knowledge in such cases, as input into the decision-making process.

This kind of case is a good case study because it poses a dilemma concerning the need to decide between two specific, opposed, courses of action. Another kind of case study poses a general, abstract issue in the form of a controversial question (Again, only a brief sketch of the case is presented to illustrate main features).

Case 2: Bob is a presidential candidate about to enter the primaries, when he is accused of marital infidelity by a woman who, giving an interview to a "supermarket tabloid" claims he had a long affair with her. A respected newspaper editor grapples with the question of whether she ought to run a story on these allegations or not. On the one hand, the story seems like political news many readers will be interested in, and want to know about. On the other hand, reporting allegations founded on slim or very questionable evidence seems ethically dubious, and perhaps also in bad taste.

One issue posed by this case is the relevance of character in political reporting. On the *pro* side, it is argued that character is relevant, because political office-holders should be elected on the basis that they have good judgment, and represent the values of personal morality favored by the electorate. On the *contra* side is the argument that too much political reporting in recent times has been dragged down to the level of soap opera, emphasizing colorful personal stories over serious coverage of relevant facts and issues.

Hence this case is interesting as a case study because of the general issue it poses for our reflection, consideration, and discussion. There are no easy answers or solutions. But by hearing the best arguments on both sides, it seems that the issue is shown as serious, and some light is thrown on it.

Both cases above are mere sketches that, in a real case study, would be filled in with more discussion, and specific information to make the case more realistic. However, in both cases, it is possible to see that there is a characteristic sequence of argumentation involved. The core of the case is the posing of a serious issue, a conflict of opinions that provokes argumentation on both sides. Out of the situation, a critical discussion arises naturally. Even though this subsequent discussion may not resolve the issue definitively, by

proving one side's contention true and the other side's contention false, still there is a lesson learned from the argumentation.

