

ISSA Proceedings 1998 - Preface



At the *Fourth Conference of the International Society for the Study of Argumentation* (ISSA) in June 1998 a great many scholars interested in argumentation assembled in Amsterdam to present papers and exchange views. The ISSA conferences have become an important meetingplace for argumentation theorists stemming from a great variety of academic backgrounds and traditions and representing a wide range of academic disciplines and approaches: philosophy, speech communication, psychology, law, linguistics, rhetoric (classical and modern), logic (formal and informal), critical thinking, discourse analysis, pragmatics, and artificial intelligence. The Proceedings of the conference reflect that diversity.

Almost all the papers presented at the conference are published in this Proceedings of the Fourth ISSA Conference on Argumentation. Apart from the hard copy publication, a cd rom version of the proceedings is also made available. This time the papers are arranged in alphabetical order. In principle, all papers are published exactly as they are handed in by the authors; no further editing has taken place.

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ISSA Proceedings 1998 - Reconstruction Games: Assessing The Resources For Managing Collective Argumentation In Groupware Technology



Advances in new information technology has brought computerization to bear on practices of argumentation in organizations thus providing a range of new alternatives for improved handling of disputes and decisions (Aakhus, 1997; Baecker, Grudin, Buxton, and Greenburg, 1995; Ngyemyama and Lyytinen, 1997; Nunamaker, Dennis, Valacich, Vogel, and George, 1991; Poole and DeSanctis, 1992). Many of these technologies, called “groupware,” are systems explicitly designed to intervene on discourse and manage it by supplying resources that help communicators overcome obstacles to resolving or managing their disputes and decisions. In designing and deploying groupware, members of the industry practice “normative pragmatics” (van Eemeren, Grootendorst, Jackson, and Jacobs, 1993) since they grapple with the problem of reconciling normative and descriptive insights about disputing and decision- making in order to effectively manage it. In particular, they must deal with a critical puzzle for argumentation theory and practice (and for groupware design). That is, how to develop procedures that further the resolution of a dispute while remaining acceptable to the discussants and that apply to all speech acts performed in order resolve the dispute (van Eemeren & Grootendorst, 1984, p. 17).

The purpose here is to show how practical solutions to this analytic puzzle found in groupware reveal implicit theories of argument reconstruction. Implicit theories yet to receive descriptive or critical attention. This is accomplished by conceptualizing groupware products as models of “reconstruction games” that when implemented constitute particular forms of talk through which parties

address a dispute or decision.

1. Groupware

Groupware products are designed for a wide range of human activity that involves argument relevant activities such as scheduling, strategic planning, design, group-writing, and negotiation. Groupware is defined by Peter and Trudy Johnson-Lenz as “intentional group processes and procedures to achieve specific purposes plus software tools designed to support and facilitate the group’s work” (Hiltz and Turoff, 1992, p. 69). The enduring novelty of groupware lies in (1) the capacity of the tools to allow large groups of people to come together across time and geographic location and in (2) how the nature of the medium might solve standard problems of collaborative decision-making such as information sharing, cooperative action, authority, and errors of collective judgement (Johansen, 1988; Sproull & Keisler, 1991; Turoff & Hiltz, 1978).

Advances in networked computing are leading to a proliferation of groupware products that are increasingly difficult for users, designers, and researchers to classify, assess, and choose. Indeed, what are groupware products supposed to do? It is generally understood that groupware aids decision relevant communication (DeSanctis & Gallupe, 1987). Yet, existing approaches for classifying and assessing groupware do not adequately address the communicative purposes of groupware design. For instance, the most common way proposed to understand groupware is in terms of how the tool supports interaction across time and geographic location (Johansen, 1988). The trade literature, moreover, focuses on the technical compatibility of groupware products within existing technological infrastructures (Price Waterhouse, 1997).

An alternative way to understand groupware proposed here is to conceptualize it as a tool for constructing particular contexts of argumentative discourse. To develop this perspective, groupware products will be distinguished in terms of their model for reconstructing a dispute or decision into argumentative discourse. It is first necessary, however, to outline the complexities of common circumstances for which groupware products are designed and implemented and then to conceptualize groupware in terms of resources for constructing forums of argumentation.

2. Managing Disagreement

The decision-making circumstances for which groupware products are designed and implemented involve small to large groups of participants engaging in

activities such as strategic planning, design, negotiation, and policy-making. Deliberation is a key purpose of these activities since the activity involves determining a prudent course of action more than, say, establishing the truth or falsity of any particular claim (Walton, 1992). Deliberation is a socially and intellectually complex activities for at least three reasons.

First, the complexity of deliberative activities occur because collective choices must be made under conditions where it is difficult to know what the consequences of any particular choice will be or whether current preferences for what counts as a good choice will hold in the future (March, 1979; March, 1994). Indeed, arguing about consequences as a way of determining what-to-do is a feature of deliberative discourse (Walton, 1992).

Second, deliberation becomes “wicked” when there are numerous participants who variably leave and enter the decision-making and when there is no definitive statement of the problem itself (Conklin & Weil, 1998; March and Olsen, 1979; Meader & Weick, 1993; Shum, MacLean, Bellotti, & Hammond, 1997). A great deal of argumentation in deliberative circumstances is over what is and is not arguable and who can and can not make arguments.

Third, deliberation depends on plausible reasoning where participants make and grant assumptions for the sake of moving the discussion forward (Kyburg, 1991; Walton, 1992). This means that conclusions and chains of arguments are based on defeasible reasons that change when better knowledge becomes available, thus shifting the grounds for accepted conclusions and lines of argument. How it is possible for decision-making to successfully go forward, despite the uncertainty of claims, incomplete knowledge, goal ambiguity, and instability in preferences, depends on the capacity of the participants to manage the “disagreement space” around a dispute or decision and to construct viable standpoints to pursue in developing a prudent course of collective action.

A disagreement space is the “structured set of opportunities for argument” defined by the “indefinitely large and complex set of beliefs, wants, and intentions” that interactional partners can reconstruct from what has been said or project in saying something (van Eemeren et al., 1993, p. 95). How “disagreement space” is reconstructed is critical to how a dispute or decision is collectively pursued. A dispute or decision, for instance, can escalate beyond the control of the participants or de-escalate to the point of no interaction depending on how the participants reconstruct opportunities for argument from the pragmatic circumstances of the dispute or decision (van Eemeren et al., 1993; Jacobs and

Jackson, 1992; Jacobs, Jackson, Stearns, & Hall, 1991). What a resolution to a dispute or decision is, what is learned by the participants, and what is established as grounds for future action, depends on how disagreements relative to a dispute or decision are handled. It is quite useful then to see groupware in terms of what argumentative resources it supplies for participants to reconstruct a dispute or decision into a manageable disagreement space on which collective argumentation proceeds.

3. Reconstruction Games

Attention has only recently turned to understanding how groupware is constitutive of communicative activity like argumentation (Meader & Weick, 1993; Ngyemyama and Lyytinen, 1997; Orlikowski, 1992; Poole and DeSanctis, 1992).

In particular, how groupware helps parties to a dispute or decision understand and shape the decision or dispute in which they are engaged is only beginning to be understood (Aakhus, 1997).

Groupware products can be usefully conceptualized as special instances of rules of argumentative conduct for reconstructing disputes and decisions into particular forms of argumentative dialogue. Groupware products are “designs for discourse” because they reconcile normative and descriptive assumptions about argumentative discourse (Aakhus, Madison, & Jackson, 1996). Groupware represents a set of design choices made about how participant expressions, beliefs, sentiments, and habits ought to be transformed into a particular type of disagreement space and thus opportunities to pursue the resolution or management of a dispute or decision. The affordances of a groupware product design invites parties to treat disputes and decisions as particular kinds of argumentative activity by supplying means to distribute turns and allocate types of turns and means to elaborate and extinguish lines of collective reasoning.

Moreover, the tools set up preferences for the type of argumentative roles available to the participants relative to what is said and what is projected and inferred from what is said. The activity which participants orchestrate via the groupware produces the grounds for further activity and outlines a framework of participation for that provides a “working consensus” for engaging in the dispute or decision (Goffman, 1959; Goffman, 1981). A framework from which the reasonableness of individual and collective activity is judged and sanctioned (Heritage, 1984). Groupware is not a dialogue game in Walton’s (1992) sense but

the materials and practical theory for reconstructing the context of a dispute or decision into various forms of argumentative activity.

The design features of groupware products idealize particular forms of argumentative activity that make some moves for solving a dispute or decision more reasonable than others. Reasonableness depends not only on the content of a contribution but on the form and timing of the move relative to the activity. How a decision is made or dispute resolved is as important as what is concluded. What counts as rational is located in the procedures for formulating contributions, taking-turns, and assessing contributions. The complexity of the deliberative circumstances where groupware is implemented makes the form of the activity taken to handle a dispute or decision a special warrant for the rationality of collective action and conclusions generated through the activity. How does groupware contribute to the resolution and management of disputes and decisions?

First, groupware supplies categories and procedures that, for instance, enable parties to organize standpoints, elaborate and extinguish lines of argument over a standpoint, and manage impasse to foster progress. The groupware product provides answers and routines for organizing talk. Second, groupware products have a systemic rationality (March, 1988) that explains how to organize interaction as well as justify the reasonableness of the outcomes of activity based on the groupware design. Groupware products not only supply material resources for shaping a disagreement space but a rationale for shaping it in particular ways. This will be illustrated by describing classes of reconstruction games modeled in groupware products.

Table 1. Reconstruction Games

Reconstruction Game	Purpose	Orchestration	Systemic Rationality
Issue Networking	Form a web of issues and relevant positions on issues	Clash of stances	Full awareness of stances and lines of argument
Forecasting	Consensus Formation	Flow of argumentation toward an acceptable conclusion	Activity establishes consensus to put proposals into action
Regulation	Create a knowledge base for action	Probing and refining expertise	The best available expertise competes to answer questions posed by those who need an answer

Three classes of reconstruction games have been identified thus far in groupware products. These are summarized in *Table 1* relative to the purpose of the game, its

basic model for orchestrating interaction, and its systemic rationality. Purpose refers to the aim of reconstructing a dispute or decision. Orchestration refers to how relevant argumentative activity is structured. Systemic rationality refers to how argumentative activity warrants the outcome of the activity.

4. Issue Networking

“Issue-Networking” is one type of reconstruction modeled in groupware that is closely aligned with the critical discussion model of pragma-dialectics. This model

idealizes participation in argumentation as a series of moves by participants to identify and connect issues while developing pro and con standpoints relative to any issue.

Progress towards a resolution is a matter of optimizing disagreement through the clash of claims. The groupware tools help participants orchestrate their interaction by providing structures intended to optimize the clash of claims so that lines of argumentation unfold to reveal areas of agreement and disagreement, unarticulated issues, and relevant relationships among issues. These groupware products supply means for participants to label their turns as a particular type of contribution to a decision or dispute and to indicate whether a participant is making a new contribution or responding to previous turns. By participating in the mode prescribed by the groupware tool, the groupware product can create a representation of the interaction as argumentation. Through the groupware tool the participants can see how their interaction unfolds as lines of argumentation, how particular turns contribute to a line of argument, and how a context of issues and claims forms around conclusions from the unfolding clash of claims in a discussion.

Groupware products that reflect the issue-networking model are found in web-based conferencing systems such as HyperNews and OpenMeeting. These systems supply basic turn types for participants to take up in dealing with a decision or dispute.

HyperNews, produced at the National Center for Supercomputing Applications, allows participants to indicate whether their contribution to the discussion is a new idea, an agreement, a disagreement, a clarification, or relevant documentation (HyperNews, 1998; LaLiberte & Woolley, 1997; LaLiberte, 1997). OpenMeeting, produced at Massachusetts Institute of Technology and used in U.S. government's National Performance Review, provides additional labels for actions taken and alternative proposals (Hurwitz & Mallery, 1998). The participants can identify the type of action they take in contributing to the decision or dispute while the groupware creates a record of the argument as a network of issues. The labeling and outlining provide means for coordinating lines of disagreement and keeping the line of argument taken up relevant.

Questmap is part of a commercially available groupware product made by the Softbicycle Company that is a good example of a tool for orchestrating discourse as an issue-networking game (QuestMap, 1998). It is similar, in principle, to OpenMeeting and HyperNews but is tailored to both synchronous and

asynchronous meetings. QuestMap, in addition, uses a graphical representation of discourse as argument and it is based on the IBIS model of capturing design rationales (Conklin, 1998; Conklin & Weil, 1997; Yankemovic & Conklin, 1990). The materials for orchestrating talk into argumentation are as follows. The primary screen that each user views produces a graphical representation of the dispute or decision that provides the fundamental turn types in QuestMap. Turns are identified with icons that mark issues as question marks, arguments as lightbulbs, and reasons as a plus or minus sign indicating pro or con.

Through the screen, the participants can “click” on any icon representing part of the developing argumentation in order for the participant to add or extend issues, arguments, or reasons. The fundamental turn types that are made available to participants through QuestMap include posing a question, posing an idea that is an answer to the question, and posing pro or con positions to ideas offered by others. It is expected that a question, or issue, must be stated as a real question, not one that presupposes its own answer, and that an idea is an assertion that can be argued (Conklin, 1998).

There can be an unlimited number of ideas in response to a question. For each idea, participants can present a pro or con argument. These basic turn-types built into the software increase participant opportunities to expand the argumentation around a choice. QuestMap also allows participants to signal that a decision has been made on an issue and allows participants to signal that they accept an assertion without contributing further to the discussion.

Groupware products that enable participants to reconstruct their decision or dispute as a network of issues reflect commitments to critical discussion, such as outlined by pragma-dialectics, since participation is not limited in terms of raising doubts and new issues. Issue-networking style groupware focuses participation on the development of discussion threads for the benefit of the group and the individuals. The tools emphasize opening up lines of argumentation as opposed to closing or limiting lines of argumentation. The tools maximize opportunities for participants to develop issues and scrutinize the claims of others. Exploration of the disagreement space is not limited since all claims can be challenged, the clash of claims is open to the scrutiny of the participants, and any participant can contribute to the development of a line of argument.

