

Argumentative Style

Argumentation in Context

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Ton van Haften, Nanon Labrie,
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Volume 20

Argumentative Style. A pragma-dialectical study of functional variety
in argumentative discourse

by Frans H. van Eemeren, Bart Garssen, Sara Greco, Ton van Haften,
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Preface

Argumentative Style is a monograph co-authored by a group of researchers who are members of ILIAS, the International Learned Institute for Argumentation Studies. ILIAS unites argumentation theorists who favour a pragma-dialectical approach to argumentation. This approach combines viewing argumentation dialectically as part of a critical discussion aimed at resolving a difference of opinion on the merits with treating it pragmatically as a specific type of communicative action taking place in a real-life interactional context. In this monograph argumentative style is approached from this theoretical perspective.

The authors collaborating in this volume come from different academic and geographical backgrounds and they have different kinds of specialisations. The monograph is a joint product, which further develops the theoretical insights advanced in Frans van Eemeren's (2019) article, 'Argumentative style: A complex notion'. The authors' specialisations are brought to bear in dealing with the different ways in which argumentative styles manifest themselves in various communicative practices from several communicative domains. The domains that are included vary from the political, the diplomatic, the juridical, and the facilitatory domain to the academic, and the medical domain. In the analyses, specialised and domain-specific background knowledge is sensibly combined with pragma-dialectical insight into the properties of argumentative discourse that determine its argumentative style.

We believe that the theoretical ideas propounded in this volume and the analyses of argumentative discourses and argumentative styles that are presented can be useful to the whole community of argumentation students, whether they are advanced scholars or beginners. We hope that they will also meet with interest outside this community, especially among rhetoricians, linguists, and those specifically engaged in studying the various communicative domains we pay attention to in this volume. For a deeper understanding of the theoretical treatment of argumentative discourse that is put to good use in this volume, it will, of course, be necessary to read more of the pragma-dialectical background literature. References are provided that can be of help to realise this purpose.

It goes without saying that we would like to thank everyone who helped us in any way in conducting this research. We express our gratitude to Francisca Snoeck Henkemans for suggesting and translating the political advertisements analysed in Chapter 5. In addition, we thank the Early Dispute Resolution Center of the

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Argumentative style

The strategic shape of argumentative discourse

1.1 Introduction

Lay people as well as trained analysts of argumentative discourse tend to make all kinds of observations about the ‘style’ in which the discourse is conducted. Among the great many characterizations of arguers’ styles we have recently encountered in the literature on argumentation are “overtly promotional and quasi-advertising” (Palmieri & Mazzali-Lurati 2017: 176), “flirting” (Hall et al. 2010, quoted in Hoppmann 2017: 226), “feminine” (Jamieson 1988: 67–89, quoted in Jasinski 2001: 538), “breezy” and “conversational” (Zhang 2009, quoted in Wu 2017: 226), “ornate” and “comic” (Wales 1991: 435), and “reminiscent of a children’s drawing” (Tseronis 2017: 347). These are only a few, more or less arbitrarily selected quotes, which can be easily complemented with others.

The observations that are made concerning the style utilised in argumentative discourse vary from pointing out striking properties of the way in which the standpoint at issue is defended to giving general characterizations of the defence of a standpoint or assessments of its appropriateness (van Eemeren 2019: 153). They may concentrate on the style employed in a particular speech event or used by a certain speaker or writer, but also on distinctive features of the style put to good use in a certain type of communicative activity, domain of communication, or historical period. Although the concept of style also applies to visual and other modes of communication, the characterizations of argumentative style that are given focus in the first place on spoken and written argumentative discourse.¹

In the literature, the properties of style are generally described as linguistic characteristics. Wales, for one, claims in her *Dictionary of Stylistics* that “stylistic features are basically features of language” (1991: 436). Fahnestock speaks in *Rhetorical Style*, a prominent contribution to stylistics, of “features of language that might enhance its power over the audience” (2011: 6). In ‘stylistics’, the modern version of the rhetorical doctrine of *elocutio*, style, whether argumentative or not,

1. See Tseronis (2017: 348) for some provisional observations concerning visual argumentative style.

is predominantly viewed as a quality of the linguistic presentation (e.g., “Long sentences and repetitiveness mark the style of her essays”). When, occasionally, in characterizing argumentative conduct characterizations of style are given that refer to non-linguistic qualities (e.g., “His debating style is aggressive”), such characterizations are as a rule not backed up by theoretical considerations.

1.2 Transcending the traditional view of style

‘Style’ is by all accounts an elusive notion, which is hard to capture in a definition.² As Wales observes, “although [the concept of] style is used very frequently in literary criticism and especially stylistics [...], it is very difficult to define” (1991: 435). “At its simplest”, she states, “style refers to the manner of expression in writing or speaking, just as there is a manner of doing things, like playing squash or painting” (p. 435). In their dictionary of rhetoric, Claes and Hulsens (2015: 129) report that in the past style was initially seen as literary adornment (*ornatus*), later as a deviation of ordinary language use, and nowadays as a choice between language variants.

Among the factors playing a role in stylistic variation that are mentioned in the literature are the medium used for expressing oneself, the degree of formality of the occasion, the norms that are played with, and the contextual domain – or the situation in the case of ‘registers’ – in which the discourse takes place. Sometimes the discussion of style concentrates on the style that is used in a particular speech event (e.g., in Trump’s inaugural address of 20 January 2017), sometimes on the individual style of a certain speaker or writer (e.g., Kennedy or Nabokov), and in other cases on general characteristics of the style used in a certain type of communicative activity (e.g., chatting) or period (e.g., the Post Renaissance epistolary tradition) – usually viewed in comparison with other communicative activity types or periods. To a large extent, these observations will also apply to the species of style we are concerned with in this study: *argumentative style*.

For dealing adequately with the argumentative style utilised in a discourse, concentrating predominantly on the presentational properties of style, as happens in the stylistic literature, is not sufficient: a different and more comprehensive perspective is needed. This new perspective should, on the one hand, be more specific, since it must focus particularly on the argumentative function of the

2. It is telling that Lodewick’s (1964) infamous Dutch textbook for stylistics discusses in great detail all kinds of figures of style and stylistic errors without providing any definition of style. Likewise, textbooks for writing and composition often mention ‘formal’ and ‘informal’, ‘colloquial’ and ‘academic’ writing styles, but, again, without giving an adequate definition of the notion of style.

discourse; on the other hand, it should also be much broader, because it needs to take full account of the fact that the argumentative function of the discourse encompasses more than just the presentational aspect. In order to do justice to the argumentative function of the discourse, we need a definition of this notion in which argumentative style is viewed as instrumental in trying to convince the intended audience by means of argumentative discourse of the acceptability of the standpoint at issue and in which all aspects of the strategic manoeuvring involved in resolving a difference of opinion in a reasonable and effective way are incorporated (van Eemeren 2019: 163–165, 2021).

In line with our general theoretical approach to argumentative discourse, our perspective on argumentative style will be ‘dialectical’ in the philosophical sense of relating this notion to having a critical discussion and ‘pragmatic’ in the linguistic sense of situating it in the context of an argumentative discourse taking place in a real-life communicative interaction (van Eemeren 2018: 33–69). In order to optimally connect this notion with the pragma-dialectical theory of argumentation, we will define ‘argumentative style’ in accordance with the most recent, extended version of this theory (van Eemeren 2010, 2018). This means that, starting from the view that the argumentative style utilised in argumentative discourse is supposed to be instrumental in trying to convince the intended audience of a certain standpoint, we will provide a definition of argumentative style that relates this notion to the relevant properties of the argumentative discourse aimed at pursuing effectiveness through reasonableness in which the argumentative style manifests itself.

1.3 A pragma-dialectical definition of argumentative style

The shape that is given to a discourse by the use of a certain style is sometimes designated as the “tone” of the discourse or the “tune” that is sung. Other metaphorical expressions that are employed to capture style are, for instance, that the style puts the communicative activity “in a certain light” or “colours” it in a particular way. Whatever enlightenment the use of these metaphorical expressions may bring, they do not make styles a great deal easier to identify and characterize.

“Style” is in fact a word that refers to a particular way of doing something or dealing with something. When speaking of “argumentative style”, the topic we are concerned with in this volume, we refer to a particular way of conducting argumentative discourse.³ This means that the simplest definition of argumentative style we can provide is the following:

3. Argumentative discourse will generally be conducted verbally, but it can also be partially (or exceptionally even wholly) non-verbal (e.g., visual).

Argumentative style is a particular way in which an argumentative discourse is conducted to make it contribute to achieving the resolution of the difference of opinion aimed for by the arguer.

Since every argumentative style that is utilised represents a particular way of trying to resolve a difference of opinion by means of argumentative discourse, the notion of argumentative style is more focused and at the same time more comprehensive than the notion of style that is generally employed in stylistics – which concentrates on how messages are linguistically presented.⁴ It is more focused, because it concentrates particularly and exclusively on the way in which discourses are conducted that are aimed at resolving a difference of opinion by means of argumentation. It is more comprehensive, because it recognizes that in using argumentative discourse for this purpose much more is involved than the mere presentation of the discourse and approaches the discourse accordingly. According to the extended pragma-dialectical argumentation theory, in the ‘strategic manoeuvring’ taking place in every piece of argumentative discourse to keep a balance between reasonableness and effectiveness, three aspects are to be distinguished – and the presentational aspect is only one of them.

Using a certain argumentative style is a particular way of giving shape to one’s strategic manoeuvring by combining being reasonable with being effective in trying to resolve a difference of opinion. This means that utilising an argumentative style in conducting argumentative discourse does not only involve choosing a particular way of exploiting the ‘presentational devices’ of language (or another means of communication), but also – and equally importantly – making at the same time a particular selection from the available ‘topical potential’ of argumentative moves and adapting in a specific way to the ‘audience demand’ of the intended addressees (van Eemeren 2010: 93–127; 2018: 112–113). Viewing these three aspects of strategic manoeuvring as the constitutive dimensions of argumentative style, enables us to properly identify the argumentative style that in argumentative discourse is utilised to give a particular shape to the discourse. Just like linguistic style is in its contemporary conception seen as the result of a choice between presentational variants, it is a distinctive property of our conception of argumentative style that utilising it indeed involves choices – but then choices with regard to three different dimensions.

Starting from this view – and making use of the conceptual and terminological instruments developed in pragma-dialectics – the simple definition of argumentative style we earlier provided can be made more appropriate for identifying argumentative styles by relating this notion to the properties of argumentative discourse in which an argumentative style manifests itself. Central to this enterprise is the idea

4. Fahnestock (2011: 3–13), for one, who contrasts her ‘rhetorical stylistics’ with ‘literary stylistics’, focuses in *Rhetorical Style* fully on the effectiveness of the linguistic presentation.

that in adopting an argumentative style a great many choices are involved for which the arguer can be held responsible, even though they need not always be conscious decisions. When in the discourse a certain argumentative style is utilised, the following assumptions may be made with regard to the various choices made by the arguer:

1. The arguer who utilises the argumentative style concerned is responsible for all choices that have been made: in selecting from the topical potential, in adapting to audience demand, and in using presentational devices. If arguers are not responsible for each of these choices, they cannot be held accountable for the use of a particular argumentative style.⁵
2. The choices that are made by the arguer are intended to be conducive to convincing the intended audience on the basis of the argumentation of the acceptability of the arguer's standpoint. If this is not the case, the discourse is not meant to be instrumental in resolving the difference of opinion between the arguer and the audience on the merits.⁶
3. The choices that are made by the arguer are strategically aimed at achieving effectiveness through reasonableness by keeping a balance between the two in the resolution process. If this is not the case, the 'argumentative predicament' that in argumentative discourse aiming for reasonableness and aiming for effectiveness always need to be satisfactorily combined is not adequately dealt with.⁷
4. The choices that are made by the arguer in the strategic manoeuvring are systematically aimed at having the same kind of impact on the resolution process. If the choices made in the discourse are not supposed to have a similar influence on the argumentative process, there is no coherent argumentative style.
5. The choices made by the arguer in utilising the argumentative style are made throughout the discourse – or in any case in a substantial and representative part of the argumentative process.⁸ If the argumentative style is not utilised consistently in one or more components of the argumentative process there is no sustained use of the argumentative style concerned.

5. Such exceptional cases occur, for instance, when arguers are forced by factors beyond their control to utilise a particular argumentative style.

6. According to the pragma-dialectical view, argumentation is aimed at convincing a rational judge who judges reasonably of the acceptability of the standpoint at issue (van Eemeren 2018: 1–3). Even when arguers are only out to have things their way, because they use argumentation for realizing this aim, they pretend to try to resolve the difference of opinion on the merits and are therefore committed to having this intention.

7. For the 'argumentative predicament', see van Eemeren (2010: 40–41; 2018: 111).

8. See for the four components of the argumentative process the pragma-dialectical model of a critical discussion described in Section 2.2.

Taking these assumptions as our point of departure, and making use of the theoretical tools provided in the pragma-dialectical theory of argumentation, the three reconstruction tasks can be carried out that need to be accomplished for identifying the argumentative style that is utilised in an argumentative discourse. First, the *argumentative moves* made in the discourse that are relevant to resolving the difference of opinion at issue are to be determined by making an ‘analytic overview’ of the discourse. Second, the *dialectical routes* that have been taken to resolve the difference of opinion are to be determined by describing the ‘argumentative pattern’ of the discourse. Third, the *strategic considerations* that constitute the rationale of the argumentative conduct are to be determined by laying bare the ‘strategic design’ of the discourse. Only by taking due account of the argumentative moves that have been made, the dialectical routes that are followed in making these moves, and the strategic considerations implemented in doing so, will it be possible to identify the argumentative style that is utilised by the speaker or writer in a certain speech event – or, by extension, the argumentative style that is prototypical of a certain speaker or writer, a certain type of communicative activity, a certain domain of communication, or a certain historical period or cultural sphere.

Starting from these considerations, we propose the following definition of argumentative style, which has a conceptual basis in the pragma-dialectical theory:

Argumentative style is the particular way in which (a substantial and representative part of) an argumentative discourse aimed at reasonably resolving a difference of opinion to the arguer’s content is systematically and consistently shaped by the topical choices, adaptations to audience demand and exploitations of presentational devices manifesting themselves systematically in the argumentative moves included in the analytic overview, the dialectical routes incorporated in the argumentative pattern, and the strategic considerations underlying the strategic design of the discourse.

1.4 The layout of this study

In our definition of argumentative style, this notion is situated in the conceptual and terminological framework of the pragma-dialectical theory of argumentation. Within this framework, the treatment of argumentative style concentrates on its instrumentality in convincing the intended audience of the acceptability of the standpoint at issue when trying to resolve a difference of opinion by. This means that in our approach the treatment of style is fully focused on its argumentative function. This approach makes it possible to take all three dimensions of argumentative style – the topical selection, the adaptation to audience demand, and the exploitation of presentational devices – equally into account and to relate

argumentative styles directly to the properties of the argumentative discourse in which they manifest themselves.

Having defined argumentative style in this chapter as the strategic shape given to a discourse, we will pay attention in the next chapter to the theoretical concepts that are crucial to identifying this strategic shape. In this endeavour, we shall in Chapter 2 first explain how the argumentative moves that need to be taken into account in the identification of argumentative style can be tracked down by making an analytic overview of the discourse. Since the dialectical routes of argumentative moves that are taken to resolve a difference of opinion manifest themselves in the argumentative pattern of the discourse, we will next discuss how this argumentative pattern can be described. Finally, we shall pay attention to the identification of the strategic considerations underlying the strategic design of the discourse.

At this moment, making a classification of the various argumentative styles that are put to good use in argumentative discourse seems premature. However, to make a start, certain general categories of argumentative styles can already be distinguished. Among them are in any case the two prominent general categories of ‘detached’ argumentative styles and ‘engaged’ argumentative styles that have been recently described (van Eemeren 2019, 2021). Roughly, detached argumentative styles are characterized by a ‘neutral’ strategic shape of distanced impartiality, engaged argumentative styles by an ‘involved’ strategic shape that emanates commitment to the case concerned. In Chapter 3, we will examine these two categories of argumentative styles more closely and provide more precise characterizations, differentiating between the various stages of the argumentative process. In addition, we reflect in that chapter upon the possibilities for further categorisation and sub-categorisation of argumentative styles.

In preparation of the analysis of the argumentative styles utilised in a variety of institutional contexts in a series of communicative domains, Chapter 4 is devoted to distinguishing between the various macro-contexts in which argumentative styles are utilised. First, we pay attention to conventionalised communicative practices in different institutional domains and the genres of communication brought to bear in the strategic manoeuvring in such practices. Next, we pay attention to the impact of the institutional context on the argumentative style by discussing the influence of institutional preconditions on the strategic manoeuvring, the basic and extended argumentative patterns that may come into being in the discourse, and the context-dependency of prototypical argumentative styles. We will explain that, due to such macro-contextual influences, the argumentative styles that are used in communicative activity types in the political, the diplomatic, the juridical, the facilitatory, the academic, and the medical domain may be different to some extent and their existence is differently motivated.

In Chapters 5–11, we provide a series of analyses of argumentative discourses from a variety of communicative activity types belonging to different communicative domains in order to show what kind of argumentative styles are employed in these macro-contexts and how the use of these argumentative styles relates to the institutional preconditions of the macro-context concerned. In each case, we sketch, before going into an exposition of the case, the relevant characteristics of the institutional context. Next, based on relevant characteristics of the communicative practice, the analytic overview, the argumentative pattern, and the strategic design of the discourse that is examined are described. Starting from these descriptions, the implementations of the topical dimension, the audience orientation dimension and the presentational dimension of the argumentative style that is utilised are analysed, so that it can be determined which argumentative style is employed in the discourse – or in a substantial and representative part of it.

In Chapter 5, an exemplary analysis is given of the argumentative styles utilised in two specimens of political advertising. Chapter 6 provides an analysis of the argumentative style in a fragment of a debate in the European parliament in the political domain. Chapter 7 concentrates on the analysis of the argumentative style brought to bear in a government's spokesperson's responses to a journalist's questions in the diplomatic domain. Chapter 8 provides an analysis of the argumentative style utilised in a legal case from the juridical domain. Chapter 9 focuses on the analysis of the argumentative style utilised in mediation in the facilitatory domain. Chapter 10 on the analysis of a scholarly discussion in the academic domain. Chapter 11 concentrates on the analysis of a doctor's argumentative style in a treatment discussion during a consultation in the medical domain. In thus presenting these analyses, our study covers a broad array of communicative activity types from a variety of communicative domains.

In Chapter 12 of this volume we draw some conclusions from our findings in the previous chapters. We point to some important commonalities and to some striking differences in the utilisation of argumentative styles in the various communicative domains and communicative activities types. Based on the analyses provided in Chapters 5–11, we explain in the concluding chapter how the differences we have observed are related to the institutional requirements of the different kinds of macro-contexts in which the argumentative discourses take place. We end our study with a brief reflection upon the next steps that are to be taken in further substantiating the notion of argumentative style, examining the contextual differentiation of argumentative styles, and further developing the classification of argumentative styles.

Manifestation of argumentative styles in argumentative discourse

2.1 Concepts crucial to identifying argumentative styles

The shaping of the three dimensions of argumentative style manifests itself in argumentative discourse in the use of argumentative moves described in the analytic overview of the discourse, the choice of dialectical routes expressed in the argumentative pattern of the discourse, and the implementation of strategic considerations captured in the strategic design of the discourse. The identification of the argumentative styles utilized in argumentative discourse should therefore always start from, and be guided by, an adequate reconstruction of the analytic overview, the argumentative pattern, and the strategic design of the discourse. The theoretical instruments that have been developed in pragma-dialectics for making an analytic overview (van Eemeren 2018: 96–100), describing the argumentative pattern (van Eemeren 2018: 149–167), and determining the strategic design of the discourse (van Eemeren 2018: 166–167) can be put to good use in the reconstruction.

Only when an adequate reconstruction has been made, can it be ensured that the argumentative style identified in the analysis does indeed indicate the way in which the arguer's 'strategic scenario' is realized in the discourse. In combination, the argumentative moves that are made, the dialectical routes that are chosen, and the strategic considerations that are brought to bear, give shape to this strategic scenario. The particular way in which the strategic scenario manifests itself in the analytic overview of analytically relevant moves, the argumentative pattern of dialectical routes, and the strategic design ensuing from the implementation of the strategic considerations, constitutes the basis for identifying the argumentative style that has been used. Only if the results of the analytic reconstruction of the argumentative discourse cohere in all these three respects by pointing to the utilisation of the same argumentative style for realising the strategic scenario, can it be safely concluded that this argumentative style is indeed the argumentative style utilised in the discourse.

Although the argumentative style that is adopted will generally be utilised throughout the discourse, in some cases the utilisation of a certain argumentative style may be limited to a particular part of the discourse, affecting only a specific

stage of the argumentative process. In order to get an adequate picture when analysing argumentative discourse for its argumentative style, the argumentative discourse needs to be analysed completely, including all stages of the argumentative process in the reconstruction. When it has been established that one and the same argumentative style has been utilised systematically in all its three dimensions in analytically relevant argumentative moves that have been made in various discussion stages, it is necessary to check next whether these argumentative moves are part of the dialectical routes that constitute together the argumentative pattern of the discourse (van Eemeren 2018: 150–151). If the argumentative style is only utilised in a specific part of the argumentative process, say in the empirical equivalent of the confrontation stage, and not in any other parts that determine the argumentative pattern of the discourse, it can still be characteristic of that specific part, but it is not the general argumentative style utilised in the discourse. Whatever the result of this check of the scope of the utilisation of the argumentative style we think to have analysed may be, it must always be verified, too, whether the utilisation of the argumentative style can also be satisfactorily explained by taking account of the strategic considerations underlying the strategic design of the discourse.

2.2 Argumentative moves included in the analytic overview

The argumentative style utilised in argumentative discourse manifests itself in the first place in the speech acts or non-verbal communicative acts performed in the argumentative moves made in the discourse that are pertinent to the resolution process. The first task to be accomplished in identifying argumentative styles therefore consists of determining which communicative acts performed in the discourse are *analytically relevant argumentative moves* because they are potentially instrumental in resolving the difference of opinion (van Eemeren 2018: 92). Since the pragma-dialectical *model of a critical discussion* indicates which types of communicative acts may contribute to resolving a difference of opinion on the merits in the various stages of the argumentative process, this model can be a heuristic tool – a “template” – for identifying the analytically relevant argumentative moves.

The argumentative moves that are made in the discourse always involve certain choices on the part of the arguer concerning the way in which the discourse is to be conducted. The options for making argumentative moves that are at a certain point in the resolution process available to the parties in a difference of opinion are in pragma-dialectics represented in ‘dialectical profiles’ (van Eemeren 2018: 42–45). Dialectical profiles indicate which argumentative moves can be made at a specific point in any of the four stages of a critical discussion: the ‘confrontation’ stage, in which the difference of opinion is defined; the ‘opening’ stage, in which the

starting points to which the parties are committed are established; the ‘argumentation’ stage, in which arguments in defence of the standpoint at issue are advanced and reacted to; and the ‘concluding’ stage, in which the result of the discussion is determined (van Eemeren 2018: 36–38). The argumentative style that is utilised in the discourse manifests itself in the empirical equivalents of these four stages in the choices of argumentative moves that are made in introducing the standpoint at issue and defining the difference of opinion (confrontation stage), in the choices of argumentative moves establishing the starting points of the discourse (opening stage), in the choices of argumentative moves that contain the reasons constituting the argumentation in support of the standpoints at issue (argumentation stage), and in the choices of argumentative moves made in determining the outcome of the argumentative process (concluding stage).¹

After they have been reconstructed, the analytically relevant moves made in an argumentative discourse are in a pragma-dialectical analysis systematically included in the ‘analytic overview’ of the discourse. In principle, all argumentative moves that need to be considered in identifying the argumentative style of a discourse are therefore part of the analytic overview of that discourse: the standpoints at issue in the confrontation stage; the starting points established in the opening stage; the arguments, argument schemes, and argumentation structure playing a role in the argumentation stage; and the outcome reached in the concluding stage. This means that the analytic overview is indeed the most appropriate point of departure for carrying out the first task that needs to be accomplished in identifying the argumentative style that is used in the argumentative discourse.

1. Perelman and Olbrechts-Tyteca (1969) distinguished two different techniques that are employed in the conduct of argumentative discourse. The general technique of ‘association’ is used to promote a transfer of acceptance from the one argumentative element to the other by establishing a link between these two elements. This happens in argumentative discourse pre-eminently when arguers establish a relationship between the arguments they advance (which are supposed to be acceptable to the other party) and the standpoint at issue (which is still to be accepted by the other party). When using in argumentative discourse the general technique of ‘dissociation’, arguers distinguish what they consider the ‘proper use’ of a certain word or expression from the lacking way in which it is used by others. In establishing the dissociation, they replace the criticized meaning by the one they prefer. In the pragma-dialectical model of a critical discussion analytically relevant argumentative moves involving the use of dissociation are realised by means of ‘usage declaratives’: communicative acts aimed at clarifying the meaning of terms vital to the resolution process by providing a definition, a precization, etc. (van Eemeren & Grootendorst 1992: 40). When in identifying the argumentative style of the discourse the analytically relevant argumentative moves are determined, both the associative and the dissociative argumentative moves made by the arguer must be taken into account.

The reconstruction carried out in the analysis of the argumentative discourse needs to result in an analytic overview containing the elements that are summarized in Figure 2.1.

- a. The standpoints at issue in the difference of opinion and the positions in the difference adopted by the parties
- b. The procedural and material starting points constituting the point of departure of the argumentative process
- c. The arguments explicitly or implicitly advanced by the parties for each standpoint at issue
- d. The argument schemes used to justify a standpoint in the arguments that constitute together the argumentation in defence of the standpoint
- e. The structure of the argumentation for each standpoint at issue consisting of the combination of arguments advanced in its support
- f. The outcome of the argumentative process claimed by the parties

Figure 2.1 Constitutive elements of an analytic overview

2.3 Dialectical routes contained in the argumentative pattern

The argumentative style utilised in argumentative discourse manifests itself not only in the choice of argumentative moves, but also in the dialectical routes chosen by the arguers in making these argumentative moves. The second task to be accomplished in identifying argumentative styles therefore consists of determining which dialectical routes are followed in the discourse in making argumentative moves to defend the standpoint at issue and resolve the difference of opinion (van Eemeren 2018: 43). Again, the conceptual framework and the theoretical instruments necessary for tracing these dialectical routes and the argumentative moves they consist of are provided by the pragma-dialectical theory of argumentation.

Crucial to defending a standpoint is the argumentative move made by performing the complex speech act of advancing argumentation to enhance the acceptability of the standpoint at issue.² The argumentation that is advanced can be of various types, each of them being characterized by the employment of a specific 'argument scheme'. The argument schemes distinguished in pragma-dialectics relate to three main types of argumentation: 'symptomatic argumentation', 'comparison argumentation', and 'causal argumentation' (van Eemeren & Grootendorst 1992: 94–102; van Eemeren: 45–49). The employment of each of these argument schemes invokes a different justificatory principle for legitimizing the transfer of acceptance from the

2. See for an analysis of argumentative discourse in terms of speech acts van Eemeren and Grootendorst (1984).

argumentation that is advanced to the standpoint that is defended. Depending on the argument scheme that is employed, the argumentation that is advanced calls for a specific kind of follow-up. This follow-up is instigated by the ‘critical questions’ that are as assessment criteria associated with the argument scheme concerned (van Eemeren 2018: 45–49).

Each type of argumentation is characterised by the *basic critical question* pertaining to the argument scheme involved. In the case of symptomatic argumentation – aimed at establishing a relation of concomitance between the argumentation and the standpoint – the basic critical question to be dealt with is whether what is stated in the standpoint is indeed a sign or token of what is mentioned in the argumentation; in the case of comparison argumentation – aimed at establishing a relation of comparability – the basic critical question is whether what is stated in the argumentation is indeed comparable to what is mentioned in the standpoint; and in the case of causal argumentation – aimed at establishing a relation of causality – the basic critical question is whether what is mentioned in the argumentation does indeed lead to what is stated in the standpoint.³ Other relevant critical questions to be dealt with in the evaluation may pertain to the specific justificatory force of the sub-type of symptomatic argumentation, comparison argumentation or causal argumentation at issue in the discourse or to certain qualities of the premises of the argumentation advanced or the presuppositions on which the argumentation relies.

In each case in which they advance argumentation, arguers are confronted with the challenge of having to deal with the pertinent critical questions associated with the use of the (sub)type of argumentation they are advancing, which opens up, depending on the critical questions at issue, different kinds of possible dialectical routes for continuing the defence of the standpoint (van Eemeren 2018: 42–45). This means that they have to make a choice. When the one (sub)type of argumentation is chosen, the available dialectical routes for continuing the defence will be different from the dialectical routes that would be possible if other (sub)types of argumentation had been selected. The selection in the main argumentation, at the first level of the defence of a standpoint, of the (sub)type of argumentation that is to be used will primarily depend on the type of standpoint at issue – whether the

3. Depending on how the relationship concerned is to be envisaged in a particular case, there may be variants of the basic critical question. Sometimes, for instance, the direction of the suggested relationship will be from argumentation to standpoint (e.g., a trait mentioned in the argument indicates a certain characteristic mentioned in the standpoint); at other times, the direction is from standpoint to argument. See for variations in critical questions that depend on the institutional context van Eemeren (2018: 140–143).

standpoint is evaluative, prescriptive, or descriptive. The options for the continuation of the dialectical route that is chosen at the next levels of the defence are in the first place dependent on the critical questions associated with the argument schemes that have been employed in the main argumentation and in the argumentation advanced in its support.

The varying sets of critical questions associated with the various (sub)types of argumentation that can be used in defending the standpoint at issue will induce the arguer to make different kinds of argumentative moves in anticipation of, or response to, the different kinds of critical reactions the intended addressee is supposed to be giving or really giving. The dialectical routes followed by the arguer in the argumentative process by choosing a specific line or specific lines of defence will always result in the development of a specific 'argumentative pattern' in the discourse.⁴ Such an argumentative pattern consists of a particular constellation of argumentative moves in which, in dealing with a particular kind of difference of opinion, in defence of a particular type of standpoint, a particular argument scheme or combination of argument schemes is used in a particular kind of argumentation structure (van Eemeren 2018: 150).

The 'basic argumentative pattern' of an oral or written argumentative discourse develops at the first level of the defence of the standpoint at issue when the main argumentation to defend the standpoint is advanced by the protagonist. An 'extended argumentative pattern' develops at the next levels of the defence when critical questions that call for support of the main argumentation are anticipated in the discourse or must be responded to because they are voiced by the antagonist. In principle, the main line of defence chosen by the arguer is represented in the basic argumentative pattern of the discourse. If necessary, however, this main line of defence can be elaborated and reinforced in an extended argumentative pattern by the use of (more or less complex) subordinative argumentation. In order to do full justice to the defence of the standpoint at issue as a whole, in identifying the argumentative style that is used in the discourse, when this happens not just the basic pattern of the main argumentation must be taken into account, but the argumentative pattern *in toto*, i.e., the basic argumentative pattern in combination with the extended pattern.

In identifying the argumentative patterns that come into being in argumentative discourses in the various kinds of communicative practices, the theoretical instruments for analysing argumentative discourse developed in pragma-dialectics

4. Unlike van Eemeren (2018: 152), we do not limit the scope of the argumentative pattern of an argumentative discourse to one dialectical route, but let it cover the combination of all dialectical routes followed in the discourse to resolve the difference at issue. In this way, a better connection can be made with the strategic design of the discourse.

can be helpful tools. They provide a typology of standpoints, distinguishing between *prescriptive*, *evaluative*, and *descriptive* standpoints (van Eemeren & Grootendorst 1992: 159), a typology of differences of opinion, distinguishing between *single non-mixed*, *single mixed*, *multiple non-mixed*, and *multiple mixed* differences (van Eemeren & Grootendorst 1992: 19–20), a typology of argument schemes, distinguishing between *symptomatic*, *comparison*, and *causal* argumentation (van Eemeren & Grootendorst 1992: 96–98), and a typology of argumentation structures, distinguishing between *single*, *multiple*, *coordinative* and *subordinative* argumentation structures (van Eemeren & Grootendorst 1992: 73–85).

Figure 2.2a illustrates in a quasi-formal manner how the argumentative pattern of a discourse can be noted down by characterising in a theoretically motivated standardised way the standpoints at issue in the difference of opinion, the types of argumentation used in their defence, and the types of argumentation structures that have thus come into being. This simple illustration applies to an argumentative discourse about an evaluative standpoint.

This is indeed a beautiful painting (1): its expressiveness is incredible (1.1), because it is completely impossible to take your eyes off it (1.1.1). Apart from that, it is attributed to Picasso (1.1.2a), who is generally seen as the best painter of the twentieth century (1.1.2b).

1[eval](< 1.1[symp](< 1.1.1[symp]));(<(1.1.2a&1.1.2b)[auth])

[...]	=	belonging to the type of
<	=	supported by
;	=	multiple argumentation
&	=	coordinative argumentation
auth	=	argument from authority
eval	=	evaluative standpoint
symp	=	symptomatic argumentation

Figure 2.2a Example of an argumentative pattern

Based on this argumentative pattern, it can be observed that, in the argumentative defence of standpoint (1) *This is a beautiful painting*, the dialectical route is taken that is portrayed in Figure 2.2b.

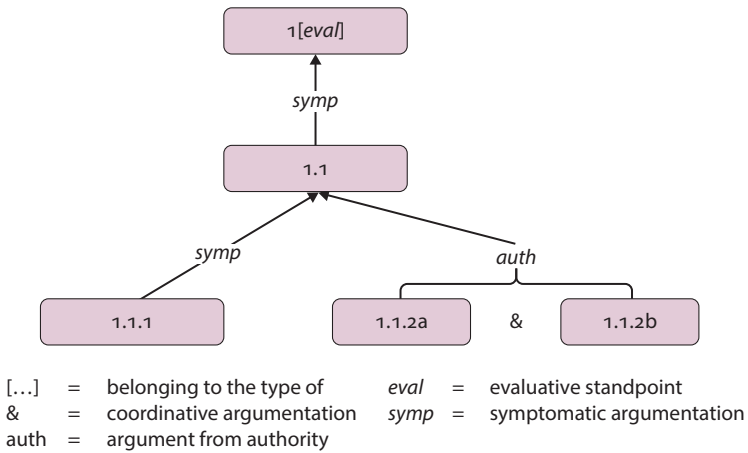


Figure 2.2b Dialectical route followed in the argumentative pattern

Figure 2.3a provides an example of a more complex argumentative pattern.⁵

1[*pres*](< 1.1[*disj*](< 1.1.1a[*prag*](< 1.1.1a.1[*symp*]); < 1.1.1a.2[*symp*]); < 1.1.1a.3[*symp*]) & 1.1.1b[*symp*]
 (< 1.1.1b.1[*symp*](< 1.1.1b.1.1[*caus*]); < (1.1.1b.1.2a & 1.1.1b.1.2b) [*symp*])) [*copr*]

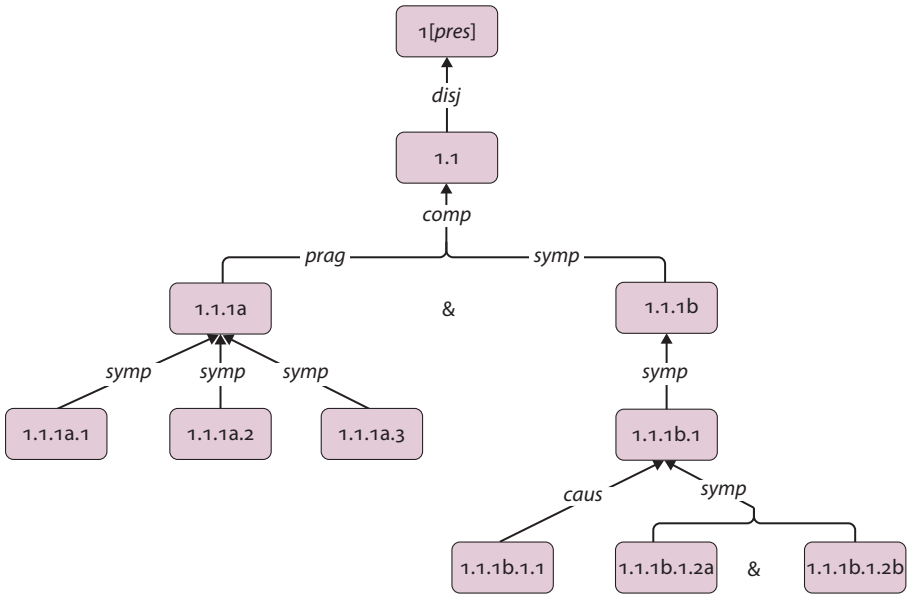
[...] = belonging to the type of
 < = supported by
 ; = multiple argumentation
 & = coordinative argumentation
caus = causal argumentation
copr = complex pragmatic argumentation
disj = disjunctive syllogism
prag = pragmatic argumentation
pres = prescriptive standpoint
symp = symptomatic argumentation

Figure 2.3a Example of a more complex argumentative pattern

In this case, the dialectical route that can be discerned in the argumentative pattern can be portrayed as in Figure 2.3b.⁶

5. This example is discussed in more detail in Section 5.2 of this volume. It is worth noting that, because the description of the argumentative pattern is based on the results of the analysis of the argumentative discourse, in this description reconstructed unexpressed elements that are part of the argumentative pattern do not need to be put in parentheses.

6. In principle, the defence of every standpoint at issue in an argumentative discourse has its own argumentative pattern. How many dialectical routes need to be distinguished in the analysis



- | | |
|---|---|
| [...] = belonging to the type of | <i>disj</i> = disjunctive syllogism |
| & = coordinative argumentation | <i>prag</i> = pragmatic argumentation |
| <i>caus</i> = causal argumentation | <i>pres</i> = prescriptive standpoint |
| <i>copr</i> = complex pragmatic argumentation | <i>symp</i> = symptomatic argumentation |

Figure 2.3b Example of a more complex dialectical route

2.4 Strategic considerations determining the strategic design

The argumentative moves constituting the dialectical routes chosen in an argumentative discourse can only be regarded to determine the argumentative style of the discourse if they can be shown to be based on strategic considerations concerning how to resolve the difference of opinion by effectiveness through reasonableness. Since arguers may be expected to try to make the strongest possible case for their standpoint, the third task that is to be accomplished in identifying the argumentative style utilised in a piece of argumentative discourse therefore is to determine which strategic considerations constitute in de context concerned the

depends on the way in which the defence of a standpoint is organised. When multiple argumentation is used, more dialectical routes come into being. However, they are generally only worth distinguishing if they are used in defence of the main standpoint and are backed up by further argumentation.

rationale for the strategic manoeuvring that takes place in the discourse. Again, the pragma-dialectical theory of argumentation provides the theoretical framework and the conceptual tools for carrying out this task.

Because of the tension that is inevitably involved in combining aiming for effectiveness with maintaining reasonableness when trying to resolve a difference of opinion, in making their argumentative moves arguers always have to *manoeuvre strategically* to keep a balance between the two. In every argumentative move they make in the discourse, their strategic manoeuvring will manifest itself simultaneously in the selection that is made from the available 'topical potential' of argumentative moves that could be made at a specific point in the discourse, in the adaptation to the 'audience demand' resulting from taking account of the frame of reference and preferences of the listeners or readers, and in the exploitation of the 'presentational devices' that are at the arguers' disposal (van Eemeren 2010: 93–127). These analytically distinguished aspects of strategic manoeuvring are three different dimensions of the argumentative style that is utilised in a piece of argumentative discourse, which come jointly to the fore in the argumentative moves made in the discourse.

In principle, all argumentative moves made in argumentative discourse are aimed at realizing the arguer's goal of reasonably and effectively resolving the difference of opinion at issue. This means that the various strategic manoeuvres carried out in making these argumentative moves may be expected to be coordinated in a way that is optimally helpful to achieving this goal.⁷ This coordination not only needs to involve coherent choices regarding the three aspects of strategic manoeuvring at the level of the individual argumentative moves, but also regarding the sequences of subsequent strategic manoeuvres – which should reinforce each other – at the level of the succession of argumentative moves. If a series of strategic manoeuvres carried out in analytically relevant argumentative moves systematically cohere at these two levels, they can be considered to constitute together an *argumentative strategy* (van Eemeren 2018: 116–120).

Some argumentative strategies are only local, because they pertain exclusively to a particular stage of the resolution process. *Confrontational strategies*, for instance, are argumentative strategies aimed at influencing the definition of the difference of opinion in the argumentative discourse in the real-life equivalent of the confrontation stage of a critical discussion. An example of such a confrontational

7. While arguers may be presumed to argue consciously, rationally, and deliberately, this does not mean that they are supposed to plan all their coordinated moves prior to engaging in argumentative discourse. Nevertheless the arguers can be held responsible for making these argumentative moves and may be expected to accept all commitments made explicit in an adequate analytic reconstruction of their discourse.

argumentative strategy is “humpty-dumptying”: making a one-sided, arbitrary choice from the available options – like Humpty Dumpty did – and select a self-serving standpoint from the available disagreement space as the standpoint that needs to be dealt with in the discourse. *Opening strategies* are argumentative strategies aimed at influencing the point of departure of the exchange by the choice of particular starting points in the empirical equivalent of the opening stage. A notorious opening strategy is “creating a smokescreen”, which consists of distracting the other party’s attention away from the starting points that really matter by adding other starting points that are in fact irrelevant but may distract the other party. *Argumentational strategies* are carried out in the empirical equivalent of the argumentation stage by creating a line of defence that determines the direction of the resolution process in a way that suits the arguer. A familiar example is “grasping the nettle” in defending a prescriptive standpoint by restricting the argumentation deliberately to just a single problem-solving causal argumentation of the pragmatic subtype, which suggests that the problem at issue will automatically be solved if the action recommended in the standpoint will be carried out. *Concluding strategies* are aimed at influencing the outcome of the argumentative process in the empirical equivalent of the concluding stage. In the concluding strategy of making the other party “bite the bullet”, for instance, this happens by declaring an outcome that is welcome to the arguer unavoidable, however undesirable it may be to the addressee.

In a great many cases, however, the use of an argumentative strategy is not limited to a particular stage of the argumentative process, but can be viewed as a *general argumentative strategy* – which may be called a *discussion strategy* in expressly dialogical cases where this naming is more appropriate. General argumentative strategies are strategies put to good use in all or most of the four stages of the resolution process. They are aimed at achieving the arguer’s overall goal of getting in a reasonable and effective way to the resolution of a difference of opinion by the sustained and coordinated use of a succession of strategic manoeuvres that have the same or a similar strategic focus. A familiar example of such a general argumentative strategy is “playing down the opponent”. This strategy – which easily runs the risk of being used fallaciously – can, for instance, be implemented by not acknowledging the other party’s doubt or criticism in the empirical equivalent of the confrontation stage, ignoring some of their essential starting points in the empirical equivalent of the opening stage, denigrating their criticisms or objections in the empirical equivalent of the argumentation stage, and not leaving room for the other party to draw deviating conclusions in the empirical equivalent of the concluding stage.

Based on the strategic manoeuvres and argumentative strategies that are carried out in a discourse to resolve the difference of opinion at issue systematically by the combined pursuit of effectiveness and maintaining reasonableness, the ‘strategic design’ of the discourse concerned is to be determined. Starting from a

characterization of the strategic design of the discourse, the strategic considerations can be laid bare that motivate the choice of the argumentative moves that are made in the discourse and the dialectical routes that are followed to realise the arguer's strategic scenario for convincing the intended audience of the acceptability of the standpoint at issue. By way of conclusion, Figure 2.4 summarises the three tasks the analyst still needs to carry out after reconstructing the analytic overview, the argumentative pattern, and the strategic design of the discourse, in order to identify the argumentative style that is utilised in a piece of argumentative discourse.

1. Determine with the help of the analytic overview compiled in the analysis which communicative acts performed in the discourse are analytically relevant argumentative moves because they play a part in resolving the difference of opinion
2. Determine with the help of the argumentative pattern described in the analysis which dialectical routes are taken in the discourse in making argumentative moves to resolve the difference of opinion by defending the standpoint at issue
3. Determine with the help of the strategic design tracked down in the analysis of the strategic manoeuvres and argumentative strategies that are carried out in the discourse which strategic considerations are brought to bear

Figure 2.4 The three tasks involved in identifying the argumentative style

Detached argumentative styles and engaged argumentative styles

3.1 Categories of argumentative styles

Once it has been established – based on an analytic overview of the argumentative discourse concerned – that a particular argumentative style manifests itself in a certain argumentative discourse systematically in all its three dimensions in the analytically relevant argumentative moves made across the empirical equivalents of the various stages of a critical discussion, it needs to be checked whether this general argumentative style is sustainedly used in all dialectical routes that can be distinguished in the argumentative pattern of the defence of the standpoint at issue. If the argumentative style concerned proves to manifest itself consistently in the dialectical routes represented in this argumentative pattern, it must still be checked whether the utilisation of this argumentative style also agrees with the strategic design of the discourse. This means that the strategic considerations need to be detected that motivate the various kinds of strategic manoeuvres and argumentative strategies pertinent to establishing the strategic design of the discourse. Only after it has become clear that the presumed argumentative style is in all its three dimensions represented in relevant argumentative moves that are part of the dialectical routes that are chosen and are in agreement with the strategic considerations that are brought to bear, may this argumentative style assumed to be in agreement with the arguer's strategic scenario, and can it be concluded that it is indeed the general argumentative style utilised in the discourse.¹

A classification of argumentative styles that constitutes an adequate typology and a suitable, fitting nomenclature are not yet available. In our view, in classifying argumentative styles groundless and boundless proliferation is to be avoided. We therefore consider it recommendable to start the identification and classification of argumentative styles by distinguishing initially between only a few general and fundamental categories of argumentative styles – covered by broad and comprehensive labels, with a meaning that is intuitively clear. Two examples of such categories are *detached argumentative styles* and *engaged argumentative styles*. Other categories,

1. This chapter is largely built on van Eemeren (2019).

which already presuppose the adoption of a more specific perspective, are, for instance, *polarising argumentative styles* and *(re)conciliatory argumentative styles*. For systematic reasons, we shall in this volume concentrate on the distinction between detached argumentative styles and engaged argumentative styles, which are contrasting and crucially different categories that seem to occur regularly in all kinds of argumentative practices. Before considering to extend this categorisation by other categories, and making it more refined by distinguishing sub-types and variants, or going also into all sorts of practical complications that arise in carrying out actual analyses, we first want to create more clarity about these two basic categories.

In this chapter, we will focus on discussing the distinctive features of detached argumentative styles and engaged argumentative styles. Each of these two general categories of argumentative styles has its own defining characteristics and the argumentative styles belonging to these categories differ in various respects from each other in each of their three dimensions. When in argumentative discourse a detached argumentative style is utilised, the strategic scenario that is implemented in the discourse is given shape in the topical choice dimension by a selection from the available options of argumentative moves that is characterized by radiating *objectivity*, in the audience demand dimension by opting for an adaptation to the frame of references and preferences of the listeners or readers that conveys *reliability*, and in the presentational dimension by the choice of presentational devices that express *openness to independent judgement*. When, on the other hand, an engaged argumentative style is utilised, the topical selection that is made radiates primarily *commitment* to the cause at issue, the adaptation to audience demand conveys *communality* with the audience, and the choice of presentational devices expresses *inclusiveness*.²

Although in argumentative discourse the use of detached and engaged argumentative styles is virtually omnipresent, in specific argumentative practices or in specific cases the arguer's strategic scenario may well be implemented in the discourse by the use of other categories of argumentative styles, by the use of more specific sub-categories of detached or engaged (or other) argumentative styles, or by certain mixtures of argumentative styles. Then it may become necessary to consider extending the list of general categories of argumentative styles by adding more categories to it and assigning appropriate labels to them. In addition, the need may arise to distinguish between more specific sub-categories of argumentative styles and give them also more specific names. Instead of being maintained

2. There are also uses of these two argumentative styles that are less pronounced because not all three dimensions of argumentative style are equally strongly articulated or the representation of one or more of the dimensions is less distinct.

throughout the whole resolution process, the use of a certain argumentative style may sometimes be limited to a particular component of the discourse, covering only a particular stage of the argumentative process: the confrontation, the opening, the argumentation, or the concluding stage. For that reason, it can also be necessary to distinguish, next to *general argumentative styles*, between *confrontational (argumentative) styles*, *opening (argumentative) styles*, *argumentational (argumentative) styles*, and *concluding (argumentative) styles*. However, at this point in the development of our approach to argumentative style, we will focus first on general detached and engaged argumentative styles. In Table 3.1 we provide a preliminary overview of their main characteristics.

Table 3.1 Characteristics of detached and engaged argumentative styles in the various stages of the argumentative process

	Detached argumentative style	Engaged argumentative style
General argumentative style		
<i>Topical selection</i>	Radiating objectivity	Radiating commitment to the cause at issue
<i>Adaptation to audience demand</i>	Conveying reliability	Conveying communality with the audience
<i>Choice of presentational devices</i>	Expressing openness to independent judgement	Expressing inclusiveness
Confrontational argumentative style		
<i>Topical selection</i>	Businesslike selection of what is to be discussed	Selection of issues showing the arguer's involvement in the case
<i>Adaptation to audience demand</i>	Ensuring intersubjectivity	Connecting with presumed interests of the audience
<i>Choice of presentational devices</i>	Expressing independence	Expressing personal involvement
Opening argumentative style		
<i>Topical selection</i>	Starting points consisting primarily of verifiable facts and generally recognized norms	Starting points demonstrating the arguer's association with the audience's cause and perspective
<i>Adaptation to audience demand</i>	Starting points that are likely to be considered undisputable	Starting points showing the arguer's identification with what is important to the audience

(continued)

Table 3.1 (continued)

	Detached argumentative style	Engaged argumentative style
<i>Choice of presentational devices</i>	Expressing a focus on a straightforward presentation with references to relevant data and rules	Expressing a focus on inclusiveness
Argumentational argumentative style		
<i>Topical selection</i>	Arguments pointing at achieving concrete results, obvious advantages or at another clear rationale for accepting the standpoint	Arguments putting the standpoint in a familiar light or making it easier to recognize its acceptability
<i>Adaptation to audience demand</i>	Arguing in a way that makes the audience consider the rationality of accepting the standpoint	Arguing in a way that connects the standpoint at issue with the frame of reference and preferences of the audience
<i>Choice of presentational devices</i>	Expressing level-headedness and demonstrating impartiality	Expressing empathy and demonstrating compassion
Concluding argumentative style		
<i>Topical selection</i>	Making clear which conclusion is made plausible by the argumentation that has been advanced	Embracing the conclusion that is reached emphatically as the favoured outcome of the argumentative process
<i>Adaptation to audience demand</i>	Making the audience realise that the conclusion is the rational consequence of the argumentative process	Making the audience realise that the conclusion is based on the argumentative process the parties have gone through together
<i>Choice of presentational devices</i>	Presenting the conclusion that is reached matter-of-factly in a reporting manner	Presenting the conclusion that is reached in an appealing way to the audience

3.2 Characteristics of detached argumentative styles

In order to define the category of detached argumentative styles more precisely, in this section we will highlight the distinctive features characterizing the use of this argumentative style in argumentative discourse. The choices made in the selection from the topical potential, the adaptation to audience demand, and the use of presentational devices that give shape to the strategic scenario that is to be realised in the argumentative discourse, come about in the empirical counterparts of the four stages of a critical discussion. We shall indicate how in the case of a detached

argumentative style these choices manifest themselves in real-life argumentative discourse in the use of argumentative moves in the dialectical routes that are chosen in implementing the pertinent strategic considerations. When looking into the characteristics that we highlight in this chapter, it must always be remembered that it goes without saying that in all three dimensions of argumentative style there are in principle an abundance of suitable ways of giving shape to a detached argumentative style in accordance with its defining characteristics.

In the case of a detached argumentative style, the way in which the selection from the topical potential manifests itself in the discourse in the initial situation that represents the confrontation stage of a critical discussion in the use of argumentative moves will consist in a businesslike selection of what is to be discussed. This means that the selection is only dictated by what needs to be discussed, not just by what one of the parties would like to be discussed. The adaptation to audience demand will be aimed at ensuring intersubjectivity in the sense of mutual agreement about what is at stake in the confrontation. This means that – in line with the businesslike topical selection that is made – the argumentative moves that are made in the confrontation stage will create the impression of neutral objectivity. If the same kind of detached choices are also made in the use of presentational devices, the presentation that is chosen will characteristically show independence. This independence manifests itself in matter-of-fact formulations of what is at issue, which are unadorned by embellishments that distract the attention away from the heart of the matter. Only if the argumentative style that is used in realizing the confrontational component of the arguer's strategic scenario has these characteristics across the three dimensions, is it a fully-fledged detached argumentative style.

When in actual argumentative discourse a detached argumentative style is used throughout the discourse, similar indicators of this category of argumentative styles will be present in the argumentative conduct in the empirical counterparts of the other three stages of a critical discussion. In the parts of the discourse that are equivalent with the opening stage of a critical discussion, for instance, a detached argumentative style will manifest itself characteristically in the shape of topical selections of starting points consisting primarily of verifiable facts and norms that are generally recognized. This means that, in principle, the validity of the facts and norms included in the starting points chosen to serve as the point of departure of the argumentative process are in such a case beyond any doubt. Audience adaptations in the opening stage will in a detached argumentative style become apparent through choices of starting points that are likely to be considered undisputable by the intended audience. By making these adaptations to the audience in an inconspicuous way, it is avoided that too much emphasis is placed on them, so that they might as yet seem questionable. The presentational devices that are employed in the opening stage in a detached argumentative style will typically consist of

a straightforward presentation, with references to relevant data and rules. This presentation may also include helpful enumerations of pertinent observations and illuminating figures or insightful statistics.

In the empirical counterpart of the argumentation stage, a detached argumentative style will manifest itself in the use of arguments pointing out concrete results, advantages, or another clear rationale for accepting the standpoint. In argumentative discourse in which a policy standpoint is at issue, one of the prototypical topical choices that can be made consists of advancing pragmatic argumentation pointing at a concrete advantage that will automatically ensue when the measure proposed in the standpoint is taken. In argumentative discourse in a legal case, one of the prototypical choices is the use of arguments from example to support the judgment that a certain rule of law has been violated. Audience adaptation in a detached argumentative style consist in this stage of arguing in a way that makes the audience consider the rationality of accepting the standpoint. If it is argued, for instance, that the standpoint defended has positive effects, advantages or other benefits, audience adaptation in a detached argumentative style is likely to amount to making the audience see that the standpoint must be accepted because all critical questions associated with the type of argumentation advanced can be answered satisfactorily. The exploitation of presentational devices in the empirical equivalent of the argumentation stage involves expressing level-headedness and demonstrating impartiality. Among the presentational devices characteristically employed in this endeavour (van Eemeren et al. 2007) are the use of ordinary language indicators of argument schemes (“that is typical of Dutchmen”, “that is just like what happened in Canada”, “that leads to pregnancy”), expressions of common sense about reasoning (e.g. “one swallow does not make a summer”) and quotations of outside sources to bring in independent expertise.

Finally, using a detached argumentative style in establishing the outcome of the resolution process in the empirical counterpart of the concluding stage involves making clear which conclusion is made plausible by the argumentation that has been advanced. It is then shown that the conclusion concerned is to be accepted because it is formally implied by the reasoning involved in the argumentation that has been advanced or is in a sound and intersubjectively acceptable way based on this argumentation. Adaptation to audience demand then amounts to making the audience realise that the conclusion is the rational consequence of the argumentative process. In some cases this is achieved by making it clear that the conclusion follows logically from the accepted starting points; in other cases by making it clear that the conclusion is to be accepted because of the way in which it has been connected with the accepted starting points by means of an appropriate and correctly applied argument scheme. The presentational devices used in the empirical counterpart of the concluding stage are shaped in accordance with a detached argumentative

style by presenting the conclusion of the argumentative process matter-of-factly in a reporting manner. This means that the conclusion is generally drawn by just stating it as it is, without showing any particular emotion about this result.

The arguer's strategic scenario may be regarded to be realised in the analytically relevant moves that are made in the discourse, if these argumentative moves are part of the dialectical routes taken by the arguer in the discourse to defend the standpoint at issue and these argumentative moves are supported by strategic considerations. Only if the amalgamation of radiating objectivity, conveying reliability, and expressing openness to an independent judgment just described happens to manifest itself in the case concerned systematically and consistently in all three dimensions of argumentative style in argumentative moves throughout the argumentative pattern that constitutes the dialectical route taken in defence of the standpoint at issue and is fully in agreement with the strategic considerations determining the strategic design of the discourse, can it be concluded that the general argumentative style utilised in the discourse is indeed an argumentative style belonging to the category of detached argumentative styles.³

3.3 Characteristics of engaged argumentative styles

In the case of engaged argumentative styles, the choice from the topical potential in the empirical counterpart of the confrontation stage in the discourse will boil down to a selection of issues that shows the arguer's involvement in the case. This generally means that the arguer makes clear what exactly his/her commitment with regard to the standpoint at issue involves. The adaptation to audience demand consists of connecting with the presumed interests of the audience. These interests, which may be known to the arguer only partly, are supposed to determine to some extent the audience's position, so that they play a role in defining the difference of opinion. The protagonist of a standpoint who opts for utilising an engaged argumentative style therefore needs to take the audience's interest duly into account. The use of presentational devices in utilising an engaged argumentative style is generally

3. Determining which characteristics are the distinctive features of a detached argumentative style and tracing their occurrence in argumentative discourse always remains difficult. If, for instance, radiating objectivity is indeed a characteristic property of the topical choices made in utilising a detached argumentative style, it still needs to be determined whether qualities such as 'a businesslike selection', 'verifiable facts', 'generally recognized norms', 'concrete results/advantages', and 'made plausible' are indeed tokens of this property. In addition, it needs to be decided when exactly it is justified to attribute these qualities to a certain piece of argumentative discourse. Similar issues may arise regarding the adaptation to audience demand and the exploitation of presentational devices.

characterized by a presentation that expresses the arguer's personal involvement. Among the linguistic means for expressing personal involvement are, next to some specific grammatical tools, charged and loaded phrasings of what is at issue. Only if the argumentative style in the confrontational component of the arguer's strategic scenario distinctly exhibits several of these characteristics in its three dimensions, can it be said to be a fully-fledged engaged argumentative style.

When in actual argumentative discourse an engaged argumentative style is used throughout the discourse, similar indicators of this category of argumentative styles will be present in the argumentative conduct in the empirical counterparts of the other three stages of the argumentative process. Engaged argumentative styles manifest themselves in the empirical equivalent of the opening stage first and foremost in the shape of a topical selection consisting of starting points demonstrating the arguer's association with the audience's cause and perspective. This association may involve an immediate connection with the arguer's own interests, but also a more general recognition of the significance or urgency of the cause. Audience adaptation is manifested in the choice of starting points showing the arguer's identification with what is important to the audience. Because of their special role in setting up the arguer's case, these starting points presumed to be close to the heart of the audience are crucial to an engaged argumentative style. In engaged argumentative styles, the starting points of the exchange tend to be introduced by means of presentational devices that consist of the use of linguistic or non-linguistic means for expressing inclusiveness. These means include, *inter alia*, personal references to all concerned and the use of rhetorical questions to emphasize that it goes without saying that the arguer is fully aware of the audience's starting points and shares them ("Don't we all love our children?").

In engaged argumentative styles, the selection from the topical potential in the empirical equivalent of the argumentation stage consists of using arguments that make the standpoint at issue acceptable by putting it in a familiar light or making it easier to recognize its acceptability. Among the (sub)types of argumentation that can without any problem be put to good use in these endeavours are in a great many cases analogy argumentation and sign arguments. In this stage, audience adaptation in an engaged argumentative style consists of arguing in a way that connects the standpoint at issue with the frame of reference and preferences of the audience. It may, for instance, amount to trying to make a standpoint acceptable by comparing what is at issue in this standpoint with something that is fully acceptable to the audience. Generally, in this stage, audience adaptation means making it clear in the argumentation that agreeing with the standpoint indisputably leads to a positive effect for (a cause favoured by) the audience or is for the audience hard to dispute for other reasons. In the presentational dimension the effectiveness of

the argumentative discourse can be enhanced in a reasonable way by utilising an engaged argumentative style that expresses empathy and demonstrates compassion. By showing their commitment to the audience's cause, arguers can effectively display their involvement with the audience's interests.

Using an engaged argumentative style in choosing from the topical potential in the empirical counterpart of the concluding stage, finally, could consist, for instance, in emphatically embracing the conclusion that is reached as the favoured outcome of the argumentative process. In addition, arguers can emphasise their commitment by stressing the importance of the outcome. Adaptation to audience demand boils down to making the audience realise that the conclusion that is reached is based on an argumentative process that the parties have gone through together. This effect can be achieved in the discourse by involving them closely in the process. Exploiting presentational devices in utilising an engaged argumentative style consists in presenting the conclusion that is reached in an appealing fashion to the audience. One of the many means that can be employed in this endeavour is using a captivating metaphor that increases the audience's involvement in the case.

Like in the case of the utilisation of a detached argumentative style, it goes without saying that in all three dimensions of an engaged argumentative style there are always also other suitable options available for giving shape to an engaged argumentative style than we have mentioned. Only if the amalgamation of radiating commitment, conveying communality, and expressing inclusiveness that we have just described manifests itself systematically and consistently in all three dimensions of argumentative style throughout the argumentative pattern of argumentative moves made in the discourse constituting the dialectical route that is taken, and this amalgamation is in full agreement with the strategic considerations determining the strategic design of the discourse, can it be concluded that the general argumentative style that is utilised in the argumentative discourse concerned does indeed belong to the category of engaged argumentative styles.⁴

4. Determining which characteristics are the distinctive features of an engaged argumentative style and tracing their occurrence in argumentative discourse always remains difficult. If, for instance, conveying communality with the audience is indeed a characteristic property of the topical choices made in utilising an engaged argumentative style, it still needs to be determined whether qualities such as 'connecting with the presumed interests of the audience', 'showing the arguer's identification with what is important to the audience', 'connecting the standpoint with the frame of reference and preferences of the audience', and 'making the audience realise that the conclusion is based on the argumentative process the parties have gone through together' are indeed tokens of this property. In addition, it needs to be decided when exactly it is justified to attribute these qualities to a certain piece of argumentative discourse. Similar issues may arise regarding the selection from the topical potential and the exploitation of presentational devices.

3.4 Further categorisation and sub-categorisation

When the argumentative style utilised in the argumentative moves made in an argumentative discourse has been tentatively identified as detached or engaged, it can be concluded that this argumentative style is indeed detached or engaged only if it proves to be utilised consistently in the argumentative route followed in defending the standpoint at issue and is also in agreement with the strategic considerations underlying the strategic design of the discourse. In that case a strategic scenario has been implemented that is characterized either by the amalgamation of radiating objectivity, conveying reliability and expressing openness to independent judgement or by the amalgamation of radiating commitment, conveying communality, and expressing inclusiveness. Only if the argumentative style that is utilised in the argumentative discourse is in all relevant respects in agreement with this strategic scenario, because it has all the required characteristics, can it be regarded as a detached argumentative style or an engaged argumentative style – whatever the case may be.

Although ‘detached’ and ‘engaged’ are general and broad categories, it may happen that the argumentative style utilised in a certain piece of argumentative discourse does not fit into either of these categories – or only fits into one of them in a special, rather specific way. What other categories of argumentative styles are to be distinguished? And what kind of sub-categories of detached, engaged (or other) argumentative styles are to be considered? In the literature, a satisfactory inventory of argumentative styles is not yet available. Nor can we ourselves at this point offer a complete and exhaustive typology of argumentative styles – if this would ever be possible. Yet, we could make a beginning with the categorisation of argumentative styles by prudently extending, based on our current explorations, our twofold division. In this endeavour we must first pay attention to the way in which the provisional list of two general categories of argumentative styles might need to be expanded. Next we should concentrate on sub-dividing the categories of detached, engaged, and possibly other argumentative styles into certain sub-categories where this is useful. Because it concerns a division of argumentative styles, further categorisation should, in both cases, relate to differences that affect the shape given to argumentative styles in implementing strategic scenarios for influencing the course and outcome of the argumentative process in a particular way.

The criteria that are to be applied in distinguishing between general categories and sub-categories of argumentative styles must apply to differences in the way in which these argumentative styles manifest themselves in the discourse conducted to further the realization of the arguer’s strategic scenario. The differences between the shapes of the argumentative styles that affect the process of reasonably and effectively resolving the difference of opinion may pertain to all three dimensions

of the argumentative styles utilised in the argumentative moves that are made in the dialectical route based on the strategic considerations that are chosen in the discourse: the selections from the topical potential, the adaptations to audience demand, and the presentational devices that are put to good use. These differences manifesting themselves in the discourse are crucial because they make a difference in how the intended audience is supposed to be convinced of the acceptability of the standpoint at issue.

Against this background, extra general categories of argumentative styles may need to be added to our twofold division, together with an appropriate nomenclature. All of them are to represent, in all their three dimensions, different ways to make an effort to realise a strategic scenario that can be ascribed to the arguer based on the analytic overview of the argumentative moves that are made, the argumentative pattern that has developed and the strategic design of the discourse. A possible candidate for extension might be the argumentative style that we have earlier labelled *reconciliatory* (van Eemeren 2019: 166; Greco & Jermini-Martinez Soria 2021: 74). It goes without saying that the list of categories of argumentative styles can be extended whenever this is called for, but it is recommendable to be economical in proposing additions and to preserve theoretical pertinence and clarity, also in naming them. We should also keep an open eye for mixtures of argumentative styles and possible overlap between them that do not necessitate making changes to the categorisation. It is to be determined, for instance, whether utilising a reconciliatory argumentative style means utilising a different category of argumentative style than utilising an engaged style or whether it is to be viewed as a sub-category of an engaged argumentative style.

The differences that are relevant to a classification of categories of argumentative styles relate to whether, and in which way, these differences affect the argumentative process conducted in the discourse – such as when an engaged argumentative style is utilised instead of a detached argumentative style. This means that these differences have to do with the approach that is taken in the discourse when implementing a particular strategic scenario in introducing the difference of opinion, presenting the starting points, dealing with the arguments and criticisms, and establishing the outcome. What this means has already been explained for the three dimensions of a detached argumentative style and an engaged argumentative style in our characterization of the use of these two argumentative styles in the equivalents in real-life argumentative discourse of the four stages of a critical discussion.

Rather than affecting the argumentative process in this general way, the differences relevant to the distinction between sub-categories of a certain category of argumentative styles relate to specific variants of how a certain argumentative style is given shape. By opting, within a range of options, in the argumentative moves that are made consistently for a specific kind of selection from the topical potential, a

specific kind of adaptation to audience demand, and a specific kind of exploitation of presentational devices, an argumentative style is utilised that is systematically different from other argumentative styles belonging to the same category. In our view, the need to distinguish between such sub-categories of argumentative styles only arises when there is a special reason to identify in more detail the special character of the argumentative style involved. As a rule, this will be the case when it is necessary for an adequate appreciation of the discourse to contrast the use of a particular argumentative style with other argumentative styles from the same category. One can imagine, for instance, that it can be necessary in a particular case to specify the detached argumentative style that is utilised in a certain discourse for the sake of precision as ‘strongly’ detached in opposition to ‘weakly’ detached other cases, or perhaps as ‘neutrally’ detached in opposition to ‘stand-offish’ detached other cases – or that it makes sense to emphasize in a certain context that the engaged argumentative style that is used is ‘strongly’ engaged instead of ‘weakly’ engaged, or perhaps ‘authentically’ engaged rather than ‘opportunistically’ engaged.

Variety of argumentative styles in different argumentative practices

4.1 Argumentative characterization of communicative practices

The strategic manoeuvring conducted in argumentative discourse does not take place in an idealised critical discussion, but in one of the multitude of communicative practices that can be found in argumentative reality. These communicative practices have come into being to satisfy the institutional needs of the various kinds of communicative domains. The speech events taking place in these domains, such as a parliamentary debate in the political domain, the motivation of the judge's verdict in the legal domain, a scholarly discussion in the academic domain, and a doctor-patient consultation in the medical domain, are all manifestations (*tokens*) of a particular *communicative activity type*. Although exceptionally communicative activity types may be non-argumentative, more often than not they are inherently, essentially, predominantly, or just incidentally argumentative. In such cases, they can be designated more precisely as *argumentative activity types* (van Eemeren 2010: 129–162). In dealing with argumentative styles, we have to take due account of the communicative activity types in which these argumentative styles are utilised.

Communicative activity types constitute the institutional macro-contexts in which the argumentative discourses that are conducted in the various communicative domains take place.¹ Depending on the requirements of the institutional macro-context in which an argumentative discourse occurs, in the strategic manoeuvring that takes place different kinds of conventions have to be complied with. Other conventions apply, for instance, to the strategic manoeuvring of a physician in doctor-patient consultation in the medical domain than to the strategic manoeuvring of a researcher in a scholarly discussion in the academic domain or the strategic manoeuvring of the government's spokesperson at a press conference in the diplomatic domain. Which institutional preconditions must be taken into account, depends on the way in which a communicative activity type and the argumentative discourse going on in it have been conventionalised. In the legal

1. The term *institutional macro-context* refers to all socially and culturally established communicative practices that are in some way formally or informally regulated.

domain, for example, the conventionalisation tends to be strict and largely formalised in rules and regulations, but in various other communicative domains, such as the political, the medical, and the academic domain, the conventionalisation is more informal and looser and remains largely implicit – in some communicative domains even to the extent that on a superficial view there appears to be no conventionalisation at all.²

The conventionalisation of the argumentative discourse is instrumental in realizing the ‘institutional point’ of the communicative activity type: the reason why it exists – its *raison d’être*. The institutional point of a plenary parliamentary debate, for example, is to have the government’s policies scrutinised by their elected representatives on behalf of the people. Associated with the institutional point of a communicative activity type are usually one or more institutional goals pursued by the participants, who may have in some cases their own ‘missions’. In a parliamentary debate, for instance, the Members of Parliament aim to scrutinise the actions, proposals and plans of the government, whereby the mission of the Members supporting the government is somewhat different from that of the Members who belong to the opposition. The former will be more inclined to defend the government’s stances and policy measures, whereas the latter are out to confront the government as much as possible with their criticisms, if not rejection.

Some specific conventions applying to communicative activity types are *institutional preconditions*: special requirements for properly conducting the argumentative discourse in the macro-context concerned, which impose certain external constraints on the strategic manoeuvring that is considered acceptable in the activity type concerned. So-called *primary* institutional preconditions are, as a rule, explicit, official, and procedural. In plenary debates in the European Parliament, for instance, it is a primary institutional precondition that the Members are to address the Chair, instead of each other. In an institutional macro-context there are usually also *secondary* institutional preconditions imposed on the discourse; they remain as a rule implicit, are unofficial, and relate to values and attitudes. In defending their views about European policies, for instance, the Members of the European Parliament are supposed to speak in the interest of Europe as a whole, but are at the same time expected to observe the tacit secondary institutional precondition that their strategic manoeuvring should not go against the interests of their own country.³

2. In the interpersonal domain, for instance, in communicative activity types such as a neighbourly chat, the conventionalisation seems to reflect just established usage – but even in such cases, it has a normative function.

3. The complicated situation going with this secondary institutional precondition has been baptised the *European Predicament* (van Eemeren & Garssen 2010: 9).

When a communicative activity type is analysed argumentatively, it is for analytical purposes worthwhile, particularly when it concerns an argumentative activity type, to give an *argumentative characterization* of its conventionalisation. In such an argumentative characterization the distinctive argumentative features of the empirical equivalents of the four stages of a critical discussion in speech events that are actual specimens of the argumentative activity type are described with the help of the ideal model of a critical discussion. By way of illustration, we give in Table 4.1 an overview of the argumentative characterizations of some (clusters of) argumentative activity types belonging to the political domain, the diplomatic domain, the legal domain, the facilitatory domain, the academic domain, and the medical domain.⁴ Table 4.1 indicates for each communicative domain that is included for one or two communicative activity types the distinctive features of the conventionalisation of the argumentative discourse in the four stages of the argumentative process.

Table 4.1 Argumentative characterization of a variety of communicative activity types

<i>Domain</i> Communicative activity type [<i>Genre</i>]	Initial situation	Starting points	Argumentative means and criticism	Outcome
<i>Political domain</i>				
Political advertising [<i>Hybrid</i>]	Non-mixed difference about prescriptive standpoint (sometimes descriptive/ evaluative claim as intermediary); decision up to audience	Implicit intersubjective rules; explicit or implicit concessions, if any, by advertiser	Argumentation promoting the standpoint on the part of the advertiser, usually largely concealed as information	Decision by non-interactive audience (sometimes the electorate)
Plenary debate European Parliament [<i>Deliberation</i>]	Mixed disagreement about prescriptive /evaluative standpoint; decision up to participants	Largely implicit intersubjective rules; explicit and implicit concessions on both sides	Argumentation in defence of seemingly incompatible standpoints in critical exchanges	Decision by participants (no return to initial situation)

(continued)

4. This list of communicative domains is not exhaustive, and the division of domains neither claims to be mutually exclusive nor free from overlap. Table 4.1, which is based on a similar figure in van Eemeren (2010: 11) only pertains to communicative domains and activity types we are dealing with in this volume.

Table 4.1 (continued)

<i>Domain</i>	<i>Initial situation</i>	<i>Starting points</i>	<i>Argumentative means and criticism</i>	<i>Outcome</i>
Communicative activity type [<i>Genre</i>]				
<i>Diplomatic domain</i>				
Response diplomatic spokesperson [<i>Negotiation</i>]	Non-mixed difference about evaluative standpoint (often relating to reported disagreement with third party); decision up to audience	Explicit and implicit constitutive rules; concessions arguer, often partly conditional	Argumentative response by means of statements, commissives or directives	Conclusion by arguing spokesperson (or return to initial situation)
<i>Legal domain</i>				
Motivation verdict judge [<i>Adjudication</i>]	Dispute about evaluative standpoint with descriptive and prescriptive function; 3rd party with jurisdiction to decide	Largely explicit codified rules; some explicitly established facts and concessions	Argumentation from facts and concessions interpreted in terms of conditions for application of a legal rule	Settlement dispute by motivated decision 3rd party (no return to initial situation)
<i>Facilitatory domain</i>				
Mediation [<i>Facilitation</i>]	Conflict about prescriptive standpoint; 3rd party is facilitating but decision is up to the parties	Implicitly enforced regulative rules; a few explicitly recognized concessions	Argumentation conveyed by would-be spontaneous conversational exchanges	Mutually accepted conclusion by the mediated parties (or temporary return to initial situation)
<i>Academic domain</i>				
Scholarly debate [<i>Disputation</i>]	Usually mixed disagreement about descriptive substantive or methodological standpoint (or prescriptive standpoint in practical fields); often attack on other party's position	Largely conventionalised substantive and procedural starting points (hypotheses, theories, models, techniques)	Complex argumentation based on theoretical, empirical, statistical, or formal mathematical premises; often deductive reasoning or complex pragmatic / causal argumentation	Decision up to peer experts; large consensus more easily achieved in "hard" sciences than in "soft" sciences

Table 4.1 (continued)

<i>Domain</i>	<i>Initial situation</i>	<i>Starting points</i>	<i>Argumentative means and criticism</i>	<i>Outcome</i>
Communicative activity type [<i>Genre</i>]				
<i>Medical domain</i>				
Medical consultation [<i>Consultation</i>]	Non-mixed difference of opinion about a prescriptive standpoint (a medical recommendation); decision up to the audience	Largely implicit rules and conventions; some explicitly recognized concessions	Argumentation supporting the standpoint, based on (medical) facts and evaluative claims related to the audience's personal well-being, or on pragmatic argumentation pointing out the (un)desirable consequence of the proposed recommendation	Decision that is mutually agreed upon by both parties (or temporary postponement of decision)

4.2 Genres of communication instrumental in specific macro-contexts

The genre of communication predominant in the political domain is deliberation, which is used in a multi-varied cluster of emphatically argumentative activity types, varying from a plenary debate in the European Parliament to informal political forum discussions on the Internet. In a great many cases the argumentative discourse starts from a real or projected mixed disagreement between the parties, while there is often also a listening, reading or television-watching audience – which consists in some cases of the electorate. In some communicative activity types making use of deliberation the format is more clearly defined than in others; the communicative activity types involved are usually not fully conventionalised. Deliberation often starts from largely implicit intersubjective rules and explicit and implicit concessions on both sides. In deliberation that takes the form of a public debate, the disputants generally have clearly-articulated starting points, which tend to differ in crucial respects from those of other disputants. The contestants will at all times take the listening, reading or watching audience into account, sometimes up to the point that their argumentation will be primarily aimed at convincing this third-party audience rather than their debate partners, so that the former is in fact their primary

audience. This will be particularly the case when the third-party audience determines in fact the outcome of the deliberation – by voting or by public pressure.

Communicative activity types relying on deliberation are of particular interest to protagonists of democratic institutions, because it is their mission to realise the institutional point of preserving a democratic political culture, which can be achieved by means of such argumentative practices. The practices concerned are designed to enable an argumentative exchange that is optimal from a dialectical as well as a rhetorical perspective, so that strategic manoeuvring is of crucial importance at every point in the argumentative process. An important characteristic of these communicative activity types is that the decision about the resolution of the difference of opinion is often not, or not entirely, up to the deliberating parties, but to the people who are listening in or are reading later what has been said, without actively participating in the deliberation themselves. As a consequence, in their critical exchanges with their contestants the parties will in such cases be first of all out to put forward argumentation that constitutes an appropriate defence of their standpoint in the eyes of this silent audience. American presidential debates are a – rather notorious – case in point.

In the communicative activity types that belong to the diplomatic domain, a genre that is standardly used is negotiation. However, not in all communicative activity types that belong to the diplomatic domain, and not exclusively in communicative activity types from this particular domain – but also, for instance, with some frequency in the commercial domain. The communicative activity types in the diplomatic domain, which vary from primarily political meetings such as peace talks and diplomatic press conferences to various kinds of bargaining, are most of the time wholly or partly argumentative. They start from an initial situation that can be more adequately described as a conflict of interests than as merely a difference of opinion. Unlike in adjudication and mediation, in negotiation the parties are in principle not focused on a third party, but on each other. Negotiation typically aims for reaching a compromise, which will usually consist of the maximum amount of agreement that the parties can reach on the basis of the concessions that each of them is willing to make.

Negotiation is a genre used in communicative activity types that are generally only moderately conventionalised, but their degree of conventionalisation varies according to the type of negotiation – depending primarily on the preferences of the parties. In international relations, negotiation plays, for instance, a prominent role in peace talks, but also, and as a rule more explicitly, in business communication in the commercial domain. In communicative activity types making use of this genre of communicative activity initially the parties are usually free to define their own format, but when they have determined their format, it tends to become binding. In principle, the constitutive rules of negotiation are fixed as soon as they have

been accepted by the parties involved. Communicative activity types depending on negotiation may therefore be viewed as *semi-scripted*.

A distinctive feature of some communicative activity types making use of this genre of communicative activity, such as bidding and bartering, is that the standpoints of the parties may change during the negotiation process, so that the confrontation at the heart of the discussion is variable – and the analysis of the discussion must be split up into a series of interrelated discussions. The concessions the parties are prepared to make at the beginning of the negotiation, or in the course of the negotiation process, are usually conditional and may also change during the argumentative process. The final decision about the outcome is in negotiations always up to the parties. If desired, each of them is at every point of the argumentative process still free to return to the initial situation, so that everything will stay as it was. Argumentation is one of the means the parties have at their disposal for influencing the decision in their own favour, but this argumentation will usually be incorporated in offers, counter-offers and other commissives, such as conditional promises (“If you allow X, we will do Y”) and conditional threats (“No Y, before you do X”).

The genre of communication predominant in the strongly institutionalised legal domain is adjudication. The communicative activity types in which adjudication takes place, such as civil law cases and the judge’s motivation of a verdict, have a precisely defined format and are explicitly scripted. Compared to only weakly institutionalised communicative activity types, the initial situation in which the adjudication starts is rather formalised, with an official definition of the dispute and the jurisdiction to decide the case assigned to a third party. The material and procedural starting points consist in adjudication largely of explicit concessions, i.e., established facts, and explicit formal rules, i.e., codified legal rules. The argumentative means that are used boil down to an argumentative interpretation of the facts with the help of the legal rules in terms of legal evidence. The only outcome allowed, which is invariably reached, is a decision of the case by the third party that is in control – a return to the initial situation of the dispute is not possible.

Communicative activity types making use of adjudication aim for the settlement of a dispute by an authorised third party rather than by the disputing parties themselves. It is characteristic of adjudication that the parties are out to convince the adjudicator instead of each other. Although the cluster of communicative activity types making use of adjudication has in practice a broader range, when this genre is used in a legal context the difference of opinion that has become a well-defined dispute is commonly taken to a public court, where a judge (or a jury), after having heard both sides, is to make a reasoned decision based on a set of procedural and material rules of law. In most cases there are special rules for dividing the burden of proof, for the data allowed to be part of the common starting points, and for

the kinds of proof that can be acceptable. On closer analysis, a great many of these rules are tantamount to specifications of rules for critical discussion adjusted to guarantee that the dispute will be terminated orderly and fairly.

A genre used in a cluster of communicative activity types in the facilitatory domain, but also in some activity types in the commercial domain, is mediation. These communicative activity types include, for instance, counselling and custody mediation. They initiate from a difference of opinion that has grown into a conflict that the parties concerned cannot resolve by themselves, so that they have to take refuge in a third party who acts as a supposedly neutral mediator and guides the parties in their (more or less) cooperative search for a reasonable and mutually acceptable solution. The mediator acts as a facilitator responsible for the resolution process, but not for its content or outcome. Unlike an adjudicator, the mediator does not have the power to terminate the disagreement. Whether the disagreement concerns a divorced couple's child's custody or the price to be paid for repairs to a car, the mediator helps the parties to have a reasonable discussion leading to an arrangement that is satisfactory to both of them.

Custody discussions, a communicative activity type in which mediation is regularly put to good use, are only weakly institutionalised and usually have a loosely defined informal format. In the initial situation a difference of opinion between the parties about a matter of vital interest to both of them has become a conflict that is hard to resolve. Although all concerned know that the mediating third party is only there to promote the adoption of a reasonable attitude by the contending parties and has no jurisdiction to decide, it is also clear that the presence of a neutral outsider can have a distinct influence on the contributions of the parties. Due to the problematic nature of their disagreement, initially the parties will generally not be prepared to mutually recognize any helpful concessions as a common starting point. In the course of the mediation process, they may gradually come to accept, however reluctantly, certain procedural rules for their informally "scripted" speech event that are cautiously forced upon them by the mediator. Instead of making their case in a businesslike manner, more often than not they will conceal their arguments partially in quasi-spontaneous but in fact calculating expressives. Although in theory the conflicting parties may be just as free to draw their own conclusions as in ordinary conversations, they are aware of the fact that they are strongly encouraged to come to an arrangement, because their disagreement is an incongruity that needs to be overcome.

