

Argumentation in Context



Examining Argumentation in Context

Fifteen studies on strategic maneuvering

Edited by
Frans H. van Eemeren

John Benjamins Publishing Company

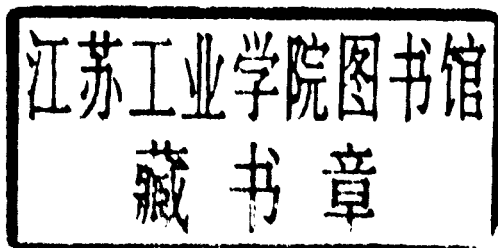
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Examining Argumentation in Context

Argumentation in Context (AIC)

This new bookseries highlights the variety of argumentative practices that have become established in modern society by focusing on the study of context-dependent characteristics of argumentative discourse that vary according to the demands of the more or less institutionalized communicative activity type in which the discourse takes place. Examples of such activity types are parliamentary debates and political interviews, medical consultations and health brochures, legal annotations and judicial sentences, editorials and advertorials in newspapers, and scholarly reviews and essays.

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Volume 1

Examining Argumentation in Context. Fifteen studies on strategic maneuvering
Edited by Frans H. van Eemeren

Preface

Examining Argumentation in Context is dedicated to the memory of Peter Houtlosser, who died of cancer on the 14th of February 2008. Peter was not only a dear friend of the contributors to this volume and a great many others, but he was also a prominent argumentation theorist who died before he could realize his full scholarly potential. Peter and I were convinced that a satisfactory analysis and evaluation of argumentative discourse is possible only if the argumentation concerned is first situated in the communicative and interactional context in which it occurs. Together we worked for ten years on the development of a theory of strategic maneuvering in argumentative discourse that would enrich the pragma-dialectical approach developed at the University of Amsterdam by including the contextual dimension. The fifteen studies on strategic maneuvering presented in this volume are brought together as a token of respect for Peter's intellectual contributions to the study of argumentation.

As part of a research program on strategic maneuvering in argumentative discourse subsidized by the Netherlands Organisation for Scientific Research (NWO, no. 360-80-030) Peter and I organized in Amsterdam four one-day conferences for argumentation theorists interested in this topic. The first conference took place in October 2006 and was devoted to a discussion of general perspectives on strategic maneuvering. The second conference was held in May 2007 and concentrated on qualitative and quantitative empirical research with regard to strategic maneuvering. The third conference in October 2007 focusing on strategic maneuvering in institutionalized contexts was the last conference in which Peter could take part. The fourth conference in May 2008 was dedicated to presentational devices used in strategic maneuvering.

The papers presented at these four conferences provide useful and sometimes illuminating insights in the views of strategic maneuvering of more than forty argumentation theorists studying argumentation in context who have paid attention to the problems involved in the analysis and evaluation of strategic maneuvering. For this volume I had to make a selection that is a good representation of the rich variety of the four conferences and the ideas presented. This means that this volume contains some essays in which general views with regard to strategic maneuvering are presented as well as essays reporting on the results of empirical study, essays that examine argumentation embedded in a particular

legal or political context, and essays highlighting the presentational aspect of strategic maneuvering. More often than not the essays offer a combination of these perspectives.

After an introductory chapter by me and Peter Houtlosser on strategic maneuvering as a key notion in studying argumentation in context, M. A. van Rees discusses strategic maneuvering with dissociation, Christopher Tindale emphasizes the rational character of rhetoric, and G. Thomas Goodnight links strategic maneuvering with New Institutional Theory. Eveline Feteris illustrates how in the justification of judicial decisions strategic maneuvering can relate to the presumed intention of the legislator, David Zarefsky analyzes strategic maneuvering in political argumentation, Isabela Iețcu-Fairclough concentrates on the same political field in discussing “legitimation” and strategic maneuvering, Corina Andone deals with strategic maneuvering by accusing someone of an inconsistency, and Dima Mohammed examines strategic maneuvering in Prime Minister’s Question Time. After Jeanne Fahnestock sketches a rhetorical stylistics for argument analysis, Yvon Tonnard discusses the effectiveness of the choice of presentational means used in strategic maneuvering, A. Francisca Snoeck Henkemans concentrates particularly on the use of *praeteritio* in strategic maneuvering, and Andrea Rocci examines maneuvering with “tropes.” Daniel O’Keefe closes this volume with a discussion of the persuasive effects of strategic maneuvering starting from some meta-analyses of experimental persuasion research.

Next to this tribute to Peter Houtlosser I hope to publish in the near future an accompanying monograph based on the work Peter and I have done together on strategic maneuvering in argumentative discourse. For now I would like to thank Bart Garssen and my assistants Renske Wierda and Nanon Labrie for their help in preparing the manuscript of *Examining Argumentation in Context*.

