

ISSA Proceedings 2002 - Considering Culture In The Analysis Of Arguments



The study of arguments within the pragma-dialectic program (Eemeren & Grootendorst, 1992) removes arguments from their situated contexts (e.g. Eemeren, Grootendorst, Jackson, & Jacobs, 1994, pp. 60-89) in order to present them as a series of opposing standpoints designed to press towards a resolution within the framework of a critical discussion. Maximal Dialectic Analysis (MDA) is a technique used to reconstruct arguments and identify missing premises that relies on Grice's (1975) system of interpretation based upon the Cooperative Principle (CP) and Conversational Maxims of Quantity, Quality, Relation, and Manner. The CP requires speakers to: "Make your conversational contribution such as is required, at the stage in which it occurs, by the accepted purposes or direction of the talk exchange in which you are engaged" (p. 45). Quantity Maxims require interlocutors to be as informative as is necessary (for the purposes of the exchange) but to not be over or under-informative. Quality Maxims require speakers to say what they believe to be true and to not say that which they have reasons to believe might be false. The Relation Maxim requires speakers to be relevant. Unlike the first three maxims that deal with content, the Manner Maxims are concerned with how an utterance gets expressed. Speakers are expected to say things in ways that are clear, concise, orderly, and to the point.

According to Brown and Levinson (1987), the CP provides "an 'unmarked' or socially neutral (indeed asocial) presumptive framework for communication" (p. 5) that emphasizes rational efficiency above deviations without principled reasons. Deviations are identified by the utterance's distance from the CP and conversational maxims. Principled reasons for violations of the CP and Maxims become resources for alternative interpretations that move beyond the literal surface meanings of the utterance while serving to repair the deviations from the CP and Conversational Maxims.

The Gricean framework as a set of guiding principles seems well suited for MDA analysis of arguments made by a variety of people in a variety of situations (Eemeren, Grootendorst, Jackson, & Jacobs, 1994). However, MDA has paid attention to the maxims of quantity, quality, and relation at the expense of the manner maxim (Aldrich, 1995). How interlocutors make an utterance carries interpretive weight in addition to what is said. For this reason, analysts using MDA must be responsive to the manner maxim if overly charitable or less than charitable interpretations are to be avoided (Aldrich, 1995).

The analyst must know several things in order to use a Gricean framework effectively in the conduct of MDA. First, the underlying purposes of the talk exchange must be accessible. What will constitute a cooperative move hinges upon this knowledge. In terms of defining what it means to be cooperative, Grice indicates that conversation partners must recognize "to some extent, a common purpose or set of purposes, or at least a mutually accepted direction" (p. 45) while offering little else in the way of elaboration. MDA establishes this direction as being in the form of a critical discussion (Snoeck-Henkemans, 1992). Second, the potential pragmatic functions of each move must be recognizable in order to be evaluated against the standards provided by the CP and Conversational maxims.

Knowledge of what it means to be cooperative or to follow a maxim tends to be taken for granted in most analyses that use a Gricean interpretive system. Both the interlocutors and analysts tend to be from the same speech community and share similar knowledge and assumptions about the culture and language usage within the community. However, it must be emphasized that understanding argument at the local level of expression by engaged interlocutors requires an awareness of the normative assumptions in play (Eemeren, Grootendorst, Jackson, and Jacobs, 1993, p. 20). This is especially important when using a Gricean system of analysis. While Grice has provided analysts and users of natural language with a robust system for interpretation, it is not at all clear that the CP and especially the Conversational Maxims are (a) pan-cultural or (b) interpreted in similar ways across cultures. This problem can be illustrated in how indirection in language usage gets interpreted across different cultures.