SEQUENCE OF ARGUMENTATION IN A CASE STUDY

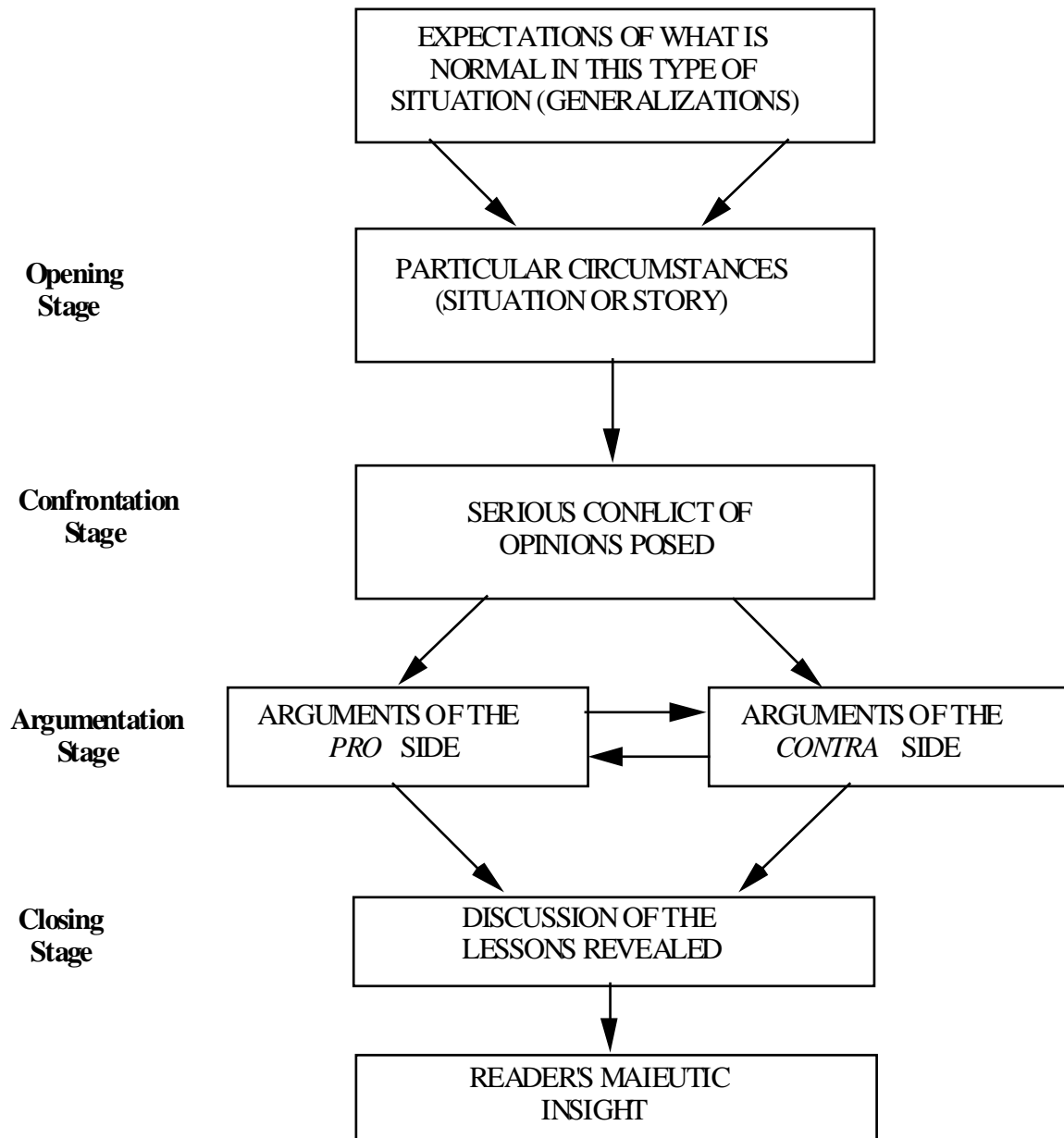


Figure 1.

Case 1 is typical of the kind of case found in medical ethics - for example, see Walton (1983). The situation described is one that might really occur, and it involves a conflict of values. The case may be real or hypothetical. But part of what makes the case interesting is the realistic nature of the situation.

The situation in case 1 provokes a critical discussion of the issue posed by these particular circumstances, conjoined with the values and expectations of all involved. Conjoined to this context of critical discussion, however, there is also an element of the expert consultation (advice giving and receiving) dialogue. This type of dialogue is (at least covertly) involved, because the critical discussion of the issue of whether it is right to withdraw treatment or not depends on the physicians' opinions, and on how the patient and his family comprehends their advice. Hence, in this case, one type of dialogue is joined to the other.

The joining of these two types of dialogue is associated with a traditional type of argumentation called the *argumentum ad verecundiam* (argument to modesty, respect, or reverence). However, appealing to expert opinions is often nonfallacious, because the input of expert information sources actually enhances the value of the critical discussion. And indeed, the best cases in medical ethics tend to blend facts and values in a constructive way.

Case 2 also relates to a type of argumentation traditionally labelled as an informal fallacy - the *argumentum ad hominem* (argument against the person). However, questioning an arguer's character for honesty, veracity, or ethical conduct is not necessarily fallacious in every case. Questioning the character of a witness for veracity, for example, is recognized as a legitimate type of argumentation in certain legal situations. It is only when the argument against the person is carried to excess (in various ways) that it properly becomes fallacious.

Case 2 is interesting because it probes the limits of where the *argumentum ad hominem* has been taken to excess, in a situation where this kind of argumentation has become inappropriate and questionable. Here there is no simple answer to the conflict of opinions posed by the case, but critical discussion of the issue serves to put it in sharper focus (to the extent the discussion is a good one).