In the academic domain, especially in articles and books reporting about scientific research, the most widely used genre of communication is *exposition*: the relevant literature is briefly reviewed and a precisely formulated question is put forward, together with one or several contrasting hypotheses as tentative answers to the question, a design for testing the hypotheses and the data obtained thereby

are described, usually by means of tables, graphics, maps, diagrams, photographs, and other visual props, and subjected to analysis by means of different techniques of varied sophistication. After all this purely expository material a change in the genre of communication appears in the direction of *disputation*: what is usually called a “discussion” – actually a disputation in the classical sense – is started, in which the analysed data are brought back into contact with the relevant literature, different views are compared, weighed up, and questioned or even rejected by means of a decision that is made on four scores: (1) what the status of the hypotheses investigated is, (2) how they are connected to extant theories in the field, (3) what has changed in relation to the specific research question investigated and to other closely related questions, (4) which future research tasks could bring us forward and which should be dismissed as unproductive.

The clear-cut separation between the exposition and the disputation genres, often reinforced by conventionalized headings, is more fluid in areas of the academic domain such as the “softer” social sciences and the humanities. For instance, in literary criticism the data are usually quotations from authors, which are not first presented, then analysed, and finally discussed. These communicative activities are normally done piece by piece, so that a series of separate disputations are first given and then perhaps a final encompassing one, where all the different threads are united and knitted together in a grand interpretation, which may sometimes look close to a deliberation, especially when the argument is about practical matters, for instance policy issues.

Another main difference noticeable in the academic domain is that between “harder” and “softer” subdomains. The harder subdomains enjoy a broader consensus on principles, models, techniques, methods of analysis, and theoretical frameworks. This gives both the exposition and the disputation parts of academic papers (as well as other communicative activity types, as set forth in textbooks, handbooks, companions, or encyclopaedias) the aura of solid and definite results or outcomes in subdomains as diverse as physics, genetics, economics, formal linguistics, experimental psychology, physical anthropology, and analytic philosophy. However, in the softer subdomains – in history, literature, so-called Continental Philosophy, clinical psychology, and most of sociology and social anthropology – we very often find authors raising questions about principles and methods as easily as about what would appear to be more factual data, and even to doubt whether actual, indubitable *facts* are at all available. This makes the disputation parts of academic books and papers in the softer fields sometimes look more like adjudication than deliberation, the adjudicator being the author as an expert representative of a whole school of thought.

In the medical domain, the most notable genre is consultation. This genre is used, for instance, in doctor-patient exchanges in outpatient settings, bedside

interactions between nurses and patients during hospitalization, and daily medical rounds including medical staff and (increasingly also) patients. Typically, the main purpose of having these consultations is to establish a treatment plan for the patient that is commonly accepted by all parties involved, based on the best medical evidence as well as the patient's personal needs, preferences, and circumstances. The proposed treatment plan generally takes the shape of a medical recommendation or advice. That is, a prescriptive standpoint that can be supported by medical evidence or, for instance, by pointing out the (un)desirable consequences of (not) following the proposed plan for treatment. Although this may not always be manifest, consultation is inherently argumentative.

In the medical domain, next to being a genre of communication, *consultation* has also become the name of a specific communicative activity type. In the way this communicative activity type is conventionalised, any argumentative exchange taking place in a consultation starts from some implicit and some explicit rules and concessions. Usually there is in doctor-patient consultation a clear beginning (start of the consultation) and a – more or less – predefined timeframe in which the discussion takes place. The doctor often leads the discussion. While in terms of execution the format of the argumentative exchange is only loosely defined, and there are no particular rules as to which arguments can be used, it is important to note that under the legal rule of informed consent, doctors should always provide their patients with all information (including arguments pro and con) necessary to make an informed decision about their own treatment. Thus, when advancing a standpoint pertaining to treatment, doctors are legally obliged to provide their argumentation and they are to assume their patients' possible doubt – which is often not explicitly voiced. In addition, in resolving the difference of opinion, patients retain the right of autonomy, to decide over their own body. This implies that in resolving a difference of opinion concerning treatment, the parties must come to agree on a plan that is both medically appropriate and befitting to the patient.

4.3 Impact of macro-contextual institutional requirements

4.3.1 Institutional preconditions for strategic manoeuvring

An argumentative characterization of the communicative activity type can play a useful role in describing how the argumentative dimension of that argumentative practice is substantiated (van Eemeren 2010: 144–159). Starting from a description of the conventionalisation instrumental in realizing the institutional point of the activity type, in an argumentative characterization the distinctive features of the “format” of the argumentative discourse are specified; if this is appropriate,

together with the missions and goals of the participants. Since the argumentative characterization provides insight into the institutional background of the extrinsic constraints imposed on the argumentative discourse in a communicative practice,⁵ this characterization is a proper point of departure for determining methodically the institutional preconditions for strategic manoeuvring pertaining to the communicative activity type concerned.

The more precisely the conventionalisation of a communicative activity type is described in the argumentative characterization, the easier it will be to determine what the institutional preconditions for strategic manoeuvring are in the macro-context of that communicative activity type. These institutional preconditions can be derived from the description of the conventionalisation of the empirical equivalents of the four stages of a critical discussion in the discourse and relevant background information about the required *modus operandi* of the participants in the activity type. Next to the primary institutional preconditions, relevant secondary institutional preconditions also need to be identified. In the case of a plenary debate in the European parliament, for instance, in addition to primary institutional preconditions such as the standing orders, the European predicament that in pursuing Europe's interests MEPs should not lose sight of the interests of their own country should never be left out of consideration. Generally, the people taking part in a certain communicative activity type will be aware of both kinds of institutional preconditions and take them into account in their strategic manoeuvring.⁶

After the communicative activity type that is examined has been characterized argumentatively, and its institutional preconditions have been determined, it has become clear what room for strategic manoeuvring each of the parties is in this context allowed to have. In principle, all three aspects of the strategic manoeuvring involved in making argumentative moves in any of the four stages of the argumentative process will be affected by the institutional preconditions imposed on the argumentative discourse in the communicative activity type in which the exchange takes place (van Eemeren 2010: 93–127). This means that there may be macro-contextual constraints regarding the topical choices (in an academic debate, for instance, personal attacks on the opponent are not allowed), regarding the adaptation to audience demand (in a Dutch parliamentary debate, for instance, other

5. These constraints are extrinsic, because they depend on the institutional macro-context in which the argumentative discourse takes place, whereas intrinsic constraints, such as the need to alleviate the tension involved in aiming simultaneously for reasonableness and effectiveness, are inherent in being engaged in argumentative discourse.

6. Becoming aware of these institutional preconditions is part of their primary socialisation when growing up or their secondary socialisation when they are introduced to a particular communicative practice not familiar to everybody.

parliamentarians may be addressed only indirectly), and regarding the exploitation of presentational devices (in a legal case, for instance, parties may not be addressed by their first names).

Although, in principle, extrinsic constraints put a limit on the parties' possibilities for strategic manoeuvring, they may also create special opportunities for strategic manoeuvring – if not for both parties, then perhaps for one of them. Due to the various kinds of institutional preconditions, the possibilities for strategic manoeuvring that are available in the four stages of the argumentative process may vary to some extent from communicative activity type to communicative activity type. In some communicative activity types, for instance, the participants will be allowed more room than in others for shaping the initial situation in accordance with their own preferences. A similar variety between communicative activity types may exist with regard to the room the institutional preconditions allow the parties to have in choosing the procedural and material starting points, selecting the argumentative means and criticism, and determining the outcome of the argumentative process.

In the communicative activity types that belong to the political domain, deliberation starts as a rule from a mixed disagreement between parties that are addressing each other, but are in a great many cases in fact out to gain the support of a non-interactive listening or reading audience. In the case of election speeches and election debates, the constraints that are conventionally imposed on the strategic manoeuvring are in the first place dictated by the parties' mission to reach and convince their primary audience: the electorate – sometimes via a critical response they give to a secondary audience, with whom they have a political disagreement. A primary institutional precondition that must be taken into account in both cases is that all parties involved in the event have to comply with the decisions of the chair about assigning speaking turns, allowing interruptions, judging the relevance of contributions etc. Sometimes the format of the communicative activity type the arguer takes part in may impose still other constraints on the strategic manoeuvring. An important secondary institutional precondition is in such communicative practices, for instance, that, in order not to be perceived as non-cooperative, impolite, rude or otherwise inadequate by the primary audience, a party taking part in the debate may not ignore or negate another party's questions or contributions to the exchange.

In the multi-varied communicative activity types aimed at putting an end to a conflict in the diplomatic (or the commercial) domain, negotiation is frequently put to good use to reach a compromise between the parties or a similar mutually acceptable result. Although the parties have conflicting interests, in such cases each party always also has certain interests unrelated to the conflict that may be compatible with the other party's interests. In these communicative activity types it is usually a secondary institutional precondition that interests of the other party

that are unrelated to the conflict will not be made a matter for discussion. A steppingstone to getting to an agreement can therefore be adapting to the other party's perspective with regard to such non-discordant interests. This is an attractive way to proceed, because by thus utilising the other parties' interests in a creative way, complex but productive audience-oriented argumentative strategies can be brought to bear, such as 'package-dealing'. Making a package deal involves reaching a compromise that encompasses a variety of unrelated but compatible interests of both parties, including the termination of the initial conflict.

In the highly conventionalised communicative practices of the legal domain making use of adjudication, the room for strategic manoeuvring is, characteristically, in certain respects severely limited. The procedural and material starting points defining the judicial counterpart of the opening stage of a critical discussion in a law case, for instance, are to a large extent institutionally predetermined from the outset, rather than being established by the parties in joint deliberation.

In mediation, to mention a last case from the facilitatory domain, the mediators' only task is to facilitate the resolution process by structuring and improving the communication between the parties, but a tacitly accepted secondary institutional precondition is that they should do everything possible to solve the problem at issue without interfering or exceeding the boundaries of reasonableness. This means that they are expected to exploit the room for strategic manoeuvring left to them to contribute to getting to an arrangement. In the initial situation, for instance, they may slyly stimulate the parties to shift their attitudes in the conflict to a more constructive level. When it comes to the starting points, by asking questions aimed at clarification they may encourage the parties to modify their words into an implicit concession that makes it easier to reach an agreement. In the empirical equivalent of the argumentation stage, they may try to make the exchange more effective by reformulating in their summaries the arguments of the parties in a more constructive way. In working towards the outcome of the exchange, they may prepare the ground for reaching an arrangement that is acceptable to both parties by recapitulating the results in a way that is face-saving to both.

4.3.2 Prototypical argumentative patterns and dialectical routes

In the communicative activity types that have come into being in the various communicative domains the initial situation revolves around different kinds of differences of opinion, varying from formally-defined disputes in a law case to informal non-mixed differences in a medical consultation. The types of standpoints at issue vary from evaluative standpoints with a descriptive as well as a prescriptive function in a legal verdict and prescriptive or evaluative standpoints in a parliamentary policy debate to descriptive standpoints in a scientific discussion. In combination

with the starting points characteristic of particular (clusters of) communicative activity types, which vary from explicitly established starting points in a law case to largely implicit starting points in a private chat, the specific characteristics of the initial situation lead to specific kinds of argumentative exchanges in the empirical equivalent of the argumentation stage. The variety is not only caused by differences between the differences of opinion, the types of standpoints at issue, and the procedural and material starting points, but also by the specific institutional requirements pertaining to the way in which the exchange between argumentation and criticism is to take place, which varies from a regulated exchange in a parliamentary debate to an only informally structured private discussion, and the kinds of outcome that are to be reached, varying from a final verdict by the judge in a law case to a change of mind or the maintenance of the existing situation in a private discussion.

In view of the kind of difference of opinion that is to be resolved, the type of standpoint at issue, and the specific procedural and material starting points the parties must act upon, different types of argumentation can be helpful in reaching the kind of outcome that is aimed for in the various communicative activity types. In the communicative activity types belonging to a particular communicative domain specific types of argument schemes may be pre-eminently instrumental in reaching the desired kind of outcome. Depending on the type of argumentation that is used and the macro-context of the communicative activity type in which the argumentative discourse takes place, specific kinds of critical questions need to be anticipated or responded to. When choosing in a particular kind of argumentative discourse a particular argument scheme to support the standpoint, in dealing with the critical responses they anticipate or are in fact confronted with, the arguers are supposed to take the institutional preconditions into account that apply to the communicative activity type in which the discourse takes place.

Conducting the argumentative discourse in agreement with the specific demands of the communicative activity type in which the discourse takes place results in different domains in the emergence of different kinds of 'argumentative patterns' in the discourse. An *argumentative pattern* consists of a particular constellation of argumentative moves in which, in dealing with a particular kind of difference of opinion, in defence of a particular type of standpoint a particular argument scheme or combination of argument schemes is used in a particular kind of argumentation structure (van Eemeren 2017b: 159). The occurrence of such argumentative patterns, which manifest themselves empirically in the various kinds of communicative practices, can be explained by taking account of the institutional points and institutional preconditions characterizing particular (clusters of) communicative activity types, and the critical questions pertaining to the argument schemes. In identifying these argumentative patterns, the underlying assumption always is that protagonists may be expected to be out to make the strongest possible case for their

standpoints in the institutional macro-context concerned by trying to advance a combination of reasons that will satisfy the antagonist through leaving no critical doubts unanswered. In this endeavour, they may be expected to use the argument schemes they deem most effective in the situation at hand and to advance all multiple, coordinative and subordinative argumentation that is necessary to answer the critical reactions that are expressed or may be expected.

Although some of the argumentative patterns occurring in argumentative reality may well be incidental, certain argumentative patterns that come into being can be considered characteristic of the way in which argumentative discourse is generally conducted in a specific communicative activity type or cluster of activity types (van Eemeren 2018: 149–168). This applies in particular to the argumentative patterns that are immediately connected with the institutional preconditions for strategic manoeuvring applying to the communicative activity types concerned. We call these argumentative patterns *prototypical argumentative patterns* (van Eemeren 2017a: 20–22). Prototypical argumentative patterns result from the use of modes of strategic manoeuvring pre-eminently instrumental in realising the institutional point of a communicative activity type in accordance with its institutional preconditions. They are characteristic of the argumentative discourse that is carried out in a certain communicative activity type or cluster of communicative activity types. In practice, there may be several argumentative patterns that are prototypical of a particular (cluster of) communicative activity type(s).⁷

At the first level of the defence, where the main standpoint (or one of the main standpoints) at issue is defended by the main argumentation, prototypical argumentative patterns manifest themselves in the discourse as “basic” prototypical argumentative patterns. In the case of a *basic argumentative pattern*, it is primarily the type of standpoint at issue that determines which types of argumentation can be appropriately used in its defence. At the second level and all further levels of the defence, a reason given at the preceding level may become a sub-standpoint that is in its turn defended by means of argumentation. Whether there will indeed be argumentation supporting the argumentation provided at the first level, depends in principle on the critical reactions that are in the institutional macro-context concerned evoked or expected to be evoked by the use of the argument scheme employed in the initial defence of the standpoint. Depending on the critical questions associated with this argument scheme and the characteristics of the communicative

7. In certain argumentative practices certain prototypical argumentative patterns may occur significantly more frequently than other prototypical argumentative patterns and can therefore be called *stereotypical* (van Eemeren 2017a: 22). In order to determine when this is the case, the qualitative empirical research into prototypical argumentative patterns needs to be followed up by quantitative empirical research.

activity type concerned, specific kinds of critical reactions may need to be anticipated or responded to in defending a sub-standpoint, sub-sub-standpoint etc. This means that in argumentative reality sometimes more elaborate prototypical argumentative patterns come into being. These *extended argumentative patterns* include various levels of defence and may contain argumentation of varying degrees of complexity.

In order to achieve the kind of outcome that is aimed for, in the various communicative activity types that have been institutionalised in the various communicative domains, different types or sub-types of argumentation may be helpful in resolving the difference of opinion about a certain type of standpoint in line with the prevailing starting points. The specific types and sub-types of argumentation that are the options to choose from in the various cases initiate different dialectical routes for going through the process of resolving the difference of opinion in the discourse. Opting for a certain argument scheme in defending a standpoint has specific consequences for the way in which the argumentative discourse will be continued. When the one argument scheme is chosen, the dialectical route that is taken will be different from the dialectical route that becomes a reality when another argument scheme is used. The different continuations of the discourse in a certain dialectical route are determined by the different sets of critical questions that are associated with the various argument schemes that are used: they make the arguer make different kinds of argumentative moves in anticipation of, or in response to, different kinds of critical reactions.

Following a certain dialectical route in the conduct of argumentative discourse always results in the creation of a particular kind of argumentative pattern in the discourse. Since the institutional point that is to be realised and the institutional preconditions that need to be taken into account are part of the institutional macro-context in a certain communicative domain, the prototypical argumentative patterns that come into being in the various (clusters of) communicative activity types may in the various macro-contexts vary to some extent. Due to the fact that in the communicative activity types institutionalised in a particular domain, characteristically, specific types of standpoints are at issue in specific kinds of differences of opinion, the types or sub-types of argumentation suitable to resolving the difference of opinion on the merits may differ in some respects. This complexity of argumentative reality has consequences for the argumentative patterns that will develop in the discourse. As we did before, we shall illustrate the macro-contextual differentiation of argumentative patterns by focusing on the argumentative state of affairs in a few communicative domains.

In the legal domain, where the communicative practices are generally strongly conventionalised, the difference of opinion at issue in the initial situation of a law case will be a well-defined juridical dispute about a prescriptive or evaluative

standpoint; the starting points will consist of certain case-related concessions and a collection of largely codified legal rules; the argumentation advanced will be based on legal interpretations of the concessions and other relevant facts, backed up by rules from the law book; and the outcome will be a motivated settlement by a judge. The procedural and material starting points of a law case are to a large extent predetermined institutionally. The verdict by the judge is characteristically legitimised by means of symptomatic argumentation in which it is argued that dealing with the case in a particular way is justified because it is covered by a legal rule (Feteris 2017). Since symptomatic argumentation is prevalent in this domain, the critical questions that are relevant and likely to be anticipated are generally critical questions associated with this type of argumentation. When it is first argued, say, that dealing with the case in a certain way is justified because this is covered by a legal rule, this symptomatic argumentation could be followed by comparison argumentation stating that the case is similar to other cases to which the legal rule applies, but usually this obvious argumentative step remains implicit.

When, to provide another illustration, in the political domain a policy standpoint is defended in an argumentative exchange taking place in the communicative activity type of a parliamentary debate (Garssen 2017b) or a report of a European parliamentary committee of inquiry (Andone 2017), a characteristic way of doing so is by making use of pragmatic argumentation. By means of this sub-type of causal argumentation it is then argued that the measure proposed in the standpoint should be taken because it will lead to an indisputably desirable result – or (in the negative variant of pragmatic argumentation) that the measure should not be taken because it will lead to an indisputably undesirable result. The argument scheme of pragmatic argumentation is pre-eminently suitable to defend a policy standpoint, but only if the desirability of the result to be achieved – or its undesirability, as the case may be – is considered beyond any doubt. If the desirability of the result first needs to be motivated, the argumentation remains, of course, causal, but loses its pragmatic force of instantaneous effectiveness. When this happens, and the desirability of the result is in its turn supported argumentatively, say by means of symptomatic argumentation referring to an authoritative source, the argumentation changes from single argumentation into complex argumentation, and the causal argumentation involved turns from pragmatic argumentation into *complex pragmatic argumentation*, also called *pragmatic problem-solving argumentation* (Garssen 2017b: 34–50). Which critical questions will be relevant and need to be anticipated or responded to in the argumentation advanced in the continuation of the discourse depends in such a case, as always, on the additional argument schemes that are used and the context in which this happens.

In the medical domain of health communication, medical consultation and the promotion of a drug are combined in the communicative activity type of a medicine

advertisement. The institutional point of this hybrid communicative activity type is to motivate patient-consumers to start using (and thus buying) the advertised medical product by providing them with the legally required information enabling them to make an informed choice as to whether or not to use this drug. In “over-the-counter medicine” advertisements, the implicit prescriptive standpoint that the drug advertised should be bought is at the first level of the defence characteristically supported by pragmatic argumentation (Snoeck Henkemans 2017). According to the regulations that must be observed in this kind of advertising, claims to effectiveness in the advertisement may not go beyond claiming an effect the advertisers are officially allowed to claim. When this seems necessary, the basic argumentative pattern created by the use of pragmatic argumentation in such an advertisement can be extended by the addition of supporting arguments in which one or more of the critical questions pertaining to pragmatic argumentation are addressed. In case the advertiser expects that the beneficial effect on the consumer’s health that is claimed in the pragmatic argumentation does not offer sufficient support by itself, at the first level of the defence further reasons may also be added to this pragmatic argumentation as part of a coordinative argumentation. The initial pragmatic argumentation is then complemented by mentioning other (secondary) desirable effects or benefits – such as ease of use or a pleasant taste – and loses its pragmatic status, but still functions as causal argumentation.

The argumentative patterns that are prototypical of a communicative activity type are all in a general sense connected with its institutional point. In a more specific sense, the basic argumentative patterns at the first level of the defence are always related to the type of standpoint at issue that is defended in the main argumentation. The extended argumentative patterns at the second and further levels of the defence are more particularly related to the critical questions associated with the argument schemes responded to in the defence. In identifying prototypical argumentative patterns coming about in the different kinds of communicative practices, the theoretical instruments for analysing argumentative discourse developed in pragma-dialectics are put to good use: the typology of differences of opinions (single / multiple, non-mixed / mixed), the typology of standpoints (descriptive / evaluative / prescriptive), the typology of argument schemes (causal / comparison / symptomatic), and the typology of argumentation structures (single / multiple / coordinative / subordinative). The way in which prototypical argumentative patterns manifest themselves in the various communicative practices in specific constellations of argumentative moves are described in terms of the categories and sub-categories distinguished in these typologies.

4.4 Argumentative styles in the political, diplomatic, juridical, facilitatory, academic, and medical domain

In this volume, we intend to provide a theoretically-motivated point of departure for the identification of the argumentative styles that are utilised in various kinds of communicative practices. In order to show how argumentative styles manifest themselves in their three dimensions in such communicative practices, empirical research is to be carried out that involves, first of all, qualitative analyses of the argumentative styles that are put to good use in speech events from communicative activity types from a variety of communicative domains. This happens in Chapters 5–11. In these chapters, we shall analyse the various ways in which argumentative styles manifest themselves in argumentative reality in the analytically relevant argumentative moves that are made in the dialectical routes in which the crucial strategic considerations are brought to bear. Which argumentative style has been utilised in each particular case, we will determine on the basis of the most prominent characteristics of the way in which the argumentative style is shaped in the discourse. In examining the functional ways in which the argumentative styles are shaped in speech events stemming from communicative activities belonging to different communicative domains, we will concentrate on the utilisation of detached and engaged argumentative styles. All speech events we are examining are real-life occurrences of argumentative discourses realised in representative communicative activity types from the political, the diplomatic, the juridical, the facilitatory, the academic, and the medical domain.

Chapter 5, ‘Argumentative style in political advertising’, focuses on political campaigning in a communicative activity type from the political domain. Political advertising is a hybrid that combines the use of the communicative genres of deliberation and promotion. Chapter 5 concentrates on two advertisements relating to the elections for the Provincial Council of North Holland, the Netherlands. By providing an analytic overview of both texts, we will identify the analytically relevant moves made in each of the advertisements to convince the audience that they should vote for a specific political party. Based on the argumentative patterns that can be detected in the two advertisements, we trace the dialectical routes that are followed in trying to convince the audience. The strategic considerations behind the strategic manoeuvres and argumentative strategies that are employed are laid bare in examining the strategic design of the two argumentative discourses. Taking our reconstructive analyses of the argumentative discourses as point of departure, we will identify the argumentative styles that are utilised in the two advertisements. This means that we will first pay attention to the confrontational argumentative style put to good use in the advertisements and next to the opening, argumentational, and concluding argumentative styles. In each case, we will

examine the argumentative styles in all their three dimensions: the selection from the topical potential, the adaptation to audience demand, and the exploitation of presentational devices.

Chapter 6, 'Argumentative style in parliamentary debates' gives a characterization of the argumentative style utilised in opening speeches of plenary debates in the European Parliament. Proposals for legislation and regulation are discussed in order for the Members of the European Parliament (MEPs) to come to an informed vote on these proposals. The Commission sends a proposal for legislation for approval to the European Parliament (and to the Council). Before the actual debate takes place, a special parliamentary committee prepares a report about the proposal. This report contains amendments of the Commission proposal but also a justification of the proposal and the amendments. The parliamentary debate is initiated by an opening speech in which the rapporteur of the parliamentary committee presents the proposal and the amendments and puts forward the arguments to defend them. It is the rapporteur's aim to gain broad parliamentary agreement with the proposal. The opening speech is vital to the debate because all contributions of the MEPs relate directly to the argumentation put forward by the rapporteur. Proponents of the amended proposal will amplify the reasons for accepting it, while the opponents will come up with rebuttals of the arguments put forward by the rapporteur. Because of the central place of the opening speech in the parliamentary debate, we focus on the argumentative style utilised in it by the rapporteur. We have chosen a case in which the rapporteur argues for the adaption of a complex proposal to tackle serious problems in the European agricultural sector. We shall identify the argumentative pattern of the opening speech and the dialectical routes that are used in it. Next, we analyse the strategic design underlying the argumentation of the rapporteur. Based on this analysis, we will characterise the argumentative style as it comes about in the topical dimension, the audience orientation dimension, and the presentational dimension.

Chapter 7, 'Confrontational argumentative style at diplomatic press conferences', deals with the argumentative style that is utilised by spokespersons at press conferences of the Chinese Ministry of Foreign Affairs in response to questions from journalists. The spokespersons not only provide information about China's policies, but also defend the Chinese government's stances against criticism and opposition from foreign opponents that are cited by the journalists. They do so in agreement with the institutional preconditions that apply to these press conferences. We will distinguish between the various audiences that the spokespersons simultaneously take into account in their responses and analyse these responses as being part of an imaginary critical discussion they conduct with each of these audiences. In this endeavour, we shall concentrate on the empirical counterparts of a critical discussion in their argumentative discourse. After identifying in our analysis

the analytically relevant argumentative moves that are made by the spokespersons in the dialectical routes they have chosen, based on certain strategic considerations, in the cases we will analyse, we discuss the confrontational argumentative styles utilised by these spokespersons in each imaginary critical discussion they are having with their audiences.

Chapter 8, 'Argumentative style in civil court's judgments' concentrates on the characteristics of the argumentative style of Dutch civil legal verdicts. A civil legal verdict is a text in which a civil court justifies its decision about a legal dispute to the disputing parties and other relevant audiences. As such, the civil court's judgement is understood as an argumentative practice situated in the juridical domain, more specifically in the overarching activity type of a civil lawsuit. Chapter 8 focuses on a specific case: the decision of the court in the civil lawsuit *Van Gelder against the Dutch Olympic Committee*. In this lawsuit, the Dutch athlete Yuri van Gelder is the plaintiff, who demands to get reinstated immediately in the Dutch Olympic team at the 2016 Olympics in Rio de Janeiro after having been summarily removed from it by the Dutch Olympic Committee. By providing an analytic overview of the court's judgment about this case, the analytically relevant moves are traced that are made in this verdict to convince all audiences of the justice of the decision. Based on the argumentative patterns of the court's judgment, the dialectical route is identified that is followed in trying to convince these audiences. The strategic considerations behind the strategic manoeuvring that takes place are laid bare by examining the strategic design of the verdict. Taking this reconstructive analysis as point of departure, we identify the argumentative styles that are utilised. We will pay most attention to the argumentational argumentative style, because in a civil judgment it is in the empirical counterpart of the argumentation stage that the argumentative strategies that are employed manifest themselves most explicitly. In addition, the characteristics of the confrontational, opening, and concluding argumentative styles are discussed. In each case, attention is paid to all three dimensions of argumentative style: the selection from the topical potential, the adaptation to audience demand, and the exploitation of presentational devices.

Chapter 9, 'Argumentative style in mediators' opening statements', considers the genre of mediation, in particular the activity type of ADR (Alternative Dispute Resolution) conflict mediation, in which a third neutral intervenes to facilitate the discussion about the resolution of a conflict between two or more disputing parties (and, in some cases, their attorneys). The type of conflict in ADR mediation may concern various topics, including interpersonal issues, family problems, and commercial disputes. This chapter delves into mediators' opening statements, i.e., the quasi-monological speeches given by mediators at the beginning of the process to explain what mediation is and how it works. Opening statements can be considered as communicative activity types in their own right, with mediators being the

protagonists. After having explained the role of argumentation in ADR mediation in general, and the significance of opening statements in particular, we will examine two opening statements taken from recorded mock mediation processes that are considered exemplary and are therefore used for training purposes. The two cases are recorded in different countries in different institutions, and the mediators involved use different approaches or ‘mediation styles’. Nevertheless, in this chapter, because of their similarity, arguably due to the institutional preconditions that ADR mediation imposes on the development of opening statements, the two opening statements are analysed in parallel. Before considering their argumentative style, we reconstruct the analytic overviews of both texts, highlighting the mediator’s relevant argumentative moves to convince the disputants that it is worth trying to solve their conflict through mediation, because the process presents considerable advantages to them and will not generate any negative side effects. We identify an argumentative pattern that is largely common to both statements. Based on this argumentative pattern, we point out the dialectical route followed by the mediator and the strategic design of the discourse. Building on this analysis, we reconstruct the topical dimension, audience orientation dimension, and presentational dimension of the argumentative style utilised in the two argumentative texts, compare the two opening statements and discuss the differences.

Chapter 10, ‘Argumentative style in a peer-reviewed research paper’, tackles the peer-reviewed research paper. In a research paper, there is a clear division between the use of the communicative genre of exposition, in which all the elements for discussion are presented with a minimum of bias and *parti pris*, and the communicative genre of disputation, in which the authors of the research paper use the expository elements to enter into a dispute with other experts of the field – first and foremost about the questions, hypotheses, data, analyses, models, and theories used in the research paper, but often going beyond these specific items. The argumentative text chosen for analysis in this chapter is a composite of a research paper, written by experts for their peers, a series of comments given by the most important of these peers, and a reply by the original authors. On the one hand, it is about a specific question: whether a certain learning disability is always associated with sensorimotor impairments. On the other hand, it touches on broader issues pertaining to what the correct use of certain statistical techniques should be, what role theories should have in the field, what the relation is between theorizing and intervention, and even what the appropriate unit of study should be: the average or the individual case. For reasons of space, six fragments of the complex text are selected, containing the deceptively descriptive section on sampling, the attacks on it, and the response by the authors to those attacks. Both in the original section and in the replies and counterreply, the analytically relevant moves are traced, the specific point at issue being whether the sample was correctly selected. Based on

the argumentative patterns that can be detected in the texts, the dialectical routes are identified that are followed in trying to convince the reader. The strategic considerations behind the strategic manoeuvres and the argumentative strategies that are carried out are laid bare by examining the strategic design of each fragment. Taking these reconstructive analyses as point of departure, we will identify the argumentative styles that are utilised in each of the two advertisements. The analysis mainly covers the argumentation stage, yet it also touches on the confrontation and opening stage, as far as they appear in the fragments. In each case, attention is paid to all three dimensions of argumentative style.

Chapter 11, 'Argumentative style in family-centred medical consultations', is concerned with the analysis of a specific subtype of doctor-patient consultation in neonatal care, referred to as *family-centred* rounds: medical consultations that take place during hospitalisation when an infant is born too early or ill. During daily family-centred rounds parents are explicitly encouraged to take part in the discussion of their infant's health. Chapter 11 focuses on the analysis of one particular speech event, in which parents discuss the appropriate treatment for their infant with their infant's care team, including two doctors and a nurse. During the discussion, a difference of opinion emerges between the parents and the doctor concerning the doctor's treatment plans. Based on the argumentative patterns that can be discerned, the different dialectical routes are identified that are followed by the doctor in trying to convince the parents. Next, the strategic considerations underlying the argumentative moves that are made are laid bare and the strategic design of the doctor's discourse is examined. Then, the argumentative style used by the doctor across the different empirical equivalents of the discussion stages is discussed, paying systematic attention to the doctor's selection from the topical potential, his adaptations to the audience's demand, and his exploitation of presentational devices. Finally, some conclusions are drawn about the argumentative style utilised in family-centred medical consultations.

Argumentative style in political advertising

5.1 Institutional background of political advertising in newspapers

By the book, ‘democracy’ means government by all the people: one citizen (“man”), one vote. Schumpeter (1950) defines democracy more specifically as the political method of subjecting all conflicting political interests in a certain society to competition, thus creating “an institutional arrangement for arriving at political – legislative and administrative – decisions” (p. 242). Democracy amounts in this view to an organised way of dealing with the multiplicity of views concerning the social, economic, and other problems a society is confronted with.

It is inside the institutional framework for processing differences of opinion offered by democracy that multiple forces compete. In a democracy, whether it is a multi-party or a two-party system, political differences are discussed and brought to an end under established rules.¹ Although deliberation is the dominant genre for creating clarity concerning the various political positions that are taken, voting by majority rule is ultimately the only arbiter in coming to a decision. According to Coser (1959), in this way the differences of opinion are just “terminated”, i.e., temporarily suspended rather than really resolved.² The latter is in reality not always true, but Coleman’s (1989: 197) observation about the problem that “consenting to a process is not the same thing as consenting to the outcomes of the process” remains pertinent.

Although this view is not beyond discussion, in most countries with a democratic system, democracy is currently generally interpreted as ‘representative’. In such a representational type of democracy, by definition, those who are represented do not play a very active political role. They are at best engaged spectators of the political process – as long as they feel enough committed to read about the political dealings in the newspapers or magazines, to watch them on television, to hear about them on the radio, or to participate in discussing them in the social media. As long as nothing spectacular happens, their active role in governing the country remains limited to casting their votes in election time.

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1. According to Bachrach (1967: 18–20), for a country’s political method to be called *democratic*, systematic rules of procedure are necessary.
 2. As Linz (1990) puts it, democracy leads to government *pro tempore*.

In maintaining a representative democracy, the governors and the electorate are generally clearly stratified into leaders and followers. Rather than being the result of a universal deliberative process among all concerned, the outcomes of the political process are predominantly the product of negotiations among the political leaders. More often than not, so-called political discussions with the electorate are in fact no more than a one-way traffic of leaders talking down to their voters. Only when elections are close, the electorate's views start playing a serious role and the politicians adjust their campaign to the avowed opinions of their voters.³

In the view of democrats of different persuasions, in political deliberation argumentative discussions play a quintessential role: they are instrumental in keeping the political process rational and to some extent reasonable (van Eemeren 2015: 835–840). In election time, the electorate can exercise democratic control of the political process by giving a critical appraisal of the various contributions to the argumentative discussions conducted by the political leaders competing for their votes. In actual practice, this periodic competition of the political leaders constitutes the crucial element in the political method of democracy.⁴ Based on the judgments they have reached in controlling the political leaders, individual voters can switch their support in the elections, and in voting the majority can give expression to their views about how the social, economic, and other problems of society are to be solved.

In a representative democracy, all four dimensions that are, according to Bolman and Deal (1991), indispensable for an organisational system need to be adequately represented – and are to be reflected in the attitudes of the political parties. In its 'rational' dimension, the organisational structure of the system should fit the democratic rationale, or purpose, of the system. In its 'social' dimension, the system should enable the participants to play their part in a way they find satisfactory. In its 'political' dimension, the system should accommodate a constant struggle for power and influence in dealing with differences of opinion about policies. In its 'symbolic' dimension, the ceremonial aspects of the system, consisting of rituals, ceremonies, stories, heroes, and myths, is to be accommodated. These requirements mean, among other things, that a representative democracy must have adequate

3. According to Schmitt (1988), the theoretical view of democracy as rational deliberation is unrealistic anyway, because a great many political conflicts cannot be solved by discussion, but are to be decided by voting (i.e., by some kind of 'settlement').

4. According to Dahl (1971), it is this public competition in elections that makes it possible to change over time the number, size, and diversity of the group of people bringing their influence to bear on political decisions and the political ethos of society.

procedures for conducting argumentative discussions about the vital issues among all interested parties.⁵

Pragma-dialectical argumentation theorists focusing on the resolution of differences of opinion in politics must orient themselves towards procedures for conducting argumentative discourse that are adaptations of the general procedures for conducting argumentative discourse adjusted to the specific institutional macro-context of political discourse about policy standpoints. The requirements pertaining to the four organisational dimensions of the political system of representative democracy provide an indication of the 'extrinsic constraints' determining the institutional preconditions for argumentative conduct in communicative activity types in this domain. A rational constraint, for instance, is that the argumentative conduct is to be given shape in the discourse in a way that contributes to the process of resolving a difference of opinion about a policy standpoint. A social constraint is that the argumentative conduct is to be given shape in agreement with rules that are acceptable to the people involved in the activity type. A political constraint is in this case that the argumentative conduct should give shape to the positions taken by the arguers. A symbolic constraint is that the way in which the argumentative conduct is given shape should reflect the ideological and politico-cultural background of the arguer.

In order to win votes among the electorate, in democracies political parties and their leaders get periodically engaged in election campaigns. Therefore, next to communicative activity types such as parliamentary debates and Question Time, in the political domain several kinds of communicative activity types have developed that immediately relate to electioneering. Among them are various forms of advertising – in newspapers, popular magazines and on flyers, on billboards, on television and on the radio, and on the social media. These communicative activity types are generally *hybrids*, in which, in some kind of mixture, two or more communicative genres are combined. In the case of political advertisements, the genres involved are 'deliberation' – familiar from discussions in the political domain – and 'promotion' – familiar from advertising in the commercial domain.⁶ This mixed communicative task is reflected in the 'institutional point' of political advertising: stimulating people to vote for a certain political party or leader by giving them information that provides convincing argumentation to do so.

5. This means that these procedures must be both problem-valid and intersubjectively valid (van Eemeren 2018: 51–53). In our view, such procedures should be dialectical, allowing for a methodical critical discussion between protagonists and antagonists of the various viewpoints.

6. It may also happen that political advertisers, in their desire to be successful, do not stick to providing information that can have an argumentative function, but give in to the temptation of offering 'infotainment', in which the argumentative function is generally more concealed.

From the way in which the communicative activity type of political advertising has been conventionalised, the following argumentative characterization can be derived. In the empirical equivalent of the confrontation stage an assumedly non-mixed difference of opinion about a prescriptive standpoint (*Vote for this party/me*) is at issue between a political party or leader and the people addressed. It will be up to the voters who are the addressees to decide whether or not to accept the standpoint. Usually, in the empirical equivalent of the opening stage, certain achievements and ideological positions of the political party or leader are explicitly or implicitly advanced as accomplishments which are footholds for judging their political intentions. The justificatory function of these starting points in the defence of the standpoint at issue remains as a rule implicit. Nevertheless, in the empirical equivalent of the argumentation stage some of them are often turned into arguments in favour of the quasi-descriptive evaluative claim *Our party is/I am doing the best job* – which implicitly supports the prescriptive standpoint *Vote for this party/me*. Finally, in the empirical equivalent of the concluding stage a decision is suggested (or prepared) about acceptance of the standpoint at issue by the non-interactive addressees who take the trouble of considering the message conveyed in the advertisement.⁷

In political advertising in election time, various kinds of approaches can be taken in giving shape to the defence of the standpoint at issue. According to political scientists, two different approaches that are often put to good use in election campaigning are *positive campaigning* and *negative campaigning*. When political parties use positive campaigning, they engage in self-praise in order to appear more attractive than their opponents (Walter et al. 2014: 551). When they resort to negative campaigning, they try to win votes by criticizing their opponents: they hope to become the electorate's preferred party by diminishing their positive feelings for opposing parties or candidates (Walter et al. 2014: 551).

According to Walter, van der Brug and van Praag (2014: 554), the likelihood that parties use negative campaigning is lower in multi-party political systems than in a two-party system. This is because in a multi-party system the number of potential opponents is larger, so that other parties than the party using the negative campaigning might benefit from it (p. 2). Furthermore, in a multi-party system there is usually a need to form a coalition after the elections and negative campaigning in electioneering may damage the attacking party's opportunities to govern together with the parties that are attacked. For this reason, parties with low coalition potential, which have less to lose from negative campaigning, are more likely to

7. Viewed interactionally, acceptance (or non-acceptance) is the 'inherent perlocutionary effect' that precedes the 'consecutive perlocutionary consequence' of actually casting a vote (van Eemeren & Grootendorst 1984: 24; van Eemeren 2018: 25, 30).

go negative. This can, for instance, be seen in the Netherlands (Walter & van der Brug 2013: 372). Parties positioned far from the median party are anyhow more likely to engage in negative campaigning (p. 382). Walter (2014), who investigated which factors influence the choice of the *target* of negative campaigning, found that “large parties, ideologically proximate parties, parties close to the median position and government parties are the most likely targets of negative campaigning in the Dutch multiparty system” (p. 312).

In order to make clear which argumentative styles are brought to bear in political advertising in election campaigns, we focus in this chapter on the identification of the argumentative styles that are used in two specimens of such advertising.⁸ In Section 5.2, we will introduce the political advertisements at issue and explain their background. Section 5.3 is devoted to their analysis. In 5.3.1, we provide an analytic overview of the two argumentative discourses, concluded by a list of the analytically relevant argumentative moves. In 5.3.2 and 5.3.3, respectively, we describe the argumentative patterns displayed in these discourses – portraying the dialectical routes that are taken – and their strategic designs – motivated by the strategic considerations that have been brought to bear. Section 5.4 concentrates on the identification of the argumentative styles that are utilised. After a brief introduction in 5.4.1, we identify in 5.4.2, 5.4.3, 5.4.4, and 5.4.5, based on the analysis of the two argumentative discourses in Section 5.3, the ways in which in the empirical equivalents of the confrontation stage, the opening stage, the argumentation stage, and the concluding stage the topical selection dimension, the audience demand dimension, and the presentational choice dimension of the argumentative styles are given shape in the two political advertisements. In Section 5.5, we end this chapter by drawing some general conclusions.

5.2 Advertisements in election campaigns for a Dutch Provincial Council

The two pieces of political advertising we will be concentrating on were published on the eve of a provincial election in the Netherlands in 2019. They are part of the political parties’ election campaigns for the Provincial Council of North Holland – one of the twelve provinces of the Netherlands. The election took place on March 20. The advertisements were published on March 13 in *Alkmaars Weekblad* [Alkmaar weekly], a local newspaper appearing in the Dutch town Alkmaar.

8. With her permission, in this chapter we make use of the texts of two political advertisements translated from Dutch into English by Francisca Snoeck Henkemans and discussed in her presentation at a colloquium on argumentative style in Leiden University on 20 February 2020.

Next to elections for the House of Representatives (*Tweede Kamer*) and for Local Councils (*Gemeenteraden*), in the Netherlands every four years elections are held for the twelve Provincial Councils (*Provinciale Staten*). The provincial councillors determine the province's general policy lines and its main priorities, particularly with regard to spatial planning and living; they hold the Provincial Executives to account for their policies. In addition, the provincial councillors of all provinces elect jointly the members of the Senate (*Eerste Kamer*) of Dutch parliament. The members of the Senate are representatives of the people that are elected indirectly and constitute a 'chambre de réflexion' that checks the quality of all bills approved by the House of Representatives for their legality, practicality, and enforceability. Because the elections for the Provincial Councils may therefore have serious consequences for the national government's possibilities to get legislation accepted, the national political parties are heavily interested in these elections.

When the two advertisements were published, the Provincial Council of North Holland had 55 seats and 14 political parties were represented. One of our advertisers, the Party for Freedom (PVV), occupied six seats; the other advertiser, the Labour Party (PvdA), seven seats. The PVV is a populist anti-European party, despised of by most other political parties in the Netherlands, with strong right-wing anti-immigration and anti-Islamist stances and somewhat leftish concerns about accessible health care and adequate social support. The PvdA is a social-democratic party in the traditional sense, with moderately progressive standpoints regarding social welfare, environmental and climate policies, and a preference for international cooperation, particularly in the European context. At the time, neither of these two parties took part in the national government – a coalition led by Mark Rutte of the Conservative Liberal Party (VVD). Both PVV and PvdA were actively engaged in making opposition against the government, albeit in completely different ways.

Via the elections for the Provincial Councils, the political parties want to strengthen first and foremost their position in the Senate. Because the indirect election of members of the Senate is of overriding importance to the political parties, and almost none of the voters has any idea of the provincial issues, the attention paid to these issues in the election campaigns is generally restricted to a minimum and the parties tend to focus on national issues. It has almost become a silently observed secondary institutional precondition that, in order to attract voters in provincial elections, the political parties are to emphasise national issues and policies immediately related to their position in national politics.

We have chosen these two specimens of political advertising as a case in point because the speech events concerned clearly illustrate how parties with a different political background put argumentative styles to good use in making an effort to make the audience vote from them by trying to combine giving information

reasonably and effectively with promoting their party. Whereas the PVV portrays their party as radical party and forcefully attack parties with a different ideological basis, the PvdA poses as a moderately progressive party ready to join in with parties willing to consider the PvdA's reformist points. Under the headline "Parties introduce themselves", on March 13, 2019, the following two advertisements sponsored by the PVV and the PvdA appeared in *Alkmaars Weekblad*, among a series of electioneering advertisements:

PVV advertisement

1 Rutte is plundering your wallet.

Because of Mark Rutte's drastically higher taxes the energy bill of a family will rise on average by 360 Euros per year. And then we have not yet even mentioned the increase in VAT on your shopping, rising health insurance premiums and the cutting of the pensions once again. Thanks Mark!

5

But things can get even worse. Before 2050 Rutte wants to take all Dutch houses off the natural gas system and according to the EIB [Economic Institute for the Building industry] this will cost 235 billion. Costs that in the end you will have to bear.

10 But for fortune hunters and Jihadists Rutte is generous. For example, the immigration pact of Marrakesh was signed, making it even easier for them to come to the Netherlands. While you have to wait for many years to get a rental home, they get this in the blink of an eye.

Therefore, vote PVV on March 20.

For Your freedom, Your money and Your opinion

PvdA advertisement

1 Vote PvdA. Especially now.

Fortunately, many people are doing o.k. Still, there are also concerns. Will our children be ensured of a good job, an affordable home, and clean air in the future?

5 Building sufficient affordable houses without losing the unique landscape is important to us.

We want real jobs for everyone.

Schooling creates the best opportunities for this, so that is what we must invest in.

10 Our air, water and landscape must be of the best quality. We support residents who do not want to put up with ever increasing pollution and noise disturbance from Schiphol.

The climate is changing and our water rich province must be protected against this.

That is why we will have to live differently, but divide the (energy) bill fairly and invest in public transport and cycle paths.

A beautiful, fair and green future for everyone.

5.3 Analysis of the argumentative discourses in two political advertisements

5.3.1 The analytically relevant argumentative moves

In order to identify the argumentative style that is utilised in an argumentative discourse, it is necessary to determine first which analytically relevant argumentative moves have been made, i.e., which argumentative moves may play a role in resolving the difference of opinion on the merits. The following analytic overview, which provides a full-fledged reconstruction of the PVV advertisement, can serve as a basis for determining the analytically relevant moves:

a. *The difference of opinion*

There is a non-mixed single difference of opinion about the prescriptive standpoint *You should vote PVV on March 20* between the PVV and the potential voters addressed, who are assumed to be in doubt about whether to vote PVV. In the advertisement this standpoint is in fact defended by providing a justification for another claim, *You should not vote VVD, the alternative*, which remains implicit.

b. *The point of departure*

The PVV's starting points remain implicit. Their crucial starting point is that, in deciding what to vote, a comparison should be made between the relevant competing parties, *in casu* VVD and PVV, from the perspective of the self-interest of the potential voters. Assessment criteria suggested in the implicit starting points consist of two distinct assumptions about the predominant preferences of the intended audience: financial disadvantages are to be avoided and no preferential treatment should be given to immigrants (principle of 'own people first').

c. *The argument schemes employed*

The step from the implicit claim that is defended, *You should not vote VVD, the alternative*, to the main standpoint *You should vote PVV on March 20* is supposed to be made by relying on a 'disjunctive syllogism': *Vote PVV or VVD, Do not vote VVD; therefore Vote PVV* ("p or q", "not q", therefore "p"). At the first level of the argumentation advanced in defence of the implicit claim *You should not vote VVD, the alternative*, causal argumentation of the pragmatic sub-type and symptomatic argumentation are used. At the next levels of the defence, except for the causal pact-of-Marrakesh argument, only symptomatic argumentation is used.

d. *The argumentation structure*

1 You should vote PVV on March 20

(1.1) (You should not vote VVD, the alternative)

(1.1).1a The VVD (led by Mark Rutte) will make you (ordinary Dutch people) lose a lot of money

(1.1).1a.1 The VVD's drastically higher taxes will make a family's energy bill rise by 360 Euros per year on average

(1.1).1a.2 The VAT on your shopping will increase, health insurance premiums will rise, and pensions will again be cut

(1.1).1a.3 You will have to bear the costs of 235 billion for taking all Dutch houses off the natural gas system

(1.1).1b The VVD is too generous to immigrants

(1.1).1b.1 The VVD's attitude makes it even easier for immigrants to get to the Netherlands

(1.1).1b.1.1 The immigration pact of Marrakesh was signed

(1.1).1b.2a Immigrants immediately get a rental home

(1.1).1b.2b Dutch people have to wait for many years to get a rental home

e. *The outcome*

At the end of the advertisement the outcome is explicitly mentioned by advancing it as a conclusion: *Therefore, vote PVV on March 20*. This conclusion, drawn without any further clarification or reservation, is presented as self-evident.

Based on this analytic overview, we can observe that in the PVV advertisement the following analytically relevant moves are made:

- a. The standpoint 1 *You should vote PVV on March 20*
- b. The implicit argument 1.1 *You should not vote VVD, the alternative* in defence of standpoint 1, mentioned in (a)
- c. The pragmatic argument 1.1.1a *The VVD will make you lose a lot of money* for sub-standpoint 1.1, mentioned in (b)
- d. The symptomatic argument 1.1.1b *The VVD is too generous to immigrants* for sub-standpoint 1.1, mentioned in (b)
- e. The symptomatic argument 1.1.1a.1 *The VVD's drastically higher taxes will make a family's energy bill rise by 360 Euros per year on average* for argument 1.1.1a, mentioned in (c)
- f. The symptomatic argument 1.1.1a.2 *The VAT on your shopping will increase, health insurance premiums will rise, and pensions will again be cut* for argument 1.1.1a, mentioned in (c)

- g. The symptomatic argument 1.1.1a.3 *You will have to bear the costs of 235 billion for taking all Dutch houses off the natural gas system* for argument 1.1.1a, mentioned in (c)
- h. The symptomatic argument 1.1.1b.1 *The VVD's attitude makes it even easier for immigrants to get to the Netherlands* for argument 1.1.1b, mentioned in (d)
- i. The symptomatic argument 1.1.1b.2a *Immigrants immediately get a rental home* for argument 1.1.1b, mentioned in (d)
- j. The symptomatic argument 1.1.1b.2b *Dutch people have to wait for many years to get a rental home* for argument 1.1.1b, mentioned in (d)
- k. The causal argument 1.1.1b.1.1 *The immigration pact of Marrakesh was signed* in support of argument 1.1.1b.1, mentioned in (h)

Let us now turn to the argumentative discourse in the advertisement sponsored by the PvdA. Again, the analytic overview of the discourse can serve as a basis for determining which analytically relevant moves have been made in the advertisement:

a. *The difference of opinion*

There is a non-mixed single difference of opinion about the prescriptive standpoint *You should, especially now, vote PvdA* between the PvdA and their potential voters, who are assumed to be in doubt about whether to vote PvdA.

b. *The point of departure*

Although it is acknowledged that many people are doing OK, it is an explicit starting point that there are concerns that make it especially now important to vote PvdA. The PvdA's implicitly assumed point of departure is that their potential voters are all out for social well-being, equal opportunities, a healthy and pleasant environment, and a stable climate, so that each of these starting points can be put to good use in the argumentation. The suggested assessment criteria are that a party should stand for realizing good jobs, affordable housing, and clean air, and actively aim for achieving this in the form of a beautiful, fair and green future for everyone.

c. *The argument schemes employed*

The advertisement is characterised by the use of symptomatic argumentation. At the first level of argumentation, which is decisive for the line of defence that is developed, only symptomatic argumentation is advanced to justify the standpoint *You should, especially now, vote PvdA*. The arguments advanced in favour of this argumentation at the next levels of the defence are, in their turn, again symptomatic, except for one causal argument about the positive effects of schooling.

d. *The argumentation structure*

1 You should, especially now, vote PvdA

1.1a Our children must be ensured of a good job, an affordable home, and clean air in the future

(1.1b) (The PvdA's policies address these concerns)

(1.1b).1a The PvdA finds it important to build sufficient affordable houses without losing the unique landscape

(1.1b).1b The PvdA wants to ensure that there are real jobs for everyone and will invest in schooling to this end

(1.1b).1b.1 Schooling creates the best opportunities for ensuring that everyone can get a real job

(1.1b).1c The PvdA is in favour of measures that protect the quality of our air, water, and landscape

(1.1b).1c.1a The PvdA supports residents who do not want to put up with increasing pollution and noise disturbance from Schiphol

(1.1b).1c.1b The PvdA believes that we must live differently, divide the energy bill fairly, and invest in public transport and cycle paths

(1.1b).1c.1b.1 The PvdA thinks it is important to protect our province, North Holland, against climate change

e. *The outcome*

As is in such political advertisements often the case, the outcome (*You should, especially now, vote PvdA*), which is stated at the beginning, is not explicitly mentioned again in the conclusion, but assumed to be clear.

Based on this analytic overview, we can observe that the analytically relevant moves made in the PvdA advertisement are the following:

- a. The standpoint 1 *You should, especially now, vote PvdA*
- b. The symptomatic argument 1.1a *Our children must be ensured of a good job, an affordable home, and clean air in the future* in defence of standpoint 1, mentioned in (a)
- c. The implicit symptomatic argument 1.1b *The PvdA's policies address these concerns* in defence of standpoint 1, mentioned in (a)
- d. The symptomatic argument 1.1b.1a *The PvdA finds it important to build sufficient affordable houses without losing the unique landscape* for the argument 1.1b, mentioned in (c)
- e. The symptomatic argument 1.1b.1b *The PvdA wants to ensure that there are real jobs for everyone and will invest in schooling to this end* for the argument 1.1b, mentioned in (c)

- f. The symptomatic argument 1.1b.1c *The PvdA is in favour of measures that protect the quality of our air, water, and landscape* for the argument 1.1b, mentioned in (c)
- g. The causal argument 1.1b.1b.1 *Schooling creates the best opportunities for ensuring that everyone can get a real job* for the argument 1.1b.1b, mentioned in (e)
- h. The symptomatic argument 1.1b.1c.1a *The PvdA supports residents who do not want to put up with increasing pollution and noise disturbance from Schiphol* for the argument 1.1b.1c, mentioned in (f)
- i. The symptomatic argument 1.1b.1c.1b *The PvdA believes that we must live differently, divide the energy bill fairly, and invest in public transport and cycle paths* for the argument 1.1b.1c, mentioned in (f)
- j. The symptomatic argument 1.1b.1c.1b.1 *The PvdA thinks it is important to protect our province, North Holland, against climate change* for the argument 1.1b.1c.1b, mentioned in (i)

5.3.2 The dialectical routes

Because the argumentative style utilised in the two political advertisements manifests itself in the argumentative moves that are part of the dialectical routes that are chosen in justifying the standpoint at issue, in identifying the argumentative style we should concentrate on the argumentative patterns that can be discerned in the analytic overviews of the two argumentative discourses. Based on these argumentative patterns, we can determine which dialectical routes have been followed and which argumentative moves are instrumental in creating them.

According to the analytic overview of this argumentative discourse, in the case of the PVV advertisement the way in which the standpoint *You should vote PVV on March 20* is defended results in the argumentative pattern described in a standardised notation in Figure 5.1a.

```
1[pres]<1.1[disj]<1.1.1a[prag]<1.1.1a.1[symp];1.1.1a.2[symp];1.1.1a.3[symp]]&1.1.1b
[symp]<1.1.1b.1[symp]<1.1.1b.1.1[caus];(1.1.1b.1.2a&1.1.1b.1.2b)[symp]]][copr]
```

[...]	=	belonging to the type of
<	=	supported by
;	=	multiple argumentation
&	=	coordinative argumentation
caus	=	causal argumentation
copr	=	complex pragmatic argumentation
disj	=	disjunctive syllogism
prag	=	pragmatic argumentation
pres	=	prescriptive standpoint
symp	=	symptomatic argumentation

Figure 5.1a Argumentative pattern of the PVV advertisement

On the basis of this argumentative pattern it can be determined that the dialectical route taken in the PVV advertisement is the one portrayed in Figure 5.1b.

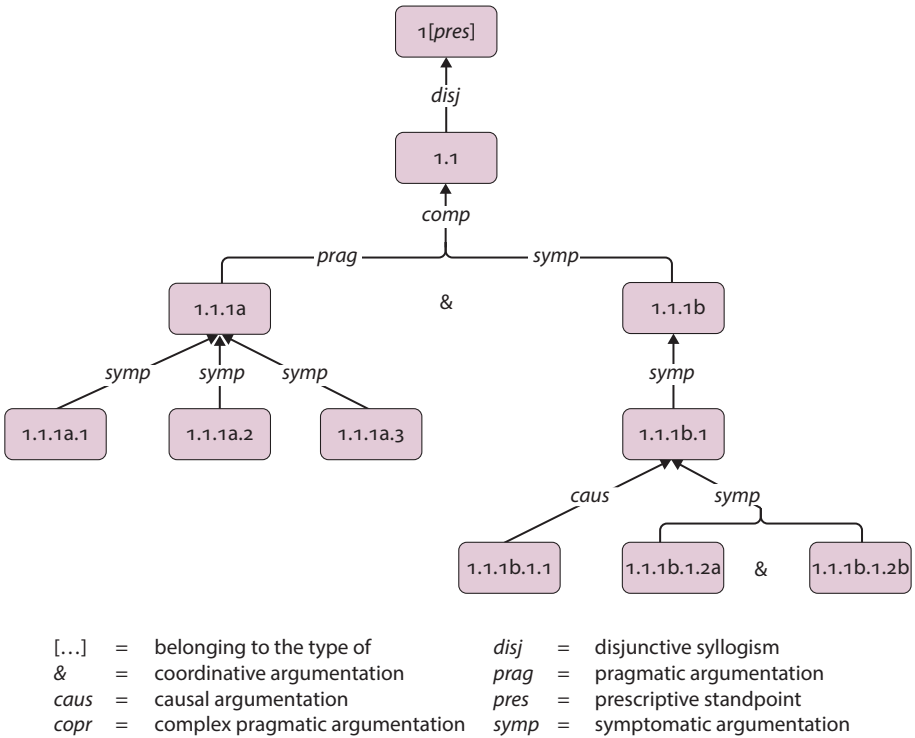


Figure 5.1b Dialectical route in the PVV advertisement

The prescriptive standpoint 1 *Vote PVV on March 20* is defended by making in a disjunctive syllogism implicitly the claim 1.1 *You should not vote VVD, the alternative*. This means that the PVV's main standpoint is justified by opting, via this claim, for an *indirect* dialectical route. In focusing on the justification of 1.1, the PVV follows from then on a dialectical track that consists of two branches. The first branch starts off with a pragmatic causal argument 1.1.1a, the second branch with a symptomatic argument 1.1.1b.

As our reconstruction of the analytic overview shows, the PVV advances the pragmatic causal argument 1.1.1a and the symptomatic argument 1.1.1b as part of a coordinative argumentation: independently, neither the financial argument 1.1.1a nor the generosity-to-immigrants argument 1.1.1b can be assumed to be intended to offer sufficient support for the you-should-not-vote-VVD sub-standpoint 1.1. Although it may have seemed at first sight as if two separate dialectical tracks are followed in defending sub-standpoint 1.1, on closer inspection it is clear that they are in fact part of one and the same dialectical route: together they constitute

a ‘complex pragmatic argumentation’ in defence of the PVV’s anti-VVD stance.⁹ Complex pragmatic argumentation is a specific type of problem-solving argumentation in which a causal argument that started out as a pragmatic argument is in the continuation of the argumentative process, together with one or more other arguments, included in a more complex (problem-solving) argumentation – multiple, coordinative, and/or subordinative.¹⁰ Generally, this happens when it transpires, or seems likely, that the pragmatic argument that is initially advanced needs to be complemented by other arguments because one or more critical questions associated with the use of this pragmatic argument need to be answered.¹¹

In the PvdA advertisement, the prescriptive standpoint defended is *You should, especially now, vote PvdA*. Based on the argumentative pattern that can be discerned in the analytic overview of the argumentative discourse conducted in the advertisement, the dialectical route can be traced that has been followed in the defence. In Figure 5.2a a standardised notation is provided of the argumentative pattern displayed in the PvdA advertisement:

1[*pres*](\langle 1.1a&1.1b(\langle 1.1b.1a&1.1b.1b(\langle 1.1b.1b.1[*caus*])&1.1b.1c(\langle 1.1b.1c.1a&1.1b.1c.1b(\langle 1.1b.1c.1b.1[*symp*]))[*symp*]))[*symp*]))[*symp*]

[...] = *belonging to the type of*
 < = *is supported by*
 & = *coordinative argumentation*
caus = *causal argumentation*
pres = *prescriptive standpoint*
symp = *symptomatic argumentation*

Figure 5.2a Argumentative pattern of the PvdA advertisement

According to this argumentative pattern, in the PvdA advertisement the dialectical route portrayed in Figure 5.2b is taken in defence of the standpoint *You should, especially now, vote PvdA*.

9. In van Eemeren’s (2017a: 22–26) terminology, argumentation can only be called *pragmatic* without any further qualification if it is supposed to provide ‘immediately’, i.e., by itself, sufficient support for the standpoint at issue.

10. For the concept of ‘complex pragmatic argumentation’, also known as ‘pragmatic problem-solving argumentation’, see Garssen (2017b: 35).

11. For the critical questions associated with pragmatic argumentation, see van Eemeren (2018: 159).

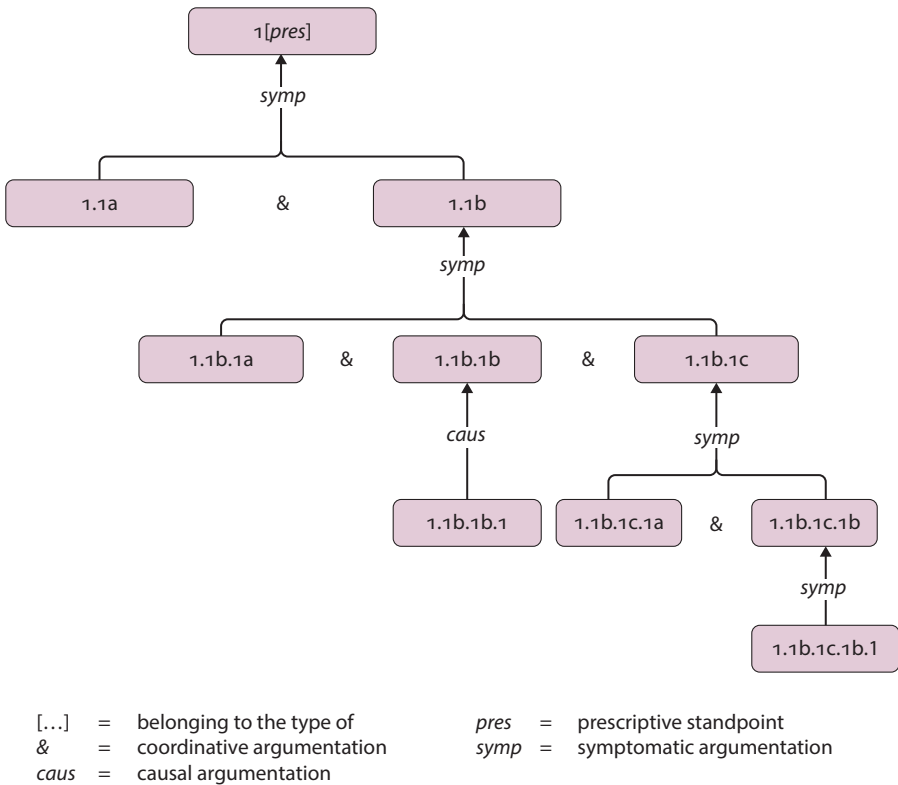


Figure 5.2b Dialectical route in the PvdA advertisement

It can be observed that the PvdA opts, in taking the dialectical route just described, unlike the PVV, for a *direct defence*, without any detour, of their main standpoint 1 *You should, especially now, vote PvdA*. At the first level, the PvdA starts off the defence of this prescriptive standpoint with a coordinative symptomatic argumentation 1.1a summarizing the concerns about jobs, housing and clean air that need to be addressed and 1.1b assuring in one and the same symptomatic argumentation implicitly that the PvdA's policies will deal with these concerns.

At the second level of the defence, the three concerns mentioned are, in their turn, supported by a coordinative symptomatic argumentation that emphasizes the PvdA's commitment to carry out the required policies 1.1.b.1a & 1.1b.1b & 1.1b.1c. At the third level of the defence, further justification is given where the PvdA assumes this is required: in support of the jobs argument 1.1b.1b by means of a causal argument about providing schooling 1.1b.1b.1; in support of favouring measures to protect the quality of our air, water, and the landscape 1.1b.1c by means of a coordinative symptomatic argumentation about supporting residents who do not

want to put up with increasing pollution and noise disturbance from Schiphol 1.1b.1c.1a and having to live differently, divide the energy bill fairly, and invest in public transport and cycle paths 1.1b.1c.1b.¹² At the fourth level of the defence, the importance of protecting the province of North Holland against climate change is emphasised by a symptomatic argument 1.1b.1c.1b.1 in favour of the argument that we must live differently, divide the energy bill fairly, and invest in public transport and cycle paths 1.1b.1c.1b.

5.3.3 The strategic considerations

The identification of the argumentative style utilised in the PVV's and the PvdA's political advertisements also needs to be based on an adequate understanding of the strategic considerations underlying the strategic design of the discourse manifested in the argumentative moves made in the dialectical routes that have been taken. As is always the case in argumentative discourse, the strategic design consists in both advertisements of the use of certain modes of strategic manoeuvring and certain argumentative strategies.

In the PVV advertisement, the strategic design is completely in accordance with their choice for negative campaigning. This choice agrees with their position as a radical opposition party without any real chance of becoming part of a governing coalition with other parties. For the PVV, there is therefore nothing to lose by attacking other parties. On the contrary, emphasizing the crucial differences between them and the other parties, is likely to enhance their electoral success.

Among the parties that were in 2019 part of the coalition governing the Netherlands, the right of centre Conservative Liberal Party, the VVD, led by Prime Minister Mark Rutte, was ideologically closest to the PVV. The VVD was (and is) the largest party in the House of Representatives. To a certain extent, VVD and PVV were competing for votes of the same segment of the electorate, consisting of people who combine anti-immigration and anti-Islamist stances with self-serving concerns about health care and social support. Since the VVD is to these voters the most likely alternative of the PVV, it is understandable that the PVV was out to make VVD voters switch their allegiance – and prevent PVV voters from turning to the VVD.

12. In political advertising it is a common phenomenon that more specific, more detailed, and more concrete references to the actual context (often arguments by example) are included in sub-ordinative argumentation provided at lower levels of the argumentative defence of the standpoint at issue.

The PVV's choice for negative campaigning against the VVD results in a strategic design motivated by the strategic consideration (a) that it can be reasonably and effectively maintained that the PVV's primary audience can be brought to vote for this party by establishing a negative valuation of the VVD's policies and political attitude. The strategic manoeuvring taking place in the argumentative moves made in the dialectical route taken in the advertisement is consistently designed to bring about this effect. The general argumentative strategy the PVV puts to good use to realise the strategic design consists of providing ammunition for bringing down their competitor. In the advertisement this strategic design manifests itself in mentioning negative consequences of policies supported by the VVD and negative characteristics of the VVD's attitude regarding vital issues.

Although the advertisement concerns elections for the Provincial Council of North Holland, the PVV focuses entirely on national issues, such as VAT, health insurance, pensions, and the treatment of immigrants. The advertisement criticises the VVD's governmental policies and that party's political attitude for negatively affecting the interests of the PVV voters. This criticism includes financial measures supported by the VVD as well as the consequences of their "generous" attitude towards immigrants. Here the PVV's strategic consideration (b) appears to be that it can be reasonably and effectively maintained that the electoral result they aim for can be achieved by concentrating on issues familiar to their primary audience and perceived as relevant to their self-interest, while ignoring issues unfamiliar to them or not considered relevant to their self-interest. The VVD's (or the PVV's!) policies and political attitude regarding issues that are pertinent to the province of North Holland, such as spatial planning and protection of the environment, are not discussed – except for their reprehensible financial consequences.

The topical selection thus made in the PVV's strategic manoeuvring (going from rising energy bills to homes for immigrants), their adaptation to audience demand (going from anticipating that the audience will have to bear the costs of having their houses taken off the natural gas system to observing that, unlike immigrants, they will have to wait for years for a rental home), and their choice of presentational devices (going from being plundered by Rutte to immigrants who are fortune hunters and Jihadists) testify consistently to their compliance with the strategic considerations we have mentioned. An additional strategic consideration (c) on which these manoeuvres are based, is that it can be reasonably and effectively maintained that the VVD, because of their policies and political attitude, can be held responsible for a future decline in material welfare of ordinary Dutch people and serious social injustices.

Summarizing, the main strategic considerations motivating the strategic design of the PVV advertisement are the following:

- a. It can be reasonably and effectively maintained that the primary audience can be brought to vote PVV by establishing a negative valuation of the VVD's policies and political attitude.
- b. It can be reasonably and effectively maintained that the electoral result aimed for regarding the VVD can be achieved by concentrating on issues that are familiar to the PVV's primary audience and perceived as relevant to their self-interest.
- c. It can be reasonably and effectively maintained that, because of their policies and political attitude, the VVD can be held responsible for the future decline in the material welfare of ordinary Dutch people and serious social injustices.

Unlike the PVV, the PvdA adopts in their advertisement a positive campaigning approach. This means that, instead of explicitly criticising other parties (or the government), the party tries to make clear that they have their own, superior policies. Since the PvdA, which has regularly been part of the Dutch government, would not want to damage their chances of joining again a coalition government, radical negative campaigning on their part is not to be expected. At the time, in 2019, when the elections for the Provincial Councils took place, a great many Dutch people were worried about the future, in particular about climate change, and did not think the government did enough to protect the natural environment and reduce global warming. By stating in their strategic manoeuvring in the advertisement that it is "especially now" important to vote PvdA, the party connects positively with this sense of urgency among the voters.

Although the advertisement does not contain any direct criticisms of other parties, there are some indirect references to negative aspects of the policies of the government. This is especially clear when the PvdA expresses their support for "residents who do not want to put up with the ever-increasing pollution and noise disturbance from Schiphol". Since it is the government that accepted the continuous growth of Schiphol and regularly adjusted the norms for noise disturbance to enable this growth, this implies criticism of their policies. Overall, however, instead of emphasizing what others have done wrong, the PvdA stresses strongly in their positive campaigning that they are going to tackle the urgent problems the citizens of North Holland are faced with. In particular when it comes to climate, environmental and social problems, the PvdA suggests to have a clear view about how to deal with the problems the audience is concerned about. The strategic consideration (a) behind establishing this point of departure is that it can be reasonably and effectively maintained that, by sharing a deep concern about the climate, environmental and social problems with the electorate, the PvdA is in a special position to tackle these problems.

As we noted in our reconstruction, in agreement with what these elections are about, the PvdA pays due attention to the problems the province of North Holland has to deal with. This is made explicit in their observation about climate change and “our water rich province”, and more specifically in their support for residents of the province who do not want “to put up with the increasing pollution and noise disturbance from Schiphol”. By anchoring their approach in this way emphatically in the local context of the province, the PvdA combines positioning themselves as a party ready to tackle the urgent problems the people are concerned about with concentrating their electioneering on problems immediately relevant to the Provincial Council of North Holland. The strategic consideration (b) thus brought to bear in the advertisement is that it can be reasonably and effectively maintained that the climate, environmental and social problems North Holland is confronted with must be tackled not only nationally and internationally, but also locally by the provincial government.

While the PVV emphasises in their advertisement only the costs that are involved in taking measures against climate change, the PvdA does not mention these costs at all. The inevitability of taking measures against climate change and the extra costs that are involved are in their advertisement, as it were, taken for granted. In thus focusing on the bottom line, the PvdA leaves it unsaid that, in addition to a change of life style (“we will have to live differently”), fighting climate change will also require sacrifices. The PvdA’s strategic manoeuvring is aimed at making clear that the party is on top of the problems facing the province, irrespective of whether this means dealing with social and environmental issues or with fighting climate change. It is motivated by the strategic consideration (c) that it can be reasonably and effectively maintained that, on the basis of their political views and experience, the PvdA may be considered capable of dealing with the social, environmental and climate problems North Holland is confronted with.

Summarizing, the main strategic considerations that motivate the strategic design of the PvdA advertisement are the following:

- a. It can be reasonably and effectively maintained that, by sharing a deep concern about the climate, and environmental and social problems with the electorate, the PvdA is in a special position to tackle these problems.
- b. It can be reasonably and effectively maintained that the climate, environmental and social problems North Holland is confronted with must not only be tackled nationally and internationally, but also locally by the provincial government.
- c. It can be reasonably and effectively maintained that, on the basis of their political views and experience, the PvdA may be considered capable of dealing with the social, environmental and climate problems.

5.4 The argumentative styles utilised in the two advertisements

5.4.1 Identification of argumentative styles

On the basis of our reconstruction of the analytic overviews, the argumentative patterns, and the strategic designs of the argumentative discourses in Section 5.3, we have determined the analytically relevant argumentative moves that are made, the dialectical routes that are chosen, and the strategic considerations that are brought to bear in the PVV and the PvdA advertisements. All of them are in agreement with the institutional preconditions of the communicative activity type of a political advertisement. Against this background, we are now going to identify the argumentative styles that are utilised in the two advertisements.

According to the argumentative characterization of a political advertisement, the PVV's and the PvdA's argumentative discourses deal with non-mixed differences of opinion about prescriptive standpoints. Characteristically, in this hybrid communicative activity type providing information and advancing argumentation are almost inextricably mixed. The information that serves as point of departure for the argumentation is explicitly provided or just assumed and the rules and standards observed remain implicit. The argumentation, which is largely concealed in quasi-informative statements, is closely connected with the (sometimes assumed) starting points. Based on the argumentation advanced, the addressees are supposed to conclude that they should vote PVV or PvdA.

In identifying the argumentative styles that are utilised, we concentrate, like we envisaged in this volume, in the first place on the two broad and general categories we labelled *detached* and *engaged* argumentative styles. As explained in Chapter 3, the argumentative style that is utilised can be reckoned to belong to the category of detached argumentative styles if the strategic manoeuvring that is carried out is characterised by radiating objectivity in the topical selection, conveying reliability in the adaptation to audience demand, and expressing openness to an independent judgment in the exploitation of presentational devices – and this amalgamation manifests itself consistently in the argumentative moves made throughout the dialectical routes in defence of the standpoint at issue in accordance with the strategic considerations underlying the strategic design of the discourse. And the argumentative style that is utilised can be reckoned to belong to the category of engaged argumentative styles if in the strategic manoeuvring the amalgamation of radiating commitment in the topical selection, conveying communality in the adaptation to audience demand, and expressing inclusiveness in the exploitation of presentational devices manifests itself consistently in the argumentative moves made throughout the dialectical routes chosen in defence of the standpoint at issue in accordance with the strategic considerations underlying the strategic design of the discourse.

As observed in Chapter 3, in real-life speech events there can also be a mixture of argumentative styles or a certain amount of overlap between them – and the argumentative style can also be detached or engaged to some extent or to some degree. Especially when the argumentative style is utilised in a communicative activity type that is a hybrid, like in the case of a political advertisement, there is a realistic chance that such a more complicated situation occurs. It may even happen that the one sub-type of political advertisement is, for instance, more promotional and less deliberative and the other more deliberative and less promotional, which may lead to pronounced and systematic differences between the argumentative styles that are utilised. When identifying the argumentative styles in the PVV and the PvdA advertisements, we will take these complications into account.

In this section, we will go – first in the PVV advertisement, then in the PvdA advertisement – through all four stages of the argumentative process and identify for all of them the argumentative styles that have been utilised. 5.4.2 is specifically dedicated to describing in both cases the characteristics of the confrontational argumentative styles, 5.4.3 to describing the characteristics of the opening argumentative styles, 5.4.4 to describing the characteristics of the argumentational argumentative styles, and 5.4.5 to describing the characteristics of the concluding argumentative styles. All argumentative moves made in the empirical equivalent of a particular stage that are part of the dialectical route that is followed will be discussed and all strategic considerations that play a part will be taken into account. In all cases, the topical selection, the adaptation to audience demand as well as the choice of presentational devices will be examined. In Section 5.5, we will draw some general conclusions about the argumentative styles utilised in the two advertisements.

5.4.2 Characteristics of the confrontational argumentative styles

PVV advertisement

The main standpoint, 1 *You should vote PVV on March 20*, only shows up at the end of the advertisement (in line 13). It is advanced ‘retrogressively’ as a conclusion after the defence of the implicit claim 1.1 *You should not vote VVD*. The PVV’s standpoint is at issue in a single difference of opinion presumed to be non-mixed between this party and their potential voters, where the voters’ doubt creates the need for argumentation to convince them of the acceptability of the standpoint. The dialectical route that is chosen to do so is opened up by the implicit claim 1.1. The strategic consideration motivating the choice of this dialectical route is that – since voting VVD is for them the most likely alternative – the PVV’s potential voters can be brought to vote PVV in a reasonable and effective way by establishing a negative valuation of the policies and political attitude of the VVD.

As could be expected in this communicative activity type, the advertisement addresses voters who are supposed to be in doubt about which party to vote for. Otherwise it would not make sense for the PVV to open up a line of defence for the standpoint that they should vote PVV by claiming implicitly that the choice for the alternative, VVD, is to be rejected. For potential PVV voters, voting VVD could indeed be a likely alternative: since this party takes part in government and will probably continue to do so, unlike the PVV, they are in a position to realise their political ideas. By tacitly relying on the disjunctive syllogism, the PVV assumes that, via a negative validation of the VVD's political position, these voters will come to decide to vote PVV.

The expected confrontational topical selection involving the protagonist's outspoken commitment to the standpoint that the addressees should vote PVV, is not made explicit until the concluding stage of the argumentative process, when it has already been made abundantly clear why the likely alternative – voting VVD – is to be rejected. On its own, such a delayed statement of the protagonist's position is not a decisive indication of a particular argumentative style, but when it happens in the case of electioneering, it seems more likely that the argumentative style utilised is engaged rather than detached: it would have been more businesslike, and therefore in harmony with a detached argumentative style, to state immediately at the beginning straightforwardly which standpoint is defended, instead of only at the very end.

The PVV's adaptation to audience demand is initially not made manifest either. However, the fact that later on not a single effort is made to support the standpoint that the people addressed should vote PVV by positive campaigning, makes clear that the advertiser thinks to have a well-developed idea of the views and preferences of the audience to be reached. In their argumentation against the VVD, where they optimally connect with the presumed interest of the audience, the PVV substantiates in great detail what this involves. The unsupported arguments advanced make clear that in these cases they do not expect any opposition against their views from the people they address. In that sense, the way in which they deal with their adaptation to audience demand by connecting later on in the argumentative process emphatically with the presumed interest of the audience, is indicative of the utilisation of an engaged argumentative style.

The confrontational exploitation of presentational devices in the PVV advertisement connects well with our rather inconclusive observations concerning the other two dimensions of the argumentative style utilised in this stage. Instead of showing personal involvement by the use of charged formulations expressing their engagement, the PVV postpones stating the standpoint at issue altogether, and presents it much later retrogressively by way of a conclusion. However, taking the follow-up that is in the next stages given to the confrontation stage into account in this analysis, our characterization of the argumentative style as engaged can be maintained.

PvdA advertisement

The projected non-mixed single difference of opinion between the PvdA and the electorate about the prescriptive standpoint 1 *You should, especially now, vote PvdA* (a) is in their advertisement introduced immediately at the beginning (line 1). The potential voters addressed are assumed to be in doubt about whether to vote PvdA, and the advertisement aims at convincing them to do so. In their positive campaigning, the PvdA tries to achieve this result by providing – or suggesting – reasons for voting for them. The dialectical route that is taken starts off in the confrontation stage with the PvdA's pronouncement of the prescriptive standpoint about voting for this party. It is motivated by strategic considerations brought to bear in the next stages of the argumentative process when establishing the point of departure of the argumentative process and advancing the argumentation in favour of the standpoint at issue.

The topical selection of the 'progressive' arrangement opted for in the advertisement – first the standpoint, next the argumentation – leads to the standpoint being mentioned straightaway in the empirical equivalent of the confrontation stage instead of being postponed until the concluding stage – as happens in the PVV advertisement. Except for the addition of "especially now", which lends a sense of urgency to the recommendation, the standpoint defended is fully in harmony with what can be expected in the communicative activity type of political advertising in an election campaign. The businesslike shape given by the topical selection in the confrontation stage to the argumentative style utilised in the advertisement is indicative of a detached argumentative style, but does not exclude the possibility that the argumentative style should after all be characterised as engaged. As always, this also depends on how the argumentative style is shaped in its other two dimensions and in the other stages of the argumentative process.

The appeal to vote PvdA made in the advertisement is in principle directed at "everyone" (line 13), but from the way in which the PvdA goes on in the next stages of the argumentative process it becomes clear that their primary audience consists in fact of people who happen to be willing to share the PvdA's starting points about the desirability of a "beautiful, fair and green future" (line 13) – and are therefore open to arguments regarding the PvdA's role in realising this future. Since this focus on an unspecified abstract audience does not yet manifest itself in the confrontation stage, no distinct adaptation to audience demand can be detected in the PvdA's confrontational argumentative style.

Apart from the emphatic "especially now", the presentation of the standpoint (in line 1) does not particularly stand out as engaged by clearly expressing the PvdA's involvement. Although in the first instance the presentation may seem detached, the succinctness, explicit expression of independence and openness to independent judging that would be indicative of a detached confrontational style

are lacking. In view of the “especially now”, and depending on the continuation in other stages, the PvdA’s confrontational style could on closer inspection be just as well part of the utilisation of an engaged general argumentative style.

5.4.3 Characteristics of the opening argumentative styles

PVV advertisement

In their advertisement, the PVV does not mention any starting points explicitly, but their assumptions in defending the implicit claim that the intended audience should not vote VVD serve in fact as unexpressed starting points. Whether they concern extra expenses ensuing from voting VVD or the VVD’s preferential treatment of immigrants, in using these starting points in their argumentation the PVV takes it for granted that the audience will accept them. This applies in any case to the starting points referred to in arguments they consider not to be in need of any further support: 1.1.1a.1 *The VVD’s higher taxes will make a family’s energy bill rise by 360 Euros per year on average* (e); 1.1.1a.2 *The VAT on your shopping will increase, health insurance premiums will rise, and pensions will again be cut* (f); 1.1.1a.3 *You will have to bear the costs of 235 billion for taking all Dutch houses off the natural gas system* (g); 1.1.1b.1.1 *The immigration pact of Marrakesh was signed* (k); (1.1.1b.2a) *Immigrants immediately get a rental home* (i); and 1.1.1b.2b *Dutch people have to wait for many years to get a rental home* (j). The choice of these starting points feeding the dialectical route that is taken in the advertisement is based on the strategic consideration (b) that the desired result that the audience addressed will vote PVV can be reasonably and effectively achieved by concentrating on issues familiar to this audience and relevant to their perceived self-interest, while ignoring issues unfamiliar to them or irrelevant to their perceived self-interest.