Indirection is a key feature in politeness systems (Brown & Levinson, 1987) and as such is found within most systems of discourse. Indirection is handled quite efficiently by the Gricean system of interpretation and is a feature commonly found in speech acts such as requests which form a key component of the

constellation of speech acts (Eemeren & Grootendorst, 1992) that converge to form arguments. While indirection is managed well in the Gricean system, what the indirect use of language means and how indirection is to be interpreted is tightly bound in cultural assumptions. Indirection as evidence of cooperativeness or uncooperativeness (violation of one or more of the Conversational maxims) will be managed quite differently in the Gricean system depending upon the culture the participants and/or analyst are situated in. That the American culture values directness as is evidenced in sayings such as “Say what you mean” and “Let’s get to the bottom line.” Indirection used by American English speakers is often treated as a violation of the quantity maxim (failure to be as informative as is required for the talk exchange) or as a possible threat to the quality maxim (saying only what you know or believe to be true). Other cultures value indirection over direction such as Japan (Gudykunst & Kim, 1997) where a direct or “bald” and “on record” request (Brown & Levinson, 1979) would be seen as violating both the quantity and manner maxims.

Using an asocial framework in the analysis of socially contexted interaction is not problematic as long as we recognize and identify how information is interpreted within the cultural context the discourse is from. This is especially the case when engaging in the analysis of arguments across different cultures. Simultaneously, the study of arguments and argument schemes across cultures can help provide the cultural awareness necessary for understanding when an utterance is in accordance with the CP and Maxims or when the utterance becomes a violation of the same according to the prevailing cultural norms and practices. The asocial nature of the Gricean system must be combined with understanding of what constitutes principled reasoning within the context of culture if the analyst is to provide a properly charitable argument reconstruction.

The position developed to this point is that the Gricean interpretive system is well suited for MDA but needs to be sensitive to cultural norms and practices. At the same time, we’ve suggested that an analysis of argument schemes within a culture can provide the analyst with understanding of how cultural norms and practices affect interpretations made using MDA within a Gricean framework. These claims will be supported through an analysis of complaints made by consumers within the German and American consumer cultures.

Complaints

Complaints are a specialized form of argumentation that provide an ideal means

to examine the relationship between culture and argumentation. In complaints, both the complainer and the target of the complaint hold competing standpoints that, if properly managed, will result in a solution satisfactory for both sides. Complaints provide a particularly useful locus for the analysis of arguments as many different elements of the speech act constellation are used in the performance of a complete complaint sequence. Equally as useful for MDA and its associated Gricean analysis are how cultural norms and preferences are given explicit expression in written and verbal complaints. This knowledge can help the MDA analyst avoid overly or underly charitable interpretations. The remainder of this work consists of an analysis of complaint letters written by German speakers and sent to offices of the Verbraucher Zentrale or consumer complaint service in Germany and complaint letters written by American English speakers and sent to offices of the Better Business Bureau in the United States.

An analysis of the German and American data sets allows us to see localized differences in how complaints are expressed by individuals writing in either German or English. Both cultural preferences and institutional preferences are also expressed in these letters. Identification of differences in the expression of acts provides the initial basis for intercultural understandings at the pragmatic level of language use and can be further used in the identification of what constitute principled reasons for the violation of maxims within a Gricean framework.

Acts of complaint are made up of at least three primary elements (Felstiner, Abel, & Sarat, 1980-81): naming, blaming, and claiming. Naming involves identifying the reason or basis for the complaint. Blaming involves the assessment of accountability or culpability. Claiming is often not done directly but involves identification of the redress that is desired by the person making the complaint.

Direct accusations

Differences are readily apparent when we examine how the complaint is named or identified within the German or American data corpus. The following examples involve direct expressions of accusations made by individuals writing the Verbraucher Zentrale (DE) or to the Better Business Bureau (US). For material from the German data corpus, the translation is presented first followed by the original text in German.

DE-5d.1: Anywise, the period of the transfer is completely in your control.

Außerdem liegt die Laufzeit der ausgehenden Überweisungen sehr wohl in Ihrer Hand.

DE-37b: The written confirmation that was initially issued weeks after consideration certainly followed so that the customer would have no possibility to be able to put in a cancellation.

Die erst nach Wochen erteilte schriftliche Bestätigung erfolgt sicherlich wohl überlegt, damit seitens der Kunden keine Möglichkeit besteht, Widerruf einlegen zu können.

DE-4a: As my bankcard was stolen and used to withdraw money, I would like to look more closely into this subject because the bank is not prepared to reimburse the stolen sum, though as far as I am concerned, the legal decision ought to be that the PIN number was obtainable by the thief only through culpable negligence.