Moreover, the resolution of any issue is a product of exhausting lines of argument around the issue. The rationality of issue-networking style groupware is vested in two levels of scrutiny. First, all participants can contribute to and examine the

micro-exchange of assertions in response to an issue because these types of tools attempt to focus clash and the development of lines of argumentation. The pursuit of issues and claims, however, is left to the control of the participants developing issues and scrutinizing what others have said. Second, the macro development of the issue network is open to correction as new facts, knowledge, interpretations, and circumstances emerge because these tools allow participants to examine the rationale behind an existing conclusion when that conclusion becomes part of another decision. The product of the micro exchange is an emergent collective representation of the dispute or decision space that forms improved grounds for current and future individual and collective action.

These tools treat disputes and decisions as contexts for individual and collective learning since the tools emphasize the capacity of individuals to explore and develop better positions on issues more than settling an issue by closing discussion on it. Issue-networking tools warrant conclusions reached and actions taken because issue-networking, in principle, aims to reconstruct argumentative activity that exhausts the production and critique of claims made to resolve issues in a dispute or decision.

The general design of issue-networking tools emphasizes the exploration of issues and the capacity to adjust lines of argument before and after decisions. These strengths reveal two areas for developing and implementing the models of reconstruction in these types of tools. These two weaknesses stem from the fact that scrutiny over argumentation and the development of an issue network is left to the common sense and tastes of the participants. First, the argumentative interaction in these settings is subject to drift (March & Olsen, 1976).

This means, for instance, that argumentative attention and activity may develop lines of argument that draw attention to features of the dispute or decision that are later found to be irrelevant or irresolvable. It also means that the mode of decision-making misses the point of what people are trying to argue such as when argument over face and identity is treated as a digression rather than material to the multiple goals involved in resolution of a choice (see van Eemeren et al., 1994 and Jacobs et al., 1991).

Issue-networking tools provide categories and procedures for treating discussion as a clash of claims but no categories and procedures to draw participant attention to sources of micro-level digression and macro-level drift in the development of the issue network. Certainly, some sort of fallacy recognition

would be useful. How to do this is a complex matter since the design of the groupware must remain elegant. The OpenMeeting system, for instance, provides for a moderator role where particular people screen the quality and relevance of a contribution before it is made available to the rest of the participants. There is also the possibility that participants could be assigned particular roles such as critic or evaluator to help foster discussion (Sillance, 1994). Another approach is to focus on the types of turns people take rather than assigning particular roles. This leads to the other area for development of issue-networking tools.

Second, labeling how a turn contributes to an argumentative discussion is problematic. Assuming that labeling a speech act is a valid means to signal argumentative intent and to create interactional coherence, then the types of labels offered matter a great deal. The issue, claim, and pro/con labels are obviously just one avenue for construing argumentative interaction. There could be other arrays of choices for labeling that indicate, for instance, whether a participant is attacking grounds or warrants. Moreover, participant might be allowed to tag other comments as a type of fallacy to check and to build repertoires of practical reasoning problems. Offering more labels for turn taking, however, seems to overcomplicate the technology and may be an inadequate assumption about how communicators interpret messages. An alternative is available in POLIS which is a groupware tool to support on-line learning (POLIS, 1996). Some POLIS tools require participants to formulate a stance relative to an expert opinion or popularly held opinion. Thus, the procedures for turn-taking presuppose clash and provide the grounds against which to argue. Such an approach makes it possible for participants to engage taken for granted assumptions developing in the issue network without taking on the burden of appropriately labeling their action.

“Funneling” is another type of reconstruction modeled in groupware. These groupware tools help parties to a decision or dispute orchestrate their interaction by providing structures that solve problems collectives encounter in making progress toward a conclusion, such as participant willingness to disclose new ideas or to evaluate the ideas of others (Nunamaker et al., 1991). Groupware that models a funneling reconstruction game provides means for participants to orchestrate their interaction so their joint activity manufactures a consensus that settles their decision or dispute. Decisions and disputes are reconstructed through the tools as a sequence of collective activities that successively narrow a dispute or decision toward the most acceptable conclusion. Argumentation is

idealized as a means for formulating a proposal that the collective is willing to back. The funneling game departs from the critical discussion ideal modeled in pragma-dialectics due to its emphasis on settlement but shares a commitment to viewing argumentation as a preferred sequence of activities that in turn prefer particular speech acts.

The groupware products that most typically reflect a funneling model are group decision support systems (GDSS). GDSS are traditionally deployed in meeting room settings but more recently GDSS style groupware products have debuted as web-based tools. GDSS tools provide an interface that outlines how parties should exchange messages when handling their dispute or decision (Aakhus, 1997a). Screens generally function as a means to capture messages, to access and retrieve stored messages, or to manufacture new messages. Each GDSS varies in how these functions are performed but typically each GDSS has at least one tool enabling participants to orchestrate their interaction into activities focused on gathering intelligence, design alternative courses of action, and evaluate and choose a course of action. Because GDSS design treats argumentation as a sequence of activities that encourage collective opinion to converge on a conclusion, the specific tools offered in GDSS systems are usefully arrayed along the phases of sequential decision-making models. Table 1 uses Simon's (1960) decision processing model to display the tools available in some GDSS groupware products. The rows show tools from GDSS products relative to phases in the sequential model. GDSS tools can obviously be used for a variety of functions but are entered into this table in terms of the tools primary purpose.

Each category in Table 2 displays various GDSS tools for orchestrating a dispute or decision. Reconstruction modeled in GDSS differs from issue-networking in that the GDSS does not highlight the micro-clash of claims. Instead, GDSS focus on managing the flow and transition of argumentation from one phase to the next, channeling interaction towards settlement. GDSS tools orient toward collecting and managing expressions of opinions and then manufacturing individual comments into a collective statement (Aakhus, 1997b). The clash of individual claims becomes important when it draws out more opinions for the group to collectively sort and evaluate.

First, tools for gathering intelligence, such as "brainstorming" tools, focus on capturing participant comments by encouraging participants to say whatever is on their mind so that no possible idea is left out. Intelligence gathering tools

collect all ideas participants have about a topic or issue into a massive pool of messages. These messages provide the materials on which the group will construct its decision. After using these tools, the dispute or decision is, in a sense, contained in the pool of messages the participants generate, as is the solution. The relevant next activity is to search and order the pool of messages to find the solution.

Second, tools for designing and creating alternatives, such as, “organizer” or “categorizer” allow participants to breakdown the pool of messages into representative, mutually exclusive categories.

These categorizing tools enable participants to reduce the mass of messages and thus organize a collective search for an answer to the decision or dispute. Once the pool of messages is categorized, the participants can organize and assess the categories or create categories of categories to aid their search for an answer. Categorizing is a form of critique of what is said since categorizing puts a particular order to contributed messages.

Third, tools for evaluating alternatives, such as “prioritize” and “rank,” provide means for participants to jointly critique and foster progress toward a conclusion. The tools typically allow participants to compare and assess across categories of messages in order to determine which categories are better or worse. The voting tools are means to represent the underlying attitudes of the group. Some voting tools, such as in GroupSystems, report levels of consensus among the individual rankings or ratings of the participants. Vote results and consensus measures enable participants to formulate the collective will and point to more and less obvious lines of action. The voting tools might be used; for example, to identify which categories participants will give more attention in a discussion or to choose an alternative.

The rationality of groupware products that enable participants to reconstruct their decision or dispute as a funneling game is found in how the tools enable the manufacturing of both collective opinion and collective will. GDSS tools enable parties to orchestrate their interaction in a way to find the most acceptable proposal or solution for a decision or dispute. The funneling game enables participants to balance demands for efficiency, wide-spread participation, and collective reflection. Participation proceeds by jointly constructing a pool of messages, jointly organizing and reducing the pool of messages, and finally jointly developing criteria and evaluating messages and categories using those criteria.

Table 2 GDSS by Sequential Decision-Making Phase

	Meeting Works by Enterprise Solutions, Inc.	Group Systems by Ventana Corporation	Consell by CoVision, Inc.	Quest by Mingle
Intelligence: Define problem and develop solution criteria	Generate	Electronic brainstorming, Groupware	Free thought, 3q questions	Brainstorming
Design: Organize knowledge and create alternatives	Organize	Categories, Topic centers	Rank on 1, Priorities	Idea inventory, Idea split, Idea funnel, Categories

Table 2 GDSS by Sequential Decision-Making Phase

The emphasis on formulating consensus is quite visible in how the style of the tools orients the argumentative work of the participants on constructing the boundaries for argument in their dispute or decision. The clash of claims is not part of the structure of the tools. Instead, the boundaries constructed through joint construction of a message pool, categories, and criteria outline a set of commitments for explaining and justifying future action, especially in the face of doubts or threats. Voting, for instance, is a means for displaying collective sentiment toward an action. Measurements of consensus do not justify the merits of a claim or proposal as much as allow a group to scrutinize its collective will to do or believe something.

The strength of groupware modeling a funneling game is its capacity to manage the flow of argumentative activity and foster movement toward a collective conclusion. This capacity rests in important ways on how the tools separate individual arguers from the claims and critiques they offer and a focus on producing meta-information to represent decision-making.

First, the tools separate the arguer from claim so that the claim stands as an idea of its own for the examination of others. Treating messages as units of information that can be stripped from sequences of activity and transferred to other categories or activities compounds this separation.

While separating arguments from arguers relieves interaction from some causes of conflict escalation, a potential consequence is that reconstruction through these tools orchestrates practical argument as a search for the truth of assertions while missing other relevant modes of organization around rights, obligations, and interests. Furthermore, the principle of separation may appear to contribute to the search for true assertions, while the methods of reconstruction actually treat argument as an ironic form of information management where decision-making progress is based solely on the perceived value of gathering and organizing information (Aakhus, 1997).

Second, argumentation progress is based on creating meta-representations of what the group has said. Reducing a mass of messages entails a loss of

information value so what is gained and lost in reduction is critical. Categorizing allows for easier management and navigation through the mass of messages but those gains do not mean that issues in the decision or dispute are resolved or clarified. Voting summarizes opinions but it is not a means of creating a clash of competing claims. It is a means for representing the willingness to believe or act on some claim. GDSS tools carry the capacity to create more abstract, high level views of a dispute or decision while glossing over the details.

6. Reputation

Experts-exchange (1998) is a novel form of groupware that points to a potentially new category of reconstruction game that allows participants to orchestrate their interaction as a form of expert inquiry. Experts-exchange allows participants to create a space where users can pose and answer questions and sort out the best questions and best answers. This particular groupware product idealizes argumentation as advice giving through questions and answers while giving the non-expert leverage to hold candidate experts accountable.

The groupware product provides the following structures for interaction. People seeking advice can pose questions to candidate experts but in order to participate the question-asker must be willing to award points for the best answer. It costs to ask questions, so there is incentive for the question asker to ask good questions. Candidate respondents can earn the points offered by the asker if they supply the best answer as judged by the question-asker. It is through the continued participation in this activity, participants can collectively, though individually figure out how to take action to solve problems. The model of argumentation links knowledge and action at two levels. At the micro level the asker gets answers to questions. The answers are formulated by knowledgeable people and tailored to the specific question. At the global level, a number of collective benefits accrue from the micro exchange of questions and answers. First, a pool of experts develops based on their ability to successfully answer questions. Second, pool of assessed and rated answers to questions develops. Third, there is a general selectivity of question asking since there is cost to asking questions.

The reputation game modeled in experts-exchange is novel because it does not rest scrutiny over argumentation in pro-con exchange nor as a series of activities leading to a collective conclusion. Instead, it treats argumentation as the growth of knowledge relevant to taking action. The economy of interaction on which it is based connects the micro exchange of question and answers with the growth of

collective knowledge about problems and issues. By putting reputations at stake, action in argumentative activity is focused on determining who provides the best answers to the questions people have about what action to take. The rationality of the system is vested in keeping individuals tied to their contributions so that people do not become separated from their ideas. Scrutiny over argumentation is based in the way an expert's answer must be accountable to the question asker. The ability to build a reputation as an expert depends on how well a candidate expert formulates an answer that solves the posed problem and that can be understood by the question asker. The structure of activity transfers the burden of translating expertise for non-experts to the expert since the competition lies in providing answers not in questioners forming a queue behind the most notorious expert.

7. Conclusion

This paper prepares the ground for further investigation of how models of argumentation and rationality are institutionalized in procedures, practices, and practical theories of technology, organization, and professional practice. What we see in groupware products are "reconstruction games" for orchestrating disputes and decisions into particular forms of argumentative activity. As such, groupware products are instantiations of practical theories about how argumentation can be used to manage disputes and decisions. These theories reconcile descriptions about how argument works and how it ought to work in practical circumstances. Choosing among groupware products or designing a groupware product, then, is a choice about what counts as good argumentative activity to handle decision or disputes as much as it is a choice about the technical feasibility of a product. We are only beginning to understand how to assess argumentative practice when the assumptions behind theoretical ideals do not hold (Aakhus, 1995a; 1995b; van Eemeren et al., 1993).

The need to assess groupware, and other means for constructing communication forums, points to the further need to refine argumentation theory to cope with orchestration practices and the systemic rationality of communication forums. There is a need to theorize the role of "procedural heuristics." That is, how models of argumentation are selected and put into play by individuals and organizations, how those models transform ordinary modes of disputing and decision-making into new modes, and how the models have consequences for collective action and knowledge.

The preceding description of groupware as models for reconstructing argumentative discourse, for instance, suggests the existence of a significant population of argumentation models that lie somewhere between theoretical and naïve models of argumentation. We see in the design of groupware products how the product focuses on making deliberative discourse possible while leaving the substance of critique and resolution of claims to the common sense of the participants. Certainly, this helps keep the procedures usable and less invasive for users but generally neglects how computing tools might enhance collective reasoning beyond simply breaking down the barriers of expression. For instance, there is little in the way of procedures that allow for specialized roles or the tagging and collecting of decision biases and fallacies in collective reasoning (see Sillance, 1994). Whether and how to include such procedures, however, points to the multiple levels of assessment required in developing argumentative procedures and constructing forums for managing argument. The next steps should consider how argumentative models articulate with social contexts and how types of argumentative activity are forms of collective identity. The validity of a set of procedures depends on whether it works and whether people use it as intended.

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ISSA Proceedings 1998 - Framing Blame And Managing Accountability To Pragma- Dialectical Principles In Congressional Testimony



On July 7, 1987, Marine Lieutenant Colonel Oliver L. North appeared before the Select Committee of the United States Congress investigating the Iran-Contra affair. The name Iran-Contra refers to a two pronged initiative conducted covertly by the National Security Council[i] (NSC) to (a) sell weapon systems to Iran in

exchange for the release of Americans taken hostage by fundamentalist Islamic groups in Lebanon, and (b) divert profits from these weapons transaction in support of the Contra rebel resistance movement fighting the Sandinista government in Nicaragua. North served on the staff of the NSC and was the individual widely thought to be responsible for many of the covert activities under investigation by the select committee (*Newsweek*, January 19, 1987: 17).