4. STRUCTURE OF THE CASE STUDY

The structure of a case study is built around a conflict of opinions. Such a conflict is a pair of propositions, one of which is the opposite (contrary or contradictory) of the other. But each side also represents a *point of view*, on attitude towards a proposition, either *pro* (positive) or *contra* (negative). The attitude of *critical doubt* is a kind of suspension of either the positive or negative point of view, a neutral attitude.

In a case study, the conflict of opinions represents a controversial issue, left open (not determined) by the present state of knowledge, and the point of view on each side represents a common or plausible position that would be likely

to attract adherents in the current climate of opinion. In short, the problem posed by the case study should be an issue that is of interest to explore.

The case study expresses this conflict within the particular circumstances of a singular situation that has all the appearances of being realistic. It could be a real example, or a hypothetical case that is specific enough and representative enough to convince one that it could represent a real instance, or be similar to one in key respects.

The method of the case study is to articulate the strongest arguments on both sides, and even to balance, or contest, the best arguments of the one side against the best arguments of the other side. Once this interaction, or argumentation stage of the case study has been successfully executed, the audience can then judge for themselves which side has the best arguments and the most plausible⁷ point of view on the issue.

The case study begins with a passage of discourse, a text which describes the issue of the case. This text should be regarded as finite and closed. Once the case has been described, then whatever information was not stated in the case must be relegated to the status of *not known to be true* (in the case, as stated). Thus a case must have a certain stability. Participants should not be allowed to tinker with it or change it in any way, once they both agree that this is "the case" for discussion. The exceptions occur where both participants agree to extend the case by making additional assumptions or hypotheses that both can agree to, even though they change the case, or where they both agree to discuss additional cases that are modifications or extensions of the original case. Such exceptions are sometimes permissible. But, in general, the case must be regarded as *closed*, once it has been stated.

Then during the argumentation stage, both sides evaluate the case by advancing arguments. Such evaluation, by its nature however, always involves a good deal of interpretation of the case. Participants may argue about what is both explicitly and implicitly stated in the case. Here there can be disputes about the meanings of words or phrases used in the text of the case. There can be disputes on what was implied, suggested, or presumed by what was said in the case, given the particular words or phrases used.

During the argumentation stage of the case study, certain types of argumentation (so-called argumentation schemes) are used by both sides. One is *argument from analogy*, where two cases are compared, and the conclusion supposedly drawn from the one case is used to support the finding that a comparable conclusion ought to be drawn from the other case. Another is *appeal to expert opinion* to support or refute an argument. Often used in a critical discussion, an appeal to expert opinion to support one's argument presupposes a secondary context of dialogue with an alleged expert in a particular domain of knowledge relevant to the argument in contention.

Use of these argumentation schemes is generally not conclusive as a type of proof or disproof of a proposition at issue. Instead, they are used to shift a burden of proof from one side of the discussion to the other. For every argumentation scheme, there is a matching set of critical questions that can be

used to shift the burden back the other way. Such arguments and counterarguments are inherently *defeasible*, meaning that they confer an acceptance that is tentative or provisional, subject to further argumentation in a dialogue.⁸ Whether an argument is acceptable or plausible depends on its standing up to critical questioning. Although one side in a critical discussion may be conclusively refuted in some cases, it is not in general necessary for the success of a critical discussion for this to occur.

At the concluding stage, the case study may or may not conclusively resolve the issue, i.e. decisively refute the argument of the point of view on the one side. Typically, it does not do this, yet even so, the case study itself may be highly worthwhile and informative to the audience or readership. The educational or informative function of the case study, in such instances, is to be sought in its revealing of the reasons for the points of view on both sides. Even though it is not the case that one side has emerged clearly victorious for all members of the audience or readership who judge the matter, still it can be clearly evident that the case study was extremely valuable and educational.

