

A Brief Analysis of Good Argumentation

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Abstract: The book "Good Reasoning: Logical Training to Counter Fallacies" provides us with authoritative standards and paradigms for argumentation, as well as basic principles for the application of logical thinking, and deeply analyzes the difference between good argumentation and fallacies. This book aims to guide us in building good argumentative skills, enhancing our personal thinking and action skills, and enabling us to find a more advantageous position in both social and professional settings. In legal negotiations, good argumentation plays a crucial role.

Keywords: Good argumentation, Standard, Fallacy, Legal negotiations.

1. Good Argument

Argument refers to supporting the correctness of a proposition, statement, or judgment through certain reasons. The purpose of argumentation is to reveal the inherent logical relationship between arguments and evidence. Argument is the activity and result of the arguer using premises recognized by the audience to promote or strengthen the audience's compliance with the argument. The constituent elements of argument include not only the argument, evidence, and argumentation techniques, but also the main elements of the arguer and audience that we have overlooked [1]. Life is full of arguments, and the clash of viewpoints is the process of verifying the authenticity of propositions, which is an argument. In short, a conclusion can be drawn by adding logical deduction to the premise. If the premise is correct and the logic is unobstructed, the conclusion is naturally reliable. Therefore, when presenting arguments, it is important to ensure that the premises and logic are correct; When refuting someone's viewpoint, simply point out at least one error in their premise or logical reasoning to negate the validity of their argument.

1.1. Regarding Logic

The term "logic" may sound profound and professional, but it is actually ubiquitous in real life. The commonly used definition in many works of logic is "the study of logical reasoning, the exploration of good reasoning standards, and the science of distinguishing between good and bad reasoning" [2]. Logic is actually about the rules of correct reasoning. Logic is not knowledge, nor does it produce knowledge, but it provides us with a rigorous set of rules for effectively and reasonably organizing and applying knowledge. Logic is listed as the second of the seven basic disciplines by UNESCO, and as one of the five basic disciplines by the Encyclopedia Britannica, demonstrating its importance [3]. Unfortunately, our neglect of fundamental disciplines has led to a lack of logical knowledge, a proliferation of logical fallacies, and an irrational aura. As American philosopher and logician Charles Peirce said, everyone "feels proficient enough in the art of argumentation". However, it is interesting that those of us who are proficient in argumentation rarely admit that others have the same ability [4]. We all think we are reasonable, while others are mostly talking nonsense and need to learn some logic. Only

those with strong logic will have 'critical thinking', which allows us to make better decisions about what to believe and what to do.

1.2. Good Argument

To fully comprehend and construct a sound argument, it is essential to be familiar with crucial concepts and elements, including sub-premises, implicit premises, and rebuttable premises. The factual basis or premise, also referred to as evidence, serves to support a particular viewpoint. Occasionally, when the credibility of evidence is insufficient, additional supporting statements, termed sub-premises, are required. Another type of premise, not explicitly mentioned in the argument due to its being "well-known" or "self-evident," is the implicit premise. In direct argumentation, the rational reasoning process is not exhaustive, and implicit premises are frequently omitted. However, these omitted premises hold the key to understanding the argument. A rebuttable premise anticipates potential refutations of a conclusion during the discourse process and provides the necessary premises for addressing these refutations. Although it is a core element in strengthening arguments, it is often overlooked. To make an argument irrefutable, it is imperative to anticipate potential criticisms and doubts that may arise upon seemingly completing an argument, and to provide answers to these doubts in order to enhance the argument.

This book provides us with five criteria for good argumentation: (1) well structured organization; (2) The authenticity of premises and conclusions is related; (3) The premise is acceptable to rational people; (4) The premise is sufficient to support the authenticity of the conclusion; (5) The premise constitutes an effective refutation of various foreseeable ambiguities. It can be summarized as the principles of structure, relevance, acceptance, sufficiency, and rebuttal. Logical research argumentation makes the argument argumentative, and the authenticity of the argument can be inferred from the authenticity of the evidence, meeting the requirements of various argumentation rules, thus distinguishing it from the persuasive power of similar religious propaganda content [5]. In letter B, the reader wrote: The seatbelt law is fundamentally unfair... because he threw it in that place. Deconstructing and rephrasing the argument that wearing seat belts may endanger our lives (premise), and that someone recently saved their life by not using seat belts (sub premise), the law should not force things that harm our

lives (implicit ethical premise), and the law should not require us to wear seat belts (implicit conclusion). The implicit premise seems acceptable because the government should not pass legislation that endangers our lives, which is a moral viewpoint that rational people would accept. However, the premise undoubtedly does not comply with the principle of acceptance and violates the third criterion, as this claim is highly suspicious, lacks appropriate argumentation, and contradicts credible evidence to the contrary. The sub premise used to support the premise is a small story given to support the premise that seat belts can endanger our lives, which is difficult to consider as sufficient support. The argument also does not conform to the principle of rebuttal, as it does not intend to effectively answer the questions from the opposing side. Therefore, this argument violates the principles of acceptance, sufficiency, and rebuttal of good arguments, and it is not a good argument.