Congressional Hearings have as their ostensible goal the uncovering of “truth.” This occurs in part through unmasking and making public the various acts and activities of individuals and organizations of interest to the American government and people.

This truth oriented goal is identified in the observations provided by two members serving on the Select Committee conducting the Iran-Contra hearings, Congressman Bill McCollum (R-Florida) and Senator Paul S. Sarbanes (D-Maryland). Their commentary occurred on the last day of the initial questioning of North by the attorneys for the Select Committee.

Example A: 324-325

01 McClm: Their job, I thought, in my opinion, whether it's Senate counsel or House counsel, is to bring out facts, not to give positions, not to slant biases. And I think Mr. Liman has been going through a whole pattern of biased questions today. He has done some of that in the past, but it has been particularly egregious this morning.

04 Sarb: 'And I think the witnesses that come before us come here in order to help us to get at the truth...But, I think Counsel's questioning has been reasonable and tough, but it's been within proper parameters... it's a responsibility of Counsel and of the members of this committee to press the witnesses very hard to find out the truth in this matter.

These remarks in the participant's own voices highlight several important aspects of congressional hearings. First, the publicly stated goal of such hearings is to bring the facts or “truth” into public view. Second, there are at least two participants who occupy different roles. A questioner presents questions to respondents who provide answers. Participants in the hearing process share the responsibility for getting facts or truth of a matter into the open. With this responsibility comes accountability on the part of each participant to the process. In example A, McCollum asserts the function of the questioner is to uncover facts, the questioners being in this case the legal counsels for the Select Committee

who performed the majority of the questioning of Colonel North and other witnesses.

Sarbanes represents the function of the hearings as “to get at the truth.” Witnesses, occupying the role of answerer, participate in order to help uncover the truth.

1. The Problem

While serving to illuminate underlying assumptions, the metacommentary between McCollum and Sarbanes presents a sharp contrast in the characterization of the questioning being done by the legal counsel to the Senate side of the Select Committee, Arthur Liman. McCollum is accusing Liman of asking questions that are slanted or biased. These question asking tactics deviate from the ideal of fact finding. Sarbanes presents a very different accounting of Liman’s actions by characterizing his questions as ‘reasonable and tough.’ The manner of questioning is subordinated to the need and responsibility for getting at the truth.

Quine (1960) presents the problem of indeterminacy as the potential for different systems of translation to co-exist, each system being capable of producing a complete and useful interpretation that is different from those provided by other systems. In our example, however, both McCollum and Sarbanes appear to be orienting to the same interpretive framework in their remarks yet they also derive very different evaluations as to the conduct of the questioning.

This indeterminacy creates two problems for the inquiry process.

First, how can we determine what system is guiding the interpretation of discourse in the face of many possible systems?

Second, how does the same system of interpretation produce diametrically opposing interpretations of an act or actions?

This work approaches these questions from a pragma-dialectical perspective in suggesting congressional testimony is guided by a blend of Gricean pragmatics combined with an argumentative dialectic. Particular structural features inherent in this system of interpretation provide opportunities within the dialectic process for participants to demonstrate accountability to the process while challenging the accountability of others. A specific feature of the Gricean system, generating conversational implicatures from maxim violations provides participants with the

resources to construct incommensurable positions that serve to thwart the ability to arrive at a decision as to which facts will be accepted. The procedures designed to arrive at critically examined outcomes carries within it the seeds of its own disruption.

2. The Inquiry Process

The Gricean system and pragma-dialectics will be described followed by examination of meta-commentary illustrating the orientation of players to these principles and how accountability to the process is pushed via interpretation of the conversational maxims.

A series of extended examples highlighting moves of the participants in the creation of incommensurable positions is presented towards the end of the paper to show the interpretive problem potential inherent in the pragmatics of the process.

Perhaps the most common discourse mechanism employed to uncover facts is the question-answer dialogue (Walton, 1989) of the kind used in courts and other arenas where testimony is sought, probed, and evaluated. This dialogue is a form of dialectic involving a questioner and a respondent. The goal of the dialectic is for the participants to exchange questions and answers on a topic until the truth is uncovered. By truth, we do not mean an a-priori set of assumptions existing independently of the participants. Rather, the notion of truth is treated here as a set of socially constructed and negotiated premises which become accepted, though perhaps reluctantly by some co-constructors, as the explanation or account that is to be privileged.

The value placed upon truth obtained from discourse depends in part on the applicability of the interpretation beyond the discourse space in which it was derived as well as on the quality of the mechanisms used to construct the truth.

This interpretive probing and testing of facts is an activity well suited to the pragma-dialectic approach to argumentation (van Eemeren & Grootendorst, 1992; 1994). Pragma-dialectics views argumentation as a type of critical discussion between interlocutors.

Standpoints or substantive positions held by each participant are identified through exchanges between the participants. Each standpoint or position must be adequately defended if it is to achieve privileged status. The privileged status of

acceptance held by any given standpoint is subject to immediate challenge at any time. A standpoint loses privileged status upon failure of the proffered defence.

The idealized nature of the question-answer dialectic holds that questions and responses should be free from bias. Thus, arguments should not be made in favor of a motivated position held by either participant. The participants should not bring already formed standpoints to the dialectic process. Yet, the underlying presuppositions of speech acts are subject to argumentative testing much in the same way that pragma-dialectics engages in the evaluation of standpoints. As the question-answer dialectic proceeds certain speech acts are retained and take on the force of standpoints which become accepted as having factual status.

The facts or truth of the matter become those items agreed to by the participants as the facts most tenable in the face of counter reasoning (van Eemeren, Grootendorst, & Snoeck-Henkemans, 1996: 55) introduced during dialectical engagement by the participants.

The pragma-dialectical approach sets forth specific rules for the conduct of critical discussions. Critical discussions, like many other forms of goal oriented discourse, however, can be seen as orienting to a more abstract set of guidelines which underlie and motivate communicative interaction. The "Principle of Communication" set forth by van Eemeren and Grootendorst (1992: 50) requires interactants to "be clear, honest, efficient, and to the point." The Principle of Communication is a restatement of the Cooperative Principle (CP) and Conversational Maxims set forth by Grice (1975: 45). The CP requires speakers to make their conversational contributions "such as is required, at the stage in which it occurs, by the accepted purpose or direction of the talk exchange in which [they] are engaged." The CP in conjunction with four Conversational Maxims of Quality, Quantity, Relation, and Manner functions as an interpretive system for evaluating the communicative contribution of any utterance.

The *Quality Maxim* requires speakers to say what is true.

Speakers should not say that which they know to be false and should have adequate evidence for what they do say. The *Quantity Maxim* requires speakers to provide as much information as is necessary (for the purposes of the exchange) but speakers should not provide more information than is necessary. The *Relation Maxim* requires speakers to be relevant. The *Manner Maxim* deals with how something is said.

Speakers are expected to say things in ways that are clear, efficient, orderly, and to the point. They should avoid ambiguity and obscurity of expression. Speakers and their contributions are presumed to adhere to the CP and Conversational Maxims. Grice's pragmatic point in positing such a system is not that speakers follow the CP and Maxims exactly. Much of our discourse appears to be disorderly and uncooperative (van Eemeren, Grootendorst, Jackson, & Jacobs, 1993) on the surface. When confronted by discourse that appears to violate the CP and Maxim(s), participants in the conversation need to reconstruct an interpretation of the conversational contribution which preserves as many of the Maxims as possible. The resulting interpretation is a conversational implicature.

There are four ways in which the Maxims can be violated.

Quiet and unostentatious violations are done when speakers hide their violations such as in deception. Opting out is when speakers choose to withdraw from cooperative interaction such as in refusing to answer any more questions. A clash between maxims occurs when the demands of one maxim compete with the demands of another maxim. This is the sort of problem where a speaker has to be either over or under informative (violate Quantity) in order to say only that which is believed to be true (preserve Quality).

Finally, flouts are blatant attempts by speakers to violate the maxims for reasons other than unostentatious violations, opting out, or clashes. Deceptive violations, when uncovered, carry a presumption of uncooperativeness by the speaker. Opting out and clashes between maxims suggest their own built in interpretations. Flouts require the hearer to generate conversational implicatures as to the nature of the violation.

The CP and Maxims provides a flexible system for interpreting and evaluating the information value of a given utterance in that the maxims are considered in relationship to the purposes or goals of the talk exchange. The flexibility of this system is apparent in its application to the question-answer dialectic of congressional testimony.

While all of the participants are accountable to the CP and Maxims, what constitutes accountability to the maxims is considered in relationship to the types of contributions expected from the participants. For instance, the Quality Maxim as envisioned by Grice applies to assertives. Question asking in the dialectic is used to test whether the presuppositions that motivate the question are true or not. These presuppositions come from prior assertions made by the respondent. It

is up to the respondent to ensure the responses are true or there is sufficient reason to believe the response is true.

At the same time, the motives of the questioner can be called into question under the quality maxim if the question is biased or favoring a particular interpretation. The quality maxim functions in this sense much like a sincerity principle.

The Quantity Maxim functions as an efficiency condition. Applied to questioners, this maxim would require questioners to ask only questions which the answer is not known. Previously asked questions should not be recycled if an adequate response has been provided. Questioners are also responsible for asking questions that will ensure the obtaining of information to uncover the truth. Respondents are required to provide sufficient information in their answer.

The preference for agreement between the response and previous speech act is such that responses should address the requirements set forth by the previous speech act (van Eemeren & Grootendorst, 1992; Sacks, Schegloff, & Jefferson, 1975).

The Relation Maxim is a restatement of the ideas contained in the CP. This reformulation of the CP emphasizes the need for contributions to relate meaningfully at either the global or local level (Tracy, 1984). Questioners are accountable to the global level in that questions need to have a visible connection to a higher order goal or purpose (Jacobs & Jackson, 1992). Questioners have considerable latitude in the question-answer dialectic as to what counts in terms of local relevance. Questions can be put before the respondent in any desired order and the questioner has a choice as to which questions get inserted into the discourse space, in accord with the need to get at the truth. Responses are restricted at the local level to the immediate functional demands of the prior response.

The response has to answer the question. Finally, the Manner Maxim requires both questions and answers to be straightforward, unambiguous, and to the point.

To represent congressional hearings as functioning solely to uncover truth is to be politically naive. These hearings often become highly politicized affairs where questions of power and privilege are decided. In the Iran-Contra hearings, issues included possible violations of the Constitution as well as partisan side taking along party lines. I have argued in other works that different language games are

conducted under cover of the dialectic (Aldrich, 1993; Aldrich, 1997). However, before decisions can be made as a result of hearings, a consensus has to be reached as to what is given the status of 'truth.' The establishment of this consensus is the function of dialectic. Since the CP is framed in terms of the dialectic or importance of getting at truth, the moves by each player become accountable to the dialectic.

3. Orientations To The Process

It can be very difficult to determine which particular system of interpretation is in effect given the problem of indeterminacy and competing argumentation schemes (van Eemeren, Grootendorst, & Snoeck-Henkemans, 1996: 291). Meta-communication or talk about talk (Watzlawick, Bavelis, & Jackson, 1967) provides one means by which underlying interpretive systems can be identified.

Such meta-communication can take the form of explicit discussion of the rules to be followed (as is often done by committees prior to the start of hearings) or be found in remedial talk (Goffman, 1971) used to repair hitches in the flow of discourse. The Iran-Contra hearings generally, and the testimony of Colonel North specifically, provide a rich source of meta-commentary about the conduct of the hearing process and the type of interpretive system in use. This orientation can be seen in the following examples taken from the testimony of North before the select committee. The public goal of congressional inquiry is to uncover facts or truth. The questioner claims this dialectical goal as the main function of the hearings in example B while the respondent claims personal orientation to this goal in example C.

Example B: p.10

Nields: And it is a principal purpose of these hearings to replace secrecy and deception with disclosure and truth. And that's one of the reasons we have called you here, sir.

Example C: p.26

Liman: Now, do you recall - and I don't want to belabor this, believe me, but we have to get facts.

North: I am here to give you the facts, Counsel.

These assertions found in the meta commentary about the discourse do more than simply support the claim that a truth oriented dialectic language game is in play,

they function as pragmatic resources through which each participant can account for his own moves in relationship to the standards of the dialectic process.

In example C, Liman claims fact finding as his goal. His move also contains a rationale for his questioning tactics. Questioners are expected to ask questions which move the dialogue forward and orient towards higher order purposes. Asking questions about topics previously covered or staying too long in any one area of inquiry can be interpreted as violating the Relation and/or Manner maxims. Liman's move functions to pre-empt potential charges of uncooperativeness in the way he is conducting his questioning of North by highlighting the overall point behind his actions.

With fact finding as the principle goal of the question-answer dialectic, questioners are responsible for asking questions which function to help the respondent get facts out onto the table. The types of facts obtained depend in large part upon the conduct of the questioning.

The questioner has the requirement to ask relevant questions and to not miss anything which should be asked.

Example D: p.97

Nields: I want to make sure that I have asked all the questions that are important to ask.

4. Interpreting The Process

Both the questioner and respondent are accountable to the ideals of the CP and normative set of pragma-dialectical rules. The next few examples highlight both the types of framing available to participants in declaring adherence to the principles as well as problems of accountability to these principles. Counsel for the House of Representatives, John Nields presents a benign framing of his use of questions to help North get information out on the table.

Example E: p.65

Nields: I understand that, and we appreciate your testimony, and I'm going to continue to ask questions to see whether it jogs any other recollections.

This type of self presentation (Goffman, 1959) is consistent with the Quality Maxim in framing the questioning as being sincere, and with the Relation Maxim in making the higher order purpose visible of getting the available facts out into

the open. This type of formulation is also very consistent with the rules for critical discussion (van Eemeren & Grootendorst, 1992) in terms of seeking all available information.

The above formulation by Nields is in stark contrast to the ad hominem attack used by Arthur Liman in response to North's persistent inability to recall specific events.

Example F: p.252

North: That is certainly my recollection. If we could just go to that -

Liman: I'm going to come to it in more detail later, but if you have something that you want to say now, you better say it while you remember it.

North: Unkind.