The PVV’s topical selection of starting points for the argumentative process consists only of the assumptions about the VVD’s policies and political attitude just referred to. Since PVV and VVD are competing, a serious consideration of these assumptions would not only be an appropriate preparation for a validation of the VVD’s political position, but also for coming to a decision as to whether or not to vote PVV. The shape thus given to the topical dimension of the argumentative style utilised in the choice of starting points demonstrates the PVV’s close association with the cause at issue and is therefore indicative of an engaged argumentative style.

The assumptions chosen by the PVV as the starting points of their argumentation are all selected for their attractiveness to the audience, so that opening adaptation to audience demand is duly taken care of. The audience the PVV intends to reach consists of people who are worried about the financial setbacks they fear in the future and dissatisfied with the preferential treatment that is, in their view, given to immigrants. The PVV’s starting points are thus in perfect agreement with

the audience's strong inclination to stand up for their own interests and to adhere to the 'own people first' principle. The suggestion inherent in the argumentative use of these starting points that these are the touchstones for deciding whether to vote VVD or PVV, is therefore likely to be a welcome one. By thus showing their identification with what is important to the audience, the PVV gives shape to their starting points in a way that is indicative of an engaged argumentative style.

The PVV's exploitation of presentational devices in the opening stage is rather explicit. The advertisement starts out with the compassionate observation "Rutte is plundering your wallet" (line 1). In this statement, the addressee is not only directly addressed by speaking of "your" wallet, but what is supposed to happen is also further personalised by relating it straightaway and homey to the addressee's own "wallet". In addition, according to the PVV, it is not the state of the Netherlands that takes the addressee's money away, but Rutte, the Prime Minister. Blaming Rutte in such a personal way is continued by speaking of "Mark Rutte's" drastically higher taxes (line 2) and finishing off with the sarcastic expression of gratitude "Thanks Mark!" (line 5). It is, again, VVD politician "Rutte" who "wants to take all houses off the natural gas system" (lines 6–7), the costs of which "you" will have to bear (line 8). All along, the voters are in this way personally addressed. This personal language use, with empathetic appeals to the audience and other uses of means to express inclusiveness, points emphatically to the utilisation of an engaged argumentative style.

PvdA advertisement

In their advertisement the PvdA refers explicitly to issues pertinent to the "residents" (line 8) of North Holland: "the unique landscape" (line 4), "our air, water and landscape" (line 8), "pollution and noise disturbance from Schiphol" (line 9), "our water rich province" (line 10). Thus, the party makes clear that they are fully aware of the fact that the voters they address are not going to elect the Dutch House of Representatives, but the Provincial Council of North Holland – their own province. In line with this perspective, the PvdA's point of departure consists of a series of implicit starting points that relate for the most part to issues pertinent to the province: 1.1b.1a *The PvdA finds it important to build sufficient affordable houses without losing the unique landscape* (d); 1.1b.1b.1 *Schooling creates the best opportunities for ensuring that everyone can get a real job* (g); 1.1b.1c.1a *The PvdA supports residents who do not want to put up with increasing pollution and noise disturbance from Schiphol* (h); 1.1b.1c.1b.1 *The PvdA thinks it is important to protect our province, North Holland, against climate change* (j).

The strategic consideration (b) motivating the topical selection of these starting points is that it can be reasonably and effectively maintained that the climate, environmental and social problems we are currently confronted with must be tackled

not only nationally and internationally, but also, and just as fervently, locally – by the provincial government. The topical selection of these implicit starting points creates a point of departure for the defence of the standpoint *You should, especially now, vote PvdA* that radiates the PvdA's commitment to the issues concerned. The PvdA's association with the cause, already hinted at by the pointer “especially now”, is indicative of their utilisation of an engaged argumentative style in giving shape to the topical selection in the opening stage of the argumentative process.

The strategic consideration (a) underlying the PvdA's adaptation to audience demand in the choice of these starting points is that it can be reasonably and effectively maintained that the PvdA, because they are presumed to share the electorate's concerns about the climate, environmental and social problems, is in a special position to tackle these problems. Since the PvdA defines their primary audience as consisting of precisely those people who are, like the PvdA, out to build sufficient affordable houses while protecting the landscape, require schooling to give everyone the chance to get a job, want to put a stop to Schiphol's pollution and noise disturbance, want to fight climate change affecting the province, and like to favour a party that is good for its word,¹³ these starting points will automatically appeal to their intended audience when they are put to good use in argumentation. Due to this – rather artificial – audience adaptation, the starting points the PvdA identifies with show, as it were by definition, the party's identification with what is important to the audience. Their use is therefore indicative of the utilisation of an engaged argumentative style in giving shape to the adaptation to audience demand in the opening stage of the argumentative process.

The exploitation of presentational devices by the use of linguistic means for expressing inclusiveness supports the identification of the PvdA's argumentative style in the opening stage as being engaged. Among the linguistic means that are used are pronouns such as ‘we’, ‘our’ and ‘us’, which indicate personal identification and empathy, and express in most cases a focus on inclusiveness: “we must invest in” (line 7), “we will have to live differently” (line 11), “our children” (line 2–3), “our air” (line 8), “our water rich province” (line 10), and “important to us” (line 4–5). The engaged presentational argumentative style is also shaped by the inclusiveness of the introductory rhetorical question (lines 2–3) and informal language use such as “many people are doing o.k.” (line 2) and “who do not want to put up with ever increasing pollution and noise disturbance” (lines 8–9).

13. The list of starting points boils down to an enumeration of distinctive features that define the intended audience.

5.4.4 Characteristics of the argumentational argumentative styles

PVV advertisement

In the PVV advertisement the defence of the standpoint 1 *You should vote PVV on March 20* (a) is in fact replaced by a defence of the implicit claim 1.1 *You should not vote VVD, the alternative* (b) – which supports it [a(<b)]. The dialectical route followed in defending this claim consists of two interconnected branches that constitute together a coordinative argumentation: the first branch starts with the argument 1.1.1a *The VVD will make you lose a lot of money* (c), and the second branch with the argument 1.1.1b *The VVD is too generous to immigrants* (d) [b(<(c&d))]. The pragmatic argument (c) advanced in the first branch of this dialectical route is disposed of its initial pragmatic status when it is in its turn supported by a multiple argumentation consisting of three separate symptomatic arguments: 1.1.1a.1 *The VVD's drastically higher taxes will make a family's energy bill rise by 360 Euros per year on average* (e); 1.1.1a.2 *The VAT on your shopping will increase, health insurance premiums will rise, and pensions will again be cut* (f); and 1.1.1a.3 *You will have to bear the costs of 235 billion for taking all Dutch houses off the natural gas system* (g) [c(<(e);(<f);(<g))]. All three arguments supporting the argument that starts off this losing-a-lot-of-money branch are based on starting points supposedly shared by the voters addressed, and are therefore not defended.

In the second branch of the dialectical route, a multiple argumentation is advanced in support of the argument 1.1.1b *The VVD is too generous to emigrants* (d) that consists of two separate parts: first the symptomatic argument 1.1.1b.1 *The VVD's attitude makes it easier for immigrants to get to the Netherlands* (h); then the coordinative symptomatic argumentation 1.1.1b.2a *Immigrants immediately get a rental home* (i) and 1.1.1b.2b *Dutch people have to wait for many years to get a rental home* (j) [d(<h);(<(i&j))]. The supporting arguments are supposed to be based on starting points shared by the voters addressed, except for the argument that the VVD's attitude makes it even easier for immigrants to get to the Netherlands (h), which is supported by the causal argument 1.1.1b.1.1 *The immigration pact of Marrakesh was signed* (k) [h(<k)]. The strategic consideration (c) that covers the strategic manoeuvres carried out in the two-part dialectical route in defence of the claim 1.1 *You should not vote VVD, the alternative* (b) is that, because of their policies and political attitude, the VVD can be reasonably and effectively held responsible for a future decline in ordinary Dutch people's material welfare and serious social injustices.

The argumentational topical selection in the PVV's negative campaigning boils down to a careful choice of arguments that point out negative effects which, according to the PVV, go automatically with voting VVD. In advancing this argumentation, the PVV completely ignores that they are campaigning in elections for

the Provincial Council of North Holland: all arguments they mention pertain to national issues outside the jurisdiction of this Council.¹⁴ By opting for the use of pragmatic argumentation to support their view that the people addressed should not vote VVD, the PVV makes a topical selection that aims for immediate acceptance of their negative claim. However, it transpires right away that they feel that their pragmatic argumentation is in need of further argumentative support. Using in this endeavour for the most part symptomatic argumentation referring to distinctive features of the VVD, is a topical choice that enables the PVV to maintain their suggestion that it is unavoidable that the predicted negative state of affairs automatically comes into being when the audience votes VVD, because the despicable facts mentioned in the argumentation are fixed correlates of the VVD's policies and political attitude. Because the topical selection of (symptomatic) arguments pointing out which negative effects go automatically together with voting VVD makes it for the particular voters addressed easier to see why they should not do that, the argumentative style that is utilised can be characterised as engaged.

The adaptation to audience demand in the argumentation stage of the argumentative process is almost total. The complex pragmatic problem-solving argumentation advanced is made up of arguments that relate directly to issues that a lot of Dutch people perceived at the time as strongly affecting their self-interest, particularly those who were inclined to support the PVV. The arguments concerned rely on unexpressed starting points covering these people's most distinctive ideas about what is weak or wrong in how the Netherlands are governed. The two-part division of the argumentation corresponds with their concerns about both financial issues affecting their own situation and immigration issues going against their ideas of social justice. Argumentational audience adaptation manifests itself in the PVV advertisement in the utilisation of an engaged argumentative style characterised by the use of arguments that connect the anti-VVD sub-standpoint at issue with the frame of reference of the PVV's primary audience in a way these people may be expected to consider pertinent, i.e., relevant and fully acceptable: 1.1.1a.1 *The VVD's drastically higher taxes will make a family's energy bill rise by 360 Euros per year (e)*, 1.1.1a.2 *The VAT on your shopping will increase, health insurance premiums will rise, and pensions will again be cut (f)*; 1.1.1a.3 *You will have to bear the costs of 235 billion for taking all Dutch houses off the natural gas system (g)*; 1.1.1b *The VVD is too generous to immigrants*, 1.1.1b.1 *The VVD's attitude makes it even easier for immigrants to get to the Netherlands (h)*; 1.1.1b.2a *Immigrants immediately get*

14. Moreover, they relate to issues about which the PVV takes a stance that is not just more radical than that of the VVD, but so radical that it is unlikely to be adopted by any coalition government in the Netherlands.

a rental home (i); 1.1.1b.2b *Dutch people have to wait for many years to get a rental home* (j); and 1.1.1b.1.1 *The immigration pact of Marrakesh was signed* (k).

The exploitation of presentational devices manifests itself in the use of language emphasizing the PVV's commitment to pursuing the cause at issue. An example is "And then we have not yet even mentioned" (line 3) – a *praeteritio*-related way of expressing clearly the PVV's deep involvement in getting their anti-VVD claim accepted. The sarcastic "Thanks Mark!" (line 5) indicates how far the PVV's presentational argumentative style is removed from the non-emotional common sense approach in a detached argumentative style. Still more outspoken cases are the negative references to immigrants and refugees as "fortune hunters" and "Jihadists" (line 9), of whom it is ironically said that VVD Prime Minister Rutte is "generous" for them.¹⁵ The general tone of the advertisement is negative for the VVD: from the very (rude) beginning, "Rutte is plundering your wallet" (line 1), up to the hyperbolic sentence preceding the conclusion at the end, "While you have to wait for many years to get a rental home, they [the immigrants] get this in the blink of an eye" (line 11–12). Because of the PVV's empathetic use of compassionate language showing their strong quasi-personal involvement in the case, and the implicit inclusiveness of their words in light of the audience's corresponding views and preferences, their exploitation of presentational devices in the argumentational argumentative style is to be qualified as engaged.

PvdA advertisement

The argumentational topical selection in defence of the standpoint 1 *You should, especially now, vote PvdA* (a) consists at the first level of the defence of the coordinative symptomatic argumentation 1.1a *Our children must be ensured of a good job, an affordable home, and clean air in the future* (b), implicitly complemented by the unexpressed argument 1.1b *The PvdA's policies address these concerns* (c) [a(<(b&c))]. This unexpressed argument is in its turn at the second level of the defence of the main standpoint justified by a coordinative argumentation consisting of three symptomatic arguments: 1.1b.1a *The PvdA finds it important to build sufficient affordable houses without losing the unique landscape* (d), 1.1b.1b *The PvdA wants to ensure that there are real jobs for everyone and will invest in schooling to this end* (e), and 1.1b.1c *The PvdA is in favour of measures that protect the quality of our air, water, and landscape* (f) [c(<(d&e&f))]. At the third level of the defence of the main standpoint, the argument 1.1b.1b *The PvdA wants to ensure that there are real jobs for everyone and will invest in schooling to this end* (e) is justified by the causal argument 1.1b.1b.1 *Schooling creates the best opportunities for ensuring that*

15. The irony – if not sarcasm – will be clear to anyone reading this negative qualification.

everyone can get a real job (g) [e(&g)]. The argument 1.1b.1c *The PvdA is in favour of measures that protect the quality of our air, water, and landscape* (f) is justified by a two-part coordinative argumentation consisting of the symptomatic arguments 1.1b.1c.1a *The PvdA supports residents who do not want to put up with increasing pollution and noise disturbance from Schiphol* (h) and 1.1b.1c.1b *The PvdA believes that we must live differently, divide the energy bill fairly, and invest in public transport and cycle paths* (i) [f(<(h&i))]. This last argument (i) is supported by the symptomatic argument 1.1b.1c.1b.1 *The PvdA thinks it is important to protect our province, North Holland, against climate change* (j) [i(<j)].

Although the dialectical route the PvdA takes in their positive campaigning by making these topical choices is complex, it is also straightforward: the prescriptive standpoint that the audience should, especially now, vote PvdA is defended by several layers of symptomatic arguments. These arguments add up, and at the points where the PvdA considers this necessary, they are rounded off by closing symptomatic arguments: [a(<b&c(<d&e(<g)&f(<h&i(<j)))))]. The strategic consideration (c) behind the topical selection of the argumentation is that on the basis of the PvdA's political views and experience it can be reasonably and effectively maintained that this party is capable of dealing with the climate, environmental and social problems North Holland is presently confronted with. This strategic consideration is implemented by providing in virtually every component of the defence a link between the argument advanced and the (sub)standpoint defended through symptomatic argumentation claiming that leaving it to the PvdA's political good sense means automatically that what is required to solve the problem will be done. Because of the suggestion of objectivity associated with the observational character of the topical choices made in the argumentation, and the concrete results and advantages that are, according to the argumentation, connected with accepting the standpoint defended, the argumentational argumentative style utilised in the PvdA advertisement can be characterised as predominantly detached – although, due to the didactic character of the argumentation, it is in some respects also engaged.

The argumentative style utilised in the PvdA's argumentational adaptation to audience demand is not univocally focused either: via a very general rhetorical question the advertisement addresses a vague and broad category of voters who are in favour of “a good job”, “an affordable home”, and “clean air” for their children in the future (line 3). When it comes to the “environmental turn” given by the PvdA to their appeal to the voters in the last paragraph of their advertisement (lines 8–13), their closest competitor, the Green Left party, articulates their views about this topic more precisely and creates a more astute environment-friendly public image. In comparison, the PvdA's way of accommodating the audience in the argumentation is rather flat and their intended audience remains undetermined. In fact, the party not so much selects a particular segment of the voters as their

primary audience, but “invents” it by indicating which characteristics the party wants their primary audience to have. In their advertisement, the PvdA makes sure not to get into trouble with their vaguely defined audience. As a consequence, the shape they give to the audience demand dimension of their argumentative style stays as much as possible in harmony with what would be acceptable to their projected audience, and is therefore basically engaged. However, because of the indeterminate nature of the primary audience, this adaptation to audience is not really pronounced.

The choice of presentational devices confirms our analysis of the argumentational argumentative style as being indistinctly engaged. In our discussion of the opening stage we already mentioned the inclusive use of a rhetorical question (line 2–3), which is employed as an introduction to the argumentation. In the argumentation stage inclusiveness showing personal involvement is achieved through the use of pronouns such as “we” (line 6, 7, 8, 11), “us” (line 5), and “our” (line 2, 8, 10). As could be expected when an appeal is made to an undistinctive category of voters, some of whom might be low educated, the linguistic style of the advertisement is kept clear and simple: in formulating the arguments, the use of terminology, complex words or complicated sentences is avoided. When discussing financial aspects, for instance, instead of elaborating on technical details, the PvdA simply assures their potential voters that – in line with their traditional ideological position – they will “divide the (energy) bill fairly” (line 11). Although the presentational plainness is reminiscent of a detached argumentative style, such functional simplicity does not automatically change the engaged character of the argumentational argumentative style.

5.4.5 Characteristics of the concluding argumentative styles

PVV advertisement

The outcome of the argumentative process is (in line 13) by means of the indicator ‘therefore’ explicitly introduced as a conclusion: “Therefore vote PVV on March 20”. At the end of the two-branched dialectical route this conclusion is without any further ado presented as self-evident. It is based on the PVV’s validation of the implicit claim *You should not vote VVD*. The step to be made from the claim – the (sub) standpoint that is actually supported in the advertisement – to the main standpoint, is warranted by the disjunctive syllogism: *You should either vote VVD or you should vote PVV, You should not vote VVD, Therefore, you should vote PVV*.

Apart from this concluding statement, which introduces not only the outcome of the argumentative process but also – somewhat belatedly – the standpoint at issue, the concluding stage remains unexpressed. Since the most vital point of the advertisement is clearly and firmly made by formulating it explicitly, this lack of

elaboration is no problem. The PVV's topical choice of leaving it to the audience to make the obvious step of getting from the negative validation of the VVD to the standpoint that they should vote PVV is indicative of an engaged argumentative style leads automatically to the outcome emphatically embraced by the PVV as the favoured outcome. Because the PVV makes the audience draw this conclusion themselves, it is indicative of the utilisation of an engaged argumentative style.

This topical choice affects also the adaptation to audience demand. By making the audience reach the desired conclusion as it were jointly with the PVV, the PVV ensures that the audience is heavily involved in the concluding process. This communality is another indication of the utilisation of an engaged argumentative style. The adaptation to audience demand in the concluding stage is in the PVV advertisement in fact well-prepared in the preceding stages: by guaranteeing in the opening and argumentation stage that the audience will make the right choice between the alternatives, it is obvious what the outcome should be.

The exploitation of presentational devices by emphatically using the explicit argumentative indicator 'therefore' makes the audience realise that the argumentative process they have gone through leads inescapably to the conclusion that they should vote PVV. The PVV's strong commitment to this favoured outcome – shown in their careful topical selection in preparation of this outcome, their calculating adaptation to audience demand in reaching it, and their opportune use of the presentational device 'therefore' – enable us to qualify the PVV's concluding argumentative style unreservedly as engaged.

PvdA advertisement

As is often the case in this kind of political advertisements, the outcome of the argumentative process is in the PvdA advertisement not explicitly mentioned as a conclusion at the end, but assumed to be evident. It is in fact the very recognition of the communicative activity type of political advertising in election time that tells the reader already what is aimed for in getting this message across. Moreover, immediately at the beginning of the advertisement it has been said explicitly: "Vote PvdA. Especially now" (line 1). Although the positive campaigning following this incitement consists, at first sight, of well-meant pronouncements rather than substantial arguments, after they have culminated in the slogan "A beautiful, fair and green future for everyone" (line 13) it should be clear to all concerned that the great future announced can only be brought about by voting PvdA.

The slogan represents, in our view, in the PvdA advertisement the concluding stage. The topical choice of this slogan connects well with the PvdA's topical choices in the opening stage and the argumentation stage of the argumentative process. The starting points-turned-arguments that have been advanced are indeed about the quality of everybody's future and concentrate on the availability and

fair distribution of jobs and homes and the solution of environmental and climate problems. Although “A beautiful, fair and green future for everyone” concludes the dialectical route in a way that is fully in harmony with the starting points and arguments advanced, it is by no means the objective result of a formal or informal reasoning procedure, so that the PvdA’s concluding topical selection is not distinctly detached. Since the PvdA embraces the concluding statement emphatically as their slogan, we would rather characterise their topical selection as being engaged.

The PvdA’s adaptation to audience demand in the concluding stage is in agreement with the way in which they defined their intended audience by stating their starting points in the opening stage of the argumentative process. Even though the engaged argumentative style they utilise, with its emphasis on communality by sharing the party’s promises for the future with the people they want to reach, would probably not be effective in case they estimate their addressees wrongly, this does not make their concluding argumentative style less engaged. However, in adapting to audience demand by implicitly making the audience realise that the conclusion is the rational consequence of the argumentative process, due to the unobtrusiveness of this way of connecting with the audience, their argumentative style in the concluding stage exhibits, like in other stages of the argumentative process, also some traces of a detached argumentative style.

The exploitation of presentational devices in the concluding stage is limited to advancing the idyllic slogan “A beautiful, fair and green future for everyone” (line 13). By expressing themselves in this way, the PvdA presents the conclusion that is reached in an attractive way to the audience. Since this engaged argumentative style does not manifest itself in the concluding stage clearly in all its characteristics, as in other stages of the argumentative process, it is not really pronounced.

5.5 Conclusion

In this chapter, we have identified the argumentative styles utilised in two advertisements of two political parties campaigning for votes in the elections of 2019 for the Provincial Council of North Holland. In their strategic manoeuvring in the hybrid communicative activity type of political advertising, the Party for Freedom (PVV) and the Labour Party (PvdA) functionally combine providing information about political issues with promoting their political party. In this endeavour, the PVV concentrates exclusively on national issues, whereas the PvdA pays due attention to provincial issues. In this way, both parties also hope to strengthen via the Provincial Council elections their position in the Senate – the indirectly elected First Chamber of the Dutch national parliament.

In their electioneering, the PVV resorts to negative campaigning by trying to win votes through criticizing their closest competitor, the VVD, for supporting policy measures that have negative effects for the segment of the voters they try to attract and for having a political attitude that leads in the eyes of these voters to social injustices. By contrasting their party with the VVD, they confirm Walter's (2014: 312) observation that the target party of negative campaigning is usually large, ideologically proximate, close to the median position, and part of the government. In line with their position as a possible coalition party in government, the PvdA tries to gain votes by opting for positive campaigning. The party's political self-promotion is aimed at getting voters interested in their take on the problems the province of North Holland and the country as a whole are confronted with.

Although their primary audience may in practice consist of people belonging to the same social segment, the populist PVV and the reformist PvdA differ fundamentally in how they select their target group and perceive their primary audience. In choosing their target group, the PVV fully concentrates on a specific component of the electorate, made up by discontented people with right-wing views about immigration and rather leftish views about social security that agree with their social position. Their point of departure in the argumentative process consists of starting points completely adjusted to the avowed feelings of the concrete set of people who are their intended audience. The PvdA's target group is in fact their own ideological projection; it consists of people who are attracted by the party's political goals and ambitions. The PvdA's point of departure is made up by starting points they want the imaginary collective of people that constitutes their primary audience to have. A consequence of this different perception of the audience is that in the PVV's way of giving substance to the hybrid communicative activity type of political advertising the emphasis is strongly on arguing to convince their primary audience not to vote VVD, so that the promotional aspect takes pride of place, whereas in the PvdA's way of giving substance to the communicative activity type the emphasis is on providing information to the audience that that will make those enlightened ready to vote PvdA, so that the deliberative aspect is most prominent.

The PVV's goal of convincing their primary audience consisting of people whose views and preferences they take as their point of departure to vote for them is in their advertisement pursued indirectly by negative campaigning against the VVD. This campaigning relies on three strategic considerations about how the primary audience can be reasonably and effectively convinced, which are put to good use in the strategic manoeuvring conducted to realise the institutional point of the activity type. The first one, which determines the set-up of the advertisement, is that the PVV's goal can be achieved by providing a negative valuation of the policies and political attitude of the VVD. The second one, which constitutes the basis of the PVV's argumentation against the VVD, is that this negative valuation can

be achieved by concentrating on issues familiar to the primary audience that they consider of immediate relevance to their self-interest. The third one, underlining the pertinence of the negative valuation, is that the VVD, because of their policies and political attitude, can be held responsible for a future decline in the primary audience's welfare and serious social injustices.

Although the PVV's involvement in the cause, which is indicative of their engaged argumentative style, has by then already been made perfectly clear by their fervent argumentation against voting VVD, their confrontational topical selection is not made explicit until the concluding stage of the argumentative process. Their adaptation to audience demand, which is realised by connecting from the beginning emphatically with the presumed interests of the audience, is another helpful pointer to their engaged argumentative style. This analysis is supported by the quasi-personal involvement shown in their exploitation of presentational devices.

The topical selection of starting points in the opening stage is indicative of an engaged argumentative style by demonstrating the PVV's association with the cause. The PVV's starting points are in perfect agreement with their intended audience's determination to pursue their self-interest and to adhere to the 'own people first' principle. The shape given to the PVV's adaptation to audience demand by thus complying in the opening stage with premises close to the heart of the audience, is therefore another important indicator of the PVV's engaged argumentative style. Due to the clear signs of inclusiveness and the emotional involvement, the exploitation of presentational devices, too, points to the PVV's utilisation of an engaged argumentative style.

The argumentational topical selection of complex pragmatic argumentation involves a careful choice of arguments pointing out negative effects automatically associated with voting VVD. This puts the PVV's anti-VVD position for the audience in a familiar light, so that the argumentative style can, again, be characterised as engaged. Although the arguments advanced pertain to national issues outside the jurisdiction of the Provincial Council and are unlikely to be adopted by any Dutch coalition government, they relate to issues that people inclined to support the PVV perceive as strongly affecting their self-interest, so that the adaptation to audience demand is definitely engaged. The same characterization applies to the PVV's empathetic use of compassionate language in their exploitation of presentational devices.

The concluding topical choice of leaving it to the audience to make the obvious step of getting from a negative validation of the VVD's political position to the standpoint that they should vote PVV is, again, indicative of an engaged argumentative style. The adaptation to audience demand is already well-prepared in earlier stages by guaranteeing by appealing to their self-interest that the audience will make the right choice between VVD and PVV. The adaptation to audience demand

in the concluding stage takes place in an engaged argumentative style by making the audience realise that the conclusion is based on an argumentative process they have gone through together with the PVV. Because the conclusion is reached by presenting the case in a way that appeals to the audience and ends with a catchy slogan, the exploitation of presentational devices is also engaged.

In this way, our analyses have made clear that the confrontational, opening, argumentational, and concluding argumentative styles that are utilised in the PVV advertisement are engaged in all their three dimensions. In all four stages of the argumentative process, the argumentative style radiates in its topical dimension commitment to the cause at issue, conveys in its audience demand dimension communality with the audience, and expresses in its presentational dimension inclusiveness. This means that we can conclude unreservedly that the general argumentative style that is utilised in the PVV advertisement may be characterised as *engaged* – more precisely put: as *fully engaged* or *full-blown engaged*.

In their advertisement, the PvdA's goal of convincing their intended audience consisting of people willing to share their political views and preferences to vote for them is pursued directly by positive campaigning. Their campaigning relies on three strategic considerations about how the primary audience can be reasonably and effectively convinced of the PvdA's standpoint. The two strategic considerations which are the basis of the PvdA's strategic manoeuvring to substantiate the standpoint that the audience should vote for them, are that the PvdA, by sharing the audience's concerns, is in a special position to tackle the problems at issue, and, due to their political determination, may be regarded capable of tackling these problems. The third, more general strategic consideration, which determines the perspective that is chosen in the advertisement, is that the urgent climate, environmental and social problems that need to be solved must not only be tackled at the (inter)national level, but also locally by the Provincial Council, so that the emphasis is on how to deal with the problems of North Holland – which is what the election is about.

Apart from the addition of “Especially now” to the standpoint, the shape given to the topical dimension of argumentative style in the confrontation stage of the argumentative process is not really distinct. At first sight, the PvdA's argumentative style seems detached, but the possibility that it will prove to be engaged after all is certainly not excluded. The same applies to the audience demand dimension and the presentational dimension of the argumentative style. The neutrality of the presentation, for instance, appears to point to a detached argumentative style, but the urgency indicated by the phrase “especially now” points to an engaged argumentative style.

In the opening stage, the PvdA's topical selection of starting points, relating to a large extent to the province of North Holland, clearly demonstrates this party's association with the cause, and therefore points to an engaged argumentative style. The PvdA assumes their implicitly conveyed starting points to be in perfect agreement with what is important to the audience they have in mind. Since this audience is from the beginning supposed to consist of people who share the PvdA's starting points, adaptation to audience demand involves in this case more or less automatically utilising an engaged argumentative style. Through the emphatic inclusiveness of the presentational devices that are employed, the PvdA's exploitation of presentational devices, too, supports qualifying their argumentative style as engaged.

In the argumentation stage, the PvdA's topical selection consists of several layers of symptomatic arguments in defence of the standpoint that the audience should vote for them. Because these arguments point to concrete results and advantages going with acceptance of this standpoint, these topical choices make the PvdA's argumentational argumentative style at first sight seem detached. However, since the PvdA clearly chooses arguments that make the acceptability of their standpoint for the voters easier to judge, their argumentative style should eventually be qualified as engaged. Although under the prevailing circumstances (addressing a projected audience) the adaptation to audience demand cannot really be focused on a specific segment of the electorate, the PvdA's argumentation connects the standpoint at issue, as it were by definition, automatically with the frame of reference and preferences of the audience they have in mind. As far as adaptation to audience demand is concerned, their argumentational argumentative style is therefore engaged. The PvdA's empathetic use of language, although subdued, shows that the party's exploitation of presentational devices agrees with this analysis.

The desired outcome of the argumentative process is evident from the very beginning: "Vote PvdA. Especially now" (line 1). In the concluding stage this is not repeated, but the concluding statement, "A beautiful, fair and green future for everyone" (line 13), involves a topical choice that connects well with the starting points-turned-arguments about the quality of everybody's future, the availability and fair distribution of jobs and homes, and the solution of environmental and climate problems advanced and used argumentatively in the opening and argumentation stage. Since the PvdA embraces this concluding statement emphatically as their slogan, the argumentative style utilised in the topical selection in the concluding stage is to be characterised as engaged. The PvdA's adaptation to audience demand consists of making the audience realise that the conclusion is based on the argumentative process they have gone through together with the PvdA. In spite of having in first instance seemed detached, due to the unobtrusiveness of the PvdA's connecting with (their construction of) the audience, this dimension of the PvdA's

concluding style is therefore engaged. The exploitation of presentational devices consists in this stage of presenting the conclusion by means of the idyllic slogan “A beautiful, fair and green future for everyone”, which portrays the PvdA as the ideal promotor of inclusiveness, in an appealing way to the audience – and makes their argumentative style engaged.

The argumentative style employed in the PvdA advertisement displays occasionally characteristics of a detached argumentative style, such as radiating objectivity in the topical dimension, conveying reliability in the audience demand dimension, and expressing openness to independent judgement in the presentational dimension. However, our analyses of the topical dimension, the audience demand dimension, and the presentational dimension have shown that in most of their dimensions in most stages of the argumentative process the confrontational, opening, argumentational, and concluding argumentative styles utilised in the PvdA advertisement are engaged – radiating commitment to the cause at issue, conveying communality with the audience, and expressing inclusiveness. This means that we can after all conclude that the argumentative style utilised in the argumentative discourse in the PvdA advertisement may, although not unequivocally, be characterised as *engaged* – more precisely put: as *mostly engaged* or *predominantly engaged*.

Argumentative style in parliamentary debates

6.1 Institutional background of legislative debates in the European Parliament

The European Parliament has become an important factor in the legislative process of the European Union.¹ Together with the Council, the Parliament can approve, amend or reject proposals for legislation put forward by the European Commission. In the legislative process the parliamentary debates have a fixed place: Members of the European Parliament (MEPs) always vote on Commission proposals the day after these proposals have been discussed in plenary sessions.

According to Corbett et al. (2016), the European Parliament cannot be called “sexy in media terms” (p. 11). With this characterization they refer to the fact that debates in the European Parliament are not as lively and exciting as debates in the national parliaments can be.² In this chapter, we aim to describe the argumentative style of the European Parliament, in particular the argumentative style of the opening speech of the “rapporteur”, which plays a central role in debates of the European Parliament. We will first give a general characterization of the debate in the European Parliament. Next, we shall concentrate on a specific part of it: the opening speech of the rapporteur, in this case in a debate about agricultural reforms. Based on our observations about its institutional background, we will provide an analysis of the argumentative style in the opening speech.

Obvious differences between debates in the European Parliament and debates in national parliaments are the plurality of languages used in the European Parliament, the sheer number of MEPs, and the existence of rather heterogenous political groups instead of the political parties with well-defined political outlines in national parliaments. However, probably the biggest difference is the way in which the European Parliament works. When a bill is made public, in a national

1. This chapter is based on Garssen (2022).

2. Nevertheless Corbett et al. suggest that the European Parliament is livelier than some of the national parliaments in the Member states: ‘When Hanja Maij-Weggen, a long-serving MEP, was appointed as a Minister in the Dutch Government, and her aggressive debating style was commented upon in the Dutch Parliament, she claimed to have learnt the technique from British MEPs’ (2016: 239–240).

parliament the outcome of the procedure is usually clear. This is not the case in the European Parliament, where “a draft directive is really a draft” (Corbett et al. 2016: 11). MEPs are much more engaged in shaping and amending legislation than their colleagues in national parliaments. They need to discuss proposals in committees and debates and they frequently amend and rewrite proposals.³

Most contributions of the MEPs to debates are prepared in advance and written out. They are simultaneously translated in all languages that are spoken by the MEPs. Only by following special procedures can MEPs directly react to someone else’s contribution to the debate. Overall, the reactions are friendly and composed. These circumstances however do not make the debates in Parliament very lively.

The shortest route to European legislation is as follows: Parliament decides on a Commission proposal and comes with a first reading “opinion” (approving the proposal or approving the proposal with amendments). If the Council agrees with this opinion, the legislative proposal is adopted. In case the Council does not approve of the outcome of the European Parliament’s first reading, it adopts a new opinion called a “common position”. In the second reading, Parliament may approve of this common position, adopt amendments or reject the common position by an absolute majority of MEPs (Corbett et al. 2016: 276).

The MEPs are organised in political groups. According to Parliamentary Rule, 32 members “may form themselves into groups according to their political affinities”. Political groups are important for building majorities on legislation, the budget and other votes. Groups also play an important role in choosing the President, committee chairs and committee rapporteurs. Since the first elections in 1979, the Socialists and the Christian Democrats alternately have always been the largest groups. The Liberals and the Conservatives come next.

Groups issue voting instructions to their members on how to vote on each amendment and text. The group’s position is defined by a process of discussion and negotiations. It is usually accepted by most members, but not necessarily by all (Corbett et al. 2016: 141).

When it comes to groups, ideological divisions are in many cases not important: looking for a right or left wing majority in the European Parliament is therefore not always relevant. Often, widespread agreement with a proposal is sought rather than just a narrow majority. The rapporteur system is oriented at finding such a wide consensus. According to Corbett et al., “Voting patterns are sometimes more related to national, regional and sectoral interests than to ideological divisions. [...] Coalitions, for example of those representing agricultural areas are often forged across Group boundaries” (2016: 143).

3. Corbett et al. put the difference in this way: ‘One measure of a good MP in a national context is someone who is a good debater. An effective MEP is someone who is good at explaining, persuading, and negotiating with colleagues from 28 different countries’ (2016: 11).

Committees are responsible for the preparatory work for plenary parliamentary sittings. Much of the work in the European Parliament is carried out in committee: a lot of discussion has taken place in committee before a proposal is actually discussed in the plenary debate. The committees draw up, adopt and amend legislative proposals as well as own-initiative reports, consider Commission and Council proposals and, where necessary, prepare reports to be presented to the plenary assembly (Garssen 2017a).

In 1953 there were 7 committees. In 1999 this number had grown to 20. With its 71 members, the Committee on Foreign Affairs is the largest; the Committee on Agriculture and Rural Development, which is concerned with the proposals we are focusing on, is with 45 members mid-sized. Each committee should reflect the overall balance between the political groups.

The committees produce draft legislation or other texts proposed by the Commission or the Council.⁴ Own initiative reports stemming from the European Parliament might examine an entirely new issue or a Commission communication on which Parliament has not been formally consulted. Once a committee has decided to draw up a report or opinion, it nominates a *rappporteur*. In case the committee decides to approve of a legislative proposal without amendment, no *rappporteur* is appointed.

It is the *rappporteur*'s task to introduce the initial discussion of the proposal within the committee, to present a draft text with amendments, to draft legislation for the committee to vote on. A *rappporteur* is responsible for analysing the proposal and discussing it with the members of the committee. The *rappporteur* handles the discussions in the responsible committee of the European Parliament as well as in plenary sessions. *Rapporteurs* are selected by the European Parliament's committee responsible for the topic concerned. The *rappporteur* must be a member of that committee.

The *rappporteur* is a member of the political group that initiated the proposal and cannot be considered unbiased. To ensure that their point of view is not left out in the proceedings, other political groups often appoint shadow *rapporteurs*, especially when politically sensitive proposals are involved. The *rappporteur* and shadow *rappporteur*(s) jointly review all amendments to a report and try to find a compromise if necessary.

After the discussions in the committee, the *rappporteur* makes recommendations to the committee on what position to take. The committee can amend the position, and will vote on it and all amendments made to it. In general, the *rappporteur* will first create a working document that serves as a basis for the discussion in

4. The Commission takes the initiative by proposing new regulations and the committee gives substance to the proposal by writing a report in which the proposal is formulated and justified.

committee and for a dialogue with experts. The Commission is usually invited to present, clarify and defend its proposal. The next step of the rapporteur is to write a preliminary report. This document is subject to discussion in committee: it is open to amendments by and subject to resolutions of other members of the committee. The next step is the plenary debate in Parliament. For that purpose, the rapporteur presents the report to Parliament by giving an opening speech reporting the most important points of the report.

For two reasons the opening speech is of vital importance to the debate. First, the report is the outcome of essential deliberations by the committee. This outcome the rapporteur presents to the MEPs in the opening speech of the plenary debate. Second, the opening speech determines the remainder of the debate (Garssen 2017a). In the opening speech the rapporteur not only presents the (amended) proposals, but also advances the main arguments in favour of these proposals. This is because the committee is aiming for a broad acceptance of the proposal in Parliament. Hence the opening speech is far from neutral. In their reactions to the opening speech, the proponents of the proposal will support or amplify the arguments put forward by the rapporteur. In most cases they emphasise the problems mentioned by the rapporteur that led to the new proposal. The opponents, on the other hand, generally acknowledge the problems, but try to show that other solutions are much better (Garssen 2017a: 41).

Legislative debates in the European Parliament consist basically of a series of reactions to the report presented by the rapporteur. There is a fixed speaking order and not much room for deviations by interruption (Garssen 2017a: 33). The order of the debate turns in a legislative debate in the European Parliament is as follows.

The rapporteur of the committee starts with a statement, which may take up maximally six minutes. After this, a member of the Commission reports on the Commission's reasons to initiate the legislative procedure or on the Commission's view on proposed amendments. If a member of the Council is present, he or she may speak as well. Subsequently MEPs of all political groups are given the opportunity to react to the report. Finally, the representative of the Commission will indicate its position on specific amendments tabled in the report before Parliament (Garssen 2017a: 33). Usually the rapporteur closes the debate with some final statements reacting to the opinions put forward by the MEPs.

Within the activity type of a legislative debate in the European Parliament (van Eemeren & Garssen 2010: 31), the opening speech by the rapporteur can be seen as an embedded activity type. In the opening speech the rapporteur presents the report drawn up by the committee. It is important to understand that this presentation does not only consist of a presentation of the main proposals. Typically, the rapporteur puts also forward argumentation to defend the proposals that can be found in the report.

In many cases the rapporteur also includes information about the process that has led to the report: it took long, a great many parties had to be satisfied, etc. In giving this description, the rapporteur may also refer to amendments on earlier versions of the legislation. The rapporteur provides argumentation supporting the main standpoint that the proposed legislation be accepted or that an amended version of the proposal should be accepted. Defending this inciting standpoint calls for practical argumentation in defence of a standpoint that expresses a plan, policy or, more general, a certain action that should be performed or not be performed.

In its report, the committee always points at a problem that needs to be solved. In his or her opening speech, the rapporteur presents this problem as the main reason why new legislation is needed. That is why the main arguments for the inciting standpoint that the legislation should be adopted centre around the idea that implementing the new legislation will solve the problem (Garssen 2017a: 34).

6.2 The opening speech of the debate about the European food supply chain

On Monday, September 6, 2010, in the European Parliament in Strasbourg a debate on fair revenues for farmers took place that was initiated by a report of the Committee on Agriculture and Rural Development entitled 'A better functioning food supply chain in Europe'. The report was presented to the Parliament by the rapporteur José Bové, a prominent member of the European Green Party (EGP). In this report, some important reforms of the European agricultural policy are proposed. In the debate, several proposals were discussed before voting took place the next day.

In 2009 the Commission released a publication about problems existing in the European agricultural sector. The committee that prepared the report was inspired by this publication, but, unlike what is usually the case, the report is not written in response to an initiative of the Commission. The report is actually one of the few *own initiative proposals* of the European Parliament. Voting, which took place on September 7, 2010, led to the adoption of the resolution, so the committee's proposal was accepted.

The background of the debate is a crisis in the European food supply: European farmers are underpaid for the products they produce while consumer prices are exceptionally high. The cause of this unwanted situation is the fact that in the process from farm to shop many steps are not visible and that the food industry has an undesirable amount of power. As happens in all such debates in the European Parliament, the rapporteur of the committee concerned starts with an opening speech in which the report of the committee is presented.

Opening Speech by the Rapporteur

Madam President, Commissioner, ladies and gentlemen, I should like to begin by thanking all my colleagues from the Committee on Agriculture and Rural Development, and especially the shadow rapporteurs, for their support in this task.

5 This report, like the one by Mr Lyon, is part of our major debate on the reform of the common agricultural policy (CAP).⁵ We have managed to reach a large number of compromises, which have been adopted by a large majority in our group – by 32 votes to 4.

I believe that our message to the Commission is a powerful one: we all want greater transparency in the food chain and legislation that guarantees fair competition between farmers and all operators in the food chain. We also want concrete measures, in Europe and
10 elsewhere, to combat speculation and abuses of market power and to safeguard farmers' revenues. I am surprised that, on the initiative of one or two political groups in this House, we are being asked to vote tomorrow on a long list of separate votes, which go against the powerful and consensual message that we adopted by a large majority in committee.

15 Could it be that events over the summer have made you change your minds? I rather think that the intense lobbying carried out in recent days by the large-scale distribution sector and certain operators in the agri-food industry is the reason for the excessive number of separate votes. In any case, I cannot imagine, ladies and gentlemen, that you would give in to such pressure in order to weaken our common message.

Our committee has taken stock of the crisis affecting European farmers. It intends to
20 propose concrete, strong measures: in less than 10 years, the Union has lost 3.5 million farming jobs. It is a massacre on a terrible scale. Bulgaria, for example, has lost one in two farmers. In 2009, revenues plummeted. In France and Germany, farmers have lost 20% of their revenue on average, and in Hungary, they have lost more than 35%. Farming and rural communities

25 are in danger of disappearing.

Forced as it was by the exasperation of farmers and by the demonstrations of dairy cattle breeders, in December 2009, the European Commission published a communication entitled, 'A better functioning food supply chain in Europe'. The latter shows that, between 1995
30 and 2005, the proportion of the added value of the food chain that went to agricultural producers decreased from 31% to 24%. The prices paid to farmers are falling in virtually every sector, without European consumers benefiting as a result.

The Commission says that these problems are linked to increased concentration in the wholesale, processing and distribution sectors, which impose their will on unorganised producers.

35 The Commission is concerned about the lack of transparency in relation to pricing and margins. It recognises the difficulty in obtaining precise and reliable data, and admits that it does not have the information it needs to adapt its policies quickly and effectively.

To remedy this, I propose that the Commission creates a European farm prices and margins observatory, on the model of that which exists in the United States. This body will be

5. Bové here refers to a more general debate, which took place on 7 July 2010, about the future of the common agricultural policy. George Lyon was the rapporteur for the Committee on Agriculture and Rural Development.

40 responsible for defining European farmers' production costs. It will tell us the real costs of a litre of milk, a kilo of wheat or a kilo of beef from the moment it leaves the farm. This information will serve as a basis for negotiations between farmers and the other operators in the food chain. This body will also be responsible for assessing which sectors claim all the added value, to the detriment of producers and consumers.

45 The European Commission would thus be able to identify which operators are abusing the balance of power and abusing their dominant position. It also seems crucial to make the 20 largest European companies draft an annual report on their market share and the internal margins they generate.

50 Transparency poses no threat to the market economy. On the contrary, it is an absolute necessity in order to prevent the abuses that have been observed in agriculture and in many other sectors, in particular, that of finance.

Who can claim that, when farmers sell their milk or their meat, they are on an equal footing with multinationals, which influence commodity price building on the global markets? The balance of power is completely unbalanced, and some would say unfair.

55 In order to restore the balance, a first emergency measure would be to allow farmers to come together within producers' organisations. The second, additional measure involves prohibiting selling of goods below purchase price at Community level.

60 Forced discounts, subsequent alterations to contract terms, and unjustified listing fees are a common occurrence. They are hitting farmers and the thousands of small and medium-sized processing companies hard, because they have to go through the large-scale distribution sector in order to sell their products. The European Commission must take stock of the extent of these anti-economic practices, and it must take the measures required to stop them.

65 Lastly, speculation on agricultural commodities is a scourge. Financiers and speculators are looking for instant rewards and instant profits. For them, poverty, hunger, and famine are synonymous with profits. We did not think that we would relive the 2008 riots, but we could not have been more mistaken. Since June, the price of wheat has risen by more than 70%. The prices of maize, soya and rice are also on the increase. Last week, seven people were killed in Maputo, Mozambique, for demonstrating against the 30% increase in food prices.

70 Are we going to continue to stand by and do nothing, as we did two years ago? Are we going to continue to put up with investment banks bankrupting European farmers and crushing the men and women of our planet?

I call on the European Union to take the initiative to create a global agency to regulate the markets.

75 Madam President, Commissioner, ladies and gentlemen, I invite you to send out a strong message so that the new CAP is fairer for European farmers and consumers and so that there is fair competition between operators which allows for the creation of a framework for regulating the markets and which gives short shrift to speculators. It is the responsibility of the European Parliament, as it prepares to exercise its joint decision-making power in
80 agricultural matters, not to submit to any pressure, from wherever it may come. Our message must remain clear and consistent.

In his opening speech, the rapporteur presents the background of the report and its most important points: a series of proposals to make the food chain a fairer process. The Committee on Agriculture and Rural Development found that the various

proposals made in the report could be sure of a very large agreement; 32 committee members were in favour of the proposals, while only 4 were against. In spite of this big majority, certain MEPs asked to vote on a long list of separate issues. Because of the overwhelming majority of proponents of the proposals, Bové expresses first his annoyance about this plea for a vote. In the remainder of his opening speech, he explains the existing problems and presents the proposals made by the committee. His opening speech is the longest contribution to the debate. It is almost 1000 words, while the longer contributions by other MEPs are 300 to 400 words.

In order to give an idea of the kind of reactions the rapporteur anticipates in his opening speech, we give an overview of the follow-up of his speech in the plenary session. In total, there are 46 reactions from MEPs. The overview in Table 1 shows the division of the reactions to the proposal.

Table 1. Number of participants to the debate per political group with number of proponents and opponents

PPE	(<i>Group of the European People's Party</i> ; Christian democrats) pro: 16, con: 2
S&D	(<i>Socialists and Democrats</i> ; social democrats) pro: 11, con: 0
ALDE	(<i>Alliance of Liberals and Democrats for Europe Party</i> ; liberals) pro: 3, con: 1
NI	(<i>Non-Inscrits</i> ; members who do not belong to one of the groups) pro: 3, con: 1
ECR	(<i>European Conservatives and Reformists</i> ; conservatives, Eurosceptics) pro: 1, con: 2
GUE/NGL	(<i>European United Left/Nordic Green Left</i> ; socialists and communists) pro: 3, con: 0
EFD	(<i>Europe of Freedom and Democracy</i> ; right wing, Eurosceptics) pro 1, con: 1
Verts/ALE	(<i>The Greens/European Free Alliance</i> ; greens) pro: 1, con: 0

As Table 1 makes clear, there are 40 MEPs who are in favour of the proposals or in favour of them with some reservations. In their reactions, the proponents of the proposals mostly point to the seriousness of the problems that are mentioned by the rapporteur. In many cases they defend the claim that the problems exist and that they are serious by presenting examples. In doing so they refer regularly to the situation in member states. Marian Harkin (ALDE) is one of them:

There is a problem, a real problem. We know this from our own Member States. Indeed, a recent survey in Ireland revealed that 74% of consumers believe that farmers do not receive a fair price for their produce. In Ireland, farmers receive approximately 33% of the retail price of milk, 50% of the retail price of beef and 20% of the retail price of cheese. But we also know this is true at EU level, as Commission research explicitly shows that, since 1995, the only actors in the food supply chain whose share of the retail price has been decreasing are the primary producers, or the farmers.

Some proponents welcome the proposals made in the report but, at the same time, believe much more should be done. A case in point is the reaction by Jacky Hénin of the GUE/NGL Group:

[...] This text is full of fine resolutions and it presents some interesting proposals, even if it artfully sidesteps the underlying causes that led to the current disaster and, therefore, the radical solutions to be implemented. The problem is not just one of ensuring that farmers and agricultural workers – the ones overlooked most by this resolution – earn a fair income; rather, it is about achieving a level of income and of remunerative prices that enables all those in the agricultural sector to finally make a living from their work. [...] This report is along the right lines, but more progress still needs to be made.

In total there are 6 MEPs who clearly oppose the proposals presented in the report. Most of them acknowledge the existence of problems to a certain degree, but do not agree with the proposed measures. James Nicholson (NI) is one of them:

There are undoubtedly certain problems in Europe's food supply chain. [...] In this regard, I agree with Mr Bové that there are problems which have to be addressed in order to achieve a balance between fairness and profitability. However, I do not entirely agree with the suggestions in Mr Bové's report as to how to rectify this imbalance and, in this regard, I have tabled an alternative resolution on behalf of my group.

Most opponents believe that the proposals amount to committing Europe to planned economy. This view is put forward by Britta Reimers (ALDE):

Unfortunately, the rapporteur has focused on the old instruments of agricultural policy. He believes that farmers' incomes can be improved by regulating supply in the manner of a planned economy. Experience tells us that planned economies go hand in hand with greater bureaucracy, but our farmers want to produce – they do not want more paperwork. Measures that are not based on the basic principles of a social market economy have failed in the past. A planned economy has not worked in the agricultural sector in recent decades.

Astrid Lulling (PPE) even goes as far as comparing the plans with Soviet economy:

We still live in the European Union, not in a Soviet Union – and we do not want to create such a thing in this area. As we all know, the Soviet Union's system was not capable of feeding its population properly and did not allow farmers to go about their business freely. I therefore reject all of Mr Bové's prescribed treatments that are incompatible with our system of a social market economy – which may not be perfect, but is certainly superior. Thankfully, we in Europe do not have to deal with the spectre of imperialist conspiracies.

6.3 Analysis of the argumentative discourse in the opening speech

6.3.1 The analytically relevant argumentative moves

The opening speech by the rapporteur is clearly argumentative. It not only contains the proposals made by the committee, but also provides argumentation in defence of these proposals. In this sub-section an analytic overview of the opening speech is presented.

a. *The difference of opinion*

In his opening speech, the rapporteur puts forward four separate standpoints connected through a common theme: the bad position of farmers, not only in Europe but also elsewhere. The first standpoint is about a proposal that aims at making the European food chain more transparent. The remainder of the proposals involve concrete short term measures to improve the position of farmers.

Because four different issues are raised, the difference of opinion is multiple. In the plenary sessions in the European Parliament in which a Commission proposal is discussed, there are usually MEPs in favour of the proposal(s) presented by the rapporteur and also MEPs who are against them. This is also the case in our example. The difference of opinion under discussion here is therefore mixed. This goes for all four standpoints at issue.

When identifying the parties in this mixed-multiple difference of opinion, we also need to include the rapporteur. The rapporteur is not only responsible for presenting the committee's position, in his opening speech he also argues for this position. This means that the rapporteur can be seen as the main proponent of the proposals that are discussed in Parliament. If we regard the opening speech of the rapporteur in our analysis as the point of departure of the discussion, there is a multiple mixed difference of opinion between the rapporteur together with the MEPs who are in favour of the proposal and the MEPs who are against it.

The standpoints can be found in lines 7–11, when the rapporteur announces the positions of the committee without going into details about the actual proposals. Referring to standpoint 1, the rapporteur states that we need a more transparent food plan that guarantees fair competition. He refers to standpoints 2–4 when he mentions the “concrete measures [...] to combat speculation and abuses of market power and to safeguard farmers' revenues”. Later the standpoints are presented in a more specific way: the concrete proposals are made in lines 38–39 (standpoint 1), 55–57 (standpoints 2 and 3), and 73–74 (standpoint 4).

b. *The point of departure*

The first part of the opening stage runs from line 1 to line 6. In this part the rapporteur provides some background information regarding the report that will be discussed that day. The opening stage continues in lines 12–19. In that part, the rapporteur raises a point of order by criticizing the fact that some political groups have asked to vote “on a long list of separate votes”. This request will make the decision procedure much less efficient.

c. *The argumentation structure*

The arguments can be found in lines 20–37, 39–54, and 58–72. The argumentation structure for standpoint 1, which is analysed below, is rather complex. In order to keep it clear, we have split up the argumentation structure for standpoint 1 in several parts. The argumentation structures for standpoints 1, 2, 3, and 4 are presented below in the normal fashion.

Argumentation structure standpoint 1, main level

1 The Commission should create a European farm prices and margins observatory on the model of that which exists in the United States

1.1a Creating such an observatory leads to more transparency regarding pricing and margins

1.1b More transparency is badly needed

(1.1a–1.1b') (If more transparency is badly needed and creating an observatory leads to more transparency, the Commission should create a farm prices and margins observatory)

(1.1a–1.1b').1 Transparency poses no threat to the market economy observed in agriculture and in many other sectors, in particular, that of finance

Argumentation structure standpoint 1, sub-level for 1.1a

1.1a Creating such an observatory leads to more transparency regarding pricing and margins

1.1a.1a This body will be responsible for defining European farmers' production costs, it will tell us the real costs of a litre of milk, a kilo of wheat or a kilo of beef from the moment it leaves the farm

1.1a.1b This body will be responsible for assessing which sectors claim all the added value, to the detriment of producers and consumers

1.1a.1c This body could demand of the 20 largest European companies to draft an annual report on their market share and the internal margins they generate

Argumentation structure standpoint 1, sub-level for 1.1b

1.1b More transparency is badly needed

1.1b.1a There is a crisis affecting European farmers; it is a massacre on a terrible scale

(1.1b.1b) (Making the food chain more transparent will solve this problem)

Argumentation structure standpoint 1, sub-sub-level for 1.1b.1a

1.1b.1a There is a crisis affecting European farmers; it is a massacre on a terrible scale

1.1b.1a.1 Farming and rural communities are in danger of disappearing

1.1b.1a.1.1a In less than 10 years, the Union has lost 3.5 million farming jobs

1.1b.1a.1.1a.1 Bulgaria, for example, has lost one in two farmers

1.1b.1a.1.1b The prices paid to farmers are falling in virtually every sector, without European consumers benefiting as a result

1.1b.1a.1.1b.1a Between 1995 and 2005, the proportion of the added value of the food chain that went to agricultural producers decreased from 31% to 24%

1.1b.1a.1.1b.1a.1 This is according to the publication 'A better functioning food supply chain in Europe' by the Commission

1.1b.1a.1.1b.1b In 2009, revenues plummeted

1.1b.1a.1.1b.1b.1a In France and Germany, farmers have lost 20% of their revenue on average

1.1b.1a.1.1b.1b.1b In Hungary, farmers have lost more than 35% of their revenue on average

Argumentation structure standpoint 1, sub-sub-level for 1.1b.1b

(1.1b.1b) (Making the food chain more transparent will solve this problem)

(1.1b.1b).1a The Commission admits that it does not have the information it needs to adapt its policies quickly and effectively

(1.1b.1b).1b The Commission says that the problems are linked to increased concentration in the wholesale, processing and distribution sectors, which impose their will on unorganised producers

(1.1b.1b).1a.1 The Commission recognizes the difficulty in obtaining precise and reliable data

Argumentation structure standpoint 2

2 Farmers should be allowed to come together within producers' organisations

2.1a The balance of power is completely unbalanced, and some would say unfair
(2.1b) (Allowing farmers to come together within producers' organisations will help restore the balance of power)

2.1a.1 When farmers sell their milk or their meat, they are not on an equal footing with multinationals, which influence commodity price building on the global markets

Argumentation structure standpoint 3

3 Selling goods below purchase price at Community level should be prohibited

3.1a Anti-economic practices such as forced discounts, subsequent alterations to contract terms, and unjustified listing of fees are a common occurrence and are hitting farmers and the thousands of small and medium-sized processing companies hard

(3.1b) (This prohibition will stop anti-economic practices)

3.1a.1 They have to go through the large-scale distribution sector in order to sell their products

Argumentation structure standpoint 4

4 The European Union has to take the initiative to create a global agency to regulate the markets

4.1a Speculation on agricultural commodities is a scourge

(4.1b) (A global agency can control speculation on agricultural commodities)

4.1a.1a Financiers and speculators are looking for instant rewards and instant profits

4.1a.1a.1 For them, poverty, hunger and famine are synonymous with profits

4.1a.1b There is a chance we will relive the 2008 riots

4.1a.1b.1a Since June, the price of wheat has risen by more than 70%

4.1a.1b.1b The prices of maize, soya and rice are also on the increase

4.1a.1b.1c Last week, seven people were killed in Maputo, Mozambique, for demonstrating against the 30% increase in food prices

d. *The outcome*

The concluding stage can be found in lines 75–81 where the rapporteur ends his opening speech as follows: “Madam President, Commissioner, ladies and gentlemen, I invite you to send out a strong message so that the new CAP is fairer for European farmers and consumers and so that there is fair competition between operators which allows for the creation of a framework for regulating the markets and which gives short shrift to speculators.” The rapporteur presents his conclusion and urges the audience not to give in to external pressure.

6.3.2 The dialectical routes

The analytic overview reveals that the rapporteur defends in his opening speech four separate standpoints, relating to four policy proposals. Each of the four standpoints is prescriptive in nature. The first standpoint involves a long proposal: 1 *The Commission should create a European farm prices and margins observatory on the model of that which exists in the United States*. The remaining three standpoints are about concrete measures that need to be taken: 2 *Farmers should be allowed to come together within producers’ organisations*; 3 *Selling goods below purchase price at Community level should be prohibited*; and 4 *The European Union has to take the initiative to create a global agency to regulate the markets*. The arguer goes at great lengths to make sure that the proposals are seen as a whole: there should not be voting on elements. Analytically speaking, however, each of these points is a stand-alone proposal; the proposals do not reinforce each other. Each of them is also defended separately, having its own line of defence. This is reflected in the

reactions to the proposals of the MEPs. Some agree to all proposals, but there are also Members who disagree with one proposal while agreeing with others. The contributors to the debate apparently take the difference of opinion as multiple. All four prescriptive standpoints refer directly to a new policy that should be adopted by the Commission or the EU.

Standpoint 1 *The Commission should create a European farm prices and margins observatory on the model of that which exists in the United States* is defended by a coordinative argumentation consisting of two parts: a causal statement that this observatory leads to more transparency (1.1a) and the problem statement that the present lack of transparency is problematic (1.1b). This coordinative complex is called *complex problem-solving argumentation* and can in this case be seen as a variant of pragmatic argumentation which is also known as *complex pragmatic argumentation*. The bridging argument 1.1a–1.1b' *If more transparency is badly needed and creating an observatory leads to more transparency, the Commission should create a farm prices and margins observatory* is defended by argument (1.1a–1.1b').1 *Transparency poses no threat to the market economy observed in agriculture and in many other sectors, in particular, that of finance, which is symptomatic in nature.*

Both the explicit arguments in this coordinative complex are defended. The causal statement by coordinative argumentation consisting of three causal arguments that indicate how this observatory would lead to more transparency (1.1a.1a.&1.1a.1b&1.1a.1c). Argument 1.1b *More transparency is badly needed* is defended by complex problem-solving argumentation consisting of 1.1b.1a *There is a crisis affecting European farmers; it is a massacre on a terrible scale* and 1.1b.1b *Making the food chain more transparent will solve this problem.*

Argument 1.1b.1a is defended by the causal argument 1.1b.1a.1 *Farming and rural communities are in danger of disappearing*. Argument 1.1b.1a.1 is defended by the cumulative coordinative arguments 1.1b.1a.1.1a *In less than 10 years, the Union has lost 3.5 million farming jobs*, which is symptomatic in nature, and 1.1b.1a.1.1b *The prices paid to farmers are falling in virtually every sector, without European consumers benefiting as a result*, which is causal in nature: it provides the cause of the disappearing of farming and rural communities. Argument 1.1b.1a.1.1a is defended by 1.1b.1a.1.1a.1 *Bulgaria, for example, has lost one in two farmers*, which is an argument by example. Argument 1.1b.1a.1.1b is defended by coordinative argumentation consisting of cumulative arguments by example 1.1b.1a.1.1b.1a *Between 1995 and 2005, the proportion of the added value of the food chain that went to agricultural producers decreased from 31% to 24%* and 1.1b.1a.1.1b.1b *In 2009, revenues plummeted*. Argument 1.1b.1a.1.1b.1a is defended by 1.1b.1a.1.1b.1a.1 *This is according to the publication 'A better functioning food supply chain in Europe' by the Commission*, which is an argument by authority. Argument 1.1b.1a.1.1b.1b is defended by coordinative complex argumentation consisting of two cumulative

arguments by example: 1.1b.1a.1.1b.1b.1a *In France and Germany, farmers have lost 20% of their revenue on average* and 1.1b.1a.1.1b.1b.1b *In Hungary, farmers have lost more than 35% of their revenue on average.*

Argument 1.1b.1b *This crisis is caused by lack of transparency* is defended by the complementary coordinative argumentation consisting of the causal arguments 1.1b.1b.1a *The Commission admits that it does not have the information it needs to adapt its policies quickly and effectively* and 1.1b.1b.1b *The Commission says that the problems are linked to increased concentration in the wholesale, processing and distribution sectors, which impose their will on unorganised producers.* Argument 1.1b.1b.1a is defended by causal argument 1.1b.1b.1a.1 *The Commission recognizes the difficulty in obtaining precise and reliable data.*

Summarizing, standpoint 1 is on the main level defended by problem-solving argumentation. There is a problematic lack of transparency and the introduction of an observatory can solve this problem. The lack of transparency is problematic because it leads to a crisis in the agricultural sector throughout Europe. This crisis consists of many farmers disappearing and is caused by the extremely low revenues for farmers. The Commission has no insight in the food chain which prevents them from tracing the real cause of the low revenues. In this complex, the defence of the problem statement gets most attention. The problem statement is defended by showing that the crisis is a pan-European problem and has severe consequences. In this defence, the rapporteur relies mostly on causal argumentation and arguments by example.

Standpoint 2 *Farmers should be allowed to come together within producers' organisations* is defended by coordinative argumentation consisting of argument 2.1a *The balance of power is completely unbalanced, and some would say unfair* and 2.1b *Allowing farmers to come together within producers' organisations will help restore the balance of power.* This complex argumentation amounts to complex problem-solving argumentation. Argument 2.1a, the problem statement, is defended by causal argument 2.1a.1 *When farmers sell their milk or their meat, they are not on an equal footing with multinationals, which influence commodity price building on the global markets.*

Standpoint 3 *Selling goods below purchase price at Community level should be prohibited* is also defended by complex problem-solving argumentation. This coordinative complex consists of argument 3.1a *Anti-economic practices such as forced discounts, subsequent alterations to contract terms, and unjustified listing of fees are a common occurrence and are hitting farmers and the thousands of small and medium-sized processing companies hard,* which is the problem statement, and argument 3.1b *This prohibition will stop anti-economic practices,* the causal statement. Argument 3.1a is defended by causal argument 3.1a.1 *They have to go through the large-scale distribution sector in order to sell their products.*

Finally, standpoint 4 *The European Union has to take the initiative to create a global agency to regulate the markets* is, as the other standpoints, defended by complex problem-solving argumentation. This coordinative argumentation consists of the problem statement 4.1a *Speculation on agricultural commodities is a scourge* and the causal statement 4.1b *A global agency can control speculation on agricultural commodities*. Argument 4.1a is defended by cumulative coordinative argumentation: 4.1a.1a *Financiers and speculators are looking for instant rewards and instant profits* and 4.1a.1b *There is a chance we will relive the 2008 riots*. Argument 4.1a.1a is defended by causal argument 4.1a.1a.1 *For them, poverty, hunger and famine are synonymous with profits*. Argument 4.1a.1b is defended by cumulative coordinative argumentation 4.1a.1b.1a *Since June, the price of wheat has risen by more than 70%*, 4.1a.1b.1b *The prices of maize, soya and rice are also on the increase*, and 4.1a.1b.1c *Last week, seven people were killed in Maputo, Mozambique, for demonstrating against the 30% increase in food prices*. All three components of this coordinative argumentation are arguments by example.

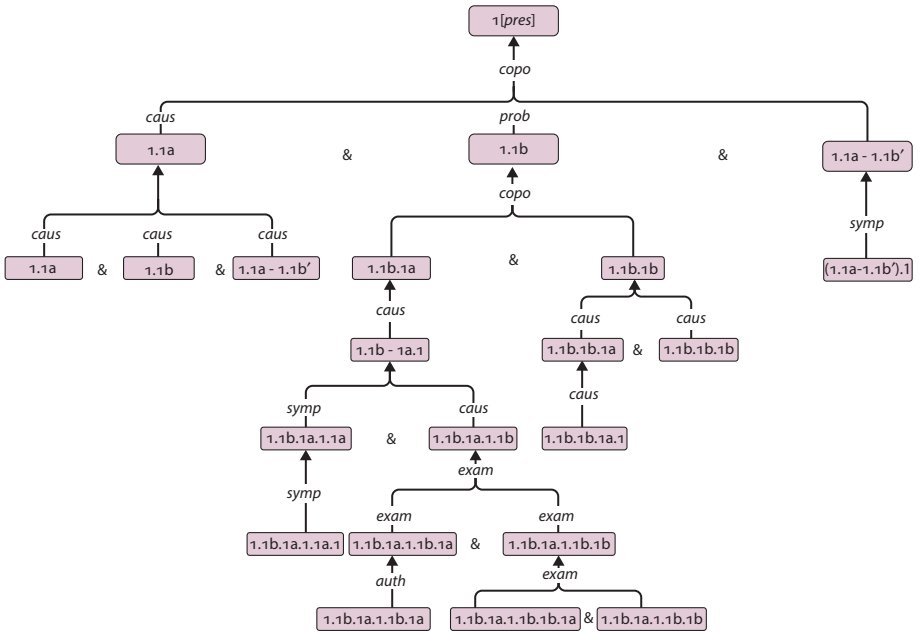
In conclusion, we can observe that in defence of the four standpoints, the rapporteur makes use of complex problem-solving argumentation. In defence of the problem statement, he uses causal argumentation and argumentation by example. In defence of the causal statement, the rapporteur uses mostly causal argumentation, and to a lesser extent symptomatic argumentation.

The argumentative patterns that go with the four standpoints are presented in Figures 6.1a–6.4a using the standardised notation. The dialectical routes that are taken in the defence are portrayed in Figures 6.1b–6.4b.

1[*pres*](\langle 1.1a[*caus*](\langle 1.1a.1a[*caus*]&1.1a.1b[*caus*]&1.1a.1c[*caus*])&1.1b[*prob*]
 (\langle 1.1b.1a[\langle 1.1b.1a.1[*caus*](\langle 1.1b.1a.1.1a[*symp*](\langle 1.1b.1a.1.1a.1[*exam*])&1.1b.1a.1.1b[*caus*]
 (\langle 1.1b.1a.1.1.1a[\langle 1.1b.1a.1.1b.1a.1[*auth*])&1.1b.1a.1.1b.1b[\langle 1.1b.1a.1.1b.1b.1a[*exam*]
 &1.1b.1a.1.1b.1b.1[*exam*]))&1.1b.1b[\langle 1.1b.1b.1a[*caus*](\langle 1.1b.1b.1a.1[*caus*])&1.1b.1b.1b[*caus*]))[*copo*]
 o]&1.1a-1:1b'(\langle 1.1a-1.1b'.1[*symp*]))[*copo*]

[...] = *belonging to the type of*
 < = *is supported by*
 & = *coordinative argumentation*
auth = *argument from authority*
caus = *causal argumentation*
copo = *complex problem-solving argumentation*
exam = *argument by example*
pres = *prescriptive standpoint*
prob = *problem statement*
symp = *symptomatic argumentation*

Figure 6.1a Argumentative pattern for standpoint 1 (main level)



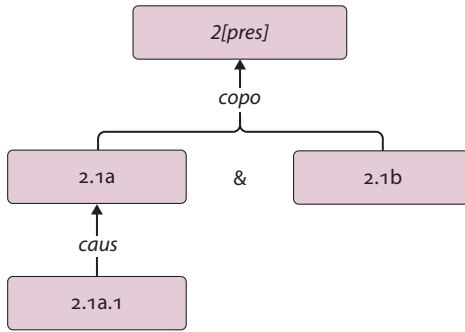
- [...] = belonging to the type of
 & = coordinative argumentation
 auth = argument from authority
 caus = causal argumentation
 copo = complex problem-solving argumentation
- exam = argument by example
 pres = prescriptive standpoint
 prob = problem statement
 symp = symptomatic argumentation

Figure 6.1b Dialectical route in defence standpoint 1

2[pres]<((2.1a<2.1a.1[caus])&2.1b)[copo]

- [...] = *belonging to the type*
 < = *is supported by*
 & = *coordinative argumentation*
 caus = *causal argumentation*
 copo = *complex problem-solving argumentation*
 pres = *prescriptive standpoint*

Figure 6.2a Argumentative pattern for standpoint 2



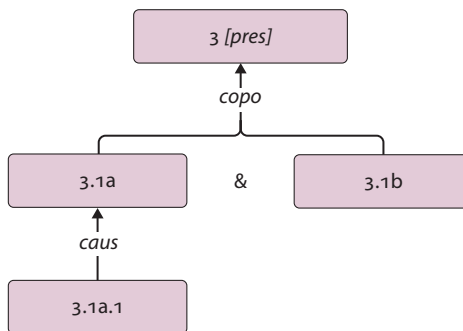
[...] = belonging to the type of *copo* = complex problem-solving argumentation
 & = coordinative argumentation *pres* = prescriptive standpoint
caus = causal argumentation

Figure 6.2b Dialectical route in defence standpoint 2

3[*pres*](<3.1a(<3.1a.1[*caus*])&3.1b)[*copo*]

[...] = *belonging to the type of*
 < = *is supported by*
 & = *coordinative argumentation*
caus = *causal argumentation*
copo = *complex problem-solving argumentation*
pres = *prescriptive standpoint*

Figure 6.3a Argumentative pattern for standpoint 3



[...] = *belonging to the type of* *copo* = *complex problem-solving argumentation*
 & = *coordinative argumentation* *pres* = *prescriptive standpoint*
caus = *causal argumentation*

Figure 6.3b Dialectical route in defence standpoint 3

4[*pres*](<4.1a(<4.1a.1a(<4.1a.1a.1[*caus*])&4.1a.1b)[*caus*](<4.1a.1b.1a&4.1a.1b.1b)[*caus*])&4.1b)[*copo*]

[...] = *belonging to the type of*

< = *is supported by*

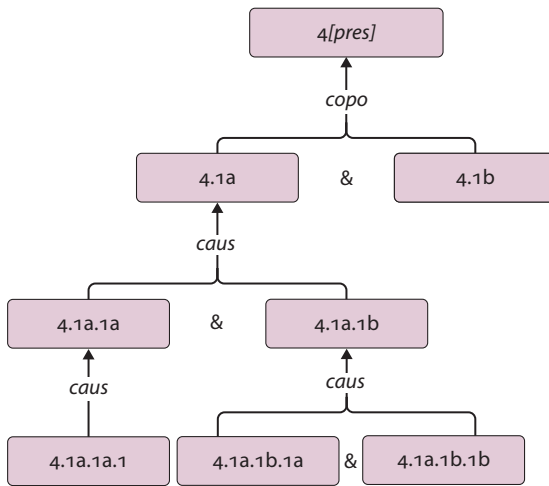
& = *coordinative argumentation*

caus = *causal argumentation*

copo = *complex problem-solving argumentation*

pres = *prescriptive standpoint*

Figure 6.4a Argumentative pattern for standpoint 4



[...] = *belonging to the type of*

& = *coordinative argumentation*

caus = *causal argumentation*

copo = *complex problem-solving argumentation*

pres = *prescriptive standpoint*

Figure 6.4b Dialectical route in defence standpoint 4

6.3.3 The strategic considerations

In the opening speech four standpoints are defended:

1. The Commission should create a European farm prices and margins observatory on the model of that which exists in the United States
2. Farmers should be allowed to come together within producers' organisations
3. Selling goods below purchase price at Community level should be prohibited
4. The European Union has to take the initiative to create a global agency to regulate the markets

In each of these prescriptive standpoints a specific proposal is made for the regulation of the European agricultural sector. For the defence of the standpoints the rapporteur uses in each case the same strategy. First, he makes sure that the audience is convinced that the current situation is problematic. Next, he proposes the measures aimed at solving the problems. The argumentation for these standpoints consists in each case of complex problem-solving argumentation on the main level of the rapporteur's defence and sometimes also on the sub-level.

Problem-solving argumentation offers a clear rationale for accepting the proposal. More importantly, it is the means of defence that is to be expected in the context of a legislative discussion in the European Parliament. MEPs (like their colleagues in national parliaments) are not likely to accept a new regulation if it is not clear why this regulation would be necessary. By going into the existing problems, the rapporteur aims to show that immediate action is necessary.

In his use of problem-solving argumentation the rapporteur chooses to concentrate on the problems while leaving the efficacy of the proposals largely implicit. Furthermore, he chooses not to talk about possible alternative proposals and hardly goes into unwanted side-effects. In other words, the rapporteur does not anticipate any other critical questions pertaining to problem-solving argumentation than those about the problem(s). The intended effectiveness of the argumentation relies for the most part on the fact that the audience fully understands the seriousness of the situation in which the European agricultural sector finds itself.

The audience needs to see that immediate action is necessary. From the realisation that this is the case, they should deduce that the proposed measure is the logical solution; no alternatives are to be considered, because they are not regarded worth mentioning. After understanding the necessity of the interventions, further debate about these interventions should not be necessary.

In arguing for the fact that problems exist, the rapporteur defends the 'existential presupposition' going with an adequate use of this type of argumentation that the problematic situation exists throughout Europe. At the same time, he defends the 'normative presupposition' that this situation is to a large extent unwanted by pointing at the consequences of leaving the current situation unchanged.

In presenting the problems, the following two strategic considerations are important. First, it is reasonable and effective to expect that the audience will be prepared to accept the proposals that are defended if it is clear to them that the problems to be dealt with are relevant to European policy making. This means that the problems should be such that, in principle, they can and should be solved by intervention of the European Union. The problems should also be European in a different sense: each of them needs to be a structural problem throughout Europe. If they exist only in one nation state, it is unlikely that the MEPs will agree with introducing European regulation to tackle this national problem.

A second strategic consideration has to do with the fact that for reaching a majority of votes, the rapporteur cannot just rely on the left or the right side of the parties in Parliament. He will need a broad adherence from his audience and this means that he will aim to convince voters from the big parties in the centre (Christian democrats, social democrats and, less important, liberals). The second strategic consideration therefore is that the rapporteur's intervention will be reasonable and effective if the problems he mentions are such that they appeal both to the moderate left and the moderate right.

An assumedly shared material starting point in implementing these strategic considerations in the discourse is the normative presumption that the situation described by the rapporteur and the committee is indeed very undesirable and unwanted. This assumption plays an important role in the rapporteur's defence of his explicit statement that there is a crisis. The commonality of the normative material starting point that the European agricultural sector is valuable and should not disappear is taken for granted. The rapporteur and the committee believe that the audience will be in favour of a strong European agricultural sector.

6.4 The argumentative style of the rapporteur's opening speech

6.4.1 Characteristics of the confrontational argumentative style

In what follows, we will characterize the argumentative style utilised by the rapporteur in his opening speech. In doing so, we will take into account the three dimensions of argumentative style: topical selection, adaption to audience demand, and exploitation of presentational devices. We start with the confrontation stage of the argumentative process.

Topical selection

In the rapporteur's opening speech the standpoints are announced at the very beginning of his opening speech and much later (retrospectively) presented in a concrete form. The initial situation starts at the beginning of the speech.⁶ In line 7 the rapporteur states: "I believe that our message to the Commission is a powerful one: we all want greater transparency in the food chain and legislation that guarantees fair competition between farmers and all operators in the food chain. We also want concrete measures, in Europe and elsewhere, to combat speculation and abuses of market power and to safeguard farmers' revenues". In this announcement, the

6. Strictly speaking, the actual standpoints are not really presented here, but merely announced in expressing the intention of solving the problems involved.

actual measures are not yet mentioned. Starting in line 38, the rapporteur presents the concrete proposals.

The selection of these proposals ensues for the most part from what is decided in the committee. This is what has been discussed among the members of the committee and what they agreed up on. In this announcement of the positions taken by the committee, the rapporteur makes a division between the long-term proposal and the concrete measures that need to be implemented as soon as possible. In choosing from the topical selection in this way, the rapporteur covers most possibilities: there will not only be a plan that tackles the structural problems in the sector but also a direct cure for the most pressing problems the farmers in Europe are facing.

Another interesting topical choice can be found in standpoint (1): the observatory that will be installed is modelled on “what exists in the United States”. This addition enables Bové to show that this kind of institution is elsewhere already in place, without having to present comparison argumentation (the addition is part of the standpoint). Advancing comparison argumentation would come with the extra burden of showing that it actually works in the US and that the US are comparable with Europe (*quod non* in many ways). Mentioning the US may also anticipate the criticism that this kind of political interference will lead to plan economy of the Soviet type. As we have seen, such criticism was to be expected and is indeed more than once raised by opponents in the debate that followed.

Audience demand

In selecting the four standpoints, the rapporteur adapts at the same time to audience demand. By making this division, he caters not only to members of the audience who prefer concrete plans and do not believe in a long-term plan that will involve a lot of bureaucracy, but also to members who believe in structural measures. Also, the Members of Parliament who agree to the long-term plan but are afraid that this will not help the farmers in the short run are satisfied by this series of standpoints. Standpoint 4, the call on the EU to take the initiative to create a global agency to regulate the markets, is the weakest and the vaguest of all proposals that are made. No attempts are made to make clear what kind of agency it will be; only the intention to do something on a global scale is expressed. This standpoint seems to be put forward in anticipation of criticism by MEPs who want to put the problem in a global perspective. It involves a very general intention to look at possibilities for a wider (global) view on agricultural problems.

Exploitation of presentational devices

When it comes to the presentational dimension, the specific placement of the standpoints in the text is interesting. The announcement of the standpoint takes place at the beginning of the speech (in lines 7–11), but this part of the initial situation

does not contain the specific proposals. First, the audience needs to be convinced of the problems and their urgency. Only then, are these people ready to accept the actual measures that are proposed. What is systematically foregrounded is the fact that there are serious problems that need to be tackled, not what measures need to be taken to solve these problems.

By means of the announcement, the rapporteur deliberately tries to create a specific impression: overall, we need greater transparency, together with concrete measures. That the plan and the measures are well-considered is underlined by the rapporteur's characterization of the committee's powerful position.

In the formulations of the standpoints, the use of personal pronouns is interesting. When expressing the standpoints, the rapporteur uses the possessive adjective "our" and the personal pronoun "we" (lines 7–8), but leaves it in the middle whether he refers to the members of his committee or to the MEPs. It seems clear that he cannot refer to the MEPs, but he does not explicitly refer to the committee either. By acting in this way, he suggests that the MEPs are already in agreement with the proposals.

The concrete standpoints are presented in such a way that they not only seem to be urgent, but also the most obvious and best (if not the only) solution to the problems: *To remedy this* (line 38); *A first emergency measure would be* (line 55); *The second, additional measure involves* (line 56).

To sum up, in the initial situation the rapporteur presents his standpoints as necessary, urgent and efficient measures that are acceptable to all who realise that the problems in the agricultural sector need to be solved. The standpoints are selected and presented in a rather business-like way: they are the outcome of deliberations of the committee and the audience does not really have a say in the selection of the issues.

6.4.2 Characteristics of the opening argumentative style

When describing the opening argumentative style, three separate aspects of the opening speech are relevant. First, the short description of the background of the debate (lines 4–6). Second, the material starting points put forward in the speech that are used in defence of the standpoints. Third, the opening remarks made in the parts where the rapporteur talks about the unwanted behaviour of MEPs who tried to initiate a plan to vote "on a long list of separate votes" (his point of order is raised in lines 12 to 19).

Topical selection

The topical selection made in the introduction to the report (line 4) is aimed at stressing the fact that the report is “part of a major debate on the reform of the common agricultural policy (CAP)”. The rapporteur thus makes clear that the report is not an ad hoc document of the European Parliament, but part of a larger discussion. In this way, he anticipates the audience’s criticism that this is just an accidental discussion initiated by the European Parliament. Next, he stresses the fact that the committee “managed to reach a large number of compromises, which have been adopted by a large majority in our group – by 32 votes to 4”. In doing so, he prepares the audience for the fact that what is to be presented is acceptable as it is.

Looking at the material starting points that are used in the defence of the standpoints, we can make a distinction between descriptive material starting points and normative material starting points. When it comes to the selection of the material starting points, the rapporteur has a strong preference for the use of statistics and figures that have a scientific and official flavour. The crisis in Europe is described by using concrete and precise numbers (line 20–25): the Union lost 3.5 million farming jobs; Bulgaria has lost one in two farmers; in France and Germany farmers have lost 20% of their revenue on average; in Hungary they have lost more than 35%. Next, information is presented that originates from the Commission’s communication ‘A better functioning food supply in Europe’ (lines 24–30).

Audience demand

The numbers and statistics provided will be taken as official and non-controversial. The starting points consist of facts that are directly verifiable and most likely acceptable to the MEPs, and norms that are equally acceptable. The descriptive material starting points are presented in figures and percentages, which gives them an air of precision and factuality. The normative starting points remain largely implicit. However, given the way the arguments for the problem statement are presented, the rapporteur expects that the audience will immediately agree with the basic values underlying the argumentation for the problem statement: the agricultural sector is an important part of the EU and both European farmers and consumers need to be protected.