Da mir meine Bankcard geklaut und dann mit ihr Geld abgehoben wurde, möchte ich mich näher mit diesem Thema befassen, denn die Bank ist nicht bereit mir die abgehobene Summe zu erstatten, da laut Gerichtsurteil die Pin nur durch grobe Fahrlässigkeit meinerseits an dem Dieb gelangt sein kann.

DE-5d.2: Anyways, I am not satisfied with your answer-it is in my opinion even false.

Außerdem befriedigen mich Ihre Antworten überhaupt nicht, sie sind m.E. sogar falsch.

US-3e: I am writing to file a formal complaint against...

US-16e: I feel I was misrepresented by your sales person. I was flat out lied to!

US-19g: We feel he didn't fulfill his guarantee.

US-20d: It was clear that I was fraudulently baited into accepting an XXXX plan that I did not want and that was not truthfully explained to me.

Accusations in German complaint letters tends to focus on identifying actions done by the target that are viewed as being wrong or somehow defective. Also directly associated with the manner in which the complaint is expressed is the element of blame or of censoring. By asserting the institution is in control of the transfer period, the writer of DE-5d.1 projects responsibility (and blame) onto the organization. The writer of DE-37b also presents an accusation that is explicitly directed against the target of the complaint. The German text contains language that has a strong legal tone or flavor to it. This comes in part from the formality of expression. Example DE-37b refers to the writer in the third person as the customer. This also comes in part from the direct invocation of law as in example

DE-4a where the writer asserts what the legal decision ought to be.

The result of this focus on the target of the complaint rather than the complainer and the use of a formal, legalistic style serves to distance the complainer from the complaint and the individuals and/or organization responsible for the complaint. This subtly suggests that the complainer shares no responsibility in the complainable action's occurrence. Even in the case of DE-5d.2 where the writer is making a direct accusation of lying, a formal style is used.

The American texts differ from the German texts in both what is named as the complaint and in the manner of presentation. The complainer in the American data corpus is made the center of attention. Specific phrases such as "I am" (US-3e), "I feel" (US-16-e), and "We feel" (US-19g) direct the attention of the reader to the writer as the object of focus rather than on the specific complaint. This self-centered focus projects an impression of the writer as being affected or impacted by the undesired action that is the object of complaint. The personal nature of the American style of presentation is typified by the accusation of lying made in US-16e. The complainer asserts feelings of being misrepresented followed by an on record charge of lying. Notice as well how the manner in which the accusation is made focuses attention again onto the writer rather than onto the organization's representative being accused of lying.

These accusations culled from both German and American letters of complaint would receive different interpretations within a Gricean analysis. From a German perspective (Neidert, 1998, personal communication), the focus in the American letters upon the complainer at the expense of the complaint is a violation of the relation and manner maxim because the obvious (the complainer being upset or feeling abused) is being made explicit when that sort of information can and should be assumed. Thus, such information does not need to be made explicit within German discourse.

Threats

Threats are common acts that make up part of the argument constellation and appear frequently in both the German and American data corpi. As is the case with accusations, threats vary in their functions and in how they are performed within each culture. We will first consider threats in German texts followed by threats from the American texts.

DE-31a: If you do not pick up the defective washer, which I cannot use for washing, by the 10th of February, 1996 and return the promised 300 German Marks to me, I see myself forced to undertake other steps.

Falls Sie bis zum 10. Februar 1996 die defekte Waschmaschine, die ich nicht zum Waschen benutzen konnte und mir die vereinbarten 300,-DM dafür zurückerstatten, sehe ich mich gezwungen, andere Schritte zu unternehmen.

DE-47c-1: If the goods are not delivered by the 31st of December 1996 in the original packaging and free from defects I will withdraw from the purchase agreement. Furthermore, I will feel forced to take further legal steps against you.

Wird die Ware nicht bis zum 31.12.96 Original verpackt und fehlerfrei geliefert, werde ich vom Kaufvertrag zurücktreten. Andererseits fühle ich mich gezwungen, gegen Sie rechtlich Schritte vorzunehmen.