Liman exercises his control of the discourse space by shifting his line of questioning from one subject to another. His move also implies North has a poor memory. Reduced availability of information is a problem for a dialectical process that is so information dependent. Liman's move also has a flavor of blame imbedded in it for this is the type of move which could be used to question the overall cooperativeness of a respondent. A pronounced series of memory lapses can be characterized as opting out of the discourse space through omission rather than commission.

Deviations from the ideals of the CP and pragma dialectic principles provide grounds for substantive challenges on the part of participants. At the same time, committing fallacious moves in response to perceived violations doesn't help the player in terms of his own accountability to pragma dialectical procedures. Liman attempts a subsequent move to repair some of this damage to his own position.

Example G: p.401

Liman: Did Mr. Sullivan refresh your recollection, where you want to add to the answer, because I'm not saying that in criticism. I am saying that so that if there is something that should be added to this record, it should be added.

Sullivan: Next question, Mr. Liman.

Liman makes a much more direct orientation to the goal of getting maximal information out into the open in a way similar to Nields' tactics already discussed. That this response seems to pander to the ideals of the dialectical process is apparent in Sullivan's curt response and the knowledge that this move followed a

series of lengthy and acrid exchanges between Liman and Sullivan as to North's need for having his memory refreshed with constant input from Sullivan and the notebooks containing evidence. The point is not to question the sincerity with which each player is making moves in a dialectical discourse space, but to show the orientation of each player to the ideals of the process through their meta-commentary.

The questioner has considerable power due to his position in the Q-A dialectic relative to the answerer. Questioners get to set the pace of questions as well as choosing which questions to ask and when to ask them. Examples H and J are responses from the chair of the select committee, Senator Daniel Inouye (D-Hawaii) to charges by Sullivan that the questioner is not allowing North to respond adequately to the question.

Example H: p.115

Sullivan: Could counsel please permit the witness to finish his answer and not to interrupt him in mid-answer.

Inouye: The counsel may decide the pace, sir.

Example J: p.134

Inouye: We will proceed in the fashion we wish to.

Up to this point a claim has been made that congressional hearings orient towards a question-answer dialectic in which the declared goal or point of the process is to uncover truth. This process imposes certain standards for evaluation of the informative contributions of the participants through the CP and Conversational Maxims combined with the pragma-dialectical rules for critical discussion.

These orientations are apparent in the meta commentary provided to us by the participants in the testimony of Colonel North before Congress.

Also apparent in some of these examples is a blaming quality as the participants challenge the accountability of each other's moves to the ideals of the dialectal process. If moves are found lacking in terms of their dialectical appropriateness, any information produced by the defective moves itself becomes defective. Both the questioner and respondent have access to the underlying pragmatics of the dialectic. Each side makes strategic use of the pragmatics in holding the other side accountable to the process.

The primary questioners, Niels and Liman, view North's contributions to the discourse as being less than responsive to the questions. In fact, they point towards what they feel is overt uncooperativeness on the part of North and his attorney, Brendan Sullivan. This amounts to opting out. North and Sullivan take a different orientation in regards to the pragmatic principles. North's moves have the flavor of under informativeness on the one hand and over informativeness on the other. North can claim this as resulting from a clash between the demands of the Quality Maxim to tell the truth and the Quantity Maxim of providing sufficient information. North and Sullivan move to make the claims of clash between these maxims explicit to the questioner and audience of the hearings.

Example K: p.18

01 Niels: And, the President was then suffering domestic political damage, was he not, as a result of the publicity surrounding the Iranian arms mission?

02 North: Well, I - you'll have to leave that assessment to the political pundits. My concern -

03 Niels: No, I'm asking you.

04 North: You're asking what?

In turn 01, Niels asks whether North believed President Reagan suffered harm from the public disclosure of the weapons transactions with Iran. North's response explicitly avoids answering the question in any fashion. North tries to opt out by deferring the question to 'political pundits' for assessment. In turn 03, Niels challenges North's move by explicitly identifying North as the target of the answer. Several turns later, Niels obtains a 'yes' response from North to this question.

Example L: p.254-255

01 Liman: And so that there were copies of the five [memoranda]

02 North: Exactly.

03 Liman: And, did you look over them, to see whose names were written on them?

04 North: I think we've already been through this once, counsel -

05 Liman: You said you didn't recall, and I'm asking you whether you looked.

06 North: I don't even remember looking. I remember, if there was something -

07 Liman: Well, you've answered it, then.

08 North: Yeah.

09 Liman: You've said you did not look, is that right?

10 Sulln: Would you like to answer the question, counsel, for him?

11 Liman: No, I'd like him to keep his answers to the questions.

And if it's - if that's the answer, then we ought to move on. Is that the answer that you did not look?

In turns 01 and 03, Liman questions North whether the memoranda requesting approval of the diversion of funds to support the Contras had names on them or not. Identification of a name would suggest someone higher in the Reagan administration than North possessed knowledge about the covert operations.

In turn 04, North challenges Liman's right to ask questions about an area that has already been discussed. In doing so, North calls into question the relevance of this line of questioning at the global level. Rather than taking up North's point, Liman asserts he is asking a different question than what North addressed. Liman claims relevance of his question by grounding it in the activity of whether North looked to see if there were names on the memos or not. There is a subtle shift here from North's memory (recall or no recall) to North's actions (looking or not looking). In turn 07, Liman acknowledges North's move in the previous turn as having answered the question. Liman moves yet again in turn 09 to reformulate the question so as to get an "on record" (Brown & Levinson, 1978) response from North that is directly responsive to the question. Sullivan offers a strenuous objection in turn 10. The implication here is that Liman is overreaching his dialectical ground as a questioner. Liman affirms the need to adhere to the Quantity Maxim and move the questioning forward if North has actually provided an on record answer to the question. Liman also asserts in turn 10 that it is the deficient responses that move beyond the pale of inquiry which motivates the recycling of questions.

Example M: p.128

01 Niels: And did you let them know how much the contra needed money for munitions?

02 North: I'd let them know how much the contra needed everything. The Nicaraguan freedom fighters were at a point where they were dying in the field under Soviet HIND helicopters -

03 Niels: And did you do that together with Spitz Channell? pardon?

04 Sulln: Let him finish please.

05 North: (to Mr. Niels): Pardon?

06 Sulln: I know you don't like the answer, but let him finish.

07 *Nields*: I like the answer fine. It was not responsive.

08 *Sulln*: Well fine, then let him answer.

09 *Nields*: He had finished answering the question.

10 *Sulln*: He had not finished answering or I wouldn't have raised the subject.

11 *Inouye*: Proceed.

12 *North*: I don't know whose turn it is Mr. Chairman.

Nields asks North an open-ended question in turn 01. North doesn't have to limit his answer to yes/no in order to be responsive. North tries to provide additional information about the effectiveness of Soviet attack helicopters against the Contra "freedom fighters."

Nields shuts down this attempt by interjecting another question in turn 03. Sullivan objects and asserts North should be allowed to complete his answer. In turn 07, Nields characterizes North's answer as being non responsive to the question. In reply to Sullivan's charge that North has not finished his answer, Nields states in turn 09 that North had finished answering the question.

The legal counsel for the select committee spent much of their time trying to hold North accountable to the CP and Maxims in terms of answers that were under informative by omission of details or non responsiveness to the question and answers that were overly informative in terms of providing information that moved beyond the scope of the question. In contrast, North, and his attorney Sullivan, spent much of their time objecting to the attempts to limit North's responses. Example O follows a 10 minute response by North to a question from Nields.

Example O: p.111

01 *Nields*: I think the only question had to do with price.

02 *North*: I know it has to do with price.

03 *Nields*: I think the only question had to do with price.

04 *Sulln*: Mr. Nields, Mr. Chairman, if the witness believes that something is related to the subject matter of the question he should be permitted to answer.

05 *Inouye*: The question related to price and I hope that the witness will respond to the question.

06 *North*: Mr. Chairman, I tried to respond to the question of price.

In turn 01, Nields highlights the non-responsiveness of North's answer by stating the only question being asked was price. This move suggests that North answered

other 'non' questions in his response. Niels adds additional emphasis to the dialectical shortcomings of North's response through repeating his assertion in turn 03.

Sullivan's objection in turn 04 explicitly affirms the importance of allowing additional information to be expressed if the witness sees some sort of connection or relevance to the subject matter. In referring to subject matter, Sullivan is pushing for the global relevance of the Relation Maxim to be extended to replies to questions. Such an interpretation would allow answers that move beyond the local relevance to the preceding question. This would also allow overly informative answers to the local question to be supported on the basis of a higher order relevance. North asserts in the face of Inouye's objection that North has indeed responded to the question.

The quantity violations of North's lengthy replies invoked the characterization of speeches by both counsels for the select committee and the committee chair.

Example P: p.172

Inouye: I believe we have been extremely sensitive to your client. I believe the record will show that we have not objected to unresponsive answers. Many questions that could have been easily answered by a simple yes or no have taken 15 minutes and the Chair has not interrupted. We have permitted speeches to be made here.

The final example provides the clearest interpretation on the part of North and Sullivan that a clash between maxims is the underlying reason for the quantity of North's responses to questions. Sullivan asserts this is done not for the purposes of giving speeches. Rather, North has to violate quantity through lengthy answers in order for the truth to be told.

Example Q: p.184

Inouye: But as far as I'm concerned, it was a very lengthy statement. Some people consider lengthy statements to be speeches. Counsel, proceed.

Niels: I'm perfectly happy to use the expression "lengthy statements."

You've made several lengthy statements to the committee on the subject of covert operations.

Sullivan: How about using "lengthy answer" - in order for him to get the truth before the committee?

5. Conclusion

The congressional hearing process claims an orientation to a pragma-dialectically based process of fact finding inquiry. These claims and the pragmatic structure can be found in the meta commentary obtained from the participants in these hearings. The pragmatic structure of the Gricean pragmatics provide resources for each participant to anchor their deviations from the pragma-dialectic ideals as either having to push witnesses hard lest these witnesses opt out or having to provide informationally deficient responses through claiming a clash between the maxims of Quality and Quantity.

The Conversational Maxims can be used to create an interpretive impasse to shut down the dialectical process all together. A common feature of many of the alleged violations of the Maxims is the way in which the violations are committed. How something is said is an issue for the Manner Maxims (Grice, 1975). Quality violations, particularly those occurring through omission rather than commission, can be repaired by changing the way in which something is said. Violations of Quantity are also for the most part violations of Manner. Responses that are under informative are often responses that have ambiguous features or use obscurity of expressions. Responses that are over informative can be pushed towards brevity. Opting out is of course brevity taken to the extreme condition.

The ideal system has to consider both informational content and contribution. Monitoring the manner of discourse is one activity which judges are responsible for in court rooms. What counts as acceptable questions and answers are much more limited and defined. Congressional hearings seek a broader latitude of discourse but with this latitude comes procedural opportunities that highly skilled users of language can exploit. Pragma-dialectics, as a system for evaluating discourse, needs to take into account how information is communicated (Aldrich & Jacobs, 1997) as well as what gets communicated. Only then can the latitude of discourse be satisfactorily addressed.

NOTES

[i] The National Security Council advises the President of the United States on issues concerning security and strategic planning.

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ISSA Proceedings 1998 - The Argument Ad Hominem In An Interactional Perspective



My general contention is that *argument ad hominem* can be viewed as an integral part of ordinary argumentation, and more specifically, of polemical discussions and debates. Departing from the definition of ad hominem as an informal fallacy, this paper analyzes it as a component of the argumentative interaction between orator, addressee and opponent. It draws on a few contemporary theories stressing the importance of rhetorical interaction rather than of mere logical validity. In this framework, argument ad hominem is examined in relation both to the status and to the image (*ethos*) of the opponent and of the proponent.

I will try to briefly outline this approach while discussing its main sources, in particular van Eemeren and Grootendorst's pragma-dialectical treatment of the argument ad hominem, and Brinton's "ethotic argument". Theoretical principles will then be exemplified by a case study, namely, Julien Benda's open letter to Romain Rolland, which is a protest against Rolland's appeal for understanding and peace during World War I.

Argument ad hominem: a short theoretical survey

As emphasized in historical surveys of the notion (Hamblin 1970, van Eemeren & Grootendorst 1993, Nuchelmans 1993), the expression argument ad hominem refers to various argumentative phenomena that have to be sorted out before proceeding to any further reflection. The main distinction is the one clearly drawn by Gabriel Nuchelmans between arguments *ex concessis* "based on propositions which have been conceded by the adversary" (1993:38), and proofs or refutation focussing on the person rather than on the matter of the case. In order to avoid confusion, the latter has sometimes been called *argumentum ad personam* (Perelman and Olbrechts-Tyteca 1970). We shall however stick to the argumentum ad hominem as an argument directed toward the person of the

speaker (and not as a premiss admitted by a specific audience).

“According to modern tradition an argument ad hominem is committed when a case is argued not on its merits but by analysing (usually unfavourably) the motives or background of its supporters or opponents” (Hamblin 1970:41). In Copi’s words:

“Whenever the person to whom an argument is directed (the respondent) finds fault with the arguer and concludes that the argument is defective, he or she commits the ad hominem fallacy” (Copi 1992:127).

Roughly speaking, there are three main contemporary approaches to the study of argument ad hominem: logic, pragma-dialectic and rhetoric.

The logico-centric approach has until now dominated the whole field; its main issue is the logical validity and relevance of an argument bearing on the person of the opponent rather than on his argument *per se*. Argument ad hominem has thus been examined in the framework of the standard treatment of fallacies, where it acquired a pejorative meaning. Nuchelmans points out that already in the 17th and 18th centuries, it was undermined as a false logical move (1993:46). Commenting 20th century approaches, van Eemeren and Grootendorst quote Sellar’s definition in 1917 of ad hominem as a fallacy: *“In this fallacy the argument is directed against the character of the man who is the opponent instead of adhering to its proper task of proving the point at issue”* (1993:53). It is often considered that *“the personal or moral character of a man has nothing whatever to do with the correctness or incorrectness of the arguments he advances”* (Rescher 1964:81 in van Eemeren 1993:56). Numerous studies, however, dealt with the question of the acceptability of arguments ad hominem, checking to what extent and under which conditions they might be relevant and logically valid.

