ISSA Proceedings 1998 – Pragma-Dialectical Analysis Of The Inquisition

Throughout the High Middle Ages and into the Renaissance, the Inquisition was a continuing feature of the Christian world. To speak of the Inquisition as a singular institution is misleading, since inquisitions were undertaken by various authorities, episcopal or papal, working under varying legal systems and constraints. On its face an effort to ensure religious orthodoxy, it was from time to time overtaken by political concerns, both local and international; nor were purely personal vendettas completely irrelevant. Concerned at first with dualist heresies in southern France, it expanded its interests to cover witchcraft and Judiazing Christians, and later was an important front in the Catholic battle against Protestantism. The Protestants also had their inquisitions, though these were not as famous or institutionally developed as the Catholic ones.

But I will leave to others (e.g., Peters 1988; Lea 1955) the task of differentiating among the inquisitions of different times, places, and objectives. My purpose here is general enough that the more or less continuing features of the inquisitorial mode of jurisprudence will serve as a suitable basis for study. I intend to examine inquisitorial practices in the context of pragma-dialectics (van Eemeren & Grootendorst 1984; 1992; van Eemeren, Grootendorst, Jackson, & Jacobs 1993). Though I will say little that is new in detail about the Inquisition, my approach may possibly provide a coherent perspective on how the Inquisition accomplished what it did. My main purpose, however, is to illuminate an under-developed topic in the study of argumentation, disagreement space.

1. Disagreement Space

The idea of disagreement space appears as part of the project of reconstructing arguments (van Eemeren, Grootendorst, Jackson, & Jacobs 1993: esp. 95-102). The general task of reconstruction is to take what people actually say, and to "reconstruct" it, or understand it in an analytical way, for purposes of description and criticism.

People do not say everything they mean, and do not comment on everything they

understand. By a close and disciplined examination of actual utterances, and what had to have been understood or meant for the statements to have served the communicative functions they did, analysts can specify the domain of interactive meaning, including all those background assumptions. As an example, three pages of conversation are expanded into about twenty pages of reconstruction, capturing understandings taken for granted, unstated connections among premises, implicit refutations, and so forth (van Eemeren, Grootendorst, Jackson, & Jacobs 1993: ch. 4).

Roughly speaking, disagreement space refers to all that could be argued about, all that needs to be filled in for a full analysis. Here is the defining passage:

Among the materials available to a participant in an argumentative discussion are the discourse itself and the surrounding context of practical activity. From these two components it will always be possible to infer an indefinitely large and complex set of beliefs, wants, and intentions that jointly compose the perspective of one's partner. Any component of this perspective may be "called out" and made problematic within the discourse, if it has any sort of relevance to the underlying purpose of the exchange. When this occurs, the problematized element functions as a "virtual standpoint" in need of defense. Any reconstructible commitment associated with the performance of a speech act can function as a virtual standpoint when it is in fact reconstructed and challenged by an interlocutor. The entire complex of reconstructible commitments can be considered as a "disagreement space," a structured set of opportunities for argument (van Eemeren, Grootendorst, Jackson, & Jacobs 1993: 95).

Now in the context of the Inquisition, what makes disagreement space interesting is that it doesn't work properly. As I will show, quite a lot of the "beliefs, wants, and intentions" that were pointedly relevant in trials could not be "called out" and argued about. As a matter of fact, many of these argumentative components were quite explicit, but still were unavailable for controversy.

While I am confident that the authors would not be shocked to notice that many arguments are constrained in such a way as to prevent dialectical discussion, their treatment of disagreement space seems to imply otherwise. In the passage above, there is little hint that certain avenues of talk may not be allowed. Perhaps this is connected to the authors' focus on discourse in these and other relevant sections. They even toy with the idea that disagreement space might be defined by the felicity conditions of the speech acts being expressed (p. 116, n. 7). Their attention has wandered away from the "surrounding context of practical activity"

they mention, or at least has been diverted from any non-illocutionary sorts of practice.