Why is this so? It is often denied by some observers, who feel that unless the one side can be decisively shown to be right, and the other side wrong, by the evidence amassed, then the whole discussion was a waste of time. This is a kind of "positivist" or "absolutist" point of view that such differences of opinion go on and on being discussed, and are never resolved by confirming or disconfirming evidence. Therefore, they are wholly subjective and futile. But these critics seem to be looking for the value of the case study discussion in the wrong place. They think of it as a misguided or "fuzzy" attempt at an inquiry to establish "the facts" and prove or disprove a hypothesis by reasoning from premises that can be known to be true.

The case study generally does not accomplish this aim. But even so, it is often successful. How can this be so? The answer is to be sought in how reasons on both sides of the issue are brought forth and articulated by their exponents, even though these reasons may be insufficient to decisively resolve the issue in the way, for example, a scientific hypothesis can be falsified by experimental findings. Even though it may fall short of this decisive kind of resolution, a case study discussion can be very revealing, and represent a definite advance in our understanding of the issue posed. This kind of deepened understanding or insight can be derided as "fuzzy," "subjective," etc. by the hard-nosed among us, who say it is not a kind of "knowledge." But even so, it does seem to be worth having, even if it only prepares the way for more definite knowledge, or functions as a useful guide for the practical affairs of life where "hard knowledge" cannot (at least yet) be decisively used to resolve the issue.

5. RELATIVISM IN LOGIC

Use of the case study method in informal logic poses some interesting questions about the nature and place of logic as a discipline. In informal logic, when an argument is properly judged good or correct, does this mean 'good' in

relation to the audience or recipient of the argument, either actual or intended? And if so, at least to some extent, doesn't this imply a kind of relativism, after the fashion of Protagoras so that "Man is the measure of all things, of those that are, that they are, of those that are not, that they are not." According to such a standard, reasoning is generally presumptive in nature, based on commonly held assumptions and the like, rather than on deductive or inductive in nature.

Consider the problem of determining whether a particular type of argumentation is a fallacy or not. In some cases, this type of argumentation appears to be a reasonable but nonconclusive use of argument. In other cases, the same type of argumentation appears to be weak, insufficiently supported by the required type of evidence, and open to critical questioning. In still other cases, the same type of argument has been used in such a misleading and deceptive way, concealing a systematic, underlying type of error in its reasoning, that it can properly be called fallacious.

But how do we know that the use of this type of argumentation is fallacious in a particular case? For surely, in that particular case, the argument was addressed to a particular respondent or audience who had particular commitments and accepted certain propositions as true or false. For example, the question, "Have you stopped cheating on your income tax returns?" may be fallacious in some cases. But it could be a perfectly reasonable and nonfallacious question to put to someone who has admitted to cheating on his income tax returns in the past. How then, can we know that argumentation that generally falls under the heading of one of the list of informal fallacies is fallacious (and provably so) in a given case? It seems that we have to know a lot about the context of the case, including the respondent's commitments, in order to arrive at such a conclusion. This suggests quite a serious form of relativism in judging whether an argument is correct (good) or incorrect (bad, faulty).

Relativism is a charge against informal logic that won't seem to go away. Perelman and Olbrechts-Tyteca (1969) developed the concept of the universal audience as a way of dispelling the charge that their new rhetoric was audience-relative with respect to its central concept of argumentation. But the idea of the universal audience was not very successful, and has been subjected to a good deal of critical scrutiny and doubts in recent years.

No doubt some sort of relativism can reasonably be attributed to informal logic (argumentation) as a discipline that is designed to analyze and evaluate a given text of discourse through the application of normative models. For no abstract model is ever going to fit any particular text of discourse of an instance of argumentation in everyday conversation as a perfect one-to-one match. This gap between models and data is quite normal and acceptable in other fields. There is no reason we can't live with it in argumentation as well.