Like many others, Woods and Walton developed the view that arguments ad hominem can be perfectly acceptable (Woods and Walton, 1977; Walton, 1985; 1987). In his book on emotions, D.Walton even claims that the “intensifying of personal involvement in a discussion” and the “heightening of emotions” brought about by arguments ad hominem have nothing reprehensible in themselves. The problem is that “the personal attack argument [...] is typically associated with the quarrel as a type of dialogue” (1992:215). It thus threatens to bring about an illicit dialectical shift from one context of dialogue to another, deteriorated, one. This does not imply that the ad hominem should be eliminated - only that the

emotional overtones of the personalization have to be kept within safe boundaries. In short, the ad hominem can be viewed as positive on the grounds of a theory that not only distinguishes between different uses of the informal fallacy, but also gives *pathos* a legitimate role in argumentative discourse.

Van Eemeren and Grootendorst's pragma-dialectic approach keeps the notion of fallacy while abandoning altogether the standard logical treatment and suggesting other criteria of evaluation. Conceiving of argumentation as "a verbal and social activity of reason aimed at increasing (or decreasing) the acceptability of a controversial standpoint to the listener or reader" (1996:5), pragma-dialectic emphasizes the interactional nature of argumentation.

"Putting forward a constellation of propositions intended to justify (or refute) the standpoint before a rational judge", argumentation according to this view aims at the rational resolution of conflicts.

Therefore, it is subordinated to cooperation rules that ensure the possibility of the persuasion enterprise. In the pragma-dialectical perspective, an informal fallacy occurs when some rules of discussion (drawing on Grice's cooperation principles) are violated. Argumentum ad hominem in all its varieties is a fallacy insofar as it violates an essential rule of the discussion:

"Parties must not prevent each other from advancing standpoints or casting doubts on standpoints" (1992:108). The underlying assumption is that the expression of differences must be fully allowed in the confrontation stage preceding the resolution. Therefore, "a personal attack on one's opponent is another attempt to eliminate him as a serious partner in the discussion by eliminating his right to advance a standpoint" (1992:110). In all the variants of an argument ad hominem, the question is *"whether a party's comments are calculated to undermine the other party's position as a credible discussion partner"* (1992b:154).

In this approach based on speech-act theory and discourse analysis, the authors provide a normative framework where the argument ad hominem is evaluated on the basis of its role in a verbal exchange between rational participants. The issue is no more the contribution of ad hominem to logical reasoning, but its role in the interrelation developed in the discourse between the participants of the argumentative interaction. However, van Eemeren and Grootendorst still keep the notion of fallacy as well as a negative view of the ad hominem. I would like to examine to what extent the interactional framework they provide can bring about

a more positive appreciation of ad hominem argumentative validity.

The basis for such a theory is to be found in Alan Brinton's studies on argumentum ad hominem from a rhetorical point of view.

"Taking a rhetorical, rather than a strictly logical, view of the ad hominem will involve going beyond thinking just in terms of the appeal to logos". (1985:54).

Rather than emphasizing the emotional appeal of argument ad hominem, or pathos, Brinton connects it to *ethos*. The central role played by the person of the orator in ancient rhetoric makes it clear that his credentials can legitimately be checked or questioned. In this perspective the argument ad hominem is not a fallacy, but a perfectly valid argument, provided it is supported by factual claims showing that the speaker *"lacks moral authority on the question at hand, is not really committed to good deliberation or careful thinking in this case on account of ulterior motives, does not really share values or beliefs or principles which are presupposed in this context, or otherwise is deficient in ethos"* (Brinton 1985:56). Reasonable attacks on ethos are in Brinton's views good and fitting ad hominem. In contrast with logic relevance, however, ethotic relevance can be established only in relation to a particular case, as is shown by Brinton's analysis of a few modern and ancient examples.

Arguments ad hominem and ethos in an interactional perspective

This quick survey has yielded three important conclusions that can be used as points of departure for a description of the argument ad hominem constructive functions.

1. Argument ad hominem does not have to be analyzed in the field of logic, and of logos, as a fallacy (or, for the matter, as a non-fallacy).
2. The analysis of argument ad hominem has to be carried out in an interactional framework where the exchange between the participants and not the reasoning in itself is decisive.
3. Argument ad hominem can be analyzed in the rhetorical perspective as a valuable instrument of persuasion related not only to logos and pathos, but mainly to ethos (what Brinton calls the *"ethotic argument"*, 1986).

In the framework of these assumptions, I would like to outline an interactional model of analysis for the argument ad hominem based on contemporary views both of discursive ethos and of argumentative interaction (Amossy in press b).

If we define argumentative discourse as an interaction in the course of which an

orator uses verbal strategies in order to make the audience adhere to his thesis, it follows that the relation built by the discourse between orator and audience is crucial.

Perelman's new rhetoric emphasizes the fact that argumentation is a communicative process in which the orator has to take his audience into account by actually building an image of it. In this sense, the audience is always a fiction, even though in practice it is important that this fiction be not too far from reality. Just as the orator builds in his discourse an image of the audience he is addressing, he builds an image of himself. Or rather his speech is intended at strengthening or correcting the previous image he thinks his audience has of him when he sets out to address it. The final result of the persuasion attempt is partly dependent on the speaker's ability to create the right impression. Such is at least the assumption underlying the Aristotelian notion of *ethos*, which is acknowledged but rather underdeveloped in Perelman's new rhetoric. Seeing argumentation as an interaction aimed at persuasion calls for a strong emphasis on the interrelation between two images built in the discourse, the speaker's and the audience's. *Argument ad hominem* plays a role in this interaction only when the polemical nature of argumentation is brought to the fore.

The dynamics of the process then involve three, and not two, participants: the proponent, the opponent, and the audience.

Christian Plantin rightly describes rhetorical and dialectical approaches as interactive, the first focussing on the relation between orator and audience, the second on the relation between proponent and opponent (Plantin, 1996). He points out that proponent and opponent do not have to be actual persons: they can be roughly defined as discourse and counter-discourse, attributed to a diffuse instance (the press, for example) or to an individual. In order to take into account both the opponent and the audience, Plantin suggests a tripartite model where argumentative interaction is defined as a situation of discursive confrontation in the course of which antagonistic answers to a question are built.

In the argumentative interaction, the opponent can be either the addressee, or the object of a refutation addressed at somebody else. *Argument ad hominem* can take place in both cases, provided the counter-discourse to be discredited is represented by an individual. When addressing his opponent, or when referring to his opponent in front of an audience, the speaker can attack his counter-discourse not only by refuting specific arguments, but by denouncing his credentials. He

then tries to undermine an opinion or a position by undermining the ethos of the person who expresses it.

To fully understand how ethos contributes to the force of the argument, one has to redefine it in light of contemporary discourse analysis and of the social sciences. Let us start with sociological considerations on the speaker's status. To be legitimate, any discourse has to be issued by a speaker entitled to pronounce it. The force of argument derives from the institutional position of the person who expresses it. In *Ce que parler veut dire*, Bourdieu has developed the thesis that no performative utterance can have any effect if it does not come from an authorized speaker, namely a speaker authorized to say what he says in what he calls social rituals.

Argumentative success thus depends on the relation between the proprieties of discourse, of the person uttering it and of the institution authorizing him to utter it (Bourdieu 1982:109-111). As a result, *ad hominem* can rightly bear on the speaker's position and social legitimation: it can question his right and capacity to forward a given argument.

Although van Eemeren and Grootendorst would blame this criticism on the basis of a rule of general cooperation stating that every participant has a right to fully express his viewpoint, one has to admit that argumentation functions in institutional frameworks where roles and hierarchies are not equally distributed. It is impossible to deny the authority of a position in a given field, as well as it would not be wise to overlook the lack of authority of a speaker who does not have the right position in the social ritual he engages in.

However, such an exterior position is not, in spite of Bourdieu's polemical stand on the matter, the only element to be taken into account about the orator. There is another dimension of his ethos, corresponding to Aristotle's definitions as well as to contemporary pragmatic definitions like the one provided by Ducrot's theory of polyphony (1984): it is discursive ethos, namely, the image of the speaker built by the speech itself. The argument *ad hominem* is directed toward the verbal presentation of self of the opponent and is *ipso facto* dialogical, in Bakhtine's sense of the word. It confronts within its limits two discursive images, the one the opponent elaborated of his own self in previous texts, and the one the proponent is building of him in reaction to it.

The prior discursive ethos of the opponent and the polemical counterpart built by the argument *ad hominem* are both individual and social. On the one hand, it is particular, referring to the specific image of his person built by the speaker on a

certain occasion. On the other hand, this idiosyncratic representation always relies upon a collective pre-existing representation, an underlying stereotype (Amossy & Herschberg-Pierrot, 1996). My image as an intellectual depends on the stereotype of the intellectual in general, and of women intellectuals in particular, held in the collectivity my audience and myself are a part of. Thus the *ad hominem* may bear on these two dimensions: it can attack the individual, singular image or the collective model.

One tactic consists of claiming that the real person does not correspond to the individual image or the positive stereotype she is giving of herself (she is not the intelligent, learned person, or the true intellectual she pretends to be). Other tactics reject the legitimacy of the model (scorning women intellectuals) or call for another definition of the stereotype (like a woman intellectual is not someone who delivers papers at conferences, but someone who is active in political issues). In doing so, the speaker has to take into account the premisses of his audience to make sure that his attack on the adversary will hit the goal. On the other hand, denunciation of the opponent's ethos implies a construction of the proponent's ethos. If I attack an opponent who denies me the right to compete with him for a job by claiming that he is afflicted with a macho personality leading to the elimination of career women, I rely on the audience's acquaintance and acceptance of the male chauvinist stereotype. At the same time, I present myself as a convinced feminist and a person aware of her rights and ready to fight for them.

This analysis of the different elements building up ethos presents *ad hominem* as a criticism of the orator's right and capacity to influence his audience either by denouncing the opponent's usurped stand in a given context, or by attacking his verbal image and the stereotype underlying it.

A case study: Julien Benda's open letter to Romain Rolland

Let us take an example from the polemical exchange between French intellectuals and Romain Rolland during World War I. On February 19, 1916, Julien Benda joined the chorus against the pacifist positions expressed in Rolland's *Au-dessus de la mêlée* (*Above the battlefield*) in a polemical article published in the newspaper *L'Opinion*(**i**). Like his predecessors from both right and left wing, Benda widely used arguments *ad hominem* to denigrate the isolated defender of peace. From the traditional vantage-point, we can find in his text all the sub-categories of the *ad hominem*. Benda uses the *tu quoque*: he accuses Rolland of

acting like the thinkers he attacks for sticking to a position once they have chosen it in spite of facts and proves. He adds the *circumstantial ad hominem*: if the author of *Jean-Christophe*, an advocate of French-German reconciliation, is so faithful to a flawed stance it is because he is interested in the triumph of a position that ensures his own prestige: “a man of letters does not easily let go what has made during twenty years his reputation and his fortune” (Benda 1917:273). Benda also takes advantage of the personal ad hominem, accusing Romain Rolland of being endowed with little intelligence and denouncing his rare incapacity of holding any idea without confusing it with others more or less close to it. Julien Benda thus participates in the violent campaign launched against Romain Rolland in France, which provides an endless reservoir of examples for advocates of ad hominem (Amossy, in press).

What I would like to outline here is the dynamics of imagebuilding underlying the arguments ad hominem in Benda’s text. Let us first point out that this text is an “open letter”, distributing the roles according to the scenography (Maingueneau, 1993) of the genre. A speaker in the first person (“I”) addresses his opponent while actually trying to convince not the addressee (“you”), but a third party, the readers of the newspaper to whom the letter is directed.

The contents of Romain Rolland’s *Au-dessus de la mêlée* (1915) are well-known. Rolland denounced the failure of the intelligentsia as well as of the socialists and the Church to defend the values of Western civilization and save Europe from destruction. He presents himself as an intellectual faithful to his mission and ready to defend the truth even against the general consensus. The reaction of French intellectuals united in the famous Union sacrée was unanimous: *violently attacking their opponent, they presented an image of the pacifist writer very different from the one he builds in his own discourse.*

To refute Rolland’s pacifist and humanist claims, Benda resorts without hesitation to ad hominem attacks. He tries to delegitimize the person of the author on different levels. First of all, he questions his authority to judge matters of European conflicts by referring to his stand in the field. Rolland was not writing in any official capacity, nor did he have any mandate to speak in the middle of an international crisis. His only justification was his duty as an intellectual called upon to denounce official propanganda and to interfere in public affairs when human values are at stake (Amossy, 1996).

Thus Benda sets out to demonstrate that his opponent does not have the authority

of the intellectual, nor the experience and knowledge needed to fulfil this role; last but not least, he claims that his right to speak is an usurped one, shamelessly bestowed by Rolland upon himself. In other words, the writer is not fit to hold the skeptron which he has taken without any authorization.

To make his point, Benda presents Romain Rolland not as an intellectual called upon to guide his fellowmen, but as a poet who has no ability to judge public affairs. *“And I know that virtues of the intellect have nothing to do with the bard; but we would like to see a bard present himself as a bard, and not as Truth coming to enlighten the world”* (Benda 1917: 276). In other words, the speaker has no authority to express himself in a genre in which he is not trained and has no skills. He should stick to his own stand in the literary field, which is that of a poet capable of lyricism but not of spiritual and intellectual guidance in human affairs.

The ad hominem thus aims at depriving the speaker of the right to influence people on political and public matters that are not in the realm of his specialty or responsibility. Julien Benda contrasts the figure of the poet with the figure of the historian, who is at least a specialist in questions of relationships between nations.

Should I confess it? Your quiet seizure of the function of judge of the States astounds me, in spite of the Olympian poses to which men of letters have accustomed us during the last twenty years...[...] Strangely enough [...] few persons ask themselves why [this function] suits you, how the role of estimating responsibilities in such a matter – at most acceptable concerning those who grew old in the study of conflicts between peoples, like Ranke or Lavisse – suits a man who has no other stock of knowledge than his sensibility (Benda 1917:277-78).

Most of all, Benda attacks Rolland’s unquestioned pretension to confer upon himself a function he is not entitled to fulfil, having neither the institutional position nor the skills needed for it. To adopt Olympian poses is not enough to become superior. The condemnation does not spare other men of letters who consider themselves judges and arbiters in matters that have nothing to do with their own ability to interfere in public affairs. By denying Rolland recognition, Benda deprives his statements of their force and impact.

On another level, Julien Benda’s open letter attacks not the writer’s stand and external authority, but his image as an individual and an intellectual. The main purpose of this criticism on Rolland’s ethos is to show that his presentation of self

does not correspond to any reality. The letter thus sets out to demonstrate that the man is inferior in intelligence and unable of clear reasoning. There is a discrepancy between what he pretends to be and what he actually is.