They are entitled to focus anywhere they please, of course. Here, however, we will be looking at the argument's context in a more institutional way, concentrating on how the external (i.e., non-argumentative) power of the Inquisition permitted the inquisitors to control disagreement space during the trials. This paper is intended as an expansion of the idea of disagreement space, and an exploration of how it can be controlled, and with what effects.

2. Inquisitorial Manuals and Procedures

Inquisitors were rarely trained to the vocation of inquisition. Many inquisitions were undertaken by the local bishop, who had many responsibilities and duties, the eradication of heresy being a pretty minor one (see Kieckhefer 1979). Inquisitors sent out from Rome, Avignon, or Madrid were most commonly Dominicans or, less often, Franciscans, who had distinguished themselves in their normal duties. Few people made a career of inquisitions, and few wanted to. To hold another's life in one's hands was an unhappy experience for a churchman, an exceptionally onerous duty; nor was it pleasant to confront heresy, witchcraft, or demonic inspiration face to face. All of these men were educated in Catholic theology, but few had any training in legal processes, either secular or ecclesiastical. Their intellectual orientation toward controversy was to find truth, not justice. A question was settled for them when they could trace an answer back to Scripture, papal bulls, or Patristic writings. Once understood, these could not be questioned; to do so was heresy.

So experienced inquisitors wrote manuals for the use of those who came later. These manuals gave the proper forms for summonses, admonitions, sermons, and sentences; they described the heretical beliefs one might encounter; they laid down and justified firm procedural requirements; and they gave advice on interrogation, torture, imprisonment, property confiscation, transcript preparation, sentences, and other practical matters. The earliest of these was the *Processus Inquisitionis,* emerging in 1248-1249 from the initial inquisitions in southern France (Anonymous 1980). This is a much briefer effort than those to come later, and is mostly confined to regularizing the formulae for the various legal documents. The first great manual was written in about 1323-1324 by Gui (1991), reflecting his further experience in the same region of France. This manual is an important document for scholars of heresy, because of its elaborately detailed descriptions of the leading heresies of the day (inquisitors

typically destroyed any heretical writings they found, and few primary sources have survived). Gui also gives quite a lot of procedural detail. Perhaps the most mature manual is Eymeric's, written in the late 14th century, dealing with his inquisitorial work in Aragon (summarized with enthusiasm in Walsh 1969: 94-112). This built upon Gui's and other early manuals, and was an important resource for inquisitors in all Christian lands for several centuries. Although witchcraft had been of occasional interest to inquisitors from the early days, it became a preoccupation for inquisitors everywhere but Spain, beginning at the end of the 14th century and escalating in the mid-15th century. Kramer and Sprenger (1971) produced their infamous *Malleus Maleficarum* (Hammer of Witches) in about 1486, describing witchcraft in extraordinary, terrifying, and credulous detail. A somewhat more moderate, but still vituperative, manual was written by Boguet (1929), the chief judge in the district of St. Oyan de Joux of France, in 1590. Although not manuals per se, the *Suprema* of the Spanish Inquisition produced a series of instructions to inquisitors throughout its existence, notably in 1484, 1488, 1561, and 1568 (see Lea 1907).

Besides the manuals which specify how inquisitions ought to be conducted, quite a number of trial transcripts have survived. In those, one can see how the requirements and advice of the manuals are implemented. Conveniently available transcripts in English include those of Joan of Arc (Barrett 1931), a bizarrely heretical Italian miller named Domenico Scandella (Del Col 1996), the Salem witch trials (Boyer & Nissenbaum 1993; Trask 1992), several trials conducted by Jacques Fournier in southern France (Stork 1996), and a variety of inquisitions translated by Burr (1998). Although it may be a mistake to think so, my present view is that the trials essentially implement the manuals' instructions, and serve as illustrative evidence rather than the primary sources on how the inquisitions were generally conducted. Consequently, I will not undertake a detailed study of any of the trials here, and will try to keep a broad perspective.