In the paragraphs covered by lines 12–19, the rapporteur makes a point of order. One or two political groups have taken the initiative to vote on a long list of separate votes;⁷ the rapporteur speaks against this in a rather reproachful way. To his mind, voting on separate issues would weaken the proposal as a whole. Again, the rapporteur refers to the consensual message that was adopted by “a large

7. Judging from the reactions of MEPs in the actual debate, we may take it that this initiative came from the PPE (Christian Democrats) and members of ALDE (Liberals).

majority in committee”. He then expresses the suspicion that the members who want separate votes were influenced by the food lobby. In doing so, he relies on the idea that the MEPs are expected to come to an independent judgment and not to give in to external pressure.

Exploitation of presentational devices

When looking at the presentational dimension, it is striking that the rapporteur says ironically and rather paternalistically that he cannot imagine that MEPs “would give in to such pressure in order to weaken our common message”. The use of the possessive pronoun “our” may refer to the members of the committee, but it could also be that the rapporteur is referring to Parliament as a whole. His general message is that most MEPs will be in agreement with this report and its proposals, and only a few dissidents, who have been maliciously influenced by lobbyists, are sabotaging this urgent plan. The procedural starting points are about the attempts certain members undertook to have a vote on separate issues. The rapporteur condemns these attempts and calls for a manner of proceeding that is to be expected from Parliament: getting to a decision about the carefully prepared report without any external influence. In other words, he makes a call for objective, responsible, and independent decision making. In this call he presents the events in such a way that the proposal to vote about separate issues not only goes against the outcome of the committee votes, but also against procedural rules. The rapporteur sighs almost farther-like that he cannot believe that MEPs would give in to external pressure. This is one of the few personal parts of his opening speech. The rapporteur seems to be rather passionate about the independence of the European Parliament.

6.4.3 Characteristics of the argumentational argumentative style

Topical selection

The rapporteur’s topical selection in arguing for the four standpoints that are advanced is rather similar in all four cases. In defence of all of them he relies on complex problem-solving argumentation. In each case he addresses a serious problem in the food-chain and makes the claim that the proposed action will solve the problem. The topical selection that comes about in the subordinative argumentation is determined by a strong focus on the problems and to a much lesser extent on the effectiveness of the proposals.

The largest part of the opening speech is devoted to the problem statement. Much of the argumentation put forward is aimed at showing that there are problems, that these problems are serious and that they pertain to the whole EU. The rapporteur goes at great lengths to achieve one effect: the audience should be aware that these problems exist all over Europe and should be solved urgently.

By the use of causal argumentation, it is made clear to what kind of problems the lack of transparency leads. There is a crisis, farming and rural communities are in danger of disappearing. Farmers have lost large percentages of their revenues. This is not just a local problem; throughout Europe farmers encounter these difficulties. In order to give an impression of the scale of the problem, several examples are mentioned (France, Germany, Bulgaria, Hungary), thus providing a defence of the existential presupposition of the problem statement (Garssen 2017b: 12). The problem does not only arise in France and Germany, the EU's leading countries in the West, it also exists in the East.

The rapporteur hardly goes into possible counter-arguments to the problem-solving argumentation that is put forward on the main level and alternative proposals are not discussed. He only states that transparency does not pose a threat to the market economy but is – on the contrary – necessary.

The argumentation for standpoint 2 and for standpoint 3 is much less elaborate. In both cases the rapporteur uses problem-solving argumentation and in both cases the problem-statement is explicitly mentioned while the causal statement remains unexpressed and is not defended. The problem-statement is in both cases defended by just one argument. In fact, the argumentation put forward for standpoint 1 has already set the stage. It is not necessary to repeat all problems that play a part in the European agricultural sector, because it has been duly made clear that there is a crisis. Therefore it is already evident that the short term solutions proposed in standpoint 2 and 3 are necessary.

The topical selection for standpoint 4 *The European Union has to take the initiative to create a global agency to regulate the markets* also centres around the problem: the argumentation on the sub-level is put forward in defence of the problem statement (“Speculation on agricultural commodities is a scourge”). Again, no attention is paid to the efficiency and feasibility of the plan or to alternative solutions.

The dialectical routes chosen by the rapporteur in the defence of his standpoints are very similar. On the main level, he puts forward problem-solving argumentation. The problem-statement receives a lot of attention and the causal statement gets little or no defence. Alternative solutions and feasibility are not mentioned at all. Only once the rapporteur goes into possible side effects. In referring to the problems that are pestering the European agricultural sector, the rapporteur clearly chooses arguments that are easy to defend. By only mentioning the problems and the solution while steering away from more complicated matters, the topical selection is only oriented towards the goal of finding a solution.

Audience demand

This strong focus on the problems can at the same time be seen as an effective adaptation to audience demand. Only when it is clear that there is a real problem that falls within the responsibility of the European Union, new legislation or measures can be considered in the European Parliament. The problems should not only be severe enough, they should also constitute a real European problem. This is the reason why the rapporteur not only goes into the normative presupposition of the problem by pointing at the consequences of doing nothing about the current situation, but also into the existential presupposition by making clear that the problem exists throughout Europe. Furthermore, he adapts to audience demand by mentioning not only the social problems of individual farmers but also underlining the great importance of a strong agricultural sector. In doing so he addresses both the left and the right side of the political spectrum of the audience. In this way, the argumentation caters to all opinions in the centre of the political spectrum. With its stress on the problems of the producers, the rapporteur's argumentation steers clear from any political ideology. The three largest political groups in the European Parliament are the Christian democrats, the social democrats, and the liberals, and it is clear that the rapporteur cannot satisfy all political tastes. The rapporteur clearly chooses his battles. It is in the middle of the political spectrum that he can expect approval, not further to the left or the right. Political parties further to the left can be expected to say that the EU should intervene much more in the European market; politicians further to the right are expected to be against this kind of market interventions. To these extremes, the rapporteur has not much to offer; instead, he relies on the idea that everyone will want to solve the enormous problems that are described.

Exploitation of presentational devices

As indicated above, the order of presentation is such that the problems are presented first, and immediately after that the solutions. This order of presentation creates the suggestion that the solutions automatically follow from the problems. This suggestion is fortified by the total lack of mentioning of alternative solutions in the opening speech. In the presentation, the problems are foregrounded. Presentational devices are chosen in such a way that the problem is amplified by stressing its urgency. There is a "crisis", a "massacre on a terrible scale", "revenues plummeted", and communities are in "danger of disappearing". Overall, the tone of the speech is neutral and business-like. However, the use of these presentational devices is more emotional and personal.

6.4.4 Characteristics of the concluding argumentative style

Topical selection

In the final paragraph, a one-sided view of the outcome of the discussion is established. The conclusion starts with the following line: “I invite you to send out a strong message so that the new CAP is fairer for European farmers and consumers and so that there is fair competition between operators which allows for the creation of a framework for regulating the markets and which gives short shrift to speculators” (lines 75–78). In this concluding remark the rapporteur mainly repeats his first standpoint about the need for the creation of a framework for regulating the markets.

Audience demand and exploitation of presentational devices

With his “invitation”, the rapporteur avoids a phrasing like “it is clear that you should vote for this proposal”. Instead, the audience’s acceptance of the proposal is presupposed by wrapping this concluding remark up in an invitation. However, it is not an invitation to accept the standpoint(s), but an invitation to voice the standpoint(s) loud and clear. This way of presenting suggests that the audience is already in agreement with the standpoint. The only thing that still needs to be done is to send out a strong message. At the same time, the invitation can be seen as an adaptation to audience demand, since an invitation can be accepted or denied, so that it seems as if the audience can still decide for itself. In the process, the audience is nevertheless treated as a rather passive group that only needs to be encouraged to voice loud and clear the acceptable opinions.

By using the phrase “our message”, he makes it seem as if Parliament is already in agreement about the acceptability of the proposals. The rapporteur presents this call as if all MEPs have in principle one common position. MEPs who do not join the vast majority are portrayed as being influenced by external pressure. Their dissent goes against the responsibilities of the European Parliament. The rapporteur treats the outcome of the discussion as a factual matter.

6.5 Conclusion

Based on our description of the three dimensions of argumentative style in the opening speech, we can now come to a characterization of the argumentative style utilised in the rapporteur’s opening speech in the debate of the European Parliament about reforms in the European agricultural policy. In his role as a rapporteur, it is Bové’s aim to gain as much adherence as possible to the proposals made in the committee report. There was a large majority for the proposals in the committee,

but only when there is also a majority in the European Parliament, can the report be moved for assent to other bodies. It is particularly important that Parliament agrees with the report as a whole, not just with some parts of it.

In the initial situation, the rapporteur presents four separate proposals. One of them is a plan for setting up a European conservatory for the agricultural sector that should lead to more transparency in the food chain from farmer to consumer. Next, there are two standpoints relating to short term measures to protect farmers. The fourth standpoint pertains to a general and rather vague plan to combat global speculation in the food production sector. In the initial situation, the rapporteur presents his standpoints as necessary, urgent and efficient measures that will be acceptable to all who realise which problems need to be solved in the agricultural sector. The selection of standpoints is businesslike, because it is made clear that they are proposals which are the outcome of the work done in committee. The outcome of the committee's work is brought to the table and nothing else. In the initial situation the rapporteur also lives up to what the audience may expect: a clear and objective view of what the committee has decided. The outcomes of the committee's discussions and votes are presented in matter-of-fact formulations of the topics of discussion. This makes the confrontational argumentative style mostly detached.

In the next stage of the argumentative process, the material starting points are chosen in such a way that they can hardly be denied. They consist of verifiable facts which are presented matter-of-factly while the norms underlying the characterization of the current situation as problematic are expected to be generally acceptable. The underlying values related to the economic importance of the European agricultural sector and the rights and interests of both farmers and consumers will generally be found acceptable. The audience in the European Parliament will most likely accept the sources that are mentioned right away. The material starting point are presented in a forthcoming and accurate way. Where possible, dates and statistics are mentioned. Because of these characteristics, the opening argumentative style is predominantly detached.

For his defence of each of the standpoints in the empirical counterpart of the argumentation stage, the rapporteur employs problem-solving argumentation. On the main level of the defence, he points at a problem that exists in the European and/or global agricultural sector and argues that this problem will be solved by the plans presented in the proposals. We have made clear that the rapporteur chooses to focus on defending the problem statement. He consistently points at the main aim of the proposals he is defending of solving the problems that exist. The use of problem-solving argumentation offers a clear rationale for accepting the standpoints at issue. When the existing problems are stressed, the problem-solving argumentation consists mainly of arguments that must secure that the audience becomes convinced that action is needed. By this particular topical selection, it is

suggested that these are the best, if not the only, possible solutions to the problems. No alternative plans are considered, and no side effects of any of the solutions are presented.

The arguments are mostly aimed at pointing out the urgency of the measures that are proposed. Because it is made clear that the problems should be solved and will be solved by the measures, the arguments have a clear rationale. By putting forward these arguments, the audience is addressed in such a way that if the MEPs accept the urgency of the situation, they will also accept the necessity of the implementation of the proposals. In the presentational dimension of argumentative style, the arguments are advanced in an objective fashion, although once in a while more personal statements are used to stress the urgency of the situation. When taken together, these characteristics make the argumentational argumentative style predominantly detached, while the rapporteur occasionally makes use of an engaged argumentative style when his personal concerns seem to come to light.

In the concluding part of the opening speech the rapporteur makes it clear, albeit in an indirect fashion, that the proposed policies should be accepted. Without further ado he invites the audience to “send out a strong message”. This implies that he considers the reasons provided enough to come to the conclusion that the MEPs need to adopt the proposals that are made. This is done in a rather matter-of-factly fashion. With some reservation, the concluding argumentative style can therefore be characterized as detached.

Taking account of the results of our analysis of the confrontational, the opening, the argumentational and the concluding argumentative style that is utilised, we can characterize the general argumentative style that is put to good use by the rapporteur in this opening speech as predominantly detached.

Confrontational argumentative style at diplomatic press conferences

7.1 Institutional background of China's MoFA's regular press conferences

In this chapter, we examine how the confrontational argumentative style that is utilised at the regular press conferences held by China's Ministry of Foreign Affairs (for short, *China's MoFA*) manifests itself in the spokespersons' argumentative replies to the questions asked by journalists and how this argumentative style can be characterized.¹ We focus on this particular type of diplomatic press conference for two reasons. First, as the indication "regular press conferences" already suggests, these press conferences (or briefings) take place regularly and frequently. This means that their institutional conventions will be manifested routinely and that it is likely that the confrontational argumentative style that is employed is prototypical. Second, these press conferences perfectly illustrate China's 'progressive' way of dealing with diplomatic matters that has been adopted since 2016, which is in sharp contrast with the diplomatic doctrine of 'humility and respect' that China long adhered to.² Against this background, an argumentative analysis of how the new diplomatic approach practiced at these press conferences is discursively constructed will be enlightening.

China's MoFA's regular press conferences started to be held in 1983. Since August 2011, they have been organised by the Information Department of China's MoFA. These press conferences take place every week from Monday to Friday at 3.00 pm, with a summer break from mid-July to the end of August. As a rule, a press conference lasts no longer than 20 minutes. Normally, the spokespersons are the Director-General of the Information Department and three or four Deputy Director-Generals.

At China's MoFA's regular press conferences, after first announcing a few pieces of news, the spokespersons answer the questions asked by journalists from various

1. An earlier version of part of this chapter has been published in the *Journal of Argumentation in Context* 10(1), 26–45. See Wu (2021).

2. This dramatic change has drawn much attention in academia as well as the media. It is clearly demonstrated by the spokespersons' seemingly unyielding argumentative replies at China's MoFA's press conferences (see Wu 2017, 2019a, 2019b).

countries. Generally speaking, these questions can be divided into two general categories: 'informative questions' and 'critical questions'. By means of informative questions, journalists invite the spokesperson to confirm, clarify or simply announce something. By means of critical questions, they invite the spokesperson to justify China's stances or actions regarding certain issues. There are in fact no clear-cut boundaries between these two types of questions. In practice, the two types of questions are as a rule mixed. More often than not, the questions that are asked concern sensitive and controversial issues. The spokespersons' ultimate goal in responding to these questions is to defend the Chinese government's standpoints about these issues against criticism and opposition. In order to optimally realise this goal, their argumentative answers should, at the same time, be reasonable and effective in convincing by removing all doubts.

In the *Workbook for Governmental Press Conferences*, published by The State Council Information Office of the People's Republic of China (2015), a set of rules is listed that guide and regulate the governmental spokespersons' replies, including those of China's MoFA's spokespersons. These more or less official rules, which are imposed upon China's MoFA's regular press conferences, constitute the primary institutional preconditions that are to be observed in China's MoFA's spokespersons' argumentative replies:

1. The spokesperson has the right of refusing to answer questions from journalists. When challenged with politically sensitive questions or questions a spokesperson is not in a position to answer, the spokesperson is debarred from having to provide relevant information or comments.
2. The way the spokesperson expresses himself/herself should not go to extremes. That means radical or harsh expressions should not be used, unless they are unavoidable.
3. The spokesperson has the responsibility to tell the truth to the public and should therefore be honest and sincere.
4. The spokesperson should firmly stick to the stances taken by China's government.
5. The spokesperson should keep his/her emotions in control; he/she should not give a personal or emotional response.
6. The spokesperson should not slander others, nor accuse others when lacking evidence for it.
7. The spokesperson should not infringe on the personal reputation of others if this can be avoided. Any information or comment regarding someone's personal life which may unnecessarily harm his/her personal fame should not be mentioned at a governmental press conference.

It is worth noting that, apart from observing these more procedural preconditions, in dealing with international affairs in their argumentative replies at China's MoFA's regular press conferences the spokespersons often refer explicitly or implicitly to China's 'Five Principles of Peaceful Co-existence'.³ These five principles are: (1) mutual respect for each other's territorial integrity and sovereignty; (2) mutual non-aggression; (3) mutual non-interference in each other's internal affairs; (4) equality and cooperation for mutual benefit; and (5) peaceful co-existence.⁴ These principles are also part of the primary institutional preconditions that constrain the spokespersons' argumentative replies at China's MoFA's press conferences.

As for the secondary institutional preconditions pertaining to the spokespersons' argumentative replies, the following substantial conventions should in any case be taken into account.

First, in their argumentative replies the spokespersons need to address both a 'primary audience' and a 'secondary audience' (van Eemeren 2010: 109). Since the institutional point of China's MoFA's regular press conferences is to explicate and promote the Chinese government's stances and policies by deliberating before the international general audience, the spokespersons' primary audience consists of the general public worldwide. This audience is in fact a third party that may read the journalists' media and it is the audience the spokespersons intend to judge the acceptability of their argumentative discourse. In their efforts to act reasonably and effectively in convincing the primary audience, the spokespersons often conduct, via their exchange with the journalist who is asking the questions, also an imaginary critical discussion with a secondary audience that consists of critics or opponents of China's stances or policies and is invoked by the journalist. Although in these cases the spokespersons' argumentative replies may seem to be directed at these critics or opponents, in most (if not all) cases they will in fact be aimed at convincing (via the journalists) the international general public of the incredibility of their critics'

3. The Five Principles of Peaceful Co-existence were put forward by China's former Premier Zhou Enlai in December 1953 at a meeting with the Indian delegation for negotiations on bilateral relations in China's Tibet region. The five Principles were later incorporated in the Agreement on Trade and Intercourse Between the Tibet Region of China and India released on April 29, 1954. They have also been incorporated in a series of major international documents, including declarations adopted by the General Assembly of the United Nations. They were reaffirmed in documents on China's establishment of diplomatic relations and in treaties as well as communiques that China has signed with other countries. For background information about the Five Principles, see https://en.wikipedia.org/wiki/Five_Principles_of_Peaceful_Coexistence and http://www.chinadaily.com.cn/english/doc/2005-04/20/content_435930.htm.

4. For the official explanation of the Five Principles of Peaceful Co-existence, see https://www.fmprc.gov.cn/mfa_eng/wjwb_663304/zwjg_665342/zwbdb_665378/t1179045.shtml.

or opponents' standpoints. The need to do so is to the spokespersons a secondary institutional precondition of this communicative activity type.

Second, in order to avoid any premature accusation of being partisan, the spokespersons are as a rule bound to the use of cautious and euphemistic language in replying to questions concerning issues that are sensitive or controversial. This is to them another secondary institutional precondition. It is particularly noticeable, for instance, that the spokespersons always avoid mentioning the names of foreign state leaders they disagree with in their responses, even when these names are mentioned explicitly in the journalist's question.

Third, still another secondary institutional precondition that plays a part in the spokespersons' responses is that certain principles and standpoints are to be deemed 'indisputable' or even 'sacrosanct'. A conspicuous example is the 'One-China policy' when Taiwan-related issues are discussed. Another, equally conspicuous, example is the principle of 'Non-intervention in internal affairs' when Xinjiang-related issues,⁵ Tibet-related issues or China's human rights issues are discussed. Because of this secondary institutional precondition, it can be imagined that an attempt from journalists to discuss any of these sensitive issues will be immediately rejected, directly or indirectly, by the spokespersons.

In the current research, instead of examining all four discussion stages of the spokespersons' argumentative discourse, we will focus on the first stage, viz. the empirical counterpart of the confrontation stage, of the argumentative process. We have made this choice because, as has been pointed out by van Eemeren (2021), the argumentative style that the arguer adopts at the beginning of the discourse is in a great many cases maintained throughout the whole resolution process. This is in particular the case in the spokespersons' responses at the diplomatic press conferences we are examining, because the argumentative style utilised in the confrontation stage determines the "wavelength" of the exchange, and is therefore likely to be characteristic of the argumentative conduct thereafter in the empirical equivalents of the other three stages of a critical discussion, viz. the opening stage, the argumentation stage, and the concluding stage. This means that in this communicative activity type determining the argumentative style the arguer adopts at the beginning of the discourse, i.e., the style utilised in the empirical equivalent of

5. Since 1949, certain Uygur forces in Xinjiang province have tried to overthrow the local government with the intention to separate Xinjiang from China. Though during the past sixty years China's central government has adopted different kinds of policies, their general attitude has remained the same, i.e., fighting any attempt to separate Xinjiang from China. In response to criticisms from the international community, China's central government always says that the Xinjiang problem is, just like the Tibet problem, a domestic issue of China, and outsiders should not interfere.

the confrontation stage, which we call the *confrontational style*, is crucial to pinning down the general argumentative style that the arguer adopts throughout the resolution process.

This chapter consists of five sections. Section 7.1, the current section, introduces relevant information about the institutional background of China's MoFA's press conferences and the institutional preconditions constraining the spokespersons' argumentative replies. In Section 7.2, three prototypical cases of strategic manoeuvring are introduced in which the spokespersons try to adapt in the confrontation stage of the argumentative process to their primary audience's demands in dealing with criticism and opposition to China's policies mentioned in the journalists' questions they have to answer. In Section 7.3, these prototypical cases will be analysed with the aim of showing how the spokespersons' confrontational argumentative style is shaped by argumentative moves that are aimed at achieving certain strategic effects by implementing certain strategic considerations in trying to combine reasonableness and effectiveness. Based on the research findings reported in Section 7.3, in Section 7.4 the concept of an 'uncompromising confrontational style' is introduced and it is investigated how this argumentative style manifests itself in the spokespersons' argumentative replies that are analysed. Section 7.5 concludes the chapter with some reflections on the nature of the confrontational argumentative style utilised at China's MoFA's press conferences and at diplomatic conferences in general.

7.2 Three responses of spokespersons to questions by journalists

We focus in this chapter on three specific cases in which the Chinese spokespersons respond to criticisms (Case 7.1 and Case 7.2) and doubt (Case 7.3) regarding China's policies. We have chosen these cases because, as we will show in our analyses, in these argumentative replies several modes of confrontational strategic manoeuvring are used, in different combinations of argumentative moves, that are characteristic of the spokespersons' argumentative responses at China's MoFA's press conferences.

Case 7.1

Q: Spokesperson John Kirby of the US State Department issued a statement on the one-year anniversary of the so-called mass detention of human rights lawyers in China. What is your response?

A: The US has been creating headlines with the topic of the so-called human rights issue in China for many years. What it cares about is not the human rights of 1.3 billion people in China, but those of a dozen or several dozen people

under China's judicial investigation. China is a law-based country. Our judicial authorities handle relevant cases in accordance with the law and guarantee the suspects' legal rights and interests pursuant to Chinese law. Whoever violates the law, regardless of who he is or what he does, will be punished by the law. Making irresponsible remarks on the normal handling of cases by China's judicial organs is in itself a violation of the spirit of the rule of law. More importantly, it is a blatant interference in China's domestic affairs and judicial sovereignty. For so many years, the US has been trying to disrupt China by interfering in China's domestic affairs using the so-called human rights issue, only to find these attempts futile. (July 11, 2016)

The journalist's question in Case 1 concerns criticism by John Kirby, a spokesperson of the US State Department, of China's so-called mass detention of Chinese human rights lawyers. By asking "what is your response?", the journalist intends the Chinese spokesperson to focus the discussion on Kirby's criticism. Among the spokesperson's options for replying to John Kirby's criticism quoted by the journalist are: he/she could deny Kirby's criticism and give reasons to justify this denial; he/she could clarify/justify China's standpoint on the so-called mass detention of Chinese human rights lawyers; he/she could change the topic of discussion suggested by the journalist.

The Chinese spokespersons' confrontational manoeuvring is also manifested in another strategy, consisting of various strategic modes of strategic manoeuvring that show up in cases in which spokespersons declare a standpoint unallowed. As can be observed in the corpus of the spokespersons' argumentative replies collected for the current research, it happens regularly that the spokespersons, immediately after they have made clear that no standpoint can be expected from them, change the topic of discussion suggested by the questioning journalist into another one. Take, for instance, Case 7.2:

Case 7.2

Q: Can you comment on the recent Iranian media reports that [the] China National Petroleum Corporation (CNPC) is taking over Total's stake in [the] South Pars Phase 11 gas projects in Iran? Does this mean that [the] CNPC has secured an exemption from the US sanctions?

A: I am not aware of the specific situation you mentioned. What I can tell you is that China and Iran maintain normal cooperation in various areas and that the cooperation is open, transparent, legitimate and legal. (November 27, 2018)

As explained in Wu (2019b), the journalist mentions in Case 2 a report by the Iranian media that the China National Petroleum Corporation (CNPC) is taking

over Total's stake⁶ in the South Pars Phase 11 gas projects in Iran. At the time when this press conference was held, this was a sensitive and controversial topic because the US had threatened to sanction all corporations that continued to do business with Iran, including these large gas projects. Against this background, China had refused to express any standpoint about this take-over issue.

The last case we are going to analyse is the spokesperson's reply in Case 7.3.

Case 7.3

Q: Japanese Chief Cabinet Secretary Yoshihide Suga told the press on January 12 that if a foreign naval vessel transits Japanese waters for purposes other than "innocent passage", they will order a naval patrol to deal with it. Some Japanese media believe that this is a new policy by the Japanese government to cope with Chinese naval vessels sailing near Diaoyu Dao. What is your comment?

A: I have made our position clear yesterday. The Chinese side has the right to carry out normal navigation and patrol in [the] territorial waters of Diaoyu Dao. We advise the Japanese side not to take any provocative actions and ratchet up tension. Otherwise, they will face all the consequences. (January 13, 2016)

The subject at issue in Case 3 is the longstanding dispute between China and Japan over the sovereignty of the Diaoyu Dao Islands. In the question the journalist mentions the Japanese media's interpretation of the Japanese Chief Cabinet Secretary Yoshihide Suga's remark concerning the Diaoyu Dao Islands. As introduced by the questioning journalist, Yoshihide Suga expressed Japan's resolution to protect its sovereignty over the Diaoyu Dao Islands by ordering a naval patrol to "deal with" any foreign naval vessel that transits "Japanese waters" for purposes other than "innocent passage". According to the journalist, "some Japanese media" regard Yoshihide Suga's remarks as a signal of the Japanese government how they intend "to cope with Chinese naval vessels sailing near Diaoyu Dao". Judging from the co-text of the question, it can be observed that the difference of opinion the questioning journalist wants the spokesperson to resolve concerns whether China agrees with the Japanese government's new policy "to cope with Chinese naval vessels sailing near the Diaoyu Dao".

6. Under pressure from the United States, Total, which is France's largest energy company, announced in August 2018 that they were pulling out of the South Pars Phase 11 gas projects in Iran. This withdrawal was sparked by a reinstatement of US sanctions which cover foreign firms doing business with Iran. For more information about this incident, see <https://www.businessinsider.nl/total-pulls-out-of-48-billion-iranian-oil-project-under-us-pressure-2018-8?international=true...r=US>

7.3 Analysis of the argumentative discourse in the spokespersons' responses

7.3.1 Analytically relevant argumentative moves in the confrontation stage

In giving his/her reply in Case 1, the spokesperson makes the following three strategic argumentative moves. The first one consists of launching an indirect “personal” attack on the US by accusing that country of having “suspicious motives” and “suspicious interests” in criticizing China’s dealing with human rights: “The US has been creating headlines with the topic of the so-called human rights issue in China for many years” and “For so many years, the US has been trying to disrupt China by interfering in China’s domestic affairs using the so-called human rights issue, only to find these attempts futile”. As discussed in Wu (2017), by launching such an indirect personal attack, the spokesperson attempts to cut down the credibility/authority of his/her immediate opponent, in this case the US side, in stating criticisms of China’s human rights situation, thereby trying to make the US’ criticisms of “China’s detention of Chinese human rights lawyers” seem less convincing or even unconvincing to the international general public.

The second strategic argumentative move that is made consists of dissociating the meaning given to the term *human rights (in China)* by the US, which China considers improperly narrowed or even biased, from what the spokesperson regards as the proper meaning of this term. As explained in Wu (2019a), this argumentative move, too, aims at undermining the authority/credibility of the immediate opponent (in this case the US) in criticizing China’s human rights situation. The spokesperson thus tries to convince the international general public of the lack of integrity of the US’ criticisms of “China’s detention of Chinese human rights lawyers”.

The third strategic argumentative move that the spokesperson makes consists of declaring any standpoint on “China’s detention of Chinese human rights lawyers” unallowed, in particular the standpoint of the US. This unallowed declaration is realised implicitly by claiming that “Making irresponsible remarks on the normal handling of cases by China’s judicial organs [detention of Chinese human rights lawyers] is in itself a violation of the spirit of the rule of law. More importantly, it is a blatant interference in China’s domestic affairs and judicial sovereignty”. This unallowed declaration is warranted by two reasons: any standpoint/remark from the US relating to “China’s detention of Chinese human rights lawyers” is “in itself a violation of the spirit of the rule of law” and it is “a blatant interference in China’s domestic affairs and judicial sovereignty”. These two reasons have their roots in the 1st Principle (mutual respect for each other’s territorial integrity and sovereignty) and the 3rd Principle (mutual non-interference in each other’s internal affairs) of the Five Principles of Peaceful Co-existence that China refers to as the *Necessity*

Rationale for declaring a standpoint unallowed or indisputable. As explained in Wu (2019b), the fundamental purpose of declaring a standpoint unallowed or indisputable by means to the Necessity Rationale is to exempt the standpoint concerned (in this case any standpoint/remark relating to “China’s detention of Chinese human rights lawyers”) from a real critical discussion.

How do the three strategic argumentative moves we have just discussed interact? As we see it, the third argumentative move – declaring any standpoint on “China’s detention of Chinese human rights lawyers”, particularly a standpoint of the US, unallowed – is the dominant mode of confrontational manoeuvring in the spokesperson’s reply, since it serves the fundamental strategic purpose of this reply: to deny the need for having a serious critical discussion about the criticism made by the US (represented by their spokesperson John Kirby), and to prevent any similar criticism of China’s human rights situation by the international general public from being considered. The other two argumentative moves, i.e., launching an indirect personal attack on the US and dissociating the two different meanings of the term *human rights (in China)*, constitute more peripheral but nevertheless vital modes of confrontational manoeuvring in the spokesperson’s reply. By cutting down the US’ authority in criticizing China’s human rights situation, and thus trying to make the American criticism of “China’s detention of Chinese human rights lawyers” seem less convincing or even unconvincing to the international general public, these two argumentative moves reinforce the strategic function of the unallowed declaration analysed above: if the US does not have the required authority for criticizing China’s human rights situation, how can that country then criticize “China’s detention of Chinese human rights lawyers”?

In his expose of the extended theory of pragma-dialectics, *Strategic Maneuvering in Argumentative Discourse*, van Eemeren (2010: 45–46; 2018: 116) points out that the strategic manoeuvres carried out in a particular stage only constitute together an argumentative strategy (confrontational strategy, opening strategy, argumentational strategy, concluding strategy) if they hang together in such a way that they can be regarded as being systematically coordinated. Viewed from this perspective, the three interrelated argumentative moves (strategic manoeuvres) discussed above constitute together a confrontational strategy that can be provisionally named *silencing the other party*.

In Wu (2019b), Case 7.2 has been discussed as a prototypical case in which the spokesperson, by claiming in his reply not to be “aware of the specific situation” mentioned by the journalist, actually declares that from China no standpoint can be expected on the CNPC’s take-over from Total. The spokesperson appears not to mention any rationale to warrant this unallowed declaration. Yet, as we see it, when he/she claims that “I am not aware of the specific case you mentioned”, he/she not only declares that no standpoint on this issue should be expected from China,

but provides in an indirect way also the rationale for this unallowed declaration: we are not able to provide any comment on a specific case we are unaware of. When it is taken into consideration that the context of this exchange is that the US had threatened to sanction all corporations that continued to do business with Iran, including these large gas projects, it can be concluded that the spokesperson's purpose in refusing to provide a clear standpoint on this particular topic is most probably directed at avoiding unnecessary criticism from the US before the take-over is realised.

Immediately after this unallowed declaration, the spokesperson states a standpoint concerning the cooperation between China and Iran: "What I can tell you is that China and Iran maintain normal cooperation in various areas and that the cooperation is open, transparent, legitimate and legal". In this way, he/she changes the topic of discussion from "the CNPC's take-over of Total's stake in [the] South Pars Phase 11 gas projects in Iran" to "normal cooperation between China and Iran". The primary purpose of this topic change is to leave ample room for explaining or justifying the possibility of future cooperation between China and Iran with regard to the CNPC's takeover of Total's stake in the South Pars Phase 11 gas projects in Iran. The ambiguity of the expression "normal cooperation" plays an important role in helping the spokesperson realise this purpose, since "the CNPC's take-over of Total's stake in the South Pars Phase 11 gas projects in Iran" can belong to the "normal cooperation" between the two countries, but it can just as well not be part of it. That means that, since the expression "normal cooperation" allows for various interpretations, no matter whether or not the CNPC takes over Total's stake after this press conference, China can hardly be accused of inconsistent acting.

In addition, the change of topic also makes it easier for the spokesperson to exempt the difference of opinion suggested by the questioning journalist from being subjected to a critical discussion: if there is another topic that is worthier to be discussed, why then discuss the old and unsuitable topic suggested by the journalist? Viewed in this way, the two strategic argumentative moves made by the spokesperson in Case 7.2, i.e., declaring a standpoint unallowed and changing the topic of discussion, actually complement each other. Together they constitute a confrontational strategy that can be provisionally named *distracting the other party*.

In Case 7.3, by stating "We advise the Japanese side not to take any provocative actions and ratchet up tension", the spokesperson makes clear in his/her reply that China has a negative standpoint in the difference of opinion suggested by the journalist: Japan should not take any provocative actions that ratchet up tension. In this statement, the spokesperson does not mention precisely which actions the Japanese side is going to carry out according to Yoshihide Suga. Yet, when the co-text of the question-reply exchange between the journalist and the spokesperson is taken into consideration as well as the context of this dispute between China and

Japan, it can be inferred that “take any provocative actions and ratchet up tension” refers to the specific measures that the Japanese side is going to take. To prevent any disagreement with or criticism of China’s standpoint, immediately after he/she has made clear what this standpoint is, the spokesperson puts pressure on the other party by pointing at the negative sanctions China has in store: “Otherwise, they [the Japanese side] will face all the consequences”. By putting in this way pressure on the other party, a potential critical discussion is blocked at the confrontation stage.

It can be observed that the spokesperson, before putting pressure on the other party by pointing at the negative sanction, states that “The Chinese side has the right to carry out normal navigation and patrol in territorial waters of Diaoyu Dao”. This statement appears to be a reason put forward to justify the spokesperson’s standpoint. If this is indeed the case, we may not say that the critical discussion is actually stopped at the confrontation stage. However, on closer inspection we can observe that the spokesperson treats this statement in fact like common ground he/she presupposes the audience to have already agreed with before this discussion started. That means that the critical discussion is indeed stopped at the confrontation stage the moment the spokesperson puts pressure on the other party by pointing at the negative sanction: “Otherwise, they [the Japanese side] will face all the consequences”.

In preventing any disagreement with, or criticism of, his/her standpoint, the spokesperson makes successively two strategic argumentative moves: the first one consists of declaring his/her standpoint indisputable (backed up by the rationale that “the Chinese side has the right to carry out normal navigation and patrol in territorial waters of Diaoyu Dao”); the second one involves putting pressure on the other party by pointing at a negative sanction: “Otherwise, they [the Japanese side] will face all the consequences”. Together these strategic moves constitute a confrontational strategy that can be provisionally named *pressurizing the other party*.

7.3.2 Strategic considerations in the confrontation stage⁷

It can be imagined that in answering questions at diplomatic press conferences like those of China’s MoFA the spokespersons try to avoid displeasing the journalists, who are their intermediaries in reaching their primary audience. Instead, they would rather demonstrate a rational, responsible, and, if possible, friendly ethos to the journalists and, via them, to the international general public. According to the

7. Because we focus in this chapter on the empirical equivalent of the confrontation stage in the argumentative process, there is no need to pay attention to the argumentative pattern of the discourse and the dialectical routes that are chosen.

Workbook for Governmental Press Conferences (2015), the way in which the spokespersons express themselves should not go to extremes (Rule 2) and spokespersons need to keep their emotions in control (Rule 5) (The State Council Information Office of the People's Republic of China 2015: 37–64). Although it is not fully clear what exactly “should not go to extremes” and “keep emotions in control” mean, it is obvious that confrontational manoeuvres such as personal attacks and declaring a standpoint unallowed or indisputable do not really comply with these requirements. The question then is how the Chinese spokespersons go about to avoid making the impression of attacking their critics personally or excluding their standpoints from the discussion.

To answer this question, we have to differentiate, as in previous studies (Wu 2017, 2019a, 2019b), between two critical discussions imagined to be carried out simultaneously by the spokespersons when responding to the journalists' questions. The first critical discussion takes place with the international general public, which is the spokespersons' primary audience; the second critical discussion, with a third party consisting of their critics or opponents (e.g., John Kirby in Case 1) – a projected audience to whom the spokespersons do not leave the judgment concerning the acceptability of their argumentative discourse. The critical discussion between the spokespersons and the international general public is not so clearly articulated in the discourse as the second one: in the spokespersons' replies this public is hardly ever mentioned. The other critical discussion manifests itself more clearly, since the spokespersons respond in their replies explicitly to doubts and criticisms of their critics or opponents regarding China's policies. Yet, due to conflicting interests, the immediate opponents are unlikely to be convinced. Because the spokespersons are out to convince the international general public, it is quite likely that they will be more concerned with the first critical discussion than with the second one. Nevertheless, the critical discussion between the spokesperson and the critics or opponents cannot be ignored, because it is instrumental in convincing the international general public in the other critical discussion – if only because the international general public is unlikely to be convinced by a spokesperson who proves to be incapable to respond in an adequate way to critics or opponents. After we have clarified the different roles of the two critical discussions in making sense of the spokespersons' argumentative discourse, it is possible to analyse the strategic manoeuvres that are actually made in the two simultaneous discussions.

When, for instance, spokespersons attempt to silence the other party by combining a dissociation with a personal attack and an unallowed declaration (as in Case 7.2), these strategic manoeuvres can be seen as calculated argumentative moves in the confrontation stage of an imaginary critical discussion with their opponents instigated by the question of the journalist. The spokespersons' purpose in making these moves is to negate the doubts and criticisms concerning China's

standpoint by silencing the other party in this critical discussion. In the simultaneous critical discussion with the international general public, the spokespersons exploit these strategic manoeuvres aimed at silencing the other party to diminish or undermine their critics' authority in justifying the standpoints at issue. Viewed in this way, the spokespersons' strategic aim in conducting a critical discussion with the critics is ultimately only to create an adequate point of departure for convincing the international general public of the unreasonableness of these opponents' doubts and criticisms regarding China's policies.

When spokespersons use the strategy of silencing or distracting the other party by declaring a standpoint unallowed or indisputable or changing the topic of discussion (as in Case 7.2), two parallel critical discussions start happening at the same time. Both the critical discussion with the critics and opponents and the critical discussion with the international general public are situated in the confrontation stage. The crucial difference between the two critical discussions lies in the amount of effort invested by the spokespersons in convincing their audience. However sincere the spokespersons may seem to be, in the imaginary critical discussion with their opponents they do not make a real effort to convince them. In the critical discussion with the international general public, by contrast, they will go all out to justify that the standpoint taken by the immediate opponents should not be discussed – sometimes even to the point that such a justification might be unreasonable.

When it comes to putting pressure on the other party (as in Case 7.3), the interaction between the two critical discussions is relatively complicated. By pointing at a sanction in the confrontation stage of the critical discussion between the spokesperson and the critics, the spokesperson intends to prevent a serious discussion about his/her standpoint from developing. In the simultaneous critical discussion with the international general public, putting pressure by pointing at the sanction is a strategic move in the argumentation stage of the discussion. In that case, the spokesperson justifies that a sanction against the opponents is unavoidable if the standpoint is not accepted.

The pressure exerted on the other party by appealing to sympathy, on the other hand, is directed at the international general public rather than the critics mentioned in the journalist's question. By appealing to sympathy in the confrontation stage of the implicit critical discussion between the spokesperson and the international general public, the spokesperson intends to prevent a serious discussion on his/her standpoint from taking place. By simultaneously appealing to sympathy in the critical discussion with the critics, the spokesperson is exerting pressure on them to have his/her standpoint accepted, without really believing that it will be accepted. In the latter case, putting pressure on the other party by appealing to sympathy should be seen as an argumentative move in the argumentation stage of the discussion.

If, as argued above, the international general public is actually the primary audience the spokesperson intends to reach and the critical discussion with the critics or opponents is directed at making it easier to convince the international general public, it is worthwhile to concentrate on explaining how the spokespersons make an effort to convince the international general public with the various modes of confrontational manoeuvring mentioned above. From a pragma-dialectical perspective, this explanation boils down to making clear how the spokespersons create a strategic design by making a selection from the topical potential as well as from the presentational devices. The adaptation to audience demand manifests itself in the effort to connect in this way with the beliefs or values of the international general public, instead of putting them off.

In discussing how the three aspects of strategic manoeuvring are exploited by the spokespersons, the various institutional preconditions have to be taken into account that apply to China's MoFA's regular press conferences. These preconditions constitute vital constraints on the spokespersons' choices from the topical potential and selections of presentational devices in adapting to the international general public's demand in the various modes of confrontational strategic manoeuvring. The general strategic consideration behind opting for the use of particular modes of strategic manoeuvring is in all cases that the primary audience can be in a reasonable and effective way convinced of the standpoint defended by the spokesperson if the critics or opponents that are quoted or paraphrased in the journalist's question can be defused. The various modes of strategic manoeuvring that are brought to bear are all specific implementations, based on specific strategic considerations, of this general strategic consideration.

In manoeuvring strategically with dissociation, making a strategic choice from the topical potential to adapt to the primary audience's demand manifests itself in the decision which notion in the standpoint at issue is dissociated and which different meaning is attributed to it. Making a selection from the presentational devices is manifested in the strategic way in which the spokespersons present the dissociation – e.g., by giving the international general public by means of a numerical comparison the impression that the meaning of Term I as it is used by the opponent “distorts” the meaning of the original Term and that the meaning of Term II as it is used by the spokesperson conveys the “authentic” meaning of that Term.

In the case of personal attacks, the selection from the topical potential concerns in the first place the choice of who is accused by the arguer and what that person is accused of. The choice of presentational devices pertains predominantly to the way in which the spokespersons try to mitigate the “hostility” of the personal attack, to accentuate the “objectivity” of the attack or to avoid unnecessary accusations of “personal slander”, as is required by the institutional preconditions.

When declaring a standpoint unallowed or indisputable, the strategic selection from the topical potential manifests itself in what kind of standpoint or which particular standpoint is declared unallowed or indisputable. The strategic selection of presentational devices is manifested in the use of expressions that make declaring a standpoint unallowed or indisputable seem reasonable and therefore acceptable to the general public, such as mentioning immediately and explicitly the rationale for deeming a certain standpoint unallowed or indisputable.

When changing the topic of discussion, the strategic selection from the topical potential manifests itself in a change of subject of discussion when the topic has changed, in the kind of topic that has been changed, and in the kind of new topic that has been selected. The selection of presentational devices is manifested in the use of expressions that make the topic change seem reasonable.

When putting pressure on the other party, whether this happens by pointing at a negative sanction or by appealing to sympathy, the selection from the topical potential manifests itself in the kind of “pressure” that is exerted (e.g., what kind of sanction or sympathy) and the kind of “rationale” that is given for exerting this pressure. The selection of presentational devices manifests itself in the use of expressions that make putting pressure on the other party seem reasonable.

7.4 A confrontational argumentative style that is detached and uncompromising

Argumentative styles give a particular shape to the strategic manoeuvring that takes place in argumentative discourse. The question now is what kind of argumentative style is instrumental to the spokespersons in achieving their dialectical and rhetorical aims in their strategic manoeuvring in the confrontation stage of the argumentative process they go through in responding to the journalists’ questions at China’s MoFA’s regular press conferences. To answer this question, it is necessary to reflect on the aims the spokespersons are out to achieve in their strategic manoeuvring in the confrontation stage of the argumentative process in the specific speech events that give substance to this communicative activity type.

According to van Eemeren (2010) in *Strategic Maneuvering in Argumentative Discourse*, the strategic manoeuvring adopted by the parties in the empirical equivalent of the confrontation stage of a critical discussion is oriented at defining the difference of opinion in a way that favours the issues the party concerned wants to discuss and the position of protagonist or antagonist this party wants to assume. When defining the difference of opinion, there are in our view in principle two strategic options available to an arguer (i.e., the spokesperson) reacting to a definition

that is proposed or suggested (by the questioning journalist): (1) agreeing to discuss the difference of opinion as it is presented; (2) disagreeing to discuss the difference of opinion as it is presented. In the latter case, the protagonist of the standpoint in the discourse (i.e., the spokesperson) has basically three strategic options: (2.1) redefining the difference of opinion (bluntly or slyly) in a way that changes the other party's position (e.g., by redefining the other party's position as merely being in doubt, because a non-mixed difference of opinion is for the spokesperson easier to deal with than a fully-fledged disagreement); (2.2) redefining the difference of opinion (bluntly or slyly) in a way that changes its propositional content (which can make the difference of opinion for the spokesperson easier to deal with); (2.3) exempting the difference of opinion from the need to make an attempt to resolve it (so that no argumentation from the spokesperson is required).

As we see it, the option the spokesperson actually chooses from the possibilities just mentioned indicates to what extent he/she is *out to reach agreement* with his/her opponents in the empirical equivalent of the confrontation stage, i.e., to what extent his/her argumentative moves are aimed at getting to a *compromise*. While Option 1 represents the optimal possibility of reaching a compromise with the opponents in determining the difference of opinion that is to be discussed, Option 2.1 leaves much less room for reaching a compromise; Option 2.3 represents the minimal possibility of reaching a compromise; and Option 2.2 is somewhere in-between Option 2.1 and Option 2.3. Viewed in such a perspective, the various options constitute a continuum that runs from being compromising to being uncompromising; from a strategic point of view, the argumentative styles following on from going for Option 1 or Option 2.1 can be provisionally called *compromising* confrontational styles and the argumentative styles following on from going for Option 2.2 or Option 2.3, *uncompromising* confrontational styles.

No matter whether the confrontational style adopted by the arguer is compromising or uncompromising, the arguer could combine that with keeping an objectifying distance from the the issues under discussion and the difference about them, but also with demonstrating a personal commitment with the cause and the difference that is to be solved. This means that a compromising as well as an uncompromising confrontational style could manifest itself in principle both in the detached argumentative styles and in the engaged argumentative styles (van Eemeren 2019, 2021) expounded in Chapter 3 of this volume. As could be expected in the institutional macro-context of a diplomatic press conference, the argumentative style utilised in the spokespersons' contributions to the confrontation stage of the argumentative process is basically detached: in the topical selection the spokespersons generally favour a businesslike selection of what is to be discussed, in the adaptation to audience demand they try to ensure the preservation of intersubjectivity

with the people they want to reach, and in the choice of presentational devices they express their independence.

After having conceptualized the notions of compromising and uncompromising confrontational styles by characterizing them as being shaped for reaching agreement and for maintaining disagreement, respectively, we can make clear what kind of argumentative style China's MoFA's spokespersons adopt in their confrontational strategic manoeuvring in the three cases we examined. As analysed in 7.3.1, the dominant mode of confrontational maneuvering used by the spokesperson in Case 7.1 is declaring a standpoint unallowed. In combination with the other two strategic moves the spokesperson makes, viz. an indirect personal attack and a dissociation, declaring a standpoint unallowed is in this case used to exempt the standpoint from the US side quoted by the journalist from a real critical discussion. Aiming for realising this strategic purpose and the consequence it has leave only a minimal possibility for reaching a compromise with China's opponent, i.e., the US side. This means that this strategic design leads to a choice for Option 2.3 above, and the utilisation of an uncompromising argumentative style.

In Case 7.2, as discussed in 7.3.1, the spokesperson makes two strategic argumentative moves, i.e., declaring a standpoint unallowed and changing the topic of discussion. While the unallowed declaration fits in Option 2.3 (exempting the difference from the need to make an attempt to resolve it, so that no argumentation is required), the topic change fits in Option 2.2 (redefining the difference in such a way that its propositional content is changed). Used by the spokesperson in such a combined way, these two strategic moves demonstrate, once more, an uncompromising confrontational style.

As can be seen from our analysis in 7.3.1, in Case 7.3 the spokesperson makes successively two strategic argumentative moves: declaring his/her standpoint indisputable and putting pressure on the other party by pointing at a negative sanction. Both argumentative moves are intended to exempt the difference of opinion introduced by the journalist from the need to make an attempt to resolve it, thus fitting in Option 2.3. That is why we think that in this case the confrontational style that is utilised is an uncompromising one, like in the case of the argumentative moves made by the spokespersons in Case 7.1 and Case 7.2.

To summarize, in the three cases analysed in Section 7.3, which are representative of the data collected for our research, the fixed combinations of strategic manoeuvres that we detected are shaped in a confrontational argumentative style that is *uncompromising*. Empirical observation, combined with taking account of the institutional background of the macro-context in which these press conferences take place, makes clear that this is an argumentative style that is currently prototypically utilised by the spokespersons at China's MoFA's press conferences.

As we have already observed, it is likely that spokespersons at diplomatic press conferences like China's MoFA's press conferences will be unwilling to "displease" the questioning journalists in their replies, they would rather present a rational, responsible, and if possible friendly ethos to the journalists, and via them to the international general public. According to the rules from the *Workbook for Governmental Press Conferences* of The State Council Information Office of the People's Republic of China (2015: 37–64) that guide and regulate China's MoFA's spokespersons' replies, spokespersons should not go to extremes (Rule 2) and should keep their emotions in control (Rule 5). It is obvious that such confrontational manoeuvres as a personal attack and declaring a standpoint unallowed or indisputable, which we have identified in the spokespersons' argumentative replies, do not really comply with these requirements. The question then is why the Chinese spokespersons adopt all the same such an uncompromising (and sometimes even heavy-handed) confrontational style.

To answer this question, we have to take into consideration one of the secondary institutional preconditions discussed in Section 7.1, viz. the need to differentiate between two critical discussions the spokesperson carries out simultaneously when responding to the journalists' questions: one with China's critics and opponents, i.e., a third party (e.g., John Kirby in Case 7.1); the other one with the international general public, which is the spokesperson's primary audience. The first critical discussion is the one that manifests itself most clearly in the argumentative discourse, because the spokesperson responds in his/her reply explicitly to criticisms or doubts concerning China's policies from the country's critics and opponents. Although the critical discussion between the spokesperson and the international general public is not so clearly noticeable, it is quite likely that the spokesperson is in fact more concerned with that critical discussion, because it is the international general public that he/she is out to convince.

After we have clarified the argumentative moves involved in the two simultaneous critical discussions implicitly conducted by the spokespersons at China's MoFA's press conferences, it has become clear that the uncompromising confrontational style adopted by the spokespersons is primarily targeted at their critics and opponents, such as the American representative John Kirby in Case 7.1, the US side in Case 7.2, and Japan as represented by Yoshihide Suga in Case 7.3. Since these critics and opponents are in fact not the parties the spokespersons are out to convince, it is not unlikely that the spokespersons do not fear "offending" them by leaving no space for agreement. As a matter of fact, from the examples we have analysed it becomes clear that the spokespersons do not even intend to have a real argumentative exchange with their critics and opponents: after they have adopted their uncompromising confrontational style, the argumentation cannot really come off the ground.

At this point, it is expedient to return to our earlier observation that the uncompromising confrontational style adopted by the Chinese spokespersons in the three cases we examined is for the most part a detached argumentative style. The difference of opinion at issue in the empirical counterpart of the confrontation stage of the projected critical discussion with the international general public, i.e., the topical selection that is made, is not the choice of the spokespersons, but suggested, or even enforced, by China's critics. The discussion about this difference does not need to be conducted because the international general public wants this to happen, but because China's critics require the spokespersons to do so, and by complying with this requirement the spokespersons try to convince the international general public in a reasonable and effective way that China is right. In order to achieve this aim, they need to be uncompromising towards the critics and opponents, but maintain a detached argumentative style in the process, so that the international general public will understand that they are not only right but also ready to defend China's views and policies in a way that is not just convincing, but also agrees with the conventional demands of international diplomacy.

When it comes to showing their steadfastness in the critical discussion with China's critics and opponents, which is, as it were, "overheard" by the international general public, the spokespersons make always fully clear in the confrontation stage of the argumentative process what exactly their commitments with regard to the critics' standpoints at issue involve: their position regarding the difference of opinion and the points at issue is obvious from their selection from the topical potential. In Case 7.1, the spokesperson announces that the US' criticism of China and any other criticism of China on the human rights issue is unallowed; in Case 7.2, the spokesperson announces that from China no standpoint on the issue of the China-Iran cooperation on the South Pars Phase 11 gas projects should be expected; in Case 7.3, the spokesperson claims that China's standpoint that "Japan should not take any provocative actions that ratchet up tension" is indisputable. This businesslike topical selection, which is also part of the critical discussion with the international general public, makes clear that, in spite of displaying some traits of an engaged argumentative style in its resistance against the critics and opponents, the uncompromising confrontational style adopted by the spokespersons in their replies to the journalists remains an argumentative style that is basically detached.

In the imaginary critical discussion they have with their primary audience, the spokespersons assume that this audience, the international general public, will surely agree to trying to resolve the difference of opinion as it has been (re)defined. In his/her responses, the spokesperson is out to convince the international general public by showing them the lack of credibility of China's critics and opponents. In Case 7.1, the spokesperson does so, assuming that the difference of opinion is whether their standpoint can be taken seriously, by silencing China's critics and

opponents. In Case 7.2, and in some other responses, assuming that the difference of opinion is about whether his/her critics' or opponents' standpoint should be discussed, to distract the other party away from such a discussion, the spokesperson goes all out to justify why it would be improper or even illegitimate to discuss this standpoint. In Case 7.3 (as in still other cases), assuming that the difference is about whether the spokesperson's standpoint is tenable, the spokesperson strives to justify why it is unacceptable to cast doubt on his/her standpoint. In all three cases, the spokesperson tries to ensure that by adapting as much as possible to this audience, intersubjectivity with the international general public remains preserved.

As for the choice of presentational devices in their critical discussion with the international public, the spokespersons follow to a large extent the international protocol of diplomacy. As diplomats are used to do, they make use of very official language in which all signs of personal involvement are avoided and factual matters prevail. In fact, the features mentioned confirm our earlier analysis that the compromising confrontational style adopted by the spokespersons in their discourse with the international general public is basically a detached argumentative style. In view of our earlier discussion of compromising and uncompromising argumentative styles, it would be appropriate to add that, however uncompromising it may be towards China's critics and opponents, the spokespersons' argumentative style could therefore be called *compromising* towards their primary audience.

7.5 Conclusion

Starting from the pragma-dialectical notion of 'argumentative style', this chapter has concentrated on the confrontational style utilised by the spokespersons in their responses to questions of journalists at China's MoFA's diplomatic press conferences. Although in some cases this argumentative style, adopted in the confrontation stage, is only characteristic of the argumentative discourse conducted in the empirical equivalent of this stage, the same kind of argumentative style will generally be maintained throughout the whole argumentative process. In this chapter, we have focused on the uncompromising confrontational style prototypically utilised by the spokespersons in responding to journalists in dealing with China's critics and opponents quoted by these journalists in their questions. This uncompromising argumentative style in the spokespersons' responses is characterized by combinations of argumentative moves exploiting together uses of the argumentative strategies of silencing the other party, distracting the other party, and pressurizing the other party. Although these three strategic uses of argumentative moves include different modes of strategic manoeuvring, in the speech events we examined they

serve in fact fundamentally the same purpose: disagreeing to discuss the difference of opinion as it is presented by the opponents.

As has been shown in our exemplary analyses, when responding to the journalists' questions, the spokespersons carry out simultaneously two projected critical discussions: one with the international general public, which is their primary audience, and another with the critics and opponents of China that are quoted by the journalists, which are secondary audiences. The seemingly uncompromising confrontational style adopted by the spokespersons in their responses is primarily targeted at China's critics and opponents, who find fault with China's policies or have standpoints that cannot be accepted by China. The reason why the spokespersons "dare" to offend these critics and opponents by utilising an uncompromising confrontational style is that these people are only secondary audiences that the spokespersons are not out to convince. By contrast, in the imaginary critical discussion with the primary audience, i.e., the international general public, the spokespersons adopt a more compromising confrontational style. The complication in analysing this complex situation is the fact that in practice both critical discussions are conducted simultaneously by means of one and the same argumentative discourse. Whereas an uncompromising interpretation of the argumentative style is supposed to prevail in the case of the reading by China's critics and opponents, and a compromising interpretation in the case of the reading by the international general public, in line with diplomatic tradition, the argumentative style utilised in the actual discourse is in both cases basically detached, albeit that for the intended secondary audiences this detached argumentative style has an engaged edge.

Starting from our analyses of three argumentative replies given by Chinese spokespersons, this chapter has shown how these spokespersons' uncompromising detached confrontational style is represented in actual argumentative discourse and in what way it plays a role in the realisation of the strategic purposes of the spokespersons' confrontational manoeuvring. Within the same theoretical perspective, in the future more attention should be paid to other ways in which the argumentative shape given to the discourse is instrumental in achieving the strategic goals of the spokespersons. This is to happen in a broad research project aimed at examining systematically the prototypical argumentative styles utilised in the spokespersons' argumentative replies at the regular press conferences of China's Ministry of Foreign Affairs. More detailed analyses can then also be made of the spokespersons' efforts to convince their primary audience, consisting of the international general public, of China's standpoints by utilising a compromising detached argumentative style.

Argumentative style in civil court's judgments

8.1 Institutional background of Dutch civil lawsuits

A Dutch *civil lawsuit* is meant to settle a conflict between two private parties. The text in which the court gives and motivates its decision about the dispute in such a lawsuit is a *civil judgment*. Getting to a civil judgment is one of the communicative practices that are part of the adjudication activities taking place in the legal domain; the pleadings of the lawyers representing the parties are another one.¹ Adjudication always aims for the settlement of a dispute by an authorized third party rather than by the parties themselves (van Eemeren 2010: 147).

In the case of a civil lawsuit, one of the two parties who have a difference of opinion that has become a well-defined dispute is the *plaintiff*, who takes the case to a public civil court and summons the other party, the *defendant*. Then the court, after having heard both sides, has to make a reasoned decision that is fully or partially in favour of one of the parties. Thus, the civil judgment procedure leads to the termination of the dispute by the court. The court's decision is sustained by argumentation that is based on an understanding of the relevant facts and concessions; it is formulated in terms of conditions for the application of a legal or quasi-legal rule.

The main parts of a civil judgment are: (a) the decision, and (b) the argumentative discourse on which it is based.² In terms of speech act theory, the decision consists of one or more 'declarations' (Searle 1975: 358) or 'declaratives' (van Eemeren & Grootendorst 1984: 109). The argumentative discourse motivating the decision consists of one or more complex 'assertives', which consist themselves also of (at least three) assertives (van Eemeren & Grootendorst 1984; 1992). The argumentative discourse conducted in a civil judgment always has four parts (not necessarily in the following order³):

1. The court's description of the dispute in the present case;
2. The court's description of the relevant facts;

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1. In Dutch civil lawsuits the parties are obliged by law to be represented by a lawyer ('mandatory legal representation').
 2. According to Dutch law a court is obliged to justify its decision ('Justification principle').
 3. Especially part (2) regularly precedes part (1).

3. The court's assessment of the claim of the plaintiff with the pro argumentation by the plaintiff and the con argumentation by the defendant;
4. The court's conclusion on the basis of its assessment.

These standard parts of a civil judgment can be related to the four empirical equivalents of the four stages of a critical discussion distinguished in the pragma-dialectical theory of argumentation (van Eemeren 2018):

- a. The initial situation (the empirical equivalent of the confrontation stage);
- b. The starting points (the empirical equivalent of the opening stage);
- c. The argumentative means and criticisms (the empirical equivalent of the argumentation stage);
- d. The outcome of the argumentative discourse (the empirical equivalent of the concluding stage).

However, the four parts of a civil judgment and the four empirical counterparts of the four stages of the argumentative process do not completely coincide. In the analysis of a specific civil judgment we therefore have to reconstruct how the argumentative process develops in the various parts of the speech event concerned.

In the *initial situation* of a civil judgment the court has to make clear what exactly the plaintiff's claim is in the lawsuit and how exactly the defendant reacts to that claim. The dispute between the plaintiff and the defendant is in principle always a (single or multiple) mixed difference of opinion about a prescriptive standpoint: the plaintiff asks the court to grant one or more claims, the defendant opposes this and asks the court to dismiss the claim(s). The plaintiff and the defendant do not try to convince each other. Instead, each party tries to convince the judge by providing a justification of its own standpoint(s). At the beginning of a lawsuit the court has to be neutral and is standardly in doubt about both the plaintiff's claim and the defendant's reaction to it. So, in the initial situation of a lawsuit the differences of opinion between the judge and each party about the claim(s) of the plaintiff, are both (single or multiple) non-mixed.

This is, of course, different in the initial situation of a civil judgment, in which the court's decision about a dispute is justified. In the end, when a court has made up its mind, it can in principle take three different positions with respect to the claim(s) of the plaintiff:

1. The claim(s) must be granted;
2. The claim(s) must be dismissed;
3. The claim(s) must be partially granted and partially dismissed.

In coming to a decision in a civil lawsuit, it is the court's institutional task to critically assess the standpoints and the arguments of both parties based on criteria

that are derived from the system of legal or quasi-legal rules, including possible provisions laid down in an agreement between plaintiff and defendant.⁴ In all three cases just distinguished, the court has an *evaluative standpoint*. In the first case, there is evidently a (single or multiple) mixed difference of opinion between the court and the defendant and most likely no difference of opinion anymore between the court and the plaintiff. In the second case, the situation is reversed: there is evidently a (single or multiple) mixed difference of opinion between the court and the plaintiff and most likely no difference of opinion anymore between the court and the defendant. In the third case, there are two separate (single or multiple) mixed differences of opinion: (1) one between the court and the plaintiff about the part of the claim(s) that is (/are) dismissed, and (2) one between the court and the defendant about the part of the claim(s) that is (/are) granted.⁵

With respect to the *starting points* in the civil judgment, the court has to make clear what the material and procedural starting points for its assessment of the claim are. This means that the court has to mention (a) what in its judgment the legal question is,⁶ (b) what the relevant and applicable legal or a quasi-legal rule(s) and legal procedures are, and (c) what the relevant (interpretations of the) facts are. In most civil judgments, the court only explicitly specifies the (interpretations of the) relevant facts in a separate section. Most of the other starting points are implicitly or explicitly given in the assessment section or in the section about the dispute. So, often the analyst also has to reconstruct the starting points that can be found in other parts of the civil judgment.

The court has to justify its standpoint with *argumentative means and criticisms*. In almost all civil court judgments it does so explicitly in the section called *the assessment*. This part of the civil judgment often ends with the *outcome* of the argumentative discourse. The formal decision (the *declaration*) is given in a separate section.

4. Dutch civil law cases often also have to deal with the question of how an explicit or implicit oral or written agreement between the two parties should be interpreted. According to Dutch civil law, such an agreement functions for the parties as a law (Art. 6:248 section 1 of the Dutch Civil Code (BW)). This means that in a case in which there is an agreement between the two parties, a court will not only use codified legal rules (laws) as criteria for its assessment of the claim(s) but also the provisions in the agreement.

5. In most civil judgments the court's standpoint is not mentioned in the court's description of the dispute but elsewhere in the text.

6. A claim by a plaintiff in a civil lawsuit is always formulated in terms of concrete actions which have to be performed or omitted by the defendant. The court has to 'translate' such a claim into a legal question that has to be answered before it can be concluded whether the claim must be fully or partially granted or fully or partially dismissed.

A civil judgment is part of a more encompassing argumentative process. It constitutes in fact by itself a communicative activity type within the broader communicative type of the civil lawsuit. In the more encompassing activity type, the plaintiff, the defendant and the court all have their own institutional position and their own institutional role, which are partly dictated by the institutional preconditions of the activity type (see Feteris 2020). As van Eemeren (2018: 153) notes, juridical argumentative practices are generally strongly conventionalized. The difference of opinion at issue in the initial situation of a civil law case will be a well-defined juridical dispute with starting points consisting of largely codified legal rules, provisions of a case-related agreement and case-related concessions; argumentation and criticism based on a legal interpretation of the agreement provisions, the concessions and other relevant facts; and a motivated settlement by a court as the outcome. The procedural and material starting points of a law case are in this way to a large extent predetermined by the institutional context and the characteristics of the specific case. In most cases, the standpoint of the court is characteristically legitimized by means of symptomatic argumentation in which it is argued that dealing with the case in a particular way is justified because it is covered by a legal rule (Feteris 2017; 2020). Since in this domain symptomatic argumentation is prevalent, the critical questions that are likely to be anticipated are generally associated with this type of argumentation.

The institutional preconditions of a civil lawsuit do not only indicate the discussants' general dialectical and rhetorical goals, but also the general argumentative considerations that the plaintiff, the defendant and the court are likely to have. In all stages of the argumentative process all parties have the dialectical goal of bringing about a result that fits within the boundaries of legal reasonableness and is as effective as possible within these boundaries (van Eemeren 2010; 2018). In order to convince the court, both the plaintiff and the defendant strategically present their case as favourably as possible, and the opponent's case as negatively as possible, without becoming unreasonable in the legal context concerned. For the court it is essential that it makes strategically clear that it is an independent and neutral reviewer of the case, that its verdict is based on an understanding of the relevant facts, and that this verdict does not reflect its personal appreciation but follows from the application of the relevant legal or quasi-legal rules in this specific context. How the general argumentative considerations for plaintiff, defendant, and court are to be realised in specific cases, always depends on the characteristics of the case concerned.

8.2 The *van Gelder against the Dutch Olympic Committee* case

The case study we will use to illustrate the argumentative style utilised in civil court's judgments consists of the decision delivered by the court in the *van Gelder against the Dutch Olympic Committee* case, in which the leading role was played by the Dutch athlete Yuri van Gelder.⁷ At the 2016 Olympics in Rio de Janeiro, van Gelder qualified for the finals of the rings competition, after a decade full of ups and downs in which he had become world champion (in 2005), but was also several times suspended and withdrawn from the team because of the use of cocaine. At the Olympic Games in 2016, he could finally compete at the highest level. In order to celebrate the fact that he had succeeded that day in qualifying for the finals, van Gelder went to the Holland Heineken House (HHH), the meeting place for the Dutch during the Olympics. Van Gelder, who was committed to train the next morning with the Dutch gymnast team, had been told not to drink any alcohol, and he had promised his coach via WhatsApp to be back in his hotel around midnight. However, after visiting the HHH, where he drank several beers, he left the Olympic village – which was for safety reasons not allowed. After going out, he returned to his hotel in the early morning; according to his teammates, he caused commotion and was drunk. He went to bed and woke up around 3 PM, which meant that he missed the training with his team. Because of this behaviour, the Dutch Olympic Committee (NOC*NSF) suspended van Gelder immediately, and sent him home for violating the team's code of conduct. Back in the Netherlands, van Gelder, the plaintiff, took the NOC*NSF, the defendant, to court in a so-called *civil summary judgment procedure*,⁸ and demanded to get reinstated in the Olympic team, denying that he had broken the team rules.⁹

In his pleadings in court, van Gelder's lawyer argues that the claim should be granted because the athlete behaved reliably and responsibly during the Olympics in Rio de Janeiro and became the victim of an unreasonable decision of the Dutch Olympic Committee. In his pleadings, the NOC*NSF's lawyer opposes the claim, arguing that van Gelder's behaviour is neither reliable nor responsible and that he is an offender. Van Gelder's lawyer's argumentative strategy is to downplay the

7. In van Haften & van Leeuwen (2021) this case is used to discuss the relation between argumentative style and linguistic style.

8. A civil summary judgment procedure is a specific type of civil lawsuit. Unlike other civil law case procedures, it is pretty free as far as the formal procedural rules are concerned. For the analysis of the argumentative style in civil judgments this is not relevant.

9. During the trial, van Gelder's case was defended by his lawyer, Cor Hellingman; the NOC*NSF was represented by its lawyer, Haro Knijff.

seriousness of van Gelder's behaviour and to portray him within the boundaries of legal reasonableness as much as possible as a victim. The Dutch Olympic Committee chooses the opposite argumentative strategy of blowing up the seriousness of van Gelder's behaviour, portraying him within the boundaries of legal reasonableness as much as possible as an offender.

Van Gelder's attempt was not successful: the court decided to dismiss his claim. The court's argumentative discourse in its judgment to justify its decision runs as follows.¹⁰ It starts off with a section titled *2 The facts*.¹¹ We refrain from citing this long list of facts here, because of space constraints, but give some examples of each type of facts in (1) and (2).

- (1) 2.2 NOC*NSF nominated van Gelder to participate in the 2016 Olympic Games in Rio de Janeiro. NOC*NSF and van Gelder entered into an Athlete Agreement, which includes *inter alia* the following provisions:

[...]

Article 6 Various efforts, conduct and obligations

Preparation for and participation in the Olympic Games

1. NOC*NSF will make every effort, insofar as within its power, to offer the Athlete optimum opportunities to prepare for the Olympic Games and, if the Athlete qualifies and is sent to the Olympic Games, to ensure that his/her participation therein is actually as successful as possible.
2. NOC*NSF will make maximum effort to ensure that the Federation complies with its obligations as included in this agreement and in the agreement that NOC*NSF enters into with the Federation, which may be inspected at www.nocnsf.nl.
3. The Athlete will make every possible effort to deliver maximum athletic performance both in preparation for and during the Olympic Games and for this purpose will implement the Programme fully and diligently and with optimum athletic effort.

Conduct

4. The conduct of the Athlete will be such as may be expected of a good member of TeamNL (Rio 2016), both while engaging in the sport and outside thereof, and the Athlete will comply with *inter alia* but not exclusively the provisions of the IOC Code of Ethics.

10. The authors are responsible for the English translation of the Dutch text of the civil judgment in the *van Gelder against the Dutch Olympic Committee* case. For the original text of the civil judgment see <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBGEL:2016:4504>.

11. The first section of the court's judgment, *1 The procedure*, is not part of the argumentative discourse.

- (2) 2.4 In the evening of 6 August 2016 (at 19:08 hours) van Gelder left the Olympic Village. He first went to a location where he was interviewed by NOS [a Dutch TV station] and later to the Holland Heineken House [hereafter: HHH]. Van Gelder's coach sent the following WhatsApp message to van Gelder at 20:55 hours, after learning that van Gelder had qualified for the rings finals:

Congratulations!!!!

In response to this, van Gelder replied:

Yeah (...) you too (...) I'm on my way to HHH, just so you know!!! I won't be too late back

van Gelder's coach replied as follows:

OK! No drinking and back home around 12!!! You're still in the tournament and the competition!!!

To this, van Gelder replied:

Yes, I've just got in taxi, I will arrive there in 50 min! So will be an hour or so later OK (...)

To this, van Gelder's coach replied:

And be careful because NOC*NSF are around in there too!! Everyone will soon know that you're in HHH!!

van Gelder then sent the following WhatsApp message:

Yes (...) thanx! It will be fine

van Gelder's coach replied:

We have to train tomorrow!!! Morning from 9.30 to 11!! Then you will be fine with 4 more full training sessions!

That same evening at 23:38 hours, van Gelder's coach sent the following message to van Gelder:

Let me know when you're back ? I'll see you early tomorrow morning!

In the next section, titled *3 The dispute*, the court describes the difference of opinion between the plaintiff and the defendant, and what it will do with the arguments of both parties:

- (3) 3.1 1. Van Gelder¹² seeks [...] that the court in the preliminary relief proceedings principally orders NOC*NSF to do everything within its power to ensure that van Gelder can compete in the finals for the rings apparatus of the Rio 2016 Olympic Games, including but not limited to conducting

12. It is a convention that the names of natural persons are in the published version of a verdict of a Dutch court replaced by nominal anaphors like '[plaintiff]', '[defendant]', '[coach]' etc. In this chapter we deviate for reasons of readability from this convention in the case of the name van Gelder. Because this case got a lot of media attention in which the name of van Gelder was explicitly mentioned, this deviation is justified.

proceedings in a timely and correct manner in its own name against the International Olympic Committee and the Fédération Internationale de Gymnastique at the Court of Arbitration for Sports (CAS) Ad Hoc Division in Rio, in accordance with the applicable arbitration regulations for admitting van Gelder to the finals, [...].¹³

3.2 NOC*NSF opposes the claim.

3.3 The arguments of the parties are discussed in more detail below, insofar as relevant.

In the last part of its argumentative discourse, section 4 *The assessment*, the court delivers its argumentation and its conclusion.

(4) 4.1 [...]

4.2 These preliminary relief proceedings concern first and foremost the question of whether NOC*NSF's decision to exclude van Gelder from further participation in the Olympic Games is lawful/voidable. In answering this question, it must be emphasised that NOC*NSF took this decision on the basis of the agreement that was concluded between NOC*NSF and van Gelder. This agreement lays down rights and obligations of both parties with regard to preparation for and participation in the Olympic Games. Insofar as relevant here, the core of these is that NOC*NSF gave an undertaking to van Gelder that it would make every effort, insofar as within its power, to ensure that van Gelder's participation in the Olympic Games is as successful as possible (Art. 6.1). In return, van Gelder gave an undertaking to make every effort to deliver maximum athletic performance and for this purpose to implement the training and competition programme fully and diligently and with optimum athletic effort (Art. 6.3). In this

13. This claim 1 is the main and most substantive claim of the plaintiff, whose four other claims are subsidiary, additional or procedural. They read as follows: '2. alternatively, orders NOC*NSF to fully cooperate with van Gelder in any proceedings that he brings at the CAS Ad Hoc Division, and for this purpose to make available to him, in a timely manner and in full, all the relevant documents and to pay him an amount of € 20,000 by way of an advance payment of compensation for damage to cover his legal costs, or at least an advance payment of compensation for damage to be reasonably determined by the court; 3. orders NOC*NSF to provide transport for van Gelder at its own expense (business class or first class) to Rio de Janeiro, so that he can be present in time for the said finals and to admit him to the training sessions for the finals on 15 August 2016; 4. to attach a penalty to breach of the orders referred to above under 1., 2. and 3. of € 150,000 per breach plus € 120,000 per day or part-day that a breach continues, up to a maximum of € 250,000 per breach, or at least a penalty to be determined by the court; 5. orders NOC*NSF to pay the costs of the proceedings, plus statutory interest from the fifteenth day following the date of the judgment to be passed until the date of payment in full'. Because the assessment of the court is about main claim 1, we do not discuss claims 2.-5.

connection, van Gelder also had the obligation to conduct himself as may be expected of a good member of TeamNL (Art. 6.4). It is further laid down in Art. 20 of the agreement that if van Gelder does not comply with those obligations, NOC*NSF is entitled to take measures as specified in that article. NOC*NSF therefore has this entitlement pursuant to what was agreed with van Gelder in that agreement. Van Gelder is therefore in principle obliged, pursuant to the agreement, to accept the measure against him deemed necessary by NOC*NSF. Which measures NOC*NSF deems necessary in the given circumstances in the event of non-compliance by van Gelder with his obligations must therefore in principle be left to the discretion of NOC*NSF. It is not for the court to decide whether, and if so which, measures were necessary. The court can only make an ex-post assessment of whether NOC*NSF could have reasonably arrived at the imposed measure in the given circumstances. In making this assessment, it befits the court to show considerable restraint. It is only appropriate for the court to intervene if it would be unacceptable according to standards of reasonableness and fairness for van Gelder to be held to NOC*NSF's decision, as also follows from Art. 7:904 paragraph 1 in conjunction with Art. 7:906 of the Dutch Civil Code (BW) for the case of a binding decision of one party.

- 4.3 Regarding the events that led to the measure, on the basis of what is evident from the submitted statements and what was said at the hearing, the court is compelled to find the following. At 19.08 hours on Saturday evening 6 August 2016, van Gelder left the Olympic Village and only returned there at 5.08 hours on Sunday morning. This is evident from the access card records. It has been determined that van Gelder then left to go to NOS and after this went to HHH. He stated this himself in a WhatsApp message to van Gelder's coach. It is evident from the exchange of WhatsApp messages which took place that van Gelder's coach warned him not to drink and to be home by 12.00 hours, with the warning that he is 'still in the tournament and the competition'. It is also evident from this that van Gelder was warned that everyone and also NOC*NSF could see that he is in HHH. Finally, van Gelder's coach warned van Gelder that he had to train the next morning from 9.30 hours to 11.00 hours and that this formed part of the training programme. It is also found that van Gelder nevertheless did not appear at the training session the next morning, was asleep in the apartment and got out of bed at 15.00 hours. Van Gelder did not reply to a WhatsApp message from van Gelder's coach on Sunday morning at 9.12 hours – shortly before the start of the training session at 9.30 hours – asking him where he was. It is also found – van Gelder stated this himself at the hearing – that he drank four or five beers in HHH. It is not possible

to find out precisely what else happened that night. However, it is known that at some point van Gelder was in a nightclub where his girlfriend and friends were at that time. According to van Gelder, after his visit to HHH he did not drink any more alcohol. This is contradicted, however, by van Gelder's coach's statement that he was informed by three other athletes and a trainer/coach in the apartment that van Gelder told an incoherent story after getting out of bed at 15.00 hours and said, among other things, that he had been to a club and was 'sponsored' with Desperado beers. Furthermore, van Gelder's coach stated that 'it was physically clear from van Gelder's appearance and evident from his way of speaking that he had been "partying" that night'. This last was therefore deduced by van Gelder's coach from his own observation. The court has no reason to doubt the accuracy of that statement regarding what various people observed. Van Gelder has not given a reasoned statement that and why the observations of these people are not or could not be correct. For his part, he has not submitted any written statements from the people with whom he spent that night about what happened in order to refute the reading on the part of NOC*NSF. It must therefore be assumed that after leaving HHH van Gelder drank considerably more and became very drunk that night.

- 4.4 The fact that van Gelder did not appear at the training session on Sunday morning is manifestly a breach of his obligations pursuant to Art. 6.3 of the agreement. There is little doubt that van Gelder could and should have been aware that there was a training session on Sunday morning at 9.30 hours and that he was expected to be present at this. van Gelder's coach informed him of this specially in a WhatsApp message the evening before, in terms that could not be misunderstood. Van Gelder did not reply to this, but the court does not find it very plausible that he did not read it. This message from van Gelder's coach was evidently the final message in the exchange of WhatsApp messages at 20.55 hours that evening. It is therefore not very likely that he did not see the last message (in a series of warnings and instructions). In any case, it is at van Gelder's risk if he did not read it. However, apart from this, on the basis of Art 6.3 of the agreement, as a loyal and fully committed Olympic athlete in the run-up to a finals, van Gelder should have been aware of that training session and of the fact that he should actually be present at it, like all the other gymnasts who were expected to be there and who did indeed appear and were therefore aware of it. It is not plausible that they were all only informed about it individually on Saturday evening with a WhatsApp message.
- 4.5 As regards the obligation pursuant to Art. 6.4 of the agreement to conduct oneself as a good member of TeamNL both while engaging in the sport and outside thereof, the following applies. Van Gelder's standpoint that this

provision relates only to the period of preparation and not to the period, after qualification, of participation in the Olympic Games must be rejected. This interpretation would lead to the absurd outcome that conduct such as that of a good team member may be expected of the athlete prior to the Games, but no longer during the Games, while it is highly likely that conduct such as that of a good team member may be expected even more during the Games. Art. 6.4 cannot reasonably be understood to mean anything other than that this requirement also relates to the period of participation in the Games. There is no basis whatsoever for the notion that it follows from Art. 6.4 of the agreement that accreditation with OCOG cannot subsequently be cancelled by NOC*NSF.

- 4.6 A slightly different issue is what is then entailed by conduct such as may be expected of a good team member. The court has not been able to find that, apart from the general and abstractly formulated standards in the IOC Code of Ethics, there are precise and well-defined rules of conduct; and that, and if so how, NOC*NSF communicated them to the team members. Considering that non-compliance with the obligations pursuant to Art. 6.4 gives NOC*NSF the right, pursuant to Art. 20 of the agreement, to take far-reaching measures in relation to the athlete, more carefulness on this point could certainly be expected of NOC*NSF. With a view to this, it should be verifiably clear beforehand what conduct is expected and what conduct will not be accepted. The sole fact that van Gelder left the Olympic Village without permission and drank alcohol (irrespective of the quantity thereof) can therefore not be regarded as a breach of Art. 6.4 of the agreement. That sole fact could also not have reasonably justified a measure of exclusion from participation. However, that measure is not actually based on that sole fact, as will become evident hereafter. Meanwhile, this does not mean that, even in the absence of such precise and well-defined rules of conduct, Art. 6.4 is entirely devoid of meaning. Insofar as it may reasonably be assumed that the athlete should know and/or understand what may be expected of him on certain points, measures can also be based on non-compliance with this obligation (naturally depending on the nature and seriousness of the conduct, about which more will be stated hereafter). This certainly applies insofar as the conduct concerned is directly significant for compliance with the obligations of Art. 6.3 of the agreement.
- 4.7 This must be taken into account when reviewing the way in which NOC*NSF construed van Gelder's conduct. In the given circumstances, NOC*NSF could construe non-appearance at a training session as a fairly serious breach of Art. 6.3. What is involved here is elite sport. To actually deliver an elite performance in this, it is essential that elite athletes adhere in a highly disciplined way to a fairly rigid and precisely specified schedule

of training sessions, nutrition, sleep and lifestyle. Art. 6.3 of the agreement requires the athlete to implement the training and competition programme *fully and diligently and with optimum athletic effort*. At issue here was a training session that clearly formed an essential part of the schedule of training sessions in the run-up to the finals. This was specially pointed out to van Gelder again by van Gelder's coach. It is not compatible with van Gelder's obligations under the agreement that instead of attending the training session, he lay in bed from 5.08 hours to 15.00 hours and was evidently sleeping off a hangover. The preceding behaviour, despite the due warnings, comprising a night of getting drunk while van Gelder was in the middle of a training and competition programme, is also not compatible with compliance with that obligation. Moreover, it applies that van Gelder could not simply ignore the instructions and warnings of van Gelder's coach in the light of his obligations arising from Arts. 6.3 and 6.4 of the agreement, as he did.