Another kind of relativism is posed by the observation that each case is different. True, you will have argumentation schemes, and rules for a critical discussion, so that an incorrect or fallacious argument will violate one of these rules, or fall short of fulfilling the requirements of the appropriate argumentation scheme. But when you apply these rules and schemes to particular cases, they

will often, even typically, only apply in a loose way, subject to qualifications and conditional evaluations. Sometimes we just don't have enough contextual information about a case. In other instances the details may be ambiguous, subject to conflicting interpretations, or open to retractions or rebuttals, especially if the arguer accused of having committed a fallacy is present to defend her argument.

Typically, the best one can do here is to argue that this case is more similar to this other case, where the same type of argument was clearly used in a fallacious way, and less similar to another case, where it was used nonfallaciously. Here, in the absence of enough contextual detail to pin the evaluation down definitively, analogy to similar cases can be used to swing a burden of proof one way or the other.

But here we can easily get involved in a slippery kind of relativism. A certain kind of person--perhaps someone of a deconstructivist or Rortyeian frame of mind--will insist that each case really is different from each other case, and therefore no argument can be better than any other argument. You can "deconstruct" any way you want, and no interpretation or judgment of what is "true" or "false" is better than any other. Even if some "stories" are better, or more persuasive than others, all opinions are equally valid and legitimate. Because the context of an argument is never completely fixed or determined, including the commitments of the respondent or audience, you can never arrive at a conclusive judgment that this argument is correct and that one is incorrect. At any rate, so goes this form of relativism.

One factor that needs to be kept in mind when responding to this kind of charge of relativism is that arguments of the kind typically associated with the informal fallacies are inherently *nonmonotonic* in nature, meaning that they are provisionally or tentatively correct only, in a way that allows for revision or possible rebuttal in the future, as new evidence comes in.⁹ This means that you should judge such an argument as correct or incorrect, conditional upon the information given in the presentation of the particular case, up to this point.

Another factor that should be kept in mind is that argumentation is a pragmatic¹⁰ and dialectical undertaking that is meant to evaluate arguments as used in a given context of dialogue. In practice, this means that the working practitioner typically has to make a decision to evaluate a given argument from the point of view of some normative model of dialogue. For example, a particular argument in a given case can be evaluated on the assumption that the context of dialogue is that of a critical discussion. The critical discussion has its characteristic rules and argumentation schemes. But what if the given argument was really meant by its proponent as part of a negotiation, or some type of dialogue other than a critical discussion? Doesn't this vitiate the whole project of evaluation, throwing the whole field of informal logic into doubt, on grounds that it views argumentation through its own bias--through relativistic, rose-colored glasses?

The way to handle this charge of relativism is to concede that--yes--there is a kind of logical leap in moving forward on the assumption that an argument

in a given case is supposed to be in the context of a critical discussion, or some other type of dialogue. But it needs to be added that such an assumption can often be justified by evidence from the context of discourse. If the participants are available, you could even ask them. If not, and if the evidence is incomplete, you can make a conditional assumption that the dialogue is supposed to be a critical discussion, and evaluate the argumentation in it from that point of view. Once again, such a judgment should be seen as an assumption that is open to correction, and any conclusions drawn from it are on the basis of nonmonotonic reasoning.

The kind of reasoning involved in case studies of the kind typified by cases 1 and 2 above is goal-directed, knowledge-based and action-guiding. Called practical reasoning in Walton (1990), this kind of reasoning is based on premises that an agent has a goal in mind, and sees a way of carrying out that goal in the given circumstances. The conclusion that may be derived by such an agent is that he or she ought (prudentially, or practically speaking) to move forward to the line of action that is the means for carrying out the goal.

This type of reasoning is generally defeasible, because the agent's knowledge of his or her circumstances may change, as new information comes in, requiring that a different conclusion now be drawn.

One of the most valuable features of the case study is that it is finite, and can be closed off, for purposes of discussion. We can be given a text of discourse, a description of a particular situation as it is known, and say: "That is as much as we know. All judgments and determinations are to be based on this given information." This means we can draw conclusions by inference from the given case, obtaining some "new information" this way. But if one adds new empirical information, or knowledge that continues or updates the case, then it is a new and different case we are dealing with.