In looking at inquisitorial practice, I want to show how the inquisitors controlled disagreement space. For the most part, they constricted it to focus on the one key issue: whether the heretic's soul could be saved. In a few respects, however, they insisted upon an enlargement of the disagreement space, requiring the accused to expand onto topics s/he resisted discussing.

3. Inquisitorial Constriction of the Disagreement Space

Inquisitions did not begin until the judges were fairly certain of the accused's guilt. Denunciations were received and witnesses were interviewed. Evidence

might well accumulate for years before the accused was called to answer. The issue in the trial was not, as 20th century Westerners might assume, whether or not the person was guilty; that was assumed. The issue was whether the sinner could be reconciled to the Church: whether s/he was contrite and willing to undertake penance (which might take the form of wearing a yellow heretic's cross, making pilgrimages, undertaking service on the seas, or enduring prison; for the most part, only relapsed or unrepentant heretics were burnt). Consequently, professions of innocence or claims that acts were not heretical were out of order, regardless of whether the accused thought these were legitimate issues. Nor was it permissible to challenge the Inquisition's procedures or authority, for this constituted heresy in itself. The Inquisition used a number of practices to constrict disagreement space, and we will explore these in this section.

3a. Anonymity of Witnesses

As early as the Carcasonne manual (Anonymous 1980), names of witnesses were withheld from the accused, and this practice continued throughout the Inquisition's history. The stated reason for this is that the Inquisition feared retribution on the witnesses, and this was not a fictional concern (e.g., Del Col 1996: xc-xcii; Le Roy Ladurie 1978). Eymeric warned that the accused might try to evade the Inquisition by intimidating witnesses (Given 1997: 93-95). Witness anonymity was also the practice in some secular courts of the day (Peters 1988: 64). When defense attorneys were permitted, the lawyer generally had a right to see the Inquisition's evidence, sometimes including the names of witnesses. However, the names would typically be disordered, and irrelevant names possibly included, to prevent any effective argument against them (Lea 1907: v. 3, 49). And the fact that some of the witnesses had died, their testimony surviving them by many years, made cross-examination impossible in any case.

For our purposes, the main consequence of all this is that it closes off a whole line of defense. The accused could not effectively argue that the denunciations were inaccurate or personally motivated. True, the accused was asked for a list of mortal enemies, and if the witnesses happened to appear on that list, the Inquisition would make genuine inquiries about the quality of the testimony. But since the actions at issue might have occurred many years before, and since the accused might not even know the time and place of the alleged acts (even the specific charge might be withheld during this initial phase: Lea 1907: v. 3, 39), the list of mortal enemies was at best a shot in the dark (Haliczar 1990: 76; Lea

1907: v. 3, 68-69).

3b. Control of Witnesses

Not anyone could give evidence. However, the qualifications for witnesses were quite different, depending on whether they had evidence for or against the accused. Even witches could give evidence against other witches (Boguet 1929: arts. 3 and 58). In France the inquisitors heard evidence from children, heretics, criminals, and accomplices (Given 1997: 15). In Spain, prosecution witnesses could be disqualified only for mortal enmity. Children, Jews, slaves, family, and excommunicates were all permitted to be witnesses against the accused; however, for the defense, no family, no Jews, no Moors, no New Christians (converted Jews), and no servants were allowed (Lea 1907: v. 2, 536-540). Defense attorneys were not permitted to advise the accused to call witnesses in defense, anyway (Lea 1907: v. 3, 69).

These tactics obviously gave the Inquisition considerable control over what could be placed in evidence. The trial began on the Church's terms, and contrary discourse was difficult to introduce.