- 4.8 It must also be borne in mind here that van Gelder was not free to do whatever he wanted and to decide what was and was not necessary and correct. The Athlete Agreement with NOC*NSF entails rights and obligations. By means of this agreement, NOC*NSF makes it possible for van Gelder to compete in the Olympic Games and NOC*NSF gave an undertaking to van Gelder that it would surround him with all the facilities and care required to ensure that his participation therein is actually as successful as possible. Van Gelder can demand this from NOC*NSF, but then in return van Gelder has the obligation to NOC*NSF that, on his part, he will cooperate with this fully, diligently and with optimum effort. NOC*NSF can demand this from van Gelder. And it is understandable that NOC*NSF does actually demand this, in view of the investments that it must make in the athlete.
- 4.9 The question remains whether NOC*NSF could reasonably have taken the measure of exclusion from participation in the given circumstances. The primary consideration is that this measure has an exceptionally great impact on van Gelder. After years of preparation, he was deprived of the opportunity for an Olympic final, while this was probably his last chance for this. For van Gelder, missing this is undoubtedly a personal drama. Everyone, including NOC*NSF, had wanted to see him compete in that finals. With the restraint that must be shown in the judicial review in a case like this, however, it cannot be said that NOC*NSF could not *reasonably* have arrived at this measure. First, there was non-compliance with obligations, which in the given circumstances NOC*NSF could construe as serious (see above). Considering van Gelder's problematic past and the fact that he himself said that he did not think he had done anything wrong, it is understandable that NOC*NSF no longer had any confidence that

van Gelder would in future comply properly with his obligations. Second, a further point is that it is plausible that the conduct of van Gelder and acceptance thereof by NOC*NSF would have an undermining effect on the morale of the other members of the gymnastics team and on the entire TeamNL. Every elite athlete is in the same straightjacket of training sessions and a specific lifestyle, which is evidently necessary for an elite performance and with which he/she also has a contractual obligation in relation to NOC*NSF to comply. It is plausible, as argued on behalf of NOC*NSF, that it would certainly not have a good effect if a member freely says and shows by his behaviour that he has no respect for this. Third, it is clear that the incident caused a complete breakdown of trust between van Gelder's coach and van Gelder. Van Gelder's coach and NOC*NSF evidently came to the conclusion that this breakdown could no longer be mended. It is understandable that NOC*NSF thought that it could not continue to the finals in this way with van Gelder. It was further argued, however, on behalf of van Gelder that van Gelder's coach should then just leave, but this does not respect the fact that ultimately it was van Gelder who brought about the breakdown of trust with van Gelder's coach through his behaviour, and not *vice versa*. There is no indication and no substantiation whatsoever for the suggestion made by van Gelder's legal counsel that van Gelder's coach is an anxious trainer who is afraid to lose his job and therefore pressed for van Gelder having to leave. Under these circumstances, it cannot be said that the measure of exclusion was disproportionate to the situation that arose through van Gelder's actions. It is possible that others in the given circumstances may have come to a different conclusion than the one reached by those involved on the part of NOC*NSF, with less - for many people - disappointing consequences. This is not, however, the criterion.

- 4.10 Apart from this substantive side, it cannot be said that the decision to exclude van Gelder from further participation was taken without due care. During the day of Monday 8 August 2016 van Gelder was interviewed in two hearings, including about the intention to exclude him from participation. It cannot be determined that van Gelder did not have the opportunity to give his account there. The statements of the participants in those interviews give grounds for the assumption that he did indeed give his account there. It must further be found that throughout the entire day on Monday the people concerned repeatedly consulted one another before the decision to exclude van Gelder from participation was definitively taken. There is no reason to assume that this decision was taken lightly, which is actually not likely because NOC*NSF itself also had an interest in van Gelder indeed being able to compete in the finals.
- 4.11 On the basis of the above, the claims must be dismissed. [...]

8.3 Analysis of the argumentative discourse in the judgment

8.3.1 The analytically relevant argumentative moves

The following analytic overview based on a reconstruction of the argumentative discourse in the judgment of the court in the *van Gelder against NOC*NSF* case specifies which analytically relevant moves have been made in this speech event.¹⁴

a. *The difference of opinion*

The dispute between the plaintiff and the defendant, as described by the court in section 3 *The dispute* is a single mixed difference of opinion. The evaluative standpoint that the court ultimately takes is: “The claim must be dismissed”. This standpoint implies that there is a single mixed difference of opinion between the court and the plaintiff about an evaluative standpoint. There is no difference of opinion between the court and the defendant.

b. *The point of departure*

In its judgment, the court has to make clear what its material and procedural starting points are in assessing the claim. This means that it mentions (a) what the legal question is, (b) what the relevant and applicable legal or quasi-legal rule(s) and legal procedures are, and (c) what the relevant (interpretations of the) facts are. Like in most other specific civil judgments, in section 2 *The facts*, the court only explicitly specifies the (interpretations of the) relevant facts. The other starting points in the *van Gelder against NOC*NSF* case are mentioned explicitly in the sections 3 *The dispute* and 4 *The assessment*.

According to the court, the *legal question* at issue in this case is: “whether NOC*NSF’s decision to exclude van Gelder from further participation in the Olympic Games is lawful/voidable”. This question is formulated in 4.2 of section 4 *The assessment*. In section *The dispute* the court makes implicitly clear – the legal question has not yet been mentioned – that it will evaluate the plaintiff’s and the defendant’s arguments from the perspective of this legal question: “The arguments of the parties are discussed in more detail below, insofar as relevant” (see 3.3).

The court phrases the *applicable codified legal rules and procedures* as follows: “It is only appropriate for the court to intervene in cases like this if it would be unacceptable according to standards of reasonableness and fairness for a plaintiff to be held to a defendant’s decision, as also follows from Art. 7:904 paragraph 1 in conjunction with Art. 7:906 of the Dutch Civil Code (BW) for

14. For lack of space, we do not include in this chapter a separate list of the analytically relevant moves.

the case of a binding decision of one party". These legal rules and procedures are formulated as part of the court's argumentation in section 4 *The assessment* (see 4.2).

The facts are in this case – as in a great many other civil lawsuits – of two different types: (a) (interpretations of the) facts concerning the relevant rights and obligations according to the provisions in the agreement made between the plaintiff and the defendant,¹⁵ and (b) (interpretations of the) facts concerning the relevant behaviours of both plaintiff and defendant and relevant circumstances of the case.

c. *The argument schemes employed*

The court's argumentation is characterised by the use, with two exceptions, of *symptomatic* argumentation. On the first level, a deductive argument is advanced to justify the standpoint "The claim of the plaintiff must be dismissed". The coordinative arguments advanced in favour of the single main argument on the second level of the defence are, in their turn, symptomatic. The same applies to the arguments on the next levels of the defence, except for one *pragmatic (reductio ad absurdum)* argument about the absurd consequence of the plaintiff's interpretation of one of the provisions of the agreement. The step from the main argument to the standpoint defended by the court is made by relying on the valid argument form of *modus ponens*.

d. *The argumentation structure*

The following argumentation structure is a reconstruction of section 4 *The assessment* of the civil judgment.

1. The claim that NOC*NSF should be ordered to do everything within its power to ensure that van Gelder can compete in the finals for the rings apparatus of the Rio 2016 Olympic Games, including but not limited to conducting proceedings in a timely and correct manner in its own name against the International Olympic Committee and the Fédération Internationale de Gymnastique at the Court of Arbitration for Sports (CAS) Ad Hoc Division in Rio, in accordance with the applicable arbitration regulations for admitting van Gelder to the finals, must be dismissed.

1.1 NOC*NSF's decision to exclude van Gelder from further participation in the Olympic Games is lawful/not voidable.

1.1.1a Which measures NOC*NSF deems necessary in the given circumstances in the event of non-compliance by van Gelder with his obligations must in principle be left to the discretion of NOC*NSF.

15. See footnote 4.

1.1.1a.1 NOC*NSF has this entitlement pursuant to what was agreed with van Gelder in an agreement.

1.1.1a.1.1a NOC*NSF took the decision to exclude van Gelder from further participation in the Olympic Games on the basis of the agreement that was concluded between NOC*NSF and van Gelder.

1.1.1a.1.1b This agreement lays down rights and obligations of both parties with regard to preparation for and participation in the Olympic Games.

1.1.1a.1.1c The core of this agreement is that NOC*NSF gave an undertaking to van Gelder that it would make every effort, insofar as within its power, to ensure that van Gelder's participation in the Olympic Games is as successful as possible.

1.1.1a.1.1c.1 This is stated in Art. 6.1 of the agreement.

1.1.1a.1.1d In return, van Gelder gave an undertaking to make every effort to deliver maximum athletic performance and for this purpose to implement the training and competition programme fully and diligently and with optimum athletic effort.

1.1.1a.1.1d.1 This is stated in Art. 6.3 of the agreement.

1.1.1a.1.1e The fact that van Gelder did not appear at the training session on Sunday morning is manifestly a breach of his obligations pursuant to Art. 6.3 of the agreement.

1.1.1a.1.1e.1a There is little doubt that van Gelder could and should have been aware that there was a training session on Sunday morning at 9.30 hours.

1.1.1a.1.1e.1a.1a van Gelder's coach informed him of this specially in a WhatsApp message the evening before, in terms that could not be misunderstood.

1.1.1a.1.1e.1a.1b The court does not find it very plausible that van Gelder did not read it.

1.1.1a.1.1e.1a.1b.1 It is not very likely that van Gelder did not see the last message in a series of warnings and instructions.

1.1.1a.1.1e.1a.1b.1.1 This message from van Gelder's was evidently the final message in the exchange of WhatsApp messages at 20.55 hours that evening.

1.1.1a.1.1e.1b There is little doubt that van Gelder could and should have been aware that he was expected to be present at this training session.

1.1.1a.1.1e.1b.1a As a loyal and fully committed Olympic athlete in the run-up to a finals, van Gelder should have been aware of that training session and of the fact that he should actually be present at it, like all the other gymnasts who were expected to be there and who did indeed appear and were therefore aware of it.

1.1.1a.1.1e.1b.1a.1 These obligations follow from Art. 6.3 of the agreement.

1.1.1a.1.1e.1b.1b It is not plausible that all other gymnasts were all only informed about it individually on Saturday evening with a WhatsApp message.

1.1.1a.1.1f In the given circumstances, NOC*NSF could construe non-appearance at a training session as a fairly serious breach of Art. 6.3.

1.1.1a.1.1f.1a Art. 6.3 of the agreement requires the athlete to implement the training and competition programme *fully and diligently and with optimum athletic effort*.

1.1.1a.1.1f.1a.1 What is involved here is elite sport. To actually deliver an elite performance in this, it is essential that elite athletes adhere in a highly disciplined way to a fairly rigid and precisely specified schedule of training sessions, nutrition, sleep and lifestyle.

1.1.1a.1.1f.1b It is not compatible with van Gelder's obligations under the agreement that instead of attending the training session, he lay in bed from 5.08 hours to 15.00 hours and was evidently sleeping off a hangover.

1.1.1a.1.1f.1b.1 It must be assumed that after leaving HHH van Gelder drank considerably more and became very drunk that night.

1.1.1a.1.1f.1b.1.1 Regarding the events that led to the measure, on the basis of what is evident from the submitted statements and what was said at the hearing, the court is compelled to find the following. At 19.08 hours on Saturday evening 6 August 2016, van Gelder left the Olympic Village and only returned there at 5.08 hours on Sunday morning. This is evident from the access card records. It has been determined that van Gelder then left to go to NOS and after this went to HHH. Van Gelder stated this himself in a WhatsApp message to his coach. It is evident from the exchange of WhatsApp messages which took place that his coach warned him not to drink and to be home by 12.00 hours, with the warning that he is 'still in the tournament and the competition'. It is also evident from this that van Gelder was warned that everyone and also NOC*NSF could see that he is in HHH. Finally, his coach warned van Gelder that he had to train the next morning from 9.30 hours to 11.00 hours and that this formed part of the training programme. It is also found that van Gelder nevertheless did not appear at the training session the next morning, was asleep in the apartment and got out of bed at 15.00 hours. Van Gelder did not reply to a WhatsApp message from his coach on Sunday morning at 9.12 hours – shortly before the start of the training session at 9.30 hours – asking him where he was. It is also found - van Gelder stated this himself at the hearing – that he drank four or five beers in HHH. It is not possible to find out precisely what else happened that night. However, it is known that at some point van Gelder was in a nightclub where his girlfriend and friends were at that time. According to van Gelder, after his visit to HHH he did not drink any more alcohol. This is contradicted, however, by his coach's statement that he was informed by three other athletes and a trainer/coach in the apartment that van Gelder told an incoherent story after getting out of bed at 15.00 hours and said, among other things, that he had been to a club and was 'sponsored' with Desperado beers. Furthermore, van Gelder's coach stated that 'it was physically clear from van Gelder's appearance and evident from his way of speaking that he had been "partying" that night'. This last was therefore deduced by van Gelder's coach from his own

observation. The court has no reason to doubt the accuracy of that statement regarding what various people observed. Van Gelder has not given a reasoned statement that and why the observations of these people are not or could not be correct. For his part, he has not submitted any written statements from the people with whom he spent that night about what happened in order to refute the reading on the part of NOC*NSF.¹⁶

1.1.1a.1.1f.1c Van Gelder's behaviour, despite the due warnings, comprising a night of getting drunk while he was in the middle of a training and competition programme, is not compatible with compliance with that obligation.

1.1.1a.1.1f.1c.1a At issue here was a training session that clearly formed an essential part of the schedule of training sessions in the run-up to the finals.

1.1.1a.1.1f.1c.1b This was specially pointed out to van Gelder again by his coach.

1.1.1a.1.1f.1d It applies that van Gelder could not simply ignore the instructions and warnings of his coach in the light of his obligations arising from Arts. 6.3 and 6.4 of the agreement, as he did.

1.1.1a.1.1f.2 It must be borne in mind here that van Gelder was not free to do whatever he wanted and to decide what was and was not necessary and correct.

1.1.1a.1.1f.2.1a The Athlete Agreement with NOC*NSF entails rights and obligations. By means of this agreement, NOC*NSF makes it possible for van Gelder to compete in the Olympic Games and NOC*NSF gave an undertaking to van Gelder that it would surround him with all the facilities and care required to ensure that his participation therein is actually as successful as possible. Van Gelder can demand this from NOC*NSF.

1.1.1a.1.1f.2.1b In return van Gelder has the obligation to NOC*NSF that, on his part, he will cooperate with this fully, diligently and with optimum effort. NOC*NSF can demand this from van Gelder.

1.1.1a.1.1f.2.1c It is understandable that NOC*NSF does actually demand this, in view of the investments that it must make in the athlete.

1.1.1a.1.1g Van Gelder had the obligation to conduct himself as may be expected of a good member of TeamNL

1.1.1a.1.1g.1 This is stated in Art. 6.4 of the agreement.

1.1.1a.1.1h Van Gelder's standpoint that this provision relates only to the period of preparation and not to the period, after qualification, of participation in the Olympic Games must be rejected.

1.1.1a.1.1h.1a Art. 6.4 cannot reasonably be understood to mean anything other than that this requirement also relates to the period of participation in the Games.

16. This part of the civil judgment can be analysed further in much more separate complex arguments, but this is not relevant for the current analysis.

1.1.1a.1.1h.1a.1 Van Gelder's interpretation would lead to the absurd outcome that conduct such as that of a good team member may be expected of the athlete prior to the Games, but no longer during the Games, while it is highly likely that conduct such as that of a good team member may be expected even more during the Games.

1.1.1a.1.1h.1b There is no basis whatsoever for the view that it follows from Art. 6.4 of the agreement that accreditation with OCOG cannot subsequently be cancelled by NOC*NSF.

1.1.1a.1.1h.1b.1 Even in the absence of precise and well-defined rules of conduct, Art. 6.4 is not entirely devoid of meaning.

1.1.1a.1.1h.1b.1.1a Insofar as it may be reasonably assumed that the athlete should know and/or understand what may be expected of him on certain points, measures can also be based on non-compliance with this obligation, naturally depending on the nature and seriousness of the conduct.

1.1.1a.1.1h.1b.1.1a.1a The sole fact that van Gelder left the Olympic Village without permission and drank alcohol (irrespective of the quantity thereof) cannot be regarded as a breach of Art. 6.4 of the agreement.

1.1.1a.1.1h.1b.1.1a.1a.1 The court has not been able to find that, apart from the general and abstractly formulated standards in the IOC Code of Ethics, there are any precise and well-defined rules of conduct; and that, and if so how, NOC*NSF communicated them to the team members. Considering that non-compliance with the obligations pursuant to Art. 6.4 gives NOC*NSF the right, pursuant to Art. 20 of the agreement, to take far-reaching measures in relation to the athlete, more carefulness on this point could certainly be expected of NOC*NSF. With a view to this, it should be verifiably clear beforehand what conduct is expected and what conduct will not be accepted.¹⁷

1.1.1a.1.1h.1b.1.1a.1b That sole fact could not have reasonably justified a measure of exclusion from participation.

1.1.1a.1.1h.1b.1.1a.1c That measure is not actually based on that sole fact.

1.1.1a.1.1h.1b.1.1a.1c.1 This follows from the arguments given elsewhere in this judgment.

1.1.1a.1.1h.1b.1.1b This certainly applies insofar as the conduct concerned is directly significant for compliance with the obligations of Art. 6.3 of the agreement.

1.1.1a.1.1i If Van Gelder does not comply with the obligations stated in Art. 6.3 of the agreement, NOC*NSF is entitled to take measures as specified in that article.

1.1.1a.1.1i.1 This is stated in Art. 20 of the agreement.

17. This part of the civil judgment could be analysed further into many more separate arguments with a complex structure, but for the current analysis this is not relevant.

1.1.1b It is not for the court to decide whether, and if so which, measures were necessary.

1.1.1c The court can only make an ex-post assessment of whether NOC*NSF could have reasonably arrived at the imposed measure in the given circumstances.

1.1.1c.1 It is only appropriate for the court to intervene if it would be unacceptable according to standards of reasonableness and fairness for van Gelder to be held to NOC*NSF's decision.

1.1.1c.1' Art. 7:904 paragraph 1 in conjunction with Art. 7:906 of the Dutch Civil Code (BW) for the case of a binding decision of one party.

1.1.1d In making this assessment, it befits the court to show considerable restraint.

1.1.1e The imposed measure is for van Gelder a personal drama.

1.1.1e.1a After years of preparation, van Gelder was deprived of the opportunity for an Olympic finals.

1.1.1e.1b This was probably van Gelder's last chance for an Olympic finals.

1.1.1f Everyone, including NOC*NSF, had wanted to see van Gelder compete in that finals.

1.1.1g It cannot be said that NOC*NSF could not reasonably have arrived at this measure.

1.1.1g.1a It cannot be said that the measure of exclusion was disproportionate to the situation that arose through van Gelder's actions.

1.1.1g.1a.1 There was non-compliance with obligations, which in the given circumstances NOC*NSF could construe as serious.

1.1.1g.1a.1.1 It is understandable that NOC*NSF no longer had any confidence that van Gelder would in future comply properly with his obligations.

1.1.1g.1a.1.1.1a Considering van Gelder's problematic past.

1.1.1g.1a.1.1.1b Considering the fact that van Gelder himself said that he did not think he had done anything wrong,

1.1.1g.1a.2 It is plausible that the conduct of van Gelder and acceptance thereof by NOC*NSF would have an undermining effect on the morale of the other members of the gymnastics team and on the entire TeamNL.

1.1.1g.1a.2.1 Every elite athlete is in the same straightjacket of training sessions and a specific lifestyle, which is evidently necessary for an elite performance and with which he/she also has a contractual obligation in relation to NOC*NSF to comply. It is plausible, as argued on behalf of NOC*NSF, that it would certainly not have a good effect if a member freely says and shows by his behaviour that he has no respect for this.

1.1.1g.1a.3 It is understandable that NOC*NSF thought that it could not continue to the finals in this way with van Gelder.

1.1.1g.1a.3.1 It is clear that the incident caused a complete breakdown of trust between van Gelder's coach and van Gelder. Van Gelder's coach and NOC*NSF evidently came to the conclusion that this breakdown could no longer be mended. It was further argued, however, on behalf of van Gelder that his coach should then just leave, but this does not respect the fact that ultimately it was van Gelder who brought about the breakdown of trust with his coach through his behaviour, and not *vice versa*. There is no indication and no substantiation whatsoever for the suggestion made by van Gelder's legal counsel that van Gelder's trainer is an anxious trainer who is afraid to lose his job and therefore pressed for van Gelder having to leave.

1.1.1g.1b It is possible that others in the given circumstances may have come to a different conclusion than the one reached by those involved on the part of NOC*NSF.

1.1.1g.1c The question whether others in de given circumstances may have come to a different conclusion is not the criterion.

1.1.1g.2 It cannot be said that the decision to exclude van Gelder from further participation was taken without due care.

1.1.1g.2.1 There is no reason to assume that this decision was taken lightly.

1.1.1g.2.1.1 It does not follow from the facts that the decision was taken lightly.

1.1.1g.2.1.1.1 During the day of Monday 8 August 2016 van Gelder was interviewed in two hearings, including about the intention to exclude him from participation. It cannot be determined that van Gelder did not have the opportunity to give his account there. The statements of the participants in those interviews give grounds for the assumption that he did indeed give his account there. It must further be found that throughout the entire day on Monday the people concerned repeatedly consulted one another before the decision to exclude van Gelder from participation was definitively taken.¹⁸

1.1.1g.2.1.2 It is not likely that the decision was taken lightly.

1.1.1g.2.1.2.1 NOC*NSF itself also had an interest in van Gelder indeed being able to compete in the finals.

e. *The outcome*

The court concludes its assessment of the main substantive claim with the following conclusion (see 4.11): "On the basis of the above, the claim must be dismissed". This conclusion is presented as self-evident by drawing it without any reservation.

18. This part of the text can be analysed further into much more separate complex structured arguments, but for the current analysis of the civil judgment this is not relevant.

8.3.2 The dialectical route

According to the analytic overview of the court's judgment in the *van Gelder against NOC*NSF* case, the following argumentative pattern results from the way in which the standpoint *The claim must be dismissed* is defended. See Figure 8.1a.

```
1[eval](<1.1[mopo](<1.1.1a[symp](<1.1.1a.1[symp])&1.1.1b[symp]&1.1.1c[symp](<1.1.1c.1_1.1.1c.1'
[symp])&1.1.1d[symp]&1.1.1e[symp](<1.1.1e.1a[symp]&1.1.1e.1b[symp])&1.1.1f[symp]&1.1.1g[symp]
(<1.1.1g.1a[symp]&1.1.1g.1b[symp]&1.1.1g.1c[symp]);(<1.1.1g.2[symp]))))
```

[...]	= belonging to the type of	_	= combination of major and minor premise
<	= is supported by	eval	= evaluative standpoint
;	= multiple argument	mopo	= modus ponens
&	= coordinative argumentation	symp	= symptomatic argumentation

Figure 8.1a Argumentative pattern court's judgment in *van Gelder against NOC*NSF* case

On the basis of this argumentative pattern it can be determined which dialectical route is followed in the court's judgment. The evaluative standpoint 1 *The claim must be dismissed*, is defended in a modus ponens syllogism by making explicitly the claim that this is a necessary consequence of *The NOC*NSF's decision to exclude van Gelder from further participation in the Olympic Games is lawful/not voidable*. This means that the court defends its standpoint by taking a direct dialectical route and that the first part of this dialectical route starts off with the deductive argument 1.1 *The court's rejection of the claim follows logically from applying Dutch law to the facts of the case*.

The main argument 1.1 is in its turn an evaluative sub-standpoint that is justified on the basis of seven coordinative symptomatic arguments which together justify that the NOC*NSF's decision to exclude van Gelder from further participation in the Olympic Games is lawful/not voidable. Argument 1.1.1a says that NOC*NSF has the discretionary authority to decide which measures were necessary. Arguments 1.1.1b-1.1.1d specify the institutional position and role of the court in cases like these. Argument 1.1.1b says that it is not for the court to decide whether, and if so which, measures are necessary. Argument 1.1.1.c says that the court can only make an ex-post assessment of whether NOC*NSF could have reasonably arrived at the imposed measure in the given circumstances. Argument 1.1.1d says that in making this assessment it befits to show considerable constraint.

Arguments 1.1.1e-1.1.1g relate to the balancing of interests the court has to make. Argument 1.1.1e acknowledges the great interest van Gelder has in this case by stating that the imposed measure is a personal drama for him. Argument 1.1.1f states that everyone, including NOC*NSF, had wanted to see van Gelder compete in

the finals, in other words that the imposed measure also goes against the interests of NOC*NSF itself. Argument 1.1.1g says that it cannot be said that NOC*NSF could not have arrived *reasonably* at this measure.

Four of these seven arguments are justified with the help of subordinative symptomatic arguments. Argument 1.1.1a is supported by the (single) symptomatic legal argument 1.1.1a.1, which says that NOC*NSF has the discretionary authority to decide which measures are necessary pursuant to what was agreed between van Gelder and NOC*NSF. Argument 1.1.1c is supported by the combination of minor premise 1.1.1c.1 and major premise 1.1.1c.1'; the minor premise states that it is only appropriate for the court to intervene if it would be unacceptable according to the standards of reasonableness and fairness for van Gelder to be held to NOC*NSF's decision; the major premise refers to the general legal rules about reasonableness and fairness in the Dutch Civil Code. Argument 1.1.1e is supported by two factual coordinative arguments: argument 1.1.1e.1a states that after years of preparation van Gelder was deprived of the opportunity of an Olympic finals and argument 1.1.1e.1b says that this was probably van Gelder's last chance. Argument 1.1.1g is supported by a two-part multiple argumentation. Firstly, by the coordinated symptomatic legal argumentation consisting of 1.1.1g.1a, which says that, given the circumstances of the case, the measure of exclusion cannot be called disproportionate to the situation that arose through van Gelder's actions, 1.1.1g.1b, which states that it is possible that in the given circumstances others might come to a different conclusion than the one reached by the NOC*NSF side, and 1.1.1g.1c, which says that this is not the criterion that in this case should be used to decide. Secondly, by a single symptomatic legal argumentation 1.1.1g.2 that says that it cannot be said that the decision to exclude van Gelder from further participation was taken without due care.

Legal arguments 1.1.1a.1, 1.1.1g.1a, and 1.1.1g.2 are further supported by various arguments concerning what the court labels as *the facts*: arguments concerning the behaviour of van Gelder and others involved in this case and the interpretation thereof, arguments concerning provisions in the agreement that was made between van Gelder and the NOC*NSF and the interpretation thereof, and/or arguments on the relation between the (interpretation of the) behaviours and the (interpretation of the) provisions in the agreement.

On the basis of the argumentative pattern it can be determined that in the civil judgment the dialectical route is taken that is portrayed in Figure 8.1b:¹⁹

19. The civil judgment contains a more elaborate and complex dialectical route than is represented in this figure, which denotes only the first three layers of argumentation.

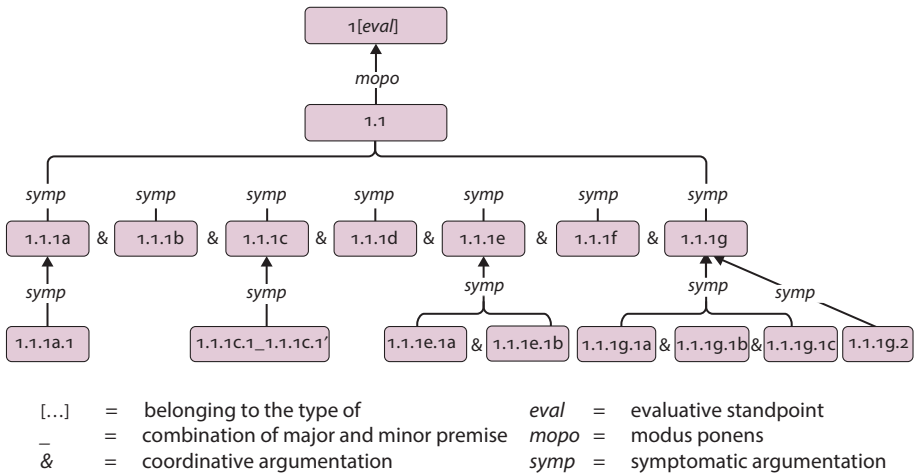


Figure 8.1b The court's dialectical route in the van Gelder against NOC*NSF case

Given the system of Dutch civil law and the pleadings of the plaintiff and the defendant, the first choice the court has to make is whether it will find fully or partially the claim for or against the plaintiff (and fully or partially for or against the defendant). Depending on the choice that is made, certain dialectical routes for the justification of the verdict are as it were prescribed by the institutional context. If the court rules fully against the plaintiff, as in the *van Gelder against NOC*NSF* case, the main argument of the court must be that the actions of the defendant are fully lawful and not voidable. If the court rules fully for the plaintiff, the main argument of the court must be that the actions of the defendant are fully unlawful and voidable. If the court rules partially for the plaintiff, the main argument of the court must be that the actions of the defendant are partially unlawful and partially voidable. On the second and third level of (subordinative) legal argumentation for the legal main argument, the court has in general more freedom in the choice of the specific legal argument(s) it wants to use, but this choice is, of course, still limited by the characteristics of the case and the possibilities offered by the law. On the level of the (interpretation of the) facts, the court has relatively the highest degree of freedom of topical choice and freedom of choice in the dialectical routes it would like to follow.

In the *van Gelder against NOC*NSF* case the court could in principle have ruled for the plaintiff; then it should have taken a different dialectical route. In the first place, the court could have decided on the basis of the evaluation of the arguments advanced by plaintiff and defendant that NOC*NSF does *not* have the discretionary authority to decide which measures are necessary pursuant to what was agreed

with van Gelder in the agreement. This would be the opposite of the current argument 1.1.1a and it is exactly what the plaintiff argued for in his pleadings on the basis of a different interpretation of the agreement and a different interpretation of van Gelder's behaviour. In that case, the claim would have to be assigned. In the second place, the court could have decided that, even if NOC*NSF does have the discretionary authority to decide which measures are necessary pursuant to what was agreed with van Gelder, the NOC*NSF's measures were *not reasonable*. This is the opposite of the current argument 1.1.1g; and it is what the plaintiff argued for alternatively in his pleadings on the basis of another interpretation of van Gelder's behaviour.²⁰

In the *van Gelder against NOC*NSF* case the dialectical route agrees with a prototypical argumentative pattern displayed in civil court's judgments: an evaluative standpoint about the full or partial assignment or rejection of a plaintiff's claim by the court is justified deductively by argumentation that responds to what is legally required in the case concerned; this argumentation can be single, multiple or coordinative, depending on the legal and/or factual complexity of the case. This legal argumentation itself should always be justified by (single, multiple or coordinative) symptomatic argumentation which specifies the legal rule or rules applicable in the case concerned that make the defendant's actions (not) unlawful/(not) voidable. The legal criterion, or criteria, must be justified by symptomatic argumentation in which it is argued that applying this criterion, or these criteria, is justified in the specific case concerned in view of the legal rules and the relevant facts.

20. One could argue that in the light of this analysis we have to assume that there are only two main coordinative arguments in favour of the main sub-standpoint 1.1, namely 1.1.1a and 1.1.1g, and that the arguments 1.1.1b-1.1.1d and arguments 1.1.1e-1.1.1f are not really supporting 1.1, but concern the limitations on the court's jurisdiction and the recognition of the damage done to the defendant, and therefore need to be analysed as meta-arguments about two aspects of the case at hand. However, in our view, arguments 1.1.1b-1.1.1d and arguments 1.1.1e-1.1.1f should be analysed as coordinative arguments supporting sub-standpoint 1.1 on legal grounds, because they are part of the coordinated argumentative complex of legal considerations that a court has to take into account in this kind of cases. In every specific case it has to consider its jurisdiction and the interests of both parties. Only on the basis of this complex of considerations, can the court conclude whether a specific action by one of the parties is lawful/not voidable. Apart from these legal grounds, this analysis of the court's argumentation can also be justified on the basis of the application of the strategy of *maximally argumentative interpretation* (see van Eemeren & Grootendorst 1992: 49), which states that when an analyst is in doubt whether an utterance in an argumentative discourse should be interpreted as an argumentative move instead of as an explanation, elaboration or clarification, it is advisable to interpret it argumentatively. This minimizes the risk that utterances important to the resolution of a difference of opinion will be overlooked in the analysis.

8.3.3 The strategic considerations

The identification of the argumentative style utilised in the court's judgment we are examining needs to be based on an adequate understanding of the strategic considerations underlying the strategic design of the discourse manifested in the argumentative moves made in the dialectical routes that have been taken. As is always the case in argumentative discourse, the strategic design of the court's judgment consists of a specific functional use of certain modes of strategic manoeuvring and argumentative strategies. However, since in civil lawsuits the strategic considerations underlying the court's proceedings are for a great deal determined by the institutional preconditions of this communicative activity type, and more specifically by the preconditions regarding the position and the role of the court in a civil lawsuit, the options to select from the topical potential, to adapt to audience demand, and to choose presentational devices are much more restricted than in most other argumentative practices.

It is essential to a court in a civil (but in fact in any) lawsuit to make clear that it is an independent and neutral reviewer of the case, that its verdict is based on an understanding of the relevant facts, and that it follows from application of the legal or quasi-legal rules and procedures that are relevant in this specific context, rather than being based on its own "personal" appreciation. This strategic background also pertains to the writing of a civil judgment, which is after all a post hoc justification of the outcome of the process of legal decision making, not a description of that process. The result is a strategic design motivated by the strategic considerations of the court (a) that it can make clear in a reasonable and effective way that it is independent by maintaining a neutral attitude with respect to the case concerned, (b) that it can maintain in a reasonable and effective way that its assessment of and conclusion about the claim are unavoidable on the basis of a just and objective application of the relevant legal rules and procedures to the relevant facts of the case, and (c) that it can ensure in a reasonable and effective way that both the plaintiff and the defendant, who constitute the court's primary audience, accept its standpoint as much as possible²¹ by making them understand the reasons that support it. The same effect should, in the court's view, be achieved with regard to its secondary audiences: (i) persons and institutions that are possibly in a comparable position as plaintiff and defendant; (ii) a higher court that possibly has to decide about this case in appeal; (iii) other courts that possibly have to decide about different but

21. The party against which is fully or partially ruled could be considered the court's *primary primary audience*, because particularly this party, which has the opposite standpoint, has to be convinced of the rightness and fairness of the court's decision.

comparable cases; (iv) the legal community in general, including the law scholars; (v) the media; (vi) the general public or 'society'.²²

All strategic manoeuvring that takes place in the argumentative moves made along the dialectical route taken in the court's judgment is in fact consistently designed to bring about the intended effect.²³ In civil judgments, the use of three general argumentative strategies can be identified: (1) communicating that the court is the "mouthpiece" of the law and other legal rules (*mouthpiece strategy*), (2) communicating that the court's conclusion is reached on the basis of facts that can be verified or objectified (*factualization strategy*), and (3) communicating that the conclusion is a necessary outcome of deduction, i.e. the application of indisputable relevant legal criteria to indisputable facts (*deduction strategy*).

These argumentative strategies are also used in the civil judgment about the *van Gelder against NOC*NSF* case. The strategic manoeuvring taking place in the argumentative moves made in the dialectical route taken in the civil judgment is consistently designed to bring about the required effects. The argumentative strategies the court puts to good use to realise their strategic design provide evidence for the fact that the conclusion drawn by the court is a necessary consequence of the instrumental application of undeniably relevant legal rules to undeniable facts of the case. In Section 8.4 we will show how the use of the three argumentative strategies just mentioned manifests itself in the topical choice of the arguments by the court, in the adaption to audience demand and in the choice of presentational devices.

8.4 Characteristics of the argumentative style in the civil judgment

8.4.1 The identification of argumentative styles

Starting from our reconstruction of the analytic overview, the argumentative pattern, and the strategic design of the argumentative discourse in the court's judgment in the *van Gelder against NOC*NSF* case in Section 8.3, we are now going to identify the argumentative style that is utilised in this judgment. In the judgment, the analytically relevant argumentative moves that are made, the dialectical route that is chosen, and the strategic considerations that are brought to bear are

22. Not all groups within this secondary audience are relevant in all law cases; this depends on the specific case. In the *van Gelder against NOC*NSF* case, for instance, there was much media attention and a great public interest, but this is not always the case.

23. Whether the unsuccessful party can and will be convinced by the verdict is not relevant to the effort the court should make; it plays neither a role in its strategic considerations nor in the strategic design of the argumentative discourse.

in agreement with the institutional preconditions of the communicative activity type of a civil court judgment described in its argumentative characterization in Section 8.1.

On the basis of the argumentative characterization of the civil judgment and the civil lawsuit as communicative activity types, the position and role of the civil court, and the fact that the options to select from the topical potential, to adapt to audience demand and to choose presentational devices are in civil judgments rather limited, one can conjecture that the argumentative style of a civil court's judgment will be predominantly detached.²⁴ As we explained in Chapter 3, it can only be concluded that the argumentative style utilised in a discourse belongs to the category of detached argumentative styles if the amalgamation of radiating objectivity in the topical selection, conveying reliability in the adaptation to audience demand, and expressing openness to an independent judgment in the exploitation of presentational devices manifests itself consistently in the argumentative moves that are made throughout the dialectical route(s) in defence of the standpoint at issue in accordance with the strategic considerations underlying the strategic design of the discourse. Starting from these premises, we will test our conjecture about a detached argumentative style when identifying the argumentative style utilised in the civil judgment in the *van Gelder against NOC*NSF* case.

In 8.4.2, we shall concentrate first of all on the *argumentational* argumentative style, because the mouthpiece strategy, the factualization strategy, and the deduction strategy manifest themselves in a civil judgment most explicitly in the empirical counterpart of the argumentation stage. In 8.4.3, we shall next pay attention to the main characteristics of the confrontational, opening, and concluding argumentative styles. To conclude, we shall draw in Section 8.5 some general conclusions about the argumentative style utilised in the court's judgment in the *van Gelder against NOC*NSF* case.

24. In the pleadings of a lawyer in a civil lawsuit the utilisation of detached and engaged argumentative styles is more mixed. This is in line with what is observed in Chapter 3, namely that in real-life speech events mixtures of argumentative styles can occur, the argumentative styles may show overlap, and they can also be detached or engaged to a certain extent or to a certain degree. In addition, there is a certain variation: not all pleadings are the same. The one kind of pleading could, for instance, be consistently more promotional and less adjudicational and the other systematically more adjudicational and less promotional, resulting in systematic differences between the argumentative styles that are utilised.

8.4.2 Characteristics of the argumentational argumentative style

The court follows in its *topical selection* in defending its main standpoint, *The claim must be dismissed*, a dialectical route that consists of one branch: it advances the legal argument *NOC*NSF's decision to exclude van Gelder from further participation in the Olympic Games is lawful/not voidable* as its the main argument, in a deductive fashion [1 (< 1.1)]. For institutional reasons (the 'justification principle'), this legal argument, which is based on the court's starting point with respect to the relevant legal question, needs to be supported by a justification of the court why NOC*NSF's decision to exclude van Gelder from further participation in the Olympic Games is lawful/not voidable. In doing so, the court puts forward seven coordinated symptomatic arguments: 1.1(<1.1.1a&1.1.1b&1.1.1c&1.1.1d&1.1.1e&1.1.1f&1.1.1g). Five of these arguments, 1.1.1a, 1.1.1b, 1.1.1c, 1.1.1d and 1.1.1g, are legal in nature; two of them, 1.1.1e and 1.1.1f, are factual-legal.

Symptomatic argument 1.1.1a is the intermediate legal step between argument 1.1 and symptomatic legal argument 1.1.1.a.1 [1.1(<1.1.1a(<1.1.1a.1))]. Argument 1.1.1.a.1 itself gives the court's legal evaluation of a great deal of the (interpretations of the) facts of the case. For this purpose, legal argument 1.1.1.a.1 is supported by complex argumentation that consists of a great many layers of simplex, coordinated and subordinated factual arguments.

Symptomatic legal arguments 1.1.1b, 1.1.1c and 1.1.1d are about the court's legal position and its role in this type of civil cases. From these three legal arguments only argument 1.1.1c is supported by subordinative argumentation, which consists of a minor premise about this specific case 1.1.1c.1 and a major premise that refers to the applicable general legal rules art. 7:904 paragraph 1 in conjunction with Art. 7:906 of the Dutch Civil Code (BW) (1.1.1c.1') [1.1.1c(< 1.1.1c.1-1.1.1c.1')]. Arguments 1.1.1b and 1.1.1e are not further supported.

Symptomatic argument 1.1.1g is the intermediate step between legal argument 1.1 and a multiple legal argumentation that consists in one branch of the three coordinated symptomatic arguments 1.1.1g.1a, 1.1.1g.1b and 1.1.1g.1c and in another branch of simplex argumentation 1.1.1g.2 [1.1.1g(< (1.1.1g.1a&1.1.1g.1b&1.1.1g.1c); (<1.1.1g.2))]. These legal sub-arguments give the court's legal evaluation of a great deal of the (interpretations of the) facts of the case. For this purpose, they are supported by complex argumentation that consists of several layers of simplex, coordinated and subordinated factual argumentation.

Symptomatic factual-legal arguments 1.1.1e and 1.1.1f express that the court has taken the plaintiff's interests into consideration and acknowledges the dramatic nature of the facts and the situation that has developed. The arguments are factual in that sense. These arguments, however, are also legal in nature, because they express that the court has taken van Gelder's interest seriously into consideration

and has carefully balanced the interests of the two parties – precisely what the court has to do in dealing with this type of civil legal conflict.²⁵ Only argument 1.1.1e is supported by coordinative factual sub-argumentation: 1.1.1e.1a and 1.1.1e.1b [1.1.1e(<1.1.1e.1a&1.1.1e.1b)]. These sub-arguments themselves are not supported by argumentation.

On the basis of this overview of the dialectical route followed by the court, it can be concluded that the court's argumentational topical selection in its judgment about this case boils down to a careful choice of arguments pointing out why the established facts must have the legal consequence the court has drawn from them. By doing so, the court makes a topical selection that aims for acceptance of its standpoint (and ultimately its decision). Although the dialectical route taken in the court's judgment by making these topical choices is complex, it is also straightforward: the evaluative standpoint that the claim must be dismissed is defended by a series of several layers of almost exclusively symptomatic arguments. These arguments add up and end at points where the court on the basis of its choice of legal and factual starting points thinks it can stop.

The court's strategic considerations behind the topical selection in the argumentation advanced in the dialectical route that is realised here, are (a) that it can reasonably and effectively maintain that it is independent by keeping a neutral attitude with respect to the case concerned, (b) that it can reasonably and effectively maintain on the basis of a just and objective application of the relevant legal rules and procedures to the relevant facts of this case that its assessment of and its conclusion about the claim are unavoidable, (c) that it can reasonably and effectively ensure that its primary and secondary audiences accept its standpoint as much as possible by making them understand the reasons that support it. These strategic considerations are implemented by using the three argumentative strategies earlier mentioned.

The mouthpiece strategy is identifiable in the court's choice of the legal arguments 1.1.1a, 1.1.1a.1, 1.1.1b, 1.1.1c, 1.1.1c.1_1.1.1c.1', and 1.1.1d, which state this more or less explicitly.²⁶ The factualization strategy is identifiable in the court's abundant choice of (simplex, coordinated and subordinated) factual arguments (which support especially arguments 1.1.1a.1 and 1.1.1g); this underlines the idea that the court's conclusion is ultimately based on an abundance of undeniable facts.

25. See also footnote 19.

26. Prototypical for civil judgments (and legal judgments in general) is the use of 'arguments from authority', a sub-type of symptomatic argumentation. These arguments can refer to codified legal rules, quasi-legal rules, provisions of an agreement or statements of authoritative witnesses or experts. The use of arguments from authority can well be in accordance with the mouthpiece, the factualization, and the deduction strategy.

The 'deduction strategy' is identifiable in the court's choice of applicable legal rules that "fit well" with the facts of the case. This choice is implicit in the sense that, in accordance with the mouthpiece strategy, the court does not make explicit that another choice of legal rules would have been possible and presents its current choice implicitly as the unavoidable choice.

The combination of the three strategies in the topical choice of arguments manifests the strategic design of the civil judgment. In the defence, the arguments refer to legal starting points (legal rules) or factual starting points (examples of the behaviour of the defendant) and at almost every level of the argumentation it is made explicit how the sub-standpoints and eventually the main standpoint follow necessarily from application of the legal rules to the facts. This topical choice is indicative of a detached argumentative style. Separately and when taken together, both the factual and the legal arguments point out an objectified rationale for accepting the standpoint, making clear by using a great many arguments from example that several legal rules have in this case been violated by the defendant. To be more specific, the argumentative style can be characterized as a *demonstrably detached argumentative style*, because it is not only businesslike and restrained by not showing any personal feelings or affections, but through the use of the three argumentative strategies it is also demonstrative in presenting the standpoint as an unavoidable outcome of compelling legal reasoning based on undisputable facts and legal rules and procedures.²⁷

The strategic considerations and the strategic design of the civil judgment implemented by means of the three argumentative strategies indicate that the court's assumption seems to be that its *particular audiences*, the primary as well as the secondary ones, all belong to a *universal audience* in the sense of Perelman and Olbrechts-Tyteca (1969): the abstract audience consisting of all human beings that are considered reasonable. The court's choice of the universal audience as the addressee of its civil judgment is institutionally determined. Although a court always has to decide about specific cases and its decision is in that sense 'case bound', the court's implicit claim always is that in comparable cases every reasonable and knowledgeable person would come to the same decision. The court's choice of audience and its adaption to it are therefore a manifestation of the implementation of the three argumentative strategies: every reasonable person that knows the legal rules has to come to this conclusion (mouthpiece strategy), every reasonable person

27. This observation is consistent with a principle in Dutch procedural law that is known as *the secret of the council chamber*: all persons involved in taking a legal decision should keep secret what has been discussed about the case. So, in Dutch court judgments no dissenting opinion is ever expressed – except in appellate courts, where the higher court must perforce discuss and evaluate the judgment of the lower court.

has to accept the undeniable facts (factualization strategy) and every reasonable person will see that the application of the undeniable relevant legal rules to the undeniable facts necessary leads to the conclusion (deduction strategy). This adaption to audience demand is indicative of a detached argumentative style, because by addressing it as part of the universal audience it invites the audience rather explicitly to consider the rationality of accepting the standpoint.

The court's exploitation of presentational devices in the empirical counterpart of the argumentation stage is in fact rather explicit. The court's sentence formulations are predominantly in the *indicative mood* and the use of other moods is rare. Sentences with an indicative mood express a statement which is in the perspective of the speaker or writer true or justifiable. In this sense the use of language by the court in the argumentation stage of the argumentative process is characterized by a combination of descriptive and evaluative word choices.

These linguistic choices are, again, manifestations of the use of the three argumentative strategies. The mouthpiece strategy is identifiable in the court's choice of the following presentational devices. By the word choice of its assessment in 4.2, the court makes explicitly clear that its discretion in cases like this is very limited. This is apparent from its use of the three impersonal expressions *it is not for* ("It is not for the court to decide [...]"), *it befits* ("It befits the court [...]"), *it is only appropriate for* ("It is only appropriate for the court") and the combination of the deontic modal verb *can* and the adverb *only* ("The court can only [...]"). The use of all these expressions strongly suggests that in this case there are circumstances (facts, legal rules) which determine what the court can do and cannot do. And also the impersonal character of the language use and the relatively abundant use of deontic modal verbs ("must", "can(not)", "should", "may") and deontic modal adverbs ("necessary", "evident", "manifestly") throughout the whole assessment suggest that in its assessment the court has to follow a course that is completely determined by the facts and the legal rules, without leaving much space for an active role for the court itself. Another indication for the mouthpiece strategy is the fact that personal pronouns are almost absent: the court refers to its own role by speaking of "the court". This has an objectifying effect: by choosing for "the court", instead of "I" or "this court", the suggestion is created that in similar circumstances any court would act in the same way. Striking is also the use of nonhuman agents in subject position, whereby "this summary proceeding" and "this agreement" are personified, which again suggests that the court itself is not the agent in this procedure.

The 'factualization strategy' is identifiable in the court's choice of the following presentational devices. The formulations of the factual arguments by the court are clearly descriptive. Whereas both the lawyers of van Gelder and NOC*NSF make use of intensifiers in formulating their starting points in their pleadings, the court

gives a merely “factual” description of the events, for example by always referring concretely to very exact times (e.g., “05:08”, “09:12”). In addition, the court uses various times the factive verbs “establish”, “determine”, and “find”. By choosing the phrases “has been established”, “it has been determined”, and “it has been found”, and repeating them, the factual nature of the embedded propositions in the sentence complements is stressed. Sentence complements are also linked to the matrix verb “to show” (“The text messages show that ...”; “This shows that...”). The subjects of these verbs refer to verifiable evidence that supports the description of the events that the court is presenting. Furthermore, a high degree of certainty is suggested in factual arguments using expressions such as “It is known”, “has no reason to doubt”, “must be assumed”, “There is little doubt”, “There is no reason”, “There is no indication”, “It is not very likely”, “It is not plausible”, and “There is no basis whatsoever”. The use of these expressions also stresses the truthfulness of the embedded propositions in the sentence complements; and in the formulations of the court’s arguments almost any form of hedging is conspicuously absent.

The ‘deduction strategy’ is identifiable in the court’s choice of the following presentational devices. By the formulation of its evaluative statements (“The claim must be dismissed”, “It cannot be said that [...], “It is understandable that [...]” etc.), the court stresses in the first place that its final and interim assessments follow necessarily from applying the codified legal rules and the provisions of the agreement between van Gelder and NOC*NSF to the facts concerning the behaviour of both parties. The formulations of its evaluative statements also suggest that there is no doubt about the justifiability of its evaluative statements. And, again, in the formulation of its evaluative arguments and (sub-)standpoints, the court does not use hedges. In addition, the court presents its factual and legal arguments as analytical step by step reasoning where the interim and final conclusions follow as it were logically from the given arguments. This effect is enhanced by the use of indicators for argumentation (“therefore”, “on the basis of”, etc.), which makes the inference processes explicit. The strategic design that manifests itself in the choice of these presentational devices points, again, to the utilisation of a detached argumentational style.

So, the argumentational style utilised in the civil judgment proves to be detached in all its three dimensions: the topical selection, the adaptation to audience demand, and the choice of presentational devices.

8.4.3 Characteristics of the confrontational, opening, and concluding argumentative style

The expected confrontational topical selection, involving the protagonist's outspoken commitment to the standpoint *The claim must be dismissed*, is only made explicit in the concluding stage of the argumentative process (see 4.11 of the court's assessment in Section 8.2). Only then the court expresses in so many words its involvement in the case, after having first presented all its arguments in favour of its evaluative standpoint and having indicated why alternative decisions are to be rejected. So, the standpoint is advanced 'retrogressively' as a conclusion of the defence of the main argument in its favour (and evaluative sub-standpoint), *The NOC*NSF's decision to exclude van Gelder from further participation in the Olympic Games is lawful/not voidable*, in the argumentation stage. This is an indication of the court's deduction strategy.

What the court does in the confrontation stage is displaying van Gelder's claim and mentioning that "NOC*NSF opposes the claim". In the institutional context of a civil lawsuit the explicit standpoints of the plaintiff and the defendant create an obligation for the court to take a decision (it is a legal principle in Dutch law that the court is not allowed to refuse to do justice) and also an obligation to justify this decision (the 'Justification principle' of Dutch constitutional law). In this sense, the institutionally determined disagreement space is explicitly demarcated: the court's topical choice of standpoint is restricted by the choice of standpoints of the plaintiff and the defendant. This means that the court's strategic manoeuvring in the confrontation stage characterizes the dispute between van Gelder and NOC*NSF as a mixed difference of opinion. This topical choice is an indication of the court's mouthpiece and factualization strategy: the court has to restrict itself to the definition of the disagreement by the parties and has to accept this definition as a fact.

The dialectical route chosen by the court in the confrontation stage, which determines the course of the argumentative process, is opened up by the claim *NOC*NSF's decision to exclude van Gelder from further participation in the Olympic Games is lawful/not voidable*, which supports the main standpoint. The choice of this dialectical route is not so much based on a strategic consideration of the court, but is, given the preconditions of this communicative activity type, an institutional necessity. The court's topical selection in the confrontation stage of the argumentative process is therefore in agreement with what could be expected of a civil lawsuit and the position and the role of the court in this institutional macro-context. One of the primary addressees, van Gelder (who is in this case the unsuccessful party), is supposed to be first against the court's standpoint but it is hoped that he will accept it after having taken note of the court's argumentation. NOC*NSF, the other primary addressee, is supposed to be in favour of the court's standpoint, both

initially and finally. On its own, a delayed statement of the protagonist's position is not a decisive indication of the utilisation of any particular argumentative style. In the case of a court ruling, however, the argumentative style is in such a case more likely to be detached than engaged.²⁸ What is more – as we explained above – for institutional reasons it may even be expected to be demonstrably detached.

As a matter of course, the court does not make explicit at the beginning in whose favour it will decide and who its 'primary primary audience' is. Given the institutional preconditions and the role the court has to play as a neutral reviewer of the case, there generally seem to be hardly any options for confrontational adaptation to the audience, especially not to the court's 'primary primary audience'. This is an indication that as far as its audience demand dimension is concerned the confrontational style utilised in the court's judgment will also be detached.

The presentation of the plaintiff's and the defendant's standpoints in this stage is indeed descriptive and factual. The judgment just sums up what "van Gelder seeks", that "NOC*NSF opposes the claim", and that "The arguments of the parties are discussed in more detail below, insofar as relevant". The court's confrontational exploitation of presentational devices connects therefore well with the observations we have just made concerning the other two dimensions of the confrontational style utilised in this stage. Not showing any personal involvement, as happens in the formulations chosen by the court, is indicative of the mouthpiece strategy, and the fact that the court's standpoint is advanced retrogressively, by way of a conclusion, is indicative of the deduction strategy. In spite of the lack of any further indicators in the use of presentational devices that confirm our identification of the court's argumentative style in this stage as detached, we see no reason to renounce this characterization.

The court's expected opening topical selections in this case, (a) the legal question at issue, (b) the relevant and applicable legal rules and legal procedures, and (c) the relevant (interpretations of the) facts, are all mentioned explicitly, either in Section 2 *The facts* and/or in Section 4 *The assessment*, especially in part 4.2 (with respect to the legal question, the codified legal rules and the agreement) and part 4.3 (with respect to van Gelder's behaviour) of its judgment. All these starting points are mandatory institutionally and they are necessary to come to a decision about the claim. The freedom of choice for a civil court regarding its starting points is, of course, limited by the law and by the characteristics of the case. With respect to

28. In Chapter 5 it is argued that in the context of political advertising such a delayed statement of the protagonist's position can be an indication of an engaged argumentative style. So, the function of the stylistic characteristic of delaying the mentioning of the standpoint can be context-dependent, and that is exactly what one would expect.

the facts, a civil court should restrict itself as much of possible²⁹ to the set of facts brought forward by the plaintiff and the defendant and not contradicted by either of the parties. It is mainly these facts that can be used by the court in the justification of its decision. A civil court is, of course, free to choose within the framework of the law the applicable legal rules it wants to use as starting points, as long as its choices remain in accordance with the system of law. So, the disagreement space is also institutionally demarcated with respect to the starting points.

The shape that is given to the topical dimension of the opening style by the choice of starting points is fully in accordance with the three argumentative strategies. The court makes clear that this choice fits the mouthpiece strategy, because it is institutionally bound by these starting points. The topical choice is also in accordance with the factualization strategy, because the factual starting points are the facts which were established in the discussion between the two parties and need to be evaluated by the court. And the topical choice of the legal rules fits the deduction strategy because these are the general rules which have to be applied to the facts in order to deduce the sub-standpoints and eventually the main standpoint. Realising the three argumentative strategies in the empirical correlate of the opening stage results in starting points consisting primarily of verifiable facts and generally recognized norms. This means that the validity of the facts and norms included in the starting points chosen to serve as the point of departure of the argumentative process are claimed to be beyond any doubt and this is indicative of a detached argumentative opening style.

The people the court intends to address are its primary and secondary audience. The suggestion inherent in the argumentative use of these starting points is that it should be clear to all these people that these are the only relevant and reasonable legal touchstones to be used as assessment criteria in deciding about van Gelder's claim. The objective and neutral shape given by the court to its starting points shows their identification with what is legally relevant in this case. Furthermore, given the institutional preconditions and the role the court has to play as a neutral reviewer of the case, there seem to be few options for opening adaptation to the audiences, and especially not to the 'primary primary audience'. All of this is fully in accordance with the three argumentative strategies. At any rate the adaptations to the audience are made in an inconspicuous way to avoid that the starting points that are chosen may seem questionable after all. This way of dealing with the opening stage is indicative of the utilisation of a detached argumentative style.

29. It is often claimed that in civil lawsuits (contrary to in criminal lawsuits) a Dutch court should in principle be passive with respect to the establishment of the facts of the case, but in its strict interpretation this claim has become controversial.

The court's exploitation of presentational devices in the opening stage is rather explicit. The impersonal language use, with almost no empathetic appeals to the audience, together with the employment of other means to create distance, point to the utilisation of a detached argumentative style in the exploitation of presentational devices. In its formulation of the starting points the court tries to be as neutral as possible with respect to the plaintiff's and the defendant's behaviour, restricting itself to facts that are supposed to be relevant in the light of the legal rules and procedures that are applicable to this case and can be verified or objectified. The choice of words is clearly descriptive. Whereas both van Gelder's and the NOC*NSF's lawyers make use of intensifiers in formulating their starting points in their pleadings, the court gives a merely factual description of the events. In addition, the court uses the factive verb "establish" various times, and makes use of the modal phrase "can only" to stress its limited role in the procedure. In other words, the linguistic devices used by the court are also instrumental in executing its three argumentative strategies. The straightforward presentation of the starting points, with exact references to relevant data and rules, is indicative of a detached argumentative style.

The expected concluding topical selection is by means of the indicator "on the basis of the above" (paragraph 4.11) explicitly introduced as a conclusion: "On the basis of the above, the claim must be dismissed". At the end of the many-branched dialectical route this conclusion is without any further ado presented as self-evident. It is based on complex reasoning by the court with respect to the (interpretations of the) facts of the case and on the legal rules and procedures that are, according to the court, applicable to the case. Apart from the concluding statement, which introduces not only the outcome of the argumentative process but in fact also the standpoint at issue, the concluding stage remains in the judgment unexpressed. The fact that the outcome is explicitly introduced as a conclusion of the preceding reasoning process is in accordance with the deduction strategy and the mouthpiece strategy. This type of topical choice is, again, indicative of a detached argumentative style.

Adaptation to audience demand amounts in this case to making the audience realise that the conclusion is the rational consequence of the argumentative process by making it clear to them that the conclusion follows logically from the accepted starting points. This is, again, in accordance with the deduction strategy and the mouthpiece strategy, and it is indicative of the utilisation of a detached argumentative style.

The exploitation of presentational devices in the concluding stage by the explicit use of the argumentative indicator "on the basis of the above" and the deontic modal verb "must" makes the audience emphatically realise that the argumentative process they have gone through leads inescapably to the conclusion that the claim

at issue must be dismissed. Again, this is in accordance with the deduction strategy and the mouthpiece strategy, and therefore points at the utilisation of a detached argumentative style.

The characteristics of the confrontational, the opening, and the concluding style utilised in the civil judgment in the *van Gelder against NOC*NSF* case are completely in line with the argumentational style that is put to good use in this verdict. So, in all four stages of the argumentative process the argumentative style that is utilised can be characterized as detached.

8.5 Conclusion

In this chapter we have identified the argumentative style that is utilised in a civil court's judgment delivered in the *van Gelder against NOC*NSF* case. This case centres around the Dutch athlete Yuri van Gelder, who was suspended by the Dutch Olympic Committee NOC*NSF for misbehaviour during the 2016 Olympic Games and sent home. Back in the Netherlands, van Gelder, the plaintiff in the case, took the NOC*NSF, the defendant, to court in a *civil summary judgement procedure*, and demanded to get reinstated in the Olympic team, denying that he had broken the team rules. Van Gelder's attempt was not successful: the court decided to dismiss his claim.

A civil court's judgment is an argumentative practice that is part of the more encompassing communicative activity type of a civil lawsuit that leads to the termination of a difference of opinion by a court. The difference of opinion at issue will be a well-defined juridical dispute, with starting points consisting of largely codified legal rules, provisions of a case-related agreement and case-related concessions, argumentation and criticism based on a legal interpretation of the agreement provisions, concessions and other relevant facts, and a motivated settlement by the court as the outcome. The procedural and material starting points of a civil court's judgment are to a large extent predetermined by the institutional context and the characteristics of the specific case. The court's standpoint is characteristically legitimized by means of symptomatic argumentation in which it is argued that dealing with the case in a particular way is justified because it is covered by a legal rule. Since symptomatic argumentation is prevalent, the critical questions likely to be anticipated are generally those associated with this type of argumentation.

The analytically relevant moves made by the court in its judgement in the *van Gelder against NOC*NSF* case that we have analysed in this chapter are case-specific manifestations of the type of argumentative moves prototypical in a Dutch civil court's judgment. In the *initial situation* of a civil judgment, the court has to make clear what exactly the plaintiff's claim is, how exactly the defendant reacts to that

claim and what the court's own standpoint is. In the *van Gelder against NOC*NSF* case, the court's standpoint in its judgment is that van Gelder's claims are fully unjustified. This standpoint implies that there is a single mixed difference of opinion between the court and the plaintiff about an evaluative standpoint. There is no difference of opinion between the court and the defendant.

In its judgment, the court has to make clear what its material and procedural starting points for assessing the claim, are. This means that the court mentions (a) what the legal question is, (b) what the relevant and applicable legal or quasi-legal rule(s) and legal procedures are, and (c) what the relevant (interpretations of the) facts are. According to the court, the legal question at issue in this case is: "is NOC*NSF's decision to exclude van Gelder from further participation in the Olympic Games lawful/voidable?". With respect to the applicable codified legal rules and procedures it refers to articles in the Dutch Civil Code about standards of reasonableness and fairness. The facts are in this case of two different types: (a) (interpretations of the) facts concerning the relevant rights and obligations according to the provisions in the agreement made between van Gelder and NOC*NSF, and (b) (interpretations of the) facts concerning the relevant behaviours of both plaintiff and defendant and relevant circumstances of the case.

The argument schemes that are employed consist for the most part of symptomatic argumentation. The step from the main argument to the standpoint defended by the court is made by relying on the valid argument form of *modus ponens*. The argumentation structure is a very layered and drawn out combination of relatively many legal and factual multiple, coordinative and subordinative argumentations. And the court's standpoint is presented as a self-evident conclusion by drawing it, without any reservation, as the outcome of the argumentative discourse.

The dialectical route chosen by the court is a manifestation of the prototypical argumentative pattern generally displayed in civil court's judgments: an evaluative standpoint of the court about the full or partial assignment or rejection of a plaintiff's claim is justified by deductive argumentation that specifies what is legally at stake in the case concerned. This legal argumentation itself is justified by coordinative symptomatic argumentation which specifies the legal rule or rules that are in this case applicable and make the defendant's actions not unlawful/not voidable. These legal criteria are justified by symptomatic argumentation claiming that the criteria are justified because of other applicable legal rules and because of the relevant facts in this case.

For the court it is essential to make strategically clear in its civil judgement that it is an independent and neutral reviewer of the case, that its verdict is based on an understanding of the relevant facts and follows from the application of the relevant legal or quasi-legal rules in this specific context. These strategic considerations are in accordance with the institutional preconditions of this communicative activity

type, more specifically with the preconditions regarding the position and the role of the court in a civil lawsuit. In general, in the strategic design of a Dutch civil court's judgment three argumentative strategies are employed to implement its strategic considerations: (1) communicating that the court is the "mouthpiece" of the law and other legal rules; (2) communicating that the court's conclusion is reached on the basis of facts that can be verified or objectified; and (3) communicating that the conclusion is a necessary outcome of deduction, i.e., the application of indisputable relevant legal criteria to indisputable facts. These three strategies are also employed in the *van Gelder against NOC*NSF* case.

Our analyses of the topical dimension, audience demand dimension, and presentational dimension of the argumentative style utilised in the court's judgement make clear that the confrontational, opening, argumentational, and concluding argumentative styles are in all their three dimensions detached. This home truth manifests itself most clearly in the characteristics of the argumentational style. The argumentational topical choice is indicative of a detached argumentative style, because, both separately and when taken together, the factual and the legal arguments point out an objectified rationale for accepting the standpoint, making clear by using a great many arguments from example that in the case concerned several legal rules have been violated by the defendant. To be more specific, the argumentative style that is utilised by the court can be characterized as a *demonstrably detached argumentative style*, because it is not only businesslike and restrained by not showing any personal feelings or affections, but through the use of the three argumentative strategies it is also demonstrative in the sense that the standpoint is presented as an unavoidable outcome of compelling legal reasoning based on undisputable facts and legal rules and procedures.

The court's argumentational adaption to the audience indicates that its assumption seems to be that the particular audiences it addresses, the primary as well as the secondary ones, all represent a *universal audience* in the sense of Perelman and Olbrechts-Tyteca (1969). The court's choice of the universal audience as the addressee of its civil judgment is institutionally determined. Although a court always has to decide about specific cases and its decision is in that sense 'case bound', its implicit assumption is that in comparable cases every reasonable and knowledgeable person would come to the same decision.

The court's formulations of its sentences are predominantly in the indicative mood; the use of other moods is rare. Sentences with an indicative mood generally express a statement which is in the perspective of the speaker or writer true or justifiable. In this sense the language use by the court is characterized by a combination of descriptive and evaluative word choices. Furthermore, there is an abundant use of modal words and constructions which express certainty and a conspicuous absence of hedging.

The characteristics of the confrontational, the opening, and the concluding styles utilised in the civil judgment in the *van Gelder against NOC*NSF* case are completely in line with the argumentational style that is put to good use in this verdict. In these three other stages of the argumentative process, too, the argumentative style that is utilised can be characterized as demonstrably detached in all three dimensions: topical selection, adaption to the (universal) audience, and the choice of formulations. This means that we can unreservedly conclude that the general argumentative style that is utilised in the court's judgment as a whole has to be characterised as *full-blown (demonstrably) detached* or *fully (demonstrably) detached*: radiating objectivity in the topical dimension, conveying reliability in the audience demand dimension, and expressing openness to independent judging while stressing the arguer's independence in the presentational dimension.

What the analysis in this chapter also shows is that in the case of a Dutch civil judgment the choice for a demonstrably detached argumentative style is not just a personal choice of an individual court, but one that is institutionally determined. The strategic design of a civil judgement is based on strategic considerations which stem from the institutional position of a court in the Dutch legal system as an independent and neutral reviewer of a case, whose verdict is based on an understanding of the relevant facts and follows from application of the relevant legal or quasi-legal rules and procedures. The only personal touch allowed to a specific court in a specific case is to add in its presentation some marginal individual characteristics to the argumentative style of its verdict. On the basis of the analysis of the argumentative discourse in this chapter, one could furthermore conjecture that the argumentative style of a court's judgement in general might be the most pronounced example of a demonstrably detached argumentative style.

Argumentative style in mediators' opening statements

9.1 Institutional background of ADR dispute mediation

9.1.1 ADR mediation as a communicative activity type

In pragma-dialectics, dispute mediation has been characterized as a genre of communication that characterizes primarily a collection of communicative activities in the facilitatory domain. The aim of the genre of mediation is to facilitate conflict resolution with the help of a third, neutral party that intervenes in a conflict that would otherwise be in a deadlock or in a process of escalation because the parties cannot settle it by themselves. *Mediation* derives etymologically (through the Latin verb *mediare*) from the Latin word *medium*, which alludes to being in the middle between two opposing parties. According to its definition by Moore, the term *mediation* indicates metaphorically the position of the mediators as third neutral party:

Mediation is a conflict resolution process in which a mutually acceptable third party, who has no authority to make binding decisions for disputants, intervenes in a conflict or dispute to assist involved parties to improve their relationships, enhance communications, and use effective problem-solving and negotiation procedures to reach voluntary and mutually acceptable understandings or agreements on contested issues (2014: 8).

Moore's definition includes elements that are widely acknowledged as part of the mediation process: the presence of a third party who has no authority to impose a decision, the voluntary nature of the process, and the aiming for mutual acceptability of the outcome. The latter is to be reached by the disputants who, importantly, may restore or even improve their relationship in the process of solving the problem. In some approaches, mediation is defined as "facilitated negotiation" (e.g., Uzqueda & Frediani 2002). Thus, facilitating the resolution is at the heart of mediation and defines the role of mediators as "non-canonical" participants to the parties' argumentative discussion (Greco Morasso 2011: 27). Almost like dialogic architects, mediators assume the role of designing a discussion space for the conflicting parties (Greco 2018: 11).

Notably, in everyday language the word “mediation” is used to indicate both a broad genre of activities related to facilitating conflict settlement via the intervention of a third neutral, and specific communicative activity types activated in institutionalised settings, such as the one that will be discussed in this chapter. Over time specific variants of communicative activity types employing the genre of mediation have been developed in different domains, ranging from international diplomacy to interpersonal or community conflict resolution; they have been ratified in different ways, depending on the type of participants (e.g., individuals, groups, states), the type of conflict (e.g., child custody versus commercial, see Greco Morasso 2011), and the different mediator roles. Princen (1992: 19), for one, distinguishes in his work on intermediaries in international conflicts between a “neutral mediator” and a “principal mediator”; the latter has some indirect interests in the solution of the conflict (Princen 1992: 20), while the former does not. When using the term *mediation*, thus, one needs to be aware that in everyday language a nebula of different practices, culturally and geographically embedded, is covered by this noun.

Some clarification is therefore needed. Because we are focusing in this chapter on *interpersonal* conflict mediation, it is worthwhile to discuss this at greater length. As van Bijnen (2020) points out, there are different variants of this communicative activity type, revolving around the two intersected axes of *informality* of the mediation process and personal *proximity* of the mediator to the disputants. If one assumes these two axes in a sort of Cartesian coordinate system¹ in a plan (as in van Bijnen 2020: 276), one can distinguish between different variants of the communicative activity type of mediation. In fact, the mediation process may be more or less informal (*informality*), ranging from processes regulated by written rules and depending on certified mediator training to informal interventions such as an adult football coach mediating a conflict between two young players of the same team. Moreover, mediators can be more or less distant from the parties (*proximity*), ranging from external mediators hired to solve a conflict to internal team leaders or Human Resources personnel asked to facilitate conflict resolution within their organisation.

1. A general definition of a Cartesian coordinate system in a plan, named after French mathematician and philosopher René Descartes, is the following: “A coordinate system that specifies each point uniquely by a pair of numerical coordinates, which are the signed distances to the point from two fixed perpendicular oriented lines, measured in the same unit of length” (from Wikipedia, https://en.wikipedia.org/wiki/Cartesian_coordinate_system, last visited: November 2021). In this chapter, we use this concept drawing on the elaboration made by van Bijnen (2020), who represents informality and proximity as two perpendicular axes in a sort of Cartesian coordinate system. Different variants of mediation can be positioned on this system depending on the distances from these two axes.

Within this range of variants, a specific place is taken by the communicative activity type of “Alternative Dispute Resolution” (ADR) mediation, which is the object of empirical analysis in this chapter. ADR mediation is a variant of mediation with clearly definable boundaries.² First, this variant of mediation is highly formalised.³ Since the sixties, ADR mediation has been established, originally in North America, within the ADR movement, thus named because it aims to provide ways to achieve justice that are an alternative to court decisions (Sander 1979; Menkel-Meadow 2005; see the discussion in Greco Morasso 2011: 22–23). Later mediation has spread worldwide. A great many training principles are maintained and remain the same in different countries; this guarantees general uniformity. Other (more informal) variants of the communicative activity type of mediation are more directly anchored to local communities or cultural traditions. Second, ADR mediators are external to the parties' organisations. In fact, being an ADR mediator is a job, unlike the work of people who are called in to mediate informally or *ad hoc*; this job is often certified officially after formal training by national associations. As a consequence, the rules and procedures to be observed in this job tend to be explicit. Jermini-Martinez Soria (2021: 89–94) gives a synoptic overview of the rules established by official associations of mediation in the United States, Canada, United Kingdom, Australia, and Switzerland, showing that there are significant overlaps between the rules established in these countries. Again, this makes ADR mediation a recognizable variant of the communicative activity type. In this chapter, we will consider the role of argumentative style in ADR mediation. When we refer to *mediation* henceforth, we mean *ADR mediation*.

Disputants enter mediation after having spent time in an interpersonal conflict, which oftentimes has economic as well as emotional consequences. Moreover, if they accept to go on mediation, disputants have acknowledged that it has not been possible to solve their problem autonomously. Hence, at the beginning of a mediation session, we will find disputants who do not trust communication and discussion as possible means to solve their problems: indeed, their previous discussions have been conflictual. It has been pointed out, however, that when mediation has been successful, disputants are transformed and learn a different way of communicating (Bush & Folger 2005); more specifically, they move “from disputants to co-arguers” (Greco Morasso 2011: 4ff). Since van Eemeren et al. (1993), it has been noted that this transformation is made possible thanks to the mediators'

2. Argumentation studies of dispute mediation have so far focused on ADR mediation; for an overview, see Greco Morasso (2011) and van Bijnen (2020).

3. Compared to juridical processes, mediation appears less formalised. However, ADR mediation is very clearly regulated.

interventions, which, although often being indirect through questions and formulations, represent “functional substitutes for open argumentation and advocacy” (p. 139).

In this context, it is particularly interesting to consider how mediators start off the mediation process, i.e., how the process begins and mediators set the tone of the communicative activity type of mediation, disrupting the previous negative spiralling interaction dynamics and the parties’ distrust in the possibility of finding a solution through discussion. In our view, the mediators’ argumentative style may play a role in how the parties understand the communicative activity type they are starting. The argumentative style depends on the macro-context in which the interaction takes place, but also determines this context to some extent.

In this chapter, we shall focus on mediators’ *opening statements* (see 9.1.2), which start off the mediation process. We will investigate what argumentative style the mediators adopt in these opening statements. Mediators’ opening statements are part of the “macro-text of argumentative discussions” that constitutes mediation (Greco Morasso 2011: 165), but this role has not yet been analysed in depth from an argumentative point of view.

Mediators’ opening statements may in fact be considered as argumentative discourses in their own right, with the mediator playing the role of a protagonist in a non-mixed dispute who aims to convince the parties that it is worth trying to solve their problem through mediation. As we will make clear below, this argumentative discourse is not isolated but connected to the parties’ following discussion to solve their conflict: it might be said that it has the status of an implicit *sub-discussion* in which the opportunity for parties to enter the mediation process and to commit to it is discussed and mediation is presented as a means to serve the parties’ interests. Given the role of mediators’ opening statements, we will concentrate in this chapter on the mediators’ argumentative style in these statements, because from a functional point of view the mediators’ discourse in opening statements sets the stage for the discussion of the parties.⁴

Before we proceed, we need to make clear that argumentative style as defined in this volume is a different concept than the *mediator style* or *mediation style* of professional mediators (e.g., Foster 2003; Kressel 2020). Given the frequent use of the word “style” in this context, disambiguation is necessary. In the professional literature, the notion of ‘mediation style’ refers to the different kinds of training programs, approaches or orientations that inspire mediators (see Jermini-Martinez Soria 2021: 95–101). Two relevant but extreme examples are: (1) the Program of

4. The argumentative styles of the short interventions by the parties in the mediator’s talk during opening statements will not be analysed in this chapter.

Negotiation at Harvard (e.g., Fisher, Ury & Patton 1991), which considers mediation as facilitated negotiation, mainly focusing on the *problem* to be solved, and (2), partially as a reaction to this Harvard-inspired problem-solving mediation, the *transformative* approach to mediation (Bush & Folger 2005) that looks at the transformation of the parties' *relationship* rather than the solution of the problem. As Bush and Folger (2005: 24), speaking of the emergence of relational approaches to mediation, put it: "Mediation was appealing not because resolution or settlement was good in itself and conflict bad, but because of *the way in which mediation allowed disputing parties to understand themselves and relate to one another through and within conflict interaction*" (our italics).

More often than not, professional training programs expose mediators to insights from different approaches or 'mediation styles' (Jermini-Martinez Soria 2021). As a consequence, trained professionals often do not fully identify entirely with the one or the other approach, but create their own individual mix of insights; therefore, in many cases, it is not easy to label a mediation style precisely. It should be noted that, irrespective of the focus of the different approaches, the main phases of mediation and the specific communicative tools that mediators employ (such as questions, formulations, and reframing) remain the same. In particular, mediators' opening statements tend to be present in all cases, because mediators need to welcome the parties and establish the new communicative activity type, and they try to do so by explaining the ground rules and defining the goal of mediation.

In this chapter, we consider argumentative style as a phenomenon on a different level of analysis than the approaches and mediation styles that may inspire mediators. In order to highlight how the two levels need to be distinguished, we will consider two examples of mediation that do not have the same mediation style. Both cases are mock mediations in which professional mediators demonstrate to potentially interested parties and mediators in training how the process works. While the first case is part of the educational materials of the above-mentioned Program of Negotiation, the second has been recorded at the University of Dundee in the UK to showcase to potentially interested disputants how mediation works. We will analyse the two cases in parallel, thus avoiding a focus on the argumentative structure of one specific speech event and one single mediator. Thus, our research will not only be a case in point in the identification of the argumentative style utilised in the context of mediation, but will also enable us to be to disentangle the concept of 'argumentative style' from that of 'mediation style'.

9.1.2 The status of mediators' opening statements in dispute mediation

A striking characteristic of mediation is that mediators need to establish this communicative activity type discursively. It has precise characteristics: as conversational partners the parties are on an equal standing, the mediator is neutral, and so on (see 9.1.1).⁵ The parties involved in a mediation are often not familiar with mediation as a communicative activity type, because normally they are used to interacting in different communicative activity types. The conflicting parties may, for example, work together in a corporate context, with different hierarchies and roles; if the mediator is not able to establish what mediation as a communicative activity type implies, they run risk of falling back into these roles.

Greco Morasso (2011: 235–237) analysed instances in which mediators respond to disputants' objections against the communicative activity type even at a relatively advanced stage of the mediation process. It is therefore particularly important to establish mediation as a communicative activity type in the first talking turns of the first session, when the mediators introduce the new communicative activity type in their opening statements.⁶ As McCorkle and Reese observe: "A good opening statement builds trust and puts the mediator in control of the situation" (2019: 98). More in particular, McCorkle and Reese (2019: 98) list a series of functions of opening statements. In part, these functions are related to the aim of dispute mediation, such as "educate parties about mediation as a process and preview the stages" of mediation, and "discuss the role of the mediator". Opening statements illustrate specifics of ADR mediation, such as the "confidentiality pledge" (McCorkle & Reese 2019: 101). Further elements introduced in opening statements are related to the ground rules of communication, such as turn taking and "model[ling] a *positive tone*" (McCorkle & Reese 2019: 98, our italics). In other words, opening statements set the stage for the parties' subsequent argumentative discussions, establishing conditions for the whole mediation process in terms of rules and communicative behaviour.

5. The objective of introducing a communicative activity type different from those the parties are used to is partially achieved by non-verbal means: for example, by placing chairs in a way that suggests that both parties are equally close to the mediator and no hierarchies are admitted.

6. Mediators' opening statements should not be confused with the parties' opening statements. The latter are made in the phase immediately following the mediators' opening statements, and have an entirely different function. While mediators' opening statements introduce mediation to the parties, the parties' opening statements are functional in exploring the conflict at issue as a basis for its resolution. The parties' opening statements are very important for the interaction that follows (see, for example, De Girolamo 2020), but they are outside the scope of this chapter.

Opening statements play the role of an implicit *sub-discussion* in the process of mediation as a whole. This sub-discussion can be considered part of a “a macro-text of argumentative discussions” (Greco Morasso 2011: 165–166) that characterizes the mediation process: in fact, the overarching discussion between the parties about how to solve the conflict is supported by a series of sub-discussions opened by mediators in order to help the parties steer the discussion productively towards conflict resolution. For example, to cite Aakhus (2003), mediators will *redirect* the parties from one proposition to the other, from “potentially unresolvable issues” (p. 282) to issues they deem conducive to a potentially reasonable discussion on conflict resolution.

Previous studies have discussed the importance of the mediators' interventions “on meta-issues” (Greco Morasso 2011: 165) during the course of the parties' discussion.⁷ However, the argumentative role of opening statements in ADR mediation has not yet been examined. Within the macro-text of the discussions that make up dispute mediation, the opening statement can be considered as a discussion in its own right. Positioned at the beginning of the process, it is a relatively separate and autonomous element, in which the mediator talks about the practice before entering the specific contents of the conflict. At the same time, the opening statement is not completely autonomous, because it establishes procedural and material starting points that are relevant to the following discussion. They can be recalled by mediators as accepted starting points, especially when the parties have explicitly agreed to them. It is important to study opening statements from the perspective of argumentative style, because it can be hypothesised that the mediator's argumentative style in opening statements has consequences for the rest of the mediation process.

In Section 9.2, the two selected speech events are presented: two opening statements from the two different mediation sessions mentioned in 9.1.1. In Section 9.3, an argumentative analysis of the selected extracts is given that is in line with the theoretical starting points explained in Chapters 1–4 of this volume. In Section 9.4, we identify the argumentative style of the two opening statements that are examined by reflecting on its three dimensions: the topical dimension, the audience demand dimension, and the presentational dimension. Section 9.5 discusses some conclusions of this chapter, and proposes avenues for future research on argumentative style in mediation.

7. In order to refer to mediators' interventions in the course of the parties' main discussion, Greco Morasso (2011: 176) talks about a *meta-argumentative discussion*, whereby the mediator is the protagonist. In this case, the term *meta-discussion* is equivalent to *sub-discussion* in pragma-dialectics.

9.2 The two opening statements

This chapter is based on two speech events: opening statements taken from two different sessions of ADR mediation. Choosing two different speech events as cases to be analysed is motivated by the wish to see how argumentative style plays out in conflicts mediated by professionals who do not have the same approach or mediation style. In the two cases, the mediation styles are different. In the first case, which is drawn from educational materials produced by the Program on Negotiation (PON), the mediation style is clearly related to the Harvard negotiation model or “Model of Principled Negotiation” (Fisher, Ury & Patton 1991). In this case the mediation style can be identified more precisely as a *problem-based* approach related to mediation as facilitated negotiation. The two mediators involved in the second case do not identify with PON or any other clear-cut approach; their approach tends to be more *relationship-based* (the organisation they belong to, UK-based Catalyst mediation, chose the sentence “It’s all about relationships” as their personal motto on their homepage).⁸

In what follows, we will explain the characteristics of the two speech events in greater detail. The first case is presented on the PON website⁹ as a “realistic demonstration of the mediation of an employment dispute”, offered as a support for mediators’ training. The second case, also used to show what a mediation session typically involves, has been recorded in the UK by the “Early Dispute Resolution” centre of the University of Dundee. The fact that both cases are showcased as exemplary mediations by the institutions that have recorded them guarantees that we are analysing cases that are representative of ADR mediation as a variant of the communicative activity type.

Although both conflicts concern labour relationships, there are also some differences: the place in which they have been recorded, the mediators and their approach or ‘mediation style’. Moreover, in the first case there is co-mediation (by a man and a woman); in the second case there is only one mediator, a woman. In the first case, the parties are with their attorneys, while in the second case they are alone.

8. See <https://www.catalystmediation.co.uk/> (last visited: October 2021). The managing director of Catalyst Mediation, who is one of the two mediators involved in our second case, declares on the same website: “I have always been interested in what makes people tick and how central an understanding of how to build relationships is to our working and home lives”.

9. See <https://www.pon.harvard.edu/shop/mediators-at-work-termination-tempest/> (last visited: January 2021). We would like to thank PON for permitting us to transcribe the contents of this video for research purposes.