Given that the information in a case is always inherently incomplete, any judgments or determinations about the case are always, in a sense, conditional. They are inferences drawn relative to the information in the given text of the case, and could be quite different, were new information on the situation in the case to be added.

The inherently defeasible, knowledge-based character of practical reasoning brings with it a kind of relativism that is associated with this kind of reasoning. This does not make this kind of reasoning any less "logical" or "rational" than monotonic reasoning.¹¹ It just means that the kind of rationality involved is bounded and dynamic -- it is tied to the circumstances as known at the time, and changes, or it must be revised and corrected (by feedback, quite often) as that knowledge base changes.

6. THE VALUE OF CASE STUDY ANALYSIS

Case study analysis is often regarded as legitimate on the grounds that, even though it does not meet the standards of collection of data required for hard science, it can prepare the way for scientific data collection, which may follow

later. This seems to be a good way to look at the place of case study analysis in the broad picture of how knowledge is gained in academic research. But how can it be philosophically articulated or justified as a vindication of case study methods?

One way to fill in the larger picture is the following sketch of two pragmatic frameworks of conversation (dialogue) in which argumentation occurs. One type of dialogue is the critical discussion, where the goal is to resolve a conflict of opinions by reasoned argument. Another type of dialogue is the inquiry, where the goal is to prove or disprove a proposition, or alternatively, to prove that it can't be proved or disproved by the existing evidence. The inquiry is an essentially *cumulative* type of dialogue, meaning that its purpose is to eliminate the need for retraction of commitments, insofar as possible. By contrast, in the critical discussion, retraction of commitments is generally (though not universally) allowed.

One way to model the growth of scientific knowledge is to see scientific argumentation as taking place in the context of the inquiry. Essentially, this is the foundationalistic view of science, and it has strong affinities with the positivistic view of science. The viewpoint expressed here is that scientific reasoning proceeds from premises that are well (solidly) established, and draws conclusions from these premises only by tight, rigorous logical inferences.

This, of course, is not the only way to view the process of argumentation that leads to scientific conclusions. But it is one way that scientists often like to express in their rhetoric--particularly when expounding to students and other "outsiders" how science is an "objective" undertaking that carefully excludes bias and "subjective" matters.

By contrast, the critical discussion does not (at least plausibly) pretend to march cumulatively towards solidly established conclusions that are verified as scientific knowledge. Instead, the critical discussion starts from a conflict of opinions representing two sides of an issue, and then clarifies or throws light upon the issue by examining the strongest arguments (ideally) on both sides. This does not produce a well-established conclusion or outcome that has the status of "objective" or verified knowledge (at least, by itself). Its value, instead, is to be found in the destruction of the fallacies, misconceptions, confusions, and weak arguments deployed on both sides. Through this destructive, critical process, the critical discussion "throws light" on the issue. The strong arguments emerge from the discussion as survivors, but they are still not immune from falling down later by revealing future "holes" or weaknesses.

The proper framework of the case study is the critical discussion. The case poses a conflict of opinions which is resolved by arguing out both sides of the issue posed. But such a case study analysis or discussion does not generally resolve the issue conclusively and for all time, by showing that the point of view of the one side is conclusively true (known to be true), while that of the other side is conclusively false (known to be false). Instead, the case study merely sharpens the issue, clearing up some misconceptions and fallacies on it,

and thereby (hopefully, at least) preparing the way for a more quantitative approach of the kind associated with an inquiry.

Notes

1. Klein (1989).
2. Walton (1989).
3. Walton (1984; 1985).
4. See Walton (1985; 1989).
5. Van Eemeren and Kruiger (1987).
6. For fully developed case studies of this type, see Walton (1983).
7. Rescher (1976).
8. *Ibid.*
9. Reiter (1987).
10. Levinson (1983).
11. Walton (1990).

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