Frans H. van Eemeren
Amsterdam
19th January 2009

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Strategic maneuvering

Examining argumentation in context

Frans H. van Eemeren and Peter Houtlosser

1. Introduction

The pragma-dialectical theory of argumentation developed by van Eemeren and Grootendorst (1984, 1992, 2004) enables the analyst of argumentative discourse to make a theoretically motivated reconstruction of the discourse that results in an “analytic overview” of all elements that are pertinent to a critical evaluation (van Eemeren & Grootendorst, 1992). The analytic overview clarifies the difference of opinion at issue and the positions of the participants. It identifies the procedural and substantive premises that serve as the starting point of the discussion. It surveys the arguments and criticisms that are – explicitly or implicitly – advanced, the argument schemes that are used, the argumentation structures that are developed, and it determines the conclusion that is reached.

The analysis is based on the pragma-dialectical model of a critical discussion that provides a survey of all speech acts and combinations of speech acts that have a constructive function in the various stages of the process of resolving a difference of opinion on the merits and therefore provides an appropriate heuristic and analytic tool for reconstructing the development of the resolution process. This reconstruction consists of carrying out transformations that amount to making explicit these speech acts that remain implicit in the actual discourse but are relevant to the resolution process (“addition”), reformulating in an unequivocal way speech acts whose function would otherwise be opaque (“substitution”), rearranging in an insightful way speech acts whose order in the discourse does not reflect their function in the resolution process (“permutation”), and abandoning speech acts from consideration that do not play a part in the resolution process (“deletion”) (van Eemeren et al., 1993).

In some cases, however, neither the textual presentation, nor contextual information in the strict sense (“micro-context”) or in the broader sense (“meso-

context,” “macro-context,” and “hyper-context”) nor the possibilities of making logical and pragmatic inferences, nor general or specific background knowledge – our regular sources for giving a justified analysis – seem to offer enough evidence for a full reconstruction of the discourse, so that pragma-dialecticians – in a charitable fashion – take refuge to so-called “maximal” strategies aimed at making the analytic choices that do optimal justice to the purposes of a critical discussion, but remain, in fact, arbitrary (“maximally reasonable reconstruction,” “maximally argumentative interpretation,” “maximally argumentative analysis”). This predicament makes the analysis that can be achieved less thorough and comprehensive than desirable, its justification less firmly grounded than desirable, and an evaluation based on this analysis less well-balanced than desirable.

In our view, the reconstruction that takes place in a pragma-dialectical analysis of argumentative discourse can be further refined and better accounted for if the standard version of the pragma-dialectical theory is extended by including a rhetorical dimension that makes it possible to take the strategic design of the discourse into consideration in the analysis (cf. Leff, 2006; Zarefsky, 2006a). A pragma-dialectical theory that is thus extended will, because the strategic function of argumentative moves is taken into account, also allow for a more realistic treatment of the fallacies in the evaluation of argumentative discourse (cf. Zarefsky, 2006b).

In the research project *Strategic Maneuvering in Argumentative Discourse*, which the two of us started in 1996, it was our aim to develop such an extended version of the pragma-dialectical theory of argumentation. This extended pragma-dialectical theory will be presented in the near future in a monograph with the same title as the project (van Eemeren, to be published). This Chapter provides a preview of the monograph and serves at the same time as an introduction to the discussions of strategic maneuvering in the essays collected in this volume.

2. Dialectical and rhetorical perspectives on argumentation

In Antiquity, the dialectical approach and the rhetorical approach to argumentative discourse were in a fundamental sense connected with each other and in some way or other they have remained connected for a long time. Already since Aristotle this connection went together with a distinct division of labor between dialectic and rhetoric, albeit that in later times the division between the two did not always remain the same.

Aristotle’s teacher Plato had seen dialectic as a means for finding the truth and had looked down on the rhetorical practice of the Sophists, favoring instead a kind of rhetoric closer to dialectic. In his turn, Aristotle (1960 ed.) developed

dialectic in the *Topics* into a system of regulated dialogues for refuting a claim, starting from the other party's concessions. For him, rhetoric is the mirror image or counterpart (*antistrophos*) of dialectic. In the *Rhetoric* Aristotle (1991 ed.) assimilated the opposing views of Plato and the Sophists (Plato, *Phaedrus*, ed. 1914; Murphy & Katula, 1972/1994: Ch. 2), and provided, by his "argumentative" definition of rhetoric as an ability or capacity (*dynamis*) in each case to see the available means of persuasion, the conceptual basis for a good deal of what would be considered rhetoric in later times.