Both cases have been video-recorded in English by the two institutions concerned (PON and the University of Dundee, respectively). They have been transcribed by Jermini-Martinez Soria (2021) in the framework of the project RefraMe.¹⁰ The transcription system adopted uses symbols adapted to the needs of argumentative analysis discussed in Greco Morasso (2011).¹¹

Both cases are mock mediations, i.e., cases that have been role-played by professional mediators and acting parties. The use of role-played interaction is motivated by the fact that mediation is highly confidential, which makes it difficult to record original data and use them for research purposes, even if they are anonymised (see Greco Morasso 2011; van Bijnen 2020). Argumentative and linguistic analyses are therefore often based on role-played data (e.g., Putnam & Holmer 1992: 136; Susskind 2010; Janier & Reed 2017a). Notably, in the role-played mediations considered, the mediators are trained professionals; arguably, they will therefore behave as real disputants normally do.¹² Mediators' training courses regularly include role-played mediation sessions; so do their executive education courses, normally attended after mediators have obtained their official title. Therefore, it is not considered unnatural for dispute mediators to engage in role-played sessions; this is another reason to assume that their behaviour will be close to how they would behave in a real conflict.

10. Both cases have been analysed previously in the doctoral dissertation of Chiara Jermini-Martinez Soria (2021), but from a perspective that does not include the analysis of argumentative style. The Dundee case has been analysed by Janier and Reed (2017a, 2017b), who do not focus on argumentative style either. In the RefraMe project (and, hence, in this chapter), we did not use the transcript used by Janier and Reed (2017a, 2017b); Chiara Jermini-Martinez Soria transcribed the case directly from the video, adding transcription symbols.

11. According to van Rees (1992), it is possible to use different transcription systems depending on the goals of the analysis. The system adopted for our transcriptions is based on Traverso (1999) and discussed in Greco Morasso (2011) as appropriate for argumentation analysis. More recent transcription systems such as ICOR (2013) may be used for more specific linguistic analyses. However, the level of detail included in the transcription used in this paper is sufficient for the analysis of argumentative style. In order to facilitate reading, we keep capital letters to indicate first names, surnames and the pronoun "I". Pauses are indicated by (.); raising intonation, which indicates a clear question, is indicated by the symbol †; suspended sentences with a slightly interrogative tone are indicated by /. Inaudible parts are indicated by (), while ⁰yeah⁰ means that the word "yeah" has been pronounced in a very low voice.

12. While mediators are trained professionals, the disputants in mock mediations are actors. This might be a limitation if one wants to study the disputants' argumentative style. However, as mentioned in Section 9.1, the focus of this chapter is on mediators' styles only.

In what follows, we report the excerpts of the two opening statements. Because the text of these opening statements is very long, we have removed in both cases the parts that are not directly relevant to the resolution of the main difference of opinion¹³ and indicate them by [...]. Numeration of talking turns starts at the beginning of each mediation.

Opening statement 1: Program on Negotiation, “Termination tempest”

1. M let me start out by just talking a little bit about the mediation process John and Dahlia I know you’ve both done a fair number of mediations but I’m not sure about you mister Thibideau you’re shaking your head now /
2. T no this is my first time
3. M your first time ok and mister Kane †
4. R I’ve never done this before
5. M ok (.) well let me take a few minutes and just tell you a little bit about the process and how I work because actually each mediator works slightly differently as well (.) ehm mediation is an informal process that is actually quite DIFFERENT from court or an arbitration eh or indeed what might happen with a settlement conference with a judge (.) ehm (.) I’m not here as a (.) decision-maker that’s one of the first differences ehm but in addition to that we really have an opportunity today to take a different approach to this case than may be taken by an arbitrator or a judge (.) ehm and that is that it seems that what might be helpful here is if I can help you understand and think through what some of the obstacles have been to getting this case resolved on your own (.) and also to think through some of the things that may be important to you as you think about how to get this matter behind you and get on with your business and with your life ehm so what really is as a matter of exploring some of those concerns that you have some of the alternatives that we face and seeing if together we can come up with some way of resolving this (.) that would meet your (.) needs here (.) ehm the way I operate is fairly informal again ehm I’d like to have us all start out in a joint session (.) and again the purpose of that since I’m not a fact finder or a judge is not to have us reach consensus about what happened or the implications of what happened I think (.) you wouldn’t be here if that in fact was something you all agreed on (.) ehm but rather to make sure that each of you has the opportunity to tell the other side what you think is important for them to keep in mind as we go about trying to get this case resolved today (.) so it really is a question of

13. In Case 2, after turn 31, for example, the mediators and the parties involved spend some time on a sub-discussion about whether it is good to take a break at some point in the process, how to do this, and how long the whole process will last. While this might be relevant to the construction of the procedural starting points of mediation, we consider it not directly relevant to the discussion of the main difference of opinion made explicit in Section 9.3; we therefore leave this part out of the transcription.

kind of clarification and making sure that you're EACH able to emphasise what you think is important in terms of a resolution here

[...]

20. [...] which also leads me to the point I just wanted to emphasise too about the confidentiality of this all proceeding (.) ehm when you executed the agreement to mediate ehm before this session ehm there is a clause that talks about the confidentiality and let me just try to sort of be very brief about what that means (.) all of us have agreed that we will not disclose anything that is said here in mediation ehm outside the mediation process and again the purpose of that is to get everything working FOR us in terms of being able to resolve this case (.) ehm if we're not able to resolve it here today you all have agreed not to subpoena me as a witness in any proceedings or indeed my records in fact I'll keep my notes for a period of time ultimately I'll destroy those notes and again the purpose is to try to keep as much confidentiality in this process as possible
21. [...]

Opening statement 2: Dundee workplace mediation

1. M1 Viv (.) Eric I'd just like to start by thanking both of you for agreeing to come (.) to the mediation in the first place (.) ehm (.) and we thought it might be useful if we just went through a couple of the things that we've already talked about in the pre-mediation meeting but just so everybody's comfortable⁰with⁰ (.) ehm could I just check first of all I've actually used Eric and Viv is it alright for you if we use (.) christian names ↑
2. yeah ()
3. M1 first names ↑ () because then /
4. V it's ok
5. M1 ok excellent (.) ehm (2) I think the first point we'd like to make is that we are not here to judge (.) either of you (.) ehm it is not our role (.) to make decisions on your part it is not our role to (.) decide whether you're right or wrong (.) ehm (.) we are here to help you to arrive at a solution that you (.) both can agree with (.) and in our experience those are the ones that tend to work (.) whereas if we impose something else it tend not to work (.) does that (.) make a degree of /
6. E (yes)
7. V (⁰()⁰)
8. M1 ehm (3) I think the (.) the other point I would make is that ehm you may see us (.) taking notes (.) during (.) the day and you are absolutely free to do the same if you feel you'd like to do that (.) because of the point which ehm Mildred will pick up on in a second but think of confidentiality just to say that our notes will be destroyed (.) at the end of the day and you may feel that's an appropriate thing to do with the notes you make

9. E mmh
10. M1 but we'll pick that up at the end
11. E mmh
12. V ⁰ok⁰
13. M2 just really to stress to both of you the confidentiality () to these proceedings (.) as you know already the whole (.) meeting today is a confidential one not to be repeated by either of us or anyone and without your permission to do so and any individual meeting we might have with you (.) throughout the day (.) that George and I may have with you (.) will be confidential (.) within that meeting as well and again nothing will be repeated without your permission (.) is there ANY query you have from that †
14. V no I don't think so
15. E no not at this point really (.) no
16. M2 ok (.) thank you George () /
17. M1 thanks (.) ehm the other thing that we talked about when we met last time (.) was (.) mediation is very much about the future (2) what happened in the past (.) can't become the sole topic of conversation and in our experience that can become destructive (.) where however it draws up an example of an issue that's important to you (.) then again in our experience it's worthwhile looking at that (.) because it exemplifies (.) something that you want to correct for the future and ensure it never happens again (.) so you may find that we (.) perhaps could take some long investigations and some long discussions of what's happened in the past purely because we're conscious of your time (.) and the need to spend that time looking at how you might want to stop this sort of things happening again
18. E mmh
19. M1 would that be alright †
20. V yeah
21. M1 that be ok with you /
22. E yeah
23. M1 if if we do that †
24. E mmh
25. M1 ok excellent thanks (.) ehm any final thoughts? †
26. M2 I just () thought possibly on the voluntary nature of mediation (.) that you're here today ehm on a voluntary basis with the result of course that you can leave if you want (.) and we hope you won't do that that you would stay and in our experience parties who do stay and try throughout the day to to work through their differences and discuss matters (.) ehm that's the best chance of success to resolving (.) any issues (.) ok
27. E but I can leave at any time if I want to †
28. M2 yes you can (.) and either of you can but as I said we hope that you will stay and we hope you would want to stay too to talk through your differences that ⁰()⁰ today

29. V it's fine
 30. M2 is that quite clear ↑
 31. V ⁰ Yeah⁰
 32. [...]

9.3 Analysis of the argumentative discourses in the two opening statements

9.3.1 The analytically relevant argumentative moves

We shall now identify the argumentative moves that are analytically relevant to determine the argumentative styles of the two opening statements. The analysis of the two opening statements reveals striking structural similarities. For this reason, we present one single analysis for both statements; in the few cases in which the two analyses diverge, we highlight the differences.

In the analysis of the two opening statements, we focus on the parts of the texts reported in Section 9.2 that are relevant to the resolution of a difference of opinion. For example, in the analysis of the first mediation session we only take into consideration the information that mediators give to the conflicting parties that is relevant to the argumentative discussion. In deleting some parts of the text, we perform the analytic 'deletion transformation', which means that "information that is redundant or unimportant vis-à-vis the purpose of analysis is left out of account" (van Eemeren & Grootendorst 2004: 104).

a. *The difference of opinion*

In both opening statements, considered as anticipated sub-discussions within the qualitatively multiple dispute taking place in mediation, the difference of opinion is single and non-mixed. Mediators argue for an implicit prescriptive standpoint that can be formulated as: "It is worthwhile for you (the parties) to participate in mediation"; this standpoint contains an evaluation but is nevertheless prescriptive, because the mediators are telling the parties that they should participate in mediation. The difference of opinion in opening statements taken as 'autonomous' discussions (even though interconnected with the other discussions in the mediation) is non-mixed because, even though the parties do not voice it, one can assume that they have beforehand some doubt and even a certain scepticism about the effectiveness of mediation as a procedure and its adequacy to solve the problem. Such doubt is to be expected given the parties' previous involvement in a conflict, which has usually diminished their trust in each other and in the usefulness of discussing their problems among themselves.

b. *The point of departure*

In both opening statements the points of departure are partly explicit and partly implicit. In line with the general function of mediators' opening statements, some procedural starting points concerning the ground rules of communication (e.g., turn-taking) are established explicitly by the mediator.¹⁴ The explanation of what mediation is and what the communicative roles of the participants are is also part of the procedural starting points, which are made explicit because the parties declare to have no previous experience with mediation (this is very different from other communicative activity types, such as parliamentary discussions, in which parties usually know in advance how they should behave).

In both opening statements there are also some material starting points that are left implicit, at least to some extent. In particular, the presence of some form of conflict that has caused the two disputants to enter a mediation process is only alluded to: mediators refer to it with mitigated expressions such as "what happened" or "obstacles" for a discussion. Due to these mitigated ways of mentioning a problem that occurred between the parties, the evolution of their previous relationship, the escalation of the conflict, and the specific points of contention remain in the two opening statements in fact implicit. Most likely, these issues will be scrutinised later, as mediators move past the opening statements and ask the parties to give their accounts of the conflict. Finally, the parties' unexpressed desire to solve their problem is also left implicit. This is part of the unexpressed starting points, because it may be considered the main reason why the parties accepted to take part in the mediation process.

Notably, the starting points established in the mediators' opening statements will remain available to the parties while their own discussion proceeds during mediation. Mediators will refer to these starting points when they intervene in the parties' discussion at a meta-level (Greco Morasso 2011), i.e., when they open sub-discussions, advancing, for instance, their views concerning which issues are worth being discussed by the parties in mediation and which issues should rather remain out of the resolution process.

c. *The argument schemes employed*

In the two opening statements two main arguments are used to support the mediators' standpoint "It is worthwhile for you to participate in mediation". They are both based on pragmatic argumentation, a sub-type of causal argumentation. In its positive variant, pragmatic argumentation presents mediation as an instrumental course of action to reach the parties' goals of solving their problems and going on with their lives. The subordinative argumentation

14. The establishment or re-establishment of the material and the procedural starting points is typical of mediators' talk (van Bijnen 2020).

supporting these two main pragmatic arguments, so that they become complex pragmatic argumentation (van Eemeren 2018: 152), consists generally of causal argumentation. In opening statement 2, an argument from authority, a sub-type of symptomatic argumentation, is used that is based on the mediators' previous experience as conflict resolution professionals.

d. *The argumentation structure*

In what follows, we will explain the argumentation structure of the two opening statements through one and the same analysis, because the structures of the two statements are in fact quite similar. When we find differences, we will indicate it.

(1) (It is worthwhile for you to participate in mediation)

(1.1) Mediation could be a good means to solve your problem and go on with your life

(1.1.1) You will be able to tell your story, explain your perspective and what is important to you

(1.1.2a) I will not be imposing a solution on you like a judge or arbitrator would do

(1.1.2b) Solutions that are not imposed and are voluntary work better

(1.1.2b.1) Our experience tells us that parties that work through their differences and discuss matters have the best chance of success [*only present in opening statement 2*]

(1.1.3) We will be talking about how to resolve your problem and not about how it was created

((1.2) (Mediation has no negative side effects)

((1.2).1) It is confidential

((1.2).1.1a) Mediators cannot be subpoenaed

((1.2).1.1b) We will destroy our notes

((1.2).1.1c) Nothing will be repeated without your permission

9.3.2 The dialectical routes

The two opening statements display, with a little variation, the same argumentative pattern. The only difference is that the subordinative argument 1.1.2b.1 is only present in opening statement 2. Most likely – although still to be confirmed by further empirical research of mediators' opening statements – the similarity is associated with the specific characteristics of ADR mediation as a formalised variant of the communicative activity type of mediation, more in particular with the highly codified role of opening statements in mediation sessions (McCorkle & Reese 2019). It remains to be seen whether such a similarity also applies to the argumentative style that is utilised.

According to the analytic overview of the argumentative discourse in both opening statements, the argumentative pattern described in Figure 9.1a results from the way in which the implicit standpoint *It is worthwhile for you to spend time in mediation* is defended.

1[*pres*]($\langle\langle$ 1.1[*prag*]($\langle\langle$ 1.1.1[*caus*]); \langle 1.1.2a[*caus*] $\&$ 1.1.2b[*caus*](\langle 1.1.2b.1[*auth-only-in-openingstatement2*]); \langle 1.1.3[*caus*]); \rangle ; \langle 1.2[*prag*](\langle 1.2.1[*caus*](\langle 1.2.1.1a[*caus*] $\&$ 1.2.1.1b[*caus*] $\&$ (1.2).1.1c[*caus*])))))[*copr*]

- | | | | |
|-------------|--------------------------------|-------------|------------------------------------|
| [...] | = belonging to the type of | <i>caus</i> | = causal argumentation |
| < | = is supported by | <i>copr</i> | = complex pragmatic argumentation |
| ; | = multiple argumentation | <i>prag</i> | = pragmatic (causal) argumentation |
| & | = coordinative argumentation | <i>pres</i> | = prescriptive standpoint |
| <i>auth</i> | = argumentation from authority | | |

Figure 9.1a Argumentative pattern of the two opening statements

On the basis of this argumentative pattern, it can be determined that in both opening statements the dialectical route is taken which is outlined in Figure 9.1b. This figure portrays the various components of the complex pragmatic argumentation that is advanced.

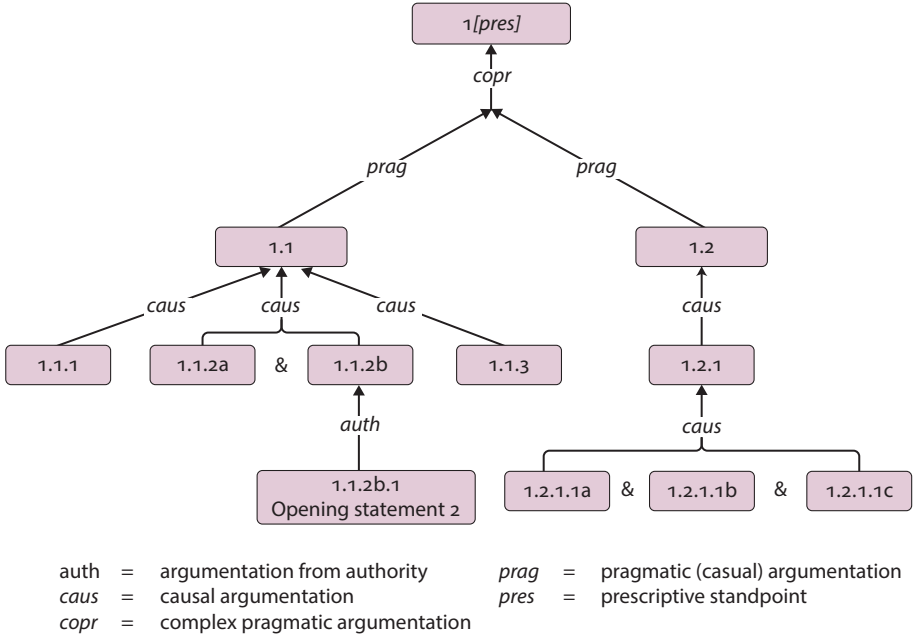


Figure 9.1b Dialectical route taken in both opening statements

Both opening statements follow a direct dialectical route, which is in the two cases virtually the same. In giving information to the parties about how mediation processes work, mediators argue for an implicit prescriptive standpoint related to the disputants' opportunity of participating in mediation and its usefulness to them. They support this standpoint by multiple argumentation consisting of two pragmatic arguments: the first pragmatic argument, 1.1, concerns the positive effect of mediation and the advantages that it offers compared to other procedures, such as a standard juridical process. The second pragmatic argument, 1.2, concerns the lack of negative side effects of mediation. Both main arguments, 1.1 and 1.2, are supported by subordinative argumentation which shows that the mediators assume that the parties need further backing of the main arguments in order to become convinced that these arguments are sound.

9.3.3 The strategic considerations

It has been argued before that throughout the mediation process the mediators' strategic manoeuvring is characterized by the aim of helping the parties discuss their problem through argumentative discourse (van Bijnen & Greco 2018: 292). While this remains a general consideration concerning the function of the mediators' strategic manoeuvring throughout the mediation process, we will now focus on the specific strategic considerations underlying the strategic design of the mediators' opening statements, as it is manifested in the dialectical route described in the previous section.

In both opening statements, mediators leave the standpoint *It is worthwhile for you to participate in mediation* implicit. In this way the standpoint is neither put in the foreground nor explicitly addressed, arguably because addressing the parties' doubts might be embarrassing to them. Nevertheless, this standpoint is well-supported by complex pragmatic argumentation. In this way, the mediators delicately address an unexpressed but expected doubt on the side of both parties regarding the efficacy of the process of mediation and its correspondence with their personal interests. From this, we can derive the first strategic consideration (a) that it can be reasonably and effectively maintained that the parties, even though they do not express their concerns, need to be reassured about the appropriateness of engaging in a mediation process.

The mediators' decision to start mediation with argumentative opening statements to inform and reassure parties about the usefulness of the mediation process also implicitly confirms that the ultimate decision about whether to settle their conflict through mediation is up to the parties. In this sense, opening statements as argumentative discussions aimed at convincing the disputants *de facto* acknowledge

the disputants' responsibility to decide about their problem, which is an important feature of mediation (Haynes & Haynes 1989: 3). Thus, another strategic consideration is that (b) it can be reasonably and effectively maintained that mediators must make clear in the beginning that the responsibility for the solution of the conflict is in the hand of the parties themselves and that their own role is only instrumental in facilitating the conflict resolution.

The choice of the main arguments in the dialectical route discussed in 9.3.2 could be reasonably expected as a response to any disputant's concerns at the beginning of a mediation process. The first main argument, (1).1, highlights the importance of mediation to solve the problem. While the conflict is never foregrounded, it is obviously present in the parties' implicit starting points: ultimately, the conflict is the reason why they needed to start a mediation process. In this sense, declaring that mediation will help to solve the conflict is an important argument, arguably selected to tell the parties that they are in the right place to solve their problem. At the next levels of the defence, the subordinative arguments (1).1.2, (1).1.2a, (1).1.2b, (1).1.2b.1, and (1).1.3 give further support to the main argument (1).1 that mediation, unlike other communicative activity types they might be familiar with, can solve the parties' problem.

The second main argument, implicit argument ((1).2), addresses a different point, which is also part of the complex pragmatic argumentation, i.e., that there will be no negative consequences of the mediation process. This is due to its confidentiality, expressed in argument ((1).2).1, which is mentioned explicitly by both mediators in their opening statements.

We need to respond to a possible objection regarding ((1).2) and ((1).2).1 that making clear that mediation is confidential may also be simply a piece of information, which holds for ADR mediation in several juridical systems. Mediators need to talk about confidentiality at the beginning of the process, because the parties must know how the information that emerges during the process can be used and what mediators will do with their case once the session is over. Knowing about this confidentiality is also important to the parties' attorneys – if they are present at the meeting (as is the case in opening statement 1). However, in our view, informing the parties of this fact does not only have an informative but also an argumentative function: it is part of the strategic design of the discourse and motivated by strategic considerations.

In fact, knowing that mediators cannot be subpoenaed if the parties end up in front of a judge, and that what is said confidentially will not be repeated, means that during the process the parties can speak freely, without any fear of being blackmailed later. Mentioning the absence of side effects can thus be seen as part of the arguments supporting the mediators' implicit standpoint *It is worthwhile for you*

to participate in mediation. This argument may contribute to reassuring the parties about their chosen course of action by eliminating their fear of possible side effects. It may in fact be expected that the conflicting parties do not trust each other and might have an expectation of negative and even unfair behaviour from the counterpart, which could be contradicted by this argument.

Moreover, the subordinative arguments in support of ((1).2).1 present concrete reasons why in an ADR mediation process confidentiality is assured (notes are destroyed, mediators cannot be subpoenaed, nothing is repeated without the parties' permission). Thus, arguably, the choice of argument ((1).2) and its subordinative arguments may also be seen as a strategic response to what may be expected to be the parties' legitimate concerns at the beginning of a mediation process.

All in all, the choice of complex pragmatic argumentation and subordinative arguments mainly based on causal argumentation is in line with the strategic design of the discourse. In fact, this choice offers the parties the opportunity to see mediation as a means to reach their goals for a number of reasons that are presented as 'objective' by being inherent in the nature of ADR mediation as a communicative activity type. Thus, a third strategic consideration that may be derived from this is that (c) it can be reasonably and effectively maintained that presenting mediation as a process that will help parties reach their goals because of the unique characteristics of this communicative activity type will bring the parties to become committed to this process.

To summarise, the three main strategic considerations motivating the strategic design of both opening statements, as they emerged from the analysis of the dialectical route, are the following:

- a. It can be reasonably and effectively maintained that the parties, even though they do not express their concerns, need to be reassured about the reasonableness of engaging in a mediation process
- b. It can be reasonably and effectively maintained that mediators must make clear at the start of the mediation process that the responsibility for solving the conflict is in the hand of the parties themselves and the mediators' role is instrumental in facilitating the conflict resolution
- c. It can be reasonably and effectively maintained that presenting mediation as a process that helps parties to reach their goals due to the unique characteristics of this communicative activity type will make the parties become committed to this process.

9.4 The mediators' argumentative style in the two opening statements

9.4.1 The topical dimension of the general argumentative style

On the basis of the reconstruction of the argumentative moves in the two opening statements, the dialectical route identified and the strategic considerations elicited, we will now identify the argumentative style that the mediators are utilising. We will consider the topical dimension of the argumentative style in this sub-section, the audience demand dimension of the argumentative style in 9.4.2, and its presentational dimension in 9.4.3; based on the results, we will in all cases determine which general argumentative style is utilised in the opening statements. For each dimension, we will delve into all four stages of the argumentative process. Just as in the previous sections, we shall consider the two opening statements together, highlighting differences between them when this is relevant.

To start with the topical dimension of the argumentative style that is utilised, it is notable that in both opening statements the mediators' standpoints revolve around the reasonableness of spending time in mediation to try to solve the parties' conflict. The selection of the difference of opinion in the confrontation stage clearly radiates the mediators' commitment to the cause at issue. One might even say that the whole process of mediation centres around the mediators' commitment to the cause of helping the parties solve their problem. In fact, the opening statement is in both cases devoted to convincing the parties that they are going to start a process that will enable them to fulfil their interests; meanwhile the mediators assume the parties' goals as their own goals in the mediation process. This commitment to the cause at issue is prototypical of an engaged argumentative style.

The commitment to the parties' cause emerges prominently in the choice of arguments in the argumentation stage as it emerges in the dialectical route described in 9.3.2, where it is conveyed by means of complex pragmatic argumentation. As we have noted, in both opening statements the two main arguments are pragmatic, referring ultimately to goals of the parties that the mediators assume to be shared goals of the argumentative discussion. Both arguments represent the *positive variant* of pragmatic argumentation, which supports in the pragma-dialectical view the acceptability of the action involved (in this case, committing to the mediation process) because it is clear that it has desirable results (van Eemeren 2018: 152). The first pragmatic argument points at a desirable result for the parties, as is the goal of problem-solving. The second pragmatic argument in the two opening statements also consists of pragmatic argumentation: the mediator shows the advantages of participating in the mediation process by highlighting that the process itself is confidential and will therefore have no negative side effects for the disputants involved. Since the absence of negative side effects is an advantage, arguing that mediation

does not have negative side effects can be understood as a positive variant of pragmatic argumentation (see the discussion on side effects in pragmatic argumentation in Rigotti & Greco 2019: 258).

Through framing mediation as a process of willingly and freely undertaken by the parties to reach their goals, the employment of pragmatic argumentation is in both opening statements part of the utilisation of an engaged argumentative style. By mediators assuming the parties' personal goals in the mediation process as their own, the selection of (complex) pragmatic argumentation makes mediators and disputants collaborators towards the same goal, so that the shared commitment to the cause is foregrounded. This is, again, characteristic of the utilisation of an engaged argumentative style.

It should be noted that, except for argument (1).1.2b.1, the subordinative arguments supporting (1).1 and ((1).2) in the opening statements are based on a causal relationship. The function of these subordinative arguments is to justify the two pragmatic arguments that are the main arguments by objective evidence provided by the mediator to convince the parties that the mediation process is worthwhile: due to the concrete advantages of confidentiality, mediation will enable the parties to solve their problems and to go on with their life. Because these causal arguments point at objective facts that justify the claimed advantage, they could also be part of a detached argumentative style. However, in both opening statements this detached use of causal argumentation is then confined to the subordinative level. Arguably, this has the function of presenting the advantages of mediation as being based on 'objective' grounds. In this sense, it is in agreement with strategic consideration (c) discussed in 9.3.3 that it can be reasonably and effectively maintained that presenting mediation as a process that will help the parties reach their goals *because of the unique characteristics of this communicative activity type* will make the parties commit to this process: causal arguments describe the characteristics of mediation as based on objective facts.

Finally, argument (1).1.2b.1, which is only used in opening statement 2, deserves special attention. This argument is employed to support (1).1.2b, which states that "solutions that are not imposed work better" on the basis of the mediators' previous experience in mediation ("Our experience tells us that this is true and that parties who work through their differences and discuss matters have the best chance of success"). This can be considered an argument from authority, in which the mediators use their previous experience as a source of authority.¹⁵ Generally speaking, by citing their previous experience, mediators assure the parties of the "normality" of their problems, while stressing their own knowledge of the process

15. Whately (1828[1963]: 53) defined authority, just as pragma-dialecticians later, as a type of "argument from sign".

of mediation in front of the parties (see Greco Morasso 2011: 189 for the discussion of a similar case). In line with this strategic design, authority argumentation, a sub-type of symptomatic argumentation, is an argument scheme that is in this way put to good use in an engaged argumentative style. Referring to the mediators' own experience as a source of authority reinforces in this case their commitment to the cause at issue.

As a whole, the topical dimension of the general argumentative style utilised in the mediator's opening statements radiates commitment and can therefore be qualified as engaged. Its main point is to show that mediators, even though they use detached causal arguments in their subordinative argumentation, are committed to the parties' cause.

9.4.2 The audience demand dimension of the general argumentative style

On the basis of the analytic overview provided in Section 9.3, it can be concluded that the difference of opinion overarching the mediators' statements pertains to the standpoint *It is worthwhile for you to participate in mediation*. Even when taken by itself, this choice of standpoint in the confrontation stage frames the whole argumentative discourse as centred on demonstrating that the specific interaction involved in the mediation process is in the parties' (i.e., the audience's) interest and it is the mediators' work to help them. In this engaged way, communality with the audience is communicated.

In the two opening statements that are considered communality with the parties can also be found in the other stages of the argumentative process. It is evident not just in the statement of arguments in the argumentation stage (e.g., argument (1).1.1: *Because you will be able to tell your story, explain your perspective and what is important for you*), but also in how the mediators recall implicit premises representing the parties' presumed interests in the opening stage. These starting points show the arguer's identification with what is important to the audience: the mediators present their interventions and their arguments as a continuous effort to respond to the parties' interests. This is characteristic of an engaged argumentative style. Moreover, the mediators' requests for confirmation by the parties before proceeding with their opening statements are also strongly connected with audience demand, because they show that in mediation the parties are the real decision-makers, and they are working together with the mediators. To mention two examples in opening statement 2: one of the mediators (M1) requests the parties whether they agree to use first names (turn 1), and the mediator requests both parties to confirm that they agree with the mediation's focus on the future rather than the past (turns 19, 21, 23).

Adaptation to audience demand close to the heart of the audience (see Chapter 3) is in mediation for at least two reasons particularly delicate. First, due

to the conflictual situation, the parties are when they enter mediation not always aware of their own interests (Greco Morasso 2011: 192). It is therefore part of the mediators' task to test what, beyond the oppositional claims that are stated when the mediation process starts, the parties' real interests are. Not by coincidence, one of the main principles of the Harvard model of negotiation is "focus on interests, not positions" (Fisher, Ury & Patton 1991: 3ff); this principle has been incorporated in several other approaches. Second, it is obvious that when they enter mediation the disputants normally think that their interests are opposed to those of their counterpart. Because the audience is by definition divided, the mediators must be careful when they show alignment with "the audience's interests". Aligning with *one* of the parties would be considered going against the principle of neutrality, one of the requirements of mediation. If mediators do not arrange their interventions carefully, this alignment with the interests of one party might be perceived as going against the other party. In fact, they need to align only with those interests that are *common* to both disputants, even if the disputants have not yet recognized them as such. This is why we find in the argumentation stage of the two opening statements an emphasis on joint interests such as "how to get this matter behind you and get on with your business and with your life" and "arrive at a solution that you can both agree with". In that sense, the audience demand dimension of the argumentative style utilised in the mediators' opening statements clearly and repeatedly conveys communality with the audience, and can therefore be characterized as fully engaged.

Since the mediators need to focus on common interests while carefully avoiding to take sides with one of the parties, their use of an engaged style seems to coincide on this particular point with what might be called a *reconciliatory* argumentative style (see Chapter 3 of this volume and Greco & Jermini-Martinez Soria 2021). Given that mediation starts from a conflict that divides the parties, deciding to focus on common interests is in fact *per se* a reconciliatory quality.

9.4.3 The presentational dimension of the general argumentative style

At the level of presentational devices, the choices made by the mediators in the two selected opening statements decidedly express inclusiveness. Thus, in this dimension the general argumentative style is again engaged. Three properties of the presentational choices are particularly prominent in this regard.

A first notable property is the choice for using first names not only in referring to the parties but also to the mediators ("George and I") when we have co-mediation in opening statement 2. This clearly sets an informal tone for the discussion. It conveys the idea that mediation is a joint process in which the mediators and the two parties are on an equal footing, are collaborating, and every hierarchy is put aside.

In fact, first names are typical of colloquial interaction; in this case they reduce the distance between the mediator and the parties, but also between the parties themselves, thus communicating informality and closeness.

A second property expressing inclusiveness is the recurrent use of inclusive pronouns (“we” and “us”). This choice seems to indicate that mediators want to be seen as participants in a joint process. Instances of inclusive pronouns in opening statement 1 are: “*we* really have an opportunity today”, “some of the alternatives that *we* face and seeing it together *we* can come up with some way of resolving this” (whereby the adverb “together” also signals inclusiveness), “I’d like to have *us all* start out in a joint session”, “*we* go about trying to get this case resolved today”, “*all of us* have agreed that *we* will not disclose anything that is said here in mediation”. Instances of inclusive pronouns in opening statement 2 are: “it might be useful if *we* just went through a couple of the things that *we’ve* already talked about”, “the other thing that *we* talked about when *we* met last time”.¹⁶ In addition, the inclusive use of pronouns puts the parties in the perspective of collaboration, framing them as collaborators towards the joint goal of solving the conflict rather than being opposing disputants.

Another property of the presentational dimension of the argumentative style in both opening statements is the presence of repeated instances of *mitigation* in the mediators’ language. According to the linguistic pragmatic account provided by Caffi (2007: 2), “Mitigation is the weakening direction of modulation” of intensity of the speakers’ utterances. In opening statement 1, we have two instances of “a little bit” (“talking *a little bit* about the mediation process”, “tell you *a little bit* about the process”), which downgrade the mediators’ role of authority in the process of showing that they are collaborating with the parties. Moreover, the parties’ conflict, which is implicit, is never referred to as such but always mitigated and minimised. In one case, the word “conflict” is replaced by the more manageable metaphor of “obstacle”: “think through what some of the *obstacles* have been to getting this case resolved on your own” (opening statement 1). In two other cases, the conflict is referred to generically as a past event, with the mediator refraining from referring to it with a noun. In this way, the importance of the conflict is reduced, as if it did not even deserve to be named: “*what happened* or *the implications of what happened*” (opening statement 1); “*what happened in the past*” (opening statement 2). If we refer to the distinction made by Caffi (2007: 91) between mitigation that protects the speaker and mitigation that protects the hearer, all instances found in the two opening statements considered seem related to protecting the hearer by downgrading the asymmetry with the mediator and de-escalating the conflict.

16. Because this is a case of co-mediation, in opening statement 2 “we” is sometimes also used to indicate the two mediators. In this section, only inclusive uses of “we” are discussed.

As van Bijnen and Greco (2018) show, it is a characteristic of mediators' strategic manoeuvring that the parties' conflict is presented as something approachable, reducing it in size, so that it can therefore be resolved. This choice may have the effect of transforming a negative spiralling discussion into a problem-solving discussion in which the parties are collaborating as if they were members of the same team trying to reach a shared collaborative decision. This choice relates to using an expression of inclusiveness because it shows that everyone – conflicting parties and mediators – is on the same side.

All in all, throughout the four stages of the argumentative process, the presentational choices that are made express inclusiveness. Therefore, in its presentational dimension the argumentative style of both opening statements is fully engaged.

9.5 Conclusion

When examining the three dimensions of argumentative style utilised by the mediators in the two opening statements, we find that the prevailing argumentative style is undoubtedly *engaged*. Apart from a few indications of a detached style in the employment of argument schemes in subordinative argumentation, we might even define the general argumentative style as *fully engaged*.

On the basis of our definition of argumentative style in Chapter 3 of this volume, an argumentative style can only be called *engaged* if there is an amalgamation of radiating commitment for the cause at issue, conveying communality with the audience (in this case, the disputants), and expressing inclusiveness in the exploitation of presentational devices. As we have observed in this chapter, in both opening statements the argumentative style can indeed in all its three dimensions be considered engaged or fully engaged. In the topical dimension, the choice of complex pragmatic argumentation foregrounds the mediators' commitment to the parties' interest and their implicit desire to find a solution to their problem. This is also promoted through foregrounding the parties' goals and making them try to realise these goals together with the mediators during the mediation process. Thus, radiating commitment is a typical feature of the mediators' engaged argumentative style. Moreover, one of the two cases examined includes an argument from authority based on the mediators' previous experience, which can also be interpreted as indicating an engaged argumentative style utilised to demonstrate, next to their familiarity with it, the mediators' involvement in the process.

If we focus on the audience demand dimension of argumentative style, we can characterize the two opening statements by pointing at the continuous efforts made by the mediators to show that the parties themselves are responsible for the decisions about their conflict and that the mediators are there to help them solve

their problem. This is in line with an engaged argumentative style, which is characterized by conveying communality with the parties. The mediators not only convey communality with the parties, but they also promote communality of the one party with the other. They do so by focusing on the parties' common interests rather than on the opposing interests that gave rise to the conflict. This choice, which almost involves a re-interpretation of the disputants and mediators as being on the same side in a problem-solving team, is in agreement with the goals of ADR mediation as a communicative activity type. Through its relation with the resolution of the conflict, this choice for highlighting common interests creates again a connection between utilising an engaged argumentative style and utilising, more specifically, a reconciliatory argumentative style.

In the presentational dimension of the argumentative style that is utilised we noted three important features that express inclusiveness – which is characteristic of an engaged style. First, in the discourse mediators use proper names, irrespective of how the parties are used to call each other in their institutional relationships (e.g., professional relationships at the workplace), thus communicating an informal climate. Second, there is a frequent use of inclusive pronouns (“we”, “us”) in referring to the participants in the discussion, including both the two parties and the mediators. Third, there are in the mediators' utterances repeated occurrences of mitigation of intensity, which is instrumental in making the conflict appear a problem of manageable size and making the mediator a collaborator instead an external authority. These features put everyone on the same level and thereby they emphasise inclusiveness.

Returning to the distinction between ‘argumentative style’ and ‘mediation style’ discussed in 9.1.1, we can see that the analysis provided in this chapter confirms that these two analytical concepts should be kept separate, since they refer to different levels of analysis. In order to disentangle the concept of ‘mediation style’ from the notion of ‘argumentative style’, which is central to this volume, we decided to analyse two different opening statements (case 1 mediated by a single mediator, case 2 co-mediated) in which the mediators use a different approach or ‘mediation style’. Our findings show that mediators who use different mediation styles may very well adopt the same – in this case, engaged or even fully engaged – argumentative style. These findings can be a starting point for further research concerning the relationship between ‘mediation style’ and the argumentative dimension of mediators' interventions.

Our analysis of the specific topic of mediators' opening statements paves the way to more general considerations concerning argumentative style. As we have shown in this chapter, the analysis of the two different cases examined reveals in both cases a very similar argumentative pattern and dialectical route, going together

with a similar strategic design that is motivated by similar strategic considerations. Moreover, our analysis reveals in both cases the utilisation of a fully engaged argumentative style. Having analysed these opening statements in detail, we think we can conclude that certain properties of utilising an engaged style, such as the emphasis that is put on common goals and a common resolution process, are not just individual choices of an arbitrary mediator, but deliberate choices that are made in order to remain fully in line with the general aim of ADR mediation. These observations raise the question whether there is a fixed relation between the utilisation of a specific argumentative style, *in casu* an engaged one, and the communicative activity type of ADR mediation.

Argumentative style in a peer-reviewed research paper

10.1 Institutional background of a research paper

It is well known that the word “science” in English – although derived from medieval Latin *scientia*, which covered all disciplined thinking and knowledge – has become restricted to natural science. This restriction has given birth to perennial questions such as whether mathematics, medicine, economics, psychology, sociology, or the law are sciences. This chapter is targeted at the wider sense of “science”, which is best rendered by the adjective “academic” as applied to all argumentation produced by university professors and researchers. Nonetheless, some academic fields – medicine, psychotherapy, law, architecture, administration, applied mathematics, the different branches of engineering, including software development – have a professional counterpart in which argumentation is, as it were, hybrid, part academic and part oriented toward the solution of problems in the real world. The focus in this chapter is on academic argumentation in the narrowest sense.

Even when restricting oneself to the narrowest meaning of academic argumentation, there are some debates as to its nature and purpose within the different fields. A classification proposed by Habermas distinguishes three institutional points that may legitimately be pursued in academic practices:¹

- a. Objective knowledge and the explanation of facts
- b. Interpretation of intention and action
- c. The “emancipation” of humankind

1. Habermas (1971: 301–317). This is not the place to discuss the German philosopher’s polemic against the purity of (a) as an institutional point. It may, on the other hand, be useful to remember that the distinction between (a) and (b) is related to the debate started by Comte’s positivism as to whether all sciences should pursue the same aim, namely (a), as opposed to Dilthey’s idea that the academic fields dealing with human beings, society, and history should not imitate the concepts and methods of natural science but rather aim at (b). The distinction between the alleged institutional points (b) and (c) harks back to Marx and is nowadays associated with authors like Habermas and Foucault.

Both the social sciences and the humanities have practitioners who emphasize *one* of these three institutional points to the detriment of the other two (for a concise discussion, centered on the case of sociology, see Boudon 2002: 375–377). Nonetheless, (a) is recognized by most academics as the *only* institutional point of their argumentative texts. The peer-reviewed research paper, in its turn, is widely recognized as the piece of argumentative writing in the academic domain that best represents the effort of realizing (a) as *the* institutional point of academic argumentation.

The research article as a communicative activity type was born sometime in the seventeenth century, together with the first scientific journals. As time went by, the research article has become increasingly definite in form. In many fields of inquiry, it is routinely divided into four main sections:

- *Introduction*, where a brief argumentative survey of the relevant academic literature leads to the specific research question to be investigated in the paper, together with one or several hypotheses which tentatively answer that question as well as the arguments that support some degree of confidence in them.
- *Method*, where a population is defined from which a sample of “subjects” (i.e., people, or in some cases animals, exhibiting characteristics relevant to the inquiry being done) is argued to be adequate for the purposes of testing the hypotheses; then the instruments or materials are described which will be applied to the subjects, and their adequacy for the purpose at hand is argumentatively defended; finally, the procedure to be followed in applying the instruments or materials to the subjects is concisely outlined and justified by argument where need be.
- *Results*, where the most relevant data obtained by the method are presented in an orderly fashion, analysed by means of appropriately justified techniques, ordered into perspicuous tables, and converted into graphs and diagrams.
- *Discussion*, where the data obtained and analysed are put back into contact with the relevant academic literature, conclusions are drawn, limitations of the study and remaining questions are recognized, and broader perspectives for further research are indicated.

This structure is the result of a long development of this communicative activity type (Biber & Conrad 2009: 157–166).² Incidentally, the four-part format closely follows the stages of a critical discussion: the Introduction section largely corresponds to the confrontation stage, the two middle sections called Method and

2. The above description of the four parts is characteristic of papers in the fields of experimental psychology, cognitive science, neuroscience, and medicine. It is remarkable how widely it is used even in general scientific journals such as *Nature* and *Science*.

Results to the opening stage, and the Discussion section to the argumentation and concluding stages.³ As a matter of fact, some papers exhibit a fifth section to separate the conclusion proper from the discussion. Again, in some fields researchers insert a special theoretical section between the Introduction and the Method section.

Of course, this format, with its explicit headings, is not literally followed in *all* research articles. Qualitative researchers in the social sciences and scholars in the humanities, for example, have their own conventions. Still, it can be argued that underneath the variety of forms the institutional point is the same in all communicative activity types and subtypes: posing questions and examining one or several possible answers to these questions in the light of the available evidence whilst trying to do justice to the relevant literature. This underlying structure means that, by concentrating on the particular communicative practice of the four-part research article, we can reach significant, reliable and representative conclusions.

The research paper, on the other hand, is by no means the only communicative activity type in academia. A few other types, in which no empirical research done by the author or authors is reported, are the following (see Fleck 1936; Harmon & Grass 2007):

- *Meta-analytic articles*, in which the outcomes of several research papers are compiled and subjected to complex statistical analysis.
- *Purely theoretical articles*, in which questions of theory are discussed, with only occasional references to empirical outcomes reported in research papers.
- *Review articles*, in which books or papers, including research articles, are compared and contrasted.
- *Graduate dissertations*, which may or may not include original research, sometimes to be followed by a research paper that summarizes it.
- *Research monographs*, usually long articles or full books which present results of several research projects or even a whole research program.

3. Note that the word ‘results’ does not here refer to the *outcomes* of a research paper, which would belong to the concluding stage, but rather to the *data* produced by the method chosen (as described in the eponymous section) together with the (quantitative or qualitative) analysis of those data before entering the discussion and drawing the conclusions. Again, the Introduction section (often presented without any heading) always contains a literature review, out of which the research question or questions emerge. The core of the Introduction section is precisely to motivate the research questions, to formulate them as crisply as possible, and to answer them tentatively by means of one or several hypotheses (see Platt 1964). From a pragma-dialectical perspective, such hypotheses are *standpoints*. The reader should be reminded that standpoints are always put forward with a certain *force* (van Eemeren, Grootendorst & Snoeck Henkemans 2002: 6–7; van Eemeren & Grootendorst 2004: 103), which in this case rests on certain theoretical and empirical assumptions taken from the literature (including previous research by the authors).

- *Undergraduate and graduate textbooks*, which are simplified albeit technical presentations of concepts and methods of a scientific field for beginning or advanced students, with reference to some of the most significant empirical outcomes described in a summary fashion; they usually contain exercises to test the students' capacity to understand and apply the materials taught.
- *Handbooks, companions, and introductions*, similar to textbooks but usually less focused and without exercises.
- *Encyclopaedia entries*, quick but technical surveys of particular problems, concepts, methods, models or results, targeted either at students or at colleagues of a different subfield
- *Popular science books*, nontechnical texts targeted at laypeople who are interested in a general presentation; it should be noted that all academics are necessarily laypeople with respect to most other fields.

In a sense, all these communicative activity types also have (a) as their institutional point, but their relation to it is derivative, for they depend on the outcomes reported in research papers, which should therefore be seen as the center of gravity of all argumentative writing in the academic domain.

The above-described four-part structure of the research paper poignantly starts and ends by engaging the extant literature of the field, so that the Introduction section and the Discussion section are joined in a circle. This is so because, although any research paper may on the surface look like a “monological” sort of text, it is nothing of the kind but rather aspires to play a role in a particular scientific debate. It is only by taking part in those debates, and by defending one's position as ably and forcibly as one can (cf. Brown 1994: 32), that a researcher can serve the institutional point (a) of attaining objective knowledge and explaining the facts. Any research paper is framed by one particular debate, and it is only within that frame that the paper's central sections on Method and Results get their proper meaning, which is to contribute to the debate by putting forward a particular methodological design – a way of attaining knowledge – as well as particular data deriving from that design – the facts to be explained.

10.2 The sampling in a study of causal hypotheses in psychology

We have chosen ‘The role of sensorimotor impairments in dyslexia: A multiple case study of dyslexic children’ (White et al. 2006) as the research paper of which we are going to analyse the argumentative style. This paper, to be referred in the following as RSID, is part of an ongoing debate concerning the causes of developmental dyslexia, in which young children who have otherwise normal cognitive abilities experience mild to severe difficulties in learning to read. Developmental dyslexia

is a permanent disability, although timely and judicious interventions may help compensate the people affected by it, so as to allow them to function in a modern, heavily literate society.

As is usual with learning disabilities, the causes of developmental dyslexia may be sought either at the level of the neurophysiological processes that support reading or at the more basic molecular level of the genes and the proteins they manufacture. RSID concerns the former kind of explanation. After a long period in which purely perceptual explanations were proposed but could not explain the facts, a new hypothesis emerged in the late 1970s according to which dyslexics suffer from defective internal representations of the sounds (*phonemes*) symbolized by letters or letter groups (*graphemes*). Since then, this so-called *phonological hypothesis of developmental dyslexia* has been the most widely accepted, either by itself or in combination with an impairment in general processing speed.

However, from the 1980s on, alternative hypotheses have been proposed that suggest that other impairments of a sensory or motor nature may be involved both in the reading behaviour of dyslexics and in their defective phonological representations. The envisaged chain of explanation is illustrated in Figure 10.1 (for models of this type see Morton 2004).

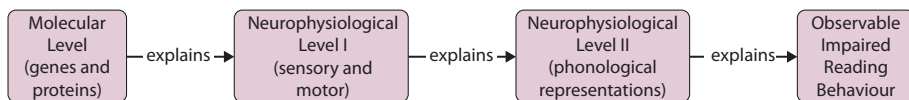


Figure 10.1 Levels of explanation of developmental dyslexia according to the sensorimotor hypothesis

If this chain of explanation is correct, it would imply that *all* dyslexics could be helped by intervening, if not yet at the molecular level, at least at the deeper level of sensory and motor processing. Such interventions would improve phonological processing and thus have an impact on the reading level attainable by a child, or even an adult, with developmental dyslexia. That may be considered the main issue of RSID. It is an important scientific question, not least because the eventual genetic explanation (and intervention) should target the appropriate neurophysiological level.

RSID belongs to a special subtype of the peer-reviewed research paper: a so-called *target paper*, to be commented on and criticized by other experts in the field, after which the authors reply.⁴ The paper-comments-reply structure reveals

4. Some journals are specially dedicated to this textual subtype, for instance, *Brain and Behavioral Sciences* and *Current Anthropology*, whereas other journals host the occasional specimen, for instance, *Philosophy and Phenomenological Research* or *Developmental Science*, where RSID was indeed taken from.

the dialogical nature of a research paper by showing us *in vivo* the actual communicative interaction it is part of.

RSID is, as it were, a critical discussion within another critical discussion. The first critical discussion consists of the target paper itself with the usual four stages: confrontation (the traditional Introduction section), opening (the Method and Results sections), argumentation (the Discussion section), and concluding stage (the short Conclusion section added at the end of the target paper for good measure). The second, encompassing critical discussion has in its turn three parts: the target paper, the peer commentary, and the authors' response. The peer commentary consists of a series of counterarguments to the different arguments presented in the target paper, mainly but not exclusively those in the Discussion section. Finally, the response tries to rebut those counterarguments and draw a general conclusion.

There are five different parties in the dispute. We have on the one hand, (i) a formidable team of seven researchers, led by Uta Frith and Frank Ramus, top experts in dyslexia and staunch defenders of the phonological hypothesis of developmental dyslexia. Opposed to them we have the four main representatives of the various sensorimotor hypotheses: (ii) Dorothy Bishop, (iii) Usha Goswami, (iv) the team formed by Roderick Nicolson and Angela Fawcett, and (v) Paula Tallal. They are all giants of the field. The stakes are quite high, for the proponents of the phonological hypothesis, having studied in depth the alternatives, designed something close to an *experimentum crucis* to decide, once and for all, whether the claims of the various sensorimotor hypotheses are justified in placing the phonological hypothesis as a dependent variable in the chain of explanation of development dyslexia.⁵ Although the four opponents of an independent phonological hypothesis have non-identical standpoints, they share some of the objections to the target paper. Their mutual differences are highlighted by the way in which the authors respond.

The complete text of RSID – target paper, peer comments, and authors' reply – is very long: about 25,000 words. For the purposes of this chapter we have selected just one fragment of the text. To motivate our choice, consider that each one of the four sections of the target paper contains an argumentation of its own:

5. Although this was the original design as explicitly presented by the authors in the Introduction section of the target paper, what they found was, interestingly enough, that each explanatory hypothesis captures part of the phenomenon: none of the postulated causes was found to be present in *all* children of the sample; and this was true as much of the phonological impairments, long defended by the authors of the target paper, as well as the sensorimotor impairments of their rivals. This finding leads in the end to a profound change in perspective—from confronting different explanations of dyslexia to calling for the use of one or more explanations in the design of interventions tailored to the individual.

- In the Introduction section, the argumentation starts from the literature, reviewing previous theoretical and empirical findings, in order to justify argumentatively both the research questions and the hypothetical answers which will be tested in the paper.
- The Method section has three sub-sections, each one of which contains a sub-argument, respectively justifying the selection of (a) the *subjects* included in the sample, (b) the *materials* to be used on the subjects – tests, tasks, stimuli, and so on –, and (c) the *procedure* to be followed in the application of the materials to the subjects; given widely shared conventions on these three items, the Method section has a deceptively descriptive appearance, whilst in fact each aspect of the method rests on largely implicit argumentation (which may be made explicit at any time, usually in response to outside challenge). In any case, the three sub-arguments underlying sampling, materials, and procedure are chained to each other to form one solid methodological argumentation.
- The Results section presents the data obtained from the Method in a way that is as perspicuous as possible, followed by an analysis of the data; both the raw data and the analysed data are often visually enhanced by means of tables, graphs, and diagrams. Again, those visual aids are largely conventional, so that no explicit justification may be offered in a paper, although it can be produced if challenged.
- Finally, in the Discussion section there is a return to the literature reviewed in the Introduction, to which often additional items of previous research are added. All that is brought into dialogue with the analyzed data presented in the Results section in order to produce conclusions. When the conclusions are deemed to be especially significant, they are re-formulated in a special Conclusions section, as is the case with the target paper in RSID.

If each one of these four partial argumentations is represented by a directed graph or *digraph*, then the research paper would be a superordinated digraph incorporating the subordinate digraphs of each section. Again, the peer commentators' criticisms would add new nodes connecting to those nodes of the superordinated digraph which are perceived as open to challenge, whilst the authors' reply, if complete, would link to all those critical nodes in order to weaken them. With all these additions, the resulting digraph would be very large indeed.

Within the space limits of this volume we need to limit ourselves to one sub-argument, and we have chosen the sub-argument concerning the selection of the sample set forth in the Method section of the target paper. Note that the selection of the sample (and in fact the whole Method section) belongs to the opening stage within the framework of the whole paper. In a critical discussion, both material and procedural starting points are often presented in the opening stage without

argument, which does not mean that the arguer cannot offer reasons for them if asked to do so. In our case, we shall see that the peer commentators issue objections and doubts both on the contents of the sample and on the sampling procedure; to which the authors respond by making explicit the required parts of the argumentation left implicit in the original presentation.

Our choice of the sample issue is not arbitrary. In experimental research, the selection of the sample is fairly often a contentious point. For two reasons it is especially contentious in the field of developmental dyslexia. One is that we have as yet no test – psychological, physiological, or genetic – to establish the diagnosis with certainty. Because of that, there is always a chance that any given subject chosen as belonging to one’s sample may be considered as “not dyslexic” by other researchers. The second reason is that, as a consequence of this uncertainty, it is always difficult to form a sample of dyslexic children even if they may be as much as 10% of the general population (International Dyslexia Association 2020). The peer comments thus predictably contain challenges to the sample in RSID. We should also remember that challenging the sample is a very common strategy when criticizing research papers, for arguments in favor of a given research hypothesis have to be based on data and data can only be collected on the basis of an appropriate sample. That makes the sample the first starting point – as it were the first link in the chain of reasoning – and so a natural target for argumentative analysis.

The fragment of RSID concerning the selection of the sample is not a continuous piece of text: it contains pieces of the argument in the target paper, in the counterarguments put forward by the commentators, and finally in the relevant parts of the authors’ reply.

Let us start with the passage in the target paper that describes the way in which the sample was selected. For reasons that will become clear later, we divide this first text into two parts:

Text 1a

This study attempts to elucidate whether a sensorimotor deficit plays a causal role in the aetiology of the reading impairment in dyslexia. The shortfalls of other studies will be addressed by using a wide range of tasks and focusing on individual as well as group performance through a multiple case study design. Performance on sensory and motor tasks is therefore studied within-subject and compared to reading and phonological abilities.

[...] The present study is a more stringent test of the theory as it looks at the occurrence of sensorimotor impairments in a more representative and heterogeneous sample of dyslexic children, encompassing a wide range of abilities and typical of a large dyslexia clinic.

*Text 1b***Method***Participants*

In total, 23 dyslexic and 22 control children took part, aged from 8 to 12 years. All children had a non-verbal IQ of at least 85, as measured by the Raven's Standard Progressive Matrices [...] and all control children had a standard reading score of at least 90. The controls were selected from a larger sample to match the dyslexic group on gender [...] and on their range of ages and non-verbal IQs [...] (see Table 1); this sample was not self-selected and no knowledge of literacy levels was available at the time of selection. The dyslexic children had all previously received a diagnosis of dyslexia from a chartered educational psychologist and were mainly recruited through the Dyslexia Institute (DI); all those who fulfilled the above age and ability criteria and whose parents gave permission were included. The remaining dyslexics and the control children were recruited from schools located in the area where the children from the DI lived. The control children whose parents gave permission for participation were screened, and a sample then selected to match the dyslexic group in terms of gender, age range and non-verbal IQ.

The majority of the dyslexic children [...] had therefore received the same neuropsychological assessment from the same highly experienced educational psychologist. A classification system [...] had been used to specify the severity of their dyslexic symptoms, based on performance in IQ, reading, spelling and other diagnostic tests, such as digit span and speed of information processing. This system employs a six-point scale, ranging from "not dyslexic" to "very severe dyslexia" and all children taking part in this study had been classified on the highest three points of the scale (moderate, severe or very severe).

[Target paper, RSID: 239b–240a; the letters "a" and "b" indicate the left and right columns of the paper; the passages left out provide details which are immaterial for the analysis.]

What we call *Text 1b* follows immediately after *Text 1a*, so that occasionally the whole passage consisting of *Text 1a* and *Text 1b* shall simply be referred to as *Text 1*. Notice that *Text 1b* looks like a mere description, but to people in the field certain parts of it clearly indicate the *reason* why the sample has been selected correctly: the only way to be sufficiently sure that the subjects *are* dyslexic is by means of a careful diagnosis done by an expert for each individual case.

Now, three of the four peer commentators object to the way the sample was selected:

Text 2

An exploration of the different sensory theories of dyslexia *in the same children* was long overdue, and in this sense White and her colleagues provide a valuable data set. However, [...] the sample size is too small for a really sensitive test. Given that each child had to complete at least 15 different experimental tasks, and that the spread of ages of the dyslexic participants ranged from 8 to 12 years, the study lacks developmental

power. Eight-year-olds and 12-year-olds usually perform quite differently in sensory and cognitive tasks. Four years of development matters. In order to compare theories about causes of development, it is most useful to conduct a longitudinal study [...].

[...]

Finally, White et al. chose to omit a reading level control group. A research design using both reading level and chronological age control groups has been accepted as optimal in studies of dyslexia for at least 20 years [...]. Reading level controls are important for arguments about developmental causation. We already know that reading changes the brain [...] Cognitive abilities acquired through cultural practices like literacy impact on sensory abilities. We therefore need to know whether dyslexic children perform similarly to or worse than younger reading-matched controls in the sensory tasks used.

[Peer commentary by Goswami in RSID: 258a–b; italics in the original text]

Text 3

In addition to literacy, the dyslexic children were identified via difficulties in verbal working memory and processing speed. As the authors acknowledge (footnote 4) this leads to the danger of circularity. The IQ criterion adopted for dyslexia was more inclusive than normal, being a non-verbal reasoning score ≥ 85 (rather than a full-scale IQ ≥ 90 , as used in many British studies). Given that in dyslexia verbal IQ is frequently lower than nonverbal, some lower performing “dyslexic” children will actually have no discrepancy between their reading and general performance – and hence should be excluded from this study.

[Peer commentary by Nicolson & Fawcett in RSID: 260a.]

Text 4

This study claims to have evaluated many of the prominent theories of dyslexia. However, the data below (from Tables 1 and 2) show that the majority of children in the “dyslexic” group scored well within the normal range on standardized reading and phonological awareness tests:

- Reading – WRAT3 mean = 85.78 (SD = 11.86)
- Non-word reading – PhAB mean = 93.39 (SD = 6.74)
- Rhyme mean = 96.26 (SD = 14.09)
- Spoonerisms mean = 98.00 (SD = 9.19)
- Alliteration fluency mean = 99.61 (SD = 10.66)
- Rhyme fluency mean = 101.70 (SD = 11.93)

How do these standardized scores translate into the data in Figure 1a showing all of the “dyslexics” scoring below the 5th percentile in literacy?

Although the control group was intended to be representative of normal readers, they were, in fact, scoring well above average on the standardized tests:

- Reading – WRAT3 mean = 112.64 (SD = 10.57)
- Non-word reading – PhAB mean = 114.95 (SD = 12.68)

Nonetheless, the authors argue that, as the groups were matched on age and non-verbal IQ, the “dyslexics” should be compared to this small (N = 22) group of above-average readers, rather than on population norms.

[Peer commentary by Tallal in RSID: 262a-b; the abbreviations “WRAT3” and “PhSB” refer to standardized tests used in the target paper.]

In these passages the peer commentators give *reasons* why we should not consider the sample adequate.

Finally, the authors respond to their critics by organizing the objections under several headings. Here it is enough to consider three of them:

Text 5

Were our dyslexics dyslexic?

On the basis of participants' standard scores on reading and phonological tests, Tallal claims that our dyslexics were not dyslexic and that our controls were "super-controls". However, as already explained in the paper, there are very good reasons to believe that population norms for the WRAT3 and for the PhAB are largely outdated following the introduction of the "literacy hour" strategy in UK classrooms in 1998. Additionally, WRAT3 norms are for US children and it has been shown that these tend to overestimate British children's reading age... Therefore it is more appropriate to compare dyslexics directly to the carefully matched control population than to read standard scores literally. Following this logic, Figure 2 clearly shows that the dyslexic participants in this study meet the regression definition of dyslexia. This also answers Nicolson and Fawcett's worries about inclusion: all these dyslexic children meet a discrepancy criterion, therefore they are not a mix of dyslexic and non-dyslexic poor readers. Furthermore, this was only the second step of selection. The first step involved, for most dyslexic children, an independent formal assessment by the Dyslexia Institute documenting a history of reading disability.

[...]

In sum, it seems to be clutching at straws to believe that our dyslexic sample does not represent the intended population.

Was our sample big enough?

All experimenters would love to have more subjects in their experiments, and we are no exception. However, we also realize that there is no point spending time and effort going far beyond adequate statistical power. As far as statistical power is concerned, our numbers of 23 and 21 children per group are quite typical of dyslexia studies. Dozens of published studies with equal or fewer numbers have found significant group effects on sensorimotor tasks [...]. There is therefore no reason to believe that our study is particularly underpowered. Nevertheless, the point of this study was not whether there are significant group differences or not, since we believe that overall group differences do not address the question of cause. The main point of this multiple case study was to analyse patterns of deficits within each individual. Individual data are important because they assess the extent to which children who are diagnosed as dyslexic have similar sensorimotor and cognitive profiles, and whether a single deficit could underlie the reading problems. Testing 44 cases in depth across a whole range of tasks should be sufficient to do this [...].

The commentators also worried that the wide age range (8–12) might mask effects on unstandardized sensorimotor tests. Indeed we found that most of these scores correlated with age, and for this reason age (and non-verbal IQ) were partialled out from all the scores entered into statistical analyses and graphs.

[...]

Did our study have “developmental” power?

Developmental power is not a scientific concept. Rather, the word “developmental” is used by Goswami as an implicit quality label that can only be attributed to studies which either are longitudinal or use a reading-age control group. We believe that neither longitudinal studies nor matching by reading age are necessarily the most appropriate techniques when investigating the causes of reading difficulty. The notion that there is a gold standard that can answer every question in the field is flawed. Methods must be evaluated with respect to the question that is being asked. Here the question is: Can sensory or motor impairments explain most cases of dyslexia? There is little reason to believe that asking this question separately in 8-, 10- or 12-year-olds would bring any benefit, given that the existing literature suggests that sensorimotor deficits are no more frequent in 8-year-old than in adult dyslexics. Furthermore, as already explained, a reading-age (therefore younger) control group could only have poorer sensorimotor performance, hence defining a poorer normal range from which dyslexics would be even less likely to be outliers.

[Authors’ reply in RSID: 265a–266b.]

Before going on to the analysis of the argument, it is important to insist that the paper in its entirety is a much longer piece, in which all sections, paragraphs, and sentences are intricately related to each other in a dense web of argumentation.⁶ Such a web is itself tied up to multiple theories which are only alluded to – from statistics to neuroscience.

10.3 Analysis of the argumentative discourse in the RSID case

10.3.1 The questions raised by the paper

In order to understand any academic discussion, one has to understand first of all what the *questions* are on which the discussion turns. In RSID the main question is:

Q1. Do sensorimotor impairments always underlie developmental dyslexia?

Given that there are several possible explanations of developmental dyslexia, that those explanations are not exclusive but rather posited to be related in the way indicated in Figure 10.1, and that the point of finding the answer is to intervene on behalf of dyslexics, a different way to frame the question is:

6. The paper under discussion contains a few more passages which bear on the selection of the sample, but we have omitted a few details in order to keep the text as short as possible. Even so, the whole argument, from *Text 1* through *Text 5*, runs to about 1,400 words.

Q2. Are all dyslexics the same and should they be treated using always the same methods?

In fact, the target paper starts with Q1 yet ends with Q2. It will soon become clear how important this is. For the time being, let us only consider Q1. The main difference of opinion between the parties involved in RSID concerns that question: the authors of the target paper have assumed the burden of proof, or perhaps one should say the burden of designing a test and so the role of a protagonist, and the outcome of said test “suggests” that the answer to the question is No. Note that academic researchers are very fond of the verb “suggest”: in academic argumentation that verb conveys the idea that no empirical test of a hypothesis is a *proof* of a proposition in the sense of mathematicians. And so, even an excellent test design which “suggests” an answer to a research question may yet be challenged.

From the perspective of the pragma-dialectical theory of argumentation, the answer hypothesized should be considered a *standpoint*, which is upheld by the authors of the test presented in the target paper of RSID with a certain force (a prior probability); and the test of the standpoint is argumentatively deployed in the Method, Results and Discussion sections. Now, a crucial question related to the soundness of any empirical test is:

Q3. Is the sample selected to perform the test on it adequate?

The question of sample adequacy, Q3, arises in all empirical tests as a subsidiary question. And so, if the peer commentators, in their role as antagonists, wish to question the main standpoint of the authors (namely, *that developmental dyslexia is not always a sensorimotor impairment*, a negative answer to Q1), then their challenges may address first the subsidiary question of sample adequacy and present arguments purporting to show that the sample is not adequate. The discussion around Q3 may be considered a sub-discussion relative to the discussion of Q1, the main question of the target paper. In the following sub-sections, an analytic overview is provided of the analytically relevant argumentative moves that are made in this sub-discussion, the argumentative pattern is laid bare that indicates the dialectical routes that are taken, and the strategic design is explained that is motivated by the strategic considerations that are brought to bear.

10.3.2 Analytic overview

First we need to describe the analytically relevant argumentative moves made during the sub-discussion on the sampling procedure.

a. *Differences of opinion*

Although the discussion as a whole may look like a ‘polylogue’ in the sense this word has in pragmatics (Kerbrat-Orecchioni 2004; Lewiński & Aakhus 2014), this concept is not useful here, for the actual communicative interactions take always place between two parties, the authors of the target paper on the one hand and one of their critics on the other. Given that one of the critics does not challenge the sample, we only have to consider three one-to-one differences of opinion. If we just consider the global question Q3, then the three differences of opinion may be exhibited as in Table 10.1.

Table 10.1 Differences of opinion on sample adequacy in RSID

Parties	Q3	Difference of opinion in relation to the authors	
	Is the sample adequate or not?		
Authors (Texts 1 and 5)	Yes		
Goswami (Text 2)	No	Single	Mixed
Nicolson & Fawcett (Text 3)	?	Single	Non-mixed
Tallal (Text 4)	No	Single	Mixed

Table 10.1, however, does not quite do justice to the text, because nobody challenges a sample as inadequate in the abstract, but always with respect to some particular deficiency. As we shall see, the critics effectively challenge the sample with respect to three more specific questions, contained as it were in Q3:

(Q3a) Is the sample large enough?

(Q3b) Do the experimental subjects included in the sample really belong to the intended population?

(Q3c) Are the control subjects correctly matched to the experimental subjects?

Should the answer to *any* one of these three questions be negative, the sample would be rejected as deficient. Table 10.2 shows the positions of all parties.

Table 10.2 Differences of opinion on sample adequacy in RSID

Parties	Questions			Difference of opinion in relation to the authors	
	Q3a	Q3b	Q3c		
Authors (Texts 1 and 5)	Yes	Yes	Yes		
Goswami (Text 2)	No	–	No	Double	Mixed
Nicolson & Fawcett (Text 3)	–	?	–	Single	Non-mixed
Tallal (Text 4)	–	No	No	Double	Mixed

Table 10.2 represents more clearly than Table 10.1 what the discussion in RSID is actually about (the hyphen in some cells means that the peer commentators do not take an explicit stance with regard to the respective question).

There is something else, however, that needs emphasizing: the questions about the adequacy of the sample that are paramount to the authors of the target paper are significantly different from those raised by the peer commentators:

- (Q3d) Has the sample the right variety to represent the distribution of impairments within the population of dyslexics?
- (Q3e) Has the sample the right size to identify the different impairments afflicting dyslexics?
- (Q3f) Does the selection of children correctly distinguish between dyslexics and non-dyslexics?

First, Q3d is by far the most important for the research purposes of the authors: as they clearly explain in *Text 1a*, they wanted to ensure “a more representative and heterogeneous sample of dyslexic children, encompassing a wide range of abilities and typical of a large dyslexia clinic”. Notwithstanding, some of the critics seem to ignore this point. Then, Q3e is deceptively similar to Q3a, yet they are different in content. Note that Q3a, although familiar enough, is pretty vague: a sample may be large enough for some purposes and too small for others. If we look at the actual objection made in *Text 2*, the critic asserts that “the sample is too small for a really sensitive test”. We shall come back to the question of sensitivity, but the point here is that the authors deemed Q3e to have the right size with respect to the research purpose, namely, to find out where sensorimotor impairments appear in the sample, either by themselves or associated with other impairments. Finally, Q3f is actually an encompassing question that covers both Q3b and Q3c.

The reader may thus appreciate that the questions preoccupying the authors only imperfectly overlap with the questions raised by the critics. Nonetheless, given that the differences of opinion are voiced by the critics, we must abide by Table 10.2 as the best representation of what these differences are.

b. *Starting points*

As is usual in research papers, what the authors consider acceptable starting points for the argumentation on the main question is contained in two sections: the Method section and the Results section, which respectively describe the design of the test and the data obtained by applying that design. For our purpose, we only consider one part of the Method section, dedicated to the constitution of the sample. This section, although *prima facie* purely descriptive, presents the reasons supporting the choices made and so justifying the sample used in the target paper. This is the sub-discussion we want to reconstruct.

Beginning with Q3b, the authors' main starting point is that for a child to be considered dyslexic and so included in the sample, *he or she ought to have received a diagnosis of dyslexia from a chartered educational psychologist* (see *Text 1a*). To confirm the status of the experimental subjects, the authors add that all children included in the sample as dyslexics "had been classified on the highest three points of the scale (moderate, severe or very severe)". Given that developmental dyslexia is currently defined in terms of a discrepancy between the cognitive abilities of the child and their otherwise unaccountable difficulties in learning to read, the authors add that *all the children had a non-verbal IQ of at least 85, as measured by the Raven's Standard Progressive Matrices*. The italicized phrases express the two starting points challenged by the commentators.

Regarding Q3a, the authors do not explicitly justify the size of the sample in the target paper but later on, in their response to the objections of one of the commentators, they explain that *the number of experimental and control subjects has enough statistical power for the purposes at hand* (see *Text 5*). This was presumably the original starting point for sample size, even if they only express it indirectly in *Text 1a* when they say that they want to ensure "a more representative and heterogeneous sample of dyslexic children".

Finally, as for Q3c, the authors simply state that *they were recruited from schools located in the area where the children from the DI [Dyslexia Institute] lived* and that from those *a sample was selected to match the dyslexic group in terms of gender, age range and non-verbal IQ* (see *Text 1b*). The italicized sentences are the two starting points that justify the matching procedure.

c. *Argument schemes*

The overall question in dispute concerns the adequacy of the sample. We are dealing here with normative issues. The norms reflect the consensus of the experts. On the other hand, the norms are always put forward in view of particular academic goals to be attained. So, all arguments supporting the authors' sampling procedure have a causal component (of the pragmatic subtype) and a symptomatic component (of the expert authority subtype). The standards are never totally rigid, and a critic's judgment may question them or at least their application to the case at hand. It may also happen that a critic thinks a given procedure is not up to standard because she mistakes the author's purpose; the author's reply may be based on the perception of such a mistake. This is indeed what we have in RSID.

In their target paper, the authors' argument is pragmatic: *the authors did X because they wanted to achieve Y*, where X is their sampling procedure and Y the special purpose of the paper. The pragmatic premise is that doing X leads to achieving Y. On the other hand, in their comments, the critics of the target paper argue symptomatically: *X is inadequate because experts would agree that*

X is not the correct procedure, the implicit premise being that X is inadequate if the experts say so. Now, to say of a given procedure that it is not correct is an incomplete form of expression; what is meant always is that *X is not the correct procedure to achieve Z*. The reason for using the incomplete expression is that Z is the usual goal in papers where a sample of experimental subjects and controls is offered as part of the Method section. But the implicit premise that *the authors wanted to achieve Z* can only work if $Z = Y$, that is, if the purpose ascribed by the critics to the authors is right on target – something that the authors in their reply deny.

d. *Argumentation structure*

There are three points in dispute, which are all related to the general methodological issue of sample adequacy. Let us nonetheless take the general issue as the standpoint in dispute, which is implicit. That standpoint is, again, supported by three sub-standpoints which also remain implicit until they are challenged by the commentators. As soon as they are challenged, the authors are forced to make explicit both the sub-standpoints and the methodological questions raised by the challenges. We thus have several arguments: the original one by the authors in their target paper; the various counterarguments put forward by their critics against one or more of the premises in that first argument; and the counter-counterarguments of the authors in their reply.

The authors' initial argumentation has the following coordinative and subordinative argumentation structure:

- (1) (The sample is adequate)
 - (1.1a) (The sample has the right variety)
 - (1.1a).1a The present study looks at the occurrence of sensorimotor impairments in a more representative and heterogeneous sample of dyslexic children, encompassing a wide range of abilities and typical of a large dyslexia clinic
 - (1.1a.1b) (The sample selected represents well the variety of dyslexics)
 - (1.1a.1b).1a They were recruited from the Dyslexia Institute or with its help
 - (1.1a.1b.1b) (The Dyslexia Institute is a large dyslexia clinic)
 - (1.1b) (The sample has the right size)*
 - (1.1b).1a Performance on sensory and motor tasks is studied within-subject and compared to reading and phonological abilities
 - (1.1b).1a.1a The shortfalls of other studies will be addressed by using a wide range of tasks and focusing on individual as well as group performance through a multiple case study design
 - (1.1b.1a.1b) (Sample size is adequate for that purpose)
 - (1.1b).1a.1b.1a This study attempts to elucidate whether a sensorimotor deficit plays a causal role in the aetiology of the reading impairment in dyslexia
 - (1.1b.1a.1b.1b) (A multiple case study design is adequate for that purpose)

- (1.1b.1b) (The sample size selected is enough for within-subject analysis of patterns of deficit)
- (1.1c) (The sample distinguishes well between dyslexics and non-dyslexics)
- (1.1c.1a) (All children included in the sample as experimental subjects are dyslexic)*
- (1.1c.1a).1a All children included in the sample received a diagnosis of dyslexia from a chartered educational psychologist, most of them at the Dyslexia Institute
- (1.1c.1a.1b) (The only acceptable procedure to determine that a child is dyslexic is if the child has an appropriate diagnosis)
- (1.1c.1a.1c) (Chartered educational psychologists, especially from the Dyslexia Institute, are qualified to issue a diagnosis of dyslexia)
- (1.1c.1b) (The control subjects included in the sample are correctly matched to the experimental subjects)*
- (1.1c.1b).1a The control children were recruited from schools located in the area where the children from the Dyslexia Institute lived
- (1.1c.1b).1b The control children were selected to match the dyslexic group in terms of gender, age range and non-verbal IQ
- (1.1c.1b.1c) (Matching by neighbourhood, gender, age range and non-verbal IQ is good practice)

Both the main standpoint (1) and its three coordinatively supporting sub-standpoints – (1.1a), (1.1b) and (1.1c) – are written within parentheses in order to signal that they are left unexpressed in *Text 1*. A proposition followed by an asterisk means that it is objected to or doubted by one or another of the peer commentators by means of an opposite standpoint and its associated counterargument. When said standpoint represents an *objection* to one of the authors' sub-standpoints, we shall use the logical sign of negation (\neg); when only a *doubt*, a simple interrogation mark (cf. van Eemeren & Grootendorst, 1992: 15–20). The positions of the asterisks show that the peer commentators have nothing to say about the argument in support of the unexpressed sub-standpoint (1.1a) *even if that argument is the most important part of the whole argument in favour of standpoint 1*. This remarkable fact will occupy us later.

The first objection appears in *Text 2*, and its associated counterargument has the following structure:

- 2 = \neg (1.1b) The sample size is too small for a really sensitive test
- 2.1 It has no developmental power
- 2.1.1a Each child had to complete at least 15 different experimental tasks
- 2.1.1b The spread of ages of the dyslexic participants ranged from 8 to 12 years
- 2.1.1c Eight-year-olds and 12-year-olds usually perform quite differently in sensory and cognitive tasks

2.1.2a In order to compare theories about causes of development, it is most useful to conduct a longitudinal study

(2.1.2b) (The sample in this study is not longitudinal)

Notice that in this argument an unusual concept, referred to as *developmental power*, does all the work, even if it is nowhere explained by the critic. We have, on the one hand, an explicit description 2.1.1a–c which correctly characterizes the setup of the study, with the apparent implication that such a setup lacks ‘developmental power’. On the other hand, we have an explicit methodological recommendation 2.1.2a, which seems to carry the implication that *any non-longitudinal study lacks developmental power*. By the way, it is true that the authors’ study is not longitudinal, for it only compares dyslexic and non-dyslexic children; for it to be longitudinal, the authors would have had to compare dyslexic children with themselves in a later period.

Text 3 offers not an objection but a doubt, directed against the constitution of the sample; and it argues for this doubt, so that it becomes a standpoint, by means of a subtle piece of coordinative and subordinative argumentation:

(3) = ? (1.1c.1a) (Some children included in the sample as experimental subjects *may not be* dyslexic)

(3.1a) (Children who do not present a discrepancy between their reading and general performance are not dyslexic)

(3.1b) Some lower performing “dyslexic” children [in the sample] may have no discrepancy between their reading and general performance

(3.1b.1a) The IQ criterion adopted for the sample of dyslexics is more inclusive than normal, being a non-verbal reasoning score ≥ 85 , rather than a full-scale IQ ≥ 90 , as used in many British studies

(3.1b.1b) (Those children at the lower end, near 85, of the non-verbal IQ scale may have an even lower verbal IQ score)

(3.1b.1b).1 In dyslexia verbal IQ is frequently lower than nonverbal

(3.1b.1c) (A quite low verbal IQ score may explain poor reading performance without the need to postulate dyslexia as the underlying condition)

Now, *Text 4* attacks the same sub-standpoint as *Text 3*, although not by means of a tentative doubt but rather by a definite objection and a quite simple argument:

(4) = \neg (1.1c.1a) (Not all children included in the sample as experimental subjects are dyslexic)

4.1a The majority of children in the “dyslexic” group scored well within the normal range on standardized reading and phonological awareness tests

(4.1b) (Normal scores on standardized reading and phonological awareness tests cannot be obtained by dyslexic children)

And by a parallel reasoning, *Text 4* also attacks the constitution of the control group:

(5) = \neg (1.1c.1b) (The control subjects included in the sample are *not* correctly matched to the experimental subjects)

(5).1a The children in the control group scored well above average on standardized reading and phonological awareness tests

(5.1b) (Scoring well above average on standardized reading and phonological awareness makes them unrepresentative of normal readers)

Note that in both arguments, *Text 4* makes use of a certain ‘Table 1’, which is indeed mentioned in *Text 1b*, but presented in the target paper much later, when the data contained therein (including the scores obtained by dyslexics and non-dyslexics in the standardized reading and phonological awareness tests used by the authors) become relevant to another part of the authors’ argument.

Finally, *Text 2* also objects to the constitution of the control group but by means of a very different argument:

(6) = \neg (1.1c.1b) (The control subjects included in the sample are *not* correctly matched to the experimental subjects)

(6).1a The sample omits a reading level control group

(6).1b A research design using both reading level and chronological age control groups has been accepted as optimal in studies of dyslexia for at least 20 years

(6.1c) (No matching of a sample of dyslexics and a control group can be correct if it ignores consolidated best practices in dyslexia research)

In *Text 5* the authors reply to these doubts and objections by the following sequence of arguments:

(7) = \neg 2 (The sample size is *not* too small for a really sensitive test)

(7).1a = \neg 2.1 Developmental power is not a scientific concept

(7).1b As far as statistical power is concerned, our numbers of 23 and 21 children per group are quite typical of dyslexia studies

(7).1b.1a Dozens of published studies with equal or fewer numbers have found significant group effects on sensorimotor tasks

(7.1b.1b) (The important thing is to find significant group effects on sensorimotor tasks)

(8) = \neg (3) (All children included in the sample as experimental subjects are dyslexic)

(8).1 = (1.1c.1a) and the argument supporting it

(8).2 = \neg (3).1 All these dyslexic children meet a discrepancy criterion, therefore they are not a mix of dyslexic and non-dyslexic poor readers

(8).2.1 Figure 2 [of the target paper] shows that the dyslexic participants in this study meet the regression definition of dyslexia

(9) = \neg (4) (All children included in the sample as experimental subjects are dyslexic)

(9.1) (Experimental subjects' scores on standardized reading and phonological awareness tests are irrelevant as to whether the children in the sample are dyslexic)

(9.1).1 The point of this study was not whether there are significant group differences or not

(9.1).1.1 Overall group differences do not address the question of cause

(9.1).2 Population norms for the WRAT3 and for the PhAB are largely outdated following the introduction of the "literacy hour" strategy in UK classrooms in 1998

(9.1).3 WRAT3 norms are for US children and it has been shown that these tend to overestimate British children's reading age

(10) $\Rightarrow \neg$ (5) (The control subjects included in the sample *are* correctly matched to the experimental subjects)

(10.1) (Controls' scores on standardized reading and phonological awareness tests are irrelevant as to whether the controls are correctly matched to the experimental subjects)

(10.1).1 The point of this study was not whether there are significant group differences or not

(10.1).1.1 Overall group differences do not address the question of cause

(10.1).2 Population norms for the WRAT3 and for the PhAB are largely outdated following the introduction of the "literacy hour" strategy in UK classrooms in 1998

(10.1).3 WRAT3 norms are for US children and it has been shown that these tend to overestimate British children's reading age

(11) $\Rightarrow \neg$ (6) (The control subjects included in the sample *are* correctly matched to the experimental subjects)

(11.1) (There is no need to include a reading level control group)

(11.1).1 The point of this study was not whether there are significant group differences or not

(11.1).1.1 Overall group differences do not address the question of cause

An attentive consideration of the above structure will reveal that the same propositions are used as premises of different arguments. In one very important case, (8).1, we even have a repetition of a sub-argument that was already in the target paper. In other cases, the reader will appreciate that the challenges brought by the critics cause the authors to put forward premises that were not expressed in the target paper.

e. *Outcome*

Note that the outcome we are talking about here only concerns the sub-discussion about the adequacy of the sample, not the outcome of the whole discussion. With regard to that sub-discussion, the authors of the paper conclude in their

reply that their critics' objections and doubts do not rebut their implicit standpoint that the sample chosen is adequate, and so that standpoint remains.

It goes without saying that the argumentation about the adequacy of the sample could have been broader if, for instance, a critic had pointed to some other property required of a sample as not properly fulfilled in the target paper: this would have forced the authors to make further sub-standpoints explicit. Here we must be content with what has actually transpired during this academic exchange. As far as the text of RSID goes, we therefore assume that, if the authors' sample fulfills the three norms that have been made explicit through the exchange, then it may be considered adequate.