DE-23a: Should I not receive a positive decision by the above given date I would like to draw your attention to the fact that I will pass this affair on legally and will insist on the cancellation of the purchase contract.

Sollte ich bis zum o.g. Termin von Ihnen keinen positiven Bescheid erhalten, mache ich Sie darauf aufmerksam, daß ich die Sache rechtlich weiter geben werde und auf Rückgängigmachung des Kaufvertrages bestehen werde.

DE-35a: If you do not resolve the complaint by 15 January, 1996, and address the above mentioned three points, I will immediately contact the Consumer Advising Center.

Wenn Sie die Reklamation nicht bis zum 15. Januar 1996, und zwar die obigen drei Punkte betreffend, erledigen, werde ich mich unverzüglich mit der Verbraucher-Beratung in Verbindung setzen.

Two features are immediately apparent in the German use of threats. First, these threats use the conditional “if-then” clause construction. Threats in the German data corpus are almost always made by identifying a set of conditional expectations. The sense of obligation is specific and temporal in conditional clauses. From a naïve perspective held by some Americans, the German letters would appear to violate the quantity maxim by being over informative. The German letters use sentence structures that are much longer and more complex than equivalent sentences in the American letters. This is an artifact of linguistic differences between the two languages and not of the pragmatic nature of the utterances. The reality of this situation is the opposite – German letters seem to violate the quantity maxim by being under-informative in regards to what the complainer is willing to do next. Contrary to the American notion of “Saying what

you mean” the German complainer hints or suggests future action that is or will be undesirable for the target while not explicitly providing details of the to be pursued action.

In letter DE-31a, the writer invokes a rather vague threat of having to take other steps in the event the defective washing machine is not picked up and the money refunded. For the analyst with footing (Goffman, 1975) in a different (in this case American) culture, it is not at all clear what such steps might be. Yet, writers have points to make and are expected to express these points in ways that are mutually intelligible to other members of their culture within the Gricean interpretive system.

Any analyses of German texts involving complaints requires understanding the nature of the contractual obligations that exist between purchasers and sellers in Germany and how an individual’s access to law is managed. Consumers have explicit rights and responsibilities under German civil law. These rights and responsibilities include identification of how long a consumer has to wait for the delivery of goods or what the condition of delivered goods must be in for the consumer to cancel the sales agreement (Stillner, 1997). Further more, consumers are responsible for obtaining this knowledge on their own rather than going to an attorney for this knowledge. The conditional form used to express the threat functions in part as a declaration that the consumer is putting into effect these rights and as such is fully informative in terms of the quantity maxims to interlocutors armed with this knowledge.

The German letters appear to focus on legal or contractual relations and expectations. The exchange of goods or services is privileged over a more personal focus on relationships between the consumer and organization. In example DE-31a where the woman identifies a promise between her and the unidentified organization, the promise refers to a contractual type issue of agreement rather than a personal issue based upon the morality of trust and promise keeping. As with the direct expressions, the German text frames threats using a very formal tone that strongly conveys what the obligations are. Unlike the American texts where the individual pronoun “I” was used to focus attention on the writer, phrases such as “I would like to draw your attention to the fact” and “I see myself forced to take other steps” transform the pronoun “I” from that of a person who exists in a relationship with the reader of the text to that of the “I” as a separate legal entity specified in a contract.

Example DE-47c-1 has qualities different from the other German examples. The threat contains a strategy we identify as *tattletale*. In *tattletale*, writers threaten to inform the third party complaint agency about the disagreement between the consumer and the target of the complaint. As third party complaint agencies, the German Verbraucher Zentrale and the American Better Business Bureau accept reports from consumers about troubled interactions and work to inform consumers on how to protect their interests in the market economy. One of the functions served by the third party complaint agencies is to act as a record keeper of organizations and the complaints directed against these organizations by dissatisfied consumers. The “tattletale” occurs where negative information is kept by the third party complaint agency and made available to other interested parties. *Tattletale* is a form of censure. While this example has the “I am telling on you” quality that is the mark of *tattletale*, it follows the German style of the conditional form that expresses the actual act indirectly. The writer identifies three points made explicit earlier in the letter that must be addressed to avoid the threat of censure. If the contractual obligations are satisfied then the “telling” portion will be defeated.