In letter C, the reader wrote: I am a resident of Monroe County, Washington County... and found her working in the county. The unspoken conclusion of this argument is that in the upcoming election, we should all vote for the current supervisor, Ms. Morton. Deconstructing the argument, that is, because Alice Morton is experienced... she is very intelligent (premise), and there is no other person in Monroe County who can do a better job as a supervisor than her (rebuttable premise), therefore, the residents of this county should vote for Alice Morton (implicit conclusion). The last premise is very suspicious, in fact, it is almost impossible to find support for it. The sixth premise of the reader is probably to refute the arguments against Ms. Morton's election, but he did not provide a proper and effective defense of key elements such as the quality of political candidates, which does not seem like an effective rebuttal. Even so exaggerated, it seems ridiculous and goes against the fifth criterion. The most serious problem with this argument is its violation of the principle of sufficiency. The content of the argument often determines what kind of proof is needed to make a claim sufficient. In this example, taking action to vote for a political candidate requires further information as a basis, at least, you need to know his governance goals and beliefs. In this argument, none of this information has been disclosed. Therefore, this argument violates the principles of sufficiency, acceptability, and rebuttal, and it is not a good argument.

2. Argument and Fallacies

Good arguments help us make more appropriate decisions; It improves the level of thinking and action in social, workplace, and personal affairs, making our lives more organized and increasing our chances of success. When we emphasize the positive and negative aspects of discussion - argumentation and fallacies - it is not just to distinguish the differences between them, but to understand and master fallacies in order to construct more rigorous arguments. This can avoid problems that arise during the argumentation process, such as blindly following old habits, ideological biases, fear, arrogance, selfishness, moral relativism, conceptual abuse, and covering up errors.

2.1. Regarding Fallacies

According to the perspective of logic, fallacy usually refers to arguments that appear convincing but are not actually logically reliable. That is to say, fallacies are flawed in logic and can mislead people into thinking they are logically correct. Falsehood is the result of violating the rules of good

argumentation to a certain extent, so it can be divided into three categories: premise fallacy, irrelevant fallacy, and non deductive fallacy [6]. Some scholars also believe that fallacies that violate the general norms of argumentation mainly include fallacies that deviate from the objective of argumentation, fallacies that shift the burden of proof, fallacies that misunderstand the audience, fallacies that are not justified, fallacies that cannot be deduced, and linguistic fallacies [7]. The author of 'Reasoning Well' provides five criteria for good argumentation, which are also the cornerstone of the author's own fallacy theory. He believes that fallacy violates the five norms of good argumentation.

The author explores over 60 types of logical fallacies, which are classified into five categories: fallacies that violate good structure, fallacies that violate relevant principles, fallacies that violate acceptable principles, fallacies that violate sufficient principles, and fallacies that violate refutable principles. Generally speaking, fallacies such as the Beggar's Question fallacy, compound questioning fallacy, incompatible premises, contradictory premises and conclusions, lack of normative premises, and deductive reasoning fallacy are all related to structure; The fallacy of irrelevant premises and the fallacy of improper appeal (such as appealing to improper authority, self-interest, public opinion, tradition, etc.) belong to the fallacy of relevance; The fallacy of semantic confusion and the fallacy of unreasonable assumptions (such as rejecting exceptions, wishful thinking, improper analogies, etc.) have both committed errors in acceptability; The fallacy of lack of evidence (such as insufficient samples, reliance on ignorance, reliance on common sense, etc.), as well as the causal fallacy involving the principle of sufficiency; The fallacy based on contradiction, the fallacy of appealing to personality (such as personal attacks, arbitrary accusations of suspicious motives and status, etc.), and the fallacy of shifting focus violate the principle of refutability.