Cicero integrated in *De oratore* the stylistic and literary aspects of the Isocratian tradition, which had developed beside the Aristotelian perspective, into the Aristotelian framework. Up to the seventeenth century this Ciceronian rhetoric, which involved also dialectical elements such as *disputatio in utramque partem* (speaking on both sides of an issue), dominated the western tradition, although after its rediscovery in the fifteenth century Quintilian's (1920 ed.) *Institutio oratoria* became the major classical authority on rhetoric in education (Kennedy, 1994: 158, 181).

In late Antiquity, Boethius (1978 ed.) subsumed rhetoric in *De topicis differentiis* under dialectic (Kennedy, 1994: 283). According to Mack, dialectic is for Boethius more important, "providing rhetoric with its basis" (1993: 8, n. 19). The development of humanism "provoked a reconsideration of the object of dialectic and a reform of the relationship between rhetoric and dialectic" (Mack 1993: 15). The humanist Agricola built in *De inventione dialectica libri tres* (1479/1967) on Cicero's view that dialectic and rhetoric cannot be separated and incorporated the two in one theory. Unlike Perelman and Olbrechts-Tyteca (1958/1969), who – much later – brought in their New Rhetoric some elements from dialectic into rhetoric, Agricola merges elements from rhetoric into dialectic.

Meanwhile, however, in medieval times a development had taken place that proved to be fatal for the "cohabitation" of dialectic and rhetoric: Dialectic had achieved a preponderant importance at the expense of rhetoric, which was reduced to a doctrine of *elocutio* and *actio* after the study of *inventio* and *dispositio* were moved to dialectic. With Ramus, this development culminated in a strict separation between dialectic and rhetoric, with dialectic being incorporated in logic and rhetoric devoted exclusively to style (Meerhoff, 1988). In spite of these precursory symptoms of a widening gap between rhetoric and dialectic, according to Toulmin (2001), the division did not grow "ideological" until after the Scientific Revolution. Then dialectic and rhetoric became two separate and mutually isolated paradigms, each conforming to a different conception of argumentation and generally considered incompatible.

While rhetoric has survived in a somewhat different shape, in particular in the United States, as a field of study and a source for scholars in communication,

language and literature in the humanities (Gaonkar, 1990), dialectic almost disappeared from sight with the formalization of logic in the nineteenth century. Although the dialectical approach to argumentation has been taken up again in the second part of the twentieth century by “formal dialecticians” and “pragma-dialecticians” and the rhetorical approach continued to have a substantial following (Simons, 1990), we observe a yawning conceptual and communicative gap between argumentation theorists opting for a dialectical approach (Barth & Krabbe, 1982) and protagonists of a rhetorical approach (Leeman, 1992). This gap hinders the development of a full-fledged theory of argumentation and it is, in our view, unnecessary (cf. Wenzel, 1990).

3. Strategic maneuvering combining the aims for critical reasonableness and artful effectiveness

We want to overcome the sharp and infertile division between the dialectical approach and the rhetorical approach to argumentative discourse by showing – more or less in line with Agricola – that if they are defined in a liberal way the two approaches can, in fact, be seen as complementary (cf. Krabbe, 2002; Leff, 2002). In pragma-dialectics, “dialectic” is defined pragmatically as a method for dealing systematically with critical exchanges in verbal communication and interaction to move from conjecture and opinion to more secure (descriptive, evaluative, or inciting) standpoints. Rhetoric can, as far as it is immediately relevant to our current purposes, best be defined as the theoretical study of the various kinds of persuasion techniques that can be effective in argumentative practice.

Starting from these definitions, there is no theoretical reason to assume from the outset that the rhetorical norm of artful effectiveness is necessarily in contradiction with the dialectical ideal of critical reasonableness. In practice, argumentative moves that are rhetorically strong in the sense that they are effective in persuading a critical audience will more often than not be in accordance with the dialectical norms applying to the discussion stage in which these moves are made (O’Keefe, 2009). Viewed from both a theoretical and a practical perspective, there is a sound basis for trying to overcome the ideological division between dialectic and rhetoric that has obstructed a constructive reconciliation of the dialectical and the rhetorical dimension of the study of argumentation.

The gap between dialectic and rhetoric can in our view be bridged by introducing the theoretical notion of “strategic maneuvering” to do justice to the fact that engaging in argumentative discourse always means being at the same time out for critical reasonableness and artful effectiveness (van Eemeren & Houtlosser, 2002). In the way we use this term *strategic maneuvering* refers to the continual ef-

forts made in principle by all parties in argumentative discourse to reconcile their simultaneous pursuit of rhetorical aims of effectiveness with maintaining dialectical standards of reasonableness (van Rees, 2009; cf. Jacobs, 2007; Tindale, 2009).