3c. Document Control and Other Intimidation

One of the striking features of the Inquisition, and one that has made it so attractive to modern historians, is its records (e.g., Ginzburg 1980; 1983; Le Roy Ladurie 1978). Statements and testimonies were carefully recorded and stored in such a way as to make indexing possible. Naturally, these records were secret, and so this resource was unavailable to the accused. Materials from one trial could lead to dozens of others, sometimes many years later; or a trial could be generated out of minor points uncovered in several earlier investigations (see Given 1997: ch. 1). Defenses could not be constructed in the same way. These documents could be very intimidating to the often illiterate accused, and inquisitors were trained to make use of this reaction. They sometimes read out a witnesses' statement to the accused, to force out a confession (Given 1997: 40). Sometimes, too, they only pretended to be reading, or would flip through irrelevant pages and sadly remark that the defendant must be lying (Lea 1955: v. 1, 416-417).

This was all done in order to coerce a confession, which was always the objective of everything the inquisitor did. Confession was required if the accused's soul were to be saved. Other forms of intimidation were also used, to the same end: excommunication, imprisonment, threat of torture, and actual torture. Lea (1955:

v. 1, 422) even reports a case in which the inquisitor got the accused drunk in order to obtain a confession and list of accomplices. We see here a funneling of discourse: anything from the accused that was not a confession was essentially irrelevant, and anything that led to confession was eternally justified.

3d. Defense Attorneys and Other Spies

In the early centuries of the medieval Inquisition, defense attorneys were not allowed. They were, however, permitted to witchcraft defendants by the end of the 15th century. The Spanish Inquisition's provision of defense attorneys for the poor came close to being an innovation in legal practice (Lea 1907: v. 3, 42-43; Ginzburg 1983: 125, also reports a case of an attorney being appointed for a poor defendant in Italy, in the 17th century). However, French and English courts as late as the 16th century did not permit defense attorneys at all (Haliczer 1990: 78). Defense attorneys had to be approved as to their character and attitude by the inquisitors (Kramer & Sprenger 1971: part 3, question 10), and one would not be appointed if he were, for example, litigious.

The possibility of an effective defense was rather slim, partly for reasons already given. Only after responding to the charges would the Spanish defendant be permitted to have an attorney at all (Lea 1907: v. 3, 42). By 1522 in Spain, the defense counsel was not permitted to communicate with relatives of the accused, eliminating any hope of their knowing the accusation and being able to find favorable witnesses (Lea 1907: v. 3, 48). The defense could do certain things: call witnesses as to the accused's Christian character or the mortal enmity of other witnesses, deny that s/he did the act at a given time and place, plead for mitigation (on grounds of youth, insanity, ignorance, grief, drunkenness, etc.), or try to recuse the judges (Lea 1907: v. 3, 56-63). Haliczer (1990: 77) gives an example of a good, thorough, and apparently effective defense of a New Christian in 1521, and while others instances of vigor can be found, they are rare.

Attorneys had to please the tribunal in order to keep working (Haliczer 1990: 75). The lawyers were always themselves at risk, for an energetic defense might result in the attorney himself being prosecuted for protection of a heretic, or for impeding the Inquisition (Lea 1907: v. 3, 43). By 1562, even if the accused found his/her own attorney, the official defense attorney was prohibited from communicating with him. "The advocate thus became one of the officials of the tribunal, duly salaried and working in full accord with the inquisitors" (Lea 1907: v. 3, 46). His main task was to advise the accused to confess, and throw

himself/herself on the tribunal's mercy. Defense attorneys believed that spontaneous confession would result in more lenient punishments (Haliczer 1990: 64).

So, rather than a vigorous advocate, the accused got an extension of the inquisitor, someone who would explain how hopeless one's case is, and how one ought to confess promptly and fully, in hopes of long term salvation and short term peace of mind. Nor were defense attorneys the only such agents. Inquisitors commonly supplied cell mates to inform against the accused, or would eavesdrop on prison conversations, either personally or through the guards (Lea 1955: v. 1, 416-417; Boguet 1929: art. 18).