10.3.3 Following, missing, and re-stating a dialectical route

RSID is a dialogue between the authors of the target paper and the peer experts. In this dialogue, the most important attribute is the dialectical route chosen by the authors. We shall endeavour to show that this dialectical route – although perfectly clear and explicitly formulated in the target paper – was missed by the critics, forcing the authors to re-state it in their reply. Let us consider each one of the texts quoted in Section 10.2 above.

Text 1. A careful reading of *Text 1a* shows that the method was designed to fulfill the main *purpose* of the study, namely:

P_1 to elucidate whether a sensorimotor deficit plays a causal role in the aetiology of the reading impairment in dyslexia.

See also sub-standpoint (1.1a). For various reasons, which are explicit in *Text 1* but lie beyond the present discussion, the *design* appropriate for purpose P_1 involves:

D_1 using a wide range of tasks and focusing on individual as well as group performance through a multiple case study design
and:
look[ing] at the occurrence of sensorimotor impairments in a more representative and heterogenous sample of dyslexic children, encompassing a wide range of abilities and typical of a large dyslexia clinic.

So, in *Text 1a* it clearly is P_1 which dictates D_1 and, as part of D_1 , in particular the constitution of the sample. The argument has the form: *we carried out D_1 because we wanted to achieve P_1* , in the understanding that *doing D_1 leads to fulfilling P_1* . Thus, the critical question against such an argument would have to address the causal premise: is it really true that D_1 leads to P_1 ? This critical question is nowhere clearly

raised by the critics, although there is a kind of indirect, obscure, even desultory attack on the causal premise in *Text 2* (see below).

D_1 has three aspects: (a) a *sample of subjects* has to be selected, (b) a *wide range of tasks* has to be performed by those subjects, (c) their performance has to be *scored* so as to yield the *data* needed for solving the research problem. For the purposes of this discussion, we can safely ignore the selection of the tasks (b). This aspect of the method can, of course, be questioned, and it was in fact questioned by some of the critics in other parts of RSID; but, since this criticism goes beyond the issue of sample adequacy we are dealing with here, we shall not consider it. In contrast, (a) and (c) are crucial to understanding both the dialectical route taken by the authors of the target paper and the points of dispute which emerge as their critics put forward their comments.

As for (a), D_1 specifies that the sample must represent the population in its heterogeneity, exhibiting a different set of abilities in each child. This goal can be attained, the authors argue, by taking recourse to a large dyslexia clinic, for in such institutions a great variety of dyslexic children is available. This is exactly the way the authors constituted their sample, as set forth in *Text 1a* and *1b*.

As for (c), D_1 specifies that the scoring data are to be used by “focusing on *individual* as well as group performance through a multiple case study design” (*Text 1a*, our italics). This focus is of paramount importance, for in quantitative studies it is group performance that is at the centre of interest, in particular the difference between groups, upon which certain statistical operations are applied, such as correlations, confidence intervals, or effect sizes. The authors did apply some of this analytic arsenal to the data, yet always, as they explicitly say in *Text 1a*, in support of their main goal, namely, to capture “performance on sensory and motor tasks [...] within-subject and compared to reading and phonological abilities”. Their interest, therefore, concerns not so much the question of how two groups of children, the dyslexics and the non-dyslexics, perform on a variety of tasks, as the question of how sensory and motor task performance in each child compare to their reading and phonological abilities. When the authors formed a control group to compare in task performance with the experimental sample, their purpose was only to distinguish the dyslexic children among themselves, each of them having different sets of abilities and deficits as measured by the task scores in comparison to their controls’ scores.

Given that the full argument underlying the selection of the sample is not explicit in *Text 1*, we can grasp the argumentative pattern of the target paper by considering the *sequence* of six steps followed by the authors in their research as set forth in *Text 1* (the authors’ procedure contains more steps but these are the important ones to understand the criticisms of the peer commentators):

- S. Step 1 – formulate a research purpose (P_1)
 Step 2 – produce a sample sufficiently diverse and based on first-rate diagnosis to fulfill that purpose (D_1)
 Step 3 – apply IQ tests to the subjects of the sample to ensure a minimum according to discrepancy criterium (intelligent enough to learn how to read)
 Step 4 – choose a sample size sufficiently large for a variety of impairments, in particular sensorimotor troubles, to appear in it
 Step 5 – produce a control group matched by gender, age, IQ and neighbourhood
 Step 6 – apply literacy tests to both the sample and the control group

It is clear from the above that Steps 1 and 2 are coordinated in a pragmatic *argument*. Now, each of the Steps 3–6 is also based on pragmatic argumentation which is, however, left implicit in the target paper, as is usual in the Method section. The reason is that there are certain norms and widely shared conventions which can be taken for granted as known to the readers. This does not mean that any step in the sequence is beyond challenge. If and when there is an actual challenge by other researchers, the underlying *argument* is forced to the surface. A case in point is sub-standpoint (6).1b.1a, which was left implicit in the target paper and only became explicit when objected to (see the argument in support of standpoint 2). This now explicit argument rests on premise (7).1b and especially on premise (7).1b.1a.

Note that the sequence S is as close to a dialectical route as one can get when dealing with the kind of implicit argumentation typical of research papers. Those steps constitute together a complex pragmatic argumentation which is, however, set forth in the Method section in a purely descriptive manner that masks that argumentation.

Let us now consider the arguments of the critics in relation to this dialectical route. We shall see that each one of them mistakes that route, either obviously or more subtly.

Text 4. Here the authors' dialectical route is utterly and patently overlooked. In order to understand what happened, one point is so crucial that it bears repeating: there is as yet no test of any kind that could be used to determine with certainty that a given child is dyslexic. So, the only safe way to ensure a proper diagnosis is to have it done by a qualified educational psychologist who is thoroughly familiar with the child's profile after observing his or her performance in a variety of circumstances and tasks, sometimes over several weeks or months. Because this is a time-consuming procedure, it is always difficult to form a sample of dyslexic children and many researchers sometimes make do by administering a battery of standardized reading and phonological tests that approximates that goal, although this is clearly a second-best method to identify dyslexic children. Now, given that the authors did apply such a battery both to the dyslexic sample and to the control

group, albeit not for diagnostic purposes, the author of *Text 4* finds it expedient to use the scores obtained to argue, on the one hand, that the children in the sample are *not* dyslexic because they perform according to the test standards and, on the other hand, that the controls are *not* representative of the normal population because they exhibit a performance well above the test standards (see standpoints 4 and 5). This critic thus ignores two points which were perfectly explicit in the target paper: (a) the children in the sample are to be considered dyslexics because they were diagnosed according to best practices; (b) the population norms of the standardized reading and phonological tests used in this study are in any case useless for British children in consequence of the introduction of special instruction modules, ‘the Literacy Hour’ (this special instruction has made the standards obsolete by enhancing the reading capabilities of the children enjoying it). In other words, by substituting a different design, call it D_2 , this critic ignores the authors’ design D_1 and thus misses the whole argument in support of sub-standpoint 1.1a, which is why the author of *Text 4* directs her attack upon (1.1c.1a).

Consider now the authors’ dialectical route as condensed in S above. None of the steps in S is certainly beyond challenge, yet the point is that any challenge against the sequence ought to respect the *order* in which the steps are taken, for it is the order of argumentation which is at stake. Now, what happens in *Text 4* is that the critic attacks Step 6 as though it was taken much earlier, in order to establish the diagnosis of dyslexia (by means of literacy tests, D_2), whereas that goal was already reached at Step 2 (by selecting from a large dyslexia clinic with a variety of already diagnosed dyslexics, D_1). Scores in literacy tests are not only a very poor substitute for a proper long-term diagnosis by a qualified educational psychologist, but the appeal to such tests to challenge the sample on grounds of misdiagnosis implies ignoring the authors’ methodical sequence (their dialectical route).

Text 3. The two commentators who wrote *Text 3* start by raising what would seem to be a very small doubt within the overall framework (see standpoint 3) concerning the lower limit of 85 in measuring IQ for the children to be included in the sample. This doubt clearly refers to Step 3 in S . On the basis of that doubt and the further premise that “in dyslexia verbal IQ is frequently lower than nonverbal”, the critics suggest that “some lower performing ‘dyslexic’ children will actually have no discrepancy between their reading and general performance”, and so conclude that these children “should be excluded from this study”. The scare quotes around ‘dyslexic’ indicate that the critics very much doubt that those children actually had the condition.

Since the doubt that triggers this argument is the only point they make in relation to the sampling procedure, we may be tempted to assume that *Text 3* by and large accepts the authors’ sequence (S). However, if we consider that the diagnosis

of dyslexia in this study preceded any application of IQ tests, we must recognize that *Text 3* also misses the dialectical route that starts with Steps 1 and 2, held together by a pragmatic argumentation.

Text 2. The exact import of this criticism is much less clear than that of *Text 3* and *Text 4*. To see the problem, we must distinguish two levels in *Text 2*.

On one level, *Text 2* seems to contain two straightforward objections. The *first* objection is apparently directed at Step 4, the size of the sample, which is deemed to be “too small for a really sensitive test” (standpoint 2). At first sight then *Text 2* would seem to acquiesce in the authors’ dialectical route. The *second* objection challenges Step 5 as it rejects the way the control group was selected: there should have been not one control group matched in age, but two control groups, the second one being formed by recruiting children matched in reading level independently of age. This is standpoint (5).2a. We are dealing here with a very different line of attack, which nonetheless, by placing the challenge at a definite step in the sequence, also seems to accept the authors’ dialectical route.

On a second level, however, the content of *Text 2* is far more complicated, and it is not at all clear that the critic has actually granted the appropriateness of the sequence of steps which we are taking here as a proxy of the dialectic route followed by the authors. We should begin by noticing that in *Text 2* the first objection (“sample size too small for a really sensitive test”) is not well developed. The word “sensitive” is just thrown in without further elaboration. Now, the sensitivity of a test is its true positive rate (its ability to catch true positives). So, this critic seems to have an underlying statistical argument in mind, although for two reasons it is difficult to say what the argument is. One reason is that the critic does not make explicit what test (if any) she thinks the authors were trying to develop so that the question of sensitivity arises. The second reason is that the critic claims that the authors’ research lacks *developmental power*, an unexplained term (sub-standpoint 2.1). The critic even goes so far as to suggest that the whole design is flawed, for the study should have been longitudinal, not comparing dyslexic with non-dyslexic children but rather dyslexic children of a given age with themselves at a later age (sub-standpoint 2.1.2a). It should be noted that, if this suggestion would have been properly developed, it would strike at the heart of the authors’ main argument, for it would question design D_1 as the proper way to fulfill purpose P_1 . This far-reaching suggestion – which amounts, again, to a different design, say D_3 : a longitudinal study is required to achieve P_1 – is, however, not clearly supported by argument in *Text 2*.

After examining the relation between these criticisms and the authors’ original dialectical route, we should finally consider the route followed by the three (of seven) authors of the target paper who wrote the reply to those criticisms.

Text 5. The authors' reply re-states the dialectical route by means of a series of questions taken from their critics:

- (Q4) Are the children in the sample really dyslexic?
- (Q5) Is the sample big enough? (= Q3c)
- (Q6) Has the study 'developmental power'?

Q4 is directed towards *Text 3* and *Text 4*, Q5 towards *Text 4*, and Q6 towards *Text 2*. It is interesting to note that, at various points in *Text 5*, the authors hark back to their original dialectical route (from purpose to design), explaining what they were trying to achieve and how their critics missed the point in one way or another.

Ad Q4. The children are really dyslexic because they were carefully selected from a set of children previously diagnosed according to best practice: a properly qualified educational psychologist had made numerous observations through a fairly long stretch of time, and in fact most of the children were patients at the Dyslexia Institute in London. This was the original sub-standpoint (1.1a.1b).1a, or more fully sub-standpoint (1.1c.1a).1a.

Ad Q5. The purpose being to have a sample large enough to contain a varied distribution of impairments, and in particular large enough to exhibit sensorimotor impairments, the authors oriented themselves by the size of samples in which numerous previous studies had found sensorimotor impairments. See sub-standpoint (6).1b.1a.

Ad Q6. The notion 'developmental power' does not denote a scientific concept. The proper scientific concept is statistical power, and that was taken into account in the target paper. See sub-standpoints (6).1a and (6).1b.

Apart from this, the authors remind the critics that the study was not a study of differences between the sample of dyslexic children and the control group, but rather a study of differences between sensorimotor tasks and phonological/literacy tasks within each child in the sample. See sub-standpoint (1.1b).1a. This point contains a clue to the origin of at least part of the critics' mistakes: most studies with a sample and a control group concern themselves with the study of the differences in performance of the two groups, so it was perhaps natural to assume that the target paper pursued such a study. The originality of purpose of the authors, directed not so much towards between-group differences but towards within-subject differences, was not clearly perceived by the critics.

If it is agreed that the sequence of methodical steps in *Text 1b* is a proxy for the dialectical route followed by the authors and mistaken by their critics, then Figure 10.2 may represent this state of affairs. The diagram is not depicted in the ordinary pragma-dialectical way of a sequence of arguments following particular schemes in order to highlight that *Text 1b* is purely descriptive in such a way that the underlying arguments only become explicit in *Text 5*, written in response to the

critical challenges issued by the peer commentators. In Figure 10.2, it can be seen at what point in the methodical sequence the critics missed one or even several steps. By the way, the solid lines indicate the route intended and the dotted lines possible challenges by the interlocutor.

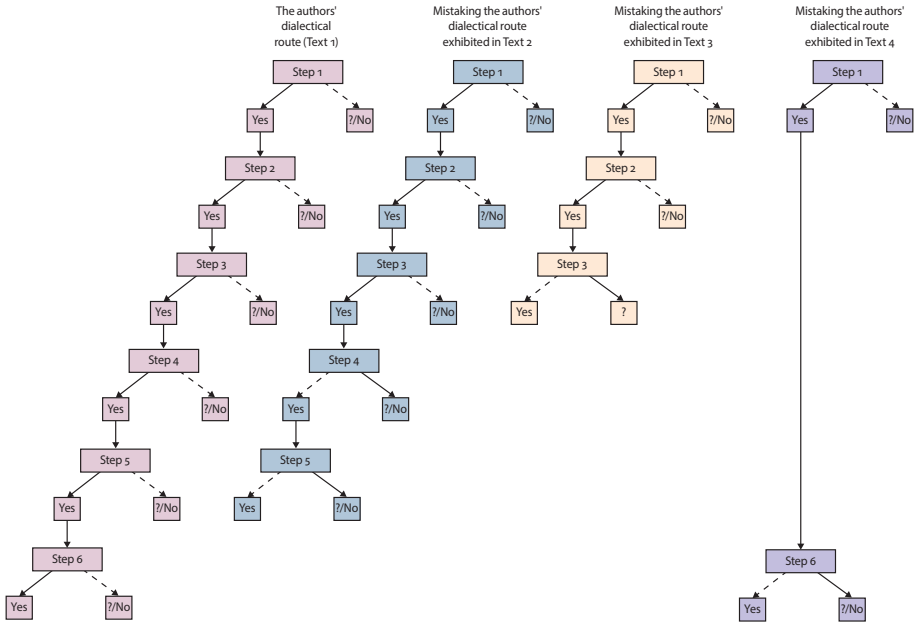


Figure 10.2 Dialectical routes (in the shape of a methodical sequence of steps) followed by the authors and mistaken by their critics

10.3.4 Strategic considerations

Although this chapter only deals with a small sub-section of the target paper, which describes certain features of the sample (material starting point) and the method followed to form the sample (procedural starting point), it may be useful to return to the paper's overall structure and aim.

The target paper was designed to resolve the disagreement between those who uphold the phonological hypothesis of developmental dyslexia and those who lean towards one or the other of the various sensorimotor hypotheses. The idea behind the latter group of hypotheses is that the undeniable phonological impairments of dyslexics are a relatively superficial phenomenon, caused by deeper lying impairments in seeing, hearing, and motor processes. By the way, the dialectical situation is further complicated by the fact that the sensorimotor theorists disagree among

themselves as to *which* sensory or motor impairment is the crucial one. The target paper takes all available proposals into account: when selecting the tasks to be applied to the children, they use a palette of tests to cover all bases. Note that every worker in the field is looking for that one theory of the underlying trouble that would explain all the observable behaviours in a unified way and so pave the way towards effective universal therapies. The unavoidable outcome of this dialectical situation is confrontation – a mixed difference of opinion dividing the opposing theorists.

If one or another of the sensorimotor theories could aspire to the status of the one right theory, argued the authors of the target paper, then in a sufficiently diverse sample we would *always* find sensorimotor impairments of one kind or another. What the authors found, and what their paper is designed to show, is, on the contrary, that not all children evince sensorimotor impairments (in fact, when they do, the troubles are also diverse). However, they found something even more significant: *all* hypotheses – including the phonological one, which is the one the authors favour – are on the same boat, for *no impairment of any kind is present in all children in the sample*. Such an outcome of the study seems calculated to defuse the confrontation and to direct the attention of the experts away from the useless struggle between rival hypotheses towards the shared goal of helping dyslexic children: each child should be seen as an individual who has a given set of deficits and abilities, so that any intervention should be adapted to the individual child. This would imply giving up the traditional expectation of one-size-fits-all therapies based on one-size-fits-all theories. The strategic design of the target paper was in fact tailored to resolve the disagreements among researchers by assigning each one of them part of the truth and suggesting a way forward.

We wrote the above description, which covers the whole argumentation presented in the target paper and re-iterated in the authors' reply, in order to highlight the crucial role that the sample plays in it. Indeed, only if that sample was representative of the variety of dyslexic children, would the proposal of a matching variety of individually adapted treatments be convincing.⁷ Hence the emphasis in *Text 1a*, at the end of the Introduction section, on the need to have access to a large number of previously diagnosed dyslexics, so that one could form a sample big enough to show how the various impairments, as measured by the performance in certain

7. Incidentally, it is clear, both from the confrontation in RSID and from the subsequent progress of the field, that the authors' strategic considerations were unfortunately not successful: the confrontation between alternative hypotheses to explain developmental dyslexia has persisted up to the moment of writing this chapter. In an analogy with speech acts, we can say that, on the illocutionary (communicative) level, the authors try to do what is needed to resolve the theoretical disagreement, yet did not manage to achieve that aim on the perlocutionary (interactional) level.

tasks, are distributed. This is the basic pragmatic argument leading from the research purpose, P_1 , to a research design, D_1 , that can fulfill that purpose. It is this basic argument (D_1 because P_1 & D_1 is appropriate to attain P_1) that is overlooked by the critics, who consequently put forward counterarguments, also of a complex pragmatic character, yet do not attack the basic argument, but one or another of the unspoken additional arguments assumed in the description of how the sample was formed (*Text 1b*, the Participants sub-section within the encompassing Method section).

The authors' main strategic consideration seems to have been that the basic argument should be thoroughly acceptable to any reasonable reader and also very difficult to attack, so that it should be effective as well. This does not mean that the authors were not ready to argue for it if by any chance one or all of their critics should impugn either the purpose or the design or the fitness of one to the other. Now, once the basic argument in place, the rest of the sampling question seemed to be plain sailing: all the authors had to do is to form a sample according to the specifications in D_1 (as much variety of dyslexics as possible) and to describe the characteristics of the sample thus formed according to the accepted norms in the field, which is what they did in *Text 1b*. Of course, the critics might choose to attack other parts of the target paper (as indeed they did). However, the main starting point (the research purpose and the design appropriate to it) seemed perfectly safe; and the complex pragmatic argument scheme (D_1 because P_1 & D_1 results in attaining P_1) also appeared to be unimpeachable. What the authors did not foresee in their strategic considerations is that some of the peer commentators would so utterly miss the basic argument. Nonetheless, that is what happened.

As far as we can tell from the arguments presented in *Texts 2–4*, the attacks on the adequacy of the sample all stem from missing the basic argument and therefore both the dialectical route and the strategic goal chosen by the authors. Apart from that, we can also observe that certain methodological predilections on the part of the peer commentators facilitated the mistake: a preference for longitudinal studies and reading level comparisons in *Text 2*, for a certain lower limit in testing non-verbal IQ in *Text 3*, and for a quick-and-dirty method of diagnosing dyslexia in *Text 4*.

Now, we are prepared to tackle the main question of this chapter: what is the argumentative style of the academic discourse exhibited in the complicated communicative activity we have chosen as an eminent example of academic argumentation?

10.4 Characteristics of the argumentative style in a research paper

In pragma-dialectics, the notion of ‘argumentative style’ refers to a set of choices made by arguers within the framework of trying to realise the institutional point of a communicative activity type. As we have seen (Section 10.1), the institutional point of academic argumentation which enjoys the widest acceptance among scientists and scholars is the attainment of objective knowledge and the explanation of facts. If we compare the descriptions given in Chapter 3 of the detached and the engaged argumentative styles, we would immediately think that in this case realising the institutional point calls for utilisation of an argumentative style that strongly agrees with the features of the detached style: the topical selection in the academic domain should radiate *objectivity*, any academic audience would naturally demand of arguers that they convey *reliability* and arguers should adapt to such a demand, and any presentational devices should be chosen in such a way as to express *openness to an independent judgment*. The attainment of objective knowledge and the explanation of facts are not goals that can be obtained by *parti pris*, group solidarity, or stubborn defense of a position. However, there is one little exception to this general expectation: in the course of scientific research, it is unavoidable that differences of opinion emerge that call for adversarial argumentation to resolve the disagreement (Brown 1994: 32).⁸ Using such a method would pretty often lead to the need to adopt an engaged style. The analysis below will confirm both the general tendency of academics to argue in a detached style and the occasional manifestation of the engaged style. In fact, it is precisely the choice of an academic debate, as evinced in RSID, which clearly allows to see both argumentative styles in action.⁹

Argumentative style can be analysed either globally or concentrated on one of the four stages of a critical discussion. *Text 1a* belongs to the Introduction section and thus to the *confrontation stage* of the argumentative process in the target paper that centres around Q1 and Q2, the *general* questions concerning the sensorimotor

8. Of course, adversarial argumentation can lead to the hardening of positions and in the worst cases even to falsification of results. For this reason, some eminent academics avoid controversy. One of them (Daniel Kahneman, Nobel Prize in Economics for 2002) has even devised a method he calls, with an apparent oxymoron, *adversarial collaboration*, which is about working according to the same research design in order to find the limitations of two opposed approaches or hypotheses (see Mellers, Hertwig & Kahneman 2001).

9. Incidentally, RSID could also profitably be studied relatively to the polarizing-conciliatory distinction (Chapter 3), for the authors of the target paper are trying to resolve the disagreement between the various explanations of developmental dyslexia by proving experimentally that different cases can be explained by different theories and no single theory can explain all cases. The peer commentators largely ignore this effort at reconciliation and argue in a polarizing way.

hypothesis of developmental dyslexia (see Section 10.3). If we look at the description of the confrontational argumentative style (Chapter 3, Table 3.1), we shall find in *Text 1a* all the features of a *detached confrontational style*:

- *Topical selection.* The selection of what is to be discussed is businesslike; and the various topics handled (diversity of the dyslexic population, diagnosis of dyslexia, sample size, sample properties, matching of controls) all refer to objective features of the world, either as direct observables or as constructs on the basis of statistical method. Besides, a research purpose is clearly indicated and the conditions for a ‘more stringent test’ of the sensorimotor theory are set forth.
- *Adaptation to audience demand.* To ensure that intersubjectivity as between the authors and the readers is preserved, a summary of the state of the art is given and a clear question is formulated (see especially *Text 1a*).
- *Choice of presentational devices.* The authors of the target paper have a considerable reputation in the field of dyslexia research as defenders of the phonological hypothesis, and so they would be naturally inclined to present it in a favourable light (for instance, by calling it ‘the main hypothesis in the field’, which would not be untrue). Again, they may have presented the various sensorimotor rivals as second-runners. Instead, they present those alternative hypotheses as worth to be taken very seriously. They do that, first, by placing all theories on the same level without favouring any one over the others; in fact, they even give sensorimotor theories a certain edge by inquiring whether they are always present (one of the consequences of sensorimotor theories as conceived by their defenders). But secondly, they highlight the seriousness of sensorimotor theories by putting forward a research design which might decide in favour of them and against their favoured (phonological) explanation of developmental dyslexia. By doing all of this, they express independence.

Text 1b belongs to the Method section and thus to the *opening stage* of the critical discussion of Q1 and Q2. A perusal of *Text 1b* in the light of the description in Chapter 3, Table 3.1, shows that the *opening style* it displays is *detached*:

- *Topical selection.* The starting points are verifiable facts (a sample consisting of 23 dyslexic children recruited from a well-known dyslexia clinic and paired off with 22 non-dyslexic controls according to gender, age range, non-verbal IQ and neighbourhood) and generally recognized norms (widely used standard IQ tests, discrepancy between non-verbal IQ and literacy level, previous diagnosis of dyslexia by certified practitioners).
- *Adaptation to audience demand.* The above starting points are likely to be considered undisputable by the audience, which consists either of experts in the field or at least of researchers and students in neighbouring fields. In the event,

the peer commentators put forward objections to some of the starting points, so that a sub-discussion had to take place.

- *Choice of presentational devices.* The presentation is straightforward and refers clearly to data and rules (see references to chi-square and *t* tests with means and other statistics as well as a table of figures). In the event, the table referred to, although immaterial to the sample sub-section, was nonetheless used against the authors in a way that blatantly ignores the basic fact of a previous diagnosis of dyslexia.

This is as far as the opening and confrontation stages go in *Texts 1a* and *1b* of the target paper. Given that the texts of the critics (*Texts 2–4*) practically ignore *Text 1a* (that is, the basic complex pragmatic argument supporting the design of maximum variety of dyslexic behaviours) and attach themselves only to *Text 1b*, and given that the authors' reply (*Text 5*) is a response to those criticisms, we can reckon *all* these texts as belonging to the *argumentation stage*, albeit not of the overall critical discussion around Q1 and Q2, but only of the critical sub-discussion around Q3, that is the *particular* question of the adequacy of the sample.

To begin with, note that the peer commentators did not have to present themselves as detached. In fact, they were invited to comment on the target paper precisely because they are known in the field as staunch defenders of one or another sensorimotor theory. So, it was expected of them to attack whatever weak spots they might find in their rivals' presentation, thereby showing commitment to their favoured theories. Although they did that in other parts of their comments, the sample issue, being a matter of fact and established norm, does not easily lend itself to an engaged style. Therefore, it is not surprising that *Texts 2* and *3* are framed in the *detached argumentational style*:

- *Topical selection.* *Texts 2* and *3* present concrete facts taken over from the study itself (“each child had to complete at least 15 different experimental tasks”, “the spread of ages of the dyslexic participants ranged from 8 to 12 years”, “the dyslexic children were identified via difficulties in verbal working memory and processing speed”) and allude to concrete results known from elsewhere (“eight-year-olds and 12-year-olds usually perform quite differently in sensory and cognitive tasks”, “cognitive abilities acquired through cultural practices like literacy impact on sensory abilities”, “we already know that reading changes the brain”, “in dyslexia verbal IQ is frequently lower than nonverbal”) and to best practices in the field (“a research design using both reading level and chronological age control groups has been accepted as optimal in studies of dyslexia for at least 20 years”, “the IQ criterion adopted for dyslexia was more inclusive than normal, being a non-verbal reasoning score ≥ 85 , rather than a full-scale IQ ≥ 90 , as used in many British studies”).

- *Adaptation to audience demand.* Both texts present those facts, results, and norms in a straightforward manner, so that the audience would not fail to consider the presentation as coherent and eminently rational.
- *Choice of presentational devices.* Both texts choose formulations that express impartiality, taking care of avoiding any direct confrontation. The only difference in presentation between the texts is that, whereas Text 2 directly objects to sample size (“it is too small for a really sensitive test”), Text 3 has a more tentative character and a narrower scope (“some lower performing ‘dyslexic’ children will actually have no discrepancy between their reading and general performance”), although we must emphasize that there is some use of irony in putting scare quotes around the adjective “dyslexic”, a presentational device that belongs to the engaged style.

A very different matter is *Text 4*, which seems confrontational and hostile, and so clearly displays an *engaged argumentational style*:

- *Topical selection.* Text 4 directly and offensively denies that the data which the authors present in their paper could correspond to either dyslexic children or proper controls. More importantly for the engaged style, the authors’ data are reproduced, but not by following the format chosen in the target paper but by using a different format which makes it easier to judge their incompatibility with the authors’ claims. Let readers be reminded that the ‘Table 1’ referred to in Text 1b is *not* contained in that passage at all but appears much later and in a different connection. This is an unfamiliar way of referring to data, albeit appropriate to the overall structure of the target paper. Text 4 changes the game by moving those data upfront, in a more usual position as part of the discussion of the sample, thereby engaging the reader in a more personal way.
- *Adaptation to audience demand.* The argument is done in a way that connects the standpoint at issue (denying that the sample only contains dyslexic children) by appealing to tests which are presumed familiar to the audience (“the majority of children in the ‘dyslexic’ group scored well within the normal range on standardized reading and phonological awareness tests”, “although the control group was intended to be representative of normal readers, they were, in fact, scoring well above average on the standardized tests”, followed in both cases by widely known tasks and score statistics).
- *Choice of presentational devices.* The ironic, not to say sarcastic use of scare quotes highlight the critic’s opinion that the method followed to constitute the sample and the control group was grossly incompetent. It is clear that the critic presents herself as vastly superior scientifically to the authors of the target paper.

The authors' reply, from which *Text 5* was selected, makes a largely successful effort to keep within the *detached argumentational style*:

- *Topical selection.* The authors offer hard data (“there are very good reasons to believe that population norms for the WRAT3 and for the PhAB are largely outdated following the introduction of the ‘literacy hour’ strategy in UK classrooms in 1998”, “WRAT3 norms are for US children and it has been shown that these tend to overestimate British children’s reading age”, “as far as statistical power is concerned, our numbers of 23 and 21 children per group are quite typical of dyslexia studies. Dozens of published studies with equal or fewer numbers have found significant group effects on sensorimotor tasks”, “the commentators also worried that the wide age range (8–12) might mask effects on unstandardized sensorimotor tests. Indeed we found that most of these scores correlated with age, and for this reason age (and non-verbal IQ) were partialled out from all the scores entered into statistical analyses and graphs”). More importantly still, they insist on the research purpose and design of the target paper, as set forth in *Text 1a*, which was unaccountably overlooked by their critics (“all these dyslexic children meet a discrepancy criterion, therefore they are not a mix of dyslexic and non-dyslexic poor readers. Furthermore, this was only the second step of selection. The first step involved, for most dyslexic children, an independent formal assessment by the Dyslexia Institute documenting a history of reading disability”, “the point of this study was not whether there are significant group differences or not, since we believe that overall group differences do not address the question of cause. The main point of this multiple case study was to analyse patterns of deficits within each individual. Individual data are important because they assess the extent to which children who are diagnosed as dyslexic have similar sensorimotor and cognitive profiles, and whether a single deficit could underlie the reading problems. Testing 44 cases in depth across a whole range of tasks should be sufficient to do this”).
- *Adaptation to audience demand.* The authors argue in a way that makes the audience consider the rationality of accepting the standpoint, by using the very effective expedient of a series of questions (“were our dyslexics dyslexic?”, “was our sample big enough?”, “did our study have ‘developmental’ power?”) together with their clearly argued answers. They also appeal to the rationality of their argument by pointing out that one concept used by a critic (‘developmental power’) is not scientific, and by contrasting it with the well-established concept of ‘statistical power’.
- *Choice of presentational devices.* The presentation is dry and clear, expressing level-headedness and impartiality. There is only one slightly emotional

expression: when discussing the question of whether the sample only contained dyslexic children, they say: “it seems to be clutching at straws to believe that our dyslexic sample does not represent the intended population”. The colloquialism (“clutching at straws”) seems to be an expression of impatience, probably motivated by the fact that the critics were rejecting the most basic foundation of the target paper’s argument, compounded by the fact that those same critics did, in various ways, overlook the fact that the sample was formed by following the best practice in the field, namely, the diagnosis by properly qualified professionals over a period of time.

10.5 Conclusion

One last point might be worth insisting on by way of conclusion. With regard to *audience*, all authors writing a research paper address themselves primarily to other experts in the kind of research problem covered by the paper, in our case the problem of explaining developmental dyslexia and designing appropriate treatments; secondarily to researchers busy with other aspects of dyslexia research apart from testing explanatory hypotheses as well as to practitioners interested in intervention, none of whom are experts in the theoretical search for explanations or the theoretically based design of therapies; and in the third place, to a less well-defined audience of researchers and practitioners working in other areas of the disciplines involved (developmental psychology, cognitive science, neuroscience, special education, educational policy) as well as graduate and undergraduate students to whom this reading is assigned.

A series of norms and conventions have developed in this and similar areas, designed to make the paper as brief and clear as possible. To give just one example, the meaning and correct use of a host of statistical concepts and calculations (say, standard error, normal distribution, correlation coefficient, confidence interval, *t*-test, Bonferroni correction, size effect), as well as the arguments constructed with their help, are assumed to be familiar to the reader. Such norms and conventions include certain properties of samples widely agreed as required or desirable. This is the reason why the section about the sample seems to be a pure description (see *Text 1b*), although there is a complex if largely tacit underlying argumentation, which, as we have repeatedly seen, only comes to the surface when it is enforced by the critics’ challenges.

The choice regarding the *topics* to be treated is not completely independent from the audience demand: nobody can express everything in a paper and the things that are left unsaid are chosen according to the audience. One such convention that is part of the institution of specialized journals is precisely the division of

a paper in the headings mentioned in Section 10.1 above: Introduction, Method, Results, Discussion (plus, occasionally, Conclusion). If readers go back to *Text 1a*, describing the rationale sustaining the way the sample was formed, they will see that it belongs to the Introduction section, whereas *Text 1b* belongs to the Method section, which is written in the apparently purely descriptive, indeed telegraphic way that is usual when the question of sampling is taken up. Here again, the choice of what to say and what not to say conforms to an ideal of objectivity paired with an assumption of the audience's previous knowledge. In fact, leaving large parts of the reasoning behind the selection of the sample unexpressed is in this case a sign that we are here dealing with solid, objective research practices, grounded on complex statistical argumentation that is assumed to be known to the readers.

The choice of topics is, again, not quite independent from the way things are *presented*. The separation between the last paragraphs of the Introduction section and the beginning of the Method section probably is a factor in the various misreadings of the dialectical route on the part of the peer commentators. Our experience in reading and writing research papers of this general quantitative sort is that one tackles the sections and sub-sections, almost automatically, as independent pieces of reasoning. Now, if you read the Participants sub-section in the target paper (*Text 1b*, describing the usual set of properties of the sample) without taking into account the rationale presented at the end of the Introduction section (*Text 1a*, stating that the elements of the sample were chosen according to certain criteria and in view of a definite goal, this goal being in the field a rather unusual one), then it is quite easy to make the mistakes exhibited in *Texts 2 and 4*.

One example may help to bring the point home. *Text 1b* refers to a certain 'Table 1' even though that table only appears much later in the paper, when the results summarized there are put to use in a different part of the argument. The fact, however, that the reference to that table is where it is quite likely induced the critic who wrote *Text 4* to imagine that those results, and especially the scores obtained by the two groups of children in literacy tests, had something to do with the way the groups were selected, which is clearly excluded by *Text 1a*. This forced the authors to point out, in their reply, (a) that the selection of the children in the sample was *prior* to the literacy tests; (b) that the purpose of matching the sample with a control group was *not* to find differences between the groups. As for *Text 3*, the critics object to the authors' sample on the ground that setting the limit of non-verbal IQ as low as 85 could arguably lead to some children not exhibiting the discrepancy that defines dyslexia, to which the authors reply that the discrepancy criterion was already satisfied by the careful procedure partly described in the Introduction section and partly in the Method section.

In sum, although the choices made by the authors in both the dimension of audience demand and the dimension of topical potential was standard, the

presentational device that consists in separating the Introduction from the Method section (and particularly from the Participants sub-section) happened to produce a trap that was certainly not intended by the authors. Apart from this, both the authors of the target paper and their critics use the same linguistic resources well known to convey objectivity and impartiality: abstract nouns and noun phrases ('population', 'literacy', 'reading disability', 'an independent formal assessment'), functional verbs ('involve', 'imply', 'to be the case'), and passive voice ('as already explained', 'were matched', 'has been accepted'). Together, they produce an effect of impersonalisation which seems to exclude any subjective or personal bias (Givón 1981; Ziegler, Best & Altmann 2002; Billig 2008, 2011).

The general conclusion is that, with very few and localized exceptions, the argumentative style in our example, and more generally the argumentative style preferred in the academic domain, is one that is either *exclusively detached* or at least *predominantly detached*.

Argumentative style in family-centred medical consultations

11.1 Institutional background of medical consultations

Within the medical domain, argumentative discourse plays a role in various communicative activity types, such as health brochures (e.g., a brochure to encourage people to get vaccinated), direct-to-consumer advertisements (e.g., a pharmaceutical advertisement to sell a sleeping aid), treatment decision-aids (e.g., a digital tool to weigh the advantages and disadvantages of cancer treatment options), and speeches about healthcare (e.g., a speech advocating health insurance reform). Yet, the most notable communicative activity within the medical domain in which argumentation plays an inherent role is medical consultation, often referred to as *doctor-patient consultation*. The present chapter will focus on the utilisation of argumentative style in a medical consultation.

Medical consultation concerns the communicative interaction between a clinician (a term which may refer to any type of health professional) and a patient, which typically evolves around establishing a diagnosis of an existing health problem and determining an adequate treatment plan, based on the best available medical evidence (*evidence-based medicine*) and the patient's personal circumstances (*patient-centred medicine*). Medical consultation can take place, for instance, in a doctor's office (e.g., a family doctor's or midwifery practice), by the patient's bedside at home or during hospitalisation (e.g., a conversation with a surgeon prior to a medical procedure or with a nurse by an infant's incubator), or in the outpatient clinic (e.g., during postoperative check-ups or regular visits to a hospital-based dermatologist). Sometimes, during medical consultations various clinicians are present and patients may be accompanied by family members, who can offer emotional support and help the patient to understand medical information and make decisions. In some situations, accompanying persons even act as spokespersons on behalf of the patient. This is in particular the case when patients are physically or mentally incapable of interacting with their clinicians, but also in paediatric

medicine, where up to the age of 12 parents make all medical decisions on behalf of their children.¹

Medical consultations, across medical specialties, are conducted in largely similar ways and there are certain conventions and customs that are generally adhered to. There is as a rule a clear beginning and ending – established by formal greetings and either the patient or the clinician entering or leaving – and the clinician most often leads the conversation, deciding the order of procedures. These procedures involve several fixed and ordered elements, including a history-taking (*anamnesis*) phase, a physical examination phase, the discussion of treatment, and a concluding phase (Roter & Hall 2006). There are no general rules or restrictions in terms of the duration of medical consultations. Yet, there are certainly cultural, situational, and interpersonal habits that affect the expected duration of a consultation. Studies show, for instance, that German primary care consultations (providers taking care of patients at the first point of contact, e.g., general practitioners) tend to be considerably shorter than similar consultations in the United States and routine visits are generally quicker than consultations with a new patient or a complete physical exam (Konrad et al. 2010). Of course, individual clinician and patient characteristics as well as the medical specialty may also play a role. Despite these contextual differences, roughly consultations can be said to last between a few minutes up to an hour. These are just some of the general features of medical consultations constituting the ‘institutional preconditions’ for communication between clinicians and patients.²

When during medical consultations clinicians and their patients discuss medical conditions and treatment options, argumentative discussions can arise. This happens when a difference of opinion between a clinician and a patient comes to light. For instance, when a doctor has certain ideas about the patient’s symptoms or the appropriate course of action, but the patient has doubts about these views or even bluntly disagrees with them. A classic example is when a patient requests an antibiotic for a sore throat, while the general practitioner believes the upper respiratory tract infection to be caused by a virus – rendering an antibiotic

1. In the Netherlands, this is laid down in the Dutch Medical Treatment Contracts Act (WGBO). Of course, even young children can be informed about their medical situation and involved in conversations about treatment plans. However, up to 12 years of age, their parents or legal guardians have the right to decide. Between the ages of 12 and 16, parents and their children make all decisions together.

2. Recent studies have pointed out that medical consultations in Western societies differ considerably from those in the context of traditional Chinese medicine, both in procedures and objectives (Pan 2018; Pan et al. 2018). In this chapter we restrict our analyses to Western medical consultations.

ineffective. A lung specialist may be of the opinion that the patient's fatigue is caused by emotional distress following a corona infection rather than by a physical problem, while the patient believes her continuous exhaustion to be a sign of 'long covid'. A patient may insist on a referral to a specialist, while, based on the anamnesis and physical exam, the doctor doubts whether there is sufficient reason for this. Or a nurse practitioner may recommend a patient to eat more healthily in order to avoid certain adverse health effects in the future, while the patient doubts the need of this measure. In all these cases, the clinicians and their patients can be said to have a difference of opinion.

Differences of opinion between clinicians and their patients may come to light very openly, and boil down to a disagreement, as one of the parties explicitly disagrees with the other party's standpoint ("No, I disagree" or "That is nonsense!") or voices an alternative opinion ("I do not think drinking one glass of wine a day is harmful, to the contrary it is even healthy!"). However, it should be emphasised that such open and explicit disagreements of patients with their clinicians' views are quite rare. Most often, for reasons of politeness and due to the professional and social distance between clinicians and patients, patients will express their doubts and criticisms covertly. Doubt or disagreement may, for instance, be disguised as a request for more information, for an explanation, or for a clarification ("Aren't there any other options than surgery?"). At other times, discourse markers that can also be used to signal agreement ("right", "okay", "yes", "hmm") are used by patients to politely and indirectly – and often reinforced by means of intonation and body language – convey their doubts about the clinician's standpoint.

When clinicians provide medical recommendations during medical consultations, this in fact means that they are putting forward a medical standpoint. This also applies to patients voicing their medical opinions. In clinical practice, clinicians' standpoints typically relate to diagnoses ("It is probably caused by a viral infection") and prognoses ("30% of patients outgrow these issues by the age of 7"), treatment advice ("You should start using your asthma inhaler", "We should do a lung function test", "I do not think there is anything we can do right now"), and recommendations concerning health behaviours ("You should quit smoking"). Patients' standpoints often concern similar issues. It goes without saying that standpoints voiced by clinicians and patients during consultations can also relate to non-medical topics. Think of standpoints pertaining to patients' opinions about hospital staff or the organisation of care ("I find that the radiologist was very distant", "The appointment desk at this hospital is very well-organised"). Occasionally, during medical consultations both clinicians and patients can even voice standpoints that are entirely unrelated to the medical context ("I am confident that the Dutch team is going to win the European Championship", "The extreme heat in Canada this year is worrisome", "It is impossible for young people to buy a house in the present market").

In medical consultations, there are prevailing legal obligations, ethical principles, and social norms that require clinicians to justify their medical recommendations to patients. These rules and conventions also belong to the institutional preconditions of medical consultation. First, under the legal rule of ‘informed consent’, clinicians should inform their patients about all aspects relevant to their diagnoses and treatment plans in order to enable them to make informed decisions about their treatment. This implies that doctors providing a specific medical advice should move beyond giving mere information about the proposed plan and advance *reasons* in support of their point-of-view. Over the past decades, approaches to patient care have shifted towards patient-centred models, promoting equal partnership between clinicians and patients, rather than paternalistic (hierarchical, *top down*) models in which the doctor is always assumed to “know best”. This not only means that clinicians should “argue their case”, but also that patients’ concerns, doubts, and disagreements concerning treatment plans as well as their own views should be heard and openly discussed. Such collaborative efforts of clinicians and patients to make treatment decisions are often referred to as *shared decision-making*.³ Actively involving patients as partners in the discussion of treatment is also particularly relevant as, given the legal principle of ‘autonomy’, patients always retain the right to decide over their own body and, thus, treatment. This means that, ultimately, patients can make the final decision in discussions about treatment.⁴ There are no legal or ethical principles that require patients to substantiate their medical standpoints. However, much like in other communicative domains and activity types in which interpersonal interaction is dominant, during medical consultations parties will provide argumentation because they simply want their points-of-view to be accepted. More so, there is a social convention that a party who voices a standpoint should also be willing to defend it. It goes without saying that this applies to clinicians as well as to their patients. Taken together, these legal, ethical, and social rules and conventions ensure that medical consultation should be considered an activity type that is *inherently* argumentative.

3. For a definition of ‘shared decision-making’ see, e.g., Elwyn et al. (2012) or the website of the National Health Service (2021). For an analysis of the role of argumentation in shared decision-making, see Snoeck Henkemans and Mohammed (2012) and Labrie (2014).

4. For an overview of the legal and ethical principles involved in medical consultation see, e.g., Herring (2018).

11.2 Doctor-parent communication in family-centred medical rounds

In analysing the argumentative style in medical consultations in this chapter we will focus on a specific sub-type of medical consultations within the context of neonatal medicine (a sub-specialty of paediatric medicine, focused on new-born infants who are born preterm, too small for their gestational age, or ill), namely the interaction between clinicians and patients' parents during *family-centred medical rounds*. Medical rounds are multidisciplinary, daily meetings between members of the hospital care team during which a certain patient's medical status is discussed. While traditionally these meetings take place between doctors, nurses, and ancillary staff to inform the formulation of a treatment plan, in recent years, many paediatric and neonatology departments have shifted towards a more family-centred approach to medical rounds. During family-centred rounds also patients' parents participate. They are actively involved and encouraged to share their daily observations of their infant(s) and to discuss their preferences and viewpoints concerning treatment. Parents are acknowledged to be important experts, as well as valuable sources of information, when it comes to their infants' health. As such, in family-centred medical rounds, infants' family members are viewed as members of the care team and advocates of their infants' wellbeing.⁵

Family-centred rounds resemble other types of medical consultations to such an extent that many of the general institutional preconditions that shape the ways in which argumentation takes place in medical consultations also apply within this particular setting. Think of the overall aims of medical consultations to establish diagnoses and treatment methods, the legal principles of informed consent and autonomy, as well as the preferred models of patient-centred communication and shared decision-making. Much like in other types of medical consultations, during family-centred rounds there is also a discrepancy between clinicians' medical scientific knowledge and parents' experience-based expertise.

Yet, there are certain special characteristic features of family-centred rounds that should be highlighted in order to inform the analysis of argumentative style within this particular setting. These features include the participants in family-centred rounds, the role division between them, the structural organisation and duration, and – often – the location of these rounds. These characteristics set these rounds apart from other instances of medical consultation (e.g., general practice or perioperative consultations) and may affect the ways in which argumentative discussions within this setting are conducted. These characteristics will therefore be shortly addressed here.

5. For more information on family-centred care and family-centred rounds, see, e.g., Franck et al. (2019, 2020).

During family-centred rounds, typically several people are present. These include a doctor, who can be a paediatrician-neonatologist or a resident doctor (a doctor in training, e.g., to become a paediatrician), a nurse, sometimes ancillary staff, and the infant's parent(s). Together, they discuss the infant's medical situation and treatment options. Parents are explicitly invited to contribute to the argumentative discussion and voice their observations and opinions. Thereby, they act as equal discussants to the clinicians, albeit with different expertise. Often nurses take up a special role during the medical round. They act as translator-mediators between the doctor team and parents, by explaining medical procedures and terminology. As a result, differences of opinion concerning the infant's health status or treatment plans mostly emerge between the doctor and parent(s), while the nurse acts as an intermediary in these discussions. Importantly, much like in other paediatric settings, parents act as spokespersons and advocates and are legally allowed to make all treatment decisions on behalf of their infant. Within neonatal care, infants are not yet able to speak (and sometimes even unable to produce sounds) and cannot be involved in conversations. Parents thus must interpret their infants' medical situation and needs.

Typically, family-centred rounds are relatively lengthy compared to, for instance, general practice consultations. This is because many issues must be discussed. Infants who are born preterm, too small for their gestational age, or ill often have multiple health issues for which they receive medical support or treatment. These issues are discussed systematically. This means that – in addition to the standardized overall organisation of medical consultations – the discussion of health issues usually occurs in a structural order. At the start of the medical round, the status quo is determined, including the infant's wellbeing and weight since the last round. Parents actively contribute by adding their observations. Then, all relevant health problems and their treatment are systematically dealt with, roughly following the different medical tracts.⁶ For instance, first infants' respiratory support (if any) may be fully discussed, then their nutritional intake, and finally medication regimens and examinations (e.g., blood labs or photos) are reviewed. A medical round is usually concluded by offering parents the opportunity to raise any additional concerns or issues. While in a neonatal intensive care unit the focus of the discussion is often on acute problem-solving, in post-IC or medium care wards discussions typically centre around infants' growth and the steps that are necessary for the infant to be discharged to home.

Family-centred rounds may take place in a separate room in the neonatal care unit or by the infant's incubator, either in a single room or on an open bay ward. Over

6. A medical tract is a system of body parts or organs that act together to perform some function (e.g., the respiratory tract, the digestive tract, or the urinary tract).

the past years, several hospital departments adopting family-centred approaches to care have introduced single rooms for families rather than open bay wards. These rooms fit the philosophy that neonatal care should focus on individual families' needs and on empowering parents to become independent caregivers. In single rooms, care can be provided to a single infant but also simultaneously to twin siblings, and sometimes even to the mother, should she require postpartum care. Single rooms ensure that throughout their stay in the neonatal care department, which can take from several days up to months, families can stay together without being distracted by other families. Thereby, the architecture of the neonatal care department also, to a certain extent, shapes the ways in which discussions about treatment are conducted, as such that – rather than patients' parents visiting the doctor's office – clinicians are seen as visitors to these families' private spaces.

Below, a transcript is presented from a 'speech event' involving a family-centred round that was videotaped in a city hospital in the Amsterdam Metropolitan Area in the Netherlands in the early months of 2020. This hospital offers neonatal care at different levels, including a maternity ward, medium care, and post-IC high care. Families stay in single rooms. This particular hospital department has a strong focus on implementing family-centred care. This means, amongst others, that hospital staff engages in daily medical rounds with parents. Parents are actively encouraged to participate in communication and care and to engage in treatment decision-making, together with staff. In addition, in this hospital parents see their infant's paediatrician-neonatologist on a weekly basis. Of course, parents talk to nursing staff daily. Nurses are trained to help parents become increasingly independent in caring for their infants. This particular hospital is also a teaching hospital, which means that future and current health professionals receive medical education and training while delivering patient care.

The medical round that is presented here includes a male resident doctor, who is training to become a paediatrician; a female paediatrician-neonatologist, who supervises the resident doctor; a female nurse; a mother and a father. The infant that is discussed during the round was born extremely preterm (before 32 weeks of pregnancy) and was recently transferred to this hospital from a neonatal intensive care unit. The infant's breathing and heart rate are continuously monitored (*cardiorespiratory monitoring*). However, this infant no longer needs extra breathing support. The infant is fed breastmilk via tube feeding as well as with a bottle. His haemoglobin levels are checked biweekly, as extremely preterm infants are prone to become anaemic, affecting their ability to breathe easily. All participants provided informed consent to participate in this study, to be videotaped, and for these filmed materials to be used for purposes of research and teaching.

Family-centred medical round

Department of Neonatology, Dutch city hospital

February 2020

Participants

Doctor: resident doctor

Neo: paediatrician-neonatologist

Nurse: neonatology nurse

Parents: mother, father

- 1 **Doctor** Yes, ok. So, how did it go last weekend?
- 2 **Mother** I think ehm...well, he ehm...
- 3 **Doctor** ...good
- 4 **Mother** ...had some trouble the first days with his nutrition...
- 5 **Doctor** Hmm...so Friday-Saturday?
- 6 **Mother** Yes
- 7 **Nurse** Sunday
- 8 **Father** [simultaneously] Sunday too
- 9 **Mother** Yes
- 10 **Doctor** Ok
- 11 **Mother** Yes. Yesterday, yesterday morning at 6 he threw up a bit and after that not any more, if I am not mistaken. But about last night, I can't say anything.
- 12 **Nurse** [NAME NURSE] wrote down that it takes very long to let the nutrition drip in.
 [explanation follows of what would be acceptable in terms of duration]
- 13 **Father** So this is acceptable?
- 14 **Doctor** Yes, yes. Yes.
- 15 **Father** Ok, good.
- 16 **Doctor** And he now gets 25 ml, each time? 12 feedings?
- 17 **Parents** Yes
- 18 **Doctor** Still breastmilk with additives?
- 19 **Father** Yes
- 20 **Mother** Yes, and 1x per day he gets ehm a bottle. Breastmilk without additives.
- 21 **Doctor** Yes, without additives, exactly. And those 25, last time we increased that was before the weekend, right?
- 22 **Father** Yes
- 23 **Mother** Yes, Friday
- 24 **Doctor** And his growth... flattened a bit?
- 25 **Father** Yes, he now weighs 1852
- 26 **Mother** Yes
- 27 **Neo** Can we turn it [the computer] around a bit?
- 28 **Doctor** Yes, did you have that in a nice...overview? I don't know if you can see it like this?
 [turns the computer monitor towards them]

- 29 **Father** Ok
- 30 **Doctor** Look you see here that he...this is his birth weight...that he lost some weight at the beginning, as is expected. Then he grew and now it flattens a bit.
- 31 **Mother** Yes, that's of course because the TPN [Total parenteral nutrition] was taken out...
- 32 **Doctor** Yes, there might be different causes, right? He received a bit less fluids with his nutrition than we actually wanted...
- 33 **Mother** Yes
- 34 **Father** Yes
- 35 **Doctor** Ehm, so it will probably have to do with that. Ehm...
- 36 **Mother** But would you actually expect him to grow a bit more or...?
- 37 **Doctor** Yes...he really did, for two days he got less fluids in the end than we thought
- 38 **Mother** Yes...Hmm
- 39 **Doctor** Ehm, so I cannot say what you would expect exactly, but actually you want, him to gain more instead of staying level
- 40 **Father** Yes, yes
- 41 **Doctor** And at, he is now 12 days old, you want him to surpass ehm his birth weight
- 42 **Nurse** [simultaneously] his birth weight
- 43 **Mother** Ok...
- 44 **Doctor** Now he is 30 grams off, so that is still...we have to work on that, so we have to increase his nutrition, I think.
- 45 **Father** Hmm [approvingly]
- 46 **Mother** Ok
- 47 **Doctor** If he spits up, it means he can't, that it's too much nutrition.
- 48 **Mother** Yes
- 49 **Doctor** And then we have to think about other options
- 50 **Mother** Would you say then maybe he would get the drip [TPN] back?
- 51 **Doctor** That might be a possibility, ehm...if he
- 52 **Neo** Spits up...But he doesn't spit right?
- 53 **Doctor** No so I think, we should, there is still the option [to increase] the nutrition so that is, that is where we should start. That this is what will work.
- 54 **Father** Yes, so we should make sure he gains some.
- 55 **Doctor** Let's count for a bit. He now receives 12 x 25, and we divide that by his birth weight
- 56 **Neo** Can I just, a small remark in between...You were a bit on camera for a few seconds. You. We can cut that out?
- 57 **Father** No, they don't know me at [NAME INSTITUTION], so that's ok!
- 58 **Neo** Ok, good.
- 59 **Mother** [laughs]
- 60 **Neo** You were not there, on camera
- 61 **Mother** Good
- 62 **Doctor** Let's see. The nutrition is now at [mumbling] 12 x 25 divided by...160 ml per kilo.
[for a few turns in the conversation the doctor and nurse are counting]

- 63 Nurse 6 x 27 and
- 64 Doctor 6 x 30
- 65 Father Yes
- 66 Mother And then we do keep the 12 feedings?
- 67 Doctor Well yes, we would prefer to go to 8 feedings ehm but then you usually do not increase right because the amount per feeding becomes more and the number of feedings becomes less
- 68 Mother Yes
- 69 Doctor Ehm but with this weight I'd rather prefer to increase the nutrition
- 70 Father Yes
- 71 Doctor So, we get his weight in order, you know. If that goes well, we can make that transition from 12 to 8 feedings.
- 72 Father To me that seems like a good start
- 73 Mother Yes
- 74 Doctor Yes, so in any case this would be my proposal. Ehm...
- 75 Nurse Yes, on top of that, also the step of the amount of nutrition he gets from...
- 76 Father From 25 to...
- 77 Doctor Yes, is less
- 78 Nurse To the step he would get with 8 feedings, is also less big
- 79 Father Yes, exactly, he will hopefully handle that better
- 80 Nurse Yes
- 81 Doctor I'll calculate it, ok, then I'll get back to you with the numbers...if he would drink that [again, for a few turns in the conversation the doctor and nurse are counting]
- 82 Doctor So, we increase with 20 ml per kilo per day ehm, so I think that that is a good start ehm and see what his weight will have done on Wednesday
- 83 Father Yes
- 84 Doctor Ok, so not tomorrow because then we measure that daily variation again
- 85 Father Exactly
- 86 Mother Yes
- 87 Doctor So by then he needs to have surpassed the birth weight...and be back towards his curve
- 88 Father Yes, yes yes
- 89 Mother Yes, I hope so too and otherwise the drip needs to be put back
- 90 Doctor Ehm... Yes, we should decide in that moment what is the best option. A drip with again, nutrition, but I expect that he will [inaudible all mumbling and talking at the same time]
- 91 Mother So it is better that we wait and see what his weight is on Wednesday [for a few turns, they are joking that the baby simply should not poop]
- 92 Doctor So that's about nutrition. Do you want to add to that?
- 93 Father No, steps of 27 to 30 seem good to me
- 94 Mother Hmm [approvingly]
- 95 Doctor Ok, good. So we still have the [cardiorespiratory] monitoring, right?

- 96 **Father** Yes
- 97 **Doctor** No help breathing anymore, but still the monitoring
- 98 **Mother** ...still the monitoring
- 99 **Doctor** So how is it going on that, eh [NAME NURSE]?
- 100 **Nurse** He is doing well
- 101 **Doctor** No incidents?
- 102 **Father** Well sometimes a dip, just now, two while he was sitting with me, but
- 103 **Nurse** Yes, just now he was for a bit...
- 104 **Father** ...he recovers himself from it
- 105 **Nurse** ...just now he had a bit ehm he had a nice brady, just breathing superficially for a bit...
- 106 **Mother** Friday to Saturday night he had, he had to be touched ehm...
- 107 **Nurse** That one doesn't show anymore [on the monitor]
- 108 **Mother** No, it's a couple of days ago of course
- 109 **Doctor** So once he had ehm help...
- 110 **Parents** [simultaneously] yes yes
- 111 **Doctor** ...or at least he received help, you never know of course if otherwise he would have recovered himself from it
- 112 **Mother** ...no but he stayed...
- 113 **Doctor** ...but in any case it took long enough to ehm...help him. Ok.
- 114 **Mother** ...yes...to touch him shortly. It was also the first night he was off [breathing support]
- 115 **Doctor** Yes yes
- 116 **Mother** And after that he actually recovered each time himself [short reiteration of what happens precisely to the baby]
- 117 **Father** But that is normal right? With this...
- 118 **Nurse** ...yes
- 119 **Father** ...at this age?
- 120 **Doctor** It fits with the age
- 121 **Father** Yes
- 122 **Doctor** Hè you should keep an eye on it, it shouldn't worsen or let's say ehm...
- 123 **Mother** No
- 124 **Doctor** ... or get more serious because then we need to think whether ehm whether it is like that
- 125 **Father** Hmm [agreement]
- 126 **Doctor** But what what we see now suits, in mine [sic] opinion [looks at neonatologist for approval], the age. And we already give caffeine.
- 127 **Neo** [seems to hum approvingly off camera]
- 128 **Father** Yes, ha
- 129 **Mother** Hmm, yes [agreement]
- 130 **Doctor** So that is right that is that liquid. To stimulate it in any case right yes. So it would just ehm wait and see
- 131 **Father** That is fine
- 132 **Mother** Yes

- 133 **Doctor** And we c___, we continue of course the monitoring, right we do that for as long we give the caffeine in any case
- 134 **Father** Yes
- 135 **Mother** Yes
- 136 **Doctor** Ok...So then our last point according to me is the ehm the lab. We drew some blood last time...
- 137 **Father** Hmm [agreement]
- 138 **Doctor** ...so that we that ehm ...That was last Wednesday, when we still also did the bili checks. It was a bit lower compared to before, in the last hospital, from 11 to 10. So do we want that this week or next week, every two weeks maybe, right that ehm?
- 139 **Neo** Yes absolutely
- 140 **Doctor** So we won't do that now
- 141 **Father** Fine yes, the less he gets poked with needles...the better
- 142 **Doctor** ...the better
- 143 **Neo** Hmm
- 144 **Mother** And last time you also mentioned something about haemoglobin levels in the blood?
- 145 **Doctor** That was this one
- 146 **Mother** Oh that was this one...oh
- 147 **Doctor** This is why people often ehm...let's say anaemia of ehm. That is haemoglobin ehm...We check that once per two weeks
- 148 **Mother** Ok
- 149 **Father** Fine
- 150 **Mother** Yes
- 151 **Nurse** Unless...
- 152 **Doctor** ...unless...than more often
- 153 **Father** Yes
- 154 **Mother** [softly] Unless there is something else
- 155 **Nurse** [simultaneously] Yes, if he shows more dips for example [for a few turns, they discuss what this implies]
- 156 **Doctor** Last time, last week, it was, it was just very nice and high
- 157 **Father** Yes
- 158 **Doctor** It was almost 10 ehm and in principle we only do something actively with it when it's 4.5
- 159 **Parents** Ohh
- 160 **Doctor** So there is some room there. Doesn't mean you can't be bothered sooner by it
- 161 **Father** No [agreement]
- 162 **Mother** Yes, ok
[nurse shortly explains what happens that haemoglobin can drop when infants grow]
- 163 **Doctor** Ok, so I think we discussed ehm all, right?
- 165 **Father** Yes!

- 166 **Doctor** I don't know if you have any questions?
[here, parents discuss their worries concerning baby's saturation for a few minutes]
- 167 **Doctor** Ok, so for now [counts on his fingers] [1] continue monitor, [2] increase nutrition a bit, [3] weighing on Wednesday, the day after tomorrow to see if the weight is regaining...
- 168 **Parents** [hum approvingly]
- 169 **Mother** Yes
- 170 **Father** Yes
- 171 **Doctor** ...and for now no blood draws, unless there is something...
- 172 **Mother** Yes
- 173 **Father** Yes, clear
- 174 **Doctor** Ok
- 175 **Mother** Good plan
- 176 **Nurse** Did you also write down he's lying nicely in his crib?
- 177 **Doctor** [laughs] I didn't write that down, no
- 178 **Nurse** It's a big step!
- 179 **Doctor** Yes that's ok, I'll add that. That's also important
- 180 **Mother** [laughs] yes, he holds his temperature well now
- 181 **Nurse** Yes!

11.3 Analysis of the argumentative discourse in a family-centred medical round

11.3.1 The analytically relevant argumentative moves

To determine the argumentative style utilised in family-centred medical consultations, first an analytic overview is provided of the interaction between the clinicians and the parents in the medical round that is examined. This provides a tangible starting point for the identification of all analytically relevant moves that are made.

a. *The difference of opinion*

In the consultation under study, there is a non-mixed multiple difference of opinion between the resident doctor and the parents of a preterm infant. While at first glance one may feel inclined to interpret this dialogue as not argumentative at all, and to find the doctor and parents to be in immediate agreement about all proposed treatment plans, we should be cautious with such an interpretation. For, the institutional preconditions suggest that argumentation likely plays a role in these encounters, which may make an argumentative interpretation more reasonable. After all, bound by the prevailing legal, ethical,

and social rules and conventions, the doctor's treatment recommendations should be viewed as medical standpoints that, by principle, require argumentative support. Indeed, the doctor appears to provide various reasons to back his advice. More so, knowledge of the institutional setting tells us that parents' discourse markers that may signal agreement ("right", "okay", "yes" or "hmm") can also be used to politely and indirectly convey doubt or request a justificatory explanation. Thus, there is sufficient reason to assume that the doctor, here, provides argumentation in support of his claims, anticipating and responding to the parents' doubts.

The difference of opinion at hand concerns the best course of treatment for the infant. The doctor acts as protagonist of three prescriptive standpoints involving medical recommendations about the treatment of the infant. The first (positive) standpoint, including three propositions, involves the doctor's proposal to increase the infant's nutritional intake and to measure the infant's weight again in a few days ("We should increase baby's nutrition with 20 ml per kilo per day, while maintaining 12 feedings, and we should then check baby's weight on Wednesday", lines 67 and 82). The second (positive) standpoint refers to the doctor's recommendation to continue cardiorespiratory monitoring without breathing support ("We continue monitoring", line 133). The third (negative) standpoint involves the doctor's plan to not run blood labs ("We will not draw blood now", lines 140 and 171). During the consultation, the doctor not only assumes that the infant's parents may have doubts about his recommendations, but the parents also explicitly voice their concerns – often by means of questions for further information, clarification, or justification. The difference of opinion is non-mixed, as the parents do not explicitly voice opposing views concerning treatment. The nurse and the paediatrician-neonatologist, who are also present, do not act as discussants. While the paediatrician-neonatologist mainly serves as a sounding board for the resident in training, the nurse mostly takes up the role of a translator-mediator between the doctor team and parents, by explaining medical procedures and terminology.

b. *The point of departure*

Many of the material starting points for the discussion are explicitly discussed at the start of the consultation. At the beginning of this specific family-centred round, the doctor discusses the infant's current medical status, including his nutritional intake (amount and duration), current weight, and monitoring. These medical facts subsequently serve as starting points for the discussion about the proposed treatment plans. Yet, starting points also explicitly arise throughout the consultation. For example, when the doctor discusses the timing of the most recent blood lab and when he shows the parents their infant's growth curve on his computer monitor.

Procedural starting points, e.g., pertaining to the division of discussion roles, the duration of the discussion, and the parties' legal rights and obligations, remain implicit throughout the discourse. There is only one exception. This is when, notably, amidst the discussion concerning the infant's nutritional intake, the paediatrician-neonatologist interrupts the conversation between the resident doctor and parents in order to discuss a procedural matter: parents were visible (hence, recognizable) on the camera that is videotaping the argumentative interaction. As this was not previously agreed upon during the informed consent procedure prior to the consultation, the paediatrician-neonatologist shortly asks whether parents can agree to this. The father agrees to this procedural change to the discussion, arguing that being visible on camera during the discussion is okay "because they [the researchers] do not know me".

c. *The argument schemes employed*

Notably, all standpoints assumed by the doctor during the medical round are presented retrogressively: the (majority of) arguments in support of these standpoints are provided first in the conversation and the standpoints follow as conclusions thereof. The first standpoint (increasing nutritional intake, maintaining 12 feedings, and measuring baby's weight on Wednesday) is defended by several clusters of coordinated argumentation. All arguments presented at the first level (1.1–1.4) refer to clinical facts or (implicit and explicit) medical standards, rules, and protocols supporting the action proposed in the standpoint. Most explicit arguments are symptomatic. Argument cluster 1.1a-1.1c' consists of complex coordinative argumentation that is focused on problem-solving. Within this cluster, a factual problem is presented, namely the infant's lagging growth (1.1a). The undesirability thereof is made explicit in the coordinated argument that weight gain would be preferable over staying level (1.1b). The causal claim that the solution presented in the standpoint will resolve the existing problem (1.1c') remains implicit. Argument cluster 1.2a-1.2b centres around (not) spitting as a symptom that justifies the treatment plan. While spitting is explicitly mentioned as a sign to opt for an alternative (that is, intravenous feeding), the fact that the infant does not spit is implicitly used as a signal that that this infant is ready for more nutrition. Argument cluster 1.3a-1.3b focuses on the reasons for maintaining 12 feedings per day while increasing the amount of nutrition, as proposed in the standpoint. Here, the infant's weight is used as an indicator to support this treatment plan. In argument 1.4a the undesirable consequences of not adhering to the doctor's advice are pointed out. That is, weighing the baby tomorrow rather than on Wednesday will lead to unreliable results. This is an example of negative pragmatic argumentation. In 1.4b again a symptomatic argument is put forward, referring to the conditions for an alternative to what is proposed in the standpoint.

At the second level, the arguments mostly offer (medical) clarifications for medical facts that have been presented at the first level in defence of the first standpoint. While again most arguments are symptomatic in nature, in some cases, causal argumentation is used. In argument 1.1a.1 it is stated that the baby received less fluids than assumed, but the causal claim (this leads to lagging growth) remains implicit. In argument 1.3a.1 the consequences of not adhering to the doctor's advice are explicitly pointed out. Namely, decreasing the number of feedings will increase the amount of nutrition per feedings. The fact that this is undesirable remains implicit (1.3a.1').

In support of the second standpoint (continuing cardiorespiratory monitoring) again the majority of arguments are symptomatic. The arguments focus on clinical observations as well as the medical rules underlying the actions proposed in the standpoints: superficial breathing is typical of baby's this age (2.1a); worsening conditions are a signal to explore other options (2.1b); the baby receives caffeine (2.2a) and babies are maintained on monitoring when caffeine is administered (2.2b).

In support of the third standpoint (not running blood labs), as well, at both the first and second level symptomatic arguments are advanced that have a strong focus on medical facts and rules. That is, at the first level: blood labs were checked last Wednesday (3.1a), blood labs are run every other week (3.1b), and the infant is still doing well (3.1c). At the second level: the infant's haemoglobin levels are high (3.1c.1), which is backed by the observation that they were almost 10 (3.1c.1a) and the explication that 4.5 is considered the cut-off point for taking action (3.1c.1b).

d. *The argumentation structure*

The doctor develops his line of argumentation mostly in anticipation of, and sometimes in response to, doubt that is either implicitly or explicitly voiced by the parents. In only one instance the doctor and mother explicitly and fully disagree at a sub-level, resulting in a sub-discussion about the cause for the infant's lagging growth. In this sub-discussion, the mother voices the explicit standpoint that the baby's growth is flattening because they stopped intravenous feeding (this is called *total parenteral nutrition*, or TPN) (turn 31). This, in turn, prompts the doctor's explicit disagreement, and as a result he advances the argument that the infant's growth is lagging because he received less fluids than expected via tube feeding (1.1a.1, turn 32).

As pointed out above, the first two standpoints are defended by coordinated clusters of multiple argumentation, some of which are in turn supported by second-level arguments. The use of multiple argumentation implies that each argument (or cluster of coordinated arguments) constitutes in principle sufficient support for the overarching standpoint. That is, rather than being linked

in a single coordinated chain, multiple arguments could act as stand-alone arguments even when one or more of them are undermined by criticism. Of course, this does not mean that all arguments in a multiple structure should necessarily be equally persuasive.

In the case of the first standpoint, the doctor's argumentation is considered to be multiple in structure as the doctor seems to employ an argumentative strategy in which each coordinated cluster of arguments focuses on a different clinical aspect that – on its own – suffices to adopt the proposed treatment plan. In cluster 1.1a-1.1c the doctor introduces the infant's lagging growth (a problem) as an important reason to increase the nutritional intake (the solution). However, within this particular medical setting nutrition is steadily increased over time to stimulate the infant's growth and development, *irrespective* of whether growth is lagging. This is something that is known and expected by parents.⁷ Thus, lagging growth can – on its own – be a solid reason to increase nutrition, but without existence of this problem nutrition can also be increased. Not spitting (cluster 1.2a-1.2b) is a clinical indication to start increasing the amount of nutrition, because it indicates readiness. Spitting, contrarily, would provide a clinical indication to wait, as this implies the infant's stomach is not enduring the nutrition well. In argument cluster 1.3a-1.3b, the doctor starts a new line of argument in which he focuses on defending the second proposition included in his standpoint (maintaining 12 feedings), as if the other two propositions are not at stake. The same applies to cluster 1.4a-1.4b (weighing on Wednesday), in which the doctor focuses on his proposal to check the baby's weight to see if increasing the baby's nutrition has resulted in establishing growth. Here, the doctor argues as if increasing nutrition while maintaining 12 feedings is not the issue, but the precise moment of weighing. By analysing the doctor's argumentation in defence of the first standpoint as multiple, not only insights from the clinical context are duly taken into consideration, but also the strategy of a maximally argumentative analysis is followed.⁸ This means that each part of the argumentation will be judged on its own merits, and if one of the doctor's arguments is undermined by criticism, it does not damage the defense irreparably.

The second standpoint (continuing cardiorespiratory monitoring) is also supported by multiple argumentation. Here, the first argument cluster

7. Therefore, this does not need to be made explicit by the doctor.

8. A maximally argumentative analysis is chosen in cases where there could be reasons to opt for a coordinative as well as for a multiple analysis. In these cases, it is preferable to opt for an analysis as multiple argumentation, so that the strength of each single argument can be duly examined and the arguer is given most 'credit' (van Eemeren & Grootendorst 1992: 81–82).

(2.1a-2.1b) focuses on clinical observations of the infant that support the standpoint that the status quo should be maintained. That is, the infant's superficial breathing and low saturation are signals that no other actions are required. The second cluster (2.2a-2.2b) focuses on an entirely separate line of argument, namely that monitoring is maintained merely because of medical protocol: babies are monitored for as long as caffeine is administered. Each of these argument clusters would independently suffice to support the plan to maintain cardiorespiratory monitoring without breathing support.

The third standpoint is defended by the coordinated cluster of arguments 3.1a, 3.1b and 3.1c. In its turn, 3.1c is defended by second-level argumentation (3.1c.1) supported by coordinative argumentation 3.1c.1.1a-3.1c.1.1b. While the first-level cluster of arguments focuses on the medical rule concerning *when* to check infants' haemoglobin levels, the second- and third-level cluster centres around the precise cut-off point to draw blood.

The complete argumentation structure of the doctor's argumentation in support of the three main standpoints is presented below:

1. **We should increase baby's nutrition with 20 ml per kilo per day, while maintaining 12 feedings, and we should then check baby's weight on Wednesday**
 - 1.1a Against expectations, baby's growth flattens
 - 1.1a.1 For two days baby received less fluids
 - (1.1a.1' Receiving less fluids leads to flattening growth)
 - 1.1b Baby should gain weight rather than staying level
 - 1.1b.1a Baby is 12 days old
 - 1.1b.1b Baby should surpass his birth weight by 12 days
 - 1.1b.1c Baby is 30 grams off his birth weight
 - (1.1c' Increasing his nutrition leads to weight gain and solves the problem of lagging growth)
 - 1.2a Baby does not spit at present
 - 1.2b If baby starts spitting up, other options can be considered
 - 1.2b.1 Spitting up implies that too much nutrition is given
 - 1.3a With this weight increasing nutrition is preferred over decreasing the number of feedings
 - 1.3a.1 Decreasing feedings means the amount per feeding becomes more
 - (1.3a.1' This is undesirable)
 - 1.3b Once baby's weight is in order, the transition from 12 to 8 feedings can be made

1.4a If baby is weighed tomorrow, the risk is to weigh daily variation rather than actual growth

(1.4a' This is undesirable)

1.4b If baby has not surpassed his birth weight on Wednesday, another plan should be established

2. **We will continue [cardiorespiratory] monitoring [without breathing support]**

2.1a Superficial breathing and a bit lower saturation fit with baby's age

2.1b Other options can be considered should the situation worsen or get more serious

2.2a Baby receives caffeine to stimulate breathing

2.2b Baby is monitored for as long as we give caffeine

3. **We should not run blood labs now**

3.1a Blood labs were checked Wednesday

3.1b Hb is checked once per two weeks, unless there is a reason to do it sooner

3.1c There is still some room

3.1c.1 Last time the Hb was nice and high

3.1c.1.1a It was almost 10

3.1c.1.1b The threshold for doing something actively is when it's 4.5

e. *The outcome*

The outcomes of the argumentative discussions concerning the three standpoints are explicitly discussed at the end of each segment of the interaction pertaining to a particular treatment plan and, once more, at the end of the consultation at large. This is rather typical of argumentative discussions during family-centred rounds. At the end of the discussion about increasing the infant's nutrition (standpoint 1), the doctor explicitly asks the parents if they want to add more to the discussion. When the parents explicitly agree to the proposed plan, the doctor opens the discussion concerning treatment with the issue of cardiorespiratory monitoring (standpoint 2). This discussion is explicitly concluded when the doctor repeats his standpoint in an affirmative way ("we continue of course the [cardiorespiratory] monitoring") and the parents openly agree ("Yes"). This opens the last discussion ("Ok, so our last point according to me is the lab"). This discussion is ended less overtly, when the doctor states "yes, ok" and then concludes the overall discussion by first saying "Ok, so I think we discussed all, right?".⁹ Finally, at the close of the consultation,

9. Here, in fact, a fourth discussion starts, initiated by the parents as protagonists, concerning their concerns about their infant's breathing, which is not analysed in the present chapter.

the doctor repeats all treatment plans explicitly: “Ok, so for now [counts on his fingers] [1] continue monitoring, [2] increase nutrition a bit, [3] weighing on Wednesday, the day after tomorrow to see if the weight is regaining [...] ... and for now no blood draws”. These outcomes, or treatment decisions, are then confirmed by the parents.

Based on the above, the following analytically relevant moves can be identified:

- a. The prescriptive standpoint 1 *We should increase baby’s nutrition, maintain 12 feedings, and weigh baby on Wednesday*
- b. The prescriptive standpoint 2 *We should continue [cardiorespiratory] monitoring without breathing support*
- c. The prescriptive standpoint 3 *We should not run blood labs now*
- d. The explicit symptomatic argument 1.1a *Baby’s growth flattens* in defence of standpoint 1 mentioned in (a)
- e. The explicit negative pragmatic argument 1.1a.1 *Baby received less fluids than expected* and the implicit clause 1.1a.1’ *Receiving less fluids leads to flattening growth* in defence of sub-standpoint 1.1a mentioned in (d)
- f. The explicit symptomatic argument 1.1b *Baby should gain weight rather than staying level* in defence of standpoint 1 mentioned in (a)
- g. The explicit symptomatic argument 1.1b.1a *Baby is 12 days old* in defence of sub-standpoint 1.1b mentioned in (f)
- h. The explicit symptomatic argument 1.1b.1b *Baby should have surpassed his birth weight by 12 days* in defence of sub-standpoint 1.1b mentioned in (f)
- i. The explicit symptomatic argument 1.1b.1c *Baby is 30 grams off his birth weight* in defence of sub-standpoint 1.1b mentioned in (f)
- j. The implicit positive pragmatic argument 1.1c’ *Increasing baby’s nutrition leads to weight gain and will solve the problem of flattening growth* as part of complex problem-solving argumentation cluster 1.1a-1.1c’ in defence of standpoint 1 mentioned in (a)
- k. The explicit symptomatic argument 1.2a *Baby does not spit at present* in defence of standpoint 1 mentioned in (a)
- l. The explicit symptomatic argument 1.2b *If baby starts spitting up, other options can be considered* in defence of standpoint 1 mentioned in (a)
- m. The explicit symptomatic argument 1.2b.1 *Spitting up implies that baby receives too much nutrition* in defence of sub-standpoint 1.2b mentioned in (l)
- n. The explicit symptomatic argument 1.3a *With this weight, usually you do not increase* in defence of standpoint 1 mentioned in (a)
- o. The explicit negative pragmatic argument 1.3a.1 *Decreasing feedings means the amount per feeding becomes more* and the implicit clause 1.3a.1’ *This is undesirable* in defence of sub-standpoint 1.3a mentioned in (n)

- p. The explicit symptomatic argument 1.3b *Once baby's weight is in order, a transition to 8 feedings can be made* in defence of standpoint 1 mentioned in (a)
- q. The explicit negative pragmatic argument 1.4a *If baby is weighed tomorrow, the risk is to weigh daily variation rather than actual growth* with the implicit clause 1.4a' *This is undesirable* in defence of standpoint 1 mentioned in (a)
- r. The explicit symptomatic argument 1.4b *If baby has not surpassed the birth weight on Wednesday, another plan should be established* in defence of standpoint 1 mentioned in (a)
- s. The explicit symptomatic argument 2.1a *Superficial breathing and low saturation fit with baby's age* in support of standpoint 2 described in (b)
- t. The explicit symptomatic argument 2.1b *Other options can be considered should the situation worsen or get more serious* in support of standpoint 2 described in (b)
- u. The explicit symptomatic argument 2.2a *Baby receives caffeine to stimulate breathing* in support of standpoint 2 described in (b)
- v. The explicit symptomatic argument 2.2b *Baby is monitored for as long as caffeine is given* in support of the standpoint 2 described in (b)
- w. The explicit symptomatic argument 3.1a *Blood labs were checked last Wednesday* backing standpoint 3 described in (c)
- x. The explicit symptomatic argument 3.1b *Hb is checked once per two weeks, unless there is a reason to do it sooner* backing standpoint 3 described in (c)
- y. The explicit symptomatic argument 3.1c *There is still some room* backing standpoint 3 described in (c)
- z. The explicit symptomatic argument 3.1c.1 *Last time Hb was nice and high* in defence of sub-standpoint 3.1c mentioned in (y)
- aa. The explicit symptomatic argument 3.1c.1.1a *It was almost 10* in defence of sub-standpoint 3.1c.1 mentioned in (z)
- ab. The explicit symptomatic argument 3.1c.1.1b *The threshold for doing something actively is when it's 4.5* in defence of sub-standpoint 3.1c.1 mentioned in (z)

11.3.2 The dialectical routes

To determine the argumentative style that is used throughout the medical round described above, it is crucial to also identify the argumentative pattern that occurs within the argumentative discourse between the clinician and parents. Based on this argumentative pattern, it can be determined which dialectical routes have been taken by the doctor in defending the three standpoints at issue in the treatment

discussion. More so, it can be ascertained which argumentative moves are instrumental in creating these routes. Using pragma-dialectical conventions, standardized descriptions of the argumentative patterns can be used to elucidate the dialectical routes and the relevant argumentative moves. Based on the analytic overview laid out in the above, the following standardized notation of the argumentative pattern results from the defence of the three prescriptive standpoints discussed during the consultation. In Figure 11.1a the argumentative pattern of the defence of the first standpoint is described.

Standpoint (1) *We should increase baby's nutrition and weigh baby on Wednesday*

1[*pres*](< 1.1a[*symp*](< 1.1a.1[*prag*]) & 1.1b[*symp*](< 1.1b.1a[*symp*] & 1.1b.1b[*symp*] & 1.1b.1c[*symp*]) & 1.1c[*prag*]) [*copr*]; < 1.2a[*symp*] & 1.2b[*symp*](< 1.2b.1[*symp*]); < 1.3a[*symp*](< 1.3a.1[*prag*]) & 1.3b[*symp*]) < 1.4a[*prag*] & 1.4b[*symp*])

[...]	= belonging to the type of	<i>copr</i>	= complex pragmatic argumentation
<	= is supported by	<i>prag</i>	= pragmatic (causal) argumentation
&	= coordinative argumentation	<i>pres</i>	= prescriptive standpoint
;	= multiple argumentation	<i>symp</i>	= symptomatic argumentation

Figure 11.1a Argumentative pattern of the defence of the first standpoint

On the basis of this first part of the argumentative pattern, it can be determined that the dialectical route is taken that is portrayed in Figure 11.1b.