Each of the four stages in the process of resolving a difference of opinion by means of a critical discussion is characterized by having a specific dialectical objective. Because, as a matter of course, the parties involved in the difference want to realize these dialectical objectives to the best advantage of the position they have adopted in the discussion, every dialectical objective has its rhetorical analogue. In all discussion stages the rhetorical goals of the participants will be dependent on – and therefore run parallel with – the dialectical goals. As a consequence, the specification of the rhetorical aims the participants in the discourse are presumed to have must in this perspective take place according to dialectical stage. This is the methodological reason why in the study of strategic maneuvering that we propose rhetorical insights are systematically integrated in a dialectical – in this case, a *pragma*-dialectical – framework of analysis.

4. Three inseparable aspects of strategic maneuvering

Strategic maneuvering manifests itself in argumentative discourse in the choices that are made from the “topical potential” available at a certain stage in the discourse, in audience-directed “adjustments” of the argumentative moves that are made, and in the purposive use of linguistic (or other) “devices” in presenting these moves. Although these three aspects of strategic maneuvering, which run parallel with classical areas of interest (topics, audience orientation and stylistics), can be distinguished analytically, as a rule they will occur together (and work together) in actual argumentative practice (cf. Tindale, 2004).

As regards choosing from the topical potential, a party’s strategic maneuvering in the confrontation stage aims for making the most effective choice among the potential issues for discussion – thus utilizing the “disagreement space” available in the dialectical context in such a way that the confrontation is defined in accordance with that party’s preferences. In the opening stage, each party’s strategic maneuvering is directed at creating the most advantageous (procedural and material) starting point, for instance by calling to mind, or eliciting, helpful “concessions” from the other party. In the argumentation stage, starting from the “status topos” associated with the type of standpoint at issue, each party that acts as protagonist chooses a strategic line of defense that involves a selection from the available *loci* that suits that party best and each party that acts as antagonist chooses the line of attack that seems most effective in light of the dialectical situation. In the concluding stage, each party will direct all its efforts toward achieving the

conclusion of the discourse desired by that party, for instance by pointing out what the consequence is of accepting a certain complex of arguments. In examining topical choices in the various stages systematically, we start from (modern interpretations of) classical ideas concerning *topoi* and *stasis* theory (cf. Rigotti, 2006; Kauffeld, 2002).

As regards audience-directed adjustments, the moves a party makes must in each stage of the discourse be adapted to “audience demand” in such a way that they are expected to be optimally acceptable to the other party in view of that party’s views and preferences, taking into account that argumentative moves that are considered appropriate by some people may not be considered appropriate by others. In general, adaptation to audience demand will consist in each stage in an attempt to create the required “communion,” relying on “endoxa,” specific “concessions” and “contextual commitments” where this is possible. In the confrontation stage, this second aspect of strategic maneuvering may manifest itself, for example, in the avoidance of contradictions between the parties that appear unsolvable. Perelman and Olbrechts-Tyteca (1958/1969) point out that one way of avoiding such unsolvable contradictions is to communicate disagreement with respect to values as disagreement over facts, because disagreements over facts are generally easier to accommodate.

As a rule, Perelman and Olbrechts-Tyteca observe, each party’s efforts are directed at “assigning [...] the status enjoying the widest agreement to the elements on which he is basing his argument” (1969: 179). This explains, for instance, why in the opening stage the status of a widely shared value judgement may be conferred on personal feelings and impressions, and the status of a fact on subjective values. In the argumentation stage, strategic adaptation to audience demand may be achieved by quoting arguments the other party is known to agree with or by referring to argumentative principles that party may be expected to adhere to. In examining audience adaptation in the various discussion stages systematically, we start first of all from the preparatory conditions for performing the types of speech acts by which the various argumentative moves are made that play a constructive part in resolving a difference of opinion on the merits. These conditions indicate, among other things, which requirements must be satisfied with regard to the addressee for a correct performance of these speech acts, so that audience adaptation can be realized in one important respect by indicating their fulfilment.

As regards the third aspect of strategic maneuvering, utilizing presentational devices, the phrasing of the moves a party makes and all other ways of styling must in all stages of the discourse be systematically attuned to achieving the effect on the other party that is aimed for in making these moves. We agree with Perelman and Olbrechts-Tyteca that all argumentative discourse presupposes “a choice consisting not only of the selection of elements to be used, but also of the

technique for their presentation” (1969: 119). This means, among other things, that each party will exploit the Gricean maxims of Manner in a specific and deliberate way in the discourse. As Anscombe and Ducrot observe, “Signifier, pour un énoncé, c’est orienter” (1983:i), which means, as Anscombe puts it, “diriger le discours dans une certaine direction” (1994:30).