In all of this, we see further constriction of the disagreement space. The sorts of defenses 20th century Westerners are used to, were essentially forbidden, and all that argumentative opportunity lost. In the place of a defense, the Inquisition supplied more and more opportunity for confession, the only desirable sort of talk from a defendant.

3e. Reflexive Arguments

The initial assumption that the accused was guilty colored the meaning (to the Inquisition) of everything the defendant might say. On certain topics, to deny a charge was to prove it. In an earlier paper, I called this reflexive argumentation (Hample 1997). One illustration in that essay was from Joan of Arc's trial. Accused of heresy, she was asked to justify her actions, including the obviously sinful ones of wearing men's clothing and not obeying her parents. Her explanation was that her Voices instructed her to do these things. Since Satan is wily and can assume the form of angels and saints, her answer proved that she was willingly being influenced by the Devil, and thus self-evidently a heretic. Her only available answer to the charge proved its truth.

This was a much more common problem for defendants than that one example suggests. To deny one's heresy was, in general, to prove it. "Persistent denial of guilt and assertion of orthodoxy, when there was evidence against him, rendered him an impenitent, obstinate heretic, to be abandoned to the secular arm and consigned to the stake" (Lea 1955: v. 1, 407). To the inquisitors, this made perfect sense: the accused was guilty, after all (Eymeric always refers to the accused as the criminal, or the guilty one; Walsh 1969: 107). Denials were proof, not of innocence, but of resistance to the Church Militant. Those who refused to confess were simply sent back to prison, and admonished to examine their consciences more fully; thus, some prisoners lived out their days in jail without their trials

being concluded or even properly begun.
If defense was unlikely, denial was pointless. Even at the level of simple assertives, the Inquisition exercised its power to constrict the disagreement space.

3f. Imposition of Theoretical Frames
To this point, I have only considered ways in which the Inquisition restricted the accused. In some ways, however, it also reduced what the inquisitors themselves were able to think, say, and hear. The problem is again the manuals, along with the other elements of an inquisitor's education. Witchcraft, for instance, was a real thing, because the manuals said it was. Heresies had to be recognized, and so testimony had to be fit to the manuals' descriptions of earlier heresies.
Ginzburg (1983) describes the difficulties that Fruilian inquisitors had when confronted with the unprecedented *benandanti* (doers of good) in the 16th and 17th centuries. The benandanti said that they left their bodies to do battle with witches several times a year, with the harvest at stake. They also said that they could interfere with witches' spells, and often saved children from ensorcered deaths. Were they witches? If they were, could there be such a thing as a good witch? They said they fought for Christ; they made no pacts with the Devil; they did no evil. But as time went on, the inquisitors focused more and more on those elements of benandanti practice that resembled witchcraft: out of body night flights, animal guides, facility with spells, and so forth. More and more, they pressed the benandanti peasants, and they described these practices in inquisitorial terms in the public sentencing sermons. By the mid-17th century, the Inquisition had completely assimilated the benandanti to witchcraft. Significantly, the later testimonies of the accused fit that frame as well, although the early trials reveal little, if anything, like black magic.
Sullivan (1996) argues that a similar thing happened to Joan of Arc, as regards the identities of her Voices. Prior to her trial, she only spoke of her revelations as being from God, and early in her condemnation trial, she was no more specific. But the inquisitors pressed her, and she finally, reluctantly, identified the Voices as being from Saints Michael, Catherine, and Margaret. By the end of the trial, Joan gives these attributions more and more spontaneously. Sullivan says that this resulted from the inquisitors' insistence that the Voices had to have been from God, an angel, a man, or a devil: Joan had to choose, and so she did. We see here, as we did with the benandanti, how the inquisitors' frame can constrict both the judge and the accused.