This personal attack is entirely built around the stereotype of the intellectual, which keeps its positive values but undergoes a redefinition concerning the features attached to this category. The emphasis is put on the importance of pure intellect, strength of mind, capacity to avoid confusion - all qualities that according to Benda Romain Rolland lacks, not only because he pleads for intelligence of the heart and shows an unjustified contempt for pure reason, but also because his discourse shows the weakness of his reasoning.

Thus the flaws of the man prevent him from embodying the figure of the thinker and the analyst that he claims to be. In order to support his assertions, Benda provides critical comments on Rolland's arguments: his text confuses justice with love, and is unable to give relevant answers or arguments. The attack on the speaker's ethos gives here an opportunity to refute his points by showing that they do not answer the real questions. The article is, nonetheless, focussing on the person of the speaker more than on the content of his text.

A last attack is directed against the personality of the writer as an individual. Romain Rolland in his *Above the battlefield* protested against the call to hatred that was part of the national consensus, and tried to oppose humanist values of brotherhood to violent feelings of antagonism. Julien Benda ironizes on the superiority conferred upon such a moral character: "*your horror of hatred would give lessons to God himself; we can guess that Charlemagne's feelings for Ganelon [the traitor] would incur only blame from you...*" Thus Romain Rolland is presented as a "rascal angel", a moral character turned into a questionable one by his excessive magnitude. Moreover, the pacifist's appeal for mutual love and reconciliation is interpreted as a lack of fortitude.

According to Benda, Rolland is still admired by all those who, seeing in the "*condamnation of struggle a condemnation of victory*", find in it a consolation for their fate of eternal losers (Benda 1917:279). It is to be noticed that this portrait of Romain Rolland is in conformity with the stereotyped model of the pacifist as a defeatist lacking in moral strength and adopting positions on the verge of an absurd angelism. Incapable of real thought, deprived of reason, the opponent is also presented as a man with no moral strength.

Benda's letter, republished in a book entitled *Billets de Sirius* in 1917, is followed

by an answer attributed to a fictional character, Critias, who stresses with humor the reflexive game of ethos building.

Critias blames the epistolary writer for attacking his opponent in his intelligence and not in his moral character. He should have claimed that the adversary has stolen from his brother, murdered his sister, or at least that he was able to do so. *"You show he is lacking in method, criticism, respect of facts, education of the mind... This does not raise any interest."* (Benda 1917:281). It is thus the nature of the arguments ad hominem that is ill-founded.

The pseudo-Critias even claims that being without intellect does not undermine anybody nowadays, whereas by his insistence on intellect Benda builds a negative *ethos of himself*. *"It is eventually you that your letter presents as hateful"*: Benda's cult of reason is an insult for the audience, his insistence upon denouncing weakness of the mind and denying to sensitive souls the right to judge complicated matters constitutes a threat for everybody. Critias prophesizes that his correspondent's love of reason will lead him to a miserable lonely death: *"You will die alone and hated by everybody as a poor dog in a corner"* (1917:282). Benda thus provides a humorous criticism of the ethos the polemist builds when using arguments ad hominem against his opponent. By accusing his adversary of being a pseudo-intellectual and a bad logician, the speaker presents himself as a man devoted to intellect and logic. His description of his opponent's person, the values embodied in his criticism and the rhetorical modes of enunciation he uses provide a self-portrait intended to reinforce the speaker's authority. But he can do so only if the speaker takes into account the premisses and the values of his audience. Critias's or rather Benda's ironic criticism bears on the speaker's failure to build a faithful image of the audience, and thus to elaborate a negative image of his opponent and a corresponding positive image of himself. This failure threatens to deprive his argumentation built on argument ad hominem of all its persuasive effect.

Benda's text - and meta-text - thus display the dynamics of argumentative interaction where the speaker builds a negative image of his opponent on the basis of his audience's premisses and values.

It shows how this image-building of the other also builds an image of the self, which in turn contributes to the force of argument.

NOTE

i. I am indebted to Ms Judith Delpomme, who is currently completing a Phd on Julien Benda, the discovery of this extraordinary text. All translations into English

are my own

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ISSA Proceedings 1998 - Framing Blame And Managing Accountability To Pragmatic-Dialectical Principles In Congressional Testimony

✘ On July 7, 1987, Marine Lieutenant Colonel Oliver L. North appeared before the Select Committee of the United States Congress investigating the Iran-Contra affair. The name Iran-Contra refers to a two pronged initiative conducted covertly by the National Security Council[i] (NSC) to (a) sell weapon systems to Iran in exchange for the release of Americans taken hostage by fundamentalist Islamic groups in Lebanon, and (b) divert profits from these weapons transaction in support of the Contra rebel resistance movement fighting the Sandinista government in Nicaragua. North served on the staff of the NSC and was the individual widely thought to be responsible for many of the covert activities under

investigation by the select committee (*Newsweek*, January 19, 1987: 17).

Congressional Hearings have as their ostensible goal the uncovering of “truth.” This occurs in part through unmasking and making public the various acts and activities of individuals and organizations of interest to the American government and people.

This truth oriented goal is identified in the observations provided by two members serving on the Select Committee conducting the Iran-Contra hearings, Congressman Bill McCollum (R-Florida) and Senator Paul S. Sarbanes (D-Maryland). Their commentary occurred on the last day of the initial questioning of North by the attorneys for the Select Committee.

[Example A: 324-325]

01 *McCollum*: Their job, I thought, in my opinion, whether it’s Senate counsel or House counsel, is to bring out facts, not to give positions, not to slant biases. And I think Mr. Liman has been going through a whole pattern of biased questions today. He has done some of that in the past, but it has been particularly egregious this morning.

04 *Sarb*: And I think the witnesses that come before us come here in order to help us to get at the truth... But, I think Counsel’s questioning has been reasonable and tough, but it’s been within proper parameters... it’s a responsibility of Counsel and of the members of this committee to press the witnesses very hard to find out the truth in this matter.

These remarks in the participant’s own voices highlight several important aspects of congressional hearings. First, the publicly stated goal of such hearings is to bring the facts or “truth” into public view. Second, there are at least two participants who occupy different roles. A questioner presents questions to respondents who provide answers. Participants in the hearing process share the responsibility for getting facts or truth of a matter into the open. With this responsibility comes accountability on the part of each participant to the process. In example A, McCollum asserts the function of the questioner is to uncover facts, the questioners being in this case the legal counsels for the Select Committee who performed the majority of the questioning of Colonel North and other witnesses.

Sarbanes represents the function of the hearings as “to get at the truth.” Witnesses, occupying the role of answerer, participate in order to help uncover the truth.

1. The Problem

While serving to illuminate underlying assumptions, the metacommentary between McCollum and Sarbanes presents a sharp contrast in the characterization of the questioning being done by the legal counsel to the Senate side of the Select Committee, Arthur Liman. McCollum is accusing Liman of asking questions that are slanted or biased. These question asking tactics deviate from the ideal of fact finding. Sarbanes presents a very different accounting of Liman's actions by characterizing his questions as 'reasonable and tough.' The manner of questioning is subordinated to the need and responsibility for getting at the truth.

Quine (1960) presents the problem of indeterminacy as the potential for different systems of translation to co-exist, each system being capable of producing a complete and useful interpretation that is different from those provided by other systems. In our example, however, both McCollum and Sarbanes appear to be orienting to the same interpretive framework in their remarks yet they also derive very different evaluations as to the conduct of the questioning.

This indeterminacy creates two problems for the inquiry process.

First, how can we determine what system is guiding the interpretation of discourse in the face of many possible systems?

Second, how does the same system of interpretation produce diametrically opposing interpretations of an act or actions?

This work approaches these questions from a pragma-dialectical perspective in suggesting congressional testimony is guided by a blend of Gricean pragmatics combined with an argumentative dialectic. Particular structural features inherent in this system of interpretation provide opportunities within the dialectic process for participants to demonstrate accountability to the process while challenging the accountability of others. A specific feature of the Gricean system, generating conversational implicatures from maxim violations provides participants with the resources to construct incommensurable positions that serve to thwart the ability to arrive at a decision as to which facts will be accepted. The procedures designed to arrive at critically examined outcomes carries within it the seeds of its own disruption.

2. The Inquiry Process

The Gricean system and pragma-dialectics will be described followed by examination of meta-commentary illustrating the orientation of players to these

principles and how accountability to the process is pushed via interpretation of the conversational maxims.

A series of extended examples highlighting moves of the participants in the creation of incommensurable positions is presented towards the end of the paper to show the interpretive problem potential inherent in the pragmatics of the process.

Perhaps the most common discourse mechanism employed to uncover facts is the question-answer dialogue (Walton, 1989) of the kind used in courts and other arenas where testimony is sought, probed, and evaluated. This dialogue is a form of dialectic involving a questioner and a respondent. The goal of the dialectic is for the participants to exchange questions and answers on a topic until the truth is uncovered.

By truth, we do not mean an a-priori set of assumptions existing independently of the participants. Rather, the notion of truth is treated here as a set of socially constructed and negotiated premises which become accepted, though perhaps reluctantly by some co-constructors, as the explanation or account that is to be privileged.

The value placed upon truth obtained from discourse depends in part on the applicability of the interpretation beyond the discourse space in which it was derived as well as on the quality of the mechanisms used to construct the truth.

This interpretive probing and testing of facts is an activity well suited to the pragma-dialectic approach to argumentation (van Eemeren & Grootendorst, 1992; 1994). Pragma-dialectics views argumentation as a type of critical discussion between interlocutors.

Standpoints or substantive positions held by each participant are identified through exchanges between the participants. Each standpoint or position must be adequately defended if it is to achieve privileged status. The privileged status of acceptance held by any given standpoint is subject to immediate challenge at any time. A standpoint loses privileged status upon failure of the proffered defence.

The idealized nature of the question-answer dialectic holds that questions and responses should be free from bias. Thus, arguments should not be made in favor of a motivated position held by either participant. The participants should not bring already formed standpoints to the dialectic process. Yet, the underlying presuppositions of speech acts are subject to argumentative testing much in the same way that pragma-dialectics engages in the evaluation of standpoints. As the

question-answer dialectic proceeds certain speech acts are retained and take on the force of standpoints which become accepted as having factual status.

The facts or truth of the matter become those items agreed to by the participants as the facts most tenable in the face of counter reasoning (van Eemeren, Grootendorst, & Snoeck-Henkemans, 1996: 55) introduced during dialectical engagement by the participants.

The pragma-dialectical approach sets forth specific rules for the conduct of critical discussions. Critical discussions, like many other forms of goal oriented discourse, however, can be seen as orienting to a more abstract set of guidelines which underlie and motivate communicative interaction. The "Principle of Communication" set forth by van Eemeren and Grootendorst (1992: 50) requires interactants to "be clear, honest, efficient, and to the point." The Principle of Communication is a restatement of the Cooperative Principle (CP) and Conversational Maxims set forth by Grice (1975: 45). The CP requires speakers to make their conversational contributions "such as is required, at the stage in which it occurs, by the accepted purpose or direction of the talk exchange in which [they] are engaged." The CP in conjunction with four Conversational Maxims of Quality, Quantity, Relation, and Manner functions as an interpretive system for evaluating the communicative contribution of any utterance.

The *Quality Maxim* requires speakers to say what is true.

Speakers should not say that which they know to be false and should have adequate evidence for what they do say. The *Quantity Maxim* requires speakers to provide as much information as is necessary (for the purposes of the exchange) but speakers should not provide more information than is necessary. The *Relation Maxim* requires speakers to be relevant. The *Manner Maxim* deals with how something is said.

Speakers are expected to say things in ways that are clear, efficient, orderly, and to the point. They should avoid ambiguity and obscurity of expression. Speakers and their contributions are presumed to adhere to the CP and Conversational Maxims. Grice's pragmatic point in positing such a system is not that speakers follow the CP and Maxims exactly. Much of our discourse appears to be disorderly and uncooperative (van Eemeren, Grootendorst, Jackson, & Jacobs, 1993) on the surface. When confronted by discourse that appears to violate the CP and Maxim(s), participants in the conversation need to reconstruct an interpretation of the conversational contribution which preserves as many of the Maxims as

possible. The resulting interpretation is a conversational implicature.

There are four ways in which the Maxims can be violated.

Quiet and unostentatious violations are done when speakers hide their violations such as in deception. Opting out is when speakers choose to withdraw from cooperative interaction such as in refusing to answer any more questions. A clash between maxims occurs when the demands of one maxim compete with the demands of another maxim. This is the sort of problem where a speaker has to be either over or under informative (violate Quantity) in order to say only that which is believed to be true (preserve Quality). Finally, flouts are blatant attempts by speakers to violate the maxims for reasons other than unostentatious violations, opting out, or clashes. Deceptive violations, when uncovered, carry a presumption of uncooperativeness by the speaker. Opting out and clashes between maxims suggest their own built in interpretations. Flouts require the hearer to generate conversational implicatures as to the nature of the violation.

The CP and Maxims provides a flexible system for interpreting and evaluating the information value of a given utterance in that the maxims are considered in relationship to the purposes or goals of the talk exchange. The flexibility of this system is apparent in its application to the question-answer dialectic of congressional testimony.

While all of the participants are accountable to the CP and Maxims, what constitutes accountability to the maxims is considered in relationship to the types of contributions expected from the participants. For instance, the Quality Maxim as envisioned by Grice applies to assertives. Question asking in the dialectic is used to test whether the presuppositions that motivate the question are true or not. These presuppositions come from prior assertions made by the respondent. It is up to the respondent to ensure the responses are true or there is sufficient reason to believe the response is true.

At the same time, the motives of the questioner can be called into question under the quality maxim if the question is biased or favoring a particular interpretation. The quality maxim functions in this sense much like a sincerity principle.

The Quantity Maxim functions as an efficiency condition. Applied to questioners, this maxim would require questioners to ask only questions which the answer is not known. Previously asked questions should not be recycled if an adequate response has been provided. Questioners are also responsible for asking questions that will ensure the obtaining of information to uncover the truth.

Respondents are required to provide sufficient information in their answer.

The preference for agreement between the response and previous speech act is such that responses should address the requirements set forth by the previous speech act (van Eemeren & Grootendorst, 1992; Sacks, Schegloff, & Jefferson, 1975).