2.2. Fallacies in Life

There are only two ways to prove someone's argument wrong: one is to falsify their premises, and the other is to reveal their logical errors. This is a logical and rational approach, while in real life, many people use irrational means to refute others' viewpoints. For the premise part, giving false examples to illustrate that the other party's premise is incorrect is a serious irrational method, and the person using this method also understands that their argument is wrong. Logical fallacy is the most common form of irrational argumentation, in which individuals often believe that their illogical methods are correct due to a lack of rational thinking or relying solely on experience. Errors in life are everywhere, some of which are common but we are unaware of and rarely pointed out. For example, (1) Appeal to self-interest. Using personal stance and interests as the sole argument; (2) Landslide fallacy. List many possible future outcomes, which may seem reasonable but are actually far fetched; (3) Personal attacks. The words 'you go ahead, you go up 'do not point to the problem itself, but instead turn into blaming the other person's identity.

3. Argumentation in Legal Negotiations

Daily life conflicts are frequent, disputes are widespread, and there are many ways to resolve them, such as litigation,

arbitration, and mediation. However, China has long neglected a low-cost and directly effective strategy - legal negotiation. As a key link in legal practice, legal negotiation is related to balancing the interests of all parties and resolving conflicts. In this process, relying on strategies and skills to conduct reasonable legal arguments can bring significant advantages to one's own side. For legal professionals, whose arguments are sufficiently strong is more likely to be recognized and able to fight for the best outcome for the parties involved.

3.1. Regarding Legal Negotiations

In the preface of the book "Legal Negotiation", legal negotiation is understood as: "Lawyers, relying on their professional knowledge and skills, represent parties to communicate and compromise with the other party or their representative lawyers on the resolution of disputes. It is an out of court game implemented by lawyers using their legal knowledge and litigation experience to comprehensively evaluate the various possible consequences of court litigation and their skills (such as legal research skills, case research skills, evidence mining skills, defense skills, agency skills, etc.) and negotiation skills [8]. From this perspective, lawyers, as the main participants, use their skills to resolve disputes, which is the essence of legal negotiation, with the ultimate goal of seeking an out of court settlement for the parties involved. Legal negotiation is a typical form of private remedy, which mainly involves three aspects: interests, rights, and power [9]. In legal negotiations, lawyers need to master solid legal knowledge, good communication skills, and effective argumentation abilities to ensure that they can gain an advantageous position in negotiations and strive for the maximum benefits for the parties involved. Through legal negotiations, the parties involved in the dispute strive to maximize their respective interests while respecting the objective existence of differences, thus achieving a harmonious "quasi balance" state. The concept of procedural justice and substantive justice pursued in legal negotiations is more suitable for resolving specific social relationships, specific subjects, and specific disputes, and is a better way to achieve substantive justice for all parties involved [10].

3.2. Argumentation in Legal Negotiations

The argumentation in legal negotiations is to prove the correctness and legitimacy of a certain legislative opinion, legal expression, legal statement, legal theory, and legal decision by providing certain basis and reasons. Legal argumentation is always based on logical reasoning, and therefore follows corresponding logical rules, requiring the use of correct argumentation methods to provide strong support for its thesis. The difference between legal reasoning and logical reasoning lies in the fact that legal reasoning requires more explanation of the authenticity and support of its reasons, as well as the legitimacy of its conclusions. A good argument can clearly and logically explain our position and viewpoint, thereby enhancing persuasiveness. With sufficient evidence and reasonable deduction, lawyers can make the other party accept their viewpoint, achieve advantageous negotiation results, and avoid unfair treatment or losses to the parties in the negotiation.

In legal negotiations, the professional quality and strength of lawyers are usually reflected in their argumentative skills.

High quality reasoning and argumentation can also demonstrate lawyers' deep insights and precise application of legal provisions, cases, and related regulations, thereby winning the respect and trust of opponents. Good argumentation helps establish a rational communication foundation between lawyers and their opponents, ensuring comprehensive and in-depth discussion of issues, avoiding emotional disputes, exploring commonalities, and seeking solutions. High quality discourse can advance the negotiation process and enable both parties to reach consensus in a shorter period of time. Through reasonable arguments and reasoning, lawyers can guide the other party to gradually accept their viewpoint and push negotiations towards a favorable direction. A good argument can not only express our viewpoint, but also predict and respond to the other party's negotiation strategy. By deeply analyzing the other party's position, viewpoint, and evidence, lawyers can prepare in advance, formulate corresponding countermeasures, and thus take the lead in negotiations. Revealing the truth of the case is one of the important goals of negotiation. Excellent argumentation can reveal the truth and facts of a case through detailed and accurate evidence presentation and logical reasoning, providing solid basis and support for negotiations. The argumentation in legal negotiations not only ensures the fairness of legal negotiations, but also provides effective means of defense and rebuttal for legal negotiations. By using argumentation methods in legal cases, lawyers can continuously accumulate experience, improve their dialectical thinking and logical abilities, and promote the development and improvement of judicial practice.

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