Peters (1988: 20-21) says that the early inquisitors in southern France made sense of what they were learning, by fitting the testimony into the ancient heresies of Manichaeism, Gnosticism, and Donatism, theologies whose adherents' bones had turned to dust a thousand years before. Theoretical frames can be sturdy structures, no less constricting on the theorist than on his/her human data.

3g. Rules of Evidence and the Evaporation of Witchcraft

We have already seen how the Inquisition established rules of evidence and procedure that made guilt almost unavoidable. The confession was the foundation of the Inquisition. Once a full confession was in hand, further inquiry was halted, and the judge moved on to the sentence. Such uncritical acceptance of this sort of evidence could pose problems, however. Although the great witch hunts had many causes and were sustained by many cultural currents (see Russell 1972), one contributing element must have been the inquisitors' willingness to believe the confessions they heard and coerced. When the Inquisition decided to treat the confessions more critically, the persecutions ended.

The Spanish Inquisition, alone among those in the Christian world, decided early on that witchcraft was not real, and therefore that they would not prosecute it. This is an important story, told in detail by Henningsen (1980). The Spanish began with the same witchcraft concerns as other nations, but in Spain, the skeptics won out. One of them, Alonso de Salazar Frias, was appointed the third member of the Logrono tribunal in June of 1609. Salazar took to heart the *Suprema*'s somewhat critical instructions, and actually undertook scientific tests of witches' claims. He sought out *actos positivos* (i.e., witches' actions that could be tested by the testimony of non-witches), he tried to determine if witches who said they had attended the same *aquelarre* told the same story about it (they were actually taken to the spot individually, and asked where the Devil sat, etc.), he searched out and investigated the ointments said to be used by the witches (discovering that the earlier inquisitors had been tricked into thinking that they had found authentic ointments; he also witnessed a witch consuming a magical powder, with no apparent effect) (Henningsen 1980: 295-301). Based on Salazar's report, the *Suprema* essentially declared that witchcraft was no longer to be punished in Spain, and even permitted confessed witches to abjure their earlier confessions without penalty (normally withdrawing a confession of heresy would be self-evidence of perjury) (Henningsen 1980: 371-376). Witchcraft thus disappeared from Spain because the Inquisition would no longer entertain evidence about it.

A similar thing happened in regard to the Salem witch trials, a Protestant inquisition. These trials stopped when the Governor, on advice from clergy, determined that the Devil could impersonate innocent people, so that testimony that a person had been seen or touched while engaged in witchcraft was no longer sufficient or even on point (letter, Gov. William Phips to Earl of Nottingham, 21 February 1693, in Boyer & Nissenbaum 1972: 120-122). This simple change in the rules of evidence eliminated the possibility of prosecution, and so ended the Salem persecutions.

Just as rules of evidence could be used to constrict the disagreement space in ordinary heresy trials, they could also make certain sorts of heresy impossible, shrinking the disagreement space in another way. Perhaps I should remind readers that my point in this paper is not to show that the Inquisition was an irrational institution (modern historians now judge that it was actually somewhat advanced in comparison to secular courts; Peters 1988; Del Col 1996: xxvii). Rather, I want to explore how disagreement space can be regulated by means of resources external to the immediate discourse.

4. Inquisitorial Enlargement of the Disagreement Space

I was drawn to this topic by the realization that the Inquisition functioned in large part by restricting the accused's opportunities for argument, as I have shown. However, the Inquisition also increased the scope of discourse in two respects. These were not topics that the accused necessarily wanted to discuss, nor were they even topics that the Inquisition knew existed.

The first enlargement occurs because of the Inquisition's wish that the trial begin with a confession, even before the charges are heard. The inquisitor's first question would be, "Do you know why you are here?" (Gui 1991). A witness who claimed not to know might well not be informed, but instead be sent off to prison to meditate. The idea was, of course, to have a spontaneous confession, indicating true contriteness and a strong desire to be reconciled to the Church. A noticeable result, however, was that inquisitors often learned things they had not expected to hear. This was a useful resource in pursuing both the instant and later cases, and systematically enlarged the disagreement spaces for those defendants. In fact, it may have created disagreement spaces for some.