The Relation Maxim is a restatement of the ideas contained in the CP. This reformulation of the CP emphasizes the need for contributions to relate meaningfully at either the global or local level (Tracy, 1984). Questioners are accountable to the global level in that questions need to have a visible connection to a higher order goal or purpose (Jacobs & Jackson, 1992). Questioners have considerable latitude in the question-answer dialectic as to what counts in terms of local relevance. Questions can be put before the respondent in any desired order and the questioner has a choice as to which questions get inserted into the discourse space, in accord with the need to get at the truth. Responses are restricted at the local level to the immediate functional demands of the prior response.

The response has to answer the question. Finally, the Manner Maxim requires both questions and answers to be straightforward, unambiguous, and to the point. To represent congressional hearings as functioning solely to uncover truth is to be politically naive. These hearings often become highly politicized affairs where questions of power and privilege are decided. In the Iran-Contra hearings, issues included possible violations of the Constitution as well as partisan side taking along party lines. I have argued in other works that different language games are conducted under cover of the dialectic (Aldrich, 1993; Aldrich, 1997). However, before decisions can be made as a result of hearings, a consensus has to be reached as to what is given the status of 'truth.' The establishment of this consensus is the function of dialectic. Since the CP is framed in terms of the dialectic or importance of getting at truth, the moves by each player become accountable to the dialectic.

3. Orientations To The Process

It can be very difficult to determine which particular system of interpretation is in effect given the problem of indeterminacy and competing argumentation schemes (van Eemeren, Grootendorst, & Snoeck-Henkemans, 1996: 291). Meta-communication or talk about talk (Watzlawick, Bavelis, & Jackson, 1967) provides one means by which underlying interpretive systems can be identified.

Such meta-communication can take the form of explicit discussion of the rules to be followed (as is often done by committees prior to the start of hearings) or be found in remedial talk (Goffman, 1971) used to repair hitches in the flow of discourse. The Iran-Contra hearings generally, and the testimony of Colonel North specifically, provide a rich source of meta-commentary about the conduct of the hearing process and the type of interpretive system in use. This orientation can be seen in the following examples taken from the testimony of North before the select committee. The public goal of congressional inquiry is to uncover facts or truth. The questioner claims this dialectical goal as the main function of the hearings in example B while the respondent claims personal orientation to this goal in example C.

[Example B: p. 10]

Nields: And it is a principal purpose of these hearings to replace secrecy and deception with disclosure and truth. And that's one of the reasons we have called you here, sir.

[Example C: p. 260]

Liman: Now, do you recall - and I don't want to belabor this, believe me, but we have to get facts.

North: I am here to give you the facts, Counsel.

These assertions found in the meta commentary about the discourse do more than simply support the claim that a truth oriented dialectic language game is in play, they function as pragmatic resources through which each participant can account for his own moves in relationship to the standards of the dialectic process.

In example C, Liman claims fact finding as his goal. His move also contains a rationale for his questioning tactics. Questioners are expected to ask questions which move the dialogue forward and orient towards higher order purposes. Asking questions about topics previously covered or staying too long in any one area of inquiry can be interpreted as violating the Relation and/or Manner maxims. Liman's move functions to pre-empt potential charges of uncooperativeness in the way he is conducting his questioning of North by highlighting the overall point behind his actions.

With fact finding as the principle goal of the question-answer dialectic, questioners are responsible for asking questions which function to help the

respondent get facts out onto the table. The types of facts obtained depend in large part upon the conduct of the questioning. The questioner has the requirement to ask relevant questions and to not miss anything which should be asked.

[Example D: p. 97]

Nields: I want to make sure that I have asked all the questions that are important to ask.

4. Interpreting The Process

Both the questioner and respondent are accountable to the ideals of the CP and normative set of pragma-dialectical rules. The next few examples highlight both the types of framing available to participants in declaring adherence to the principles as well as problems of accountability to these principles. Counsel for the House of Representatives, John Nields presents a benign framing of his use of questions to help North get information out on the table.

[Example E: p. 65]

Nields: I understand that, and we appreciate your testimony, and I'm going to continue to ask questions to see whether it jogs any other recollections.

This type of self presentation (Goffman, 1959) is consistent with the Quality Maxim in framing the questioning as being sincere, and with the Relation Maxim in making the higher order purpose visible of getting the available facts out into the open. This type of formulation is also very consistent with the rules for critical discussion (van Eemeren & Grootendorst, 1992) in terms of seeking all available information.

The above formulation by Nields is in stark contrast to the ad hominem attack used by Arthur Liman in response to North's persistent inability to recall specific events.

[Example F: p. 252]

North: That is certainly my recollection. If we could just go to that-

Liman: I'm going to come to it in more detail later, but if you have something that you want to say now, you better say it while you remember it.

North: Unkind.

Liman exercises his control of the discourse space by shifting his line of

questioning from one subject to another. His move also implies North has a poor memory. Reduced availability of information is a problem for a dialectical process that is so information dependent. Liman's move also has a flavor of blame imbedded in it for this is the type of move which could be used to question the overall cooperativeness of a respondent. A pronounced series of memory lapses can be characterized as opting out of the discourse space through omission rather than commission.

Deviations from the ideals of the CP and pragma dialectic principles provide grounds for substantive challenges on the part of participants. At the same time, committing fallacious moves in response to perceived violations doesn't help the player in terms of his own accountability to pragma dialectical procedures. Liman attempts a subsequent move to repair some of this damage to his own position.

[Example G: p. 401]

Liman: Did Mr. Sullivan refresh your recollection, where you want to add to the answer, because I'm not saying that in criticism. I am saying that so that if there is something that should be added to this record, it should be added.

Sullivan: Next question, Mr. Liman.

Liman makes a much more direct orientation to the goal of getting maximal information out into the open in a way similar to Niels' tactics already discussed. That this response seems to pander to the ideals of the dialectical process is apparent in Sullivan's curt response and the knowledge that this move followed a series of lengthy and acrid exchanges between Liman and Sullivan as to North's need for having his memory refreshed with constant input from Sullivan and the notebooks containing evidence. The point is not to question the sincerity with which each player is making moves in a dialectical discourse space, but to show the orientation of each player to the ideals of the process through their meta-commentary.

The questioner has considerable power due to his position in the Q-A dialectic relative to the answerer. Questioners get to set the pace of questions as well as choosing which questions to ask and when to ask them. Examples H and J are responses from the chair of the select committee, Senator Daniel Inouye (D-Hawaii) to charges by Sullivan that the questioner is not allowing North to respond adequately to the question.

[Example H: p. 115]

Sullivan: Could counsel please permit the witness to finish his answer and not to

interrupt him in mid-answer.

Inouye: The counsel may decide the pace, sir.

[Example J: p. 134]

Inouye: We will proceed in the fashion we wish to.

Up to this point a claim has been made that congressional hearings orient towards a question-answer dialectic in which the declared goal or point of the process is to uncover truth. This process imposes certain standards for evaluation of the informative contributions of the participants through the CP and Conversational Maxims combined with the pragma-dialectical rules for critical discussion.

These orientations are apparent in the meta commentary provided to us by the participants in the testimony of Colonel North before Congress.

Also apparent in some of these examples is a blaming quality as the participants challenge the accountability of each other's moves to the ideals of the dialectal process. If moves are found lacking in terms of their dialectical appropriateness, any information produced by the defective moves itself becomes defective. Both the questioner and respondent have access to the underlying pragmatics of the dialectic. Each side makes strategic use of the pragmatics in holding the other side accountable to the process.

The primary questioners, Niels and Liman, view North's contributions to the discourse as being less than responsive to the questions. In fact, they point towards what they feel is overt uncooperativeness on the part of North and his attorney, Brendan Sullivan. This amounts to opting out. North and Sullivan take a different orientation in regards to the pragmatic principles. North's moves have the flavor of under informativeness on the one hand and over informativeness on the other. North can claim this as resulting from a clash between the demands of the Quality Maxim to tell the truth and the Quantity Maxim of providing sufficient information. North and Sullivan move to make the claims of clash between these maxims explicit to the questioner and audience of the hearings.

[Example K: p. 18]

01 Niels: And, the President was then suffering domestic political damage, was he not, as a result of the publicity surrounding the Iranian arms mission?

02 North: Well, I - you'll have to leave that assessment to the political pundits. My concern -

03 Niels: No, I'm asking you.

04 North: You're asking what?

In turn 01, Niels asks whether North believed President Reagan suffered harm from the public disclosure of the weapons transactions with Iran. North's response explicitly avoids answering the question in any fashion. North tries to opt out by deferring the question to 'political pundits' for assessment. In turn 03, Niels challenges North's move by explicitly identifying North as the target of the answer. Several turns later, Niels obtains a 'yes' response from North to this question.

[Example L: p. 254-255]

01 Liman: And so that there were copies of the five [memoranda]

02 North: Exactly.

03 Liman: And, did you look over them, to see whose names were written on them?

04 North: I think we've already been through this once, counsel -

05 Liman: You said you didn't recall, and I'm asking you whether you looked.

06 North: I don't even remember looking. I remember, if there was something -

07 Liman: Well, you've answered it, then.

08 North: Yeah.

09 Liman: You've said you did not look, is that right?

10 Sulln: Would you like to answer the question, counsel, for him?

11 Liman: No, I'd like him to keep his answers to the questions.

And if it's - if that's the answer, then we ought to move on. Is that the answer that you did not look?

In turns 01 and 03, Liman questions North whether the memoranda requesting approval of the diversion of funds to support the Contras had names on them or not. Identification of a name would suggest someone higher in the Reagan administration than North possessed knowledge about the covert operations.

In turn 04, North challenges Liman's right to ask questions about an area that has already been discussed. In doing so, North calls into question the relevance of this line of questioning at the global level. Rather than taking up North's point, Liman asserts he is asking a different question than what North addressed. Liman claims relevance of his question by grounding it in the activity of whether North looked to see if there were names on the memos or not. There is a subtle shift here from North's memory (recall or no recall) to North's actions (looking or not

looking). In turn 07, Liman acknowledges North's move in the previous turn as having answered the question. Liman moves yet again in turn 09 to reformulate the question so as to get an "on record" (Brown & Levinson, 1978) response from North that is directly responsive to the question. Sullivan offers a strenuous objection in turn 10. The implication here is that Liman is overreaching his dialectical ground as a questioner. Liman affirms the need to adhere to the Quantity Maxim and move the questioning forward if North has actually provided an on record answer to the question.

Liman also asserts in turn 10 that it is the deficient responses that move beyond the pale of inquiry which motivates the recycling of questions.

[Example M: p. 128]

01 Niels: And did you let them know how much the contra needed money for munitions?

02 North: I'd let them know how much the contra needed everything. The Nicaraguan freedom fighters were at a point where they were dying in the field under Soviet HIND helicopters -

03 Niels: And did you do that together with Spitz Channell? pardon?

04 Sulln: Let him finish please.

05 North: (to Mr. Niels): Pardon?

06 Sulln: I know you don't like the answer, but let him finish.

07 Niels: I like the answer fine. It was not responsive.

08 Sulln: Well fine, then let him answer.

09 Niels: He had finished answering the question.

10 Sulln: He had not finished answering or I wouldn't have raised the subject.

11 Inouye: Proceed.

12 North: I don't know whose turn it is Mr. Chairman.

Niels asks North an open-ended question in turn 01. North doesn't have to limit his answer to yes/no in order to be responsive. North tries to provide additional information about the effectiveness of Soviet attack helicopters against the Contra "freedom fighters." Niels shuts down this attempt by interjecting another question in turn 03. Sullivan objects and asserts North should be allowed to complete his answer. In turn 07, Niels characterizes North's answer as being non responsive to the question. In reply to Sullivan's charge that North has not finished his answer, Niels states in turn 09 that North had finished answering the question.

The legal counsel for the select committee spent much of their time trying to hold North accountable to the CP and Maxims in terms of answers that were under informative by omission of details or non responsiveness to the question and answers that were overly informative in terms of providing information that moved beyond the scope of the question. In contrast, North, and his attorney Sullivan, spent much of their time objecting to the attempts to limit North's responses. Example O follows a 10 minute response by North to a question from Niels.

[Example O: p. 111]

01 Niels: I think the only question had to do with price.

02 North: I know it has to do with price.

03 Niels: I think the only question had to do with price.

04 Sulln: Mr. Niels, Mr. Chairman, if the witness believes that something is related to the subject matter of the question he should be permitted to answer.

05 Inouye: The question related to price and I hope that the witness will respond to the question.

06 North: Mr. Chairman, I tried to respond to the question of price.

In turn 01, Niels highlights the non-responsiveness of North's answer by stating the only question being asked was price. This move suggests that North answered other 'non' questions in his response. Niels adds additional emphasis to the dialectical shortcomings of North's response through repeating his assertion in turn 03.

Sullivan's objection in turn 04 explicitly affirms the importance of allowing additional information to be expressed if the witness sees some sort of connection or relevance to the subject matter. In referring to subject matter, Sullivan is pushing for the global relevance of the Relation Maxim to be extended to replies to questions. Such an interpretation would allow answers that move beyond the local relevance to the preceding question. This would also allow overly informative answers to the local question to be supported on the basis of a higher order relevance. North asserts in the face of Inouye's objection that North has indeed responded to the question. The quantity violations of North's lengthy replies invoked the characterization of speeches by both counsels for the select committee and the committee chair.

[Example P: p. 172]

Inouye: I believe we have been extremely sensitive to your client. I believe the

record will show that we have not objected to unresponsive answers. Many questions that could have been easily answered by a simple yes or no have taken 15 minutes and the Chair has not interrupted. We have permitted speeches to be made here.

The final example provides the clearest interpretation on the part of North and Sullivan that a clash between maxims is the underlying reason for the quantity of North's responses to questions. Sullivan asserts this is done not for the purposes of giving speeches. Rather, North has to violate quantity through lengthy answers in order for the truth to be told.

[Example Q: p. 184]

Inouye: But as far as I'm concerned, it was a very lengthy statement. Some people consider lengthy statements to be speeches. Counsel, proceed.

Nields: I'm perfectly happy to use the expression "lengthy statements."

You've made several lengthy statements to the committee on the subject of covert operations.

Sullivan: How about using "lengthy answer" - in order for him to get the truth before the committee?