The American letters present threats in ways distinct from threats presented in the German examples.

US-22e: I wanted to make you aware of a recent situation and allow you to attempt to remedy it before contacting the Better Business Bureau.

US-25b: You will receive much better word of mouth advertising from me if you are cooperative and refund my VISA account. If it turns out that working with you has been more trouble than pleasure, I will certainly let others know that this package is no more than a high-pressure sales/unprofessional customer service enterprise.

US-23d: Carbon Copy: The Better Business Bureau

US-26c: You took advantage of two senior citizens. We are determined to see to it that you are not allowed to do the same to other people senior citizens or otherwise. CC: Attorney General, Better Business Bureau, Mr. X-attorney at law.

The writers of letters *US-22e* and *US-25b* use the conditional form as we observed in the German data. The differences are found in the content rather than the form of expression. Where the German threats focus on the contractual nature of the exchange and imply what might be done, the American threats make explicit what will be done as well as containing a strong flavor of personal contact and

connection. Example US-22e emphasizes the willingness of the writer to allow the target of the complaint the opportunity to avoid censure while also specifying the tattletale act of telling the Better Business Bureau about the complaint and offending organization. Example US-25b has the writer invoking a threat of personal censure. The emphasis is placed upon interpersonal cooperation rather than on adhering to any contractual or legal norms. Notice as well the very explicit detail provided in example US-25b about what the writer will do if the complaint is not resolved.

Example US-22e is similar to the German example DE-35a in its use of the tattletale strategy to convey the threat. American complaint writers use tattletale strategies for the majority of threats. Tattletale, though recognized by German writers as a threat form, occurs only infrequently in German texts. The discrepancy in frequency of use suggests these differences are a matter of cultural preferences and not due to a pan-cultural interpretive system. At the same time, presence of this strategy in each culture suggests interlocutors are able to perform and recognize strategies favored by the other culture. This recognition of strategies across cultures is not unique to complaints. Scollon and Scollon (1995) show how speakers in Hong Kong recognize and make use of topic first and topic delayed discourse systems depending upon the cultural contexts speakers find themselves in.

The American texts also differ from the German by presenting threats and tattletales as actions already taken or being taken. A common strategy found in the American letters is to send a “carbon copy” of the letter to the Better Business Bureau or other third party settlement agency as is done in example US-23d. This is the sort of action done where censure or “tattling” is one of the primary goals. Tattletale moves of censure indicate a relationship already soured rather than the focus on legal and contractual issues found in the German texts.

Letter US-26c continues this theme of presenting ongoing action rather than conditional threat. The writers, self-identified as two senior citizens, are complaining about a contractual failure. Significant is the emphasis they place on how they feel taken advantaged of. They take the moral high ground in asserting their letter is to censure the organization and to prevent future untoward behavior. The interjection of personal feelings and use of personal accounts are features common to these American letters.

Both the German and American letters make reference to the legal systems of each culture respectively. When Germans invoke the threat of law they do so through referencing initially to common assumptions shared about contract periods, etc. When legal representation is identified, German letters refer to such representation as “my attorney.” This suggests the writer has a specific lawyer designated to take further legal action if needed. Americans, though viewed as being especially litigious, have a much more general and somewhat ambivalent use of law in terms of complaints. Instead of directly making use of personal attorneys, Americans seem to limit themselves to “public law” or the legal apparatus designed to handle grievances that are seen as offenses against the public at large rather than against just an individual. The most common use of law in the American letters is found in references to the State Attorney General’s offices, usually in the form of “carbon copy” attachments.

Expressions of emotions

Expressions of emotions are directly tied into the manner maxim and are culturally dependent for their interpretation.

DE-4a: I do not want to be satisfied with this decision.

Mit diesem Beschluß möchte ich nicht zufrieden geben.

De-17a: I am no longer willing to wait for the sofa

Sehe ich mich meinerseits nicht mehr länger gewillt auf das sofa zu.

De-26a: As you can see, there is an enormous difference between your price and the price in Italy and I think that is not correct.

Wie Sie sehen besteht zwischen Ihrem Preis und den in Italien ein enormer unterschied und genau dies halte ich nicht für korrekt.