Among the means of expression that can be used, *par excellence*, as presentational devices are the various “figures” (of speech and thought) known from classical (dialectic and) rhetoric (Fahnestock, 1999, 2005, 2009). Perelman and Olbrechts-Tyteca regard a figure as argumentative if it brings about a change of perspective (1969: 169), which applies, depending on the stage the discussion has reached, for instance, to *praeteritio*, *concordatio*, rhetorical questions, and *metalepsis* (cf. Reboul, 1989; Rocci, 2009; Snoeck Henkemans, 2009). In examining presentational choices in the various stages systematically, we start from (dialectical and) rhetorical stylistics (see Fahnestock, 1999, 2005, 2009).

A party can only be said to carry out a full-fledged “argumentative strategy” if the strategic maneuvering of that party in the discourse converges consistently both “vertically” and “horizontally.” Vertical convergence means that the characteristics of the strategic maneuvering with respect to choosing from topical potential, adapting to audience demand, and utilizing presentational devices reinforce each other. Horizontal convergence means that the characteristics of the first strategic maneuver and the next strategic maneuvers that are made in the discourse reinforce each other. Argumentative strategies in our sense are (vertically and horizontally) coordinated series of strategic maneuvers aimed at influencing the result of a particular dialectical stage, and the discussion as a whole, methodically in a certain direction which manifest themselves at a certain stage of the discourse in a systematic and simultaneous exploitation of the available opportunities. Besides general argumentative strategies pertaining to the discussion as a whole there are specific confrontation strategies, opening strategies, argumentation strategies and concluding strategies.

5. Strategic maneuvering in different kinds of argumentative activity types

In the various spheres of life, varying from the public sphere to the technical sphere and the private or personal sphere, argumentative discourse takes place in different kinds of “activity types,” which are – depending on the sphere we are talking about – to a greater or lesser degree institutionalized, so that certain argumentative practices have become conventionalized. Unlike theoretical constructs such as the ideal model of a critical discussion, which are purely based

on analytic considerations regarding the most problem-valid way of implementing a discursive task, activity types and their associated speech events are empirical concepts that can be identified and characterized on the basis of a careful study of a certain domain of argumentative practice (van Eemeren & Houtlosser, 2005). Within such a domain – prominent examples are the legal (Feteris, 2009), the political (Iețcu-Fairclough, 2009; Zarefsky, 2009), the medical (Schulz & Rubinelli, 2008; Goodnight, 2009) and the scientific or scholarly domain (van Eemeren & Garssen, Eds. 2008) – certain clusters of argumentative activity types can be distinguished that are manifestations of typical argumentative practices in that kind of domain.

Due to the different rationales – the “point” – of the various (clusters of) activity types and the ensuing goals and requirements, the conventional preconditions for argumentative discourse differ to some extent according to argumentative activity type and these differences have an effect on the strategic maneuvering in the activity type concerned. There will be certain constraints on the kind of strategic maneuvering that is allowed or deemed acceptable and certain opportunities for strategic maneuvering may arise in the one activity type that are not available in the other. By way of illustration we shall describe for some prominent clusters of activity types, “adjudication,” “mediation,” “negotiation,” and “public debate” the preconditions pertinent to the conduct of strategic maneuvering, and draw a comparison between them in order to make clear that the strategic maneuvering will be affected in different ways depending on the constraints and opportunities going with the argumentative activity type in which it takes place.

Adjudication aims for the termination of a dispute by a third party rather than the resolution of a difference of opinion by the parties themselves. Although the cluster of adjudication is broader, it is commonly understood as taking a difference of opinion that has become a dispute to a public court, where a judge, after having heard both sides, will make a reasoned decision in favor of either one of the parties. The judge determines who is wrong and who is right according to a set of rules. As a closer analysis shows, most of these rules are tantamount to specifications of rules for critical discussion aimed at guaranteeing that the dispute is terminated in a reasonable way. There are, for instance, special rules concerning the division of the burden of proof, the data that can be considered as a common starting point and the kinds of proof that count as acceptable. In adjudication, the parties readjust their discussion roles from trying to persuade each other to trying to convince the adjudicator.

Mediation refers to a cluster of (for a large part argumentative) activity types that start from a difference of opinion that has become a disagreement that the parties concerned cannot resolve by themselves, so that they have to take refuge to a third party that acts as a neutral facilitator of the discussion process and guides