5. Conclusion

The congressional hearing process claims an orientation to a pragma-dialectically based process of fact finding inquiry. These claims and the pragmatic structure can be found in the meta commentary obtained from the participants in these hearings. The pragmatic structure of the Gricean pragmatics provide resources for each participant to anchor their deviations from the pragma-dialectic ideals as either having to push witnesses hard lest these witnesses opt out or having to provide informationally deficient responses through claiming a clash between the maxims of Quality and Quantity.

The Conversational Maxims can be used to create an interpretive impasse to shut down the dialectical process all together. A common feature of many of the alleged violations of the Maxims is the way in which the violations are committed. How something is said is an issue for the Manner Maxims (Grice, 1975). Quality violations, particularly those occurring through omission rather than commission, can be repaired by changing the way in which something is said. Violations of Quantity are also for the most part violations of Manner. Responses that are under informative are often responses that have ambiguous features or use

obscurity of expressions. Responses that are over informative can be pushed towards brevity. Opting out is of course brevity taken to the extreme condition. The ideal system has to consider both informational content and contribution. Monitoring the manner of discourse is one activity which judges are responsible for in court rooms. What counts as acceptable questions and answers are much more limited and defined. Congressional hearings seek a broader latitude of discourse but with this latitude comes procedural opportunities that highly skilled users of language can exploit. Pragma-dialectics, as a system for evaluating discourse, needs to take into account how information is communicated (Aldrich & Jacobs, 1997) as well as what gets communicated. Only then can the latitude of discourse be satisfactorily addressed.

NOTES

[i] The National Security Council advises the President of the United States on issues concerning security and strategic planning

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ISSA Proceedings 1998 - Refuting Counter-Arguments In Written Essays



1. Introduction

Many discourse analysts and rhetoricians have noted that one valued basis for argumentation, and academic argumentation, in particular, is contrast, that is, setting out opposition (Barton 1993; 1995; Peck MacDonald 1987).

The aim of this paper is to look more closely into one specific type of contrast and

describe its structures and usage. The contrast I have in mind is the refutation of counter-arguments, defined as arguments (i. e., reasons) in favor of the standpoint (the conclusion) opposite to writer's own standpoint. In order to see how writers actually refute counterarguments, I chose a book called *Debating Affirmative Action: Race Gender, Ethnicity, and the Politics of Inclusion*, edited by Nicolaus Mills 1994. The book is mostly a collection of argumentative texts by academic scholars, which debate a well defined issue, and clearly and unequivocally pronounce themselves most of the time either pro or con affirmative action. In less than 200 pages (not all the 307 pages of the book are argumentative texts), about 130 counter-argument refutations have been found. These texts are enough to give us a good idea about the most popular ways of refuting counter-arguments in written texts when debating controversial political or social issues in an academic milieu.

A counter-argument can be refuted in two possible ways:

1. by denying the truthfulness or the acceptability of the propositional content of the counter-argument, thereby denying its value as counterargument;
2. by accepting the truthfulness of the propositional content of the counter-argument, but, nevertheless, rejecting the opposite standpoint and therefore denying the relevancy or the sufficiency of the proposition to serve as counter-argument. The first type will be called *denial*, the second *concession* (see Perelman 1969: 489; Henkemans 1992: 143-153).

Two subtypes of denial have been discerned:

1. when the denied proposition is replaced by another, which serves as a pro-argument, or is argumentatively neutral;
2. when the denied proposition is not replaced by another. The first subtype will be called *antithesis* (the proposition that has been denied is the 'thesis', and the one replacing it is the 'antithesis'), the second *objection*.

Concession also has been classified into two sub-types:

1. when the rejection of the opposite standpoint is directly made and in plain words (*direct-rejection concession*);
2. when it is only implied (*indirect-rejection concession*) (see also Azar 1997).

Figure 1 summarizes this classification:

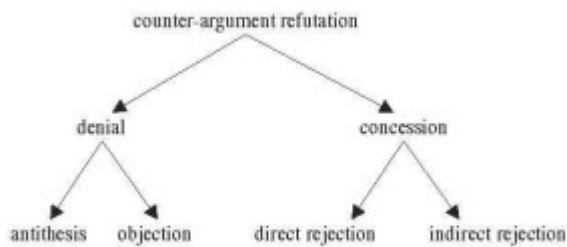


Figure 1: Types of counter-argument refutation

We will see now in further detail, together with examples, the four subtypes of Counter-argument refutation.

2. Antithesis

Antithesis is by definition a two-part structure, one expressing explicit denial of a proposition (in our case it is the denial of the counterargument) the other expressing an assertion (in our case it serves as a pro-argument) In our limited corpus, one can find that the denial part of the antithesis always precedes the other part. Only few example have been found, i. e.,

1. *Far from* preventing another Mount Pleasant (a Washington DC neighborhood where a three- day riot was sparked when a black policeman shot a Salvadoran man - M.A.), affirmative action might *actually* provoke one (p. 178).

The linguistic devices expressing antithesis consist of many forms. In our example it is *far from ... actually ...*. The more usual expression, *not ... but ...*, has not been found in our corpus as expressing antithesis; instead, we find: *not X Y; not X Rather Y; X Such is the silliness ... Y.*

3. Objection

Objections are far more frequently used in our corpus (I would write the percentage here four-five times more than antitheses).

Theire linguistic expressions are: *This objection is unpersuasive; One objection centers on ...; A second objection is that ...; It simply distorts reality; I reject the proposition; This argument, however, denies the simple truth that ...; Again, this is not the case; But that simply is not true; In response, I would first note that*

A reason is always given for not accepting the content of the proposition serving as a counter-argument, and it is usually not syntactically formulated. Below is an example containing a syntactical reason:

2. Although many of my liberal and progressive comrades view affirmative action as a redistributive measure whose time is over or whose life is no longer worth preserving, *I question* their view *because* of the persistence of black social miser,

the warranted suspicion that goodwill and fair judgment among the powerful do not loom as large toward women and people of color (p. 86).

It is worthwhile to remark the concession appearance of (2) ('Although ... '). But according to our definitions of *counter-argument refutation* and *objection* as a kind of *denial*, the fact that the utterance starts with a syntactically concession clause cannot by itself exclude it from being an objection. The concessivity in this utterance does not concern the proposition relevant to the counterargument, but only the matrix sentence 'many of my liberal and progressive comrades view ... '. This proposition is indeed accepted as true, but not the embedded one, which says that the time of affirmative action is over.

And here is an example with a conditional clause serving as a reason:

3. Proponents of the merit conception may argue that the tracks need not be separated perpetually. One can imagine a time when differences in racial perspectives will not exist, and the racial meritocracy will no longer be needed. Unfortunately, such a world will never materialize *if* one adopts the notion that race is merit (p. 287). The first part of the last sentence is a denial (an objection), and the *if*-clause gives a reason in the form of a conditional. A reason for an objection can also be found in the form of a contrastive sentence connected by *but*:

4. Race is proposed as merit based on the value of the perspective that each racial minority brings to the admitting institution. *But* perspective may not correspond with race (283).

The second sentence is in fact a reason for not accepting the preceding proposition. This function of the *but*-sentence is perfectly understandable, since, according to Anscombe and Ducrot 1997, a *but*-sentence always orients toward the opposite orientation of its preceding adversative sentence, and in our case it serves as a reason (i. e., an argument,) for rejecting the preceding sentence.

Another example of the same kind, but without a contrastive connective, which begins with the concessive adverbial 'although' (as in example (3)), is as follows:

5. *Although* affirmative action sounds like a natural way to tackle the problems many Latinos experience in D.C. and other cities, it's a very rough stick to use on a very complex problem (p. 175).

Perelman 1969: 489 already noted that 'Generally, denial has much the same role as concession. The speaker renounces an assertion that he himself might have supported, or that has the support of third parties, but he retains just enough of it to let it be seen how well informed and perspicacious he was to have

recognized the lack of value in a proposition'. One can see that this is very apparent in all of our *objection* examples, but one can find in the last page of our corpus an objection containing no concession at all, and the objection itself is built in a subtle way, thereby allowing the counter-argument to defeat itself:

6. It is against that legacy that one reads, *with overwhelming sadness*, Sheryl McCarthy's 'defense' of Moses: 'Why is it that the only time everybody talks about standards is when women or people of color are trying to advance or be heard? Mediocrity is a common characteristic of white male academics, . . . Let's hire women and people of color who are as ordinary as the white males who already dominate academia, and there will be no trouble in keeping up current standards. No trouble at all' (p. 317).

'with overwhelming sadness' is the only hint revealing the writer's personal opinion.

4. Direct-rejection concession

When the writer, despite his/her acceptance of the truthfulness of the propositional content of the counter-argument nevertheless asserts his/her standpoint, and implies, or says in plain words, that the counter-argument is not good enough to justify the refutation of his/her standpoint, then we have direct-rejection concession.; Only one real instance has been found; and this subtype of concession is very rare:

7. *Although* affirmative action has primarily benefited the black middle class, that is no reason to condemn preferential treatment (p. 54).

The second part of this concession sentence rejects directly a conclusion which is assumed by the opponents of affirmative action to follow from the first part.

The lack of the direct-rejection concession can be explained by the unwillingness of the writers to be too blunt in their argumentation. Writers within an academic discourse community, as well as readers, value politeness and tend to express solidarity (Barton 1995: 234. Rejection of a conclusion in an open and direct way, which other members of the community consider to be a legitimate conclusion of an accepted premise is counter to those values. On the other hand, the subtype of concession, the indirect-rejection concession, is by far the most frequent counter-argument refutation, and suits very well the request of politeness and solidarity.

However, before moving to the indirect-rejection concession, let us look at a peculiar instance of direct-rejection concession:

8. Many whites and some blacks now argue that preferential racial treatment

creates deep-seated feelings of deficiency and mediocrity in its beneficiaries. They warn that race-conscious practices, in hiring or education, cast suspicion on the competence of those given an advantage. But if that is so, we need the new Civil Rights Act more than ever, to overcome the sense of inferiority that has afflicted American white men for years. Think of it. For decades, white men have known they've received favored, front-on-the-line positions in jobs, education, and the benefits of race-conscious society (p. 126).

The peculiarity and astuteness of this direct-rejection concession lies in the second part of the concession: the writer takes the counterargument and uses it, ironically, as a pro-argument.

5. Indirect-rejection concession

This concession is what Perelman (1969) had in mind when he wrote:

Concession is above all the antidote to lack of moderation; it expresses the fact that one gives a favorable reception to some of the opponent's real or presumed arguments. By restricting his claim, by giving up certain theses or arguments, a speaker can strengthen his position and make it easier to defend, while at the same time he exhibits his sense of fair play and his objectivity (p. 488). And he adds: Each time a speaker follows the interlocutor onto his own ground he makes a concession to him, but one which may be full of traps (p. 489).

In the indirect-rejection concession, the writer accepts the truthfulness of the proposition serving as counter-argument and recognizes its potential harm and therefore puts forward another argument: a pro-argument, implying that this second argument outweighs the counter-argument. Various connectives and metadiscourse expressions have been found in the book, and we illustrate some of them below:

A. Concessive expressions introducing the first part of a concession relation: *Of course; In theory; certainly; Despite; So yes; Although; While; It may be that; Of course; Naturally; Admittedly; Even if; Many argue that ...; Some critics might argue that ...; The objection is that ...; It assumes that ...; It seemed that ...; I concede that ...; One objection centers on ...; They argue that ...; It may be countered that ...; The opponents of ... say ...; According to ...; The argument against is ...; Among the attractions of this theory are*

B. Contrastive expressions introducing the second part: *But; Yet; However; On the other hand; One problem with this approach is ...; In response, I would first note that.*

It is, perhaps, worth mentioning that almost all the indirect-rejection concessions

are constructed in the form of two propositions which illustrate two different things about one and the same topic, for example (the topics are marked by italic letters):

9. There would be *fewer blacks* at Harvard and Yale; but *they* would all be fully competitive with the whites who were there (p. 206).

10. I will not argue that the old *racism* is dead at any level of society. I will argue, however, that in the typical corporation or in the typical admissions office, there is an abiding desire to be not-*racist* (p. 205)

11. They (the proponents of affirmative action - M.A.) know that not all of *their opponents* are racist; they also know that many of *them* are (p. 66).

Below is a rare example where the two propositions of the concession comment about different topics:

12. The critics of affirmative action piously proclaim that the goal of civil rights should be a 'color-blind society' that rewards people solely on the basis of individual merit Who can be against that?

What the critics don't like to talk about is the fundamental success of affirmative action, visible in large and small towns across the country (p. 183f).

In the second part of the concession, there is no reference to 'the goal of civil right', to 'civil rights', or to 'color-blind society', which could have served as shared topic of the two parts of the concession.

A special sort of indirect-rejection concession arises when the writer shows the double standard (or hypocrisy) of his/her opponents when they use a certain fact as a counter-argument and at the same time ignore the same fact in other controversies, which are similar to the one in debate:

13. The opponents of affirmative action program say they are opposing the rank unfairness of preferential treatment. But there was not great hue and cry when colleges were candid about wanting to have geographic diversity, perhaps giving the kid from Montana an edge. There has been no national outcry when legacy applicants whose transcripts were supplemented by Dad's alumni status - and cash contributions to the college - were admitted over more qualified comers (p. 212f).

The writer acknowledges that rank unfairness is indeed caused by preferential treatment, but, nevertheless, he or she does not accept the opponents' conclusion. Instead, he or she puts forward a pro-argument, saying that rank unfairness caused by all sorts of preferential treatment was always a fact of life, and nobody cared. This implies an accepted double standard attitude on the part of the

opponents of affirmative action, and it also implies a refutation of the opponents' standpoint.

To close this short presentation, it is important to point out that all the above counter-arguments were actual counter-arguments, which had been used by real opponents to support their standpoint and no prolepsis, i. e., anticipatory refutation in the form of a concession, was found. A *prolepsis* may be in the form of a direct-rejection concession, not an indirect-rejection concession, since this is, by definition, a reason serving as a pro-argument, and a prolepsis, as a figure of speech, gains its persuasive force not by reason, but by psychological manipulation (See Robrieu, 1993). The lack of prolepsis, which can also explain the rarity of the direct-rejection concession in our corpus, is another indication that the argumentation tools used in our collection of essays are similar to those used in regular academic-discourse community. Contrast is crucial to many aspects of academic argumentation, especially as a basis for creating knowledge via argumentation (Hunston 1993). It would seem that counter-argument refutation is necessary in establishing differences between proposed and opposed claims in research articles, as well as in debating political and social controversies.

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