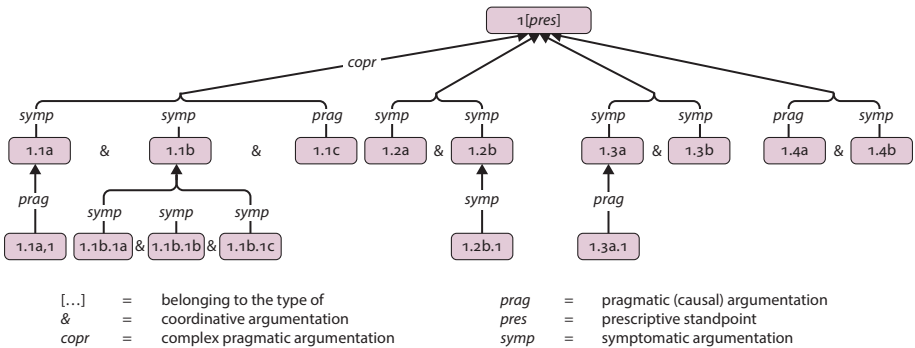


Figure 11.1b Dialectical route based on the first part of the argumentative pattern

In Figure 11.2a the argumentative pattern of the defence of the second standpoint is described.

Standpoint (2) *We should continue the [cardiorespiratory] monitoring*
 $2[pres](\langle 2.1a[symp]\&2.1b[symp]\rangle;\langle 2.2a[symp]\&2.2b[symp]\rangle)$

[...]	= belonging to the type of	;	= multiple argumentation
<	= is supported by	pres	= prescriptive standpoint
&	= coordinative argumentation	symp	= symptomatic argumentation

Figure 11.2a Argumentative pattern of the defence of the second standpoint

On the basis of this second part of the argumentative pattern, it can be determined that the dialectical route is taken that is portrayed in Figure 11.2b.

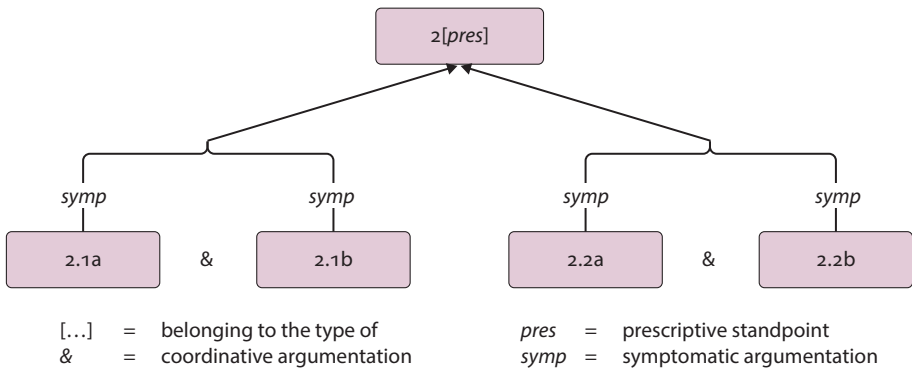


Figure 11.2b Dialectical route based on the second part of the argumentative pattern

In Figure 11.3a the argumentative pattern of the defence of the third standpoint is described.

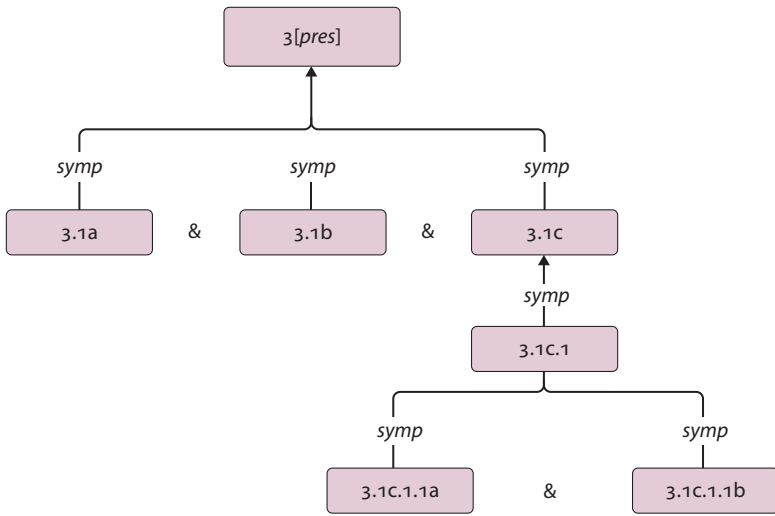
Standpoint (3) *We should not draw blood now*

$3[pres](\langle 3.1a[symp]\&3.1b[symp]\&(3.1c[symp](\langle 3.1c.1[symp](\langle 3.1c.1.1a[symp]\&3.1c.1.1b[symp]\rangle)))\rangle)$

[...]	= belonging to the type of	pres	= prescriptive standpoint
&	= coordinative argumentation	symp	= symptomatic argumentation

Figure 11.3a Argumentative pattern of the defence of the third standpoint

On the basis of this third part of the argumentative pattern, it can be determined that the dialectical route is taken that is portrayed in Figure 11.3b.



[...] = belonging to the type of *pres* = prescriptive standpoint
 & = coordinative argumentation *symp* = symptomatic argumentation

Figure 11.3b Dialectical route based on the third part of the argumentative pattern

From the argumentative pattern it becomes clear that the first standpoint is defended by means of four different dialectical routes, involving multiple argumentation, which rely heavily on symptomatic arguments. As pointed out previously, the approach taken by the doctor in supporting his first standpoint entails that each single argument at the main level of the defence would, in principle, constitute a sufficient support to justify the standpoint. The justificatory force of these arguments is often based on medical protocols, which dictate that under given circumstances a specific action is customary (e.g., spitting indicates that nutritional intake cannot be increased; the number of feedings per day is connected to the infant's weight). Noticeably, while in the first dialectical route a problem is signalled for which the solution is presented in the standpoints, the other dialectical routes depart from a situation in which the existence of this problem is not necessarily relevant. At the second level, in most cases only one symptomatic argument is advanced. Only in support of argument 1.1b the doctor advances three coordinative sub-arguments that only in conjunction constitute sufficient support for the sub-standpoint. At the first level, across dialectical routes the arguments seem to refer to medical facts, knowledge, and practices, while at the second level, the arguments provide symptomatic evidence in support thereof. Thereby, in addition to their argumentative function, these arguments seem to serve an explanatory purpose – detailing how

or why the characteristic referred to in the argument is symptomatic of what is expressed in the sub-standpoint.

The second standpoint is defended by following in a multiple argumentation two dialectical routes. This implies that, in principle and by design, a successful defence by means of one of these routes can be sufficient to convince the parents. Again, the justificatory power of these arguments is based on medical protocol and rules (e.g., when caffeine is administered, an infant is kept on cardiorespiratory monitoring). Each dialectical route includes two coordinative symptomatic argumentations in support of the main standpoint. This means that, within each dialectical route, the arguments only constitute sufficient support for the overarching standpoint when they are combined.

Finally, the third standpoint is supported by the doctor following one single dialectical route involving three coordinative arguments. Much in line with the defences of standpoints 1 and 2, these arguments refer to medical facts and principles. Only argument 3.1c is in turn supported by yet another symptomatic argument, referring to a clinical observation that both justifies and elucidates the claim made in the sub-standpoint. Lastly, this argument becomes a sub-standpoint in itself, which the doctor justifies by the use of two coordinative arguments providing symptomatic evidence.

11.3.3 The strategic considerations

In the final step of the analysis, which is vital to the identification of the argumentative style utilised by the doctor in the above-described interaction with parents during a family-centred medical round, the strategic design of the discourse should be described. This strategic design consists of the rationale for the functional use of certain modes of strategic manoeuvring and argumentative strategies that are brought to bear in the discourse. In this particular case, the strategic design entails the resident doctor's functional use of strategic manoeuvres and argumentative strategies in his attempt to convince the infant's parents in a reasonable and effective way of his evidence-based treatment plans, while simultaneously integrating the parents in the discussion thereof.

Based on the argumentative characterization of the communicative activity type of medical consultations and the institutional preconditions prevailing in the context of family-centred rounds, the analysis of the analytically relevant moves made by the resident doctor, the argumentative pattern and dialectical routes he employs in his argumentative effort, the strategic considerations underlying the strategic design of the doctor's argumentative discourse can be discerned. We

distinguish three main strategic considerations: it can be reasonably and effectively maintained that it is necessary (1) to involve parents explicitly and emphatically in the discussion of their infant's treatment plans by purposefully inviting them to share their observations and 'weigh in'; (2) to systematically discuss all treatment plans that are medically relevant across the different medical tracts; (3) to implement treatment plans that have a solid foundation in medical protocol and are, thus, 'evidence-based'.

The first strategic consideration involves the doctor actively engaging the parents throughout the medical consultation in the argumentative discussion. As these medical rounds take place in families' private hospital rooms, if parents are present at the time of their medical round, they are automatically also included in the discussion about their infant's health. Yet, during this particular round, the doctor also uses more explicit argumentative strategies to promote active engagement. For instance, by inviting parents at the opening stage of the discussion during the medical round to provide information about their infant's wellbeing since the previous medical round, e.g., about the amount and type of nutrition the infant receives, the feeding methods, and the baby's weight (turns 1–24). Involving parents in medical rounds is central to family-centred care, the approach explicitly adopted by this specific hospital department. The first strategic consideration also manifests itself, for instance, when the doctor turns the computer monitor towards the parents, so that they can see their infant's growth curve ("I don't know if you can see it like this?", turn 28); frames medical standpoints as 'proposals' ("in any case this would be my proposal", turn 74) and mitigates their force ("so we have to increase his nutrition, I think", turn 44); uses consistently inclusive language to demonstrate that decisions are made in mutual agreement ("So, we get his weight in order, you know", turn 71; "Yes, we should decide in that moment what is the best option", turn 90; and asks parents explicitly whether they "want to add to that?", turn 92) when concluding the discussion. At the end of the overall consultation, parents are allowed to share any other issue they may want to raise ("Ok, so I think we discussed ehm all, right? [...] I don't know if you have any questions?", turns 163–166). These examples show how, based on his first strategic consideration that the parents should be explicitly and emphatically involved in the discussion, the resident doctor makes functional use of strategic manoeuvres and argumentative strategies, particularly in the opening and concluding stages of the discussion.

The second strategic consideration underlying the doctor's strategic design involves the necessity to systematically discuss each of the infant's health issues and all medically appropriate treatment plans. While the first strategic consideration is related to adopting a family-centred approach to care (ethical ideal models for providing medical care), this second strategic consideration is based on the need to provide the best possible medical care to this particular infant (a fundamental

criterion of providing medical care). This strategic consideration shows up in several elements of the discussion. For instance, the doctor resident invites the parents to contribute to the discussion by sharing their observations and knowledge, but nonetheless he himself sets the overall agenda. He does so by strategically and systematically introducing new topics related to the infant's medical condition for discussion, one at a time. Towards the end of each segment, the doctor retrogressively presents his treatment plan, thus his medical standpoint. Subsequently, he explicitly closes the segment and moves to the next topic of discussion ("So that's about nutrition [...] So we still have the monitoring, right?"; turns 92–95; "Ok... So then our last point according to me is the ehm the lab", turn 136; "Ok, so I think we discussed ehm all, right?"; turn 163). His strategic consideration to discuss all relevant medical issues manifests itself clearly in the strategic choices he makes from the topical potential and in the adaptation of his strategic manoeuvring to his audience's demand. By explicitly closing the overall discussion by inviting parents to add to his views, the doctor carefully unites his first and second strategic consideration ("I don't know if you have any questions?"; turn 166).

Finally, his third main strategic consideration pertaining to ultimately implementing treatment plans based on medical protocol that have a solid basis in medical evidence is manifest in the strategic design. This strategic consideration relates to an inherent characteristic of the medical profession and its aims.¹⁰ Analysis of the doctor's dialectical routes that can be distinguished in the argumentative pattern in the discourse demonstrates that each medical standpoint is substantiated by a series of arguments in multiple argumentation structures. This implies that, in principle, the parents' agreement with a single argument would be sufficient to accept the overall standpoint. Nonetheless, for each standpoint more than one argument is provided, often reinforced by another coordinated argument. In these argumentations, the doctor often anticipates the parents' possible doubts by advancing arguments based on symptomatic argument schemes, referring to medical facts, evidence, and procedures. Thus, the strategic manoeuvres and argumentative strategies that are brought to bear rely heavily on the provision of a vast amount of medical evidence, aligning with the principles of 'evidence-based medicine'. In other words, in the choice of dialectical routes emerging from the argumentative pattern, as well as in the strategic choices that are made, the doctor's third strategic consideration becomes manifest.

10. These aims are illustrated in the Hippocratic Oath, which all doctors take when they formally graduate.

11.4 The argumentative style in a family-centred medical round

11.4.1 Detached and engaged argumentative styles in a patient-centred perspective

On the basis of the reconstruction in Section 11.3 of the analytic overview, the argumentative pattern, and the strategic design of the resident doctor's argumentative discourse during a family-centred round with parents of a preterm infant, the argumentative style utilised in this discourse can be identified. The analytically relevant argumentative moves made, the dialectical routes taken, and the strategic considerations that are manifest, are all aligned with the institutional goals as well as the preconditions that apply to family-centred medical rounds. We have described these institutional goals and preconditions at the beginning of this chapter as a starting point for the analysis of the argumentative interaction between this doctor and the parents.

The institutional preconditions already create certain expectations about the doctors' argumentative styles in contemporary medical consultations. Based on the prevailing ideals of patient-centred and family-centred care, clinicians are expected to focus in their communication in neonatal care explicitly on individual patients' and families' needs and preferences. Ideally, treatment plans are the result of decision-making processes jointly gone through by clinicians and the patients and their families. In traditional paternalistic models clinicians are authority figures with a hierarchical relationship to patients; these models rely heavily on biomedical data and the doctor ultimately decides upon the best course of action. Patient-centred approaches are very different. Therefore we may venture to presume that engaged argumentative styles will benefit contemporary patient-centred approaches to medical consultation much more than detached argumentative styles, which seem to belong to the realm of traditional care.

In this section, we will identify against this background the argumentative style utilised by the resident doctor in the case described above. In 11.4.2, we will focus on detailing the characteristics of the confrontational argumentative style used by the doctor; in 11.4.3, we will describe the characteristics of the doctor's opening argumentative style; 11.4.4 outlines the characteristics of his argumentational argumentative style; and 11.4.5 illustrates the characteristics of his concluding argumentative style. All relevant argumentative moves made by the doctor in agreement with his strategic considerations across the dialectical routes he has chosen will be discussed. Systematically, for every stage of the argumentative process, the topical choices that are made, the adaptations made to audience demand, and the presentational devices employed will be examined in order to conclude in Section 11.5 which general argumentative style, if any, is overall used in this particular argumentative discourse.

11.4.2 Characteristics of the confrontational argumentative style

In the empirical counterpart of the confrontation stage of the discussion between the resident doctor and the parents of a preterm infant, it is established that there may be differences of opinion between them concerning three different treatment plans: (1) to increase nutritional intake, maintain 12 feedings, and weigh baby on Wednesday, (2) to continue the baby's cardiorespiratory monitoring, and (3) to not run blood labs.

What is noteworthy about this stage is that the resident doctor initially starts the family-centred round by inviting the parents to share their observations of their infant over the course of the past days. Partly based on a question-answer format, the parents indeed share several facts about their infant. When the father mentions his infant's weight, the interactive sequence moves into the first discussion, concerning the infant's nutritional intake. The doctor does not present his first standpoint straight away. In fact, his medical recommendation only emerges retrogressively as a conclusion, towards the second half of the discussion about nutrition. Then, explicitly, the doctor moves to the next discussion by introducing that "we still have the monitoring [to discuss]" (turn 95). Here, too, the actual standpoint is presented only at the end of the discussion, retrogressively, before the doctor moves on in a business-like manner to the next topic on the agenda: the blood labs ("Ok...So then our last point according to me is the ehm the lab", turn 136). On the one hand, the retrogressive presentation of standpoints can be seen as a strategic move by the doctor to avoid an overly confrontational style. On the other hand, by presenting the standpoints retrogressively, it is suggested that these standpoints are in fact 'logical conclusions' of the doctor's reasoning.

Throughout the medical round, the doctor is in charge of introducing all issues up for discussion from the available topical potential, in prelude to his treatment-related standpoints. Only at the very end of the medical round, the parents are allowed to introduce their own views and standpoints for discussion (not analysed in this chapter). The doctor introduces new topics in a matter-of-fact and direct way. However, by initially allowing room for the infant's parents' observations, they do indirectly co-determine the topic that is discussed. This can be interpreted as a deliberate adaptation to audience demand by the doctor: he responds first to the topic that is clearly of high interest to the parents. Having spent several weeks in the hospital, parents are familiar with the topics likely to be discussed and are expected to raise issues that they deem important. The fact that to them this is 'nutrition' is not very surprising. To parents of preterm infants, growth – and therefore the infant's weight and nutrition – is often the main cause of concern, which is also very tangible. Every few days the baby is weighed on a scale and mothers need to supply expressed (bottled) breastmilk in accordance with the baby's weight.

Thereby, nutritional intake is relatively within the parents' realm of control (in contrast to, e.g., medical tests). Another way in which the doctor adapts his first standpoint – which is the one that is most debated – to better fit his audience's demand is on one occasion by adding to his standpoint that “increasing baby's nutrition is what will work” (turn 53) and on another occasion that “we have to work on that” (turn 44). While these exclamations could be interpreted as arguments, they should rather be reconstructed as emphatic reformulations of the doctor's standpoint in agreement with the parents' particular wish to see their infant get better and with their desire to contribute actively to a solution. This interpretation is supported by the fact that these statements, should they be interpreted as arguments, would be circular in nature (“treatment X is effective, because it works”). More so, their positioning, next to the actual standpoint, favours the interpretation that these are reformulations of the standpoint. As such, they should be reconstructed as strategic adaptations of the doctor to his audience's interests.

Finally, while the doctor presents his treatment recommendations as self-evident and definitive, he simultaneously formulates his standpoints in a way that suggests the parents' involvement: “we should increase baby's nutrition”, “we will continue the monitor”, and “we will not draw blood”. This inclusive use of “we” can be seen as a presentational device that mitigates the relative force of these recommendations. However, at the same time, it remains unclear whether this “we” refers to the team of medical professionals or is indeed intended to include the parents, too.

Overall, the argumentative style utilised by the resident doctor in the confrontation stage of the argumentative process should be characterized as predominantly detached, as it is the doctor who sets the agenda in a business-like fashion and explicitly steers the parents towards his treatment plans, which are presented retrogressively as logical conclusions. The doctor's argumentative style does exhibit some characteristics of an engaged style, since the doctor seemingly connects to the parents' interests and uses, for instance, inclusive pronouns to suggest the parents' involvement. Nonetheless, in the presentational choices made by the doctor these engaged features remain mostly at the surface level.

11.4.3 Characteristics of the opening argumentative style

In the empirical counterpart of the opening stage of the discussion between the resident doctor and the parents during the family-centred round, the doctor involves the parents explicitly in determining the relevant material starting points for the discussion of the treatment plans by asking them to contribute information about their infant's status. Meanwhile the procedural starting points remain largely

implicit. Asking parents to contribute their observations was already mentioned above as a means to select something that is close to the audience's heart as the first issue for discussion. However, by making this strategic argumentative move, the resident doctor also creates a solid starting point for the discussion, based on mutually agreed upon medical and situational facts. Of course, new material starting points are also introduced throughout the discussion, for instance when the infant's growth curve is shown on the computer monitor (turn 28) and when the doctor clarifies that caffeine is the liquid medication the infant receives to stimulate his breathing ("So that is right that is that liquid. To stimulate it", turn 130). Parents are continuously invited to add to these observations, thus ensuring that the discussion is based on starting points close to the audience's interests. At the same time, however, the vast majority of material starting points used by the doctor are easily verifiable medical facts and figures, like the baby's body weight, nutritional intake, current medication regimen, and the dates of recent medical tests. In choosing from the vast topical potential in this way, the doctor opts for an argumentative strategy in which hard medical evidence prevails over subjective interpretations. More so, due to the nature of this evidence as well as to the close involvement of the parents in establishing the material starting points, they are likely to be considered undisputable by the audience. This strategic manoeuvring should therefore be seen as an adaptation to audience demand. This is certainly the case when the doctor shows the infant's weight figures on screen. The overall effort to refer mainly to 'hard facts' instead of 'soft judgments' is fully in line with the doctor's strategic consideration to establish evidence-based treatment plans, but it goes against the favoured humanistic approach in which treatment decisions are to be optimally aligned with parents' needs and preferences.

Thus, the argumentative style utilised overall by the resident doctor in the opening stage of the discussion should be characterized as predominantly detached. Although there are some instances in which the doctor focuses on including the parents in the discussion, his argumentative style is still in the first place characterized by the use of scientific, verifiable facts that are likely to be considered indisputable rather than by a focus on what is considered important by the parents. At the end of the consultation, it becomes clear that the doctor's "scientific" and detached style has not gone unnoticed by those present at the meeting. The nurse cheekily asks the doctor whether he also "wrote down [the infant] is lying nicely in his crib?" – a 'soft observation' that could have provided a valuable evaluative material starting point for a more engaged discussion.

11.4.4 Characteristics of the argumentational argumentative style

In the empirical counterpart of the argumentation stage of the discussion in the family-centred round, the doctor uses the argumentative strategy of providing for each treatment-related standpoint a variety of symptomatic arguments that are predominantly based on medical facts, observations, and protocol. In multiple argumentation, in principle, each single argument constitutes a sufficient basis to support the standpoint. However, in the present medical round, the doctor additionally uses an argumentative strategy in which most arguments that are at the first level part of the multiple structure also as coordinated with yet another argument. These choices from the topical selection result in a 'barrage of arguments'. It is not certain whether the sheer number of arguments is used as a persuasive device to convince the parents of the treatment recommendations, but the combination of arguments leaves little room for ambiguity: all medically relevant arguments are out in the open and all of them support the standpoint at issue.

The symptomatic arguments used by the doctor refer to medical facts ("It [occasional low saturation] fits with the age", turn 120), medical conventions ("then you usually do not increase", turn 67), or observations ("No [he doesn't spit]", turn 53) that are unmistakable evidence in support of the measure mentioned in the standpoint. Pragmatic arguments point out which evident consequences for the infant (twice negative, once positive) will occur if the doctor's recommendations are (not) adhered to. Again, these argumentative moves can be seen as strategic adaptations to the audience's demand, aligning the doctor's line of defence with the parents' desire to see their infant become healthy. It is also striking that all medical arguments are formulated briefly, in relatively simple and plain language. Other presentational devices employed by the doctor include the frequent use of the inclusive "we", much like in other discussion stages, to point out the parents' involvement in the treatment decision-making procedure and the execution of the treatment plan ("So, we get his weight in order, you know. If that goes well, we can make that transition", turn 71; "not tomorrow because then we measure that daily variation again", turn 84). As we observed, these expressions could also refer solely to the clinicians in the hospital, but taking the hospital's family-centred policies into account the suggestion is that parents are included. In sum, the argumentative style utilised by the resident doctor in the argumentation stage of the discussion should therefore also be characterized as predominantly detached, even though it exhibits at the surface (presentational) level of the discourse also some characteristics of an engaged argumentative style.

11.4.5 Characteristics of the concluding argumentative style

Finally, in the empirical equivalent of the concluding stage of the discussion between the resident doctor and the parents, the resolution of their differences is established and final treatment plans are determined. As pointed out above, the doctor presents his standpoints retrogressively. In doing so, he seems to suggest that his treatment proposals are in fact logical consequences of the argumentation based on medical facts provided in the lines of defence followed in his discourse (i.e., the topical choices he has made). By formulating the three-part conclusion as evident and definitive, the doctor makes it relatively difficult for the parents to raise additional doubts or concerns. By explicitly concluding each discussion segment before moving on to the next (“So that’s about nutrition”, turn 92), it becomes clear that the doctor sees the discussion as completed. Nonetheless, he adapts to some extent to his audience by explicitly allowing them to add to the discussion (“Do you want to add to that?”, turn 92). As pointed out earlier, the same happens again at the end of the medical round when the doctor first closes the discussion by suggesting that everything has been discussed (“Ok, so I think we discussed ehm all, right?”, turn 163) and next asking the parents whether they still have questions (“I don’t know if you have any questions?”, turn 166). This set-up makes it harder for parents to actually raise additional issues or concerns, also because of the professional distance between them and the doctor. Nonetheless, in his wordings (i.e., the use of presentational devices) the doctor consistently emphasizes in the empirical equivalent of the concluding stage of the argumentative process again that the decision-making procedure for treatment has been a joint venture: by using the inclusive “we” (“We continue of course the monitoring”, turn 133), asking for confirmation (“Right, we do that for as long we give the caffeine in any case”, turn 133), and employing combinations thereof pertaining to closing the discussion (“We discussed ehm all, right?”, turn 163).

Finally, also in the concluding stage of the discussion, the argumentative style utilised by the resident doctor should be characterized as mostly detached. Whereas an engaged style would require a systematic focus on the parents’ interests (beyond the mere use of presentational devices) in the conclusion of the discussion, in the consultation we have examined the doctor’s conclusions are predominantly presented, in a matter-of-fact way, as rational consequences of the lines of scientific argumentation that the doctor has followed.

11.5 Conclusion

We can now draw some conclusions about the overall argumentative style utilised by the resident doctor in the family-centred round that is analysed in the present chapter. At the start of the previous section, we argued that in contemporary medical consultations we would prototypically expect an engaged argumentative style, based on the ideal of patient-centred communication. However, our analysis of the neonatology case reveals that in reality this is certainly not necessarily the case. Systematic analysis of the argumentative discourse during the family-centred round clearly shows that, in spite of displaying some features of an engaged style in its presentational dimension, the argumentative style utilised by the doctor can be characterized as predominantly detached.

Across all the empirical equivalents of the four stages of a critical discussion, the doctor's argumentative style is largely detached. This becomes clear, for instance, in the ways in which the three standpoints at issue are presented retrogressively and immediately thereafter concluded to be logical and rational treatment decisions (confrontation stage and concluding stage). It also becomes clear in the ways in which starting points and related arguments based on 'hard' medical facts and figures rather than on the parents' needs and preferences are carefully selected from the available topical potential (opening stage and argumentation stage). In adapting to his audience's demand, i.e., the parents' specific interests, the doctor seems to make an effort to connect his argumentation with matters that are of importance to the parents. By following a line of defence that focuses largely on the ways in which his medical recommendations follow logically from a barrage of evidence-based arguments that are almost indisputably correct, the doctor's argumentative style remains detached. This is emphasized by the variety of arguments that the doctor advances, opening several dialectical routes towards convincing the parents of his plans. The doctor's engagement with the parents' situation and his attempt to involve them explicitly in the discussion shows most clearly in his presentational choices: the use of "we" across the various discussion stages can be seen as an effort to involve the parents in the treatment discussion. However, as we already noted, it remains ambiguous whether the parents are indeed intended to be part of this "we". Another way in which the doctor attempts to involve the parents in the discussion might be the use of presentational techniques to leverage the strength of his recommendations. Overall, however, it is striking that it is only at the surface level of the presentational dimension that any characteristics of an engaged argumentative style manifest themselves. The general argumentative style utilised by the doctor in the consultation we have analysed is overall consistently and clearly *detached*.

Conclusion

12.1 Diversity of argumentative style in different institutional macro-contexts

In this volume, we have given substance to the study of argumentative style as the functional shape given to the defence of a standpoint at issue in the particular institutional macro-context of a specific communicative activity type in a certain communicative domain. In order to do full justice to all facets of the way in which this defence is shaped, we have transcended the limitations of traditional stylistic analysis by replacing the notion of 'style', which concentrates exclusively on the (linguistic) presentation, by a notion of 'argumentative style' that incorporates, next to the presentational aspect, also the other two aspects of the strategic manoeuvring involved in defending a standpoint: the selection from the available topical potential and the adaptation to the demand of the intended audience. Viewing the three aspects of strategic manoeuvring along these lines as different dimensions of argumentative style, makes it possible to characterize the way in which the conduct of argumentative discourse is shaped as utilising a particular argumentative style. By putting the notion of argumentative style in this way in a pragma-dialectical perspective, we connect it immediately with the argumentative process that people have to go through in trying to resolve a difference of opinion by means of argumentative discourse.

The way in which the three dimensions of argumentative style are given shape in the argumentative process manifests itself in the discourse in the argumentative moves that are made to resolve the difference of opinion at issue, in the dialectical routes that are followed in making these argumentative moves, and in the strategic considerations motivating this setup. The argumentative moves made in the various stages of the argumentative process that are relevant to resolving a difference of opinion based on the merits of the argumentation that is advanced, are in a pragma-dialectical analysis included in the analytic overview of the discourse. The dialectical routes that are followed in trying to resolve the difference, are expressed in the argumentative pattern that is discernible in the discourse. The strategic considerations motivating the strategic manoeuvres and argumentative strategies that are carried out, are captured in the strategic design of the discourse. This is why a careful reconstruction of the discourse is required to trace these argumentative

moves, dialectical routes, and strategic considerations in committing oneself to identifying the argumentative style that is utilised in a particular argumentative discourse.

Since the argumentative style that is utilised in argumentative discourse depends in principle always to some extent on the institutional macro-context of the discourse, due attention is paid in this volume to the nature of the communicative activity types and communicative domains in which the argumentative discourses of which we want to determine the argumentative style take place. Next to giving an argumentative characterization of the way in which the communicative activity type concerned is conventionalised, we paid in every case attention to the specific institutional preconditions for strategic manoeuvring applying to this communicative activity type. In this endeavour, we not only examined the 'primary' institutional preconditions, which have usually a more or less official status, are often explicitly laid down, and are in many cases procedural, but also, because they can be of vital importance to the conduct of argumentative discourse, the 'secondary' institutional preconditions, which are in principle unofficial, only implicitly accepted, and generally substantial.

In identifying the argumentative styles that are utilised in different institutional macro-contexts, we have focused on seven argumentative practices from a variety of communicative domains. They include oral communicative activity types: a plenary parliamentary debate, three exchanges between journalists and spokespersons at a diplomatic press conference, two opening speeches of a mediation session, and a clinician's contribution to a medical consultation; written communicative activity types: two pieces of political advertising, and a published academic discussion about a research paper; and a communicative activity type that is partly written and partly oral: a judgement of the court in a civil lawsuit. In this way, we have tried to do justice to the diversity of argumentative practices and the argumentative styles functionally utilised in these practices – which represent an important characteristic of argumentative reality. The theoretical points we have made in the first part of this volume are thus illustrated by detailed analyses of real-life argumentative discourses.

An argumentative style only qualifies to be called *general* or *comprehensive* if it is used in all three dimensions of argumentative style throughout the discourse. In practice, it is indeed regularly the case that in a piece of argumentative discourse largely the same argumentative style is more or less consistently maintained in making topical choices, adapting to audience demand, and exploiting presentational devices in all stages of the argumentative process. However, it sometimes also happens that the utilisation of a particular argumentative style is limited to a specific stage of the argumentative process, say to the confrontation stage or the opening stage. In dealing with the seven argumentative practices we selected, we therefore examined

in most of the cases stage by stage which argumentative style had been put to good use – checking only afterwards whether or not a general argumentative style had been utilised after all. To make a clear start that is simple as well as systematic, we have concentrated in the first instance entirely on determining whether the argumentative style that is utilised in a particular case belongs to either one of the two basic categories of detached argumentative styles and engaged argumentative styles that we have discussed in the first part of this volume. In researching the relationship between the various argumentative practices, with the prevailing institutional preconditions, and the argumentative styles that are utilised, we have allowed for the possibility of encountering a certain amount of variation in the argumentative styles belonging to a certain general category, and all kinds of mixtures, overlap and graduality in the utilisation of argumentative styles.

At this point in this concluding chapter, it may be good to recall that an argumentative style can be reckoned to belong to the category of detached argumentative styles if the strategic manoeuvring that is carried out in the argumentative discourse is characterised by radiating objectivity in the topical selection, conveying reliability in the adaptation to audience demand, and expressing openness to an independent judgment in the exploitation of presentational devices, and this amalgamation manifest itself consistently in the argumentative moves made throughout the dialectical routes in defence of the standpoint at issue in accordance with the strategic considerations underlying the strategic design of the discourse. The argumentative style that is utilised can be reckoned to belong to the category of engaged argumentative styles if the amalgamation of radiating commitment in the topical selection, conveying communality in the adaptation to audience demand, and expressing inclusiveness in the exploitation of presentational devices manifests itself consistently in the strategic manoeuvring in the argumentative moves made throughout the dialectical routes chosen in defence of the standpoint at issue in accordance with the strategic considerations underlying the strategic design of the discourse.

In the first four chapters of this volume, we have provided an introduction into this new perspective on argumentative style developed within the framework of the pragma-dialectical theory of argumentation. We have given a theoretical definition of the notion of argumentative style in which its close relationship with certain properties of argumentative discourse is indicated. After a description of the distinctive features of detached and engaged argumentative styles as two main categories of argumentative style, we have discussed the institutional requirements and conventions that play a role in the contextual varieties of the utilisation of argumentative styles. In the next seven chapters, Chapters 5–11, we have identified, based on a pragma-dialectical analysis of the argumentative discourses at issue, the argumentative styles utilised in specific communicative activity types from various

communicative domains, focusing on the seven argumentative practices we had selected. In these “contextual” chapters we have shown by way of exemplary analyses how it can be determined which argumentative style has been utilised.

In Chapter 5, ‘Argumentative style in political advertising’, we have identified the argumentative styles that are utilised in two advertisements of political parties campaigning in the 2019 elections for the Provincial Council of North Holland in the Netherlands. In their strategic manoeuvring in the hybrid communicative activity type of political advertising, both the populist Party for Freedom (PVV) and the reformist Labour Party (PvdA) functionally combine providing information about political issues with promoting their political party argumentatively, but they do so in different ways. In both cases, in the empirical equivalent of the confrontation stage an assumedly non-mixed difference of opinion about a prescriptive standpoint is at issue: *Vote for our party!* In the opening stage of the argumentative process, certain achievements and ideological positions of the advertising party are mentioned or implicitly suggested that are footholds for judging this party’s political intentions. In the argumentation stage some of these starting points are turned into arguments that directly or indirectly support the standpoint. In the concluding stage, a positive decision concerning the standpoint at issue is proposed or suggested.

The main standpoint in the PVV’s advertisement, *You should vote PVV on March 20*, only shows up at the end of the advertisement. It is advanced retrogressively as a conclusion after the implicit claim *You should not vote VVD*, the closest competitor, has been defended. The dialectical route taken by the PVV is as follows: the prescriptive standpoint *Vote PVV on March 20* is defended by making in a disjunctive syllogism implicitly the claim *You should not vote VVD, the alternative*, and then focusing on this claim. The PVV justifies the claim by following a dialectical track consisting of two branches that are, because they are interdependent parts of a coordinative argumentation, in fact part of the same dialectical route. The first branch starts off with a pragmatic causal argument, the second with a symptomatic argument and together they constitute a complex pragmatic argumentation in defence of the PVV’s anti-VVD stance.

The PVV’s goal of convincing the primary audience, whose views and preferences they take as their point of departure in building their argumentation to vote for them, is pursued indirectly by negative campaigning against the VVD. This campaigning relies on three strategic considerations about how the primary audience can be reasonably and effectively convinced. The first strategic consideration, which determines the setup of the advertisement, is that the audience can be convinced by providing a negative valuation of the policies and political attitude of the VVD. The second strategic consideration, which is at the basis of the PVV’s strategic manoeuvring against the VVD, is that the desired result can be achieved

by concentrating on issues the primary audience is familiar with and considers of immediate importance to their own interests. The third strategic consideration, underlining the pertinence of the accusations, is that, because of their policies and political attitude, the VVD can be held responsible for a future decline in the primary audience's welfare and serious social injustices.

Our analyses of the three dimensions of the argumentative style utilised in the PVV's advertisement have made clear that the confrontational, opening, argumentational, and concluding argumentative styles that are utilised are engaged in all their three dimensions. In all four stages of the argumentative process, the argumentative style radiates commitment to the cause at issue in its topical dimension, conveys communality with the audience in its audience demand dimension, and expresses inclusiveness in its presentational dimension. This means that we can conclude unreservedly that the general argumentative style overall utilised in the PVV's advertisement may be characterised as engaged, full-blown engaged or even fully engaged.

In their advertisement, the PvdA pursues the goal of convincing those people willing to share their political views and preferences to vote for them by positive campaigning. This campaigning relies on three strategic considerations. The two constituting the basis of the PvdA's strategic manoeuvring are that by sharing the audience's concerns the PvdA is in a special position to tackle the problems at issue and that due to their political determination the PvdA may be regarded capable of tackling these problems. The third strategic consideration is the general perspective adopted in the advertisement that the climate, environmental and social problems that need to be solved must not only be tackled at the (inter)national level, but also locally by the Provincial Council, so that the problems of North Holland are at issue – which is what the election is about.

The projected non-mixed difference with the electorate about the prescriptive standpoint *You should, especially now, vote for the PvdA* is introduced immediately at the beginning of the PvdA's advertisement. In their positive campaigning, the PvdA tries to provide – or suggest – reasons to vote for them. At the first level of the defence, the PvdA summarizes in a coordinative argumentation the concerns about jobs, housing and clean air that need to be addressed and assures in the same symptomatic argumentation implicitly that the PvdA's policies will deal with these concerns. At the second level of the defence, this position is supported by a coordinative symptomatic argumentation that emphasizes the PvdA's commitment to carry out the required policies. At the third level, further justification is given where the PvdA assumes this is required. At the fourth level, the importance of protecting the province of North Holland against climate change is emphasised.

The argumentative style employed in the PvdA's advertisement displays occasionally characteristics of a detached argumentative style: radiating objectivity in

the topical dimension, conveying reliability in the audience demand dimension or expressing openness to independent judgement in the presentational dimension. However, our analyses have shown that in most of their dimensions the confrontational, opening, argumentational, and concluding argumentative styles utilised in this advertisement are engaged: radiating commitment to the cause at issue, conveying communality with the audience, and expressing inclusiveness. This means that we can conclude that the general argumentative style utilised in the PvdA's advertisement may be characterised as engaged – not across the board, but predominantly.

Chapter 6, 'Argumentative style in parliamentary debates', concentrates on plenary debates about legislation in the European Parliament. In these debates MEPs discuss legislative proposals put forward in a committee report prepared by the Commission or by MEPs. If these proposals are (with or without amendments) approved, and the Council agrees, the legislative proposal is adopted. In its report, the committee always points at a certain problem that needs to be solved. The 'rapporteur' of the report, i.e., the committee member in charge of the proceedings, presents this problem in his/her *opening speech*, which can be seen as an embedded communicative activity type, as the main reason why legislation is needed. In all stages of the argumentative process the rapporteur brings strategic considerations to bear that are aimed at getting the proposals accepted by the broadest possible consensus. The main arguments for adoption of the legislation he/she puts forward are proposed in the report or an amended version of it. They centre around the idea that implementing the new legislation will solve the problem. In this way, the content of the report shapes the parliamentary debate.

The case we examined is a debate in Strasbourg in 2010 initiated by the report 'A better functioning food supply chain in Europe' of the Committee on Agriculture and Rural Development. The debate was introduced and led by rapporteur José Bové. Because many steps in the process from farm to shop are not visible, a considerable amount of European farmers serving the food industry happens to be underpaid for the products they produce and European consumer prices are much too high. According to the analytic overview, there is a multiple mixed difference of opinion between the rapporteur and the MEPs in favour of the proposals and the MEPs who are against them. In the opening speech we analysed, the rapporteur proves to defend four separate standpoints, relating to four different policy proposals aimed at making the food chain a fairer process.

Not the solution gets most attention in the opening speech, but the problem, also in the reactions of the MEPs. The rapporteur is clearly out to secure adherence to the problem statement. In all empirical counterparts of the stages of the argumentative process the problem is foregrounded. In the main argumentation on the first level, where all four standpoints are defended, the rapporteur makes in all cases use of complex problem-solving argumentation. In defence of the problem

statement, he uses causal argumentation and argumentation by example. In defence of the causal statement, he uses mostly causal argumentation, and to a lesser extent symptomatic argumentation. His argumentation is to a great extent shaped as an explanation why the lack of transparency is such a big problem. The selection from the topical potential, the adaptation to audience demand, and the exploitation of presentational devices are all realised in such a way that it hard to deny that there is a problem and that this problem is caused by the lack of transparency. Only after the problem has been dealt with by careful strategic manoeuvring, the rapporteur comes to the solutions and presents them as the only possible solutions.

Based on our analysis, we can conclude that the general argumentative style that the rapporteur utilised in trying to realise his purposes can be characterised as predominantly detached, because it is radiating businesslike objectivity, conveys reliability by pertinence, and expresses (in a somewhat paternalistic way) openness. This conclusion has been reached on the basis of an identification of the argumentative styles that are put to good use in the selection from the topical potential, the adaptation to audience demand, and the exploitation of presentational devices in all four stages of the argumentative process.

Chapter 7, 'Confrontational argumentative style at diplomatic press conferences', focuses on Chinese spokespersons' responses to questions of journalists at the regular press conferences of China's Ministry of Foreign Affairs. These responses are guided by institutional preconditions based on the *Workbook for Governmental Press Conferences* and Zhou Enlai's Five Principles of Peaceful Co-existence. In their replies, the spokespersons address at the same time their intended primary audience, consisting of the international general public, and a secondary audience consisting of the people and countries whose criticisms of China's policies are quoted or paraphrased in the journalists' questions. The analysis of the spokespersons' argumentative discourses concentrates on determining the confrontational argumentative style that illustrates China's new diplomatic approach. In dealing with the criticisms and opposition to China's policies quoted in the journalists' questions in the three representative cases of confrontational strategic manoeuvring that we have analysed, the spokespersons try to convince their primary audience by combining in all three dimensions of their argumentative style being reasonable with being effective. The analysis shows how in these cases the confrontational argumentative style that is utilised is prototypically shaped by the argumentative moves that are made and the strategic considerations brought to bear in the strategic manoeuvring. This confrontational argumentative style manifests itself in the spokespersons' argumentative replies at China's MoFA's press conferences in a detached argumentative style that is compromising towards the general public that is the primary audience, but uncompromising towards China's critics that are the spokespersons' secondary audience.

Chapter 8, 'Argumentative style in civil court's judgments', is devoted to an argumentative practice that is part of the more encompassing communicative type of a civil lawsuit leading to the termination of a dispute by a court. The difference of opinion at issue in a civil law case is a well-defined juridical dispute, with starting points consisting of largely codified legal rules, provisions of a case-related agreement and case-related concessions, argumentation and criticism based on a legal interpretation of the agreement provisions, the concessions and other relevant facts, and a motivated settlement by a court as the outcome. The procedural and material starting points are to a large extent predetermined by the institutional context and the characteristics of the specific case. The court's verdict is prototypically legitimized by means of symptomatic argumentation in which it is argued that dealing with the case in a particular way is justified because it is covered by a legal rule. Since symptomatic argumentation is prevalent, the critical questions likely to be anticipated are generally associated with this type of argumentation. For the court it is essential to make strategically clear that it is an independent and neutral reviewer of the case, that its verdict is based on an understanding of the relevant facts, and follows from the application of the legal or quasi-legal rules relevant in this specific context.

The case study by means of which we have illustrated the argumentative style utilised in civil court's judgments consists of the decision delivered by the court in the *Van Gelder against the Dutch Olympic Committee* case, in which the Dutch athlete Yuri van Gelder plays the leading role. Because of his behaviour at the 2016 Olympics in Rio, the Dutch Olympic Committee (NOC*NSF) suspended van Gelder for violating the team's code of conduct and sent him home. Back in the Netherlands, van Gelder took the NOC*NSF to court in a *civil summary judgement procedure*, and demanded to get reinstated in the Olympic team, denying that he had broken the team rules. The plaintiff's attempt was not successful: the court decided to dismiss van Gelder's claim.

The dialectical route in the *Van Gelder against NOC*NSF* case is a manifestation of the prototypical argumentative pattern generally displayed in civil court's judgments: an evaluative standpoint about the full or partial assignment or rejection of a plaintiff's claim is justified by argumentation consisting of deductive reasoning that specifies what is legally at stake. This argumentation itself is justified by (single, multiple or coordinative) symptomatic argumentation which specifies the legal rule or rules applicable to the case that make the defendant's actions (not) unlawful/(not) voidable. This legal criterion or these legal criteria are justified by symptomatic argumentation claiming that applying them is justified in the specific case concerned because of certain applicable legal rules or certain relevant facts. The strategic considerations underlying the court's proceedings are to a great deal determined by the institutional preconditions of the communicative activity type,

more specifically regarding the position and role of a court in a civil lawsuit. They underline that (a) the court is independent by maintaining a neutral attitude with respect to the case; (b) its assessment of the claim and the conclusion that is reached in a just and objective application of the relevant legal rules and procedures to the relevant facts are unavoidable; (c) the primary and secondary audiences, which are all seen as ‘universal’ by the court, should be brought to accept the court’s standpoint by making them understand the reasons that support it.

Our analyses of the topical dimension, audience demand dimension, and presentational dimension of the argumentative style utilised in the court’s judgement make clear that the confrontational, opening, argumentational, and concluding styles are overall detached in all their three dimensions. This means that we can unreservedly conclude that the general argumentative style utilised in the court’s judgment may be characterised as full-blown detached or fully detached: radiating objectivity, conveying reliability, and expressing openness to independent judging while emphasizing the court’s independence. More specifically, the variant of a detached argumentative style that is prototypically utilised may be called *demonstrably* detached, because the standpoint is presented as the unavoidable outcome of compelling legal reasoning on the basis of undeniable facts, legal rules and procedures.

Chapter 9, ‘Argumentative style in mediators’ opening statements’, focuses on the way in which mediators utilise argumentative style in the already moderately established international tradition of Alternative Dispute Resolution mediation (ADR) about labour relationships. We concentrate on the mediators’ opening statements, in which they try to set the stage for an appropriate argumentative discussion between the participants. The opening statement can be seen as a ‘sub-discussion’ in which the mediator anticipates upon problems that might otherwise arise in the mediation process. The mediators we selected have somewhat different approaches to the mediation process (‘mediation styles’), so that we can examine to what extent this influences their argumentative style.

The first case we examined is operated by a single mediator, while in the second case there is co-mediation by two people. It transpires that in the two cases virtually the same argumentative pattern of dialectical routes is followed in defending the implicit standpoint “It is worthwhile for you to spend time in mediation”, which is prototypical of an opening statement in ADR mediation. In both cases, complex pragmatic argumentation is advanced that consists of two pragmatic arguments supported by various causal arguments, and in one case, at the third level of the defence, also by an argument from authority. The strategic considerations underlying the strategic design of the argumentative discourses are related to the advantages the participants can gain from taking part in the mediation process. According to these strategic considerations, it is reasonable for the disputants to engage in

the mediation process; it leaves the responsibility for solving the conflict entirely with them, and the unique characteristics of the mediation process will help them reaching their goals.

The general argumentative style utilised by the mediators is in both cases engaged or even fully engaged. In its topical dimension the mediator's commitment to the parties' cause is radiated throughout the various stages of the argumentative process. The pragmatic arguments that are used, for instance, make it for the participants easier to see why the mediator's take is indeed acceptable, so that the argumentative style is engaged. In the audience demand dimension, by highlighting especially their shared interests and concerns, the mediator's argumentative style strongly conveys communality with the participants addressed, thus confirming emphatically its engaged character. In the presentational dimension, the engaged character of the mediator's argumentative style is equally clear. This is not only due to the consistent use of first names, but also to the inclusive use of the pronouns "we" and "us", and the mediator's repeated use of mitigation. The striking conclusion is that, in spite of their different mediation styles, the mediators involved adopt in both cases examined a fully engaged argumentative style.

Chapter 10, 'Argumentative style in a peer-reviewed research paper', deals with a communicative activity type that has become the vehicle *par excellence* for academic argumentation. Our analytic task is greatly facilitated by the fact that the structure of the modern research paper closely corresponds with the stages of a critical discussion. First, the Introduction section exhibits the elements characteristic of the confrontation stage, including the relevant differences of opinion, the questions arising from them and the hypotheses adopted by the paper's authors as provisional standpoints. Then, the Method and the Results sections correspond to the opening stage: they contain all the starting points on the basis of which the answer to the research questions will be argued for. In particular, the Method section presents the procedural starting points and the Results section, which presents both the raw data and their initial analysis, the substantive ones. Finally, the Discussion section engages with the literature in the field and is full of arguments and counterarguments about the strength of the previously analysed data. After weighing up both the evidence presented in the paper and the evidence contained in the literature, a conclusion is reached. That would be the concluding stage, which is usually situated at the end of the Discussion section, but when the conclusion is complex and interesting enough sometimes in a special fifth section.

The research paper we have chosen for the analysis deals with an important question in experimental psychology: whether a certain kind of impairment is always present in developmental dyslexia, so that uniformity of treatment would be called for. The paper belongs to a communicative activity subtype in which a target paper is followed by especially commissioned peer comments from other

experts in the field and a reply of the original author(s). The argumentation advanced in the paper is very long and complicated. We have therefore concentrated on a subdiscussion concerning one aspect of the procedural starting point that was questioned by the peer commentators: the selection of the sample. The Method subsection dealing with the sample is written in a purely descriptive manner, but the underlying argument becomes explicit in the peer comments and the reply. By resorting to a proxy of the dialectical route, we can show that the critics crucially misunderstand the procedural starting points, so that the argumentative reply consists in re-stating the argument that is implicit in the relevant subsection. It is shown that the mainly pragmatic arguments indicate the best path for producing the data required for the discussion.

The argumentative style of research papers is prototypically strongly detached: presenting facts, ideas, and arguments in a thoroughly objective manner, as if coming “from Nature’s mouth”. This is markedly the case in the subsection we have analysed, which is, as usual in research papers, written descriptively. The descriptive style hides a complex justification of each of the various choices that have been made during the constitution of the sample. It is interesting to note that one of the critics takes advantage of her role as *agent provocateur* to indulge in the engaged argumentative style. This engaged argumentative style is manifested by a more popular presentation of some of the authors’ data (playing to the audience of students and non-specialized researchers more than to experts) as well as by the use of irony, a presentational device that would otherwise be “out of line” in academic argumentation in the field of experimental psychology. Both the other critics and the authors keep the detached argumentative style throughout.

Chapter 11, ‘Argumentative style in family-centred medical consultations’, is devoted to a sub-type of medical consultations in which clinicians discuss with the patients’ parents an infant’s health problems and treatment options during daily rounds. In the speech event that is analysed, the doctor is the protagonist of three prescriptive standpoints, which are all presented retrogressively. In consultations open and explicit disagreements of patients with their clinicians’ views are rare, but the doctor sets standardly out to overcome any doubts the patients or their representatives may have.

The institutional preconditions of family-centred medical consultations prototypically involve various fixed and ordered elements that affect the way in which communication takes place. They also include legal obligations, ethical principles, and social norms requiring clinicians to justify their medical recommendations to patients, such as the legal rule of ‘informed consent’, the legal principle of ‘autonomy’, and the contemporary principle of ‘shared decision-making’. The material starting points of the discussion about the infant are explicitly discussed at the beginning of the exchange, particularly the infant’s current medical status. The outcomes

of the argumentative discussions pertaining to each of the doctor's standpoints are always explicitly discussed at the end of the discussion round concerned.

In the dialectical routes taken by the doctor in his argumentative defence of the three standpoints at issue, these standpoints are at the main level supported by arguments referring to medical knowledge and principles, while the arguments advanced at the second level offer a justificatory explanation. The doctor's first strategic consideration involves the parents explicitly and emphatically in the discussion. His second strategic consideration concerns the necessity to systematically discuss each of the infant's health issues and all medical treatment plans. The third strategic consideration, emphasizing the need to implement 'evidence-based' treatment plans with a solid foundation in medical protocol, is inherently connected with the aims of the medical profession.

On the basis of our reconstruction of the discourse, the argumentative style that is utilised in the medical consultation examined has been identified. Although the ideal of patient-centred communication, with its focus on the needs and preferences of the patients and their families and its ideological predilection for joint decision-making, suggests that in contemporary medical consultations an engaged argumentative style will be prototypical, our analysis makes clear that this is not necessarily the case: the medical consultation we analysed offers a mixture of detached and engaged argumentative styles, in which the former prevails. Characteristics of an engaged argumentative style manifest themselves merely at the presentational level of the strategic manoeuvring, whereas the detached characteristics are more pervasive and they are present in all three aspects of strategic manoeuvring.

12.2 Functional utilisations of detached and engaged argumentative styles

In this volume we have shown that the theoretical starting points and conceptual framework of pragma-dialectics provide an adequate basis for analysing the argumentative styles utilised in the argumentative discourses conducted in various kinds of institutional macro-contexts. The notion of argumentative style proves to be a useful concept for characterizing and explaining the functional shape given to the argumentative discourse in the strategic manoeuvring that takes place in the discourse. By distinguishing, next to the presentational dimension, also a topical choice dimension and an audience demand dimension, a better understanding can be reached of the way in which arguers try to achieve their dialectical and rhetorical aims. In addition, a firm empirical basis of the notion of argumentative style has been established by linking the difference between the various argumentative styles systematically to specific characteristics of the way in which these argumentative styles manifest themselves in the discourse in the analytically relevant moves that

are made, the dialectical routes that are chosen, and the strategic considerations that are brought to bear.

Following a pragma-dialectical approach in identifying the argumentative style that is utilised in a specific communicative practice, it can be derived from the analytic overview of the discourse which argumentative moves are relevant; from the argumentative pattern of the discourse it can be derived which dialectical routes are followed in the defence of the standpoint(s) at issue; and from the strategic design of the discourse it can be derived which strategic considerations have been brought to bear. In order to determine the analytic overview, the argumentative pattern, and the strategic design of the discourse, a careful pragma-dialectical reconstruction of the argumentative discourse is required that takes due account of the strategic manoeuvring that is carried out. On the basis of this reconstruction, we can determine which relevant argumentative moves have been made, which dialectical routes have been followed, and in accordance with which strategic considerations this has happened, so that we can identify the argumentative style that is utilised. In this volume we have made clear how such analyses can be made, showing and elucidating the application of the various theoretical concepts involved in the process.

Another innovation resulting from moving away from the traditional view of style as a purely presentational concept to a three-dimensional notion of argumentative style, is that we can now demonstrate, as we have shown in this volume, that argumentative styles are systematically embedded in the institutional context of the communicative activity types in which they are utilised. For this purpose, we have analysed how in the seven well-established communicative practices from various communicative domains that we have examined two main categories of argumentative styles, detached argumentative styles and engaged argumentative styles, are functionally utilised to realise the institutional point of the communicative practice concerned in a reasonable and effective way. At the same time, we have also demonstrated that the concepts of detached argumentative styles and engaged argumentative styles can be fruitfully employed in characterizing the argumentative style of pieces of argumentative discourse from different communicative domains – and made clear that there are different variants of these argumentative styles.

Based on our empirical research concerning the argumentative styles utilised in the seven different communicative practices, we present in Table 12.1 an inventory of the detached and engaged argumentative styles that are put to good use in the various institutional macro-contexts we have analysed. In order to make sure that we provide an adequate overview of the nature of the argumentative styles we have identified, we have added in cases where this seemed necessary based on our analyses, a further specification of the kind of detached or engaged argumentative style that is utilised, so that the diversity of the argumentative styles that are utilised in the various institutional macro-contexts that we have examined is portrayed more

precisely. The inventory we provide in this chapter makes clear that analysing the argumentative styles utilised in different pieces of argumentative discourse by using consistently the same method of analysis, as we did in Chapters 5–11, opens up the possibility for a systematic comparison of the actual realisations of argumentative styles and the impact of the different kinds of institutional preconditions on their utilisation in various kinds of communicative practices.

Table 12.1 Argumentative styles utilised in the various institutional macro-contexts

Domain Communicative activity type	Speech event	General argumentative style
<i>Political domain</i>		
Political advertising	PVV advertisement	Fully engaged
	PvdA advertisement	Predominantly engaged
Plenary debate European Parliament	Opening speech rapporteur	Predominantly detached
<i>Diplomatic domain</i>		
Exchange journalist-diplomatic spokesperson	Confrontational responses at China's MoFA's press conferences	Detached <i>Qualification 1</i> : Compromising [towards the general public] <i>Qualification 2</i> : Uncompromising [towards critics/opponents]
<i>Legal domain</i>		
Judgement of the court	Verdict court in van Gelder against the Olympic Committee case	Fully detached <i>Qualification</i> : Demonstrably
<i>Facilitatory domain</i>		
Mediation	Opening statement 1 ("Termination tempest" program)	Fully engaged <i>Qualification</i> : (Re)conciliatory
	Opening statement 2 (Dundee workplace mediation)	Fully engaged <i>Qualification</i> : (Re)conciliatory
<i>Academic domain</i>		
Scholarly discussion	Authors' response to reviewers RSID article	Fully detached (Critic incidentally acting as <i>agent provocateur</i> : Engaged)
<i>Medical domain</i>		
Medical consultation	Doctor's consult concerning child in a family-centred round	Detached (and occasionally engaged in the presentational dimension)

Argumentative discourse always takes place in the institutional macro-context of a communicative activity type, which can be strongly, moderately or just loosely conventionalised. The institutional background of this communicative activity type (and sometimes more generally the communicative domain to which it belongs) has in principle always an impact on the argumentative discourse that is conducted and the argumentative style utilised in this endeavour. Depending on the requirements of the institutional background, the conventionalisation of the communicative activity type imposes certain constraints on the way in which the argumentative discourse in that communicative activity type may be conducted and the strategic manoeuvring that is allowed to take place. These external constraints on the argumentative discourse and the strategic manoeuvring are in our theoretical approach viewed as (primary and secondary) institutional preconditions for participation in the communicative activity type concerned.

In the one communicative practice (or domain) the institutional preconditions will be stricter and more obligatory than in the other. In various communicative activity types prominent in the legal domain, for instance, the institutional preconditions consist of more or less formal and binding requirements, while in most communicative activity types in the political domain the institutional preconditions do not have such an official and compulsive character. As a consequence, politicians – or, for that matter, physicians – have in most of their communicative practices more freedom to choose their own argumentative style than judges – or, for that matter, mediators – have in their core practices. However, in virtually all cases the restrictions stemming from the institutional background of the argumentative discourse will have certain consequences for the utilisation of argumentative styles. Viewed from the analytic perspective adopted in this volume, this means that, in explaining the functionality of the ways in which the detached, engaged or other argumentative styles are utilised in the communicative practices we have examined, it is helpful – and in fact even necessary – to take the institutional preconditions of the various communicative activity types into account.

The utilisation of detached and engaged argumentative styles in a variety of different institutional macro-contexts shown in Table 12.1 allows for some general observations. First of all, it is striking that the argumentative style utilised in the argumentative discourse conducted in a certain communicative activity type is in certain cases distinctly detached and in certain other cases distinctly engaged. Both in the van Gelder case of a motivation of the judgment of the court in the legal domain, discussed in Chapter 8, and in the case of authors responding to reviewers in a scholarly discussion in the academic domain, discussed in Chapter 10, the argumentative style is markedly detached. By contrast, in the two cases of mediators' opening statements in the facilitatory domain of mediation that we have examined in Chapter 9, the argumentative style is definitely engaged. Although in

the legal and academic domains there may already be a general tendency to utilise a detached argumentative style and in the facilitatory domain a tendency to utilise an engaged argumentative style, in practice it always depends on the institutional preconditions of the communicative activity type involved and the (perception of their) mission of the arguers who are realising the discourse which argumentative style is actually utilised. The argumentative style in a lawyer's plea for the defence in the legal domain, for example, can in some cases be detached, but in other cases it may be best characterized as engaged. And the utilisation of an engaged argumentative style by the critic who acts as an *agent provocateur* in the RSID discussion that we examined in Chapter 10 is a remarkable exception to the uniformity in the academic domain in the utilisation of a detached argumentative style in a scholarly debate. Unlike what seems to apply to judges pronouncing their verdict in the legal domain, the utilisation of a detached argumentative style is obviously not obligatory for the participants in a scholarly debate in the academic domain.

In communicative activity types in other communicative domains we have examined, the argumentative style is as a rule not so uniformly and unequivocally of one particular category as it may seem to be in the (representative) communicative activity types from the legal, the facilitatory, and the academic domain we focused on in Chapters 8, 9, and 10. In the political domain, to which we paid attention in Chapters 5 and 6, both the utilisation of an engaged argumentative style and the utilisation of a detached argumentative style readily occur. Although the engaged characteristics of the PvdA's advertisement in the election campaign for the Provincial Council of North Holland are not always really outspoken, and occasionally the party's argumentative discourse shows also signs of the objectivity, reliability and openness to independent judgment characteristic of a detached argumentative style, in both cases of political advertising that we examined in Chapter 5, the PVV's and the PvdA's, the argumentative style is predominantly engaged. However, the argumentative style of the rapporteur's opening speech in a plenary debate in the European Parliament, discussed in Chapter 6, is clearly detached. Just as in communicative activity types from several other domains, in communicative activity types belonging to the political domain the general argumentative style that is utilised can usually either be characterised as detached or as engaged – but in some cases it is only moderately detached or engaged, or detached or engaged to a certain degree. The argumentative style utilised in the PvdA's advertisement, for instance, is mostly, and therefore predominantly, engaged. In the same vein, the rapporteur's argumentative style in his opening speech of the plenary debate in the European Parliament, discussed in Chapter 6, is predominantly detached. The observation that the argumentative style may be detached or engaged to a certain extent or to a certain degree may in some cases also apply to the argumentative style utilised in (certain components of) communicative activity types from other

domains – sometimes even to the argumentative style utilised in a court case in the legal domain or in a mediation case in the facilitatory domain.

In particular cases it happens also that the argumentative style that is utilised is detached or engaged in a specific sense. The argumentative style is then characterized by having a special quality as a distinctive feature. In the court's verdict in the van Gelder case, for instance, the court's detached argumentative style has the special quality that it is *demonstrably* detached – which is characteristic of such legal verdicts. In the three confrontational responses given by spokespersons at China's MoFA's press conferences that we analysed in Chapter 7, the situation is somewhat more complicated, though by no means exceptional: the argumentative style that is utilised in the confrontation stage of the argumentative process gone through in this diplomatic communicative activity type is basically detached. However, in the imagined discussion with the primary audience consisting of the international general public it is detached in a *compromising* way, and in reacting to China's critics or opponents it is detached in an *uncompromising* way. This means that the argumentative style utilised in this diplomatic communicative activity type is detached in the specific sense of having as a distinctive feature the special quality of being compromising in the one direction (from spokesperson to the international general public) and uncompromising in the other (from spokesperson to China's critics) – both of which are in fact rather traits of an engaged argumentative style.

There are also communicative activity types in which an organic mixture of detached and engaged argumentative styles is employed – in a specific combination or in alternation. Such a systematic mixture of argumentative styles from different categories can generally be found in hybrid communicative activity types, in which communicative genres which are prototypically used in different communicative activity types or domains are employed jointly. If the mixture of argumentative styles is conventional, it can even be prototypical of a particular communicative activity type. It is precisely the need to realise the complex institutional point of a hybrid communicative activity type by pursuing simultaneously various institutional aims, which are associated with different institutional backgrounds, that easily gives rise to the utilisation of such a specific combination of argumentative styles.

In Chapter 5 of this volume, we identified in the PvdA's use of the hybrid communicative activity type of political advertising, next to the utilisation of an engaged argumentative style in pursuing the institutional aim of making the audience vote for their party – which is familiar from the commercial domain – also the utilisation of a detached argumentative style in pursuing the institutional aim of informing the audience about the party's merits – which is familiar from journalistic reporting in the media. Another hybrid mixture of detached and engaged argumentative styles can be found in the responses to questions of journalists at press conferences in the political and the diplomatic domain such as China's MoFA's press conferences

examined in Chapter 7. In the pieces of argumentative discourse from the medical domain that we analysed in Chapter 11 another kind of specific combination of detached and engaged argumentative styles can be found in the doctor's consult offered to the parents of a very young child. Here, the family-centred consult we examined is for the most part conveyed in an argumentative style that is clearly detached, and only in the presentational dimension an engaged style is sometimes utilised too. In this case the argumentative styles that are combined are therefore not utilised in all three constituent dimensions, so that there is – as happens in practice regularly – deliberately a certain inconsistency in their utilisation rather than an organic combination.

Based on these observations, we venture to draw some general conclusions – however tentative they may be – about the prototypical utilisation of detached and engaged argumentative styles in the various institutional macro-contexts of the communicative practices we examined. From the reported results of our empirical analyses it is clear that, as a rule, the argumentative style that is chosen does not solely depend on the arguers' personal preferences for shaping the argumentative discourse in a particular way, but is also to a greater or lesser extent determined by the institutional needs and requirements of the communicative activity type or communicative domain in which the argumentative discourse takes place – in particular by the primary and secondary institutional preconditions prevailing in the institutional macro-context concerned. This means that in those cases where this macro-contextual determination is clear, the argumentative style that is utilised is prototypical of the communicative practice concerned – which can be a specific communicative activity type but may also involve a whole cluster of activity types. We will illustrate this observation by mentioning some striking examples taken from our empirical research of the seven communicative activity types we focused on in this volume.

In pronouncing a verdict in the legal domain, for example, a court is conventionally expected, based on the institutional preconditions of a court case, to utilise for institutional reasons a detached argumentative style; it cannot just opt for utilising an engaged argumentative style when it feels like doing so. This is because, in order to function properly in doing justice, in pronouncing their verdict, judges, *qualitate qua*, need to convey objectivity in their approach, reliability in dealing with the intricacies of the parties' case, and independence in their judgment about the case – which are in fact the defining characteristics of utilising a detached argumentative style. In Chapter 8, we have explained how this happens in the van Gelder case. As has become clear in our examination of the scholarly discussion about the RSID case in Chapter 10, similar institutional requirements lead to the prototypical utilisation of a detached argumentative style in the entirely different macro-context of a communicative activity type of a scholarly discussion about

a research paper in the academic domain – and in other communicative activity types in that domain that have making intellectual progress as their institutional point. This applies in fact to all argumentative practices in which the values of objectivity, reliability, and independent judging happen to prevail. In the political domain, for instance, it goes for law making debates in the European Parliament primarily aimed at problem-solving. In our view, this predilection for objectivity, reliability, and independent judging may also explain the observed dominance, in spite of different ideological preferences, of a detached argumentative style in the family-centred doctor-patient consultation we examined in Chapter 11.

In the facilitatory domain, on the other hand, an engaged argumentative style is generally favoured. This is, again, related to the institutional background of the communicative activity types that have developed in that domain: the institutional point they are designed to realise, and the institutional preconditions prevailing in these communicative practices. As we have shown for the two cases of mediation we have analysed in Chapter 9, in their opening statements, the mediators are, *qualitate qua*, out to convey their commitment to the cause at issue in their selection of the topics to be discussed, their commonality with the disagreeing parties in trying to reach jointly a resolution of the conflict between them, and their inclusiveness in involving the parties as much as possible in the resolution process by the verbal and non-verbal presentation. This means that the mediators prototypically utilise an engaged argumentative style, more specifically an engaged argumentative style that can be qualified as (*re*)*conciliatory*. As has become clear in our analysis of the spokespersons' responses at China's MoFA's press conferences in Chapter 7, although the argumentative style that is prototypically utilised is basically detached, the institutional background of this diplomatic communicative activity type also calls for the spokespersons' commitment to the cause at issue, their commonality with the audience, and their inclusiveness in the presentation that are characteristic of the utilisation of an engaged argumentative style. In this case, an additional engaged characteristic of the detached argumentative style that is utilised is that it is *compromising* with regard to the primary audience the spokespersons are out to convince while it is *uncompromising* with regard to China's critics or opponents invoked in the journalists' questions.

Along these lines we can elucidate the prototypical utilisation of detached or engaged argumentative styles in some of the communicative activity types we have examined. A certain argumentative style is prototypical if its utilisation can be explained by referring to the institutional background of the argumentative discourse concerned and the institutional preconditions that are activated by the institutional macro-context in which the discourse takes place. Prototypical utilisations of argumentative styles can, unlike stereotypical utilisations, be detected on the basis of analytic expectations ensuing from knowledge of what kind of argumentative style

is suitable in the institutional environment in which the argumentative discourse takes place, not on the basis of measurements of the frequency of occurrence of an argumentative style.

The detached argumentative style utilised by the court in its judgment in the van Gelder case discussed in Chapter 8 is both distinct and prototypical. That it is prototypical can be explained by referring to the institutional preconditions applying to this communicative activity type that the court should be objective, neutral, and independent. It is due to these institutional preconditions that the argumentative style that is to be utilised should have the special quality of being detached in a specific sense, *viz. demonstrably* detached. A notable characteristic of the court's utilisation of a demonstrably detached style in this institutional macro-context is that the utilisation of this argumentative style cannot be viewed as the judges' own personal choice: it is a choice that is to a great extent institutionally determined by the requirements of the task that is to be performed and can therefore be regarded as a professional argumentative style. The argumentative style actually utilised by the judge could have some additional personal traits, but in practice there is for obvious reasons only very few room left for utilising such an individual argumentative style. Against this background, utilising a fully engaged argumentative style would be out of the question.

The engaged argumentative style utilised by the mediators in their opening statements, discussed in Chapter 9, is also distinct and prototypical. Its prototypical character can, again, be explained by referring to the institutional preconditions pertaining to this communicative activity type. Although the institutional preconditions are in this case not official and less binding, all those familiar with the communicative activity type of mediation understand that mediators should always be fully committed to the cause at issue, connect strongly with the participants they address in their opening speech, and include these people with all reasonable means available in the mediation process. Due to their compliance with these institutional preconditions, the mediators' engaged argumentative style has the special quality of being engaged in a specific sense, *viz. (re)conciliatory* engaged. The (re)conciliatory engagement of the mediator, however, cannot involve their association with either one of the parties, but must always be fully directed at serving the parties' joint interest in putting an end to the conflict for which they started the mediation. Against the institutional background in which mediators operate, a mediator utilising a detached argumentative style would go against the very idea of mediation and result in facilitation that is ineffective from the start. Although utilising a (re)conciliatory engaged style cannot be said to be institutionally prescribed, it is clear that the utilisation of this argumentative style cannot be viewed as just the mediator's own personal choice: it is a choice that is to a great extent determined by the institutional goals and setting and can therefore be regarded as a choice for

a professional argumentative style. In addition, there is in actual practice always some room left for mediators to give further shape to their argumentative style in accordance with their personal preferences.

Next to an engaged argumentative style, in the PvdA's political advertising we discussed in Chapter 5 a detached argumentative style is also utilised at times. In this case, the utilisation of neither of these two argumentative styles is really distinct or prototypical nor the utilisation of their combination. Although the utilisation of both argumentative styles fits in well with the institutional background of the communicative activity type of political advertising, it is in neither case determined by the institutional preconditions pertaining to this communicative activity type. In fact, the institutional background of the political advertisement leaves the advertisers a great deal of freedom to opt for the argumentative style of their choice. A complication involved in political advertising is that this communicative activity type is a hybrid, so that a combination of institutional points needs to be realised. In pursuing the achievement of the multiple goals involved, both detached and engaged argumentative styles can be utilised. Each of these may have its own function, and no proportional or other division is prescribed. Comparison with the PVV's advertisement, which is characterized by an argumentative style that is distinctly engaged, makes clear that, as an alternative to the choices made by the PvdA in their advertisement, other kinds of options were readily available. This shows that it depends in principle on how strict and compelling the institutional conventionalisation of a communicative activity type is, how much freedom is left to the participants for choosing their own argumentative style.

12.3 Perspectives on future research concerning argumentative style

The theoretical and empirical investigations reported about in this volume are in the first place meant to be inspirational to further research concerning argumentative style by providing the crucial analytical tools for carrying out this research. Future research projects which are obvious continuations of our preliminary work are of various kinds. Some of them involve extending the scope of the empirical material related to the subject-matter that is being examined. Other research projects would complement the results achieved by the use of qualitative methods by results reached by the use of quantitative methods. Another complex of research projects concerns the further categorisation of argumentative styles. An additional cluster of projects would consist of comparative research of communicative activity types within and across communicative domains. To close with, there is also a need for studies of special cases that show interesting and useful applications of insights concerning argumentative style to the teaching of productive as well as analytic language skills.

Next to the seven argumentative practices we concentrated on, other communicative activity types in the same and in other communicative domains need to be examined. In order to get a clearer picture of the utilisation of argumentative style in the legal domain, for instance, it would be informative to get to know more about the shape given to argumentative discourses by lawyers in their plea for the defence in lawsuits in the sub-domains of civil law as and criminal law. In the academic domain, communicative activity types such as doctoral dissertations, conference presentations, lectures to students, book reviews, and popularising articles in the science sections of journals and magazines all need to be analysed and compared for systematic commonalities and differences in the utilisation of argumentative styles. Also argumentative styles utilised in communicative activity types in communicative domains we have not yet examined, such as the commercial and the interpersonal domain, need to be identified. Next to the analysis of the general argumentative styles utilised throughout a speech event, specific attention needs to be paid to confrontational, opening, argumentational and concluding argumentative styles. In this way, more can be found out about the characteristics of the way in which a particular component of the argumentative process is taken care of in pursuing the dialectical and rhetorical goals of the arguers. This applies not only to the responses given by spokespersons at China's MoFA's press conferences in the diplomatic domain discussed in Chapter 7, but also to the functional utilisation of argumentative styles in argumentative processes in communicative activity types in other communicative domains.

In any case, more qualitative empirical research needs to take place in order to identify the argumentative styles utilised in the great variety of argumentative practices. In this research a clear distinction must be made between, on the one hand, the utilisation of argumentative styles prototypical of certain (clusters of) communicative activity types because it is related to the institutional preconditions pertaining to the institutional macro-context in which the argumentative discourses take place and, on the other hand, the utilisation of argumentative styles not immediately related to such institutional requirements but solely to the strategic considerations of the arguers concerned. The argumentative discourse in a particular speech event and the strategic manoeuvring taking place in it can in fact only be properly understood if more speech events belonging to the communicative activity types concerned will be analysed along the same lines. In the medical domain, for instance, it would be worthwhile to analyse more cases of medical consultation in order to determine which properties of the argumentative discourse are just idiosyncrasies of a particular individual and which properties are characteristics of a prototypical argumentative style. Although it does not depend on how many times or with which frequency the combination of characteristics defining

an argumentative style occurs whether this argumentative style is prototypical, examining more cases in other institutional macro-contexts too, is a good way of falsifying or corroborating the initial analysis.

The utilisation of a prototypical argumentative style is often connected with the use of a communicative genre pre-eminent in a particular (cluster of) communicative activity type(s) or communicative domain. It can also happen, however, that the most striking characteristics of an argumentative style that is prototypically connected with a certain kind of argumentative practice reappear in another institutional macro-context. Then their most prominent institutional origins ring through. A policy defence in the political domain with a demonstrably detached argumentative style, for instance, may strongly resemble a legal indictment due to its unmistakably juridical ring. The use of a genre of communication is not exclusively related to a particular (cluster of) communicative activity type(s) in a particular communicative domain. However, when an argumentative style is utilised that exhibits the most striking characteristics of an argumentative style prototypically utilised in a genre pre-eminently associated with an argumentative practice from a different institutional background, the prototypical flavour of the latter institutional background will be transferred to the argumentative discourse. A political election speech, for instance, may then sound like a homily. It is worthwhile to investigate how the transfer of striking characteristics of an argumentative style that is prototypical of the use of a certain genre of communication in a particular (cluster of) communicative activity type(s) from an institutional macro-context (e.g., adjudication) to another institutional macro-context (e.g., administration) influences in practice the perception of the reasonableness and effectiveness of the discourse.

Empirical research making use of quantitative methods should be exploited to determine which prototypical argumentative styles are stereotypical. They are stereotypical if they occur relatively frequently in a certain communicative activity type or domain compared to other argumentative styles or compared to the occurrence of the same argumentative style in other communicative activity types or domains. It depends on the aims of the research whether the frequency is to be determined by the number or percentage of occurrences of a particular argumentative style in a certain corpus or relative to the number of occurrences of other argumentative styles (van Eemeren 2017a: 20–22). Next to carrying out observational studies making use of content analyses in which analytic observations are quantified, survey studies among participants must be carried out to find out which characteristics of argumentative styles participants taking part in argumentative discourse in a certain institutional macro-context consider to be prototypical. Other kinds of useful quantitative research projects could consist of experimental studies testing the – immediate (‘inherent’) and ‘consecutive’ – interactional (‘perlocutionary’) effects of

the utilisation of particular argumentative styles in specific communicative activity types in a specific institutional macro-context. In this way, more insight can be gained into the various ways of achieving effectiveness through reasonableness by means of argumentative discourse.

A theoretical research theme that is to be tackled step by step is de categorisation of argumentative styles. This topic concerns extending as well as precizing and subdividing the current categorisation of the two main categories of detached argumentative styles and engaged argumentative styles. This categorisation has proven its usefulness in the research we conducted for the present volume, but we already noted that, in order to achieve an adequate categorisation, a further qualification is required in which labels such as *demonstrably*, *(re)conciliatory*, and *(un)compromising* play a part. One of the first steps to be taken consists of determining which of these labels should be considered as indicators of specific sub-categories of the two main categories of argumentative styles we have concentrated on so far. In any case, viewed from the mediator's perspective in the facilitatory domain, a reconciliatory argumentative style seems to be a sub-category of an engaged argumentative style rather than a separate category of argumentative style. Although in ADR mediation the disputing parties see their own interests and the interests of the other party as contradictory, the mediators focus on what the parties have in common and on their willingness to work together towards the aim of solving their conflict. The emphasis thus put in mediation on reconciliation is so fully in line with utilising an engaged style that one might even wonder if a reconciliatory argumentative style, instead of a sub-category, should not be considered a textbook example of the utilisation of an engaged argumentative style *par excellence*. Labels such as *(un)compromising*, by the way, could alternatively also be viewed as indicators of another kind of division of argumentative styles that runs through the categories of our categorisation. It also needs to be considered whether Occam's razor should not incite us to consider whether it is possible to unite *compromising* with *(re)conciliatory* argumentative styles in the nomenclature (and *uncompromising* with *polarising* argumentative styles – the latter notion being a candidate for application to the commentators' argumentative style in the RSID discussion). It is anyway recommendable not to extend the list of categories and sub-categories ad random, but to examine first whether there is a real need for a certain extension or subdivision and how it would fit in with the general rationale of the categorisation. When complications arising in the categorisation are investigated, the argumentative styles utilised in hybrid communicative activity types deserve our special attention.

When it comes to comparative research within and between communicative domains, it is recommendable to ascertain first what argumentative styles with their defining features are utilised in the domain(s) of interest before further expanding

the systematic analysis of argumentative styles prototypical of specific (clusters of) communicative activity types. This could, for instance, mean that in addition to the academic discussion about a research paper that we have analysed, in the academic domain communicative activity types such as textbooks, introductions, handbooks, and encyclopaedias are examined for the utilisation of argumentative styles.

Across the various domains, it also would be interesting to start researching the ideologically motivated 'argumentative cultures' that have developed in various geographical and historical environments. A clear example of such an argumentative culture in the medical domain is the newly born tradition of participatory medical consultation that replaced the earlier paternalistic tradition. In the paternalistic culture, clinicians are viewed as authority figures that have a hierarchical relationship to their patients. Despite the fact that patients retain the right to refuse treatment, it is ultimately the doctor who decides upon the best course of action, based on models that heavily rely on biomedical data. In the participatory approaches, based on contemporary ideals of patient-centred (and even family-centred) care, clinicians are expected to focus their communication explicitly on the needs and preferences of the patients and their family. Treatment plans are then ideally the result of joint decision-making by clinicians, patients, and their families. Although engaged argumentative styles seem to befit contemporary patient-centred approaches to medical consultation more than detached argumentative styles, which seem to belong to the past era of medical care, on the basis of our rather limited research we may cautiously conclude that a common practice in accordance with the ideals of this argumentative culture has not yet been established, certainly not to the full. To find out which argumentative styles in this and other communicative practices are in accordance with the ideals, it would be enlightening to spell out the consequences of these ideals for the argumentative process and to formulate the institutional preconditions for argumentative conduct that ideally need to be fulfilled. Reflective research of this type could, for instance, also be carried out with regard to way in which, according to the ideals of China's new diplomacy, the spokespersons at China's MoFA's press conferences should deal with the questions asked by journalists.

Certain argumentative styles that are utilised in argumentative discourse may be prototypical of the argumentative conduct of a particular individual, group or organisation ('brand'). This means that their utilisation is to some extent determined by the argumentative habits of the individual, group or institution concerned. By way of example, we may think of the argumentative style of a particular author (say Noam Chomsky in his 1967 essay 'The Responsibility of Intellectuals'), group (say the Mexican guerrillas of the Peasants Justice Brigade of the Party of the Poor in their 'communique' issued after the abduction of Senator Rubén Figueroa in 1974), or organisation (say the Latin American Urban-Think Tank in their 2021 book

The Architect and the City). Only if the shape of the discourse can be satisfactorily explained by the influence of fixed habits, may the utilisation of the argumentative style concerned be regarded prototypical of the arguing individual, group or organisation. It will be enlightening to find out which characteristics exactly make the argumentative style in such cases prototypical of that person, group or organisation. In order to find out in what way the institutional macro-context still plays a role, it is necessary to know to what extent the argumentative style is also influenced by the institutional preconditions of the specific communicative activity type in which the argumentative discourse takes place.

Other relevant research projects could be devoted to the application of insights concerning argument style for improving people's "active" and "receptive" skills in participating in spoken and written argumentative discourse. Acquiring a better understanding of how such insights can be employed in teaching people of various ages and backgrounds in secondary, higher and professional education how they can speak and write more reasonably and effectively in the institutional macro-contexts that are pertinent to them and how they can interpret and evaluate contributions to argumentative discourses in these context in a reasonable and effective way, is of vital importance to enhancing the quality of communication in modern society. That is why we think it is worthwhile to make a deliberate effort to develop the quality of the teaching methods that are required for sensibly promoting these general goals.

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Argumentative Style discusses the various ways in which the defence of a standpoint is given shape in argumentative discourse. In this innovative study the new notion – ‘argumentative style’ – introduced for this purpose is put to good use in analysing the functional variety of argumentative discourses utilised in the political, the diplomatic, the legal, the facilitatory, the academic, and the medical domain.

“*Argumentative Style* is the joint product of a group of seven experienced scholars who follow the productive pragma-dialectical approach to argumentation and Frans van Eemeren’s insights on style published in 2019. The opening chapters set the theoretical ground rules of analysis and identify two comprehensive types of argumentative style, the detached and engaged. These are carried through the remaining seven chapters covering specific contexts and activity types in important argument domains. With exemplary clarity, the authors tie their explorations to the dimensions and stages of argumentation, offering readers a model of precise, theoretically rigorous stylistic analysis.”

Jeanne Fahnestock, *University of Maryland*

“This book brings clarity to the complex topic of argumentative style. Understood as how argumentation is conducted – including the analytic overview, dialectical route, and strategic design – argumentative style, seen in the stages of an argumentative discourse, reveals how arguers attempt to convince their audiences of the acceptability of standpoints. The empirical studies reported are a vivid example of the cutting-edge work driving today’s research.”

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