The second enlargement is also connected to the Inquisition's model of a satisfactory confession. To confess a sin, one must hate it, and must see that it is an evil aimed at Christ's Church. Therefore, it is not enough to confess one's own involvement. A true confession will also name everyone else known or suspected

of guilt by the accused, for their souls are in jeopardy. To withhold the identities of one's accomplices was to make only a partial confession, putting the accused at risk of being held to be impenitant (the penalty for which was burning at the stake). These accomplice lists were one of the Inquisition's main resources in rooting out heresies.

5. Implications for Argumentation Theory

The point of this paper has been to explore disagreement space, as it is affected by institutional power. Hutchby (1996) has done a similar sort of thing in his excellent study of how a radio talk show host controls the topic on his call-in program. By choosing what elements of the caller's talk to regard as arguable, by reining the caller back when s/he tries to move to a new subject, by having the last word, and by other means as well, the host strongly influences what we are here calling the disagreement space. These possibilities all derive from the host's institutional status, and his allied control of the radio show's technology. They are, however, all implemented in the actual talk, and it is there that Hutchby finds his evidence. I have not here undertaken anything like conversation analysis of inquisitorial trials, but I have little doubt that a Hutchby-like analysis would succeed, even though we do not have verbatim transcripts.

Both Hutchby's work and the present analysis demonstrate that disagreement space is, in practice, not equally available to all parties. Another way of saying this is that the theoretical disagreement space (containing all the beliefs that an analyst sees as potentially arguable) is not the same as the disagreement space as it exists in a real, situated argument. While I do not read van Eemeren, Grootendorst, Jackson, and Jacobs (1993) as having taken much notice of this, I doubt that they would object to this conclusion. I think that this is all connected to a more fundamental idea in pragma-dialectics, the rules for critical discussion (van Eemeren & Grootendorst 1992). These are the norms that need to be respected for a good dialectical argumentation. To violate one is to commit a fallacy. Here is the list:

1. Parties must not prevent each other from advancing standpoints or casting doubt on standpoints.
2. A party who advances a standpoint is obliged to defend it if the other party asks him to.
3. A party's attack on a standpoint must relate to the standpoint that has indeed been advanced by the other party.

4. A party may defend his standpoint only by advancing argumentation relating to that standpoint.
5. A party may not falsely present something as a premise that has been left unexpressed by the other party or deny a premise that he himself has left implicit.
6. A party may not falsely present a premise as an accepted starting point nor deny a premise representing an accepted starting point.
7. A party may not regard a standpoint as conclusively defended if the defense does not take place by means of an appropriate argumentation scheme that is correctly applied.
8. In his argumentation a party may only use arguments that are logically valid or capable of being validated by making explicit one or more unexpressed premises.
9. A failed defense of a standpoint must result in the party that put forward the standpoint retracting it and a conclusive defense in the other party retracting his doubt about the standpoint.
10. A party must not use formulations that are insufficiently clear or confusingly ambiguous and he must interpret the other party's formulations as carefully and accurately as possible (van Eemeren & Grootendorst 1992: 208-209).

These were all systematically and intentionally violated by inquisitorial practices (working through the proof of this would require another whole paper, so I will leave it as an exercise for the reader: enough evidence should be available in the present essay). This suggests very close connections among institutional power, control of disagreement space, violation of the rules for critical discussions, and systematically fallacious discourse. The pragma-dialectical school has concentrated its energies on the analysis of discourse, trying to avoid both cognitive and macro-sociological issues. It has achieved a lot with this strategy. However, it now seems likely that pragma-dialectics can broaden its own domain of applicability if it wishes, and engage in analysis and critique of larger social institutions, based upon how they affect disagreement space.

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