The German complaint writer tends to be reluctant to openly express feelings. The German society is reserved in nature and expression of feelings within a formal context such as business settings (Randlesome, 1994) is viewed as being a violation of the manner maxim whereas we have already seen how the American writers feel free to express personal feelings and to focus attention on the complainer rather than the complaint. Further more, American complaint letters often contain what Pomerantz (1986) refers to as “extreme case formulations to indicate the strength of the emotion being expressed as in:

PB-1a1 Extreme displeasure

PB-1f1 Extreme dismay and shock

AB-19a I am appalled

These cultural preferences result in very different Gricean interpretations as to what constitutes adherence and violation of the CP and Conversational Maxims.

Popular opinion

The American letters contain a category of popular opinion that is virtually absent from German letters of complaint. This strategy of Popular Opinion is a form of argument by public opinion where the fact that more people besides the letter writer share the same complaint serves as a warrant in support of the writer's claim that a complaint worthy situation exists.

PB-1a1: I was not alone in my state of annoyance at this misleading ad—three other women were also quite upset.

PB-1f1 : Many of my friends, neighbors, and coworkers have similar opinions.

US-26d2: All in all, 64 people were so frightened of the plane and its mechanical problems...

Rules and Relationships

The above examples from German and American complaint letters highlight some of the differences found in complaints as argument within each culture. Conley and O'Barr (1996) provide a framework against which the pragmatic preferences of Germans and Americans can be understood. Conley and O'Barr (1996) suggest social action between individuals and institutions can be arrayed along a continuum anchored respectively by "rules" and "relational" orientations. These orientations comes out of their work on interactions between individuals and the legal system in small claims court actions within the United States. People accessing the informal justice system in America (plaintiffs, judges, attorneys) take either a rules or relational orientation in how they present and manage expression of grievances.

People who express complaints from a rules orientation view the rules and principles as a set of universals that ought to be indifferent to issues of status or power. The universality of such rules and principles is in part to ensure equal footing among individuals. Contractual symmetry is provided for in how the rules are structured. Thus, one turns to these social/contractual rules in order to obtain proper redress once wronged. Social organization is seen as a network of contractual opportunities and contractual responsibilities. Obligations are codified within the set of rules used to govern social order. A key feature of contractual relations is the stability and predictability that results (Williamson, 1985). Knowledge of rules and one's position relative to the rules ought to

produce regularized and predictable outcomes. Finally, there ought to be a visible orientation to legal and processual rules in the presentation of one's grievance. This orientation translates to expectations about the type of material used to support one's grievance and claims.

People who express complaints from a relational orientation view social relationships and one's footing within a social network, i.e., status and power, as superceding contractual rules and principles. Personal understandings and expectations within the perceived relationship are the basis for obligations. Obligations are judged in relationship to individual understandings and beliefs rather than upon legal prescriptions and explicit contractual beliefs. Grievance management becomes a process of deciding individual cases relative to social merits and proprieties. Judgment is personalized to the situation. The type of information deemed important to a relational orientation emphasizes one's place within a social network and subsequent expectations. Entitlement belongs to the individual rather than to the larger social order. Finally, social rules for appropriate behavior get emphasized over contractual or legal rules.

Each of these orientations provides a different set of motives for action and normative obligations sustained by each person when entering into an interaction. Key differences between German and American complaints can be seen using a rules & relationship continuum. German consumers favor a rules orientation where American consumers favor a relational orientation in the making and managing of their complaints. Understanding these two orientations and how each orientation represents culturally preferred preferences for making arguments in the form of complaints provides the MDA analyst with information necessary to apply a Gricean analysis when filling in missing premises and reconstructing the argumentative discourse.

Summary

Cultural differences exist in the type of preferences that guide both action in the form of discourse, i.e., naming, blaming, and claiming, and in how what constitutes a deviation from the Gricean principles is determined. Any form of argument analysis such as MDA must take into account the cultural differences when performing analyses if overly or underly charitable interpretations are to be avoided. Studying argument schemes across cultures as has been done here is one fruitful way to obtain this needed cultural knowledge and to bring culture back into the analysis of argumentation.

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